

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes December 6, 2021

A meeting of the Planning Board was held on Monday, December 6, 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, Bob Villella, Chuck Ashford Jr., Mike Hanides, Kim Colbert, Susan Hastings (alternate), DJ Howard (alternate), Robert Weimar (alternate) and Steve Keach, Keach-Nordstrom Associates, Town Engineer.

CHAIRMAN'S REMARKS

Next Public Hearing Date January 3, 2022

Filing Deadline for the January 3, 2022 meeting is December 6, 2021

Conditional Use Permit

1. Map 16 Lot 045 – 74 Rolling Hill Road – Accessory Dwelling Unit (ADU)

Homeowner Donald Goodwin was present to answer any questions about the ADU proposal for property located at 74 Rolling Hill Road. D. Goodwin explained that he would be adding an 1,100 square foot addition to the existing home above the garage area. The board members reviewed the plans and information.

MOTION: C. Ashford made a motion to accept jurisdiction of the application for Map 16 Lot 045 – 74 Rolling Hill Road - ADU

SECOND: R. Clark

VOTE:7-0

MOTION: B. Villella made a motion to approve the application for Map 16 Lot 045 – 74 Rolling Hill Road – ADU as presented.

SECOND: R. Clark

VOTE: 7-0

Old Business

1. Map 1 Lot 091 – Brianna Woods Sub Division – Conditional Approval expires 12/6/21

T. Lavelle was present to represent the applicant and requested an additional 30-day extension of the approval.

MOTION: B. Villella made a motion to extend the conditional approval for Map 1 Lot 091 – Brianna Woods Sub Division to 1/3/2022

SECOND: C. Ashford

VOTE: 7-0

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Chairman S. Wentworth stepped down from his spot on the board and Vice Chairman R. Clark chaired the hearing on the following matter.

2. Map 11 Lots 290 & 291 Stony Ridge LLA – Conditional Approval expires 12/6/2021

Vice Chairman R. Clark read the request for an additional 30-day extension on the approval.

MOTION: B. Villella made a motion to extend the conditional approval for Map 11 Lots 290 & 291 – 32 & 40 Stony Ridge Road to 1/3/2022

SECOND: C. Ashford

VOTE: 6-0

Chairman S. Wentworth returned to his spot on the board.

3. Map 12 Lot 144 – 20 Bonnies Way – Subdivision of Land (ZBA hearing continued to 1/5/2022) – Continued to 2/7/2022

The consultant requested the hearing be continued to the 2/7/2022 Planning Board public hearing.

MOTION: C. Ashford made a motion to continue this agenda item to the 2/7/2022 public hearing.

SECOND: R. Clark

VOTE: 7-0

New Business

1. Map 09 Lot 198 – 46 James Drive – Subdivision of Land

Jim Lavelle and Tim Lavelle from Lavelle & Associates were present to represent the applicant. J. Lavelle explained that they would be creating one new lot with frontage on James Drive. J. Lavelle indicated the lot meets the soil lot sizing requirements. J. Lavelle stated he has added State Line coordinates to the plan since the original submission. R. Clark asked about the missing data from the plan sheets. T. Lavelle stated that they had addressed the planning and design matters earlier that day. S. Keach added that he received revised plan at 4PM today on the project.

J. Lavelle requested a continuance to the next meeting.

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MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 09 Lot 198 – 46 James Drive – Subdivision of Land

SECOND: B. Villella

VOTE: 7-0

J. Lavelle stated that the lot lines have been set on the property.

MOTION: B. Villella made a motion to continue the application for Map 09 Lot 198 – 46 James Drive – Subdivision of Land to the 1/3/2022 public hearing.

SECOND: R. Clark

VOTE: 7-0

2. Map 12 Lot 130 – 2 Starwood Drive – Amended Site Plan

Jim Lavelle and Tim Lavelle from Lavelle & Associates were present to represent the applicant. J. Lavelle had new plans for the board members. T. Lavelle presented the plan showing seasonal boat storage. T. Lavelle stated there is a question outstanding about the drainage that needs to be addressed. T. Lavelle stated there is a waiver request from the requirements for a truck maneuvering plan. T. Lavelle stated the area of boat storage is shown on the plan.

MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 12 Lot 130 – 2 Starwood Drive – Amended Site plan to show seasonal boat storage and expanded parking area.

SECOND: C. Ashford

VOTE: 7-0

MOTION: R. Clark made a motion to continue the application for Map 12 Lot 130 – 2 Starwood Drive – Amended Site plan to show seasonal boat storage and expanded parking area to the 1/3/2022 public hearing.

SECOND: B. Villella

VOTE: 7-0

3. Map 13 Lot 117 – 24 Hazel Drive – Amended Site Plan

Jim Lavelle and Tim Lavelle from Lavelle & Associates were present to represent the applicant. T. Lavelle stated the area for boat storage is shown on the plan. T. Lavelle stated that they have addressed all engineering review items. T. Lavelle stated there is a waiver request from the requirements for a truck maneuvering plan. There were also waiver requests for topography of boat storage area and Section V1:Z-J, K, and O.

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Keach stated the board should focus on what is being amended. S. Murphy noted that there is a proposed building on the plan. T. Lavelle indicated that is not a new proposal, rather an old approval.

B. Weimar asked about the requirements of the Hampstead Fire Department (HFD), as there was a 11/16/2021 email from Deputy Chief Warnock. T. Lavelle stated he would check on the boats that are currently on the site. S. Keach suggested T. Lavelle reach out to Deputy Chief Warnock directly and get him on site (D. Soucy contacted W. Warnock on 12/7/2021 asked him to visit the site.)

J. Lavelle commented that the area in question is not paved but is well compacted gravel.

MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 13 Lot 117 – 24 Hazel Drive – Amended Site plan to show seasonal boat storage

SECOND: B. Villella

VOTE: 7-0

B. Weimar stated there is no reference to other activities being done on the site as it relates to boats. T. Lavelle confirmed that the plan is for boat storage only.

MOTION: R. Clark made a motion to continue the application for Map 13 Lot 117 – 24 Hazel Drive – Amended Site plan to show seasonal boat storage to the 1/3/2022 public hearing.

SECOND: B. Villella

VOTE: 7-0

4. Map 17 Lots 122 & 123 – 91 & 99 East Main Street – LLA

Jim Lavelle and Tim Lavelle from Lavelle & Associates were present to represent the applicant. T. Lavelle stated the same owner holds title to both properties. T. Lavelle explained the plan. T. Lavelle indicated he did not send the plan to the State as of yet nor did they obtain HISS mapping.

T. Lavelle requested a continuance to the February 7, 2022 public hearing.

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B. Villella asked if the board really needed the HISS mapping since there are already 2 existing houses on the lots and no new lots are being created. Keach stated the applicant could request a waiver. R. Clark stated the alternative is an equal swap of land.

MOTION: R. Clark made a motion to accept jurisdiction of the application for Map 17 Lots 122 & 123 – 91 & 99 East Main Street for a Lot Line Adjustment (LLA).

SECOND: B. Villella

VOTE: 7-0

J. Lavelle asked if an equal area of land was swapped would HISS mapping be required. The board felt it would be better.

MOTION: R. Clark made a motion to continue the application for Map 17 Lots 122 & 123 – 91 & 99 East Main Street for a Lot Line Adjustment (LLA) to the 2/7/2022 public hearing.

SECOND: C. Ashford

VOTE: 7-0

There were audience members in attendance who asked to be heard. Mark Connelly, Map 13 Lot 139 and Chris Marston, Map 13 Lot 140, Evergreen Drive both own residential property that abuts Nicks Auto Body. M. Connelly indicated that the business has cleared land behind the shop and as a result a bright light is glowing onto their properties. D. Soucy stated she would have Code Enforcement check out the matter.

Other Matters

1. Map 16 Lots 1 & 25 – Hadley Road Extension Subdivision – Bond Amount Reduced to \$11,327

Chairman Wentworth read the KNA letter from Jeff Quirk suggesting a bond reduction on the project.

MOTION: R. Clark made a motion to reduce the bond amount on the Hadley Road Extension Subdivision, Map 16 Lots 1 & 25 to \$11,327 as proposed.

SECOND: B. Villella

VOTE: 7-0

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2. Additional 2022 Zoning Proposal – Wetland Buffer – Impervious Surface

D. Soucy explained the alternative proposal #2 relating to the Wetland Buffer.

Tim Lovell Chairman, Conservation Commission, was present and stated he supported the article. T. Lovell gave examples of projects impacting the wetlands and stated that Con. Comm. Wants all parking outside of wetland buffers.

S. Keach stated he had some concerns with the proposal and feels the wording is not appropriate. Keach felt the current wetland boundaries need to be reconciled in the zoning. Also, as far as the wetland definition is concerned there is no difference between poorly and very poorly drained soils. Keach stated he would not rush to patch something together for this year.

T. Lovell commented that town counsel could give her opinion on the proposal as well.

R. Clark read Zoning proposals #1, #2, and #3 for the board and public.

Article #1

To see if the Town will vote to amend Article II-1 Soiled Based Lot Size with the following changes:

In Article II-1:1 Minimum Lot Sizes by adding the following sentence after the first paragraph: "The minimum lot size requirements shall apply to all lots including, but not limited to, lots served by off-site water and/or municipal sewage facilities."

In Article II-1:3 Relationship Between State and Local Regulations by removing the following sentence: "If the state regulations address an issue not included in the local regulation, or if the local regulation addresses an issue not included in the state regulation, that regulation shall automatically apply."

Article #2

To see if the Town will vote to Amend Article II-2:6 Wetland Ordinance Buffer Provision by adding the following sentence:

"D. Also see Buffer Requirements Article IV-12."

Alternate Article #2

To see if the Town will vote to Amend Article II-2:6 Wetland Ordinance Buffer Provision by adding the following:

"D. Prohibited Use in Wetland and Wetland Buffer: No structures or impermeable surfaces that were not in existence prior to (date of adoption) are permitted within the Wetland Buffer. Also see Buffer Requirements Article IV-12."

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And to add the following to Article I-4 Definitions:

“Impervious Surface: A modified surface, that cannot effectively absorb or infiltrate water, including, but no limited to, structures, roofs, decks, patios, paved asphalt, concrete driveways, paved gravel or crushed stone driveways, parking areas, and walkways, unless designed to absorb or infiltrate water.”

Article #3

To see if the Town will vote to Amend Article IV-10:4 D. Elderly Housing Buffers by removing the following sentence:

“The criteria for establishing the Buffer zone is found in the “Non-Residential Site Plan Review Regulations” and “Subdivision Regulations” of the Town of Hampstead, as amended (Also refer to Section IV-12 of the Zoning Ordinance).”

And replacing it with the following sentence:

“Also see Buffer Requirements Article IV-12.”

MOTION: R. Clark made a motion to post Article #1 in a legal ad for public hearing.

SECOND: B. Villella

VOTE: 6-1 (S. Murphy voted against)

MOTION: R. Clark made a motion to post Article #3 in a legal ad for public hearing.

SECOND: K. Colbert

VOTE: 7-0

MOTION: R. Clark made a motion to post Article #2 in a legal ad for public hearing.

SECOND: B. Villella

VOTE: 7-0

Planning Board Matters

1. Town Engineer Comments – None
2. Correspondence
 - a. DRAFT 11/3/2021 ZBA Minutes
 - b. 11/20/21 Conservation Commission Field Report Map 8B Lots 12, 59 & 72 Matthews Drive – Variance Request
 - c. 11/24/21 NNE American Planning Association – Information

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3. Member Comments

K. Colbert asked a question about timeliness of application submissions. R. Clark and S. Keach explained the process and the benefits of accepting jurisdiction of an application.

B. Weimar informed the board members that the MP SubCom would be looking for the PB to review and discuss the DRAFT Vision Chapter of the MP at the upcoming PB workshop on 12/20/2021.

4. Review of Minutes (11/15 Workshop)

MOTION: B. Villella made a motion to accept the 11/15 Workshop minutes as presented.

SECOND: C. Ashford

VOTE: 4-3 (K. Colbert, M. Hanides, and S. Murphy abstained)

MOTION: R. Clark made a motion to go into non-public session under RSA 91A-3E Litigation

S. Murphy explained the process of going into and out of non-public session, requiring a roll call vote. S. Murphy also explained that the board would need to vote to seal the minutes of the non-public session if they so please.

VOTE: There was a roll call vote and all members voted in favor of going into non-public session to discuss pending litigation.

MOTION: There was a motion made to come out of non-public session.

VOTE: There was a roll call vote and all members voted in favor of coming out of non-public session.

MOTION: C. Ashford made a motion to seal the minutes of the non-public session.

SECOND: B. Villella

VOTE: 7-0

The sealed minutes are stored in the Town Hall offices.

5. Adjourn

MOTION: C. Ashford made a motion to adjourn at 9:15 PM

SECOND: B. Villella

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary