

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Approved Minutes for 3 November 2014

Chairman Paul Carideo opened the meeting at 7:00 PM. Members present were Paul Carideo, Neil Emerson, Chris Dane, Chad Bennett, Robert Waldron and Priscilla Lindquist, Ex-officio voting member. Town Engineer Nicholas J. Cricenti, Jr., PE and Secretary Susan Hastings attended. Bill Weber was absent.

Members of the public attending were Ralph Glynn, Howard Glynn, James Lavelle, Lavelle Associates, James George, Pam Lancaster, Scott Lancaster, David Thompson, Rene Thompson, Stephanie Spyvee, W. H. Keating, and Charlie Zilch. ATTACHMENT 1

**CHAIRMAN'S REMARKS** Paul Carideo announced the next meeting of the Planning Board would be December 1, 2014. The filing deadline for the December meeting is November 10, 2014. Petition Articles are to be filed between November 10, 2014 and December 10, 2014. These articles are filed with the Board of Selectmen.

### **1<sup>ST</sup> PUBLIC HEARING 17-289 B & H Oil Amended Site**, 6 Starwood Dr., Hampstead NH

Chairman Carideo announced the Public Hearing for B & H Oil of an amended site plan could not be legally held because of an error in the notification of abutters. James Lavelle asked if a preliminary conceptual discussion could be held since the owners were present and could answer questions. There was no objection from Board members.

### **Preliminary Conceptual Consultation Phase for 17-289 B & H Oil Amended Site Plan**

Chairman Carideo opened the non-binding discussion of a proposal of B & H Oil to change the use of the property and construct an oil containment facility, on property owned by Captain's Cove Realty Trust, Abigail J. Pandelena, Trustee. Jim Lavelle understood that nothing said tonight would be binding. The property, Captains' Cove Realty Trust, is owned by Abigail J. Pandelena. The entire lot is in the commercial zone. There is a conservation easement for the brook on the rear of the lot.

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### Preliminary Conceptual Consultation Phase for 17-289 B & H Oil Amended Site Plan

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Paul Carideo asked to have the information on the conservation area on the plan. The paved areas exist and the buildings have been used to house construction equipment. The piles of fill material have been removed. B & H proposes to use a building for office space. Three or four trucks will be housed in the existing garage.

B & H is intending to construct a covered building for fuel oil storage in the rear of the lot. The building will be designed to hold any leakage, which may occur. Chairman Carideo requested the containment and service area be shown on the plan. There will be containers within the building to hold the fuel oil. Neil Emerson asked the size of the containers and there will be one 30,000-gallon container and two 15,000-gallon containers. The type of oil is for home heating. The trucks will come to the site. A new system for "bottom loading" the service trucks will be used.

Water for fire protection is available on the Ccorio site adjacent to the containment area. This pond was paid for in part by Mr. Pandelena. The site is fenced.

The Chairman asked what types of lighting there would be on the site. There will be lighting under the canopy and the rest is existing. Jim Lavelle added there are wall pac lights, entrance lighting, and lighting in the service area. This will be shown on the plan.

Robert Waldron asked the hours of operation. The usual hours of operation are 5:30 AM to 5:00 PM. Hours of operation should be in a plan note. The existing septic capacity is for 10 persons. Paul Carideo asked if there would be a sign and was told this was not decided yet. Jim Lavelle said he would show a sign location on the plan. Mr. Lavelle also noted that lot 17-289 is commercial.

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### Preliminary Conceptual Consultation Phase for 17-289 B & H Oil Amended Site Plan

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Nick Cricenti said he would have a comment letter for the Public Hearing. The Chairman asked if there were any members of the audience who had questions or comments and there were none.

Paul Carideo announced the Public Hearing Notices would be sent for the Public Hearing on 1 December 2014.

### 1<sup>ST</sup> PUBLIC HEARING 14-092 & 103 Laura Lane Lot Line Change-95 Laura Ln, Hampstead NH

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Chairman Paul Carideo opened the 1<sup>st</sup> Public Hearing to consider the request of the applicant Joe Barbagallo, 21 Walkeys Road, Windham, NH, for a Subdivision Plan being a lot line adjustment between two non-equal parcels-Map 14 Parcels 92 and 103. The second parcel is owned by Alfred Cavallaro, 470 South Main Street, Andover, MA. The property address is 95 Laura Lane, Hampstead, NH. The plan was presented by Charles Zilch, of SEC & Associates, Inc. P. O. Box 1377, Plaistow NH.

Charlie Zilch explained the intent of the plan is to adjust the lot line between existing map/parcel 14-92 and existing map/parcel 14-103. The areas being exchanged are not exactly equal. Parcel 103 contains 319,500 square feet and Parcel 92 contains 106,254 square feet. Parcel 103 will receive Parcel "A" from Parcel 92 containing 41,454 square feet and frontage of at least 150 feet. Parcel 92 will receive Parcel "B" from Parcel 103, which is 31,474 square feet. High intensity soil mapping was done by T. Ferwerda, Meridian Land Services, Inc. The state septic approval for 14-92 is 14203 and the disposal system design approval number is CA2014119280. Nick Cricenti told the Board there are no zoning issues. While the lots are not rectangular, the design is better than it was. There are now two building lots. ATTACHMENT 2. A right-of-way was never provided. The soil requirements are met, including the soils being contiguous. A back area of 14-103 having good soil was not used in the calculation of the lot size.

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**1<sup>ST</sup> PUBLIC HEARING 14-092 & 103 Laura Lane Lot Line Change**-95 Laura Ln, Hampstead NH

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Chairman Carideo asked members if they were ready to make a motion.

### MOTION

**Neil Emerson made the motion to take jurisdiction of 14-092 & 103 Laura Lane for a Lot Line Change. Chris Dane seconded the motion. VOTE YES Neil Emerson, Chris Dane, Robert Waldron, Chad Bennett, and Priscilla Lindquist; ABSTAIN Paul Carideo.**

The Chairman asked Board members for input on the plan. Neil Emerson said the frontage for Parcel 92 was on a curve and he asked where the driveway would be located. It is to be located at the top of the hill. The street is a dead end. Paul Carideo asked for drainage easements for maintenance purposes at the culvert and down the grade slope. These will be included in plan notes.

The public was invited to comment.

Rene Thompson, 111 Laura Lane, said she lives beside the vacant lot and asked where the house would be located and where the septic system would be located. Paul Carideo told her the setbacks for a dwelling are 30 feet from the edge of the road right of way for the front, 30 feet from the side lot lines and 50 feet from the rear lot line. A septic system is to be a minimum of 10 feet from the lot line and to maintain a distance of 100 feet from any well. The lot itself has to meet the required soil requirements using high intensity soil mapping and it needs to be proved the lot meet the intent of the ordinances of the Town.

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**1<sup>ST</sup> PUBLIC HEARING 14-092 & 103 Laura Lane Lot Line Change**-95 Laura Ln, Hampstead NH

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Stephanie Spyvee, 75 Laura Lane, asked if there would be two houses built. A structure can be located on each lot. Special permits would be needed to locate the house on the rear of parcel 103. A lot is required to have 150 feet of frontage so it is unlikely that a third dwelling could be approved.

There were no further questions or comments from the public or the Board.

### MOTION

**Neil Emerson made a motion to approve the Lot Line Adjustment Plan for tax map 14, parcels 92 and 103, located at 95 Laura Lane, Hampstead NH dated 11/6/2014 as presented; subject to a plan note being added for the drainage easement and submission of all usual items required. Robert Waldron seconded the motion and it was approved. VOTE YES Neil Emerson, Robert Waldron, Chad Bennett, Chris Dane, and Priscilla Lindquist; ABSTAIN Paul Carideo.**

**1<sup>st</sup> PUBLIC HEARING 11-060 & 060-1 Lancaster Subdivision** continued from 10/6/2014

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Chairman Carideo opened the continued public hearing for the Lancaster Subdivision 11-60 & 60-1. Jim Lavelle, representing the Lancasters, said the road maintenance easement, the hold harmless agreement and the plans have all been submitted for review. There will be road compaction testing for the first 200 feet of Estee Road. A turn around area for the Fire Department has been provided. Nick Cricenti indicated he was satisfied with the plan as far as it went.

The Chairman asked for comments from members of the Board. Chris Dane asked how the easement was defined. Paul Carideo read the letter from Attorney Gorrow, ATTACHMENT 3. In brief: "the Board

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**1<sup>st</sup> PUBLIC HEARING 11-060 & 060-1 Lancaster Subdivision** continued from 10/6/2014

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needs to receive the easement for the road improvements to Estee Road on the Lancaster property, a maintenance agreement, and hold harmless agreement. The proposed fire turn around easement does not adequately identify the easement area. It should be identified on the subdivision plan for the new lot and not as part of the Proposed Gravel Roadway Rehabilitation Plan. The proposed easement area of 16 feet by 30 feet is smaller than the turn-around discussed and required by the Planning Board.” A copy of the letter was provided to Jim Lavelle. It appears the turn-around as shown would require the fire apparatus to turn by jockeying back and forth. The plan has not been reviewed by the Fire Department. Chris Dane said there should be meets and bounds on the easement for a proper description. The Chairman said he still had questions about the access to the turn-around because it is not flared. There needs to be a complete record in the office. A Hold Harmless agreement is held by the Selectmen. The Board was told the maintenance agreement has been reviewed by the abutters and they have agreed to sign it. All documents still need to be reviewed by the Town’s Attorney. Chad Bennett questioned how much the trees would be trimmed. The regulations on tree trimming are those of the National Fire Protection Association. The height of the canopy is 16 feet. Nick Cricenti added the road width is 16 feet and an additional 5 to 6 feet is needed to maneuver. The travel way is 13 feet inches. The truck has an overhang, which also has to be accommodated.

Abutters were invited to comment.

Bill Keating asked if the widening of the road to 16 feet and considering the narrow turn around was adequate for winter conditions. He asked if maintenance would be the responsibility of the abutters. The 16 foot width was a requirement of the fire department and they said it was sufficient for their purposes. Jim Lavelle said the best place was to locate the driveway to the lot from the turn around.

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**1<sup>st</sup> PUBLIC HEARING 11-060 & 060-1 Lancaster Subdivision** continued from 10/6/2014

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S. Hastings asked if there would be a restriction on further subdividing the land. Jim Lavelle said by Hampstead's regulations the parcel could not be further subdivided.

Scott Lancaster questioned the size of the gravel to be used being ¼" to ½" gravel. Nick Cricenti said that was adequate. S. Lancaster asked if the road had to be stumped and grubbed, N. Cricenti answered yes. S. Lancaster asked if the sub-gravel had to be compacted and N. Cricenti answered yes, each layer was to be compacted. S. Lancaster asked about the compaction for the new road and the turn around and N. Cricenti told him they had to be compacted as well. S. Lancaster asked if test borings were necessary. Nick Cricenti answered yes and added the borings are typically done at 25-foot intervals, and it would be the same for the new road. Neil Emerson added if something suspicious is found there may need to be more borings done. Chad Bennett asked how many inches of gravel would be required. That information is shown on the cross section of the road plan. Compaction testing will be required for the new portions of Estee Road. Nick Cricenti said there are three types, ¾ "nuclear testing, 2" boring and 6" to 8" hand dug holes. Pam Lancaster asked how many test borings were needed. Nick Cricenti said the borings are done at 25-foot intervals. The cost depends on the type of borings done. The entire road may be re-graded. Paul Carideo said this is a new town road and muck will have to be taken out. He added this could be deeper than usual. Rocks and stumps also need to be removed. The top is a "control" and a differential might cause the road to shift. Nick Cricenti added the borings give graduation and the deepest would probably be 10 inches.

Mrs. Atwood asked if all the land for the access would be on the Lancaster side and that is what is shown on the plan. She asked about the status of her road, (the remainder of Estee Way). That would remain the same as it has been. Lancaster will take care of Atwood's access.

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**1<sup>st</sup> PUBLIC HEARING 11-060 & 060-1 Lancaster Subdivision** continued from 10/6/2014

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Neil Emerson asked if there would be a road profile. Nick Cricenti said the road should have a crown and road drainage should be shown. Mr. Keating said the road transition should be smooth.

There were no further questions and the Chairman asked Board members if they were prepared to make a motion.

### MOTION

**Neil Emerson made a motion to conditionally approve the Lancaster Subdivision 11-060, and 11-060-1 as submitted subject to the usual conditions of approval and Special Conditions as noted in the minutes:**

**1. Estee Road to be improved as shown on the plan submitted. 2. Documents requested be provided, including an easement with abutters, a hold harmless agreement with the Town of Hampstead, a maintenance agreement 3. A document showing the meets and bounds of the turn-around for fire apparatus and other large vehicles 4. Bonding of the road and posting of Engineering Expenses fee.**

**There may be other items noted in the minutes and agreed to. Chad Bennett seconded the motion and it was approved. VOTE YES Neil Emerson, Chad Bennett, Chris Dane, Robert Waldron and Priscilla Lindquist. ABSTAIN Paul Carideo.**

### **OTHER School Access Road, Tobin Farwell 8-104, 7-23**

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The Chairman told the Board the information for the "turn access" was provided to the Town Engineer for review. Nick Cricenti will review any additional issues of the emergency access.

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### **OTHER Bonds Status**

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Chairman Carideo said none of the bondholders were present and the items will be on the agenda for the next meeting on 1 December 2014. The Secretary will work with Attorney Gorrow and the bondholders will be notified of the hearing by certified mail.

### **PUBLIC MATTERS Merger of Lots 16-042 & 17-171 Patricia Martel**

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Paul Carideo informed Board members a request to consolidate lots 16-042 and 17-171 was received from Patricia Martel. The land is in current use and no change will be made to that. It appears the land was originally one piece of land. Board members present had no discussion on the merger of lots. Neil Emerson stated the Board agreed the Chairman should sign the documents to merge the lots.

### **PUBLIC MATTERS Zoning Cell Towers**

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Paul Carideo introduced Jim George, who has been meeting with the Selectmen with a proposal for more cell towers in Hampstead. Nick Cricenti asked whom the zoning article would be submitted by. A zoning change can only be submitted by the Planning Board or by a petition article. P. Lindquist said the Board of Selectmen had supported a zoning article for cell towers on Town Land and sent Mr. George to the planning board with his information on the need and his suggestions. She added the Selectmen were asking the Planning Board to submit a zoning article to allow cell towers on town land. Neil Emerson agreed with Robert Waldron the coverage is inadequate in Hampstead. The commercial zones are not providing adequate coverage for the entire town. A number of related issues were discussed with Mr. George. The areas being considered as viable are the fire station and the transfer station on Kent Farm Road. The consensus of the Board was to support a zoning proposal for additional areas to locate cell towers. The Chairman read a proposal drafted by Attorney Gorrow to locate cell towers on town land. The Article will be posted for a Public Hearing at the next meeting.

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### **PUBLIC MATTERS Zoning Cell Towers**

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#### **MOTION**

**Chris Dane made a motion to propose a zoning article on cell towers, as reviewed by Town Counsel and hold a Public Hearing on 1 December 2014. Neil Emerson seconded the proposal and it was approved.**

**VOTE YES Chris Dane, Neil Emerson, Robert Waldron, Chad Bennett, and Priscilla Lindquist**

**ABSTAIN Paul Carideo.**

### **PUBLIC MATTERS Accessory Buildings**

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Neil Emerson has been researching this with the Code Enforcement Officer, Kris Emerson. He asked to have the discussion continued to the next meeting. It will be added to the agenda.

### **PUBLIC MATTERS Warrant Article Alternates Planning Board**

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Paul Carideo read the proposed article and members wanted to be sure no more than five alternate members could be appointed and the number could be less than five. Attorney Gorrow has sent her recommendation for wording.

#### **MOTION**

**Neil Emerson made a motion to present a Warrant Article to the Selectmen allowing the Planning Board to appoint alternate members to the Planning Board as allowed by the laws of New Hampshire. Chris**

**Dane seconded the motion and it was approved. VOTE YES Chris Dane, Neil Emerson, Robert Waldron,**

**Chad Bennett, and Priscilla Lindquist ABSTAIN Paul Carideo.**

Paul Carideo said he would present the warrant article to the Selectmen at their next meeting.\

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### **BOARD BUSINESS Correspondence**

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The Chairman announced the following items were received:

**8b-2 NHDES** Retaining Wall Replacement;

**3-77 NHDES** Retaining Wall Replacement;

**12-13 77 Bonnies Way** correspondence on Shoreline Impact Permit; Atty. Sapienza/John Hubbard concerning notification;

**4-20 LOMA** 187 Mills Shore Dr.

**8b-18 LOMA** 54 Shore Dr. There was not discussion and each document was filed.

**Member Comments** Neil Emerson requested an Executive Session at the end of the meeting.

**Minutes** 3 October 2014, the minutes were accepted as edited by a vote of the Board.

### **MOTION**

**Neil Emerson made a motion to go into a Non-public Session RSA 91-A: 3 1. (a) (c) Personnel/reputation. The motion was seconded by Chris Dane and approved by vote. VOTE YES Chris Dane, Neil Emerson, Robert Waldron, Chad Bennett, and Priscilla Lindquist ABSTAIN Paul Carideo.**

### **NON-PUBLIC SESSION**

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Neil Emerson said he had been informed the Town Engineer had discussed the Jamie Hill bond with Richard Towne. He felt this was inappropriate. Nick Cricenti said the Jamie Hill bond had been publicly discussed at a Planning Board meeting and it was already public information. N. Cricenti added the matter was brought up to him by Richie Towne and Jamie Hill is doing work for him. Paul Carideo said all members should be careful when discussing planning Board issues.

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### NON-PUBLIC SESSION

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#### MOTION

**Robert Waldron made a motion to close the non-public session and not to seal the minutes. Chad Bennett seconded the motion and it was approved. VOTE YES Chris Dane, Neil Emerson, Robert Waldron, Chad Bennett, and Priscilla Lindquist ABSTAIN Paul Carideo.**

#### MOTION TO ADJOURN

**Priscilla Lindquist made a motion to adjourn the meeting at 10:04 PM. Chris Dane seconded the motion and it was approved. VOTE YES Chris Dane, Neil Emerson, Robert Waldron, Chad Bennett, and Priscilla Lindquist ABSTAIN Paul Carideo.**

Respectfully submitted,

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Susan J. Hastings, Secretary