

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes October 3, 2022

### Pledge of Allegiance

A meeting of the Planning Board was held on Monday, October 3, 2022 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

**PRESENT:** Robert Weimar (Chairman), Sean Murphy (Ex-Officio), Mike Hanides, Ryan Gray, Kim Colbert, Bob Villella, DJ Howard (alternate), and Lewis Eaton (alternate).

### **Chairman's Remarks**

Next Public Hearing Date November 7, 2022

Filing Deadline for the November 7, 2022 meeting is October 3, 2022

### **Old Business**

#### **1. Map 13 Lot 117 – 24 Hazel Drive**

Chairman Weimar read the letter from James M. Lavelle Assc. requesting a 30-day extension of the conditional approval to finish up survey work at the property.

Chairman Weimar asked for public comment.

Karen Gray – 10 Evergreen Drive – her property abuts 24 Hazel Drive in the rear. K. Gray talked about the Town regulations being ignored as well as incomplete paperwork. K. Gray stated that 6-foot pine trees are not on the property. K. Gray stated she bought her dream house in Hampstead and cannot enjoy her yard all summer long due to dirt and dust in the air, fires during the drought, and hot embers landing in her yard. K. Gray stated she has missed out on memories, enough is enough, would like a site review by the board to see from her point of view. K. Gray would like to enjoy her homestead. The PB should not be disrespected, she needs the PB help. K. Gray stated she has video and pictures if the board wishes to see. K. Gray stated that the recent 3-days the consultant spent in the hospital does not excuse the multiple delays.

Chairman Weimar stated he appreciated her position and regrets that the applicant has not finished the work.

D. Soucy updated the board and stated that Tim Lavelle was in the PB office this morning delivering copies of continuance letters. T. Lavelle was not physically able to attend this evening's hearing. D. Soucy stated she had spoken with the property owner on 9/27 and he indicated that Delahunty Nursery was delivering trees later on in the week, he also provided the PB office with copies of receipts of purchase.

Chairman Weimar stated he would like to see what is on site. R. Weimar stated if there was a violation the PB would address. R. Weimar stated he has seen the purchase order from Delahunty.

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M. Hanides asked if the board could ask for a stockade fence if there is an enforcement issue.

K. Gray stated there is a path between the rows of trees.

Chairman Weimar stated the board will work with the other departments in the town to help resolve. D. Soucy explained that the consultant still needs to produce mylars for recording before the boat storage can be on site.

K. Colbert asked if they had to approve the 30-day extension.

K. Gray stated she would not support approval.

B. Villella stated he has no problem going on site with Kris Emerson, Chief Building Official. B. Villella added the work needs to be done. R. Gray added that he would like to visit the site. B. Villella suggested the board get out there right away.

M. Hanides asked if the abutter had called the Hampstead Fire Department about the fires and she stated she had and they came to the site. K. Colbert asked what happens if the trees don't survive. The comment was made that they would need to be replanted per the site plan.

B. Villella stated if the work isn't done within the next 30 days the board could consider revoking approval. B. Villella added that this would not solve the problem of restoring the visual buffer. D. Soucy commented that it would be in the property owner's best interest to restore the buffer. If the board revoked approval it then becomes a code enforcement matter and from my experience with town counsel the first question is the applicant working towards compliance. And in this case the property owner is making progress.

**MOTION: B. Villella made a motion to extend the conditional approval an additional 30-days for property located at Map 13 Lot 117, 24 Hazel Drive, to the 11/7/2022 public hearing. The PB will visit the site with Code Enforcement and report on work done to date. This will be the final extension of approval.**

**SECOND: R. Gray**

**VOTE: 6-0**

Chairman Weimar announced that L. Eaton would be voting in place of R. Clark for tonight's meeting.

## **2. Map 11 Lots 150 & 291 and Map 9 Lot 62 – Hampstead Heights - Off Stony Ridge Road – Elderly Housing Development**

Chairman Weimar read the request from the attorney to continue the hearing to the 11/7/2022 public hearing. B. Weimar stated Keach had recent contact with the

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consultant for clarification on a few of the technical comments included in the last review letter. Chairman Weimar stated this is the second request for continuance and the consultant is earnestly trying to finish the work.

K. Colbert asked what the consultant was working on, B. Weimar stated resolving comments from the NHDES Aot as well as Keach comments.

**MOTION: S. Murphy made a motion to grant the request to continue the public hearing for property located at Map 11 Lots 150 & 291 and Map 9 Lot 62 – Hampstead Heights project to the 11/7/2022 meeting.**

**SECOND: R. Gray**

**VOTE: 7-0**

## New Business

### **1. Map 06 Lot 037 – 9 Gigante Drive – Amended Site Plan**

Nicole Duquette from GPI was present to represent the applicant. N. Duquette explained the plan to the board, it is a 1-acre site along Gigante Drive with light industrial use, there is one residential abutter, all other properties are commercial. The proposal is for a paved storage area for the business' fencing supplies. Ten striped parking spaces have been added to the plan per the Town regulations. N. Duquette stated the fencing material is currently being stored alongside the building. N. Duquette commented that the odd shape of the pavement is due to the location of the septic system, she stated that boulders on the property will be used to protect the septic. N. Duquette stated the owner will remove the prior owners mess and add a stockade fence and restore the stone wall.

N. Duquette stated that with respect to drainage, the proposal will be adding infiltration trenches as well as an infiltration basin for ground water recharge, there are no contaminants with the fencing materials. N. Duquette commented that all run-off will be maintained on site.

N. Duquette asked for questions and comments from the board. K. Colbert asked if any trucks will be in the area, N. Duquette stated the storage area will be for fencing materials with the occasional fork lift accessing the area to pick up and move supplies. DJ Howard asked about a buffer to the residential property. D. Soucy explained that the residential home is in the commercial zone, therefore the buffer is not applicable.

Chairman Weimar commented that they have the KNA letter from 9/28/2022.

**MOTION: B. Villella made a motion to accept jurisdiction of the application for property located at Map 06 Lot 037 – 9 Gigante Drive.**

**SECOND: R. Gray**

**VOTE: 7-0**

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Chairman Weimar asked the PB members if they had any questions and there were none. Chairman Weimar asked for public comment.

Suzanne Zakian – 257 Stage Road – abuts the property along the back, she has concerns, stated she is not knowledgeable on geological matters, etc. S. Zakian gave a history of the prior owner's actions at 9 Gigante Drive, S. Zakian stated the landscaper used to dump matter out back, gravel, bricks, pallets, pieces of concrete. S. Zakian stated the "matter" raised the level of land 6-7 feet and indicated the mess spilled over the stonewall. S. Zakian stated the new owner at 9 Gigante Drive is lovely. S. Zakian commented that she is not sure if this "matter" would change the elevation contours.

S. Zakian had a question about the town regulations and asked about lot coverage with buildings and pavement, she stated she has concerns about drainage, she did not want to direct any more water to the back of the property. S. Zakian would like to know where the infiltration basin will be located.

N. Duquette stated she understands the concerns, N. Duquette stated she was particular when designing the plan to make sure all drainage is handled within the site. N. Duquette confirmed that only materials would be stored in the designated area and stated she would add that as a plan note as part of the conditions of approval.

N. Duquette commented that the drainage has been vetted by S. Keach, PE and was designed by her as an engineer. N. Duquette stated an additional test pit was performed based on comments made by KNA. N. Duquette stated that KNA agreed in how the storm water is being treated. N. Duquette stated the SWM analysis are conservative, the emergency spill way is used in the case of a major storm event, and if this becomes the case everyone's property would have water. N. Duquette stated the water cannot be directed toward Gigante drive since that is the Town Right of Way. N. Duquette stated that once all the debris left behind from the prior owner is removed, they will be adding the infiltration basin.

Chairman Weimar asked about the grade on the other side of the stonewall (Zakian property). N. Duquette explained the elevations were not included however the area on the other side of the wall is covered in ferns. Chairman Weimar confirmed they are proposing to repair the wall. N. Duquette stated any fallen stones will be replaced onto the stonewall.

N. Duquette stated the SWM will be maintaining the existing pattern, directing the water toward the infiltration trenches and basin. M. Hanides confirmed the area would be used for storage only. DJ Howard commented that crushed gravel would not infiltrate.

S. Zakian asked about lighting. Chairman Weimar stated there is none shown on the plan.

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Chairman Weimar asked the board if they had any further questions. DJ Howard commented that any change of use or occupancy would come back before the planning board for review/comment.

**MOTION: B. Villella made a motion to grant 90-day conditional approval for the amended site plan for property located at Map 06 Lot 037 – 9 Gigante Drive**

There was a discussion while the motion was on the table. Chairman Weimar stated he wants to better under the proposal and has questions. D. Soucy commented that the consultant is here tonight to answer any questions, this is the purpose of the public hearing. B. Villella commented that Keach reviewed the plans and his review letter couldn't be cleaner.

Chairman Weimar asked once the fill (debris) was removed what would the grade be. N. Duquette stated you cannot tell the extent of the fill until the work starts. Chairman Weimar asked about the test pits. N. Duquette explained the process of the test pits and the findings. N. Duquette explained the elevation of the infiltration basin.

**SECOND: S. Murphy**

Chairman Weimar commented that the board has 65-days to make a decision. M. Hanides stated he would like more info. Chairman Weimar stated he would like time to communicate with Steve Keach.

B. Villella confirmed the stonewall would be reclaimed.

D. Soucy reminded the board that there was a motion on the table that had been seconded and ask for a roll call vote on the motion.

**VOTE: 5-2 (BW & MH against)**

**2. Map 12 Lot 015 & 015-4 Route 111 Auto Sales – Amended Site Plan(s)**

Chris York from Millennium Engineering Inc was present to represent the applicant. Property owner, Joe Gerraughty was also present in the audience. C. York explained that an amended site plan was before the board last year which moved the position of the building forward, there was a change in pavement area as a result of the change.

C. York stated he re-ran SWM/drainage calculations and indicated the infiltration basin and structures can handle the additional water. C. York stated the water flows west to east, there is curbing along the southerly property line to catch all the water.

C. York asked for questions from the board.

D. Soucy explained the situation with the two lots in questions, Map 12 Lot 15 and Map 12 Lot 15-4, according to Keach a separate amended site plan application needs to be submitted for each parcel. D. Soucy advised the board that the legal ad and abutter

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notice for the 10/3/2022 public hearing provided notice for both parcels. D. Soucy asked the board to consider continuing the public hearing for Map 12 Lot 15-4 to keep the application active and eliminate the need to re-notice the hearing. An amended site plan for Map 12 Lot 15-4 was received in the PB office today for Keach to review and provide comment.

M. Hanides asked why the lots are being kept separate. C. York stated the owner wants to keep his options open. M. Hanides asked for confirmation that both lots are for auto sales and J. Gerraughty confirmed that was the case.

**MOTION: B. Villella made a motion to accept jurisdiction of the application for an amended site plan for property located Map 12 Lot 015.**

**SECOND: R. Gray**

**VOTE: 7-0**

Chairman Weimar asked for public comment.

Pat Dore – Steeplechase asked if any more trees would be taken down on the property. J. Gerraughty stated no further trees would be removed. P. Dore asked about lighting on the property. J. Gerraughty indicated that all lighting is Dark Skies compliant per Hampstead regulations. The business hours are 9-5PM, J. Gerraughty commented that there is no noise to speak of with his business.

Chairman Weimar closed the public hearing.

DJ Howard asked what action the applicant was looking for this evening. C. York stated they would like conditional approval on Map 12 Lot 15 as the property owner wants to pave this season. S. Murphy commented that it may cost more to have the paver come back a second time to finish the adjoining lot.

K. Colbert asked for clarification on the drainage plan. Chairman Weimar explained that the consultant needs to prove the SWM is adequate for both lots, thus the reason why Map 12 Lot 15-4 needed further review by Keach. DJ Howard asked about the current SWM on the lot. C. York explained that there is no existing SWM and it currently sheet flows during a SWM event.

**MOTION: S. Murphy made a motion to grant 90-day conditional approval for the amended site plan for property located at Map 12 Lot 015 subject to all comments in the KNA letter dated 9/29/2022 being satisfactorily resolved.**

**SECOND: B. Villella**

**VOTE: 7-0**



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**MOTION: B. Villella made a motion to continue the public hearing for the amended site plan application for property located at Map 12 Lot 015-4 to the 11/7/2022 meeting.**

**SECOND: R. Gray**

**VOTE: 7-0**

### **3. Map 01 Lots 091-1 & 091-2 Depot Road – Cameron Court – Elderly Housing**

Chairman Weimar read the letter from the consultant requesting a continuance to the 11/7/2022 public hearing.

**MOTION: K. Colbert made a motion not to accept the continuance as the application is incomplete and should be rejected based on comments in the KNA letter dated 9/28/2022 and legal documents are still not submitted per the checklist.**

**SECOND: R. Gray**

**VOTE: 7-0**

### **Other Matters**

#### **1. Map 01 Lot 091 – Brianna Woods – Endicott Lane – Bond Reduction**

##### **Discussion**

The board reviewed a letter dated 9/2/2022 from Jeff Quirk, KNA recommending a bond reduction on the Brianna Woods aka Endicott Lane subdivision.

**MOTION: B. Villella made a motion to reduce the bond for the Brianna Woods project, Map 01 Lot 091 to \$128,966.75 based on the recommendation of Jeff Quirk, KNA.**

**SECOND: M. Hanides**

**VOTE: 7-0**

#### **2. Library Pavilion**

Kate Thomas from the library was present to discuss the pavilion project. Information for the project was given to board members in their packets. The contractor has spoken with Steve Keach regarding the SWM mitigation and the project is below the threshold for a SWM plan. There is an email on file that the project complies with the SWM regulations.

DJ Howard as for confirmation that the pavilion is on Town owned land at the library. K. Thomas confirmed that she was before the board as a courtesy and that SWM has been addressed. Chairman Weimar stated he wanted Keach to review the SWM. S. Murphy asked for confirmation that Steve Keach confirmed the SWM regulations were met. D. Soucy confirmed that this was the case.

The board wished K. Thomas good luck on the project.

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### **3. Susan Hastings – RPC reappointment**

Although S. Hastings was not present at this meeting the Chairman announced that Susan has previously expressed an interest to continue as one of the two RPC Commissioners for the Town of Hampstead.

**MOTION: M. Hanides made a motion to re-appoint S. Hastings as a Rockingham Planning Commissioner on behalf of the Town of Hampstead.**

**SECOND: B. Villella**

**VOTE: 7-0**

### **4. Master Plan presentation - Jenn Rowden - RPC**

**MOTION: S. Murphy made a motion to present the Master Plan at the 10/17 workshop and notice for a public hearing as well as secure Cable coverage to videotape.**

**SECOND: M. Hanides**

**VOTE: 7-0**

### **Planning Board Matters**

1. Town Engineer Comments – not present

2. Correspondence

- a. DRAFT September ZBA minutes (Chairman Weimar asked D. Soucy to share a copy with the board members via email).

3. Member Comments

K. Colbert commented that she liked the format of the agenda for the members that included recommendations.

Chairman Weimar asked the board members to review the 2022/2023 budget and make comments to be discussed at the 10/17/2022 workshop.

4. Review of Minutes (9/6/2022 public hearing)

**MOTION: B. Villella made a motion to approved the 9/6/2022 minutes as presented.**

**SECOND: L. Eaton**

**VOTE: 6-0-1 (KC abstained)**

5. Adjourn

**MOTION: M. Hanides made a motion to adjourn at 9:45 PM**

**SECOND: B. Villella**

**VOTE: 7-0**



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Minutes prepared by Debbie Soucy, Secretary