

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes March 5, 2018

A meeting of the Planning Board was held on Monday, March 5, 2018 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

PRESENT: Paul Carideo, (Chairman), Ben Schmitz, Chad Bennett, Glen Emerson, Neil Emerson, DJ Howard, Chris Howard (Alternate), Robert Waldron, Randy Clark (Alternate), and Scott Bourcier (Dubois & King)

The public attendance roster is available as an attachment to this document.

Chairman Carideo opened the meeting at 7:05 P.M.

Chairman's Remarks

Next Public Hearing Date April 2, 2018

Plan Filing Deadline for April 2, 2018 Meeting March 12, 2018

Old Business

1. 07-064 & 07-068 Hurley Lot Line Adjustment

James Lavelle was present to represent the applicant. J. Lavelle advised the PB that NHDOT has required grading changes for the driveway permit and a new plan to reflect these changes has been submitted to NHDOT. P. Carideo reminded the other PB members that the applicant is awaiting third party approval. It was noted that the application has been pending for two years come this April.

MOTION: D. Howard made a motion to extend the conditional approval to the May 7 PB Meeting

SECOND: B. Schmitz

VOTE: 6-1 (N. Emerson)

2. 19-009 Winchester Heights Elderly Housing

Jim Hanley from Civil Design was present to represent the applicant. J. Hanley stated there are a number of housekeeping items to address and indicated they have responded to DES and are still waiting for AOT response. J. Hanley asked if he could review some of the items included in the March 1 Dubois & King letter.

Item 1 requests that the plan sets be itemized; J. Hanley understands the request and is looking for some direction. Item 2 requests documentation to

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demonstrate compliance with the Fair Housing Act, J. Hanley stated they are looking to the PB for guidance on how to address. Item 3 references a Lighting Plan, J. Hanley stated they are working on completing the plan for submission to the board. Item 4 is relative to the turn-around radius at the existing cul-de-sac. Item A2 requests a Fiscal Impact Analysis (FIA) and Environmental Impact Assessment (EIA) be provided. J. Hanley stated they are working on completing the EIA for submission to the PB. J. Hanley stated he believes there are 3,500 units in Hampstead currently, this development proposes an additional 30 units. P. Carideo stated he would review and research the housing inventory numbers. P. Carideo advised J. Hanley that items A3 and A4 are typically part of the PB conditions of approval.

P. Carideo asked S. Bourcier to provide the consultant with some direction on separating the plan sets. S. Bourcier stated the plans are well designed, however, he is simply thinking about someone viewing the plans five (5) years from now. P. Carideo stated he can read the plans but understands S. Bourcier's comments, as items appear to be lost on some of the sheets. After some discussion, it was decided to break out the landscape plan on to a separate sheet.

P. Carideo asked S. Bourcier for a breakdown on Item 2, S. Bourcier stated he cannot confirm whether the information has been provided. B. Schmitz questioned how the legal document is structured. J. Hanley stated that the Elderly Housing covenants would be part of the condo docs. R. Clark suggested that the PB wait until the condo docs are in hand.

P. Carideo referred to Item 4 of the D&K review letter and stated that he would like the Road Agent and S. Bourcier to meet with the applicant, or their representative, on the site to discuss. N. Emerson commented that he thought the Road Agent already approved the cul-de-sac. P. Carideo stated he wants to make sure the resident is not impacted.

B. Schmitz questioned whether or not there were buildings on the plan that are being proposed within the 40 foot setback on the edge of the internal roadway. J. Hanley questioned whether this requirement applied to the development since these are internal private driveways and not a public roadway. P. Carideo stated he was unsure how this was looked at in the past. Kevin Hatch from the audience

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spoke and indicated that he was involved with the Angle Pond project that connected a private roadway system with public roads.

R. Clark asked J. Hanley about the fire pond near Driveway C. J. Hanley indicated that test pits had been done in that area and the volume of water in the pond is five times what the cistern would be.

P. Carideo asked that Note 22 which references Solid Waste Management, be removed from the plan as the Town of Hampstead would not be picking up trash from the site. Both G. Emerson and N. Emerson responded by stating that the Town currently services Angle Pond Woods and both mobile home parks in Town.

P. Carideo had questions regarding the buffer zones near units 1 & 2 as well as units 22-25; it appears there will be areas that are impacted within the 30-foot natural vegetated buffer. P. Carideo stated if a modular block retaining wall is used the buffer could be disturbed. J. Hanley stated that when the wall is built there would be a disturbance.

P. Carideo stated he is questioning what is allowed in the 30-foot natural vegetated buffer area. N. Emerson stated he has questioned it as well. P. Carideo stated the zoning states a 30-foot natural buffer, which to him implies no disturbance. J. Hanley stated they are proposing natural plantings, he feels there is ambiguity in the definition and they plan to replant where there is disturbance.

P. Carideo asked how far back a geo grid wall reaches into the buffer area. J. Hanley responded by stating that typically as far back as the wall is tall would be the area of disturbance, for example a 12 foot high wall would be at least 12 feet deep. B. Schmitz commented that he is unclear on the regulation as well.

Chairman Carideo asked the public for comments on the entire plan.

James Beauregard – 198 Hunt Road – asked for confirmation that a legal document with the elderly housing covenants be in place before the Planning Board gives approval on the project. P. Carideo assured J. Beauregard the legal documents would be in place prior to approval.

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Chairman Carideo closed the public comment section of the hearing.

P. Carideo commented that there are still some outstanding items to be addressed. P. Carideo informed the applicant and public that State approvals are typically a condition of approval and would not hold up the PB approval.

MOTION: N. Emerson made a motion to continue the public hearing to the April 2 PB meeting

SECOND: R. Waldron

VOTE: 7-0

3. 06-026 Sweet Baby Vineyards – Site Plan Amendment

Chairman Carideo announced that the applicant has withdrawn the application without prejudice.

4. 09-060-2& 060-3 Hastings Drive Subdivision – Duplex proposal

Chairman Carideo announced that the applicant has withdrawn the application without prejudice.

5. 10-38 Owens Court – Original Site Plan Vested

P. Carideo asked S. Bourcier to provide the PB with an update. S. Bourcier stated he performed a site visit to determine what items have been constructed and what remains outstanding. S. Bourcier read a copy of his review letter for the board members. S. Bourcier stated there are stored cars on the site; he is concerned due to the proximity to the wetlands. S. Bourcier stated his suggestion would be to require curbing on the paved areas if the nature of the business is the auto industry.

S. Bourcier asked what the PB expects to be covered by the bond. P. Carideo stated it would be best to call the owner to determine what they want to complete, one or two more buildings. P. Carideo stated he has driven by the site and there are lots of junk cars and boats on the site, he feels they are not in compliance with the current site plan. P. Carideo stated the PB has been bonding for erosion control and replication. B. Schmitz stated he likes the idea of knowing what the exact plan is. N. Emerson asked about Fire Department approvals. P.

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Carideo stated that K. Emerson and Building Code Enforcement would work out the Fire Code Regulations.

New Business

1. 08-173 Camp TelNoar – Site Plan Amendment – Parking Lot

Randy Haight from Meridian Land Services was present to represent the applicant. The proposal is to move the existing parking to land on Kent Farm Road. R. Haight indicated this would be a gravel parking lot with lighting. R. Haight stated that the current parking lot has had problems with vandalism. R. Haight explained the parking lot and lighting plan to the PB and the audience. He stated since the lot would not be paved or striped they have added signs for the compact cars.

Chairman Carideo stated the plan review prompted questions with regard to zoning and he referred to Town Counsel for guidance. P. Carideo indicated that the parking lot must be an accessory use to the apartment. P. Carideo stated the PB cannot act on the application because it does not fall within the zoning. P. Carideo stated a variance would be needed from the Board of Adjustment. Chairman Carideo stated the PB could continue the public hearing until the applicant receives a determination from the Board of Adjustment. Chairman Carideo asked Debbie to prepare a letter for the applicant to present to the ZBA.

MOTION: B. Schmitz made a motion to continue the public hearing to the June 4 PB meeting with re-notification to abutters at the applicant's expense

SECOND: D. Howard

VOTE: 7-0

2. 13-194 Hickory Road - Scanlon – Subdivision

Kevin Hatch from Cornerstone Survey was present to represent the applicant. Chairman Carideo informed the PB and the audience that there was a question concerning an abutter that was not properly noticed. Robert Winmill was in the audience and stated he wanted to make sure the plans are accurate. K. Hatch stated that he would send a certified letter to the abutter who was not noticed.

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K. Hatch explained the subdivision of the two lots and indicated that both lots will meet soils for today's requirements. K. Hatch stated he has incorporated the changes as requested per Scott Bourcier's review comments. K. Hatch indicated that the restrictive covenants are noted on the plan in addition to the 75-foot setback requirement.

MOTION: N. Emerson made a motion to take jurisdiction of the plan

SECOND: B. Schmitz

VOTE: 7-0

K. Hatch stated he would be setting the monumentation this week. S. Bourcier stated the plan is straightforward and he would be ok with approving the subdivision based on his review comments. P. Carideo asked the other PB members if they had any questions. P. Carideo asked that benchmarks be added to plan.

Chairman Carideo asked the public for comment.

Tom Scanlon – 65 Hickory Lane – stated he is putting his home on the market in two weeks and wants to accurately represent the property. Chairman Carideo explained the process. T. Scanlon stated he hopes the plan is approved this evening.

Chairman Carideo closed the public comment section of the hearing.

N. Emerson asked about the abutter that was not properly noticed. P. Carideo stated the abutter is in the audience this evening and did not ask any questions. Chairman Carideo also reminded the PB and audience that there is a 30-day appeal period.

MOTION: D. Howard made a motion to conditionally approve the subdivision subject to D&K final engineering review

SECOND: C. Bennett

VOTE: 7-0

3. 17-051 Merryfield Lane Extension – 8 Lot Subdivision

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J. Lavelle was present to represent the applicant and explained the proposal to subdivide the existing parcel into 8 house lots, Lots 1-7 will be new homes and Lot 8 has an existing home. The lots range in size with the smallest being 1.28 acres and the largest 3.93 acres. The new section of Merryfield Lane will add 570 feet of road. A total of two fire hydrants will be installed on Merryfield Lane extension. J. Lavelle reviewed and explained each of the plan sheets.

J. Lavelle stated this plan was presented about a year ago, in October 2016 there was a Technical Review meeting and the Road Agent requested the existing cul-de-sac be removed on Merryfield Lane with the proposed extension. J. Lavelle stated sheet 4 shows some small areas of dredge and fill with a wetland crossing. J. Lavelle indicated that the Conservation Commission has already signed off on the plan.

S. Bourcier stated he has not reviewed the plan. P. Carideo stated he was reviewing the file and the State Applications with DES are from over a year ago, it is his feeling that they need to be refiled. J. Lavelle indicated he has resubmitted the form with NHDES. P. Carideo stated that the plan lacks the abutter addresses on the coversheet, he also asked for road cross-sections to be shown every 50 feet. Chairman Carideo requested a letter be submitted to the PB regarding a commitment for water from Hampstead Area Water Company (HAWC). J. Lavelle stated he has a letter from HAWC from over a year ago. The PB wants a current letter from HAWC.

MOTION: N. Emerson made a motion to take jurisdiction of the plan

SECOND: G. Emerson

VOTE: 7-0

C. Bennett had a concern with the roadway design. P. Carideo indicated that he had reviewed the test pit data that was submitted with the application and would like to see test pits in the road to determine if under drains would be needed in the roadway.

D. Howard asked about the existing length of roadway on Merryfield Lane. J. Lavelle stated he believes the existing road is 850 feet and the new development is proposing an additional 570 feet, which would total 1,420 feet from beginning

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to end. J. Lavelle stated he reviewed the regulations to determine what the maximum length for a dead end street is to determine whether a waiver is needed.

C. Bennett asked about driveway culverts. P. Carideo asked S. Bourcier to look closely at the roadways and swales during his review. Chairman Carideo then explained the two wetland crossings to the PB. J. Lavelle stated there is no intention for a gravel driveway; the area is being left as is for access to the HAWC water line. P. Carideo stated the driveway culvert for Lot 4 is in a private driveway with no public access, he asked S. Bourcier to look carefully at the culverts.

P. Carideo asked about the connection to existing water lines. N. Emerson stated there is a water gate at the end of Merryfield Lane cul-de-sac.

P. Carideo asked that J. Lavelle add flow arrows on the wetlands to the plan sheets. J. Lavelle explained how the water flows to the PB and the audience; he also stated he had walked the property with Conservation Commission members.

Chairman Carideo asked the public for comment.

Kelly Siegwalt – 31 Merryfield Lane – referenced J. Lavelle's comments concerning the extension of roadway on Merryfield Lane and wants to know how waivers would be granted. P. Carideo stated any waivers would be presented to the PB for a vote, he further explained that the roadway length regulation was in effect prior to water hook-up with HAWC. P. Carideo indicated that if Hampstead Fire Department does not feel the extended roadway is a risk the PB would make a waiver determination based on the FD recommendation. K. Siegwalt asked if the FD was not ok with the road length would that mean a cut thru would be needed and P. Carideo responded yes.

K. Siegwalt stated she understands that the Road Agent has requested that the existing cul-de-sac be removed when Merryfield Lane is extended, however, she would like it to remain as a way to slow down traffic. P. Carideo explained why the Town prefers to remove the existing cul-de-sac.

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K. Siegwalt asked about the process of connecting the new homes to HAWC and was concerned about a possible interruption in service. Chairman Carideo stated that HAWC would handle this matter and explained the process. K. Siegwalt stated that the existing Merryfield Lane roadway is not in great condition and expressed concern that heavy construction vehicles travelling on the road would cause damage. P. Carideo stated he would like the Town Engineer, Scott Bourcier, to do a walk thru of the existing roadway to assess the conditions.

Peter Storey – 25 Moulton Drive – stated that all the properties on Moulton Drive have wells and asked if there would be any blasting in the proposed development. J. Lavelle responded by stating he did not believe any blasting would be needed. P. Storey stated he is concerned with the transference of water on his property as a result of the dredge and fill. J. Lavelle stated the water should flow the same way it always has. P. Storey asked if the existing stonewall would remain and J. Lavelle responded that it would.

Don Blaszk – 28 Moulton Drive - stated he was concerned at the possibility that Merryfield Lane could be extended on to Moulton Drive as a second means of egress, he indicated that was not listed on his property deed. P. Carideo responded by stating that proper planning is to connect roads without dead ends.

Daryll Siegwalt – 31 Merryfield Lane – stated that once the developer started cutting trees he has had a problem with ants and wants to know who is responsible for correcting this matter. P. Carideo stated that is nature, he is unsure how to respond other than there are some things the developer can control and others they cannot.

P. Carideo reminded the PB that the application has been accepted as complete and they are still awaiting engineering comments.

Chairman Carideo closed the public comment section of the hearing.

B. Schmitz thanked the public for their questions and comments.

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J. Lavelle asked for a continuance to the next PB meeting and hoped to have engineer comments prior to the meeting.

MOTION: D. Howard made a motion to continue the public hearing to the April 2 PB meeting

SECOND: G. Emerson

VOTE: 7-0

Other Public Matters

1. 11-071 Croy Path – Non-binding discussion

Brant Sayre – 85 Croy Path – was present with his family to discuss the possibility of converting his basement into an Accessory Dwelling Unit (ADU) within his home. B. Sayre stated he has health issues and his daughter and son-in-law have agreed to move in with him and his wife to help. B. Sayre stated his existing septic is approved for 3 bedrooms and has been told it could possibly handle an additional bedroom.

Chairman Carideo reminded B. Sayre and the PB that this is a non-binding discussion and no plans are to be reviewed. B. Sayre asked if they move forward with an application and get approval how long is the approval valid. P. Carideo stated he would have an answer to this question by the next PB meeting.

P. Carideo stated if the current septic is approved for 3 bedrooms and they wish to add a fourth bedroom they need State Septic approval on file for 4 bedrooms. Chairman Carideo stated his understanding is that the septic plan approval is needed and it was not required to install the new septic unless the current septic system fails. N. Emerson added that the State Septic approval is valid for four years. B. Sayre stated that J. Lavelle would be designing the new system.

P. Carideo explained the 50% ADU requirement as outlined in the Zoning Ordinance. B. Schmitz explained how to label the floor plans and asked them to identify which rooms are part of the Primary Dwelling Unit (PDU) and which are associated with the ADU. N. Emerson asked that they identify entrances for emergency response.

Planning Board Matters

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1. Town Engineer

S. Bourcier suggested that Dubois & King not start their review until the PB accepts the application. S. Bourcier gave the recent example of Sweet Baby Vineyard. The applicant has withdrawn the application, however, they still need to be billed for the engineering services. P. Carideo stated that the PB is following their Rules of Procedure and that every application is a little different. N. Emerson, B. Schmitz, R. Clark all stated that they like the current process as having engineering comments at the first hearing is helpful. R. Clark commented that most people who are noticed are going to come to the first hearing to voice their opinion.

There was also a discussion as to how and who can accept the application as complete. It was agreed that the PB members needed more time to think about the whole process and discuss further at the next workshop.

2. Correspondence

- a) Blue Sky Towers - Town of Hooksett
- b) Wetlands Permit – 135 Mills Shore Drive – Seasonal Dock

3. Member Comments

N. Emerson referred to updated legislation regarding ADU's. P. Carideo explained that the Town of Hampstead drafted the ADU regulations to include an attached ADU only.

P. Carideo thanked N. Emerson for his service and time with the PB.

4. Minutes (1/16 & 2/20 Workshop)

Chairman Carideo stated for the record that alternates R. Clark and C. Howard are voting members with regard to the 1/16 and 2/20 PB Workshop Minutes

MOTION: C. Howard made a motion to approve as amended the 1/16

Workshop minutes

SECOND: D. Howard

VOTE: 4-0 (abstaining from vote: B. Schmitz, G. Emerson, N. Emerson, C. Bennett, and R. Waldron)

MOTION: B. Schmitz made a motion to approve as amended the 2/20

Workshop minutes

SECOND: R. Clark

VOTE: 6-0 (abstaining from vote: N. Emerson, D. Howard, and C. Bennett)

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5. Adjourn at 10:30 P.M.

MOTION: R. Waldron made a motion to adjourn at 10:30 P.M.

SECOND: G. Emerson

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary