

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes July 1, 2019

A meeting of the Planning Board was held on Monday, July 1, 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, Randy Clark (Alternate), Susan Hastings (Alternate), and Ross Tsantoulis (Dubois & King).

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

Chairman Carideo opened the meeting at 7:00 P.M. P. Carideo announced that Ross Tsantoulis from Dubois & King would be replacing Scott Bourcier as the Town Engineer for this evenings meeting. Chairman Carideo announced that the July 15 PB Workshop has been cancelled.

CHAIRMAN'S REMARKS

Next Public Hearing Date August 5, 2019

Filing Deadline for the August 5, 2019 Meeting is July 10, 2019

Old Business

1. 11-271 30 Baywood Drive – Single Lot Subdivision

Shayne Gendron from Herbert Associates was present to represent the applicant. S. Gendron stated that they have received State Subdivision approval and that all D&K review comments have been addressed.

P. Carideo asked the PB members for comment. S. Wentworth questioned the existing well on the property for a neighboring lot. S. Gendron stated that an easement for the well has been granted and noted on the plan.

Chairman Carideo asked for public comment and there was none. P. Carideo asked the consultant to provide the PB office with a letter stating that monuments have been set or to add a note to the plan.

Chairman Carideo announced that R. Clark would be a voting member on this application.

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MOTION: S. Wentworth made a motion to grant 90-day conditional approval subject to all regular conditions.

SECOND: D. Howard

VOTE: 7-0

2. 16 Lots 1 & 25 – Hadley Road Subdivision

T. Lavelle was present to represent the applicant. T. Lavelle presented new 11x17 plans to the PB members and indicated that he had received a new review letter from D&K dated 6/27/2019. T. Lavelle stated that he feels the plan is getting close to approval. T. Lavelle had a question on the waiver regarding the cul de sac sizing requirement and stated that the PB did not officially vote on the waiver. T. Lavelle asked for direction how to proceed. T. Lavelle presented a waiver request letter to the PB for review and stated that he has added a plan note as well.

P. Carideo stated that he had asked for a stone wall replacement plan at the last hearing and cannot locate this information on the plan set. T. Lavelle referred to sheet 7, note 4. P. Carideo stated that he prefers a separate sheet for the stone wall that shows the existing linear footage and where it will be relocated. T. Lavelle commented that he could add an addendum sheet for this information. T. Lavelle stated the information will be added to sheet 13. P. Carideo stated that he wants it clear for the town engineer.

T. Lavelle asked about the notes on sheet 1. P. Carideo stated that not all plan sheets will be recorded and he wants clear notes. P. Carideo asked the PB for question and comment. P. Carideo stated that the plan is dated with today's date so he does not expect engineering comments. R. Tsantoulis stated that he was contacted today at 6:15PM and performed a quick 30-minute review. R. Tsantoulis stated that it appears most comments on the 6/27/2019 review letter have been addressed and the developer is making a good faith effort to make the required changes.

P. Carideo asked R. Tsantoulis for his thoughts. R. Tsantoulis stated there is still some question with regard to the lot size calculations and suggested the lot size calcs be on the plan. R. Tsantoulis stated that Map 16 Lot 25-3 did not meet the minimum lot size requirements and indicated the applicant stated the lot size has been increased accordingly.

T. Lavelle explained the lot size readjustment for Map 16 Lot 25-3 from the old plan to the new plan set in front of the board. T. Lavelle stated that he believes the lot sizing calculations will be on the same page as the stone wall plan.

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D. Howard asked about the Fire Department water supply. P. Carideo stated that note 17 calls out the hydrants.

Chairman Carideo asked the PB members for any questions/comments. P. Carideo asked the PB members how they felt about the waiver request not being on the new waiver request form. B. Villella stated he is ok with the letter requesting the waiver and does not feel the form is required. P. Carideo reminded the PB that the new forms were created back in April 2019.

P. Carideo asked if the plan calls out 62' of pavement. T. Lavelle stated that sheet 7 could have a note added.

Chairman Carideo announced that S. Hastings would be a voting member on this application.

MOTION: S. Wentworth made a motion to waive Section VII Part 1-H:3 and Part 1-H:5 to allow construction of a cul de sac with a radius of 62' of pavement with a Right of Way radius of 75'.

SECOND: C. Ashford

VOTE: 7-0

The waiver has been granted. P. Carideo stated the Town Engineer has not yet received the new plans and stated that some soils information needs to be updated and the stone wall plan is missing.

Chairman Carideo asked for public comment and indicated that the PB would only hear new comments stating that previous comments have been noted and are on the record.

John Grimm – 27 Collins Drive – stated he has a right to water and asked the PB to consider other homeowners rights to water. J. Grimm stated he cannot control any loss of water and asked what the PB could do to remediate well issues resulting from development. J. Grimm asked how to protect existing homes.

D. Howard stated that he was hoping to get information last Wednesday about water. P. Carideo stated that meeting was specific to the Angle Pond Woods well only.

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Chairman Carideo stated that he understands that there are water issues in town however; the State of New Hampshire allows reasonable use of property. P. Carideo stated that the lot sizing and zoning in town exceeds the State requirements. P. Carideo stated that the PB cannot control what a landowner can do on their property.

P. Carideo stated that this landowner has been a phased approach to developing his property and that this is the fourth and final phase, the prior developments included Nelson Ave, Collins Drive, and Pentucket Drive. P. Carideo again stated that New Hampshire allows reasonable use of the land. P. Carideo stated there is no plan to protect the abutters since there is nothing in the regulations granting any such authority to the PB.

S. Wentworth commented that the PB is here to make sure the plans meet current Zoning and regulations. D. Howard stated that to vote no on any application there needs to be just cause in the Zoning or regulations.

John Keisling – 31 Pentucket Drive – made repeat comments about wells in town and inquired about the new article regarding well drilling. P. Carideo explained that the well is drilled and tested prior to having a building permit issued. J. Keisling stated that deeper wells impact shallow wells and provided depths of some of his neighbor's wells. J. Keisling asked the PB to monitor neighboring wells.

S. Wentworth comment that Hampstead Area Water Company (HAWC) is a privately owned public utility monitored by the State of New Hampshire. J. Keisling stated he feels that the Angle Pond well affects his well.

S. Wentworth indicated that the Town would need to vote in any changes to the Zoning and commented that the PB cannot make up the rules as they go along. R. Clark added that he attended a seminar and the State made the point that they control the water in New Hampshire. P. Carideo commented that the PB can protect surface water but nothing below the surface.

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J. Keisling feels the developer is taking a risk with wells and the entire ecosystem in the area will be modified. C. Ashford commented that he hears what people are saying and explained that water travels town-to-town, state to state. C. Ashford added that this development, as well as the project abutters, is close to the Plaistow line. C. Ashford stated that well drilling is an exploratory process.

Chairman Carideo again reiterated that this landowner has planned phased development of this land over the years, which is the preferred method by the PB and Town. P. Carideo stated that there is nothing in the regulations that forces the PB to have monitoring of existing properties. S. Wentworth commented that the State as a whole is low on water in recent years.

Darlene Cote – 30 Collins Drive – asked if the PB would require a bond for well issues. P. Carideo stated that per State RSA the PB cannot require a bond for anything other than what is on the plan. D. Cote repeated comments that in the past her house was affected by two new homes being developed in the neighborhood. D. Dote stated that she feels eight more wells will add a drain to the system.

R. Clark stated that he has lived in his house for over forty years, the home is 180 years old, his well has gone dry with no one building nearby, time past and the well recharged. R. Clark stated that just because your well runs dry doesn't mean it is a result of your neighbor.

D. Cote commented that there is a likelihood the wells could be affected.

P. Carideo stated that the PB cannot force a developer to tie into a community system. P. Carideo stated that the developer has satisfied the Hampstead Fire Department requirements and the plan meets the regulations.

C. Ashford commented that the Hampstead Area Water Company (HAWC) Angle Pond Woods well could be affecting their neighborhood. D. Cote feels that HAWC could easily handle eight new homes.

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Chris Badessa – 15 Pentucket Drive – Thanked the PB for hearing their concerns. C. Badessa stated that the PB has no control over water but does have control over subdivision. C. Badessa stated the landowner is currently out of State and now the water is the neighbor's problem. C. Badessa indicated that the PB is to plan in the best interest of future and current homes in Hampstead. C. Badessa stated this plan is contingent on Hadley Road being reclassified and asked who is responsible for that.

Chairman Carideo commented that the PB is bound by State RSA, Town Zoning, and Subdivision regulations. P. Carideo stated the water issue has affected all house sales in town. P. Carideo agrees that C. Cote has provided a lot of information regarding wells in town.

Chairman Carideo stated that the reclassification of Hadley Road is done by the Board of Selectmen (BOS) or town meeting. P. Carideo stated that the PB is looking at the application in front of them as it relates to the subdivision. The PB can conditionally approve the plan subject to the reclassification of the road.

S. Murphy confirmed that the reclassification of the road would go to the BOS or Town warrant in March. S. Murphy stated that to date no formal request has been made to the BOS.

Darlene Cote – 30 Collins Drive – asked if the detention basin on the plan was designed based on a larger cul de sac design as discussed at the last public hearing. P. Carideo confirmed that it had been designed for the larger cul de sac. D. Cote commented that there is a well shown near the detention basis and questioned why both are in the same area.

Chairman Carideo commented that there are State guidelines regarding well placement and that the town has no regulations regarding detention basins. P. Carideo noted that the subdivision has received NHDES approval. S. Wentworth explained that the proposed wells are bedrock wells.

D. Cote asked if it is ok to have the detention basin run off into the wetlands. P. Carideo stated that yes it is planned to flow in that direction. P. Carideo stated

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the water currently flows that way untreated, with the addition of the detention pond there will be a fore bay area to collect the sediment and filter the water before discharging to the wetlands. R. Tsantoulis commented that the State looks at these items as well.

D. Cote indicated that there is a pond on one of the lots and asked if there would be fencing. P. Carideo commented that no fencing is shown on the plan. P. Carideo asked T. Lavelle the depth of the pond. T. Lavelle was unsure of the depth but stated he would research. He stated that it is a manmade pond that was dug for livestock.

D. Cote referred to the plans that are referenced on the subdivision application and stated that the wetlands on the prior plans were much larger than shown on the current plan. D. Cote asked why the wetland was larger in 1990 than today. Chairman Carideo commented that wetlands regulations have changed and asked T. Lavelle to explain once the public comment session is closed.

John Keisling – 31 Pentucket Drive – asked if these are four-bedroom homes that are being proposed. P. Carideo stated that as the plan is presented they are single-family homes. P. Carideo noted that duplexes are allowed in this zone and the applicant could refile and request duplexes if he wishes. J. Keisling asked about the distance of the fire hydrants. P. Carideo stated that the HFD dictates where they want hydrants.

Carl Cote – 30 Collins Drive – asked about the stone walls (repeat comment) shown on sheet 2 of the plan. P. Carideo stated that the abutter's stone walls on Collins and Pentucket will not be touched (as discussed at the prior public hearing).

Darlene Cote – 30 Collins Drive – stated she lives in a quiet residential neighborhood; part of the plan is a large parking lot that has been requested by the Conservation Commission, she feels this will change the feel of her neighborhood. D. Cote made repeat comments about her concerns about the parking lot. D. Cote feels that the new homeowner will put up a fence because they won't want to see a parking lot.

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S. Wentworth commented that during the Department Head Review (DHR) it was noted that the HFD did not want people parking on the street in the cul de sac. R. Clark added that the Conservation Commission is going to have a sign installed that states the trail is closed from dusk til dawn giving the HPD authority to remove anyone at the site during night time hours.

D. Cote stated that there is no line of sight and things happen. S. Wentworth commented that even if the size of the parking lot was cut in half the same things could still happen.

Chairman Carideo commented that the parking lot issue has been talked about at length in the past and repeated his comments that the parking lot is under the jurisdiction of the Conservation Commission. P. Carideo added that the date of the DHR does not matter but rather that the PB adhere to the recommendations made by the Department Heads. P. Carideo stated that the parking lot is not part of the recorded plan set it is simply shown to make sure the drainage is addressed.

D. Cote repeated comments that she has been to the Conservation Commission meetings and stated that they need to listen to the public input.

Karl Schumacher – 50 Collins Drive – stated he would try to keep his emotions at bay. K. Schumacher stated that he did not feel that signage would deter people at the parking lot. K. Schumacher asked about the signage at the town beach and indicated that the lifeguard chair has been thrown in the lake three times.

Carl Cote – 30 Collins Drive – stated that he is an engineer by profession and he does not understand the design and referenced the elevations shown on the plan. C. Cote stated it appears there is no clear view of the parking lot from the cul de sac. C. Cote commented that his neighborhood fought off a cell tower and they now want to stop this development in their quiet neighborhood.

S. Wentworth made repeat comments that the PB is not approving the parking lot.

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Chairman Carideo closed the public comment session.

T. Lavelle stated that the parking lot is being proposed for Conservation, they have been looking for a place to put a parking lot and the developer has agreed to necessitate Conservation's request.

T. Lavelle stated that wetlands mapping has changed and indicated that the old maps were done differently than today's standards. T. Lavelle stated the wetlands were remapped and reflagged for this project.

T. Lavelle stated that there is no intention for duplexes at this time. T. Lavelle confirmed that the detention basin was sized based on the larger cul de sac design. T. Lavelle commented that the wetlands are protected.

T. Lavelle responded to the comments about the wells and liability by stating that his clients are allowed to seek water as much as anyone else on his own property does. T. Lavelle stated that community water was too cost prohibitive.

P. Carideo asked about the driveway length on Map 16 Lot 1-2 and asked if a turn-around plan would be required by the HFD. T. Lavelle stated they will meet the NFPA requirements.

S. Murphy asked for a response to the road reclassification. T. Lavelle stated the road will not be reclassified until it is brought up to standards. T. Lavelle stated the developer can petition the town to build on the class VI road and then reclassify. T. Lavelle stated it cannot be a class V road until the PB, Town Engineer, and residents accept the road. S. Murphy stated that as far as he knows the BOS have not received a request. T. Lavelle stated that it was a very recent request.

D. Howard suggested a note be added stating the driveway meets standards. P. Carideo commented that the driveway is tied to permits and that no certificate of occupancy will be issued until the HFD signs off on the driveway. T. Lavelle stated he could add a note if the PB wishes. P. Carideo stated a note does not need to be on the plan.

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S. Murphy asked if most of the D&K comments have been satisfied. R. Tsantoulis stated that is correct. S. Murphy commented that he is not sure if the PB has an accurate representation of the plan. P. Carideo stated that there were 7 items on the June 27 D&K letter that needed to be addressed. P. Carideo stated he is concerned with the lot size calculations as well as the stone wall restoration plan. P. Carideo stated he feels the PB should have input on the stone wall plan.

R. Tsantoulis clarified that items 3, 5, and 7 on the June 27 review letter are still outstanding. P. Carideo commented that he agrees with D&K that every sheet legend should be specific to the sheet.

T. Lavelle stated that the lot sizing needs to be corrected on the plan. T. Lavelle feels they are close to conditional approval. P. Carideo asked the PB members how they want to handle the question regarding the pond. B. Villella stated that he does not see a problem with it although he would like to know the depth. T. Lavelle asked if that issue would come up during a request for occupancy permit.

P. Carideo stated that it is water and that the Town may need a drainage easement. P. Carideo feels that this is a legitimate concern; 3 feet in depth is ok but 8 feet in depth could be a problem. P. Carideo stated that it is an unknown issue.

Chairman Carideo stated that he would like something submitted to the PB if the reclassification of the road is other than the two ways he is familiar with. P. Carideo stated he would prefer to continue the application to the next public hearing.

P. Carideo commented that the 65-day review period needs to be extended. T. Lavelle asked for a 30-day extension of the review period. T. Lavelle requested an extension to the August 5 PB meeting.

MOTION: S. Wentworth made a motion to extend the review period to the August 5, 2019 PB meeting.

SECOND: D. Howard

VOTE: 7-0

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MOTION: S. Wentworth made a motion to continue the public hearing to the August 5, 2019 PB meeting.

SECOND: D. Howard

VOTE: 7-0

New Business - None

Other Public Matters

Chairman Carideo made the announcement concerning the recorded mylars.

1. 07-070 Williams Subdivision – Mylar recorded 41506
2. 13-178 Hampstead Academy – Mylar recorded 41507

Planning Board Matters

1. Town Engineer Comments – None
2. Correspondence
 - Registry of Deeds is changing their document/plan recording fee process.
 - FEMA letter regarding digital flood insurance rate maps
 - NHDOT letter regarding statewide roadway resurfacing project
 - Town of Merrimack NH cell tower notification
 - June 2019 ZBA minutes

3. Member Comments

B. Villella commented that he has a detention pond that is 8 feet deep. P. Carideo stated that the detention pond is not meant to hold water and that is the difference.

4. Review of Minutes (6/17 Workshop)

MOTION: D. Howard made a motion to approve the 6/17 minutes as presented.

SECOND: S. Wentworth

VOTE: 7-0

5. Adjourn

MOTION: S. Wentworth made a motion to adjourn at 9:20 P.M.

SECOND: S. Hastings

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary