

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes April 5, 2021

A meeting of the Planning Board was held on Monday, April 5, 2021 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

PRESENT: Steve Wentworth, (Chairman), Randy Clark, Sean Murphy, Chuck Ashford, Jr., Bob Vilella, Mike Hanides, Kim Colbert, Susan Hastings (alternate) and DJ Howard (alternate). Steve Keach, Keach-Nordstrom Associates, Town Engineer.

CHAIRMAN'S REMARKS

Next Public Hearing Date May 3, 2021

Filing Deadline for the May 3, 2021 meeting is April 5, 2021

Old Business

1. Map 13 Lots 26 & 35 – 62 East Road – Lot Line Adjustment (LLA)

Property owner, Jeffrey Duford was present to answer questions regarding his proposed LLA. An engineered driveway plan was presented to the board and was reviewed by the Town Engineer, Steve Keach. A memo dated 4/2/2021 from Keach states "it appears the design is in substantial conformance with applicable requirements for residential driveway construction...." (memo is an attachment to these minutes).

Chairman Wentworth asked the board members if they had any questions/comments.

K. Colbert asked about a driveway swale. Bill Gregsak, Engineer, stated the driveway was designed in accordance with the regulations, there is a 5% grade off Cherubs Way, the grade changes to 10%, then accesses buildable area.

K. Colbert asked about driveway setbacks. There are no driveway setback regulations. All building setbacks will be met. R. Clark commented that construction will take down parts of a stone wall where other areas will remain.

Chairman Wentworth read Road Agent Jon Worthens email of 3/1/2021 and Deputy Chief Warnock's email of 3/1/2021 into the record once again. Both are in favor of the proposed driveway.

Chairman Wentworth asked for additional member comments. R. Clark read from Keach 4/2/2021 memo "we recommend that the applicant, as owner of both lots 13-26 and 13-35, reserve a narrow (10-15 foot wide) driveway easement over a limited portion of Lot 13-26 (running along and parallel with that segment of contemplated common boundary having a reported length of 258.25 feet) for future benefit of Lot 13-35.this

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will also enable the driveway slope to be flattened from 2:1 to 3:1 for improved driver safety and ease of future maintenance.” R. Clark stated he agrees with this recommendation.

Keach commented that the driveway is safe as drawn, however a 3:1 slope is easier to mow and maintain.

Mike Hanides provided the following comments:

Lot 13-35 does not meet the zoning requirement for lot shape. The current application is not materially different from 2010 because regardless of the number of lots the reason for denial in 2010 is the same reason this application should be denied today. It does not meet the requirement of Hampstead zoning ordinance III-2:4B. In addition, the side lot lines are not perpendicular to the street and therefore do not meet the requirements of Hampstead subdivision regulation 3-B.

Currently lot 13-26 meets the shape requirement of Hampstead zoning ordinance III-2:4B. Allowing this lot line adjustment will make lot 13-26 nonconforming for shape because it is making the lot less rectangular. It is not the planning boards job to grant relief from zoning requirements and clearly allowing this lot line adjustment creates nonconforming conditions therefore this application should be denied. M. Hanides feels approving the LLA would set a bad precedent for the Town.

S. Keach stated the preference is to have rectangular shaped lots “where possible” and side lot lines perpendicular “in so far as practical”. Keach read from his prior review letter, granting of the LLA would create two conforming lots where they are currently both non-conforming lots of records. Keach reminded the board that this application is for a LLA and not a subdivision.

M. Hanides stated he still does not agree. D. Howard commented that he doesn’t like the plan and feels it is a bad precedent for the town.

Chairman Wentworth asked for public comment.

Colleen King – 29 Cherubs Way – stated she did not feel the two lots are non-conforming. One lot is landlocked. She feels it would be short sighted and unreasonable to grant the LLA. C. King stated the board voted the application is materially different however she disagrees and feels it is the same application. C. King referenced RSA 676:4 , section on minor lot line adjustments, she feels the proposal should not be approved, adding it will set a bad precent.

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Elizabeth Selecky – 10 Cherubs Way – stated she felt the zoning is being manipulated to make the lot buildable. Chairman Wentworth explained the soil-based lot sizing requirements and frontage requirements. E. Selecky stated she does not agree. Wentworth commented that the board sought legal opinion on the application.

Chairman Wentworth closed the public comment session.

K. Colbert asked for clarification of a LLA. R. Clark explained.

S. Keach commented that RSA 676:4 refers to the board's procedures on plats. Keach stated the statute referenced is procedural not factual. Keach commented that the application does not deviate from the RSA.

K. Colbert commented she is concerned about setting a precedent. S. Wentworth explained that the town has been using soil-based lot sizing since 1987. R. Clark gave a brief history of his experience with the ZBA and PB as it relates to these types of cases. R. Clark gave 5 examples where variances were granted.

Chairman Wentworth gave an example of the court overturning the board's design of a subdivision denial on a private road; the judge allowed the subdivision even though the road was not to standard.

D. Howard commented that the board should not make a decision based on what another board may or may not do in the future.

MOTION: B. Villella made a motion to approve the LLA for land located at Map 13 Lots 26/35, 62 East Road, with the contingency of a 15-foot driveway easement be granted to improve the slope to 3:1.

SECOND: R. Clark

VOTE: 4-3 (C. Ashford, K. Colbert and M. Hanides voted against)

2. Map 6 Lot 045 – 264 Stage Road – Subdivision of Land

MOTION: R. Clark made a motion to continue the subdivision application for Map 6, Lot 45, 264 Stage Road to the 6/7/2021 public hearing.

SECOND: B. Villella

VOTE: 7-0

3. Map 17 Lot 172 – 200 Central Street – Subdivision of Land

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MOTION: R. Clark made a motion to continue the subdivision of application for Map 17, Lot 172 to the 6/7/2021 public hearing.

SECOND: B. Villella

VOTE: 7-0

New Business

1. Map 9 Lots 162/163 – 266 & 272 Kent Farm Road – Lot Line Adjustment (LLA)

T. Lavelle was present to represent the applicant. T. Lavelle stated the LLA proposes an equal swap of about 6,300 square feet of land, adding more area for the ADU and a garage; the driveway easement is being redrawn as well.

K. Colbert asked if the zoning setbacks are still met with the LLA. T. Lavelle stated they are in compliance with the setbacks.

MOTION: R. Clark made a motion to accept jurisdiction of the application for a LLA for property located at Map 9 Lots 162/163 – 266 & 272 Kent Farm Road.

SECOND: C. Ashford

VOTE: 7-0

Chairman Wentworth asked for public comment and there was none.

MOTION: B. Villella made a motion to grant conditional approval for a LLA for property located at Map 9 Lots 162/163 – 266 & 272 Kent Farm Road.

SECOND: C. Ashford

VOTE: 7-0

2. Map 9 Lot 163 – 272 Kent Farm Road – Accessory Dwelling Unit (ADU)

V. Dingman was present to represent the applicant. The board reviewed the ADU package. R. Clark read Section IV-14:3 Detached Accessory Dwelling Units, "Detached Accessory Units are not allowed. A detached unit includes but is not limited to a connection from one structure with an ADU to another structure with the PDU by a breezeway." S. Wentworth stated an open breezeway is not allowed; you would need a hallway.

D. Howard indicated the zoning states "the primary and accessory units shall be connected by an interior door". D. Howard stated a garage door is not an interior door.

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Chairman Wentworth polled the other board members. M. Hanides feels the application does not meet zoning requirements. K. Colbert had no opinion. S. Murphy stated it does not meet the requirements.

Chairman Wentworth stated the connection needs to be to an interior door. Scotti stated that K. Emerson said an open breezeway was ok. R. Clark stated he would normally take what K. Emerson says to the bank, but not in this case. The board suggested Scotti come back next month with a better plan.

MOTION: B. Villella made a motion to accept jurisdiction of the application for an ADU for property located at Map 9 Lot 163 – 272 Kent Farm Road.

SECOND: R. Clark

VOTE: 7-0

MOTION: B. Villella made a motion to continue the application for an ADU for property located at Map 9 Lot 163 – 272 Kent Farm Road to the 5/3/2021 public hearing.

SECOND: C. Ashford

VOTE: 7-0

3. Map 16 Lot 1-2 – 28 Hadley Road – Accessory Dwelling Unit (ADU)

T. Lavelle was present to represent the applicant. T. Lavelle indicated the application is for a newly constructed, 4-bedroom PDU 2,650 sq ft, and a 1-bedroom ADU 1,140 sq ft. The ADU meets all zoning requirements and State septic approval has been received. T. Lavelle stated all zoning setbacks are met.

R. Clark stated the 500-foot driveway needs a large turnaround.

MOTION: B. Villella made a motion to accept jurisdiction of the application for an ADU located at Map 16 Lot 1-2, 28 Hadley Road.

SECOND: R. Clark

VOTE: 7-0

Chairman Wentworth asked for public comment and there was none.

MOTION: R. Clark made a motion to grant a conditional use permit for an ADU located at Map 16 Lot 1-2, 28 Hadley Road.

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SECOND: C. Ashford

VOTE: 7-0

4. Map 1 Lot 91 – 651 Main Street – Subdivision of Land

T. Lavelle was present to represent the applicant. This is a new subdivision with 1,100 feet of roadway and 8 new houses. The road was shifted to accommodate the pear tree. District 5 has looked at the subdivision but has not issued any permits yet. The wells are located on each lot. There will be a cistern located on one of the house lots. The name of the street has also been changed to Endicott Lane to pay homage to the tree.

Chairman Wentworth suggested that Mason sell the “strip of land” to the neighbor who has been a steward of the pear tree. Lavelle stated that’s between Mason and the other land owner.

MOTION: R. Clark made a motion to accept jurisdiction of the subdivision application for property located at Map 1 Lot 91, 651 Main Street.

SECOND: C. Ashford

VOTE: 7-0

S. Keach informed the board the consultant received a 7-page review letter with comments from Keach Nordstrom Associates. S. Keach pointed out certain items will require a waiver request.

D. Soucy asked about plan note #15 which states “There is no land of interest within 1,000 feet of the proposed development in accordance with Section VI, Part 1-Q of the Land Subdivision Regulations” D. Soucy commented that she believed John Mason was also part owner in the adjoining parcel, Map 1 Lot 91-1. T. Lavelle stated he would remove the note from the plan.

Chairman Wentworth asked for public comment.

Dennis Morrison – 37 Beverly Drive – Asked if there would be 7 or 8 house lots since the plan he received states 7. T. Lavelle confirmed 8 new house lots would be created. Morris commented that Map 1-91-1 was clear cut of trees and asked if the same would happen in this development. S. Wentworth commented that the board cannot mandate a buffer of trees in a subdivision.

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Chairman Wentworth closed the public comment session.

T. Lavelle requested a continuance to the next meeting.

MOTION: C. Ashford made a motion to continue the subdivision application for property located at Map 1 Lot 91, 651 Main Street, to the 5/3/2021 meeting.

SECOND: R. Clark

VOTE: 7-0

Other Matters

1. Map 12 Lot 015-3 Stateline Trailer Sales

The board reviewed the landscape plan for Stateline Trailer Sales. There were no objections and the board approved the plan as presented.

Planning Board Matters

1. Town Engineer Comments

2. Correspondence

- a. 3/22/2021 Thank you letter from RPC – Annual Dues
- b. 3/10/2021 Letter from Great North Property Management – Angle Pond Woods

3. Member Comments

D. Soucy informed the board that she was trying to connect with Jenn Rowden at RPC regarding the refined scope of services as it relates to the Master Plan (MP). D. Soucy will continue to follow up.

S. Murphy informed the board that the Capital Improvement Plan (CIP) Committee had met and finalized a list of 5 items that warrant consideration.

1. Hampstead Central School \$9 million
2. Fire Station Addition \$1.3 million
3. Memorial Gym/Community Center \$4-6 million
4. Hampstead Middle School – parking lot \$400K
5. Town Garage Addition - \$200K

S. Keach suggested that D. Soucy forward the CIP list to Jenn Rowden at RPC for inclusion in the MP.

S. Murphy stated he is awaiting a report on the life expectancy of the Memorial Gym.

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4. Review of Minutes (3/15 Workshop) – approved as presented

MOTION: R. Clark made a motion to accept the 3/15 minutes as presented.

SECOND: C. Ashford

VOTE: 7-0

5. Adjourn at 9:05 P.M.

MOTION: C. Ashford made a motion to adjourn at 9:05 P.M.

SECOND: B. Villella

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary