

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes November 4, 2019

A meeting of the Planning Board was held on Monday, November 4, 2019 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

**PRESENT:** Paul Carideo (Chairman), Steve Wentworth, Sean Murphy, DJ Howard, Bob Villella, Randy Clark, and alternate Susan Hastings

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

### **CHAIRMAN'S REMARKS**

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Next Public Hearing Date December 2, 2019

Filing Deadline for the December 2, 2019 Meeting is November 6, 2019

Chairman Carideo opened the meeting at 7:00 PM.

### **Old Business**

#### **1. Map 02 Lot 165 Subdivision 456 Main Street**

Chairman Carideo announced that the consultant requested a continuance to the 12/2 PB meeting and informed the public that this would serve as their notice.

#### **2. Map 12 Lot 081 Subdivision 191 Emerson Ave**

Chairman Carideo announced that the consultant requested a continuance to the 12/2 PB meeting and informed the public that this would serve as their notice.

#### **3. Map 06 Lot 018 184 Route 111 Self-Storage – Amended Site Plan**

Chairman Carideo announced that the consultant requested a continuance to the 12/2 PB meeting and informed the public that this would serve as their notice.

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### 4. Map 16 Lots 1 & 25 Hadley Road Subdivision – Administrative Amendment

Chairman Carideo announced that the applicant's representative requested a continuance to the 12/2 PB meeting and informed the public that this would serve as their notice.

### 5. Map 19 Lot 009 Winchester Heights – Conditional Approval Expires 11/4

Chairman Carideo announced that all conditions precedent have been met and a time extension on the approval is not needed. P. Carideo stated that he received a request from someone to speak.

Deanna Anthony – 414 Main Street – stated that she had prepared a presentation relating to the project, however based on the change in status of the project she will simply present a letter for the PB records. D. Anthony presented the letter she prepared on behalf of the Hampstead Water Advocates to the PB.

### Planning Board Matters

1. **Town Engineer Comments** – The Town Engineer was asked not to attend the meeting since all of the public hearings requested a continuance to the 12/2 meeting.

### 2. Zoning Ordinances

P. Carideo stepped down from his spot on the board and asked Vice-Chairman, Steve Wentworth to run this portion of the meeting.

#### ○ **DRAFT Groundwater Protection Ordinance Discussion**

Lee Sarapas, Chairman of the Hampstead Water Resource Committee (HWRC) was present to provide input on the Groundwater Protection Ordinance. L. Sarapas stated that groundwater protection is not a new issue and gave an overview of the ordinance. L. Sarapas gave examples of surrounding towns who have adopted such ordinances, Salem, Sandown, Chester, Londonderry, to name a few. L. Sarapas stated the purpose of the

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ordinance is simple, provide groundwater protection. L. Sarapas stated that Best Management Practices (BMP) would be applied in this district. L. Sarapas stated the HWRC wants to know if the PB would support the ordinance.

S. Wentworth asked for questions/input from the PB members.

D. Howard asked about mapping the groundwater protection district. L. Sarapas responded by saying the State has already developed a map for the town. L. Sarapas stated that HWRC wants to refine the map.

R. Clark asked how this ordinance would help the residents on Main Street. L. Sarapas stated it does not affect that issue. R. Clark asked what happens if a well is contaminated. L. Sarapas responded that this would become a State issue. R. Clark asked why the PB did not get a copy of the map since it was discussed at the last PB meeting. S. Wentworth asked if the map L. Sarapas is referencing is the map that has been posted on social media. L. Sarapas stated that yes, that is the map they are referencing. L. Sarapas also had a map that was prepared by Rockingham Planning Commission (RPC).

R. Clark asked about the date of the model DES ordinance. L. Sarapas stated that he was not sure of the date but noted that this model ordinance has been used for over twenty (20) years. S. Hastings asked for the date of the map. L. Sarapas stated he was not sure of the date, he indicated that the map was a compilation of DES information.

L. Sarapas referenced Section K of the ordinance which relates to existing non-conforming uses. R. Clark referenced Section J, permitted uses. R. Clark asked if blasting would affect water quality, L. Sarapas said that would be discussed next.

L. Sarapas indicated they would like to make blasting safer in town. L. Sarapas noted three points: 1. Safety and damage 2. Water quality and 3. Physical damage to the well. R. Clark stated the Blasting Ordinance proposal increases the thresholds five times greater than the

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State of NH requirements. L. Sarapas the issues with blasting include more solids in the water along with trace chemicals.

P. Carideo stated that DES has Alteration of Terrain (AOT) requirements when there is over 100K area of disturbance. P. Carideo indicated the Town and State neglect to protect areas that do not require an AOT permit.

S. Murphy commented that Section F, Item 10 of the Groundwater Ordinance references the Blasting Ordinance proposal. L. Sarapas stated that if the Blasting Ordinance does not pass then that portion of the Groundwater Ordinance would be deferred.

R. Clark stated that the PB felt that private residences were exempt and they are not based on this ordinance.

Karen Hanides – 387 Main Street – Asked why we wouldn't want to protect the water.

R. Clark stated this is a beautiful ordinance, however, it is not specific, it doesn't say what is important. R. Clark stated he does not see how things are enforced.

Caitlin Riley – 68 Central Street – Asked why wouldn't Hampstead want clean water.

R. Clark stated he feels the ordinance needs to be better written. L. Sarapas talked about containment of substances on properties and stated that this is common sense legislation.

R. Clark stated he is concerned about unintended consequences. L. Sarapas stated that HWRC does not have the authority to enforce the ordinance.

D. Howard asked for clarification on Section F Items 1-3. P. Carideo explained the points. Item 1, relates to Storm Water Management, if there was a new subdivision before the PB it would be addressed during the subdivision review process. Item 2 is an EPA requirement. Item 3 relates to farms and agricultural activities.

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Phil Steriti – 32 Pentucket Drive – Asked if the PB questions were due to the cost of surveying, etc. that would be passed on to developers of a project. R. Clark stated the cost would be passed onto the developer. R. Clark stated the concern wasn't for a development rather a single residence.

S. Murphy added that the PB was concerned for the individual homeowner incurring additional costs for blasting and possible delays in the project due to notification requirements, etc. S. Murphy stated the PB does not want to overburden homeowners and stated the PB is looking for a balance.

Christine Seuss – 38 Island Pond Road – asked why Hampstead would not want to adopt this ordinance since other surrounding towns have this model ordinance already in place.

L. Sarapas asked for comment from the PB. L. Sarapas stated that he has already started the parallel process of a petition warrant article however he would prefer to work with the PB.

Ryan Flynn – Central Street – Asked if all the surrounding towns have the same wording that is being proposed in Hampstead. L. Sarapas stated that that other towns incorporate some parts of the ordinance and leave others.

P. Carideo returned to his spot on the PB.

- **Blasting Ordinance Discussion**

Chairman Carideo explained that this ordinance is being proposed by the PB. There was a discussion regarding minimum blast scenarios. P. Carideo explained the number of days a permit would be valid. P. Carideo stated that he took the regulations from DES and surrounding towns. P. Carideo asked for discussion with the PB members regarding the size of blasts.

D. Howard asked what size blasts would be exempt. P. Carideo explained that all blasts require notification to abutters and noted that the State requires notification within a one

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hundred (100) foot radius. Chairman Carideo read from the State requirements. B. Villella commented that he has no problem following the State requirements. R. Clark commented that this proposal is five (5) times more restrictive than the State requirements.

S. Wentworth suggested different notification requirements based on the size of the blast.

0-1,000 require 100-foot radius for notification

1,001 – 4,000 require 250-foot radius for notification

4,001 – 15,000 require 500-foot radius for notification

15,001 plus require 750-foot radius for notification

R. Clark asked why be different from the State? P. Carideo responded by saying the State has minimum requirements and added that Windham and Pelham felt the more restrictive requirements would offer protection. D. Howard asked for a copy of the State requirements. P. Carideo stated the PB would do a side by side comparison of the draft ordinance versus the State numbers at the next workshop.

Chairman Carideo asked for public comment.

Deanna Anthony – 414 Main Street – asked where in the document does it address NHDES gap as it relates to blasting on new subdivisions. P. Carideo stated that is not in the document and would need to be worked on.

L. Sarapas referenced a 2019 Rock Blasting document that was prepared by NHDES and suggested the PB look at that document for guidance.

Karen Keisling – 31 Pentucket Drive – asked about the penalties of not following the Zoning Ordinance. P. Carideo explained the penalty that is outlined in the proposal. K. Keisling asked who would be responsible for enforcing the ordinance. P. Carideo stated that the Chief Building Official is responsible for enforcing zoning in Town.

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P. Carideo closed the public comment session and stated the PB will continue to work on this ordinance at the next workshop.

### 3. Correspondence

- City of Nashua – hearing on a monopole cell tower
- Letter of Interest from Karen Hanides

Chairman Carideo explained to Ms. Hanides that she would unfortunately not be able to hold an alternate or permanent position on the PB since she already serves as an alternate on the ZBA. According to RSA 673:6, IV no more than one appointed or elected member of the planning board may serve on the zoning board of adjustment. Since R. Clark is a PB member and a ZBA alternate Ms. Hanides is ineligible.

4. Member Comments - none

5. Review of Minutes (10/21 Workshop)

**MOTION: D. Howard made a motion to accept the 10/21 minutes as amended.**

**SECOND: R. Clark**

**VOTE: 4-0-3 (SM, SW, and SH abstained from the vote)**

### 6. Town Consultant Selection Discussion

Chairman Carideo announced that the PB would be going into non-public session under RSA 91:A:3IIc The PB members took a roll call vote to go into non-public session. All members present agreed to go into non-public session.

There was a discussion regarding the engineering finalists. The PB members present felt that Keach-Nordstrom Associates (KNA) was a better fit for the Town. There was a roll call vote and all PB members present agreed to move forward with KNA.

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## **Minutes November 4, 2019**

**MOTION: D. Howard made a motion to direct D. Soucy to draft a letter to the Board of Selectmen recommending Keach Nordstrom Associates as the Town Engineer as of 1/1/2020.**

**SECOND: R. Clark**

**VOTE: 5-0-2 (SW and BV abstained from the vote)**

P. Carideo stated he would need to discuss with the BOS how to continue with D&K for the one project that is currently before the PB as KNA is the engineer of record for the applicant.

There was a roll call vote to come out of non-public session. All PB members present agreed to come out of non-public session.

7. Adjourn

**MOTION: S. Wentworth made a motion to adjourn at 10:50 P.M.**

**SECOND: D. Howard**

**VOTE: 7-0**

Minutes prepared by Debbie Soucy, Secretary