

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Minutes November 5, 2018

A meeting of the Planning Board was held on Monday, November 5, 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, DJ Howard, Steve Wentworth, Joe Guthrie, Robert Waldron, Randy Clark (Alternate), Susan Hastings (Alternate), Scott Bourcier (Dubois & King), and Julie LaBranche (Rockingham Planning Commission)

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

Chairman Carideo opened the meeting at 7:03 P.M.

Chairman's Remarks

Next Public Hearing Date December 3, 2018

Plan Filing Deadline for December 3, 2018 Meeting November 12, 2018

Public Matters - MS4 Permit Requirements

Julie LaBranche – RPC – was present to discuss the PB role as it relates to the Federal EPA MS4 Stormwater Permit requirements. The Stormwater Management programs describe the stormwater control practices that will be implemented consistent with permit requirements to minimize the discharge of pollutants from the drainage infrastructure. J. LaBranche advised the PB that there are two areas of concern: stormwater management and water quality. J. LaBranche pointed out that flooding is a growing concern and the stormwater standards are designed to try to control and mitigate flooding issues. The cause of the increased flooding is that the number and volume of rainstorms has increased significantly. J. LaBranche stated that many developments were built before the latest data on storms and flooding were available, so they do not have adequate stormwater management designs. J. LaBranche noted that 90 percent of water quality pollution results from water runoff into community drainage infrastructures.

The role of the Planning Board is to update stormwater standards in site plan and subdivision regulations. To adopt erosion and sediment control regulations. And to adopt an Illicit Discharge Detection and Elimination (IDDE) Ordinance (or can be a Selectmen Ordinance). Update to the site plan and subdivision regulations is recommended as this is completely under the control of the PB and as such variances cannot be granted.

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J. LaBranche stated there are two options to implement the IDDE Ordinance, as a warrant article or a selectmen ordinance. P. Carideo commented that the PB cannot guarantee that the towns people will approve a warrant article. J. LaBranche stated that this is why a selectmen ordinance may be a better fit. J. LaBranche agreed that warrant articles require extensive education.

J. LaBranche commented that the EPA uses the Southeast Watershed Alliance Post Construction Stormwater Management Standards as a guide and advised that if adopted the Town will have met the standard of the permit requirement.

For new developments storm water management and erosion and sediment control practices need to include low-impact development site planning, best practices and design strategies, and utilize green areas to contain water on site. Where water is discharged, it shall be through treatment or filtration systems to reuse, or captured on site where possible.

Development applicants must provide stormwater management and treatment practices and demonstrate they have been created and with a provision of an enforceable operations and maintenance plan. The applicant will file such plan with the site plan at the registry of deeds as these will go with the land. The town will review these and provide annual inspections to ensure operation and function, taking any necessary enforcement steps.

J. LaBranche recommended that the Town hold bonds for two years as it relates to sediment and erosion control measures. R. Waldron asked J. LaBranche who would be responsible for all this work. J. LaBranche suggested that a committee be created to determine the responsible parties as they relate to inspection and enforcement.

J. LaBranche stated that education of the community (individual property owners) is the most successful way to deal with illegal discharge and illicit connection issues.

J. LaBranche indicated that NHDES has a listing of all the impaired water bodies for the Town of Hampstead. Part of the permit requirement is to identify the source of the impairment and educate homeowners on how they can help to remedy the situation. The permit requires that water bodies be tested. J. LaBranche suggested that the Town reach out to local lake associations to see if they could assist with this effort.

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J. LaBranche suggested that the PB adopt the regulations as appendices due to the voluminous wording of the regulations. J. LaBranche also stated that contracting with an individual to help with enforcement may be an option for the Town. J. LaBranche stated that she is willing to work with the Town and answer any questions they may have regarding compliance with the permit.

Chairman Carideo asked for public comment.

James Beauregard – 198 Hunt Road – commented on the Federal EPA permit requirements and stated he doesn't see the point of all the regulation. J. Beauregard stated that it is obvious that the population and the landscape has changed since 1960, more people, more contaminants, etc. P. Carideo suggested that he contact his Congressmen regarding the matter.

Old Business

1. 02-072 & 02-011 Meyers-Main Street

James Lavelle was present to represent the applicant. J. Lavelle requested a 30-day extension on the conditional approval.

MOTION: R. Waldron made a motion to extend the conditional approval to 12/3/2018

SECOND: R. Clark

VOTE: 7-0 (R. Clark replaced G. Emerson as voting member)

J. Lavelle advised the PB that he added note #7 to the plan set which states that Map 2 Lot 011 does not meet soil type lot sizing. J. Lavelle provided the PB members with a copy of the deed. J. Lavelle explained the Lot Line Adjustment (LLA) to the PB members. J. Lavelle indicated that he did not have a letter from the State nor does he have NHDES State Subdivision approval since it is not needed.

Chairman Carideo informed J. Lavelle that based on his conversation with Town Counsel a letter from the State or NHDES State Subdivision is needed. This was one of the conditions of approval for the LLA (refer to approval letter dated 8/7/2018).

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J. Lavelle told P. Carideo that he is wrong and that State Subdivision approval is not needed. P. Carideo commented that there are no notes on the plan indicating what is happening with the portion of land in Derry, NH.

J. Lavelle stated that it is one lot now. J. Lavelle stated that a town line can be an automatic subdivision or not. P. Carideo stated that the plan was sent to the Town Attorney and she advised that based on the conditional approval from the August PB meeting either State Subdivision is needed or a letter from the State indicating that it is not required must be submitted to the PB in order to satisfy the conditions. J. Lavelle indicated he would be back with a letter from the State within the next 30 days. P. Carideo stated that the PB is trying to make sure there are no questions from any future homeowners.

2. 09-049 255 Kent Farm Road – Conditional approval expires 11/5/2018

P. Carideo explained to the other PB members that the only outstanding condition of approval is administrative in nature. P. Carideo advised the PB members that the applicant emailed the PB requesting a 60-day extension.

MOTION: B. Schmitz made a motion to extend the conditional approval to 1/7/19

SECOND: R. Waldron

VOTE: 7-0 (S. Hastings replaced G. Emerson as voting member)

3. 09-024 Granite Village and 09-070 Johnson Meadows - Continued to 12/3

Josh Manning was present to represent the applicant. Chairman Carideo asked S. Bourcier if he had an opportunity to review the revised plans that were received October 30. S. Bourcier stated he had not reviewed the plans prior to the meeting. P. Carideo asked the other PB members how they would like to proceed.

The PB members felt they could give the applicant the opportunity to review the highlights of the revised submission. P. Carideo commented that the PB had one 22x34 plan set to share and asked about the 11x17 copies for the PB members.

J. Manning stated that all of the soil mapping has been completed. J. Manning indicated that there are no wetlands close to the proposed development. J.

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Manning stated that there are two existing water right easements with Hampstead Area Water Company (HAWC). The water line was updated on the plan. J. Manning stated he added the typical landscaping to the plan. R. Clark questioned the access road on the property. C. Ashford stated that the access way is used for maintenance purposes only.

Chairman Carideo asked for public comment.

Robert McEachern – 23 Charleston Ridge – asked if HUD had approved the plan. Chairman Carideo stated that the applicant is not required to have HUD approval on this project.

Barbara Dennis – 2 Charleston Ridge – Asked why not HUD? Chairman Carideo stated HUD approval is not required on the property in question. B. Dennis commented that her deed states that Granite Village is a retirement community.

P. Carideo stated that the roads within the two developments are privately owned and that the Zoning Board of Adjustment (ZBA) approved the proposed access. The proposed development is zoned for both children and adults.

B. Dennis asked if more houses could be built. P. Carideo stated he believes with the current zoning no more buildings could fit.

Linda Skinner – 18 Charleston Ridge – asked about school buses entering the property. P. Carideo stated that the PB had the same concern since the roads are all private. P. Carideo stated he could not speak for the school district. P. Carideo indicated that the PB had the same question concerning trash pick-up.

Barbara Dennis commented that ambulances and fire trucks come into the development quite often with the elderly population and she doesn't see how the emergency vehicles could come down the street the same time as a school bus.

Tony Bonjorno – 22 Charleston Ridge – asked how far the dumpster is from where they are proposing the duplex. P. Carideo stated the PB has this question as well.

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Barbara Dennis commented that the speed limit within Granite Village is 20 MPH, she is concerned that teenage drivers will not go this slow. B. Dennis asked how to enforce the speed limit. P. Carideo responded by stating that was a loaded question. P. Carideo stated he is not sure how the police enforce the speed limit. B. Dennis stated she was concerned about walking through the park with teen drivers.

P. Carideo closed the public comment and asked the PB members for their comments.

J. Manning stated he had waiver requests to present to the PB. P. Carideo stated that the PB votes on the waivers, however he would like the Town Engineer opinion before voting. Chairman Carideo asked J. Manning to provide a summary of the waiver requests.

J. Manning stated that there are four (4) waiver requests.

1. Table of Dimensions – Driveway Width 24' – the applicant is proposing a 12' wide driveway. D. Soucy commented that Deputy Chief Warnock has already agreed to the driveway width for the HFD emergency vehicles.
2. Section 6.01.A – Request for Traffic Impact Assessment
3. Section 5.02.N – Request for Erosion and Sedimentation Control Plan
4. Section 5.02.O – Request for Drainage Study/Calculations and Drainage Plan

D. Soucy was asked to forward a copy of the waiver requests to the Town Engineer for his comment (done 11/6).

P. Carideo commented that the PB would not typically discuss these requests at the PB Workshop. The upcoming workshops will focus on Zoning Amendments and regulation review.

J. Manning asked the PB to extend the review period an additional 90 days.

MOTION: 09-024 Granite Village R. Waldron made a motion to extend the review period an additional 90 days to the 2/4/19 PB meeting

SECOND: D. Howard

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VOTE: 7-0 (R. Clark replaced G. Emerson as voting member)

MOTION: 09-070 Johnson Meadows R. Waldron made a motion to extend the review period an additional 90 days to the 2/4/19 PB meeting

SECOND: D. Howard

VOTE: (R. Clark replaced G. Emerson as voting member)

Chairman Carideo announced that the applicant would be back before the PB at the 12/3 meeting to discuss the plan.

J. Manning asked S. Bourcier when to expect review comments. S. Bourcier stated no later than 11/20.

5. 02-030 556 Main Street – Accessory Dwelling Unit (ADU)

Chairman Carideo made the announcement that the PB received a request from the applicant to withdraw the application without prejudice.

6. 06-111 30 Gigante Drive – Barlow Millwork – Continued to 12/3

Tom Burns was present to represent the applicant. T. Burns stated the proposal is for a 5,000 sq. ft. expansion to the warehouse and additional parking. T. Burns stated that he submitted the revised plan set to D&K last week. T. Burns indicated that the applicant was granted two variances. One variance for a 2,000 sq. ft. wetland impact. T. Burns stated they applied for a minimum impact dredge & fill. The second variance was for building coverage on the site.

T. Burns indicated there would be an adjustment to the existing drainage. T. Burns stated that according to the Hampstead Fire Department the existing fire pond is in failure. The applicant will be extending the fire suppression line. Catch basins will be added as well. T. Burns stated there would be no change to the existing septic system. T. Burns stated that Sheet 11 of the plan set includes the lighting specifications.

T. Burns presented a waiver request to the PB members for Section 5.02.K regarding underground utilities. T. Burns stated that the current utilities traverse over the wetlands. Since NHDES requires minimal impact to the wetlands they are proposing to keep the utilities overhead.

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S. Bourcier stated that he has not reviewed the revised plan set. S. Bourcier indicated that he was concerned about comment #37 which relates to Stormwater Report and Stormwater Management, both pre and post conditions. S. Bourcier has recommended the applicant incorporate a stormwater infrastructure system as required by Section 5.02.0 of the Site Plan regulations to protect the natural resource of the adjacent wetland areas.

T. Burns written response to this comment states that: Catch basins have been proposed within the areas of new pavement to collect and route stormwater runoff generated by the improvements to the existing sediment pond on the west side of the driveway. The sediment pond is to be cleaned and regraded to detain runoff prior to discharge via the existing outlet structure to the drainage easement along the northeast boundary of the site.

P. Carideo referenced the MS4 permit requirements that Julie LaBranche discussed earlier in the evening concerning redevelopment of commercial sites.

P. Carideo questioned the lot coverage variance that was granted by the ZBA. T. Burns stated that part of the reason for increased lot coverage was that the type 5 soils are excluded from the calculation. T. Burns stated that the building was constructed prior to the zoning regulation.

P. Carideo commented that with current zoning standards this project would be double what is allowed. P. Carideo stated that the project is increasing the amount of impervious surface on the site and across the street is the headwater to Hog Hill Brook.

T. Burns stated the existing drainage patterns direct runoff towards the fire pond. T. Burns stated they plan to clean out the fire pond to capture some of the stormwater. P. Carideo stated the stormwater would be captured but not treated. P. Carideo commented that they are filling in the wetlands and not getting any benefit. T. Burns responded by stating that the area that is being impacted was a manmade wetland.

P. Carideo stated that he would expect site specific mapping. P. Carideo stated that there is a reduction in the natural absorption of stormwater run-off. P. Carideo commented that he is having difficulty finding where the roof drain is directing the run-off. T. Burns commented that the gutters have deteriorated over time. T. Burns stated that the roof run-off would not be directed underground, they are trying to pick the run-off up in the catch basins.

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P. Carideo stated that since they are adding impervious surface he would like something to infiltrate the stormwater. Without treatment the stormwater will run into Hog Hill Brook. S. Wentworth asked if the retention pond was enough to capture run-off.

D. Howard asked if the fire lane was only used for emergency purposes. T. Burns stated there is no parking on those access lanes. W. Barlow stated that vehicles traverse on the fire lane on a daily basis. D. Howard suggested if the fire lane was not used frequently then a pervious material might be an option for the site.

Chairman Carideo asked for public comment and there was none.

P. Carideo suggested that the PB discuss the waiver request for the underground utility. S. Bourcier stated that keeping the utility overhead would minimize the wetland impact.

MOTION: B. Schmitz made a motion to take jurisdiction of the plan

SECOND: R. Walrdon

VOTE: 7-0 (S. Hastings replaced G. Emerson as voting member)

MOTION: B. Schmitz made a motion to grant a waiver from Section 5.02.k of the site plan regulations which outlines the requirements to install all utilities underground.

SECOND: D. Howard

VOTE: 7-0 (S. Hastings replaced G. Emerson as voting member)

B. Schmitz commented that the PB comments regarding treating run-off should be considered. P. Carideo stated the stormwater is running down the roof across the pavement.

MOTION: R. Waldron made a motion to continue the hearing to 12/3/18

SECOND: B. Schmitz

VOTE: 7-0 (S. Hastings replaced G. Emerson as voting member)

7. 18-005 45 Danville Road – Preppy Paws

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Tim Lavelle was present to represent the applicant. T. Lavelle explained to the PB members that the proposal was for a doggy daycare and the only change on the site is a fenced area in the back. T. Lavelle stated they are proposing to remove the pavement under the fenced in area and to replace it with canine grass. T. Lavelle stated that two lights will be added and directed towards the play area out back.

T. Lavelle stated that no grooming is proposed and there will be no overnight stays. T. Lavelle indicated that there is a rendering of the privacy fence and stated that it will be six feet tall above ground and two feet below ground level. T. Lavelle stated that with regard to septic the water use will be limited to employees. T. Lavelle asked the PB how they would like to see the septic load expressed on the plan. P. Carideo stated that the septic load should be outlined on the plan set. P. Carideo stated he would also like something in writing for the PB files.

T. Lavelle stated the existing 3x5 sign on the building façade will be utilized, additionally the business name will be added to the large sign that the entire site shares. T. Lavelle stated that he added a dumpster to the plan and indicated that it would be screened. B. Schmitz reminded T. Lavelle that note #8 regarding the sign size needs to be corrected.

B. Schmitz asked about the covered area out back and questioned the height of the canopy. The applicant confirmed the canopy would be level with the building and would not exceed the building height.

P. Carideo reminded T. Lavelle that the PB made comments regarding the paving and markings that need to be redone on the site. T. Lavelle stated that the site owner asked who is responsible for the improvements and what plan they should be listed on. P. Carideo stated that the PB is approving the improvements for the entire site and the signage needs to be on the plan that is before the PB.

T. Lavelle indicated that he had delivered the revised plans to D&K earlier today. T. Lavelle stated he is requesting conditional approval this evening. D. Howard questioned whether this should be a change of use. P. Carideo reiterated that a

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site plan application is before the PB since things are changing on the site. C. Sarkozy had a question regarding the process of the approval. P. Carideo advised C. Sarkozy that the special exception approval from the ZBA approved the use at the location, however, the site plan application still needs to come before the PB.

P. Carideo polled the PB members regarding the request for conditional approval this evening. S. Wentworth stated he would be OK granting conditional approval tonight, D. Howard agreed, J. Guthrie agreed, R. Waldron agreed, R. Clark agreed. B. Schmitz stated that D&K originally had 16 items that needed to be addressed and he would feel more comfortable approving after D&K has had a second look at the plan. S. Hastings agreed with B. Schmitz recommendation. P. Carideo stated he would like the Town Engineer's input before approving.

P. Carideo stated that the PB members just received a copy of the revised plan at tonight's meeting and the Town Engineer has had no time to review the plan. P. Carideo commented that the dog waste disposal was not listed on the plan and the applicant was asked to add this comment at the last meeting. R. Waldron stated that the applicant has advised the PB members how they planned to dispose of the solid waste and that the dog urine will be captured by the canine grass. T. Lavelle stated that the canine grass has a "doggy" leach field that will process the urine.

C. Sarkozy stated that they will not be adding any landscaping to the site but rather simply cleaning up what is already there.

P. Carideo stated that he realizes that there is a privacy fence proposed on the site, however, there is no buffer for the dog noise. D. Howard commented that the site is in a commercial zone and that there are no abutters to the project at the meeting voicing any concern. P. Carideo stated that the majority of the PB felt differently regarding dog noise.

MOTION: R. Waldron made a motion to grant 90-day conditional approval subject to the following conditions:

- Subject to final engineering review and sign-off
- All conditions required by the Hampstead Fire Department are met

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- Add Plan notes regarding entrance/exit signs at site location
- Add Plan note regarding solid waste disposal
- Plan note #8 regarding sign size to be corrected

SECOND: S. Wentworth

VOTE: 5-2 (P. Carideo and B. Schmitz) (R. Clark replaced G. Emerson as a voting member)

S. Wentworth stepped down from his spot on the board.

8. 19-009 Winchester Heights

S. Wentworth asked how long of an extension he could request of the PB. P. Carideo stated that the PB had extended a subdivision approval for two and a half years. S. Wentworth stated that a six-month extension would extend the conditional approval to April.

The bond was the next item to be discussed. S. Bourcier stated that he has provided 3 or 4 bond estimates; phased, full, and combinations, etc. S. Bourcier was questioning what items need to be addressed. S. Bourcier believes that he had provided a revised bond amount without the septic and electrical. D. Soucy, P. Carideo, and S. Wentworth had no recollection of receiving this revision. S. Bourcier stated he would resend the revised phased bond amounts.

B. Schmitz asked if the PB should be concerned with any changes that could occur as a result of the MS4 permit requirements. P. Carideo stated that the State's Alteration of Terrain (AOT) permit would cover the MS4 permit requirements.

MOTION: R. Clark made a motion to extend the conditional approval to 5/6/2019

SECOND: B. Schmitz

VOTE: 7-0 (R. Clark replaced S. Wentworth and S. Hastings replaced G. Emerson for voting purposes)

P. Carideo asked the public for comment.

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James Beauregard – 198 Hunt Road – stated that he was concerned about missing a meeting as a result of the 7-month extension. D. Soucy confirmed that they are on the agenda distribution list.

Other Public Matters

S. Wentworth returned to his spot on the board.

1. 09-060 Hastings Drive – Bond Release

S. Bourcier reviewed his letter dated 10.30.2018 concerning the bond release for the Hastings Drive Subdivision. P. Carideo stated he has driven by the project and the site appears to be stabilized. R. Clark asked if the PB should hold the bond for erosion and sediment control based on the information Julie LaBranche from RPC presented earlier in the evening. P. Carideo stated he believes the bond was in place to protect the stream crossing and that area has been stabilized. The bond should be released based upon the Town Engineer recommendation.

MOTION: R. Waldron made a motion to release the remaining bond amount in full based on Dubois & King recommendation.

SECOND: D. Howard

VOTE: 7-0 (S. Hastings replaced G. Emerson as voting member)

Planning Board Matters

1. Town Engineer

S. Bourcier asked the PB members for their comments. P. Carideo asked S. Bourcier if he had received the PB comments regarding the subdivision regulations. S. Bourcier confirmed that he had received the comments. P. Carideo commented that the site plan regulations needed to be worked on next. S. Bourcier stated he would have review comments on the site regulations by the next meeting.

Merryfield Lane (17-051) – Field Reports – S. Bourcier stated that the site will be ready for pavement soon. Hampstead Area Water Company (HAWC) is almost ready to hook-up at the existing cul-de-sac on Merryfield. S. Bourcier stated he advised the contractor that D&K follows Department of Transportation (DOT) 2010 specifications as it relates to road paving. P. Carideo referenced the 10/25/2018 field report and indicated that he had concerns with the trenching and underdrains.

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MS4 Permit Requirements – P. Carideo advised the PB members and Town Engineer that the IDDE Ordinance will more than likely be added as a Board of Selectmen Ordinance this year versus a Zoning Ordinance.

Transportation Advisory Committee (TAC) – R. Clark advised the PB members that he attended a TAC meeting and would like the PB to officially recommend him as a member. Rick Hartung has been on the committee for a number of years and is resigning.

MOTION: J. Guthrie made a motion to recommend R. Clark to the Transportation Advisory Committee (TAC).

SECOND: B. Schmitz

VOTE: 7-0 (S. Hastings replaced G. Emerson as voting member)

D. Soucy was asked to draft a letter to the BOS recommending R. Clark to TAC.

2. Correspondence

Town of Derry – T-Mobile Northeast, LLC Cell Tower notification

P. Carideo asked the PB members to review the email that was sent to them regarding K. Emerson's suggestions to the Hampstead Water Advocates.

P. Carideo informed the PB members that the Library will be hosting a Town Forum on 1/19/2019 from 11 am – 1 pm. P. Carideo and D. Soucy attended the event last year. This is a good opportunity for the PB to highlight the Axis GIS website. R. Waldron stated that he would attend this year's event.

3. Member Comments – None

4. Minutes (10/15 Workshop)

MOTION: B. Schmitz made a motion to accept the 10/15 minutes as amended

SECOND: J. Guthrie

VOTE: 7-0

5. Adjourn

MOTION: B. Schmitz made a motion to adjourn at 10:50 P.M.

SECOND: D. Howard

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VOTE: 7-0 (R. Clark replaced G. Emerson as voting member)

Minutes prepared by Debbie Soucy, Secretary