

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes August 7, 2023

A meeting of the Planning Board was held on Monday, August 7, 2023 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live on HCTV 17.

PRESENT: Robert Weimar (Chairman), Lewis Eaton (Ex-Officio), Randy Clark, Mike Hanides, Matt Johnson, Alan Davis, DJ Howard, and Steve Keach, Keach-Nordstrom Associates

Pledge of Allegiance

Chairman's Remarks

Next Public Hearing Date September 5, 2023

Filing Deadline for the September 5, 2023 meeting is August 7, 2023

Old Business

- 1. Map 01-091-1 & 091-2 Cameron Commons aka Depot Road – conditional approval expires 8/7/2023**

MOTION: R. Clark made a motion to extend the conditional approval for the Cameron Commons project to 11/6/2023

SECOND: M. Johnson

VOTE: 6-0

Chairman Weimar announced that DJ Howard would be voting in place of K. Colbert this evening.

New Business

- 1. Map 17 Lot 172 – Central Street Subdivision**

Jim Lavelle, JMLA was present to represent the property owner. J. Lavelle approached the board with updated plans. D. Soucy informed the Chairman that the property owner, James Andella, was supposed to pay-off a prior balance due from the last application that was before the board. Since Andella was not present at the meeting with check D. Soucy was not sure if the board wanted to proceed with a new application. Chairman Weimar deferred the matter for discussion giving Mr. Andella time to come to the meeting.

The board discussed other matters and returned to this application after discussing the Winchester Heights bond release.

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J. Lavelle provided D. Soucy with a check from Mr. Andella with the balance due on the account. J. Lavelle proceeded to discuss the current 2-Lot subdivision for Central Street. J. Lavelle explained that this was a proposal for a two-lot subdivision, one for a

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new home and one for the existing home. The lots meet both State and Town lot sizing and the new lot has frontage per court order.

The grading plan provided is crossing the original section of Central Street near the cemetery. Although the area is not plowed it is very drivable and is used for access to the cemetery. The original proposed driveway plan (that would breach town stone wall) had 400' of sight distance. J. Lavelle met with J. Worthen and K. Emerson on site and they dictated the alternate location shown on the revised plans. This driveway proposal has the least disturbance, flares on the driveway are needed as to not break the new driveway.

M. Johnson asked about sight distance for the proposed driveway. J. Lavelle stated the sight distance is approximately 350' and meets the ASHTO requirement for a driveway. R. Clark asked if someone was in a car trying to turn when the sight distance was measured. J. Lavelle stated no one was in a car, however, the standard height of a driver was noted. R. Clark asked if there is permission to use town property. J. Lavelle gave R. Clark a copy of the judge's ruling regarding frontage.

S. Keach read from the LSDR's regarding the requirement of 400' of all season sight distance. Keach commented he is unsure of current proposed sight distance but according to Lavelle is between 350-360' which sounds about right. Lavelle agreed that the restrictive factor of attaining 400' of sight distance is the existing dwelling.

R. Clark asked who will be plowing the driveway and Lavelle responded the home owner. D. Soucy questioned whether a hold harmless agreement be in place to release the town of any liability for damages done to driveway by those accessing the cemetery. R. Clark stated he would like something in writing regarding the understanding. Keach felt any of those conditions would be part of the driveway permit process. Keach stated any approval could condition the driveway permit.

J. Lavelle suggested that the new DPW director review the driveway plan.

MOTION: R. Clark made a motion to accept jurisdiction of the Central Street subdivision

SECOND: M. Johnson

VOTE: 7-0

M. Hanides referred to the LSDR's driveway regulations G. Design Standards 3. ...egress of driveway...."The line represents the line of sight between the operator of a vehicle using the driveway located 14.50 feet from the edge of the travel lane and the operator of a vehicle approaching from either direction." J. Lavelle explained the typical line of sight. Keach commented the driveway plan as prepared and drawn per the LSDR's standards.

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R. Clark asked if J. Quirk has been on site. Keach stated Quirk was involved when the original application was before the board. J. Lavelle stated he would request approval from the Road Agent and DPW Director.

Chairman Weimar asked if the board has granted waivers in the past. D. Soucy stated the one waiver to sight distance she recalled was for a commercial site located on Owens Court industrial park, the board used ASHTO standards and granted a waiver.

S. Keach indicated that the Town of Hampstead Driveway Regulations have not been updated at the same pace as the ASHTO standards. S. Keach referred to the ASHTO standard for a 35 MPH road. Keach commented that per ASHTO the sight distance for a 35 MPH would be less than required by the Town of Hampstead LSDR's.

M. Hanides commented that there have been two deaths on Central Street. R. Clark added that it is a hazardous corner, he wants a proper driveway sight plan. Keach suggested that Lavelle mark and measure the sight distance electronically. R. Clark would like Quirk on site and Lavelle agreed.

Chairman Weimar asked for public comment.

Collette Powers – 191 Central Street – commented that she is happy to hear that the board is concerned with sight distance. Powers stated that she is concerned that any exception to the sight distance set a precedent for future lots.

John Pitman – 182 Central Street – stated he agrees with his neighbor and commented why have regulations if granting waivers.

R. Clark stated before approving the plan he would encourage the owner to drive to the public road and determine the sight distance. Chairman Weimar commented that the sight distance is based on a line some distance from the owner's property. R. Clark commented that the judge ruled on frontage and did not address the issue of access, he feels access is a different issue.

Chairman Weimar questioned if the board should ask the town attorney about access and use of the property. Keach stated the town attorney would need final driveway drawings before she can review/comment on the matter.

Chairman Weimar asked if there was any further public comment.

Alma Sheltra – 183 Central Street – asked if people have permission to go over the person's driveway to access the cemetery. Sheltra commented on the high rate of speed of the drivers on Central Street. Sheltra asked about the other lots that were originally proposed back in 2021.

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Chairman Weimar stated that it is the property owner's decision on how to subdivide the property. Chairman Weimar stated he appreciated her concerns.

Chairman Weimar closed the public comment session.

DJ Howard commented that the board has the authority to grant waivers from the LDSR's and makes those decisions based on each application circumstance. DJ Howard commented that he would be personally inclined to grant a waiver in a case that has over 300 feet of sight distance. DJ Howard stated the speed limit is posted and this board has no control over those breaking the law.

J. Lavelle stated he can work with the town on the sight distance matter and added that J. Worthen and K. Emerson suggested the alternate location for the driveway. Lavelle stated if they need to they will relocate the driveway to the originally proposed location.

J. Lavelle requested a continuance to the September public hearing.

MOTION: R. Clark made a motion to continue the Central Street subdivision hearing to the 9/5 public hearing

SECOND: L. Eaton

VOTE: 7-0

DJ Howard informed those in the audience that they will not receive additional notice of the next public hearing and suggested they mark their calendars.

Other Matters

1. Map 12 Lot 069 – Miners Way – update on site work

The board had a recent field report from Jeff Quirk, KNA indicating that all outstanding site work has been completed with the exception of the final binder coat of paving. There was a letter in file from property owner, Paul DaSilva, stating the reasons why the final binder coat would not be applied. There was one 3" application of binder applied to the private site around the newly constructed warehouse. S. Keach commented that based on the use of the site the single application of pavement was adequate. The decision regarding this matter belongs with the board.

Chairman Weimar asked if the drainage on the site was being handled as proposed and S. Keach confirmed the drainage is working. DJ Howard commented that the paving was done by the top paving company in the State of NH and the town is not responsible for a private site. Both Keach and Quirk confirmed there is 3" of binder.

Chairman Weimar summarized the matter and asked the property owner if he had anything additional to add. P. DaSilva confirmed the board received his letter and he is asking for an adjustment. R. Clark asked S. Keach if he had any other issues and he did not.

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MOTION: R. Clark made a motion to approve one 3" application of binder as a modification from the originally approved site plan.

SECOND: DJ Howard

VOTE: 7-0

2. Map 19 Lot 009 – Winchester Heights – bond release

D. Soucy reminded the board they had received paperwork from J. Quirk, KNA recommending release of any remaining surety for the Winchester Heights Elderly Housing Development.

MOTION: M. Hanides made a motion to release the bond for the Winchester Heights elderly development.

SECOND: R. Clark

VOTE: 7-0

Planning Board Matters

1. Town Engineer Comments

S. Keach informed the board that the Brianna Woods project, Endicott Lane, is requesting a relocation of the fire cistern and that there has been previous discussions between the fire chief and town engineer regarding the matter. S. Keach reach from the regulations regarding minor plan modifications and the board agreed the cistern relocation be handled in such a manner. The board will discuss the comments at the next workshop.

2. Correspondence – none

3. Member Comments

Chairman Weimar reminded the board that they renewed KNA engineering contract last year with the intent of going out to bid this year. DJ Howard asked if it was a requirement to put the matter out to bid and Chairman Weimar commented that it was not but feels there should be a process. Chairman Weimar feels it will maintain public confidence. DJ Howard commented that in his tenure S. Keach is the third and by far the best engineer he has worked with. R. Clark feels that KNA is doing a great job.

4. Review of Minutes (7/17/2023 Workshop)

MOTION: L. Eaton made a motion to approve the 7/17/2023 workshop minutes as presented

SECOND: M. Johnson

VOTE: 5-0-2 (R. Clark and DJ Howard abstained)

5. Adjourn

MOTION: A. Davis made a motion to adjourn at 8:25 PM

SECOND: R. Clark

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary