

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes January 3, 2023

### Pledge of Allegiance

A meeting of the Planning Board was held on Tuesday, January 3, 2023 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, Kim Colbert, Bob Villella, Lewis Eaton, and Susan Hastings (alternate).

### **Chairman's Remarks**

Next Public Hearing Date February 6, 2023

Filing Deadline for the February 6, 2023 meeting is January 3, 2023

Chairman Weimar announced that S. Hastings would be a voting member in place of R. Clark this evening and stated that L. Eaton has replaced R. Gray who recently resigned from the board.

### **Old Business**

#### **1. Map 01-091-01 & 091-02 Cameron Court 70 & 90 Depot Road– Elderly Housing Development**

J. Lavelle was present to represent the applicant and had a buffer restoration plan for the board's consideration. J. Lavelle stated the plan was being presented to address the issues raised at the recent site walk. J. Lavelle stated if the board finds the plan acceptable it will be added to Gregsak's plan.

J. Lavelle stated that Mason's attorney will speak to the legal documents. Attorney P. Panciocco was in attendance at the meeting and approached the podium. P. Panciocco stated she was recently contacted by Mr. Mason and asked to prepare legal documents for the plan. P. Panciocco indicated she is working on the documents for the next meeting.

Chairman Weimar had a question about the identification of test pits as there was a discrepancy with markings noted during the site walk. J. Lavelle stated the test pit data has been reconciled and will be on the next plan submission. D. Soucy asked for the test pit data to be included on the plan sheets for ease of reference. D. Soucy also asked that the total number of trees being proposed is called out on the plan sheet.

Chairman Weimar asked for more specifics about the proposed trees, he would like to have the caliper called out on the plan.

J. Lavelle stated the PB should have revised plans by the end of the week.

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Chairman Weimar referenced the last review letter from KNA dated 11/30/2022 and indicated that no new plans have been received by the PB office as of today. B. Weimar asked about the cistern location, J. Lavelle indicated it would be on the plan set.

M. Hanides commented on the buffer restoration plan and asked for more plantings to be placed where the two existing homes on Beverly Drive have been exposed. M. Hanides comments that the current plan shows two areas where the 30-foot buffer zone appears to be more like 20-feet. J. Lavelle stated the trees will be planted on berms that are 4-feet tall. Chairman Weimar asked for elevation drawings showing the proposed plantings in relation to the existing homes.

Lewis Eaton acknowledged the Conservation Commission letter from Chairman Tim Lovell regarding his concern about wetland delineation. Chairman Weimar suggested a discussion between the wetland/soil scientist, Bruce Gilday and Tim Lovell. J. Lavelle stated he would put the parties in touch with each other.

Chairman Weimar asked for public comment.

Tracy Dudgeon – 59 Beverly Drive - commented that she feels this project needs to follow the process for a NHDES public water system. Chairman Weimar commented that he received correspondence from the State regarding the water system. T. Dudgeon stated she feels the town has a process as well. J. Lavelle indicated they are aware of the NHDES permit requirements. Chairman Weimar made a comment about water testing for wells.

Chairman Weimar closed the public comment session and asked the board if they had additional questions and there were none.

**MOTION: B. Villella made a motion to continue the application for Map 01-091-01 & 091-02 Cameron Court aka 70 & 90 Depot Road– Elderly Housing Development to the 2/6/2023 public hearing.**

**SECOND: L. Eaton**

**VOTE: 7-0**

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

Attorney P. Panciocco was present to represent the applicants and discuss the secondary access the board has required for the project. P. Panciocco stated access was discussed between her clients and the abutting property owner, they are looking to

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use the existing Hampstead Area Water Company (HAWC) easement and work within the width of that area. P. Panciocco stated she has been in touch with representatives at HAWC regarding use of the easement as a joint use agreement.

P. Panciocco stated before she was contacted another attorney send an access easement to the town for review. In August 2022 the abutting land owner expressed concerns regarding the use of the access easement and withdrew their consent. P. Panciocco stated she has asked to meet with the abutting land owner to better understand their concerns and to explain what they are proposing within this development.

P. Panciocco stated the abutting land owner indicated that a family member has health issues and asked to be contacted after the first of the year. P. Panciocco feels they may need 60-days to work out details and will keep the PB office apprised of the situation.

Garrett Piccarillo, PE, GPI approached the podium to inform the board of the progress made and answer questions of the board members. G. Piccarillo indicated the project has received NHDES AOt permit, they have provided responses to KNA review letter as well as responses to the Chairmans questions.

Chairman Weimar stated he would like GPI to consider widening Stony Ridge Road. B. Weimar stated he would like additional information and response regarding the 1,200-foot maximum length of dead-end streets. B. Weimar referred to the KNA request they contact him for more details of what is needed to satisfy the traffic reports. G. Piccarillo stated he noted the comment and will contact Keach once he has returned from vacation.

Chairman Weimar stated there are concerns from the residents regarding the truck traffic during construction of the project and asked for more details.

K. Colbert commented that the Site Plan Regulations require an evacuation plan. A. Camm stated he believed there was a letter from David Jordan, GPI regarding the evacuation plan.

S. Hastings had a concern about the road name of "Towne" being confused with Old Town Roads or Lanes that exist from years ago. The consultant confirmed the two proposed road names are Towne and Rodeo.

M. Hanides had a comment about the road tangent and s curves in the proposed roadways, he feels these regulations need to be followed whereas the consultant feels they do not need to abide since this is a site plan and not a subdivision. M. Hanides referenced Section VII. 4 of the Site Plan Regulations which states "Layout of Ways – Refer to Layout of Streets section and Driveway Regulations of the Land Subdivision Regulations, Town of Hampstead", Section VI. 6 – G of the LSDR which states "A tangent of at least two hundred (200) feet long shall be introduced between curves." M.

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Hanides stated that the S curved road has been a safety concern since the beginning, being that the road has an 8% slope going into the S curves, adding elderly drivers and it is a major safety issue. M. Hanides commented that the road will be a sledding hill in the winter. M. Hanides feels a second access is needed. G. Piccarillo responded and stated that the second access was the first part of tonight's presentation. G. Piccarillo stated he feels they are not subject to the street design regulations.

Chairman Weimar announced that member B. Villella has recused himself from the discussion and vote on this project.

S. Murphy commented that there is more to come with regard to the second egress.

K. Colbert stated she understands that the HAWC easement was granted by the abutting land owner and questioned if HAWC has the right to grant rights to a third party. P. Panciocco stated that a 10-foot easement right already exists for the property in question. P. Panciocco stated HAWC can grant access to a municipality and reiterated that R. Towne already has a 10-foot easement for anytime/anyplace. P. Panciocco questioned how many times does an emergency vehicle need to pass.

Chairman Weimar commented that the Hampstead Fire Department (HFD) has specific requirements based on the NFPA regulations. P. Panciocco stated she intends to explore the options. M. Hanides commented that cars need to be able to pass each other. S. Hastings commented that the HFD is the authority having jurisdiction over the matter.

Chairman Weimar asked for public comment.

Geoff Dowd – 270 Wash Pond Road – had a question based on M. Hanides comment concerning the road tangent, if there is no emergency egress is there a concern that the HFD could not handle the curve. G. Dowd asked how long the application has been before the board. Chairman Weimar stated that the HFD is requiring a 20-foot emergency egress.

G. Dowd commented that it is extremely presumptuous to assume the HAWC easement could transferred or used by the applicant. Chairman Weimar indicated the emergency access matter has been reviewed by legal counsel. Chairman Weimar commented that he understands G. Dowd's point.

John Mayhew – 190 Buttrick Road – stated he has a few general comments and asked for confirmation that the PB had received his most recent comments. J. Mayhew asked about the road length and asked which intersecting road is the starting point for the measurement. Chairman Weimar commented that the board has some discretion over the matter.

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J. Mayhew asked about additional traffic studies. Chairman Weimar reminded him the matter was discussed earlier and KNA has commented that additional information is needed. J. Mayhew asked about ground water studies and homes that are not included within the blast radius.

Fred Malcolm – 124 Buttrick Road – commented that the ordinance gives the board latitude to require a second open egress. Chairman Weimar stated the matter has not been discussed yet. F. Malcolm referenced “G” of the Elderly Housing Zoning Ordinance, specifically the 10% restriction and not applying that limit to previous approvals. Chairman Weimar explained those projects were developed under a separate Zoning Ordinance. F. Malcolm stated the total housing stock should not exceed 10% and he feels the Town is operating above that amount. F. Malcolm asked what the spirit of the ordinance was and asked what the PB is going to do, he added that affordability is part of the regulations. Chairman Weimar commented that the matter has been and continues to be discussed. F. Malcolm stated he disagrees with town counsel’s opinion on the matter. Chairman Weimar commented that the board is following Hampstead’s Zoning Ordinance as well as State and Federal regulations.

Amanda Laidlaw – 96 Buttrick Road – asked for clarification about the S curve requirement concerning the street design. Chairman Weimar commented the matter will be discussed. A. Laidlaw commented that the HFD requirement stated a 20-foot width and asked if that could be changed. Chairman Weimar commented that HFD approval is needed on all plans and added the HFD is following NFPA guidelines. A. Laidlaw asked if the HFD would have access to the gate and the answer was yes.

James Stockbridge – 48 Buttrick Road – referenced affordable housing and commented on the price range of the ongoing project at the Atkinson Country Club, he stated he would not consider it affordable housing. Chairman Weimar commented that the State and Federal government determine the affordability, the PB has no ability to determine the value or cost of properties. J. Stockbridge asked what the emergency exit is used for and Chairman Weimar stated that it would depend on the circumstances and the decision would be made by the HFD.

Jodi Lacasse – 106 Buttrick Road – commented that the 55+ occupants that don’t count towards the restrictions because they are not really a 55+ community. J. Lacasse commented that there are people who have grown up in Town who have children that can’t afford to live here. Chairman Weimar stated the Master Plan has specific goals to look at the matter. J. Lacasse commented that we should rethink what we are doing for the community.

Steve Wentworth – 40 Stony Ridge Road – wanted to address some issues. S. Wentworth indicated he had been working with the Ashford’s on the proposed emergency access since last November 2021. S. Wentworth stated he came to an agreement with the Ashford’s on June 2, 2022. S. Wentworth commented he was told that the State Fire Marshall can over-ride the HFD.

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S. Wentworth responded to M. Hanides comments about the centerline radius and tangent requirements and stated those design standards were put in place to maintain a speed of 35 MPH and slow vehicles down. S. Wentworth stated he feels that M. Hanides is prejudging his project by saying it was a skating rink, S. Wentworth stated Emerson Ave has the same 8% grade as this proposal.

Chairman Weimar suggested S. Wentworth put the information in writing for the record with his specific comments/concerns. S. Wentworth stated he cares about the Town and is concerned about water adding that 55+ uses less water compared to a single-family home. S. Wentworth commented about the traffic study and the number of car trips. Chairman Weimar suggested S. Wentworth work with his engineers regarding his comments.

Andy Dauer – 41 Buttrick Road – stated it seems the development is disorganized and questioned the 65-day limit to make a decision. Chairman Weimar stated in theory the board has 65-days to make a decision, however the applicant can waive the time frame if information is still back and forth. Chairman Weimar stated that it is not unusual for this type of project to take at least six months to approve. B. Weimar commented that the 65-day limit was established to force PB's to make decisions.

Dauer asked where the entrance to the neighborhood be considered. Chairman Weimar stated the regulations are vague and subject to interpretation, some say it starts at Stony Ridge Road while others say the intersection of Buttrick/Wash Pond Road. A. Dauer stated it is 1,100 feet from Buttrick to Stony Ridge Road and if adding this project, the length will be extended. A. Dauer asked if a locked gate could be considered second access.

Dauer commented that blasting will exceed 5K yards of material, he did the math and explained to the board the number of trips required based on the standard size dump truck. A. Dauer was concerned with the construction traffic on the existing roadways. Chairman Weimar commented that is a condition the board needs to evaluate, what is the current state of the road and hold the developer responsible for any damages.

Peter Iannazzi – 15 Bloody Brook Road – commented about the traffic study and did not feel it was done at a proper time. Chairman Weimar reiterated that the matter was discussed earlier and more information is needed. P. Iannazzi stated he has photos of a car parked for over a month on the street. Chairman Weimar stated he did not want to see the photos and suggested he contact Code Enforcement (note: this is not a Code Enforcement matter, please contact the Hampstead Police Department regarding matters of this nature).

Chairman Weimar closed the public comment session.

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Chairman Weimar commented that the principal matter outstanding is the secondary egress, he asked if a 60-day continuance is what they are seeking. P. Panciocco stated yes, they are looking for 60-days to resolve the matter and added that 20-feet was approved at the time of submission.

P. Panciocco commented that no one likes land developed and understands the growing pains are hard, however, her clients are allowed reasonable use of the land. P. Panciocco stated they would like to achieve the goals of the town.

M. Hanides referenced the Site Plan Regulation section on Fire Department requirements and asked about hydrant pressure. A. Camm, GPI stated he has numbers from HAWC regarding water pressure, etc. M. Hanides read from the regulations regarding HFD requirement of access around buildings. Chairman Weimar responded that these are the regulations of the HFD.

K. Colbert asked for confirmation that the original plan had 20-foot access and was told yes.

**MOTION: S. Murphy made a motion to continue the application for Map 11 Lots 150 & 291 and Map 9 Lot 62 – Hampstead Heights - Off Stony Ridge Road – Elderly Housing Development 60 days to the 3/6/2023 public hearing.**

**SECOND: S. Hastings**

**VOTE: 6-0**

Chairman Weimar called at 5-minute break.

## **Planning Board Matters**

1. Town Engineer Comments – not present

2. Correspondence - none

### **3. Member Comments**

K. Colbert asked about the MP Subcommittee. L. Eaton stated he would meet with Chairman Weimar. The CIP plan was mentioned and S. Murphy stated he has requested folks to volunteer, he suggested at least a 5-person committee. S. Murphy stated he wants to be involved with the CIP in hopes of the Town being more proactive. K. Colbert stated she would like to be involved as well and will work with S. Murphy to recruit members for the CIP committee.

K. Colbert asked about the landscape design standards and wanted to confirm it would be discussed at the next workshop.

### **4. Review of Minutes (12/19/2022 Workshop)**

S. Hastings had comments about L. Eaton being appointed from an alternate to a permanent board member. S. Hastings stated that Chairman Weimar commented that L. Eaton participated on the MP but did not mention her contributions to the board.

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Chairman Weimar stated he was considering getting new blood into the board. M. Hanides commented that he suggested L. Eaton since he was running for a position this March. S. Hastings commented that she has experience with State and municipal workings.

D. Soucy addressed S. Hastings concern that a motion should have been made by the board to appoint L. Eaton by reading from the PB Handbook, filling vacancies, ...the Chairman can appoint an alternate to fill a vacancy until the next election per RSA.

Chairman Weimar asked D. Soucy to add the wording that L. Eaton was appointed in the minutes.

**MOTION: M. Hanides made a motion to accept the 12/19/2022 minutes as amended.**

**SECOND: S. Hastings**

**VOTE: 6-0-1 (B. Villella abstained from voting)**

5. Adjourn

**MOTION: S. Hastings made a motion to adjourn at 8:50 P.M.**

**SECOND: M. Hanides**

**VOTE: 7-0**

Minutes prepared by Debbie Soucy, Secretary