

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

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## APPROVED MINUTES 6 June 2016

The Chairman opened the meeting at 7:00 PM. The Planning Board members and staff present were Paul Carideo, Chairman, Ben Schmitz, Vice Chairman, Chad Bennett, Ex-Officio, Robert Waldron, Neil Emerson, Dean Howard, Glen Emerson, Randy Clark, Alternate, and Chris Howard, Alternate, and Susan Hastings, Secretary.

Members of the public attending included James M. Lavelle, LLS, Robert Villella, Brighton Development, Inc., Nathan Abasin, Madeline Lanpher, Sarah Beholquet, Stacy Eaton, Lewis Eaton, Joseph Beaudoin, Kris Emerson, and Chip Hastings.

### CHAIRMAN'S REMARKS

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**18 July 2016** Next Public Hearing Date

**27 June 2016** Plan Filing Deadline for **18 July 2016**

**20 June 2016** Continued Public Hearing 2-52 Brighton Drive, Inc., Subdivision

**20 June 2016 Workshop Meeting,**

**20 June 2016 Public Hearing:** 02-052 Continued to 20 June 2016

### BONDS 18-047 Four Seasons

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Chairman Paul Carideo told the Board (Stephen Jaskelevicus) the Pentucket Bank said it would extend the Letter of Credit 98-69 for \$90,000.00 for one year.

### BONDS 06-046 Tropic Star

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The Chairman said the site had lacked a number of inspections. The letter for the closeout of the Tropic Star site from Town Engineer Nick Cricenti is **ATTACHMENT 1**. He wrote SFC Engineering was not requested to perform any site visits after the underground drainage structures were installed and inspected. The sub grade, the gravel, the crushed gravel and the paving were not witnessed. Nick requested a number of reports from the companies doing the work. These reports on asphalt density tests performed by Terracon showed the density within an acceptable range. Limited soil compaction tests by Terracon for the gravel layer was also within the accepted range. Photographs showed various stages of construction, including pavement subgrade and gravels. The letter said the photographs showed what appear to be proper lifts of materials. The drainage structures were checked for cleanliness and the general appearance of landscaping matches the plan. The site looked proper, the limited testing provided by Terracon showed compaction and asphalt density to be proper as well as the drainage location and structures. In his opinion, nothing would be gained by withholding the approval at this stage. The recommendation was to release the bond.

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### **BONDS 06-046 Tropic Star** continued from page 1

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Randy Clark asked if the Hampstead Fire Department had signed off on the project. A letter was received on June 6, 2016; **ATTACHMENT 2**, saying the Fire Department has inspected the property and found it in compliance with the requirements of the Fire Code. The specific items were listed in the letter. Kris Emerson, Code Enforcement Officer said the business is operational. The Chairman asked if there were any other questions or comments. He asked the Board members if they were ready to vote.

#### **MOTION**

**Dean Howard made a motion to release the Newburyport Five Cents Savings Bank Irrevocable Letter of Credit to Tropic Star for \$228,255.00. Glen Emerson seconded the motion.**

**CLARIFICATION Neil Emerson asked if the \$5,000.00 for inspection fees was part of this money. The Chairman explained that money is held in a separate account, as mandated by RSA. The payment of fees incurred during inspection can be taken from this account.**

**VOTE YES Dean Howard, Glen Emerson, Neil Emerson, Robert Waldron, Paul Carideo, Ben Schmitz and Chad Bennett.**

The Letter of Credit for Tropic Star, map 6 parcel 46 will be released.

### **BONDS 17-089 Quick Stop**

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Chairman Carideo opened the discussion to release the bond being held for Quick Stop. The letter from SFC Engineering dated 25 May 2016, **ATTACHMENT 3**. Nick Cricenti wrote the new striping and signage meet the intent of the Board. He added the striping for the unloading zone would discourage parking along the area of the underground fuel tanks. SFC Engineering recommended the bond for the site be released. The amount of the bond is \$500.00. It was posted to cover the remarking and clean up on the site. There was no further discussion from members of the Board. (Motion on next page)

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## APPROVED MINUTES 6 June 2016

**BONDS 17-089 Quick Stop** continued from page 2

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### MOTION

**Neil Emerson made a motion to release the cash bond being held for the Quick Stop. Robert Waldron seconded the motion.**

**VOTE YES** Neil Emerson, Robert Waldron, Dean Howard, Glen Emerson, Paul Carideo, Ben Schmitz and Chad Bennett.

**The cash bond being held for 17-089 Quick Stop will be released pending the payment of fees due.**

### **1<sup>ST</sup> PUBLIC HEARING 02-052-Brighton Drive Inc., Subdivision**

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**PUBLIC HEARING NOTICE** *"MEETING DATE: 6 June 2016, PLACE: Town Office Building, 11 Main St., Hampstead, NH TIME: 7:00 pm. There will be a Public Hearing for the following:*

*To consider the request of Brighton Drive Inc. 3 McIntosh Lane, Hampstead NH 03841, owned by Robert Villella, for a 1<sup>st</sup> Public Hearing for a Subdivision Plan of property located at 441 Main St, Hampstead, NH in the Residential A Zone, Map 2 Parcel 52. The proposal is for a 10 lot subdivision, with a new, road Labrador Lane."*

Neil Emerson and Glen Emerson each stated they were stepping down from the Board for the proposal. Paul Carideo asked Randy Clark to sit in for Neil Emerson and he asked Chris Howard to replace Glen Emerson on the Board.

The Chairman opened the Public Hearing for Brighton Drive Inc. and requested James Lavelle present the proposal of Robert Villella for a ten-lot subdivision with a new road. J. Lavelle said Gregsac Engineering did the roadway drainage engineering. Bruce Gilday evaluated the soils. A revised plan was presented to the Board. The subdivision contains 10 new single-family lots. The roadway, Labrador Lane is approximately 1150 feet in length. The road deed will be reviewed by Town Counsel. A cistern for fire protection is located approximately 650 feet from Route 121 on the new road. The easement for Fire Department at Cistern will be reviewed by Town Counsel. The major items appearing on each page were explained to the Board. **Page 1** contains the cover layout done to a 100 foot scale, abutters list, map legend, required professional stamps, plan notes, signature block, revision block and map scale. **Page 2** details the map legend for each of the lots including building, septic and wetland setbacks, stonewalls, location of drill holes marked with an iron pin, and the bounds to be set, and a signature block.

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## APPROVED MINUTES 6 June 2016

### **1<sup>ST</sup> PUBLIC HEARING 02-052-Brighton Drive Inc. Subdivision** continued from page 3

Cistern location was not shown. **Page 3** shows the remainder of lots. J. Lavelle was asked how B. Gilday calculated the wetlands and if there was a flood line in Section 6 # 4. It was asked what the velocity of the water was in the swales and if they would be lined with rip rap. There was a discussion on whether there would be headwalls on the driveway culverts. Driveway easements will be reviewed by Town Counsel. J. Lavelle said the monuments would be set at the end of the project. **Page 4** is more map detail such as topography, soil types, the well radius easements and like details. **Page 5** is the cistern plan. The cistern will hold 30,000 gallons of water and a gravel area is located to provide room for fire apparatus to park. **Page 6** is grading drainage and erosion plan done by Gregsac Engineering. **Page 7** is the roadway profile. Jim Lavelle said the road is generally level at Route 121 with the slopes toward the end being 6 ¼ percent to 7 percent. **Pages 8 and 9** are typical roadway and construction details. **Page 10** is the construction notes. **Page 11** is construction segments J. Lavelle said this plan incorporated the clarifications noted as missing from the original plan in the SFC Engineering comment letter dated 23 May 2016. SFC wrote the Subdivision approval has been received from NHDES eSA2016051902; NHDOT re-issued the driveway permit 05-195-0013. These permit numbers will be added to the final version of the plan. An Alteration of Terrain permit is not required. The new road is 1150+- feet in length. Easements will be needed for the drainage, and fire cistern. The projected number of trips and the number of lots do not indicate further studies will be required. The soils calculations for lot sizing are complete and accurate. The clarifications required to be added as plan note are "1. The applicant shall provide calculations showing the capacity of the cistern. 2. It appears there is a conflict with the roadside ditches and the widening for the cistern. 3. There also appears to be a conflict with the cistern and the proposed drainage swale in the same easement. 4. The road underdrain is at the discretion of the Town Engineer not the Road Agent. 5. During the Staff review, it was asked of the applicant to show the driveway access to each lot. This appears not to have been done." **ATTACHMENT 4.** Gregsac Engineering designed the existing swales. P. Carideo asked if there was a permit from the Natural Resources Board. J. Lavelle said it had been applied for but not received. The lots meet the size by soils as required. There is no dredge and fill required, and no alteration of terrain permit.

Chairman Carideo asked members if they felt the application was complete. Members said the application was complete. (Motion on the following page)

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## APPROVED MINUTES 6 June 2016

**1<sup>ST</sup> PUBLIC HEARING 02-052-Brighton Drive Inc. Subdivision** continued from page 4

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### MOTION

**Randy Clark made a motion to take jurisdiction of the plan presented for Brighton Drive Inc. 3 McIntosh Lane, Hampstead NH 03841, owned by Robert Villella. The property located at 441 Main St, Hampstead, NH in the Residential A Zone, Map 2 Parcel 52. The proposal is for a 10 lot subdivision of 22 acres, with a new, road Labrador Lane.” Robert Waldron seconded the motion.**

**VOTE YES Randy Clark, Robert Waldron, Paul Carideo, Ben Schmitz, Dean Howard, Chris Howard and Chad Bennett.**

**The vote to take jurisdiction of Brighton Drive, Inc. Subdivision map 2 parcel 52 located at 441 Main Street was unanimous.**

The Chairman asked Board members if there were any comments. Ben Schmitz said some of the lots were very irregular in shape. The lot shaped in some cases is affected by natural drainage or the creation of drainage swales. The treatment swale was discussed. The septic system receiving area for lot 2-52-8 was moved to the northeast side of the lot. The 4K, leach field area, is now at test pit #13. J. Lavelle told the Board the 4k easement is now 92 feet from the grass swale easement. The septic location for 2-52-11 is expected to be closer to the street. P. Carideo said the septic setback from the wetland soil needs to be met.

The Chairman said he needed to speak as a member of the Conservation Commission and not the Planning Board Chairman on the next item. P. Carideo told the Board the Conservation Commission had reviewed the plan at their last meeting. They requested there be protection of the natural features in Cedar Swamp, which is a significant wetland in the Town. He said the Town has parcels 2-41-1, 2-53 and 2-54 and Paul requested the wetland areas of lots 2-52-10 and 2-52-11 be put into a Conservation Easement, These two lots are at the edge of the wetland. The Town already owns access to the road. Robert Villella indicated he had no objection to this.

The plan note # 13 on Sheet #10 references underground utilities: “Construct all underground utilities in, but not limited to drainage, data, cable and power” The location of the underground utilities shall be shown on the plan including transmission and service line connections and there shall be a utility easement in place. P. Carideo said there should be a utility easement in place.

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## APPROVED MINUTES 6 June 2016

### **1<sup>ST</sup> PUBLIC HEARING 02-052-Brighton Drive Inc. Subdivision** continued from page 5

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Town Subdivision Regulations Section 3, #18 requires that all monuments be shown. Section 3-D required a school impact statement. J. Lavelle said this would be completed and submitted to the Board. He asked if this was still based on the State figures for student projections per household. P. Carideo said Section 3-D requires an Environmental Assessment. Jim Lavelle replied the New Hampshire Natural Heritage had been contacted and they were waiting for a reply. Some sensitive species have been noted and he pointed out the wetlands will be in a conservation easement already agreed to. The Regulations in Section VI-4 say the Flood Zones shall should be shown on the plan. The Chairman said the High Intensity Soil Mapping (HISS) has been done and the plan stamped. He asked for a copy of the report showing the criteria used. Section VI-18 required that all lots be flagged. Jim Lavelle said this will be done right away. Jim Lavelle said he would add all the housekeeping items to the Certification Block. The area of disturbance required for a contractor to take care of an NOI was discussed. The E-NOI forms will be forwarded to the owner.

Chad Bennett asked if there would be headwalls on the driveway culverts. J. Lavelle said none was expected. C. Bennett asked if there would be two nine-inch pipes or one 15-inch pipe. P. Carideo said the Driveway regulations permit the Code Enforcement Officer and the Road Agent to make this decision. The design from Gregsac is for a 15-inch culvert.

Randy Clark asked for permission to walk the land. R. Villella said that was fine with him. The road centerline and the lots will be staked.

Paul Carideo asked about mailboxes. J. Lavelle said he had not had a conversation with the Postmaster. He was reminded individual boxes are to be three feet off the hot top and he noted the swale entrance line is to be six feet off the pavement.

Chad Bennet asked if the silt fence was shown. Paul Carideo said the regulations have the detail for silt fencing. There should be an Erosion and Sediment Control plan. C. Bennett added the hay bales are to be staked to control the volume of water.

Paul Carideo noticed there is an area of the roadway, which has a 5% grade. He said this required a stone swale. Other areas of steep road slope were noted.

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### **1<sup>ST</sup> PUBLIC HEARING 02-052 Brighton Drive Subdivision** continued from page 6

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Jim Lavelle was asked to contact Bill Gregsac for more information on the swale velocity.

Neil Emerson asked about the retention pond. The issues raised have been addressed and are shown on the plan presented tonight.

The Chairman opened the discussion to the public.

Madeline Lanpher expressed many concerns. Her driveway was "grandfathered" according to her. She was told the State originally required the driveway for her lot to enter onto the new road once it is built. The driveway from NH Route 121 will be closed by the State. Ms. Lanpher pointed out the proposed drive will be further from her home and expensive to install and plow. There is a rare species of milkweed on the land "purple milkweed" and she was very concerned that it along with a number of other plant species would be gone. She wanted to know if the pond would remain since the watercourses are being changed. Lastly, she asked who would be keeping track of water.

Paul Carideo said the New Hampshire Department of Transportation controls all state roads and the number of accesses onto them. The original permit was granted on the premises the Lanpher drive would be closed which is according to State rules. Jim Lavelle said he was surprised the State required that. He added E. Lanpher was going to contact his State Representative and ask for intervention.

The "pond" mentioned by M. Lanpher is a group 5 soil and will remain as it is.

All wetlands are controlled on the site and the water will continue to be directed to the existing wetlands. Structures called level spreaders and culverts will direct the flow of the water. A conservation easement will be in place to protect the wetlands.

Madeline Lanpher said she was concerned with trash being thrown onto her land. The back lot line will be marked with stakes.

The Chairman declared the public portion of the hearings closed.

Jim Lavelle requested conditional approval conditional on submittal of the school analysis impact, monuments for the lots being set, receipt of the document from the New



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### **1<sup>ST</sup> PUBLIC HEARING 02-052-Brighton Drive Inc. Subdivision** continued from page 7

Hampshire Natural Heritage Board, underground utilities being shown of the plans, a decision on whether there will be stone or grass swales, the additions of the easements being required and further information of how the HISS soils were determined. Robert Waldron said he did not believe the school impact statement was necessary. J. Lavelle commented there were no fees attached to the statement. Paul Carideo agreed it would probably be below the average.

P. Carideo asked each member of the Board for any further input or comments. Dean Howard said he did not see any large issues. Kris Emerson said there would be no building permits issued until the plan was bonded, signed and recorded. Chad Bennett did not see any problems. Ben Schmitz asked what could be done for the front lot abutter. P. Carideo said her issues are not part of this submittal. J. Lavelle said the removal of the driveway onto Route 121 was part of the original submittal. The New Hampshire Department of Transportation controls the access points onto the highway. Robert Waldron had no further comments. Randy Clark said his concerns were with the underground utilities being shown on a plan sheet, the resolution of grass or stoned swales. J. Lavelle is going to check with W. Gregsac on his methodology and reasons for his recommendation. P. Carideo said he did not want to delay the project until the July 18 meeting. He suggested the conditional approval be held back and the Public Hearing be continued to 20 June 2016. Jim Lavelle said he would withdraw his request for conditional approval if the hearing was continued for two weeks.

### **MOTION**

**Robert Waldron made a motion to continue the Public Hearing for Brighton Drive Subdivision Inc. to the 20 June 2016 meeting. Randy Clark seconded the motion.**

**VOTE YES Robert Waldron, Randy Clark, Ben Schmitz, Paul Carideo, Chris Howard, Chad Bennett and Dean Howard.**

**The vote was unanimous. The Public Hearing for Brighton Drive Subdivision Inc. map 2 parcel 52 is continued to the 20 June 2016 meeting.**

Neil Emerson asked if the issue of the headwalls was decided. Jim Lavelle said he would discuss that with his Engineer, Bill Gregsac. The velocity and quantity of the flow needs to be addressed.



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## APPROVED MINUTES 6 June 2016

### **PUBLIC MATTERS 08-104 Hampstead Middle School Access Road**

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The Chairman said the date to meet the conditions of approval was August 15, 2016. This was voted at the meeting of 4 April 2016, **ATTACHMENT 5.**

### **PUBLIC MATTERS Zone Change**

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Chairman Carideo said Brenda Harold, 268 Stage Road had called and requested to be on the agenda to discuss a zone change for 268 Stage Road, map 6 lot 60. She was not present. Kris Emerson said B. Harold has been considering purchasing the land currently zoned as Residential A and the request is to change to Commercial I. The Chairman said this change was proposed last year but was not acted on. Neil Emerson asked how the Eaton has felt about the proposed change to commercial. Lewis Eaton asked if there would be a tax impact from the change. Other than the tax issue, he had no concerns. Kris Emerson said a C-1 Zone along Route 121 would provide a buffer to the residential areas to the east. He added there appear to be three residences in the area being considered along Route 121. L. Eaton said he had spoken with B. Harold and understood they wanted to put in a machine shop. N. Emerson asked if a machine shop was a home occupation. K. Emerson, Code Enforcement Officer said a home occupation had different criteria to meet. Stacy Lewis said she did not want the area to become commercial. A mixed use zone was suggested. The description in the Zone Book was checked to determine the location of the existing C-1 Zone. Paul Carideo said the Zoning would be on the agenda for 1 August 2016 .

### **OTHER Town Engineer RFQ**

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Paul Carideo said he had not completed work on the RFQ. It will be on the Work Session agenda for 20 June 2016.

### **OTHER Subdivision Regulations**

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The Chairman said the discussion of the Subdivision Regulations would be continued to the June Work Session.

### **OTHER 2016 Town Maps**

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The updated Town Maps to 2016, have been received and are being distributed to the appropriate departments.

### **OTHER Planning Conference Summary Randy Clark**

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Paul Carideo and Randy Clark had attended the planning conference. R. Clark prepared a summary for discussion, **ATTACHMENT 6.**

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### **OTHER Cell Tower**

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Robert Waldron asked Chad Bennett if the cell tower site had been selected and/or approved. C. Bennett said the site is at the landfill on Kent Farm Road. Randy Clark inquired about the number of companies wanting space on the Tower. The site plan will come to the Planning Board for review.

### **OTHER Zone Change**

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Neil Emerson reported the Zoning Board was asking for a change in Zone B, specifically to increase the 67% for a garage or other space. Paul Carideo asked for a draft from them. Randy Clark said the ZBA wants the Planning Board to draft the change. Paul Carideo said the Boards should work together on the change to the regulations. N. Emerson said they had many concerns with the number of cases coming in for variances. N. Emerson and C. Howard agreed to work on a proposal. R. Clark may join them.

### **OTHER New Legislation**

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Kris Emerson said the new legislation on Accessory Dwelling Units going into effect on June 1, 2017 needs to be addressed in the zoning. P. Carideo said the DES includes sanitation and a separate well. Randy Clark suggested a meeting with Diane Gorrow on this. The Town needs to have the regulations in place. There is a list of what the Town can do for regulating ADU's.

### **OTHER Hilltop Lane Lot**

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Neil Emerson wanted to know how the parcel of land sold on Hilltop Lane was advertised for sale. His understanding was the Town considered it to have no value and it was shown on the property cards as non-buildable. The Conservation Commission had no interest in the land.

### **BOARD BUSINESS Correspondence**

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**NHDES Wetland Board PBN 8B-10** A request was received from Scott Spicer, 28 Shore Drive, Hampstead to repair or replace a retaining wall on Wash Pond (Sunset Lake). P. Carideo explained an 8B 10 is a permit issued by notice, meaning the permit is issued after a 10 day comment period. The document was read and placed on file. **ATTACHMENT 7.**

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### **BOARD BUSINESS Correspondence** continued from page 10

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**LOMA 02-087** The Letter of Map Amendment for 17 Sylvester Lane is for the removal of structure from Flood Zone SHFA, although portions remain in the SHFA Zone A. Document read and placed on file. **ATTACHMENT 8.**

**Registry of Deeds** The Planning Board Election results were sent to the Rockingham county Registry of Deeds. The purpose is to record the signatures of officers allowed to sign plans for recording. The Chairman read the letter and it will be placed in the files. **ATTACHMENT 9.**

**Merrimack NH Cell Tower** The announcement of a Public Hearing for Merrimack NH was posted on 5/19/16, as required by RSA. The Chairman read the notice and it was placed in the file. **ATTACHMENT 10.**

### **BOARD BUSINESS Minutes 2 May 2016**

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Neil Emerson said he was not present at the last meeting and he went home at 9:30 PM.

#### **MOTION**

**Dean Howard made the motion to approve the minutes of 2 May 2016 as edited. Randy Clark seconded the motion.**

**VOTE YES Paul Carideo, Ben Schmitz, Randy Clark, Dean Howard, and Glen Emerson**

**ABSTAIN Chad Bennett, Robert Waldron**

**The Minutes of 2 May 2016 were approved as edited.**

#### **MOTION**

**Robert Waldron made a motion to adjourn at 9:30 PM. Glen Emerson seconded the motion.**

**APPROVAL was unanimous to adjourn the meeting.**

Respectfully submitted,

Susan J. Hastings, Secretary