

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes January 7, 2019

A meeting of the Planning Board was held on Monday, January 7, 2019 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

**PRESENT:** Paul Carideo (Chairman), Ben Schmitz, Glen Emerson, DJ Howard, Steve Wentworth, Joe Guthrie, Robert Waldron, Randy Clark (Alternate), Susan Hastings (Alternate), and Scott Bourcier (Dubois & King).

The public attendance roster is available as an attachment to this document.

Chairman Carideo opened the meeting at 7:03 P.M.

### **Chairman's Remarks**

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- Next Public Hearing Date February 4, 2019
- Plan Filing Deadline for February 4, 2019 Meeting January 9, 2019
- First Day to file paperwork with Town Clerk for open position January 23, 2019
- Last Day to file paperwork with Town Clerk for open position February 1, 2019

### **Planning Board Procedures**

Submittal deadlines for applications and plans based upon calendar available from the Planning Board office.

### **2019 Zoning Proposals**

#### **Article #1**

To see if the Town will vote to amend Article IV-4:2 Permitted Types of Signs to read:

"1. Permanent – for private or commercial purposes. 2. Temporary – for private or commercial purposes. 3. Informational – for private or commercial purposes or for advertising real estate signs or temporary political signs."

Article #1 is a correction to bring the article in compliance with the original intent of the ordinance as it has been applied since 1992.

Chairman Carideo read the proposed article. P. Carideo asked the PB members if they had any questions, there were none. Chairman Carideo asked for public comment, there was none. R. Clark commented that the Article #'s will be ordered differently on the Warrant Article since the Selectmen Articles will appear first on the ballot.

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**MOTION: R. Waldron made a motion to strike the #1 from the article and replace it with the word "this...."**

**SECOND: R. Clark**

**VOTE: 7-0**

**MOTION: R. Waldron made a motion to move Article #1 to the warrant article.**

**SECOND: G. Emerson**

**VOTE: 7-0**

### **Article #2**

To see if the Town will vote to amend Article IV-14:2,A,3 Septic Approval to remove the last sentence which reads: "The system must be installed prior to the issuance of an occupancy permit."

Article #2 is a housekeeping item to bring the septic approval in line with the State of New Hampshire requirements.

Chairman Carideo read the proposed article. P. Carideo asked the PB members if they had any questions, there were none. Chairman Carideo asked for public comment, there was none.

**MOTION: B. Schmitz made a motion to strike the #2 from the article and replace it with the word "this...."**

**SECOND: R. Waldron**

**VOTE: 7-0**

**MOTION: R. Waldron made a motion to move Article #2 to the warrant article.**

**SECOND: D. Howard**

**VOTE: 7-0**

### **Article #3**

To see if the Town will vote to amend Article II-1:5 Soil Based Lot Size to read: "Table 1A (see Appendix) is provided by the Society of Soil Scientists of Northern New England (SSSNNE)." Also to replace Table 1A in the Appendix with the current High Intensity Soil Map Units as provided by SSSNNE.

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Article #3 is updating the High Intensity Soil (HISS) Map Units to the SSSNNE High Intensity Soils Data relied upon by Rockingham Conservation District.

Chairman Carideo read the proposed article. P. Carideo asked the PB members if they had any questions, there were none. Chairman Carideo asked for public comment, there was none.

**MOTION: B. Schmitz made a motion to strike the #3 from the article and replace it with the word "this...."**

**SECOND: D. Howard**

**VOTE: 7-0**

**MOTION: R. Waldron made a motion to move Article #3 to the warrant article.**

**SECOND: D. Howard**

**VOTE: 7-0**

### **Article #4**

To see if the Town will vote to amend Article I-2:3 Building Permits required to read:

"A. Before a building permit will be issued for lots not served by a community water supply, a water well certificate of completion report along with the well driller's log report will be provided to the Hampstead Building Inspector. In addition, a water flow test will also be provided to the Building Inspector prior to the issuance of a building permit proving a sustained yield adequate to support the intended purpose of the building according to New Hampshire DES Environmental Fact Sheet, Recommended Minimum Water Supply Capacity for Private Wells, Table 1, 2010.

B. A permit by the Building Inspector of the Town of Hampstead shall be obtained."

Chairman Carideo read the proposed article. P. Carideo asked the PB members if they had any questions, there were none. Chairman Carideo asked for public comment, there was none.

**MOTION: J. Guthrie made a motion to move Article #4 to the warrant article.**

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**SECOND: D. Howard**

**VOTE: 7-0**

### **Article #5**

By petition shall the Town vote to rezone the following described parcel of land fronting on the easterly side of Route 121 (aka Stage Road) from Zone A (Residential) to Zone C-1 (Commercial): That land located adjacent to and 250 feet distant (easterly) from the easterly line of Route 121 (Stage Road) beginning at the Atkinson town line, and continuing north to the southerly line of Brickett's Mill Road.

Chairman Carideo read the proposed article. P. Carideo asked the PB members if they had any questions, there were none. Attorney Bernard Campbell from Beaumont & Campbell was present to represent the petitioners.

B. Campbell stated that he was before the PB back in July to present this proposal and the PB did not support the proposal at that time, therefore the proposal is being brought forth as a petition warrant article. B. Campbell presented a map showing the three (3) properties that would be effected by the zoning change. B. Campbell stated the rationale behind proposing the change to the C1 Commercial Zone is: 1. There is significant traffic in the area, traffic counts suggest over 8,000 Trips Per Day. And 2. The properties face the Commercial C2 Zone across the street.

B. Campbell stated it is not reasonable that the properties in question be zoned residential. B. Campbell stated that the area is really not suited for residential occupancy. B. Campbell stated that he had reviewed the Town of Hampstead Master Plan (2010) Section 5 which states the Town encourages commercial use on major state highways. B. Campbell indicated that based on his interpretation the Zoning Proposal is consistent with the Master Plan. B. Campbell stated that on the other side of Route 121/Stage Road there is still traffic, however both sides of the road are residential.

B. Campbell read from Peter Loughlin, Land Use, Planning and Zoning citing the concept of reasonableness as well as the character of the area. B. Campbell stated it is unreasonable to continue to insist these properties are residential. B. Campbell indicated the petition was brought forward since the three (3) properties in question are really not residential.

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Chairman Carideo asked the PB members for questions. D. Howard asked what happens to the remaining portion of the property that remains residential, specifically the buffer requirement. B. Campbell stated the PB would review under the site plan regulations. P. Carideo stated that there is a buffer requirement in the site plan regulations. S. Wentworth commented that he feels there is an undue tax burden on the abutter who would be affected by the change. B. Campbell stated he feels the owners of the three (3) properties in question could not sell their properties as residential.

Chairman Carideo asked for public comment.

Steven Keane – 11 Bricketts Mill Road – S. Keane stated that the third property included in the zoning proposal has not been occupied in over twenty (20) years. S. Keane stated that Bricketts Mill Road is constantly blocked by traffic. S. Keane stated that he feels the value of his home would be severely diminished if the zone is changed.

Stacey Eaton – 260 Stage Road – S. Eaton stated that she has four (4) children living in her home. S. Eaton stated she purchased the property with the intention of farming and raising a family. S. Eaton stated that the Harold's knew the area when they purchased the property in a residential zone. S. Eaton commented that the Harold's purchased their property after Sweet Baby Vineyard had been established. S. Eaton feels that having a commercial business next door is concerning.

Suzanne Zakian – 257 Stage Road – S. Zakian asked the PB for advice and options as to how she can oppose this proposal. S. Zakian stated she was unaware that her residential home was in a commercial zone when she purchased the property many years ago. According to research her home was a shoe factory at one point in time. S. Zakian stated that she takes offense that someone would say her house would not be a good place to live. S. Zakian questioned how one person can rezone an entire street.

P. Carideo stated that he can understand her dismay. Chairman Carideo asked if there was any other public comment, there was none. P. Carideo stated that the PB discussed the proposal back in July and now needs to decide if they want to recommend the petition warrant article.

**MOTION: B. Schmitz made a motion to recommend Article #5 to the warrant article.**

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**SECOND: D. Howard**

**VOTE: 0-7**

The Planning Board voted to not recommend petition Article #5.

### Old Business

R. Clark stepped down from his spot on the board.

#### **1. 06-019 PhanZone – Conditional Approval Expires 1/7/2019**

P. Carideo reminded the PB members that the application was originally approved in October 2017, NHDOT approval was obtained in May 2018. There is no final mylar yet and bonding is not posted. P. Carideo stated that the applicant could record the mylar and then make minor as built changes. S. Wentworth suggested a 30 day extension on the approval and request that the applicant come before the PB.

**MOTION: J. Guthrie made a motion to extend the conditional approval to 2/4/2019 and request that the applicant come before the PB to explain their intentions.**

**SECOND: D. Howard**

**VOTE: 7-0**

Tyler Hutchinson spoke up from the audience and stated that he works at the PhanZone. T. Hutchinson explained that funding for the project is the issue and stated that the ownership is looking into obtaining grants. P. Carideo stated that it has been fourteen (14) months since the plan was approved. P. Carideo stated that once the bond is posted and the mylar is recorded the PhanZone can work out the project funding separately from the PB. T. Hutchinson stated he would relay the information to the PhanZone management.

R. Clark returned to his spot on the board.

#### **2. 09-024 Granite Village and 09-070 Johnson Meadows – Amended Site Plan**

Josh Manning from Points North Design was present to represent the applicant. J. Manning stated he has added the erosion control to the plan.

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J. Manning referenced the letter from the Solid Waste and Recycling Committee concerning the trash pickup. P. Carideo stated that he has seen the letter and has been thinking of a way to incorporate it into the plan notes. P. Carideo suggested a possible summary of the letter be added. J. Manning stated the minimum requirement would be that the residents have use of the dumpster. J. Guthrie stated that the Board of Selectmen (BOS) would need to vote on trash pick-up. P. Carideo suggested that plan note 23 remain.

S. Bourcier stated that there are minor graphical plan comments remaining that should be addressed. P. Carideo asked the PB if they had any questions. B. Schmitz asked about the underground utilities. J. Manning indicated that they have been added to the plan. P. Carideo stated that the 911 Coordinator requested a name for the private driveway. P. Carideo asked J. Manning to add the zones to the plan, Zone D mobile home park and Zone A residential.

R. Clark asked P. Carideo if he had any communication with the Town Attorney regarding access to the site. Chairman Carideo stated that he had a conversation with Attorney Gorrow regarding the access issue.

Paul Carideo stated that Granite Village was approved in phases as a mobile home park in Zone D. All access to Granite Village is within the mobile home park. Paul questioned whether a multi-family project, proposed in Zone A, can gain its access via the mobile home park. Paul Carideo stated the approved plans for Granite Village state the access is for mobile home use only. Attorney Gorrow felt the PB could not make a decision regarding the allowed use of the access for the multi-family project and stated the ZBA should be the board to make the determination.

J. Manning asked if the use of access is the only thing in question for Granite Village. P. Carideo stated the specific approvals for Granite Village (09-024) are for mobile homes only. J. Manning stated he felt the PB keeps throwing curve balls to avoid granting approvals. P. Carideo responded by stating that the PB needs to perform due diligence in their review and that this latest inquiry to the Town Attorney was a direct result of abutter input. J. Manning stated he feels the abutter concerns were in regards to increase in traffic and school buses.

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P. Carideo stated that the different zone is the issue. R. Waldron commented that if the PB doesn't send the applicant to the ZBA it could open the approval to appeal. B. Schmitz stated that he is not in favor of delaying the approval, however he wants to go with Town Attorney recommendation. S. Wentworth, D. Howard, G. Emerson, J. Guthrie all agreed with B. Schmitz. R. Waldron commented that it would be tough not to take the Town Attorney's opinion into consideration.

J. Manning asked if the PB would grant conditional approval tonight contingent on the ZBA decision. P. Carideo feels it sets a bad precedent. P. Carideo explained that if the applicant was denied at the ZBA hearing then the application is done. If the ZBA approves the request then the application is still under the same hearing (with the PB) and can continue with the PB.

Chairman Carideo asked for public comment. P. Carideo asked Mr. MacEachern if he wanted to read his letter to the PB aloud, he did not. C. Ashford asked P. Carideo if he would read the letter. P. Carideo read the letter into the record. P. Carideo closed the public session.

J. Manning asked if he could address Mr. MacEachern's letter. J. Manning presented the PB with photos of the driveway and buffer that Mr. MacEachern is referencing. P. Carideo asked the PB members if they had any comment, there was none.

J. Manning requested the review period be extended to the 3/4/2019 PB meeting.

**MOTION: J. Guthrie made a motion to refer the applicant to the ZBA to determine a use variance and/or finding of fact for the proposed multi-dwelling units which will gain access through Granite Village, a mobile home park.**

**SECOND: D. Howard**

**VOTE: 7-0**

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D. Soucy was asked to follow-up with Town Counsel to obtain her written opinion regarding the access issue.

**MOTION: J. Guthrie made a motion to continue the public hearing to 3/4/2019**

**SECOND: D. Howard**

**VOTE: 7-0**

### **3. 08-218 Camp Tel Noar – Amended Site Plan – Basketball court lights**

Randy Haight, Meridian Land Services, was present to represent the applicant. R. Haight reminded the PB members that at the last meeting he was asked to schedule a time for the lights to be on for the members to view. S. Bourcier commented that he had received revised plans and felt the majority of the issues were addressed and only minor changes remained.

Chairman Carideo asked for comments regarding the basketball court lights. G. Emerson stated he didn't have a problem with the lights. D. Howard commented that his driving ability was not impeded. P. Carideo stated that he felt a shadow was cast on Route 121/Main Street, however it was not significant enough to cause a problem. P. Carideo stated that the camp is only utilized during the summer and didn't feel the lights would be an issue. S. Bourcier referenced his informational comment included in his 1/7/2019 letter concerning foot-candle information.

Chairman Carideo reminded the PB members that the application before the PB is an amended site plan for the basketball court lighting/poles. The PB began a discussion regarding waivers as highlighted in the Dubois & King letter dated 1/7/2019.

The applicant is requesting a waiver from Sections 5.20R and 8.02R of the Site Plan Review Regulations to not prepare a landscape plan. P. Carideo commented that the landscaping along the Main Street side of the property was improved. P. Carideo asked S. Bourcier if he had any issues with granting the waiver, he did not.

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**MOTION: B. Schmitz made a motion to approve a waiver to Sections 5.20R and 8.02R of the Site Plan Review Regulations.**

**SECOND: D. Howard**

**VOTE: 7-0**

The applicant is requesting a waiver from Section 8.02K of the Site Plan Review Regulations to not graphically illustrate existing ground elevation contours. P. Carideo asked S. Bourcier if he had any issues with granting the waiver, he did not.

**MOTION: B. Schmitz made a motion to approve a waiver to Section 8.02K of the Site Plan Review Regulations.**

**SECOND: D. Howard**

**VOTE: 7-0**

The applicant is requesting a waiver from Section 8.02L of the Site Plan Review Regulations to not include existing soils delineation. P. Carideo asked S. Bourcier if he had any issues with granting the waiver, he did not.

**MOTION: B. Schmitz made a motion to approve a waiver to Section 8.02L of the Site Plan Review Regulations.**

**SECOND: D. Howard**

**VOTE: 7-0**

Chairman Carideo asked the PB for comments/questions, there was none. P. Carideo asked for public comment, there was none.

**MOTION: D. Howard made a motion to grant 90-day conditional approval subject to final engineer comments and that waivers be added to the plan.**

**SECOND: G. Emerson**

**VOTE: 7-0**

### **4. 13-186 50 Rolling Hill Road – Accessory Dwelling Unit (ADU)**

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Applicant requested continuance to 2/4/2019 meeting to work out septic approval and final floorplan design. P. Carideo advised the PB members of the applicants request for a continuance.

### **New Business**

#### **1. 13-178 Hampstead Academy – Amended Site Plan**

Tim Lavelle was present to represent the applicant. T. Lavelle explained that the plan is to change the grade levels from K-8 to K-12, there will be no increase in students or staff anticipated. T. Lavelle stated that he added the parking and traffic flow to the plan in response to comments at the Department Head Review meeting. He also added a note that there will be no off-site parking. T. Lavelle stated that most housekeeping items have been addressed. T. Lavelle stated that some waivers may be needed (similar to the last application discussed 08-218) however nothing is changing on the site.

P. Carideo asked S. Bourcier if there are any items of concern. S. Bourcier stated his only concern is with additional students ages 16 and older he feels that a brief Traffic Impact Assessment (TIA) would be warranted. P. Carideo stated he wants to see a breakdown of the parking so he knows the number of spaces allotted to students, staff, administration, etc. T. Lavelle commented that he could put something together rather quickly. P. Carideo asked T. Lavelle to highlight the number of spaces for students and would like something in writing on the plan.

P. Carideo stated he would like a summary of all approved variances as well as special exceptions noted on the plan as to see a full picture of the site. S. Bourcier stated that there were a number of items that were not reviewed based on the intent of the application, the site is simply changing the expansion of grades from K-8 to K-12. P. Carideo stated that based on the Site Plan Regulations there is no difference between a full site review and an amended site review. R. Clark suggested a blanket override of waivers.

**MOTION: B. Schmitz made a motion to take jurisdiction of the application.**

**SECOND: D. Howard**

**VOTE: 7-0**

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There was a discussion regarding waivers and whether the PB should vote on each section separately. B. Schmitz referenced Section 8 – Application Requirements: Exhibits and Data which states: “The following items are required before a Site Plan Review will be initiated unless otherwise agreed by the Board at the preliminary consultation discussion....” The PB agreed that the applicant was told during their conceptual discussion with the PB back in the fall what items would be required for review. Based on that discussion the PB would not need to vote on individual waivers.

Chairman Carideo asked for public comment.

Matt Auger – 330 East Road – M. Auger stated he understands students driving versus parents. M. Auger asked if additional lighting would be needed in the parking lot and if so he wants to ensure no light pollution on to his property. M. Auger stated that high school students bring other challenges. M. Auger stated that he understands the hours of operation are from 7AM – 7PM.

T. Lavelle commented that he will figure out the parking spaces. He stated the applicant expects forty eight (48) total high school students. P. Carideo asked for the existing lighting to be shown on the plan.

Sarah Wormwald – 15 Quail Run – S. Wormwald stated that her concern is with the increase in traffic as well as young drivers on the East Road, which is a busy street. S. Wormwald questioned if there would be an increase in lights, especially at night. S. Wormwald asked how the school is going to manage whether students have a license to drive. S. Wormwald commented that the student body changes over time and would like to know the long-term plan.

P. Carideo stated that the PB can limit the number of drivers and have this noted on the plan. P. Carideo stated that the PB cannot enforce parking on town roads, if there is an issue this should be directed to the Police Department.

Nicole Duquette – 30 Rolling Hill Road – N. Duquette looked for the parking breakdown on the plan. N. Duquette asked what happens with the parking situation when the school is at full enrollment. N. Duquette made a

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recommendation to the owners by suggesting a fence along Quail Run to deter students from parking along the side streets and walking through abutting properties. N. Duquette asked how student parking will be enforced.

Julia Dorci – 7 Quail Run Road - J. Dorci asked if the applicant has thought about capping the number of driving age students that can park on site. J. Dorci spoke about the history of the student expansion with the school's prior owners. J. Dorci is concerned with the numbers and would like them noted on the plan.

Dennis Graham – 18 Rolling Hill Road – D. Graham questioned the start time for students and wondered if staggered start times were considered to decrease the traffic. D. Graham asked if there would be any free time for the high school students.

Bill Chaff – 40 Rolling Hill Road – B. Chaff asked about the approved student capacity (280 students). B. Chaff explained the traffic pattern that has been used over the years to help alleviate some of the back up on the surrounding roadways.

Liane Odom responded to the abutters questions/concerns. L. Odom explained the schools master plan, 42 students, 12 staff members, leaving 10 open spots for senior level students to park. L. Odom stated that high school students would decrease traffic since they would only be making one round trip per day versus parents dropping off and picking up children twice a day. L. Odom stated that there is no plan now for staggered start times, this is difficult for those parents who have students in multiple grades (requiring two trips for drop off and pick up). L. Odom stated that there are twenty two (22) lights around the perimeter of the property and noted that they were just recently changed over to LED . L. Odom stated that Hampstead Academy is a closed campus.

Chairman Carideo closed the public session.

**MOTION: B. Schmitz made a motion to continue the hearing to 2/4/2019**

**SECOND: G. Emerson**

**VOTE: 7-0**

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### **Other Public Matters**

Brenda Getchell, St. Christophers Church was present to talk about trash pick-up. P. Carideo explained that she was at the wrong meeting and should call town hall and ask Tina Harrington when the Recycling and Waste Committee meetings are held.

Chairman Carideo made announcements regarding the recently recorded plans.

1. 18-005 Preppy Paws – Site Plan – Mylar Recorded D-41210
2. 02-011 & 02-072 Meyers LLA – Mylar Recorded D-41225
3. 17-051 Merryfield Lane Extension – Subdivision – Mylar Recorded D-41226
4. 09-049 255 Kent Farm Road – Subdivision – Mylar Recorded D-41246

### **Planning Board Matters**

1. Town Engineer

S. Bourcier informed the PB members that he is working on the Site Plan Regulations. S. Bourcier stated that based on a recent inquiry regarding engineering costs he has made recommendations to the Chairman. The estimate of engineering costs will now be revised to include a line for the applicant to agree to the cost prior to beginning any engineering review. P. Carideo commented that this may delay the process, however it is necessary. D. Soucy was asked to revise the language on the application.

2. Correspondence

Chairman Carideo read the correspondence for the record.

3. Member Comments

Chairman Carideo informed the PB members that Hampstead Area Water Company (HAWC) has submitted an application to the State for a large yield well water withdrawal. P. Carideo told the PB members that he has requested to be on the BOS agenda for the 1/14 meeting to discuss.

4. Minutes (12/17 Workshop)

**MOTION: B. Schmitz made a motion to approve the 12/17 minutes as amended.**

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**SECOND: G. Emerson**

**VOTE: 7-0**

5. Adjourn

**MOTION: P. Carideo made a motion to adjourn at 10:40 P.M.**

**SECOND: G. Emerson**

**VOTE: 7-0**

Minutes prepared by Debbie Soucy, Secretary