

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes September 5, 2023

A meeting of the Planning Board was held on Tuesday, September 5, 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, Kim Colbert, Mike Hanides, and Matt Johnson.

Chairman's Remarks

Next Public Hearing Date October 2, 2023

Filing Deadline for the October 2, 2023, meeting is September 5, 2023

Old Business

1. Map 17 Lot 172 – 200 Central Street – subdivision of land

Jim Lavelle was present to represent the property owner, James Andella, who was also in attendance. J. Lavelle reminded the board that the frontage matter was addressed by the court. The remaining issue is access, J. Lavelle reminded the board the initial driveway proposal was changed at the request of the Road Agent and Chief Building Official. J. Lavelle informed the board that per ASHTO standards only 225 feet of sight distance is required for a 30MPH roadway. J. Lavelle referred to a memo dated 8/31/2023 from DPW Director, J. Lavacchia in which vegetation is asked to be removed as well as consideration for a culvert under the driveway. J. Lavelle stated if a culvert is needed during driveway construction, they will add the culvert. J. Lavelle informed the board the project has received State Subdivision approval.

J. Lavelle stated they are asking for a waiver from the 400 feet of required sight distance based on the driveway location suggested by town officials. J. Andella intends to clean the frontage. J. Andella stated that he wants to be held to the same standard as other applicants, the judge stated he has legal frontage, this has gone on long enough, not looking for damages, however the market has changed since the original submission.

Chairman Weimar stated the issue has been raised, two people looked and evaluated the sight distance. J. Lavacchia raised the matter regarding the tree. Chairman Weimar stated if there are ways to enhance the sight distance it would be in the best interest to remove the trees and brush. J. Andella recalled S. Keach stating the sight distance meets ASHTO standard. Chairman Weimar stated Hampstead regulations state 400 feet sight distance, he added that it is the board's responsibility to take the opinion of professionals into consideration. Chairman Weimar reiterated that it is in the best

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interest to have the best possible sight distance. J. Andella stated he has no problem going back to court. R. Clark shared photos he had taken earlier in the day with the board members showing the brush and trees. J. Lavelle referred to DPW memo stating that 325 feet sight distance is attainable, and he is agreeable to the driveway location if tree and brush is removed.

Chairman Weimar stated he drove by the proposed driveway location earlier this evening and agreed that trees and brush should be removed. J. Lavelle asked if the DPW Director could mark the tree and brush that he wants removed and Andella reiterated this request.

Chairman Weimar had a question about the “common” driveway listed on plan set. J. Lavelle the word “common” will be removed, in this case means “typical” and not “shared”.

R. Clark stated the DPW Director has a question regarding drainage. J. Lavelle indicated the drainage will go down the hill to the east, it is almost level, normal practice if a culvert is needed it will be added during construction. J. Lavelle reviewed the elevation levels of the driveway and indicated it would drain east. J. Lavelle stated the culvert could be a condition of approval.

M. Hanides feels that 400 feet sight distance is needed, and it would be negligent if not retained. R. Clark agreed and added that people seldom drive at the posted rate of speed on Central Street. A comment was made that the HPD should be trying to mitigate speeds. Chairman Weimar stated that blind driveway signs have been used in other towns.

R. Clark stated that a few people have passed away from accidents on the road and they should not increase the hazard. J. Lavelle commented that there are over a dozen driveways on the road that don't have 400 feet of sight distance. J. Andella commented on the accidents and stated that speed was a factor. Chairman Weimar stated because there have been accidents on the road the PB should be doing everything possible to mitigate potential for hazard. J. Lavelle stated the tree and brush have been addressed.

Chairman Weimar asked for public comment. J. Andella commented that the public comment was closed per the 8/7/2023 minutes. D. Soucy commented that the public hearing was continued to 9/5/2023 and abutters can comment.

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Collette Powers – 191 Central Street – wants to understand if the waiver is granted how, it will be applied going forward. Chairman Weimar stated the board would consider granting the waiver based on ASHTO standards, he added that D. Soucy did research on driveway regulations in other towns that is taken into consideration as well. C. Powers asked if a traffic study was reviewed, and Chairman Weimar responded that there was no traffic study.

C. Powers stated that a 2021 traffic study showed speeds of 30-50 MPH on Central Street. Chairman Weimar believed that data was from a speed monitoring device. R. Clark commented that the average speed was 45 MPH per that 2021 study.

C. Powers stated the Master Plan has comments regarding Central Street. C. Powers had a concern with the addition of a culvert under the proposed driveway and how it would impact on her property across the street. C. Powers commented that even with the removal of brush and trees there is still a telephone pole in the vicinity of the driveway. C. Powers reiterated that there have been 3 fatalities in the area as well as other accidents.

Jim Powers – 191 Central Street – commented that the travelled speed is greater than the speed limit and asked if the road should be redesigned. Chairman Weimar reviewed the ASHTO standard and indicated that even at 45MPH a sight distance of 325 feet exceeds the standard. Chairman Weimar suggested talking to the DPW Director to see if anything can be done to reduce the speed. J. Andella read from J. Lavacchia memo.

John Pitman – 182 Central Street – stated the Master Plan mission statement is to maintain the rural and historic features of the town and feels this will diminish the historical significance. J. Pitman suggested the property owner access property over the existing grass strip. Chairman Weimar commented that the grass strip is not intended for daily traffic just minimal use. Chairman Weimar stated that crossing town property is allowed to access the lot and stated it is a reasonable accommodation.

R. Clark stated he disagrees and stated the court ruled on frontage and not access. R. Clark stated that access requires the owner to cross over 50 feet of town land. Chairman Weimar stated what is being requested is a reasonable use. R. Clark stated the next step would be trimming the brush and removing the tree. K. Colbert asked how much more sight distance is gained by removing the brush and tree; nothing is gained but it is an improvement.

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Alma Sheltra – 183 Central Street – recalled stories of folks stopping along Central Street and felt there should be no parking signs along the roadway of Central Street. Chairman Weimar stated the PB has no authority over signs and suggested she follow up with DPW.

J. Andella reminded the board of the DPW memo supporting waiver, and Andella agreed to removing brush and tree as marked by DPW.

Chairman Weimar closed the public comment.

MOTION: R. Clark made a motion to grant a waiver from Section XV:3 G (3) of the Land Subdivision regulations and reduce the sight distance from 400 feet to 325 feet. Brush and trees identified by DPW director and town engineer are to be removed to no longer impact the sight distance.

SECOND: M. Johnson

VOTE: 4-2 (M. Hanides and K. Colbert)

J. Lavelle asked the PB to approve the subdivision. D. Soucy stated the PB had copies of a memo from the HFD asking for a notation on the plan regarding further subdivision would require a fire hydrant. J. Andella stated he has not seen this memo and he will not agree to the HFD request.

D. Soucy felt a “Hold Harmless” was needed to release the town of any liability from crossing and recrossing the driveway to access the cemetery. R. Clark agreed and felt a document was needed. M. Johnson stated an easement and maintenance agreement may be appropriate. J. Andella commented that all driveways cross town property. Chairman Weimar stated this is not the same instance for this property.

R. Clark stated the owner should come up with a document for the town attorney to review. J. Lavelle stated that every other driveway crosses town property. R. Clark commented that this is different than any other driveway in town. J. Lavelle agreed that a Hold Harmless could be needed. R. Clark commented that typically people that use their driveway maintain the land to the roadway, utility companies may work within the ROW, however no one is driving across people’s driveways like they are in this case.

Chairman Weimar suggested town counsel opinion on the matter, the town needs to pass and repass without being responsible for any damage to the driveway. R. Clark reiterated that the town needs to access the cemetery for town business.

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M. Handies asked if the driveway needed to be constructed as a road. Chairman Weimar commented that the town vehicles have nominal use of the road, it is simply mowed in the summer, there is no plowing in the winter.

Chairman Weimar asked the board how they would like to proceed. M. Hanides wants to continue. Chairman Weimar asked for a motion. R. Clark stated the assumption is the applicant would provide a document for town counsel to review. J. Lavelle stated he would have his attorney draw up a Hold Harmless regarding the driveway. Chairman Weimar stated that town counsel will review and respond.

J. Andella stated he could not grant an easement to land he does not own; he can only provide a Hold Harmless. J. Andella asked the board to approve or disapprove the subdivision. Chairman Weimar stated he feels it is appropriate to approve with conditions. J. Andella stated he has to pay the town attorney fee in any case, so he asked that the Town Attorney draft the document.

MOTION: R. Clark made a motion to grant 90-day conditional approval with special conditions:

- **A letter from Steve Keach, PE stating that all comments from his 8/29/2023 review letter have been addressed.**
- **A hold harmless document acceptable to town counsel regarding the driveway access over town property and a requirement of the applicant to allow to pass and repass over 50-feet of town property.**

SECOND: M. Johnson

VOTE: 5-1 (K. Colbert)

Planning Board Matters

1. Town Engineer Comments – not present

2. Correspondence – Map 11 Lot 31 – Wetland Permit by Notification

3. Member Comments

Chairman Weimar informed the PB that the MPSC remains focused on communication and indicated the BOS is supportive of the initiative. K. Colbert informed the PB that there will be a CIP meeting this Thursday at the HFD.

K. Colbert asked if the board should change the regulations to the ASHTO standard based on the earlier discussion. Chairman Weimar stated he feels the 400 feet sight distance is the gold standard and added if there are mitigating circumstances the board can grant a waiver. M. Johnson stated he prefers to keep the 400 feet as the gold standard and use judgement on a case-by-case basis.

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4. Review of Minutes (8/21/2023 Workshop)

MOTION: B. Weimar made a motion to approve the minutes as presented.

SECOND: R. Clark

VOTE: 4-0-2 (M. Johnson & K. Colbert abstained)

5. Adjourn

MOTION: L. Eaton made a motion to adjourn at 8:35 P.M.

SECOND: M. Johnson

VOTE: 6-0

Minutes prepared by Debbie Soucy, Secretary