

The Planning Board for the Town of Derry held a public hearing on Wednesday, April 2, 2008 at 7:00 p.m. at the Derry Municipal Center (3rd Floor) located at 14 Manning Street in Derry, New Hampshire.

Members present: Virginia Roach, Neal Ochs; David Granese, Randy Chase, Administrative Representative, Gary Stenhouse, Town Administrator, Ann Evans, Mark Cooper, and Jan Choiniere (7:01 p.m.).

Alternates present: John O'Connor

Absent: Brian Chirichiello, Phil Picillo, Maureen Heard

Also present: George Sioras, Director of Community Development; Elizabeth Robidoux, Planning Clerk; Mark L'Heureux, Engineer, Derry Public Works; Wes Aspinwall, Edward Hebert & Associates; Margie Ives, Neil Wetherbee, and various members of the public.

Chairman Roach called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mrs. Roach introduced the staff and Board members present.

Mr. Ochs

Mr. Ochs asked for a minute prior the beginning of the meeting. He stated it was with a measure of sadness that he announced his resignation from the Derry Planning Board, effective immediately. The decision came in part because of his elected position as a member of the Derry District School Board. Given the present state of funding issues, he found he wants to devote as much time and energy as possible to ensure the Derry taxpayers and children of the school district are properly represented. To be a member of the Derry Planning Board requires more than attendance at meetings. It means being involved in the subcommittees, attending Planning Law Lectures, site walks and devoting time to the economic issues facing the town. He wanted to thank everyone who has helped him over the last five years to help him understand the issues and the process, especially the Town Planning Department and staff. He also wanted to thank his fellow Board members, past and present, for their patience and consideration while he learned the complexities of being a Planning Board member. It is a lot more complex than people see. It was an honor to be the Vice Chairman for the last three years and he thanked everyone involved for their support and guidance, particularly the Town Council.

Mrs. Roach and Ms. Evans both stated that Mr. Ochs would be missed by the Board and thanked him for his service to the Town.

Mr. Ochs departed the meeting. It was noted Mrs. Choiniere was now seated.

Election of Officers

Mrs. Roach opened the floor for elections of officers.

Motion by Granese to elect Roach as Chairman, seconded by Chase.

Stenhouse, Chase, Cooper, Evans, Choiniere, and Granese voted in favor with Roach abstained.

Motion by Roach, seconded by Evans to elect Granese as Vice Chairman.

Stenhouse, Chase, Cooper, Evans, Choiniere and Roach voted in favor with Granese abstained.

Motion by Evans to elect Choiniere as Secretary, seconded by Granese.

Stenhouse, Chase, Cooper, Evans, Granese and Roach voted in favor, with Choiniere abstained.

Escrow

#08-09

Etz Hayim Synagogue

PID 32062, 1 Hood Road

The request is to establish cash escrow in the amount of \$231,000.00 for the above noted project. The developer is the Bishop of the Protestant Church.

Motion by Granese, seconded by Choiniere to approve as presented. All voted in favor and the motion passed.

Minutes

Ms. Evans noted the correction to page 11 of 12 of the March 19, 2008 minutes and agreed with the correction. The minutes were accepted as amended.

Correspondence

Mrs. Choiniere acknowledged the following correspondence.

CTAP Local Government Center has forwarded a workshop catalogue which contains a list of training opportunities available to the Planning Board. The modules have been identified by the CTAP working groups. The catalogue is available in the Planning Office.

SNHPC has forwarded information on another Planning Board training session, "How to Run a Meeting and the Decision Making Process". This will be held on April 22, 2008 at the SNHPC office at 438 Dubuque Street in Manchester, beginning at 7:00 p.m.

SNHPC has also forwarded information with regard to the Brownfields Advisory Committee, which will hold a meeting on April 23, 2008 at 7:00 p.m. at the SNHPC offices.

Mrs. Roach advised the Board is in receipt of the Order of Notice with respect to The Goddard School plan.

Other Business

Mr. Sioras suggested that since there are a number of new members on the Board and there is only one application for the next public hearing, that the Board take the opportunity to discuss goals and objectives for the next year.

Request to Extend Approval

Ronald Mead, 230 Rockingham Road, PID 03035-011

Mrs. Roach read into the record, the request submitted by Mr. Mead to extend the approval for an additional six months, for his site plan application for a commercial parking lot. Mr. Sioras advised the property currently has a model home on it and the intent is to add tow behind trailer sales. This is the first request and typically the Board grants the first request for extension.

Motion by Choiniere to grant the six month extension, seconded by Granese.

Stenhouse, Chase, Evans, Choiniere, Granese, and Roach all voted in favor. Cooper abstained. The motion passed in favor.

Mr. MacEachern

Jim MacEachern took a moment to say goodbye to the Planning Board members and to say thank you as he is no longer a member of the Board. He thanked Mr.

Sioras for his assistance over the last 12 years, past members, and Ms. Evans as he has worked with her on the Board for about the same amount of time. He wished the Board members luck in the future.

The Board members thanked Mr. MacEachern and wished him luck as well.

Public Hearing

Patrick & Jennifer Cummings Parcel ID 03026, 27 Goodhue Road Amendment to Subdivision Plan Continued from March 19, 2008

Wes Aspinwall of Edward Hebert Associates presented for the applicant. He provided revised plan sets to the Board, one copy of which was obtained for the record.

Mr. Sioras presented the following staff report. This is a continuation from the last meeting. The original subdivision plan was approved and required the home have sprinklers for fire suppression. The new owner would like to change that to a cistern. Chief Klauber of the Derry Fire Department reviewed the request and had no issues. The applicant intends to use an existing cistern.

The Board had asked Mr. Aspinwall to certify that the cistern is within 1000 feet of the lot, and Michael Scott of Fire Prevention has provided a letter stating that the existing cistern has adequate capacity. The Board members have a copy of that letter. Mr. Sioras read the letter into the record. The letter states that the residence at 27 Goodhue Road would require a cistern with 5500 gallons. The existing cistern at 42 Goodhue Road is 7000 gallons. Mr. Sioras noted Chief Klauber is out of town this evening; otherwise he would have attended. He turned the presentation over to Mr. Aspinwall.

Mr. Aspinwall, Land Surveyor for the project, advised that he has spent time on this application since the last meeting. He has included all of the items the Board requested. The first item is a locus that shows how the Cummings property is related to the fire cistern. The first page of the amended plan set, which he is asking the Board to approve, will be recorded as a mylar. The main, significant difference from the last meeting is under the notes on the right. The Board asked that he certify the distance. He has done that. The distance is 998 feet. The Board members reviewed the last page of the plan set. Mr. Aspinwall advised this is a copy of the plan given to the Fire Chief. On the right, the members can see where the cistern is located. He ran lines with the distances to the corner of the lot. There are plans of record for the north side of the right of way. On the south side, he followed the right of way closely, near the edge of the pavement. They are conservative in their distance of 998 feet as an unobstructed distance.

The straight line distance, from the cistern to the corner of the lot, is 945 feet. He has a letter as well that certifies the distance. The letter was passed among the Board members but was not retained for the record.

In reiteration, Mr. Aspinwall stated this lot was originally part of a large piece. The remainder of the lot is in the Town of Windham and is administered by their Conservation Commission. This left a 3.197 acre lot in the Town of Derry. The land was subdivided at the town line. Sheet 2 of the plan set shows the lot in Windham. Sheet 3 is the approved plan from June of 2006. The change to the current plan is on Note 7. Mr. Aspinwall reported he met with the TRC on the original application and the Fire Department liked the idea of sprinklers better than cisterns, as do the builders, for smaller subdivisions. When this lot was originally subdivided, the sprinklers were not an issue for the owner. The current owners (Cummings) purchased the lot from 40 Acres, LLC (Kevin Cyr). They obtained the building permit, septic permit and built the home.

Sheet 4 shows the topography of the lot and the proposed location of the home. It also shows the grades of the land and the drainage that crosses the street. Mr. Sioras has noted that Mr. Scott reviewed the capacity of the cistern and it is within line for the requirements. Mr. Aspinwall provided the Board Members with photos of the existing cistern and the home. The photos were not retained for the record.

Lastly, Mr. Aspinwall reviewed the requirements of Section 170-30 of the LDCR. Options for fire protection include hydrants, cisterns or sprinkler systems. He read the section aloud. He believes the regulation implies the distance between the corner of the lot and the cistern must be within the right of way, rather than a point to point distance. He believes the amended plan conforms to the LDCR requirements of Section 170-30. A cistern is equivalent to a sprinkler for protection, but there is now a strong interest to go the other way. The owner is in a difficult position to meet the original request for a sprinkler.

Ms. Evans asked for clarification of the statement that the distance calculations are conservative. She expected exact measurements.

Mr. Aspinwall advised that he can measure the horizontal distance. He used GPS RTK to do the measurements. This measures to the closest tolerance (.12 feet) so they are within 2 inches from one end of the 1000 feet to the other. Where the filler pipe is on the cistern, he can compute the distance to the lot corner. That distance is 944.55 feet. He does know the distance between the two in a straight line is 945 feet. They are 1000 feet away. He is not looking to survey every piece of property in between their property and the cistern. He utilized copies of subdivisions he obtained from RCRD. They show a large portion of the road. On the last sheet of the plan set, it shows the location of the cistern, the lot corner and the Cumming's home. Typically, the front line of the lot is set at least 25 feet from the centerline of the road. In addition to locating the

cistern and the lot corner, they located the centerline of the road. They reviewed the subdivision plans on record along the roadway on the 1000 foot distance. He knows that if he has 1000 feet of fire hose in the right of way, it will meet the distance. He is certifying that 998 feet of hose will make it to this corner.

Ms. Evans inquired why Mr. Mackey was not present this evening? Mr. Sioras advised that Mr. Mackey was asked to be present this evening. He did send an email to Mrs. Roach. Mrs. Roach acknowledged receipt of same and it was noted the email is in the applicant file. She reported the email stated there are now policies in place to avoid this situation in the future. Ms. Evans stated she wanted Mr. Mackey present as well as a topographical plan of the lot to show if it can accommodate a cistern. Mr. Mackey is not here to confirm that. Two inches is a very minute distance.

Mr. Aspinwall advised that the 2 inches refers to the tolerance. The topographical plan was requested at the last meeting and he has provided that in the new plan set. Would this lot accommodate a cistern? The answer is yes, but it is not just a matter of putting it in. To get a cistern similar to the existing one, would require blasting of ledge. There is ledge on this property under the driveway, around the house, and along the edge of the street. If they were to put in a tank that is 7000 gallons in size that is 7 feet tall, they would need to blast the entire volume of the tank. This will create a difficult situation. This impacts neighbors and would require a blast survey. It would be a substantial undertaking; there are homes across the street and newer homes within five to six hundred feet of the property. It is possible to install a cistern, but it would be a qualitative decision.

Mrs. Roach stated she wanted Mr. Mackey present this evening because she wanted to see the inspection reports. She felt the Board was at a disadvantage as they don't have all the material they requested.

Ms. Evans did not feel all the conditions of the continuation were met. Where does the Board go from here? Mr. Sioras stated he made the request but can't compel a colleague to attend a meeting. The meeting could be continued to the next meeting and they can request Mr. Mackey attend. Ms. Evans suggested the Board take a vote on the application, rather than continuing.

Motion by Evans to accept the revised plan, seconded by Granese. The motion passed in the affirmative with Stenhouse opposed.

Motion by Evans to approve the proposed plan to amend the previously approved for fire protection at 27 Goodhue Road, pursuant to RSA 676:4, III, *Expedited Review*, with the following conditions: provide a certified plot plan showing the cistern location and the distance to the building lot, and that the above conditions be met within 6 months. Motion was seconded by Cooper and discussion followed.

Mr. Stenhouse asked to be filled in on the particulars. He has had some input from staff. He confirmed the home is already constructed, and that the applicant is requesting a waiver from a requirement on the subdivision plan. The owner is stating he was not aware of that notation.

Mrs. Roach advised the applicant stated he was not aware of the requirement and that it was not mentioned during inspections. Mr. Stenhouse inquired if the original developer was culpable? Mrs. Roach said that original owner had been aware of the requirement. Mr. Stenhouse confirmed that the new owner had stated he did not review the subdivision plan or the note on Sheet 2.

Mr. Cooper stated an item like this should be caught during the inspections, but it does happen occasionally that items are missed. The applicant has come before the Board with a plan that meets the guidelines. He believes that the applicant has proven that they are within the 1000 feet of the existing cistern. He feels this amendment is appropriate.

Mr. Chase felt the Board should be looking at the plan that is before them as if it were a new application. If this was a new application made before ground was broken, would the Board approve it as presented? He believes the Board needs to go beyond the mistake, whether it was made innocently or not. The Board has part of what was asked for at the last meeting. Mr. Sioras made the request for the Building Inspector to attend the meeting. The applicant has certified the distance in the roadway. It is possible to install a cistern on the property, but it would be with difficulty according to the testimony. There is a cistern within 1000 feet. Fire Prevention states the existing cistern is within the capacity and actually has more capacity which meets his concern for volume over distance. Would the Board look at this more favorably under different circumstances? The Board needs to look at that.

Ms. Evans had a concern for setting a bad precedent. A mistake has been made by the builder who did not look at the plan and this is on the outer distance. Mr. Mackey did not come to the meeting. On the basis of precedent alone, which is an important matter to any Planning Board, she felt the application had to be looked at carefully.

Mr. Sioras stated that his recommendation to approve was based on the new permitting system. He described how each building application will need to be signed off by Building, Fire, Public Works and in some cases Planning. There is now a check off for all departments. This was an unfortunate incident and he feels these will be caught in the future. He did say this would set a precedent. But, Mr. Chase explained the situation perfectly and the Fire Department is comfortable with the use of the existing cistern.

Chase, Cooper, and Choiniere voted yes.

Stenhouse, Evans, Granese and Roach voted no. Mrs. Roach stated that she did not believe that ignorance with regard to the approved plan is an excuse not to build to plan. The sprinklers were a requirement of the approved plan.

The application was denied by a vote of 3 to 4.

WORKSHOP

Open Space Ordinance

The workshop was not televised.

Mr. Sioras noted this workshop has been continued for a few months now. There have been a few subcommittees working on this ordinance and the Board members have handouts of the most recent version. Some changes have been made. A few members of the Board took a tour of some open space subdivisions in Auburn (Tripp, Ferrante, Evans - Sioras and Robidoux also attended).

Ms. Evans reported work began on this ordinance in 2004 with various members of the Planning Board and the Conservation Commission. An ordinance was developed that had few specifics. Town Council was unhappy with it and sent it back to the Planning Board. She believes that the Town Council felt what would be built under that ordinance would be inexpensive homes if the building standards were lessened. Most builders build boxes with four bedrooms over the first floor which are then filled with young children, which creates a tax burden. The other consideration is open space. The ordinance is being drafted to conserve land and the beauty of the environment for future generations.

The last subcommittee was made up of Picillo, Tripp and Evans. They met three times and made some dramatic changes and it now appears some of those changes were not well advised. She has re-thought many of them. The other two members of the subcommittee are not here this evening. She said they received good advice from the Clerk who is experienced with open space development from her time in Auburn, as well as living in one. The members have a draft ordinance in front of them and the Board needs to come to a consensus. A major issue for the Council is granite curbing. They would like to see granite curbing, but the Conservation Commission would prefer open drainage. She has been told it is less expensive for the town with regard to long term maintenance to have closed drainage and granite curbing. She can't describe the benefits of open drainage. The width of the road is also an issue. This proposes 21 foot wide roads rather than 24 foot wide roads. Road width should be discussed further. SNHPC in a memo dated February 21, 2008, provides reduced road standards based on the number of trips per day.

According to this document, some roads could be reduced to 18 feet wide if there were only one to fifty trips per day. This ordinance puts forth a 21 foot wide right of way. Current regulations require 24 foot wide roadways. She stated she is not opposed to granite curbing if it makes the Council happy and benefits the town financially in the long run.

The Board reviewed the draft ordinance.

Purpose

Add to Section E, wording with regard to saving stands of significant amounts of trees.

Section H, add wording that existing trails shall be considered a high priority for open space conservation. Mr. Granese asked if it is specified that the trails be paved? The Board did not think so.

Applicability

Ms. Evans felt this section was problematic. SNHPC recommended exemptions and special use permits if open space was mandatory. Some members had expressed that they did not feel open space should be mandatory; that is acceptable to Ms. Evans. Mr. Stenhouse felt the Planning Board should make the decision if the land should be open space or not. Ms. Evans suggested making it mandatory, but with exemptions. For example, utilizing a fiscal impact analysis and/or yield plan to decide if open space is the best option or not. The builder would need to look at open space options. If they did not consider it originally, it would have them look at it. Many won't because road costs are high, but this is a great option.

Ms. Evans suggested adding the wording from the Randall Arendt workshop that was held on December 3, 2007 (CTAP document). Specifically, from Page 13, sections B, C, D and E with regard to the exemptions and special use permits. These would be relative to the subdivision and subdivision review processes. If the Board includes this wording, open space can be mandatory, with these exceptions. She felt that yield plans and fiscal impact analyses would help, as would special use permits.

When they looked at the open space subdivisions in Auburn, they did see open space gone bad. The Board needs to make sure that the builder does not put all of the homes in the field next to the road, rather than utilizing a more aesthetic plan. Putting homes in the field may save road costs, but it looks bad. The Board needs to say, design it differently, and have the basis to make that statement stick.

Regarding Item 3 under this section, the numbers need to work. DPW needs to plot out a sample plan and make sure that all of the numbers work. If 60% of the land is used as buildable and 40% of the land is saved, they need to make sure that the developer does not net more homes in a cluster subdivision than they would in a standard subdivision. Mrs. Roach thought that Doug Rathburn could do that.

Add Number 5, stating Open Space shall be marked on the subdivision plan as a non-buildable area.

Density

Number 1, add wording that open space subdivisions shall be limited to single family residential construction. Remove Numbers 2 and 3. Number 4 had been removed at the last workshop, but it was suggested that it be added back in with the wording changed. Should it say DES review and approval or DES approval required? Regarding the septic systems, they need to be able to state that each home has its own septic and leach field. There was some discussion with regard to a requirement that the plan show a designated replacement area for the septic system. Mr. Stenhouse stated, based on his experience that each lot should have its own septic and leach field. Ms. Evans noted Mrs. Robidoux had suggested adding wording that replacement areas be noted on the plans for septic systems. Where did that come from? Mrs. Robidoux thought that was a requirement in the LDCR. Her experience has been that particularly with the ledgy or wet lots, people are going to want to be able to expand their lots with sheds, pools etc., and there needs to be space to replace the septic if it can't be done in kind. The Board needs to think what will happen to these residents 20-30 years down the road. Mr. Sioras noted that soils based zoning will guarantee there is a replacement area. There needs to be protection. Mrs. Robidoux thought it could be placed on the septic plan as well so that when people come in to the building department, they are not putting structures on the replacement area.

Dimensional Requirements

There was discussion with regard to the building setbacks. Mr. Cooper said this is a lower impact subdivision with smaller lots that would typically be closer together. Setbacks as large as 50 feet are not workable, especially when you consider wetlands and road layout. On a one acre lot, he did not feel there was enough room. He has done these types of subdivisions before. He is finishing a 28 lot subdivision in Salem; the lots are $\frac{3}{4}$ acre lots and the setbacks are 30' to the side and 30' to the front. The houses are high end, between 4000 and 6000 square feet in size. Big setbacks on little lots need to take all the things that come into play into consideration. He noted he had looked at the Auburn open space regulations and they need some changes. Mrs. Robidoux agreed. She pointed out that the Auburn open spaces subdivisions do not have side lot

setbacks. There is a lot line, but no setback to the side. Mr. Chase agreed that with lots of this size, you need a leach area, as well as the 75 foot well setback, so there needs to be room on the lot. Mrs. Roach suggesting changing the wording for the front setback to indicate a "minimum of 30 feet". Mr. Cooper suggested 30 feet to the front and 15 feet to the side. When developers are dealing with smaller lots, they do have other issues to deal with and in order for the ordinance to be workable, this would be a good solution. Mr. Stenhouse would rather see a variable setback so that the lots aren't all alike. Mr. Cooper said each lot should be looked at individually and there needs to be some flexibility. Ms. Evans noted that in Londonderry (Buttrick Village), they have a 40 foot setback and it looks good; the lawns aren't terribly big in the front. She asked if the Board is trying to please the builder or Derry and open space? Mr. Stenhouse thought it would be helpful to look at what will work on the lots. In some cases the front setback may not work. Ms. Evans commented she has not seen a conceptual plan prepared by DPW yet. The Board has not seen an acre with these specifications and a house placed on it. Mr. Stenhouse said the best DPW could do would be a hypothetical; but that would not tell him anything because each lot would be different, even with respect to the shape of the lot. Mr. L'Heureux agreed that each lot is unique.

Mrs. Roach recalled the 55 and older plan for the Fraser lot that the Board had seen previously. She remembered walking this lot. She wondered if the Board could do a conceptual of that lot? Mr. L'Heureux noted that development had been designed by the developer with a conventional lot formation. That is what DPW would do if they had to do a concept.

Mr. Cooper said as a builder, he does not want homes 30 feet from the road; they are not very saleable. People want to have distance from the roadway. But this is a more typical setback for southern New Hampshire. There needs to be a backyard but the house does not have to be on top of the road. He spends time on site to make sure the lot ends up looking nice. There needs to be flexibility for this type of zoning. When the lot sizes are small, it gets challenging; you are not always dealing with 2 to 3 acre lots.

Mr. Sioras advised the Fraser lot was near the water tank off Tsienneto Road. That lot would have higher density because of what is allowed in that zone (it has water and sewer). He agreed higher density on that lot would ruin the land. Margie Ives stated it is a tough piece of land.

Mr. Cooper asked if the Board had considered minimum lot width? That would be important as well and would be a consideration for the side setbacks. There was a short discussion with regard to drainage requirements. Salem did not require Mr. Cooper to install granite curbing. Mr. Chase thought longer frontage would allow more flexibility. Mr. Sioras noted that traditionally the road frontage used to be 125 feet. Mr. Chase suggested longer road frontage so that there is

design flexibility so that the homes don't end up exactly so many feet apart, set exactly the same distance from the roadway, and all of the same design.

The Board changed the front setback requirement to "a minimum of 30 feet" and the side setback to 15 feet.

Mr. Stenhouse asked why the Board elected to strike the minimum total square foot requirement? Ms. Evans explained originally it was thought this was a way to create tax positive homes, but it could be considered exclusionary zoning, so was removed.

Frontage was changed to read "at least 100 feet and all minimum lot sizes shall be no less than $\frac{3}{4}$ of an acre".

There was discussion with regard to the garage requirement. Ms. Evans thought it allowed for a variable building design and a tax positive home. The Board elected to remove the word "attached". Mrs. Robidoux inquired if the Board wanted to add wording with regard to detached garages with a loft over; she was thinking of potential zoning issues. Is the intent of the Board is to allow potential rental apartments over the garage? Some members of the Board thought that was allowed based on the wording in the next paragraph. Mrs. Robidoux read it to allow *attached* in-law apartments in a 4 bedroom home. Lofts are okay, but did the Board want to put in wording to ensure the loft space did not turn into an apartment? Mrs. Roach suggested adding wording such that dwelling units are not allowed over the detached garage. Mr. Cooper noted other communities do not like these detached in-law apartments. Mr. Stenhouse thought if there were apartments over the garages that would be an enforcement nightmare. Ms. Evans had been told by Mr. Gomez that the tax positive homes are the ones with the in-law apartments. This change would make the homes smaller. Mr. Cooper noted there can be deed restrictions. Mr. Sioras noted there is language in the current ordinance that precluded in law apartments from becoming rental property.

Mr. Cooper said that trying to make a requirement on size that creates tax positive homes is almost impossible. He felt if people wanted in-law apartments, they would ask for them. Ms. Evans did not see the harm in allowing a loft over a garage if there are no prohibitions in the current Zoning Ordinance.

The two paragraphs related to the number of bedrooms were removed.

Mr. O'Connor inquired if the changes being proposed would be in conflict with the current Zoning Ordinance? It was explained this would be an overlay zone.

Ms. Evans noted the Auburn regulations do not allow shared driveways, but Mr. Arendt says it should be done. Mrs. Roach suggested placing a maximum on the number of homes that could be on a common driveway. Mr. Sioras recalled the

Stone Post development off of Island Pond Road. Ms. Ives stated that development follows the Randall Arendt philosophy. In some topography, shared driveways make sense, for example as on English Range Road. She agrees the number of homes on a shared driveway should be limited. With regard to setbacks for the homes, there are some open space developments where the driveways are so wide the impervious surface takes away from the lawn. Ms. Evans said she had not thought of the driveway requirements. She thought 3 homes on a common driveway would be fine. Mr. Cooper thought flexibility would be good.

The Board added wording such that shared driveways are permitted and encouraged where appropriate to access individual lots. Shared driveways shall be no longer than 500 feet and shall service no more than three homes.

Ownership of Conservation Areas

Ms. Evans stated that a house located on $\frac{3}{4}$ of an acre in a 3 acre zone, should be paying for 3 acres of land, even though the majority of it is in open space. There should be an easement on their land to the open space. She did not think it was appropriate to have a third party or non-profit organization own the open space. The homeowner needs to own it, especially if they are paying taxes on it. Board members agreed.

Margie Ives and Neil Wetherbee were provided copies of the materials the Board was reviewing.

Mr. Stenhouse said that the town may want conservation land in a subdivision, but the developer should not be making the decision; the town should make the decision. He would rather see the homeowner pay the taxes but does not want to shut the door on public use of land. Ms. Evans thought it could be up to the Homeowner's Association. Mr. Stenhouse still felt there needed to be some wiggle room. There could be a situation where a homeowner's association would like to divest itself of the common land. Ms. Ives said some of the spaces noted on the open space parcel map are already saved; the remainder lots are tough to develop. The Board did not feel there should be too many options for the ownership of the open space.

In this section, Number one, subsections b and e will be removed. It was noted that some land might be managed by the South East Land Trust (formerly known as the Rockingham Land Trust). The Board was not sure if item C should be removed or not.

In Number 2, remove the words "or state". In Number 3, remove "General" and change "conservation" to "open space", remove "or state".

Conservation Area Location and Design

The Board agreed to change the wording of Number 1, removing "Net Tract Area" and substituting "buildable area"; "usable land" and substituting "buildable land"; correct the spelling of "tract". The word "questionable" was removed as was "(or 30%)".

Mr. Cooper understood the belief that the more open space that is left, the better. But, there needs to be a balance between a nice subdivision and how much land is conserved. He did not think the numbers in this section were far off. He did feel it was important to leave as much open space as possible, but there needs to be flexibility so that it is a desirable alternative. Ms. Evans pointed out that she did not want to see all the open space under water; there should be some land you can put your feet on. Mr. Cooper agreed. When 60% is left as open space that is borderline and detracts from the flexibility. Flexibility in these types of developments is key. There needs to be a balance.

The numbering in this section will be corrected. Number 3 shall state that street design and construction will be subject to the approval of the Department of Public Works.

A question was asked with regard to the wording of Number 4. Was this wording in place in the event there were private roads? Mrs. Roach said the wording needs to be there in the event that the road ends in a very long cul de sac, there needed to be a means of emergency access from the other side. The wording in this paragraph was changed to remove "the town council" and replace it with "it".

Fiscal Impact Analysis

Remove the paragraph relating to Likely Tax Consequences and insert the following.

1. A Fiscal Impact Analysis shall be provided by the developer to the Planning Board at the time of site plan review.
2. A Yield Plan shall be provided to the Planning Board to ensure open space subdivision density is no greater than regular density.

Landscaping

Ms. Evans noted there needs to be a section with regard to a required landscape buffer. The Board could look at the wording in the Dover or Auburn ordinance. This would be a buffer between the open space development and commercial district or anything else. It was noted that the Zoning Ordinance has a landscape buffer requirement. Mr. Chase noted it is a fairly large buffer between commercial and residential in the Zoning Ordinance. Mr. Sioras will come up with the wording to be inserted into the draft.

The wording with regard to requiring a landscape plan for each single family house lot will be removed.

Definitions

The wording "conservation area" will be removed from the definition of open space; the spelling of 'tract' will be corrected throughout.

The definition for Net Tract will be changed to read, "Buildable Area: land without steep slopes in excess of 25%, open bodies of water, 100 year floodplains, wetlands, wetland soils, poorly drained soils, rock outcrops, submerged areas, utility rights of way, and required buffers.

Add the following definitions.

"Building Envelope: Area within which clearing, grading, lawns, pavement and buildings will be located in the subdivision."

"Open Space Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed or intended for the common use or enjoyment of the residents of the development and/or the Town and may include such complimentary structures and improvements as are necessary, appropriate and approved by the Planning Board."

Mrs. Roach felt significant progress had been made this evening on the draft ordinance. The changes will be implemented and a new draft sent out to the Planning Board members to review. The Board will review the next draft on April 16th, following the public hearing. Once that review is finished, any changes will be included and that draft will be forwarded to legal for review and comment.

The Board discussed adding in wording relative to granite curbing. Mrs. Roach noted that the Board has indicated that DPW will approve the road design and they will require granite curbing. Mrs. Robidoux commented Mr. Fowler has previously indicated he is not opposed to open drainage if the conditions of the land warrant it. The developer would need to make a good case as to why granite curbing would not be required in a particular development. It would depend on the topography of the land. Mr. Stenhouse felt some of the Conservation Commission concerns are very valid. Mr. Cooper said he would support not requiring granite curbing, but did not think that would pass. Ms. Ives noted that open drainage or closed drainage is dependent upon the topography and hydrology of the land. There are some parcels where closed drainage would be more appropriate.

A motion was made and seconded to adjourn. The motion passed and the meeting stood adjourned at 9:13 p.m.

Minutes prepared by Elizabeth Robidoux, Planning Clerk.