

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

A meeting of the Planning Board was held on Monday, July 2, 2018 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

PRESENT: Paul Carideo, (Chairman), Ben Schmitz, Steve Wentworth, Joe Guthrie, Randy Clark (Alternate), Susan Hastings (Alternate).

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

Chairman Carideo opened the meeting at 7:03 P.M. Chairman Carideo announced that both Randy Clark and Susan Hastings would be voting members at this evening's meeting.

Chairman's Remarks

Next Public Hearing Date August 6, 2018

Plan Filing Deadline for August 6, 2018 Meeting July 16, 2018

Old Business

1. 06-019 PhanZone

Chairman Carideo announced that he had spoken with the applicant's representatives regarding the outstanding conditions. P. Carideo stated that the board is awaiting mylars and posting of the bond. P. Carideo suggested a 60-day extension to complete conditions.

MOTION: B. Schmitz made a motion to extend the conditional approval to 9/4

SECOND: S. Wentworth

VOTE: 5-0-1 (R. Clark abstained)

2. 06-108 Hampstead Self-Storage

Chairman Carideo informed the board that he is working with Attorney Gorrow on this application. The owner does not want to post bond yet since they do not plan to commence construction for at least a year. P. Carideo suggested a 60-day extension.

MOTION: B. Schmitz made a motion to extend the conditional approval to 9/4

SECOND: S. Wentworth

VOTE: 6-0

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

3. 07-064 & 07-068 Hurley Lot Line Adjustment

T. Lavelle stated that the plan has changed, the driveway has to go along the Lot Line Adjustment and as a result, an easement has been added to the plan. T. Lavelle stated there has been back and forth discussion with NHDOT and he feels they have worked out all the issues. T. Lavelle indicated that on paper the driveway plan worked however when they surveyed the lot it was something different.

T. Lavelle presented the board with a copy of the driveway plan. T. Lavelle asked if the easement line should be monumented. R. Clark stated monuments should be set. P. Carideo pointed out a line type change on the plan T. Lavelle presented. P. Carideo agreed that monuments should be set for the easement. P. Carideo also asked that a note be added to the plan regarding the stone wall preservation, Section 1:2:9 under General Provisions in the Zoning Ordinance.

T. Lavelle stated that NHDOT has not approved the driveway plan as of yet. T. Lavelle stated he hopes to have the approval within a week.

MOTION: B. Schmitz made a motion to extend the conditional approval to 8/6. Two additional conditions have been added to the approval.

- 1. A note regarding the stone wall preservation is to be added to the plan.**
- 2. Monuments are to be set to mark the easement.**

SECOND: S. Hastings

VOTE: 6-0

S. Wentworth stepped down from his spot on the board.

4. 19-009 Winchester Heights Elderly Housing

Jim Hanley, Civil Design Consultants, stated he feels that most of the paperwork is in order and they are seeking conditional approval. J. Hanley presented a copy of the NHDES Alteration of Terrain Permit AoT-1388. J. Hanley stated that he provided S. Bourcier with all the cut and fill amounts. J. Hanley stated all the drainage has been addressed.

J. Hanley referred to S. Bourcier's engineer letter dated June 26, 2018 and addressed the comments. Comment #1 is relevant to breaking out the plan sets, J. Hanley stated he has done that and showed the board Sheets 3A, 3B, and 3C. Comment #2 references documentation relative to the Fair Housing Act and the NH Elderly Housing status, J. Hanley stated they have been working with the Town for several months to get the information. Comment #3 references the reclamation of the existing cul-de-sac on Winchester Drive. J. Hanley stated they

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

have made this change and it is reflected on the plan set. J. Hanley stated that S. Bourcier asked for more information on the lighting plan and that they will provide the information as requested.

Comment #A1 relates to Fiscal Impact Analysis (FIA) and the Environmental Impact Assessment (EIA). J. Hanley stated that they feel they are well below the threshold to be required to provide a FIA. J. Hanley stated he feels they are close to meeting all requirements and have provided all the information that has been requested. J. Hanley stated they are looking for conditional approval.

Chairman Carideo stated that he requested that S. Bourcier prepare a review letter advising the PB on the status of the plan since there had been no communication since the last meeting. P. Carideo read from Attorney Gorrow's email dated 6/26/2018 which states she is still awaiting information from Attorney Sweeney. Chairman Carideo stated he is uncomfortable approving the plan without the legal documents in place. J. Hanley asked if the PB would feel comfortable approving with a clean letter from the Town Engineer, D&K. P. Carideo stated he is unsure about the conditional approval due to the lack of attorney communication.

P. Carideo stated there is also a question concerning trash pick-up that was raised by other Town departments. P. Carideo stated there is typically no street pick-up for private rental units which is what this development is under a single owner. S. Wentworth commented that the project will be converted to condo units and as such trash would not be an issue as the Town picks-up trash on other condo's in Town. S. Wentworth asked if the trash pick-up comment could be part of the conditional approval.

R. Clark stated that there are a number of issues that need to be addressed and trash is one of a long list that would be covered by the condominium documents. R. Clark stated he is not comfortable approving the plan under single ownership without a number of things being addressed. D. Soucy stated that during her conversations with Attorney Gorrow she has stated the documents submitted do not address any of the limitations, etc. that are listed as part of the Town's Elderly Housing Zoning.

B. Schmitz commented that he would like to see the latest set of plans. B. Schmitz stated the documents relating to the Elderly Housing Zoning is a concern to him and recalls the abutters being told the PB would not approve without the documents. B. Schmitz stated that he wants to make sure that legally the

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

approved plan is for 55+ . Chairman Carideo stated that the legal documents do not need to be recorded but they need to be on file; the abutters need to be satisfied that the legal documents are in place.

P. Carideo commented that three of the PB members present are concerned about the legal documents. Chairman Carideo stated that Attorney Gorrow has been waiting since May for a response and it is now July; P. Carideo feels they should have been further along in the process at this point.

P. Carideo stated the latest plan set revision (March 19, 2018) is not much of an issue as the legal documents. J. Hanley stated that there are not many technical changes to the plan. P. Carideo stated that he is not in favor of conditional approval without the legal documents. J. Guthrie stated that he agrees with P. Carideo and would like all the legal documents to the PB before conditional approval is granted. B. Schmitz, R. Clark, and S. Hastings all had the same sentiment.

P. Carideo commented that he remembers seeing the Environmental Impact Assessment. (D. Soucy forwarded a copy to S. Bourcier on 7/5/18 for his files). P. Carideo asked R. Clark how the Fiscal Impact Analysis is handled by the PB. R. Clark stated the PB could take action. P. Carideo felt that the applicant needs to submit something in writing to prove they are below the threshold to require a detailed analysis. B.Schmitz felt the applicant needed to provide the data for a waiver or an approval and it would be best to submit something in writing.

Chairman Carideo opened the discussion to public comment.

J. Beauregard – 198 Hunt Road – stated he appreciated the PB concern regarding the legal documents. J. Beauregard asked how and when he could review the latest plans. P. Carideo advised him to contact the PB office and the plans could be viewed during office hours.

C. Fiacchino – 32 Soldiers Hill Road – asked about the changes to the plan. P. Carideo stated the PB asked the applicant to make certain changes such as the reclamation of the current cul-de-sac. S. Wentworth commented that no buffers were changed.

Chairman Carideo closed the public comment session.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

Chairman Carideo polled the PB to get an idea of how they feel and all agreed to continue the review period. J. Hanley confirmed that 8/6/2018 was the next hearing date. P. Carideo indicated that the legal documents are the most important things outstanding. J. Hanley requested a continuance to the next PB meeting.

MOTION: B. Schmitz made a motion to extend the review period to the 8/6 PB Meeting

SECOND: J. Guthrie

VOTE: 5-0

S. Wentworth returned to his spot on the board.

New Business

1. 09-060-3 6 Hastings Drive – Accessory Dwelling Unit (ADU)

T. Lavelle was present for another hearing and spoke on behalf of the developer, John Mason. Chairman Carideo commented that the building plan for the dwelling is reversed from the septic plan and asked that the correct plan be provided to the PB office. P. Carideo commented that the septic plan is shown as a 4 bedroom with an ADU and the plan shows a 3 bedroom, the Primary Dwelling Unit (PDU) has a master bedroom and 2 other bedrooms on the second floor and the ADU shows a bedroom and a study with a closet. P. Carideo stated that he wants clarification on the number of bedrooms in each dwelling unit.

B. Schmitz commented that the garage is quite large. B. Schmitz stated he would like the garage space labeled as PDU or ADU as appropriate. P. Carideo commented that there is a window above the garage and if there is square footage above the garage it should be noted and labeled.

Chairman Carideo asked T. Lavelle to bring his notes to Mr. Mason and advise him that the PB would discuss the application in two weeks at the PB Workshop.

MOTION: B. Schmitz made a motion to continue the review period to the 7/16 PB Workshop

SECOND: S. Wentworth

VOTE: 6-0

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

Other Public Matters

1. Attorney Bernie Campbell, 2019 Zoning Proposal

Attorney Bernie Campbell was in attendance representing his clients Matthew and Brenda Harold. B. Campbell stated this is the first step in engaging the PB in a rezoning proposal starting at 264 Stage Road, heading South on 121 to the Atkinson Town Line and to the intersection of Route 111.

B. Campbell stated that he was certain that most have travelled this area of Stage Road. B. Campbell stated his client's property is across the street from the Commercial C2 Zone, there are a number of non-residential and mixed residential uses in the area. B. Campbell also referenced the recent construction of the gas station at the intersection of Routes 121 and 111.

B. Campbell stated his clients have owned their property since 2016, they are zoned residential, there is a large barn/storage building on the property which has been granted a variance in the past. B. Campbell would like an open discussion as to the PB interest in rezoning the area to Commercial C1 Zone.

B. Campbell stated he feels the appropriate treatment is a setback along the three properties under review. B. Campbell stated Sweet Baby Vineyard (6-26) is a commercial use as a function facility. B. Campbell stated what he feels would work best for the three property owners is a 250' setback. This would put his client's property fully in the C1 Commercial Zone. B. Campbell stated that this setback would encompass the commercial piece of the Sweet Baby property and the remainder would be a buffer to the residential area.

B. Campbell presented the board with an email from Jim Sokoloff, property owner, 244 Stage Road. The email from J. Sokoloff was read into the minutes; J. Sokoloff is in favor of the rezoning proposal.

B. Campbell stated he thinks the proposal does no harm to abutters. B. Campbell reminded the board members that they must give reasonable consideration to use when discussing zoning. B. Campbell referenced Attorney Peter Loughlin's, New Hampshire Practice Series: Land Use & Zoning. B. Campbell asked the PB to consider the proposal and stated he would be glad to answer any questions.

J. Guthrie inquired about the status of 6-60, confirming it was a private residence that appears to be vacant and wondered what J. Sokoloff's plans for the property may be. B. Campbell stated he is unsure of Attorney Sokoloff's plan but stated per the email it sounds like he wishes to keep it residential for the time being.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

R. Clark asked if abutters were given notice of the proposal. P. Carideo stated notice was not required for the discussion. R. Clark stated that his recollection was that the rezoning was discussed a couple of decades ago. R. Clark thinks the zoning setbacks used at the time were 500-1,000 feet and could be the reason why it didn't move forward.

B. Campbell asked the PB to think about whether or not this is a residential area any longer, things have changed. B. Campbell stated he feels the area cries out for some adjustment.

P. Carideo asked if they were proposing a 250' setback from the Right of Way (ROW) or the Centerline. P. Carideo read from the zoning districts and stated it could be written both ways based on the zoning history.

P. Carideo stated he was interested in what Sweet Baby Vineyard has to say. B. Campbell asked what the next steps would be. P. Carideo stated the PB works on proposals, notice to abutters, etc.

Chairman Carideo asked the public for comment.

Steven Keane – 11 Bricketts Mill – (6-43-26) stated he has lived at his residence for twenty years and the Harold's barn was never used for retail. S. Keane stated the Sokoloff property is angled directly towards his front door/driveway.

Lewis Eaton – 260 Stage Road – (6-26) Sweet Baby Vineyard – stated he runs an agricultural business, there is a commercial component however it is not considered a commercial venture per the State of New Hampshire. L. Eaton stated that his taxes would probably go from \$15K to \$20K as a result of the rezoning change. L. Eaton stated he is not in favor of the rezoning change. R. Clark asked L. Eaton how he knew about the rezoning proposal, L. Eaton stated that a neighbor told him it was on the agenda.

L. Eaton advised the PB that SB412 (relative to Agritourism) was recently signed into law. L. Eaton noted that parking for his site would still be under the privy of the PB and as the board knows site distance is a problem on Stage Road. L. Eaton stated that he would lose agricultural benefits if they changed to a commercial zone.

B. Campbell stated that he feels a rezoning would be better than a variance for the surrounding properties. B. Campbell stated he feels the Town should address

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

these properties in a comprehensive way. P. Carideo stated he doesn't feel the PB disagrees with his idea. P. Carideo stated it would be positive for the Town and probably should happen, however, in his opinion all three properties in question would need to be in agreement. P. Carideo stated that Sweet Baby Vineyard and one other abutter are already against the proposal.

P. Carideo stated that there are definitely buffer requirements. P. Carideo stated that Zone C1 uses are softer uses than what is across the street in Zone C2. P. Carideo read the allowed uses in Zone C1 from the Zoning Ordinance. Chairman Carideo polled the PB members asking for any other questions/comments.

B. Schmitz stated that he is undecided. B. Schmitz said it seems like a natural place for Zone C1. B. Schmitz stated it might be nice to have a small office on the corner instead of a vacant house. R. Clark stated that three people already living in the area are opposed to the proposal, it seems like it would be ok in theory but people are opposed. S. Hastings stated that the Towns people were opposed before and not sure if things have changed, she stated she feels the Towns people would not vote for it.

J. Guthrie commented that the board should first do no harm to the people who are presently in the area. J. Guthrie stated the area should have been rezoned commercial fifty years ago and he doesn't want to harm the current residents to give one resident (the Harold's) an advantage.

Chairman Carideo read from the buffer requirements in the zoning and stated that a 50' buffer is required. P. Carideo stated he feels with the PB members present that they may have hit a stumbling block.

B. Campbell stated he feels that the Zoning Board of Adjustment has to approve things abutters do not like all the time. B. Campbell stated that sometimes things need to be approved with abutter opposition. B. Campbell stated he hopes to take the PB comments from this evening's discussion to the ZBA when looking for an approval.

Chairman Carideo stated that Sweet Baby Vineyard is not the only resident opposed. P. Carideo stated the PB has to look at the entire picture. L. Eaton commented that he has three minor children living in his home and that is another reason why he would not be comfortable with the change.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 2, 2018

B. Campbell stated that he understands the PB is in a tough position, he stated there are other options available such as a citizen petition. B. Campbell asked the PB to consider the proposal.

2. Donna Green, Budget Committee, PB Liason, was present to introduce herself to the PB members. P. Carideo commented that D. Green was supportive of the GIS improvements during this past budget season.
3. Mylar Recorded - 13-194 Scanlon Lot Line Adjustment – D40903
4. Mylar Recorded - 11-170 & 11-249 Atwood/Keating Lot Line Adjustment – D40904

Planning Board Matters

1. Town Engineer – None – S. Bourcier is on vacation
2. Correspondence – None
3. Member Comments - None
4. Minutes (6/4 Meeting and 6/18 Workshop)

MOTION: R. Clark made a motion to approve the 6/4 Meeting Minutes as amended and post to the Town website.

SECOND: B. Schmitz

VOTE: 6-0

MOTION: S. Wentworth made a motion to approve the 6/18 Workshop Minutes as amended and post to the Town website.

SECOND: J. Guthrie

VOTE: 4-0-2 (B. Schmitz and R. Clark abstained)

5. Adjourn

MOTION: J. Guthrie made a motion to adjourn at 9:00 P.M.

SECOND: S. Hastings

VOTE: 6-0

Minutes prepared by Debbie Soucy, Secretary