Paul Carideo expressed the Board’s sympathy to the Howard family on the death of Dean C. Howard. Dean served on the Planning Board for more than 30 years and held the position of Chairman for several years. He loved “his Town” prosper and grow. Dean served on most of the Boards at one time or another. His service to Hampstead will be missed.

The Chairman opened the meeting at 7:00 PM. Members present included Paul Carideo, Chairman, Chris Dane, Vice Chairman, Chad Bennett, Ex-officio from the Board of Selectmen, Robert Waldron, Proctor Wentworth and Randy Clark, Alternate. Nick Cricenti, Jr. P. E. SFC Engineering Partnership, Inc., and Susan J. Hastings, Secretary attended the meeting.

Members of the public attending included Louise Dinsmore, Scott Markinson, Lewis Eaton, Stacy Eaton, Suzanne Zakian, Fran Beaudry, Bob Leonard, Bruce Worthen, Barbara Bedrosian, Joseph Tabbi, Joseph Tabbi, Jr., Priscilla Lindquist, Penny Williams, Media.

**CHAIRMAN’S REMARKS**

Date of next Public Hearing Meeting **5 October 2015**

**Filing Deadline** for 5 October 2015 Meeting 9/14/2015

**Filing Deadline** for 2 November 2015 Meeting **12 October 2015**

**Zoning Ordinance Petitions** First Date to File with Selectmen **November 9, 2015,** Last Date to File **December 9, 2015**

**ALTERNATE DESIGNATION**

The Chairman said Randy Clark would be sitting on the Board for Neil Emerson, who was absent.

**PUBLIC HEARING Rules of Procedure**

Paul Carideo advised Board Members that Town Counsel had suggested several amendments to the language of the document. The changes included changing the time for acting on a plan, the time for issuing a decision, and the time for making minutes available to reflect the current statutes. A provision on preliminary review for conceptual consultation and a provision on Reconsideration of Decisions were added. The Chairman asked Vice Chairman Chris Dane to read the revised Rules of Procedure. **ATTACHMENT # 1.**

Planning Board members briefly discussed the changes and added provisions. A preliminary review consultation is to be in accordance with the existing Subdivision Regulations and RSA 676:4 II (a). The Board shall issue a written decision within sixty-five days of the date of submission of a completed application. The notice of decision is now to be made for public inspection within five business days after the decision is made. The new section is the Reconsideration of a decision to approve or disapprove an application provided it is within the statutory appeal period, which is 30 days. P. Carideo added the site plan regulations are a part of the subdivision regulations. He asked the Board if they were ready to vote on the changes to the Rules of Procedure.

**MOTION**

**Proctor Wentworth made the motion to accept the changes to the Rules of Procedure as proposed by Town Counsel Diane Gorrow in her letter dated August 19, 2015. Chris Dane seconded the motion, which was approved unanimously.**

**VOTE YES**

**Proctor Wentworth, Chris Dane, Chad Bennett, Robert Waldron, Randy Clark and Paul Carideo.**

**PUBLIC HEARING Rules of Procedure** Continued from page 2

The Chairman announced the opening of the First Public Hearing on the Rules of Procedure as read by Chris Dane. He asked for comments or questions from the public present. There was none. Board members had no other issues to bring forward.

The Second Public Hearing is scheduled for 5 October 2015.

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Public Hearing continued from 8/3/2015

Chairman Paul Carideo opened the Public Hearing continued from 3 August 2015. Jurisdiction of the plan was taken at the 3 August 2015 meeting. Alternate Randy Clark is acting in place of Neil Emerson.

SFC Engineering submitted a review of the proposed site development dated 15 September 2015, **ATTACHMENT # 2.** The Chairman asked Nick Cricenti to summarize the review. He said some comments were editorial and some were substantial. Item # 1, a correct signature block is required on the plan. Item # 2, the actual site distance along NH Route 111 for the driveway is required. Item # 3 says a letter to the Board from the State of New Hampshire Department of Transportation requires a new driveway permit for the site. Item # 4 asks for a signed copy of an agreement from the abutting property owner to provide emergency access for the site. Stacy Eaton said the owner has changed his mind and will not provide an emergency access. She added the Hampstead Fire Department has sent the Board a letter with their opinion on a single access, **ATTACHMENT # 3.** Item # 5 requires lighting in conformance with the Hampstead regulations and the NH Fire Code.

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Continued from page 3

Item # 6 notes the absence of flood plain information. N. Cricenti suggested this could be addressed in a plan note. Item # 7 addresses the presence of three accessory buildings when only two are permitted by the Regulations. There may be two ways to resolve this; one is to raze one of the structures. The second option would be to apply to the Board of Adjustment for a waiver or variance from the Zoning. N. Cricenti added the applicant could use a plan note stating which building was to be “razed”. The Zoning is silent on “gazebos”. Paul Carideo said this is a unique submittal and the information on wineries is scattered. Item # 8 is about parking. N. Cricenti explains the residential zone has no parking requirements; consequently, the requirements of the closest commercial zone are used. In this, instance the Commercial 2 Zone, which would require 29 spaces. The parking provided is for 36 spaces. Item # 9 says the NH State grid coordinates are to be provided on the final mylar. This is a requirement. Item # 10 says parking aisles should be 24 feet wide. SFC believes the 22-foot aisles will provide adequate room and they will support a waiver request.

Nick Cricenti and Paul Carideo each said the Planning Board could not waive the requirement for a state driveway permit and did not want to take that action. Stacy Eaton said the requirement for a driveway’s site distance is 400 feet. Paul Carideo said the requirements for a change of use and a site plan is different.

Item # 11 A waiver requested from relief from Section 5.02N. N. Cricenti said since the lot is mature, there is no useful purpose to requiring the grading be shown on the site plan. Board members were unanimous in their agreement with the waiver recommendation.

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Continued from page 4

Item # 12 A waiver is requested from Section 5.02.O (drainage and grading). Mr. Cricenti said again, since the lot is mature there is no useful purpose for the requirement and he recommended it could be waived. Board members were unanimous in their agreement with the waiver recommendation. Item # 13 SFC does not agree to a waiver from Section 802.A. N. Cricenti recommended there be a complete locus scale of 1”= 1000 feet. The Eaton has asked if a simple drawing would meet the requirements. The answer was no, a complete locus map is required. Item # 14, a waiver to section 8.02.K for contours was requested. SFC saw no reason not to grant this waiver request and Board members agreed. Item # 15 A waiver to show underground utilities could be handled with a plan note saying, “no underground utilities existed on this site”. Item # 16 A waiver to section 8.02.C for all other lands held or controlled by the applicant within 1000 feet of this site was not recommended. N. Cricenti said the item could be handled with a plan note.

Mrs. Eaton asked the Board for a waiver from the requirement of a driveway permit from the State of New Hampshire. N. Cricenti said his last correspondence to the Board clearly stated the NHDOT Driveway permit is a requirement of the State. A Planning Board has no jurisdiction to make a request for, or grant a waiver. Stacy Eaton provided a copy of the DOT Permit Application. **ATTACHMENT # 4** She asked for a conditional approval subject to the state approval for the driveway. N. Cricenti pointed out the permit for the gas station took 18 months. Stacy Eaton said the property is agricultural. P. Carideo asked to have the request for a waiver be withdrawn and the Eaton’s have agreed.

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Continued from page 5

Robert Waldron asked why the road width was set at 22 feet instead of 24 feet. N. Cricenti said the width regulation is in Subdivision and the Board could use its’ best judgement to provide a waiver. The gazebo is an accessory structure and is a zoning requirement, which makes it an issue for the Board of Adjustment.

Paul Carideo said S. Eaton presented the septic evaluation. The plan shows two systems. Mrs. Eaton pointed out the separate system for the three-bedroom house. **ATTACHMENT # 5** The Chairman said there should be a system designed for the site in case of a failure of the existing system. The system will be taxed with the addition of a new business. The evaluation is of the existing conditions. There was a discussion of the new uses anticipated. The farm stand is not expected to produce much usage. The sterilization process for the bottles used a minimum of water. The grapes are not washed before crushing. P. Carideo emphasized there could be a failure of an existing system and it would be prudent to have an approved septic design in place. Board members were asked to comment. Chad Bennett said there was a business there previously and he was not sure a new design system was necessary. P. Carideo pointed out there is no documentation of the system location or the capacity of the systems in place. Chris Dane said he thought the report was satisfactory. Proctor Wentworth agreed with Dane but added the design and approval of a new system was in the best interest of the owners.

The Chairman asked for a determination of the Board on Item # 10, the aisle width in the parking design for the site. N. Cricenti said the parking areas are not a part of zoning but are addressed in the Subdivision and Site plan regulations.

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Continued from page 6

Proctor Wentworth said the plan could be approved with the aisles in the parking design reduced from 24 feet to 22 feet.

All Board members agreed to set the parking aisles for Sweet Baby Winery at 22 feet.

The Chairman recognized S. Zakian, whose property is located across the street from the proposed winery. Sue Zakian said the basic issue is the location in the residential zone when the business is manufacturing with functions and catering hall. She told the Board it was their obligation to safeguard the residential zone. The proposal had gone from a farm stand to a wine tasting room. Ms. Zakian expressed her concerns with the septic systems asking for a plan and a design and what the capacity of the system was. She added the function hall proposed occupancy was 30 people. Her other requests were for a lighting plan, the hours of operation for the function hall, the adequacy of the driveway for the proposed use, if a liquor license was required, where the water source was, the hours of operation for the trucks, the number of employees and whether the parking spaces on the lawn would be used year round.

Paul Carideo said Town Counsel had reviewed the proposal, plan and minutes. The use as agricultural is valid in the residential zone and a vineyard with wine making is considered an agricultural use. RSA 21:34 does not allow the renting of space for private parties to explain the wine making process whether or not food is allowed. The limitation on an accessory buildings does not apply to agricultural uses. Agritourism is not agriculture under RSA 21:34-a. Wine tasting would be permitted as an activity incident to farming operations under RSA 21:34, II(b) and is limited to individuals coming to the vineyard during the hours of operation when the

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Continued from page 7

vineyard is open to sample the products. The sale of the wine is allowed. Atty. Gorrow added the growing of one grape vine would not be farming.

The March 2015 Town Meeting revised the accessory building provisions and replaced Article III-2:2(6) with the following:

“Two (2) accessory buildings are allowed. Only one (1) of the accessory buildings shall

have a maximum square footage of 1,500 square feet of ground floor area for lots up to and including 45,000 square feet; or shall have a maximum square footage of 1,800 square feet of ground floor area for lots over 45,000 square feet. All non-permanent buildings shall have a maximum square footage of 150 square feet of floor area.

Agricultural uses are not subject to this regulation.”

Since agricultural uses are exempt from the accessory building limitation a variance is not required for the four accessory buildings.

Sue Zakian said according to the Municipal Association 35% of the products sold must be produced on the property or their own farm. They are not operating as a farm. Mr. Eaton said grapes were harvested from their farm in Kensington before it was sold. The wine will be made and sold at the winery. Paul Carideo said the information on the site plan should be clear. He emphasized this is not a minor plan and suggested they work closely with their consultant. He reminded them the proposed fence at the parking site and the items discussed are to be on the plan.

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Continued from page 8

Mrs. Eaton said they will not be serving food and there will be very little trash. Many people take the wine tasting glasses home with them. There is not a lighting plan since they are not changing the lighting, which is already there. Nick Cricenti said the state requirement is one candle foot on the ground. It is also part of the NFPA #1 law and cannot be waived.

There were no further comments from the public and the Chairman declared that part of the hearing closed.

Robert Waldron questioned what was meant by “birthday parties” asking if that meant there would be a cake they would bring to the wine tasting. He asked if “birthday parties” would be extended to mean and sort of party such as anniversary, bridesmaids, engagements, corporate and like events. Stacey Eaton said she did not want large parties.

Fran Beaudry asked if there would be fire protection required, and what the occupancy of the building or room would be set at. P. Carideo said the changes inside the buildings are not a function of the Planning Board.

Randy Clark said the outstanding items he found were the NHDOT permit, lighting, the accessory buildings, and payment of fees. An offer to use a driveway on adjacent property was withdrawn by the owner.

P. Carideo said the revised plan could be submitted directly to SFC, as well as the office.

**PUBLIC HEARING 06-026 Sweet Baby Vineyard** Continued from page 9

**MOTION**

**Proctor Wentworth made a motion to continue the Public Hearing to 5 October 2015. Randy Clark seconded the motion and it was approved.**

**VOTE YES**

**Proctor Wentworth, Randy Clark, Chris Dane, Chad Bennett, Robert Waldron and Paul Carideo.**

**OTHER 07-022 Irongate Letter dated 8/10/2015**

Chairman Carideo opened the discussion of a letter to the Board from the residents of Irongate, dated 10 August 2015, **ATTACHMENT # 6.** Robert Leonard, President presented the letter, signed by each Member. The letter was read. Nick Cricenti said the bond posted was to cover the erosion and sediment control and the paving of the site. The amenities were not bonded. Bond money may only be used for items as specified in the Performance Guarantee. Robert Waldron noted there are no street lights for the project. The lights are not part of the performance guarantee. N. Cricenti said we have a bond and a letter of “non-compliance”. There is no bond money for lights. P. Carideo said the Board is now looking at requiring more comprehensive bonding. R; Waldron added there are two units which are not sold yet.

Chairman Carideo said the developer will be sent a letter requesting compliance with the Site Plan and that no Occupancy Permits were to be issued until the outstanding issues on the plan were resolved. The Code Enforcement Officer would be instructed to withhold the permits until the issues are resolved. P. Carideo said he would speak with the Town Counsel on the matter.

**OTHER 07-022 Irongate Letter dated 8/10/2015** Continued from page 10

The Chairman said the Board is discussing the issues affected by bonding to make it more comprehensive.

**OTHER Letter of Credit**

Paul Carideo asked Randy Clark to explain the changes to the Letter of Credit. He said he had consulted with Diane Gorrow on the revisions to the Letter of Credit. He read each in order:

Page 1 change “a” to read “an Irrevocable Letter of Credit”

Add “Date” to item # 1 and item # 3

Add “3. Repair of damages to existing public improvements.”

Page 2 change “Regulations” to read “the Subdivision/Site Plan Regulations”

Change “Subdivider” to “Developer”

Add “to the satisfaction of the Town” by “Date”

Change “Bank” to “Issuer”

Add amount of “$ “

Delete “The funds so forwarded to the Town Treasurer of the Town of

Hampstead.

Change “no” to “not”

Page 3 change “Bank” to “Issuer”.

Nick Cricenti pointed out that a plan must first meet the Zoning. The Subdivision and Site Plan Regulations are the specific details needed on a plan. Randy Clark added the bonding defends the Town to require the developer to make the improvements. Nick said the final paving amount is held for a year following completion. **ATTACHMENT # 7**

**OTHER Letter of Credit** Continued from page 11

There were no further comments from the Board or members of the public present and the Chairman called for a motion.

**MOTION**

**Proctor Wentworth made a motion to accept the Letter of Credit as presented. Robert Waldron seconded the motion that was approved unanimously.**

**VOTE YES**

**Proctor Wentworth, Randy Clark, Chris Dane, Chad Bennett, Robert Waldron and Paul Carideo**

**BOARD BUSINESS Correspondence** 06-026 S. Zakian re Sweet Baby Vineyard

The letter was discussed during the Public Hearing.

**BOARD BUSINESS Engineers Comments**

**17 Gigante Drive LLC**  Nick Cricenti asked Board Members to release the bond for 17 Gigante Drive. Paul Carideo said the dumpster behind the building is not screened. N. Cricenti said dumpsters located behind a building and out of site are usually not screened. B. Worthen asked if the screening was on the plan. The plan does not show the dumpster being screened. The Board was asked to vote on the bond release subject to the receipt of the recommendation from SFC Engineering. Board members agreed they letter should come first. The bond release will be on the 5 October 2015 Agenda.

**Depot Crossing** N. Cricenti told the Board that final paving is scheduled for 9/22/2015.

**BOARD BUSINESS Engineers Comments Continued** from page 12

**Lancaster Drive** Town Engineer Cricenti said the road is complete to the turn around. He said a letter would be ready for the next meeting on the bond release.

**BOARD BUSINESS Member Comments**

Chad Bennett said all commercial dumpsters should be screened.

Paul Carideo asked the Board to consider a zoning change for mixed use. This will be put off until spring.

Paul Carideo suggested a Zoning Change to C-1 or C-2 for the East side of Stage Road from Brickett’s Mill Road to the Atkinson Town Line. Brickett’s Mill at the corner of Stage Road and Route 111 is already zoned commercial and the East Side of Stage Road is Commercial 2 from Route 111 to the Atkinson Town Line.

**BOARD BUSINESS** Minutes and Adjourn

**Adjourn**

Respectfully submitted,

Susan J. Hastings, Secretary