The Chairman opened the meeting at 7:00 PM. Members and staff present included Paul Carideo, Chairman, Chris Dane, Vice chairman, Chad Bennett, Ex-officio from the Board of Selectmen, Proctor Wentworth, Dean Howard, Jr., Neil Emerson, Glen Emerson, Alternate and Randy Clark, Alternate, Nicholas J. Cricenti, Jr., P. E., SFC Engineering Partnership, Inc., and Susan J. Hastings, Secretary.

Members of the public attending were Scott Markin, Louise Dinsmore, Lewis Eaton, Stacey Eaton, Suzanne Zakian, Donald Zakian, Joseph Tabbi, Bruce Worthen, Richard Towne, Curtis Sweet, Kenneth Sweet, Ron Laffely and Penny Williams, Media.

**CHAIRMAN’S REMARKS**

**Next Public Hearing Date 2 November 2015**

**Filing Deadline 12 October 2015**

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

**ALTERNATE DESIGNATION**

Paul Carideo asked Glen Emerson to sit on the Board for Robert Waldron.

**BONDS 07-022 Irongate Status**

The Chairman asked Nick Cricenti the status of Irongate Village owned by Trendezza, LLC. He said he had walked the site and the final paving and some sidewalk work remain to be completed. The owner has agreed the installation of the post lights is his responsibility. The bond is sufficient to cover the remaining work and the post lights. Board members were asked if they had any objections and there were none. Based on this assessment Planning Board members agreed the Certificates of Occupancy may be issued. The bond is sufficient to cover the work. The developer is expecting to complete the project this fall.

**BONDS 07-022 Irongate Status** continued from page 1

Once a final inspection is completed, the developer can request a bond release. Paul Carideo asked board members if there was any objection to authorizing the Code Enforcement Officer to issue the Certificates of Occupancy. There was none. P. Carideo will contact Kris Emerson.

**BONDS 06-046 Tropic Star Status**

Chairman Carideo requested an update on the bond status for Tropic Star. Susan Hastings said the form for the Letter of Credit had been emailed to the bonding company. They had issued a Surety Bond for the project. The Town Treasurer, Harold Williams, said he would not accept the bond since surety bonds could be difficult to collect. The Surety Bond was sent to the Town’s Attorney for a legal review. Her reply was the bond was unacceptable and did not sufficiently protect the Town. There is no bond.

There is some work going on at the site, which had been cleared. Some heavy equipment has been move in. P. Carideo said there are complaints about the sign placed there. That is in the state right of way and is allowed to be there. There has been dirt moved on the site, they have been notified by phone, and email this action is not allowed until the bond is in place. It was asked who had the authority to stop all work. Nick Cricenti said ultimately the Board of Selectmen has that authority.

**ALTERNATE DESIGNATION**

Chad Bennett stepped down for this hearing since he is an abutter to Depot Development. Paul Carideo asked Alternate Member Randy Clark to sit in C. Bennett’s place on the Board.

**BOND 01-018 Depot Development Status**

Chairman Carideo asked Nick Cricenti to update the Board members on the status of the project. N. Cricenti said the developer had requested a site inspection dated 10/1/2015 for a bond release. **Attachment # 1.**

A catch basin located on the south side of the 121 stop sign is not located such that the water flow from the runoff from the driveway enters the catch basin. SFC recommends that the owner contact the design engineer for a solution. This issue should be corrected prior to the release of the final bond amount. DJ Howard asked if there could be a partial release. N. Cricenti said the catch basin should be dug up and reset (using the offset) and the curbing redone. The current bond amount is $29,400.00. Nick Cricenti said he would recommend the Board retain $10,000.00 for the repair of the catch basin.

**MOTION**

**Proctor Wentworth made a motion to retain $10,000.00 of the Depot Crossing Bond ($29,000.00) and release the balance. Glen Emerson seconded the motion and it was approved.**

**VOTE YES Proctor Wentworth, Glen Emerson, Paul Carideo, Chris Dane, Neil Emerson, Dean Howard, Jr., and Randy Clark.**

**The $10,000.00 retained is to cover the costs of repairing the catch basin.**

**BOND 06-006, 103 17 Gigante Drive LLC** Bond status

*Chad Bennett returned to his seat on the Planning Board.*

Paul Carideo said the owner, Bruce Worthen, had requested a full release of the bond being held for 17 Gigante Drive LLC. The Chairman read the Site Visit Report dated 10/1/2015 from SFC Engineering Partnership Inc. saying the grass had held up well after a significant rain. **Attachment # 2.**

**BOND 06-006, 103 17 Gigante Drive LLC** Bond status continued from page 3

N. Cricenti recommended the full bond release saying, “this project should be deemed complete and the bond should be returned to the owner.” It was noted the dumpster was not screened. Nick Cricenti said the dumpster is behind the building and not openly visible to the public. He added it is not a requirement in the town’s regulations.

**MOTION**

**Proctor Wentworth made a motion to release the entire bond ($113,200.00) being held for 17 Gigante Drive LLC. Chris Dane seconded the motion and it was approved unanimously.**

**VOTE YES-Proctor Wentworth, Chris Dane, Paul Carideo, Chad Bennett, Neil Emerson, Dean Howard, Jr., and Glen Emerson.**

**The bond for 17 Gigante Drive LLC, $113,200.00, is to be released.**

**11-060, 060-1 Lancaster Drive Status**

Chairman Carideo asked the Town Engineer to summarize his inspection report dated 1 October 2015. Nick Cricenti said the gravel road, which has been widened looks good. There was some erosion occurring on the Fire Department turn-around and the grass seed was not growing. N. Cricenti added he had checked the road today (10/5/2015) and there was not much change. The recommendation of SFC Engineering is to hold the bond until the grass is established. P. Carideo said the bond release would be continued to the next meeting, 2 November 2015.

**OTHER Conceptual Discussion** 06-018 Sweet Management, Inc.

Paul Carideo opened the non-binding general discussion with Sweet Management, Inc. Ron Laffley introduced himself and Kenneth Sweet, owner of Sweet Management, Inc. Mr. Laffley said the proposal is to purchase the property located at 184 Route 111, the

**OTHER Conceptual Discussion** 06-018 Sweet Management, Inc. continued from page 4

former Contech buildings. He presented the 1980 plan of the site. The Building Inspector, Kris Emerson, has told the use proposed, self-storage units is an allowed use. The modular self-supporting units would be located inside the current structures. They are proposing to have a mezzanine inside and outside exits in a tower. Paul Carideo reviewed the documents and pictures presented. He said the west wing appears to have two levels. The parking and paving were also discussed. The owner would like to repair the parking lot prior to beginning construction on the inside of the buildings. They will be refurbishing the buildings one at a time. The second building has no heat. The area is about 10,000 square feet. The plan is to develop one building to test the market. Some of the regulations were discussed including the lighting on the site. P. Carideo said they were in the correct zone, C-2. Neil Emerson asked what changes would be made to the exterior of the building. The HVAC system will be new. The Chairman questioned whether the pavement on the site would be reduced; noting a number of parking spaces would be needed.

A site plan is required for exterior work on the site. There may be some outside storage in the future. There is approximately 41,000 square feet outside of the building. The owner said he is not looking for mobile home storage, vehicle parking or boat storage. There would be units large enough to accommodate a vehicle. Nick Cricenti noted a planning board cannot grant an exception to the parking requirements. He added the building would probably need to have a sprinkler but that is up to the fire department. Ron Laffley said they expected to have outside security lighting.

The Board was asked if they could begin work inside the building before a plan is presented. Paul Carideo said demolition is allowed but not replacement. R. Laffley told Board members the majority of the building would be for plastic self-storage units. He asked if the pavement could be “maintained” because there is a large hole near one of the buildings. Paul said this could be allowed as long as there was no expansion of the area. Ron Laffley said he would be contacting the Code Enforcement Officer concerning the permitting for interior demolition.

A plan is expected to be filed in the near future.

**PUBLIC HEARING** 06-026 Sweet Baby Vineyard Continued from 21 September 2015

Paul Carideo opened the continued public hearing. Lewis Eaton presented the plans. SFC Engineering Partnership, Inc. has reviewed the plans. Nick Cricenti said a number of the items requested have been addressed and added to the plan.

Paul Carideo said the number for the DOT permit is not on the plan. It will be added when received.

There has been a response from Attorney Gorrow on the number of buildings. The two sheds, which are agricultural, are allowed and not counted as additional structures. The zoning allows two sheds for the dwelling and these are allowed. No variance or special exception is needed for these four buildings.

P. Carideo requested the Board reconsider the septic design for Sweet Baby Vineyard. RSA 485-A:38 “Approval to Increase Load on a Sewage Disposal System” has two conditions. The first condition is the system meets the requirements for the intended usage and the second requirement is to have a design, which meets the requirement of the department. The letter presented did not address any approved designed system or that one existed indicating that a design for an approved system should be in place. It does not mean the new system has to be installed unless the existing system fails. Paul Carideo said his concern was the Board accepting an inspection report. He said he wanted it to be clear the Board should revisit the decision. An approved septic design would provide protection for the Town and for the Eaton’s should the existing system fail. DJ Howard said the Eaton’s’ should provide an approved design for a new system. Stacy Eaton asked if the previous business had been required to do this. Neil Emerson said he would like to see a state designed septic system plan. Proctor Wentworth agreed and added the design of a system did not mean it had to be installed. DJ Howard asked if any design of the system had been found and was told no records were found.

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

**MOTION**

**Neil Emerson made a motion to have a state approved septic system design done for the Site Plan for Sweet Baby Vineyard. Proctor Wentworth seconded the motion and it was approved. DJ Howard Jr., asked if this meant a new design was needed and he was told yes. There is no record of a previous design or inspection of any work done on the system there now. An increase in the use of the system is expected with the wine making process and the tasting room. Lewis Eaton explained the water use in the process is minimal.**

**VOTE-YES Proctor Wentworth, Chris Dane, Paul Carideo, , Neil Emerson, Dean Howard, Jr., and Glen Emerson. VOTE NO Chad Bennett. There were no abstentions.**

**A state approved septic system design is required for approval of the site plan for Sweet Baby Vineyard, Map 6 parcel 26.**

Lewis Eaton said the site uses well water. There is a Hampstead Area shut off in the house so there is a connection to their water supply.

DJ Howard asked how many grape vines would be planted on the site. Mr. Eaton said about 1500 initially. They are in 10-foot wide rows.

Neil Emerson noticed the fence between their property and the house to the south has been extended. P. Carideo said the plan does not show the extension on the plan. Mr. Eaton said there are four 32’ panels and the car lights from the parking lot should not affect the neighbor’s house. P. Carideo said the seven parking spaces around the trees could be eliminated. Nick Cricenti said the plan would need to show the revision to the number of parking spaces, the abutters list the waivers granted, and the items on the recording receipt. Paul Carideo said this is a residential use and the traffic should be limited to no large trucks. Stacy Eaton said they could not control deliveries and added they do not have any large trucks.

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

The Chairman added the heavy trucks would be a concern to the abutters. The plan notes should include all issues discussed and agreed to.

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

Chairman Carideo invited abutters to comment. Sue Zakian addressed the Board with her concerns. She contends that if the Vineyard cannot produce 35% of the product from their own properties, it cannot meet the 35 % requirement for roadside farm stands in RSA 21-34-a. P. Carideo said the Sweet Baby Vineyard will be growing grapes and will have wine tasting on the property. The farm roadside provision does not apply to the Vineyard. They cannot hold weddings, parties, celebrations or any other type of function. Paul Carideo pointed out the Zoning permits farms, by definition, in Residential Zone A. Article III-2:2, (1). Agricultural activities are exempt from the permitting requirement for home occupations under Article IV-6:3. It is the opinion of our Attorney that the Vineyard is allowed to exist in the zone and is permitted to grow grapes comes with the scope of the definition of agriculture and farming under both the Town’s Zoning Ordinances and the State laws. Stacy Eaton said they would have a wine tasting room and not a farm stand. Paul Carideo emphasized private parties are not allowed. An occupancy load limit may also be put in place. This would limit the number of people allowed in the wine tasting room. The Eaton have emphasized the tour of the winery is a learning event. Neil Emerson asked if there would be a gift shop. Stacy Eaton said there would be some local products for sale. DJ Howard said his understanding was the 35% does not apply to this site, He asked how much wine a single grape vine could produce, and how many vines he intended to plan. Lewis Eaton said a vine can produce a gallon of wing and the intention is to plant 1500 vines on the site.

Neil Emerson said he would consider a conditional approval subject to the receipt of a new plan, which addresses all the conditions discussed. Stacy Eaton asked to have a specific condition allowing them to begin fermenting the grapes on site prior to the final approval. She added this would be to meet a legal

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

requirement of the State wine board. The Chairman noted there would be no bonding since there would be no site work. He told the Eaton’s there is a 30 day appeal time on the Planning Board decision. Paul Carideo asked the Board if they were ready to vote.

**MOTION**

**Chris Dane made a motion to grant conditional approval to the Site Plan for map 6 parcel 26, Sweet Baby Vineyard subject to the following special conditions: 1. Providing a NH state approved septic design for the site and notation of the number on the plan; 2. Adding the NHDOT approval number for the driveway to the plan and providing a copy of the documents; 3. Noting all waivers granted by the Planning Board or other agencies on the plan; 4. Adding a plan note “there will be not private parties, weddings, celebrations or any other type of function; 5. Elimination of the seven parking spaces as discussed tonight; 6. A plan note allowing the process for fermentation of the grapes to begin on site prior to the final approval and recording of the plan at the Registry of Deeds; 7. The usual conditions of approval as detailed on the application. Any issues or conditions discussed during the hearing process apply to the development and use of the site as a vineyard. Neil Emerson seconded the motion and it was approved.**

**VOTE YES-Proctor Wentworth, Chris Dane, Neil Emerson, Dean Howard, Jr., and Glen Emerson.**

**VOTE NO Paul Carideo.**

**PUBLIC HEARING Rules of Procedure 2nd Public Hearing**

Chairman Paul Carideo opened the 2nd Public Hearing on the Rules of Procedure. The Planning Board members adopt these. The changes were read by the Chairman. There were no comments from board members. The public was invited to comment and there was none.

**PUBLIC HEARING Rules of Procedure 2nd Public Hearing** Continued from page 9

**MOTION**

**Neil Emerson made a motion to accept the Rules of Procedure as presented. Proctor Wentworth seconded the motion and it was approved unanimously.**

**VOTE YES-Paul Carideo, Proctor Wentworth, Chris Dane, Neil Emerson, Dean Howard, Jr., and Glen Emerson. The Rules of Procedure are adopted on 5 October 2015.**

**OTHER** Site Plan Regulations- Bonding Requirements

The Chairman read Section IX of the Subdivision Regulations

“**Performance Guarantee: Estimate of Cost: Prior to the submission of the Final Plat to the Board, the Sub-divider or owner shall obtain from the Engineer an estimate of the cost of construction of all improvements which will be required by the Board as a condition of final approval up to the standards set forth in these Regulations, together with an estimate of any damage to any existing public improvements caused in the course of the work performed in the development of the Subdivision.”**

The Board had previously abbreviated the items required to be bonded to the erosion and sediment control, paving and the inspection estimated costs. Nick Cricenti explained he uses the NHDOT estimates. He said he could provide a copy of this if the Board wanted to see it. Protection of public health and safety and contingency bonding were considered. Board members discussed the need for full bonding of the site in order to protect the Town from incurring any monetary liabilities. DJ Howard said full bonding on plans is needed to protect the Town. Board members agreed the policy would be to fully bond subdivision/site plans according to the regulations.

**BOARD BUSINESS**

* **Correspondence Public Hearing Notices Salem Cell Tower, Seabrook Cell Tower** The Secretary said each posted as required. P. Carideo summarized each notice.

**BOARD BUSINESS**

* **Wetlands Permit Boat House Replacement Dennesen,** The application was reviewed. Neil Emerson said the Board of Adjustment was told the boathouse had been torn down. The Secretary will file the document.
* **Engineers Comments 1-18 Depot Development; 6-6, 103 Site Visit Report-Gigante Drive, 11-60 Lancaster, Site Visit Report** Nick Cricenti said he had nothing further to add. The items were dealt with during theregular meeting.
* **Minutes to approve 3 August 2015** Approved as amended by vote.
* **Adjournment** at 10:05 PM, by vote.

Respectfully submitted,

Susan J. Hastings, Secretary