

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

Chairman Randy Clark opened the meeting at 7:00 P. M and noted that all members were present, Proctor Wentworth, Dean Howard, Paul Carideo, Neil Emerson, Bill Weber and Priscilla Lindquist, ex-officio. Nick Cricenti, PE, SFC Engineering Partnership, Town Engineer, Kris Emerson Building Department, and Planning Board Secretary Susan Hastings attended. Others in attendance were: Penny Williams, member of the media, Bruce Worthen, Richard Towne, Arthur M. Kearloy, Phil Towne, Diane Utt, Karen Utt, John J. Regan, Ginny Clark, Shirley Paz, Carlos Paz, Julia Forbes, Chad Bennett, Robert Schuler, Nancy Fulmore, Craig Bennett, Erin Bennett, Janet Rabideau, Molly Allen, Sharon Towne, Alicia Phillips, Todd Wallace, Ryan Erhardt, Gloria McMahon, Nancy Lange, Jeremiah Devros, Barbara Gallant, Donna Chandler, Cornelius Balk and Chris Miller. The Publishing and Posting Affidavit and the list of persons attending the hearing are a part of the record. The next meeting is August 6, 2012. The last date to file plans for a hearing on this date was 16 July 2012.

BOND

13-116 Hampstead Animal Hospital

Randy Clark explained the owner of Hampstead Animal Hospital, Ryan Story, requested the bond release, Attachment #1. Nick Cricenti, SFC Engineering, Town Engineer performed a final inspection and submitted a report, Attachment # 2, to the Board. He explained there were two separate bonds and each required a vote. The Chairman asked if there were any questions from Board members or the public present. There was none.

MOTION

Proctor Wentworth made a motion to release the cash bond of \$1000.00 and any interest accrued for Hampstead Animal Hospital 13-116 pending the payment of fees. Dean Howard seconded the motion. Members approved release of the bond. VOTE YES Proctor Wentworth, Dean Howard, Priscilla Lindquist, Bill Weber, Paul Carideo, and Neil Emerson; ABSTAIN Randy Clark.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

BOND

13-116 Hampstead Animal Hospital Continued from page 1.

MOTION

Proctor Wentworth made a motion to release the Passbook bond of \$500.00 and interest for Hampstead Animal Hospital 13-116. Bill Weber seconded the motion. Board members approved the motion. VOTE YES Proctor Wentworth, Dean Howard, Priscilla Lindquist, Bill Weber, Paul Carideo, and Neil Emerson; ABSTAIN Randy Clark.

1ST PUBLIC HEARING

4-12, 12-1, 64 Subdivision/Lot Line P. Maida, Eagle Road

Chairman Clark opened the public hearing for Paul Maida. Jim Lavelle presented the revised plans to the Board members. He explained the basic elements of the plan consisting of four lots located on Eagle Road. Jim Lavelle said the plan had approval with conditions seven years ago. The applicant did not meet the conditions and the Board rescinded the approval. This is a new submittal. The property owners, Paul Maida and Donna Chandler, are present and wanted to see the plan approved. At the last meeting, the Board had requested information referencing the deed, identifying the adjacent parcels by map and parcel, the location of the septic system on parcel "B" which is in disrepair, and the location of the well on 4-12. He said the information is in notes 7, 8, and 9. R. Clark read "Note 7, A variance to the terms of the Hampstead Zoning Ordinance to permit the dwelling to be too close to the lot line was granted on September 7, 2006; Note 8, A Special Exception to the terms of the Hampstead Zoning Ordinance to permit construction of a 4 foot by 10 foot deck and entry way was granted November 2, 2006. Note # 9, "A Special Exception to the terms of the Hampstead Zoning Ordinance to permit the construction of an addition on an undersized lot, was granted November 4, 2010." J. Lavelle had copies of the Decision Notice for board members to review. Priscilla Lindquist said there had been a question raised on the status of Eagle Road. Her research showed the Town accepting the road in 1994. Jim Lavelle said he would bring in the mylars for recording and copies of the Decision Notices from the Board of Adjustment. Randy Clark asked Nick Cricenti if he had any issues and he said he was all set. Kris Emerson said the plan looked ready to finalize.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

1ST PUBLIC HEARING

4-12, 12-1, 64 Subdivision/Lot Line P. Maida, Eagle Road Continued from page 2.

MOTION

Proctor Wentworth made a motion to approve the plan of Paul Maida for lot line adjustments between 4-12, 4-12-1 and 4-064 as presented subject to the usual conditions. Paul Carideo seconded. The Chairman asked if there were any further questions from Board members or the public. There were no questions. The Board voted approval of the motion. VOTE YES Dean Howard, Bill Weber, Priscilla Lindquist, Paul Carideo, Neil Emerson and Proctor Wentworth. Randy Clark abstained.

1st PUBLIC HEARING

01-018 Depot Crossing Development Site, 598 Main Street

Chairman Randy Clark opened the Public Hearing. Bill Weber asked if this was correct procedure since the Chairman had announced continuation of the pre-preliminary discussion. Randy Clark said Mark Gross had filed an application for a Public Hearing and that made continuation of the pre-preliminary discussion unnecessary. Susan Hastings said, the legal advertisement appeared in the Manchester Union Leader and the notice posted in the Town Office Building and the Hampstead Public Library. The abutters' certified letters sent.

The Chairman said this was the first Public Hearing and he requested Mark Gross present the plan. He introduced Stephen Pernaw of Stephen G. Pernaw & Company LLC, and Luke Hurley of Gove Environmental Services. M. Gross said they were taking a fresh look at the project presented 10 years ago. He briefly described each page of the design package. The existing conditions of the 4-acre site will have a building housing a small retail store, eight gasoline pumps, a Dunkin Donuts and another small retail shop. The west boundary generally follows the Hampstead-Derry town line and is in the C-1 Commercial Zone. The zoning allows the proposed uses. Mark talked about some history of the area, especially its' close involvement with early railroading. For this reason, the architecture of the building design will resemble a Boston and Maine train station and the canopy over the gasoline pumps will have the same railroad canopy design. The driveway on the Derry Road is located more to the west.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

1st PUBLIC HEARING

01-018 Depot Crossing Development Site, 598 Main St. Continued from page 3.

The first unit from the westerly side is a 1245 square foot Dunkin Donuts; second unit, a variety store of 1390 square feet with eight gasoline pumps; third unit retail space of 1200 square feet. The Dunkin Donuts will have a drive thru with a 10-vehicle queue line. There is a by-pass lane behind the queue line for emergency traffic and delivery. Access can be from either driveway. The parking on the site is adequate. The perimeter buffer of 50-foot will surround the site. The gasoline pumps will have a containment pad. All deliveries are to come in from Derry Road. The Site Detail map shows 17-foot tall light poles. The lighting design page depicts a 15-foot tall pole with a two foot light mounted on the top. There will be a 1-foot-candle light pool around the site and zero foot-candle offsite. The Grading and Drainage map has the driveways at 5% or less. There is a curb around the detention basin to the south west of the parking area. The site has less than 100,000 square feet of disturbed area. The drainage structure will have a slope of 2% and will be blanket seeded. There is an Erosion and Sediment Control detail page. The Utilities and Substructures show the location of the off-site well in Derry. The water will be brought along the Derry Road into a storage cistern will get water from the well on Derry Road. The Fire Department access to the cistern is a fire pump. There will be two septic systems for Dunkin Donuts. Each one is sufficient to serve the store. There will be a third system to handle the store and the retail unit. There will be a subsurface propane tank. The telephone, electric, and cable will be underground. Mark Gross introduced architect Kyle Barker. He explained the designing of the commercial building and canopy over the gasoline pumps. The intent is to compliment the architecture of the neighborhood. Many design features of the B & M are implemented in the design such as the four-foot overhang roof with wall brackets, the hip roof with gable ends, the colors being tan walls with red trim, similar to what was used by the B & M Railroad. The windows are 3 feet by 5 feet with a transom at the top. The drive-thru window for Dunkin Donuts will mimic a ticket window. The sign design will have the look of a train-crossing signal. K. Barker explained the types of materials they plan to use. Mark Gross introduced his Traffic Engineer Steve Pernaw who holds national and many state licenses as a traffic engineer. S. Pernaw explained the process for determining the traffic results from calculations of factors involved such as the day, time of day, road conditions or weather. He said there were several traffic counts done by the state of New Hampshire over the years, which were very helpful. The Hampstead Police Department was very helpful in providing information from their records. From 2009 through 2010, there were 13 reported

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

1st PUBLIC HEARING

01-018 Depot Crossing Development Site, 598 Main St. Continued from page 4

accidents or just over 4 per year at the intersection. A "scope" meeting held by the Department of Transportation on March 7, 2012 as part of their process in determining the necessity of signalization, S. Pernaw explained several of the calculations done. The final determination said there has been no dramatic change in traffic at the intersection of NH Route 121 and Depot Road. There was criticism because the studies done were while Pinkerton Academy closed. The mall is not a major traffic generator according to an analysis of the proposed businesses. The site distances are in excess of 500 feet in all directions, provided brush on the North West corner of the intersection is trimmed. The four-way intersection may cause some traffic slow down at peak traffic times in the morning and evening. The design of the driveways is for a three-lane drive onto Route 121. The driveway onto Derry Road is also three lanes. The State Department of Transportation has developed numerous regulations for the design of delivery sites for fuel. They regulate this. Two drive way permits are required for the site. The DOT issues permits. R. Clark asked if turn down lanes would be required. Steve Pernaw said there is a new NHCRP report, which has new criteria and a new computer software package. The developer does the study and the Department of Transportation will make a determination based on the guidelines. The Dunkin Donuts in Atkinson at the end of West Road on Route 111 used these criteria. They were required to put in a turn down lane. B. Weber questioned the results in this study since the same traffic firm did the previous study. S. Pernaw said the numbers were different from day to day. The projections for the traffic volumes were down in 2001 resulting in a 2% per year growth rate. Now the percentage of growth is at 1%. In ten years, the traffic volume has declined. A trip generation manual is used. The intersection had the lowest rating in 2001 and that has not changed for certain calculations. S. Pernaw said the grade of "f" was not a report card grade; it was one level of service evaluation. Randy Clark asked if the DOT would be required to fund any widening of the roadway. He asked if there would only be one gas price on the sign and R. Towne said that was correct, there would be three prices at the pump so the three were not required on the sign. R. Clark asked if they would have diesel fuel. They plan to have both fuel types. R. Clark asked if there would be a second floor. R. Towne said no but there will be utilities installed there. Randy Clark asked about light spillover from the light poles. There will not be any. The calculations do not take light reflections, such as fog or mist, into account. R. Clark asked for more information on the cistern. It will be 30,000 gallons. There will be an outside connection for the fire

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

1st PUBLIC HEARING

01-018 Depot Crossing Development Site, 598 Main St. Continued from page 5.

department. Paul Carideo said all neighboring driveways should be on the plan. M. Gross said they would need the landowner's permission to locate them. P. Carideo said Google maps could provide this information. P. Carideo said the abutters well across from the old church did not show. He asked why the site did not tie into the Hampstead Area Water Company. P. Carideo asked for submittal of the grading plan to the Conservation Commission. They could evaluate the very poorly drained and poorly drained soils on the site. He also asked about the effect on the wetland pocket, which exists there. P. Carideo questioned whether the traffic stacking lane for 10 cars was sufficient; whether there would be a backup at the pumps when the fuel tanks were being refilled; the closeness to the railroad bed trail and whether they would try to come along Route 121 to get to the station or possibly come through the detention basin location; he questioned the location of the vent hood. R. Clark asked if department heads had a technical review meeting. Nick Cricenti said one took place on the preliminary plan. M. Gross said he would like to see a review on this submittal. N. Cricenti he would schedule a review before the next meeting. The comment letter from SFC Engineering dated July 7, 2012 is Attachment # 3. M. Gross presented the Emergency Evacuation Access and Evacuation Plan for Map 1 Lot 18 Property Proposed Depot Crossing Development is Attachment # 4.

Chairman Clark asked for comments from the abutters.

Abutter Shirley Paz said it was a failed intersection and dangerous. She did not consider traffic concerns adequately addressed. She said the abutters had no consideration given to their safety or property values.

Ordway Park Committee Member J. Forbes said she had many issues with the plan submitted. She said Ordway Park, as a public park did not receive consideration. The location of driveways and wells of abutters do not show. The Paz well is in Ordway Park and a public well in the park do not show. She said when Pinkerton Academy was in session the busses; students and teachers would make a difference in the numbers of a traffic count. She said the pine evergreen species planned for planting on the site were not hardy enough and suggested a Pat Albert Spruce. The location of the building shows

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

1st PUBLIC HEARING

01-018 Depot Crossing Development Site, 598 Main St. Continued from page 6.

the back of the building facing Derry Road. Zoning does not allow a building to have its' back to the street. The uses of the units are being high intensity and not in line with the uses of C-1 according to Ms. Forbes. She said the uses need modifying. J. Forbes asked the hours of operation, the impact on the traffic, and impact of snow removal from the site. M. Gross said there are other areas on the site, for snow storage. R. Clark asked about salt filtering of the plowed snow.

Abutter Erin Bennett, 589 Main Street, is concerned for the safety of her children. She said a convenience store brings crime because of the sale of alcohol and cigarettes. The traffic from 6:30 to 7:00 am is heavy and the number of busses and the drop off and pick up of schoolchildren is significant. Ms. Forbes gave the Board a letter. Attachment # 5.

Abutter Ginny Clark said she has been in her home for over 50 years and also has served on public boards and understands how difficult it can be. She wanted more consideration given to the growth, the number of busses, ambulances and fire trucks coming through and property damage. The intersection needs a light although she admitted it probably would not help much when there is ice. G. Clark said the safety of the community needed more consideration from the Board. The proposal had been defeated ten years ago and she did not see much different with this plan. She asked if there were any members with a conflict of interest.

Abutters Chad and Erin Bennett are concerned with safety of children in the area, saying the development will create a more dangerous situation for school bus stops. They felt the convenience store would draw a criminal element with the sale of tobacco and liquor.

Derry abutter Janet Rabideau said she would have on her property line garbage, propane, the transfer area, septic systems and the drive through traffic.

Resident Barbara Gallant, 10 Ells Road, asked what the business occupying the retail space would be. She wanted to know if there would be ice machines and propane gas filling stations in front of the building. B. Gallant asked if the traffic permit considered the traffic and the number of accidents.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

1st PUBLIC HEARING

01-018 Depot Crossing Development Site, 598 Main St. Continued from page 7.

Resident Molly Allen, 287 Main Street, asked the Board to have concern for the abutters and the Town. She said there is a large aquifer involved and it needs protection from pollution with gasoline or salt. M. Gross said the state strictly regulates and monitors gasoline pump and tank installations. Patrons pumping gasoline must stay with the pump. There is a pad surrounding the entire area where the pumps and cars are. The ridge design is to keep the fuel onsite and direct any spillage to containment areas.

Abutter Cornelius Balk, whose home is across the street from the Derry Road entrance said the lights shine into his house. P. Carideo asked M. Gross what the vertical drop was for the driveway. Mark Gross said it was six to eight feet lower than the level of the house.

Abutter Carlos Paz said his property value would diminish and that would have a negative impact on the economy. He said they would lose their investment in the property.

A letter from Timothy Lovell, Chairman of the Hampstead Conservation Commission is Attachment # 6. Chairman Clark said the Board needed to hear from the DOT and NHDES, more information was needed on the well and tests. He said the next meeting will be August 6, 2012 and asked Mark Gross if he would have the information needed by that time. Randy Clark recommended he schedule for the 16 September meeting and M. Gross agreed. The Chairman announced the Public Hearing is continuing to 16 September 2012. Proctor Wentworth said the Board did not taken jurisdiction of the plan. The Chairman said this could take place at the next meeting. Nick Cricenti said the zoning does say a building may not have the back face the road. Kris Emerson said the siting of the building on a corner lot is a different situation.. The front of the building faces Route 121, the main road.

PUBLIC MATTER

Master Plan

Randy Clark said Board members had received the Land Use Section of the Master Plan. He encouraged them to read it and note changes or corrections for the August 6 meeting. Vice Chairman Wentworth said the zone descriptions should be consistent with what we use.

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Minutes for 16 July 2012

BOARD BUSINESS

- **Correspondence 13-052 Isabel's Boutique** Chairman Clark explained the letter sent, Attachment # 7. Since the only issue was a change of ownership, a public hearing would not be required.
- **Member Comments** Paul Carideo said the FIRM maps under the subdivision reference of June 1993 and there are newer versions out. He felt there needed to be a definition for "building activity" in the Wetlands Ordinance. He also asked about parking lots in the calculations. Randy Clark explained that a parking lot is not a structure according to Hampstead's zoning and the percentage of lot coverage Hampstead requires reflects that.
- **Minutes 4 June 2012** The following changes were made to the minutes Page 2, Paragraph 2 line 2 change "basics" to "basic" and line 15 delete the sentence beginning "Randy"; Page 4 Paragraph 3 change the sentence to read " Priscilla Lindquist asked what the status of the web site was saying the new members were listed but not Priscilla Lindquist and the minutes were missing from May 2011 forward."

MOTION

The minutes of 4 June 2012 were accepted as edited.

MOTION

Priscilla Lindquist made a motion to adjourn. Chairman Clark declared the meeting ended without objection.

Respectfully submitted,

Susan Hastings, Secretary