TOWN OF CHESTERFIELD, NH PLANNING BOARD Monday, May 18, 2020

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-929-205-6009 and password 87349091194 or by going to the following website address:

https://us02web.zoom.us/j/87349091194

b) Providing public notice of the necessary information for accessing the meeting; We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of Chesterfield website at: <u>https://chesterfield.nh.gov/</u>.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem, please call 603-499-6534 or email at: tricia.lachenal@nhchesterfield.com.

d) Adjourning the meeting if the public is unable to access the meeting.

In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Present: Jon McKeon, Jeanny Aldrich, James Corliss, Joe Parisi, John Koopmann, Joe Brodbine John Pieper and Roland Vollbehr

Call to Order

James Corliss called the meeting to order at 6:05 PM.

Seat Alternates

John Pieper was seated in place of Jon McKeon McKeon joined the meeting and John Pieper was seated in place of Roland Vollbehr

Review of the Minutes

May 11, 2020

Joe Brodbine moved to approve the minutes from the May 11, 2020 meeting as presented. The motion was seconded by Joe Parisi and passed unanimously by roll call vote.

Appointments

Pine Grove Springs Country Club, Inc. – An application for a Major Subdivision for property located at NH Route 9A (Map 5K B8 and Map 5N B9.1) consisting of approximately 93 acres in the Residential zone. This is a public hearing and may result in approval or denial of the application.

Corliss noted that the public hearing was left open and some information was received during the last week and forwarded to the board. Corliss noted that one item was from Norm VanCor and it referenced the lot merger that happened last year. Corliss noted that there is no action the board can take on that as it is a document filed with the registry of deeds and it was not appealed in a timely manner. Corliss noted that other information was received with pictures and a letter. Panciocco noted that Mr. and Mrs. Maibusch, Chris Guida and Chad Brannon and Michael Ploff are all present tonight. Corliss noted it was a letter from the applicant and photos taken on May 14th. Guida noted that at the last meeting, there was a fair amount discussion on how wetlands are delineated and there were some disagreements about the line. Guida noted that he wanted to go over how it is done and the criteria for delineating wetlands. Guida noted that there are three criteria, hydric soils, hydric vegetation and hydrology. Guida noted that frequently people believe that areas are wetlands that are not and vice versa. Guida noted that they are bound by the regulations and criteria and by a professional code of ethics. Guida noted that he is not permitted to change the wetland line for any purpose, which includes an outside person's belief that the line is in the wrong place. These photos illustrate the seasonal variations and hydro period. There are ponding areas in the early spring before the growing season, which is common, but it does not mean it is a jurisdictional wetland. Guida noted that he does not see standing water in the photos and there are cat tails in photo 4. Guida stated that he is comfortable with the wetlands delineation and noted that in his best professional judgment, it is in the right place as shown on the plan. Brodbine noted that earlier there was an email that discussed the rain gardens and the pipe being lower than the garden. It was noted that Christopher Oot was the author of the letter. Guida noted that he would like to go through the letter. Guida noted that according to the letter, Oot has been a practicing civil engineer for some time. Guida notes that it is clearly stated that Oot is not knowledgeable with the State of NH or Chesterfield stormwater management protocols or standards and his comments are based primarily on rain garden design guidance. Guida noted that this is published by the State of NH Alteration of Terrain Permit. Guida noted that this project does not require that permit, because it does not meet the threshold. Guida noted that they have not modeled infiltration through these rain gardens, and therefore, there is no basis for evaluating depth to seasonal. If you compare this letter with the Town's drainage system requirements, we clearly address all of the local drainage system requirements. Most of the letter does not apply to this application as we meet the required regulations. The 3rd party reviewer reviewed the plans and the regulations. Guida noted they did not need to propose rain gardens, but felt that the gardens and plants would be an improvement and a benefit as an added form of treatment. Guida noted that if you look at the rain gardens, they outflow through a level spreader and the distance that the stormwater runoff will travel across the vegetative filter strip, before it gets to the lake, ranges from 170 feet to 460 feet. Guida noted that alone exceeds any State standards if they did in fact have to adhere to them, which they do not. The

majority of this letter is not applicable at all. Guida noted that there are a lot of good questions in the letter, but they are not applicable to this application because this system does not require it. Guida noted that the 3rd party engineer did not ask these questions because they are not required and meets local regulations. Pieper noted that Mr. Oot was saying that if the drainage pipes are full of water, they will be unable to carry water. Chirs noted that the under drains is what he is referring to, and they do not exist with this design. Koopmann stated in early comments you (Guida) noted you did not study or analyze the infiltration rate after the design phase., Guida stated that is not what he said. Guida stated they have not taken advantage of any infiltration with this design,, therefore being very conservative. Guida noted that there is a reduction in flow discharging during peak rates that were analyzed. Koopman asked if it was fair to suggest that the storm water plan covers the area through the rain garden through the exit point, but does not address that flow from there to the lake. Guida stated that was incorrect, the entire site is covered. It was noted that they were asked to include the culverts under the road and that was done. Guida noted that they modeled the entire site all the way to the lake. Koopmann noted that he did not see mentioned was any analysis of the water exiting the site, any potential analysis on the water quality exiting the property into the water. Corliss noted that the Planning Board regulations require reduction or same flow. Guida noted that is not required, but is part of the reason the rain gardens were added. They remove nitrogen and pollutions. Guida noted that this design would be a good model for what the Town should look for in future development along the lake. There is a lot of vegetation between the development and the water. Oot noted that if the perforated pipe drainage under the soils media is not part of the design, why is it shown on the construction details on the cross section of the rain garden design that is being proposed. Guida noted that that it states "if required". Guida noted that typically there would be a surface drain that ties to that pipe and this design did not include the structures and therefore the pipe is not included and was removed. Guida noted that the pipe will be removed along with the E elevations. Oot asked if the rain garden does not rely on infiltration, where does it go. Guida noted it is metered through the basins. Guida noted that Mr. Oot does not have a familiarity between local and state regulations and they do not require rain gardens and it can be removed, as there is no Alteration of Terrain Permit requirement. Guida noted that this is a better design with the rain garden that what is required. Corliss noted that his concern is that the board approves documentation and it needs to be accurate. Guida noted that the pipe is not part of the design and will be removed. Guida noted it is clearly not part of the design on the plan view. Oot noted that he would also like to make clear is that the standards that were used are not as stringent as the best management practices. Oot noted that he is an engineer that has worked with hydraulics and hydrology all his life, the board should be aware that by all indications the seasonal high water table is at or above the bottom of the soil media that is provided in that cross section and that media is there so the water can flow down through the media without interruption. If the table is higher water will not flow through and further into the ground because it is already saturated. Oot noted that the storm water management report does not include how the results were reached. It does not explain what criteria was used or why they are successful. Guida noted they are putting in rain gardens when they are not required to do so, in order to make the system better. Guida noted this project has been designed to exceed any regulations that are required. McKeon noted the basin is a retention basin by definition. Guida noted it is detention basin not a retention basin. Jeanny noted she was looking at the 3rd party review and it speaks more to how this is supposed to work, slowing the amount of water coming down so there is not as much concentration of water at the end of the runoff. Guida noted that is correct, the design will increase the time travel path before reaching the lake, which will increase the treatment potential and reduce the peak rate of runoff. Ploof noted that he was before the Planning Board on July 1, 2019 preliminary discussion and at that time an application had been submitted to the Zoning Board for a variance for a lot that had enough frontage, but not enough area. Corliss interjected that the meeting was a non-binding

conceptual consultation. Ploof noted that when they came before the Planning Board, it was stated a lot line would be simpler and easier instead of the variance. Ploof stated that he is aware that the State RSA's normally defer to the local regulations, so at that time, they took direction from the board and went with that direction. Ploof noted if the conversation with the Planning Board had gone differently, they would have gone to the Zoning Board for the variance. Ploof noted that it is unfortunate that it happened, but it has been well over the 30 days. Corliss noted that the board can discuss possible conditions of approval or possible denial.

Brodbine asked for a point of order, noting that Roland Vollbehr has joined the meeting. Corliss noted he will do nothing at this point. Pieper remained seated.

Corliss noted that from his point of view the applicant has come a long way since September. Corliss noted he would encourage the board to consider a possible set of conditions that could be attached to an approval. Corliss noted in anticipation of the board wanting to discuss conditions of approval, he prepared 10 possible conditions of approval. Corliss shared his screen via zoom. Corliss noted that the information has been gathered over time. The following is what was shared via Zoom.

1. That the Applicant shall obtain a NH DES Subdivision approval for proposed lots 5K-B-8-1, 5K-B-8-2, 5K-B-8-3, 5K-B-8-4 and 5N-B-9-2 and shall obtain a NH DOT driveway permit for each individual and common driveway that takes its access from NH Route 9A as a condition precedent the final approval and recording of the plan.

2. That as condition precedent to the final approval and recording of the plan, the applicant shall provide to the Board a certificate from a NH licensed land surveyor stating that all boundary monuments specified on the plan as "to be set" were installed as shown on the plan.

3.That a NH DES Shoreland permit shall be obtained and a copy shall be supplied to the Planning Board and the building inspector prior the commencement of any work on lot 5K-B-8-1 and prior to the issuance of a building permit on that lot.

4. That the Town's legal counsel shall review and approve all legal documents to be recorded at the registry of deeds in conjunction with recording of the subdivision plan (e.g., Stormwater Management Easements and Covenants document).

5. That each deed to a prospective owner of these subdivision lots shall reference the Stormwater Management Easements and Covenants document recorded in conjunction with the approval of the plan.

6. As a condition subsequent to final approval, the development of each lot shall be performed consistent with the stormwater management plans established for each lot on subdivision plan sheet 4. Prior to the issuance of a building permit for a lot, the lot owner/applicant shall submit a drawing to the building inspector which illustrates the intent to construct the stormwater management improvements shown on sheet 4 and as detailed elsewhere in the plans for that lot. The drawing shall demonstrate the amount of impervious surface lot coverage and lot disturbance situated upslope of the stormwater management improvements, and that such impervious surface lot coverage and lot disturbance are less than or equal to those area values specified on sheet 4 of the subdivision plan. If the owner/applicant is able to demonstrate that these stormwater management outcomes will be achieved by implementation of the proposed development lot plan, the building inspector may conclude that the proposed development of the lot satisfied this condition (subject to proper installation).

7. Should a future lot owner or applicant seek to modify the stormwater management plan, or to propose improvements that would have additional impervious surface or disturbed land surface on the lot, such a modification shall require the review and approval of the planning board prior to the issuance of a building permit for such lot, and prior to any land disturbance inconsistent with the approved plan for that lot.

8. Note on subdivision plan indicating that all portions of lots North of Chanel Road are entirely within setbacks.

9. Monuments installed identifying the wetlands extent in accordance with the limits shown on the subdivision plan. (Approximately 16)

10. Sht. 5 Rain Garden Invert Information column E removed. No Pipe below Rain Gardens. Parisi noted that he is concerned about a number of things that were talked about that he believes would think would become conditions or clearly stated on the drawing. Parisi noted that if he were to own one of the lots, his tendencies are going to put a burden on the Town. Parisi noted he wants the Town to understand the risk. Parisi noted that the trees adjacent to the Town road cannot be touched without Town approval. Parisi noted that he would want to cut down those tress to enhance his view of the lake and better access to the other side of the road. Parisi noted that this will cause stress between the Town and the landowner. Parisi noted that the rain garden requires maintenance that will probably happen for the first 6 months, but at some point, the burden will be on the Town to police that. Parisi noted that there are wetlands on the lake side of the road, that I am not supposed to touch, that will put a stress situation between me, the town and maybe the State. Parisi noted that the Town cannot invest money on Channel Road, but as a landowner I want to make sure it is maintained. Pairis noted that these items may cause stress and is the Town willing to enter into that situation. Aldrich noted that the decision will come from the Planning Board. Parisi noted that some time from now, there will points of contention, it will be an issue the Town has on quite a number of items. Aldrich noted that with any type of issue, we are going to have ongoing issues on the lake and it is part of governance. Aldrich noted with the covenants and a concise conditional approval, that is the most the Town can do. Koopmann noted that he wanted to point out to Aldrich, we are all aware of time and energy spent on the lake properties. Koopjmann noted that it will potentially be a real headache for code enforcement that is already under water. Aldrich noted that she understood what Parisi was stating. Vollbehr noted that if a complaint is filed in the future, the building inspector will be tasked with checking out the situation.

Joe Brodbine moved to discuss conditions of approval. The motion was seconded by Jeanny Aldrich.

Discussion: McKeon noted that this board should be looking to make the decision as clear and concise as possible and asked if the public hearing was going to be closed. Corliss noted that although he is not looking for public comment at this time, it has been found in the past useful to leave the public portion open and have everyone stay tuned into the meeting as occasionally something has come up and a question needs to be answered. The motion to discuss conditions of approval passed unanimously.

The board discussed the suggested conditions of approval. Corliss noted that he has had discussions with Town counsel. Corliss noted that item 10 was from tonight's discussion and is the only thing that has not been vetted by Town counsel.

1. That the Applicant shall obtain a NH DES Subdivision approval for proposed lots 5K-B-8-1, 5K-B-8-2, 5K-B-8-3, 5K-B-8-4 and 5N-B-9-2 and shall obtain a NH DOT driveway permit for each individual and common driveway that takes its access from NH Route 9A as a condition precedent the final approval and recording of the plan.

There were no questions or discussion on this item.

2. That as condition precedent to the final approval and recording of the plan, the applicant shall provide to the Board a certificate from a NH licensed land surveyor stating that all boundary monuments specified on the plan as "to be set" were installed as shown on the plan.

Corliss stated that this means that before the plan gets filed, the monuments would be set. There were no comments or questions on this item.

3.That a NH DES Shoreland permit shall be obtained and a copy shall be supplied to the Planning Board and the building inspector prior the commencement of any work on lot 5K-B-8-1 and prior to the issuance of a building permit on that lot.

Corliss noted this is the western most lot in this subdivision. There were no comments or questions on this item.

4. That the Town's legal counsel shall review and approve all legal documents to be recorded at the registry of deeds in conjunction with recording of the subdivision plan (e.g., Stormwater Management Easements and Covenants document).

There were no comments or questions on this item.

5. That each deed to a prospective owner of these subdivision lots shall reference the Stormwater Management Easements and Covenants document recorded in conjunction with the approval of the plan.

Corliss noted that anyone looking at a deed will be warned there are covenants. There were no comments or questions on this item

6. As a condition subsequent to final approval, the development of each lot shall be performed consistent with the stormwater management plans established for each lot on subdivision plan sheet4. Prior to the issuance of a building permit for a lot, the lot owner/applicant shall submit a drawing to the building inspector which illustrates the intent to construct the stormwater management

improvements shown on sheet 4 and as detailed elsewhere in the plans for that lot. The drawing shall demonstrate the amount of impervious surface lot coverage and lot disturbance situated upslope of the stormwater management improvements, and that such impervious surface lot coverage and lot disturbance are less than or equal to those area values specified on sheet 4 of the subdivision plan. If the owner/applicant is able to demonstrate that these stormwater management outcomes will be achieved by implementation of the proposed development lot plan, the building inspector may conclude that the proposed development of the lot satisfied this condition (subject to proper installation).

Koopmann noted he does not understand the last sentence. Corliss noted that this means that the lot owner shall submit a drawing to the Building inspector. Kpopmann noted that they are already in the plan. Corliss noted the intent is if the drawing shows any deviation, they must be able to demonstrate the stormwater management outcome will be achieved.

7. Should a future lot owner or applicant seek to modify the stormwater management plan, or to propose improvements that would have additional impervious surface or disturbed land surface on the lot, such a modification shall require the review and approval of the planning board prior to the issuance of a building permit for such lot, and prior to any land disturbance inconsistent with the approved plan for that lot.

Koopmann asked if DES approval was required for this. Corliss stated no, other than #1 and #3. McKeon asked if this was a condition or stating it should be a note in the deed and on the drawings. McKeon noted that the board cannot sign the plans and have that change somewhere in the future. Panciocco noted it is in the declaration of covenants. Parisi noted that it is not a condition as there will be no change when we sign the plans. Parisi noted it is a note or a covenant. The wording was changed to: As a condition subsequent to final approval, to be included in the Covenants document, should a future lot owner or applicant seek to modify the stormwater management plan, or to propose improvements that would have additional impervious surface or disturbed land surface on the lot, such a modification shall require the review and approval of the Planning Board prior to the

issuance of a building permit for such lot, and prior to any land disturbance inconsistent with the approved plan for that lot.

8. Note on subdivision plan indicating that all portions of lots North of Chanel Road are entirely within setbacks. Pieper noted that he was just kicked out and returning (after about 10 minutes of being out- missing the entire discussion of the conditions) Corliss seated Vollbehr in his seat. (7:59) The wording was changed to:

That as condition precedent to the final approval and recording of the plan, add a note on the subdivision plan indicating that all portions of lots North of Chanel Road are entirely within setbacks.

9. Monuments installed identifying the wetlands extent in accordance with the limits shown on the subdivision plan. (Approximately 16)

After discussion, the board changed the final wording to: That as condition precedent to the final approval and recording of the plan, the applicant shall provide to the Board a certificate from a NH licensed land surveyor stating that all boundary Monuments installed identifying the wetlands extent limits shown on the subdivision plan South of Chanel Road were installed. The delineation of the Wetlands boundaries to be identified by monuments, either concrete or granite at 50' intervals and at change in direction of more than 10 degrees.

Guida noted that installing monuments creates a lot of disturbance and has seen 1 inch iron pins with aluminum caps that can be found with mental detectors being used for this purpose. The board stayed with the final wording above.

10. Sht. 5 Rain Garden Invert Information column E removed. No Pipe below Rain Gardens The board decided on the final wording: That as condition precedent to the final approval and recording of the plan, update sheet 5 Rain Garden Invert Information column E removed and no pipe below rain gardens.

Parisi noted that the board has talked a lot about the not touching channel road and he would like a condition making sure there is note on the plan to that effect. Parisi noted he would like it clearly articulated on the plan to prevent a potential buyer feeling uninformed when purchasing the lot. The board decided to add condition 11 as follows:

11. That as condition precedent to the final approval and recording of the plan, add a note on the subdivision plan indicating that Channel Road's full width of 41.25' inclusive of right of way is town property and may not be disturbed, including tree removal without town permission.

Parisi noted that there has been a delineated wetlands and noted a possible condition having a 3rd party confirmation of the delineated wetlands. Corliss asked if he was suggesting that the board hire another wetland scientist to dig test pits and delineate the wetlands. Parisi noted he is not questioning the engineers on the project, but noted that there has been a lot of discussion on this item and he believes the board would be remiss on not getting 3rd party confirmation. Aldrich noted that back in October, Mr. Parisi staed the plans are certified and vetted out and Mr. Koopmann stated in November that he went out and saw flags and pins delineating the wetlands. Aldrich noted that if they agreed back then, why are they now requesting additional items from the applicant. Aldrich noted that a 3rd party reviewed the information and the delineation is there along with a site impact study and Aldrich notes that she does not believe it is necessary to have one more wetland delineation. Corliss noted that since those meetings, the applicant has come back with revised and complete plan. Parisi noted that each time he has visited the site, there has been substantial water beyond the wetlands. McKeon noted that this would not be having someone review the data again, it would be having someone go to the site and establish the delineations are in the right place from doing their own fieldwork. Koopmann noted he walked the property last fall and spring and agree. Aldrich asked if there was something wrong with the credentials of the person that did the original

delineation that she is not aware of. Corliss stated that they have appropriate credentials. Pieper noted that it is late in the game to come back and revisit this again. Pieper noted that the Planning Board requested a 3rd party review and specified what we wanted. Corliss asked for a sense of the board. Is the board interested in a new delineation of wetlands by a Planning Board selected wetlands scientist to confirm the wetlands delineation provided by the applicant? Yes: Koopmann, McKeon and Parisi. No: Brodbine, Aldrich, Vollbehr and Corliss.

McKeon noted he would like to see a condition that states that the culverts that are under Channel Road are replaced to ensure that the water surface conveyance continues as detailed on the plans. Corliss noted that he does not know the justification to improvements on Town property. McKeon noted that when the culverts fail or clog, the drainage that is approved will change and will not be the same as stated in the stormwater management report and the Town will be unable to replace the culverts. After discussion, Panciocco noted that it can be added to the plan that states if and when the culverts under Channel Road fail, it will be the obligation of Pine Grove Springs or its successors. Panciocco noted that it can be dealt with in the future if it happens. The board added condition 12 to the list as follows:

12. As a condition subsequent to final approval, a note on the Plan requiring the land owners to replace the culverts at their expense under Chanel road with town permission should they fail.

James Corliss moved to conditionally approve the Pine Grove Springs Country Club, Inc Major Subdivision application with the following conditions:

- That the Applicant shall obtain a NH DES Subdivision approval for proposed lots 5K-B-8-1, 5K-B-8-2, 5K-B-8-3, 5K-B-8-4 and 5N-B-9-2 and shall obtain a NH DOT driveway permit for each individual and common driveway that takes its access from NH Route 9A as a condition precedent the final approval and recording of the plan.
- That as condition precedent to the final approval and recording of the plan, the applicant shall provide to the Planning Board a certificate from a NH licensed land surveyor stating that all boundary monuments specified on the plan as "to be set" were installed as shown on the plan.
- That a NH DES Shoreland permit shall be obtained and a copy shall be supplied to the Planning Board and the building inspector prior the commencement of any work on lot 5K-B-8-1 and prior to the issuance of a building permit on that lot.
- That the Town's legal counsel shall review and approve all legal documents to be recorded at the registry of deeds in conjunction with recording of the subdivision plan (e.g., Stormwater Management Easements and Covenants document).
- That each deed to a prospective owner of these subdivision lots shall reference the Stormwater Management Easements and Covenants document recorded in conjunction with the approval of the plan.
- As a condition subsequent to final approval, the development of each lot shall be performed consistent with the stormwater management plans established for each lot on subdivision plan sheet 4. Prior to the issuance of a building permit for a lot, the lot owner/applicant shall submit a drawing to the building inspector which illustrates the intent to construct the stormwater management improvements shown on sheet 4 and as detailed elsewhere in the plans for that lot. The drawing shall demonstrate the amount of impervious surface lot coverage and lot disturbance situated upslope of the stormwater management improvements, and that such impervious surface lot coverage and lot disturbance are less

than or equal to those area values specified on sheet 4 of the subdivision plan. If the owner/applicant is able to demonstrate that these stormwater management outcomes will be achieved by implementation of the proposed development lot plan, the building inspector may conclude that the proposed development of the lot satisfied this condition (subject to proper installation).

- As a condition subsequent to final approval, to be included in the Covenants document, should a future lot owner or applicant seek to modify the stormwater management plan, or to propose improvements that would have additional impervious surface or disturbed land surface on the lot, such a modification shall require the review and approval of the Planning Board prior to the issuance of a building permit for such lot, and prior to any land disturbance inconsistent with the approved plan for that lot.
- That as condition precedent to the final approval and recording of the plan, add a note on the subdivision plan indicating that all portions of lots North of Chanel Road are entirely within setbacks.
- That as condition precedent to the final approval and recording of the plan, the applicant shall provide to the Planning Board a certificate from a NH licensed land surveyor stating that all boundary monuments installed identifying the wetlands extent limits shown on the subdivision plan South of Chanel Road were installed. The delineation of the Wetlands boundaries to be identified by monuments, either concrete or granite at 50' intervals and at change in direction of more than 10 degrees.
- That as condition precedent to the final approval and recording of the plan, update sheet 5 Rain Garden Invert Information column E removed and no pipe below rain gardens.
- That as condition precedent to the final approval and recording of the plan, add a note on the subdivision plan indicating that Channel Road's full width of 41.25', inclusive of right of way, is town property and may not be disturbed, including tree removal without town permission.
- As a condition subsequent to final approval, a note on the plan requiring the land owners to replace the culverts at their expense under Chanel Road with Town permission should they fail.

The motion was seconded by Jeanny Aldrich.

Discussion: McKeon noted that the motion included all 12 conditions as discussed. Corliss noted that the motion did intend to include all 12 of the conditions. Panciocco noted that she would like the board to reconsider the use of pins in place of the granite or concrete monuments. The motion as stated passed by majority. (No: Koopmann, McKeon and Parisi) (Yes: Brodbine, Vollbehr, Aldrich and Corliss)

The board took a break for 10 minutes at 8:58 PM. Piper noted that he will be leaving the meeting. Parisi noted that Pieper may be needed for Nine A, LLC. John Pieper left the meeting.

Nine A, LLC – a continuation of an application for a Subdivision of property located at 271 Route 9A (Map 5K Lots B3 & 3.1 and Map 5N Lots B9, B1 and B2) consisting of approximately 10.97 acres in the Spofford Lake District and 95.28 acres in the Residential Zone. This is a public hearing and may result in approval or denial of the application.

Joe Parisi recused himself from the review of the application.

Roland Vollbehr moved that the plan is complete enough for review. The motion was seconded by Jeanny Aldrich and passed unanimously by roll call vote.

Jim Phippard noted that for the record, the board already found the application complete enough for review after a complete presentation made to the board. Corliss noted that Phippard is correct and the motion is out of order.

Phippard noted that on sheet C-3 a question came up at the last meeting about the amount of impermeable coverage. Phippard noted that he had explained that the proposal reduces the amount of impermeable coverage by 55%. Phippard noted that someone had asked how much acreage that was. Phippard noted that the existing lot coverage is 132,720 square feet, which is about 3 acres and with the proposal to tear down the existing building, remove most of the pavement and remove the former sewer treatment plant buildings, and allow the max lot coverage of 20% on each proposed lot would allow it to be 59,989 square feet or 1.37 acres. Phippard noted that those calculations would be worst case scenario as not all lots will take advantage of the 20% lot coverage allowance. Phippard noted that there was a question of the capacity of the sewer pump station. Phippard noted that each lot will be connected to a sewer main connected to a man hole at the cul-de-sac and then a sewer pump station. Phippard noted that creates a total of 6,000 gallons of storage potential in the event of a power failure. Phippard noted that with 6,000 gallons of storage, if all lots are developed with 4 bedroom homes they would have a max design combined of 3,000 gallons a day. That makes 48 hours of storage in the event of power failure. Phippard noted that when a power failure occurs, the maintenance company comes in and plugs in an emergency generator to run the pump. Phippard noted that this is a requirement from DES and they will be conducting an inspection prior to operation.

Phippard noted there was also a question on covenants and noted that a draft has been submitted. Phippard noted he would like to discuss the covenants tonight.

Phippard stated he is working with an architectural historian to see if the gazebo is eligible to be listed in the State or federal historic registry.

Phippard stated he is working with Neil Jenness and she is helping with history and photographs and taking steps to preserve the gazebo. Phippard noted that the applicant decided that it would be best to leave the gazebo in ownership of Lot 2 and they will have exclusive rights to it. Phippard noted they will also be required to maintain it. Phipard noted that this is a change from the original application. Phippard noted this is spelled out in the covenants.

Bill Satterly noted that in the original version of the declaration, but with the lot 2 holding all rights and responsibilities, it was removed from the covenants and will be in the deed for lot 2. Phippard asked if the board wanted him to go through the covenants or just ask questions. Corliss noted that in his view, the covenants are needed, but if the board is generally happy with the direction the applicant is going, any conditional approval will require the wording approved by Town counsel. Phippard noted the covenants require the maintenance of storm water maintenance areas, and the last time he was before the board, the report was just received and did not go through it a lot at the last meeting. Phippard noted that the hydro cad study of the drainage system, treatment and handling of storm water on the property. Phippard noted that they looked at 2 design storms, the 10 and 50 year storms which exceeds Town requirements, but one permit required for the proposal is the Alteration of Terrain Permit and that requires the 10 and 50 year design storms. Phippard noted that because of the decrease in lot coverage, the amount of runoff leaving the property will be greatly reduced. Phipppard noted that there is a summary on page 4 of the drainage report that refers to the Q10 which is the design flow for the 10 year storm. With what is developed on the property currently is 20.87 cubic feet per second for the max 10 year design flow, in a 50 year storm it goes to 32.21 cubic feet per second. Phippard noted that looking at the proposed developed areas, with a new road and 20 percent maximum lot coverage on all lots, it changes the 10 year design storm

from 20.87 to 13.46 cubic feet per second. In a 50 year storm, the numbers move from 32.21 to 22.36 cubic feet per second. Phippard noted that this greatly reduces the amount of water potentially leaving the site. Phippard noted that part of the State highway drainage system dumps a drainage ditch next to Route 9 and passes through a portion of the golf course property and then enters this property and then it enters into a closed pipe and catch basin system and then discharges into the lake. Phippard noted that they will be replacing the catch basin system with a bigger structure that will have hooded outlet pipes which is the recommended treatment for street runoff. Phippard noted that will allow runoff to be reduced as well. Phippard noted that even though the runoff is not generated from this property, the system is designed to protect the lake. Phippard noted that rain gardens are not proposed, but they will be creating shallow depressions (in essence, level spreader circular area). Phippard noted that 4 will be created and will shape the terrain. Phippard noted that they are higher than the lake. Phippard noted that the water will collect there and will be allowed to evaporate or infiltrate. Phippard noted this allows the water to further be treated prior to entering the lake. Phippard noted that all of these areas are identified as common areas that will be jointly cared for by all owners. Phippard noted that all of this information has been submitted to the State with the Alteration of Terrain permit. Phippard noted that due to the size of the current buildings, the Alteration of Terrain permit for demolition. It was noted that the demolition plan is sheet D-1. Phippard noted that the stabilization and erosion control measures will occur first and then the erosion control measures, abatement and mold mitigation will happen before the real demolition of the building. Phippard noted that it will take 4-6 weeks for completion of asbestos abatement and mold mitigation. Phippard noted that they will be working off the pavement to provide stable erosion proof stage. Phippard stated that solid waste will be disposed of off site in an approved location. There will be no material will be retained or buried on site. Phippard noted that the foundation will be removed and the indoor swimming pool will be filled with clean granular fill. Phippard stated that this will greatly improve the quality of materials. Phippard noted that the layout of the cul-de-sac and utilities will be laid out after that. Phippard noted that the fire protection system is included with that and that currently calls for underground water tanks with 30,000 gallons of water and dry hydrants at the corner of the private road where it meets 9A. Phippard noted that Steve Dumont, Chief of Spofford Fire Department has done a review and noted that he does not want a dry hydrants. It was noted that originally they were looking at a dry hydrant from the lake, but they are not reliable. Phippard noted that Dumont came back with an idea, remembering that John Chakolos donated a fire truck to the Chesterfield Fire Department, wanting to know if it was something 9A, LLC was willing to consider. Phippard noted that Dumont explained to him that it would benefit all of Spofford and felt it would satisfy the requirement for this type of subdivision. Phippard noted that the applicant wanted to get the boards reaction to the suggestion from Dumont. Phippard noted that the applicant is thinking of requiring residential sprinklers in the event this is the way that they go with the fire protection. Corliss noted that is a bit to consider, but wanted to go back to demolition. Corliss noted that the demolition sequence is in the plan, and there is a consent agreement with the Town dates March 4, 2020 and any approval would be contingent on that being upheld. Satterly noted that he is aware of the agreement. Aldrich noted that the escrow agreement would also be included. Corliss noted that the planning board has not been party to the agreements with the selectobard, but noted he believes that the board would want to make sure anything agreed to is included here. Aldrich noted that both of the agreements, the building removal agreement and the escrow agreement need to be included in any approval. Koopmann asked if the rock wall along the water front was going to be the responsibility of each individual homeowners. Koopmann asked if there was any requirement or standards for maintaining it. Phippard noted that the current covenants do not require the lot owners to retain the wall on the edge of the lake. Phippard noted that it is pretty easy to get State permission to replace it in kind, but if the request is to remove it and re-grade the area, it will require a shoreland protection permit.

Phippard noted that the parking area on the opposite side of 9A has been previously used by the owners to allow people to use that area for events parking. Phippard noted that they have previously granted permission. The plan calls to remove that asphalt, however with the parking restrictions included in the covenants, the question was asked if they wanted to save a portion of the existing parking lot to be used as temporary parking. The consensus of the board is that it would be an issue with compliance and enforcement. The applicant noted that they had a discussion with the Spofford Fire Chief about the possibility of buying a fire truck for the Town instead of installing the cistern. Corliss noted that fire trucks last a long time, but tanks last longer. Corliss noted that it seems that you bring 10,000 gallons a time (spoken in error, actual gallons is 2,000 at a time) and then wait for another tanker to show up with water. Aldrich noted that she would like to check the legalities of this and anything that may be perceived if there were two calls to happen at the same time and that truck went to the other fire. Corliss noted that Chakolos bought a truck for Chesterfield and they did not have to go to his house first. Aldrich noted she would like to check and not make a rash decision. Corliss noted that he does not know the needs of the Fire Department, but noted that the tanks meet the needs of the subdivision and he would tend to stay with the plan the way it is written. Koopmann noted that it may affect insurance risk management negatively if a truck was purchased and kept offsite in lieu of onsite tanks. Phippard noted that he did not have anything else to add. McKeon asked about the conservation area. Phippard noted that McKeon was concerned that the area was not big enough. McKeon noted that Mr. Phippard was correct and also that the big piece was not what was being preserved. Phippard noted that Chesterfield Zoning Regulation 301.3 covers the preservation of significant natural features/open spaces in addition to the threshold requirements in 301.2, areas must qualify as significant by meeting at least one of 7 additional criteria. Phippard noted that the fist criteria is that the area to be preserved must be a least thirty (30 contiguous acres in size, exclusive of wetlands or slopes over twenty-five percent, and this proposed application meets that first one. Phippard noted they have identified the open space is labeled on the plan and it ends up over 30 acres, due to the wetlands and slopes that are on the property. McKeon asked if there is anything defined along the roadway regarding screening and plantings into the lot area. Phippard noted that they are preserving the existing trees and vegetation in the right-of-way, other than in the area where the water storage tanks are proposed. Phippard noted the curb cut will be the current Spofford Hall curb cut. Phippard noted that the trees existing on both sides will remain and all perimeter trees will remain around the property as well. McKeon noted that one of the items this board is suppsed to address. McKeon noted that as a board should look at what they are going to do. McKeon noted that it looks like the plan now is to leave it like it is. Phippard noted with no development planned, the plan does not include any plan in plantings. Phippard noted that location of the homes will determine the appropriate place for plantings. Phippard noted that they do not want to put in plantings that will potentially be changed by the homeowners. Phippard noted that their intent is to remove some damaged/dead trees, but other than that it will be up to the building plans for any changes. Phippard noted that their State permits do not include any development of the lot and a homeowner will need a shoreland permit. McKeon noted that the owners will not be screening the lots. Phippard noted that if they want a private backyard, they will screen the lots. McKeon noted that as a board, he would think that we would want some type of screening to be required along the roadway. McKeon stated that the screening is to protect and beautify the roadway and the properties going into the development. McKeon noted that this board does not address it often, but it is something the board should be considering on all applications. Phippard noted that people are complaining that they will not be able to see the lake when the houses are built, and asked what would be appropriate screening along a state roadway overlooking a lake. (Fencing, arborvitaes etc.) Corliss noted that to him it would be what is appropriate to the owners of lots 1 and 5 as those are the lots that could require screening, McKeon noted that something like sugar maples or along that line and that would also help future

homeowners with noise. Phippard noted that some homeowners will want to flaunt their house on the lake and some will not as a personal preference. Brodbine noted that there is 50 foot setback and nothing would be disturbed there. Brodbine stated the board could specify something that could go in for screening. Brodbine noted that if he was driving along Route 9A, he would want to see the lake. Aldrich noted that the board is supposed to be looking at landscaping and therefore we at least need to look at it. McKeon noted that it may be that a preservation of the view is important, but the board should be looking at it. Phippard noted that with a subdivision, we have never proposed any screening unless development was also proposed.

Phippard noted that maybe we could have a condition that when they go for a building permit they have to have a plan for adequate screening from 9A. Corliss noted that he is having an issue seeing the Planning Board requiring screening for residential lots. Aldrich noted that any trees that are planted will offset any heat produced by the side of the road. Corliss noted it is a 5 lot subdivision and we are talking about 2 lots away from the lake. Corliss noted that if he was to purchase a lot, he is not sure that he would want to keep a tree the Town wants. Corliss noted he is thinking of future land owner rights. Aldrich stated that placing something in the deed that requires some type of screening could be a solution. McKeon noted that there is the same about the preservation of views; McKeon noted that it all needs to be considered. Corliss noted that he believes it should be left to the lot owners. Lachenal noted that Steve Dumont is in the call and wanted to talk about the cistern and truck. Lachenal noted that he is unable to un-mute himself. (he was unable to be unmated so Lachenal instructed him to call the number and call via phone). Aldrich called Dumont and put her phone up to her computer to allow Dumont to join the meeting without calling in through zoom. Dumont noted that he heard the discussion on the cistern and the additional apparatus/enhancing what the FD has, I know that many towns that we go to for Mutual aid and Chesterfield Fire will not use dry hydrants because they are unreliable. Dumont noted that in many cases, they have not been maintained in many years and when you go to use them at the most critical time, they do not work. I am advocating for something that will help the new homes and the rest of Spofford. Dumont noted that he does this for a living and as the volunteer Fire Chief and has a lot of experience with these issues. Dumotn noted that cisterns are great for use with a commercial sprinkler system, but residential ones are not maintained and frequently fail. Corliss noted that there are covenants with this property and there will be a requirement for maintenance. Dumont noted that they are maintained every year or every other and they leak and there are a lot of potential issues. Dumont noted that there are many in Chesterfield and Spofford and many do not work and the issue becomes who is supposed to maintain them and fill them. Dumont noted that he is looking for long term solutions for this development. Brodbine noted the covenants will cover the maintenance. Aldrich noted that Dumont has a lot of experience and he would be the one to know what types of challenges the FD faces and believes the board should take into consideration what is the best use of making sure that if there is a fire, they have the ability to put it out. The meeting was opened to the public:

Dumont noted that the cost of the cistern and the cost of enhancement for the Fire Department are both substantial and the money can be spent on the cistern, but mutual aid companies will drive right by the cistern and it may not even work at the time of need. Dumont noted that making the applicant spend the money on something that may not work in their time of need is not prudent. McKeon asked why the cisterns are not maintained. Dumont noted that they are only used at the worst hour and it is about a legal dispute as to who is supposed to maintain them. Dumont noted that the fire departments are going to go straight to a reliable dedicated water source. Dumont noted that water is the most important and the repairs and maintenance of cisterns are not a concern to most until it is too late. Dumont noted that he is the fire chief and therefore he would be the one to know the needs of the department. McKeon asked how long a fire truck lasts. Dumont noted that they are leasing new trucks after 12 years in order to avoid maintenance issues. Dumont noted that sprinkling also requires a reliable water source. Dumont noted he would like to see every house have a sprinkler system, but it is expensive and not possible. Dumont noted that sprinklers are designed to allow occupants to escape, not save the house. Dumont noted that a sprinkler system does also require a generator. Dumont noted the best investment is the Fire department as they are there 24 hours a day 365 days a year. Phippard noted that they have discussed, if the board wanted to eliminate the water on site, 9A would require sprinklers for individual house. Phippard noted that the residents are still protected enough to get out of the house and the fire truck benefits all properties in Spofford. Phippard noted that the applicant wanted to come before the board and get the sense. Phippard noted that every town is going in a different direction and the applicant is looking for direction from the board. Corliss noted that he does not believe that the board will come to a decision tonight. It was noted that the sprinkler systems for the houses use pressure water tank. Corliss noted that he would like to pursue the cistern thing more as it has been the boards standard and have been requiring it.

James Corliss moved to continue the 9A, LLC public hearing to June 1, 2020 at 7:00 PM virtually. McKeon seconded the motion which passed unanimously.

Brodbine asked if the covenants will be discussed at the meeting. Corliss noted that he has not received anything from Town Counsel. Corliss noted he will reach out to Ratigan.

Bill Satterly noted that at the last meeting, he came away from the meeting with questions and came back with answers, but noted that he does not seem to have a list from this meeting and wants to make sure that he is aware of anything he should be prepared to discuss or bring to the next meeting. It was noted that the board has some questions about the tank/sprinklers/truck and landscaping. Corliss noted that there is nothing at this time that the board needs from the applicant.

J.A. Mulligan Associates/FedEx - Application for Major Site Development for property located at Coachman Road (Map 12, Lot A1.28) consisting of approximately 22 Acres in the Commercial/Industrial Zone. This is a public hearing and may result in approval or denial of the application.

Jeanny Aldrich moved that the application is complete enough for review. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

Rob Hitchcock was present for the applicant. Hitchcock noted that the proposal is for a new parking lot with 189 spaces, driven by the need to expand the fedex business within the building itself. Hitchcock noted that there is existing parking on the other side of the driveway containing 65 spaces and they would like to use that parking lot for van parking, so they will need someplace for employee parking. Hitchcock noted that the existing septic system will be replaced. Hitchcock noted there will be a growth in employees and a septic tank and pump chamber will be added. That will be located to the right of the entrance. Hitchcock noted that the parking lot will be paved with a 5% grade, all storm water flows to a low point of the parking lot, which is over near the old septic system. Hitchcock stated that along the back of the parking lot there is 7 catch basins and 7 drain man holes inside the pavement. Hitchcock noted that all the storm water goes into the catch basins and then into the drain man holes then into the subsurface stormwater management plan (shown on sheet C-8) Hitchcock noted that the stormwater management system is under the pavement. There is 400 chambers and the water goes into the catch basins, drain man hole then into the stomwater management plan, which is really just a sand filter, there is chambers in there to provide empty volume, water goes in and seeps through stone and sand and into collection system underneath and discharges into an underground discharge system that drains on the east side of the parking lot.

Hitchcock stated that the perimeter of the lot is supported by retaining walls with guard rail and chain link fence on top. There is a new sidewalk from the existing parking lot to the new parking lot. There are 6 pole mounted lights in the parking lot. Hitchcock noted that in this location, nobody can see the lights. Hitchcock noted that this location is just a package delivery location, there is no retail business and there are no neighbors. Hitchcock noted that a waiver has been requested from landscaping as it is a parking lot in an industrial park with no retail business. Hitchcock noted that they do need an Alteration of Terrain Permit as the disturbance is around 100,000 but because we are not 10 years from the last alteration of terrain, one is required no matter the disturbance. Hitchcock noted that a septic system approval will be required from DES. Corliss noted that there is a requirement for a maximum number of spaces without a break. The board looked for this regulation and could not locate it. Corliss noted if it was a Land Development Regulation the board could waive it if they chose, but if it is a Zoning Requirement, the board does not have the authority to waive it. Hitchcock noted that he does not recall seeing that requirement. Corliss found that Zoning for commercially zoned property does not have a requirement limiting the maximum number of spaces in a row. Aldrich noted that there is a potential for heat coming from the pavement and having the wetland right next to it and a stream not far, there will be a lot of heated water running off. Aldrich noted there should be an offset for a heat island effect. Aldrich noted that there needs to be some trees in there to offset it.

McKeon noted that he agrees, there needs to be something to offset the heat. Aldrich noted that every 20 spaces should have something mitigating the heat to mitigate the warm water coming off the property. Hitchcock noted that it picks up all the water on the parking and it goes into the ground and through the sand filter with percolation rate through the sand at no more than 1 inch in 10 minutes and then discharges out the east side. Hitchcock noted that the discharge is more than 100 feet from the wetlands. Hitchcock noted that the well is currently using 500 gallons of water per day and that will double to 1000. Hitchcock noted that the well has a 7 gallon per minute yield which is tied into UNFI and to date there have been no issues. Parisi noted that the number of trip ends will double and he would like to understand the traffic impact particularly on the timing and coinciding or not coinciding with the traffic from UNFI. Hitchcock noted that both companies have varying schedules. Parisi noted that he would like the applicant to be prepared to discuss this at the next meeting. McKeon noted that he understands the applicant to come back with some sort of plan for landscaping. McKeon noted that he understands the applicant has requested a waiver, but noted that he would like to see a plan.

James Corliss moved to continue the JA Mulligan/Fedex public hearing to June 1, 2020 at 7:30 PM virtually. The motion was seconded by Joe Parisi and passed unanimously by roll call vote.

Items for Discussion

Review for Completeness - Small Vendor Permit Application - Mary's Kitchen

McKeon noted that either we have an existing commercial entity on the site as it exists now, which is Wesfield Construction, using it in some sort of way as a warehouse or staging or something, or it is a site that has an entity on it that should not be there. Pieper stated that if it is owned by an single enterprise and they are storing a single object there, then they are using it, the fact that there is no specific facility for manufacturing or whatever you might normally associate with a commercial enterprise, he believes is irrelevant. Corliss noted there is no site plan, so there is no authorization for a commercial enterprise. Corliss noted that Land Development Regulation 201.5 was put in to make it simpler to add a small entity to an existing commercial enterprise. Corliss noted that this is a document review and therefore the board is deciding if what is in front of us does or does not meet the requirements. Brodbine asked if the small enterprise requirement is that it piggy back on an existing site plan. Corliss noted that he believes that is the intent of the ordinance. Brodbine noted that at this point the board does not have a site plan that this can be piggy backed onto as required. Brodbine noted he hates the thought of a full site plan for a food truck, but noted it is written to tie into something and there is nothing to tie into. Koopmann noted that there probably is an existing site plan and they could piggy back of that and maintain consistent use of it as a commercial entity. Koopmann noted if we did get one, we could accept it. Parisi noted that it seems straightforward, an existing site plan does not exist, but there is nothing there with any practical sense, and we do have a new site plan, to me that is sufficient to move on, so hopefully we can get past that. Aldrich noted that she believes without a site plan, the Planning Board cannot proceed any further. McKeon noted that if there is not an accepted use to the property and therefore there should be no use of the property. McKeon noted that any commercial property that we have in Town that is developed and used, it must have an approved site plan for use. If there is not an existing site plan there should not be anyone on the property. Brodbine noted that the applicant could request a waiver for the existing site plan. Corliss noted that the board has not received a waiver request and the board is only reviewing the documentation presented. Parisi asked if it was too late for the applicant to ask for a waiver of a existing site plan. Corliss stated that the application is under the Small Vendor Permit in conjunction with an existing commercial enterprise. Parisi noted that he is acknowledging an existing use, but is it too late for them to ask for a waiver for an existing site plan. Corliss noted the board can go one of two ways, not complete and move on or move to schedule a public hearing. Parisi stated that the Board could review for completeness, note there is not an existing site plan and give that feedback and if there are other things, but we can give that feedback and they can say they will be asking for a waiver. Corliss noted that last meeting it was noted that there was no site plan. McKeon stated that if he was the applicant, I would ask the applicant if it is not already an approved commercial site, why is there someone else there. Corliss noted that this board would not know. Pieper stated looking at 201.5, it says an existing commercial site, it does not say enterprise except in the title. Pieper noted that in the requirements, it does not state that an existing site plan is required. Pieper noted that while it would be nice to have one, he does not think we can insist that one be provided. Corliss stated that his view is that the title cannot be ignored. Joe Pieper moved to continue the review for completeness to the next meeting. The motion died with no second.

Joe Parisis moved to schedule a public hearing on Mary's Kitchen application to June 1, 2020 virtually at 7:30 PM.

Discussion: Pieper asked if the board decided to move the meeting on June 1, 2020 earlier, would this application be automatically moved up. Corliss noted that it would not happen until 7:30 as that is the motion.

The motion passed unanimously.

Parisi asked Corliss to describe to the applicant what they need to do as they may not be familiar with the terminology. Corliss noted that the application has been scheduled for public hearing on June 1, 2020. Corliss noted that will give the board the ability to dig into the application in detail. Corliss noted that there is a bit of information that came in already. Corliss noted if they have not read over the information received on traffic. Corliss noted that there is not an existing site plan, so the applicant may want to ask the board to use the site plan she provided. Corliss stated that if the applicant read the notice to applicants, the big thing is that the board is trying to have all the information at the meeting as the board approves or denies documentation.

Items for Information

Other Business Items for signature Adjournment

Joe Parisi moved to adjourn at 11:31 P.M. The motion was seconded by Joe Brodbine and passed unanimously by roll call vote.

The next meeting will be held virtually at 7:00 PM June 1, 2020, please see the Town Website calendar (<u>https://chesterfield.nh.gov/events/</u>) for the meeting ID.

Respectfully Submitted by: **Patricia Lachena Planning Board Secretary** Approved by:

James Corliss, Chair

3JUN2020

Date