

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes of April 3, 2017

1 A meeting of the Planning Board was held on Monday, April 3, 2017 at the
2 Hampstead Town Hall, 11 Main Street, Hampstead, NH. The meeting was
3 broadcast live over HCTV 17.
4

5 **PRESENT:** Paul Carideo, (Chairman), Ben Schmitz, (Vice Chairman), Dean Howard,
6 Glen Emerson, Chad Bennett (Ex-Officio), Randy Clark (Alternate), Chris Howard
7 (Alternate), and Scott Bourcier (Dubois and King)
8

9 **Old Business**

10 *Continued Public Hearings (from 03.06.17)*

11 1. 17-025- Central Street 3 Lot Subdivision, Belle Maison Cont'd Public Hearing
12 *Chairman Carideo stepped off the Board for this hearing due to a conflict with the*
13 *developer. C. Howard was appointed to take his seat for this hearing, and R. Clark*
14 *was appointed to sit in for the absent N. Emerson for the meeting. Vice Chair, B.*
15 *Schmitz took over the hearing.*

16 J. Lavelle of James Lavelle Associates recapped the status of the application. He
17 reported that there was a department head review of the plan recently and
18 some of the changes are reflected in the map presented to the Planning Board
19 *(The office was not left with the amended plan)*

20 He stated that they are looking to subdivide the lot in three parcels one at 3.18
21 acres, one at 4.29 acres and one at 4.53 acres. The smallest lot at the southern
22 end will be given to the property located at Map 12 lot 30. There is also an
23 easement going to the Conservation Commission near existing easements around
24 the brook. He explained that the interior sheets of the map showed the lots and
25 the setbacks from the wetlands. The map set has a revision date of March 29,
26 2017 based on latest review letter from Dubois & King of March 24, 2017. Mr.
27 Lavelle reported that he walked the frontage with the Road Agent to review the
28 driveway calculations. He noted that the Road Agent contacted the State of NH
29 Dept. of Transportation (NH DOT) to see what the required distance is from Route
30 111. The Road Agent informed J. Lavelle that it was 200 feet and that they have
31 met that requirement. The driveways were approved by the Road Agent
32 according to J. Lavelle.

33 J. Lavelle stated that at the Department Head review, the Fire Department
34 requested a hydrant be placed in the Webber Road/Central Street area. The Fire
35 Department noted that they would leave it up to Hampstead Area Water
36 Company (HAWC) as to the actual location. J. Lavelle reported that Charlie Lanza

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37 of HAWC reviewed the plans today and noted that they would like to put the
38 hydrant on the south side of Central Street and they will confirm this with the
39 Fire Department. B. Schmitz asked S. Bourcier if he had time to review the
40 changes. S. Bourcier stated that he had reviewed the plan today so that it would
41 be ready for this evening and a new review letter dated April 3, 2017, which J.
42 Lavelle was given at this meeting. S. Bourcier noted that there are discrepancies
43 on the lot sizes. He noted that each of the revisions submitted have had slight
44 variances in the square footage. He noted that what was more concerning to
45 him is the lot size calculations. He stated that the lot sizing lists the amounts but
46 there is nothing to show how they reached the numbers. He explained that
47 without knowing how they got to their numbers he had to regenerate the
48 report. He pointed out that he doesn't like doing this because it takes more
49 time, which costs more to the applicant. S. Bourcier explained to J. Lavelle and
50 the Board members how he got to his numbers. He pointed out that the
51 numbers he came up with could affect what would be allowed on the lot. J.
52 Lavelle stated that the process S. Bourcier used was foreign to him and he has
53 been working in the Town for 20 years or more and worked with many
54 engineering companies in Hampstead and the surrounding Towns. He stated
55 that the Engineers have always agreed with how he has done his calculations. He
56 then asked S. Bourcier if this difference could be resolved. S. Bourcier replied
57 that if he made an error for J. Lavelle to point it out. He said that he wants to
58 understand his process. They agreed that someone from James Lavelle
59 Associates would meet with S. Bourcier to go over the numbers and calculations.
60 B. Schmitz pointed out that it would be best to settle the confusion.

61
62 J. Lavelle pointed out that there are at least two outstanding items on the
63 project with the first being the issue with the soils and State Subdivision
64 approval. He asked if the Planning Board would grant conditional approval
65 subject to these two items. He noted that he believes the three lots will meet
66 the calculations for duplexes on each lot and if not, then they will meet it for a
67 single residence. It was noted that there also needs to be the submission of the
68 Conservation Easement and Fire Department approval on the HAWC letter
69 regarding hydrant placement.

70
71 *The hearing was opened to the public.*

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72 V Shelley- 1 Victoria Lane- She asked about the water source and if they are
73 putting in a hydrant would the new homes be hooked up to the water system.
74 She pointed out that her concern has been with water supply especially where
75 there were a few homes along the Central Street area that had wells that went
76 dry in 2016. J. Lavelle responded that they probably wouldn't be connected and
77 stated that it was the builder's choice. He also pointed out that the developer
78 could sell the lots and the new owner could choose to hook up to the water
79 system. V. Shelley also asked about the potential road damage with construction
80 vehicles. She already has a concern with the condition of the road. G. Emerson
81 stated that the Road Agent had not pointed out any concerns with the road
82 during the department head meeting. He also pointed out that the equipment
83 wouldn't be on the road other than the dump trucks.

84
85 S. Tessier- 5 Victoria Lane- She asked about the perc test for the septic systems
86 and whether or not that had been completed. She also asked if it was, and when
87 it was done whereas last year was such a dry year. She also asked if how far the
88 septic would be from their wells on the third lot. J. Lavelle explained to the two
89 abutters where the proposed home would be built on the lot. He also stated
90 that the test pits were done this year while snow was on the ground. He said
91 that there is a 40,000 square foot area that is suitable for the septic. He also
92 pointed out that this doesn't mean this is where it would go and that the builder
93 could place it anywhere within the lot. S. Tessier asked if the test pit shows that
94 it can have two systems on the lot. She was told no it is to show how many
95 bedrooms the proposed structure would be allowed. D. Howard also pointed out
96 that the designs must meet the setbacks so the designer needs to locate the
97 abutter's wells and septic systems to keep the required distance. He also
98 mentioned that the wetland across Central Street would have a setback
99 requirement.

100
101 R. Lesure- 18 Central Street- He asked if the wetlands across from the proposed
102 development have a setback, had they located his well. He stated that it is
103 supposed to be in the front yard and he has no idea where. He also asked if they
104 did the test pits by hand because he saw no machines at the site. J. Lavelle said
105 that they went over the stonewall. R. Lesure asked that the Planning Board not
106 grant conditional approval tonight whereas there was a concern on the soils, and

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107 whether or not approval would be for duplex homes. He said that he didn't want
108 to read in the paper the update.

109 P. Perrone- 8 Gloria's Way – He asked J. Lavelle if there are going to be six
110 duplexes would they each have their own driveway? J. Lavelle responded that
111 there were three driveways with one for each lot.

112
113 M. Marawski- 15 Victoria Lane- He asked if any consideration had been given to the
114 potential traffic impact this would create. J. Lavelle responded that they meet
115 the site distance and that the locations of the driveways had been determined
116 while walking with the Road Agent.

117
118 P. Perrone- Gloria's Way pointed out that with six residences you have the
119 potential of 15 cars coming and going from those three driveways never mind
120 company or parties at those locations.

121 Public Hearing was closed at 7:38 p.m.

122
123 R. Clark asked S. Bourcier about the calculations and the variations on the lots. S.
124 Bourcier stated that he took lots and calculated the effective area of those three
125 lots and for the duplexes took a weighted average. He has an issue with the
126 results because it determines that two of the lots wouldn't meet the
127 requirements for a duplex and one would. R. Clark asked if the lot lines could
128 change and J. Lavelle said that it was possible. R. Clark responded that if they
129 were to change to one duplex and two singles based on the soil calculations from
130 Dubois & King they could vote tonight, but if they do and they change the lot
131 lines, they would need to come back to the Planning Board. J. Lavelle deferred to
132 the applicant John Mason for his input. J. Mason asked for J. Lavelle and S.
133 Bourcier to work it out and if there is a lot line adjustment, they would come
134 back to the Planning Board. He complained about lost time on the project and
135 that he can't take the chance of a further delay on the project. R. Clark replied
136 that they still need the State Subdivision approval. J. Lavelle said that they
137 stopped the approval when they had the revision after the Dubois & King review
138 letter and told them they would resubmit the changed plans. B. Schmitz said the
139 options are to approve the project with contingencies tonight or vote to
140 continue it to the May meeting and hope the contingencies are met. J. Mason
141 said that a month was a long time to wait. After a short discussion, B. Schmitz

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142 offered up to come back to the Planning Board on Monday, April 17, when a
143 workshop was scheduled to continue the public hearing.

144

145 **MOTION: D. Howard motioned to continue the public hearing for Belle**
146 **Maison, LLC, a 3-lot subdivision located at Map 17-025, Central Street/Route**
147 **111 to the April 17 meeting.**

148 **SECOND by: G. Emerson.**

149 **VOTE ON MOTION: 7-0.**

150 The public was told that the application would be continued to April 17th and he
151 told J. Lavelle and S. Bourcier to get together ASAP.

152

New Business

154 1. BOND -09-060, Hastings Drive Subdivision

155 *(P. Carideo stayed off the board for this discussion due to a conflict with the*
156 *developer and C. Howard continued in his seat)*

157 D. Jordan of MHF Design Group and J. Mason were present to discuss the issues
158 with the proposed bond amount. The bond request from Dubois & King is at
159 \$922,100 and the developer would like to go over the various items picked up in
160 the bond and also to look at doing some of the work in phases. The request was
161 made to do the work on the water lines and once installed and tested, and then
162 apply for building permits for lots 1, 2 and 3. D. Jordan explained that this was
163 more of a cash flow issue. He said that they made a couple of small changes after
164 meeting with the department heads on March 29, while Mr. Mason was also
165 present to discuss the Central Street project. S. Bourcier agreed to discuss the
166 items in the bond request after that meeting.

167 The changes are in lot 1, there is a single driveway and lots 2 and 3 share a single
168 driveway all the way with no split. D. Jordan said that they will need to do the
169 driveways and culvert crossings there as well. Lots 4-7 have a common driveway
170 that will be a private drive with no maintenance by the Town. He stated that it
171 was being built to Town standards to accommodate the fire apparatus, not for
172 the Town to maintain. There was a letter from Deputy Fire Chief Warnock that
173 was read by B. Schmitz. In the letter, he recommends that if the Planning Board
174 gives approval, to phase in the hydrants. Lots 1, 2, and 3 would be built first and
175 the first hydrant at the corner of Wash Pond and Hastings Drive must be in
176 service and produce at least 500 G.P.M. (gallons per minute). The hydrant on

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177 Hastings Drive must be in service before starting construction on lots 4 and 5
178 with 500 G.P.M. The final hydrant would need to be in service prior to
179 construction on lots 6 and 7. In the letter, he pointed out that they asked for the
180 driveway on lots 1 and 2 to be a common driveway up to the bifurcation. He
181 stated that he felt this would be better for a wider single driveway and fire
182 apparatus access. D. Jordan said that they were okay with the letter from the
183 Fire Department.

184 P. Carideo asked to speak as a resident. He said that he was here to talk on the
185 bonding. He said that in the past the Town consultant only bonded for a couple
186 of things and that the Town got caught with their pants down a couple of times.
187 The new consultant (Dubois & King) were told to bond everything and that is
188 what this bond is. He stated that his personal opinion is that this is above and
189 beyond what the Town should be bonding. He explained that the bonds are to
190 protect the towns' interest but the water line going in is not a municipal water
191 line but a private company and the Town should not be in the business of water
192 lines. He pointed out that we (the Town) would not be going in and hooking up
193 private homes to the water system if the work is incomplete. He said that proper
194 direction was not given to Dubois & King and there are nuances to the Town of
195 Hampstead that the Engineer wouldn't yet know about. He pointed out items
196 such as movable signs and flaggers. He pointed out that the board needs to look
197 at the bond and see what is necessary for the subdivision and what is necessary
198 in the right of way such as monuments, erosion control loam and seeding and
199 scrap everything else. J. Lavelle spoke and said that he was flabbergasted at the
200 amount of the bond and stated that some of the items could be tied in to the
201 certificate of occupancy (CO). D. Jordan agreed with protecting the ROW (right of
202 way) and understands the Town needs to protect itself if the developer walks
203 away. Someone noted that the lots could be sold to individual homeowners and
204 the lots aren't maintained by the Town. R. Clark said that a single owner for a
205 single lot is responsible and that a development of 7 lots could be sold to 7
206 individuals or 1 or 2 individuals and the developer goes bankrupt and unable to
207 fulfill their obligation, the homeowners would want the work done per the plans
208 and there is no one to do it. He also stated that he agrees with P. Carideo's
209 comments. J. Mason offered to run the hydrants but what if he sells the lots and
210 is gone, those owners will see need to have the water line put in or drill wells. J.

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211 Mason responded that they could put in wells if they want now and said he
212 doesn't need to supply the water.
213 B. Schmitz asked S. Bourcier that given the information tonight and bonding for
214 what is in the right of way (erosions/sediment, loaming to stabilize the lots or
215 reclamation of the lot etc.) S. Bourcier was all set to redo the bond calculation.
216 B. Schmitz asked J. Mason if the phasing in would work. J. Mason responded that
217 this is his bread and butter, his livelihood and how he feeds his family and he
218 could see up to \$200,000 for the bond. S. Bourcier agreed to rework the numbers
219 and will have them available for the April 17 meeting. He did some quick
220 calculations and it was cut roughly in half. D. Jordan said that the water line is
221 private and if the project were to stop, the town won't extend it. D. Howard also
222 said any material or piping won't need to be in the bond. C. Bennett asked if any
223 money should be set aside for repairs to the road. D. Jordan said that they would
224 be in the shoulder doing work. S. Bourcier said that the has grubbed up with
225 loam, seed and stabilization. The final number will be available for the April 17th
226 meeting.
227 P. Carideo also explained that we usually ask for \$5,000 to be placed in
228 Engineering Escrow.
229 D. Howard said that he was okay with the \$200,000. G. Emerson asked a question
230 about the current set of plans given to board tonight and if they were the most
231 current plans. The response was yes, and G. Emerson pointed out that this set of
232 plans includes a water line to all the units with no wells and this is the plan that
233 was approved by the Planning Board. C. Howard was okay. C. Bennett said that it
234 needs more work and that \$200,000 to \$250,000 would be good and to hold a
235 portion back. P. Carideo noted that the retention is not in our regulations and
236 would need to be added in. R. Waldron was okay. D. Howard emphasized that
237 Dubois & King did nothing wrong in preparing the bond and did what they were
238 asked to do with the information they were given.

239

240 **MOTION: R. Clark motioned to ask S. Bourcier of Dubois & King recalculate**
241 **the bond for Hastings Drive 09-060, based on the information given this**
242 **evening and for it not to exceed \$200,000.**

243 **SECOND: D. Howard.**

244 **VOTE ON MOTION: 7-0.**

245

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246 **MOTION: R. Clark requested that \$5,000 be submitted by the applicant and**
247 **to be held in Engineering Escrow.**

248 **SECOND: R. Waldron.**

249 **VOTE ON MOTION: 7-0.**

250

251 Chairman Carideo returned to the Board at 8:23 p.m.

252

253 *2. Bond- 10-004 Blue Sky Towers, LLC*

254 *Chad Bennett stepped down for this discussion. No one took his place.*

255 Dubois & King prepared the bond for the proposed cell tower to be located at
256 311 Kent Farm Road. The bond is to cover Erosion and Sediment costs. T.

257 Harrington noted that Mr. Duval thought the bond would be for removal and was
258 willing to put both bonds up if required. The Board was more concerned with
259 the putting back to its current condition if the project defaulted. There were no
260 issues and no public comments.

261 **MOTION: R. Waldron motioned to approve the bond for Blue Sky Towers, LLC**
262 **map and lot 10-004 in the amount of \$28,300.**

263 **SECOND: R. Clark.**

264 **VOTE ON MOTION: 6-0.**

265

266 **MOTION: R. Waldron requested that \$5,000 be submitted by the applicant**
267 **and to be held in Engineering Escrow.**

268 **SECOND: G. Emerson.**

269 **VOTE ON MOTION: 6-0.**

270

OTHER PUBLIC MATTERS

272 *1. 10 Main Street 17-016- Beyond Vanilla Ice Cream Shop-Conceptual Discussion*

273 Paul Antosh, owner of the Beyond Vanilla Ice Cream business asked to meet with
274 the Planning Board to discuss his options on expanding his current business. He
275 explained that he would like to extend his operating hours to be open earlier in
276 the day and to serve items such as coffee and baked goods and possibly
277 sandwiches. He told the Planning Board that in speaking with K. Emerson, they
278 went over the septic load and P. Antosh said that he would be using paper
279 products so that there would be limited water use. The records show that the
280 original ice cream business was granted a change of use and the hours of

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281 business were approved noon to 6 pm for ice cream. The septic was approved
282 for 375 gallons per day with 3 low flow dippers and 3 employees. No approved
283 septic system was submitted or allotted seats for the business were provided,
284 according to a letter from K. Emerson on the original change of use. The parking
285 was quickly discussed in that the ice cream shop would share the parking with
286 the English Muffin whereas their hours only overlapped for a short period of
287 time. If his business was to be open earlier in the day, it would compete with the
288 parking spots with the other businesses. As the discussion continued, P. Antosh
289 asked the Planning Board what the definition of "an ice cream store" was. He
290 suggested selling brownies, which could be used for ice cream. He also explained
291 that what an ice cream store was when this was approved across the street isn't
292 the same type of business it would be today. It was pointed out by some of the
293 members that an "ice cream shop" is just that and stated that if he needed to do
294 more, apply for a change in use or look at a different location. The Planning
295 Board recommended that he speak with the property owner and get a septic
296 plan update with the current businesses. If it is determined that the septic could
297 hold any change in use, he would then need an amended site plan to bring
298 forward the application. P. Carideo pointed out that while looking at the current
299 site plan (from 2005) the numbers for parking are not adding up and they actually
300 look like they are short on parking and that an amended site plan would be
301 important.

302

303 **Planning Board Matters and Correspondence**

304

1. Engineering Comments-

305

P. Carideo emphasized that S. Bourcier did nothing wrong in the
306 preparation of the bond for Hastings Drive. He noted that it was a case of
307 each getting used to the other and all of it still being new. There was some
308 discussion on the bond it or build it. R. Clark pointed out that if you build
309 instead of bond, the Planning Board will not sign off on the plans until the
310 road is built. There was also discussions about holding onto a bond until
311 the project is complete and not make incremental reductions. P. Carideo
312 said that this would need to run by Town Counsel. P. Carideo suggested
313 that the same time frame for revised plans of two weeks notice be given
314 to Dubois & King for a bond reduction requests. S. Bourcier noted that he
315 will consolidate trips to the area when it is time for inspections. He said it is

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316 more costly to drive over to do one inspection when he can do one or two
317 in Hampstead and then one or two in Chester etc. S. Bourcier was told that
318 if the lots work out for the 17-025 project (Central Street), then he wouldn't
319 need to come to the meeting.

320 2. 12-013 Wetlands Permit and LOMA received and placed in file

321 3. 08-104 Dredge and Fill received for the HMS Access Road- P. Carideo
322 noted that there was an issue with a ditch not draining correctly. There
323 was also some discussion about whether or not the access road was
324 inspected.

325 4. RPC Dues for 2017 are at \$8,516.00

326 5. 18-133 (21 Danville Road), The Conservation copied the Planning Board on
327 a letter to the Board of Adjustment

328 6. Town of Raymond regarding a site walk for a Communications Tower

329 7. 09-060- NHDES Subdivision Approval received and placed in folder

330 8. Lewis Builders (HAWC) Street opening Bond received copy valid 8/31/16-
331 8/31/18.

332 No member comments.

333 Minutes for 3/6/17 and 3/20/17 were put off to the April 17th meeting.

334

335

336 **MOTION: R. Waldron motioned was made to go in non public session under**
337 **RSA 91-A III, 2(b) Hiring at 9:45 pm.**

338 **SECOND by: G. Emerson**

339 **VOTE on Motion: D. Howard, yes; G. Emerson, yes; C Bennett, yes; B. Schmitz,**
340 **yes; P. Carideo, yes; R. Waldron, yes; R. Clark, yes. (C. Howard was present)**
341 **7-0**

342 The Planning Board members reviewed the five applicants for the Planning Board
343 Secretary and decided on three to interview. The interviews will be scheduled
344 half an hour apart starting at 7:30 on April 17th. The members were asked to get
345 some questions together and to forward them to the Secretary. T. Harrington
346 stated that everyone should have the list of questions and take turns asking the
347 questions so that they are the same for each applicant.

348 **MOTION: R. Waldron motioned was made to come out non public session**
349 **under RSA 91-A III, 2(b) Hiring at 10:15 pm.**

350 **SECOND by: G. Emerson**

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351 **VOTE on Motion: D. Howard, yes; G. Emerson, yes; C Bennett, yes; B. Schmitz,**
352 **yes; P. Carideo, yes; R. Waldron, yes; R. Clark, yes. (C. Howard was present)**
353 **7-0**

354

355 **MOTION: D. Howard motioned to adjourn at 10:15 pm**

356 **SECOND by: R. Waldron**

357 **VOTE on Motion: 7-0**

358 *Minutes by: Tina Harrington, Planning Board Secretary*

359 Approved

360 Date: May 1, 2017
