LONDONDERRY, NH PLANNING BOARD MINUTES OF THE MEETING OF OCTOBER 5, 2016 AT THE MOOSE HILL COUNCIL CHAMBERS

I. Call to Order

Members Present: Art Rugg, Chair; Mary Soares, Vice Chair; Chris Davies, Secretary; Rick Brideau, CNHA, Ex-Officio; Jim Butler, Town Council Ex-Officio; Giovanni Verani, Ex-Officio; Leitha Reilly, member; Al Sypek, member; Scott Benson, member; Ted Combes (alternate member); Ann Chiampa (alternate member)

Also Present:

Colleen Mailloux, Town Planner; John R. Trottier, P.E., Assistant Director of Public Works and Engineering; Laura Gandia, Associate Planner

Chairman Rugg called the meeting to order at 7:00 PM, and began with the Pledge of Allegiance.

II. ADMINISTRATIVE BOARD WORK

A. APPROVAL OF MINUTES

Member M. Soares made a motion to approve the minutes of September 14, 2016, as presented. R. Brideau seconded the motion. The motion was granted, 4-0-5 (C. Davies, M. Soares, G. Verani, J. Butler and S. Benson abstained). **The Chair voted in the affirmative.**

B. REGIONAL IMPACT DETERMINATIONS: N/A

C. DISCUSSIONS WITH TOWN STAFF:

Town Planner Mailloux informed the Board of an administrative review application. She reminded the Board that the administrative review process was created with the adoption of the site plan regulation amendments which allows minor applications to go straight through staff process without a formal meeting. The application was reviewed and processed very quickly and the applicant, Benson Lumber, appreciated the expediency of the process. The Board commented on the streamlined process and its efficiency.

T. Combes, Chair of the Master Plan Implementation Advisory Committee (MPIAC), updated the Board on the last MPIAC meeting. He read to the Board a memo from the committee updating the Board on its progress (See attached). T. Combes commented on walkability in the Town and the experimentation with fog lines, and added that the group is very

constructive and goal orientated. Chairman Rugg thanked T. Combes for his good work. A. Chiampa asked if the committee would be working on both Town and State roads. T. Combes stated he would like to work on both but the committee is still in its infancy. Chairman Rugg noted that the next meeting is the 4th Wednesday in October.

Chairman Rugg also praised C. Mailloux for her excellent presentation at Southern New Hampshire Planning which focused on the growth and development in Town highlighting the Woodmont and the Pettengill Road developments.

There were no other discussions.

III. NEW PLANS:

A. Application acceptance and Public Hearing for a formal review of a subdivision plan to subdivide an existing 7.41 acre lot into 5 residential lots at 8 Alexander Road and Litchfield Road (Map 12 Lot 5, Zoned AR-1) – Holm Family Revocable Trust (Owner) and Edward N. Herbert Associates, Inc. (Applicant)

Chairman Rugg read the case into the record. J. Trottier stated that there are no outstanding checklist items, and recommended that the application be accepted as complete.

M. Soares made a motion that the Planning Board accept the application as complete per Staff's Recommendation Memorandum dated October 5, 2016.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Chairman Rugg stated that this starts the 65 day to timeframe to render a decision.

Attorney John Cronin, Cronin, Bisson & Zalinsky, 722 Chestnut St, Manchester, NH 03104 representing Gerry Bieque, and Shane Gendron from Herbert & Associates (applicant) presented to the Board. Attorney Cronin explained briefly the history of the project. He stated that Mr. Bieque is a home builder who entered into a contract with the Holm Family Trust (2 brothers, Brandon and Blaine Holm, as Trustees) for the purchase and sale of the property which resulted in litigation at the Rockingham County Superior Court where the Court issued orders directing the trustees to sign the plans to move the project forward.

He described the 7.41 acre parcel which currently has a home on it. He stated the intent was to carve a lot for the home and create 4 additional lots for a total of 5 lots. The Trust will retain ownership of the existing house lot.

S. Gendron reviewed the proposed new five lots and their respective frontage on Alexander and Litchfield Road and the process of the project. He stated the development will consist of two lots with frontage on Alexander Road, two lots with frontage on Litchfield Road and one lot with frontage on both Alexander and Litchfield Road with the driveway on Litchfield Road. He stated there will be one additional lot created on Alexander Road to the left of the existing home with some off-site improvements to enable better sight distance (relocating the existing stone wall, clearing/removing some brush, and relocating the driveway of the existing home). He stated that project consists of an addition of a swale and catch basin on Litchfield Road and noted that all lots have good test pits on them. He added that the subdivision meets all the dimensional requirements.

Attorney Cronin stated that they are aware from the Staff's recommendations that there is an issue with lot sizing calculations concerning the drainage easements for the detention pond and swale. He informed the Board that there will be an internal easement to the new lots for flow into that detention pond.

Chairman Rugg asked for Staff comments. J. Trottier reviewed the waiver request as outlined in the Staff recommendation memo dated October 5, 2016 (See attached) and noted that Staff does support the granting of the waiver. J. Trottier reviewed the remaining design review items from the Stantec memo dated October 5, 2016 (See attached).

Chairman Rugg asked for comments and/or questions from the Board. A. Chiampa asked about the wetlands on the property, and J. Trottier stated that they are properly delineated on the plan. T. Combes asked about the existing house and setbacks. C. Mailloux stated that the house is set outside of the setbacks. C. Davies expressed concern about the sight distances on Alexander Road. J. Trottier reviewed the some of the improvements mentioned by S. Gendron to accommodate sight distances and the associated improvements.

J. Butler expressed concern over the litigation and Attorney Cronin stated that the Court had issued an order requiring the Trustees to sign the application, and was hopeful that it was resolved.

Chairman Rugg stated that the applicant met with the Heritage Commission regarding the stone walls and received its approval. He then asked for public input.

Abutter Diane Cappelli, 62 Litchfield Road, addressed the Board with questions concerning the location of the driveways and concerns over sight distances. S. Gendron explained to her the location of the driveways on each of the lots. She also asked if there were any renderings of the proposed houses, and was told there was none yet.

Brandon Holm, Trustee of the Holm Family Trust, 8 Alexander Road, stated that due to litigation proceedings he was forced to sign the plan. He reviewed his objections and concerns over the plan with the Board particularly the requirement of a new driveway, well and septic system. He stated that the current septic system is fine and was just checked last year. He informed the Board that the

existing house currently has Town water, and stated there was no need for a new well. He further stated that he believes the location of the driveway is fine. Chairman Rugg stated that the Board's review is limited to what is on the plans.

Blaine Holm, 13 Parson Drive, Goffstown, NH, Trustee of the Holm Family Trust, addressed the Board. He stated that the timeframe for all appeals have expired, and hopes that with the Town's blessings, the project will move forward.

There was no other public input.

Member C. Davies asked why if there is Town water would the applicant consider having a well. Attorney Cronin stated that the house is currently serviced by Pennichuck, and the service is cross country coming off Litchfield Road. He stated that Pennichuck will not allow it to go cross country over other separately owned lots so the only other alternative is to bring the line to the corner, and run it all the way down Alexander Road. He added that Pennichuck is requiring that it be disconnected and replaced with an individual well.

J. Trottier stated that the line is tied off of Alexander Road and it would go across Lot 5-1 b (the line comes in off of Alexander Road). He stated that it is the developer's prerogative to develop the land as he wants.

Attorney Cronin added that they would love to be able to provide water from Pennichuck but they do not want to cross over several separately owned lots and create easements, and Pennichuck does not allow that. He stated that this would also require amending the lot sizing calculations.

Member A. Chiampa asked about connecting some of the lots on Alexander Road to Pennichuck water, and was informed by Attorney Cronin that Pennichuck was not interested in that proposal. Attorney Cronin stated that he can revisit it. A. Sypek stated that the PUC approves all improvements, and if it felt that there was not a sufficient return then the project would not be approved.

There were no other questions/comments from the Board.

- M. Soares made a motion that the Planning Board approve the Applicant's waiver request as outlined in Staff's Recommendation Memorandum dated October 5, 2016.
- R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Member M. Soares made a motion based on the information available to date, to continue the public hearing on this application to November 2, 2016.

R. Brideau seconded the motion.

The motion was granted, 9-0-0. The Chair voted in the affirmative.

Chairman Rugg stated that this is the only notice of the continuance.

M. Soares made a motion to adjourn the meeting at approximately 8:10 p.m. Seconded by R. Brideau.

Motion was granted, 9-0-0. The Chair voted in the affirmative.

These minutes were prepared by Associate Planner Laura Gandia.

Respectfully Submitted,

Chris Davies, Secretary (Assistant)
SCOTT BENSON
These minutes These minutes were accepted and approved on October 12, 2016 by a motion made by M. Soorts and seconded by R. Bridgal.

MEMORANDUM

To: Planning Board Date: October 5, 2016

From: Planning and Economic Development Re: Map 12 Lot 5
Department of Public Works & Engineering Subdivision Plan

Stantec Consulting Services, Inc.

Alexander & Litchfield Roads

Owners: Holm Family Revocable Trust

Applicant: Gerry Beique

Edward N. Herbert Assoc., Inc. submitted plans and supporting information for the above-referenced project. DRC and the Town's engineering consultant, Stantec Consulting Services Inc. reviewed the submitted plans and information, and review comments were forwarded to the Applicant's engineer. The Applicant submitted revised plans and information and we offer the following comments:

Checklist Items:

1. There are no checklist items.

Design Review Items:

- 1. The Applicant's plan does not provide topography on the western portion of Lot 5-4 as required by Item VI.24 of the checklist. The submission does include sufficient HISS-mapped area on lot 5-4 to substantiate a single lot. The Applicant has submitted a <u>waiver request</u> for this requirement per section 3.10 of the regulations.
- 2. The Applicant's revised design includes a proposed detention basin and swale indicated to be constructed upon lots 5, 5-1, 5-3 and 5-4 as shown on sheet 3. However, a proposed drainage easement is not provided for the new drainage facility per section 3.03.F and 4.12.C.9.i of the regulations and item V.9.a of the checklist. The Applicant should indicate the appropriate easements and address access and maintenance of the proposed private drainage system acceptable to the Town. In addition, the lot size calculation should be updated accordingly and the lot sizes confirmed for compliance with the regulations.
- 3. We recommend the Applicant address the following on the revised Improvement Plans:
 - a. The Improvement Plan sheet 3 indicates the proposed well will be placed adjacent to the existing septic system on lot 5 that will serve the existing house lot with a reference to a note. We recommend the note be updated to state the existing septic is on lot 5 and to further clarify when the new septic and well is to be installed (i.e. prior to conveyance of any lot/prior to CO for any lot, etc.) as acceptable to the Town.
 - b. The plans do not address when the proposed detention basin would be constructed and how access to the basin would be achieved to construct the basin and for future inspection and maintenance. The design should be updated accordingly acceptable to the Town. We recommend that the Applicant discuss the proposed lot design and revised drainage system with the Town.
 - c. The Applicant's revised design indicates the existing catch basin will be replaced with a new one on sheet 4. In addition, a new catch basin will be installed northerly of the existing catch basin with a new 12" pipe to the existing replaced basin. Please update the new pipe size to be 15" minimum in compliance with section 3.08.g.1 of the regulations.
 - d. Sheet 4 indicates proposed improvements along Alexander Road will occur including relocation of the existing stone wall, construction of a roadway shoulder

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and construction of a roadside swale associated with the new driveways shown for lots 5 and 5-1. However, the plans do not include an easement for construction of the improvements on lots 5 and 5-1. In addition, it is unknown when the improvements need to be constructed, since the work would impact both lots and lot 5 has an existing dwelling and driveway. We recommend that the Applicant provide a typical construction detail of the proposed roadway improvements on sheet 4 (or other drawings in the plan set) for proper construction. In addition, we recommend that the Applicant provide additional notes and information to clearly address the proposed work that would all need to be completed meeting approval of the Town.

- e. Sheet 4 includes a catch basin grate detail that indicates curbing that does not appear applicable to this location. In addition, the grate area is noted at 225 SF that is incorrect. We recommend the Applicant remove the detail and provide or reference Exhibit D104 of the Town's standard details on the sheet or in the plan set.
- f. The Applicant is proposing a new catch basin along Litchfield Road located east of the proposed driveway to new lot 5-3 as indicated on sheet 3. The plans note a 12" pipe connection into the existing catch basin and recommend that the pipe size be revised to 15" minimum consistent with section 3.08.g.1 of the regulations.
- g. Sheet 3 indicates proposed improvements along Litchfield Road will occur including installation of a catch basin and construction of a roadside swale behind the existing curb along Litchfield Road associated with the new driveways. We recommend that the swale note be updated to reference the detail on sheet 12 for proper construction. In addition, we recommend that the swale notes on the sight distance plans for lots 5-2, 5-3 and 5-4 be updated to reference the detail accordingly.
- h. The proposed drain pipe from the detention basin outlet structure to the level spreader is noted as a 12" pipe that does not comply with section3.08.g.1 of the regulations. The Applicant shall update the outlet structure pipe size on sheet 3 and the detail on sheet 11 to a minimum 15" pipe in compliance with the regulations. Please update the drainage report accordingly.
- i. The drain pipe from the detention basin outlet structure does not include outlet protection (erosion stone apron). Please revise the design to provide an outlet protection apron at this location, provide an outlet protection detail or reference the Town's typical detail in the plan set and provide riprap calculations in the drainage report accordingly.
- j. The Applicant proposes a level spreader to be installed at the proposed detention basin outlet pipe location. We note that the construction detail on sheet 12 indicates that the level spreader level lip to be constructed using stone and it is unclear how a level lip would be provided. The Department of Public Works typically requires level spreaders to be constructed using a permanent level lip structure such as a curb. We recommend the Applicant update the level spreader detail acceptable to the Department of Public Works.
- k. We recommend that the improvement plans indicate temporary erosion control measures for the proposed swales and catch basins as required by the regulations.
- The Applicant should provide a construction detail for the proposed erosion stone to be placed along Litchfield Road shown west of the proposed driveway to new lot 5-4 in the plan set for proper construction. In addition, please update the construction sequence on sheet 11 to eliminate the reference to leaching trench system in note 4 that is not applicable to this project.

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- 4. We recommend that the Applicant address the following relative to the revised **Drainage**Analysis Report:
 - a. The revised report analysis is based upon a 25-year storm design where the regulations require a 10-year storm design for residential projects design. The Applicant should revise the analysis consistent with the regulations.
 - b. The Applicant has not provided a swale summary table for all the proposed drainage swales under this latest revision in the submitted drainage report per section 3.07.b.5 of the regulations.
 - c. The detention basin analysis indicates a round orifice for the outlet structure weir that does not provide a vertical slotted weir to the top of the structure as required by the Town's typical detail, Exhibit D108 and regulations. We note the outlet structure detail on sheet 11 also does not provide a vertical slotted weir to the top of the structure as required by Exhibit D108. The Applicant shall update the outlet structure weir in the drainage analysis and update the detail on sheet 11 to provide a vertical slotted to the top of the structure consistent with the Town's detail and verify compliance with the regulations no increase in runoff.
 - d. The Applicant should update and provide a pipe summary table that includes all the proposed drainage pipes under this project in accordance with section 3.07.b.4 of the regulations.
 - e. The Applicant's design does not address the impacts to all abutting lots as required per section 3.08.b.3 of the regulations and item X.3.c of the checklist. We recommend a summary table be provided in the report narrative that indicates the pre- and post-development impacts to each abutting lot and indicates no increase in runoff in accordance with the regulations is achieved as typically required by the Town.
 - f. The revised analysis does not address the existing and proposed runoff along Alexander Road relative to the changes proposed to the Town's drainage system under this project. The Applicant should update the analysis acceptable to the Town.
 - g. The pre- and post-development plans do not include the area for each subcatchment per section 3.08.b.7 and 8 of the regulations. Please update the plans accordingly.
- 5. We recommend the Applicant verify the DRC comments for the project are adequately addressed as applicable:
 - a. Please verify the comments of Planning Department have been adequately addressed with the Planning Department.

Board Action Items:

1. The Applicant is requesting one (1) waiver to the Subdivision Regulations as noted in their letters dated September 15, 2016. The Board will need to consider the waiver under this application.

STAFF RECOMMENDATION

To: Planning Board **Date:** October 5, 2016

From: Colleen P. Mailloux, AICP, Town Planner John R. Trottier, PE, Assist. Dir. Of DPW

Application: Application Acceptance and Public Hearing for formal review of a subdivision of one lot into five, Map 12 Lot 5, Alexander Road and Litchfield Road, Zoned AR-1, Holm Family Revocable Trust (Owner), Gerry Beique (Applicant).

• Completeness: There are no outstanding checklist items; Staff recommends the application be accepted as complete.

Board Action Required: Motion that the Planning Board accept the application as complete per Staff's Recommendation Memorandum dated October 5, 2016

- <u>Waivers:</u> The Applicant has requested the following waiver to the Subdivision Regulations:
 - The Applicant is requesting a waiver to Item VI.24 of the Subdivision Application Checklist requiring topography be shown over all subject parcels. The plan does not provide topography over the western portion of the proposed Lot 5-4. Staff recommends *granting* the waiver as the Applicant has provided sufficient HISS mapping per Section 3.10 of the regulations to substantiate a single lot.

<u>Board Action Required:</u> Motion that the Planning Board Approve the Applicant's waiver request as outlined in Staff's Recommendation Memorandum dated October 5, 2016.

• Recommendation: Based on the information available to date, Staff recommends continuance of this application to November 2, 2016.

Upon review of the Design Review submission of this project, engineering and DRC comments required revisions to the drainage design and stormwater management plan for this subdivision. Review of the formal submission indicates that the DRC comments have been addressed in the plans; however, the revised design includes a proposed detention basin and swale to be constructed to accommodate the stormwater runoff generated by the proposed improvements, and a proposed drainage easement has not been provided. Per Section 2.3.1.3.A.4.j of the Zoning Ordinance, the area of drainage easements shall not be included in the minimum lot sizing calculations. The lot sizing calculations do not account for the drainage easements that will be required for the detention basin, and Staff is unable to recommend conditional approval of the proposed plan without confirmation of the drainage easements and demonstration of compliance with minimum lot sizing criteria.

The application is complete from a submission standpoint, and Staff is comfortable with acceptance and starting the 65 day clock under RSA 676:4. We look forward to continuing to work with the applicant to address the remaining design review comments.

Board Action Required: Motion that the Planning Board continue the Public Hearing to November 2, 2016 per Staff's Recommendation Memorandum dated October 5, 2016

