

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

Chairman Paul Carideo opened the Planning Board meeting at 7:00 PM. Members present were Paul Carideo, Neil Emerson, Chris Dane, Robert Waldron, Bill Weber and Priscilla Lindquist, Ex-officio voting member. Town Engineer Nick Cricenti, PE, SFC Engineering Partnership and Susan Hastings, Secretary attended. Chad Bennett arrived late.

Members of the public attending included: Howie Glynn, Ralph Glynn, Ed Lanpher, James Lavelle, Richard Towne, Bruce Worthen, John Giannopoulos and Penny Williams, media. ATTACHMENT # 1

CHAIRMAN'S REMARKS

Paul Carideo announced the next meeting is scheduled for 15 December 2014. The filing deadline is 12/15/2014 for a Public Hearing on 1/5/2015. Petition Articles may be filed between November 10, 2014 and December 10, 2014. These articles are filed with the Board of Selectmen.

Irongate Village, 07-022 The bonds were posted by Trendezza, LLC, 172 Rt. 101, Bedford, NH 03110. The time extensions are for one year: Letter of Credit # 98-89 extended to November 30, 2015 and Letter of Credit # 98-88 extended to November 30, 2015. ATTACHMENT # 2

James Hill, 06-110, Hasago 10-039, Applebriar Estates 13-215 Bonds are being held on each project and the intentions of the developers must be discussed with the Board. Each bond discussion is continued to December 15, 2014 and certified letters will be sent to each bondholder.

BOND 1-060, 060-1 Scott Lancaster Subdivision, 18 Lighthouse Lane,

Paul Carideo advised Board members a revised bond has been prepared for Scott Lancaster. Nick Cricenti told Board members the Gravel Roadway Rehabilitation Plan was revised downward on September 28, 2014 for erosion and sediment control. ATTACHMENT # 3.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

BOND 1-060, 060-1 Scott Lancaster Subdivision, 18 Lighthouse Lane,

CONTINUED FROM PAGE 1

The gravel has not been put in. There is approximately 5 feet of gravelly material in the current road. The amount of the bond is \$2,382.00 to cover construction activities.

Chairman Carideo asked members if there were any further questions or comments before requesting a motion on the bond.

MOTION

Robert Waldron moved to set the road bond for the Scott Lancaster Subdivision 1-060, 060-1 at \$2,382.00. Bill Weber seconded. The motion was approved. VOTE YES Robert Waldron, Bill Weber, Chris Dane, Neil Emerson and Priscilla Lindquist ABSTAIN Paul Carideo.

Nick Cricenti said the engineering fee of \$2,500.00 was approved at an earlier meeting. He gave a copy of the bond paperwork to Jim Lavelle.

Paul Carideo said the road easement with the Town is being worked on. No other documents have been received.

1ST PUBLIC HEARING -Zoning Cell Towers on Town owned land

Paul Carideo opened the public hearing for a change to the zoning to allow cell towers on Town owned land. He read the notice as published in the Union Leader: **"To see if the Town will vote to amend Article IV-9:2(A) (1) of the Zoning Ordinance to permit communication towers to be located on any Town owned parcel."**

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

1ST PUBLIC HEARING -Zoning Cell Towers on Town owned land

CONTINUED FROM PAGE 2

The Chairman added the Selectmen would have authority over the Town land parcels. He added the Conservation Commission has covenants on conservation land protecting them. Robert Waldron and Neil Emerson agreed with the language and the protection of the conservation areas. Chairman Carideo asked for comment from other members of the Board or the public.

Edward Lanpher asked if the proposal could be amended. The Chairman said it could and added it would mean another Public Hearing. Mr. Lanpher expressed concern the cell towers could be placed close to residential homes and the homeowners would have to fight for appropriate setbacks. The existing provisions of the cell tower ordinance set a buffer of 199 feet, the maximum height allowed for towers and 20 feet additional as protection. Neil Emerson agreed the existing buffer of 220 feet is adequate. The Chairman emphasized this is around the tower so it is a 440 foot circumference. Priscilla Lindquist said the Selectmen also agreed the setback is adequate.

The Chairman asked for any further comments or questions from Board members or the public.

MOTION

Robert Waldron made a motion to approve the cell tower zoning amendment as posted. Priscilla Lindquist seconded and the zoning article for cell towers to be located on Town land was approved. VOTE YES Robert Waldron, Priscilla Lindquist, Neil Emerson, Chris Dane, and, Bill Weber ABSTAIN Paul Carideo. The article will be forwarded to the Selectmen to be included on the 2015 Warrant.

Chad Bennett joined the members of the Planning Board.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

1ST PUBLIC HEARING 17-289 B & H Oil Amended Site, 6 Starwood Dr.

Chairman Carideo opened the Public Hearing for B & H Oil as posted "To consider the request of the applicant B & H Oil Site Plan, 6 Starwood Drive, Hampstead NH 03841, Map 17 Parcel 289 located in the Commercial II Zone to have a Public Hearing for a site plan hearing to amend the existing plan D-26773 and to change the use of the site. Owner: Captain's Cove Realty Trust; Abigail J. Pandelena, Trustee, 6 Starwood Dr., Hampstead NH. Developer: B & H Oil Co, 34 North Main Street, Salem NH 03079.

Jim Lavelle, LLC presented the plan for the owners who were present. He reported all the issues raised had been resolved. Paul Carideo asked if the Conservation Commission had been notified. Nick Cricenti checked the RSA's and the notification is to "abutting properties" so the issue is ownership. The property has been purchased from Mr. Pandelena and is now owned by R & H Oil Co., Inc. The revised plan will show the change of ownership. J. Lavelle said the plan is for a change of use to an oil delivery yard. A new 60 square foot oil tank containment structure is proposed. The hours of operation are 8:00 AM to 4:30 PM. The site is in the Commercial II zone. The existing well is going to be used. The existing septic system is adequate for the three or four office employees.

Paul Carideo asked Board members if they considered the plan complete enough to take jurisdiction.

MOTION

Neil Emerson made a motion to take jurisdiction of the B & H Oil amended site plan for a business use change and a new oil containment building at 6 Starwood Drive, map 17 parcel 289. Chris Dane seconded the motion and it was approved. VOTE YES Neil Emerson, Chris Dane, Chad Bennett, Priscilla Lindquist, Robert Waldron and Bill Weber ABSTAIN Paul Carideo.

Paul Carideo asked Board members if they had any comments. P. Carideo asked N. Cricenti about the Technical Review. He said the Board has said Kris Emerson would advise him when a review was needed. Nick Cricenti added he had met with the Fire Chief and discussed the plan. The NHDES does a rigorous review with inspections for this type of oil storage installation. It was noted there should be a plan note on the sizes of the tanks, which are to be installed in the containment area.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

1ST PUBLIC HEARING 17-289 B & H Oil Amended Site, 6 Starwood Dr.

CONTINUED FROM PAGE 4

After discussion, the Board decided the plan note should designate the amount of fuel to be stored. The plan is for two 15,000 gallon tanks and one 30,000 gallon tank totaling 60,000 gallons of fuel storage. Robert Waldron asked about the traffic, which would be generated. There will be five trucks on site. His concern was the future expansion of the site. Nick Cricenti said truck traffic will be limited by the amount of fuel there is stored. The site is in the commercial II zone and any expansion or use change would require them to come back to the Board. Jim Lavelle said there are several trucks a day into the Ccorio site. Currently Mr. Pandelena's trucks have been running daily.

The Chairman invited comment from the public.

John Giannopoulos, 14 Victoria Lane questioned the location of the property lines to determine the distance from his home. He asked if anyone could spell out the how the state regulated the containment of the spill, which approved the location of the spill containment site and for more information on the NHDES regulation of the site. There will be 18 wheel trucks in and out of the site and Mr. Giannopoulos asked if there was sufficient area for them to maneuver the turn in. Paul Carideo said there were no local requirements for containment of fuel; this was left up to the New Hampshire Department of Environmental Services. He asked Nick Cricenti if he had any more information. N. Cricenti said the State passed regulations April 25, 1997 to regulate above ground double walled containment tanks. This includes area for the tanks and one truck, which could be filling the tanks. The positive pressure pump system is fitted with a dead man switch. The tank balances are posted to show the amount of fuel remaining in each tank. He added as an example the truck losses, or breaks in the 12-inch wall design are the same as those of a bridge abutment. As a further check, the wall joints are sealed and there is a precipitation capture and separator in place. The tank is alarmed in case of a failure. Above ground tanks are inspected each day. Paul Carideo asked if the public could use the pumps and he was told there are no pumps for public use. John Giannopoulos complained about the former stone crushing operation and expressed his concern for the children in the area.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

1ST PUBLIC HEARING 17-289 B & H Oil Amended Site, 6 Starwood Dr.

CONTINUED FROM PAGE 5

He said he did not know what he could do about 60,000 gallons of fuel oil flowing into his property. He asked for more information on the state's procedures to protect the abutters. Nick Cricenti told him the application from R & B Oil would be on file in the Code Enforcement Office when it is filed. John Giannopoulos stated he is objects to the development. P. Lindquist said if there is a noise problem, he should report it to the Code Enforcement Office. Mr. Giannopoulos asked Board members how they would feel if it were next to their home. Neil Emerson said it has to meet state requirements. Paul Carideo added the business is allowed in the zone and there are requirements the Board must follow to provide a fair process.

The Chairman asked for further comment and there was none. He asked the Board if it was ready to vote.

MOTION

Neil Emerson made a motion to approve B & H Oil Amended Site, 6 Starwood Drive, map 17 parcel 289 as shown on the plan subject to the owner's name being corrected and the plan note on the amount of fuel storage on the site. The usual conditions of approval are to be met. A copy of all permits is to be submitted to the Board. Chris Dane seconded the motion and it was approved.

**VOTE YES Neil Emerson, Chris Dane, Chad Bennett, Priscilla Lindquist, Robert Waldron and Bill Weber
ABSTAIN Paul Carideo.**

1ST PUBLIC HEARING 06-06, 103, Condominium, 17 Gigante Drive Trust

Chairman Paul Carideo opened the first public hearing posted to consider the request of Richard Towne and Bruce Worthen, 17 Gigante Drive Trust LLC to have a 1st Public Hearing for a Condominium Development at 17 Gigante Drive, Hampstead NH as shown on the plan for map 6 parcel 6 and 103, located in the Commercial II Zone. The plan is to show a proposed condominium line separating the property into three separate condominium areas.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

1ST PUBLIC HEARING 06-06, 103, Condominium, 17 Gigante Drive Trust

CONTINUED FROM PAGE 6

Jim Lavelle, LLS, presented the plans for the condominiums. Neil Emerson asked if this would be the new brick buildings and Jim Lavelle said he was correct. The building is approved for one unit and the proposal is to change it to two units for condominium ownership. The condominium lines for the two new condominium units are set up to include the septic system of each unit. The condominium documents are being reviewed by the Town attorney. Once approved by the Board they can be submitted to the Attorney General for final approved.

Chairman Carideo asked the Board members if the plan was complete enough to take jurisdiction.

MOTION

Neil Emerson made the motion to take jurisdiction of the plan for 17 Gigante Drive Trust, map 6 parcels 6 and 103 as presented. Chris Dane seconded the motion and it was approved. VOTE YES Neil Emerson, Chris Dane, Chad Bennett, Priscilla Lindquist, Robert Waldron and Bill Weber ABSTAIN Paul Carideo.

Paul Carideo summarized the correspondence from Attorney Gorrow detailing her review of the condominium documents. The owners agreed to have their attorney work with the Town attorney to complete the condominium documents. Nick Cricenti said there were no changes from the previous plan he reviewed. The septic system is a different issue when dealing with condominium change. The conversion to condominium ownership means a subdivision plan is to be presented. A state RSA deals with this procedure and the notification is the same as for a subdivision. Jim Lavelle said the condominium documents are subject to review by the State Attorney General and they are filed with that office. There were no further comments or questions.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

1ST PUBLIC HEARING 06-06, 103, Condominium, 17 Gigante Drive Trust

CONTINUED FROM PAGE 7

MOTION

Neil Emerson made the motion to conditionally approve the subdivision plan for 17 Gigante Drive Trust, map 6 parcels 6 and 103 as presented. The condition for approval is approval of the Condominium documents (by Town Counsel and acceptance by the State Attorney General's office.) The approval is subject to the usual conditions of approval in the subdivision regulations. Chris Dane seconded the motion and it was approved. VOTE YES Neil Emerson, Chris Dane, Chad Bennett, Priscilla Lindquist, Robert Waldron and Bill Weber ABSTAIN Paul Carideo.

PUBLIC MATTERS Zoning Proposals

Paul Carideo said the Board would be bringing a zoning change for accessory buildings to the Town for a vote. The issues have been researched and discussed. Neil Emerson said the only local town having zoning for residential lot coverage for accessory buildings is Plaistow. Both attached and freestanding structures are evaluated using a sliding scale. The Hampstead ordinance allows for two accessory buildings each having 750 square feet. The area is not allowed to be combined in one structure of 15,000 square feet. N. Emerson added this makes it difficult for the Board of Adjustment to work with since a building attached to the main structure has no size limitation. Paul Carideo said a draft was proposed for discussion last year with no resolution. If a draft can be developed and reviewed by Town Counsel for discussion at the December 15 meeting, there would be enough time to post for a public hearing in January.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

PUBLIC MATTERS Zoning Proposals

CONTINUED FROM PAGE 8

Language proposed was **“to allow garages or storage buildings to be constructed, whether attached or free standing according to the attached schedule:**

<u>Lot size up to</u>	<u>Building size</u>
45,000 square feet	900 square feet
45,000 to 80,000 square feet	1,200 square feet
80,000 to 130,000 square feet	1,500 square feet
<u>Lot size up to</u>	<u>Building size</u>
130,000 to 200,000 square feet	1,800 square feet provided the lot setbacks to front and

side lot lines and setback distances as provided in the Town Regulations are met.”

Chris Dane said he would like to put more thought into the proposal than just this few minutes. Robert Waldron said he did not see that much of a problem. C. Dane said there was not such a rush. Neil Emerson added the accessory buildings should be proportional to the other structures on the lot. S. Hastings said accessory buildings whether attached or detached should be within the “building envelope” as shown on a lot plan. Paul Carideo commented the sense of the Board was to eliminate the current wording and develop something more reasonable. Bill Weber said in Plaistow it appears they may build to a size that suits the lot. Paul Carideo questioned the status of “non-permanent” buildings. Discussion of a top end limit to the building, out buildings, a three car garage with a workshop or man room over a building, a height restriction of 24 feet, a garage not being allowed to have a second story, a second story being 2/3 the height of the first floor and defining the height for a first floor, building to a percentage of the footprint of the buildable area of the lot, allowing a non-permanent accessory building of 300 square feet, a special exception for “as measured by ground floor area”, and noting that agricultural uses are exempt. The Chairman asked for further comment or questions.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

PUBLIC MATTERS Zoning Proposals

CONTINUED FROM PAGE 9

Paul Carideo will write a draft based on the discussion. The summary is to address permitted uses allowing two accessory structures with one non-permanent structure being “up to 300 square feet” and an accessory structure “up to 1500 square feet on 45,000 square foot lots” and “up to 1800 square feet for lots larger than 45,000 square feet”. The exemption will be for agricultural uses. The height in Zone A is not to exceed 24 feet from the grade to the highest roof peak.

The Chairman announced the zoning proposal would be discussed at the 15 December 2014 meeting.

BOARD BUSINESS

Correspondence The following correspondence was received, discussed and filed: Attorney. Gorrow re Warrant Article on Alternate Members; Attorney Gorrow re: Lancaster Road Easement 11-60; Access Road 8-104 Decision Notice 11/18/2014; Dredge & Fill 8-104 submitted 11/20/2014; Historical Resources 8-104 Project #4818, No historic Properties affected; LOMA 09-218 44 Norfolk St, Case # 15-01-009A, 11/13/2014; and Board of Adjustment Minutes November 6, 2014.

Member Comments Neil Emerson asked the reason for inspection of paving not being bonded and why it is inspected. Paul Carideo said many towns do not inspect paving. There was a discussion of Town liability when the site use is for the public. A site plan is approved and the erosion and sediment control bonded but not the paving. Nick Cricenti said the town bonded everything when he first began working with the Board. Developers complained and the bonding was ratcheted back. At the State level, the paving on a site is done to state regulations so there is a criterion for the work to meet.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

BOARD BUSINESS

CONTINUED FROM PAGE 10

Member Comments Neil Emerson A house is not bonded but is inspected before an occupancy permit is issued. Neil Emerson asked why the drainage and erosion and sediment control is bonded and inspected. Nick Cricenti said it is supposed to be inspected but he is not always notified. When he is notified, he has to act. He added that paving has state criteria of the temperature being 40 degrees. The Board made a decision not to bond paving so there are no standards and it is not in the best interest of the Town.

Alternate Members The article will read “up to five” members.

Lancaster's' Road Easements Documents received were sent to members and are being reviewed by Town Counsel. The plan is not signed and no action can be taken until the all the required documents are reviewed and signed.

Notification of Mobile Home Parks Neil Emerson asked the requirements for notification of residents of Mobile Home Parks. Nick Cricenti read RSA 205 A: 1 II, which defines the landowner, or park owner as the “abutter” and not the individuals who live in the park.

Minutes The 3 November 2014 minutes were continued to 12/15/2014 by the Chairman.

HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead, New Hampshire 03841-2033

Approved Minutes 1 December 2014

BOARD BUSINESS

CONTINUED FROM PAGE 10

Adjourn The meeting adjourned at 9:15 PM.

MOTION

Neil Emerson made a motion to adjourn the meeting at 9:15 PM. Priscilla Lindquist seconded the motion and it was approved. VOTE YES Neil Emerson, Chris Dane, Chad Bennett, Priscilla Lindquist, Robert Waldron and Bill Weber ABSTAIN Paul Carideo.

Respectfully submitted,

Susan J. Hastings, Secretary