

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

September 18, 2017 Workshop Minutes

A workshop meeting of the Planning Board was held on Monday September 18, 2017 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH.

PRESENT: Paul Carideo, (Chairman), Ben Schmitz, (Vice Chairman), Dean Howard, Chris Howard, Neil Emerson, Robert Waldron, and Scott Bourcier from Dubois & King.

Chairman Carideo opened the workshop at 7:00 pm. P. Carideo made note that C. Howard would be a voting member in place of G. Emerson.

Planning Board Matters

1. 02-052 Labrador Lane Subdivision

T. Lavelle and B. Villella were present at the Workshop. P. Carideo stated B. Villella was invited to the Workshop to discuss the status of the Subdivision along with the issue concerning inspection procedures. P. Carideo indicated the PB wants to work out these matters with the developer.

P. Carideo stated the Town has the right to inspect a site whenever they deem fit. P. Carideo stated he understands that B. Villella wants to be there when the Town Engineer is going out for an inspection, however, S. Bourcier has a hectic schedule and he may not always be able to predict an exact date or time for inspections. P. Carideo indicated that S. Bourcier could contact B. Villella and give him a window of time for inspection; however, he did not want to delay an inspection if B. Villella would not be available on site.

P. Carideo apologized if the PB misinterpreted what they were told concerning B. Villella's unwillingness to pay for any future inspections or not to allow the Town Engineer on site without his permission. P. Carideo stated the PB did not have first-hand knowledge of the conversation and it may not have been exactly what B. Villella had said. P. Carideo stated in the future to contact either himself or PB secretary, Debbie Soucy, to discuss any matters relative to the PB.

P. Carideo asked that S. Bourcier keep the PB in the loop. P. Carideo stated there cannot be any threats to stay off property, this is an approved Subdivision and per the Town's regulations the Town has every right to inspect.

T. Lavelle stated he believed the issue was addressed at the last meeting with the PB. T. Lavelle was under the impression that he would call S. Bourcier when he was ready for an inspection and thought the PB had stopped weekly inspections,

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this is why the developer was a little upset when S. Bourcier came to the site again. T. Lavelle stated he agreed the site was in bad shape when they were initially asked to come to PB meeting, however, as of today there are no violations on the site. T. Lavelle stated NHDES and EPA can visit the site any time. T. Lavelle indicated he was expecting an interim inspection from S. Bourcier when the outlet stormwater control structure was installed.

P. Carideo interrupted T. Lavelle and asked him why he told the PB on August 7 that a copy of an updated E-NOI would be filed by the end of week with a copy going to the Planning Board. P. Carideo stated Stormwater Pollution Prevention Plan (SWPPP) reports have not been received and the EPA NOI remains outstanding as well. P. Carideo stated the PB probably should have been doing more to monitor the site and indicated the Town had been transitioning to a new engineer during the same time some of the issues had been occurring at this Subdivision.

T. Lavelle asked the Chairman what outstanding items remain at this time. P. Carideo read the list of outstanding items from S. Bourcier's August 15 field report (last report from D&K):

1. Loam, seed and stabilize areas in excess of five (5) acre limit as restricted by NH DES.
2. Remove collected erosion sedimentation along down-gradient areas.
3. Recommend a copy of the project's US EPA General Construction Permit (GCP) Notice of Intent (NOI) be submitted to Hampstead PB.
4. Drainage swale does not appear to be constructed in accordance to the approved plan.

T. Lavelle stated that it is typical to have some areas of disturbance when a site is under construction. T. Lavelle indicated they are trying to stop erosion on site and have additional jute mat covering the gravel. T. Lavelle stated there has never been over five (5) acres disturbed on site. P. Carideo replied that the PB is not stupid. T. Lavelle asked the Chairman to prove him wrong. P. Carideo responded that he would not survey the property.

T. Lavelle indicated that if the road is taken out of the calculation there is not over five (5) acres of disturbance, he then stated there has never been over 100,000 SF at any time. T. Lavelle stated the road is not disturbed. P. Carideo told T. Lavelle to keep pushing it. T. Lavelle responded that he was not sure what P. Carideo meant by that statement. P. Carideo asked if the road swales are now established. T. Lavelle asked S. Bourcier if he observed more than five (5) acres of

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disturbance and asked if he had surveyed the site. B. Villella stated he felt the only violation was the outstanding SWPPP report.

P. Carideo stated the construction sequence was not followed per the approved Subdivision Plan of record. T. Lavelle stated that was a fair statement and indicated that the issue with the retention pond and structure outlet has been addressed. B. Villella stated the Town Engineer was on site and wanted to know if he identified any violations to which S. Bourcier replied he had not.

P. Carideo told B. Villella he should have been at the PB meeting two weeks ago to discuss these matters. B. Villella stated he does a lot of business and has many meetings to attend and indicated he only had four (4) days' notice of the meeting and could not reschedule his prior commitment. B. Villella stated he does not want to hear about this stuff around Town, especially since he is a resident. P. Carideo stated he reschedules meetings all the time. B. Villella responded that P. Carideo is paid by his company to go to meetings whereas he (B. Villella) is running his own business.

B. Villella felt the PB should not have discussed the Labrador Lane Subdivision since neither he nor his representative was at the meeting. P. Carideo stated the PB can discuss any ongoing projects at public meetings. B. Villella stated he has been trying to contact Eben Lewis, NHDES, all day today but just like S. Bourcier, he cannot get in touch with him either. B. Villella indicated he wanted to let E. Lewis know he is available and both NHDES and the EPA are welcome to walk the site. B. Villella asked for S. Bourcier's opinion of the site.

S. Bourcier stated erosion control measures appear to be in stable condition. There is vegetation growth throughout the site. The outlet stormwater control structure of the retention pond has been installed. The drainage swale along the northerly side of Lot 11 has been constructed in accordance to approved plan. There are outstanding drainage swales that flank the roadway and the contractor has stated they would be corrected as soon as possible. T. Lavelle stated the ditch to the permanent SWM basin has been sodded to ensure grass was growing in that area.

T. Lavelle stated he feels they have made great strides in turning things around, they are not trying to fight the board, and they are "trying to do the right thing". P. Carideo responded by stating that was a good thing, and that the PB wants the developer and contractor to comply with the Town's regulations. T. Lavelle stated he was not surprised the PB did not have a report from S. Bourcier, this site

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inspection was on Friday and today is Monday, Scott is busy and has other things to do.

B. Schmitz asked for confirmation as to whether or not the issue of inspections has been resolved. P. Carideo responded by stating if S. Bourcier's report indicates the site is stabilized then weekly inspections would not be needed.

T. Lavelle asked the PB members if any of them have ever been on site to which D. Howard, R. Waldron, and N. Emerson all responded they had been on site. N. Emerson stated it "looks good". N. Emerson asked S. Bourcier if he had observed any run-off to the wetlands. S. Bourcier stated he felt there had been no disturbance to the wetlands. S. Bourcier said there is a 180-degree turn around at this point, there is vegetation growth and the site has been contained to protect natural resources, there are no erosion issues at this time.

S. Bourcier stated that once the binder course is down he typically will not return to a site for an inspection until the Town is ready to accept the road. P. Carideo stated he has no plans in front of him to reference and asked if the driveways have been paved since he seems to recall some discussion regarding culverts under the driveways. S. Bourcier said he was unsure and would need to review the approved plans.

D. Howard stated the swale is only one (1) foot deep and asked how you could put culverts under such a small area. P. Carideo indicated that is the question. T. Lavelle said they would work out the issue with the Road Agent and the Town Engineer. T. Lavelle stated there are two (2) driveways currently paved in the Subdivision and neither have culverts due to the fact the swales matched the road elevation.

T. Lavelle indicated they have added extra waddles and jute mat to help with any issues. T. Lavelle asked for the Board's permission to review the culvert issue with S. Bourcier. P. Carideo stated he recalls that the PB wanted culverts however he could not remember the exact comments of the Road Agent. B. Villella and T. Lavelle stated they would contact the Road Agent. N. Emerson stated he thinks the Road Agent wanted two eight (8) inch culverts and the PB felt that would be too small and would plug up quickly. T. Lavelle commented that fifteen (15) inches should be the smallest size culvert to avoid blockage.

N. Emerson stated he wanted to express his personal opinion of inspections from his experience and indicated it used to frost him when someone showed up on his property without notice and he would personally like a call in advance as a

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courtesy. P. Carideo stated that he agreed that S. Bourcier would give the developer an advance call with an estimate of the date and time range he would be on site, i.e. "I plan on being on site between 10 am – noon on Friday".

T. Lavelle stated that all they were looking for was a heads up. N. Emerson stated if you call the developer on Thursday and say I plan to be there Friday morning the developer cannot change much on the site if they are out of compliance.

P. Carideo reiterated the fact the Town has the right to do inspections; however, erosion inspections seem to be all set with this site. D. Howard asked how the PB determines the site is stabilized and P. Carideo responded that the State has specific requirements. P. Carideo commented that per State guidelines there needs to be 85% coverage before October 15th. T. Lavelle thanked the board and both he and B. Villella left the workshop.

2. 19-009 Winchester Heights Elderly Housing

B. Schmitz indicated he had reviewed the Elderly Housing Section of the Zoning Ordinance and had a number of questions relevant to the Winchester Heights proposal. S. Bourcier stated that he has reviewed this section of the Ordinance as well and is under the impression that is what the engineer referenced when preparing the proposal for submission.

B. Schmitz asked what legal mechanism exists to ensure the applicant is compliant with the 55+ -age requirement. N. Emerson responded that he thinks DES will take care of that since they were in contact with him concerning the mobile home park. P. Carideo stated there would typically be a covenant in the deed or condominium documents.

N. Emerson stated he heard the owners are selling the units. P. Carideo indicated he was under the impression they do not want to do condominiums until they have a buyer for the development. P. Carideo stated that if the applicant turns the project into condominiums documents would need to be created and reviewed by Town Counsel before the PB would record the final mylar.

D. Howard stated he believes there are yearly certification requirements concerning the 55+ -age restriction. R. Waldron commented that the owner would have to certify to the Town on an annual basis that the rules are being followed. P. Carideo used the Irongate development as an example and stated the Town receives an annual certification from the site.

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B. Schmitz referenced Section IV-10:4 O Limitations on Units which states in part the elderly development cannot exceed 10% of the total housing stock of Hampstead. P. Carideo stated it is up to the applicant to provide the PB with the numbers and cited examples of other elderly housing in Town such as Angle Pond Woods, Irongate, Emerson Mobile Home, and Granite Village. R. Waldron commented it should be easy enough for the town assessor to prepare these numbers.

B. Schmitz referenced Section IV-10:4 H Regulations and Design Criteria – Open Space and questioned whether the applicant would meet this requirement. Section IV-10:3 A Definitions Section defines open space.

B. Schmitz referenced Section IV-10:4 Section A states the PB may require two fifty-foot frontages on Class V road or better for traffic circulation or safety. B. Schmitz asked if this mean the PB could require a second entrance in addition to Winchester Road. N. Emerson responded that the PB could impose this requirement however the HFD said it was not an issue. P. Carideo added that the applicant was told they could not use Town land for a second means of egress, if you look at the map the Town owns the only two abutting properties with access to a roadway.

S. Bourcier stated he has a question for the HFD with regard to the roadway lengths as Winchester Drive is already 1,200 feet in length and this proposal will add close to 1,200 linear feet off each of the internal driveways. S. Bourcier indicated his understanding of the road length limitation is to ensure the HFD can still get equipment to the end of a street manually in the event a tree fell in the roadway. P. Carideo stated that if the PB were to deny the proposal based on the lack of a second means of egress the PB had better have a good reason.

B. Schmitz asked if the buffer could be a wall. Section IV-12 Buffer Area states: the buffer is to be a screen of shrubbery and trees. The height and type of buffer shall be comparable with existing vegetation in the area. P. Carideo responded a fence or wall therefore could not be considered a buffer per the Zoning Ordinance. P. Carideo indicated this is one of the reasons he has asked the applicant to submit a landscape plan.

B. Schmitz referenced the section of the Zoning Ordinance that applies to Allowed Support Facilities and questioned whether any such support facilities have been proposed for the Winchester Heights Subdivision. There are no such support facilities shown on the current proposal. Examples of such support facilities include recreational facilities, postal substations, medical substation,

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library, and circuit veterinary care as outlined in the Zoning Ordinance. N. Emerson and P. Carideo both commented that we have a few elderly developments in Town that do offer such support facilities.

S. Bourcier stated he has the same concerns and will be addressing them in his response letter to the applicant. S. Bourcier questioned in particular the delivery of mail for the Subdivision residents, will it be delivered to the home or will a substation be provided. R. Waldron indicated that since the roadway is private mail would not be delivered to the resident's door. S. Bourcier also stated that trash pick-up would be another issue that needs to be addressed.

N. Emerson asked S. Bourcier about the status of his review response. S. Bourcier stated he has completed the Zoning, Elderly Zoning, Site Plan Regulation, and Traffic Study review. He is now working on the Drainage Report and Storm Water Management section. S. Bourcier stated his goal is to submit the review comments to the PB and the applicant by mid to late week.

S. Bourcier indicated he had concerns with the pervious pavement as there is no curbing he is questioning how the run off is kept off the road. C. Howard stated his understanding is that the pervious pavement needs to be vacuumed two times per year. S. Bourcier stated that only salt, and not sand, could be used on the pervious pavement.

B. Schmitz asked if the Town could bond the roadway system within the Subdivision for fifteen (15) years of maintenance. S. Bourcier stated he had questioned this as well and wondered what actions the Town could take if the private roadway fails. D. Howard commented that there is no room for detention ponds on the site and feels that is why they are using pervious pavement.

B. Schmitz asked, as a hypothetical, and not specific to any case, if the PB has authority to stop a development. P. Carideo responded by stating that is why the Town has Zoning Ordinances and Regulations. N. Emerson commented that Bartlett Brook was approved by the PB as a Multi-Family Development for 55+ and first time homebuyers. B. Schmitz commented that it would seem that the PB work is only as good as the regulations. N. Emerson stated that it would cost the Town a ton of money in legal fees if the PB simply denied an application because we just did not like it. B. Schmitz stated the PB should be able to guide development in Town by supporting the Town's Master Plan. P. Carideo reminded the PB members that they should be reviewing the Zoning Ordinances for every case before the board.

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S. Bourcier left the PB Workshop.

3. Axis GIS Update

B. Schmitz stated that Franco Rossi fixed the issues that were identified during the August 21st PB Workshop AxisGIS presentation. The Town of Hampstead GIS is ready to go live once the PB releases the site. B. Schmitz felt there were two questions that needed to be answered, the first being who is going to manage the GIS project. The second question relates to procedures and processes. For instance, updates, incoming questions/issues, and helping public use need to be addressed. Additionally how to we determine who pays for out of cycle updates or data collection.

P. Carideo stated the PB Secretary should be the contact as she is a Town employee and is in the office Monday through Friday, versus the PB members who are volunteers and work full-time jobs. P. Carideo stated it should definitely be a PB person since it was offered to the Selectmen and they did not want to buy into the idea of the GIS. P. Carideo felt the GIS needed one manager and stated if too many hands are involved things could get out of control. P. Carideo stated that the PB Secretary would make decisions about GIS based on input from the Board.

P. Carideo stated the PB would like other Departments in Town to share in the dialogue about GIS. R. Waldron asked about the structure of the management or governance of the GIS. B. Schmitz stated we have the GIS framework in place and that once people start using the website we hope to have more input. P. Carideo stated that the PB Secretary already works with Franco Rossi at CAI, Inc. with regard to other map updates for the Town and felt she would be the logical choice to manage the GIS project as well. N. Emerson suggested the PB send a letter to the Selectmen, Department Heads, and other Boards regarding the GIS. B. Schmitz agreed that we should send a memo clarifying roles.

D. Soucy provided an update on some of the GIS issues relating to properties and some subdivisions that the mapping does not correspond with the assessing records. Based on D. Soucy's conversations with T. Harrington a good portion of these issues have been identified but not resolved. D. Soucy stated that part of the problem is that when the mylar for a particular Subdivision has been recorded at the Registry of Deeds specific street numbers are not assigned to the parcels. The house lots are referenced back to the mother lot and not the actual house number that is used for the street assignment for mail delivery or emergency response.

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P. Carideo stated the PB needs to determine who and when street numbers are to be assigned. N. Emerson stated it should be the Town Engineer since he is already reviewing the plans. P. Carideo indicated that most towns have the Fire Department assign the street numbers. N. Emerson stated that every fifty (50') feet of frontage could be assigned a number, this means if a property has 150' of linear frontage it could be assigned numbers 1, 3, or 5 for instance.

N. Emerson suggested the PB draft a letter to the Selectmen and Department Heads. Chairman Carideo asked B. Schmitz if he would draft a memo regarding the matter since B. Schmitz has been involved with the GIS since the proposal stage. B. Schmitz agreed to draft a memo.

B. Schmitz reminded the PB that the tax parcel and air photos on the GIS website do not match up exactly; the PB has been given quotes to correct this issue, however, in the interim the PB needs to agree on disclaimer wording for the splash screen.

B. Schmitz provided the finalized splash screen/disclaimer wording that will appear on the Town's GIS site. "The property and GIS data available on this site are updated periodically. Property lines, satellite imagery, and other data layers are from multiple sources and may not line up precisely. The Town of Hampstead, NH makes no warranties with regard to the data accuracy or completeness and assumes no liability associated with the use of this data. Spatial accuracy of the data cannot be guaranteed. True legal references can be acquired through the Town of Hampstead Assessor's Office." PB Secretary is to forward this information to Franco Rossi at CAI, Inc.

P. Carideo reminded the PB that budget season is fast approaching and as B. Schmitz stated earlier the PB was given quotes to correct the misalignment of spacial imagery. The CAI, Inc. quotes to make the correction range in cost from \$20,000 to \$225,000 depending upon which option the PB choose. P. Carideo felt the \$20,000 option seems reasonable, he thought based on the cost it may require a warrant article. P. Carideo confirmed the annual contract cost for the GIS website is \$2,400 and that the PB is already budgeted for \$4,900 and suggested to the other members that we keep the current budget figure of \$4,900.

P. Carideo stated he would request a \$25,000 budget for the upcoming fiscal year and present the options for the parcel layer improvements at the budget hearing. P. Carideo advised the PB members that we need to make the parcel

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layer improvements and asked for input as to how they felt we could have the monies allocated for improvement.

B. Schmitz stated the first thing the PB should do is get the GIS up and live so that anyone can access the system, he felt this could go a long way in substantiating the budget request. B. Schmitz suggested that some sort of log be created to track the number of times people call Town Hall to question why the parcels are not properly aligned with the air parcels. B. Schmitz stated that once the site is released live the URL should be added to the Planning Board page on the Town's website.

P. Carideo and the other PB members agreed the GIS site needs to be released to the public. B. Schmitz asked the PB Secretary to provide the splash screen disclaimer along with the PB email address as a contact link to F. Rossi at CAI, Inc. B. Schmitz stated that CAI, Inc. is a good and reputable company and the PB should be pleased with the website. P. Carideo suggested that Penny Williams may be interested in doing an article regarding the GIS site as it may help the PB gain public support for the additional budget request.

4. Member Comments

Chairman Carideo invoked a RSA 91-A:3 Non-Public Session, Section II-C, for a portion of the member comments.

P. Carideo stated he would be drafting letters regarding a number of existing sites that do not comply with the Subdivision and/or Site Plan Regulations. P. Carideo indicated he was questioning some of the regulations, in particular, those concerning dumpsters, currently the Site Plan Regulations, Table of Dimensions page is the only reference to Dumpsters and it states dumpsters must be screened and not visible from the road.

P. Carideo stated the PB needs to do a thorough review of any site that comes before the PB for a change of use. P. Carideo stated that public safety is the most important factor the PB considers, then environmental factors, followed by abutters.

One such example of a site Chairman Carideo feels is out of compliance is Depot Development. P. Carideo stated there is a shed on the property and there has been a change in hours with the PB approval. However, the fence that was shown on the site plan does not appear to be on the property. P. Carideo stated the fence was going to help with the noise and it has to be installed since it was part of the Amended Site Plan that the PB approved.

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Sweet Baby Vineyards is an example of a site that removed a fence the PB asked them to install. P. Carideo stated he would draft letters regarding the non-compliant sites. P. Carideo also indicated he would ask K. Emerson if there is anything he could do from a building enforcement perspective concerning these matters.

5. Review Minutes (8/7 Meeting, 8/21 Workshop and 9/5 Meeting)

The 8/7 Meeting minutes were approved as written. The 8/21 Workshop minutes were reviewed but could not be approved since there was not a quorum of PB members, who had attended the workshop, to make a motion and vote on the matter. P. Carideo decided to defer the review of the 9/5 Meeting minutes to the next PB meeting so that those PB not present at this evening's meeting could add their input and review comments.

MOTION: R. Waldron

SECOND: N. Emerson

VOTE: 4-0-2 (D. Howard and B. Schmitz abstained)

Approve 8/7 Minutes as written.

6. Adjourn

The meeting adjourned at 9:45 p.m.

Minutes by: Debbie Soucy, Planning Board Secretary