

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead New Hampshire 03841-2033

Minutes for 21 March 2011

Chairman R. Clark opened the meeting at 7:30 P. M. Present were Planning Board members Randy Clark, Bill Kelly, Proctor Wentworth, Derrick Moyer, Dean Howard and Ex-officio Priscilla Lindquist. Nick Cricenti, SFC Engineering and Susan Hastings, Secretary attended. Bill Weber was absent. Persons attending the hearing were: John Williams, Tri Town News, Michael Michel, James Lavelle, LLC. Kevin Camm and John Grasso. The correspondence is part of these minutes.

PUBLIC MATTERS: 13-122 Use Change to Auto Sales

Jim Lavelle presented the proposal for a change of use at the request of the Chairman. He informed the Board the property is owned by Aurele Cormier. A 1987 site plan D-17584 was presented showing where the parking for this proposal would be. Michael Michel would like to operate a used car business which will be mainly done on the internet or by telephone. The building would have one occupant. Mr. Michel said he would be doing some minor repairs for the 10 vehicles he would have on the lot. Bill Kelly asked if oil changes would be done and Mr. Michel said he would not be doing that. Randy Clark asked about the sign and there will be no changes to that. A sign permit would be needed for any changes to the sign. The Chairman summed up the proposal saying the cars would be sold on the phone and internet. He further pointed out the number of parking spaces is defined by the building size. Much of the building is currently vacant or being used for storage. Derrick Moyer asked what is different in the proposal from the previous owner. Randy Clark replied although the changes are minor, it needs to be looked at. In this case they are going from auto repair to mainly auto sales with some minor repairs. The applicant was reminded he needed to meet the regulations of the town including the Building Department and the Fire Department. The Chairman asked if there were any more questions from the members of the Board or the public.

MOTION: Proctor Wentworth made a motion to approve the use change for 13-122 allowing the use to be automobile sales with some minor repairs as discussed. Derrick Moyer seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Bill Kelly, Dean Howard, and Priscilla Lindquist, Ex-officio; ABSTAIN: Randy Clark. APPROVED: The change of use at 19 Hazel Drive for automobile sales with some minor repairs on lot 122, map 13.

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PUBLIC MATTERS: Voting Results on Zoning Proposals

Chairman Clark announced the voters had approved all the planning board proposals at the Town Meeting on March 8, 2011.

- **HOME OCCUPATIONS Article I-4:0**

Home Occupation Definition: HOME OCCUPATION: 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. **Approved: YES: 1151, NO: 277.**

- **HOME OCCUPATIONS Article IV-6:5**

Home Occupation Sign B.4: A sign permit issued from the Building Department is required. Signage shall comply with the requirements of Residential Zone A. **Approved: YES: 1098; NO: 333.**

- **HOME OCCUPATIONS Article IV-6:6**

Permit Application: The applicant shall complete and sign a form that sets forth 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. **Approved: YES: 1101; NO: 327.**

- **HOME OCCUPATIONS Article IV 6:8**

Validity of Permit: A permit is valid only for the occupant and locations 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. **Approved: YES: 1159, NO 300.**

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PUBLIC MATTERS: Voting Results on Zoning Proposals Continued from page 2

- **SEASONAL DWELLING CONVERSION Article IV-5:4**

Conversion Requirements C. SEPTIC SYSTEM: 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.

Holding Tanks will not be permitted. **Approved: YES: 1141, NO: 314.**

- **SIGNS Article IV-4:3**

Prohibited Types and Locations: 2. Signs which bear or 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.

Approved: YES: 1259, NO: 208.

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

A.2. C-1 Zone: 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.

Approved: YES: 1192, NO: 267.

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

A.3. C-2 & C-3 Zone: Where contiguous or cluster businesses are built (in Zones C-2 & C-3) only one general display sign shall be 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.

Approved: YES: 1165, NO: 281.

- **SIGNS Article IV-4:4**

Restrictions. F Changeable copy signs can account for not more that twenty-five percent (25%) of the allowed sign area. **Approved: YES: 1074, NO: 342.**

OTHER: SIGNS

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- **SIGNS Article IV-4:4**

Restrictions. I. 3. Special Exception The design and materials of the sign fits with the character of the Town, with Performance Standards for Commercial Zones as outlined in Article III, and are approved by the Board of Adjustment. **Approved: YES: 1182, NO: 252.**

Priscilla Lindquist asked why the zoning ordinance was not on the web site. The Secretary said she had not been on the site. Randy Clark answered as far as he knew it was on there and that he would look into it.

OTHER: Definition for Elderly Housing

Chairman Randy Clark opened the discussion on elderly housing pointing out there was more to the issue than what he had thought. Attorney Diane Gorrow had responded to the questions concerning the federal regulations. Chairman Clark summarized the information saying there was a regulation for 62 and older seniors in addition to the regulations for 55 and older. For the 55 and older you may have 100% requirement or a requirement for a mix of 80% being seniors and 20% being a mix of ages. The Chairman

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said he was not sure of the septic requirements. He asked Board members if they had any feelings on there being occupants under the age of 18. Randy Clark said there may need to be a definition of what ages are allowed in the mix and specifically if children are allowed. It was clear in the Federal Regulations a caretaker or building manager is not to be included in the calculations. Priscilla Lindquist asked if grandparents and grandchildren could move in. Bill Kelly pointed out that if all occupants had to be 55 or older this should be defined and be in the condominium documents as well. He further said a person (55 or older) could have a handicapped child. Mr. Kelly reviewed the hearing for Angle Pond Woods when a person requested to allow her to purchase a condominium for herself and her handicapped daughter who was under 55 years old. At the Public Hearing residents of the Condominiums strongly objected to the age requirement being changed. They said it was one of the reasons they had purchased in Angle Pond Woods. The age requirement was part of the condominium documents. The developer, asked to withdraw the request to allow 20% of the units to have occupant(s) under the age of 55.

OTHER: Definition for Elderly Housing

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Dean Howard pointed out the Town is allowed to be more stringent than the federal law. The definition of the age of the residents is in their condominium documents as well as the Towns regulations. Randy Clark said the people in Angle Pond Woods were clear that they did not want any residents to be less than 55 years old. John Grasso, owner of Four Seasons, said their condominium documents are at the Attorney General's office now awaiting approval. The original proposal was for residents to be over 55 years. The amended plan is for an 80%-20% mix of residents. Mr. Grasso said that is where the market seems to be. Nick Cricenti, Town Engineer, explained one of the problems is the condominiums density is based on the septic design which has the effect of being the limiting factor. The existing permit had to be updated to prove it had the capacity to support 20% of the occupants being under 55. Kevin Camm presented the Board with the original state septic approval which had been sent to him instead of the Town in error. It was dated July 18, 2005. Randy Clark pointed out that when the federal age requirement is 62 years or older there is no provision for allowing any residents to be under that age. However, when the housing is for ages 55 and older there is a provision for a mix of ages and 20% may be under 55. The Federal Law has a provision which states the owner of unit must be 55 or older. Mr. Clark said an example would be if the husband was 55 and the wife was 50. They would be allowed to purchase and live in the unit. The Chairman added the Board members need to address the provisions of our regulations. Nick Cricenti checked the regulations the Zoning requirement IV-10:4, K which indicates that all residents must be 55 or older. Bill Kelly said the average occupancy is two persons per unit. Kevin Camm questioned how you got compliance with the federal fair housing act. Nick Cricenti pointed out the Town is allowed to be more restrictive with its regulations. He added that non-spousal care giver is not counted. Randy Clark and Bill Kelly agreed with Nick Cricenti. The Board may have allowed the units to go to the 80-20% when they were not aware they were not allowed to do that. Kevin Camm said they were looking for four units. Bill Kelly's concern is the possible need to change the zoning regulations if the Town wants to allow the 80-20 mix. Randy Clark said he sees two questions: 1. do we want to allow the 80-20 mix and 2. Do we want to propose a change for the Town Meeting next spring? Bill Kelly said an amendment could not be drafted today. There is a "window" when changes may be initiated. Nick Cricenti pointed out the zoning says the "entire site". Federal law allows the 55 and older residents to mean that one of the occupants may be less than 55 years of age.

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OTHER: Definition for Elderly Housing

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MOTION: Bill Kelly made a motion to continue the discussion on elderly housing to April 4, 2011. Derrick Moyer seconded the motion. VOTE YES Proctor Wentworth, Dean Howard, Bill Kelly, Derrick Moyer, Proctor Wentworth, and Priscilla Lindquist, Ex-Officio member, ABSTAIN Randy Clark. The discussion of elderly housing is continued to 4 April 2011.

BOARD BUSINESS:

- **Election of Officers:** Randy Clark announced the next business would be the election of officers for 2011. He nominated Bill Kelly for Chairman. The nomination was declined.

MOTION: Bill Kelly nominated Randy Clark for Chairman and Derrick Moyer seconded the motion. VOTE YES: Bill Kelly, Derrick Moyer, Dean Howard, Proctor Wentworth, Priscilla Lindquist, Ex-officio; ABSTAIN: Randy Clark. ELECTED: Randy Clark was elected Chairman of the Planning Board for 2011.

MOTION: Proctor Wentworth nominated Bill Kelly for Vice Chairman and Priscilla Lindquist seconded the motion. VOTE: YES: Derrick Moyer, Dean Howard, Proctor Wentworth, Randy Clark, Priscilla Lindquist, Ex-officio; ABSTAIN: Bill Kelly. ELECTED: Bill Kelly was elected Vice Chairman of the Planning Board for 2011.

MOTION: Randy Clark said the Planning Board needed to have a Secretary. He nominated Susan Hastings and Bill Kelly seconded. . VOTE YES: Bill Kelly, Derrick Moyer, Dean Howard, Proctor Wentworth, Priscilla Lindquist, Ex-officio; ABSTAIN: Randy Clark. ELECTED: Susan Hastings was elected Secretary of the Planning Board for 2011.

- **Deliberative Session:** Chairman Clark told the Board that at the Deliberative Session of Town Meeting, the Ethics Committee was introducing some changes to the ethics rules. He had advised them there are some things he (Planning Board Chairman) may have the Secretary do which are not voted on by the entire Board. He added these are noted in the statues. Randy Clark was concerned he not be in conflict with the Ethics Committee on this. Priscilla Lindquist said if the RSA's allow it then there is no conflict.

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BOARD BUSINESS:

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- **Correspondence:** Report from the Selectmen on Board Liaisons. The Chairman announced Priscilla Lindquist was appointed as the Liaison to the Planning Board.

The owner of the bond for 06-006, 054 Site Plan, 77 Gigante Drive LLC will be notified the bond is due for renewal.

- **Four Seasons 18-047:** Bill Kelly said the Board should rescind the approval of the Four Seasons plan based on the earlier discussion of the Zoning. Randy Clark said the Zoning is clear on what the requirement is for elderly housing.

MOTION: Bill Kelly made a motion to reconsider the vote on February 7, 2011 conditionally approving Four Seasons Site Plan 18-047. Proctor Wentworth seconded the motion and the Chairman called for a vote. VOTE YES: Proctor Wentworth, Priscilla Lindquist, Ex-Officio member, Dean Howard, Bill Kelly, Derrick Moyer: ABSTAIN: Randy Clark. APPROVED: The motion was approved to rescind the conditional approval of the Four Seasons Amended Site Plan, map 18, parcel 47.

- **Minutes 17 January 2010 and Adjourn:** The following corrections were made to the minutes of 7 February 2011: page 1, paragraph 2, line 8 change "if" to "is"; page 3, paragraph 1, line one after "he" add "had", paragraph 3, line 2 add "seconded by Proctor Wentworth."; page 4, paragraph 2, line 4 delete "shown change", line 6 add "a specified number" before "of".

- **Minutes 17 January 2010 and Adjourn:**

MOTION: Randy Clark asked for a vote on the minutes. VOTE YES: Bill Kelly, Derrick Moyer, Proctor Wentworth, Dean Howard, Priscilla Lindquist, Ex-officio; ABSTAIN: Randy Clark. The minutes for 7 February 2011 were approved as amended.

ADJOURNMENT: Chairman Clark declared the meeting ended at 8:35 P. M.

Respectfully submitted,

Susan Hastings, Secretary