

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## August 7, 2017 Minutes

A meeting of the Planning Board was held on Monday, August 7, 2017 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

**PRESENT:** Paul Carideo, (Chairman), Glen Emerson, Neil Emerson, Robert Waldron, Randy Clark (Alternate), and Chris Howard (Alternate)

Chairman Carideo opened the meeting at 7:02 P.M. Chris Howard will replace Dean Howard as a voting member. Next Meeting is Tuesday, September 5 with a filing deadline of August 14.

### **Old Business**

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

Tim Lavelle represented the developer and provided a status on the four (4) outstanding items as identified in Scott Bourcier's August 4<sup>th</sup> Field Observation Report. Item 1 states areas in excess of 5 acres be loamed, seeded, and stabilized, per Tim there is no area that large on site, however, the majority of the house lots will be loamed and seeded this week or next. T. Lavelle indicated the permanent retention pond has been constructed, loamed, seeded, and capped with mulch. The outlet control structure is on order per T. Lavelle and should be in this week. The temporary Storm Water Management (SWM) basin structure is in place and has been upgraded as requested. T. Lavelle indicated that Scott Bourcier, the Town Engineer, has been on site once a week and T. Lavelle has been contacting him with updates.

P. Carideo asked for a rough timeline for completion on the remaining outstanding items. P. Carideo indicated he did not find an updated Notice of Intent (NOI) for 2017 had been filed with the state. T. Lavelle stated there should be a new NOI by the end of week. T. Lavelle agreed to forward a copy of the electronic NOI to the Planning Board (PB) office as per P. Carideo's request.

T. Lavelle stated the lots are going to be loamed and seeded shortly. He further stated they are aware that the drainage swale is not correct and that it would be fixed. Obviously, there is a bond on the project and the developer is aware it will not be released until all items are corrected. T. Lavelle stated the drainage swale would be proper when the road is ready to be completed.

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P. Carideo stated he appreciated the efforts that have been made on the site; however, this should have been the case without PB intervention. Things are looking much better.

P. Carideo stepped down from his position as Chair and N. Emerson stepped in as acting Vice Chair.

### 2. **17-025 Central Street Conditional Approval expires 08.07.17**

Tim Lavelle represented the developer and stated they have met all the conditions of the approval. T. Lavelle met with Deputy Chief Warnock, HFD today along with John Mason, developer, and Harold Morse, HAWC regarding the hydrant for this subdivision. The location on Webber Street immediately across the street from the development was found to be the most advantageous spot to locate the hydrant. T. Lavelle provided the PB members with 11x17 copies of revised site plans that show the hydrants location. T. Lavelle stated the required monumentation has been set on the site.

T. Lavelle reminded the PB of the discussion pertaining to Soil Based Lot Size Ordinance. The developer is currently approved to build four (4) bedroom single-family homes or two (2) bedrooms per side duplexes. Based on the soils they should be allowed to build three (3) bedroom duplexes. T. Lavelle is looking for direction from the PB as to how they want to handle the request to remove the original restriction. R. Clark asked for clarification on the 11x17 plans that were handed out this evening since the bedroom restriction is not indicated on this plan set. T. Lavelle confirmed that is correct, the revised plans do not make note of the bedroom restriction. R. Clark reminded T. Lavelle of the original approval of 2 BDRM duplexes or 4 BDRM single family home.

N. Emerson stated the issue at question was the misinterpretation of the zoning article. Upon further clarification of the zoning article, it was determined that duplexes are not limited to 4 BDRM total and could have more bedrooms if the soil requirements are met. R. Clark agreed with the interpretation of the zoning article. N. Emerson asked if anyone had questions. R. Waldron asked if T. Lavelle's request to remove the bedroom limitations can be made at tonight's meeting

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since it is a public hearing. P. Carideo spoke as a member of the public and stated the developer could have asked at the time to come back, this seems to be bad faith to the public, he doesn't feel there is an issue with the number of bedrooms but does feel it should be made public. N. Emerson does not feel the applicant needs to reapply. R. Clark stated tonight's meeting is a continuation of the public hearing on the subdivision in question. N. Emerson stated the Town made a mistake and the Town should pay to re-notice the abutters. G. Emerson indicated that he would be upset if he was an abutter at home watching tonight's meeting and was not given the opportunity to express his opinion over the change in bedrooms. T. Lavelle stated he would do whatever the PB asks. C. Howard stated he could see both sides of the issue.

N. Emerson advised T. Lavelle there was an outstanding balance due of fees owed to the Town by the developer; this is one of the conditions of approval. In addition, there is an outstanding conservation easement that needs to be reviewed and approved by the Town counsel. T. Lavelle has a sample easement with him but he is not pleased with the wording, he will revise the easement and provide a copy to the PB for review. R. Clark confirmed there was an easement to the Town as well as a small piece to a neighbor, he asked if this was a sale of land, T. Lavelle replied yes. T. Lavelle indicated people walk that area.

R. Waldron made a motion to re-notice the abutters concerning a new public hearing to discuss the change in the number of approved bedrooms from two (2) to three (3) per side of each duplex due to the misinterpretation of zoning. This is the only matter to be discussed. The Town will pay for the posting and re-notice to abutters.

**MOTION: R. Waldron – Continued to Tuesday, September 5 Meeting; Rehear and Re-notice Abutter's concerning change in the number of bedrooms.**

**SECOND: G. Emerson**

**VOTE: 5-0**

P. Carideo returned to his position as Chair.

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### **New Business**

R. Clark stepped down from the PB.

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

The applicant has requested a continuance to the October 2<sup>nd</sup> PB meeting. P. Carideo explained to the PB members that the applicant was going to the Zoning Board of Adjustment (ZBA) for a variance regarding very poorly drained soils. N. Emerson stated the applicant was postponed to the September ZBA meeting since the August ZBA meeting did not have a full board. N. Emerson clarified the zoning ordinance states 50 feet for poorly drained soils and 100 feet for very poorly drained soils. N. Emerson asked P. Carideo if the Conservation Commission discussed this matter, P. Carideo responded by stating if they have a concern they should attend the ZBA meeting. P. Carideo indicated he planned to attend the September ZBA meeting. P. Carideo asked the PB if they had any other questions, there were none.

**MOTION: N. Emerson – Continue to October 2<sup>nd</sup> PB Meeting**

**SECOND: R. Waldron**

**VOTE: 5-0**

R. Clark returned to the PB.

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

The applicant has requested a continuance to October 2<sup>nd</sup> PB meeting. P. Carideo explained to the PB members that the applicant was going to the ZBA for a variance since 11-249 would not meet soils with the proposed lot line adjustment. P. Carideo asked the PB if they had any questions. N. Emerson asked if he would have to step down from the ZBA on this case. P. Carideo responded that it is OK to be on both the PB and the ZBA. R. Clark stated there could be different issues discussed at ZBA versus the PB. P. Carideo stated the RSA allows members of two boards.

**MOTION: R. Clark – Continue to October 2<sup>nd</sup> PB Meeting**

**SECOND: R. Waldron**

**VOTE: 6-0**

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R. Clark stepped down from the PB.

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

Jim Seymour represented the applicant. The Department Head Review (DHR) meeting was held on Wednesday, July 26 and Scott Bourcier the Town Engineer provided his review comments to J. Seymour via email at 5:26 PM that same day. J. Seymour addressed all of S. Bourcier's comments and responded via email at 5:16 PM on Thursday, August 4<sup>th</sup>. J. Seymour stated he tried reaching out to S. Bourcier several times with no response and S. Bourcier is now on vacation until August 14. J. Seymour stated they are looking for conditional approval on the application. J. Seymour stated they are requesting three (3) waivers for the following: height of light poles, landscape plan, and Traffic Impact Assessment (TIA).

J. Seymour stated the entire project site is located in the Commercial Zone C2. It was initially thought to be in both Residential Zone A and Commercial Zone C2 because of an error to the Town Map. The Zoning District Boundaries for C2 clearly state the entire parcel of 06-019 is located in C2 Zone.

J. Seymour further described the proposal stating four acres will be disturbed; there will be four 80-foot light poles, and an additional 49 parking spaces including 2 handicap parking spaces. The current condition of the site has 202 parking spaces and there will be 251 total with this proposal. J. Seymour indicated he could not find anything in the ordinances regarding parking space requirements and used industry standard calculations. J. Seymour had provided a list of other businesses located at the site and the time of allocation for each business during the DHR meeting. J. Seymour stated he would work with the Conservation Commission to address their concerns. J. Seymour indicated they are expecting a reply any day in response to the NH DES AOT permit. J. Seymour asked if the PB could conditionally approve the plan tonight since the owners are anxiously awaiting a response.

P. Carideo stated the first order of business is to accept the application as complete. N. Emerson asked if S. Bourcier thought the application was complete.

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P. Carideo stated the application appears complete, however, the revised plans were provided to S. Bourcier late Thursday (8/4) evening.

**MOTION: N. Emerson – Take jurisdiction of the DHT Sports aka The PhanZone application.**

**SECOND: C. Howard**

**VOTE: 5-0**

P. Carideo asked the other PB members how they wished to proceed since S. Bourcier has not reviewed the reply from Sebago Technics. P. Carideo stated we can discuss the application but would not approve without S. Bourcier. C. Howard suggested the PB discuss the waivers.

### **Waiver Requests:**

Article III, Part 5:1 Maximum Height of a Freestanding Light shall not exceed twenty (20) feet: G. Emerson asked about the proposed light distribution and was directed to review the candle lighting exhibits provided with the site plan. P. Carideo asked about sky glow and J. Seymour responded by stating the lights are not as incandescent as traditional lights such as those at Fenway Park. N. Emerson asked how late the lights would be on and J. Seymour replied 10:00 P.M. or shortly thereafter, by 10:15 P.M. the field would be dark. N. Emerson asked if the residents on Cambridge Road would be disturbed and J. Seymour replied they would see a soft glow. P. Carideo stated that the residents on Cambridge Road would be able to see the light due to the wetlands across the way. P. Carideo stated the applicant did the best job they could with the lighting; the number on candle lighting is down to zero over 100 feet away. P. Carideo indicated that S. Bourcier was in favor of granting this waiver.

Section 5.02 (R) Landscaping and Building Design: J. Seymour stated there is not a lot of landscaping with sports fields, trees are not typically planted along the edges of artificial fields due to the tree debris, falling leaves and droppings can be detrimental to the field function. G. Emerson stated there are six (6) pin oaks proposed on the plan. P. Carideo stated the question before the PB members is does this site plan warrant a landscape plan, how does the board feel, is what they are proposing sufficient? N. Emerson stated he feels its fine, how much

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more do you need, people will be trampling on any plantings alongside a sports field. J. Seymour stated sheet 8 of 11 of the plans shows the typical landscape plan. P. Carideo asked the PB members to think of S. Bourcier looking at the plans in the field. N. Emerson asked about snow storage during winter months. J. Seymour stated there is small grass area where snow would be stored however it would only be utilized during minimal snowfall events. P. Carideo asked if everyone was ok with this waiver and all present members were fine.

Section 6.01 Traffic Impact Assessment (TIA): J. Seymour requested a waiver based on statements from the owner that there would be no additional trips generated by the addition of the field. The use of the field now occurs indoors and, with the outdoor facility it will have the same impact as the indoor use, and the indoor and outdoor field events will not run simultaneously to create a spike in peak traffic or recreation use at the site. Therefore, they feel that the TIA will remain unchanged from the existing Phanzone use.

P. Carideo stated this was not his area of expertise and would like S. Bourcier's opinion on this waiver request. P. Carideo stated although the owner has made statements that the indoor and outdoor fields will not be used simultaneously the PB needs to consider the worse-case scenario.

J. Seymour stated they filed an amended entrance permit to document the addition of the field and parking lot to the NH DOT and have not received comment for any additional action or requests for additional information. P. Carideo indicated that NH DOT has control over the driveway. P. Carideo stated some of the 212 parking spaces on the property were given to an abutter. N. Emerson asked if P. Carideo was referring to the pool business and P. Carideo responded yes. P. Carideo stated when the two-way entrance was installed a number of parking spaces were eliminated as a result of the change.

P. Carideo asked if the PB wanted to vote on the waivers or wait for S. Bourcier's professional opinion and response to Sebago's comments dated August 2<sup>nd</sup>. N. Emerson stated the PB should wait for the Engineer's recommendations and R. Waldron agreed. G. Emerson asked for clarification on how the vote would work. P. Carideo stated the PB would vote on each waiver request independently,



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however, his preference was to vote on all three (3) requests at the same time in order to easily reference the waivers on the site plan.

G. Emerson clarified that the PB was still questioning the TIA waiver. P. Carideo stated he would like to see the NH DOT response and use that as a guide to make a decision. R. Waldron stated he would like to know the impact of using both the indoor and outdoor fields simultaneously, he presented a scenario of Phanzone receiving a request early Spring for a tournament and the additional fifty (50) parking spaces would be occupied very quickly.

P. Carideo referenced the DHR package and noted the Police Department requested advance notice for large events however there was no indication of what would constitute a large event. P. Carideo further noted the Fire Department's comment that the driveway entrance off Route 111 is too steep to permit fire apparatus direct access and this should be addressed. P. Carideo reminded the applicant that all the issues discussed at the DHR should be addressed.

J. Seymour stated he has added operational notes to the plan concerning parking attendants at events larger than 250 persons, parking spaces and emergency access lanes, location of trash receptacles as well as location of porta-potties. J. Seymour stated he is unsure how to proceed with regard to the grade of the driveway entrance since it is not under PhanZone ownership, he does however understand the PB concern. J. Seymour recalls the Deputy Fire Chief stating the fire truck bumper hits the driveway on the way into the PhanZone however, he is not sure how to address the concern. P. Carideo stated that life safety is a big issue and the PB would need something from the HFD stating they are OK with the entrance. J. Seymour was under the impression that W. Warnock would reach out to NH DOT, P. Carideo responded he was not sure what W. Warnock could do.

P. Carideo stated he understands the applicant is looking for conditional approval this evening, however, the PB requests two weeks for the Town Engineer to review any plans or revised plan sets. P. Carideo stated the PB would not rush to a decision, there are too many items to review and the PB members are not the experts. P. Carideo stated the SWPPP reports and E-NOI would be part of the



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conditions of approval and suggested they focus on those items since both require 14-day lead-time with the state. P. Carideo stated the PB was not ready to vote on conditional approval this evening.

J. DeDeus, PhanZone, stated he thinks they are going to scrap the project since he feels they are not getting anywhere with the PB. J. DeDeus further stated they make no money and need the field to keep the business going.

P. Carideo stated the PhanZone had a change in engineers as well as a change in plans, which caused a delay to this point. The original plans from the previous engineer were not sufficient, now the plans they are presenting are properly engineered and they require expert review. P. Carideo explained the PB process and the timing of submittals, etc.

J. DeDeus stated they basically run a six (6) month business and are at 15% capacity in the off months, he needs this field to be a full time business.

J. Seymour asked if trees could be cleared at this point and P. Carideo responded that no trees could be cleared. P. Carideo further stated that nothing could be done without an approval from the PB. P. Carideo stated they must comply with the Site Plan Regulations. J. Seymour asked if he could schedule a conference call with S. Bourcier. P. Carideo stated the PB already advised him he could contact S. Bourcier directly as long as the PB was given copies of all information for the PB files. P. Carideo advised J. Seymour that S. Bourcier has been extremely busy with Town projects and does not work full-time for the Town of Hampstead.

J. DeDeus stated the major issue is with the bank, the financing was approved in December and they were given six (6) months to complete the project.

P. Carideo stated the PB would reach out to S. Bourcier upon his return from vacation but assured the applicant he is doing his best. N. Emerson stated the Fire Department issue is a big issue and suggested they work on that before they come back again in September. R. Waldron reminded the applicant of the Police Department concern with large events and suggested they work on that as well.

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**MOTION: N. Emerson Continue to Tuesday, September 5 Meeting**

**SECOND: C. Howard**

**VOTE: 5-0**

R. Clark returned to his spot on the PB.

### OTHER PUBLIC MATTERS

#### Planning Board Matters

1. Town Engineer Comments – *S. Bourcier provided the status of current projects via email.*
2. Correspondence – *P. Carideo reviewed the correspondence with the Board.*
  - a. NHDES Wetlands Permit Application 11-075 5 Beach Road – *N. Emerson asked if the Conservation Commission (CC) reviews these requests. P. Carideo responded the applicant has the option of having the CC review the application; however, this applicant declined which would mean it will be fully reviewed at the State level.*
  - b. LOMA Removal 03-012 55 Collette Drive
  - c. 18-047 Four Seasons received updated Irrevocable Letter of Credit valid thru July 2018
  - d. 19-009 Winchester Heights Alteration of Terrain (AOT) Permit Application
  - e. 06-019 PhanZone Sports Center Alteration of Terrain (AOT) Permit Application

#### 3. Member Comments

P. Carideo informed the PB members that the August 21 Workshop will focus on AxisGIS. This workshop will be broadcast live on HCTV. Franco Rossi from CAI will be here to present a demonstration of the Town's GIS Mapping Website and will be looking for input. P. Carideo reminded the group to look towards the future, think of how we can use the website, in time more and more Town departments will benefit from the information readily available. G. Emerson asked if other Departments were contributing towards the cost of implementation. P. Carideo responded no, at this time the PB is the only Department contributing towards the cost. R. Waldron commented that the website would most definitely benefit the public. P. Carideo commented that the HFD would be using the website as

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well. The PB Secretary will send an invitation to other Town Departments asking them to attend the 8/21 Workshop.

4. Review of Minutes 7/17/17 Meeting – *Minutes were approved as amended and will be posted to the Town's website.*

*R. Clark commented during the review of minutes that the PB can ask for copies of documentation from developers and most will provide the information even though they may or may not be legally bound to do so.*

**MOTION: N. Emerson**

**SECOND: G. Emerson**

**VOTE: 6-0**

5. Adjourned at 9:00 P.M.

**MOTION: R. Waldron**

**SECOND: C. Howard**

**VOTE: 6-0**

Minutes prepared by Debbie Soucy, Planning Board Secretary