

# HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

## Minutes for 7 May 2012

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Chairman Clark opened the meeting at 7:00 PM. Members attending were Randy Clark, Proctor Wentworth, Dean Howard, Paul Carideo, Bill Weber and Priscilla Lindquist Ex-officio. Nicholas J. Cricenti, PE, SFC Engineering Partnership, Town Engineer and Susan Hastings, Secretary attended. Also present was: B. Worthen, Richard Towne, Erin Bennett, Chad Bennett, Sean Spares, Mark Gross, Janet Robideou, Penny Williams, Robert Houston, Cornelius Balk, Todd Morey, Julia Forbes, Virginia Clark, Nancy Fulmore, Shirley Paz, Carlos Paz, Cynthia Neale, Timothy Neale, Diane Utt, Karen Utt, Derrick Moyer, Karilyn Allard, Kristopher Emerson, Jim Lavelle, Kevin Hatch. The Publishing and Posting affidavit, list of persons attending and the correspondence are part of these minutes.

### **BOND 6-6, 103, The 17 Gigante Drive Realty Trust**

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Randy Clark, Chairman announced to Board members the Letter of Credit for 17 Gigante Drive Realty Trust was received and it was extended for a year, **Attachment # 1**.

### **PUBLIC MATTERS 4-5, 40 Subdivision/Lot Merger, Eagle Road, D. W. Williams**

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Chairman Clark opened the hearing for D. Williams lot merger proposal, **Attachment # 2**. The plan had a Technical Review on 3 May 2012, **Attachment # 3**. Kevin Hatch presented the plans for David Williams. K. Hatch explained two adjacent lots are in the same ownership and the owner wants to combine them. He said a plan was drawn because of the number of lots at the site. R. Clark said the numbers on the plan presented do not match the numbers on the town maps or records. Kevin Hatch said lot 4-5 and 4-40 each has a dwelling. When the parents passed away in 2009 the property went to the children. A 20 acre parcel went to Catherine Williams. Lots 1, 2, & 3 went to David Williams, who later purchased lot 4. These lots are shown on a 1911 plan recorded at the Registry of Deeds. Now D. Williams wants to combine the lots or parcels 4-40 and 4-40-1. K. Hatch said he believes the assessors assigned the 4-40-1 number to that town map lot. This has carried forward from the 1974 town map done by Charles Martin. N. Cricenti said the history does not matter, the lots may be combined now under the new RSA on lot mergers. Catherine Williams now owns lot 4. K. Hatch presented the deeds for the record. He added the heirs were confused about what they were inheriting and will be recording a boundary plan to clear this up. These parcels will be deeded out of the estate. Randy Clark said the town map shows differently from what is being presented. Bill Weber said there was an issue with the road needing to be upgraded to make a better access for fire especially. K. Hatch said the road is private but is maintained by the

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### **PUBLIC MATTERS 4-5, 40 Subdivision/Lot Merger, Eagle Rd, D. Williams** Continued from page 1.

Town. S. Hastings said the landowner had called and said they would work with the town to upgrade the road. N. Cricenti said the town map 4-40 lot in town records has more than one parcel in it. K. Hatch said he would provide copies to the Town assessor and a cad for the mappers. A motion was made to approve the plan. The Chairman asked for comment or questions from the abutters and there were none.

#### **MOTION**

**Proctor Wentworth made a motion to approve the lot merger of 4-5, and part of 4-40 as shown on the recorded plan 0229 Lots 3 & 4. Dean Howard seconded the motion. YES Proctor Wentworth, Dean Howard, Paul Carideo, Bill Weber and Priscilla Lindquist. ABSTAIN Randy Clark. APPROVED Lot merger of 4-5 and part of 4-40 as shown on recorded plan 0229 lots # 3 and # 4.**

### **1<sup>ST</sup> PUBLIC HEARING 2-74, 165 Subdivision/Lot Line Change, R. Houston, 465 Main Street**

The Chairman opened the public hearing for a Subdivision/Lot Line Change at 465 Main Street. The plan had a Technical Review on 3 May 2012, **Attachment # 3**. Jim Lavelle represented the owner, Robert Houston. J. Lavelle said the lots are served by a driveway and the owner wants to move the lot line away from the driveway. The proposal will create a straight lot line along the driveway. The areas exchanged are equal in size and soil type. There is no issue with the well. The dwelling is on Lot 74 and the driveway access is from Sarah's Way. There is no dwelling on the "barn lot" where Mr. Houston intends to build a new home. P. Wentworth said the well was too close to the lot line. J. Lavelle said they will provide a well release. The Chairman asked for any public input and there was none.

#### **MOTION**

**Proctor Wentworth made a motion to accept jurisdiction of the lot line adjustment between 2-74 and 2-165 including the well easement. D. Howard seconded the motion. YES Proctor Wentworth, Dean Howard, Paul Carideo, Bill Weber and Priscilla Lindquist. ABSTAIN Randy Clark. APPROVED Jurisdiction taken of the Robert Houston plan Map 2 Lots 74 and 165.**

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### **1<sup>ST</sup> PUBLIC HEARING 2-74, 165 Subdivision/Lot Line Change, R. Houston Continued from page 2.**

The Chairman asked members if they were ready to vote.

#### **MOTION**

**Proctor Wentworth made a motion to approve the lot line adjustment between 2-74 and 2-165 including the well easement. Bill Weber seconded the motion. YES Proctor Wentworth, Dean Howard, Paul Carideo, Bill Weber and Priscilla Lindquist. ABSTAIN Randy Clark. APPROVED The lot line adjustment between Map 2 Lots 74 and 165 approved subject to the receipt of the well easement\*\* and other usual items listed on the conditional approval.**

### **1<sup>ST</sup> PUBLIC HEARING 1-18 Site, Depot Development, LLC, Route 121 & East Derry Road**

Randy Clark announced there would not be a public hearing since the application was not complete. The applicant has asked to present a conceptual presentation to the Board. This is allowed specifically by the RSA's. Bill Weber said he had a question for the Board. He asked how a review could be held since the previous plan had been denied by the Board and the Court because of concern primarily about the failed intersection. He asked that Town Counsel be contacted for advice. Chairman Clark said the developer could present new plans to correct the deficiency and he would like to hear the presentation before making a decision. The applicant is not asking for a public hearing. This is a conceptual presentation and is non-binding. It will provide the Board an opportunity to comment. The Site Plan denial was 11 years ago, many issues may be addressed and comments are welcomed.

### **PRELIMINARY CONCEPTUAL CONSULTATION PHASE 1-18 Site, Depot Development LLC**

Mark Gross, MHF Design Consultants, said the main change was the orientation of the building in order to reduce the impact on the residential area excepting the south on Route 121. The building is a single story instead of a two-story structure to fit with the neighborhood. The design is a barn style. M. Gross showed the Board pictures of other barns in the area. One access is to Derry Road. There is a drive thru around the building back and this will have a buffer to the intersection corner. A perspective of the building shows it to be similar to Freshwater Farms on Route 111. M. Gross explained the end treatments with the east and north elevations. He emphasized the single story building is a smaller scale

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### **PRELIMINARY CONCEPTUAL CONSULTATION PHASE 1-18 Site, Depot Development LLC**

than the 2001 plan. The canopy for the gasoline pumps will be on the south side of the structure. A technical review group met to discuss the plan on 3 May 2012. M. Gross said they are working with the state on traffic at the intersection. R. Clark asked if consideration had been given to a right turn lane. The developers anticipate deceleration lanes within the right-of-way will be required. The green areas will not obstruct the site line. The building will be 3 to 4 feet below Derry Road to address the headlight problem. R. Clark expressed concern with the buffer obstructing drivers turning south. He said the side walls of the building show more than the roof. Mark Gross said they could use a steeper pitch although they wanted the roof and wall to be in proportion. P. Carideo suggested the roof mass could be broken up with the use of dormers or a gable or they could drop the peak. The plan had a Technical Review on 3 May 2012, **Attachment # 3**.

Public Comment: Abutter Carlos Paz, 595 Main Street, said the design was impressive but his concern was the traffic increase, concern with the well and a diminution of property values. Resident Julia Forbes, East Road, said the footprint of the building is larger than on the previous plan. M. Gross said there was no second story and the square footage was less.

Ms. Forbes asked if the new change on buffers was incorporated into this plan and noted no parking was allowed in this buffer area. She contested the size of the project, the accesses, the volume of traffic and the coffee shop being 200 square feet larger. Mr. Gross said the coffee shop would have the same number of seats, but the 1000 square foot area was too small to accommodate the service equipment needed.

Abutter Shirley Paz, 595 Main Street, said a letter from the Rockingham Planning Commission recommended the intersection be signalized because of its' condition. She said her home value would decrease by \$30,000 dollars.

Resident Tim Lovell, 50 Bloody Brook Road, Conservation Commission Chairman expressed concerns with the large aquifer Cedar Swamp close to the development. He said the gasoline pump control systems are not fail-proof and he did not want to see the aquifer polluted. Todd Morey, Sandown said his neighbor, abutter C. Balk, had asked him to come and express his concerns with the loss of property

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### **PRELIMINARY CONCEPTUAL CONSULTATION PHASE 1-18 Site Depot Development LLC**

Continued from page 4.

values, his home and driveway are across from the access/exit and he will be impacted with the effect of the vehicle lights from cars exiting the site. It is already difficult to pull out of the driveway because of the traffic and he questioned the safety of the accesses.

R. Clark asked if screening could be used saying he understood the issues and the plan would be given careful scrutiny. He told Board members the court had focused on traffic congestion and hazards and agreed the green barrier could help. Mark Gross said the Main Street (Route 121) entrance is expected to be the main entrance/exit.

C. Paz commented he was closest to that.

G. Sear said the business hours were excessive for the neighborhood Resident Cynthia Neale, 574 Main Street, said she lived with the trail noise and was concerned with an increase in traffic. She said the accesses were difficult. Randy Clark said Route 121 has traffic.

Abutter Erin Bennett, 589 Main Street, presented a letter, which in part expresses concern with the scope of the project saying it is not fit for a residential neighborhood; she presented pictures of Ordway Park and homes.

Randy Clark said he and Proctor Wentworth were both on the Board when the first proposal came in and were very aware of the issues. The applicant had modified the project.

M. Gross said the side lights stations would be modified and light from the 15 foot poles shielded downward. The standards are engineered designed and are for security.

Abutter Janet Rabideau said her granddaughter lives with her and the school bus stops every day and she was concerned with traffic having enough visibility as they come over the hill.

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### **PRELIMINARY CONCEPTUAL CONSULTATION PHASE 1-18 Site Depot Development LLC**

Continued from page 5.

Abutter Spires spoke saying another gas station and Dunkin' Donuts was not needed noting the location of others in the area. He said the site should not be zoned commercial. R. Clark said a zone change could be petitioned for and the Town would be able to vote on it. Two previous petitions have failed. He added the Board is required to follow the RSA's and the constitution when considering each plan. J. Forbes said the site was residential in 1952, 1968 and only changed in 1984. C. Paz added Ordway Park is a quiet recreational area and he was concerned this would not be able to be preserved. Abutter Virginia Clark, 623 Main Street, commented on the architectural view, the area traffic, and the increased number of school bus stops. She is concerned with the site distance as you come over the hill on Derry Road and the number of people who do not seem to know the traffic laws. She said this would increase vehicle emissions in the area. V. Clark said the area is very dangerous and the only suitable use might be a day care center. Resident Derrick Moyer, 453 Main Street, commented he liked the barn concept, but why not a train station. He also asked where the dumpsters would be. Chairman Clark ended the discussion and continued it to 4 June 2012. Abutters will not be notified since it is being announced at this meeting.

Carlos and Shirley Paz presented a letter to the Board dated 7 May 2012. Chad and Erin Bennett presented pictures and a letter to the Board dated 5 May 2012. Tim Neale presented a letter to the Board dated 7 May 2012. Each document is in the permanent record.

### **PUBLIC HEARING Rules of Procedure**

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Randy Clark said members had received copies of the rules of procedure. The changes made appear in color and each was read by the Chairman: Page 1, Delete: "The Planning Board shall interview candidates' qualifications for appointment to the Board and shall make a recommendation to the Selectmen." Page 2, paragraph #1: change the time to "7:00 PM"; paragraph 2 delete "Normally" and delete "and the second meeting is a work session. Page 3, paragraph 2, insert "free"; under **NOTICE** paragraph 2, insert "free". The Chairman asked for comments or questions from the Board or the members of the public present. There were none and he called for a vote. **ATTACHMENT # 4.**

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**PUBLIC HEARING Rules of Procedure** Continued from page 6.

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### MOTION

**Bill Weber made a motion to accept the changes as noted. Proctor Wentworth seconded the motion and it was approved. YES Proctor Wentworth, Dean Howard, Paul Carideo, Bill Weber and Priscilla Lindquist. ABSTAIN Randy Clark. APPROVED Changes to the Rules of Procedure dated 5/7/2012.**

There was a brief discussion of the Chairman not voting unless it was to break a tie. R. Clark suggested if the Board wanted to make this change it could do so at another time.

### BOARD BUSINESS

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- **Correspondence** SFC re: 19-009 Winchester Heights Construction Progress Report # 3: placed on file.  
Hampstead Animal Hospital re: Accessibility Inspection: placed on file.
- **Registry of Deeds re Officers** placed on file.
- **Meeting Date** S. Hastings asked members if they were agreeable to meeting the third Monday of the month whenever a conflict occurred on the first Monday. The usual occurrence is the 4<sup>th</sup> of July and Labor Day holidays which typically fall on a Monday. All members agreed and the calendar will show this change.
- **Minutes** The following change was made to the minutes of 2 April 2012: page 5 line 1, change "CAD" to CD.

### MOTION

**Paul Carideo made a motion to approve the minutes of 2 April 2012 as amended. Proctor Wentworth seconded the motion and it was approved by vote.**

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**BOARD BUSINESS** Continued from page 7.

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- **Adjourn** The Chairman called for a motion to adjourn.

**MOTION**

**Proctor Wentworth made the motion to adjourn at 8:25 PM. Dean Howard seconded the motion and it was unanimously approved.**

Respectfully submitted,

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Susan Hastings, Secretary