

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes December 4, 2023

A meeting of the Planning Board was held on Monday, December 4, 2023, at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live on HCTV 16.

PRESENT: Robert Weimar (Chairman), Lewis Eaton (Ex-Officio), Randy Clark, Kim Colbert, Alan Davis, Matt Johnson, alternate DJ Howard, and Steve Keach, PE.

Chairman's Remarks

Next Public Hearing Date January 2, 2024

Filing Deadline for the January 2, 2024 meeting is December 4, 2023

Call for Candidates

Chairman Weimar announced that DJ Howard would be voting in place of M. Hanides.

New Business

1. Map 2 Lot 144 – 32 Page Lane – Accessory Dwelling Unit

Ryan Lavelle from Lavelle & Associates was present to represent the applicant as well as design engineer, Nick Gregsak from Gregsak & Sons. R. Lavelle informed the board that the proposal was for a one-bedroom ADU and added the septic system has been approved by the State. There is plenty of parking on-site and both the PDU & ADU have garage parking underneath the living structures.

N. Gregsak explained the ADU proposal to the board members and noted the elevated connection between the PDU and ADU on the second floor, heated space to heated space. K. Colbert asked for confirmation that the connection was a hallway. N. Gregsak explained it was designed as a passageway from the ADU to the PDU to allow pedestrian traffic to the backyard.

R. Clark asked for more clarification on the interior/exterior doors within the PDU and ADU. N. Gregsak explained the interior doorway between the ADU and PDU, the second floor of the ADU connects to a den on the second floor of the PDU which is finished space above the garage of the PDU. N. Gregsak pointed out the exterior door/entrance to the ADU for the board.

N. Gregsak continued to answer questions of the board, there is a space in the new proposed addition that is a recreation space for the PDU. R. Clark commented that the plan appears different from what he expects of an ADU, typically there is a direct door to enter the ADU from the PDU and in this case the connection is via a passageway.

K. Colbert asked if the plan meets the requirements of the ADU ZO. Chairman Weimar reviewed the plan and pointed out the doorways between the ADU/PDU, R. Clark commented that there is an interior connection. Chairman Weimar summarized that new

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

space is being added to the PDU with an ADU attached to that space. DJ Howard commented that it meets the spirit of the ZO.

Chairman Weimar asked the board if they had further questions and there were none.

MOTION: R. Clark made a motion to accept jurisdiction of the application for an ADU for property located at Map 2 Lot 144 aka 32 Page Lane.

SECOND: L. Eaton

VOTE: 7-0

MOTION: R. Clark made a motion to grant a conditional use permit for an ADU for property located at Map 2 Lot 144 aka 32 Page Lane as per the plan submitted.

SECOND: DJ Howard

VOTE: 7-0

Old Business

1. Map 01 Lots 091-1 & 091-2 Cameron Court

R. Lavelle was present to provide an update on the outstanding conditions of approval for the Cameron Court aka Depot Road project. R. Lavelle stated they are in the process of gaining State approval, working out HOA fees and a few other matters. R. Lavelle added the attorney is working on the condo documents. R. Lavelle stated he is working diligently with NHDES to check off items on their list.

R. Clark referenced invasive species that were noted on the site during a visit with B. Gilday and asked if they have been removed. S. Keach commented that work would be done during the grubbing phase of the project.

R. Lavelle stated that NHDES Subdivision approval is still outstanding. S. Keach commented that the AOT permit has been received for this project.

Chairman Weimar asked if the board could get updates each month until the conditions were satisfied that would be great.

2. Map 17 Lot 172 – 200 Central Street

D. Soucy informed the board that the property owner has requested an additional 30-day extension on the conditional approval in order to satisfy the remaining administrative items which include, payment of fees, checks for recording, and the signed driveway agreement. The attorney's recently agreed on the language of the document and the property owner is awaiting copy of the final document via US Mail from his attorney and indicated he would deliver the paperwork and checks to the PB office as soon as possible.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

MOTION: R Clark made a motion to extend the conditional approval an additional 30-days to 1/2/2024 for Map 17 Lot 172 aka 200 Central Street.

SECOND: DJ Howard

VOTE: 7-0

Board Business

1. Map 16 Lot 025 – Hadley Road – release remainder of bond

D. Soucy reminded the board that the town had accepted Hadley Road and per the LSDR a percentage of the bond remains in place for any latent defects to the road for a one-year period. DPW Director, Jim Lavacchia confirmed the road is in excellent condition and agreed the board should release the remaining surety.

MOTION: L. Eaton made a motion to release the bond/letter of credit for the Hadley Road subdivision.

SECOND: R. Clark

VOTE: 7-0

2. Map 17 Lot 051 – Merryfield Lane Extension – release remainder of bond

D. Soucy reminded the board that the town had accepted Merryfield Lane Extension and per the LSDR a percentage of the bond remains in place for any latent defects to the road for a one-year period. DPW Director, Jim Lavacchia confirmed the road is in excellent condition and agreed the board should release the remaining surety.

MOTION: R. Clark made a motion to release the remaining bond for the Merryfield Lane Extension subdivision.

SECOND: L. Eaton

VOTE: 7-0

3. Map 18 Lot 005 – 45 Danville Road – Bond Reduction

D. Soucy reminded the board that Jeff Quirk, KNA provided the board with information regarding a bond reduction for the pickleball project located at 45 Danville Road.

MOTION: R. Clark made a motion to reduce the bond to \$6,600 for the Pickleball Club project located at Map 18 Lot 005 aka 45 Danville Road.

SECOND: A. Davis

VOTE: 7-0

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Planning Board Matters

1. Town Engineer Comments – proposed Zoning Ordinance changes to Multi Unit Dwelling and Elderly Housing

Chairman Weimar reminded the board he had introduced a ZO proposal at the last workshop to address the 2022 legislation (HB1661 Section 72, entitled incentives) that allows workforce housing applications the same incentives offered to elderly housing. Chairman Weimar stated his initial proposal tried to meld the multi-unit dwelling and elderly housing ZO, he subsequently reached out to Keach directly for suggestions.

S. Keach stated he has spoken with Chairman Weimar a few times and he has prepared a DRAFT ZO to replace the current multi-unit dwelling ZO. S. Keach read from the 2022 Legislation. S. Keach stated that workforce housing can have the elderly housing bonus available in the current ZO. The current Elderly Housing ZO is not soil-based like the other ZO in town, both the multi-unit dwelling and elderly housing are overlay ordinances in the Residential Zone A which depart from the soil-based calculation. S. Keach suggested that all projects in the Town of Hampstead be based on soil-based lot sizing. S. Keach indicated the States regulations are based on flow rates and Hampstead ZO is mostly soil-based.

S. Keach stated he has crafted a ZO proposal that parallels the elderly ZO and would like to review with the board this evening. Chairman Weimar asked to review the document line by line to discuss each section. S. Keach commented that multi-unit has nothing to do with elderly or workforce housing, the original idea was to consolidate the two ZO to create a single ordinance. Keach stated the draft as presented would update the multi-unit dwelling ordinance.

Chairman Weimar asked if the suggestion is to leave elderly alone. Chairman Weimar stated he wants to make the bonus the same for both multi-unit and elderly. R. Clark commented that multi-family works fine.

S. Keach reviewed the proposal and indicated the number of 5 units or greater is to show the Town is creating opportunities for workforce housing per the RSA. S. Keach commented that NHDES gives and will continue to give a reduction in flow requirements for elderly projects (125 GPD vs. 150 GPD). S. Keach stated he could add “elderly housing” to the permitted use section of this proposal and the town would be in compliance with the statute.

K. Colbert stated she is concerned with the number of bedrooms and adding kids to the school system. R. Clark spoke about workforce housing RSA and noted that for many years the town has allowed multi-unit, duplexes, and ADU’s to satisfy the requirements of the statute.

Chairman Weimar is convinced that workforce housing will be forced into Town by the State and feels the state will offer funding for projects.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

J. Guthrie was present and was allowed to participate in the discussion. J. Guthrie expressed his concern to the board and cautioned the board not to change things because the state is forcing you to do it. J. Guthrie asked if the board is trying to get ahead of the curve. J. Guthrie stated he feels there is no reason to change.

D. Soucy asked Keach for his opinion on the likelihood of workforce housing coming to a town without town sewer or public transportation.

Chairman Weimar asked how this proposal does anything other than make things level. B. Weimar stated people have concerns with housing availability for young families. Weimar stated currently the multi-unit density are penalized and the elderly has an advantage, this proposal would make things equal.

J. Guthrie doesn't feel things need to change, the PB can propose and the town can decide. Guthrie stated he does not recall a PB article that has failed in the past. Guthrie added that workforce housing has no place in Hampstead.

Chairman Weimar stated that long-term we will be looking at housing changes. Weimar stated he has been approached by folks who want affordable housing for young families.

J. Guthrie is concerned the change will increase the kids in the school and that would be a real cost to the town.

Chairman Weimar stated by allowing more housing per acreage it gives multi-family the opportunity for workforce housing. Weimar added that elderly is allowed 2.5 times the allowance of multi-family.

S. Keach reviewed the dwelling unit density in the draft proposal and added it brings the multi-unit dwelling ZO into line with all other soil-based zoning ordinances. Keach stated it removes the arbitrary part of this section of the ZO, soil-based lot sizing is based on science and is proven over time. Keach stated the town has no control over NHDES flow guidelines.

S. Keach stated he is not convinced in 2023/2024 with rent and sale prices of qualified workforce housing that anyone can do it (meaning builders). Keach stated that workforce housing went into effect in 2010 and Hampstead has not seen an application in the 14 years it has been legislated. Keach gave examples of WFH in Windham.

S. Keach stated adopting these regulations would give the town an affirmative defense and bring the town into compliance with the WFH statute. Keach added with the current economic situation he doesn't foresee a WFH application. Keach made reference to housing authorities in cities and towns in NH.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

R. Clark commented that this proposal is based on soil-based versus flow rates, what does Keach suggest the board do with elderly housing? Keach suggested adding to the permitted use section of the proposal in front of the board.

S. Keach could add #4 elderly housing to the permitted use section and sunset the existing elderly housing zo and replace it with a new multi-dwelling unit zo to include non-age restricted as well as elderly.

Keach asked if the ZO matter is settled or if the board needs more time to move forward. Chairman Weimar feels the board could come up with a compromise. Guthrie commented as written it would not be supported by the voters, a minimum of 3 building and a maximum of 8 would be dead in the water.

Chairman Weimar announced a 5 minute bio-break.

Keach reviewed the dimensional standards of the proposal. R. Clark asked what would change with addition of elderly to this proposal. Keach stated permitted uses would change and the purpose statement would change. R. Clark stated he is ok with the 10 acres and the 150 feet of frontage requirement.

Keach reviewed the document again and the board changed the minimum number of individual buildings to 2 and a maximum of 5 and requested a change in the maximum # of bedrooms to 2. Keach was asked to add useable land wording to the proposal.

MOTION: R. Clark the board agrees to move forward with a Zoning Ordinance proposal to change the current Multi Unit Dwelling and Elderly Housing ZO and replace it with Keach's proposal as discussed.

SECOND: A. Davis

VOTE: 7-0

The new proposal will be named "Multi-Family and Elderly Housing ZO"

2. Correspondence

Chairman Weimar gave an overview of the correspondence.

- a. DRAFT 11/1/2023 ZBA minutes
- b. Map 8B Lot 041 aka 64 Timberlane Road – Wetlands Permit by Notification

3. Member Comments

K. Colbert updated the board on the status of the Capital Improvement Program (CIP) Committee and indicated they are continuing to meet at 5PM at the Hampstead Fire Department, recently two new members joined the committee, Fred Malcom and Leigh Campos. Chairman Weimar stated the CIP is not going to direct activities this year since they started late, they are simply setting up a template to follow in coming years.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

4. Review of Minutes (11/20/2023 Workshop)

MOTION: R. Clark made a motion to accept the 11/20/2023 minutes as presented.

SECOND: L. Eaton

VOTE: 6-0-1 (DJ Howard abstained)

5. Adjourn

MOTION: M. Johnson made a motion to adjourn at 9:35 P.M.

SECOND: DJ Howard

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary