Chairman Paul Carideo opened the meeting at 7:00 PM. Members present included Paul Carideo, D. J. Howard Jr., Neil Emerson, Chris Dane, Proctor Wentworth, Glen Emerson, alternate, and Chad Bennett, Ex-officio voting member. Secretary Susan Hastings was present. Robert Waldron was absent.

Attendees included Suzanne Zakian, Amaya Eaton, Stacy Eaton, Lewis Eaton, Ellen Mulligan and Bill Blaine.

**CHAIRMAN’S REMARKS**

The next meeting of the Planning Board is 6 July 2015. The last date to file plans for a Public Hearing at that meeting is 15 June 2015.

**BOND 06-06-006 103 Gigante Drive**

Chairman Carideo summarized the bond status. Owners B. Worthen and R. Towne intend to post the bond prior to the expiration date 30 June 2015. Chairman Carideo announced the bond for 17 Gigante Drive will be continued to 6 July 2015.

**PUBLIC MATTERS 06-045 W. Blaine property: Sweet Baby Vineyard**

P. Carideo, Chairman, said he would allow 30 minutes for Stacy and Lewis Eaton to present information to the Board. Any discussion is non-binding. No votes can be taken.

Lewis Eaton said they are going to file a “basic” site plan of the property proposed for use as Sweet Baby Vineyard.

Chairman Carideo said the plan should include information on existing structure location, parking, existing lighting, drive entrance, septic loading, and other items as related to the use of the property affecting public health, safety and general welfare of the public. The use of the property is residential and the Revised Statues Annotated of the State of New Hampshire allows the intended use as agricultural. The Town Attorney has advised the Board of RSA 674:32-b (b) and 674:32-c, II pertaining to the agricultural use of land and to the requirements for a Site Plan for Sweet Baby Vineyard. There is no existing agricultural use of the Stage Road property and the vineyard would be considered a new use. The described use would involve on-site transactions with the public. The use can be regulated to prevent

**PUBLIC MATTERS 06-045 W. Blaine property: Sweet Baby Vineyard** CONTINUED FROM PAGE 1

traffic and parking from adversely affecting adjacent properties, streets and sidewalks, or public safety. Site regulations only apply to non-residential uses so the vineyard is subject to site plan regulations. Some of these would be dimensional standards, driveway and traffic, setbacks, parking requirements, odor, noise, or vibrations restrictions or sign regulations.

Mr. Eaton had a copy of William Blaine’s plan, which showed the basic structures.

A copy was provided to the Board from the Town’s files. S. Hastings said items such as driveway, lighting and parking were not shown on the plan. The Chairman said these items and others discussed need to be on any site plan.

Mrs. Eaton said she had called and the draft minutes of the June meeting were not available. P. Carideo said they could be picked up at the office. The draft minutes are not mailed out. She asked about the fee for the Department Heads Plan Review (DHPR) with the Town Engineer. This was formerly called the TRC. Paul Carideo said they review the plan and provide comments on issues relating to their needs. The meeting is required for this site. He added the Town Engineer, Nick Cricenti, is a licensed professional engineer.

Mr. Eaton had concerns with the time for filing and was told the last date to file for a Public Hearing on 3 August 2015 is 13 July 2015.

Stacy Eaton asked if the Board could supply a letter to the government saying they met the requirements of the Town. P. Carideo said the Board could not do that but he would talk with the Code Enforcement Officer to see if he could provide the letter. Mrs. Eaton asked for a copy of the letter from the Town Attorney and was told it is confidential.

P. Carideo added the call to be on the agenda was received after the deadline of Wednesday. He said the Board was trying to accommodate the Eaton’s and added no vote could be taken and the purpose of the discussion was to provide some general guidance. Neil Emerson said he thought a farm stand was an allowed use for an agricultural site. The winery set up is allowed, but this proposal gets into the sale of alcohol to the public.

Chris Dane said the requirements for the application submittal and in general, information on the basic items needed on the site plan had been discussed. He asked if they needed any further information.

**PUBLIC MATTERS 06-045 W. Blaine property: Sweet Baby Vineyard** CONTINUED FROM PAGE 2

Chairman Carideo said the time had exceeded the half hour and the Board had other business to take care of.

**RULES OF PROCEDURE**

Paul Carideo suggested an appendix be added which would have each of the RSA’s mentioned in the text. Members agreed there should be an index. Members discussed the rules of procedure and agreed on the following changes shown in purple. Earlier changes are in red.

**RULES OF PROCEDURE**

Adopted September 3, 1991

Amended April 15, 2002

Amended June 2, 2008

Amended May 7, 2012

Amended April 1, 2013

Amended Date to be added.

**Authority**

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated 676:1.

**Membership**

The Hampstead Planning Board shall consist of six elected members. The Board may appoint up to five (5) alternate members. The Selectmen shall designate one selectman as an ex-officio member with the power to vote and one alternate ex-officio member with the power to vote.

Alternate members, once appointed to sit in place of regular members by the Chairman, will have full participation and voting rights as a regular member.

If the alternate member is to sit in place of the Chairman or Vice Chairman, those official roles assigned to those positions will be carried out by a regular member of the Board. Alternate members who are not appointed by the Chairman to fill in the seat of an absent or recused member may fully participate, with the exception that they may not make or second a motion, vote or participate in discussions on the motion.

Appointment, term, removal of members, and filling of vacancies shall conform to RSA 673.

**RULES OF PROCEDURE** CONTINUES FROM PAGE 3

Each newly elected or re-elected, or appointed including a re-appointed member or alternate shall be sworn in and take an oath of office as required by RSA 42:1.

The Secretary shall forward to the municipal clerk for recording the appointment or election and expiration dates of the terms of each member and alternate member of the Board.

The Secretary will maintain a record of designation of alternate members as voting members to assist the Chairman.

#### Officers

The duties of the officers of the Board shall be as follows:

**Chair**: The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; and shall perform other duties customary to the office. Alternate members shall be selected by the Chairman at his discretion.

**Vice Chairman**: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.

**Secretary:** The Secretary shall keep a full and accurate record of the proceedings of each meeting: issue notices of all meetings; record the names of members present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chairman may specify. In the absence of the Secretary, the Chairman shall appoint a Secretary pro tem to keep records of the meetings per RSA 91:A 2 II.

The officers of the Board shall be elected annually during the month following Town Meeting by a majority vote of the Board. (If requested by a majority of those present, voting shall be by written ballot). **TO BE DELETED**

**Meetings**

Regular meetings shall be held in the Meeting Room of the Town Office Building, 11 Main Street, Hampstead, NH beginning at 7:00 P. M. on the first and third Monday of each month.

The first meeting of the month is to conduct Public Hearings. The third Monday is a Work Shop for the board business or for a PUBLIC HEARING as needed.

Special meetings may be called by the Chairman or in his/her absence, by the Vice Chairman, or at the request of three members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.

**RULES OF PROCEDURE** CONTINUES FROM PAGE 4

Non-public Sessions: These shall be held only in accordance with RSA 91-A: 3.

Quorum: A majority of the membership of the Board shall constitute a quorum.

Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, the disqualification shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the board table during all deliberations and the public hearing on the matter.

If uncertainty arises as to whether a Board member should disqualify her/himself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than Board members, per RSA 673:14, II.

A motion duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by voice vote and a roll call shall be recorded upon request.

Order of Business normally shall be as follows:

**Call to Order by Chairman**

Bonds

Public Hearings

Discussion of Unfinished Business

Other business

Communications

Report of Officers, Committees, Engineering Consultant

Approval of Minutes

Non-Public Session

Adjournment.

The order of business may be modified at the discretion of the Chairman.

**Application for Subdivision or Site Plan Review**

Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board’s agent who shall sign and record the date of receipt.

Notice shall be given as required in RSA 676:4, 1 (d) 10 free days before a completed application is submitted to the Board.

**RULES OF PROCEDURE** CONTINUES FROM PAGE 5

Completed applications shall be accepted by a majority vote of the Board (and shall be scheduled for consideration at the next meeting at which hearings will be scheduled) **TO BE DELETED AND REPLACED WITH “Plans and documents may be reviewed, discussed, or approved once accepted.”**

(Hearings are scheduled on the first Monday of each month). **TO BE DELETED AND REPLACED WITH “Hearings may be scheduled on the first or third Monday of each month.”**

The Board shall reject all applications not properly completed.

**Forms**

All forms prescribed herein and revisions thereof shall be adopted by a resolution of the Board and shall become part of these rules of procedure.

“**An APPENDIX will be added to include forms and RSA’s which are referenced in this document”**. New

#### Notice

Public notice of the submission of and public hearings on each application shall be given in a newspaper of general circulation and by posting at the Town Office Building and the Hampstead Public Library.

Personal notice shall be made by certified mail to the applicant, developer, owner, abutters, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board on the third Monday prior to the dated fixed for the submission of the application per RSA 676:4 (d).

#### Public Hearings

##### The conduct of public meetings shall be governed by the following rules:

The Chairman shall call the hearing in session, identify the applicant or “age” **CHANGE TO “agent”** and ask for Town Engineer’s report on the proposal.

##### The application shall be read; the manner in which the public and personal notice was given shall be reported.

##### The applicant or agent shall be called to present the proposal. (and those appearing in favor of the proposal shall be allowed to speak) DELETE

Members of the Board may ask question at any point during the presentation.

Any party to the matter who desires to ask a question of another party should direct the question to the Chairman.

**RULES OF PROCEDURE** CONTINUES FROM PAGE 6

Any applicant, any abutter or any person with a direct interest in the matter may testify in person or writing. Other persons may testify, as permitted, by the Board at each hearing. Each person who speaks shall be required to state his or her name and address and indicate whether he or she is a party to the matter, or an agent, or counsel to a party to the matter.

Those in favor or in opposition may speak **or those who are neutral have information or questions. ADD**

Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.

The Chairman shall indicate whether the hearing is closed or adjourned pending the submission of additional material, or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

#### Decisions

The Board shall render a written decision within 90 days of the date of submission of a completed application, subject to extension or waiver as provided in RSA 676:4.

The Board shall act to approve, conditionally approve, or disapprove.

Notice of decision will be made available for public inspection at the Town Office Building, 11 Main Street, Hampstead, NH within 144 hours after the decision is made, as required in RSA 676:3, II. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.

#### Records

The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the Office of the Planning Board, 11 Main Street, Hampstead, NH as required by RSA 676:3, II.

The minutes of the meetings, including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to the public within 144 hours of the public meeting as required in RSA 91-A:2, II.

#### Joint Meetings and Hearings

The Planning Board may hold joint meetings and hearings with other “land use boards” including the Board of Adjustment, the Historic District Commission, the Building Code of Appeals, and the Building Inspector. Each Board shall have discretion whether or not to hold such joint meeting or hearing. RSA 676:2.

**RULES OF PROCEDURE** CONTINUES FROM PAGE 7

Joint business meeting with another local land use board may be held at any time when called jointly by the chairman of the two boards.

A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.

The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.

The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:

Call to order by the Chairman

Introduction of members of both boards by the Chairman

Explanation of reason for joint meetings or hearings by the Chairman

In the case of a public hearing relative to a requested permit or an application for plat approval, or both, the applicant shall be called to present his proposal.

Adjournment

Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

#### Amendment

These rules of procedure may be amended by a majority vote of the members of the Board provided that such amendment is read at two successive meetings immediately preceding the meeting at which at which the vote is to be taken.

The amended procedures shall be on file with the Town Clerk.

**Members Date of Term Expiration**

**Chairman Paul Carideo 2018**

**Vice Chairman Chris Dane 2016**

**Neil Emerson 2018**

**D. J. Howard, Jr. 2017**

**Robert Waldron 2017**

**Proctor Wentworth 2016**

**Ex-officio Chad Bennett**

**Alternate Glen S. Emerson 2018**

**Alternate W. R. Clark 2018**

**OTHER**

Neil Emerson said he thought he was at the 4/20/2015 meeting. Proctor Wentworth said he was not at the 4/6/2015 meeting. The Secretary will check and correct the minutes and attendance record.

Copies of the Subdivision Regulations were handed out and members were asked to review them for the next meeting.

**Member Comments** Chad Bennett asked who does a traffic study. P. Carideo said it is first done by the applicant’s engineer, and reviewed by the Town Engineer. Neil Emerson said a traffic study is done by a professionally licensed engineer and his license can be revoked if the information is fudged and not correct. Paul Carideo said some information can be subjective. C. Bennett said he was concerned with traffic blocking Brickett’s Mill Road.

DJ Howard asked how a regulation can be changed. He said allowing a room over a garage in some cases and not in others seems unfair. Neil Emerson said if trusses are not put in when a room over a garage is not allowed, the owner can just go in later and add the room.

Neil Emerson asked who did the final check of 416 Emerson Avenue and if the site was complete. Changes may have occurred later such as the placement of the dumpsters. He said he thought the plan should be brought up to date.

**Minutes** The approval of the minutes was continued to the next meeting.

**Adjourn** The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Susan J. Hastings, Secretary