Chairman Randy Clark opened the meeting at 7:00 PM. Members present included Randy Clark, Proctor Wentworth, Paul Carideo, Dean Howard, and Priscilla Lindquist, Ex-officio voting member. Bill Weber was absent. Secretary Tina Harrington took the minutes. Attendees included Kris Emerson, Chief Building Inspector, Penny Williams, Media, and Nick Cricenti, SFC Engineering. The list of persons attending is a part of the record. (*Neil Emerson was absent. Added-3/21/2013)*

**CHAIRMAN’S REMARKS**

* Filing deadline for 3/4/2013 meeting is February 11, 2013.
* Next meeting of the Planning Board will be Monday, March 4, 2013.

**1st Public Hearing–Map 06-046 Tropic Star Development**

Chairman Clark opened the public hearing by asking the proposers to explain the project. Wayne Morrill of Jones & Beach Engineers, Barry Guer of Jones & Beach Engineers along with Jim Mitchell of Tropic Star Development were present to explain the project and answer any questions. Mr. Morrill explained that they were granted a variance in October 2012 by the ZBA for the 100-foot setback needed along Route 111. They were allowed to be within 35 feet from the setback. He noted that there was a TRC (Technical Review Committee) meeting last week with the Police, Fire, Highway and Building Inspector along with the Town Engineer. There were some requests from that meeting that have been incorporated into the plan they presented to the board at this meeting.

They explained that the property is located at 235 Stage Road at the corner of Route 111 and Route 121 on a 1.19 acre parcel. They are looking to build a 4,146 square foot gas station and convenience store with 12 fueling stations. They have 284 feet of frontage along Route 111 and 370 feet along Route 121 (Stage Road). They are looking at 21 parking spaces on site. They wanted to put the access point as far from the intersection as they can and have placed it across from Brickett’s Mill Road entrance. There will be one turn lane into the site and one exit out with two turns, one dedicated for left turns and the other for right turns and to go straight across to Brickett’s Mill Road. There will be an 8 foot/6 foot wide sidewalk monolithic style which allows the customers to come into the site. The tanks will be in front under a concrete apron. They also explained that they have plans to show the clearance for the fire trucks and delivery trucks around the canopy. The dumpsters will be located at the south end of the property just on the corner of the building. The leach field will be on the northwest side of the site and test pits have been done with Kris Emerson, Code Enforcement Officer. They do have the adequate soils at that location. The septic system design has been submitted to DES and they are waiting for the approval. The lights will be “shoebox” style lights that are dark sky compliant and when on will face downward. They will all be on timers to go down when not needed. Landscaping will have an array of different shrubs and trees around the border of parking lot. There was a scoping session with NH DOT which was also attended by representatives from the Town. Mr. Morrill explained that they are waiting for the final report from their traffic engineer to submit to the State. They explained that there was good input from the TRC committee and they talked about trying to get a right turn lane heading north

**1st Public Hearing–Map 06-046 Tropic Star Development** CONTINUED FROM PAGE 1

on Route 121 (Stage Road) to help alleviate traffic that backs up towards Atkinson. Mr. Guer presented the information regarding the drainage. There is a high point on the site located down the middle and that it will drain from the west to Route 111. They are proposing curbing and catch basins for onsitedrainage to oil separators and then to underground chamber retention systems and back to state highway system. Chairman Clark asked about the ledge and whether or not there will be blasting. Mr. Guer responded that they are looking to do as little blasting as possible, but there will be some blasting. It will be in the areas with the retention systems. They are trying to bring the site up as much as possible. The Town requires 4 feet of cover over the drainage points. Chairman Clark asked about the notes in TRC regarding a needed increase in the septic system. Mr. Guer responded that the original calculations for the septic system did not include what the state requires in that two employees needed to be added for the pump islands and 35 gallons per day, per employee needed to be added to the calculations. There will be a ledge tank for the septic tank which is a little shallower but has the same capacity. They have increased the size of the field to make the 70 gallon per day requirement. Chairman Clark asked about the clearance for the trucks. Mr. Guer said that they have the size of the trucks from the Hampstead Fire Department and also know the size of the delivery trucks they will be using and incorporated it into a program that determines the clearance needed and that was presented to the Planning Board tonight. Mr. Carideo had a question on the chambers and where they were shallow he asked if they would be lined. Mr. Guer stated that it didn’t need to be. Mr. Carideo was concerned with runoff water going through and would like to see it sealed off if there was no infiltration system. Mr. Carideo also asked about the pre and post information on the culvert under Route 121 to another property and asked if they were equal. Mr. Guer stated that it came off a slope and drains towards the east end. Mr. Carideo asked if they would be all set in a 50 year storm. Mr. Guer stated that they were all set.

**MOTION**

**Proctor Wentworth made a motion to take jurisdiction of the proposal from Tropic Star Development for Map 6 lot 046. Paul Carideo seconded the motion.: YES-Proctor Wentworth, Priscilla Lindquist, Paul Carideo and Dean Howard. ABSTAIN-Randy Clark. Absent-Neil Emerson, Bill Weber. The motion was approved by vote**

Mrs. Zakian of 257 Stage Road asked the following questions to the developers.

1. What is a shoebox light and asked if it was 21 feet.
2. Height of building
3. If they are looking at a restaurant, won’t the septic system need to be larger and would there be restrooms for the restaurant employees
4. How can jurisdiction be taken before the state has given a response regarding the driveway. She was told that the state has jurisdiction on the driveway-

**1st Public Hearing–Map 06-046 Tropic Star Development** CONTINUED FROM PAGE 2

Mr. Clark responded that taking jurisdiction allows the Planning Board to review the plans and to discuss and engage an engineer. It also allows them to go on the lot and talk to other entities involved such as the state.

1. How deep is the ledge and how much blasting
2. What signage will there at the site
3. Hours of operation
4. Where the dumpster will be and what lighting there will be
5. Is the canopy around the pumps considered part of the building to meet the 15% requirement
6. Will any trees be left on the property
7. What will people see when they drive up from Route 111.

Mr. Morrill responded to the questions.

The lighting is listed on page L1. A shoebox light will keep light from going up- pushes the light downwards.

The height is not set yet. They don’t have the final canopy and roofline. The TRC asked for building elevations but it is expected to be 18 feet with a pitched roof. Chairman Clark stated that the Planning would need to know the peak so it doesn’t exceed 35 feet. They will get the correct number.

There are no plans for a restaurant in the building but maybe a sandwich shop with counter space. The septic system is sized for the gas station and employees plus the 4,146 square feet store which is 503 gallons per day, which meets the NHDES requirements.

The ledge is 4 feet across the site. They will only be blasting for places they need to for services such as water line and only where they absolutely have to.

Mr. Mitchell will answer the question on operation hours.

Mr. Morrill explained that the dumpster will be on the south side of the property totally enclosed with 8 foot high stockade with light from the building being the only light. There will be security lights on the building.

The 15% lot does include the canopy and with the building it is at 14.8% of the lot

Trees will be left edge of the site along stonewall and boundary lines. There will be some near the parking lot at front of the property.

Signage will be visible from Route 111 and Route 121 and they are allowed a 50-foot sign per code.

**1st Public Hearing–Map 06-046 Tropic Star Development** CONTINUED FROM PAGE 3

Hours of operation are uncertain at this point. They are looking at operating the station itself and will have more detail on that later.

Mr. Carideo regarding the septic system, if they are doing food prep such as sandwiches there would need to be a grease trap plus there would need to be an accounting for the food prep. Mr. Mitchell responded that if it is found to be needed they will make that adjustment. Mr. Carideo asked for clarification for the Planning Board if the sandwich store would be there. He also noted that they could always go back to Kris Emerson to review after that fact.

Mr. Cricenti responded that under Hampstead’s regulations it would be a change of septic flow and would need to be accounted for.

Mr. Carideo asked about the additional parking at the top of the property. Mr. Mitchell stated that came from TRC that they needed to find 5 additional parking spots whereas they couldn’t count the pump areas.

Mr. Carideo would like to see some buffer at that spot from Route 111 to stop any light from glaring on to the highway. Mr. Mitchell asked if small arborvitae or spruce would be okay and Mr. Carideo agreed it would.

Gary Knox-97 Brickett’s Mill Road-He asked about the 35 foot setback that was granted to the developers. Chairman Clark explained that it was 100 foot setback and they were granted the variance by the ZBA. Mr. Knox asked if that meant the site was 35 feet closer than our zoning allows. He also asked how many pumps are proposed. The response was 6 pumps with 12 fueling stations. He also asked how the traffic that currently backs up to at least Philips Auto in the afternoon would be impacted with people looking to take a left hand turn into the site. Chairman Clark explained that these are things that will be part of the traffic study, which has not been submitted yet. Mr. Knox asked about a right hand turning lane that has been stated tonight. Chairman Clark stated that came out as well during TRC and it is up to the state to approve. Mr. Knox asked who would pay for it. Chairman Clark responded that the developer would. Mr. Knox noted how easy it is to get to a gas station from where he lives and asked why we would grant a variance for someone to build another gas station. Chairman Clark responded that if it meets the requirements and can pay for it they can do. Mr. Knox was concerned that we needed to go outside our existing zoning laws to allow this to be approved. Chairman Clark explained that it was done at ZBA and not Planning Board. Mr. Knox asked that it be taken into consideration. Chairman Clark explained that Planning Boards are governed by the US Constitution, State Law (RSA’s) and town zoning for example and economic necessity or desirability is not part of that consideration.

**1st Public Hearing–Map 06-046 Tropic Star Development** CONTINUED FROM PAGE 4

Mr. Mitchell expects that they will have their traffic report for the next meeting, but did not expect a state response by then. This way the board can see what they are thinking. Route 121 northbound towards Route 111 is wide at end. The response was that it has become that way over time. Chairman Clark mentioned that it might require taking land from map 6 lot 43-1 to widen that area to allow a right hand turn. Mr. Mitchell asked that they wait for the traffic study.

Bob of 27 Brickett’s Mill Road-He noted his concern that the high school bus picks up the students at the end of Brickett’s Mill and Stage Road. The bus actually stops on Stage Road to pick up the students. It does go down Brickett’s Mill for the Middle School and Central School. He also noted that in the past he had heard that there was talk of making the turning lane but no one was able to get the land from the business complex.

Suzanne Zakian-to Mr. Knox-She was at the ZBA meeting for the variance and that she voiced her objections. She heard that the reason for the 100 foot buffer was that down the road they felt route 111 would be wider to access route 93. In talking with Rockingham Planning she heard that it is still on the books for around 2020. She also stated that they were surprised that the variance was granted. She noted that the state did a traffic study and that 13,000 cars travel Route 111 in Hampstead daily and along Route 121 at the Atkinson Hampstead border there are 8,500 cars. This shows that there is a lot of traffic and that the state is due to look at it and do something when there is funding. She also noted that while the state has jurisdiction of the plan, our Planning Board has an obligation to make sure they are safe and their children are safe. People scooting in and out of gas station won’t be concerned with that. She would like to know how many accidents have been at that intersection. She emphasized that the Planning Board is Hampstead’s Planning Board and needs to represent the residents.

Chairman Clark noted that in researching the other gas station 5 miles up the road he spoke with police and this intersection is the 3rd worse in Hampstead with Route 121A/Route 111 the worst and East Road/Route 111 second. It was requested that this continue to the March 4th meeting.

**MOTION**

**Proctor Wentworth motioned to continue the public hearing of Tropic Star Development of Map 6 Lot 46 to March 4th, 2013. Paul Carideo seconded the motion. The vote was YES-Dean Howard, Proctor Wentworth, Paul Carideo and Priscilla Lindquist; ABSTAIN-Randy Clark. Absent-Neil Emerson, Bill Weber. The motion was approved**

**PUBLIC MATTERS-Voluntary Lot Merger, Luverne & Sharon Paton Map 09 Lots 049 and 127**

Both lots are owned by the same people and Mr. Paton explained that they want to merge the two lots. He did ask if he could continue to have access from both parcels to Kent Farm Road. The smaller lot is used for delivery of hay. It is accessed through a gate. The frontage for both properties are 196 feet and 68 feet for a total of 260 feet frontage. Mr. Kris Emerson saw no problem with both driveways

**PUBLIC MATTERS-Voluntary Lot Merger, Luverne & Sharon Paton 09-049, 127** CONTINUED FROM PAGE 5

where it already exists. Priscilla Lindquist asked if it had been one lot in the past. Mr. Paton stated that it had not, but one of them was actually part of another lot. There had been an old school house on the little lot and when it burned down it was sold as a camp lot. It was never built on because it was considered an unbuildable lot.

The members of the Planning Board had no issues with the merger of the two lots and gave approval. No motion was required. The paperwork will be processed.

**OTHER-Winchester Drive Road Deed**

The deed was given to the Selectmen. They have placed the acceptance of the road onto the 2013 Town Warrant.

**OTHER-Julia Forbes and Tim Neal from Ordway Park Committee-**

Mrs. Forbes had some information that she would like submitted into the record to clarify some items and correct some information she found when reviewing the Depot Development file. She noted that in 1996 there was a plan drawn by a surveyor for Ordway Park and it located the wells at Ordway Park (the Paz’s well). In looking at the map for Depot Development it does not show the stonewall that was there and she has concerns with the surveyor and where they located the well on Ordway Park, she doesn’t believe it lines up on the site plan correctly and that the distance from their well will be off. Ordway Park hired a surveyor to use the 1996 plans and look at the Depot Development plans and check the actual location. She referred to a letter of 10/15/12 from MHF Design that they were within .01 feet based on the survey equipment used. According to what Ordway Park’s surveyor looked up, there is an error of 4.6 feet and if this error is there, she asked what other errors may be present in the plan. Mrs. Forbes noted that she will contact DES to make them aware of her findings for when they review the underground storage tank for Depot Development. Mr. Carideo asked Mrs. Forbes if the surveyor looked at the other wells on the site as well. Mrs. Forbes responded that they had and there were differences there as well.

Another concern she looked to clarify is discussion with Kris Emerson and the Fire Chief regarding a failed intersection and Depot Road. She spoke to a letter dated 1/26/09 that spoke about the intersection as well as the new parking area for Ordway Park.

Mrs. Forbes referred to zoning for C-1 on page 123 and 124 and a map of the Depot Development regarding storage or service areas as another concern. She noted correspondence in the file from SFC Engineering and MHF Design from 2012. She referred to some correspondence that talked about delivery times during non-peak hours. Mrs. Forbes was concerned because there are other storage areas between the proposed building and the road which is not allowed according to zoning.

**OTHER-Julia Forbes & Tim Neal-Ordway Park Committee-** CONTINUED FROM PAGE 6

The final thing she noted is that according to our Site Plan Regulations, page 225 Section 10, no site plan can be approved unless it meets all requirements. She noted that the site plan that shows the well for Ordway Park is not stamped by anyone.

Chairman Clark asked about the distance to the well and the fact that the new surveyor found a 4.6-foot difference than what MHF Design had in relation to the underground tank. Mr. Carideo noted that from what he could see the measurements looked right on and noted that the surveyor from Ordway Park would have needed to scan the Depot Development plan to scale in order to get the correct measurements. Mrs. Forbes responded that they used the recorded boundary of Ordway Park by Mr. Peloquin and the surveyor also spoke with him. The boundaries were checked and verified to the deeds and the surveyor stamped the plan. She also stated that the surveyor felt his measurements are less than 4 3/4” distance beyond the 250 feet from setback of well. Mrs. Forbes said that it is a shallow well, not drilled, and that she wants DES to flag the inspection to make sure they comply.

Chairman Clark asked Mr. Cricenti if he had any comment to the concerns. He stated that he would need to look at the paperwork submitted from Mrs. Forbes first. Chairman Clark thanked her for the information and noted that it would be forwarded to Depot Development and see what they come back with.

Mrs. Forbes mentioned one more issue from the January 2008 minutes of the Planning Board regarding a petition warrant article submitted by Colleen King that passed in March 2008. In the hearing for the article Mrs. King stated that she brought it forth because of Walgreens and the use of a corner lot. Depot Development is also a corner lot and they should not be exempt from the change in the zoning because it was brought specifically for a corner lot.

Mrs. Forbes also submitted a copy of RSA 91 A regarding the tapes used for the minutes and to be available to the public. She had previously asked to get copies of them. She noted that she was told by Mrs. Hastings that the tapes were not available to review. Chairman Clark responded that the town has no way to copy the tapes and in the past Attorney’s that have asked for copies have come in with their own equipment and made copies in the office. The general public has not asked for this in the past that he is aware of. Mrs. Forbes stated that people should be told that this is an option that people can come in and make a copy, whereas it was not given to her.

**Change of Use-Bre’s Ice Cream, Map 18 lot 043, Unit 10**

Deborah Roger Thornton is looking to put a sit down ice cream store at Colby Corner in the Unit formally used by Isabella’s Boutique. She noted that her lease was contingent on her being able to get her permits. If the Planning Board is all set, she will move forward to get her food license and sign her lease. Kris Emerson, Code Enforcement, was all set with the change in use, pending the septic system

**Change of Use-Bre’s Ice Cream, Map 18 lot 043, Unit 10-** CONTINUED FROM PAGE 7

calculations. Ms. Thornton submitted a report from Jim Lavelle that updated the information. If she has 2 dipping cabinets it would create 465 gallons per day whereas the previous store used about 100 gallons per day. According to the report the system has the ability to handle another 627 gallons per day so the system will be able to handle the ice cream store. It was noted that there will be a new approval number from DES for the food license. The leach field is large enough just reallocate the usage. Chairman Clark thought Colby Corner had been measuring their usage. Mr. Cricenti stated that they were and that a new leach field with a capacity of 4,000 gallons had been built a few years back.

Mr. Carideo asked about parking and any impact. Mr. Cricenti stated that it was all the same for the square foot of the floor space. Kris Emerson noted that there was plenty of parking if people looked at the area by the Post Office. The applicant is hoping to have a sign in the window and should also be on the pile on out front. Kris Emerson told her to see him when she has her designs. There was some discussion on the number of seats with the application stating 24 seats but the septic calculations based on 2 Dip Wells and 16 seats. It was agreed that 16 seats with the one bathroom would work and it could be upped later if it is found the septic could hold that.

**MOTION**

**Proctor Wentworth made the motion to approve the Change of Use for Bre’s Ice Cream to be located at Map 18 Lot 43, Unit 10 with the application amended to allow seating up to 16 seats. The motion was seconded. The vote is YES-Proctor Wentworth, Dean Howard, Paul Carideo, and Priscilla Lindquist; ABSTAIN-Randy Clark. Absent-Neil Emerson, Bill Weber. The motion was approved.**

**BOARD BUSINESS**

* **Letter from Barbara Loughman** regarding fee schedule change. It is too late for 2013 but should be ready to go 2014. Chairman Clark asked to add, the rates to be determined by the Board of Selectmen after a public hearing.
* **Comments-Mr. Wentworth** said he was thinking that the issue with the 35 feet from the pavement, but tell how far from pavement to the actual lot line which should be about 72 feet (from edge of pavement to lot line) and the building is another 35 feet with is about 107 feet. Mr. Carideo also noted that the Lewis Office Building also had a 35-foot variance and Kris Emerson also noted Contech did, but it is a different zone. Mr. Wentworth also noted it is a right turn lane on Route 121 into the station-, which would be 2 lanes Route 121 Southbound. There is already a right turn lane on Route 111 to Route 121.

**BOARD BUSINESS** CONTINUED FROM PAGE 8

* **Minutes**-The minutes were edited as follows: Page1, Paragraph under Chairman’s Remarks change “has” to “have”. Page 3 1st paragraph last line add “he” before “will talk”.

**MOTION**

**Chairman Randy Clark made the motion to approve the minutes of 4 January 2013 as amended and called for a vote. The vote is YES-Proctor Wentworth, Dean Howard, Paul Carideo, and Priscilla Lindquist; ABSTAIN-Randy Clark. Absent-Neil Emerson, Bill Weber). The minutes were approved.**

* **Adjourn**  The meeting was adjourned at 8:28 PM.

**MOTION**

**Proctor Wentworth made the motion to adjourn the meeting at 8:28 PM. Paul Carideo seconded the motion. The Chairman declared the meeting adjourned without objection.**

Respectfully submitted,

Tina Harrington, Secretary