

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes November 6, 2017

A meeting of the Planning Board was held on Monday, October 2, 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), Neil Emerson, Randy Clark (Alternate), Chris Howard (Alternate), and Scott Bourcier (Dubois & King)

Chairman Carideo opened the meeting at 7:05 P.M. Chairman Carideo noted for the record that Randy Clark would be replacing Glen Emerson as a voting member and Chris Howard would be replacing Dean Howard as a voting member for this evening's meeting.

### **CHAIRMAN'S REMARKS**

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- Next Public Hearing Date December 4, 2017
- Filing Deadline for the December 4 meeting November 13, 2017
- November 13 First day to accept petitions to amend Zoning Ordinance
- December 13 Final day to accept petitions to amend Zoning Ordinance

### **Old Business**

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

**Motion: N. Emerson made a motion to continue the application to the December 4 PB meeting.**

**Second: R. Clark**

**VOTE: 6-0**

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

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

**Motion: N. Emerson made a motion to continue the application to the January 2 PB meeting.**

**Second: B. Schmitz**

**VOTE: 5-0**

R. Clark returned to his spot on the board.

#### **3. 11-170 & 11-249 Atwood & Keating Lot Line Adjustment**

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**Motion: B. Schmitz made a motion to continue the application to the January 2 PB meeting.**

**Second: C. Bennett**

**VOTE: 6-0**

### New Business

#### **1. 08-118 & 08-125 Cohen aka TelNoar & Medrek Lot Line Adjustment**

P. Carideo asked S. Bourcier if he reviewed the plan. S. Bourcier stated he had reviewed the plan and the only outstanding issue was to determine whether Lot 8-118 is still a viable lot once adjusted.

R. Haight from Meridian Land Services, Inc. presented the plan on behalf of the applicants. R. Haight stated that lot 8-125 has small frontage of approximately 40' wide, there is a small triangular and a trapezoid shaped piece of land owned by Camp TelNoar that will give Lot 8-125 additional frontage with this proposed Lot Line Adjustment (LLA). The applicant originally requested waivers for soils and topography however they are no longer needed since State Subdivision approval is pending and topography and the soils have been added to the plan that prove Lot 8-118 is still viable. Lot 8-118 is a vacant lot and there is currently no interest in doing anything with that parcel. The LLA is being requested as a matter of convenience for the owners of Lot 8-125.

R. Haight referenced the November 6 letter from the Town Engineer in which S. Bourcier indicated the minimum lot size calculation for Map 8 Lot 118 was not calculated in accordance with Article II, Part 1:1.A of the Zoning Ordinance. R. Haight stated he will use whichever matrix S. Bourcier requests for the soils for the LLA. R. Haight stated Lot 8-118 on the TelNoar side is a 3-acre lot after the LLA. R. Haight stated he will redo his calculations and add them to the plan along with the State Subdivision approval number. R. Haight stated he did not foresee any problems in making these changes.

P. Carideo asked the board if they had any questions. There were none. P. Carideo commented that Hampstead calculates areas by soils. P. Carideo indicated that looking at the legend on the plan soil 321.1 is a B soil and would require 50,000 sq. ft. for a viable lot, based on this information it appears Lot 8-118 would still meet

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soils based on the Town's requirements. S. Bourcier stated that he has done the calculation and agrees that the Lot will still be viable. P. Carideo and S. Bourcier concurred that soils would be met and the calculation would need to be added to the plan.

P. Carideo asked for public comments and there were none.

**Motion: R. Clark made a motion to accept jurisdiction.**

**Second: B. Schmitz**

**VOTE: 6-0**

There was a discussion regarding Note 8 on the plan and all parties involved agreed that since Lot 8-118 will remain a viable lot with the LLA Note 8 should be removed from the plan.

**Motion: B. Schmitz made a motion to grant conditional approval with special conditions as noted below.**

**Second: R. Clark**

**VOTE: 6-0**

### SPECIAL CONDITIONS

1. State Subdivision Approval to be added to plan
2. Soil Type Chart to be revised and calculation to be shown on plan
3. Remove Note 8 from plan

P. Carideo stepped down from his spot on the board. B. Schmitz took over as Chairman on the application.

### **2. 09-060-5 Hastings Drive – Accessory Dwelling Unit (ADU)**

J. Lavelle represented the applicant and presented to the board. The request is for an ADU on Lot 5 of the Hastings Drive Subdivision, the Primary Dwelling Unit (PDU) will consist of 3 bedrooms and the ADU is a one-bedroom. State septic approval eCA20171303128. J. Lavelle explained the plans and layout to the board members.

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B. Schmitz asked the board if they had any questions. N. Emerson asked where the second entrance was on the plan. J. Lavelle pointed out that there are entrance/exit through the main house, garage, and side door of the ADU itself. N. Emerson asked how the Hampstead Fire Department (HFD) would know where the entrance to the ADU was in the case of an emergency. R. Clark suggested that the HFD receive a copy of the plan as their first response computer has lots of information regarding sites that can be viewed enroute to a call.

J. Lavelle stated he felt this ADU discussion should be between the applicant and the building inspector since final sign-off for occupancy is through the building department. N. Emerson indicated that the ADU Ordinance was written in response to State Law. R. Clark stated the PB wrote the ordinance in such a way that ADU's come to the PB as part of the decision making process. N. Emerson stated he could see J. Lavelle's point, why couldn't the building inspector just look at the plans.

B. Schmitz asked that the ADU be clearly labeled on the plan. B. Schmitz asked if S. Bourcier has looked at the plans and he had not. PB Secretary stated she did not forward the plans to S. Bourcier, as she did not think it required engineer review. S. Bourcier agreed his review was not needed in this case. B. Schmitz reviewed the square foot calculations for the PDU and ADU and both appeared fine. There was no ADU Certification Form since this is new construction; the form will be required upon closing of the property and before owner occupancy.

B. Schmitz asked for public comments and there were none. B. Schmitz asked for PB comments. C. Bennett asked J. Lavelle to point out the entrance to the ADU; C. Bennett felt the side door near the garage should be labeled. J. Lavelle stated he would label the primary entrance to the ADU.

B. Schmitz confirmed the ADU is one bedroom and the PDU is 3 bedrooms. J. Lavelle indicated the State septic approval is for a 3 bedroom home plus a one-bedroom apartment. B. Schmitz confirmed that Hampstead Area Water Company (HAWC) is the water source.

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**Motion: R. Clark made a motion to accept jurisdiction.**

**Second: N. Emerson**

**VOTE: 5-0**

B. Schmitz reviewed the application for completeness and indicated everything appeared to be in order. Color photos are not available as this is new construction; plan drawings show the residence will maintain the appearance of a single family home.

**Motion: R. Clark made a motion to grant conditional approval with special conditions as noted below.**

**Second: C. Bennett**

**VOTE: 5-0**

### SPECIAL CONDITIONS

1. Revised Plan with Primary Dwelling Unit (PDU) and Accessory Dwelling Unit (ADU) clearly labeled.
2. Revised Plan with ADU primary entrance clearly identified.
3. Revised Plan showing walkway to ADU entrance.
4. Signed ADU Owner Certification Form prior to occupancy.
5. Payment of any fees due.

P. Carideo returned to his spot on the board.

### OTHER PUBLIC MATTERS

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

#### **1. 06-019 PhanZone – Performance Bond**

P. Carideo indicated that S. Bourcier was asked to prepare a bond for the PhanZone and it appears to be for erosion control and site stabilization only. P. Carideo was questioning the need for bonding for the entrance, field, and overall site improvements in general. P. Carideo indicated that based on the history of the site things don't always get completed and it would be a shame if the entrance was not corrected.

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N. Emerson, C. Bennett, and B. Schmitz all agreed with the Chairman and felt all the site improvements on the plan should be completed and bonded. P. Carideo asked that S. Bourcier present a bond amount for all improvements excluding the field. S. Bourcier agreed to redo the bond amount.

### **2. 06-108 Hampstead Self-Storage – Performance Bond**

P. Carideo stated he has an issue with this bond amount as well since it only includes erosion control and stabilization. P. Carideo stated there are drainage structures, a retaining wall, and a two-story building shown on the plan that he would like to see bonded as well. S. Bourcier stated the rationale for the bond was that if the storage building was not constructed the affected area could be turned back to grass. P. Carideo asked for bond amounts for the other items included on the plan.

M. Francoeur stated the process of building the structure requires the Chief Building Official (CBO) review all steps in the process. The building could not get a certificate of occupancy (CO) without items being completed. P. Carideo stated things could be built but that does not necessarily mean all items on the plan have been completed. M. Francoeur stated he has been building a long time, since the 80's, if you finish the project you get a CO, if you don't finish there is no CO. M. Francoeur is questioning how we have gotten to this point.

P. Carideo indicated that sites have received CO's without all items on the plan having been complete, it has happened enough that the PB feels bonding is required on all improvements. P. Carideo stated that when certain items are completed the applicant can always request a reduction in the bond amount.

M. Francoeur questioned the number of plan sets that are required as part of the Site Plan Regulations. P. Carideo explained the process and who receives copies of the plans. M. Francoeur indicated they did not plan to construct anything yet and asked how long the recorded plan would be valid. P. Carideo advised him the plan is valid for a four (4) year period. M. Francoeur stated they are trying to get a feel for what is happening on Route 111 and see how it will affect their business.

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R. Clark returned to his spot on the board.

### **3. 10-004 Blue Sky Cell Tower Mylar Recorded Plan D-40416**

### **4. 17-025 Central Street Mylar Recorded Plan D-40417**

#### **Planning Board Matters**

##### **1. Town Engineer Comments – 02-052 Labrador Lane**

S. Bourcier has reached out to B. Villella concerning scheduling an inspection and B. Villella has requested that S. Bourcier wait until certain items have been finalized. S. Bourcier indicated that as of his last visit the site was pretty well stabilized. He stated the drainage is in, although not built per plan. P. Carideo stated the swale on the right hand side of the road and the driveways were a major concern for him; R. Clark agreed. P. Carideo stated the swale needs to be deeper and the culverts need to be installed per plan.

S. Bourcier reached out to B. Villella to schedule a pre-winter inspection and indicated that if he has not heard back from B. Villella by Wednesday he is going to leave him a message indicating he is going to be on site this coming Friday.

##### **09-060 Hastings Drive**

P. Carideo indicated some culverts on Hastings Drive were revised and asked if the State approved the change. S. Bourcier responded that the State approved twins instead of a larger culvert. S. Bourcier reviewed the as built changes and was ok with it as the flow is the same capacity. R. Clark asked for confirmation from S. Bourcier if he felt the twins would be ok if properly installed and maintained. S. Bourcier did not find it to be a problem. B. Schmitz indicated if the State was ok with the twin culverts than the PB should not have a problem.

##### **2. Correspondence**

There was no correspondence to review.

##### **3. Member Comments**

- Allan Davis, Rockingham Planning Commission (RPC) representative, was present in the audience. Chairman Carideo welcomed him to the meeting. A. Davis stated he stopped by the meeting to hear any comments and to generally see what is going on. A. Davis stated he is learning a lot and meeting new and interesting people at RPC. A. Davis indicated that the NH DOT has put the traffic light request at the intersection of Hampstead/Derry Road and Route 121 back on the to-do list.



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- The date of ***Tuesday, January 2*** was determined to be the first PB meeting of the 2018 calendar year. Chairman Carideo asked the Secretary to send him a listing of proposed dates for the upcoming calendar year.
- N. Emerson stated the Zoning Board of Adjustment (ZBA) had asked him to present possible Zoning changes to the PB. ***DarkSky.ORG*** was something the ZBA would like the PB to review. P. Carideo responded by stating that the Town Ordinances already address lighting. N. Emerson asked if the PB could think about the issue. P. Carideo stated that someone would need to do the research and present it to the PB.

R. Clark stated that there are different levels of light exposure. P. Carideo felt the Town Ordinances were up to date. B. Schmitz accessed the DarkSky.org website and stated that a PDF of sample ordinances is available. P. Carideo suggested that the RPC could look at this and possibly draft an ordinance for the Town if that is what the PB wants. P. Carideo suggested a possible PB workshop on the topic.
- C. Bennett initiated a discussion regarding ***Certificate of Occupancy (CO)*** and stated that Goffstown and Bedford do not issue a CO unless all items on the recorded plan are complete. P. Carideo commented that the towns mentioned have full-time planning staff unlike Hampstead. B. Schmitz asked if PB sign-off was needed for a CO in Hampstead and P. Carideo responded that PB sign-off is NOT required. C. Bennett stated he was trying to think of a way to simplify the process. P. Carideo stated he would talk to K. Emerson about a possible process.
- N. Emerson stated the ZBA discussed the ***keeping of chickens*** in Recreational Zone B at the last meeting. P. Carideo stated he was not familiar enough with the ordinance to comment. R. Clark commented that the State of New Hampshire encourages agriculture and felt the only limitations he was aware of concerned the number of acres needed for large animals. R. Clark recalled that an ordinance was written due to a neighbor's horse looking into the window of an abutting neighbor. P. Carideo reviewed ordinances and stated it appears the only restriction applies to large animals. B. Schmitz read Section III:3:2 paragraphs A and B from the Zoning Ordinance and indicated it seemed as though chickens are allowed.



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- P. Carideo stated he talked to K. Emerson about the section of the Wetland Ordinance that relates to septic system components (Section II:2-6 Buffer Provisions). K. Emerson is in favor of reverting to the State's requirements of a 50-foot buffer versus the Town requirement of 100 feet. P. Carideo indicated that if someone were to challenge the Town's current requirements there could be an issue. P. Carideo stated he would put the paperwork/wording together for the next PB Workshop.

### **4. Review of Minutes**

The 8/21 Workshop minutes deferred to next PB meeting, only 2 members present to approve.

**Motion: N. Emerson made a motion to approve as amended the 10/16 Workshop Minutes.**

**Second: R. Clark**

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

### **5. Adjourn at 8:35 P.M.**

**Motion: B. Schmitz made a motion to adjourn.**

**Second: C. Bennett**

**VOTE: 6-0**

Minutes Prepared by Debbie Soucy, Secretary