Chairman Randy Clark opened the meeting at 7:30 P.M. Present were Planning Board members Randy Clark, Proctor Wentworth, Priscilla Lindquist, ex-officio, Dean Howard, Derrick Moyer, and Planning Board Secretary Susan Hastings. Also in attendance were Chairman Kristen Yasenka, and Geoffrey Dowd, Board of Adjustment members, and Penny Williams, media reporter. Kris Emerson CEO came in later. The Publishing and Posting Affidavit and the list of persons attending are part of these minutes.

**BOND Irongate Village Letters of Credit**

The Chairman asked S. Hastings for any new information on the Irongate Village Letters of Credit renewals. She is still waiting for Pentucket Bank to respond and will be calling them again next week. The expiration date is 4 February 2012.

**1ST PUBLIC HEARING 2012 Zoning Proposals**

Randy Clark, Chairman opened the Public Hearing for consideration of the proposed changes to the Zoning of the Town of Hampstead. These changes, if approved by the Planning Board, will appear on the ballot for approval by the public as amendments or changes to the Zoning of the Town of Hampstead.

Amendment #1: IN A LAW/ACCESSORY APARTMENTS: the Chairman read IV-14.1 from the Posting Affidavit. Randy Clark said the words “siblings and caregivers” had been added. Kristen Yasenka added in todays’ world, the intention of the ordinance would be to include “extended family” such as an aunt or uncle, or in-laws. Derrick Moyer agreed the addition of “caregiver” was important. There being no more questions or comments from the public a motion was in order.

**MOTION**

**Proctor Wentworth made the motion to approve Amendment #1 as posted and to forward it to the Selectmen for inclusion on the Warrant in March. Priscilla Lindquist seconded the motion. VOTE YES: Proctor Wentworth, Priscilla Lindquist, Dean Howard and Derrick Moyer; ABSTAIN: Randy Clark. APPROVED: Amendment #1, IN-LAW/ACCESSORY APARTMENTS: IIV-14.1.**

**1ST PUBLIC HEARING 2012 Zoning Proposals** Continued from page 1.

Priscilla Lindquist asked if there were any ordinance against a homeowner renting a single room with no separate living facilities. The Zoning Board of Adjustment is concerned with connections to other rooms. Geoffrey Dowd added this could be a separate condition.

Amendment #2: SEASONAL DWELLING CONVERSION: IV-5: the Chairman read 4 CONVERSION REQUIREMENTS. Randy Clark said the change is from a “variance” to a “special exception” which has requirements, which are simpler to meet. Randy added there are also additional provisions. They are the addition of IV-5:4, “A” for Lot Size, “B”, the setback, height and area requirements, “D” addresses the frontage and IV-5:4 “C” septic requirements. Kris Emerson said the ZBA is concerned with a number of the issues looked at during the conversion request hearing. K. Emerson added it is easier to get a special exception than a variance because you deal with the spirit and intent of the change, the uniqueness of the situation and hardship is left out. Geoffrey Dowd said the Town criteria for health and safety must be met. Geoffrey Dowd added the Board has not set a bad precedent on what “hardship” is. R. Clark commented that during the discussion for conversion of a smaller lot the ZBA looks carefully at the number of bedrooms, which are allowed. Karen Yasenka said they consider the capacity of the septic systems carefully. In addition, the number of bedrooms allowed for the system design is stated on the permit issued by the State. Dean Howard commented the conversion is usually bettering the situation. G. Dowd added the updating of the septic system is a betterment. Chairman Yasenka explained the conversions are usually for small cottages and generally, the addition is for one more bedroom. G. Dowd continued the septic is a controlling factor for the number of bedrooms. D. Moyer asked if a holding tank could be used. K. Emerson told him they are not allowed by the State. Mr. Moyer expressed his concern for emergency services accessing the narrow camp roads. G. Dowd said they often ask for a “Hold Harmless Agreement” from the property owner. Randy Clark pointed out that when there is bodily harm the court may not agree and disregard a hold harmless agreement. K. Yasenka said that “seasonal use” does not have dates attached to it because of the difficulty in defining it. D. Moyer asked if “seasonal conversion” was not the real issue since the building was already there. Additions to the structures are not addressed by the seasonal conversion ordinance. Chairman Clark asked for additional comment or was the Board ready to vote.

**1ST PUBLIC HEARING 2012 Zoning Proposals** Continued from page 2

Amendment #2: SEASONAL DWELLING CONVERSION: IV-5:4 CONVERSION REQUIREMENTS

**MOTION**

**P. Wentworth made the motion to approve Amendment #2 as posted and forward it to the Selectmen for inclusion on the March Warrant. Priscilla Lindquist seconded the motion. VOTE YES : Proctor Wentworth, Priscilla Lindquist, and Dean Howard. VOTE NO: Derrick Moyer; ABSTAIN: Randy Clark. APPROVED: Amendment #2. SEASONAL DWELLING CONVERSION: IV-5:4 CONVERSION REQUIREMENTS.**

Amendment #3: COMMERCIAL ZONE C-2: III-5:5 Structure/Dwelling Regulations was explained by Chairman Clark as providing a way for businesses to expand their structures from 15% to 20% of lot coverage by requesting a special exception from the Board of Adjustment. This was prompted by two recent requests to the ZBA for an increase in the size of the building. Geoffrey Dowd said they (the ZBA) get to review the proposals and he considered this a benefit to businesses. R. Clark added the point is at this point they are sent to the Planning Board for a full review of the plan. K. Emerson added the plan had to be reviewed and approved by Planning before a permit can be issued. P. Wentworth added the plan also has to be recorded before permits are issued. Randy Clark said the site needs adequate water, septic, parking and drainage had to be designed and reviewed. The impervious surfaces can have a higher density. Some areas of Town are as much as 30%. It is a completely new plan. P. Wentworth asked why the zoning was not just being changed to 20%. Derrick Moyer said the 15% figure was to benefit the development of the Town. Proctor Wentworth said the Town already has a 100-foot setback from Route 111 before any building can be located. P. Lindquist pointed out that Route 111 also has a limited access. G. Dowd pointed out the impervious surfaces can improve water quality because of the filtration provided. R. Clark said the water can be captured but no more water can flow off the site than before development. D. Moyer expressed concern with the salt used on the parking surfaces. K. Emerson said the catch basins and filtration systems eliminate the salt prior to reaching the wetlands. R. Clark suggested that the ordinance might be expanded to include impervious surfaces.

**1ST PUBLIC HEARING 2012 Zoning Proposals** Continued from page 3.

Amendment #3: COMMERCIAL ZONE C-2: III-5:5 Structure/Dwelling Regulations:

There were no more questions or comments and the Chairman asked members if they were ready to vote.

**MOTION**

**Proctor Wentworth made the motion to approve Amendment #3 and forward it to the Selectmen to be included on the Warrant. Priscilla Lindquist seconded the motion. VOTE YES: Proctor Wentworth, Priscilla Lindquist, and Dean Howard; VOTE NO: Derrick Moyer; ABSTAIN: Randy Clark.**

**APPROVED: Amendment #3: COMMERCIAL ZONE C-2: III-5:5 Structure/Dwelling Regulations was approved by a majority of the members voting and will be forwarded to the Selectmen for inclusion on the Warrant.**

Derrick Moyer felt the amendment needed more study.

Amendment #4: RESIDENTIAL ZONE A: III-2:2 Permitted Uses. The Chairman explained the zone is “Residential A and not Recreational B. Randy Clark then read the proposal. He said people are looking for a clear definition of what the area allowed is. The Code Enforcement Officer, Kris Emerson added he would like to place limits on the larger lot. Plaistow uses a sliding scale to determine the size of the building. Derrick Moyer asked if there were height restrictions. The Board of Adjustment scales the height from the plans, which they require. The use is judged on a case-by-case basis with emphasis on conformance with the neighborhood. Karen Yasenka added they do not want a building to be overbearing in the area. The CEO said they must meet the zoning setbacks and the structure must be appropriate for the area. Randy Clark said two structures are allowed with the premises a homeowner might want the garage near the house and a utility shed further out. Kris Emerson added a 150 square foot shed is allowed. Derrick Moyer said he wants to maintain the look of the Town. Proctor Wentworth said the ordinance allows two accessory buildings. Randy Clark added the ordinance also spells out the maximum total square footage allowed for the accessory buildings. Agricultural uses are not subject to this regulation. Karen Yasenka said most applications are for one building. Derrick Moyer said he would

**1ST PUBLIC HEARING 2012 Zoning Proposals** Continued from page 4.

Amendment #4: RESIDENTIAL ZONE A: III-2:2 Permitted Uses.

like to see the larger lot sizes have a set building area, such as over 5 acres be limited to 1800 square feet. Randy Clark said Amendment #4 will be posted for a **Public Hearing on 17 January 2012** and include wording to include the concerns raised tonight on building size exceeding the allowed size. The posting will read: “Amendment #4: RESIDENTIAL ZONE A: III-2:2, 6. Accessory buildings: Two (2) accessory, single story buildings are allowed. The maximum total square footage for the accessory building(s) depends on the lot size. Agricultural uses are not subject to this regulation. For lot size of:

Up to 43000 square feet: 950 square feet

44000 square feet to 89999 square feet: 1200 square feet

90000 square feet to 129999 square feet: 1500 square feet

130000 square feet: 1800 square feet”

In addition, change III 2-3, #2 to read: “One accessory building may exceed the allowed size, provided the building is in full compliance with the zoning and is appropriate for the zone.”

Amendment #5: GENERAL PROVIDIONS: 1-2:4 Lot Consolidation. Chairman Clark read the existing regulation, which allowed the Town to merge adjacent lots, which were in the same ownership without the property owners’ permission. This ordinance was enacted to meet the State RSAs. Randy Clark pointed out that Hampstead has allowed owners to make application to the Planning Board for lot mergers. The Town did not merge any lots without the property owners’ permission. The new RSA required the Town to post and to include the information that any landowners who have lots, which were merged by the Town, may have them reinstated as separate lots. This must also be in the Town Report for the next three years. The notice has been posted here. There was no further discussion on the amendment and the Chairman asked for a motion.

**1ST PUBLIC HEARING 2012 Zoning Proposals** Continued from page 5.

**MOTION**

**Proctor Wentworth made a motion to approve and forward to the Selectmen Amendment # 5 as written. Derrick Moyer seconded the motion. VOTE YES: Proctor Wentworth, Derrick Moyer, Dean Howard, and Priscilla Lindquist; ABSTAIN: Randy Clark. APPROVED: Amendment # 5 GENERAL PROVISIONS: 1-2:4 Lot Consolidation.**

Chairman Clark asked members if there were any corrections to the December minutes.

Page 5, Paragraph 2, Line 1 change “RECREATIONAL ZONE B” to “RESIDENTIAL ZONE A”.

**MOTION**

**Randy Clark asked members to approve the December amended minutes. VOTE YES: Dean Howard, Proctor Wentworth Derrick Moyer, and Priscilla Lindquist: ABSTAIN: Randy Clark APPROVED: The 5 December 2011 minutes were approved.**

The meeting was closed at 9:10 PM.

Respectfully submitted,

Susan Hastings