

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes February 6, 2023

Pledge of Allegiance

A meeting of the Planning Board was held on Monday, February 6, 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), Randy Clark, Mike Hanides, Kim Colbert, Bob Villella, Lewis Eaton, alternate DJ Howard, and Steve Keach, Keach-Nordstrom Associates.

Chairman's Remarks

Next Public Hearing Date March 6, 2023

Filing Deadline for the March 6, 2023 meeting is February 6, 2023

Old Business

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

T. Lavelle from Lavelle Associates was present to represent the applicant. T. Lavelle gave an overview of the plan and stated since the last meeting they have added a buffer plan page and a sight-line plan. T. Lavelle indicated he was looking for comment from the board this evening on the buffer plan.

T. Lavelle stated that the AOT permit is still pending, fish & game asked for additional information. Chairman Weimar asked what the nature of fish & game requests. T. Lavelle stated they were asking for studies looking for spotted turtles and the like.

Chairman Weimar asked S. Keach for his input. S. Keach summarized his 2/1/2023 review letter and commented that this submission represents a substantially complete set of plans. S. Keach indicated that State permits, AOT, septic approval, lot consolidation, and performance guarantee are all pending and could be a condition of approval. S. Keach moved on to comments concerning zoning matters and indicated matters are still in process. S. Keach informed the board that legal documents were sent to attorney Gorrow and she provided remarks her remarks 1/19/2023; D. Soucy added there has been no response to date from the applicant.

S. Keach reviewed his comments concerning the buffer requirement of a minimum of 20-30 feet, however the board has discretion, he added that the northwest property line was an area of concern during the site walk. S. Keach feels the board needs to discuss the matter this evening.

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S. Keach asked for final grades for the septic systems being proposed on the site. S. Keach added that he would like comment from the HFD concerning the location of the proposed fire cistern.

S. Keach suggested that the Storm Water Management, Inspection & Maintenance manual be referenced in the legal documents for future reference by the condo association.

S. Keach commented the subjective matter to be discussed is the buffer restoration plan.

Chairman Weimar asked if the fire cistern details were reviewed. S. Keach responded that Gregsak reviewed the details and did the calculations. Chairman Weimar stated that the ground level shows an elevation of 266 and commented the water table is five feet below that elevation and could be higher. S. Keach stated the cistern design was reviewed by Gregsak office and they submitted calculations for the cistern. S. Keach explained the fire cistern is a tunnel tank design and how it works. Chairman Weimar asked for confirmation that the condo association would own the cistern and be responsible for maintenance and repairs. S. Keach confirmed this would be the case.

M. Hanides commented about page 6 of the plan referencing a silt fence when the legend calls out the symbol as something else. M. Hanides referred to two sections of the buffer and feels they are closer than 30 feet requirement from the property line. T. Lavelle commented about the limits of clearing and added that he would have Gregsak review and revise as needed. S. Keach commented that page 16 shows the buffer, he also referred to a comment on his review letter regarding this matter.

K. Colbert asked if there was a reason why the lots have not been voluntarily merged. S. Keach stated there are currently two lots under the same ownership and the applicant is awaiting PB approval to merge the lots, the voluntary lot merger would be a condition of approval. R. Clark agrees not to combine lots until approval is received but asked what would hold this up at this time. S. Keach stated there are still a few outstanding items.

T. Lavelle commented that he would not be asking for conditional approval this evening. T. Lavelle stated that they have started the design for the septic systems being proposed on the site and will add that information to the plan set. Chairman Weimar commented he would like to see the final proposed grade of the septic systems added to the plan.

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D. Soucy asked that the test pit data be added to the plan set as previously discussed at the last public hearing. D. Soucy asked that the number of trees being proposed be added to the buffer restoration plan.

M. Hanides asked about the elevation of the trees in relation to the existing houses and was referred to sheet 17 of the plan set. DJ Howard asked about the distance between the existing houses and the property line of the new development. Chairman Weimar commented that area is sparse. Chairman Weimar commented about the description of the trees and T. Lavelle stated the intention is to have 6 foot trees. Chairman Weimar asked for this information to be added as a plan note along with the total number of proposed plantings, T. Lavelle agreed.

S. Keach talked about the standard nursery stock and sizes for evergreen trees versus deciduous trees, one is described by height and the other by caliper. S. Keach commented that the illustration on the plan page needs to be changed to a tree versus a shrub.

Chairman Weimar asked the planning board for any additional questions. T. Lavelle stated he would be asking for a continuance. L. Eaton commented that the plan has come a long way.

Chairman Weimar asked for public comment.

Myrick Bunker – 59 Beverly Drive – had a question regarding the Wetland buffer provision (II-2:6) and stated no building activity is allowed within the wetlands and the applicant is proposing a road through the wetlands. S. Keach commented that a road is not considered building activity and has been administered by the Chief Building Official this way for decades. R. Clark stated he recalled that the Zoning Ordinance allowed for a roadway, utilities, etc. to be constructed (II-2:9 Conditional Use Permits). M. Bunker stated that building activity is not defined in the ZO and feels the zoning should be changed. Chairman Weimar stated point taken.

Tracy Dundgeon – 59 Beverly Drive – had a question regarding the calculation of wetland soils and stated that wetlands are not used in the calculation per zoning therefore the applicant would not have the 15-acre lot required to develop elderly housing.

S. Keach responded that there are two different issues, the elderly zoning requires a minimum 15-acre lot, the density allowed on the lot is then calculated by using soils, in

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that calculation poorly and very poorly drained soils are not allowed in the density calculations. S. Keach referred to page 2 of the plan set which has the lot loading calculations for the project.

Myrick Bunker – 59 Beverly Drive – commented he feels the wetlands are not included. S. Keach stated that is not how the zoning ordinance has been interpreted and administered over the years. Chairman Weimar stated the gross area of 15-acres is not what the dwelling units are based on, rather the number of units is based on soils. Chairman Weimar commented that all elderly developments have had this applied as part of approval.

Tracy Dundgeon – 59 Beverly Drive – commented that is not what is on the website and finds it frustrating to figure out how the zoning ordinance is applied, she added it is not in writing. Chairman Weimar stated her point was taken.

Chairman Weimar asked if there were additional questions from the public and there was none.

Chairman Weimar reminded the consultant that the Conservation Commission Chairman, Tim Lovell, wrote a letter outlining his concerns about the wetland delineation on the site. Chairman Weimar would like the wetland/soil scientist to meet with Tim Lovell to address his concerns. S. Keach stated he has folks on staff that can address the matter. S. Keach stated he would work with T. Lavelle to coordinate.

R. Clark asked T. Lavelle if he foresees any issues resolving the outstanding matters by the 3/6 meeting. T. Lavelle stated the drawings would be completed by 3/6 but cannot confirm the other issues. R. Clark asked if T. Lavelle would mind pushing the hearing out to 4/3/2023. T. Lavelle was agreeable to extend the 65-day period and stated 4/3/2023 was fine with him.

MOTION: R. Clark made a motion to continue the hearing for Map 01-091-01 & 091-02 Cameron Commons 70 & 90 Depot Road– Elderly Housing Development to the 4/3/2023 public hearing.

SECOND: B. Villella

VOTE:7-0

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New Business

1. Map 13 Lots 47 & 103 aka 330 & 342 East Road, Lot Line Adjustment

Ryan Lavelle was present from Lavelle Associates to represent the applicant. R. Lavelle stated this was a simple lot line change with a transfer of .26-acre to parcel A. R. Lavelle commented that the existing structures are too close to the lot line and this plan proposes a correction.

Chairman Weimar asked S. Keach for his comment. S. Keach stated he issued one review letter and received a quick response with a resubmission. D. Soucy stated the PB office received a letter from Lavelle late this afternoon indicating the monuments have been set on the project.

MOTION: B. Villella made a motion to accept jurisdiction of the application for Map 13 Lots 47 & 103 aka 330 & 342 East Road, Lot Line Adjustment.

SECOND: R. Clark

VOTE: 7-0

Chairman Weimar asked for public comment and there was none.

MOTION: R. Clark made a motion to grant 90-day conditional approval for a Lot Line Adjustment for property located at Map 13 Lots 47 & 103 aka 330 & 342 East Road.

SECOND: B. Villella

VOTE: 7-0

2. Map 18 Lot 040 aka 105 Brown Hill Road, Subdivision of Land

Tim Lavelle from Lavelle Associates was present to represent the applicant. T. Lavelle explained the plan and stated the existing parcel is 3.5-acres with a dwelling and garage, the subdivision proposes an additional lot. There is a proposed driveway easement for access to the new lot to avoid a dredge and fill permit.

Chairman Weimar asked S. Keach for his comments. S. Keach referenced his engineering review letter dated 1/31/2023 and noted there were several comments related to the proposed new driveway. S. Keach had comment regarding the driveway length and grade. Chairman Weimar asked if moving the driveway would affect the 4K area for the septic. S. Keach wanted more information on the driveway as a possible culvert may be needed. L. Eaton asked if Keach was suggesting moving the driveway further south. S. Keach explained the width of the driveway and stated the easement may need to be expanded. S. Keach indicated he asked for a grading plan for the driveway.

M. Hanides asked about the soils mapping. S. Keach reviewed the soil calculations and asked T. Lavelle to add the data to the plan.

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D. Soucy asked about the Map/Lot number being proposed for the new lot. T. Lavelle stated that there was a prior subdivision from the mother lot Map 18 Lot 040 labelled 18-040-001 (subsequently reassigned different map/lot 18-174). It was confirmed that Map 18 Lot 040-002 is the appropriate label for the new lot.

MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 18 Lot 040 aka 105 Brown Hill Road, Subdivision of Land.

SECOND: L. Eaton

VOTE: 7-0

S. Murphy questioned the proposed shape of the new lot and assumed it had to do with the soils mapping. T. Lavelle stated the frontage requirement was how the shape was derived.

Chairman Weimar asked for public comment.

Frank Forgit – 65 Indian Ridge Road – lives behind the proposed dwelling and heard a comment about encroachment and would like further clarification. S. Keach stated he had originally remarked about the proposed house location encroaching on the side yard of the existing building. T. Lavelle explained the proposed house location was moved and explained the matter to the abutter.

Chairman Weimar closed the public comment session.

R. Clark asked the consultant if he needed more than one month to address the outstanding issues. T. Lavelle stated one month would be fine. Chairman Weimar commented that the driveway matter is important.

D. Soucy commented that someone interested in purchasing the property was at the Town Hall offices earlier today and was not aware there was a proposed subdivision on the lot. D. Soucy asked T. Lavelle to ask the realtor to remove the listing since the Town's Subdivision Regulations clearly state that land should not be offered for sale under the subdivision plan is recorded at RCRD. T. Lavelle stated he would handle the matter.

T. Lavelle asked about the street address assignment for the newly proposed lot. D. Soucy stated she spoke with HFD Deputy Chief Warnock earlier in the day and both agreed the number would be between 105-121 since access will be via the easement and not the lot frontage.

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MOTION: R. Clark made a motion to continue the public hearing for the subdivision application for property located at Map 18 Lot 040 aka 105 Brown Hill Road. R. Clark asked that the outstanding items be addressed prior to the next meeting.

SECOND: B. Villella

VOTE: 7-0

Planning Board Matters

1. Town Engineer Comments

S. Keach reminded the board that J. Quirk had discovered work done beyond approved limits for property located at 11 Miners Way. T. Lavelle was asked when the board could expect to receive an application for the amended site plan. T. Lavelle stated the application would be filed by the next filing deadline of 3/6/2023.

2. Correspondence

- a. Town of Kensington, Cell Tower, Public Hearing 2/15/2023

3. Member Comments

Chairman Weimar informed the board that he and K. Colbert met and worked on proposed language for landscape and architectural regulations to be presented to the board for comment at an upcoming meeting.

DJ Howard asked about PB sign ups for the upcoming March 7th election. Members M. Handies, R. Clark, L. Eaton, and B. Villella are all seeking re-election. Two other sign-ups included Matt Johnson and Chad Pimentel.

4. Review of Minutes (1/17/2023 Workshop)

MOTION: B. Villella made a motion to approve the 1/17/2023 workshop minutes as presented.

SECOND: R. Clark

VOTE: 5-0-2 (S. Murphy & M. Hanides abstained)

5. Adjourn

MOTION: B. Villella made a motion to adjourn at 8:25 PM

SECOND: R. Clark

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary