

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes October 4, 2021

A meeting of the Planning Board was held on Monday, October 4, 2021 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

PRESENT: Steve Wentworth, (Chairman), Sean Murphy, Randy Clark, Bob Villella, Mike Hanides, Kim Colbert, DJ Howard (alternate), Robert Weimar (alternate) and Steve Keach, Keach-Nordstrom Associates, Town Engineer.

CHAIRMAN'S REMARKS

Next Public Hearing Date November 1, 2021

Filing Deadline for the November 1, 2021 meeting is October 4, 2021

Chairman Wentworth announced that alternate, R. Weimar would be voting in place of C. Ashford, Jr. this evening.

Old Business

1. Map 01 Lot 091 – 651 Main Street Subdivision – Conditional approval expires 10/16/2021

James Lavelle, Lavelle Associates was present to represent the applicant. J. Lavelle indicated that the State had given the verbal approval for the project and they expected written approval shortly. J. Lavelle asked for an extension of the approval to the November public hearing.

MOTION: B. Villella made a motion to extend the conditional approval for Map 1 Lot 091, 651 Main Street to November 1, 2021

SECOND: R. Clark

VOTE: 7-0

K. Colbert asked why they needed a continuance. The consultant explained the outstanding State permitting.

2. Map 17 Lot 172 - 200 Central Street Subdivision

James Lavelle, Lavelle Associates was present to represent the applicant. J. Lavelle indicated that he was expecting Attorney Bernie Campbell to assist him with this matter, J. Lavelle stated he should be present around 7:15 PM and asked if the board could take up other matters until Attorney Campbell arrives. The board was fine with the request and asked J. Rowden with RPC to take the floor. (see Other Business for minutes)

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(Upon conclusion of Storm Water Management agenda item, the board began the discussion on the Central Street Subdivision application.)

Attorney Campbell stated he examined the issue regarding frontage for property located at Map 17 Lot 172, 200 Central Street. Attorney Campbell stated the issue is a technical legal matter.

Attorney Campbell reviewed his letter dated 10/1/2021 (note the letter was received by the PB office on 10/4/2021 after office hours, this was the board's first time seeing the letter). Campbell stated he asked NHDOT for information regarding the road and unfortunately there were no records of construction at the State level. Attorney Campbell indicated that the roadway was legislatively reclassified as a Class V Town Road, See Chapter 20, Laws of 1996.

Campbell stated the issue is the area within the stone walls, Campbell stated prior to 1933 that was a road. Campbell stated the town could not show proof the road was discontinued and he feels it is still a public way and feels it qualifies as frontage. Campbell feels the road is maintained by the town and feels the area is a Class V public way.

Campbell stated there are 3 things that can be concluded:

1. Prior to 1933 the area in question was a road.
2. It was never discontinued. There is no proof that it stopped being part of Central Street.
3. It is still maintained for public travel.

S. Murphy asked about needing a town vote to discontinue a section of road.

R. Clark asked about Class V status, specifically if the road must be maintained year-round. R. Clark stated that the town mows the grass in the summer however the area is not plowed, or maintained in the winter months, making the area Class VI

Chairman Wentworth stated his dad was the Road Agent at the time in question and he specifically remembers the area being overgrown with trees and rocks and never maintained for travel.

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D. Soucy asked B. Campbell where she could access the minutes he referenced in his 10/1/2021 letter since the letter she has dated 4/11/1995 from Michael Burlage, PE, District Engineer does not use the verbiage “extensive” . B. Campbell provided D. Soucy with the information.

R. Clark stated the town owns the piece of land in question, he disagrees that the area in question has Class V status. R. Clark stated the two lots on the east do not have frontage on a Class V road. R. Clark further stated the regulations do not allow a 12-foot driveway to be longer than 24 feet from the road. R. Clark stated none of the lots meet sight distance.

R. Clark stated that Central Street is not your typical residential road, 10 roads are off this main street. Central Street is also a pass through to Plaistow. R. Clark talked about the recent traffic study and most recorded speeds were 30-50 MPH with some speeds as high as 80 MPH. R. Clark reminded the board that at the first public hearing in March 2021 the neighbors had concerns about safety on the area of roadway in question.

J. Lavelle stated the lots have 300 feet sight distance in one direction and close to 400 feet in the other, he indicated the other lot has 225 feet of sight distance. Lavelle added that there are 7 driveways on Central Street without the 400 feet of sight distance.

Chairman Wentworth asked for public comment.

Alma Sheltra – 183 Central Street – stated she has lived in the area for 50 years. A. Sheltra commented that if the State did all this work in the area of Central Street there should have been a culvert installed. A. Sheltra stated the road ices over in the winter. A. Sheltra stated that when the road changed from State to Town there was no work done above the area of the Martell’s place. A. Sheltra once again spoke about all the accidents on this area of roadway.

Rita LaBella – property owner 200 Central Street – stated her deed shows she has 600 feet of frontage on Central Street. R. LaBella stated her dad lived on that property for over 90 years and indicated that he gave lots of land to the town. R. LaBella stated she wants to build her home on this property. R. LaBella stated she has been patiently waiting to have this matter settled and would like resolution.

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Pamela Pitman – Central Street – stated the Master Plan talks about green space and maintaining characteristics of the small town. She stated she would hate to see sections of the stone wall destroyed for this project.

Chairman Wentworth ended the public comment session.

Attorney Campbell stated that this matter has been on the board's agenda for quite a while and asked that the board take action this evening.

MOTION: R. Clark made a motion to approve the subdivision for property located at 200 Central Street, Map 17 Lot 172

Before the motion was seconded Vice-Chairman Clark informed the board members that he would be voting no for the following reasons: two proposed lots do not have frontage on a Class V road and none of the lots meet the required 400 feet of sight distance.

SECOND: M. Hanides

VOTE: 0-7

The application was denied for the following reasons:

1. Lots 17-172-2 and 17-172-3 do not meet the definition in Article I-4:0 of the Town's Zoning Ordinance, "Frontage: That part of the lot or lot line abutting an approved street, not interrupted by a lot or other ownership, or by a street."
2. Lots 17-172-1, 17-172-2, and 17-172-3 do not meet the required all season sight distance of 400 feet in both directions as specified by the Land Subdivision Regulations Section XV G.3

Other Business

1. Master Plan Subcommittee Update – Jenn Rowden, RPC

J. Rowden provided the board members with copies of the draft Vision Chapter of the Master Plan and stated the new vision statement includes the community goals as indicated in the latest survey results. J. Rowden stated she is working on the Story Map and is 90% complete. J. Rowden stated the core aspects of the Vision Chapter remained the same. It was noted the Master Plan should be a working and living document.

J. Rowden reviewed the Community Goals and gave a high-level overview of each.

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1. Preserve Community Character
2. Protect the Environment
3. Balanced Municipal Services
4. Ensure Recreational Opportunities and Facilities for All Ages
5. Encourage Commercial Services that Benefit Residents
6. Strive for a Diverse Housing Supply
7. Ensure Enough Clean Water for All
8. Provide Safe Roadways for Vehicles Bikes and Pedestrians
9. Protection Historic and Cultural Resources
10. Encourage Civic Engagement and Keep it High
11. Use the Master Plan to Guide the Town

B. Weimar spoke about the Vision Statement and stated it reflects what was stated in the Master Plan Survey Results.

2. Storm Water Management/ MS4 Update – Jenn Rowden, RPC

J. Rowden explained that Hampstead is in year four of the Federal MS4 Permit, as a result the town is required to adopt Storm Water Regulations. J. Rowden explained the requirements and stated that the EPA has stricter requirements than the town's current Storm Water Regulations. J. Rowden added that the EPA regulations are very intense.

J. Rowden stated she has worked with Steve Keach in several towns regarding this matter. J. Rowden asked the board members to refer to page 3 of the Southeast Watershed Alliance Model Stormwater Management Regulations, specifically the minimum threshold requirements. J. Rowden suggested reviewing the past two to three years-worth of projects to determine the average amount of disturbance.

J. Rowden explained that these regulations would only apply to those applications subject to site plan review.

S. Keach talked about a possible stand-alone document called Storm Water Management. S. Keach also stated that the BOS could adopt a town wide ordinance relevant to Storm Water Management.

J. Rowden cautioned the board that if the town accepts dirty water the town is then responsible to clean the water.

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B. Weimar asked about Table 1 and the Design Criteria. B. Weimar stated that the town will ultimately take over these structures and be responsible for maintenance. J. Rowden stated the property owner is responsible for maintaining the structures on their privately owned commercial site.

P. Carideo stated he was currently the only member on the Town's Storm Water Management Committee and indicated they are looking for a few more members.

B. Weimar asked about adoption of Storm Water Regulations. S. Keach explained the public hearing process.

S. Murphy talked about the Town's role as it relates to the MS4 permit and explained there are responsibilities associated with the BOS, other Town Departments, and the Planning Board.

J. Rowden talked about mapping the outfalls as a first step for the Town.

(Upon conclusion of this agenda item the board began the discussion on the Central Street Subdivision application.)

Planning Board Matters

1. Town Engineer Comments

S. Keach informed the board that Route 111 Auto Sales will be submitting an amended site plan showing a change in building location. This change is actually better since the building will now be located outside of the wetlands.

2. Correspondence – none

3. Member Comments

R. Clark spoke about the Winchester Heights 55+ project and the contract to the typical residential development at the start of Winchester Drive. R. Clark encouraged the other board members to take a drive by the site for themselves.

Chairman Wentworth informed the board that he would be attending the 10/6/2021 ZBA meeting as there is an applicant requesting 5 variances for a commercial project not allowed in the zone. S. Keach cautioned the board not to prejudice themselves against project in case it comes before PB.

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4. Review of Minutes (9/7/2021 public hearing)

MOTION: R. Clark made a motion to approve the 9/7/2021 meeting minutes as amended.

SECOND: R. Weimar

VOTE: 7-0

5. Adjourn

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

SECOND: S. Murphy

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary