

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes April 3, 2023

Pledge of Allegiance

A meeting of the Planning Board was held on Monday, April 3, 2023 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live on HCTV 17.

PRESENT: Robert Weimar (Chairman), Lewis Eaton (Ex-Officio), Randy Clark, Mike Hanides, Kim Colbert, Matt Johnson, alternates Susan Hastings and DJ Howard, and Steve Keach, Keach-Nordstrom Associates.

Chairman's Remarks

Next Public Hearing Date May 1, 2023

Filing Deadline for the May 1, 2023 meeting is April 3, 2023

Board Business

1. Welcome Lewis Eaton as BOS Ex-Officio and new board member Matt Johnson R. Clark suggested that an alternate be appointed to vote. Chairman Weimar announced that DJ Howard would be voting this evening.

2. Election of Officers

MOTION: DJ Howard made a motion to elect Robert Weimar as Chairman

SECOND: M. Hanides

VOTE: 7-0

MOTION: M. Hanides made a motion to elect Randy Clark as Vice-Chairman

SECOND: K. Colbert

VOTE: 7-0

MOTION: R. Clark made a motion to elect Debbie Soucy as Secretary

SECOND: R. Weimar

VOTE: 7-0

3. Discussion regarding open PB position

Chairman Weimar asked the board if they knew of anyone that would like to nominate. M. Hanides stated he would nominate Alan Davis to the open position and added that he had expressed interest. L. Eaton stated he would recommend Alan Davis as well. K. Colbert stated she would support the nomination. Chairman Weimar asked D. Soucy to send a letter to the BOS regarding the appointment of Alan Davis to the board.

MOTION: M. Hanides made a motion to appoint Alan Davis as a full-time PB member

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SECOND: K. Colbert

VOTE: 7-0

Old Business

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

T. Lavelle from Lavelle Associates was present to represent the applicant.

K. Colbert commented that there is no updated information. Chairman Weimar commented that new information was supplied to the PB office but was received late. Chairman Weimar stated he wants to understand the developer's intentions. K. Colbert stated she wants the board to follow its own rules. R. Clark commented that this hearing was continued from the last meeting and stated the board can hear what they are doing. D. Soucy stated that procedurally the matter had to be on the agenda. R. Clark added that the abutters were told on 3/6/2023 that the hearing would be continued to 4/3/2023. K. Colbert stated she would like to discuss in more detail at a workshop.

T. Lavelle stated that since the last meeting he has designed all the septic systems. T. Lavelle added he had worked on the grading plan along with the septic design. T. Lavelle indicated that there has been back and forth with the State AOT division and added that Fish & Game are all set. T. Lavelle commented that he thought the AOT permit would be in hand this evening.

Chairman Weimar stated that he understands coordination takes some time. D. Soucy added that the PB office received revised legal documents from the applicant's attorney earlier today.

Chairman Weimar asked if the board had any questions. S. Keach commented that since the site walk the board was sent reports from Chris Danforth, KNA and Bruce Gilday, the applicants wetland scientist. Chairman Weimar commented that he appreciates the cooperation getting additional information.

Chairman Weimar referenced a letter received 2/26/2023 from an interested party. D. Soucy summarized the correspondence from Dudgeon/Bunker in which the boards interpretation of the Zoning Ordinance was questioned. Bunker referenced II-2:6 Buffer Provisions of the Wetland Ordinance ... "no building activity" ... however if you continue to read the ZO in it's entirety II-2:9 Conditional Uses ... "construction of a road" ... is allowed. D. Soucy added that the ZO has been interpreted this way for over 40 years.

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D. Soucy commented that by virtue of submission of the application the developer is asking for all needed approvals from the board, no separate application for a conditional use permit. S. Keach stated the conditional use permit is implied in the ZO but is not implicit. The memo on file from Kris Emerson speaks to the administrative gloss, i.e.. How the ordinance has been interpreted and implied. S. Keach stated that “building activity” is descriptive of something you would need a permit to build.

R. Clark suggested that anyone interested in this matter should be given the 3 documents that D. Soucy prepared for the board members. Chairman Weimar gave Bunker a copy of the material the board was referencing.

M. Hanides talked about moving roads and gaining access to a property via upland soils. D. Soucy commented that the board just approved a subdivision last month (Brown Hill Road) that had frontage on one side of the lot but due to wetlands they gained access via a driveway easement on the other side of the parcel to avoid the wetlands.

T. Lavelle asked for a 30-day continuance and asked if the board had any comment on the buffer or landscaping plan. T. Lavelle commented he feels that they are close. T. Lavelle stated the test pit data was added as a plan sheet. D. Soucy asked for the building design/elevations be added as a plan sheet. T. Lavelle stated he would add that to the plan set.

R. Clark made a motion to continue the hearing to 5/1 and DJ Howard seconded the motion. There was discussion regarding the motion and K. Colbert wants to change the motion to 60-days versus 30-days.

Chairman Weimar commented that this plan has been continued multiple times and the abutters need to keep aware. Chairman Weimar proposed an amendment to the motion to require that abutter’s be formally renoticed of the project. Chairman Weimar said he recognizes abutters have the most value at these PB meetings and need the opportunity to be at the hearing.

R. Clark stated the PB office would be doing the mailing at the applicant’s expense. T. Lavelle stated the applicant agrees to pay for the renote to abutters. D. Soucy was asked to craft a letter for the 5/1/2023 hearing.

MOTION: R. Clark made a motion to continue the hearing to the 5/1/2023 meeting with notice sent to abutters.

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SECOND: DJ Howard

VOTE: 7-0

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

Alex Camm from GPI and Steve Wentworth were in the audience. Chairman Weimar commented that the project attorney sent a letter to the board requesting a 30-day continuance. K. Colbert asked if the board should be hearing this matter. Chairman Weimar commented that the applicant has the right to file again and renotice abutters.

Chairman Weimar asked if there was a way to notify all concerned parties. D. Soucy commented that per the RSA abutters are defined and are the only parties the applicant needs to notice. D. Soucy suggested that maybe the “Keep Buttrick Road Safe” Facebook Page could post a copy of the rennotice for all the concerned parties that are not abutters as a courtesy.

Terri Eddy Malcolm – 12 Buttrick Road – Commented that many people in the neighborhood planned their schedule around this meeting. T. Malcolm stated that she got the word out via the Keep Buttrick Road Safe FB page that the attorney had requested a continuance.

M. Johnson stated he was concerned about posting the notice on FB. D. Soucy stated that per the RSA the abutters would be rennoticed and as a courtesy T. Malcolm would post the notice to all other concerned parties on her FB page.

M. Johnson asked if it would be proper to withdraw the application without prejudice. Chairman Weimar commented that the applicant was in attendance.

Steve Wentworth – Stony Ridge Road – stated that new information was provided to the board ahead of this meeting and referenced the additional traffic study. S. Wentworth stated there has been back and forth between his attorney and other parties as recent as last week. S. Wentworth stated he has been working for 4 months with the abutting neighbor on the access matter.

R. Clark asked S. Keach if he had a problem with the continuance request. S. Keach commented that the 65-day window is a time constraint on the board and not the applicant. R. Clark stated that both parties need to agree. S. Keach stated the board should consider the request and renotice the abutters. S. Keach stated he would treat this matter the same as the last hearing.

Steve Wentworth – Stony Ridge Road – indicated that all State permits are in hand. S. Wentworth indicated he may ask for a waiver at the next meeting knowing it will be denied. S. Wentworth stated in 30-days we will see one way or another.

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MOTION: R. Clark made a motion to continue the hearing to the 5/1/2023 meeting with notice sent to abutters.

SECOND: DJ Howard

VOTE: 6-0-1 (K. Colbert abstained)

Chairman Weimar cautioned another continuance request as the board has had enough.

Planning Board Matters

1. Town Engineer Comments

S. Keach stated he had received an inquiry from the owners of 10 Bricketts Mill Road regarding a conceptual plan for the commercial property. The land use proposal was for mixed development of a 12,000 square foot office on the first floor with a second floor as residential units. S. Keach informed the property owner that the use is not allowed in the commercial zone.

2. Correspondence - DRAFT March 2023 ZBA meeting minutes

Chairman Weimar stated he would like to talk to Randy about questions he had about the ZBA, difference between Special Exception and Variance. R. Clark provided a brief overview. D. Soucy commented that she recently sent out training links for PB and ZBA which include a specific training "Special Exception vs. Variance" for those interested in learning more.

3. Member Comments

DJ Howard asked about the status of the Miners Way project. Chairman Weimar commented that the board received an as-built plan from Lavelle however there were no drainage calculations included. Chairman Weimar stated that he would like to take further action if nothing is received by next month. D. Soucy stated she has spoken with the owner and he has committed to following up on the matter. D. Soucy will reach out to the property owner again.

K. Colbert asked about continuances and wondered if the board should be accepting jurisdiction of applications. Chairman Weimar asked if the checklist is a complete document. S. Keach commented that the checklist is just a box to check indicating that the information has been provided, when he performs a review he needs to confirm if the information supplied is correct and in conformance with ZO and regulations. S. Keach added that some consultants are more diligent than others with submissions.

S. Keach explained the submission and review process and comments that minor LLA and subdivisions are easy to review and approve while larger projects may take months to get PB approval.

DJ Howard commented about projects with lengthy KNA review letters and wondered if the board could push off those projects with excessive comments. S. Keach commented that major projects could have a design review before the public hearing.

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S. Keach referred to RSA 676:4 Board's Procedure on Plats II(b) Design Review Phase. S. Keach indicated that larger projects can be vetted before final consideration. The board would need to rework the application procedure section of the regulations if they wished to do this. Chairman Weimar suggested the board discuss at a workshop.

4. Review of Minutes (3/6/2023 Meeting Minutes)

MOTION: DJ Howard made a motion to accept the 3/6/2023 minutes as presented

SECOND: R. Clark

VOTE: 6-0-1 (M. Johnson abstained)

5. Adjourn

MOTION: M. Johnson made a motion to adjourn at 8:45 P.M.

SECOND: L. Eaton

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary