

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## Minutes May 7, 2018

A meeting of the Planning Board was held on Monday, May 7, 2018 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

**PRESENT:** Paul Carideo, (Chairman), Ben Schmitz, Glen Emerson, DJ Howard, Robert Waldron, Steve Wentworth, Joe Guthrie, Randy Clark (Alternate), and Scott Bourcier (Dubois & King)

The public attendance roster is available as an attachment to this document.

Chairman Carideo opened the meeting at 7:03 P.M. P. Carideo informed the audience that Winchester Heights has requested an extension and the PB would be voting on the request later. The application would not be discussed.

### **Chairman's Remarks**

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Next Public Hearing Date June 4, 2018

Plan Filing Deadline for June 4, 2018 Meeting May 14, 2018

### **Old Business**

#### **1. 07-064 & 07-068 Hurley Lot Line Adjustment**

T. Lavelle advised the PB that they are still working with the State to obtain a driveway permit; he indicated the sight distance barely made it and they may need to add easements to the plan. P. Carideo advised T. Lavelle that the PB contacted Bill O'Donnell at the State and he has no record of the driveway permit application. P. Carideo asked T. Lavelle whom he was dealing with at NH DOT District 5. T. Lavelle stated he does not remember the name but they are in contact with NH DOT District 5. T. Lavelle asked for a 60-day extension of the conditional approval. P. Carideo asked the PB members if they had any questions.

**MOTION: D. Howard made a motion to extend the conditional approval 60 days to the 7/2 PB Meeting**

**SECOND: G. Emerson**

**VOTE: 7-0**

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

T. Lavelle requested a 30-day extension. There is an issue with the deed that needs to be resolved.

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**MOTION: D. Howard made a motion to extend the conditional approval 30 days to the 6/4 PB Meeting**

**SECOND: R. Waldron**

**VOTE: 7-0**

### **3. 06-108 Hampstead Self-Storage – Bond Discussion**

M. Franceour, the owner, was present. P. Carideo explained to the PB and audience that all conditions of approval have been met with the exception of the bond. The mylar can only be recorded if the bond is in place. P. Carideo advised the PB that he has been working with Attorney Gorrow on changing the process to allow recording the mylar and have a bond in place upon commencement of construction. P. Carideo advised the applicant that he had been on vacation and apologized for not having resolution to the bond matter. P. Carideo stated they might have to reopen the application and re-notice abutters.

### **4. 10-38 Owens Court – Original Site Plan Vested – Bond Discussion**

P. Carideo asked the owners what they wanted to do on the site. Steve Seuss and Bobbi Seuss were present. S. Seuss stated they built one building and two remain to be constructed. They plan to build the second building followed by the third if all goes well from a financial perspective. P. Carideo advised the owners that the PB asked the Town Engineer to prepare a bond for erosion and sediment control. P. Carideo had the \$30K bond estimate and read the line items from the Dubois & King document. P. Carideo advised the owners they could proceed with construction once the bond is in place. P. Carideo shared the concerns that S. Bourcier raised during his inspection of the property. P. Carideo asked D. Soucy to forward the bond estimate to the owners.

S. Bourcier had a question with regard to inspections and asked the PB how they would like to proceed. P. Carideo stated there would likely be two brief inspections for this site. D. Howard asked if there was a time limitation regarding the construction of the third building. P. Carideo explained that the original site plan was vested and as long as the bond was in place, they could construct the remaining two buildings on the site.

**MOTION: R. Waldron made a motion to approve the \$30K bond amount as prepared by Dubois & King**

**SECOND: B. Schmitz**

**VOTE: 7-0**

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S. Wentworth stepped down from his spot on the PB. R. Clark replaced S. Wentworth as a voting member on the PB.

### **5. 19-009 Winchester Heights Elderly Housing**

P. Carideo read the letter from the applicant's representative requesting an extension of the review period.

**MOTION: D. Howard made a motion to extend the review period an additional 60 days to the 7/2 PB Meeting**

**SECOND: R. Waldron**

**VOTE: 7-0**

S. Wentworth returned to his spot on the PB. R. Clark was no longer a voting member.

### **6. 17-051 Merryfield Lane Extension**

T. Lavelle presented revised plans to the PB members. T. Lavelle presented a letter concerning the Traffic Impact Assessment. There are currently nine (9) existing homes on Merryfield Lane that generate 90 vehicular trips per day. The additional seven (7) homes they are proposing will generate 70 trips per day bringing the total trips per day off Merryfield Lane to 160 which is under the 200 vehicular trip threshold.

T. Lavelle presented a letter requesting waivers to sections VI-3(c) and VI-3 (i) of the Hampstead Subdivision regulations. Section VI-3(c) states dead end streets shall not serve more than 12 lots. Section VI-3 (i) states the width of blocks shall not be less than 450 feet, nor shall the length exceed 1,200 feet. The proposed plan of seven (7) single-family homes would make the total homes on Merryfield Lane sixteen (16). The total road length would be 1,437 feet.

T. Lavelle stated that a number of PB members walked the property and observed the wetlands on Moulton Drive. P. Carideo asked T. Lavelle to give a brief overview of the request. The applicant believes the plan as presented meets the spirit of the subdivision regulations and will have no impact on the wetlands at the end of Moulton Drive, keeping with the intent and spirit of the Town's Wetland Zoning Ordinance. The developer is also adding two fire hydrants.

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P. Carideo asked if the PB had any questions and/or comments. B. Schmitz stated that he walked the site and felt the area near the Moulton Drive cul-de-sac was wet; R. Waldron agreed. S. Wentworth asked who owns the Right of Way (ROW). T. Lavelle stated he believes the Town owns the ROW; there are deeds that reference plans that show the ROW. T. Lavelle stated an attorney would be better able to answer the question regarding ownership. R. Clark asked T. Lavelle if he had copies of the two plans that referenced the ROW. T. Lavelle stated the May 1976 plan has no ROW and an October 1976 plan shows a ROW with property on either side deeded to the abutting owners.

P. Carideo stated there are a number of ROW's in town that exist that may not be owned by the Town. P. Carideo stated that back in 1976 the Town was not deeded the ROW and it was common practice that the developer own the ROW. P. Carideo stated that the ROW could be an issue that contributes to the hardship. S. Hastings asked if Town Meeting notes had been reviewed to see if the Town accepted the road. P. Carideo stated it could be a moot issue depending on how the PB votes on the waivers. B. Schmitz feels that PB needs to determine if a second means of access is needed; R. Waldron and R. Clark both agreed.

Chairman Carideo opened the waiver discussion for public comment.

R. Ordway – 9 Moulton Drive – stated his father-in-law was the developer and he retained ownership of all the ROW in his developments. P. Carideo commented that dead-end streets are not good planning and that this is part of the process.

N. O'Donnell – 20 Moulton Drive – stated her boys play in the wooded, wetland area in question and commented that the area remains wet even in July. N. O'Donnell is concerned that connecting the street with Merryfield Extension would make this a thruway and feels it would be a hazard.

D. Blaska – 28 Moulton Drive – asked about the intent of the street length requirement. P. Carideo stated public safety was one of the reasons and provided an example of a tree across road. D. Blaska stated that the applicant is proposing two fire hydrants. P. Carideo stated that he agrees that hydrants are one type of relief. D. Blaska stated he is concerned that water would back up on his property with a culvert. D. Blaska read from his deed that references the ROW.

K. Siegwalt – 31 Merryfield Lane – thanked the PB members for taking the time to walk the site and see the conditions for themselves. K. Siegwalt asked why the PB is questioning the need to connect the streets since they saw the wetlands. P.

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Carideo stated that the PB needs to follow the subdivision regulations and look for alternatives. Chairman Carideo stated there is an RSA that explains what is needed to waive regulations and the PB needs to follow a process.

Chairman Carideo closed the public comment session.

P. Carideo polled the PB members and all were ready to vote on the two (2) waivers before the board.

### **Waiver Requests:**

*VI-3(c) Dead end streets shall not serve more than 12 lots.*

**MOTION: R. Waldron made a motion to approve the waiver request to allow 16 lots on Merryfield Lane.**

**SECOND: D. Howard**

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

*VI-3(i) Block lengths shall not exceed 1,200 feet.*

**MOTION: R. Waldron made a motion to approve the waiver request to allow 1,437 total road length on Merryfield Lane.**

**SECOND: D. Howard**

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

S. Bourcier stated he has not had an opportunity to review the 5/4/2018 plan set. T. Lavelle asked S. Bourcier not to review as Gregsak is working on responses to comment #10-16 identified in the Dubois & King review letter dated 5/2/2018.

T. Lavelle stated the developer has no interest in any land within 1,000 feet of the proposed development and will add a note to the plan set.

S. Bourcier referenced comment #14 concerning the driveway culvert; there is a proposed 15" culvert with a 4" inlet control. P. Carideo commented that he was unsure why this was being proposed in this manner. T. Lavelle stated he could not speak to this item.

Chairman Carideo asked the other PB members if they had any questions. G. Emerson commented on the drainage easement identified on Sheet 4 and was questioning the retention pond at the end of the street. T. Lavelle stated that Sheet 10 shows the cul-de-sac reclamation details. P. Carideo asked about the location of the waterline. T. Lavelle stated the shut-off is just outside the paved portion of the cul-de-sac. P. Carideo is concerned that the existing waterline is

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under the street and he does not want a patch to repair the disturbance, he wants a new road without patch. P. Carideo stated that this could be addressed through the bonding process. P. Carideo asked that a note be added to Sheet 10 regarding the 10-foot addition of line to connect to the existing water main. P. Carideo asked that both hydrant locations be noted on the plan.

B. Schmitz had a question regarding the stone walls he observed on the property. P. Carideo stated the Zoning Ordinance only protects stone walls that define road ROW's.

Chairman Carideo asked S. Bourcier for his opinion. S. Bourcier stated he feels that the Dubois & King review comments could be addressed, however, if there is a dispute between the applicant and D&K the applicant would not have the opportunity to go back to the PB for a discussion. If the plan is conditionally approved the applicant would have to comply with D&K comments/recommendations.

P. Carideo asked the public for comment, there were none. P. Carideo asked the PB members for their comments.

B. Schmitz was questioning whether all wetlands were identified on the plans. S. Bourcier stated the lot sizing is included on the last sheet of the plan set. P. Carideo asked if there would be a gate at the end of the cul-de-sac. T. Lavelle stated there would be no gate, there is no need to access the area. P. Carideo stated it looks like a roadway, cars could possibly go down that area. T. Lavelle stated they would replace the stone wall located between the subject parcel and abutter where the waterline is to be constructed. B. Schmitz asked about a utility easement, T. Lavelle stated the easement is for the use of the utility company. P. Carideo stated they need a Town conditional use permit for the wetland crossing. T. Lavelle stated they have the NHDES wetlands permit.

T. Lavelle stated they may not ask for conditional approval tonight as he has a question regarding bonding. T. Lavelle stated they would like to bond the project in two phases, phase one would be for a road bond to binder course; phase two would be for construction and erosion control. D. Howard commented that he thinks this has been done in the past. P. Carideo read from the Performance Guarantee Section of the Town Subdivision Regulations. P. Carideo asked for clarification that they would build the road to a certain point without the mylar being recorded. T. Lavelle stated they would construct the road to binder course. R. Clark commented that they could build the road or bond the road, he



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provided an example of starting with a \$50-60K bond versus a \$300-\$400K total bond. P. Carideo commented that Labrador Lane posted a cash bond for the entire project. P. Carideo and B. Schmitz both agreed that a legal opinion on the bonding matter would be needed. D. Soucy to reach out to Town Counsel regarding the matter.

**MOTION: D. Howard made a motion to extend the review period an additional 30 days to the 6/4 PB Meeting**

**SECOND: G. Emerson**

**VOTE: 7-0**

### **New Business**

#### **1. 02-052-6 & 02-052-7 Labrador Lane – Lot Line Adjustment (LLA)**

T. Lavelle provided the PB with the soils calculation and septic approvals for both lots. T. Lavelle stated there is an even swap of land between the lots and the structures on each lot meet all setback requirements. P. Carideo asked S. Bourcier for comment. S. Bourcier referred to his 5/2/2018 review letter and stated that most comments are housekeeping items. T. Lavelle stated the updated plans have most revisions. P. Carideo read the D&K letter and compared it with the submitted plan set. P. Carideo stated that the PB requires that all monuments be set with the exception of those within the ROW. S. Bourcier stated the applicant can reference the monuments on the plan or require a letter. T. Lavelle stated he would add a note to the plan and provide a letter.

Chairman Carideo asked the public for comment and there were none.

**MOTION: D. Howard made a motion to conditionally approve the LLA subject to review by Town Engineer. Monuments to be set, all other typical conditions of approval apply.**

**SECOND: G. Emerson**

**VOTE: 7-0**

#### **2. 17-025 Central Street – Condominium Conversion**

Tim Peloquin from Promised Land Survey provided the PB with revised plans for 11, 15, and 19 Central Street, added limited common areas and septic systems. The three duplexes were approved by the PB in 2017. T. Peloquin is presenting the change to condexes and each unit will be sold separately. The applicant is subdividing the units, and showing as built conditions. Septic systems are approved but not constructed.

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P. Carideo referenced the 5/4/2018 review letter from Dubois & King, specifically comment #5 that references 35-foot maximum building height. T. Peloquin stated he wants to double check the numbers before he comments. P. Carideo received a letter from K. Emerson regarding the building height. Chairman Carideo feels that the PB cannot conditionally approve the condo conversion until the building height matter has been addressed.

P. Carideo read from the Dubois & King review letter dated 5/4/2018. T. Peloquin stated the plan he presented this evening is revised. T. Peloquin indicated that all erosion control measures are in place. P. Carideo read the Stone wall Preservation Ordinance from the General Provisions section of the Town Zoning. Chairman Carideo stated that the stone wall that existed along the frontage of Central Street is totally gone. P. Carideo stated the developer has the option to rebuild the stone wall with the exception of the driveway openings. He would like the stone wall restored to as close as possible to original, meaning use the stone from the property and not some large boulders, rebuild the stone wall to be in keeping with the look of the rest of the stone walls along Central Street. T. Peloquin welcomed the comments and would agree to restore the stone wall as a condition of approval. P. Carideo stated that images on Google Earth show what the stone wall looked like prior to the disturbance.

R. Waldron questioned the fact that since there are three (3) individual lots in question are there technically three (3) subdivisions and should there have been an additional \$200 in fees (\$100 per subdivision on application) that should be collected. T. Peloquin stated that if the PB felt there should be an additional fee they would gladly pay the additional \$200.

R. Clark commented about the ditch on Lot 2 that can be seen from the road but is not noted on the plan. T. Peloquin is under the impression that the ditch is supposed to be temporary. R. Clark asked why the one owner would not be responsible for the erosion. P. Carideo stated it is a temporary ditch, there is no mechanism for the PB to inspect. P. Carideo stated that no topography is required for condo conversion, the application before the PB is a change of use from duplexes to condos, each unit built to the Town Subdivision Regulations. P. Carideo hopes the consultant would advise the builder to put erosion control measures in place as soon as tomorrow. T. Peloquin assured the PB he would inform the builder and advise them to fix the problem.



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P. Carideo asked the PB members for questions/comments. B. Schmitz asked if one application for all three (3) units was ok and questioned whether the PB should vote on each unit separately to cover the PB from a legal perspective. P. Carideo commented that was a good question. S. Bourcier had a question regarding the septic approvals. T. Peloquin stated he is pretty sure that Lavelle did the septic design for three (3) bedrooms per side. T. Peloquin indicated that the septic design is on file with the Building Department. P. Carideo informed T. Peloquin he needs an amended subdivision approval from NHDES for the condos.

T. Peloquin responded to D&K review letter comment #5 and stated the math suggests the step up from the garage makes up the difference in the 35' height.

Chairman Carideo opened the floor for public comment.

Roy Lesure – 18 Central Street – stated he is surprised to find out there is no way to do inspections. R. Lesure stated he feels the trench (4' x 10' x 100') was dug to help drain the soil, once the trench is filled in he is interested in seeing where the water goes. R. Lesure commented that he wants the wetlands issue reconciled. R. Lesure wants to know what the process is to ensure this does not happen in the future.

R. Lesure stated the stone wall rocks are still on the Central Street property. The stone wall could be rebuilt with what is on site, there were nine (9) walls throughout the property. Who in Town is holding developers accountable?

P. Carideo stated with a subdivision one owner could be bonded, individual lots are different, and it is difficult to come up with bonding for individual lots.

R. Lesure asked at what point can someone request that soils be reviewed and redelineated. Who can review and enforce? R. Lesure feels the well-drained soils are marked incorrectly and believes the houses are going to flood. P. Carideo stated the PB relies on certified specialists to do their jobs and there is not much the PB can do at this point.

P. Perrone – 8 Gloria's Way – asked when the developer asked to change the project to condos, asked about the number of bedrooms, and commented about the traffic impact. P. Carideo responded that the Central Street and Route 111 is a State controlled intersection and is not under the Town control. P. Perrone stated he feels the intersection is comparable to Stage Road (Route 121) and Route 111.

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Roland Tessier – 5 Victoria Lane – sees all the water from her backyard, the heavy rain and water is up to the garage doors. R. Tessier feels the houses will be condemned due to mold and asked how these issues are going to be handled.

Chairman Carideo stated he appreciates all the input from the public. P. Carideo advised the audience that the site is not at final grade, not loamed and seeded. The PB is following the Subdivision Regulations and the application before the PB is for condominium conversion. R. Clark commented that the one ditch in question is apparent from the road.

Mark Murawski – 15 Victoria Lane – feels he is at the lowest point on the street, he believes there will be an increase in water to his property.

Chairman Carideo reiterated that the site work is not complete and the PB has heard the concerns regarding drainage. Chairman Carideo suggested they contact code enforcement with their concerns.

Chairman Carideo closed the public comment session.

T. Peloquin stated the condo docs (1 document for each unit) are in place and address issues such as driveway maintenance, no junk cars, etc. He personally feels a condo association provides better protection for the homeowners versus duplexes.

R. Waldron commented that the condo issue came up with the original developer, it is unfortunate that the new developer was not given the information.

There was a discussion regarding the issue of the stone wall and building height. P. Carideo stated he does not feel comfortable conditionally approving the condo conversion if the PB knows a variance may or may not be needed regarding the building height. S. Bourcier stated he calculated the height from the slab to the peak of roof.

P. Carideo suggested the developer work on rebuilding the stone wall within the next 30 days. P. Carideo also suggested that the applicant measure the units and work on resolving the issue of building height. R. Waldron stated he is under the impression the reason for the building height restriction is for fire-fighting purposes. P. Carideo read from the Zoning Ordinance “measure from grade to

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highest roof peak". R. Waldron said it appears that the garage slab is below grade and would not be counted in calculation. D. Howard stated that there is no real proof that the applicant exceeds height. P. Carideo suggested that the review period be extended 30 days to work out some of the issues. B. Schmitz suggested the applicant meet with code enforcement to discuss the definition of grade and building height calculation.

**MOTION: D. Howard made a motion to continue the hearing to the 6/4 PB Meeting for Map 17, Lots 25, 25-1, and 25-2**

**SECOND: B. Schmitz**

**VOTE: 7-0**

### **3. 18-038 #381 Sandown Road – Accessory Dwelling Unit (ADU)**

P. Carideo stated the applicant is proposing an ADU with the addition of one bedroom. The septic plan on file is approved for 675 gallons per day, three (3) bedroom home plus an in-law apartment. Water tests results are in the file. The proposed PDU is 2,726 SQ FT and ADU is 896 SQ FT. Chairman Carideo reviewed the checklist and application.

**MOTION: B. Schmitz made a motion to accept the application as complete and take jurisdiction of the plan.**

**SECOND: R. Waldron**

**VOTE: 7-0**

P. Carideo had a question regarding the square footage in the basement and wanted to confirm it would be used for utilities. Richard Concheri, the homeowner, confirmed the ADU basement is for utilities and the ADU attic will be used for storage. B. Schmitz explained to the applicant that the ADU ordinance is still relatively new to the PB. P. Carideo commented that the proposed windows in the basement look really nice, why so nice if there is no plan for living space. R. Concheri stated the windows are for looks only.

**MOTION: R. Waldron made a motion to conditionally approve the ADU. The applicant is to modify the application to reflect PDU 4,162 SQ FT and the ADU 1,792 SQ FT, making the ADU 43% of the PDU.**

**SECOND: B. Schmitz**

**VOTE: 7-0**

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### **Other Public Matters**

#### **1. 18-005 Change of Use – Doggy Daycare**

P. Carideo reviewed the Change of Use application with the other PB members. No septic information has been provided. Traffic flow is unclear. There is no indication where the fence will be located or what kind of fence is being proposed. P. Carideo feels an amended site plan would be needed. D. Soucy was asked to prepare a letter to the applicant advising them an amended site plan is needed.

**MOTION: B. Schmitz made a motion to require an amended site plan for Map 18 Parcel 005**

**SECOND: R. Waldron**

**VOTE: 7-0**

#### **2. 13-050 Change of Ownership**

There is a new owner for the local State Farm Insurance Agency in town. The owner has submitted the appropriate paperwork and processing fee. The PB needs to review and approve as appropriate. D. Soucy to provide a copy of the change to the Town Assessor, Building Department, and to the Fire Department.

**MOTION: B. Schmitz made a motion to approve the change of ownership of Map 13 Parcel 050 as of June 1**

**SECOND: G. Emerson**

**VOTE: 7-0**

#### **3. 08-092 & 08-243 Camp Tel Noar – Voluntary Lot Merger**

Chairman Carideo informed the PB members of the Voluntary Lot Merger request and stated this is simply an administrative motion for the board. There is no discussion. Per the RSA voluntary lot mergers are allowed by request.

**MOTION: B. Schmitz made a motion to approve the voluntary lot merger of Map 08 Parcel 092 and Map 08 Parcel 243**

**SECOND: J. Guthrie**

**VOTE: 7-0**

#### **4. 09-070 Johnson Meadows – Conceptual Discussion**

Joshua Manning, Points North Design, was representing Johnson Meadows, LLC., he explained there are twenty (20) existing two (2) bedroom units on the

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property. With the completion of Granite Village the owners now want to access Johnson Meadows through the back portion of the property which abuts Granite Village.

J. Manning stated there is a question regarding abutter notification. P. Carideo read from Attorney Gorrow's 2/2017 letter that references RSA 672:3, her opinion is that all tenants within Granite Village need to be noticed when the Granite Village parcel is an abutter to a project. J. Manning stated that the mobile home park has a 50-foot buffer surrounding the property. P. Carideo stated it appears the proposal will be adding a driveway in Granite Village to access Johnson Meadows.

Chairman Carideo stated that possibly two amended site plan applications are needed for this project. One application for Granite Village to show the driveway/roadway work. A second application for Johnson Meadows to build the new units.

P. Carideo advised the PB members that Johnson Meadows falls under the multi-family zoning regulations and are subject to lot loading, sewerage loading, and acreage requirements. The site was previously approved as multi-unit and they want to add two (2) additional units. J. Manning stated the new units will have their own septic.

P. Carideo asked if there have been any conversations with the Fire Department regarding the proposal. J. Manning stated not to date. P. Carideo stated that access to the site is one issue.

P. Carideo stated his feeling is that two applications will be required for this project as both lots are being modified. There is also a question as to whether a driveway is allowed within the buffer area of Granite Village. Chairman Carideo asked D. Soucy to confirm with Town Counsel regarding application requirements and access to the site.

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### **Planning Board Matters**

#### 1. Town Engineer

Chairman Carideo asked S. Bourcier if he has reviewed and/or responded to his email regarding the wash out on Labrador Lane. S. Bourcier stated he was not able to respond in a timely manner. P. Carideo stated that the matter needs to be addressed.

P. Carideo asked S. Bourcier if he has had time to review the regulations, S. Bourcier responded that he had not.

#### 2. Correspondence – Chairman Carideo read the correspondence.

- LOMA – Removal Map 02 Lot 125 15 Andrew Circle
- Town of Goffstown – Varsity Wireless Cell Tower

#### 3. Member Comments

There were no member comments.

#### 4. Minutes (4/16 Workshop)

Minutes were postponed for review at the next PB Workshop.

#### 5. Adjourn

**MOTION: J. Guthrie made a motion to adjourn at 11:35 P.M.**

**SECOND: G. Emerson**

**VOTE: 7-0**

Minutes prepared by Debbie Soucy, Secretary