

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead New Hampshire 03841-2033

## Minutes for 17 January 2011

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Chairman Clark opened the meeting at 7:30 P. M. Members present were Randy Clark, Chairman, Bill Kelly, Vice Chairman, Proctor Wentworth, Dean Howard, Derrick Moyer, Bill Weber and Priscilla Lindquist, Ex-officio. Also present were Nicholas J. Cricenti and Susan Hastings, Secretary, Penny Williams, Tri-Town News and Kevin Camm, LLS.

### **BOND: 07-022 Irongate Village**

Randy Clark opened the hearing and asked Nick Cricenti to update the Board. **Attachment 1**. Nick said Stonehill Builders had e mailed him requesting bond releases. Nick Cricenti said some of the Irongate Village roads are private. Veterans Way is on Town property. N. Cricenti added the manhole on West Road has been put in and appears to be working well; at least there have not been any complaints. He said under-drains have been added in two separate areas, one across the lower end of the ball field and the other crosses under the road. Randy Clark said there are three bonds: \$90,035.00, \$26,800.00 and Veterans Way for \$62,700.00. All fees owed the Town are due prior to the release of any bond. The recommendation from SFC Engineering is to release the bond for Veterans Way. There were no comments or questions from Board members or the public present.

**MOTION:** Proctor Wentworth made a motion to release the bond for \$62,700.00 being held for Veterans Way. Bill Weber seconded the motion. VOTE YES: Bill Kelly, Bill Weber, Proctor Wentworth, Derrick Moyer, Dean Howard and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: Veterans Way bond of \$62,700.00 approved to be released.

Chairman Clark said the recommendation for Phase I, Irongate Village, **Attachment 2** is not to release the bond since the condition of the site has not changed. Randy Clark added the recommendation of SFC Engineering for Irongate Village, Phase II, **Attachment 3** is to hold the bond since the condition of the site has not changed since the last inspection.

- Proctor Wentworth stepped down from for the Winchester Heights hearing.

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### **PUBLIC MATTERS: 19-009 Winchester Heights K. Camm**

Randy Clark read a letter from Kevin Camm requesting a time extension for Winchester Heights. **Attachment 4** Kevin Camm said the economics have not improved and he is not ready to begin construction at this time.

**MOTION:** Bill Kelly made a motion to extend the time for meeting the conditions of approval for Winchester Heights to April 26, 2011. D. Howard seconded the motion. VOTE YES: Bill Weber, Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: The time for Winchester Heights to meet the conditions of approval is extended by 90 days.

- Proctor Wentworth resumed his seat on the Planning Board.

### **1<sup>st</sup> PUBLIC HEARING: Zoning Proposals:**

Chairman Randy Clark opened the public hearing for the proposed changes to the Town of Hampstead Zoning Ordinances. The meeting of December 6, 2010 Board members had considered the proposals from the Board of Adjustment and had voted not to recommend the swimming pool ordinance or the seasonal dwelling conversion ordinance. He announced this public hearing was continued from January 3, 2011 when there was not a quorum of members present.

- **HOME OCCUPATIONS Article I-4:0 Home Occupation Definition:**

Chairman Clark explained the article as proposed will add the word "occupant" to the definition in the ordinance. This will clarify the fact that the occupant will run the business. Bill Weber said that was true provided the owner agrees. There were no questions or comments from the public or members of the Board.

**MOTION:** Bill Weber made a motion to approve the proposal to amend the Home Occupation Definition as proposed and to forward the article to the Selectmen for the Warrant. Dean Howard seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly,

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### 1<sup>st</sup> PUBLIC HEARING: Zoning Proposals:

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#### **MOTION:**

Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: HOME OCCUPATIONS Article I-4:0 Home Occupation Definition The accessory use of the dwelling and/or lot for business nature conducted by the occupant thereof which is clearly secondary to the dwelling use for living purposes, and which does not change the character thereof and is not detrimental to the adjacent properties or neighbors.”

- **Article IV-6:5 Home Occupations:**

Randy Clark explained this article is to add a new section to make it clear that a sign permit is needed for a home occupation. Bill Kelly added we already allow signs of 6 square feet in the residential zone. Chairman Clark asked for comments or questions from the Board members or the public present and there were none.

- **Article IV-6:5 Home Occupations:**

**MOTION:** Bill Weber made a motion to approve the proposal to add “B.4” requiring a sign permit and compliance with the requirements of the zone and to forward the article to the Selectmen for the Warrant. Proctor Wentworth seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly, Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: To amend Article IV-6:5 Home Occupation by adding “ B.4 A sign permit issued from the Building Department is required. Signage shall comply with the requirements of Residential Zone A.”

- **Article IV-6:6 Permit Applications**

Randy Clark read the proposed change. He explained the purpose of the change is to make it clear the occupant of a dwelling makes the application for a change and this is done with the agreement of the owner of the property. Derrick Moyer asked what is meant by proof. Randy Clark said the Board of Adjustment will manage the permit process for this, so proof will be up to them. The Chairman asked if there were any other questions or comments.

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**MOTION:** Priscilla Lindquist made the motion to approve the changes to Article IV-6:6 Permit Applications as presented and explained and to forward the article to the Selectmen for the Warrant. Proctor Wentworth seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly, Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: To amend Article IV-6:6 Permit Applications: to read “The applicant shall complete and sign a form that sets forth Article IV-6:6 Permit Applications the nature of the home occupation and provides details of the business and scope of operation and submit proof of occupancy. If the occupant is not a record owner, proof of approval by the record owner is also required.”

- **Article IV 6:8 Validity of Permit**

Chairman Clark read the proposed article. He said the change is from “owner/occupant” to “owner” and to make it clear the permit is issued to the applicant only. Neither the public nor the board members had questions or comments.

**MOTION:** Bill Kelly made the motion to approve the changes to Article IV-6:8 Validity of Permit as presented and explained and to forward the article to the Selectmen for the Warrant. Proctor Wentworth seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly, Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: To amend Article IV-6:8 Validity of Permit: to read “A permit is valid only for the occupant and location for which it is issued. A permit to operate a home occupation shall be issued to the applicant only and is not transferable to a subsequent owner or occupant.”

- **Swimming Pool Ordinance and Seasonal Conversion Ordinances**

Randy Clark, Chairman explained that two other proposals were presented to the Board for approval. The Planning Board members present at the last meeting had voted not to consider them and they were not moved forward to the public hearing. The proposals were for changes to the swimming pool ordinance and the seasonal conversion ordinance.

### 1<sup>st</sup> PUBLIC HEARING: Zoning Proposals

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- **Article IV-5:4 Conversion Requirements. C. SEPTIC SYSTEM**

Chairman Clark explained this is a “housekeeping” issue to update the ENV.Wq numbering references. The ordinance is approved and only the new numbers are being amended. Board members had no questions or comments, and there were none from the public present.

**MOTION:** Priscilla Lindquist made the motion to approve the changes to Article IV-5:4 as presented and explained and to forward the article to the Selectmen for the Warrant. Proctor Wentworth seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly, Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: To amend Article IV-5:4 Conversion Requirements: C. SEPTIC SYSTEMS to read “The applicant must submit proof of compliance with RSA 485-A: 38 in full accordance with ENV-Wq 1004.14 & ENV-Wq 1004.16 of the Administrative Rules of the New Hampshire Department of Environmental Services. Revised 3/ /2011. Holding tanks will not be permitted. Revised 3/ /2011.”

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- **Signs: Article IV-4:3 Prohibited Types and Locations**

Randy Clark, Chairman explained the change here is the addition of the word “silhouette” to the ordinance. Priscilla Lindquist said she considered silhouettes to be a picture. There were no other questions or comments from Board members or members of the public present.

**MOTION:** Bill Kelly made the motion to approve the changes to the Signs Ordinance Article IV-4:3 as presented and to forward the article to the Selectmen for the Warrant. Proctor Wentworth seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly, Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: To amend Article IV-4:3 Prohibited Types and Locations to read “2. Signs which bear of contain statements, words or pictures, or silhouettes of an obscene, pornographic or immoral character or which contain advertising matter which is untruthful or as otherwise prohibited by State law.”

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- **Article IV-4:4 Restrictions. A.2. C-1 Zone.**

Chairman Clark explained the changes in the language are to make the ordinance clear. Signs may have two sides of copy. There were no comments from the members of the Board or the members of the public.

**MOTION:** Proctor Wentworth made the motion to approve the changes to the Signs Ordinance Article IV-4:4 Restrictions. A.2. C-1 Zone as presented and to Signs: Article IV-4:4 Restrictions. A.2. C-1 Zone forward the article to the Selectmen for the Warrant. Priscilla Lindquist seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly, Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: To amend Article IV-4:4 Restrictions. A.2. C-1 Zone to read "Where continuous or clustered businesses are built such as in a business center or shopping center, only one general display sign of not more than eighty (80) square feet total shall be allowed and that sign must be limited to forty (40) square feet per side, to identify these businesses, which shall have a maximum height of twenty (20) feet.

- **Signs: Article IV-4:4 Restrictions. A.3. C-2 & C-3 Zone.**

The Chairman said this proposal was to clarify the meaning of 80 square feet. B. Kelly added sand which signs are usually temporary.

**MOTION:** Bill Kelly made the motion to approve the changes to the Signs Ordinance Article IV-4:4 as presented and to forward the article to the Selectmen for the Warrant. Proctor Wentworth seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, Bill Kelly, Bill Weber and Priscilla Lindquist, Ex-officio. ABSTAIN: Randy Clark. APPROVED: To amend Article IV-4:4 Restrictions. A.3. C-2 & C-3 Zone to read "Where contiguous or cluster businesses are built (in Zones C-2 & C-3) only one general display sign shall be Signs: Article IV-4:4 Restrictions. A.3. C-2 & C-3 Zone allowed and that sign must be limited to a total of eighty (80) square feet, meaning forty (40) square feet per side, to identify these businesses."

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- **Article IV-4:4 Restrictions. F.**

Randy Clark explained the proposal is to reduce the amount of changeable copy signs from 50% to 25% of the total sign area. Proctor Wentworth said there were only four signs in Town according to Kris Emerson, head of the building department. Bill Weber asked why change the size when so many businesses are going to digital signs. The change does not allow for the progression of technology. Priscilla Lindquist said digital signs can be irritable to the neighborhood. Nick Cricenti said “copy” would not change but the pictures could change. Pictures could change the meaning of the copy also. He suggested the definition of copy was something which could be discussed and changed next year.

**MOTION:** Priscilla Lindquist made the motion to approve the changes to the changeable copy ordinance as presented and to forward the article to the Selectmen for the Warrant. Proctor Wentworth seconded the motion. VOTE YES: Proctor Wentworth, Dean Howard, Bill Kelly, Randy Clark and Priscilla Lindquist, Ex-officio; NO: Derrick Moyer, Bill Weber; APPROVED: To amend Signs: Article IV-4:4 Restrictions. F. to read “Changeable copy signs can account for not more than twenty-five percent (25%) of the allowed sign area.”

- **Article IV-4:4 Restrictions. I.3 Special Exception 3.**

Chairman Clark noted the “performance standards” are detailed at the beginning of the commercial zone sections of the zoning. The “character of the Town” may need further discussion and defining next year.

**MOTION:** Proctor Wentworth made the motion to approve the changes to the special exception section of Article IV ‘s restrictions ordinance as presented and to forward the article to the Selectmen for the Warrant. Priscilla Lindquist seconded the motion. VOTE YES: Proctor Wentworth, Dean Howard, Derrick Moyer, Bill Weber, and Priscilla Lindquist, Ex-officio; NO: Bill Kelly; ABSTAIN: Randy Clark. APPROVED: To amend Article IV-4:4 Restrictions. I.3 Special Exception 3. to read “3. The design and materials of the sign fits with the character of the Town,

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#### **MOTION:**

with Performance Standards for Commercial Zones as outlined in Article III, and are approved by the Board of Adjustment.”

### BOARD BUSINESS

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- **Correspondence**  
Manchester NH Cell Tower Hearing: Received, posted and placed on file.  
Hampton NH Cell Tower Hearing: Received, posted and placed on file.  
RPC re: Frye Road Development: Received, posted and placed on file.
- **Minutes and Adjourn:** The following correction was made to the minutes of 6 December 2010: Page 1, Line 3: change “Nicolas” to “Nicholas”.

**MOTION:** Bill Kelly made a motion to accept the minutes of 6 December 2010 as amended. Proctor Wentworth seconded the motion. VOTE YES: Bill Kelly, Proctor Wentworth, Dean Howard, Derrick Moyer, Bill Weber, and Priscilla Lindquist, Ex-officio; ABSTAIN: Randy Clark. APPROVED: The minutes of December 6, 2010 were approved.

- Chairman Randy Clark declared the meeting adjourned at 8:15 P. M. without objection.

Respectfully submitted,

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Susan Hastings, Secretary