

HAMPSTEAD PLANNING BOARD

11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes October 3, 2016

Chairman Paul Carideo opened the meeting at 7:00 PM. Members present included Paul Carideo, Ben Schmitz, Dean Howard, Neil Emerson, Glen Emerson, and Chad Bennett, Ex-officio voting member, Chris Howard, alternate, Randy Clark, alternate. Nicholas J. Cricenti Jr., PE, Town Engineer and Secretary Tina Harrington (absent Robert Waldron, Randy Clark took his place on board)

Attendees included: Karen Hanides, Michael Hanides, Jim McHale, John Thompson, Jim Lavelle, James Holland, Jim Lavalle, Tim Lavalle and Earl Duval, attorney from Duval & Klasnick, LLC.

CHAIRMAN'S REMARKS

Next Public Hearing is scheduled for Monday, November 7, 2016

Plan Filing Deadline for Public Hearing for November 7th Meeting is October 17, 2016

With the absence of Mr. Waldron, Mr. R. Clark will stand in his place as a voting member.

Conceptual Consultation

Map 10 Lot 4 located at 311 Kent Farm Road

Mr. Duval, Attorney representing Blue Sky Technologies was present tonight to let the Planning Board know where they are and to see what the Planning Board will be looking for on the review of the plans. He explained that they currently have a carrier (T-Mobile) interested in putting an antenna at the site. He noted that the site would have an 80 x 80 foot compound with a fenced in area. Of that, the carriers for their equipment cabinets would use area 60-feet by 60 feet. There could be as many as five carriers, plus the town using that area.

The tower would be a monopole of about 180 feet. There was discussion about generators and Mr. Duval stated that two of the carriers use battery backup instead of a generator system. Verizon and Sprint do use a generator for backup power, but the generators are 15 KW DC generators. They would do a silent study to make sure, if the generators were to run it wouldn't have an impact. The companies would stop and do maintenance on a regular basis such as once a month. The battery carriers with a backup would be checking during those intervals. The Town of Hampstead would have the top section of the antennae for its public safety equipment. Up to 5 carriers would cover the remaining

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Conceptual Consultation

Map 10 Lot 4 located at 311 Kent Farm Road (cont'd from page 1)

areas. Mr. Carideo noted that without knowing exactly where the tower was going, that he hoped everything had been worked out with the responsible parties and that it wasn't going to be in the way of the compactor or shooting range. Mr. Duval responded that there was a site walk done. He also mentioned that the fencing was open to discussion to make it look esthetically pleasing. There was discussion about the setback requirements and it was stated it was the height of the tower plus 20 feet. A member asked if there would be a light on the tower and was told probably not. There is an FAA study done and it determines if there is a hazard for a navigational path. Mr. Emerson asked if it were approved, what the time frame would be to build. Mr. Duval responded that right now it wouldn't happen until at least spring. Once approval is given, the process usually takes 2 months from start to finish. They need to do the site work, a foundation plus settling time, and then the tower.

The discussion was open to the public. K. Hanides asked about the batteries and how they would be charged. Mr. Duval responded that they are used for an electrical outage and would last a few days. He also said that with technology they are also able to monitor the usage from offsite. A technician does a visual inspection and checks as to whether or not they are to be replaced. C. Howard asked what happens during a long outage, such as is common in that area. The response was that there would be a determination made by a higher up as to the feasibility of keeping the tower on backup. K. Hanides asked about interference on televisions. Mr. Duval responded that they use different frequencies so that they don't have issues. Mr. Duval was thanked for coming in.

1st PUBLIC HEARING

02-037-John Thompson Subdivision 366 Main St. (cont'd from 09.19.16 meeting)

Mr. Lavelle, representing the owner John Thompson asked Chairman Carideo for a copy of the letter from Town Counsel regarding the use of Fire Lane 1. At this point all, the members and Mr. Lavelle were given a copy of the two letters from Town Counsel. Her opinion is that the boundary of the lots should stop at the stonewall, as stated in the deed of the Thompsons. Chairman Carideo had Town Counsel look into the issue after the first Public Hearing on 9.19.16. After the response, he also asked for clarification on whether or not they would need back to the ZBA. He emphasized that he was not disagreeing with Mr. Lavelle but wants

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to be sure of the use of the Fire Lane 1 Mr. Lavelle responded that he could move forward in a couple of ways. He reported on the research done by the researcher Luke Wiko and how they even used the NH Archives. They researched the status of the Fire Lane 1 and all its other names. The history shows that the road was there prior to the Town of Hampstead being incorporated. He emphasized that the ownership was to the center of the road and that is how he was showing the boundary lines. Mr. Lavelle stated that the Thompsons have no control over the right of way. The road is now a class A trail and the fee under ½ the road is owned by the Thompsons as an abutter. He went on to state that the calculation used for tonight uses the area of the roadway. Now after seeing what Town Counsel is stating, he would like to revise it and show that they will be fine without using the roadway. There was discussion about the confusion of the ZBA minutes and the ZBA approval. It was stated that the front lot stands on its own- there are no zoning variances for that lot. On the rear lot, they needed a variance to access the rear and were granted one for frontage along Main Street and one for the soils. The ZBA approval restricted the new property to 3 bedrooms.

Mr. Lavelle stated that he would submit a new plan but will leave the line down the middle of Fire Lane 1 showing the true property line, as a surveyor sees it. There was discussion regarding the Attorney's interpretation of a survey and the surveyors. It was noted that the Planning Board does not rule on boundary lines and that the research shows that the fees for the road were never taken. Dean Howard asked if the front lot will have no variances just the two in the back. Mr. Lavelle responded that was correct, which was the original intent in going to the ZBA.

K. Hanides spoke in the public section referred to an old case in which Mr. Clark disagreed with a surveyor's boundary, it cost the town about \$12,000 in legal fees, and the decision was made back to the surveyors mark. She emphasized that they are licensed surveyors and we should be using their expertise and listening to it. Chairman Carideo stated that this is a town road- town trail and it is not disrespecting the surveyor to make sure that everything is correct. N. Emerson asked Mr. Cricenti if he was able to review the plan to see if it was the same as the original one presented. Mr. Cricenti stated that he did review it and there as a couple of minor changes or late adjustments but that is fine as long as the intent is met. Chairman Carideo noted a letter received from Jim McHale, an abutter and addressed some of the concerns mentioned. One of the abutters changed since the plan was drawn and it needs to be updated. The abutter

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notification list was correct with the updated information so the abutter was notified properly.

Mr. McHale was present and asked to speak. He stated that he understood that frontage along Main Street along the trail was used. He then referred to a case history from 1975. There was discussion on the 16-17 feet along the front of the trail. N. Emerson noted that there is 180 feet of frontage along Main Street and they would have enough for the original home and a variance for the entrance off Main Street.

At the previous meeting jurisdiction of the plan was not taken.

R. Clark motioned to take jurisdiction of the subdivision plan for John Thompson located at 366 Main Street on Map 02 Lot 037. The motion was seconded by B. Schmitz. Motion passed

Vote Yes- R. Clark, D. Howard, G. Emerson, N. Emerson, B. Schmitz, C. Bennett (Ex-Officio) and P. Carideo Vote No- None

Mr. Lavelle requested a continuation to November 7, 2016.

R. Clark motioned to continue the public hearing on Map 02 Lot 037, 366 Main Street, John Thompson subdivision to the meeting of 11.07.16. The motion was seconded by G. Emerson. Motion passed

Vote Yes- R. Clark, D. Howard, G. Emerson, N. Emerson, B. Schmitz, C. Bennett (Ex-Officio) and P. Carideo Vote No- None

Map 06- Lot 054 35 Gigante Drive- James Holland Site Plan (cont'd from 09.19.16)

Mr. Lavelle was representing Dr. Holland. At the last meeting, there were a couple of issues to resolve. The first item was regarding the need for a fire hydrant. Mr. Lavelle noted that the site is about 360 feet away from a current hydrant. He stated that this should preclude the need for sprinklers in the new building. He noted that the area businesses discussed putting in a new hydrant with them all sharing the cost, but he then found out about the one near the site. The Planning Board would like the approval from the fire department as to whether or not they would accept this as suitable or if they would rather have a firewall in the structure. The firewall would make the structure two separate buildings with under 1000 sq. feet, which does not require a sprinkler to be installed. Mr. Lavelle submitted a small drawing of the proposed building, called a garage. The original purpose of the new structure is to store the records for the practice. It was noted that other things might be stored in the structure such as a boat. There are two doors drawn on the plan, one a normal door and the second one is a 14 x 14 overhead door. There was discussion about the possibility

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Map 06- Lot 054 35 Gigante Drive- James Holland Site Plan (cont'd from page 4)

of equipment that uses gas in the same structure as paper storage. There were some other items that Chairman Carideo had asked to be put on the revised plan such as the well location, the sheets to be record need to be noted, the utilities to the building and the wetlands. Mr. Lavelle will add these to a revised plan. Discussion then went on as to whether or not they wanted to leave the structure listed as a garage. The discussion was the ability to change it to a "mechanic" garage down the road where it is a permitted use in C2. They discussed calling it a storage building but decided on records storage. Mr. Lavelle pointed out that it may be more than that. He also pointed out that there will be no plumbing just electric and a water spicket, The Planning Board had no issue with a boat being stored in there. Mr. Lavelle will request a decision from the Fire Department on the hydrant and will come back with the same plan or one with a firewall. Mr. Lavelle asked if they would approve the plan subject to the fire department decision on the hydrant and the satisfaction of the chair on the other items. The majority wanted to see everything on the plan before approving.

C. Bennett motioned to continue the public hearing for Map 06 Lot 54, 35 Gigante Drive, James Holland site plan to November 4, 2016. The motion was seconded by R. Clark. Motion passed

Vote Yes R. Clark, D. Howard, G. Emerson, N. Emerson, B. Schmitz, C. Bennett (Ex-Officio) and P. Carideo Vote No None

PUBLIC MATTERS

Map 06-Lot 019-DHT Sports Realty Trust Site Plan

Mr. Cricenti will get in touch with Mr. Lavelle regarding the application for site plan submitted for this site. The current application looks complete, but there was conditional approval of the site plan for the outside field and parking given by the Planning Board back in 2009/2010. This site work was never done, and the extensions expired back in 2010. The members questioned whether or not they could address issues with the driveway. Mr. Cricenti responded that it was in the State DOT jurisdiction up to the split.

OTHER

The #7 revised version of the ADU Zoning was given to the members. R. Clark went over the changes from #6 to #7. He also noted that he attended a conference held by RPC regarding the new ADU requirements and the policy proposed does all they talked about at the conference and it included the certification form. RPC was actually talking about 30% of the area and

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Hampstead's proposed policy is at 50%. The ADU must be less than 50% of the PD (Primary Dwelling). It was noted that the property needs to look like a single family residence from the outside. N. Emerson questioned section IV-14.2:5, d "which states *"Any new entrance shall be located on the side or rear of the structure and shall be at ground level"*. He noted that there are single family homes that currently have two front doors such as a breezeway door between garage and home. He questioned the need for that statement. In the discussion it was noted that this would be a "conditional use permit" and not subject to relief from the ZBA. This ADU policy will eliminate the in law section of the zoning. They discussed the section in until the public hearing. B. Schmitz suggested adding with preference at side or rear. On a roll call vote it was majority decision to remove section d from IV-14.2, 5. (Vote Yes: B. Schmitz, G. Emerson, N. Emerson, and D Howard Vote No: R. Clark, C. Bennett)

This amendment will be forwarded to Town Council for final review and prepared for the December Public Hearing.

BOARD BUSINESS

Chairman Carideo asked the other members if they have written any proposed zoning changes for town meeting 2017. Two members had something in mind and would hand to the others at the workshop scheduled for October 17th for discussion at the next public meeting.

Correspondence

RPC-Request for 2017 funding has come in at \$8,516. N. Emerson asked what we get for the money. Chairman Carideo noted that recently RPC came and did a presentation on the new MS-4 Stormwater permit. The discussed other options that RPC offers such as review of site plan and subdivision regulations. These may be done for an additional fee. It was noted that the office could check with Glen Greenwood to see if there was a fee to review the new site plans and zoning regulations. Currently the subdivision regulations are still in the hands of Chairman Carideo to finish.

Member Comments

Route 111/Hazel Drive site –Borazek Septic-Chairman Carideo noted that he recently saw that the in ground gas tanks were being removed from the site and he stopped in to question K. Emerson about it. He was told that the State of NH has required the tanks and pumps be removed because they don't meet new criteria.

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02-052 Abutter, Derrick Moyer submitted an email regarding concerns he had on the site work being done at 347 Main Street, Labrador Lane. Mr. Cricenti did a site inspection and found that there were no concerns. The office was directed to forward a copy of the site inspection to Mr. Moyer.

Secretary to the Planning Board- N. Emerson asked about the replacement of S. Hastings. Chairman Carideo reported that the Selectmen met with him and B. Schmitz and they are going to look at what the options are and maybe bring in a temporary person. He stated that they didn't want to jump in and just replace the person without knowing what was actually going to be needed and see what direction the office would be heading down the road. S. Theriault is rewriting the job description to clean it up whereas it had old terms that are not commonly used now. N. Emerson asked if the Planning Board would be able to review the job description before it is final. Chairman Carideo said yes. N. Emerson asked if the bookkeeping would change and he was told yes that it was now part of job for T. Harrington and out of the Planning Board office. They will probably have MRI (Municipal Resources Inc.) come in to work and do an evaluation of the job. They are a municipal staffing company. R. Clark noted that an important part of the job is the taking of the minutes. He stated that he has received compliments on the minutes by S. Hastings during court cases and that the courts rely on the minutes to determine the discussions. Chairman Carideo noted that the Planning Board could also just hire someone to take the minutes of the meeting and someone else in the office. There are a few towns around us that do that such as Atkinson and Salem.

Geographic Information Systems (GIS)-B. Schmitz noted that he was just given some information from Avitar this evening so he will review it and update the information about costs to move forward with a GIS system. There was a question on the information from Avitar regarding a \$3,800 annual fee. It wasn't clear if this was a new fee or the annual fee currently paid for the assessing software. T. Harrington will contact Avitar tomorrow.

Town Engineer

The RFP for Engineering Services will be opened by the Selectmen on Monday, October 10th and the Planning Board will review them on Monday, October 17th. The members discussed a way to see them prior to the meeting. There was a request to have the proposals submitted electronically and these can be forwarded to the members.

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Minutes The minutes of September 7, 2016 were edited as follows: Page, 1 Paragraph under Public Matters Line 5-delete "It was noted that anyone that is to respond to the RFQ is required to attend the Question and Answer session" The Jr. after Dean Howard needs to be removed and have the records use the name Dean Howard.

A motion was made by R. Clark to approve the minutes of September 7, 2016 as edited. The motion was seconded by D. Howard. The motion passed
Vote Yes: R. Clark, D. Howard, B. Schmitz, G. Emerson and C. Howard
Vote No none Abstain: C. Bennett and N. Emerson

Adjourn The meeting was adjourned at 9:23 pm