11 Main Street Hampstead New Hampshire 03841-2033

Approved Minutes November 7, 2016

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

Attendees: See attached Attendance sheet

CHAIRMAN'S REMARKS

Next Public Hearing is scheduled for Monday, December 5, 2016

Plan Filing Deadline for Public Hearing for December 5th Meeting is November 14, 2016

Petition Zoning Articles for 2017 Warrant: November 14th – December 14, 2016

1st PUBLIC HEARING

<u>17-051, 306-Merryfield Extension Subdivision, Ernest Brown Owner, James M. Lavelle Associates, Surveyor</u>

There was a formal request from James M. Lavelle Associates for a continuance on the public hearing to the next meeting which is December 5, 2016. The request was due to a title issue for the property of lot 17-306 scheduled for the public hearing. The plan was not accepted or taken under advisement and the Planning Board announced the extension.

<u>09-060 Hastings Drive Subdivision-Maison Belle, LLC (Developer) MHF Design</u> (Engineer)

Chairman Paul Carideo announced that he was stepping down for the discussion on this project due to a conflict with the developer at 7:05 pm. He announced the Vice Chairman, Ben Schmitz would fill in as chair for this hearing.

Vice Chairman Schmitz appointed alternate Randy Clark to take the seat of Paul Carideo. It was noted that Ex-Officio Bennett was absent, but an alternate member could not be placed in that seat.

Dave Jordan, Engineer and Land Surveyor from MHF Design presented the plan for Maison Belle, LLC (Wood property). He explained that it is a 21 acre parcel along Hastings Drive and goes from Kent Farm Road down the length of Hastings Drive. They are looking for 7 residential lots with three of them having duplexes and four with a single residence. He explained that there was a large wetland that cuts through the middle which is fed from west of Kent Farm Road through property to Wash Pond.

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They had the wetlands marked out by Gove Environmental. They will be looking to cross over the wetlands with driveways to get to the buildable area and have applied to the State for approval.

He announced that there will be 2 crossings at lots 2 and 3 and again at lots 4 and 5. There will be separate driveways coming in and then a single crossing over the wetland and then the driveway would branch off and provide access to houses. Driveway for 6 and 7 is a shared driveway with a single crossing over the wetland and branch out. Most of the property is in Residential Zone A (6 of 7 lots) and one lot in Zone B. Since the plans were originally presented there were some changes, some of which came as a result of the department head review. Copies were passed out and Mr. Jordan said that one would be forwarded to the office. He noted that at the East end of the site at the sharp bend there is an area with a Right of Way (ROW) that currently exists and narrows down. There should be a dedication to the town for that strip of land for future widening. There is an existing driveway at Hastings and Orcutt that should be placed in an easement to formalize what exists there now that has no formal paperwork.

Some of the changes were that they found out the water line was in the area and that the builder has committed that the homes would be connected to Hampstead Area Water Company (HAWC) and then serviced by onsite septic systems. The water line will be extended down Hastings drive past the driveway for lots 6 & 7 and that a hydrant would be placed every 500 feet. Another change is on lots 4 & 5 located along Hastings Drive. After discussion with Conservation and the department heads it was agreed to move the buildings further back on the lot which is where the contiguous buildable lot is which meets the zoning requirements. He stated that they submitted a conditional use request for the use of the wetlands, feel they met criteria. This needs to be updated for the changes made on lots 4 & 5.

Mr. Jordan stated that they will need a waiver for site distance requirement because they won't meet the requirement but feel that they are creating safe site distance. He noted that there was a summary table with the distance in each direction. They don't meet the 400 foot requirement and that a couple of them have 200 feet some have 250 feet and some are at the 400 foot requirement.

Planning Board questions:

R. Clark-Is there any other disturbance going on front of the lots. Mr. Jordan stated that utilities (electric of water) will be adjacent to or under driveway. G. Emerson-With the 18 foot driveways would they be wide enough for fire trucks. N. Cricenti stated that the fire department gave their approval at the department heads meeting showing that it was wide enough.

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- D. Howard- on site distances which ones met the requirements.
- D. Jordan responded that lot 1 was 280 feet North to Kent Farm Road, lots 2 and 3 was 400+ feet west and 320 feet east, lots 4 & 5 was 400 feet west and 320 feet east, and

lots 6 & 7 were 200 feet west and 200 feet east. D. Howard asked N. Cricenti if that came under zoning and was told no and that they could change it. N. Emerson everything is filled out correctly and everything is in. T. Harrington responded to the best of her knowledge it was complete.

D. Howard motioned to take jurisdiction of the subdivision plan for located at Hastings Drive listed as Map 09-060. The motion was seconded by R. Waldron. Motion passed

<u>Vote Yes</u>- R. Clark, R. Waldron, D. Howard, G. Emerson, N. Emerson, B. Schmitz,

Vote No- None Alternate not voting: C. Howard

- R. Waldron asked how long the driveway was on lots 6 & 7. D. Jordan stated that it was about 700 feet total 500 feet to the lot line.
- B. Schmitz stated that he sees there are culverts crossing the street and asked for access stating that they would need a 24 by 24 easement to access the culverts at lot 4 and lot 6. D. Jordan stated that they could provide those. He also noted that there is a swale on the plans near 4 & 5. D. Jordan said that with the change of moving the buildings back they won't be doing a swale.
- B. Schmitz asked if they could flag the culverts and driveways in case they were to walk the site. D. Jordan responded that he would. N. Emerson asked that they show the culverts on the plan. D. Jordan responded that he would do that. D. Howard to N. Cricenti that he didn't see any issues. N. Cricenti responded that there was no engineering such as a new road would require and that they just need to make sure that it meet the town's requirements.
- R. Clark asked D. Jordan if they had any feedback from the Conservation Commission. He responded that they had not received anything from the Conservation Commission. T. Lovell, Chairman of the Conservation Commission was actually present and stated that they would like to walk the lot with the Planning Board members. He noted that there were 3 points where there were substantial crossings over areas that were possible tributaries to the lake and they wanted to investigate it further. He further stated that they were not approving the plan until that had been investigated further. (Then he left) N. Cricenti stated that it was unfair that the developer is just finding out tonight that there were issues. D. Jordan noted that they listened to the presentation and took it under advisement and any discussion was held after they left.

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D. Howard asked about the square footage impact on lot 6. D. Jordan responded that on page 3 of the map set it shows there is about 6200 square feet with 4 crossings of impact.

- D. Howard asked of this was a minor application with the State of NH. D. Jordan said that they have filed the Dredge and Fill with the State and are waiting for their approval.
- B. Schmitz asked N. Cricenti if the move to the back lot would create any issues. N. Cricenti responded that he had not been given the changes until this evening and had not had a chance to review them.
- R. Clark asked if there would be anything by deed that would require those buildings to be at the rear of the lot. D. Jordan said that they would show it on the plan and can add a note to the recordable plan as shown on plan and could make it a condition of approval.

Public Portion:

- P. Comeau, of the Sunset Lake Association asked a question relative to the lot size and what the requirement was for a single lot. R. Clark responded that it was 1 acre or 42,000 square feet and soil requirements. A duplex would be 1 $\frac{1}{2}$ acres. D. Jordan was asked if there were plans yet on what the duplexes would look like. He responded not at this time but they could provide it for the next meeting. P. Comeau asked if moving lots 4 & 5 back if the increased the impacted area and was told that it did.
- S. Charles of 7 Hastings Drive stated that he expected some impact on the duplexes being located at the top of the street and traffic and wondered how they came up with the arrangement. He also noted that he was concerned with the impact of the duplexes on his property value. D. Jordan responded that there were a couple of factors. The first is that Residential Zone B does not allow duplex buildings and the end lots (6 & 7) are in Zone B. He also noted that the lot size requirements helped decide where the duplexes would be. The first lots at the beginning of the road are where the area is available to do the duplexes. B. Nugent, of Sunset Campground and Sunset Lake Association, asked if any of the new homes would have access to the lake. D. Jordan replied that it hadn't been determined and noted that one lot (#7) actually is on Wash Pond and would have access. B. Schmitz noted that lot 7 has shore line and the others didn't. N. Emerson stated that it was important to know who would have access. D. Jordan responded that they would work that out and provide the details.

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H. Steadman, Sunset Lake Association, asked if the septic systems would be individual for each lot or a grouped one. D. Jordan responded that each lot would have their own (the duplexes would each share one (1 & 2, 3 & 4). N. Emerson asked D. Jordan about an 18 foot ROW to the lake and was told that it is an existing ROW. N. Emerson asked if that if there were deeded rights, would they be in the deed.

D. Jordan noted that there was an old woods road in the area of lots 2 and 3 that will be abandoned.

There was discussion on the dirt driveway at the end of the property at Orcutt Drive behind the Hartung property and that is currently used by the Police, Fire, Highway and US Mail. D. Jordan stated that if it was easier they could deed it to the town. N. Cricenti said that they may not have the right to deed it. N. Emerson had a concern with that because it would then become the town's responsibility to take over and rebuild it. B. Schmitz said that it would be better to clean it up and give it to town or an easement to town. N. Cricenti said that if the town touches it then it would need to be brought up to standards and more maintenance for the town to take care of. D. Jordan said that the section of the driveway that is used by the Hartungs could be continued to be used by them and that an easement will be given to him to allow continued use.

L. Kuhl, 5 Hastings Drive, stated that he has respect for property and has raised his two boys that way. They have adventured onto the property many times and noted that this is has been an unusually dry year and that normally in the spring it is very wet.

- R. Clark asked when it could be staked so that they could walk the site. D. Jordan stated that it could be staked out for the weekend. D. Howard asked if it was possible to get the square footage of the duplexes for the next meeting.
- R. Clark asked of the duplexes would be rentals or if they would be condos. D. Jordan responded that the developer is selling them as for sale units. R. Clark asked that it be clear on the plan and D. Jordan said that there were to be two deeds for the duplexes. R. Clark asked if there was different than our current zoning and N. Cricenti responded that it wasn't.
- R. Clark questioned who would own the land in the duplexes and was told by N. Cricenti that it would be settled in the deed at 50% ownership. R. Clark stated that he would like to see it in the deed and will clarify with K. Emerson because there was a time that K. Emerson sent someone to the planning board when they moved their duplex to a condex.
- R. Nugent spoke again regarding one section of the property that is used by the Loons.

Someone else also spoke to the wildlife that lives in the area.

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R. Clark motioned to continue the public hearing on Map 09 Lot 060, Hastings Drive, Hastings Drive subdivision to the meeting of 12.05.16. The motion was seconded by D. Howard. Motion passed

Vote Yes- R. Clark, R. Waldron, D. Howard, G. Emerson, N. Emerson, B.

Schmitz, *Vote No*- None

Alternates not voting: C. Howard

Chairman Carideo returned to the Chair at 7:54 pm R. Clark stepped down at 7:56 pm whereas he is an abutter to Map 06 Lot 019.

<u>Map 06-Lot 019-DHT Sports Realty Trust for a Site Plan Amendment-Tim Lavelle,</u> James M. Lavelle Associates, Surveyor

Chairman Carideo told Tim Lavelle of James M. Lavelle Associates that as far as they can see the plan is incomplete. T. Lavelle was allowed to give his presentation and he stated that he brought forward the same exact plan that had been approved back in 2009. At that time the approval lapsed when DHT Sports Realty Trust was unable to financially complete the project. At the department head review there were concerns with meeting the parking requirements. In 2009 there was a waiver granted for the parking which at that time was 128 spots in the back and 64 in the front. Now he needs to show they can meet the parking with an additional 24 spaces. They were asked to show it could be accomplished due to the slopes at the back of lot 62/63 and the soils, at the department head review. He noted that they did ledge probe and on average there is 3 feet of ledge which will help with the parking and they won't need to use the sloped area. Another question brought up at the department review was the material of the outdoor field which could be sod/real, or fake rubber turf. He reported that the intent is to do a manmade surface with sand underneath. This is more permeable than natural grass and eliminates the need for fertilizer whereas it is near wetlands. This type of turf would also allow them to play in the rain. They were able to find 18 additional spaces plus the prior 24 needed, which total 42 spaces. He noted that there was a request to show the pylon sign as well onto the plan. He explained that when the outdoor fields are in use, the indoor fields wouldn't be and vice versa. Chairman Carideo deferred to N. Cricenti who stated that he was seeing this for the first time. He noted that there were no notes stating the manufacturer of the turf, how drainage was to work, elevation on parking, the sloping etc. He stated that the plan was incomplete until they just received this.

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N. Cricenti noted that the plan needs to show the drainage calculations and where it goes, if there will be underdrains and the volume. It also needs to see the finished engineering in order to review it. N. Cricenti also stated that if the outside field is changing from grass to something else, then it won't be grandfathered in. If it stayed grass, then they could be the same size field tomorrow that was approved in 2009. Chairman Carideo noted that there are no support calculations whereas there are multiple uses in the building. Map 06 lot 063 has an easement for parking that should show.

N. Cricenti also questioned that fire lanes that are supposed to be 24 feet wide. N. Cricenti did state that the original approval on the building took into consideration parking for the indoor fields and other building uses (such as gym) into consideration and that is still just under.

D. Howard asked if it was going to be one field or more. T. Lavelle stated one field but it could have multiple games going on it depending on the age group. P. Carideo stated that there looks like there is a six foot drop across the field. N. Cricenti said that the grading was done for the field when the original was built. N. Emerson asked about the entrance way on the existing building and T. Lavelle responded that it has been done there is a vestibule there now. T. Lavelle again explained that he brought forward the same plan as what was before the board in 2009 and added the changes requested at the department head review. N. Emerson noted that there were no wetlands shown on the plans. T. Lavelle responded that they were off the lot but he could show it if required. Chairman Carideo said that there needs to be more work on the plan unless it was approved as part of the original plan. R. Waldron asked N. Cricenti if the gym was part of the original plan and was told yes. He also questioned the septic load with all the activity that goes on in there. N. Cricenti stated that the original septic was designed to account for all people inside and outside. He also pointed out that the septic system is under the driveway and that the water tank for the sprinkler system was under the slab.

N. Emerson agreed that the plan should show the existing conditions and calculations and then asked if a retention pond would be needed. The members all agreed that the plans are incomplete and would like to see more on the plan. The board agreed to not take jurisdiction and asked for more information on the plan and to get it to the Town Engineer for review.

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B. Schmitz motioned to continue the public hearing for Map 06 Lot 019, DHT Sports Realty Trust site plan to December 5, 2016. The motion was seconded by G. Emerson. Motion passed

<u>Vote Yes</u>- R. Waldron, D. Howard, G. Emerson, N. Emerson, B. Schmitz, and P. Carideo *Vote No*- None

Alternates not voting: C. Howard

R. Clark rejoined the board at 8:17 pm

<u>02-037-John Thompson Subdivision 366 Main St. (cont'd from 10.03.16 meeting)</u>
There was a request from James M. Lavelle Associates for a continuance to the December 5th meeting while they wait for the result from some further research done. It was noted that Don Wilson was conducting some research into the use of the middle of the road for calculations.

N. Emerson motioned to continue the public hearing for Map 02 Lot 37,366 Main Street, John Thompson Subdivision to December 5, 2016. The motion was seconded by R. Clark. Motion passed

<u>Vote Yes</u>- R. Waldron, D. Howard, G. Emerson, N. Emerson, B. Schmitz, and P. Carideo *Vote No*- None

Alternates not voting: C. Howard and R. Clark

Map 06- Lot 054 35 Gigante Drive- James Holland Site Plan (cont'd from 10.03.16) T. Lavelle presented and updated plan and architectural drawings of the storage area. He went on to explain that he added the abutters to the list, show the existing well which is to the right of the building. The power to the existing building is an overhead line to a pole in the right front corner of the building. To get power to the new building they won't be able to go underground so they will need to add 1 utility pole on the right. He added the current hydrant location which is located 360 feet down the road. The letter from the fire department requests a firewall to be under the 1,000 square footage rule and the use of the hydrant down the road. T. Lavelle will move in that direction if the planning board is all set. He noted that the 4th and 5th sheets show the rain garden and the impervious surface. He noted that there would be no water running to the building whereas there was no use for it and it wouldn't be heated. Chairman Carideo stated that it was hard to see if the water line goes through the retention center or along the edge (by the well). T. Lavelle stated that it would be under the rain garden and there would be shrubs on top of the water line. There was discussion about the well head which is 5 feet below the retaining wall.

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Chairman Carideo stated that the existing grade at the rain garden is 216 $\frac{1}{2}$ feet and if the top of the well is at 212 then the topo is wrong. T. Lavelle said that the topo should come up into the retaining wall and the water line is fine. N. Cricenti has not had a chance to review the plans whereas this was the first presentation of them. B. Schmitz asked about the garage design and asked if the firewall goes down the middle. T. Lavelle responded that they will work it out and that a larger section could be by the door. N. Cricenti said that they would need to have a 2^{nd} door for access which is just a single access door in each part per fire code.

N. Emerson motioned to continue the public hearing for Map 06 Lot 54, 35 Gigante Drive, James Holland Site Plan to December 5, 2016. The motion was seconded by G. Emerson. Motion passed

<u>Vote Yes</u>- R. Waldron, D. Howard, G. Emerson, N. Emerson, B. Schmitz, and P. Carideo *Vote No*- None

Alternates not voting: C. Howard and R. Clark

PUBLIC MATTERS

Zoning Amendments

The new ADU version #8 has been approved by Town Counsel and is ready to move forward to a public hearing on December 5th. R. Clark noted that the Certificate of Occupancy is not part of the zoning but will be used as part of the approval.

Part I Common Articles, Article I-4:0 Definitions of a one and one half story was reviewed and approved by Town Counsel. She suggested that the Planning Board also look at changing Article III-2:5 (B) so that the definition was the same except that one refers to Zone B and one Zone A.

The current zoning was amended in 2015 to read:

The maximum accessory building height in Zone A shall not exceed 24 feet measured from the average grade immediately surrounding the structure to the highest roof peak. The gross floor area of the second floor where the height from the floor to the ceiling exceeds five (5) feet, is greater than 33%, but shall not exceed 67% of the gross floor area of the first floor (story above grade). The members discussed the purpose of changing the definition of a one and one half story building and how it applies to this one. In the end it was agreed to remove everything after peak and add and shall not exceed more than one and one half stories.

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The maximum accessory building height in Zone A shall not exceed 24 feet measured from the average grade immediately surrounding the structure to the highest roof peak and shall not exceed more than one and one half stories.

R. Clark motioned to move Article III-2:5 (B) to a public hearing to be held on December 5, 2016. The motion was seconded by R. Waldron. Motion passed

<u>Vote Yes</u>- R. Waldron, D. Howard, G. Emerson, N. Emerson, B. Schmitz, and P. Carideo *Vote No*- None

Alternates not voting: C. Howard and R. Clark

N. Emerson motioned to move Definition I-4:0 to a public hearing to be held on December 5, 2016. The motion was seconded by C. Howard. Motion passed

<u>Vote Yes</u>- R. Waldron, D. Howard, G. Emerson, N. Emerson, B. Schmitz, and P. Carideo *Vote No*- None

Alternates not voting: C. Howard and R. Clark

OTHER

The members present at the meeting of October 27th voted to move forward with Dubois and King as the new Town Engineers. This needs to be approved by the Board of Selectmen, which should happen on Monday, November 14th.

BOARD BUSINESS

Correspondence:

A Dredge and Fill and NH Historical Resources were received for Map 09 Lot 060 (Hastings Drive subdivision) and placed on file.

There were site visits #9 and #10 placed on file for Labrador Lane, Map 2 Lot 052. Chairman Carideo mentioned that they recently held a meeting at the site because there was a concern by C. Bennett regarding the need for underdrains on the road. K. Emerson, N. Cricenti, J. Worthen, P. Carideo, J. Hill, B. Villella, C. Bennett, J. Lavelle and B Gregsak all met at the site. With the swales running along the side the two engineers didn't see a problem and it was hard to see what would happen but all agreed to revisit the issue in the spring. The binder was being put on the next day, which created the rush. It was also noted that there was a plan note that said the need for an underdrain was to be determined by the Road Agent, which was an error.

Member Comments

Town Engineer- No comments, already left

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Minutes: The minutes of 8/15/16, 9/19/16, 10/3/16, 10/17/16, and 10/27/16 were reviewed and edited as follows:

8/15/16 PH Minutes: take out y under Kelly Walsh

Motion to accept minutes of 8/15/16 as edited, made by D. Howard and second by

B. Schmitz

<u>Vote Yes</u>: D. Howard, B. Schmitz, G. Emerson and P. Carideo <u>Vote No</u> none <u>Abstain:</u> N. Emerson, (R. Waldron left) Alternates present but not voting: C. Howard and R. Clark

8/15/16 Workshop Minutes: no edits

<u>Motion to accept workshop minutes of 8/15/16 by D. Howard and second by B. Schmitz</u>

Vote Yes: D. Howard, B. Schmitz, R. Clark and P. Carideo

Vote No: none Abstain: G. Emerson, N. Emerson, and C. Howard (R. Waldron left)

9/19/16 Workshop Minutes: **page 1**: remove extra , after Ben Schmitz, eliminate comment "Mr. Cricenti responded 80 hours a week (kiddingly).", change meet to meets, extra space under question #1 and spell out MS-4 to Municipal Separate Storm Sewer Systems

Page 2: add "stated that there is " after Mr. Clark in third sentence. C2 to Commercial Zone 2, spell out HAWC to Hampstead Area Water Company, and change power lines to water lines, second to last sentence, first paragraph under PH –change sentence to "Mr. Cricenti stated that the benefit to do the plan is to the septic metering" etc. last paragraph add septage to "Mr. Clark asked if there was more septage going into Sandown"

Page 3: correct spelling of Lavell to Lavelle; in 3rd line under 1st public hearing correct tt to it, 6th line down same paragraph remove extra. (period), under motion for map 9 lot 24 change wall to "retaining wall"

Page 4: Add Jim Lavelle said to "The road was created back in the 1700's and no one was ever paid a fee for it." Add that Mr. Dowd was there as ZBA Chairman midway down page "owned by Town or nor should be not:

"He will be okay if it is a few weeks" added is

Page 5: First paragraph "The primary location for- add location Correct spacing on the second paragraph. At J. change to Mr. Dowd, Under Public Matter- HMS Mike Hall –add Hall

Page 6: under public matters 02-052 change update to updates, under Public Matters NHDOT, add after Neil Emerson "asked if the Board" instead of "said"

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Page 7: Under NHDES-OBN change to NHDES-PBN (permit by notification) Correct Multi Sector Storm Sewer to Municipal Separate Storm Sewer MS-4

Motion to accept minutes of 9/19/16 as edited, made by D. Howard and second by B. Schmitz

Vote Yes: D. Howard, B. Schmitz, G. Emerson N. Emerson, and P. Carideo

Vote No none Abstain: (R. Waldron left)

Alternates present but not voting: C. Howard and R. Clark

There are no minutes for the 9/19/16 workshop and was not televised.

10/03/16 PH minutes: spell out GIS to Geographical Information Systems on page7 Remove dots along pages

Motion to accept minutes of 10/03/16 as edited, made by B. Schmitz and second by N. Emerson

Vote Yes: D. Howard, B. Schmitz, G. Emerson N. Emerson, and P. Carideo

Vote No none Abstain: (R. Waldron left)

Alternates present but not voting: C. Howard and R. Clark

10/17/16 Workshop minutes:

Page 1: Correct Glenn to Glen, correct C. to be with Bennett

Page 2: at ½ add hour Page 3: spell out GIS

Motion to accept workshop minutes of 10/17/16 as edited, made by N. Emerson and second by B. Schmitz

<u>Vote Yes</u>: D. Howard, B. Schmitz, N. Emerson, and P. Carideo <u>Vote No</u> none <u>Abstain:</u> G. Emerson and (R. Waldron left) Alternates present but not voting: C. Howard and R. Clark

10/27/16 Meeting with Engineers:

Page 1 space between N. and Emerson

Motion to accept minutes of 10/27/16 as edited, made by B. Schmitz and second by N. Emerson

Vote Yes: R. Clark, B. Schmitz, N. Emerson, and P. Carideo

<u>Vote No</u>: none <u>Abstain:</u> G. Emerson, D. Howard, C. Howard and (R. Waldron

left)

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It was suggested to see if the two amendments to definitions could be listed as one warrant article. It would be an issue if one passed and the other one didn't. T. Harrington will check with town counsel.

Adjourn The meeting was adjourned at 10:10 pm on a motion by D. Howard and a second by N. Emerson. All present voted yes.