

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes January 3, 2022

A meeting of the Planning Board was held on Monday, January 3, 2022 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 (Ex-Officio), Bob Villella, Chuck Ashford Jr., Mike Hanides, Kim Colbert, Susan Hastings (alternate), Robert Weimar (alternate) and Steve Keach, Keach-Nordstrom Associates, Town Engineer.

Chairman's Remarks

Next Public Hearing Date February 7, 2022

Filing Deadline for the February 7, 2022 meeting is January 3, 2022

Old Business

1. Map 01 Lot 091 – 651 Main Street, Briana Wood Subdivision

Tim Lavelle, Lavelle & Associates was present to represent the applicant. T. Lavelle stated that plan engineer, B. Gregsak has been on vacation which is why he has not responded to the 11/5/2021 review letter from KNA. The plan was conditionally approved on 7/19/2021. S. Keach read from his review letter and indicated there has been no response to date.

R. Clark asked how long of a continuance. T. Lavelle stated they need an additional 30 days. M. Hanides commented that he does not find these delays to be acceptable. K. Colbert asked what would be different in 30 days.

T. Lavelle commented that some towns grant a one-year approval.

MOTION: R. Clark made a motion to grant an additional 30-day extension of the conditional approval for the Briana Woods Subdivision, Map 1 Lot 091 to the 2/7/2022 public hearing.

SECOND: S. Murphy

VOTE: 3-2-2 (B. Villella & S. Wentworth abstained/K. Colbert & M. Hanides voted in the negative).

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

Tim Lavelle, Lavelle & Associates was present to represent the applicant. T. Lavelle explained the plan to the board. S. Keach and R. Clark had a discussion regarding the HISS mapping. T. Lavelle provided the board with a letter stating the monuments have been set.

M. Hanides commented that the information was submitted late. T. Lavelle apologized.

Chairman Wentworth asked for public comment, there was none.

MOTION: M. Hanides made a motion to continue the hearing for property located at Map 9 Lot 198, 46 James Drive, to the 2/7/2022 public hearing.

SECOND: R. Clark

VOTE: 7-0

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

Tim Lavelle, Lavelle & Associates was present to represent the applicant. T. Lavelle requested a 30-day continuance to finalize the drainage calculations.

MOTION: B. Villella made a motion to continue the hearing for property located at Map 12 Lot 130 – 2 Starwood Drive, to the 2/7/2022 public hearing.

SECOND: R. Clark

VOTE: 5-2 (K. Colbert & M. Hanides voted in the negative)

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

Tim Lavelle, Lavelle & Associates was present to represent the applicant. T. Lavelle stated he would like to request a 30-day continuance. T. Lavelle stated the topographic issue still needs to be resolved. T. Lavelle also indicated he had technical problems with the plan earlier today.

Chairman Wentworth asked about the code violation concerning the cut trees in the buffer area. S. Keach explained that there were two issues before the town presently, the amended site plan (PB matter) and the code violation (Building Department matter). S. Keach recommended bonding for the landscape and including the details on the plan. S. Keach advised Lavelle to have the property owner get a quote on some trees, etc. and present a plan to the board for review.

B. Villella commented that although the trees will need to wait until Spring the matter of the bright light needs to be addressed immediately.

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Chairman Wentworth asked for public comment.

Karen Gray – 10 Evergreen Drive – commented that she lives directly behind 24 Hazel Drive. K. Gray indicated that she loves the community and was so disappointed that dozens and dozens of trees were removed, destroying the buffer. K. Gray stated that the property owner told her he removed the trees because they were a liability, she questioned why he did not remove the largest trees.

MOTION: R. Clark made a motion to continue the hearing for property located at Map 13 Lot 117, 24 Hazel Drive, to the 2/7/2022 public hearing.

SECOND: S. Murphy

VOTE: 7-0

New Business

1. Map 01-91-1 & 91-2 - 70 & 90 Depot Road – Elderly Housing Site Plan

Tim Lavelle, Lavelle & Associates was present to represent the applicant. T. Lavelle explained the plan and indicated when the parcels are voluntarily merged will total over 15 acres. This is an Elderly Housing Proposal for 10 duplex units on a private road.

D. Soucy asked for confirmation that these were duplexes, thus 20 new units would be created, 2 bedrooms each. T. Lavelle stated that was correct.

B. Villella commented the parcel needs a buffer. R. Clark asked about the buffer. T. Lavelle indicated that there would be a landscape plan. T. Lavelle stated the tree guy removed more than what was expected. T. Lavelle stated they had no problem planting a dozen trees, R. Clark commented it would take more than 12 trees to replace the buffer. S. Keach advised the board that they could be subjective on this matter.

S. Keach advised T. Lavelle to request a delay of acceptance of the application. T. Lavelle agreed to this request.

S. Keach read from his 12/19/2021 review letter and reminded Lavelle that legal documents are needed for recording as part of the Elderly Housing Zoning Ordinance.

Chairman Wentworth asked for public comment.

Mike Sullivan – 117 Beverly Drive – commented that he recalls something similar being proposed a few years ago and asked what was different about this proposal.

R. Clark stated that his recollection is that about 15 years ago a residential development was proposed, this is different since the proposal falls under the Elderly Housing Zoning. T. Lavelle commented that two duplex lots is what was previously proposed.

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John Olsen – 91 Beverly Drive – stated he is concerned about water and asked if these projects would be served by wells. J. Olsen also had concerns about traffic and asked if a traffic study would be required.

R. Clark stated that water is under the control of the State of New Hampshire. S. Murphy commented that a traffic study was done 3-4 years ago. T. Lavelle stated they were not planning on a traffic study however they could use the State data.

J. Olsen asked how the buffer could be guaranteed. The board stated the project would require a buffer and bonding would be in place as a guarantee.

Chairman Wentworth closed the public comment session.

T. Lavelle requested a postponement to the next meeting. T. Lavelle requested a continuance of the acceptance of the plan for property located at Map 01-091-1 & 091-2 to the 2/7/2022 public hearing.

MOTION: R. Clark made a motion to continue the acceptance of the plan for property located at Map 01-91-1 & 091-2, 70 & 90 Depot Road, to the 2/7/2022 public hearing.

SECOND: B. Villella

VOTE: 7-0

2. Map 12-069 – 394 Emerson Ave – Site Plan

Tim Lavelle, Lavelle & Associates was present to represent the applicant. T. Lavelle explained that the lot has frontage on both Emerson Ave and Miners Way. He reminded the board that Miners Way is a private way. The proposal is to build a warehouse for DaSilva Sports located at 11 Miners Way. There was a question as to whether the town accepted the road, there would be no benefit to the town. T. Lavelle confirmed the paperwork was for a utility easement granted to the town and not road acceptance.

S. Keach referred the board to his review letter dated 12/18/2021, page 2, Zoning Matters, item 1 which asks for confirmation from the Chief Building Official if the proposed use is allowed in the zone. S. Keach indicated he would like a letter to that effect for the file.

T. Lavelle stated the warehouse would be used to store inventory for DaSilva Motor Sports, he indicated there would be no bathroom facilities.

B. Weimar asked about a spill management plan relevant to StormWater Management Regulations. D. Soucy stated that the Fire Department inspects the building and will require the owner follow Best Management Practices (BMPs) for the site.

R. Clark stated he sees no problem allowing the use in the C2 Commercial zone.

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Chairman Wentworth asked for public comment.

Alyce and Pierre Sader – 416 Emerson Ave had questions about the property owners right to use Miners way for property located at 394 Emerson Ave. A. Sader stated her deed specifically references allowing the easement for 11 Miners way and nothing about abutters is mentioned.

A Sader had additional questions about abutters paying for road maintenance. P. Sader claimed that DaSilva blocked the access to his back lot, the area where his septic is located. DaSilva explained that he had over \$100K in inventory stolen last year, he said if it was bothering the Saders he would move the vehicles, etc.

A Sader stated her main concern is if all three abutters on Emerson Ave are allowed access why should 416 Emerson Ave property owners be the only ones paying. A. Sader indicated she would do more research concerning the additional abutters having access. S. Keach stated that this would require a title examination, he suggested the two parties (Sader/DaSilva) find a way to resolve the matter.

P. Sader asked what if DaSilva decides to add a bathroom to the warehouse in the future. DaSilva stated he had no intent since this would also require heating the building, if he did change his mind he would add his own septic and leach field to the property.

Chairman Wentworth closed the public comment session.

T. Lavelle requested a postponement to the next meeting. T. Lavelle requested a continuance of the acceptance of the plan for property located at Map 12 Lot 069, 394 Emerson Ave to the 2/7/2022 public hearing.

MOTION: R. Clark made a motion to continue the acceptance of the plan for property located at Map 12 Lot 069, 394 Emerson Ave, to the 2/7/2022 public hearing.

SECOND: B. Villella

VOTE: 7-0

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Planning Board Matters

1. 2022 Zoning Proposals

R. Clark read the 2022 Zoning Proposals for the board and benefit of the 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."

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 move Articles 1, 2, and 3 to the Town

Warrant.

SECOND: B. Villella

VOTE: 7-0

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2. Town Engineer Comments
3. Correspondence
 - Town of Derry, Notice of Public Hearing on Drew Road Subdivision
4. Member Comments
5. Review of Minutes

MOTION: R. Clark made a motion to approve the 12/20/2021 workshop minutes as presented.

SECOND: C. Ashford

VOTE: 7-0

6. Adjourn

MOTION: B. Villella made a motion to adjourn at 9:10 P.M.

SECOND: C. Ashford

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary