

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## July 17, 2017 Minutes

A meeting of the Planning Board was held on Monday, July 17, 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, (Vice Chairman), Dean Howard, Glen Emerson, Neil Emerson, Robert Waldron, Randy Clark (Alternate), Chad Bennett (Ex-Officio), Chris Howard (Alternate), Scott Bourcier from Dubois & King (D&K), Kris Emerson, Chief Building Official, and Tim Lovell, Conservation Commission.

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

### **Old Business**

#### **1. 02-052 Labrador Lane – Field Report(s)**

P. Carideo asked S. Bourcier to brief the Board on the status of the Labrador Lane subdivision. S. Bourcier and K. Emerson visited the site together on June 21, 2017 and the observations from that visit were reviewed. S. Bourcier stated there are issues with regard to erosion and sedimentation control measures, disturbed areas, and containment measures to name a few. S. Bourcier stated his role is to monitor the stability of the site and it is up to the developer to ensure the site is stable throughout the construction. S. Bourcier stated the site is not stable and questioned what efforts have been made to stabilize the site.

Tim Lavelle spoke on behalf of the developer and presented a Stormwater Pollution Prevention Plan (SWPPP) dated July 19, 2016 to the PB members. SWPPP report was prepared by Gregsak Engineering, Inc. T. Lavelle also provided PB members with copies of pictures from the site. T. Lavelle commented that there has been lots of rain as of late and that the stone check dams would be fixed tomorrow. He also indicated that they will be repairing and finalizing the drainage on the site. T. Lavelle stated there are four (4) houses currently under construction and those areas are disturbed. T. Lavelle indicated they have taken D&K recommendations and have added a silt fence. A roadway sweeper was used to move a large file pile and the road has since been swept.

P. Carideo asked for inspection reports and inquired as to whether or not a new Environmental Protection Agency (EPA) Notice of Intent (NOI) was filed for 2017

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since the one presented expired in May and needs to be updated. P. Carideo stated he wants these items addressed sooner rather than later. He commented that it appears no work on erosion control measures had been done until just last week. Furthermore there does not appear to be any wetland protection on site which is concerning for our Town. Tim Lavelle stated that all drainage has been contained. P. Carideo stated airborne erosion such as dust control needs to be addressed. G. Emerson asked if any effort has been made to collect the run off at the end of the road. T. Lavelle stating they are working on it.

P. Carideo asked about the construction sequence on the site and again expressed his concern over the lack of drainage control measurements. He stated it appears that no stabilization efforts have been in place for over eight (8) months. S. Bourcier added that the retention pond should have been installed already and that Storm Water Management (SWM) protocol should be done before everything else is constructed. B. Schmitz asked for a timeline on the next steps.

T. Lavelle stated he had no idea on the timeline for the retention pond however, the road swells would be addressed tomorrow. He stated that check dams were added several times but were over-run several times.

P. Carideo asked the PB members for their input on an appropriate timeline to correct the issues. B. Schmitz asked what the PB options would be. R. Clark suggested a possible cease and desist on construction until all matters have been addressed. P. Carideo stated this is one of the reasons why K. Emerson is in attendance this evening and added that the PB could have made calls to the State and EPA. D. Howard asked if the PB could develop a timeline and then take additional action if the items are not addressed.

N. Emerson stated the retention pond needs to be addressed and the site should be hydro-seeded to help stabilize the site. P. Carideo responded stating this is a difficult time of year to loam and seed and that there are alternatives to grass that could stabilize the site. R. Clark asked if the plan was signed, yes it has and a bond is in effect.

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P. Carideo asked S. Bourcier for his opinion of what a reasonable timeframe to address the outstanding issues would be. S. Bourcier stated that three (3) months would be reasonable and two (2) months would be aggressive. R. Clark was shocked by this timeline and expressed his concern. T. Lavelle stated he thought one month might work and he was willing to come back and give an update. T. Lavelle felt 80% of the issues could be addressed within a 30 day period, he added he is not doing the construction but is here to fix the problems.

P. Carideo informed the PB the State provides 14 days to address such issues when they become involved. He asked the PB members how they felt about a 30 day timeframe. P. Carideo remarked that S. Bourcier would need ample time to review the site and updated SWPPP reports, NOI, etc. prior to the next PB meeting. R. Clark suggested that S. Bourcier visit the site weekly and provide the PB with updates on the progress. R. Waldron agreed with R. Clark's suggestion. P. Carideo stated that he personally disagreed with a one-month timeframe and remarked that EPA guidelines give 14 days to stabilize a site. P. Carideo commented that he has job sites in surrounding towns with the same rainfall and they have all been preserved. P. Carideo stated he wants to see reports.

C. Bennett asked if the developer could come before the PB in three (3) weeks with an update, this timeframe coordinates with the next scheduled PB meeting of August 7. R. Waldron concurred with C. Bennett and stated the PB could entertain contacting the EPA and State at that time. T. Lavelle suggested that he could contact S. Bourcier as progress is being made. D. Howard commented that this project came before the PB during the transition to a new Town Engineer. R. Waldron responded by stating the burden should be on the developer and not the Town Engineer. R. Clark added that the developer has had eight (8) months to be compliant.

P. Carideo stated that the PB needs to see that significant progress has been made on the site by the next PB meeting. P. Carideo advised T. Lavelle that the developer must adhere to the plans that have been filed and approved by the PB as well as the State's NOI requirements and SWPPP report filing requirements.

P. Carideo opened the discussion for public input and there was none.

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R. Waldron suggested the PB rely on S. Bourcier to inform the PB if significant progress has been made in 21 days. P. Carideo stated the retention pond needs to be established within the 21 day period and the site should be stabilized. B. Schmitz asked if the PB would receive updated SWPPP reports at the August 7 meeting. P. Carideo added that the developer hires a consultant to prepare the SWPPP reports, the PB can ask for copies however the PB has no recourse if the developer chooses not to share those reports with the PB. T. Lavelle stated he would share copies of the SWPPP reports with the PB.

Following is a summary of the action items:

1. Developer has 21 days to the August 7 PB meeting to address the outstanding items as outlined in the Field Observation Reports dated June 21 and July 11.
2. PB will rely on S. Bourcier's opinion that significant progress has been made to stabilize the site.
3. Developer to provide S. Bourcier and PB with copies of SWPPP reports.
4. Developer to provide S. Bourcier and PB with copy of an updated NOI.

### **2. 17-025 Central Street Conditional Approval expires 07.17.17 – Applicant Requested Continuance**

P. Carideo excused himself from the Board due to a conflict of interest. B. Schmitz stepped in as acting Chair. C. Howard will be a voting member.

N. Emerson asked if the mylar had been signed for this Subdivision and commented that for-sale signs are on the property, this is in direction violation of the Town's Subdivision Regulations. R. Waldron stated the properties are being marketed as condexes and that is not what was approved by the PB. N. Emerson asked R. Waldron what the difference is between duplexes and condexes. R. Clark responded that condexes involve more paperwork such as condo documents. G. Emerson asked what action the PB could take and R. Clark asked if Code Enforcement should get involved.

J. Lavelle approached the PB and stated that he was unaware of the Subdivision Regulation in question and stated he would inform his clients that they cannot advertise for sale until final mylar has been signed by PB.

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J. Lavelle stated all the monuments have been set at the Subdivision and the final mylar is ready to be printed. J. Lavelle also stated the developer understands he would need to come before the Board if the plan for single family homes or duplexes are to change. R. Clark reiterated the two issues that are in question, first if the plan is not signed lots cannot be sold or advertised for-sale and second the lots are listed as condexes and that is not what was approved by the PB.

B. Schmitz asked the PB Secretary to send a letter to the developer regarding the marketing of the property as it is in direct violation of Subdivision Regulations Section X Compliance with Regulations. K. Emerson is to be copied on this letter. B. Schmitz also asked PB Secretary to check the file for all conditions of approval.

B. Schmitz opened the discussion for public input and there was none.

**MOTION: R. Waldron – Extend Conditional Approval to 08.07.17**

**SECOND: N. Emerson**

**VOTE: 7-0**

### **3. 09-060 Hastings Drive Conditional Approval expires 07.17.17**

All conditions of approval have been met. The mylar needs final review by the Town Engineer. B. Schmitz committed to having the mylar signed by the end of week.

### **4. 06-108 53 Gigante Drive – Hampstead Self-Storage**

P. Carideo returned to the Board. C. Howard no longer voting member. R. Clark stepped down from his position on the Board.

S. Bourcier presented an updated engineering review letter dated 7/17/17 to the PB members which outlined a number of missing items that need to be included on the plan sets. P. Carideo read the details of the 7/17/17 letter, missing items include, but are not limited to the following: engineer stamp, State Grid Coordinates, lighting, information regarding the guardrail, building dimensions, retaining wall specs, and detention basin details.

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S. Bourcier stated that the challenge with this submission is the applicant did not submit a letter to address the changes that were made based on his 6/1/17 engineering review letter. This letter outlined over forty (40) items that needed to be addressed therefore S. Bourcier had to review the entire plan set in detail again. S. Bourcier indicated he did not have an issue reviewing the plans in detail again however the applicant is billed for this time. M. Grainger stated the next set of plans will include a letter to address the items as outlined per S. Bourcier's request.

P. Carideo reviewed the building plans and stated the proposal is for a standard storage shed. S. Bourcier indicated that these standard architectural plans were delivered to his office as well. B. Schmitz asked if the building will look the same as the other two units on the site. M. Francour stated the new building will be steel construction while the existing storage units are vinyl sided. D. Howard commented that the majority of the buildings in the industrial park are steel construction. D. Howard further stated he believes the existing structures were wood framed which is why they are vinyl sided.

B. Schmitz read a section of the Zoning Ordinance, Commercial Zone C-2, Section III-5:1 Purpose, Building Design:

"To enhance the aesthetic quality of the development in Hampstead's commercial district, new developments and/or alterations to existing businesses are encouraged to incorporate traditional building elements. The materials used are to be natural or manmade to look natural. These elements include but are not limited to: roof designs and pitches; exterior siding materials, windows and door designs, building massing, lighting, and signage design."

P. Carideo asked the PB Secretary to pull the original approvals to confirm the building material requirements of the existing structures.

M. Grainger said he would have the updates ready for the September PB meeting.

**MOTION: N. Emerson – Continue to September Meeting**

**SECOND: R. Waldron**

**VOTE: 7-0**

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### **New Business**

#### **1. 06-006-2 & 006-3 17R Gigante Drive – Site Plan Amendment – Storage – Applicant Requested Continuance**

D. Howard stated the applicant has requested the Zoning Board of Adjustment (ZBA) for a variance regarding the wetland setback requirements.

#### **2. 11-170 & 11-249 Atwood & Keating Lot Line Adjustment**

R. Clark returned to his position on the Board.

J. Lavelle presented the plans for the lot line adjustment to the Board and then stated the plans would be changing as a result of a request by the applicants just that morning. J. Lavelle indicated the width of Parcel A will get narrower. Mr. Keating has his home for sale and wants to complete the lot line adjustment before that transaction; J. Lavelle stated there is no incumbency on the lot that is being sold.

N. Emerson asked about the distances of the lot line move. D. Howard asked if the changes would make either lot non-conforming. P. Carideo stated that 11-149 would still need to meet the soils requirement. J. Lavelle stated the soil calculations will be included on the revised plan sets. J. Lavelle indicated that Mr. Atwood would own the land with the road. N. Emerson commented that for future planning it would make sense to have a 50' right of way (ROW). P. Carideo responded that ideally we would like to see the ROW since it is simply a lot line adjustment the PB cannot force the issue. J. Lavelle stated he would deliver the new plans to S. Bourcier within a week.

**MOTION: B. Schmitz – Continue to August 7, 2017 PB Meeting**

**SECOND: C. Bennett**

**VOTE: 7-0**

#### **3. 06-019 DHT Sports aka PhanZone – Site Plan Amendent**

R. Clark stepped down from his position on the Board

P. Carideo asked S. Bourcier if he had an opportunity to review the application, S. Bourcier responded that he had not. J. Seymour stated the proposed project will impact approximately four (4) acres of the existing twenty (20) acre parcel. The



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application is for an artificial turf multi-purpose field to be located adjacent to the existing PhanZone Sports Center. J. Seymour also stated there is an area for future bleachers near the field, a parking area, and tiered parking in the rear of the site.

J. Seymour stated that a representative from his office met with the Conservation Commission on June 21, at the suggestion of the PB, to outline the project. J. Seymour began to address some of the Conservation Commission issues.

J. Seymour stated the field will be operated in the winter months depending on the amount of snowfall, he indicated there is a PVC type piece of equipment that acts like a squeegee to clear the turf. The artificial turf material is monofilament fabric, rubber mix with silica sand and is a very porous material, stone or sand will be under the artificial field. J. Seymour also indicated there would be a cement pad located near the field. J. Seymour stated there would be a bio-retention pond on site to filter the drainage before it reaches the pond, this system in effect would act as a double filter.

J. Seymour stated there are currently 194 parking spaces at the site and they are proposing an additional 46 new spaces with this project. J. Seymour stated they have reached out several times to NHDOT but have had no response on the status of the revised entrance permit. J. Seymour indicated that traditional paving materials would be used on the parking area as this is the best solution and in accordance with DES standards.

P. Carideo asked if any of the Board members had questions and reminded members that the plan still needed engineering review.

J. Seymour referenced the conservation trail that runs through the property and indicated it will be regraded to make better use of the trail. He invited T. Lovell from the Conservation Commission to be onsite during this phase of the construction. T. Lovell expressed concern about the drainage of the retention pond and stated that closed 6 inch pipe was proposed and he would like to see additional drainage mitigation before it reaches the pond.



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P. Carideo asked for an amended site plan which includes all the businesses located within the site. The current proposal will add additional trips and would like to see how this development impacts the rest of the site.

P. Carideo had questions regarding snow storage for the parking lot, sanitary facilities for the site, and the cement pad. What is the intended purpose for the cement pad, this needs to be included on plan. J. Seymour stated once the field is shut down for the season there will be no need for snow storage. The cement pad will be used for tents to provide overhead coverage. The building will be open during field use and patrons can utilize the indoor restrooms in addition to outdoor port-a-potties.

P. Carideo asked if the Department Head Review (DHR) has been scheduled yet and S. Bourcier responded that he is tentatively scheduling the DHR for next Wednesday, 7/26.

P. Carideo asked if additional signage was to be added to site and J. Seymour responded that no additional signs would be displayed or added. B. Schmitz asked for a list of businesses currently operating at site. J. Seymour responded that he had asked the applicant for this as well and has not received a list. P. Carideo added he would like the hours of operation for the other businesses. J. Seymour stated when the outdoor field is in use the indoor businesses will be closed.

S. Bourcier committed to completing the engineer review by the August 7 PB meeting. J. Seymour asked if he could contact S. Bourcier directly to address any questions or concerns he may have during the review process. P. Carideo replied that the PB needs to be included on copies of all correspondence and comments, some of which would need to be included on the plan sets.

M. Tedesco expressed his concern over the deferral to the next PB meeting since the bank is questioning why this is taking several months to get going. P. Carideo responded that the PB is following our standard procedures; the application was received in the PB office June 26.

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**MOTION: D. Howard – Continue to August 7, 2017 PB Meeting**

**SECOND: G. Emerson**

**VOTE: 7-0**

R. Clark returned to his position on the Board.

### **Planning Board Matters**

#### **1. Town Engineer Comments**

P. Carideo asked the other members if they are aware of any outstanding issues that could exist as a result of the change-over in Town engineers. P. Carideo indicated that he is aware of one project on Gigante Drive with drainage at a wetland, however he did not believe there was an escrow account in place. R. Clark said that the PB could send K. Emerson to the site. N. Emerson commented that K. Emerson does not have an engineering degree and asked what the PB would expect him to do. P. Carideo asked the PB Secretary to pull the Dr. Holland storage file for his review, he wants to confirm Conditions of Approval and has questions on the bonding.

N. Emerson stated that the PB cannot be lax, if a mistake was made the PB should simply state that and go back to the applicant. P. Carideo stated he would review the file and take action after the fact. He further stated he would coordinate with K. Emerson on how to proceed in this particular instance especially since sensitive wetlands are involved.

R. Clark mentioned the SWM training that he and the PB Secretary attended in June. During the training it was suggested that Towns have SWM regulations included in their Site and Subdivision Regulations versus the Zoning Ordinances, thereby retaining control under the PB only. R. Clark referred to the process that was in place with the prior Town Engineer and stated that if the PB was concerned with something we would just do it. R. Clark reminded everyone that they needed to work together.

P. Carideo stated that no new Notice of Intent (NOI) applications have been filed in Town for the 2017 year, he stated that when conditions of approval are given NOI should be listed as one of the conditions for anything impacting over one

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acre of land. P. Carideo further added that anything the PB approves should have a pre-construction meeting.

S. Bourcier asked for confirmation that Dr. Holland, Hastings Drive, and Labrador Lane were the only outstanding files that he needs to be reviewing as part of the transition from the prior engineer. This was confirmed.

P. Carideo talked about field changes during the construction process. B. Schmitz asked if all changes needed to come before the PB or would the PB give S. Bourcier permission to make field changes. S. Bourcier stated that during the construction process things may change based on circumstances and he understands the difference between a minimal and significant change. B. Schmitz asked if S. Bourcier felt comfortable and had enough guidance to proceed to which he responded yes.

2. Correspondence – *P. Carideo reviewed the correspondence with Board.*
  - a. LOMA 08-056 38 Island Pond Road
  - b. NHDES Wetlands Permit Application Summer St. Beach
  - c. NHDES Wetlands Permit by Notification 8A-091 61 Ells Road
3. Member Comments – *PB members stated they were unable to open the zip-file that contained all the documents for the PB meeting. They asked the Secretary to send all documents in PDF file only.*
4. Review of Minutes 6/5/17 Meeting and 6/19/17 Workshop – *Minutes were approved as amended and will be posted on the Town's website.*

**MOTION: D. Howard to accept 6/5/17 minutes**

**SECOND: R. Clark**

**VOTE: 7-0**

**MOTION: D. Howard to accept 6/19/17 minutes**

**SECOND: R. Clark**

**VOTE: 7-0**

5. Adjourned at 9:25 P.M.

**MOTION: D. Howard**

**SECOND: R. Clark**

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**VOTE: 7-0**

Minutes by Debbie Soucy, Planning Board Secretary