

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes Workshop October 21, 2019

A meeting of the Planning Board was held on Monday, October 21, 2019 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH.

**PRESENT:** Paul Carideo (Chairman), Chad Bennett, DJ Howard, Chuck Ashford, Jr., Bob Villella, and Randy Clark.

Chairman Carideo opened the workshop at 7:01 P.M. P. Carideo announced that the PB workshops will be televised ongoing for zoning discussions.

### **Planning Board Matters**

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#### **1. Non-binding discussion – Centerview Hollow Land Company/Winchester Heights 19-009 Conditional Approval**

Chairman Carideo announced that this would be a non-binding discussion. Josh Manning, Centerview Hollow Land Company, was present to represent the new owners. J. Manning stated they are working on meeting all the conditions of approval. J. Manning stated they anticipate the Letter of Credit within the next few days. J. Manning stated he is getting ready to submit a final plan set to Dubois & King for review. J. Manning stated the owner is looking to clear trees and had a question about the site plan regulations and feels the owner should be able to cut trees. J. Manning wants to know how the PB interprets the regulations regarding tree cutting.

Chairman Carideo stated that this is a conditionally approved plan with no bonding or mylar in place. P. Carideo stated it has always been the PB policy that no work is to be performed until the bond is posted and the mylar is recorded. P. Carideo stated that if interpretation is needed the PB would have to vote on the matter at a public hearing.

R. Clark asked how they are doing on the other outstanding special conditions. R. Clark asked about the letter from Hampstead Area Water Company (HAWC). J. Manning stated that they have the letter from HAWC dated 9/5/2019 addressed to Mike Auger.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

J. Manning provided the PB with a copy of the HAWC letter along with a copy of the SWPPP report. J. Manning stated the owner would like to cut trees prior to winter.

B. Villella asked about the letter of credit. J. Manning stated it should be in hand soon.

P. Carideo stated the owner needs to meet all conditions before they can cut trees. P. Carideo stated he feels that notice should be resent to abutters. P. Carideo was under the impression that the prior owner could not get the letter of commitment from HAWC.

J. Manning feels that a landowner can cut trees. P. Carideo stated not when there is an application before the PB. P. Carideo stated that the owner can withdraw this application and cut trees if they wish.

J. Manning asked about re-noticing abutters. P. Carideo stated the discussion should be at a PB meeting that is properly noticed. This item was added for discussion at the last minute and abutters on the project may not have been aware of the discussion. J. Manning asked to be on the 11/4/2019 agenda.

P. Carideo stated the owner can ask for a waiver at the meeting or request an extension of the conditional approval at the 11/4 PB meeting. P. Carideo asked J. Manning to provide Dubois & King with copies of all documents.

### 2. Engineering RFQ's Discussion

Chairman Carideo reminded the PB members that at the last meeting they discussed which members would be taking part in the discussion regarding the engineering RFQ's. P. Carideo asked if the PB members are going to recuse themselves. B. Villella stated he did not feel he needed to recuse himself. P. Carideo stated that any discussion while sitting at the table is a reflection of the PB. P. Carideo advised B. Villella he could make any comments from the audience as a member of the public. B. Villella stated he still had a question regarding the actual conflict of interest.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

B. Villella stated he contacted his attorney and was told he has no conflict. R. Clark stated that he has difficulty with the Town Attorney's recommendation regarding that remark as well, however, since the Town Attorney made the declaration he would go with it. R. Clark stated to go against the Town Attorney recommendation would put the PB in a bad place.

P. Carideo stated that the PB would discuss each firm this evening and determine which firms should be contacted for an interview. P. Carideo and R. Clark recapped the process during the last engineering selection process in 2016.

B. Villella asked why the Town cannot have two engineers to choose from. P. Carideo stated the PB can still have that discussion. P. Carideo stated that the RFQ was sent out as a single engineer and the PB would need to determine if the engineering firms would be in favor of this process.

C. Ashford and B. Villella recused themselves from the discussion at the PB table.

### Horsley Witten Group

P. Carideo informed the PB members that the firm provided an Exeter, NH address and reminded the group that this firm was a candidate from the last RFQ. P. Carideo stated the firm is strong in MA with a few projects in NH. P. Carideo commented that it looks like they are just getting into NH. P. Carideo commented that the Town typically uses the PB engineer although they do not need to. P. Carideo noted there is a cost escalation of 3% each year of the contract.

R. Clark commented that he did not see experience that would be useful to Hampstead. C. Bennett commented that the group is mainly out of MA and the rate structure is higher than the other firms. D. Howard agreed and stated that MA seems to be their wheelhouse. R. Clark stated the rate structure is higher but if the review could be done in half the time than the hourly rate is not a big deal.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

Chairman Carideo asked for public comment.

James Beauregard – 198 Hunt Road – asked if this engineer would be replacing Dubois & King.

P. Carideo explained that the current engineering contract expires 12/31/2019 and the PB put the contract out to bid and is reviewing responses. J. Beauregard asked if the PB are the ones who pick the engineer or the public. P. Carideo explained that the PB makes the recommendation to the Board of Selectmen (BOS) and they sign the contract. P. Carideo explained the role of the Town Engineer.

J. Beauregard asked why certain PB members were asked to recuse themselves. P. Carideo explained that those PB members had subdivision reviews done by D&K and if D&K was not picked as the Town Engineer that could be perceived as a conflict of interest.

### VHB

R. Clark stated he is not impressed with the experience for Hampstead and commented that the rate structure seemed high. R. Clark stated he is not particularly interested in this firm.

D. Howard stated that it appears Derry, NH is the smallest town they handle. P. Carideo commented that Derry has a planner and uses multiple engineers.

C. Bennett asked about having multiple engineers. P. Carideo informed C. Bennett that there is an RSA that allows for multiple engineers. P. Carideo gave an explanation of his experience working with engineering firms. P. Carideo stated he would reach out to towns with two engineers. C. Bennett stated that Hampstead is smaller and doesn't feel that VHB is a fit. C. Bennett asked if the PB would meet the person who would represent the firm selected.

P. Carideo feels that with VHB, Hampstead would not be a priority.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

Chairman Carideo asked for public comment and there was none.

### **Keach-Nordstrom Associates (KNA)**

KNA was a finalist in the last engineering search. D. Howard stated he liked them the last time. R. Clark stated he feels that KNA has small town experience. P. Carideo read the experience for KNA and felt they handle towns similar to Hampstead.

C. Bennett stated his biggest concern with KNA is that they are over-stretched with many other commitments and questioned if KNA has the capacity to handle Hampstead. P. Carideo stated that KNA has added two more towns since the last RFQ. P. Carideo commented that KNA currently has a plan before the PB and that would need to be worked out.

R. Clark commented that he remembers a close choice between KNA and Dubois & King.

P. Carideo asked for public comment and there was none.

### **Dubois & King**

P. Carideo stated he did not see any new information in the proposal. R. Clark stated that D&K is a very polished company and they are a professional organization. P. Carideo commented that D&K had the lowest rate structure for the top tier people.

P. Carideo stated that he thinks the PB needs to discuss getting costs down while still enforcing the ordinances and regulations. D. Howard asked about other review staff. P. Carideo stated that Scott and others in his office review plans.

P. Carideo commented that D&K is strong in NH. P. Carideo commented that he knows what they get based on the past three years. C. Bennett reminded the PB that they know D&K and to remember both the pros and cons of this firm when asking questions during the interview process.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

Chairman Carideo asked for public comment and there was none.

**MOTION: D. Howard made a motion to request interviews with KNA and D&K**

**SECOND: R. Clark**

**VOTE: 4-0**

D. Howard asked about the advantages of having two engineers. D. Howard asked if applicants would have a choice. P. Carideo stated he would need to do further research.

D. Howard asked about the disadvantages. P. Carideo stated there would not be a town engineer at the PB meetings. P. Carideo stated this might not be a big deal. P. Carideo stated he proposed a RPC Circuit Rider in this year's budget. P. Carideo stated that RPC could assist with zoning and regulations.

J. Beauregard asked if rates would be different if two engineers are offered. P. Carideo that would be a question that needs to be answered as the RFQ was sent out as a single town engineer. C. Bennett asked if KNA and D&K have experience in towns with a choice of engineers.

Chairman Carideo talked about the benefits of having a planner.

B. Villella feels the citizens of Hampstead should have a choice of engineers and stated that he has been contacted by several residents with concerns over fees. B. Villella stated he feels that with only one engineer they have an open checkbook with the citizens money.

C. Bennett stated he would be interested in knowing if the applicant gets an estimate from each firm in those towns that offer a choice.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

J. Beauregard asked when a citizen would need to go before the PB. P. Carideo provided examples and explained the process.

B. Villella and C. Ashford returned to their spot on the board.

### 3. 2019 Zoning Proposals

a) **Groundwater Protection Ordinance** – Proposed by the Hampstead Water Resources Committee (HWRC)

Chairman Carideo recused himself from his spot on the board. In Vice-Chairman, S. Wentworth absence R. Clark was asked to run the meeting.

R. Clark asked the PB members if they had read the ordinance. R. Clark asked the PB members for their comments.

Lee Sarapas, Chairman of the HWRC, gave the PB an overview of the ordinance and stated it is a cornerstone building block to protect groundwater. L. Sarapas stated the ordinance relates to commercial sites and is intended to control activities in places near a protected water supply.

R. Clark asked if this is being proposed as part of the Zoning. P. Carideo stated yes; this ordinance would be proposed in Zoning and gave an example of other ordinances such as the Wetlands Protection section of the Zoning.

C. Ashford stated as he reads the ordinance the overlay district is the entire Town of Hampstead and asked what happens to those areas already designated C4 landfill or heavy commercial. L. Sarapas stated the WRC is looking to obtain a grant to map the sensitive areas. D. Howard asked if they are proposing the ordinance before the areas are identified and L. Sarapas said yes. L. Sarapas stated they need to start somewhere.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

R. Clark asked if the maps HAWC uses identified the three (3) wells that were affected on Main Street and L. Sarapas stated it does now. R. Clark and L. Sarapas had a discussion about the Angle Pond Well and the DES investigation. L. Sarapas asked how this discussion relates to the ordinance. R. Clark stated that a study of the wells may be a more important thing to look at versus this ordinance.

B. Villella commented that he feels the PB needs to see a map before they can support an overlay district ordinance, otherwise how do the townspeople know what they are voting on. L. Sarapas stated the intent of the ordinance is to prevent further or new contamination to the groundwater.

D. Howard asked if he had a commercial property that was undeveloped and now this ordinance is in place, he could then be told he cannot develop the property.

J. Beauregard asked who would oversee this ordinance? Would new employees be hired? Can residents be told they cannot use their property in a certain capacity as a result of this ordinance.

P. Carideo stated that NHDES would enforce protection if a resident had a contaminated well.

J. Beauregard asked about restrictions. Can they restrict the number of vehicles parked at your home? Can a resident park their commercial vehicle on their property?

L. Sarapas stated that this ordinance authorizes the Building Inspector or his designee to perform inspections. L. Sarapas indicated that members of the WRC are knowledgeable enough to do these inspections. L. Sarapas stated the BOS can impose a fee for inspection.

J. Beauregard commented that was once a sane idea now becomes a big issue; he cited MA being overzealous. J. Beauregard was concerned about the unintended consequences of the



# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

ordinance and L. Sarapas stated he did not know what he meant by unintended consequences.

L. Sarapas stated that this proposal represents a model ordinance based on NHDES suggestions.

J. Beauregard asked how the Building Inspector makes contact if there is an issue. L. Sarapas stated the intent of the ordinance is for commercial sites and not residential; the Building Inspector would make an appointment to go to the site. L. Sarapas commented that this is not new language and feels this ordinance is a balanced approach to protect groundwater.

There were no further questions or comments from the public or Planning Board. Chairman Carideo returned to his spot on the board.

b) **Illicit Discharge, Detection and Elimination Ordinance (IDDE)** as adopted by the Selectmen in June 2019

Chairman Carideo reminded the PB members that the BOS adopted this ordinance back in June 2019 to comply with the MS4 requirements. Due to timing the ordinance could not be proposed on the 2019 ballot which is why the PB is now discussing for the March 2020 warrant article proposals. P. Carideo advised the PB that the ordinance was already reviewed by town counsel.

#### 4. **Blasting Ordinance review and discussion**

Chairman Carideo stated that he has received comments from HFD and the Conservation Commission. The HFD has blasting regulations and a permit process tied in with the building department. P. Carideo referenced an email he received from Deputy Warnock which outlines the NFPA1 Fire Code Requirements.

R. Clark asked P. Carideo what problem the PB is looking to solve with this ordinance. P. Carideo stated that he feels there is no enforcement. R. Clark commented that the HFD Blasting Regulations have been in place since 2016 with no problem.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes Workshop October 21, 2019

R. Clark stated that this is the third time P. Carideo has stated that blasting has affected the water quality and he has not seen any proof. R. Clark stated he wants the documents that P. Carideo is referencing prior to the next PB meeting so that he can review. P. Carideo stated he would compile the information and sent it out to the PB members. P. Carideo stated he feels that this is an important ordinance with the land that is left to be developed in town.

R. Clark commented that the State of NH has a long list of regulations. R. Clark stated he does not understand why the numbers in the proposed blasting ordinance are five times the levels that the State requires. R. Clark commented that he doesn't see the point of increasing the numbers by five times.

C. Ashford stated that his concern is for homeowners who would suffer an unintended consequence when they encounter ledge or a boulder during the installation of a pool, septic, or foundation for an ADU.

C. Bennett commented that the blasting companies are already required to do a pre-blast survey by their insurance company. C. Bennett agreed that all the remaining land in town is tough. C. Bennett stated that contractors aren't going to wait 30-45 days to get approval from the PB if they hit ledge putting in a road.

P. Carideo stated that blasting has a cumulative effect on groundwater. R. Clark commented that this blasting ordinance is adding time and money to a project. B. Villella asked for a copy of the email P. Carideo received from W. Warnock.

### 5. Member Comments

D. Howard asked if there was every any thoughts on implementing a stipend for the PB Chairman due to the amount of work he does for the PB. R. Clark stated that he does not believe that the RSA allows for a stipend.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes Workshop October 21, 2019

6. Review Minutes (10/7 Meeting)

**MOTION: D. Howard made a motion to accept the 10/7 meeting minutes as amended.**

**SECOND: C. Ashford**

**VOTE: 5-0-1 (C. Bennett abstained from the vote)**

7. Adjourn

**MOTION: C. Ashford made a motion to adjourn at 9:35 P.M.**

**SECOND: D. Howard**

**VOTE: 6-0**

Minutes prepared by Debbie Soucy, Secretary