

**PLANNING BOARD**

Minutes of August 6, 2014

**ATTENDEES:** Arnold Rosenblatt – Chairman, Sally Wilkins – Vice Chairman, Gordon Leedy, Michael Dell Orfano, Cliff Harris, Richard Hart – Conservation Commission, John D’Angelo – Ex Officio, Allen Merriman - Alternate, Colleen Malioux – Community Development Director  
Absent: Marilyn Peterman – Alternate, Eric Hahn - Alternate

**NEW BUSINESS:**

**Case #5147 - 070814 – Gerald Wilkins – 95 Christian Hill Road, PIN #005-166-0010:** *Application to create a three lot subdivision; and*

**Case #5147 - 070814 – Gerald Wilkins – 95 Christian Hill Road, PIN #005-166-0010:** *Conditional Use Permit Application to cross forested wetlands and conservation district with a common driveway servicing two lots.*

Sally stepped down as she was an abutter; Arnie asked Allen to vote for Sally.

Dawn Tuomola, of Monadnock Survey, noted Mr. Wilkins lives on Map 5, Lot 166-1 and he was looking to divide one lot into three (3) additional lots, two of which will be building lots. The new lots will share a common driveway that will be going through wetland that is found in the front of both lots and to minimize curb cuts. They are proposing a wetland crossing at the best location with the best sight distance and least amount of wetland disturbance. The remaining land will be accessed by the existing driveway to minimize the impact on the wetland area. The test pits show the soils to be well drained. The proposed drainage will split the stormwater runoff so it won’t be concentrated. They are asking for a wetlands crossings and the disturbance will be minimal as there is no defined stream; they are proposing an eighteen (18) inch culvert. There will be a slight increase in water runoff and on each of the two (2) new houses, they will install dry wells for the roof drains. The wetlands permit was received as complete, by the state, on July 17, 2014 and they have asked for minimal expedited review, which is ten (10) days. Once that is approved, the subdivision plan needs state approval. The Conservation Commission did sign the minimal expedited application for the wetland crossing and there will be 1175 square feet of impact plus the 25 foot buffer for a total of 3377 square feet of disturbance. There will be erosion controls in place to keep the construction disturbance on site.

Arnie asked if there were any waiver requests.

Dawn replied they were asking for waivers from fiscal impact, environmental impact, traffic impact, stormwater drainage, water supply impact and hydrogeological impact. This is a minor subdivision and there will be an access easement on lot 5-166 for lot 5-166-1.

Rich asked about the maintenance of the dry well.

Dawn replied she took that information from the state codes which lists maintenance regulations; they could add to that as needed. They are trying to keep stormwater control at a minimum and simple. Gordon noted they must receive town approval before the expedited minimal impact application is sent to the state.

Rich replied the Conservation Commission agreed the design was reasonable and signed the application.

Cliff had no comments at this time.

Mike asked where the proposed building locations were on the plan.

Dawn replied they aren’t shown on the plan, only the leach field locations were shown. She also indicated there was no intent to do anything with the remainder of the original lot.

Mike asked if there were any limitations due to wetlands or slope.

Dawn replied she has shown the setbacks, including those from the wetlands, on the plan.

47 Mike asked how they will set up the common driveway easement.  
48 Dawn replied there will be a set of covenants drawn up by an attorney for lots 2 & 3 and for Mr.  
49 Wilkin's driveway. They will be recorded with the plan mylars.  
50 Mike suggested they also be referred to in the deeds.  
51 Colleen noted they will be recorded with the plan.  
52 Mike replied this was to make sure the potential buyer is aware of the covenants.  
53 Allen asked if the minimal buildable space on lot 2 was acceptable.  
54 Dawn replied the lot is 2.5 acres and meets the zoning requirements.  
55 Arnie asked if the applicant found the proposed staff conditions to be acceptable.  
56 Dawn replied they were fine with them.  
57 Arnie then asked if any abutters or concerned citizens had any questions or comments.  
58 Gene Kuczewski, 100 Christian Hill Road, noted in 2012 there was a very heavy runoff from the  
59 property in question. He asked if the water will run off the new driveway and into the street. He was  
60 concerned with icy conditions in the winter. He asked why they asked for a stormwater waiver.  
61 Dawn replied they are not impacting anything that is existing, including the existing culvert. The  
62 direction of the water will not change. She showed the location of the lots and noted the sheet  
63 drainage goes along the property and into the wetlands. She also noted DPW did not feel a culvert was  
64 needed for the driveway.  
65 Arnie clarified that some of the water won't flow into the proposed drainage and some will still go  
66 down Christian Hill Road.  
67 Dawn replied a small amount of water goes toward the road. She did do drainage calculations, as  
68 required by the state but did not go into as much detail as required for a larger subdivision. The swale  
69 along the road is shallow and it is not a steep slope so the run off will not be a torrent. The other side  
70 of the property allows for the sheet flow to go off and away from the road. She did the calculation for a  
71 paved surface and noted the driveway does need a paved turnout and most driveways have a crown.  
72 Mike noted most of the water will sheet off and go into the wetlands.  
73 Gordon stated there will be a twenty (20) foot apron for the driveway off of Christian Hill Road, there  
74 will be a 2% crown on the driveway and there is an existing berm area between the road and the  
75 driveway.  
76 Gene replied there is no ditch on the side of the road.  
77 Gordon noted an insignificant amount of water will drain on the road there, perhaps 300 square feet;  
78 he noted this will have little or no impact on the ice on the road in the winter.  
79 Rich noted DPW is planning to rebuild parts of Christian Hill Road and if they rebuild that part, they will  
80 fix the drainage.  
81 Greg Herbert, 399 Mont Vernon Road, Milford, asked if there will be blasting as they are in the process  
82 of installing a radon well and wondered if that will be affected.  
83 Cliff replied they haven't figured out where the house will go at this point and noted he should keep  
84 track of radon levels for a base line to see if there are any issues as construction progresses.  
85 Phil Aubrey asked where the leach fields will be located; Dawn showed him where they were located  
86 on the plan.  
87 Arnie asked if there were any additional questions; there were none so he closed the public portion of  
88 the meeting. He then asked if there was a motion to approve the request for waivers.  
89 **Gordon made the motion to approve the waiver request for fiscal impact, environmental impact,**  
90 **traffic impact, stormwater drainage, water supply impact and hydrogeological impact.**  
91 **Cliff seconded the motion; all were in favor with none opposed.**

Gordon then made the motion to approve the application for a conditional use permit to cross forested wetlands and conservation district with a common driveway servicing two lots with the following conditions: 1. Prior to the start of construction, the applicant shall cause durable discs or placards identifying the boundaries of the WWCD on the subject premises to be installed pursuant to requirements of Article IV – Section 4.11, F.6 of the Zoning Ordinance. 2. The applicant shall install and effectively maintain all temporary erosion and sedimentation control measures and practices specified on the project plans throughout the duration of any work performed within or immediately adjacent to the WWCD boundary. 3. When received, the NHDES approval number and expiration date shall be noted on the plans.

Cliff seconded the motion; all were in favor with none opposed.

Gordon made the motion to approve the application to create a three lot subdivision with the following conditions: 1. If granted, a note be added stating the Planning Board waived the requirement to submit fiscal impact, environmental impact, traffic, drainage plans, water supply, hydrogeological and other studies. 2. Copies of the proposed access and utility agreements will need be submitted for approval by the Town and recorded with the final subdivision plan. 3. A letter shall be submitted to the Office of Community Development by a licensed land surveyor certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set. 4. When received, the NHDES Dredge and Fill permit number and expiration date shall be noted on the plans. 5. When received, the NHDES Subdivision approval number shall be noted on the plans. 6. One mylar, 3 full sized plan sets and one pdf of the revised plan set shall be delivered for signing by the Planning Board Chair. 7. All fees associated with the recording of the plan and easements be submitted.

Cliff seconded the motion; all were in favor with none opposed.

**Case # 5149-070814 – Terry & Kelly Connor, 1 Smith Lane, PIN #003-027-000: A Subdivision and Non-Residential Site Plan Application to create a thirty-unit senior living condominium development.**

Kyle Bouchard, Meridian Land Services, LLC, began by stating he and Mr. Connor had been in before the board in April 2014 for a discussion regarding the proposed plan and they are here for a final decision. In July 2014 they applied for a lot line adjustment that has not yet been recorded but it will happen. They received a special exception to allow for senior housing in the district and a variance to reduce the 100 foot setback from Route 101 to 50 feet. The property is 16.2 acres and abuts Merrimack Road to the north, Route 122 from the east, Route 101 to the west and Ponemah Green golf course to the south. They have done a detailed stormwater analysis and design which is intricate for the reduction of stormwater from the development. A detailed landscaping plan is provided along with a detailed plan that conforms with the subdivision regulations for now storage, which will be adjacent to the roadways and at the end of the roads; this will be shown on the plans when they return.

Colleen noted there were no additional staff comments and they are still waiting on a final reply from the fire department; they are reviewing the cistern details. DPW reviewed the plan again and is satisfied with the easement for the future construction of a turn lane.

Kyle replied he had spoken with the fire chief and he seemed pleased with the 30,000 gallon cisterns and the secondary emergency access; he had no major concerns at this time. The Transportation and Community Systems Preservation Study in 2006 noted the intersection of Merrimack Road and Route 122 was as a level “F” and staff suggested an easement along Route 122 for the installation of a turn

138 lane in the future. The Conservation Commission recommends no salt usage in the winter and the  
139 condominium documents are being drafted at this time, being mindful of the previous  
140 recommendations of the board regarding septic maintenance and responsibility, water system  
141 maintenance and plowing. The easement language is being drafted for Smith Lane access and utility  
142 access. All solid waste and trash will be stored inside of the units. Pedestrian access will be sidewalks  
143 but they will be obstructed by plowed snow in winter. There will be a low volume of pedestrian access  
144 and there will be no parking on the streets. There are three (3) roads in the development of duplexes  
145 and single family units. There is a community well above the flood plain that has been tested and they  
146 are currently going through the permit process. The water treatment will occur in a portion of the club  
147 house. The back of the houses will have a stone drip edge; two (2) rain gardens will be used to  
148 infiltrate and keep stormwater on site and the remainder will be collected in the road drainage system.  
149 The emergency access on Route 122 will be gated and there will be an easement for additional  
150 improvements. Kyle spoke with DOT to make sure they don't have jurisdiction on Merrimack Road. It is  
151 a town road, and as such, there are no current plans for improvement at this time by the town.  
152 Gordon asked Colleen if the checklist was complete at this time.  
153 Colleen replied there were no items requiring waivers or were outstanding. They have submitted a  
154 traffic study, fiscal analysis and a stormwater analysis.  
155 **Gordon made the motion to accept the application for review.**  
156 **Cliff seconded the motion; all were in favor with none opposed.**  
157 Colleen noted the application could be accepted and the board should require third party review for  
158 several items.  
159 Arnie noted the staff recommendations were to table this application pending the third party review  
160 regarding stormwater and drainage. He asked if there was anything else the board wanted to be  
161 reviewed.  
162 Mike thought the requirement of the turning lane should be reviewed.  
163 Kyle replied they provided the easement to DPW and they showed the turning lane will work.  
164 Arnie suggested they should have third party review for the traffic study.  
165 Gordon thought all the reports and documents should be reviewed.  
166 Mike asked Kyle to speak about the fire chief's opinion on access.  
167 Kyle replied he seemed pleased with it but it is still under review. He was satisfied with gated access  
168 and felt it was adequate for emergency equipment. He was currently reviewing the technical parts of  
169 the cistern plan.  
170 Colleen replied the chief will provide formal comments when finished with the review.  
171 Arnie noted there were no requests for waivers.  
172 Colleen replied they are not on the check list for a site plan and didn't see that fiscal studies were  
173 required.  
174 Gordon noted this was indeed a subdivision.  
175 Sally stated they didn't request waivers for things that weren't required.  
176 Colleen agreed for a condominium subdivision, fiscal impact, environmental, traffic, stormwater plan,  
177 hydrogeological, and water studies are required. The applicant either has to request a waiver or  
178 provide those studies.  
179 Kyle noted the regulations state they can be waived.  
180 Arnie asked him to explain why.  
181 Kyle replied they are going with the non-residential site plan requirements. They are going through a  
182 water system design study and are in the permitting process. There is one (1) well for all the units. The  
183 study is being prepared to show they can get 15,000 gallons per day out of that one well.

184 Sally suggested they send a copy of what has been submitted to the state to the town. She would  
185 accept a waiver for fiscal impact.

186 Gordon thought they would be employing best management practices with regard to the  
187 environmental impact.

188 Sally didn't think anything other than the traffic, drainage, water would be necessary.

189 Arnie noted this proposal is for four (4) times the density than is allowed in the zoning ordinance and  
190 therefore requires a very high level of scrutiny.

191 Gordon asked if the standpipes meet code.

192 Kyle replied the subject has come up with the fire chief and is required when buildings are within thirty  
193 (30) feet of each other. In this case, they are protected by sprinklers and the tanks will be located in  
194 the club house.

195 Sally noted the tanks would be huge.

196 Terry Connor noted there was also a large pond on the property.

197 Sally noted she had a concern with the naturalized area on the plan. She was concerned with invasive  
198 plants. Intensive seeding requiring 4-5 years of monitoring would be needed. She felt that needed to  
199 be added to the plan.

200 Mike thought that should be in the condo docs as well.

201 Rich noted the Conservation Commission came up with asking for monitoring the invasive species; this  
202 is more encompassing.

203 Gordon agreed they need to provide stewardship.

204 Arnie felt a site walk was necessary to look into those items.

205 Rich noted Conservation Commission members would be happy to help with the monitoring of the  
206 invasive species.

207 Arnie noted since there was some information that needed to be provided, the board needed to  
208 rescind the vote to accept the plan for review.

209 **Sally made to motion to rescind the acceptance of the plan for review.**

210 **Gordon seconded the motion; all were in favor with none opposed.**

211 Terry wondered why this was necessary.

212 Arnie replied the application is not complete and as a result, they can't accept the plan for review.

213 Kyle noted the fiscal impact and environmental impact are waiveable. It could be determined that the  
214 environmental impact study could be achieved by maintenance notes on the plan and condo docs.

215 **Sally made the motion to accept waivers from the fiscal impact study, environmental impact study  
216 and instead of the hydrogeological study, the water supply report would suffice.**

217 **Gordon seconded the motion.**

218 Mike stated they still can't accept the plan for review.

219 Arnie stated, with respect to the water supply report, they haven't seen the results and accepting the  
220 plan without knowing the results is unacceptable. With regard to the environmental study, they can  
221 determine which invasive species to target. He was hesitant to granting a waiver and not seeing all the  
222 information.

223 Sally noted with regard to the water study and hydrogeological study, if the state doesn't approve  
224 them, the applicant is back to square one. She was willing to defer to the state and if the state  
225 approves them, they have satisfied those requirements.

226 Gordon suggested the applicant submit plans for third party review.

227 After some discussion regarding the previous motion, **Sally amended the motion to include a fiscal  
228 impact study, water supply study and hydrogeological study and accept the results from the state  
229 regarding the common water system.**

230 **Gordon seconded the amended motion; all were in favor with none opposed.**  
231 There was a short discussion regarding the environmental study.  
232 **Sally made the motion to waive the environmental study.**  
233 Gordon stated he would like to see a document that encompasses teaching stewards of the property  
234 to maintain the landscaping, stormwater, etc.  
235 Allen thought they could be addressed in the conditions on the plan.  
236 Terry assumed the condo docs would address this.  
237 Sally noted there was a request from the Conservation Commission regarding no salt use on the  
238 property; she felt that was not in the best interest of the elderly residents. She felt an impact  
239 statement should be included.  
240 Allen stated the bottom line is there are some environmental concerns; do they need an  
241 environmental study or is the board confident they can be adequately addressed by adding conditions  
242 to the plan.  
243 Arnie asked what was the environmental impact of using salt on a 7% grade road and sidewalks in an  
244 elderly development.  
245 Allen added, if salt is used, what is the quantity and frequency of use?  
246 Arnie noted there was a motion on the table.  
247 **Gordon seconded the motion; all were in favor with none opposed.**  
248 Arnie suggested a site walk was necessary and it was scheduled for Wednesday, August 20, 2014 at  
249 5:30.  
250 John noted, if there was a concern with invasive species, it would be best to establish a baseline; they  
251 also needed formal comments from the fire department.  
252 Gordon suggested the applicant come up with some sort of answer with regard to the use of salt.  
253 Sally noted she was not giving up on the turn lane; sixty (60) additional elderly people turning left onto  
254 Merrimack Road will be an issue.  
255 Cliff asked about walkers in the development and if there was enough offset to walk off the road.  
256 Rich asked about safe bicycling.  
257 Sally noted the bikes will be on the road.  
258 Arnie noted all studies will be reviewed by Steve Keach before the next meeting.  
259 Colleen replied they needed to table the application to the September 3, 2014 meeting, which will give  
260 Steve enough time to review the information. They will still be moving forward with the application.  
261 **Cliff made the motion to table application, Case #5149-070814, to September 3, 2014 to allow time**  
262 **for third party review and a site walk.**  
263 **Gordon seconded the motion; all were in favor with none opposed.**  
264 Kyle asked what was required from them: a site walk and a plan for salt use?  
265 Arnie replied they needed a plan for addressing as an environmental issue, salt management, pest  
266 management, need to have an explanation for pedestrian and bicyclist safety given the topography of  
267 the property.  
268 Cliff suggested they submit colored versions of the buildings.  
269 Arnie noted every project in town that has been similar to this one had been terrible and there is vast  
270 room for improvement.  
271  
272 **OLD BUSINESS:**  
273 There was no old business to discuss.  
274  
275 **OTHER BUSINESS:**

276 **MINUTES:**  
277 June 4, 2014  
278 Sally made the following corrections:  
279 Line 10: remove gap in "resource" and "s"  
280 Line 50: remove  
281 Line 54-55: change wording to "...stone wall along the road if it is removed. He felt it would be  
282 appropriate to fill in where the existing driveway is"  
283 Line 81-82: change "shoed" to "showed"  
284 Line 93: strike it  
285 John made the following correction:  
286 Line 233: change wording to "someone has to make a case to the BOS to change the name of the road;  
287 they just can't do it without reason"  
288 **Gordon made the motion to approve the minutes of June 4, 2014 as amended.**  
289 **Cliff seconded the motion; all were in favor with none opposed.**  
290  
291 July 2, 2014  
292 Sally made the following corrections:  
293 Line 31: change "Putnam" to "D'Angelo"  
294 Line 45: change "Putnam" to "D'Angelo"  
295 Line 69: add "Kevan" after "Jeff"  
296 Line 81: replace "acquiifer" with "aquifer" in all instances thereafter  
297 Line 83: remove "Until we have a chance to speak about this", replace "over lay" with "overlay"  
298 Line 88: change "open" to "office"  
299 Line 95: change "notify" to "modify"  
300 Line 104: add "ed" to "interest"  
301 Line 152: change "years" to "times"; remove "over the past"  
302 Line 162: add "on going" before "process"  
303 Line 174: change "line" to "layer"  
304 Line 175: add "with it" after "okay"  
305 Line 176: delete  
306 Line 203: change "site" to "sight"  
307 Line 204: change "that would place" with "to obtain"  
308 Line 206: replace "it is felt there could be" with "the point is to create"  
309 Line 210: delete "Some information has not been communicated"  
310 Line 211: change "attempting" to "to be attempted"  
311 Line 229: change "bieng" to "being"  
312 Line 230: add "d" to "change"  
313 John made the following corrections:  
314 Line 114: change "Selectman Putnam" to "Marilyn Peterman"  
315 Line 121: change "Selectman Putnam" to "Marilyn Peterman"  
316 Line 142: change "Selectman Putnam" to "Marilyn Peterman"  
317 Line 227: change "All" to "Allen"  
318 Line 230: add "e" to "b"  
319 Line 264: change "Selectman Putnam" to "Marilyn Peterman"  
320 Line 268: change "got" to "go"  
321 Gordon made the following change:

322 Line 26: add "Kevan" after "Jeff"  
323 Line 252: replace "xx" with actual language  
324 Line 266: replace "Add Steve's Language here" with the actual language  
325 Mike made the following change:  
326 Line 102: add "on the plan" after "condition"  
327 Cliff made the following correction:  
328 Line 133: change "Selectman Putnam" to "Marilyn Peterman"  
329 Rich made the following corrections:  
330 Line 211: change "attempting" to "attempted"  
331 Line 221: change "developed" to "protected"; add "requiring the design of" after "indicated"; remove  
332 "lot"  
333 **Mike made the motion to approve the minutes of July 2, 2014 as amended.**  
334 **Cliff seconded the motion; all were in favor with none opposed and Gordon abstaining.**  
335  
336 June 18, 2014  
337 Sally made the following change:  
338 Line 32-39: strike the line as it is repeated  
339 **Gordon made the motion to approve the minutes of June 18, 2014 as amended.**  
340 **Rich seconded the motion; all were in favor with none opposed and Cliff abstaining.**  
341  
342 **REGIONAL IMPACT:**  
343 Colleen noted there were two (2) items with regional impact. The first item was a conceptual design  
344 for 340 Route 101 to divide one (1) lot into eight (8) lots and the second item was a residential  
345 subdivision at 2 Ponemah Hill Road.  
346 **Gordon made the motion there was no regional impact.**  
347 **Sally seconded the motion; all were in favor with none opposed.**  
348  
349 Arnie asked if there was a motion to adjourn.  
350 Gordon made the motion with Cliff seconding; all were in favor.  
351 Meeting was adjourned at 10:05 pm.