

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes January 6, 2020

A meeting of the Planning Board was held on Monday, January 6, 2020 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

PRESENT: Paul Carideo (Chairman), Steve Wentworth, Joe Guthrie, Ex-Officio, DJ Howard, Chuck Ashford, Jr., Bob Villella, Randy Clark, and Susan Hastings (alternate). The public attendance roster is available as an attachment to this document.

CHAIRMAN'S REMARKS

- Next Public Hearing Date February 3, 2020
- Filing Deadline for the February 3, 2020 meeting is January 6, 2020
- First Day to file paperwork with Town Clerk for open position January 22, 2020
- Last Day to file paperwork with Town Clerk for open position January 31, 2020

Chairman Carideo opened the meeting at 7:04 P.M.

R. Clark stepped down from his spot on the board.

Old Business

1. Map 06 Lot 018 184 Route 111 Self-Storage – Amended Site Plan

Chairman Carideo announced that S. Hastings would replace R. Clark as a voting member on this application and that J. Guthrie would be voting in place of S. Murphy this evening.

Jason Lopez from Keach-Nordstrom Associates (KNA) was present to represent the applicant. J. Lopez stated the revised plan focuses on landscaping, the construction sequence, and snow storage. J. Lopez stated they added landscaping along Route 111 as well as near the dumpster. J. Lopez welcomed questions from the board.

C. Ashford asked about the amount of area allotted for snow storage. J. Lopez stated he does not have the square footage; J. Lopez showed the board members the area on the plan. J. Lopez commented that in addition to plows it is typical to use loaders to move around snow at a storage facility. P. Carideo commented that there is 25K square feet of pavement and didn't feel that small area will handle all the snow. P. Carideo asked what would stop plows from pushing the snow over the curbing. J. Lopez stated that nothing would stop it as there is no fence, etc.

P. Carideo asked the other PB members for comment.

P. Carideo stated the landscaping plan is skimpy, there are ten trees 65 feet apart for over 300' of frontage on Route 111; pine trees don't offer much for screening. P.

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Carideo stated the buildings are massed and wants that broken up. P. Carideo compared the plantings to the elevations of the buildings. J. Lopez stated there are no numbers in the regulations as it relates to landscaping, he felt 25% coverage would be enough. J. Lopez felt it was a good compromise to still allow visibility of the commercial property from the street. Ken Sweet stated he asked for white pines as he has used them in the past and it looks nice. P. Carideo stated he would like to know that the owner would maintain the screening. K. Sweet stated they trim the trees and they fill out; he intends on maintaining the screening. J. Lopez commented that if the existing vegetation is healthy it would remain intact.

P. Carideo asked about location of ledge. J. Lopez stated it is on Sheet 1. P. Carideo stated he did not see any notes regarding blasting. J. Lopez stated the ledge will be hammered out. P. Carideo stated he does not think trees would be able to be planted within the ledge area. P. Carideo stated he would like to see more plantings along the lower side of building 3. P. Carideo asked for the corner area to be screened. J. Lopez stated that it would be possible to give a screen to that edge. C. Ashford asked about the placement of trees along the slope. P. Carideo stated that if the owner keeps them trimmed, they should take hold and grow.

P. Carideo shifted the focus of the discussion to the construction sequence notes on Sheet 17 of the plan set. J. Lopez read from the notes. P. Carideo stated that he looks forward to seeing the Stormwater Pollution Prevention Plan (SWPPP) as he is interested in how an emergency breach will be handled.

P. Carideo stated he has an issue with the amount of extra impervious surface of parking spaces. There is a little under 17K square feet of building and some 40K square feet of impervious surface and little infiltration is all that is being offered. P. Carideo stated he doesn't see why there can't be some infiltration on the site. P. Carideo stated that it is up to the PB to protect the natural resources in town.

J. Lopez mentioned the option of a long trench with perforated pipe; J. Lopez commented that if there is more infiltration, they cannot capture fuels, etc. P. Carideo stated there are designs that can capture items prior to infiltration, there are many of these systems used all over the State of NH.

P. Carideo stated that the project is 3K square feet of disturbance away from requiring an Alteration of Terrain (AOT) permit and commented that the State would require additional infiltration. Chairman Carideo stated he is expressing his opinion and the PB needs to make a decision. P. Carideo asked the PB members for comment.

B. Villella commented that he feels the consultant met the requirements from the last meeting. P. Carideo stated this is not about erosion control this is about stormwater treatment. P. Carideo commented that they are creating more impervious surface.

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J. Lopez commented that the plan is designed under the AOT threshold and added that he is well aware of all the products on the market to treat stormwater. J. Lopez stated the design meets the Town requirements. J. Lopez stated he added curbing and other measures. J. Lopez added the fact that Dubois & King has reviewed this plan including the infiltration system.

K. Sweet commented that this is a new idea that hasn't been discussed previously. K. Sweet stated that he has paid KNA to design the plan, he has paid Dubois & King to review the plans (twice).

Chairman Carideo stated the PB office received the plans at the last minute (1/3) and he has questions; he wants to protect the environment and its natural resources; he feels it is necessary based on the amount of development on the site. P. Carideo stated that is his opinion.

D. Howard asked how the detention pond is designed. J. Lopez explained. S. Hastings asked if the board could get an idea of the amount of water going towards that area. J. Lopez explained that 2.6 acres flows towards the detention pond and it is designed to handle that amount of water, which is to Town standards. S. Hastings asked if the detention pond is designed for a 100-year storm event and J. Lopez stated it is not. J. Lopez stated the detention pond is designed for a 50-year storm event which is what AOT requires. J. Lopez stated the catch basins, etc. are designed for a 25-year storm event as is standard practice.

Chairman Carideo asked for public comment.

Lee Sarapas – Croy Path – stated there was a question at the last meeting regarding the color of the overhead doors and asked if the applicant has given consideration to another color.

K. Sweet stated that orange is the brand color and feels he is within the Town regulations. K. Sweet stated he checked with the Town before changing brands.

Chairman Carideo closed the public comment session.

P. Carideo asked the PB members how they want to handle the new plans; send to a third party for review or vote on the application. C. Ashford asked if the applicant has met the requirements of the D&K review letter. J. Lopez stated he has worked on the housekeeping items since the last meeting.

S. Wentworth asked if a 50-year storm event would over-run the 25-year storm event measurements. J. Lopez stated that it would and that is standard practice.

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S. Wentworth commented that the PB needs to contract with someone to oversee construction on the site. J. Lopez feels that D&K would be the best fit to continue with the project. P. Carideo stated that items 1-4 from the D&K letter were not addressed in this plan set. J. Lopez stated he addressed the sticking points that the PB had from the last meeting.

S. Hastings stated she doesn't feel the ZBA did their job and failed to look at all aspects of the project. D. Howard stated he feels the PB should contact D&K.

S. Wentworth stated he would like to see the application continued for 30 days. J. Lopez stated he does not want to see the applicant held up another 30 days. P. Carideo commented that the PB just received the plans on Friday 1/3.

MOTION: S. Wentworth made a motion to continue the application for Map 06 Lot 018, 184 Route 111 Self-Storage to the 2/3/2020 hearing.

SECOND: D. Howard

VOTE: 7-0

R. Clark returned to his spot on the board.

New Business

1. Map 19 Lot 026 185 Brown Hill Road – Accessory Dwelling Unit (ADU)

John Richard, property owner, was presented the plan to the board. J. Richard explained that this is a closed preschool that they are converting into an apartment; all changes will be internal. P. Carideo stated the PDU is 3,116 sq. ft. and the ADU is 1,528 sq. ft. which meets the requirements of the ordinance. P. Carideo commented that there is plenty of parking on site. J. Richard stated they will be going from 15-20 cars per day to 3 cars.

P. Carideo asked the board members for question and comment, there was none. P. Carideo stated all the information is complete and the application meets the requirements.

MOTION: S. Wentworth made a motion to grant a conditional use permit for an Accessory Dwelling Unit (ADU) for property located at 185 Brown Hill Road.

SECOND: C. Ashford

VOTE: 7-0

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Other Public Matters

1. Zoning Proposals

Article #1

To see if the Town will vote to adopt Article II-4 an Illicit Discharge, Detection, and Elimination (IDDE) Ordinance as part of Land Use Regulations to comply with Municipal Separate Storm Sewer System (MS4) requirements as set forth by the Environmental Protection Agency (EPA).

Chairman Carideo explained that the IDDE Ordinance is currently a Board of Selectmen (BOS) Ordinance enacted back in June 2019 in order to meet the requirements of the Federal MS4 permit the IDDE Ordinance needs to be moved to the Town's Zoning Ordinances. P. Carideo asked for PB member comment, there was none. P. Carideo asked for public comment and there was none.

MOTION: C. Ashford made a motion to move Article #1, IDDE Ordinance, to the 2020 Town Warrant.

SECOND: S. Wentworth

VOTE: 7-0

Article #2

To see if the Town will vote to adopt Article II-5 a Ground Water Protection Ordinance (GWPO) as part of Land Use Regulations.

Chairman Carideo explained that the Ground Water Protection Ordinance (GWPO) was proposed by the Hampstead Water Resource Committee (HWRC) and worked through in collaboration with the PB. P. Carideo asked for PB member comment, there was none. P. Carideo asked for public comment and there was none.

MOTION: C. Ashford made a motion to move Article #2, Ground Water Protection Ordinance, to the 2020 Town Warrant.

SECOND: S. Wentworth

VOTE: 7-0

Article #3

To see if the Town will vote to adopt Article IV-15 a Blasting Ordinance as part of Special Zoning Regulations.

Chairman Carideo explained that the Blasting Ordinance was sent to the Town Attorney for review and comment. The PB has been advised that this cannot be a Zoning Ordinance as the authority for the Blasting Ordinance falls under RSA 31:39, general police power, this type of ordinance should be placed on the warrant with other Selectmen articles. Based on Town Attorney opinion the PB will not be placing the Blasting Ordinance on the warrant. Article #3 is being withdrawn by the PB.

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J. Guthrie stated he would bring the Blasting Ordinance forward to the BOS at the next meeting.

Article #4

To see if the Town will vote to amend Article I-2 to add Public Water System Reporting Requirements.

Chairman Carideo explained that the Public Water System Ordinance was sent to the Town Attorney for review and comment. The PB has been advised that this cannot be a Zoning Ordinance per RSA 674:16 and RSA 674:21. The reporting requirements do not come within the scope of the authority granted to the Town to adopt zoning ordinances. The Town Attorney advised it may be possible for the BOS to enact a health regulation under RSA 147:1 requiring RWUs to provide copies of their reports to the State to the Town health officer when they are filed with the State. Article #4 is being withdrawn by the PB.

2. Petition Warrant Articles

Article #5

By petition shall the Town vote to amend Article IV-9.2(A)(1) to read "A communication tower may be located on any Town-owned parcel except on conservation land and/or in Residential Zone A."

Chairman Carideo stated the petitioners can present the warrant article and limited the presentation to 15 minutes.

Carl Cote – 30 Collins Drive – had a prepared presentation for the PB. C. Cote stated the article proposes a reasonable, balanced approach to cell towers for Hampstead and provides appropriate protection for conservation land and residential areas. C. Cote stated there are nearby towns that restrict communication towers on town-owned parcels in residential zoning districts and/or conservation land. C. Cote asked the PB for their support.

John Grimm – 27 Collins Drive – stated the idea of the proposal is to get Hampstead up to par with other towns while still trying to balance services.

Darlene Cote – 30 Collins Drive – stated that conservation land needs to be protected and feels the land should be left in its natural state. D. Cote added that last year the town voted not to allow a cell tower on conservation land.

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Carl Cote – 30 Collins Drive- reviewed the list of street names of the 75 petitioners who signed the proposal.

Chairman Carideo closed the public comment session.

S. Hastings stated she agreed with the presentation however they left out the public health and safety which includes police, fire, and other emergency services. D. Howard asked if this would prohibit the Town from adding additional antennas. P. Carideo stated that the Town's police and fire departments are both located in residential zone A.

P. Carideo noted that in 2015 the town voted 891 for and 387 against; the Town supported allowing cell towers on town owned properties. P. Carideo stated that he feels the petitioned warrant article was not well thought out as it would adversely affect the police and fire. Chairman Carideo will not support.

D. Howard stated that he supports the intent of the proposal but not comfortable with the unintended consequences. P. Carideo commented that typically people come in and discuss their ideas for warrant articles earlier in the process to gain support of the PB. C. Ashford stated he cannot support the article as written. S. Wentworth agreed and stated although the intentions are good, he cannot support.

Chairman Carideo stated the PB consensus is not to support Article 5 on warrant by petition; all PB members were in agreement.

3. **Map 12 Lot 15 Conceptual Discussion** – Refined Roofing – Gino Spero was not in attendance at the meeting.

C. Ashford, Jr. stepped down from his spot on the board.

4. **Map 09 Lot 070 Johnson Meadows – Final Inspection Invoice**

Chuck Ashford stated there was a final inspection by the town engineer for his duplex that took 10 minutes, there is 35-40 minutes of travel time each way; he was charged for four (4) hours in total for a 1.5 hour trip and a 10 minute inspection. C. Ashford stated that he does not think that is right.

Chairman Carideo stated that the PB does not receive the detail of the bill and commented that by his calculation it could be about 30 minutes too long.

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C. Ashford gave a history of the phone calls made the days prior to the inspection. P. Carideo commented that he knows the history. Chairman Carideo stated that if something wasn't happening then he should have reached out to the PB and not the Board of Selectmen.

P. Carideo stated that he feels the bill is within reason and further commented that the Town of Hampstead does not have a full-time engineer on staff and until the town wants to allocate a six-figure salary the policy is to pass the charge of the consultant to the applicant. S. Wentworth commented that he understands what C. Ashford is saying, however, he paid all the bills on his project.

J. Guthrie commented that he does not believe the Chairman has the authority to waive fees. P. Carideo stated that is correct. J. Guthrie stated that it would not be good policy to waive this fee as it would set a precedent going forward.

P. Carideo asked D. Soucy to request an itemized bill from Dubois & King. C. Ashford asked for a response via email regarding the matter (1/9/2020 emailed detailed bill with response from Dubois & King). It was noted during the meeting that D&K did not charge any applicants for their presence at the 12/16/2019 public hearing.

C. Ashford, Jr. returned to his spot on the board.

Planning Board Matters

1. Town Engineer Comments

Chairman Carideo announced that the Town Engineer was asked not to attend this meeting since there was no new business for him to comment on.

2. Correspondence

Chairman Carideo informed the PB members that there is a town forum on January 25 from 11AM-1PM at the Town Library.

3. Member Comments

C. Ashford commented that specific groups of people are being notified of meeting agendas and doesn't think it's right since everyone has the same access to the information. P. Carideo stated that the PB office maintains an email list and anyone can ask to be added. Chairman Carideo stated it is best to notify as many people as possible to keep the townspeople informed. P. Carideo commented that the Communication Committee could help in the future.

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B. Villella announced that it has been two months since the individuals have expressed an interest in the PB. P. Carideo stated he was going to bring this matter up as well but felt D. Howard had news for the group.

D. Howard announced that he will not be seeking re-election this March 2020. Chairman Carideo thanked D. Howard for his service on the board. R. Clark announced that he would be seeking re-election this March 2020. P. Carideo stated it would be up to the board if they want to appoint alternates at this time or wait until after the elections. The PB decided that since the alternates have been attending the meetings, they would appointment them at this time rather than wait. D. Soucy was asked to prepare the necessary paperwork.

MOTION: B. Villella made a motion to accept Tom Riha as an alternate.

SECOND: S. Hastings

VOTE: 7-0

MOTION: C. Ashford made a motion to accept Mike Hanides as an alternate.

SECOND: S. Wentworth

VOTE: 7-0

4. Review of Minutes (12/16 Meeting)

MOTION: C. Ashford made a motion to accept the 12/16 minutes as amended.

SECOND: B. Villella

VOTE: 6-0-1 (D. Howard abstained from vote)

5. Adjourn at 9:20 P.M.

MOTION: S. Wentworth made a motion to adjourn at 9:20 P.M.

SECOND: B. Villella

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary