

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

A meeting of the Planning Board was held on Tuesday, September 5, 2017 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 (Ex-Officio), Glen Emerson, Dean Howard, Neil Emerson, Robert Waldron, Randy Clark (Alternate), Chris Howard (Alternate), and Scott Bourcier (Dubois & King)

Chairman Carideo opened the meeting at 7:00 P.M. There was a large crowd present and P. Carideo asked to keep it quiet and to please turn off cell phones.

### Old Business

#### 1. **02-052 Labrador Lane Subdivision**

P. Carideo reminded the Planning Board (PB) members that a certified letter was sent to the developer requesting his presence at this evenings meeting. Mr. Villella hand delivered a letter to the PB office this morning asking to reschedule the meeting due to a prior commitment. P. Carideo indicated we could ask him to attend either the September 18 Workshop or the October 2 Meeting. P. Carideo stated he does not understand why Mr. Villella could not attend this evening and reminded the board the developer did not want the Town Engineer on his property although legally we have every right to inspect the site. The majority of the PB members agreed that Mr. Villella should be asked to attend the September 18 Workshop.

R. Clark asked what recourse the PB has if Mr. Villella does not attend the meeting. P. Carideo was adamant that Mr. Villella attend the meeting. K. Emerson and P. Carideo had spoken earlier in the day with K. Emerson contacting Town Counsel for guidance on how to proceed. Attorney Gorrow's recommendation was to reschedule the meeting to a different time; she said that because Mr. Villella did send a letter to the PB requesting a different date that he was not ignoring the PB. Attorney Gorrow also stated the issue with the inspections was not an imminent threat to life or health.

R. Clark referenced the draft minutes from the August 7 PB meeting. During that meeting, T. Lavelle indicated a new Alteration of Terrain (AOT) Notice of Intent (NOI) would be filed by the end of the week. R. Clark asked the status of the

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

updated NOI and P. Carideo responded that as of today nothing new has been filed with the State. P. Carideo advised the PB that they could file NHDES and Federal EPA complaints that would be his preference. R. Waldron asked the status of construction on site and was advised that four (4) homes are currently under construction. P. Carideo advised that it has been a month since the last site inspection. B. Schmitz suggested that the PB start State filings.

N. Emerson commented that he heard the Town Engineer was told not to come on the site without advance notice. P. Carideo was under the impression that PB was asked to stay off the property. P. Carideo and N. Emerson agreed that there was definitely a difference in tone between the two statements. G. Emerson asked how the Town Engineer could perform an un-announced inspection if he was required to give notice.

P. Carideo asked S. Bourcier what the status of the site was during his last inspection. S. Bourcier indicated the site was getting to a point where it was stabilized, however the retention structure was sitting on site for weeks. P. Carideo stated the developer has not been following the Town's Subdivision Guidelines or approved plans. P. Carideo stated the PB needs to determine how they wish to proceed and the decision is not his alone to make.

P. Carideo directed the PB Secretary to send a certified letter to Mr. Villella, the developer, asking he attend the September 18 Workshop. G. Emerson asked if S. Bourcier could inspect the site prior to the September 18 Workshop even though Labrador Lane is not a public road. P. Carideo indicated the signed Subdivision Application allows the PB and Town Engineer access to the site.

J. Lavelle asked permission to approach the PB. J. Lavelle indicated he was not at this evenings meeting to speak on this case however he was under the impression Mr. Villella was told he would be advised when S. Bourcier would be on site to perform inspections. S. Bourcier stated he advised Mr. Villella he would do his best to let him know when he was going to be on site. S. Bourcier also indicated that he has provided Mr. Villella with his cell number to contact him with any questions.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

B. Schmitz asked if the PB could contact Mr. Villella and ask for his permission to go on site. G. Emerson asked if the PB has ever done this in the past. P. Carideo stated that it is not our normal process. P. Carideo indicated we are not trying to do surprise inspections; we simply want access to ensure the site is stabilized. P. Carideo asked the PB Secretary to coordinate with S. Bourcier and Mr. Villella a date and time for an inspection between now and the September 18 Workshop.

P. Carideo asked the PB members if they wanted to proceed with contacting the State agencies. P. Carideo informed the PB members the State filings have expired and have not been refiled, even though T. Lavelle advised us that they would be at the August 7 meeting. P. Carideo indicated the AOT rules apply and the disturbed area should be kept to a minimum. G. Emerson stated in his opinion way too much area has been disturbed on site.

B. Schmitz stated it would set a poor precedent if the PB did not follow up with the State and Federal agencies. G. Emerson agreed. D. Howard asked what would be involved. P. Carideo stated a formal letter outlining the violation as well as online documents need to be completed and the State would probably be on site within 24 hours of notification. P. Carideo indicated the report could jeopardize the acceptance of the road in addition to stop work orders on remaining dwellings. D. Howard asked why call the State if we are asking the developer to come in and meet. P. Carideo stated the developer has had too many options and has chosen not to follow Subdivision Guidelines.

**MOTION: B. Schmitz made a motion to contact NHDES and Federal EPA regarding violations on the Labrador Lane Subdivison.**

**SECOND: G. Emerson**

**VOTE: 7-0**

R. Clark stepped down from his place on the PB.

### **2. 06-108 53 Gigante Drive – Hampstead Self-Storage**

M. Grainger presented the updated plan to the PB and indicated that he feels he has addressed the comments from Dubois & King. S. Bourcier confirmed that all comments have been addressed. S. Bourcier indicated the access aisle needs to

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

be reviewed, it is a 50-foot access road, S. Bourcier suggested possible two travel lanes. S. Bourcier recommended as a Condition of Approval the retaining wall be prepared and stamped by a registered professional engineer in addition to having a copy of the plan on file with the Building Department.

C. Bennett questioned the fencing shown on the plan, as it appears the elevation starts at nine (9) feet and levels down to zero feet. S. Bourcier reviewed the elevation, the height of the railing and the proposed fence along with the retaining wall. S. Bourcier indicated this is not a precast block wall and particular specifications should be used at the time of construction due to the height and the vertical drop-off. S. Bourcier indicated this is a special case and would assume vehicles would be traveling at a slow speed; the fencing should be a cautionary warning that there is a drop-off. C. Bennett stated a fence is ok with grass but not with a four (4) foot drop. M. Grainger indicated there would be a guardrail before the fence.

P. Carideo stated the PB could ask for anything, maybe add a height request or a shop drawing, the PB can impose any conditions of approval. N. Emerson asked if a certified professional engineer (PE) draws up the plan for the retaining wall who will review it. S. Bourcier responded that the PE drawings would include details on how the wall is to be built, reference possibly to a gravity wall, a retaining wall with geo fabric, etc. S. Bourcier indicated the retaining wall needs to be able to handle impact if the structure were to be hit.

N. Emerson again asked who would inspect the wall. P. Carideo responded that the PE that designs the wall would be responsible; it is similar to inspecting a foundation, as it would be verified per the submitted plan. P. Carideo indicated the PB could impose a condition of approval that the design engineer be on site when the retaining wall is constructed or they could provide the PB with a certified letter stating the retaining wall was installed per the plan specifications. This puts the responsibility back on the design engineer.

P. Carideo moved on to the outstanding items for the Department Head Review (DHR), specifically the Hampstead Fire Department (HFD) request for a hydrant or repair to the fire pond for fire protection purposes. M. Grainger stated they are

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

still deciding on how to proceed and indicated they would more than likely go with the hydrant option.

P. Carideo reviewed S. Bourcier's comments concerning the access aisle and felt it should be considered two-lane access with vehicles traveling in either direction. M. Grainger stated the access aisle as originally proposed is fifteen (15) feet wide, it is for occasional use, the chances of two vehicles passing at the same time is very rare. P. Carideo stated it is a steep slope, in the winter a vehicle could easily slide down the hill and a vehicle traveling up could be hit, the grade of the aisle makes it difficult. P. Carideo stated that once in a lifetime chance of a bad accident is one time too many. B. Schmitz asked if twenty (20) feet would be possible and M. Grainger responded that he felt it was.

D. Howard referenced the retaining wall on the plan and stated it appeared to be at a height of nine (9) feet at the building down to zero near the catch basin. M. Grainger responded that there would be a guardrail in the front of the fence. P. Carideo once again indicated that the PB could impose limits.

P. Carideo indicated his review of the original approval of the two existing storage buildings revealed they were to be built to a colonial style. P. Carideo stated the minutes were vague as to the construction material requirements. D. Howard stated you drive by ten other ugly buildings in a commercial area to get to this storage facility. P. Carideo stated a fake facade over the steel could be used to maintain the same look as the other two buildings. N. Emerson stated there are many steel buildings on Gigante Drive. M. Grainger stated the HFD Chief indicated his preference would be a steel building at the Department Head Review (DHR) Meeting. P. Carideo had the DHR minutes in front of him and could find nothing stated it had to be steel. M. Grainger stated it would be stupid looking to try to cover steel but they would try it.

P. Carideo opened to public comment and there were none.

P. Carideo read the comments from the Dubois & King review letter that required action and they included:

A1 – Existing upper level access drive width be increased.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

A2 – Review of architectural plans to determine if they meet requirements of Article III, Part 5:1 of the Zoning Ordinance

A3 – Recommend detailed design plans of proposed retaining wall

A4 – Recommend copies of all State approvals be provided to PB

A5 - Recommend a preconstruction meeting

These five items should be addressed as well as the HFD requirements. P. Carideo stated the HFD requirements could be added as a condition of approval.

B. Schmitz read the requirements of Article III, Part 5:1 of the Zoning Ordinance which states, in part, “alterations to existing businesses are encouraged to incorporate traditional building elements. The materials used are to be natural or man-made to look natural.” D. Howard stated he did not really care since the storage unit is in an industrial environment. B. Schmitz indicated that vinyl siding on a steel building would be fine. D. Howard stated the roof is pitched in such a way that it would not be seen by the street. P. Carideo asked the PB members if they felt it would meet the spirit of the zoning requirements and all agreed.

The matter of the retaining wall was discussed next. N. Emerson felt the wall should be engineered. P. Carideo stated the PB could either approve with nothing or tell the developer what the PB wants; the Town should not be directing the developer on how to design a wall. N. Emerson stated the PB should require the retaining wall be engineered. R. Waldron suggested this as a condition of approval and have it noted on the plan.

P. Carideo indicated he wanted to be clear on how the HFD requirements are going to be addressed. B. Schmitz suggested this would be a condition of approval as well. M. Grainger stated they would extend the water line and add a hydrant on Gigante Drive to be included on the site plan.

### **MOTION: N. Emerson made a motion to conditionally approve the plan with special conditions:**

1. Existing access drive to the upper level of the new building will be scaled to 20-feet.
2. The proposed building structure will be of steel construction with vinyl siding to match the color of the existing structures.



# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

3. Copies of detailed design calculations and final retaining wall as well as guardrail plans prepared, stamped, and signed by a New Hampshire registered professional engineer.
4. Certified letter from the NH PE referenced in Item 3 stating the retaining wall has been installed per specifications listed on plan.
5. Copies of all Federal and State approvals including but not limited to, NHDOT Driveway Permits, NHDES Environmental Permits, EPA Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), SWPPP Field Reports, etc.
6. A fire hydrant will be added to the water main on Gigante Drive to address Hampstead Fire Department Requirements; location of hydrant should be added to the plan.
7. A pre-construction meeting with the Developer, the Developer's Contractor, the Hampstead Town Engineer and any other Town Departments be completed prior to the commencement of construction.

**SECOND: R. Waldron**

**VOTE: 7-0**

### 3. 17-025 Central Street Subdivision

R. Clark returned to his spot on the PB. P. Carideo stepped down as PB Chairman and was replaced by B. Schmitz as acting Chairman. C. Howard will be a voting member of the PB.

J. Lavelle spoke on behalf of the developer and stated the plan had been previously approved as two-bedroom, per side duplexes or four-bedroom single-family homes. J. Lavelle indicated the PB erroneously applied a section of the Zoning Ordinance and placed the four-bedroom limitation as a condition of approval, J. Lavelle is here this evening to request a revised approval for three-bedroom per side duplexes. J. Lavelle provided the PB with revised copies of the plan along with copies of the easement/deed.

B. Schmitz advised J. Lavelle the easement/deed that was received earlier that day via email would require review by Town Counsel. B. Schmitz explained to the audience that the PB was discussing the change in the number of bedrooms due to the prior misinterpretation of the zoning ordinance. The PB originally imposed the requirements of Article II:1 Soil Based Lot Sizes, Section D Cluster Subdivisions and should have referred to Section E Minimum Lot Sizes for residential

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

developments with more than four bedrooms. This interpretation was confirmed by a review with Town Counsel (letter on file dated 5/3/2017). J. Lavelle briefly explained the soil based lot size as a basic math equation  $4 \times 1.5 = 6$  bedrooms if soils are met. R. Clark pointed out that the PB did not make the error; the Town Engineer referenced the incorrect section of the Zoning Ordinance.

B. Schmitz opened the floor to the public for comment regarding the change in approval for the increase in number of bedrooms allowed to six (6). He asked the audience to come to podium and state their name and address for the record.

R. Lesure – 18 Central Street – he referenced Table 1A – Appendix of the Zoning Ordinances was used to determine the wetland area versus soil materials. R. Lesure stated he expected to receive a letter from the PB for a different reason other than the change in bedrooms. He indicated about a week after the last meeting he attended a surveyor stepped out of the woods as R. Lesure was getting his mail, he engaged the surveyor in a conversation and asked how it was going. R. Lesure indicated the surveyor stated the wetlands are much larger than he marked originally and the engineer's calculations are off due to the change. R. Lesure stated he has been checking the DES website and indicated ten filings this year for the property in question, however, no subsurface septic plans have been filed. R. Lesure asked if the PB approval is based on the original plan submitted or updated drawings and calculations. R. Lesure asked the PB to reconcile this matter.

B. Schmitz asked S. Bourcier if any updated plans have been received and/or reviewed. S. Bourcier indicated he has not received updates with any changes in soil types or wetlands. S. Bourcier indicated that a wetland soil scientist stamped the plan. J. Lavelle stated he is not sure what a member of his field crew had said to this man. J. Lavelle stated a wetland soil scientist delineated the wetlands for this subdivision and there have been no adjustments to the wetland lines. The field crew was staking lot lines and house locations and those may have changed. The septic design has been completed and will be submitted once the bedroom change has been resolved.



# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

P. Perrone – Gloria's Way – stated his concern was with regard to safety and asked that the PB request a traffic impact study. P. Perrone stated the intersection is dangerous and busy, he felt it would not be safe to add six residences in addition to more bedrooms increasing the number of people living in those duplexes. P. Perrone expressed his concern about someone getting hurt.

B. Schmitz stated the issue P. Perrone voiced has been discussed in the past and that the PB has spoken with the Road Agent and he did not express any concerns. N. Emerson stated he was not sure of impact on the number of cars. D. Howard indicated that if all drivers are travelling at the 30 MPH speed limit there should not be an issue. N. Emerson commented that if a Dunkin Donuts were proposed at this location then a traffic study would definitely be warranted, however, this is a 3-lot subdivision. R. Waldron felt an impact study was not needed as a result of the increase in bedrooms.

J. Cussen – Central Street/Webber Road – is under the impression the HFD has requested a fire hydrant on Webber Road. J. Cussen asked where the source of water for this hydrant originates. J. Lavelle responded that at Gloria's Way the water line crosses Route 111, the hydrant will be at the mouth of the intersection, the HFD and Hampstead Area Water Company (HAWC) determined the best location.

B. Schmitz asked the public if there were any additional comments and there were none. The public session was closed.

R. Clark stated the plan presented by J. Lavelle with revisions through 8/7/17 contain the soil calculations on page 3 and asked if the Town Engineer has reviewed. S. Bourcier indicated that he had not reviewed the current plan.

**MOTION: N. Emerson made a motion to conditionally approve the subdivision for six-bedroom duplexes subject to Town Engineer review, Town Counsel review of easement and deed, payment of fees as well as other typical conditions.**

**SECOND: G. Emerson**

**VOTE: 7-0**

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

### 4. **06-019 DHT Sports aka PhanZone**

P. Carideo returned to his place on the PB. R. Clark stepped from his spot on the board.

Chairman Carideo asked J. Seymour from Sebago to make his presentation. J. Seymour stated they have addressed many of the issues outlined in the August 23 letter from S. Bourcier D&K. J. Seymour responded in a letter dated August 29. The applicant will be requesting a waiver for the typical parking length as well as for the traffic impact assessment. J. Seymour stated the bigger issue is the concern with the entrance to the site; they met with the HFD on August 24 to discuss a solution. J. Seymour indicated the bigger issue is the fact the entrance is not the applicant's property and the property owner has not been responsive to the requests of the PhanZone. J. Seymour stated a revised traffic estimate has been prepared using data from the ITE manual. J. Seymour indicated they have added a note regarding special events stating seven (7) day notice will be given to the Town in such cases. J. Seymour stated he is willing to answer any questions.

P. Carideo asked S. Bourcier if he had any comments. S. Bourcier stated there have been minor adjustments to the plan. The parking stalls were originally submitted as 9' x 19' and the revised plan shows 10' x 19', the Town's typical requirement is 10' x 20'. The travel lane is 24' in width. S. Bourcier stated there is one-way access in to an event then one way out. The parking stalls could be 10' x 20' or leave the access lane at 24' and maintain the one-foot shortage on the parking stalls. B. Schmitz stated the wider access lane is probably better than increasing the size of the parking stalls.

P. Carideo referenced the scoreboard proposed at the end of the field and asked if there would be a loudspeaker system. The applicant responded from the audience that no loud speaker would be on site. P. Carideo asked about the existing uses on the site. J. Seymour responded that he has provided a list of businesses on the site. P. Carideo asked if the parking lot calculations include the area under the sand volleyball court and outdoor basketball court, as they are required to submit a complete on site as is calculation. P. Carideo stated he was

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

on the site today and noticed the outdoor volleyball and basketball courts that were not approved, how does the PB know the volleyball and basketball courts will not be moved to another area of the site or replaced with something else. J. Seymour replied that the outdoor courts were not added when Sebago started the design process. P. Carideo stated it is temporary today and was not approved by the PB nor was there any mention of the outdoor courts during any meetings. Compounding fact the PB asked for information that was never received, there is parking that does not exist, the PB drawings do not match what is actually on site. P. Carideo stated this makes him question the accuracy of the plans submitted, the applicant has indicated they are under pressure with financing and are trying to obtain approvals quickly, it is very disturbing. J. Seymour stated he was not aware of this until recently and the applicant did this on their own, it is the owner's responsibility to obtain any necessary permits for outdoor courts. J. Seymour apologized on behalf of the applicant.

P. Carideo asked the PB members for their comments. R. Waldron asked for clarification on how the abutting business owner feels about the driveway entrance and asked whether they were unresponsive or unwilling to make changes; there is a big difference between the two. J. Seymour indicated he has not been privy to those conversations.

B. Schmitz stated he would like a note on the plan stating the indoor and outdoor field would not be used at the same time. B. Schmitz also had concerns regarding parking; this site is basically an island and if there is not enough parking patrons will be parking on Route 111. B. Schmitz stating he is seeing the field on the plan but not the rest of the site and asked if the PB could have something showing the full site, it is difficult to imagine the traffic flow without having a full picture of the site.

P. Carideo reviewed the plan notes and stated the hours of operation need to be added to the plan. P. Carideo indicated if the facility is open past 10 P.M. they need to be cognizant of the noise ordinance. C. Bennett confirmed the noise ordinance is in effect between the hours of 10 P.M. and 7 A.M. P. Carideo stated he could hear the noise from Depot Road fields from his residence, although they

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

have a loud speaker system, noise does travel. P. Carideo requested the existing site uses and hours of operation be added to the plan.

J. Seymour asked if he could address concerns with existing septic or the proposed septic. J. Seymour stated that since the indoor and outdoor fields would not be utilized simultaneously the septic would be subject to current use for indoor businesses. P. Carideo indicated he was concerned with the indoor use, the PB typically requests a copy of the septic to ensure adequate support of the proposed use. P. Carideo stated porta-potties are not his preference for a commercial building, however, that is simply his opinion.

P. Carideo asked the PB members if the PB was at a point to move forward and review waiver requests. P. Carideo stated the HFD concern is just and he is not sure if every option has been explored, the HFD is not present to state if this is a drop-dead issue. P. Carideo asked if there had been any information from NHDOT regarding the driveway permit. N. Emerson inquired about the outdoor basketball court.

P. Carideo asked if there were any public comments. N. Tedesca stated the outdoor volleyball and basketball courts are temporary and will be out by the end of September. P. Carideo asked if N. Tedesca had obtained a building permit and he responded no, he just did it. P. Carideo stated there is a reason why the Town requires permits, the court is over a paved area and the HFD and HPD should be aware of the court's existence.

B. Schmitz asked for clarification regarding the driveway entrance and wanted to know if the abutting business was non-responsive or non-receptive. J. DeDeus stated he has approached the owner twice, has left his contact information. He indicated if the owner was unwilling to do the repair that J. DeDeus would perform the work, however he cannot proceed without permission since he is not the property owner. J. DeDeus stated the owner just repaired the driveway at the end of winter and would be surprised if he said no to further improvements.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

P. Carideo stated he believed the PhanZone has an access easement for the driveway entrance, although P. Carideo is not an attorney it was his opinion he may have certain rights with the access easement. P. Carideo stated he strongly suggests the applicant do something about the driveway entrance. J. Seymour indicated they have met with the HFD and have a concept and information on how to correct the issue. P. Carideo suggested they contact the HFD for assistance in approaching the property owner concerning the driveway access. P. Carideo commented that Land & Sea is not the name of the property owner and that has been the case for at least ten years, P. Carideo asked that the abutter list be accurate on the plan. B. Schmitz stated there is an issue with the entrance as it currently exists, once addressed traffic could move more freely. B. Schmitz indicated he would not be opposed to a traffic impact assessment as it stands currently.

There were no other public comments. P. Carideo closed the public portion of the discussion.

P. Carideo directed the PB to consider and review the list of waivers, the addition of hours and uses, the entrance issue, and the note concerning indoor and outdoor use. D. Howard asked if the PB was given the list of current businesses along with their use, P. Carideo reviewed the list of businesses. M. Lewis, PhanZone manager stated the daycare is no longer on site and should be removed from the list. P. Carideo commented that the driveway issue was an important issue. N. Emerson suggested the PB address each of the waivers and B. Schmitz read the letter requesting waivers for the board members.

### **Waiver Requests:**

Article III, Part 5:1 Maximum Height of a Freestanding Light shall not exceed twenty (20) feet: P. Carideo indicated the proposed lighting is eighty (80) feet in height which is taller than allowed per the ordinance, however, it is for a specific use, the sky glow was discussed at the last meeting, and the field is being lit for safety reasons.

**MOTION: N. Emerson made a motion to grant the waiver request**

**SECOND: R. Waldron**

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

### **VOTE: 7-0**

#### **Waiver Granted**

Section 5.02 (R) Landscaping and Building Design: B. Schmitz read the letter from Sebago outlining the request. P. Carideo stated the parking lot overlooks the swamp and there is a visual from Cambridge Drive. There is currently scrub grub out there, adding six (6) pin oaks that are no more than eight (8) feet tall will be a sparse canopy that will do little to nothing. P. Carideo referenced the location of the retention pond on the plan and stated it appeared there would be no buffer; personally, he would like to see more plantings. P. Carideo stated there is a trail that goes through the area and reminded the applicant they indicated they would work with the Conservation Commission to preserve the area. J. Seymour stated there are mature oaks along the edge of the parking area and they are not planning to cut any of them, they plan to limit the clearing area. N. Emerson asked how they planned to fit all the trees in what appears to be a ten (10) foot area of space. R. Waldron requested that some type of fencing or screening be placed around the porta potties.

### **MOTION: N. Emerson made a motion to grant the waiver request**

#### **SECOND: R. Waldron**

### **VOTE: 6-1 (P. Carideo)**

#### **Waiver Granted**

Section 6.01 Traffic Impact Assessment (TIA): B. Schmitz read the request for the waiver. B. Schmitz stated this is the opportunity to fix the entrance to the site. J. Seymour asked if they meet with the HFD to address the issue with the entrance would that satisfy the requirement. P. Carideo stated the applicant has made changes to the existing site without approvals, i.e. the outdoor volleyball and basketball court. P. Carideo further stated a traffic study should be completed and is a separate issue from the driveway entrance. R. Waldron stated the PB needs to consider the worse-case scenario. B. Schmitz stated it is important to document the file since there could always be a change in ownership in the future. B. Schmitz said the outdoor field would be great for the community and wants to see it succeed, it just needs to be done in accordance with regulations.



# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

P. Carideo stated there is no striping in the parking lot and very little guidance to drivers upon entry making it difficult to determine which way to go, it is a free for all in the parking lot. P. Carideo stated the PB considers this site as well as the abutting site since they are two different uses. S. Bourcier agreed with the Chairman and stated it is difficult to determine the traffic impact without numbers and counts.

J. Seymour stated in order to provide an updated TIA he would need trip count numbers that could not be done until winter. P. Carideo commented that the owner should have records showing what events have been on site in the past and use those numbers in the TIA model. J. Seymour stated they used the ITE manual and matched those numbers up with the owner's records to get an idea of how many trips are being generated on site.

P. Carideo commented that there needs to be direction when people are entering and exiting the facility. P. Carideo stated the entrance owner should understand this change would only improve the abutting site as well. B. Schmitz stated he would like to see more information. R. Waldron stated he was not inclined to waive this request, he has seen the parking lot full at 200 spaces. P. Carideo indicated that he would like to see NHDOT comments and stated he passes the site both ways in his daily commute.

**MOTION: R. Waldron made a motion to grant waiver for TIA**

**SECOND: C. Bennett**

**VOTE: 0-7**

**Waiver for TIA has been denied.**

Site Plan Review Regulations, Table of Dimensions, Parking: B. Schmitz read from J. Seymour letter dated August 29, specifically Item 3 request for waiver from typical parking stall dimensions of 10' x 20'. The proposed parking stall dimensions are 10' x 19' along with a 24' aisle. P. Carideo reminded the members this issue was discussed earlier. D. Howard and R. Waldron both agreed with S. Bourcier suggestion of 10' x 19' stalls with a 24' aisle.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

**MOTION: B. Schmitz made a motion to grant a waiver from the parking dimensions.**

**SECOND: D. Howard**

**VOTE: 6-1 (P. Carideo)**

**Waiver for parking dimensions has been granted.**

P. Carideo reminded J. Seymour that the waivers need to be added to the plan.

P. Carideo stated a TIA would be needed. P. Carideo also indicated the PB needed the hours of operation listed on the site as well as more information on the existing site to get a clearer picture of the site. P. Carideo suggested some signage for the driveway entrance as well as striping as well as any other standard traffic flow requirements.

P. Carideo wanted to discuss the existing septic and suggested that the owner would have to lock the door to the building to prevent patrons from using the indoor facilities when they are on site for an outdoor event. P. Carideo feels this issue has merit. P. Carideo stated that porta potties are generally used for seasonal events. N. Emerson commented that he sees porta potties on Depot Road all summer long. P. Carideo responded those are non-profit fields and not a commercial site. R. Waldron stated it would be unfair to ask the applicant to redesign the septic system based on usage by one hundred or so people who choose not to use the outdoor porta potties. J. Seymour commented that porta potties are prevalent and that people would tend to use porta potties versus the long walk to the indoor facilities. J. Seymour stated he could provide information regarding the current load on the existing septic system. R. Waldron stated this would give the PB more info on the entire site.

S. Bourcier asked that a note be added to the plan referencing no simultaneous indoor and outdoor activities will be scheduled. N. Emerson asked how that request could be enforced. C. Bennett commented that if eight (8) porta potties are shown on plan how would anyone know if only two (2) are on site. P. Carideo responded that the regulations are unclear like most of the Towns. P. Carideo read from the Site Plan regulations and it was unclear whether porta potties are allowed or not allowed and is therefore, interpretive. R. Waldron asked what

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

about the recreational field that the Town owns. B. Schmitz stated the porta potties did not bother him and they are a common site at fields. R. Waldron asked if the board was done discussing the septic issue. C. Bennett, C. Howard, D. Howard, G. Emerson, N. Emerson, R. Waldron had no issue with the septic. B. Schmitz indicated he would like numbers on the current septic system but does not have an issue with porta potties.

The following items were determined to be outstanding: Traffic Impact Assessment information, hours of operation, more information regarding the businesses in the existing site, note regarding indoor/outdoor use, full site review to provide better picture of entrance, site walk prior to the start of construction.

**MOTION: R. Waldron made a motion to continue to the October 2<sup>nd</sup> PB Meeting**

**SECOND: G. Emerson**

**VOTE: 7-0**

### New Business

#### **1. 19-009 Winchester Heights Elderly Housing**

R. Clark returned to his spot on the board.

P. Carideo explained to the audience Winchester Heights Elderly Housing is a new submittal and the applicant's engineer would present the plan, the Town Engineer would comment as well as the PB members. P. Carideo stated during the public comment portion he will ask the audience to limit repetitive questions and may impose a five (5) minute maximum per person. P. Carideo advised the audience that the plan will stay on the PB agenda until a decision was reached and they would not be re-noticed.

Present on behalf of A&W Development, the applicant, are Charlie Zilch, SEC & Associates and Jim Hanley, Civil Design Consultants. C. Zilch began the presentation of 19-009 Winchester Heights Elderly Housing stating the site is the remaining parcel of land from the 2006 Winchester Drive Subdivision. There are 17.5 acres of land, 163' of frontage on an undeveloped wooded lot located in

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

Residential Zone A. Jim Gove has mapped the wetlands. The wetlands include several vernal pools and the soils range between well drained to moderately drained. The site plan was prepared in accordance with the Elderly Housing Section of the Zoning Ordinance and based on C. Zilch calculations the site will support up to 92 units however 36 two-bedroom units are being proposed with eight (8) different building locations. There will be off site water supplied by Hampstead Area Water Company (HAWC), there will be shared on-site septic. The units can be accessed off a series of private driveways.

J. Hanley worked with C. Zilch to develop the plan. J. Hanley stated the design presented some challenges and all wetlands and vernal pools were taken into consideration during the design process. J. Hanley stated the site is undeveloped land and the topography was taken into consideration as well. J. Hanley stated conventional drainage systems would be difficult due to the vernal pools and wetlands on the site and he coordinated with DES and AOT Wetland Bureau to develop an alternative.

J. Hanley stated that pervious pavement would be used to address some of the drainage on the site. J. Hanley indicated that this material only works in specific projects and this is one such project, he began to describe the material as 8 inch of a gravel and sand mix with an additional 3.5' mix of various types of material. The use of this mix allows water to be filtered as well as reservoir layers; it is designed to address storm water discharge management requirements. J. Hanley stated he reached out to the State in mid-August and received a letter September 1 and there has been ongoing dialogue with the State.

J. Hanley stated there would be only 9 areas of disturbance on this 17.5 acre site based on the design. This will be a private roadway with rigid maintenance requirements. All the roadways are 24' in width and J. Hanley indicated they are working with the HFD to address their concerns.

P. Carideo asked for S. Bourcier's review and was advised it would be completed prior to the next PB Meeting scheduled for October 2<sup>nd</sup>. P. Carideo then reviewed the Department Head Review (DHR) meeting notes, specifically Kris Emerson's comments regarding the minimum one hundred (100) foot septic setback

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

requirement for wetlands and the density calculations required under Section IV:10:4 O of the Zoning Ordinance. C. Zilch responded that he is working on the density calculations with the Town Assessor and expects to have data later this week. C. Zilch stated he would look at the septic design and possibly request a variance from the ZBA regarding the setback. P. Carideo made it clear to C. Zilch that all the DHR comments need to be addressed.

P. Carideo asked if the board had any questions and reminded them that S. Bourcier has not reviewed the plan. P. Carideo asked the board if they want to determine whether or not the application is complete. N. Emerson asked how the application could be considered complete if S. Bourcier has not reviewed the plan. P. Carideo indicated that it appears everything has been submitted as required and C. Zilch responded that his intention was to submit a complete application.

**MOTION: N. Emerson made motion to take jurisdiction and accept application as complete.**

**SECOND: R. Waldron**

**VOTE: 7-0**

**Application accepted as complete.**

N. Emerson asked if the applicant needed to go to the ZBA first for the septic. P. Carideo stated the application could be complete prior to a ZBA decision, if the ZBA denies the request then the applicant would need to come up with an alternative. R. Clark asked to have Note 16 removed from the plan. C. Zilch stated the site is under single ownership at this point and he agreed to remove the portion of the Note that referred to the Town since the roadways are and will remain private.

B. Schmitz commented that there are many dead end roads with no turn around and expressed concern regarding the turning radius for emergency vehicles. C. Zilch stated that a template was used to determine the turning radius and most of the driveways are 24' in width. B. Schmitz noted concern with driveway B. J. Hanley stated AOT had a comment regarding the pervious pavement grading and how it will affect the elevation of ground water. R. Waldron asked if HAWC was on

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

Winchester Drive currently and J. Hanley responded yes. C. Zilch stated this is another source of water supply for the site. P. Carideo commented that the southerly-located well goes over the property line into Town property and the Town would require an easement. C. Zilch responded that only the one hundred (100) foot buffer area goes over the property line. P. Carideo stated that Town property could not be encroached.

R. Clark asked if any fill would be used on site. J. Hanley responded that yes, approximately 20,000 – 25,000 yards of material would be brought to the site. R. Clark commented that the site looks pretty wet and it appears they are raising roadways and building sites. R. Clark asked how you keep permeable roadways from freezing in New England weather. J. Hanley replied there is a particular way to maintain these types of roadways. R. Clark asked again, what keeps them from freezing. J. Hanley indicated there has been a shifting view in the use of pervious pavement over the past ten (10) years. R. Clark asked if there was fill under the road surface. C. Zilch stated there are two four-inch sections with larger aggregate. P. Carideo stated the pervious pavement is approved by the State of New Hampshire.

B. Schmitz referred to the back area of building four (4) and stated the grade in elevation ranges from 238' to 226', there are steep hills off the roadways and J. Hanley responded there is significant fill. B. Schmitz stated he was concerned with the slope especially in an elderly residence. J. Hanley stated there is approximately 15-25 feet before the elevation changes. B. Schmitz asked if any thought was given to fence or landscape as a caution due to the changes, he stated he could envision an elderly person in the backyard at night taking the dog outside and possibly falling. P. Carideo noted sporadic street trees on the plan and indicated the PB would require a landscape plan showing the types of buffer plantings as well as a proto typical per unit in addition to any other plantings throughout the site.

R. Clark asked if a Traffic Impact Assessment has been submitted and J. Hanley replied yes. R. Clark questioned the direction of the water flow and J. Hanley identified the four different watersheds. B. Schmitz asked if all the access was through Winchester Drive and C. Zilch responded yes, that is correct. N. Emerson



# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

asked where the septic for building four was located and was advised it is a shared septic. P. Carideo asked if septic designs would be available and C. Zilch replied that yes, however they are currently in the preliminary design stage. P. Carideo stated that copies of the septic design would help the PB understand how these systems work. P. Carideo asked if there was any literature available concerning the clean solutions system that C. Zilch could share with the board.

R. Waldron asked about the cistern located on site. P. Carideo stated the HFD has water supply requirements for fire protection purposes such as number of gallons per minute (GPM), etc. and the cistern is on site if needed to help satisfy those requirements. R. Clark asked if the size of the current water line was known and C. Zilch replied that it was undetermined.

D. Howard made reference of the light post base on the plan and P. Carideo added that they should probably submit a lighting plan. C. Zilch indicated the buildings face each other and then stated he will provide the PB with the required documentation. P. Carideo asked if there would be a development sign outside of Winchester Heights and C. Zilch said he would provide for one in the plan.

P. Carideo asked if the members had any further comments and there were none. Chairman Carideo stated this was the first time the PB was viewing the plan and it would be the first of many meetings. P. Carideo asked the audience to keep the questions focused and limited to a five (5) minute period, he asked they state their name and address when they approach the podium.

*Chairman Carideo opened the meeting to public comment.*

Mike Kaskiewicz – 50 Winchester Drive – stated his understanding is the septic is within one hundred (100) feet of the wetlands and a variance would be required, M. Kaskiewicz asked if the applicant's representative stated something different. C. Zilch stated the septic tanks and chambers would be adjacent to the building and that any component within the 100' wetland setback would need a variance. M. Kaskiewicz inquired about the population density calculations on the 17-acre site and was surprised that 92 units could be allowed based on calculations. C.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

Zilch stated that due to slopes, wetlands, areas within well radius, the site loading it was a practical matter to fit the 36 proposed units.

M. Kaskiewicz stated it appeared there was a thirty (30) foot setback and asked for clarification on the Zoning requirement. P. Carideo responded that the Elderly Housing Ordinance is being applied to this site and the setback is indeed thirty (30) feet. M. Kaskiewicz stated Winchester Drive is a small residential road and is concerned that 25,000 tons of fill would have an adverse impact on the road. J. Hanley asked the PB if they required the applicant to bond. P. Carideo stated the PB works with the Town Engineer to determine a bond amount for the project.

M. Kaskiewicz stated that Bartlett Brook is a 55+ Community located across the way, he is under the impression they came back to the board to change the age requirement because they were limiting their clientele. P. Carideo stated he would need to do further research and N. Emerson stated he had no recollection of Bartlett Brook coming before the ZBA.

M. Kaskiewicz stated his main concern is with variances and asked if he could approach the board with a signed petition. P. Carideo accepted the petition and stated if the applicant meets all the guidelines the PB and Town have no way legally to deny them their right. P. Carideo assured M. Kaskiewicz that the PB wants to make it a nice project for the Town.

Stacie Corcoran – 25 Regiment Drive – asked for clarification on setback requirements in the Residential Zone A for Elderly Housing, is the distance between properties fifty (50) feet or thirty (30) feet; please check with Town Counsel. S. Corcoran stated there appears to be a thirty (30) foot visual buffer at the rear of the proposed site and she is concerned with the potential noise and light effects as well as the visual into the development.

S. Corcoran stated she is aware of two homeowners who have well issues currently and wondered if any consideration was given to a water impact study. S. Corcoran stated she is concerned with the property being turned into something other than what is proposed. She expressed her concern over the building heights and the impact on the periphery. S. Corcoran also stated she is

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

concerned that the characteristics of the development are not in accord with the surrounding homes.

P. Carideo confirmed the buffer for Elderly Housing in Residential Zones A and B are thirty (30) feet per the Zoning Ordinance. P. Carideo stated the developer fully intends to tie into HAWC and the wells are on site as additional sources of water. HAWC is a Public Utility Company (PUC) and they are subject to State of New Hampshire regulations. P. Carideo indicated the developer is allowed to put wells where they want to put wells on the site subject to ordinances. S. Corcoran stated she read something that stated wells could not affect another property owner's water source. P. Carideo stated the PB has no control over Public Utility Companies and further stated he has already commented about the well radius.

C. Zilch stated there would be a limited amount of water drawn upon at the site. P. Carideo stated well tests would have been performed since it is a general requirement of NH DES. P. Carideo indicated the PB could ask the developer to supply something stating there would be no impact on abutting wells. S. Corcoran stated the developer has been logging to clear the area, prior to the logging she has had no issues with water and now she is getting water in her basement. P. Carideo was asked to review this matter and respond.

John Ducharme – 36 Mayflower Drive – questioned the septic design, in particular the disbursement area and asked if the wetlands were taken into consideration during the design process and C. Zilch responded that yes they were. J. Ducharme stated the area surrounding building seven (7) appeared very wet. C. Zilch responded that he is certain the septic is well over one hundred (100) feet from the building. P. Carideo stated the Town Engineer will verify the septic is located over one hundred (100) feet from any poorly drained or very poorly drained areas.

J. Ducharme referred to Section IV:10:4:N Elderly Housing, Density and Net Tract Area calculations which states "cases of sites with PUC regulated public water or sewer disposal system, no more than six (6) dwelling units per acres shall be permitted". C. Zilch stated that cluster buildings are allowed within a denser area

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

per regulations. P. Carideo responded that the Town Engineer has not reviewed the plan yet and would be providing comment.

J. Ducharme noted the difference between the requirements for single-family homes versus elderly housing and asked if the PB could add a stipulation stating the site could not be turned into something other than 55+. P. Carideo stated that any difference from elderly housing would have to come back to the PB or the ZBA.

John Boyer – 32 Mayflower Drive – noted that Hunt Road in Kingston has lots of development and is concerned with the impact on traffic. P. Carideo stated the access to the development is through two towns, Kingston or Danville and the PB will determine if any regional impact applies. P. Carideo stated that the PB, as a courtesy to our neighbors, advised them of the proposal. P. Carideo stated that the Town of Hampstead has never been notified by the Town of Kingston on such projects. R. Clark stated it is always good practice to be courteous to our neighboring towns.

Jim Beauregard – 198 Hunt Road – stated that many subdivisions have changed scope over the years, he understands the PB cannot predict the future however if someone is given the advantage of this development it is not ok to use this advantage to the detriment of the neighboring homes. P. Carideo stated in order to turn the site into something other than 55+ they would need to go before the PB or ZBA for a change of use. R. Clark stated that many things would require a variance in the case of converting the 55+ housing.

J. Beauregard if this came before the ZBA for consideration and changed completely he is concerned that a sympathetic board would grant the variances. N. Emerson, also a member of the ZBA, stated a number of years ago a 55+ development came before the ZBA and they were denied. N. Emerson indicated if it was the same ZBA board composition he felt they would deny if this development requested a change in use for anything other than 55+.

J. Beauregard stated his house borders the Town of Kingston and feels the development will have an adverse effect on his property. J. Beauregard asked if

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

HAWC is able to supply the water and does HAWC do some type of water supply calculation. P. Carideo stated in the past HAWC has been connecting to smaller water supplies in the area and mentioned Woodland Pond as one example. J. Beauregard commented that HAWC must see the effects that thirty-six (36) units would have on the water supply. C. Zilch stated he would supply HFD with additional information regarding the water supply. N. Emerson stated he was under the impression the developer would sign a contract with HAWC.

J. Beauregard referred to the pervious pavement during water and snow conditions, salt on the roadways, etc. and asked how is that addressed? J. Hanley responded that there are winter maintenance guidelines for this type of service and provided the PB with a copy of the UNH Stormwater Center Winter Maintenance Guidelines for Porous Asphalt. J. Hanley stated that salt could be used on the pervious pavement and that typically less salt is needed for this type of surface.

J. Beauregard asked who is responsible for the up keep with the substrate under the pervious pavement to determine it is functioning properly. P. Carideo indicated there are State requirements on the maintenance procedures, the Town Engineer would also be able to review and make periodic inspections. J. Beauregard was concerned if the development was turned into a condominium association, they may not have the appropriate funds to repair any road issues. C. Zilch stated there is a contract with Clean Water Solutions concerning the pervious pavement. P. Carideo stated the PB can ask for yearly maintenance reports and if the system fails there would be a problem.

Laurie Russell – 35 Soldiers Hill Road- stated these units are single ownership and not condominium ownership, so the development is broken down into 36 units which require 36 deeds. L. Russell asked when do the deeds come into play and get recorded. P. Carideo responded that the development, as submitted, is under single ownership and the units will be rented. L. Russell stated there would be covenants with a single owner deed, she was under the impression the units would be sold.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes September 5, 2017

L. Russell commented that single-family homes require a fifty (50) foot setback whereas elderly housing only requires a thirty (30) foot setback and did not feel that was fair. L. Russell questioned if the developer met the setback requirements. P. Carideo responded that the Town Engineer has not reviewed the plans yet. L. Russell asked what ordinance discusses the setback. L. Russell expressed concern that this development would have an extreme adverse effect on her property value. P. Carideo replied that the PB has an idea of what we need to proceed and asked to let the process work, the PB has heard and understands all of the questions.

Greg Russell – 35 Soldiers Hill Road – stated he has been a Hampstead resident for thirty-nine (39) years and has never appeared before a board. G. Russell stated this plan is terrible and begged the PB to look at the plan with fresh eyes. G. Russell exclaimed again that this is a terrible plan.

*P. Carideo closed the public comment session.*

P. Carideo advised the PB members that the proposal needs to be reviewed to determine if regional impact would apply. The responsibilities relative to developments of regional impact are laid out in RSA 36:54-58 as explained by Chairman Carideo. The PB members were given (in advance of the meeting) several documents to use as a tools to determine impact and they are as follows: New Hampshire Municipal Association, New Hampshire Town and City, May 2008, Understanding Developments of Regional Impact by AnnMarie French; Rockingham Planning Commission, Determining of Developments with Regional Impact, How to Make the Call, February 2010; and NH OEP, The Planning Board in NH, Appendix E: Criteria for Determining Regional Impact. PB Secretary confirmed with Glen Greenwood that all these documents are current and appropriate to use as guides to make a determination.

The PB members referenced Appendix E as they began the discussion.

1. Residential Development: Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%. The PB members determined this would not be applicable.
2. Commercial Development: N/A



# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

3. Industrial Development: N/A
4. Other factors to be considered:
  - a) *Proximity to other municipal boundaries.* R. Clark stated if you take a right out of the development you head into Kingston or if you go in the other direction Brown Ave will take you to Danville. P. Carideo stated the PB received a letter from the Town of Kingston.
  - b) *Traffic impacts on the regional road network.* The PB felt this item could not be addressed without the Town Engineer's review of the plan.
  - c) *Potential effect on groundwater, surface water and wetlands that transcend municipal boundaries.* J. Hanley indicated that per DES requirements an increase is not allowed and he saw no potential effect.
  - d) *The potential to disturb or destroy a significant or important natural environment or habitat.* C. Zilch indicated they had submitted paperwork to the NH Heritage Bureau as well as NH Fish and Game, there was an occurrence of a Blanding turtle. C. Zilch stated they would be responding to the State as required.
  - e) *The necessity for shared public facilities such as schools or solid waste disposal.* The PB members determined this would not be applicable.
  - f) *Anticipated emissions such as light, noise, smoke, odors, or particulates.* P. Carideo stated there was no regional impact however, the PB has requested a lighting plan for the entire site as part of the subdivision requirements.
  - g) *The potential for accidents that would require evacuation of a large area.* The PB members determined this would not be applicable. This is more for commercial sites.
  - h) *The generation and/or use of any hazardous materials.* The PB members determined this would not be applicable.

Chairman Carideo asked the PB members how they felt about Regional Impact. B. Schmitz stated he does not see this development having a regional impact. P. Carideo informed the PB members that the Towns of Danville and Kingston were noticed regarding the plan. D. Howard stated he thinks it would be a stretch to consider this plan as regional impact.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes September 5, 2017

P. Carideo advised the PB members that Glen Greenwood sent a letter via email to the PB regarding the proposal. P. Carideo read the letter to the Board.

R. Clark stated that Hunt Road goes to both Kingston and Danville. P. Carideo stated the single access to the site is a life safety issue, HFD was at the DHR and made comments and stated their requirements. HFD did not have an issue with the single access road.

**MOTION: B. Schmitz made a motion that the application has no Regional Impact**

**SECOND: G. Emerson**

**VOTE: 7-0**

**Application does not meet requirements to qualify as Regional Impact**

**MOTION: N. Emerson made a motion to continue to the October 2<sup>nd</sup> PB meeting**

**SECOND: R. Waldron**

**VOTE: 7-0**

### **OTHER PUBLIC MATTERS**

1. 09-060 Hastings Drive Mylar Recorded Plan D40251 – Noted

### **Planning Board Matters**

1. Town Engineer Comments – S. Bourcier advised the PB that he would be available for the September 18 Workshop.
2. Correspondence
  - a. Wetlands Permit - 8B-23 64 Shore Drive – Retaining Wall Repair
3. Member Comments – N. Emerson would not be at the October 2<sup>nd</sup> meeting.
4. Review of Minutes (8/7 Meeting and 8/21 Workshop)- Deferred to September 18 Workshop
5. Adjourn 11:35 P.M.

**MOTION: N. Emerson made a motion to adjourn**

**SECOND: G. Emerson**

**VOTE: 7-0**

# **HAMPSTEAD PLANNING BOARD**

11 Main Street, Hampstead, New Hampshire 03841-2033

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## **Minutes September 5, 2017**

Minutes prepared by Debbie Soucy, Planning Board Secretary