

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes April 4, 2022

A meeting of the Planning Board was held on Monday, April 4, 2022 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

**PRESENT:** Robert Weimar (Chairman), Randy Clark, Sean Murphy (Ex-Officio), Mike Hanides, Kim Colbert, Ryan Gray, Susan Hastings (alternate), DJ Howard (alternate) and Steve Keach, Keach-Nordstrom Associates, Town Engineer.

### *Pledge of Allegiance*

### **Chairman's Remarks**

Next Public Hearing Date May 2, 2022

Filing Deadline for the May 2, 2022 meeting is April 4, 2022

Chairman Weimar announced that the first item of business would be to discuss the open Planning Board member position created by the resignation of S. Wentworth.

Alternate Susan Hastings would be a voting member.

### **Member Comments/Letters of Intent**

Chairman Weimar informed the board that the office had received two letters of interest in the PB. One from former board member Bob Villella and one from Lewis Eaton. R. Weimar stated he had reached out to B. Villella and confirmed that he is willing to come back and participate as a formal member. R. Weimar felt that since B. Villella was on the March 2022 ballot and received a substantial number of votes that he should be offered the PB member position.

R. Gray made a motion to appoint B. Villella to the board and S. Murphy seconded the motion. R. Clark started to make an alternative motion. R. Clark stated that B. Villella was a good PB member then further added that there are good alternates on the board. R. Clark feels an alternate should be first in line for the open board position. S. Murphy intervened and stated that per Roberts Rules only one motion can be considered at a time. The original motion was voted on.

**MOTION: R. Gray made a motion to appoint Bob Villella as a full-time Planning Board member.**

**SECOND: S. Murphy**

**VOTE:6-0-1 (R. Clark abstained from voting)**

Chairman Weimar stated he would inform the BOS of the appointment of B. Villella to fill the member position to the next election in March 2023. R. Weimar stated that Lewis Eaton expressed an interest as an alternate and asked that L. Eaton speak to the board.

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L. Eaton indicated he sees this as an opportunity to help the board. L. Eaton stated prior to owning Sweet Baby Vineyard, he worked for 17 years doing bridge construction. DJ Howard commented that L. Eaton has experience sitting on the other side of the table as he went through a rigorous approval process with the board.

**MOTION: R. Clark made a motion to appoint Lewis Eaton as an alternate to the Planning Board.**

**SECOND: M. Hanides**

**VOTE: 7-0**

## **Old Business**

### **1. Map 13 Lot 117 – 24 Hazel Drive – Amended Site Plan, boat storage**

Tim Lavelle from Lavelle & Associates was present to represent the applicant. T. Lavelle explained the plan and stated they are awaiting approval of a landscape plan. T. Lavelle stated the property owner has agreed to the bond amount, however, the intend is to plant the trees in lieu of bonding.

S. Keach reviewed his 3/31/2022 letter. S. Keach explained the history of the zoning violation and the need for a buffer restoration plan. Chief Building Official, Kris Emerson, responded in writing that the proposed buffer restoration plan “an acceptable solution”.

S. Keach commented on the proposed building #2 shown on the current plan, this bldg. #2 was shown on recorded plan D-16112, bldg. #1 on this recorded plan was completed which means the proposed bldg. #2 has vested approval. S. Keach suggested the plan note be changed to state “Building #2 not yet complete, see plan D-16112”. The amended site plan before the board is the second revision of plan D-16112, Keach stated per the RSA the entire site plan is vested.

R. Clark questioned the vesting of bldg. #2, he feels the owner has been lax with the property. R. Clark asked what is being proposed with this building. T. Lavelle stated he did not know the plan for the proposal however, the owner wants the option to build as approved.

S. Keach gave an example of vesting, an approved 20-lot subdivision, a person buys two lots in the original proposal but delays building a home on the lot until a later date, the property is allowed to build due to the original subdivision approval. The case currently before the board is unusual because it is a commercial site versus a residential development, however, the same vesting statute applies.

**MOTION: R. Clark made a motion to grant 90-day conditional approval for the amended site plan for property located at Map 13 Lot 117 – 24 Hazel Drive.**

**Subject to all comments from KNA letter of 3/31/2022 being addressed, standard bonding, adding note to plan re: proposed bldg. #2 reference Plan D-16112**

**SECOND: M. Hanides**

**VOTE:7-0**

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## **2. Map 2 Lot 171 – 37 Houstons Way – Lot Line Adjustment**

Tim Lavelle from Lavelle & Associates was present to represent the applicant. T. Lavelle referred to the KNA letter dated 3/31/2022 and indicated the monuments have been installed. T. Lavelle had also shared via email the approval from the Derry Planning Board.

R. Clark commented that this LLA had regional impact due to the fact that land under review is in both Hampstead and Derry, NH.

**MOTION: R. Clark made a motion to grant 90-day conditional approval for the LLA for property located at Map 2 Lot 171 – 37 Houstons Way, Hampstead and Map 7 Lot 100 – 63.5 Drew Road, Derry. Subject to all comments from KNA letter of 3/31/2022 being addressed, Town of Derry to record final plan.**

**SECOND: R. Gray**

**VOTE: 7-0**

T. Lavelle commented that the Town of Derry wants to record the plan at RCRD.

## **New Business**

### **1. Map 12 Lot 009 – 618 Route 111 – Site Plan**

Chris Tymula, PE from GPI was present to represent the applicant. Property owner Buddy Collins was also present. C. Tymula indicated B. Collins wants to use this commercial property as his contractor yard. C. Tymula explained the plan and stated that much of the site is gravel, the property is serviced by a private well and septic. C. Tymula explained the new driveway location as well as the relocation of the existing barn; which will be moved out of the wetlands, this will allow better access on the site. C. Tymula explained the grading plan as well as the temporary stockpile area.

C. Tymula stated that they are seeking 3 waivers with this project. C. Tymula informed the board that a revised NH DOT driveway permit has been submitted. C. Tymula stated they have no problem addresses the minor comments made in the 4/1/2022 KNA review letter.

C. Tymula stated that the property owners current lease is up at the end of this month and he would like to move his equipment and vehicles to his property in Hampstead. R. Weimar asked about what type of materials are being proposed for storage and where will they be placed on the site. C. Tymula indicated the property owner did not want to be tied down to a particular area or number. Chairman Weimar asked for a plan for the stockpile area. C. Tymula stated his client is aware of the sensitive wetlands surrounding the property.

Chairman Weimar asked S. Keach about Stormwater Management on the site. S. Keach felt the effect would be minimal since the flat grades and native soils allows for good drainage on the site. S. Keach commented that more than likely the variety and

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volume of material stored on the site may vary over time based on the needs of the business.

R. Clark asked about the driveway on the south end of the property. C. Tymula indicated that NHDOT has requested that driveway be removed.

C. Tymula stated this will simply be a contractor's yard with no customers coming to the site. B. Collins stated that his company consists of himself and two other employees who would be entering and exiting the site.

**MOTION: R. Clark made a motion to accept jurisdiction of the site plan application submitted for property located at Map 12 Lot 009 – 618 Route 111.**

**SECOND: M. Hanides**

**VOTE:7-0**

Chairman Weimar reiterated that the applicant has requested to move his equipment to the site prior to the final approval. B. Collins stated some of the items he will be moving to the site include: winter plows, jersey barriers, a trench box, etc. B. Weimar asked if B. Collins could provide the board with a comprehensive list. B. Collins estimated that he would need a 50' x 50' area to store equipment.

S. Murphy asked about the relocation of the barn. C. Tymula stated the barn will be demolished and rebuilt in a new location.

R. Clark indicated he would be ok with the interim storage of equipment on the site since he is the property owner. R. Gray asked the property owner what would happen if he doesn't move his equipment before the end of month. B. Collins stated he would need to rent an alternative space and move his equipment twice, once to a new rental space, and then finally to his own property.

**MOTION: R. Clark made a motion to allow interim storage of construction equipment, limited to a 50' x 50' area, accompanied by a list of what will be stored on the site (interim plan received 4/5/2022 by the PB office)**

**SECOND: R. Gray**

**VOTE: 7-0**

R. Clark stated he would like all the comments in the KNA letter of 4/1/2022 addressed before the board discusses the waiver requests.

M. Hanides asked the property owner if there would be hazardous waste stored on the site. B. Collins responded that there would not be. M. Hanides asked about changing oil/hydraulic fluid and B. Collins stated yes, but it would not be more than 3 gallons.

Chairman Weimar asked for public comment.

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P. Carideo, Chairman of the Stormwater Management (SWM) Committee, asked if there would be salt storage on the site, B. Collins responded no. P. Carideo requested the applicant provide a Spill Containment Plan (SCP). P. Carideo commented that this site abuts an impaired water body and suggested testing the water outflows. P. Carideo stated the SWM Committee wants to ensure that safeguards are in place.

Chairman Weimar asked P. Carideo to attend the next workshop to discuss the purpose and intent of the SWM Committee. P. Carideo stated the committee was formed due to Federal MS4 permit requirements; the town is currently in year 4 of the permit, there are a number of reporting requirements and regulations that the town needs to adhere to in order to be in compliance.

P. Carideo stated one of the requirements is a monitoring program for outfalls; there are five (5) impaired water bodies in town that require monitoring. P. Carideo suggested periodic testing of these water bodies. S. Keach commented that there is no concentrated run off from this site. S. Keach asked C. Tymula to put together a proposal for water testing. C. Tymula asked if he could speak directly to P. Carideo regarding the types/frequency of testing.

Chairman Weimar closed the public comment session.

**MOTION: R. Gray made a motion to continue the hearing for a site plan application for property located at Map 12 Lot 009 – 618 NH Route 111 to the 5/2/2022 public hearing.**

**SECOND: M. Hanides**

**VOTE:7-0**

## **2. Map 18 Lot 005 – 45 Danville Road – Amended Site Plan**

Doug MacGuire, PE from the Dubai Group was present to represent the applicant. D. MacGuire explained the plan to add a pickleball building and associated facilities to the current property. Hampstead Health & Fitness, a salon, chiropractic office, Preppy Paws, and the empty bank are currently on the site. The property owner is looking to improve and expand the property.

The proposal includes a building for six (6) indoor and six (6) seasonal outdoor pickleball courts, a pro shop, lockers, and a café. D. MacGuire explained the drive aisles and grading. D. MacGuire stated that the “bank” is being proposed as a pizza restaurant.

D. MacGuire stated there are currently no drainage controls on site which will be improved with this proposal. D. MacGuire stated the existing septic will be replaced along with another separate septic for the new building.

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Property owner, Paul Gosselin, stated he is working with Hampstead Area Water Company (HAWC) to extend the waterline down Danville Road and tie into their system. P. Gosselin added they will be updating the landscaping and lighting on the property.

Chairman Weimar stated the idea of tournaments was discussed at the preliminary meeting with the Planning Board and asked if the applicant could explain to the board how that would work. Ted Curtin, owner of HHF, stated that tournaments are structured in a number of ways, for example, one weekend of each class, men, women, and mixed; with a cap on the number of participants at each tournament.

K. Colbert asked for a specific number of people at each tournament. T. Curtin stated that there are typically between 60-80 entrants for each tournament. K. Colbert stated she was concerned that there was no light at the intersection between Danville Road and NH Route 111. T. Curtin stated that HHF typically has between 450 people per day at the gym versus the proposed 60-80 per tournament.

R. Gray commented about ice build up at the driveway. P. Gosselin stated that problem has been resolved; there was blockage within the Town ROW; P. Gosselin worked with Road Agent, J. Worthen to correct the matter.

M. Hanides asked about the proposed pizza place. P. Gosselin stated there is approximately 1,000 square feet of space, mixed use, tables and standing (this are the numbers for the pickleball café). P. Gosselin went on to speak about the proposed pizza place within the old "bank" building stating there will be four (4) tables inside and indicated the well-known pizza chain does the majority of business as take out and delivery.

P. Gosselin stated the gym has significant excess parking. D. MacGuire commented that the Hampstead parking regulations do not really differentiate between uses. D. MacGuire stated the intent is to meet the parking requirements as stated in the Zoning Ordinance versus securing a variance. D. MacGuire asked if the board would be ok with adding a note "proposed expanded parking area". D. MacGuire stated per the calculations the pizza restaurant requires 33 parking spaces.

S. Keach suggested that D. MacGuire review the parking regulations specific to the allowance of compact spaces, reworking the numbers may give them extra spaces. There is also the likelihood of non-concurring peak uses.

R. Clark commented on the slope of the roof on the new building. D. MacGuire stated they intend to utilize a gutter system on the rear of the building with downspouts.

**MOTION: R. Clark made a motion to accept jurisdiction of the amended site plan application for property located at Map 18 Lot 005 – 45 Danville Road.**

**SECOND: R. Gray**

**VOTE: 7-0**



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Chairman Weimar asked for public comment and there was none.

**MOTION: M. Hanides made a motion to continue the application for property located at Map 18 Lot 005 – 45 Danville Road – to the 5/2/2022 public hearing.**

**SECOND: R. Clark**

**VOTE:7-0**

## Other Matters

### **1. Map 02 Lot 052 – Labrador Lane – Discussion re: bond release**

The board had a 3/28/2022 KNA letter recommending bond release, along with 3/24/2022 field report from Jeff Quirk. M. Hanides had a picture on his phone of a small crack and shared it with the board. S. Keach explained that “crack” was something typically found in roadways this time of year and suspected it would “disappear” on its own. Keach stated that based on the report there are no deformities in the road.

**MOTION: R. Clark made a motion to release the final bond amount plus interest for the Labrador Lane Subdivision, Map 02 Lot 052.**

**SECOND: K. Colbert**

**VOTE:7-0**

### **2. Map 06 Lot 018 – 184 Route 111 Self-Storage – Discussion re: bond release**

D. Soucy explained that since KNA was the engineer of record on the project they are unable to make recommendations on their own work. S. Bourcier, the prior town contracted engineer agreed to perform the final inspection on the project. There was a field report dated 3/24/2022 along with a review letter dated 3/25/2022.

Chairman Weimar commented that there were a number of outstanding items:

1. placement of wearing course pavement
2. placement of bituminous concrete curbing
3. placement of pavement markings
4. remove erosion control measures

S. Keach stated he cannot comment on the matter due to conflict of interest.

Chairman Weimar suggested looking at the cost of the outstanding items and keeping that amount of the bond in place until finalized. DJ Howard commented that cost of all products relating to roads/pavement/etc. have increased. The board suggested the property owner obtain a cost estimate of completion from a contractor.

P. Carideo commented that he recalls that water testing should have been performed at this site. D. Soucy stated she would research the matter.

## Planning Board Matters

### **1. Adoption of Updated Rules of Procedure**

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D. Soucy explained that the last time the board adopted Rules of Procedure was in 2015, this update is a result of changes in RSAs over the past seven-year period. The updates were guided by the recommendations made by the NH Dept of Business and Economic Affairs (BEA) The Planning Board in New Hampshire, Appendix C, Suggested Rules of Procedure.

**MOTION: R. Clark made a motion to formally adopt the 4/4/2022 Rules of Procedure**

**SECOND: R. Gray**

**VOTE: 7-0**

## **2. Adoption of Updated Land Subdivision Regulations**

Chairman Weimar read the 04/04/2022 legal ad refencing the 4/4/2022 amendments to the LSDR and Site Plan Regulations:

Pursuant to RSA 675:6 & 7, the Planning Board will hold a public hearing on April 4, 2022 at 7:00 P.M. at the Meeting Room in the Town Hall located at 11 Main Street, on proposed amendments to the Land Subdivision (LSDR) & Site Plan Regulations. The effect of the proposed amendment will be to:

- Amend the LSDR text of Section III:2-A Expedited Review by removing the following text “or (b) a minor subdivision which creates no more than three (3) lots for building development purposes”
- Amend the LSDR text of Section VI:5-C and Site Plan Section IV:2-T “Grading & Drainage Plan” and replace it with “Stormwater Management Plan”
- Amend the LSDR and Site Regulations text of Section VII and VI: Design Standards to include Stormwater Management Requirements
- Amend the LSDR and Site Regulations text of Section XV: Appendices by adding Copy and Printing Fees
- Amend the Site Regulation text of Section III: 1-B:2 (3) Initial Application Filing to revise the required submission of two copies rather than five of all drawings.
- Amend the LSDR & Site Regulations text of Section V:4 Water Supply for Firefighting Purposes with the latest version of the National Fire Protection Association requirements.

**MOTION: R. Clark made a motion to formally adopt the 4/4/2022 amendments to the Land Subdivision Review Regulations.**

**SECOND: M. Hanides**

**VOTE: 7-0**



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## 3. Adoption of Updated Site Plan Regulations

**MOTION:** R. Clark made a motion to formally adopt the 4/4/2022 amendments to the Site Plan Regulations.

**SECOND:** M. Hanides

**VOTE:** 7-0

## 4. Discussion RE: Impact Fees RSA 674:21

Chairman Weimar stated that enacting impact fees would require a lot of assessment. D. Soucy commented that the matter of impact fees came before the PB as a result of comments made at a recent BOS meeting. D. Soucy wanted to clarify the record and stated that impact fees cannot be assessed on resales. Impact fees can only be assessed on new development. S. Keach stated that in order to add impact fees to zoning the town first needs to have a Master Plan in place, followed by a Capital Improvement Program. S. Keach referred to the NHMA article "*Demystifying Impact Fees*", this white paper is still relevant, this article was recently circulated to the board members for their review.

## 5. Town Engineer Comments – none

## 6. Correspondence

- a. RPC Notice of yearly dues
- b. Wetland Permit by Notification – Map 8 Lot 218 – 167 Main Street – Camp Tel Noar - Beach Replenishment
- c. B. Campbell re: Condo Conversion Map 12 Lot 126 – 546 NH Route 111
- d. 3/28/2022 S. Wentworth resignation from the board
- e. 3/31/2022 PB letter of intent from Lewis Eaton
- f. 4/01/2022 PB letter of intent from Bob Villella

## 7. Member Comments – discussed at the beginning of the public hearing.

## 8. Review of Minutes (3/21/2022 Workshop)

**MOTION:** R. Clark made a motion to approve the 3/21/2022 workshop minutes as presented.

**SECOND:** M. Hanides

**VOTE:** 7-0

## 9. Adjourn

**MOTION:** K. Colbert made a motion to adjourn at 9:10 P.M.

**SECOND:** S. Hastings

**VOTE:** 7-0

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Minutes prepared by Debbie Soucy, Secretary