

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes Workshop September 16, 2019

A meeting of the Planning Board was held on Monday, September 16, 2019 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH.

PRESENT: Paul Carideo (Chairman), Steve Wentworth, Sean Murphy, DJ Howard, Chuck Ashford, Jr., Bob Villella, and Randy Clark.

Chairman Carideo opened the workshop at 7:00 P.M.

Planning Board Matters

1. Engineering RFQ Question & Answer Period

Chairman Carideo invited the members of the public to ask questions. Scott Bourcier, Dubois & King was in the audience and P. Carideo asked if he had questions regarding the RFQ. S. Bourcier stated he did not have questions and indicated that he attended the meeting as a member of the public to observe any questions other engineering firms may have. Chairman Carideo asked for public comment or questions regarding the RFQ and there were none.

2. Audience Comments

Cale Houston attended the workshop and asked if he could approach the PB with questions regarding the recent engineering estimate he received for a two-lot subdivision. The estimate gives a range of \$3,500 - \$3,900 for engineering fees and services. C. Houston stated that this estimate is more than the actual cost to have the property surveyed and stated that if he does not sign the document there will be no review.

Chairman Carideo gave the history of why the estimates are provided to the applicants and why the PB requires the applicant to sign and agree to the estimate. P. Carideo stated that he performed a cursory review of the plan that was submitted and it appears that everything is in order. C. Houston commented that his surveyor is licensed in NH and knows the rules. P. Carideo stated that the town still needs to perform a review. C. Houston stated that he has no other choice but to agree to the fees. C. Houston stated that he feels that the estimate will always be used up. P. Carideo stated that the plan needs a full review. P. Carideo commented that his plan is clean and easily read. Chairman Carideo commented that the time the town engineer spends at the public hearing will be billed to the applicant as well.

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3. Map 10- Lot 038 26 Owens Court

Chairman Carideo explained the excavation on the site and noted that the Town Engineer, Scott Bourcier and the Code Enforcement Office, Kris Emerson visited the site. P. Carideo stated the area that is disturbed is noted as building #1 on the recorded site plan.

Property owner, Steve Seuss explained to the PB members that there was a piece of ledge on the lot and while waiting to begin construction of the building they decided to level out the area for temporary boat storage. S. Seuss stated that clearing the area of ledge unfortunately turned out to be a bigger project than they anticipated.

S. Seuss stated that they have added erosion control measures as per the town's request. S. Seuss indicated the plan was to finish flattening the area and temporary store boats. P. Carideo stated that the plan shows a commercial building approved for that spot. P. Carideo stated the applicant is looking for an administrative site plan amendment.

B. Seuss stated that they were unable to obtain quotes to construct the building. P. Carideo stated that the PB will need a document in place with the owner's intent as well as any restrictions that might be on the site. P. Carideo asked S. Bourcier if the issues he identified during his 3/1/2018 visit have been addressed. S. Bourcier stated that the majority of the issues have been addressed and indicated he gave the owners a copy of the letter as a reminder. S. Bourcier stated that it is Dubois & King opinion that this is slight modification and the owner is looking for a temporary solution.

D. Howard asked why this was required. P. Carideo explained that an approved site plan is in place and if the owner was to begin work on the site they needed to post the bond and have engineering inspections. B. Villella stated that evidently when S. Bourcier and K. Emerson went to the site the only item outstanding was erosion control measures. P. Carideo commented that the site is still not in compliance with the current site plan.

Chairman Carideo polled the PB members. C. Ashford stated he would be in favor of approving the temporary boat storage within the building area as long as all D&K items on the 3/1/2018 letter are addressed.

S. Seuss stated they will probably start construction in 2020. P. Carideo stated he needs something in writing. P. Carideo advised S. Seuss to mark up a copy of the current site plan and sketch out the area showing temporary boat storage. S.

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Bourcier agreed that it would be ok to hand sketch the drawing and provide a letter to accompany the document.

S. Bourcier stated that as long as the area is compacted with gravel there is no need for the bond to be in place at this time.

MOTION: S. Wentworth made a motion to allow an administrative site plan amendment for property located at Map 10 Lot 038 – 26 Owens Court to allow temporary boat storage on the location of building #1 until November 2020.

SECOND: B. Villella

VOTE: 7-0

4. 2019 Regulation and Zoning Proposals

Discussion Regarding Blasting Ordinance

Chairman Carideo began a discussion with the PB members regarding the proposed Blasting Ordinance that was distributed at the last meeting. P. Carideo reminded the group that S. Hastings had made a comment regarding fireworks and felt they should be excluded under the ordinance. P. Carideo stated that he has spoken with the Fire Chief and plans to meet with him within the next two weeks.

C. Ashford had questions regarding the application and pre-blasting survey information. C. Ashford commented that based on his interpretation of this ordinance a homeowner could be delayed up to six weeks if they happen to hit ledge during a pool installation. P. Carideo commented that there is too much blasting in town. C. Ashford gave the example of hitting ledge during a septic installation.

P. Carideo stated that he brought the Blasting Ordinance to the PB based on recommendations that were made by NHDES. B. Villella stated that NHDES requires notification within 100 feet of the blast not the 500 feet stated in the proposed blasting ordinance. P. Carideo stated he feels the blasting ordinance is needed to protect the wells.

B. Villella stated that he has been building since 1975 and has never had an issue with blasting in town. B. Villella commented that this blasting ordinance will cost a homeowner approximately \$1500-\$2000 for a simple pool if blasting is needed. B. Villella asked who will be the blasting administrator that is referred to in the proposal. B. Villella indicated that the schooling for such a specialty is \$100K. B. Villella stated that blasting companies currently notify Hampstead Fire Department (HFD) each time they blast.

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P. Carideo stated that he knows people who live near blasting areas that have not been notified in the past. B. Villella stated that every abutter is notified and the blasting insurance company goes to each neighbor. B. Villella stated he feels this ordinance would be too expensive for homeowners.

C. Ashford commented that it should not take 45-60 days to install a pool or septic. R. Clark suggested a threshold for the blasting. B. Villella commented that all of these requirements are mandated by the State. P. Carideo stated that he feels this ordinance would be better to protect the town. D. Howard asked for confirmation that the State currently administers blasting requirements. B. Villella stated he has never had an issue and added that the blasting companies all have insurance.

Chairman Carideo stated that blasting was one of the items that NHDES identified as lax as it relates to ground water protection. B. Villella stated that he does not want to proceed with the blasting ordinance. P. Carideo stated that he plans on presenting the blasting ordinance to the Water Resource Committee.

B. Villella commented that this entire issue started with one person who was not smart enough to pass on a house that had three dry wells on the property. P. Carideo stated that more than one person has had an issue with wells in town. B. Villella stated that if blasting is needed it will still be done whether it's today or in 60 days. P. Carideo commented that with a blasting ordinance at least people would be more aware.

D. Howard stated that if the intent of the ordinance is for well water and ground water protection he feels many of the things in the ordinance would not have an impact.

P. Carideo stated he is trying to attack and review the current regulations a little bit at a time. P. Carideo gave examples of the past PB approving lots that needed to be blasted and stated that according to our regulations these lots of records should not have been approved due to the ledge. P. Carideo stated that the current PB has to approve the site plans since the lots already exist.

D. Howard commented that if blasting is part of the State Regulations already could Hampstead simply add an ordinance that refers to the State regulations. P. Carideo stated that there is a cumulative effect to the ground water if the road and houses require blasting for a subdivision. P. Carideo commented that the State only looks at the road when a subdivision is being developed. S. Murphy

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commented that the since the State controls the ground water shouldn't they be the ones monitoring.

S. Wentworth reminded the PB members that last year the Hampstead Water Advocates came to the PB with several voluminous regulations. The PB was able to develop less complicated regulation that was placed on the ballot. S. Wentworth commented that the Water Resource Committee could do the same this year and felt it would be more beneficial for the PB to have control over these regulations.

B. Villella gave an example of constructing a road and hitting ledge and stated a developer is now delayed due to the blasting ordinance and has to wait to come before the PB for approval. P. Carideo stated that the developer could drill holes in advance to determine whether blasting would be required.

R. Clark made the suggestion of adding information to the Site Plan and Subdivision Regulations that ask for more detailed blasting plans. B. Villella stated that he contact Mosher with questions regarding the blasting ordinance since there was a lot of information and terms that he did not understand. B. Villella questioned who in Town is qualified to interpret this document.

P. Carideo stated that he went to Owens Court to observe the blasting on a recently approved site plan and just happened to see the recent work that was being done at Map 10 Lot 038 Owens Court. P. Carideo stated that he does not feel there is currently any code enforcement in town. R. Clark commented that the town will need an administrator for these blasting regulations.

C. Ashford commented that based on these regulations a developer would need to knock on an abutter's door at least three times and be told to leave the property. He stated you are then required to send certified mail and most likely will need to wait 30-45 days to have it returned. C. Ashford felt that these regulations will unnecessarily delay a project.

S. Wentworth felt that 500 cubic yards would be a good threshold to cover blasting for a swimming pool or septic. B. Villella commented that if a developer is using an insured and reputable blaster does Hampstead need more regulations.

S. Wentworth commented that the PB needs to find a common ground between both sides. S. Wentworth suggested getting average numbers from a blasting company to determine a reasonable threshold to be considered for the blasting regulations.

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P. Carideo suggested that the PB members take a look at the blasting regulations in some of the surrounding towns.

D. Soucy commented that she felt that fireworks should not be mentioned in the blasting ordinance since the intent of fireworks is not demolition. P. Carideo stated he would discuss this with the Fire Chief.

Other 2019 Proposals

Chairman Carideo advised the PB members that the IDDE Selectmen Ordinance that was passed to comply with MS4 permit requirements will be a PB warrant article this year. P. Carideo stated that erosion control regulations need to be added this year as well and reminded the PB members that draft documents have already been provided. P. Carideo stated the Water Resource Committee will be proposing zoning this year as well.

There was a brief discussion regarding the well water usage at Depot Fields. All agreed that the water usage has been cut back by the Town.

P. Carideo spoke with S. Theriault regarding the Right of Way Ordinance and advised the PB that 12 other towns have signed on board with DTC law firm to draft an ordinance and that 4 other towns, including Hampstead, are awaiting a cost estimate for services.

5. Member Comments

Chairman Carideo informed the PB members that he attended the Sandown Planning Board meeting with interest in the Angle Pond Condominium proposal. P. Carideo stated he felt the Town of Hampstead should have been notified since the project has regional impact. The Sandown PB responded by stating that the town of Sandown was not noticed when Hampstead approved Angle Pond Woods. R. Clark stated that he recalls that the PB wanted the main roads on the Angle Pond Woods project to connect.

D. Howard referred to RSA 676:4-b regarding third party review and asked why this is not given to the applicants. P. Carideo stated that it is up to the applicant to pursue.

Chairman Carideo informed the PB members that the Board of Selectmen (BOS) received a letter from Rockingham Planning Commission (RPC) asking for the Town of Hampstead's annual dues (\$8,745). D. Howard asked about RPC providing services to the PB. P. Carideo stated that RPC is scheduled to meet with the BOS.

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6. Application Review

Chairman Carideo reminded the PB members that there have been three (3) applications received for the October 7 public hearing. All appear to be complete. P. Carideo reminded the PB members to review the plans prior to the 10/7 hearing. P. Carideo stated he had a question on the Emerson subdivision concerning an easement for the electric on the property. P. Carideo stated the site plan application before the board is for 184 Route 111, the applicant was granted two variances on the property. Chairman Carideo explained that he attended the ZBA hearings on this case.

7. Review Minutes (9/3 Meeting)

MOTION: S. Wentworth made a motion to approve the 9/3 meeting minutes as amended.

SECOND: D. Howard

VOTE: 7-0

8. Adjourn at 8:35 P.M.

MOTION: S. Murphy made a motion to adjourn at 8:35 P.M.

SECOND: D. Howard

VOTE: 7-0

Minutes prepared by Debbie Soucy, Secretary