

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes June 4, 2018

A meeting of the Planning Board was held on Monday, June 4, 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), Susan Hastings (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. Chairman Carideo announced the appointment of alternate Susan Hastings.

Chairman's Remarks

Next Public Hearing Date July 2, 2018

Plan Filing Deadline for July 2, 2018 Meeting June 11, 2018

Old Business

1. 08-173 Camp TelNoar – Site Plan Amendment – Staff Parking Lot

Applicant sent to ZBA for Variance- Received Request to Withdraw Application without Prejudice. Chairman Carideo announced that the application has been withdrawn without prejudice.

2. 11-170 & 11-249 Atwood/Keating Lot Line Adjustment (LLA)

Extended Conditional Approval 30 days to 6/4 PB Meeting. Chairman Carideo announced the mylar had been received just prior to this evenings meeting. S. Bourcier is to give a quick review and advise PB Secretary if OK to record.

3. 13-193 & 13-194 Scanlon LLA – Conditional approval expires 6/3

Chairman Carideo announced that the mylar had been received earlier in the day. S. Bourcier is to give a quick review and advise PB Secretary if OK to record.

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4. 17-025 Central Street – Condominium Conversion

Chairman Carideo announced that he received an email from Kris Emerson, Chief Building Official, stating that the building heights were within the 35' as required per the Zoning Ordinance.

T. Peloquin presented new plans along with pictures to the PB members to review. T. Peloquin advised the audience that the new owners are converting the duplexes to condominiums. T. Peloquin reiterated the fact that the building height issue has been clarified and that Sheet 2 of the plans includes the first floor height and the total building height. T. Peloquin stated the stone wall was removed in error by the developer, he said it was done to improve and regrade the front of the property line. They have since rebuilt a new stone wall. The old stone wall served somewhat as a retaining wall and the developer feels the new wall is more stable.

T. Peloquin responded to the question concerning the wetlands on the property. He stated he met with the owner on site and performed an inspection of the silt fences to ensure they are functioning properly. T. Peloquin stated the ditches out back were always intended to be a temporary diversion and that they are still being worked on today. T. Peloquin stated he would be fine if the PB wishes to consider the grading of the property as a condition of approval.

T. Peloquin advised the PB that they are still waiting for State Subdivision Approval and hoped this could be a condition of approval as well.

Chairman Carideo asked the PB members for their comments. D. Howard stated that everything looks good. There were no questions.

P. Carideo asked if the stone wall could be added to the plan. T. Peloquin stated he would add notes to the plan concerning the stone wall and note it as the property line. T. Peloquin stated the mylars still need to be worked on, as he will locate the septic as well as the driveways on the final plan set.

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

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Chairman Carideo summarized the outstanding items as State Subdivision Approval, the stone wall, the lot corners, septic, and driveway locations. Lot 25-2 (19A & 19B Central Street) is closest to the wetland and there has been concern regarding grading for drainage. P. Carideo suggested that the grading could be subject to the Town Engineers sign off. B. Schmitz agreed that was a good idea considering the abutters had expressed concerns regarding this issue.

MOTION: R. Waldron made a motion to grant 90-day conditional approval for condominium conversion of the three lots on Central Street subject to normal conditions as well as the special conditions listed below.

SECOND: S. Wentworth

VOTE: 7-0

SPECIAL CONDITIONS

- State Subdivision Approval to be added to the final plan set.
- Stone Wall to be added to the final plan set.
- Lot Corners to be identified and set.
- Septic Locations to be added to final plan set.
- Driveway Locations to be added to final plan set.
- Grading on Lot 25-2 (19A & 19B Central Street) subject to Town Engineer approval.

5. 17-051 Merryfield Lane Extension

T. Lavelle presented a new plan set (11 x 17 only) to the PB members along with a copy of the State Subdivision Approval. T. Lavelle reminded the PB members that two waivers were granted at last month's meeting. T. Lavelle stated that he has requested a conditional use permit in writing and would like to know how to obtain the permit this evening. T. Lavelle stated they have received NHDES approval for dredge & fill for two areas on the site, one for a driveway crossing and the second for the waterline that comes from the Tanglewood Condos. They are proposing the dredge & fill stay for open access to the waterline.

T. Lavelle stated that Bill Gregsak has not been able to meet with Dubois & King (D&K). T. Lavelle is hoping that Bill and S. Bourcier have spoken. T. Lavelle is confident that they can address all D&K comments. P. Carideo asked S. Bourcier if he has received any revised plan sets from Lavelle. S. Bourcier stated he has not

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received any revised plan sets and added that he has a meeting next week with Gregsak.

S. Bourcier stated he feels that the D&K comments could be addressed. The 4" culvert reducer is one item under discussion to resolve. S. Bourcier stated the Traffic Impact Analysis (TIA) is still outstanding. D. Soucy stated the PB received the brief TIA at the last PB meeting and indicated that she would forward a copy to S. Bourcier for his files.

Chairman Carideo asked the PB members for comment. R. Waldron stated he had a note regarding test pits for the roadway and asked for the status of that issue. P. Carideo stated he was under the impression that discretion was given to the developer's engineer to determine in the field. P. Carideo stated the left hand side of the road has a significant cut based on the road design detail. Chairman Carideo reviewed the details of the road cut out.

T. Lavelle stated the test pits are done to determine if underdrainage is needed and it is his opinion that underdrainage is needed for the entire project. J. Lavelle stated he has spoken with E. Brown and they are willing to do underdrainage on the entire roadway.

S. Bourcier stated that Sheet 6, Roadway Cross Section, Note 1, states underdrains will be installed along the left side. P. Carideo responded by stating the Note 1 reads "underdrain shall be installed in all roadway cut sections as (if) noted on plans and other locations at the discretion of the engineer of record as deemed necessary during construction." Chairman Carideo reminded D&K and the PB members that the PB ran into a problem with another subdivision with regard to the underdrain comments and does not want that situation repeated.

Chairman Carideo feels the developer should prove they need underdrains or not. P. Carideo commented this would be a Town road at some point in the future. T. Lavelle stated he could add the underdrain to the cross section plans. P. Carideo stated the right section of the road should be fine.

Chairman Carideo asked the PB members if there were any other questions or comments.

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Chairman Carideo stated the driveway regulations state permits are only necessary for Town approved roads. P. Carideo stated as a condition of approval, prior to building permits being issued, driveway permits and driveway designs will be required to be submitted to the PB. Chairman Carideo stated he spoke with the Building Official and he agreed it was a gray area. J. Lavelle commented that they have never done this before but are doing it now. P. Carideo stated that is correct, it is a one-page application and a \$35 fee for each application.

E. Brown commented that the PB wants 15" culverts under the driveways. E. Brown asked if the PB wants full driveway plans, he also asked if he would have to wait until a PB meeting for approval of the driveways. Chairman Carideo stated E. Brown would submit the driveway application to the PB Secretary, Debbie, and she would forward the plans to S. Bourcier for review. E. Brown commented that it would cost him more than \$35 to have S. Bourcier review.

E. Brown stated that if he has to do a plan for each driveway then a 15" culvert may not be needed for each driveway, maybe only a 12" culvert is needed or no culvert at all. P. Carideo stated the regulations state 15" is the minimum culvert size. Chairman Carideo advised E. Brown to look at the regulations, certain instances require an engineered driveway. P. Carideo stated the PB is currently updating regulations and stated that some driveways were looked at by the Building Inspector and others by the PB.

B. Schmitz asked if there was a detail on the wetland crossing. T. Lavelle pointed to the wetland crossing on the plan set. J. Lavelle commented that they walked the areas in question with two members of the Conservation Commission (CC) and they subsequently approved the crossing.

Chairman Carideo commented that the developer has received CC approval as well as State approval. P. Carideo referenced the Wetland Ordinance in the Zoning and read from Section II-2:9 Conditional Uses, there are four criteria used to determine allowed uses. T. Lavelle commented that the developer chose two of the narrowest spots to cross the wetlands based on past experience with CC and the State.

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R. Clark asked S. Bourcier for his input. S. Bourcier stated he did not see any problems with the culverts. S. Bourcier stated he has reviewed the plans and does not see much of an impact with the proposal. P. Carideo questioned how the water would flow from Lot 4 to Lot 5, how do you know the water is not backing up. Why is not the water allowed to flow naturally? Why is a culvert needed over a water line? T. Lavelle responded by stating the water line under the wetland could need repairs, they felt because it's only 600 Sq Ft impact that it would be better left alone without further disruption to the wetland in the future.

T. Lavelle stated they are proposing what CC and NHDES suggested as it relates to the wetlands. J. Guthrie asked if CC had correspondence with the PB. P. Carideo, who also serves on the CC, stated he abstained from voting on the CC regarding this matter however he did express his concern with the crossing. G. Emerson felt the PB was splitting hairs. R. Clark commented that CC and State both approved the crossing. R. Waldron commented that it sounds like the culvert is less disruptive.

P. Carideo asked if the PB members were ready to vote on the Conditional Use permit for the Wetlands Crossing, Section II-2:9 of the Zoning, to allow for permanent crossings on the driveway for Lot #5 and the water line crossing through an easement on Lot #4.

Conditional Use Permit for Wetland Crossing, Section II-2:9

VOTE: 6-1 (P. Carideo)

A note will be added to the plan set re: the Wetland Crossings

Chairman Carideo asked the PB members if they were ok with the consultant and the Town Engineer working together regarding the drainage issues. B. Schmitz asked S. Bourcier if any other comments needed to be addressed. T. Lavelle responded by stating the issues concerning spelling errors have been fixed as well as the Right of Way (ROW) monuments being addressed. T. Lavelle commented by stating he feels the other items could be easily addressed. S. Bourcier stated he has not received any updated plans. T. Lavelle stated he has

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not provided new plans to S. Bourcier because B. Gregsak was working on updating the items related to drainage (Items #8-16 of D&K Review letter).

B. Schmitz stated he feels there are a lot of issues for S. Bourcier to manage. Chairman Carideo stated that he agrees with Ben. P. Carideo commented that the PB received new information the night of the meeting without having the benefit of engineering comments. B. Schmitz stated he would like to have S. Bourcier's review comments before granting conditional approval. D. Howard referred to S. Bourcier's prior comment that all outstanding items are minor in nature.

P. Carideo asked about the two fire hydrants that are to be added, one to be located at the cul de sac and the second to be coordinated with the Hampstead Fire Department (HFD). T. Lavelle stated he would add notes to the plan set.

Chairman Carideo asked the public for comment, there was none.

D. Howard made a motion to conditionally approve the plan. Chairman Carideo added several notes to the motion. R. Clark asked P. Carideo why he was including so many notes considering S. Bourcier's review letter has those same comments listed in his review letter. G. Emerson stated he agreed with R. Clark. P. Carideo stated he is trying to be clear and concise on the conditional approval for the applicant.

R. Clark asked S. Bourcier if he is clear as to what the PB is requesting. S. Bourcier responded by stating he is clear. The first part of the motion has to do with addressing the D&K review comments. The second part of the motion has to do with D&K recommendations to the PB. R. Clark stated the PB appreciates those comments.

J. Lavelle commented and stated the applicant is clear on what is needed. S. Bourcier stated he would draft a letter after meeting with B. Gregsak stating what was agreed to during their meeting. J. Guthrie asked for clarification on the process. R. Waldron asked if the D&K review letter be added as part of the conditional approval.

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MOTION: D. Howard made a motion to grant 90-day conditional approval subject to normal conditions as well as the special conditions listed below.

SECOND: R. Waldron

VOTE: 6-1 (B. Schmitz)

SPECIAL CONDITIONS

- The Engineer comments and recommendations provided in the Dubois & King letter dated May 2, 2018 are to be addressed and incorporated into the final plan set. Scott Bourcier to meet with Bill Gregsak the week of June 11, 2018, to discuss items #8-16 of May 2, 2018 review letter; recommendations made during that meeting are to be incorporated into the final plan set.
- Notes regarding two fire hydrants are to be added to the plan set. One hydrant located at the end of cul de sac and the second hydrant to be located at the intersection of Chamberlain and Merryfield per HFD request.
- Waivers to be added to the final plan set.
- Conditional Use Permit to be added to final plan set.
- Driveway permits to be submitted to Planning Board office before building permits are issued.

New Business

1. 11-071 85 Croy Path – Accessory Dwelling Unit (ADU)

Jennifer Hogg, Mr. Sayre's daughter, was representing the applicant. J. Hogg explained to the PB that she and her husband are hoping to inhabit the ADU in her parent's home. J. Hogg stated she understands the PB has reviewed the application and wanted to know if the septic is the only issue?

Chairman Carideo reviewed the application and went through all the items on the checklist. P. Carideo asked the PB members for their comments. B. Schmitz stated that septic was the only issue identified at the PB Workshop. P. Carideo commented that according to the pictures provided there is adequate parking.

P. Carideo stated that septic is the only issue that needs to be addressed. He referenced the letter that the Sayre's had drafted by a NH Septic Designer which states the current system can handle the additional load of the ADU. P. Carideo stated that he had spoken with Code Enforcement regarding the matter and

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both he and K. Emerson are in agreement that a new State septic approval is needed for the addition of the ADU, the current approval is for a 3 bedroom residence. P. Carideo stated that NHDES does not require a new septic to be installed however the approval does not indicate a 2 bedroom home plus a one bedroom studio which is what is required with the addition of the ADU.

NH Septic Designer #1490, Pamela Mamacos, PE read from the RSA and the ADU Zoning concerning septic. P. Carideo stated the ADU design needs to have septic flow rates to be approved by the State. P. Carideo stated the ADU ordinance is only a year old and the PB is still working on fine-tuning the wording, the PB needs to wait until March to propose changes. P. Carideo stated that the current ADU zoning requires an approved installed septic prior to occupancy. J. Hogg asked P. Carideo to point out where it states that in the zoning. J. Hogg stated the septic numbers they have calculated prove the current system is sufficient for what they are proposing. P. Carideo stated the reason the new approval is required is because the State's records only show an approval for a 3-bedroom residence.

R. Clark read from the ADU Zoning "This fact must be verified by a State of New Hampshire licensed septic designer and approved by the Hampstead Building Department." D. Howard commented that the applicant has a letter verifying the fact that the septic is sufficient from a NH Licensed Septic Designer. R. Waldron asked if K. Emerson has approved the septic. P. Carideo stated that he called NHDES himself regarding the flow rates, he stated that the applicant might be able to send P. Mamacos' letter to the State for a new septic approval.

J. Hogg stated that it does not appear to be required by the Town per her interpretation of the zoning ordinance as it is written. P. Carideo stated he could not speak on behalf of the Building Inspector, however, he believes that part of the inspection requires a State approved plan. P. Carideo stated that based on his experience you need a new septic approval if the flow changes. P. Carideo advised the applicant to call NHDES and confirm the letter from P. Mamacos is ok. Chairman Carideo provided Deputy Director, Dawn Buker, at NHDES as a contact. P. Carideo will provide D. Soucy with the telephone number for the Sayre's.

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MOTION: J. Guthrie made a motion to grant 90-day conditional approval for the ADU with the condition that the applicant receives a letter or septic plan approval from the NHDES Subsurface System indicating approval for 525 GPD.

SECOND: R. Waldron

VOTE: 7-0

Mr. Sayre asked how long the ADU approval is valid for. R. Clark stated he believes it is the same as a site plan approval, which would be five years.

Other Public Matters

- 2019 Zoning Proposal – Attorney Bernie Campbell

Chairman Carideo announced that Attorney Bernie Campbell contacted the PB office concerning a proposed rezoning of the remaining residential strip on Route 121/Stage Road to the Atkinson town line. Attny Campbell indicated that he would like the PB to recommend the change. Attny Campbell was advised to contact D. Soucy and let her know which televised public hearing they wish to attend to begin the discussion.

- Camp Tel Noar

Chairman Carideo announced that there are a number of projects in the works at Camp Tel Noar. The PB should expect to receive an updated site plan at some point in the near future.

Planning Board Matters

1. Town Engineer

S. Bourcier stated that he understands that the PB has some concerns regarding his performance and he would like more information. P. Carideo stated he is disappointed in response times and gets the feeling that since Hampstead is the new kid on the block we may not be given the most attention. P. Carideo stated that what really got him upset was the lack of responsiveness to the washout on Labrador Lane. P. Carideo stated there was also a matter of a wetland setback that was not caught by D&K. Lastly, P. Carideo stated he is disappointed that the regulation update has not been addressed by S. Bourcier.

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S. Hastings commented that the prior engineer's office was only 10-15 minutes away and P. Carideo should take that into consideration. P. Carideo commented that Bedford is only a 20-minute drive.

S. Bourcier noted one field report was missed, one miss on the zoning, and the subdivision regulation review as the areas he has fallen short. J. Guthrie asked S. Bourcier if there is a commitment to perform for the Town of Hampstead. S. Bourcier responded by stating he is definitely committed to the Town of Hampstead, however construction season is in full force and the Subdivision Regulations require a comprehensive review. S. Bourcier informed the PB that the Subdivision review is not billed to the Town and is something S. Bourcier must do on his own time. S. Bourcier expressed his concern and stated he wants to improve on his work product.

J. Guthrie commented that if S. Bourcier is overworked and cannot meet the time commitments he owes it to the Chairman to let him know. B. Schmitz suggested that the PB and D&K find a schedule that works for both parties. B. Schmitz suggested that D&K come to the next PB workshop to decide what the priority items are that need to be addressed. B. Schmitz stated the PB could give some direction on what and why the board made changes to certain sections of the regulations.

P. Carideo commented that it may take a little time to implement and suggested the possibility of updating the regulations a few sections at a time. P. Carideo stated the PB originally asked D&K if there were any areas they could identify for update based on the reviews they have performed to date. P. Carideo hoped to implement the changes to the Site Plan and Subdivision Regulation review at the same time.

P. Carideo stated the PB needs to be more firm with applicants expecting approval without receiving plans a minimum of two weeks before the PB meeting. P. Carideo stated that maybe the board should incorporate submittal guidelines into the regulations. R. Clark stated he feels it is the Chairman's privy concerning submittals and it does not necessarily need to be included in the regulations.

B. Schmitz stated the next workshop is in two weeks and asked if S. Bourcier was available to attend, S. Bourcier stated he would attend the workshop on June 18.

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R. Waldron suggested that S. Bourcier not be so reserved and encourage him to speak up and jump in as he sees appropriate.

2. Correspondence

- Town of Hooksett, Wireless Tower, Map 47, Lot 27
- Town of Pelham, Wireless Tower, Map 31, Lot 133 and Map 31, Lot 11-37

3. Member Comments – There were none.

4. Minutes (5/21 Workshop)

MOTION: R. Waldron made a motion to approve the 5/21 minutes as amended and have them posted to the website.

SECOND: G. Emerson

VOTE: 6-0 (only those present at 5/21 workshop voted)

5. Adjourn

MOTION: G. Emerson made a motion to adjourn at 9:25 P.M.

SECOND: B. Schmitz

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary