

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes December 3, 2018

A meeting of the Planning Board was held on Monday, December 3, 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, Glen Emerson, DJ Howard, Steve Wentworth, Joe Guthrie, Randy Clark (Alternate), Susan Hastings (Alternate), and Scott Bourcier (Dubois & King).

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

Chairman Carideo opened the meeting at 7:00 P.M.

### **Chairman's Remarks**

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Next Public Hearing Date January 7, 2019

Plan Filing Deadline for January 7, 2019 Meeting December 10, 2018

### **Old Business**

#### **1. 02-072 & 02-011 Meyers - Main Street – Conditional Approval Expires 12/3/18**

Chairman Carideo advised the other PB members that the State Subdivision approval along with the mylar was delivered to the PB office today. The Town Engineer is to give the final ok on the mylar and D. Soucy will bring to the registry for recording. All conditions have now been met so there is no need to extend the conditional approval.

#### **2. 09-024 Granite Village and 09-070 Johnson Meadows – Amended Site Plan**

Josh Manning from Points North Design was present to represent the applicant. R. Clark stated the access for the proposed unit is via a private road to Kent Farm Road. R. Clark stated the PB was first concerned that the driveway access for the proposed unit would go through a buffer area. R. Clark stated he feels the real issue should be whether a multi-family structure on a multi-family lot gets access via a mobile home park. R. Clark stated he feels the applicant should be sent back to the ZBA to get approval. R. Clark stated the other possibility would be to move the lot line on Charleston Ridge Road and make the new structure part of the mobile home park.

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P. Carideo stated he feels that the Town Attorney already addressed this issue and the only thing needed would be a hold harmless. R. Clark stated the ZBA found that a driveway was not prohibited through the buffer. R. Clark stated that the ZBA did not look at the point of access question. P. Carideo stated that nothing in the Zoning regulations state that access has to be off the frontage. R. Clark stated that he felt it is assumed that access be off a property's frontage. S. Bourcier asked if access has been granted via the private road. J. Manning stated that he has the hold harmless document for the PB review. D. Howard asked why access cannot come off Kent Farm Road via Carriage Lane. J. Manning stated that there is a steep embankment and the grading makes it prohibitive. P. Carideo asked why the rock is not noted on the plan. J. Manning stated he believes the Type 2 soils address the rock.

Chairman Carideo stated that since a PB member has questioned the access the rest of the PB needs to determine how they wish to proceed. J. Manning commented that Carriage Lane is a private road as well. P. Carideo stated he feels the project stretches the limits by accessing off a property with a different use. P. Carideo stated that he feels that Zoning does not have the requirement to gain access via the frontage. B. Schmitz stated he does not see that requirement in zoning. R. Clark feels the Zoning assumes access off frontage. R. Clark stated the abutters were concerned about the traffic from the multi-family unit going thru the elderly housing park. R. Clark stated that the ZBA was asked to question the driveway through the buffer not question a multi-family use proposal gaining access off a mobile home park. S. Hastings recalls that State law requires that frontage and access be off the main road. P. Carideo stated he is not aware of any such RSA.

Chairman Carideo asked the PB what they wanted to do, move to the ZBA or make a different motion. S. Bourcier stated the proposed development is for 4-bedrooms, he does not feel it will create an increase in traffic volume. S. Bourcier suggested that the applicant could propose speed bumps as a way to satisfy the elderly housing residents. D. Howard stated he has a hard time predicting the future as the PB cannot control drivers. S. Wentworth commented that the access via Carriage Lane appears to have a 40-foot rise in slope which would make

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access via that route very steep. B. Schmitz commented that although the proposal is not ideal he is not willing to send the applicant back to the ZBA.

S. Hastings will be a voting member.

**MOTION: S. Wentworth made a motion to send the applicant to the ZBA to determine if access via a private road in an elderly housing park is allowed for a multi-family dwelling.**

**SECOND: S. Hastings**

**VOTE: 0-6-1 (J. Guthrie abstained)**

J. Manning presented the PB with a revised set of plans. B. Schmitz questioned whether to accept plans the night of the meeting. P. Carideo stated that since the procedure was not in writing it was ok to view the revised plan set. J. Manning addressed the comments from the November 21 D&K review letter. P. Carideo commented that the scale and the title block still needed to be corrected. J. Manning stated he added the note regarding the private roadways. J. Manning provided the PB with a copy of the hold harmless/easement agreement. D. Soucy requested a copy of the agreement be sent to her via a word document for review by Town Counsel. J. Manning deferred item #11 to the property owner, C. Ashford stated the occupants of the dwelling will drive their trash to the dumpster the same as the other residents currently do. P. Carideo asked that a note stating the Town will not be responsible for trash be added to the plan. J. Manning stated the only lights proposed with the project are those that would be traditionally seen on the exterior of a home.

P. Carideo asked S. Bourcier based on the plan and the comments by the consultant does he feel any outstanding items could cause an issue. S. Bourcier responded by stating there are no real issues, however, it would be his recommendation not to approve this evening since each submission has generated additional comments.

P. Carideo commented that the plan is 5 sheets or more and suggested a note to denote which sheets would be recorded. J. Manning stated there is already a note on the plan. S. Bourcier suggested that the note be relocated with the other plan notes for ease of reference. J. Manning agreed.

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Chairman Carideo commented about the buffer and screening requirements for the project. P. Carideo stated the amount of clearing east of Unit A, the existing stone wall, and along the driveway is substantial. P. Carideo stated he would like to see plantings added; maybe flatten out the slope and provide some cover with trees to screen from abutting mobile home park properties. J. Manning commented that the existing tree line could be tightened up.

P. Carideo questioned the utilities. J. Manning stated the existing utilities are overhead. P. Carideo stated the site plan regulations state all utilities must be underground unless a waiver is requested. P. Carideo feels the PB has not been provided enough data that the proposed buildings cannot be off Carriage Lane. P. Carideo stated the abutters are screaming, that this is their community too, P. Carideo feels a compromise needs to be looked at. P. Carideo stated that there was a question regarding bus routes at the last meeting, specifically about the bus stop. P. Carideo stated he was unable to get an answer on this matter. S. Wentworth asked if the property owner would be willing to put an age restriction on the units to overcome this concern. L. Ashford stated from a legal perspective, they are unable to put an age restriction on the property.

P. Carideo commented that this application presents a number of weaknesses in the Zoning and regulations. Chairman Carideo asked for public comment, there was none. P. Carideo suggested the PB vote on the waiver requests.

### Section 5.02.N Requirement for Erosion & Sediment Control

J. Manning read from the waiver request dated 11/5/2018. The applicant is requesting a waiver to not have to provide an erosion and sedimentation control plan as typically required. The request meets the spirit and intent of the ordinance because:

- It is a small scale residential use with 0.25 acre of disturbed area surrounded by existing woodland buffer.
- Proposed disturbed area is less than that of a typical 4-bedroom home with large yard. Erosion control plan not typically required for a single house lot.

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- Two additional units and driveway will not increase run off to the point where it will impact any abutting properties.
- Existing vegetated woodland buffer will filter and slow any stormwater before it leaves the site.
- Existing site features and soils (i.e. high and dry) do not lend themselves to any drainage issues.
- Contractor to follow best management practices for erosion and sedimentation control.

Chairman Carideo stated that this is a site plan before the PB not a residential plan. J. Manning commented that the applicant is proposing a residential use on the site. P. Carideo referred to the Storm Water Management EPA requirements and stated that two silt fences would not be enough. P. Carideo stated that he has a hard time quantifying the hardship and feels that appropriate erosion control needs to be in place. P. Carideo stated he does not feel a waiver is warranted. B. Schmitz stated he feels that a plan that is in proportion to the development is appropriate.

**MOTION: B. Schmitz made a motion to grant a waiver to Section 5.02.N of the Site Plan Regulations**

**SECOND: S. Wentworth**

**DISCUSSION:** Does the consultant wish to withdraw the waiver request or provide the PB with updates as discussed. J. Guthrie expressed concern with granting waivers under any conditions. J. Manning stated the applicant will withdraw the waiver request. B. Schmitz and S. Wentworth withdrew the motion.

*Site Plan Regulations – Table of Dimensions - Driveway Width 24 Feet*

J. Manning read from the waiver request dated 11/5/2018. The applicant is requesting a waiver to allow the width of pavement for the residential driveway be reduced from town standard of 24' to 12' wide access to the two unit building being proposed. The request meets the spirit and intent of the ordinance because:

- The reduced drive width will have less overall impervious area, thus less runoff.

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- The reduced drive width will help maintain the small New England village character of the existing neighborhood.
- Many of the other driveways off of Charleston Ridge Road are less than 24' wide.
- Narrower driveway fits the existing topography of the site better.
- Driveway will be privately owned and maintained.
- Reduced roadway width allows for a tighter tree line with less impact to abutting mobile homes on Charleston Ridge Road.
- Towns fire department has shown no objections to this proposal.
- Short distance of driveway does not need to accommodate two-way traffic, vehicles can wait to pass.

B. Schmitz asked what would happen if someone has a party and cars are parked along the side of the road. D. Howard asked what if there was no party. G. Emerson commented that if the Hampstead Fire Department (HFD) is ok with the width then he is ok with it as well. S. Bourcier stated he has mixed feelings, he feels with emergency events it could be a problem, however he has spoken directly with the HFD and they are ok with the proposal. J. Guthrie asked about 18' versus 12'. P. Carideo responded by stating that this is not a typical situation and went on to explain the process. P. Carideo stated the PB has waived this requirement in the past.

**MOTION: D. Howard made a motion to grant a waiver for the driveway width to be 12 feet, which is not in accordance with the 24-foot minimum width as noted within the Table of Dimensions located within Site Plan Review Regulations.**

**SECOND: G. Emerson**

**VOTE: 6-1 (S. Hastings)**

### Section 6.01.A Request for Traffic Impact Assessment

J. Manning read from the waiver request dated 11/5/2018. The applicant is requesting a waiver to not have to conduct a Brief Traffic Impact Assessment (TIA) where one is typically required. The request meets the spirit and intent of the ordinance because:

- It is a small scale residential project (2 units)

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- Two additional units will not add to the existing traffic volume on Charleston Ridge Road enough to impact it.
- No existing traffic issues at intersection with Kent Farm Road.
- Roads in Granite Village are all privately owned and maintained.
- Proposal will generate less than an average of 200 weekday trip ends.
- Drive way will access existing road network in Granite Village (All 24' wide roadways).

B. Schmitz asked for S. Bourcier's opinion. S. Bourcier stated he does not feel the proposed 4-bedrooms will increase traffic, the speed of drivers is a separate issue. B. Schmitz asked about the current speed limit within Granite Village and was told it is 20 M.P.H.

**MOTION: D. Howard made a motion to grant a waiver from submitting a brief Traffic Impact Assessment (TIA) in accordance with Section 6.01.A of the Site Plan Review Regulations.**

**SECOND: S. Wentworth**

**VOTE: 6-1 (J. Guthrie)**

### Section 5.02.0 Request for Drainage Study/Calculations & Drainage Plan

J. Manning read from the waiver request dated 11/5/2018. The applicant is requesting a waiver to not have to conduct a drainage study for this project as typically required. The request meets the spirit and intent of the ordinance because:

- It is a small scale residential use with 0.25 acre of disturbed area surrounded by existing woodland buffer.
- Proposed disturbed area is less than that of a typical 4-bedroom home with large yard. Drainage study not typically required for a house lot.
- Two additional units and driveway will not increase run off to the point where it will impact any abutting properties.
- Existing vegetated woodland buffer will filter and slow any stormwater before it leaves the site.
- Existing site features and soils (i.e. high and dry) do not lend themselves to any drainage issues.

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P. Carideo asked for comment. J. Guthrie asked S. Bourcier for his opinion. S. Bourcier feels the stormwater drains towards the woodland buffer and was ok with the waiver request.

**MOTION: D. Howard made a motion to grant a waiver from submitting drainage calculations in accordance with Section 5.02.0 of the Site Plan Review Regulations.**

**SECOND: S. Wentworth**

**VOTE: 7-0**

D. Howard referred to comment A1 from D&K letter dated 11/21/2018 which states: "The applicant has combined the Map 009/Lot 070 – Johnson Meadow, LLC and the Map 009/Lot 024 - Granite Village plans into one (1) plan set. We recommend the plans be separated into two plan sets to correspond with the applications". P. Carideo stated that he wants clarification from the Town Attorney on this matter. (D. Soucy spoke with Attorney Gorrow on 12/4 and she advised that the plans should be separated with each site plan referencing the other as a point of cross reference).

Chairman Carideo reminded the other PB members that the Town Engineer is not comfortable with approval tonight. P. Carideo stated he would also like the Town Attorney to review the hold harmless and access easement prior to approval.

**MOTION: B. Schmitz made a motion to continue the public hearing for Map 009/Lot 070 – Johnson Meadow, LLC and the Map 009/Lot 024 - Granite Village to 1/7/19 PB Meeting**

**SECOND: J. Guthrie**

**VOTE: 7-0**

### **3. 06-111 30 Gigante Drive – Barlow Millwork – Amended Site Plan**

Tom Burns from TFMoran was present to represent the applicant. T. Burns stated that he has addressed the comments from D&K and the changes are reflected on the plan. The plan has been modified to provide a sediment forebay along the fire pond with the catch basins to handle the drainage and runoff. S. Bourcier

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stated that he had reviewed the revised plans and the applicant is meeting the regulations.

P. Carideo reviewed the plan sets and questioned which sheets would be recorded. P. Carideo requested that the new water line connection for fire suppression purposes be added to the plan. T. Burns agreed to move the signature block to the site layout plan on sheet 4.

Chairman Carideo asked for public comment, there was none.

R. Clark will be a voting member for this application.

**MOTION: B. Schmitz made a motion to grant 90-day conditional approval with the following conditions:**

- **Addition of signature block to sheet 4**
- **Addition of recording note to sheet 4**
- **Note regarding detention pond**

**SECOND: G. Emerson**

**VOTE: 7-0**

### **New Business**

#### **1. 08-218 Camp Tel Noar – Amended Site Plan**

Randy Haight from Meridian Land Services was present to represent the applicant. R. Haight explained that an amended site plan was filed in 2010 for Camp Tel Noar. This past Spring a building permit was granted to add lights to the existing basketball court. The Building Inspector issued a permit for the lights but soon after issued a cease and desist notice since the lights for the court were not included on the 2010 amended site plan. R. Haight stated the ZBA granted a special exception to allow the basketball court lights. R. Haight described the lights and provided the PB with pictures of the lights. R. Haight indicated the lights will be on a timer.

P. Carideo stated that he has driven by the site and has seen lights on at the other basketball court at all hours of the day and night. P. Carideo asked R. Haight if he could add a plan note indicated the hours of operation for the lights as

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needed. P. Carideo reminded the PB members that these lights are near the Main Street side of the property. R. Haight stated he would add a plan note.

B. Schmitz asked if there was any concern with the lights shining onto Main Street. B. Schmitz feels the candle lighting from the manufacturer is wrong. R. Haight commented that he would be surprised if the light was shining onto Main Street. P. Carideo commented that the lights are in place, if the PB members wanted to see the lights they could drive by the site and see the impact for themselves.

S. Bourcier commented that there is vegetation between Main Street and the back of the basketball court that could act as a light barrier. P. Carideo commented that the new landscaping looks good, however, he would prefer fencing along the Main Street side in order to prevent a ball from going into the roadway. P. Carideo stated that he looked at the light and does not feel there would be splash back on the roadway. P. Carideo stated that maybe one night the lights could be turned on for the PB members. R. Haight and the PB members agreed to have the basketball lights turned on Saturday, 12/15 from 5-8PM.

R. Clark is a voting member on this application.

**MOTION: D. Howard made a motion to accept the application as complete.**

**SECOND: B. Schmitz**

**VOTE: 7-0**

**MOTION: B. Schmitz made a motion to continue the hearing to 1/7/19**

**SECOND: D. Howard**

**VOTE: 7-0**

### **2. 13-186 50 Rolling Hill Road – Accessory Dwelling Unit (ADU)**

John Cincotta, the property owner, was present to answer any questions regarding the proposal. J. Cincotta stated he is adding the ADU on the side of the existing home for his daughter. The PB reviewed the plans. P. Carideo stated the current home is a 3-bedroom dwelling, the septic presented is designed for a 4-bedroom dwelling. Chairman Carideo explained the septic requirements and advised that even though the proposal is for the addition of one bedroom as far

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as the State Sub Surface Bureau is concerned it is not an even swap. P. Carideo indicated that the State requires 225 GPD for an ADU with one bedroom, the Primary Dwelling Unit requirement is 150 GPD per bedroom. This means that based on current zoning a septic system for a 3-bedroom (150 GPD x 3 = 450 GPD) with a one bedroom studio (ADU 225 GPD) requires 675 GPD. Based on these calculations a new septic design is required.

Chairman Carideo advised the applicant that the PB is proposing a change to the ADU wording this March 2019 to remove the word "MUST" from the current ADU zoning in relation to septic system installation. P. Carideo advised the applicant that when the Town implemented the ADU zoning this was in line with the State, however, the State has since changed the requirement to state the septic plan only needs to be designed and approved and not installed. P. Carideo advised the applicant that the Town can only change the rules each March based on Town ballot. P. Carideo stated the applicant can go through the process now and seek approval on the ADU but could not obtain an occupancy permit until after the March 2019 vote if the septic were not installed prior to that time.

J. Cincotta requested the PB review the plans as submitted. The PB reviewed the plans. B. Schmitz asked that the rooms be labeled as PDU and ADU. R. Clark asked for the external entrance to be labeled. B. Schmitz asked for the basement to be labeled as PDU. B. Schmitz asked about the attic space. J. Cincotta stated that it is finished in the PDU but will not be finished in the ADU; B. Schmitz asked that the plan be labeled as such. P. Carideo stated that he feels parking on site is adequate. P. Carideo suggested that the PDU/ADU parking be noted on the new septic plan.

S. Hastings will be a voting member on this application.

**MOTION: B. Schmitz made a motion to accept the application as complete.**

**SECOND: D. Howard**

**VOTE: 7-0**

**MOTION: B. Schmitz made a motion to continue the hearing to 1/7/2019**

**SECOND: G. Emerson**

**VOTE: 7-0**

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### Other Public Matters

#### **1. 17-051 Merryfield Lane Extension – Bond Discussion**

Ernie Brown, project developer, was present to request a bond reduction. S. Bourcier commented that the weather has been cooperative and the developer was able to put down a layer of pavement. S. Bourcier had submitted bond reduction letters dated 11/26/2018 and 12/3/2018. P. Carideo noted that road monumentation was not included in either bond amount. P. Carideo reminded the PB members that the Town is holding a \$72K cash bond. P. Carideo asked if \$5K for road monumentation would be acceptable. All agreed that a \$40K bond would be appropriate for the remainder of the project.

R. Clark would be a voting member on this matter.

**MOTION: B. Schmitz made a motion to reduce the current bond amount of \$72K by \$32K leaving a remaining bond amount of \$40K**

**SECOND: D. Howard**

**VOTE: 7-0**

#### **2. Hampstead Water Advocates**

Howie Steadman was present to represent Hampstead Water Advocates and explained that the group was formed to address preservation of ground water in Hampstead. H. Steadman stated there have been a number of residents in town who have low water pressure or no pressure at all. The PB was presented with an ordinance proposal. H. Steadman stated that the first part of the proposal dealt with testing for water on a lot before a building permit is issued, this will protect new home owners as well as protecting property values in town.

Chairman Carideo asked if this proposal is a Zoning Ordinance or a Selectmen's Ordinance. J. Guthrie stated the group would like the support of the PB. P. Carideo stated the proposal does not address zoning from a PB perspective. P. Carideo questioned what would happen with existing homes. J. Guthrie felt that it could be a selectmen ordinance. H. Steadman stated the group is looking for guidance.

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P. Carideo explained the PB process as it relates to Zoning and stated the PB has been working on the March 2019 proposals for several months now. P. Carideo stated the proposal as presented may need more work to be a zoning ordinance.

B. Schmitz asked what a water well certificate contained. In addition, how this information would help the homeowner? H. Steadman stated the developer would need to drill a well and prove water before building a home. The proposal would prevent a builder from obtaining a building permit until they can prove there is adequate water. J. Guthrie stated he is under the impression that Kris Emerson is ok with the proposal. Deanna Anthony explained that currently a home is built first and then the developer drills for water and explained there have been several instances where there have been issues finding water on new house lots.

Chairman Carideo questioned what section of the Zoning the proposal would make the most sense to amend and felt it may fit under the "General Provisions" section following building permits, page 121. P. Carideo stated he could envision the process as the developer presents a septic design, obtains a foundation permit, prove water with well certificate, then be issued a building permit.

J. Guthrie stated the group is looking to protect the homeowner. P. Carideo commented that ground water does not recover at the same rate as surface water. Additionally well drilling techniques have changed over time. H. Steadman reiterated that the group wants to protect homeowners. B. Schmitz asked if the Building Inspector is ok with policing this policy. P. Carideo asked R. Clark how the ZBA would review a variance request from this zoning proposal.

H. Steadman suggested that Kris Emerson knows what the State standards are for well water. P. Carideo commented that the State typically has scientific backing on the regulations they propose. Chairman Carideo polled the PB members to determine if they would support the proposal as written, all 8 members stated they would not. B. Schmitz would like a proposal that makes reference to a document that gives guidance on well yields, etc. Chairman Carideo polled the PB members to determine if they were willing to take on the "first sentence" of the proposal and all members agreed.

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H. Steadman presented the second part of the proposal which deals with blasting. H. Steadman explained that developers can do lot by lot blasting and earth movement or they can do the entire development. H. Steadman stated that he feels developers are sneaking under the radar and are not being monitored during blasting activities. H. Steadman stated that it is a known fact that blasting has an effect on the aquifer tables. He said there was blasting near Main Street a few years ago that has affected the wells of the residents on Main Street. H. Steadman stated there were three (3) wells that went dry during the time that Labrador Lane was being developed.

Chairman Carideo stated that the State of New Hampshire has an Alteration of Terrain (AOT) permit that is required for roadways and drainage. S. Bourcier explained the AOT permit is required for earth moving of a certain square footage and that most subdivisions will exceed the threshold and would be required to obtain a permit.

P. Carideo stated he was unsure of the process required in Hampstead to obtain a blasting permit. P. Carideo advised the Hampstead Water Advocates that the PB is working on updating the subdivision and site plan regulations and felt the blasting issue would be best addressed in these regulations versus zoning.

Chairman Carideo invited the group to the 12/17/18 PB Workshop and asked that they provide the PB with any documents for review prior to that date.

### **Planning Board Matters**

#### 1. Town Engineer

S. Bourcier stated that he continues to work on the subdivision regulation update. S. Bourcier advised the PB members that he submitted a preliminary meeting schedule for 2019 along with submission deadline dates for engineering comment.

S. Bourcier asked the PB if they would like D&K comment on waiver requests to be included on his review letters. The PB felt his comment would be helpful.

#### 2. Correspondence – Deferred to 12/17/18 Workshop for Discussion

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3. Member Comments
4. Minutes (11/19 Workshop)

**MOTION: B. Schmitz made a motion to approve the 11/19 minutes as amended.**

**SECOND: G. Emerson**

**VOTE: 7-0**

5. Adjourn

**MOTION: S. Hastings made a motion to adjourn at 11:00 P.M.**

**SECOND: B. Schmitz**

**VOTE: 7-0**

Minutes prepared by Debbie Soucy, Secretary