

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes December 5, 2022

Pledge of Allegiance

A meeting of the Planning Board was held on Monday, December 5, 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), Randy Clark, Mike Hanides, Ryan Gray, Kim Colbert, Bob Villella, Susan Hastings (alternate) DJ Howard (alternate), Lewis Eaton (alternate) and Steve Keach, Town Engineer.

Chairman's Remarks

Next Public Hearing Date January 3, 2023

Filing Deadline for the January 3, 2023 meeting is December 5, 2022

Old Business

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

Chairman Weimar read a letter dated 11/22/2022 from Panciocco Law requesting a continuance to the 1/3/2023 public hearing. M. Hanides asked for the reason for the extension, Chairman Weimar stated they are working out legal issues. K. Colbert asked if the checklist was complete, S. Keach stated the board determined the application was complete when they accepted jurisdiction. M. Hanides commented that other items outstanding besides access. S. Murphy asked how many continuances have been requested. Chairman Weimar commented that the board can continue the discussion, he doesn't feel it is in the best interest of the board to deny the request.

MOTION: R. Clark made a motion to continue the hearing for Map 11 Lots 150 & 291 and Map 9 Lot 62 – Hampstead Heights - Off Stony Ridge Road – Elderly Housing Development to the 01/03/2023 public hearing.

SECOND: K. Colbert

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

Chairman Weimar commented that based on the list of dates with the associated action items he feels confident the correct course of action has been taken.

2. Map 12 Lot 144 – 20 Bonnies Way – Subdivision of Land

Eric Salovitch from Northam Survey LLC was present along with Alan and Judith Woodman and Paul and Janice Frank. E. Salovitch reviewed the existing conditions of the site and described the parcel located in Residential Zone A, approximately 45,000 square feet with 150 feet of frontage.

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E. Salovitch indicated that Gove Environmental provided wetland determination and did the HISS mapping on 10/24/2021, the lot sizing by soils is on the plan; proposed lot 1 is just shy of the required area. E. Salovitch went on to state the Hampstead Zoning Board of Adjustment (ZBA) denied the variance request which was subsequently overturned by the Housing Appeals Board (HAB). E. Salovitch stated he was not before the board to discuss the variance. Chairman Weimar agreed and asked him to continue with the presentation.

E. Salovitch reviewed and responded to the comments in the KNA letter dated 11/28/2022 and indicated they have received State Subdivision approval. E. Salovitch presented the board with a letter from Hampstead Area Water Company stating they are willing and able to provide service to the newly created lot. E. Salovitch stated that standard items remain to be addressed.

E. Salovitch stated that in his opinion this is a minor 2-lot subdivision and he would like to request conditional approval on the project.

MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 12 Lot 144 – 20 Bonnies Way – Subdivision of Land.

SECOND: B. Villella

VOTE: 7-0

Chairman Weimar asked the PB members for any questions/comments. R. Clark confirmed the consultant was agreeable to adding the State plane coordinates to the plan and he was fine.

Chairman Weimar asked for public comment and there was none.

MOTION: R. Clark made a motion to grant 90-day conditional approval for the application for Map 12 Lot 144 – 20 Bonnies Way – Subdivision of Land subject to all comments in the 11/28/2022 KNA letter being satisfactorily addressed.

SECOND: B. Villella

VOTE: 7-0

New Business

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

James Lavelle from Lavelle Associates Inc. was present to represent the applicant. J. Lavelle indicated that part of the application is to consolidate the lots, the proposal is for 10 duplex units under the Elderly Housing Ordinance. J. Lavelle did the survey work for the project, Gilday is the soil scientist on the project and is working on the NHDES AOT permit, Gregsak Engineering prepared the drainage and grading plans.

J. Lavelle indicated this submission contains revised plans; Lavelle began review of each of the pages of the plan set for the board. J. Lavelle referenced the comment in

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the 11/30/2022 KNA letter and stated the legal documents for the project will be ready by the end of the week.

Chairman Weimar asked Keach if he had additional comments to offer. S. Keach reviewed the highlights of his 11/30/2022 letter. S. Keach commented that this plan is in better shape than the last submission.

S. Keach reviewed his comments concerning the need for condo documents as the project is being advanced under the Elderly Housing Zoning Ordinance with 20 proposed units. J. Lavelle confirmed that the legal documents will be submitted to the PB office by the end of week.

S. Keach talked about the cleared area on the property and reminded the board that the Zoning Ordinance requires a minimum of a 30-foot buffer. S. Keach stated this part of the ZO is subjective. Chairman Weimar suggested the board do a site visit and S. Keach agreed.

S. Keach commented about item #14 in his letter concerning the construction of the cistern and related requirements; Keach stated his remarks as well as HFD Deputy Chief Warnock's should be taken into consideration. Comment #15 relates Inspection & Maintenance documents which should be referenced as part of the condo documents.

S. Keach stated he feels the plan is ready for acceptance. M. Hanides asked if the plan has changed substantially enough and S. Keach replied yes. R. Clark commented that there are two elderly projects under review, one is trying again to be accepted while the other application has been a lot of back and forth. R. Clark commented that there are discrepancies on the pages within the plan set for this project. R. Clark says it still bothers him that there is a 5-page review letter from KNA. Chairman Weimar commented that these discrepancies need to be addressed.

Chairman Weimar feels the buffer zone is an issue and the board needs to look at a landscape plan. S. Keach commented that page 9 (Landscape) of the plan set refers to page 4 of the plan set and there is no information on page 4. Chairman Weimar feels the landscape item is critical and he would like to see that information before approval.

J. Lavelle stated that S. Keach could visit the site and make his recommendations. Chairman Weimar feels it is critical for the PB to visit the site and suggested the board schedule the visit before it snows.

M. Hanides commented that he would like to see the plan cleared up as it has been months. DJ Howard stated the houses on Beverly Drive are pretty far off. J. Lavelle stated they will do what makes the neighbors happy. M. Hanides commented he would like to see more done.

Chairman Weimar asked for public comment.

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Michael Kissel – 103 Beverly Drive – commented the developer cut the trees first and then asked permission later, the property was cleared to the stone wall. M. Kissel stated he would like to know how the project sits in relation to his house. J. Lavelle gave him a copy of a plan set for his information.

Chairman Weimar asked the board to make a motion. J. Lavelle commented that the engineer feels the application is complete enough. Chairman Weimar stated he appreciates Keachs input but he has no vote on the board. R. Clark commented that the board needs to accept jurisdiction to do a site visit.

MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 01-091-01 & 091-02 Cameron Court aka 70 & 90 Depot Road– Elderly Housing Development.

SECOND: B. Villella

VOTE: 5-2 (M. Hanides/K. Colbert nay)

Chairman Weimar commented that he believes the board shares the same concerns regarding the additional document requirements. Chairman Weimar is more concerned about scheduling a site visit asap.

S. Keach stated the site visit would be a continuation of the public hearing and the public is welcome to attend. The site visit was scheduled for Saturday, 12/10 at 9 AM.

Michael Kissel – 103 Beverly Drive – asked about the entrance location on the plan and J. Lavelle explained.

MOTION: B. Villella made a motion to continue the meeting for Map 01-091-01 & 091-02 Cameron Court 70 & 90 Depot Road– Elderly Housing Development to Saturday, 12/10/22 at 9AM at 70 & 90 Depot Road for a site visit; the public hearing will be continued to 01/03/2023 at Town Hall, 11 Main Street

SECOND: R. Clark

VOTE: 7-0

2. Map 12 Lots 19 & 37 – 233 Emerson Ave – Lot Line Adjustment (LLA)

James Lavelle from Lavelle Associates Inc. was present to represent the applicant. J. Lavelle explained the plan as a minor exchange of land between the two parcels. J. Lavelle stated intent of the LLA is to add frontage and clean up the line within the existing driveway.

S. Keach stated that Lavelle addressed the 11/28/2022 KNA letter and submitted a revised plan addressing his comments thus an updated letter dated 12/5/2022 from KNA has been issued. J. Lavelle stated that the boundary monuments have been set and will provide the board with a letter to that effect.

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MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 12 Lots 19 & 37 – 233 Emerson Ave – Lot Line Adjustment.

SECOND: R. Gray

VOTE: 7-0

Chairman Weimar asked for public comment.

Douglas Brunelle - 279 Emerson Ave – indicated he only received his notification letter 5-days ago and wanted to understand how the change would affect his property. J. Lavelle provided him with a copy of the plan set.

Chairman Weimar closed the public comment session.

MOTION: R. Clark made a motion to grant 90-day conditional approval for the Map 12 Lots 19 & 37 – 233 Emerson Ave – Lot Line Adjustment subject to all comments in the 12/05/2022 KNA letter being satisfactorily addressed.

SECOND: B. Villella

VOTE: 7-0

S. Murphy asked why the LLA is being made. J. Lavelle stated to straighten the driveway and to adjust the existing encroachments on the back of the property.

Chairman Weimar asked J. Lavelle if he could ask about the status of 10 Miners Way. D. Soucy gave J. Lavelle a copy of a recent KNA field report which indicated that paving was done 3' past what was previously approved, the property owner was advised on 11/2/2022 to reach out to his consultant (Lavelle) regarding the matter. J. Lavelle stated he would get on the matter.

Other Matters

1. Map 12 Lot 130 – 2 Starwood Drive – Change of Use/Occupancy – rescheduled to 12/19/2022 PB workshop

2. Map 17 Lot 051 – Merryfield Lane Extension – Bond Reduction

Chairman Weimar asked D. Soucy to review the paperwork on the Merryfield Lane Extension project from J. Quirk KNA recommending the Town accept the road and reduce the bond amount to \$10K.

MOTION: B. Villella made a motion to reduce the bond amount for the Merryfield Lane Extension Subdivision to \$10K

SECOND: R. Clark

VOTE: 7-0

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Planning Board Matters

1. Town Engineer Comments - KNA Contract Extension Discussion

Chairman Weimar informed the board that he had sent a letter to S. Keach asking to extend the engineering contract for a one-year period to 12/31/2023 and asked S. Keach if he had any comments on the document. S. Keach stated he looks forward to working with Hampstead and he had no issues with the letter, he added he sent a document late this afternoon to the PB office with a document for signature.

Chairman Weimar informed the board that they waited too late in the year to put the contract out to bid, however he added if any members felt it was necessary, they could go out to bid in 3 or 6 months, etc. Chairman Weimar added that some board members feel the contract should go out to bid every 3 years, he recommended an extension this year with the contract going out to bid next year. D. Soucy stated she would recommend the process start in August.

2. Correspondence – Chairman Weimar reviewed the correspondence.

- a. Map 4 Lot 002 aka 143 Mills Shore Drive – Wetlands Permit by Notification – replace retaining wall and concrete steps

3. Member Comments

DJ Howard asked if there is anything the board can do about clear cutting a property. R. Clark stated if the land owner filed an intent to cut there is nothing the board can do, it's not a PB matter. S. Keach commented that the clearing occurred before the application was submitted to the board. S. Keach reminded the board that the previous approval was for single-family homes on the lot and there is no buffer requirement, the current application requires a minimum 30-foot buffer.

K. Colbert had a question about the Change of Use at 2 Starwood Drive. D. Soucy indicated that the property owner needs to provide the PB with more information on the septic allocation for the units within the building, the new use is allowed in the zone, however, septic needs to be verified. The property owner expects to have information ready by the 12/19/2022 workshop.

Chairman Weimar commented that there are two-additional documents in the member packet that contain sample regulations regarding buffer restoration, landscape design, and parking designs. Chairman Weimar would like the board to familiarize themselves with the documents for discussion at the 12/19 workshop.

S. Keach commented that the document titled "Section 303 Design & Construction Standards" page 81 starts the Landscape and Buffer Requirements, the board may want to use this as a guide for one of tonight's earlier applications that did not provide a landscape plan. S. Keach added that Hampstead's current design standards for parking is not inclusive and feels it should be revisited.

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DJ Howard confirmed that these suggested design standards are for the Land Subdivision Regulations as well as Site Plan Regulations. DJ Howard asked if the board could develop more specific wording on the egress requirements.

4. Review of Minutes (11/21/2022 Workshop)

MOTION: R. Clark made a motion to accept the 11/21/2022 workshop minutes as presented.

SECOND: M. Hanides

VOTE: 7-0

Chairman Weimar commented that he plans on attending the next BOS meeting.

5. Adjourn

MOTION: B. Villella made a motion to adjourn at 8:15 P.M.

SECOND: S. Murphy

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary