

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes August 5, 2019

A meeting of the Planning Board was held on Monday, August 5, 2019 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

PRESENT: Paul Carideo (Chairman), Steve Wentworth, DJ Howard, Bob Villella, Chuck Ashford Jr., Sean Murphy, Susan Hastings (Alternate), and Scott Bourcier (Dubois & King).

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

CHAIRMAN'S REMARKS

Next Public Hearing Date September 3, 2019

Filing Deadline for the September 3, 2019 Meeting is August 7, 2019

Chairman Carideo opened the meeting at 7:03 P.M. Chairman Carideo stated that he was contacted by two individuals who made him aware that there was inappropriate language and remarks made by PB members during the 7/1/2019 public hearing. P. Carideo stated that he has already responded to these individuals via email. Chairman Carideo sincerely apologized on behalf of the board and expressed his disappointment that this happened. P. Carideo informed the public of the Code of Ethics complaint process.

Old Business

1. Map 16 – Lots 1 & 25 – Hadley Road Subdivision

T. Lavelle was present to represent the applicant. T. Lavelle provided an overview of the plan. T. Lavelle stated the major change on the plan is the removal of the parking lot on the Town owned conservation land. T. Lavelle stated the developer would make sure the Town still has access to their land. T. Lavelle addressed the items in the most recent Dubois & King letter.

Attorney Liz Nolin, Alfano Law Offices, Concord, NH. Attny. Nolin sent a letter (dated 8/1/2019) to the PB with regard to the upgrade of the roadway, the letter focused on the Board of Selectmen involvement regarding the layout of the road. P. Carideo stated that the Town Attorney agreed with the opinion outlined in Attny. Nolin's letter.

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P. Carideo explained the two options available to layout the road. Attny. Nolin stated the goal is for conditional approval tonight. Attny. Nolin explained the difference between the two portions of Hadley Road.

P. Carideo stated that the wells are still shown on the plan and he would like more information on that. T. Lavelle stated that J. Mason has been in contact with Hampstead Area Water Company (HAWC). T. Lavelle stated that the developer needs an easement in hand before he can change the notes regarding wells to indicate a waterline will service the homes.

T. Lavelle stated that he added a sheet to the plan set regarding the stone wall restoration. T. Lavelle stated that the depth of the pond is between 6-8 feet deep and is well sloped; he indicated they plan to put a fence around the pond. The other possibility is to send a request to NHDES to fill in the manmade pond.

Attny. Nolin stated that the developer cannot run water lines until the easements are in place. Attny. Nolin stated the waterline is a betterment for the Town. Attny. Nolin stated the waterline will relieve the abutter's concerns regarding the wells.

Attny. Nolin indicated that her letter was to outline what will be presented to the Board of Selectmen (BOS). Attny. Nolin stated that they want conditional approval from the PB before going to the BOS.

Chairman Carideo asked for PB comment and there was none. S. Bourcier stated he had reviewed the revised plan set dated 7/3/2019 and there were minor discrepancies with the lot sizing. S. Bourcier stated that Dubois & King would support conditional approval at tonight's meeting. S. Bourcier stated that he prepared two bond amounts for the project ready for consideration tonight.

C. Ashford asked what the next steps are if the PB conditionally approves the plan this evening. P. Carideo stated that the BOS will take steps on the road reclassification. P. Carideo indicated that he is not comfortable with approving without the water issue being addressed.

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Attny. Nolin stated that the developer is ok with making the waterlines one of the conditions of approval. P. Carideo stated that would make him, and certainly the abutter's, more at ease.

B. Villella stated that the subdivision could be approved with wells. B. Villella stated that the PB cannot deny the plan and force the developer to bring in a waterline. P. Carideo stated that based on the evidence and outcry of the abutter's he feels the PB could deny. P. Carideo stated that he has a different interpretation of the ordinance. B. Villella stated that there could be an issue with water any place in Hampstead. P. Carideo stated that this area of town is subject to shallow water levels. P. Carideo feels that the PB could request evidence of water. B. Villella stated that he has been building a long time and feels differently.

Chairman Carideo asked for public comment.

John Keisling – 31 Pentucket Drive – asked P. Carideo to explain what Attny. Nolin just stated to the board. P. Carideo stated that if the PB approves the plan subject to off-site water that would be how the PB would vote. J. Keisling asked if there is not off-site water then the plan goes away. P. Carideo stated yes, that is correct.

Darlene Cote – 30 Collins Drive – asked about the fire requirements. P. Carideo stated that he had a letter from the Deputy Fire Chief outlining their requirements. D. Cote stated that there appears to be a typo on page 9, one of the Town lots is not properly labelled. D. Cote asked about retention ponds and stated that the one on Merryfield Lane, which is currently under construction, is full of water.

P. Carideo stated that there are different styles of ponds and they all perform differently. P. Carideo stated that a detention pond is being proposed on Hadley Road and it is designed to hold water. S. Bourcier stated that all ponds will have water at some point, water will infiltrate at different rates based on the design.

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S. Bourcier stated that all that matters is that the pre and post development stormwater run-off will be the same, the abutters will not see any more run-off. S. Bourcier stated the detention pond is designed to collect water and then throttle down. The fore bay cleans out the sediment before releasing the water into the ground. P. Carideo stated that there appears to be a 5" outlet at the bottom of the pond that will constantly drain. D. Cote asked when and how the pond gets cleaned or maintained. P. Carideo stated the Town will clean it out only when there is a problem.

Karen Keisling – 31 Pentucket Drive – asked why there were no details on the plan on the lots that abut Collins Drive. P. Carideo stated that it is not a requirement to show the house location on the lots. P. Carideo stated he would defer a response to the question to the consultant. K. Keisling asked if the developer can change from single-family homes to something else.

P. Carideo stated he could however he would need to meet the zoning requirements. P. Carideo informed the public that any lot in Residential Zone A can have an Accessory Dwelling Unit (ADU) attached. P. Carideo stated that an ADU would have to come back to the PB.

K. Keisling asked about duplexes. S. Wentworth stated that only one lot meets the requirement of duplexes and he believes the PB was already told that they are not going to build duplexes.

Darlene Cote – 30 Collins Drive – had a question regarding the pond and fencing. P. Carideo stated the pond only needs a fence as a result of a safety requirement. D. Cote asked if a drainage easement is needed for the pond. P. Carideo said no, just the fence.

Carl Cote – 30 Collins Drive – had a question regarding the stone walls. P. Carideo stated the stones along Pentucket Drive are property lines and cannot be touched. C. Cote stated that there are trees on either side of the stone wall. P. Carideo said the developer does not own that property and cannot touch the trees. C. Cote noted that the septic is fifteen (15) feet from the stone wall. P. Carideo stated you would need an easement to remove.

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Chairman Carideo closed the public comment session. P. Carideo asked the PB for questions/comments and there were none. P. Carideo asked the PB how they wished to proceed.

S. Hastings will be a voting member on all motions.

MOTION: S. Wentworth made a motion to grant 90-day conditional approval for the Hadley Road subdivision subject to standard conditions as well as the special conditions outlined below.

SPECIAL CONDITIONS

- Review of updated plans by Dubois & King
- All conditions set forth in the Dubois & King letter dated July 24, 2019 under A2 items a thru h are to be addressed.
- Installation of two fire hydrants at the direction of the Hampstead Fire Department.
- The extension and connection to Hampstead Area Water Companies water system.
- Reclassification of the section of Hadley Road from Pentucket Drive to land of Map 16 Lots 1 & 25 per RSA.
- Provide an as-built plan of all underground utilities including but not limited to water from its origin to termination, electric, communication and drainage. Said plan shall include pipe locations at all bends or every 25 feet with elevations of tops of pipes for all utilities and inverts for drainage. All information shall be on NAVD 88 vertical datum and NAD 83 horizontal datum.
- Hadley Road stone wall reconstruction shall be done prior to the issuance of the first occupancy permit.
- Show fencing around the pond on the final plan set.
- Receipt and approval by town council of all legal documents such as road right of way deeds and drainage easements.

SECOND: C. Ashford

VOTE: 7-0

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New Business

B. Villella stepped down from his spot on the board.

1. 02-052-10 4 Labrador Lane – Accessory Dwelling Unit (ADU)

Tim Lavelle, James. M. Lavelle Associates, was present to represent the applicant. T. Lavelle stated there is an approved septic design on file and went on to explain the plan. The primary dwelling unit (PDU) sq. ft. equals 3,816 and the accessory dwelling unit (ADU) sq. ft. equals 1,192. B. Villella commented that there is no water test yet since there is no electricity on site (new construction). B. Villella commented that he would need a water test in order to receive an occupancy permit. P. Carideo asked for a copy of the water test results for the file once obtained. P. Carideo also commented that the Owner Occupancy Certificate would be a condition subsequent.

C. Ashford asked how to access the ADU and B. Villella explained the plan. P. Carideo asked that the primary door access be added to the plan. C. Ashford stated that as long as the water meets the requirements he is ok with the plan.

P. Carideo asked for public comment and there was none.

MOTION: S. Wentworth made a motion to approve a conditional use permit for an Accessory Dwelling Unit (ADU) for property located at 02-052-010 as proposed.

SECOND: C. Ashford

VOTE: 6-0

2. 02-052-08-09-10 Labrador Lane – Lot Line Adjustment (LLA)

Tim Lavelle, James. M. Lavelle Associates, was present to represent the applicant. T. Lavelle explained that the plan is for a lot line adjustment (LLA) between three (3) lots. T. Lavelle explained the land swap. T. Lavelle stated he submitted the lot sizing to Dubois & King as there was a slight discrepancy in rounding decimals that has since been resolved. T. Lavelle stated he corrected the owners of record on the plan set. T. Lavelle stated that there is a drainage easement for the lot which has the swale.

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P. Carideo referenced Map 02 Lot 052-008 and stated that he is looking for septic placement on that lot. T. Lavelle stated the septic will be located out back in the dead center of the back yard.

P. Carideo asked about the drainage easement and wanted to know what was there presently. T. Lavelle stated that there is an established swale on the lot. S. Bourcier stated the original design showed the swale dissecting property lines, now one lot has a rip rap swale, S. Bourcier stated that if he was the homeowner he would remove the stone and replace it with grass. P. Carideo stated that he would like to see the legal documents regarding the drainage easements since the recorded plan shows a shared swale. T. Lavelle stated that meets and bounds could be added to identify the swale.

P. Carideo understands that there is currently a functioning swale however he is looking to the future ten (10) years down the road. P. Carideo stated he agrees with the Town Engineer and feels more comfortable with the swale running down the center of the property line. T. Lavelle stated that swales typically run down a property line but that is not always the case and referenced the Merryfield Lane Extension project. C. Ashford stated he feels he can't worry about what will happen down the road. S. Wentworth stated if the homeowner were to remove the swale the water would be directed towards the house and would prove to be detrimental.

Chairman Carideo asked for public comment.

Karen Keisling – 31 Pentucket Drive- stated she had no interest in the hearing however she wanted to respond to the comment made by a PB member stating why should I look 10-15 years down the road. K. Keisling stated she feels that is the job of the PB, to look down the road and plan for the future.

Chairman Carideo closed the public comment session.

D. Howard responded to K. Keisling by stating that the PB cannot speculate every scenario in the future. D. Howard stated he feels he needs to go with the facts before the board.

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C. Ashford stated that since it is an established swale he would simply leave it be.

MOTION: S. Wentworth made a motion to accept jurisdiction of the subdivision application for a lot line adjustment for property located at 02-052-08-09-010.

SECOND: D. Howard

VOTE: 6-0

MOTION: S. Wentworth made a motion to grant 90-day conditional approval for a lot line adjustment for property located at 02-052-08-09-010. Subject to all comments in the D&K letter dated 07/29/2019 be addressed.

SECOND: D. Howard

DISCUSSION: S. Murphy stated that the D&K letter dated 07/29/2019 talks about the drainage easement and moving the swale.

S. Wentworth and D. Howard withdrew their previous motions.

MOTION: S. Wentworth made a motion to grant 90-day conditional approval for a lot line adjustment for property located at 02-052-08-09-010. All comments in the D&K letter dated 07/29/2019 with the omission of comment #2 be addressed.

SECOND: D. Howard

DISCUSSION: P. Carideo stated that the current drainage easement deed goes down the old lot lines. P. Carideo stated that the Town will need a new drainage easement deed. P. Carideo read from p.33 of the subdivision regulations.

MOTION: S. Wentworth made a motion to grant 90-day conditional approval for a lot line adjustment for property located at 02-052-08-09-010. All comments in the D&K letter dated 07/29/2019 with the omission of comment #2 be addressed. In addition a revised drainage easement deed should be provided to the Town of Hampstead.

SECOND: D. Howard

VOTE: 5-1 (P. Carideo)

B. Villella returned to his spot on the board.

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3. 18-166 Hannaford - Amended Site Plan To-Go Program

Brian McCarthy from R. J. O'Connell was present to represent the applicant. B. McCarthy explained that the request is for a parking lot modification to designate seven (7) spaces to the Hannaford To Go Program and designate one (1) space for expectant mothers. B. McCarthy explained the To Go Program.

Chairman Carideo commented that the PB met with the applicant back in May at a workshop for a conceptual discussion and added that the applicant made changes based on the board's suggestions.

S. Murphy asked about the pull through spaces shown on the D&K letter. B. McCarthy stated that was a D&K suggestion. B. McCarthy stated that Hannaford does not want to lose these additional spaces. B. McCarthy added that there would be no signage if the customer were to pull through. P. Carideo reminded the PB members that the applicant made changes to the plan based on PB comments.

MOTION: D. Howard made a motion to accept jurisdiction of the amended site plan application for Hannaford for property located at Map 18 Lot 166.

SECOND: S. Hastings

VOTE: 7-0

S. Bourcier stated that he uses the Hannaford To Go Program in Bedford and explained his experience with the program. S. Bourcier stated his review comment concerning the use of two spaces was based on employee safety and he feels the Hannaford employee's need to be out of the travel lane.

P. Carideo commented that the PB did not look at the application from that perspective. P. Carideo stated that he observed the To Go Program at the Derry and Nashua locations and feels that Hampstead is using the same model. C. Ashford commented that when the PB originally discussed the concept the board was concerned with traffic queuing onto Sandown Road.

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MOTION: D. Howard made a motion to approve the amended site plan application for Hannaford for property located at Map 18 Lot 166 known as the To Go Program.

SECOND: C. Ashford

VOTE: 7-0

OTHER PUBLIC MATTERS

1. 10-005 Owens Court – Bond Discussion

David Jordan from Green & Peterson (formerly MHF Design) was present to represent the applicant. D. Jordan stated that Mr. Hatem was fine with the bond amount presented. S. Bourcier reviewed the bond amounts and items for the PB members. P. Carideo commented that it is a replication bond. S. Hastings asked for an explanation of tackifier and S. Bourcier explained that it is a substance added to seed to help it adhere until growth occurs.

MOTION: D. Howard made a motion to accept the bond amount of \$27,500 for the project located at Map 10 Lot 005 Owens Court.

SECOND: S. Hastings

VOTE: 7-0

P. Carideo initiated a discussion regarding the blasting plan. Josh Mosher from GM Drilling & Blasting, Inc. was present to discuss and informed the PB members that he submitted a blasting plan to S. Bourcier at D&K for his review. P. Carideo stated the original plan only showed a small pocket to be blasted and he feels there is additional ledge on the site. J. Mosher commented that was a "typical spot" it will be replicated along the site. J. Mosher stated the blast area will move around and expects that 8-10K yards will be blasted on site.

S. Bourcier stated that the blasting package was just received and he has not had a chance to review the material. P. Carideo asked if anyone in town is notified when they blast. J. Mosher stated that he calls the Hampstead Fire Department before each blast. S. Bourcier commented that he feels more comfortable with the new package that was submitted.

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D. Howard asked that status of the project. P. Carideo stated that the Town needs a bond posted along with final mylars. S. Bourcier stated that he has not yet established an amount for the engineer escrow for the expected inspections and will work on that this week in addition to reviewing the revised blasting plan.

2. 09-024 Granite Village – Mylar Recorded Plan D-41584

3. 09-070 Johnson Meadows – Mylar Recorded Plan D-41585

4. 06-108 Hampstead Self- Storage – Mylar Recorded Plan D-41586

5. 11-271 30 Baywood Drive – Mylar Recorded Plan D-41622

Planning Board Matters

1. Town Engineer Comments

S. Bourcier stated that he is aware that he still owes the PB a plan to address their concerns regarding reviews, fees, etc. and he is working on producing such a document. P. Carideo commented that he understands as it is the busy season.

2. Correspondence

- The PB received a letter from Randy Clark expressing an interest in filling the vacant PB spot left by member Robert Waldron.\

MOTION: S. Wentworth made a motion to recommend Randy Clark for appointment as a full time PB member to replace Robert Waldron for the remainder of the term.

SECOND: C. Ashford

VOTE: 7-0

- Letter from the Town of Freemont regarding a cell tower
- P. Carideo informed the PB that he sent a letter to the Town of Sandown Planning Board regarding the Angle Pond Campground application. P. Carideo stated he would be attending the public hearing.
- S. Hastings stated she would like to stay on with the Rockingham Planning Commission for another term and asked to be recommended to the Board of Selectmen once her current term expires.

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MOTION: S. Wentworth made a motion to recommend Susan Hastings to Rockingham Planning Commission for another term.

SECOND: D. Howard

VOTE:6-0-1 (S. Hastings)

3. Member Comments

P. Carideo reminded the PB members that D. Soucy has recently sent out emails regarding webinar training opportunities. P. Carideo gave each of the PB members a copy of Appendix G from the Planning Board Handbook "How to Conduct Yourself at Meetings". P. Carideo reminded the group that they all needed to act in a professional manner. S. Hastings commented that the public may act inappropriately however as an elected official the PB members need to act professional.

4. Review of Minutes (7/1/2019 Meeting)

MOTION: D. Howard made a motion to accept the 07/01/2019 meeting minutes as presented.

SECOND: S. Hastings

VOTE:7-0

5. Adjourn

MOTION: S. Wentworth made a motion to adjourn at 9:15 P.M.

SECOND: S. Hastings

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary