

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes December 4, 2017

A meeting of the Planning Board was held on Monday, December 4, 2017 at the Hampstead Town Hall, 11 Main Street, Hampstead, NH. This meeting was broadcast live over HCTV 17.

**PRESENT:** Paul Carideo, (Chairman), Ben Schmitz, Chad Bennett (Ex-Officio), Glen Emerson, DJ Howard, Robert Waldron, Neil Emerson, Randy Clark (Alternate), Chris Howard (Alternate), and Scott Bourcier (Dubois & King)  
The public attendance roster is available as an attachment to this document.

Chairman Carideo opened the meeting at 7:05 P.M.

### **CHAIRMAN'S REMARKS**

---

Next Public Hearing Date January 2, 2018

Filing Deadline for the January 2 meeting December 11, 2017

### **Old Business**

1. **19-009 Winchester Heights Elderly Housing** – Requested continuance to January 2, 2018 PB Meeting

**Motion: N. Emerson made a motion to continue the application to the January 2 PB meeting.**

**Second: R. Waldron**

**VOTE: 7-0**

### **New Business**

#### **1. 13-213 Faith Drive – Accessory Dwelling Unit (ADU)**

Dick Harding presented the plan for the ADU. Mr. Harding explained that he and his wife will be living in the ADU and his daughter, the property owner, will continue to occupy the Primary Dwelling Unit (PDU) with her family. The proposal will add a two-stall garage with the ADU located above the parking stalls to the existing single family home. Mr. Harding provided the PB with a copy of the septic approval.

P. Carideo asked for a minute to allow the PB members to review the application and the plans as submitted. P. Carideo asked how many bedrooms there were currently in the PDU, the response was three. P. Carideo asked about the existing space on the ground level, the response was that the ADU would have an

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes December 4, 2017

unfinished basement that is used for utility and storage along with the two-stall parking garage.

D. Howard commented that proper labelling and identification of the ADU for emergency response purposes has been one of the main concerns with the ADU applications the PB has reviewed and approved in the past. Mr. Harding indicated that he has revised the plans for the ADU by adding an enclosed four-foot bump out to the side of the garage that will be used as an entryway to ADU.

**Motion: B. Schmitz made a motion to accept the application as complete.**

**Second: G. Emerson**

**VOTE: 7-0**

N. Emerson stated that he liked the addition of the enclosed entryway and suggested they make it wide enough to accommodate a chairlift at some point in the future. B. Schmitz asked the applicant to label the basement and utility area on the plan along with the dimensions. P. Carideo explained how to label the plan and stated the reason for the PB requirements is for documentation purposes as they relate to the property.

P. Carideo asked for public comment.

R. Turpin – 48 Quail Road – stated that when the home was originally built the water flow was completely changed and adversely affected his property. R. Turpin stated the Town added a drainage culvert to correct the problem.

P. Carideo reviewed elevation from the septic plan to determine the direction of the water flow. P. Carideo stated the ADU will replace a portion of the existing driveway therefore the same amount of impervious surface will be on the site.

P. Carideo closed the public comment session.

**Motion: R. Waldron made a motion to approve the ADU with conditions.**

**Second: B. Schmitz**

**VOTE: 7-0**

Following are the special conditions:

1. Identify and label unfinished Primary Dwelling Unit (PDU) and ADU areas.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes December 4, 2017

2. Modify plans to show the four-foot bump out to the side of the garage of the new ADU.
3. Add square footage of the four-foot bump out to the plan.
4. Remove the internal staircase as shown on the plan near the ADU kitchen.
5. Update all square footage calculations.

### **OTHER PUBLIC MATTERS**

#### ***1. 10-38 Owens Court – Site Plan Amendment***

J. Lavelle was present to represent the property owner. J. Lavelle stated there is one building currently on the site. J. Lavelle indicated he walked the site earlier in the day and assumes the drainage and septic are on site but has not confirmed this. D. Howard indicated that he knows that the septic is installed on the site. J. Lavelle stated he is here this evening to get direction from the PB on how to proceed.

P. Carideo explained to the PB members the approvals are from 2004 and 2006 and that the owner built one of four buildings that were proposed on the site. J. Lavelle stated there are currently shrink-wrapped boats on the site. N. Emerson asked about sprinkler requirements. P. Carideo stated that the Fire Code issues would need to be worked out with the building department. P. Carideo stated that he needs to confer with Town Counsel to determine if the amended site plan is vested. P. Carideo stated that bonding would be needed for the site, especially as it relates to erosion control. P. Carideo indicated that S. Bourcier would need to do an inspection to determine a bond amount.

J. Lavelle stated he needs to confirm with the owner what would be built at this point. J. Lavelle commented that an engineering escrow would be needed. J. Lavelle also stated that renters are in the existing building. R. Clark confirmed that the site is located in the C3 Commercial Zone.

*R. Clark stepped down from his spot on the board.*

#### ***2. 06-019 PhanZone – Performance Bond***

P. Carideo asked S. Bourcier if he had prepared a revised bond amount. S. Bourcier stated he had not completed this task as he is waiting for copies of the revised plans from the applicant. D. Soucy is to reach out to J. Seymour regarding

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes December 4, 2017

the status of the updated/revised plans; conditional approval is valid thru 12/31/17.

### **3. 06-108 Hampstead Self-Storage – Performance Bond**

S. Bourcier presented a construction bond of \$146,100 that includes estimates for all improvements. S. Bourcier indicated that the PB has two options. Option #1 is to request applicant submit a bond for the full amount. Option #2 is to ask the applicant to submit a bond on all outstanding items prior to a certificate of occupancy being issued by the Building Department.

S. Bourcier indicated that there is a similar project in another town and with winter coming the applicant received sign-off from the Building Department with the outstanding items bonded. S. Bourcier stated the decision is up to the PB and Town as to how they want to proceed.

P. Carideo reminded the board members that the PB did ask S. Bourcier to prepare a bond amount to include everything. P. Carideo stated that he does not want Hampstead to be known for deterring business. P. Carideo stated he has spoken with K. Emerson and they agreed the Town Engineer would verify, via an inspection, that all sites are built according to plan prior to the Building Department issuing a Certificate of Occupancy.

P. Carideo confirmed with S. Bourcier that plans for the retaining wall and guardrail have not been received. S. Bourcier stated that typically retaining walls are a shop drawing and would not be part of a site plan; the plan would be available when the contractors are on the ground. P. Carideo stated the applicant is not going to spend the money on revising plans since they are waiting to see if they are going to move forward with construction.

There was discussion among the PB members regarding various bond amounts for the project. S. Bourcier stated that \$9,200 represents the amount that would be needed for erosion control. P. Carideo asked if that amount would be enough to restore the site if the pavement is ripped up for the proposed structure but fails to be completed. C. Bennett stated he felt a \$50-\$75K bond would be more appropriate; he estimates the project total between \$500-\$600K and feels a 10% bond sounds reasonable.

S. Bourcier was asked to revise the bond amount to \$67,500. P. Carideo also requested an escrow account for engineering fees that would be adequate to

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes December 4, 2017

cover the costs of ongoing and final inspections on the site. S. Bourcier stated he would prepare the performance bond along with the escrow estimate and send the documents to D. Soucy.

**Motion: N. Emerson made a motion to set the performance bond amount at \$67,500**

**Second: R. Waldron**

**VOTE: 7-0**

**Motion: N. Emerson made a motion to request a \$10,000 escrow account for engineering fees**

**Second: R. Waldron**

**VOTE: 7-0**

*R. Clark returned to his spot on the board.*

### **4. 2018 Zoning Ordinance Proposals**

P. Carideo read the 2018 Zoning Ordinance Proposals to the PB members and asked for input. P. Carideo stated the wording needs to be sent to Town Counsel, Diane Gorrow, for review.

#### **Article #1**

To see if the Town will vote to delete Article IV-5:6 Special Exception for Seasonal Dwelling Conversion, since the requirements for Seasonal Conversion were changed last year.

#### **Article #2**

To see if the Town will vote to delete Article III-2:3, 3 Special Exception for In-Law/Accessory Apartment since these were changed to Accessory Dwelling Units (ADU) last year.

#### **Article #3**

To see if the Town will vote to amend Article II-1:1 D. 1 and Article II-2:6 A. to read: No septic system, leach field, or other wastewater disposal facility shall be installed within 75 feet of any very poorly drained soil or surface water; or 50 feet from any poorly drained soil.

Articles #1 and #2 are housekeeping items. Article #3 is proposing changes to subsurface system requirements that will be in line with the State of New Hampshire requirements.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes December 4, 2017

**Motion: N. Emerson made a motion to hold a public hearing for the 2018 Zoning Ordinance Proposals on Tuesday, January 2, 2018.**

**Second: B. Schmitz**

**VOTE: 7-0**

### **Planning Board Matters**

#### ***1. Town Engineer Comments***

S. Bourcier provided an update on the Labrador Lane Subdivision (02-052). The latest inspection was performed on November 16; the engineer's field observation report will be an attachment to these minutes. S. Bourcier performed a site-walk to establish a winter preparation project punch list.

- a. Place wearing course pavement surface.
- b. Place two (2) foot gravel shoulders.
- c. Complete loam/seeding of disturbed areas.
- d. Construct right-side drainage swale in accordance to approved plan set.

During the site visit, S. Bourcier spoke with Bob Villella (Owner) about the installation of driveway culverts. While they agreed that runoff should not flow along the roadway to by-pass the driveways, they disagreed on how runoff is conveyed through the driveway limits. It was S. Bourcier's opinion, culverts should be installed to convey runoff under the driveways. However, it is Bob's opinion to depress the driveways to convey over the driveways. They concluded that Bob would set a meeting with his engineer, the Hampstead Road Agent and the Hampstead Code Enforcement Officer to discuss the situation and present a solution for our review.

The PB members stated they were under the impression that ALL the driveways would have culverts. P. Carideo asked D. Soucy to pull the original approval so that he can confirm what was approved by the PB as it relates to the driveways.

#### ***2. Correspondence***

- A. 08-039 28 Cecil Ave – Letter of Map Amendment (LOMA) Removal

#### ***3. Member Comments***

B. Schmitz asked the other PB members if they felt the PB should define an owner under the ADU Zoning Ordinance as a result of the recent case (Ricci) in Portsmouth, NH. R. Clark presented a proposal for wording to be added to the ADU Zoning.

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

---

## Minutes December 4, 2017

**Motion: N. Emerson made a motion to reopen the discussion as it pertains to the 2018 Zoning Ordinance Proposals.**

**Second: R. Waldron**

**VOTE: 7-0**

### **Article #4**

To see if the Town will vote to amend Article IV-14:2 5:H by further defining the owner to read: If ownership is by a legal entity (such as a corporation, LLC, trust, etc.) the "owner" for this section has to be the majority owner of the legal entity.

**Motion: B. Schmitz made a motion to add Article #4 to the 2018 Zoning Ordinance Proposals to define owner in the ADU section of the Zoning.**

**Second: G. Emerson**

**VOTE: 7-0**

### ***4. Review of Minutes (11/20 Workshop)***

**Motion: B. Schmitz made a motion to approve the 11/20/2017 Workshop minutes as amended.**

**Second: D. Howard**

**VOTE: 6-0-1 (C. Bennett)**

### ***5. Adjourn 9:15 P.M.***

**Motion: N. Emerson made a motion to adjourn at 9:15 P.M.**

**Second: R. Waldron**

**VOTE: 7-0**

Minutes Prepared by Debbie Soucy, Secretary