

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, March 17, 2014**

MEETING CALLED TO ORDER AT 6:00 P.M.

PRESENT: David Rogers (Chair), Paul Scarpetti, Tom Prasol, Tom Walsh, Frank Kotowski, Michael DiBitetto (Alternate), Muamer Durakovic (Alternate), and Donald Winterton (Town Council Rep.)

EXCUSED: Dick Marshall

STAFF: Carolyn Cronin (Assistant Planner), Leo Lessard (Dept. of Public Works), and Dan Tatem (Stantec).

PLEDGE OF ALLEGIANCE

D. Rogers: We have two new alternates joining us today and they have been sworn in. They have not received the packets so they will be sitting in this evening primarily observing.

APPROVAL OF MINUTES OF 3/3/14

*T. Walsh motioned to approve the minutes of the March 3, 2014 meeting. Seconded by F. Kotowski.
Motion carried unanimously.*

1. PUBLIC HEARING FOR PROPOSED ZONING AMENDMENTS 2014

D. Rogers read Amendment No. 1 into record.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

*F. Kotowski motioned to accept Amendment No. 1 and move it to the ballot. Seconded by T. Prasol.
Motion carried unanimously.*

D. Rogers read Amendment No. 2 into record.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

*D. Winterton motioned to accept Amendment No. 2 and move it to the ballot. Seconded by P. Scarpetti. **Motion carried unanimously.***

D. Rogers read Amendment No. 3 into record.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

*D. Winterton motioned to accept Amendment No. 3 and move it to the ballot. Seconded by T. Walsh. **Motion carried unanimously.***

D. Rogers read Amendment No. 4 into record.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

*F. Kotowski motioned to accept Amendment No. 4 and move it to the ballot. Seconded by D. Winterton. **Motion carried unanimously.***

D. Rogers read Amendment No. 5 into record. ARTICLE 20, SIGNS (*Proposed 2014*), was referenced.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

*T. Walsh motioned to accept Amendment No. 5 and move it to the ballot. Seconded by T. Prasol. **Motion carried unanimously.***

D. Rogers read Amendment No. 6 into record.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

D. Winterton motioned to accept Amendment No. 6 and move it to the ballot. Seconded by T. Prasol. Motion carried unanimously.

COMPLETENESS & PUBLIC HEARING

2. **GCD, INC. (plan #14-05)**
1461 & 1465 Hooksett Rd., Map 18, Lots 49 & 49-C
Lot Line Adjustment
CONTINUED TO APRIL 7, 2014

3. **DIONNE, FOSS, LAMBERT & LEMAIRE (plan #14-01)**
5 Highland St. & 16 Chase St., Map 6, Lots 49, 57 & 58
Lot Line Adjustment

Don Duval (Duval Survey, Inc.): About 10 years ago, Mr. Foss attempted to buy just the parking lot. Somebody made mistakes and instead of going through the Planning Board or correctly defining the deed, inadvertently conveyed the house that the Lambert's have. We are here now for a lot line adjustment to try to put the parcels back together. At the last meeting, there was some discussion as to whether the applicants could dedicate deeds to the town for Cross or Chase St. Originally, we were told by the town's attorney that it would be a problem to do it. Since then there have been revisions and it is now a belief of town highway that Chase St. is a town road. It is partially shown on the 19-12 plan. I chased the deeds back into the '40s, and all the abutters from Highland to Granite St. all reference accepting and reserving to the town, Cross. It is my opinion, and I believe it has been substantiated, that it is now a town road. The only thing it didn't have back then was a width or definition. It just said Cross. What we are trying to do with our lot line adjustments is to define the limits of Chase St. within the properties that we have the ability to deal with; the Lambert and the Foss properties. The last email I received from JoAnn states that the town's attorney has now said that it is a town road and it is proper for the town to accept the deeds for the easement defining Chase St. The only comment he had was that we should provide a street plat. I have taken one of the plans that we previously showed you and took off all of the things that did not pertain to it. My intention is to use this for the street plat to go along with the easements.

D. Rogers: Leo do you have any input?

L. Lessard: The original time that Mr. Duval came in, I said we should do it as he was proposing to claim it as a street. For 50 to 70 years we have been maintaining it, getting money from DOT for paving on it, and it has utilities. It is a road, it just never has been classified, and now the attorney's agree with me. The next step is for Mr. Duval and myself to determine where we are going to set certain bounds. We cannot set them everywhere due to the way the street is located. There are corners of steps at the edge of the road. Between him and I, in the next few months, we will determine where we are going to put the bounds for it.

P. Scarpetti: When you reference Cross St. are you still talking Chase St.? It used to be called Cross St.?

D. Duval: Correct. The original name in all of the old deeds is Cross St. At some point Cross became Chase.

D. Rogers: What kind of monumentation are you planning to install?

D. Duval: There are certain portions where we are widening the easement. We will be able to put bounds. For the most part, all of the other geometry is in the pavement so we are not in a position where we could jackhammer the pavement because the next time anybody did any work you would lose it. The only thing we could do is put railroad spikes in the pavement. We would have various bounds where we could put them in on the grass portion of the land. With the property, and a few bounds, anybody would be able to reconstruct any of that right-of-way. I would not want to start driving iron pins or anything else that your regulations call for into the pavement. I will get it down a foot, hit a boulder and won't be able to pull it out so it is not even worth trying.

D. Tatem: I did not review the plans with Leo, but with the surveying we have seen before, if Leo has intentions of ripping up the pavement and potentially moving the road, we have seen shorter iron rods so they are six inches below grade and there is a potential for those staying longer. Otherwise, I would agree with Don, to use railroad spikes. When the road gets redone they will be torn out and the town will just have to reset them.

D. Duval: I would be against setting even shorter rebars because we don't know what is underneath that surface. We could probably go down three or four inches, hit boulder or a ledge and not be able to pull it out.

D. Rogers: What about the places they are practical?

D. Duval: I have about three or four spots especially in the area around Lot 58 where we will be able to get about three or four bounds in. The bounds in that area are in a place where they would stay.

D. Rogers: Leo, do we need to grant a waiver on the bounds themselves?

L. Lessard: Yes.

C. Cronin: You don't have to do a waiver as long as everyone is in agreement.

D. Rogers: We should probably vote on it anyway to have it on record.

Open public hearing.

No public comments.

Close public hearing.

D. Winterton motioned that wherever possible, granite would be put in for the bounds, and where the DPW Director determines, railroad spikes be used. Seconded by P. Scarpetti. Motion carried unanimously.

D. Rogers: Have the easement deeds been prepared?

D. Duval: No they have not. I just got word Friday that they were recommending that the Board accept them. We will have to draw them up.

D. Rogers: We have approved your monumentation situation. Leo, it is just a matter of laying it out and determining precisely where it is going to be?

L. Lessard: Yes and preparing the deeds.

D. Rogers: Is there any need to come back before Planning Board?

L. Lessard No.

T. Walsh: Is the application complete?

D. Rogers: It has been determined to be complete by the DPW Director.

T. Walsh motioned to accept the application as complete. Seconded by F. Kotowski. Motion carried unanimously.

L. Lessard: With that being said, can it be contingent that all of the deeds are approved by me. That way they get done and it is not just approved, but approved after the deeds are submitted to us?

F. Kotowski motioned that this project be approved, contingent upon review of the deeds and approval by the Public Works Director. Seconded by T. Prasol.

D. Winterton: Should it be Public Works Director or should we say staff?

L. Lessard: Public Works Director.

Motion carried unanimously.

D. Duval: For clarification, that motion approved the lot line adjustment with the stipulation that we review the easements with public works?

D. Rogers: Subject to approval by the DPW director.

CONTINUED PUBLIC HEARING

**4. STERLING HOMES, LLC / KEACH-NORDSTROM ASSOCIATES (plan #13-26)
Summit View, South Bow Rd., Map 12, Lots 1 & 24**

Proposed 38-lot subdivision and roadway access off South Bow Road.

- **Special Use Permit**
- **Waiver Request** to provide off-site improvements in lieu of assessed impact fees per Zoning Ordinance Article 30, Section H. 1. Appeals Under Impact Fee Ordinance.

Keith Martel (Sterling Homes): Since we were here last we had in-depth conversations with staff, as well as you, regarding the need for a 50' buffer. This coincides with two different issues. One was that

your regulations called for the well radii to be placed entirely on a single lot. By extending the rear property lines to make a no cut buffer on the back of the individual lots in the front section of the development area, the well radii now fall entirely on the lots. We have modified the plan set, we have extended the rear property lines and we have brought that 50' onto the lots themselves as a no cut buffer and that is delineated in the plan set that you have. That cleared up any confusion over the well radii being entirely on one lot and any confusion or concern that Council and Conservation had regarding a small, less accessible area from a monitoring standpoint. We have updated our calculations, and submitted the open space calculations to Stantec for their review. I believe you have a letter from Stantec in the file having addressed that. We have continued to make progress on state permitting. The last outstanding issue was a baseline conservation document. That has been provided to both the state and Conservation. It has been reviewed by each. It is our expectation that we will have our wetlands permit by Wednesday of this week. State sub-division is ready to issue immediately following the issuance of the wetlands permit. There was discussion about the open space and the potential of the town accepting the open space. There was question on the deed, and format, and having it reviewed by Town Council. That deed has been provided to both the Conservation Commission as well as planning staff. I believe it has been forwarded to Town Council. We visited Conservation again and submitted to them the baseline document they asked for. There was some confusion over fee or donation going to Conservation in light of the future monitoring of the open space. It was our understanding that, without Bear Paw being involved, that was no longer pertinent. We were incorrect, the Conservation Commission has asked for a \$5000 fee, and we agreed. JoAnn and Stantec have requested a few individual lot develop plans. Those were provided. JoAnn still had some remaining comments. There were a couple of driveways she had asked to have additional grading shown. I have spot shots on those driveways coming from the engineer. There is no grading shown because they are level driveways. One of them starts at a road grade of 546 and enters the house at 547. The other one starts at 547 and enters at 546. We have two areas that require conversation or input. When we initially met with Leo he wanted to get further on his S. Bow Road project this year than his coiffures allowed him too. He had asked if, in lieu of the impact fees for the roadway portion, we would be willing to do some off site improvements. We walked the site with Leo, as well as our engineers. Part of plan set is inclusive of an off-site improvement plan. That off-site improvement plan has been quantified in an individual cost take-off through Keach-Nordstrom and forwarded to Leo for review, showing that the cost of the off-site improvements is in excess of the accumulated impact fees for the roadways. I am not sure what your process is. The last thing JoAnn had comment on was siting of the individual wells on the lots themselves. She is concerned to ensure that the wells themselves were placed where they are depicted on the plan. If they are not placed where depicted, there could be the potential of a well radii overlapping. She asked for a note that a surveyor set the wells. We think the intent is a good one, and we want to cover ourselves and make sure the wells are going in at the right spots, however, we feel the most productive way to achieve the goal is to have our site crews use a robotic total station. It is a sophisticated piece of survey equipment. They are capable of placing that stake exactly where it is depicted on there. It is similar to what a surveyor does. We are concerned about having a surveyor come and lay out ten wells, a well driller who isn't sure how deep the well is going to be, and the accuracy of those stakes. We would prefer to accept the responsibility of staking those ourselves with the total station immediately prior to the well driller drilling it. We understand that your regulations require us to submit an as-built of the lot showing the well location. That should make it easier for code enforcement. We are clear it is our own stupidity if we cannot get it in the right spot.

D. Tatem: They have submitted individual lot grading plans and we have look at them. Keith is also correct with the driveway grading. It was confusing because there are proposed contours for the road and driveway, they are on the same layer, and it is hard to tell the difference. Those driveways were graded appropriately and can be built according to the code. Looking at the individual lots, one of the comments JoAnn asked me to discuss is her concern of these lots being very tight. On a lot that is a pie shape, the well has to go in the back so the radius stays on the lot. It is 40' downgrading of the road; a 2:1 slope. You won't be able to drive a wheeled vehicle down to drill this well and it is the only place the well can go. There are several lots that are extremely tight and there is less than a foot on both sides of the lot lines for the well radius. They are pegged tight and her concern is this will become an enforcement issue during the lot construction. Keith has run into this on other projects in other towns, and they have had to lay out wells in the same fashion because of the tightness of the lots. We are ok with his contractor laying out the well locations with a total station. My concern is that if they are not done right, the well is off the lot, and the people are moving in the next day, when the as-built is submitted and everyone finds out it is not on the lot, is the town going to be forced to hand out equitable variances to these homeowners who own the lot and the wells go over? That is a question I think the Board should think about. I would say 80% of these lots are 150' wide and the well radius is 150' wide. These have to be perfectly placed and it is a concern for future enforcement issues.

L. Lessard: What we have done in past practice in private industry and in a lot of towns, they need a plot plan as-built before they get issued a building permit. Once he puts the well in, he would have to get an as-built of the plot plan and show it to community development. If it is successful, then he would get a building permit. If it is off then they have to put it in the right spot.

D. Rogers: Before any structure has begun they would need that?

L. Lessard: Yes. They need a certified plot plan. He would have to get his engineer out there once the well is in and certify that one lot, saying the well is in the right spot. Then he can get his building permit.

D. Tatem: Leo, that is a great idea. Most towns, and especially with these lots being so small, it would also require a foundation certification. Could they do the foundation and well certifications at the same time, or just do the well first and then move on?

L. Lessard: I would do the well first only because they are so tight. Not on all of them, just the ones that are tight.

K. Martel: I think that well locations are important on all of them, so I don't want you to mislead them.

D. Tatem: I think that is a great idea.

D. Rogers: Are you open to that?

K. Martel: I would prefer to do it with the foundation for the purposes of what Dan is bringing up. We understand what your regulation requires. I, as a seller, could not close on a house with a well that is overlapping or not properly depicted because the proper protections are not there. I am glad to oblige. I

do not want them screwed up any more than you do.

D. Rogers: I think the concern is, if set to close, and this is discovered a day or two before, at that point the closing is history, or at least postponed, and you may have lost a buyer at that point, as well.

K. Martel: I appreciate that you are looking out for me.

L. Lessard: If the well or foundation is in the wrong space, you are the one that is going to have to move it. If he wants to do the well and the foundation certifications at the same time, that is fine with me. He is going to get it on the money with the robotic anyway.

K. Martel: That makes sense to me.

D. Tatem: I would just say to have that note added to the recordable sheet saying this must be done prior to the issuance of the building permit.

K. Martel: I would not be able to do prior to if we are doing it with a foundation.

D. Tatem: They could issue a foundation only permit. As long as Matt is ok with that.

K. Martel: I am good with that. I just don't know how much involvement from a planning level you want to be in with enforcement and how he operates in the day-to-day world.

D. Rogers: One of our tasks, whether it is implied or otherwise, is to keep the job of enforcement easier. If we do our legwork and homework now, enforcement doesn't enter into it as much as it might if we blessed it without this kind of analysis.

K. Martel: I typically cannot start framing a house until I have provided a certified plot plan on a foundation showing that it is accurately depicted. I am fine with having a split. I don't want to create more work for the building inspector in suggesting that he issue two separate permits rather than one permit that has permit language on the sub-division plan that says: "at the time of a certified plot plan depicting the foundation, no further construction may commence absent showing a well location." I believe, we are all on the same page with the intent.

D. Rogers: It is clearer to put intent in writing so I think that is helpful.

D. Tatem: Would it be ok if Leo and JoAnn worked that out with them in the next day or two and got the note so Leo is comfortable with it?

D. Rogers: I would think so. Does anyone on the Board have any comment on that?

F. Kotowski: The Conservation Commission is requesting that bounds be placed on the open space corners. Are you amenable to that?

K. Martel: I am.

D. Rogers: There is an email that was sent from Steve Couture, the Conservation Board Chairman. He discusses several things and one on them is the \$5,000 stewardship fee, which you agreed to. There is a second concern stating the baseline documentation was submitted but it incorrectly identified the town of Hooksett properties as conservation and he is asking for you to correct and resubmit.

K. Martel: I believe that has been done. We incorrectly assumed the parcels that you owned abutting it were specific to conservation purposes.

D. Rogers: Apparently they are not, at least not at this time.

K. Martel: Yup.

D. Rogers: Last, marking the open space boundaries should be a requirement with granite markers at the corners, combined with blazings marking trees with paint and metal tree markers. What is your position on that?

K. Martel: No issue.

Open public hearing.

No public comments.

Close public hearing.

D. Rogers: We will go to the waiver request. The off-site improvements are delineated on the plan sheet. If necessary, the applicant agrees to provide additional cash payment in the event the proposed off-site improvements value is less than required; calculate per lot assessed roadway impact fee amount.

L. Lessard: We have gone through it with Keach-Nordstrom engineering firm, and they designed a plan. We went through the plan thoroughly. They are going to do about 400' of road repair; drainage. I am rebuilding S. Bow Road. It started last year and it seems right that we use their impact money to do off-site improvements. It saves the town money and their cost comes out to more than their impact fee. The town is making out by about \$20,000. They just have to get the ok from the waiver, then go to Council, and they would have to ok it. I think it is a good idea.

D. Winterton: How do we guarantee the work is done the way you want, in terms of quality?

L. Lessard: Just like construction monitoring on the sites in town, I would put an inspector there everyday to make sure the work is done to our satisfaction.

D. Tatem: Considering the work is going to be done in lieu of the actual fee being provided, a deadline or time-frame as to when the off-site improvements have to be completed should be added to the plan.

D. Rogers: Leo, has that been discussed or determined?

L. Lessard: Not yet.

D. Rogers: Do you have a time-frame in mind?

L. Lessard: I was assuming that would be started as they were doing the site work.

K. Martel: I think I would do it prior to the issuance of the first CO.

D. Rogers: Dan is that acceptable?

D. Tatem: Yes.

P. Julia (Keach-Nordstrom): That specific note is within the plan set, as it exists right now, within the construction phasing language. It is directly specified that all off-site improvements would be completed, inspected, and accepted prior to the issuance of the first certificate of occupancy.

F. Kotowski motioned to accept the waiver request to provide off-site improvements in lieu of assessed impact fees per Zoning Ordinance Article 30, Section H. 1. Appeals Under Impact Fee Ordinance, subject to the discussion at this meeting. Seconded by T. Prasol. Motion carried unanimously.

D. Rogers: The next item is the special use permit application. Is there any Board discussion? This has been pending for a couple of months.

T. Walsh: I will be consistent. I do not see and I question part D of the application: “Harmonized with the rural character of the Town of Hooksett.” I said it before and I will say it again, closed systems, granite curbs and sidewalks don't equal rural to me. That is my only problem with this project.

P. Scarpetti: I agree with Tom. The lots in Bow are three acres and the lots here are under an acre. It is going to look like two different sub-divisions.

T. Walsh: Has Bow approved their portion of this project or are they waiting for us?

P. Julia: No, however, we have made substantial strides with both their Planning Board actions with the comments from the abutters as well as the review engineer. We anticipate conditional approval this Thursday.

F. Kotowski: Is that with our without sidewalks?

P. Julia: In Bow, there are no sidewalks, so without.

T. Walsh: Being a conventional sub-division they are also not looking at one of these applications. The question of adverse impacts does not come up on their side. I looked at Part E of this stating this shall not have an adverse impact upon adjacent property. What we are proposing on this side could have an adverse impact on the property on the Bow side.

P. Julia: The abutters were concerned about the same thing and primarily about their property values. They invited a seasoned realtor from a reputable firm to speak and she testified that she anticipated the values may increase because of new construction versus construction that is nearly twenty years old. She was not concerned with the size of lots because they were commensurate with the Bow lots. She added that, given the individual building samples that Mr. Martel had provided, the size, square footage and amenities proposed in these new homes were going to be of similar and comparable value to the homes existing on, specifically, Merrill Crossing in Bow. There were never any other comparisons drawn between any of the properties in Hooksett. I believe her testimony, as well as the abutters testimonies, were satisfied during those conversations, in terms of adverse affect, for their property.

T. Walsh motioned to deny the special use permit application with sidewalks present. Seconded by P. Scarpetti.

Roll Call Vote (Yes means denying the application)

P. Scarpetti: Yes

T. Prasol: No

D. Winterton: Yes

D. Rogers: No

T. Walsh: Yes

F. Kotowski: No

Motion failed due to a tie.

K. Martel: It is our understanding that the sidewalk is part of the regulation. I want to make sure if it is the sidewalks and the closed drainage, which we interpret to be part of the regulation that is creating the belly ache. We believe we are doing as requested. When we first came in a gentlemen told us not to ask for any waivers. This was not our original road design. It is what we believe conforms to your regulation.

T. Walsh: I have brought this up before and spoke with Dan. We have a way of doing this in the developmental regulations on page I-30:

“b) With or Without Curbing – In low-density districts, either sidewalks or widened paved shoulders shall be required on both sides of arterial and on one side of collector roads. Pedestrian traffic on local roads in medium- and low-density districts shall be accommodated by a paved, widened shoulder or a sidewalk on one side only.”

Did we request stripes in Austin Woods or did we leave it up to them?

D. Tatem: There is a white line 4' out.

T. Walsh: This is a topic that has been in town for many years.

K. Martel: We understand. We are accustomed to following the leads of the Board. I am feeling defeated because I feel I have followed the lead, not necessarily what we would have proposed. I am trying to make sure that I understand. It was not our intent to insist we have a closed drainage granite curb sidewalk on the outskirts of town. It was our intent to conform to the request of asking for no waivers. Am I am hearing that I have an approvable special use absent sidewalks and closed drainage?

L. Lessard: I was the one that wanted sidewalks and closed drainage. It makes a safer system. As far as open soil drainage, it is a nuisance for roadside maintenance for our crew. We have too many of them now. We don't have the manpower to clean out the swails.

T. Walsh: This has been a debate going on for years. Never mind the cost of building them, the cost that is passed onto the homeowners, and the cost to plow them. In 30 or 40 years, maybe we won't be here, but the roads and crumbled structures will have to be rebuilt for a system in the most rural part of our town.

F. Kotowski: I can hear both sides of this issue but my concern, and the reason I opposed the motion, is I believe this developer came in, in good faith, wanting to follow the regulations, conferred with folks here, they engineered with sidewalks, and did all of the things they had to do. I think this is a lesson for all of us. In the future, when this projects come in, to make sure what we want there before we start changing the rules at the end of the game.

D. Tatem: Another thing to consider as far as the design, is if you were to require or request that he removes the curbing and makes open swails, those lots are too small. You cannot have swails in the front yard of a lot that is a half acre. There is little front yard as it is. It is pretty much 3:1 grading to the house and to the backyard. There are no flat areas on a lot of these lots. If you put a swail, that front yard can kick all of that grading that much further out. That is why most of the small half acre lots are always curbed. Regardless of sidewalk or no sidewalk, if you try to open drainage, it won't work. It will be a nightmare. If you request him to do open drainage those lots would have to double in size. I think Leo would agree with me.

L. Lessard: I do. I can show you a site in Hudson where they did this and you walk off of your front steps and you are in swails. This would be very similar.

D. Tatem: The lots are too small for open drainage.

T. Walsh: Understood. Maybe it is my simplistic nature. I look at all the roads in town that are 100 years old and the grass grows up to the pavement. They are still there and there is no maintenance. I don't understand why those cannot be created nowadays.

D. Winterton: There are not going to be sidewalks in Bow?

K. Martel: Bow's regulation does not require nor request sidewalks in this area.

D. Winterton: So will they have swails?

K. Martel: Yes.

D. Rogers: How large are their lot sizes?

K. Martel: That is a mixed question. It is ironic that you guys are having issue with the cluster and them on the larger lots are asking us to go to a cluster. I have each wanting what the other has.

P. Julia: They also want curbs and sidewalks.

K. Martel: I am sitting here thinking I am following each towns applicable regulations and each wants what the other has.

T. Walsh: Bow would have preferred a cluster?

K. Martel: Yes.

D. Winterton motioned to reconsider the special use permit application. Seconded by F. Kotowski. Motion carried unanimously.

D. Winterton motioned to accept the special use permit application. Seconded by T. Prasol. Opposed by P. Scarpetti. Motion carried.

D. Tatem: They have to go to the Council.

D. Rogers: On the waiver and special use permit?

D. Tatem: Yes, because it was granted here the Council is the only one who can give the final authority to waive the impact fee.

D. Rogers: Your next step is to go to the Town Council.

K. Martel: We are facing some contractual obligations and are wondering if it is too much to ask for a conditional approval conditioned upon us visiting Town Council. We feel like we have addressed Stantec's concerns and these, and we would like to start the appeal process as well as make sure we stay in front of Leo and get out of his way.

D. Rogers: Dan, do you have any input on that request to provide a conditional approval?

D. Tatem: I have no concern with that from a technical engineering background.

D. Rogers: Leo?

L. Lessard: That would be fine.

D. Rogers: The specific nature of the conditions are as we had discussed previously.

D. Winterton: And approval by the Town Council.

D. Rogers: That was one of the conditions.

*F. Kotowski motioned for conditional approval based on our discussions this evening that they comply with all of the things we talked about and that Town Council approves. Seconded by T. Prasol. Opposed by T. Walsh and P. Scarpetti. **Motion carried.***

APPROVAL OF STANTEC INVOICES

*T. Prasol moved to approve the Stantec invoices. Seconded by P. Scarpetti. **Motion carried unanimously.***

CHANGE OF USE

None.

BOARD DISCUSSION

D, Winterton: Based upon what happened tonight I think we should take a look at our regulations and make sure they are doing what we want them to do. Under a project like this, more acreage or frontage might be appropriate and we might avoid this situation in the approval.

D. Tatem: If you look at a cluster, if you had water and sewer out here it would be fine. Do you want to approve half acre lots out in the woods or do you want to have those lots downtown? You can do your cluster ordinance with a one or two acre minimum that is up to you. The intent is to allow the developer to build more lots and have less infrastructure so it is a win, win. You got 50 acres of open space for free, which is a great asset to the town. He gets more lots. You have to make it a palatable application for the developer. If you are going to do a cluster ordinance with a three acre minimum, why would you do that? He will just build conventional and not give up any land. It might be a good idea for you to look at some other towns ordinances. Leo has a lot of experience with other towns as well. I think it is the cluster ordinance that a lot of you are uncomfortable with. As far as your sidewalks, Austin Woods was designed with just a 4' wide shoulder. Curbing and closed drainage is not required. He did not need a waiver to do open drainage. It just does not work with half acre lots. You need one acre lots, minimum.

P, Scarpetti: I think we need more communication with other towns. We don't know what Bow is looking at. We are seeing three acre lots and thinking that is what they want. I don't know if we have to send someone to their Planning Board meeting when we have something like this where it crosses town lines so we know what their thought process is also. They are going to have a hard time putting those houses on that lot. Those are not easy pieces of land. You have the 4 K area right in front where it is protected for the septic and the house is going to be in the well radius.

T. Walsh: I don't think there are many towns that have this conservation development. The majority of

the unconstrained land they had for the formula was surrounded by constrained land. It really wasn't buildable, although it is statutorily for people's real estate and that makes sense in their access to their land. In this particular case, I don't know if it should be applicable. It is all pretty much constrained.

F. Kotowski: If I were a contractor, I would like to know that when I walked into my Planning Board, in any town, what the rules are when I start and that during the time I am building out this project they are not going to change. We need to look at these regulations for areas like this again. I can understand where Tom is coming from about sidewalks, but in a dense area like that I think you need sidewalks.

L. Lessard: From the beginning, when he came to TRC, I told him I wanted sidewalks and curbing because of the tightness. The closed drainage is better than swails and the sidewalk was for safety reasons for the kids. Every time he presented, Tom was the only one that was consistent and said he did not want sidewalks and curbing. Everybody knew the plan was sidewalks and curbing. All of sudden people are voting against it. This guy has a lot of money into this already.

P. Scarpetti: I spoke up at the last meeting about concerns that I had from the beginning, because he did not come up with a full set of plans as far as the topography of the land.

L. Lessard: He always talked about sidewalks and curbing. We all knew.

T. Walsh: Once upon a time we were requesting that all applicants come before the Planning Board for a concept introduction. Did they come before us or go straight to TRC?

L. Lessard: They went to TRC first. We told them what we wanted and then they came here with a conceptual.

T. Walsh: Maybe it should be the other way around.

F. Kotowski: Maybe we should hear from TRC before we approve things and straighten it out before it gets to the point where we are voting.

D. Winterton: Could we ask staff to investigate cluster developments in other towns and make sure our regulations are doing what we want them to do?

P. Scarpetti: If you read it, the lots on the cul-de-sac are 50' frontage. They could ask for 30' of frontage on the cul-de-sacs. I think that is an injustice. You can't do that in Manchester let alone here. We should also have something about steep slopes. Maybe they thought it was going to be a nice flat piece of land and they would find they could do the cluster but this is not a flat piece of land. I have been saying from the beginning that this is a tough piece of land and they have not come back to make the lots bigger. That is my biggest complaint. The homeowners are going to have a tough time and those driveways are going to be like an S to get to the house on some of them.

L. Lessard: They have to be to a certain percentage of grade, 10%. He is the guy selling the place. He is not going to invest in something that he isn't already sure of. I have seen a lot tougher lots than this. It will look good.

T. Walsh: They are all three bedroom, aren't they?

L. Lessard: Yes. It is the conservation cluster that needs to be looked at.

D. Rogers: Could Leo, Carolyn, and JoAnn, with Dan's help, review the current ordinance and regulations and come back with some recommendations down the road if it is appropriate. I think what makes this problematic is the location with Bow. If it wasn't for Bow, it might not be quite as controversial. When you compare what is going on, on both sides, it is quite different. It may not come up with any sort of regularity based on the unique circumstances of this application, but I think it is worth reviewing and revisiting. If we need to do something that helps we will do that. We want to make it right for the town, but also make it developer friendly. We don't want to give things away, but we want encourage development in a proper, responsible way.

*F. Kotowski motioned to adjourn. Seconded by T. Prasol. **Motion carried unanimously.***

ADJOURNMENT

The meeting was adjourned at 7:17 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**