



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MARCH 26, 2013

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen (arrived 7:40 p.m.), Stanley Bonislowski, Desirea Falt, and Alternate Nelson Disco.

Planning Board members absent: Michael Redding and Alternates Pete Gagnon and Matthew Passalacqua.

Community Development staff: Community Development Director Tim Thompson, Planning and Zoning Administrator Nancy Larson, and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Nelson Disco to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

Nancy Larson announced the Office of Energy and Planning 19th Annual Spring Planning and Zoning Conference scheduled for May 11, 2013, at the Radisson Hotel in Manchester.

Tim Thompson stated that a pre-construction meeting was held this week with Atrium Medical Corporation. Construction should begin April 15, 2013, and be completed in 18 months. The existing Merrimack Youth Association (MYA) baseball field on the site has not yet been discussed.

3. JBD Realty Group, LLC. (applicant/owner) – Review for consideration of Final Approval of an application proposing to construct a 20,000 s.f. warehouse building located at 35 Railroad Avenue in the I-1 (Industrial) & Aquifer Conservation Districts. Portions of the parcel are also subject to the Flood Hazard Conservation District. Tax Map 5D-1, Lot 007. **This agenda item is continued from the February 19, 2013 meeting.**

Tim Thompson said that, subsequent to the February 19, 2013, meeting, the applicant has taken care of many of CLD's comments and an environmental report was distributed to Board members.

Ben DeBello, Keach-Nordstrom Associates, Inc., said the site was previously used for bus storage. It is proposed to raze the existing building and erect a 20,000 square foot building with associated driveways, utilities, and drainage improvements. 10% of the building will be office space. Two waivers (sidewalks and doorways) were granted on

February 19, 2013. Re-adjustments will be made to the sewer main easement. There will be a water main easement on Railroad Avenue. Two drainage basins will infiltrate most of the storm water.

Chairman Best said the applicant met with the Conservation Commission (MCC) on March 18, 2013, and stated that storm water would be reduced by 50%. MCC recommended preserving or increasing that amount, minimizing the use of de-icing compounds, and training the applicator to use GreenSnow Pro practices.

Lynn Christensen arrived at 7:40 p.m.

Ben DeBello said he could not reduce runoff further. It comes from the west corner of the building toward the Jones property; it then leaves the property from the southwest to the southeast corner retention basin. He described the drainage system. He accepts the MCC de-icing recommendation and will use sand only for de-icing.

Chairman Best asked if the environmental study actually tested for pollutants and contaminants. Ben DeBello said it was based on substantial research and visual inspections to see if there are some spills from a leaking bus or parked vehicles. There will be testing of dry wells and remediation if any environmental issues arise during construction. This is standard construction practice that is not noted on plans. Tim Thompson suggested making that a general condition of approval.

Desirea Falt noted that, at the February 19, 2013, meeting, Michael Redding had suggested installing a hood for pre-treatment. Ben DeBello agreed to do that.

Stanley Bonislowski asked where runoff goes now. Ben DeBello explained that it sheet flows south to the Jones site. That, a lot of green space and drainage basins will make a significant improvement.

Nelson Disco asked how building entrances would be marked. Desirea Falt said she had suggested an overhang or identifying entries, but the applicant received a doorway waiver. Ben DeBello is proposing awnings at the doorways.

There was no public comment.

Tim Thompson suggested adding a precedent condition that there be no use of de-icing compounds for winter maintenance and a general condition that the Applicant shall retain an appropriate environmental professional to observe the removal of the existing floor drains on the property and provide proper remediation should any environmental issues arise.

Staff recommends that the Board vote to grant Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Desirea Falt and seconded by Alastair Millns.

1. The applicant is responsible for recording the plan (including \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;

2. The applicant shall provide the requisite copies of the paper plans and mylars with all appropriate professional endorsements for the Planning Board's final signature;
3. The applicant shall verify that review comments that have been received to date from the following departments or boards have been satisfactorily addressed: Fire (forthcoming), Public Works, Wastewater, MVD, & Conservation Commission;
4. The applicant shall address any forthcoming comments from the Lower Merrimack River Local Advisory Committee (LMRLAC) to the satisfaction of the Community Development Department;
5. The applicant shall work with staff to confirm that the final plan set satisfies the Buffer Requirements pursuant to Section 10 of the Subdivision Regulations;
6. The applicant shall satisfactorily address peer review comments received from CLD dated March 7, 2013;
7. The applicant shall test dry wells and perform remediation if anything is found during construction;
8. The applicant shall add a note on the plan indicating that no deicing compounds are to be utilized for winter maintenance of the site;
9. The applicant shall satisfactorily address planning staff technical comments (attached).

Planning Staff Technical Comments

1. The Licensed Land Surveyor shall verify that the plan text, hatching and shading conform to Registry standards for any recordable sheets; (Staff suggests modifying the label of the proposed sign to eliminate test overlap);
2. In accordance with the provisions of the Flood Hazard Conservation District as set forth in Section 2.02 Part 2(D) of the Zoning Ordinance, the required certification by a Licensed Professional Engineer shall be provided on the recordable plan sheet (Sheet 3 of 13);
3. The applicant shall revise Note 5 on sheets 1 and 3 to clarify that dimensional requirements noted are for the Town Center Overlay District;
4. The applicant shall demonstrate compliance with the Industrial Design District requirements as set forth in Section 12.04(2) of the Subdivision Regulations and provide building elevations for the three remaining (westerly, northerly and easterly) building façades. Additionally, the applicant shall indicate awnings over the doorways as presented to the Planning Board. If any mechanical equipment is proposed on the rooftop, building elevations shall be revised to demonstrate compliance with screening requirements per Section 12.04(2)(f) of the Regulations. If mechanical equipment is to be installed on the ground, the site plan to be revised accordingly;
5. The plan shall indicate the street status and width of Railroad Avenue;
6. The plan shall be revised to indicate the lot area on the recordable sheet;

7. The plan indicates a total of 2,000 SF of office space in support of the proposed Industrial Warehouse use. The plan shall be revised to clarify whether each of the eight units is entitled to 250 SF of office space;
8. Staff suggests relocating proposed light pole fixtures such that concrete bases are no closer than two (2) feet from the edge of pavement;
9. Staff observes that a minimal amount of grading (fill) is proposed within the 100-year flood plain. (Refer to the southerly portion of the site on Sheet 4 of 13, near the proposed level spreader.) Can the grading be revised so as to avoid any impact to the 100-year flood plain?
10. The plan shall be revised so as to graphically indicate the 100-year (elevation 118) and 500-year (Per Note 7 on Sheet 3 of 13, purported to be at elevation 125.5) flood plains on Sheet 4 of 13;
11. The applicant to confirm the values (125.45 versus 124.45) of the proposed spot elevations at the southeasterly and southwesterly corners of the warehouse building;
12. The applicant shall modify the final plan to include a note stating that a Right-of-Way (R.O.W.) Permit shall be obtained from the Public Works Department prior to commencement of any work within the public R.O.W. of Railroad Avenue;
13. The applicant shall revise the final plan set to include the Building Elevations and Floor Plans (with sheet numbering) on the cover sheet.

General Conditions

1. The Applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) detailing site improvements (structural improvements, drainage and utilities, edge of pavement, total as-built impervious area, and net increase of impervious area from pre-development conditions) to the Community Development Department prior to the issuance of a Certificate of Occupancy;
 2. The Applicant shall retain an appropriate environmental professional to observe the removal of the existing floor drains on the property, and provide proper remediation should any environmental issues arise.
- 4. Duval Survey Inc. (applicant) and 13 North Adams, LLC. (owner) – Review for Acceptance and consideration of Final Approval of an application proposing to subdivide one lot into two, located at 42 Bean Road, in the R (Residential) District. Tax Map 6B, Lot 100.**

Tim Thompson said that lot sizes are governed by soils. The westerly lot (containing the existing home) will fall within the R-1 District (Severe Soils) and the easterly lot will fall into the R-2 District (Moderate Soils). Road maintenance and widening easements rather than a dedication are proposed because the R-1 District is extremely close to the minimum lot size. The Public Works Department is comfortable with an easement rather than a dedication, which would result in a violation of the minimum lot size requirements.

Don Duval, 42 Bean Road, said there are an existing house, chicken coop and barn in the area near the proposed new lot line. The chicken coop will be removed. Department of Environmental Services (DES) approval is pending. All staff technical comments have been satisfied. PWD approved a driveway permit orally. Nelson Disco asked about the methods of soil survey mapping used. Don Duval stated that a soil scientist who mapped the wetland and dug test pits reported the limits of the wetlands but not the soils. Tim Thompson said utilizing a Soil County Survey (SCS) book complies with the Zoning Ordinance; a soil survey is not required.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Desirea Falt.

A sidewalk waiver is sought because there are none in that area. In lieu of a sidewalk, it is proposed to grant a roadway maintenance and widening easement along the frontage of the two proposed parcels, located 25' from the centerline of Bean Road. Alastair Millns did not want to remove the stone wall and noted lack of other sidewalks in the area. He cited the criterion that specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Board voted 7-0-0 to waive the requirements of Section 4.20 – Pedestrian Ways and Sidewalks – of the Subdivision Regulations, on a motion made by Alastair Millns and seconded by Desirea Falt.

Don Duval said a request to waive the monument requirement is no longer necessary now that he has addressed staff comments.

There was no public comment.

Tim Thompson explained that peer review is typically not necessary for minor subdivision applications, in a reply to a question from Nelson Disco.

Staff recommends that the Board vote to grant final approval to the application, with conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen.

1. The applicant shall provide the requisite copies of the final paper plans and mylars, signed by the property owner and containing all the appropriate professional endorsements for the Planning Board's final signature;
2. The applicant is responsible for recording the plan (including \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) and any related documents at the Hillsborough Country Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;

3. The applicant shall obtain, and note on the plans, the State Subdivision Approval from NHDES;
4. A draft copy of the easement language for the proposed roadway maintenance and widening easement along Bean Road to be submitted to Community Development for review. Upon approval of the language, final executed document(s) shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
5. Unless a waiver is granted by the Board, plan set to include an engineering design for a sidewalk or paved pedestrian way along Bean Road;
6. Unless a waiver is granted by the Board, plan set to indicate the proper monument at the northwesterly corner of lot 100 in accordance with the regulations;
7. The applicant shall note and fully describe any waivers granted by the Board;
8. Address planning staff technical comments (below).

Planning Staff Technical Comments

1. Correct the Zoning designation for the parcels as indicated in Note #4. Lot 100 is R-1 (by soils), Lot 100-1 is R-2 (by soils). Provide a note or table on sheet 1 indicating the minimum lot size requirements for the two parcels and indicating the lot size proposed for each lot. The lot size for the existing lot 100 shall also be noted on the plan;
2. Revise Note #6 (sheets 1 & 2 of 2), replacing “Municipal Water” with “water provided by Merrimack Village District”;
3. Revise Note #9 (sheets 1 & 2 of 2), to insert the word “year” after the number “100”;
4. Revise Note #10 (sheet 1 of 2), replacing “Planning Department” with “Community Development Department”;
5. Plans to be revised to graphically include the 25’ no-disturb buffer from the wetland. In addition, the legend should be revised to include the line type for both the building setbacks and the no-disturb wetland buffer;
6. Please indicate the approximate location of the existing septic system and its proposed disposition. Additionally the applicant shall verify the septic system meets the 20’ setback requirement from all property lines;
7. Please provide a dimension for the setback from the barn to the side lot line to verify compliance with the setback requirements of the Zoning Ordinance;
8. Staff recommends the applicant shift the proposed driveway for lot 100-1 to the east to avoid disturbance to the existing stone wall (as long as the revised location provides appropriate and safe sight distance);
9. Written confirmation to be provided by a Licensed Land Surveyor to the Community Development Department certifying that all monumentation has been set in accordance with approved plan;

10. After consultation with the Fire Department, the applicant shall provide the street address for proposed lot 100-1;
11. The applicant shall verify that the proposed driveway meets the requirements for sight. Additionally the applicant should review the need for a drainage easement at the 24" CMP with the Public Works Department and provide draft easement documents to the Community Development Department for review if deemed necessary. Any final executed document(s) shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
12. The applicant shall modify the plan to include a note regarding the requirement to obtain a Right-of-Way (R.O.W.) Permit from the Public Works Department prior to conducting any work within the public R.O.W. of Bean Road;
13. The applicant shall note the status and class of Bean Road;
14. The applicant shall clarify the status of the two existing wells on lot 100 to indicate if they are functional, abandoned, or only for non-potable use. Verification of the wells' proximity to existing and proposed septic areas should also be provided (may require release forms).

5. Northview Homes and Development, Inc. (applicant/owner) & Virginia Penrod (owner) – Review for Acceptance and consideration of Final Approval of an application proposing to adjust the lot lines and subdivide the subsequent lot into two lots located at 15 Bean Road and 9 Bean Road. Tax Map 6B, Lot 206- 2 and Tax Map 6B, Lot 210.

Ken Clinton, Meridian Land Services, said the 6.5-acre Penrod lot (Parcel A) is vacant. In 1988, the Planning Board approved a subdivision. The Tenhave/Northview lot is 1.6 acres. Parcel A would be contiguous with the Tenhave lot, then divided into two 45,000 square foot residential lots. There would be individual MVD water and a septic system on each lot. DES approval is pending. Merrimack Village District (MVD) said sufficient water is available. Two waivers are requested: a sidewalk waiver because of the nature of the surrounding area and because there are none in the area and a common lot monumentation waiver so that the stone wall would not have to be torn down. Ken Clinton would prefer to set a drill hole on the wall or place an iron pin at the base or set a slight offset boundary. The wall is a monument.

Ken Clinton declined to meet technical condition #2 (provide graphical building setback lines) because he would have to know where the wetlands and any restrictions are. He cannot do that for the entire Penrod lot. However the setbacks for the entire new lot are correct. Nancy Larson stated that only the small lot is a minor subdivision and the larger lot may need graphical building setback lines. The applicant should either request a waiver or show them on the plan. Ken Clinton said that the 1988 plan that created the lots showed the setbacks. He can add them to the plan with a note that it is a reference. He thinks there are wetlands, although none are delineated. He agreed to Nancy Larson's suggestion to incorporate the word "wetland" in the not about restrictions.

Regarding technical comment #7, monumentation, Ken Clinton prefers to set the monument during construction and to require it at Certificate of Occupancy (CO) in case it is accidentally disturbed during construction.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 6-0-1 to accept the application for review, on a motion made by Stanley Bonislowski and seconded by Desirea Falt. Nelson Disco abstained.

Nancy Larson said that, although front boundary monuments are on the Public Works Department (PWD) CO checklist and the Community Development Department checks that all monuments are set, she prefers they be shown on the final plan as "Set".

Responding to the letter from Lionel & Diane Rocheleau, 8 Bean Road, Ken Clinton said the developer or buyers would decide whether to clear the land. Chairman Best asked how to ensure that the developed lots reflect the rural character of Bean Road. Ken Clinton said they would not look worse than the abutting homes. Lynn Christensen stated that, since the applicant would not do the construction, this is not Planning Board business.

Nelson Disco asked how lot sizes and soil types are determined. Ken Clinton goes by SCS soil type, the USDA book and GIS standards and digs test pits. 25,000 square feet out of 40,000 square feet must be Slight Soils. See Revision A designating soil type; the labeling should be corrected to CaB; CmA is an error.

Alastair Millns noted that Parcel A would go behind Lot 210-1. Ken Clinton said it would become part of Lot 210 that would be subdivided. Lot 210-1 is separate and does not exist at this time.

Chairman Best did not want the rock wall removed. Stanley Bonislowski said the Board had just granted a sidewalk waiver in an area that has no other sidewalk and must be consistent. He cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 7-0-0 to waive the requirements of Section 4.20 - Pedestrian Ways and Sidewalks – of the Subdivision Regulations, on a motion made by Stanley Bonislowski and seconded by Desirea Falt.

Lynn Christensen cited the criterion that specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations for the monumentation waiver.

The Board voted 7-0-0 to waive the requirements of Section 4.17 – Lot Size and Arrangement – of the Subdivision Regulations, on a motion made by Lynn Christensen and seconded by Alastair Millns.

Public comment

A letter was received from Lionel & Diane Rocheleau, 8 Bean Road. They are concerned about maintaining a wooded lot and the fieldstone wall bordering Bean Road. They hope that trucks, noise and other necessities of construction can be kept to a minimum and that trees would not be clearcut. They urge that sewage and water for the new houses not endanger or adversely affect their sewage or drinking water and that there would be no increase in runoff towards their lot. Ken Clinton repeated that there would be MVD

water and an individual septic system on each lot. There is a slight grade away from the road toward the back of the lot. Drainage will not affect anyone else.

Staff recommends that the Board vote to grant Final Approval to the application, with conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen.

1. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal final plans and mylars;
2. The applicant is responsible for recording the plan (including \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
3. A draft copy of the right-of-way easement language to be submitted to the Community Development Department for review and approval. Said document shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
4. Satisfactorily address any forthcoming comments to be received from the Fire, Public Works, and Building Departments;
5. Unless the applicant secures a waiver from Section 4.06.1(e) of the Subdivision Regulations, or the Board deems the requirement as unnecessary (per Section 4.07), the applicant shall revise the plan so as to indicate True North;
6. Unless the applicant secures a waiver from Section 4.20(2) of the Subdivision Regulations, the applicant shall revise the plan so as to satisfy the provisions of Section 4.20 and provide for a pedestrian way or sidewalk;
7. Address planning staff technical comments.

Planning Staff Technical Comments

1. The applicant shall revise the plan title to "Lot Line Adjustment and Minor Subdivision Plan". The applicant shall also add a note to the plan regarding the Minor Subdivision status, but include a qualifier stating that it applies only to Lots 210 and 210-1 and not to Lot 206-1;
2. The applicant shall update the plan to list the applicable zoning setback requirements for proposed Lot 206-2 and modify Note 5 accordingly. The applicant shall also update the plan to provide graphical building setback lines for Lot 206-2;
3. The applicant shall modify the plan to include a note regarding the requirement to obtain a Right-of-Way (R.O.W.) Permit from the Public Works Department prior to conducting any work within the public R.O.W. of Bean Road;

4. The applicant shall modify the plan to demonstrate that adequate sight distance is provided for proposed Lots 210 and 210-1;
5. The applicant shall either remove topographic contour information from the plan or revise the plan to provide at least two benchmarks and remove any conflicts associated with the contours. If contour information remains on the plan, the applicant shall submit a separate mylar for recording purposes;
6. After consultation with the Fire Department, the applicant shall provide final street numbering for all three lots on the final plan;
7. Written confirmation to be provided by a Licensed Land Surveyor to the Community Development Department certifying that all monumentation has been set in accordance with the approved plan. Revising the final plan to indicate monuments as “set” would satisfy this requirement;
8. The plan shall be revised (if applicable) to list and fully describe any waivers granted by the Planning Board.

6. **Northview Homes and Development, Inc. (applicant) & Carl A. Quimby Revocable Trust (owner)** – Pre-Submission Hearing to discuss a proposal to consolidate three lots and subdivide the subsequent lot into thirteen residential lots, located at 164 Amherst Road, 8 Pollard Road, and an unnumbered parcel in the R-1 (Residential) zone, and Aquifer Conservation District. Tax Map 4B, Lot 146, Tax Map 4B, Lot 146-1 and Tax Map 4B, Lot 152-1.

Ken Clinton said the property is 38.9 acres. In 1949, the Wildwood Acres Subdivision of 28 lettered lots and two other numbered lots was recorded. In 1988, Carl Quimby purchased 16 lots out of the original 28. The property has two roads. Birch Hill Road, which is now Pollard Road, is a private, paved surface. The right-of-way runs to Horse Hill land and is not constructed beyond Lot 47. Wildwood Road, which was never constructed, runs to Amherst Street. There is a steep section between Lot 1 and Lot Z. Many lots are already built. He made a detailed survey/existing conditions plan. Twelve of the westerly lots are unchanged. Lot G/H was consolidated into one lot. Lots 1 and W are cut off along the east due to town conveyances. The owner can realign Wildwood Road and qualify those lots for a total of 15. Eight lots have less area than is required; five lots do not meet the frontage requirement. Lot O has frontage on an easement that will not remain in effect. Legal Counsel and staff agree that the non-conforming lots on Wildwood Road were grand-fathered, but they must conform to environmental and setback regulations. It is proposed to reconfigure the lots and roads to 13 lots rather than 15, all of which would be in excess of the square footage requirement. On March 27, 2013, the applicant will ask the Zoning Board of Adjustment (ZBA) for variances from the frontage requirement for lots 4, 5, 6, 10, and 11. The new road will use the same Amherst Street access, then veer off to a cul-de-sac. The spur road is 561 lineal feet. Lot O will still keep 300' of frontage on the driveway easement. Its driveway location will have to transition to a new road alignment that will be discussed with the owners. There are no problems addressing PWD comments. Ken Clinton will work with abutters to address their concerns.

Nelson Disco asked about proposed slopes and whether the proposed cul-de-sac off Pollard Road exceeds maximum cul-de-sac length. Ken Clinton said the values are based on the average grade: 8.6% on the main road and 2.6% on the spur road. He will work with PWD about the requirements. Nancy Larson said the spur road is correctly dimensioned from the intersection with Pollard Road, which is measured from Amherst Road. Stanley Bonislowski was concerned about steep (60') slopes on the road and about drainage.

Alastair Millns noted that Lot 3 has separate access onto Amherst Road. Ken Clinton said that is left over from Wildwood Acres. There will be no curb cut onto Amherst Road. Nancy Larson said the right-of-way is an existing condition. Ken Clinton said Pollard Road would be the only access off Amherst Road. Lots 1 and 2 will not have access, but drainage may connect to Amherst Road. He does not intend to create double frontage lots with Amherst Road.

Ken Clinton said the drainage and its rate could improve. Chairman Best noted that three abutters wrote with drainage concerns. There is concern about water running down a 100' elevation difference at some lots. Ken Clinton said there is mostly sheet flow down the slope rather than seasonal runoff. The three letter writers are down slope from this property, so there will be some drainage flow downhill. Each lot will be designed from an erosion standpoint and will not adversely impact abutters more than at present. The runoff, volume and rate will not increase. There will be an easement through Lot 5. Stanley Bonislowski repeated that, although runoff would not end, it would not increase. Ken Clinton said it is more than likely that much of the runoff will be reduced, but it is not 100% definite. He will know better after designing the road. He is not allowed to worsen the situation, per the requirements of the regulations.

Nelson Disco noted an increase of impervious surface when homes are built. Ken Clinton said the amount of drainage intercepted would be so substantial that there would be a net decrease.

Chairman Best asked about sight distances. Ken Clinton said there are horizontal and vertical curves heading west. Brush in the right-of-way will be trimmed. Stanley Bonislowski asked if there would be room for a right and left turn onto Amherst Road without backing into traffic. Ken Clinton replied that there would be no substantial increase in traffic volume. There is no breakdown lane. He will study the matter further with PWD. The road would be paved up to Lot O, where there is a turnaround. The private road will be improved; it is not wide enough now. The entire section from Amherst Road will be redesigned and reconstructed. Nancy Larson stated that staff disagrees with frontage for Lot 4B-147. A 50' right-of-way still exists from Amherst Road to Horse Hill that also provides 300' of legal frontage for Lot 4B-147. Reconfiguring Pollard Road would remove all legal frontage from that lot and create two potential zoning problems. Ken Clinton said he would work with staff and abutters. Alastair Millns suggested either bending the road or changing the lines between Lot 13 and 4B -147, but Tim Thompson stated that could create a lot size issue for Lot 13. Ken Clinton stated that, if he modifies Lot 13 to provide frontage on the new road, he will shift the lot lines to comply. There will be sidewalks.

Public comment

Shannon Duval-Grooms, 5 Pollard Road, was concerned about drainage issues when snow melts. She needs two sump pumps to drain what comes off the road and still cannot keep up. The gravel she puts down each spring washes away. The road is not constructed properly. The jug handle is washing away from water and traffic. School bus stops from Horse Hill to Pollard Road create a bad situation. One cannot see through the vines growing up the power lines when turning left. The town does not plow Pollard Road. How wide and long will the road be? How can it be widened? She pays to remove trash that people dump there.

Danielle Duval-Grooms, 5 Pollard Road, asked if this would be a town road. She bought this lot because it is private. Shannon Duval-Grooms said she must drain the pool constantly because runoff is at pool water level. Danielle Duval-Grooms asked how it would affect the well and septic system. Chairman Best explained that the Planning Board would consider those issues when it reviews the formal subdivision application. Ken Clinton said he is committed to meeting with the Duval-Grooms about their concerns. The road will be a town road that is plowed and publicly maintained.

Theodore Trask, 150 Amherst Road, shares the runoff concerns. The ground is moist most of the year. Snow and heavy rain are 2' deep. If the area is cleared and there is a rapid snowmelt, runoff would significantly increase. He gets 2' of water in his basement. Chairman Best explained that the applicant is not allowed to worsen runoff.

Michael Amarello, 160 Amherst Road, also has drainage concerns. He asked if there would be additional drainage onto his property. He has a damp basement and a wet yard. The road from the house down the slope from the west gets so much runoff that PWD brings dirt and gravel and rebuilds between the properties annually because it is washed out so badly. Michael Amarello has installed plywood boards on concrete blocks in order to get out of his driveway. The runoff comes from Pollard Road to the front of his house.

Ken Swisher, 152 Amherst Road, has the same drainage concerns.

Nelson Disco asked where there is positive outfall from Amherst Road. Ken Clinton replied that he does not know the final outflow, but he will find it. He does not know the timeframe for the project.

John Tenhave, Northview Homes, said he might either develop or sell some lots.

Timothy Swisher, 152 Amherst Road, wrote expressing his concern that building Pollard Road into a street that complies with the town's modern Master plan would alter the character of the environment. He is also concerned about the effect of traffic, noise and pollution on property values and loss of tree cover and privacy.

Richard Miles, 168 Amherst Road, wrote expressing his concern that the water runoff problem will increase if there are fewer trees and shrubs absorbing water.

7. Public Hearing for Proposed Amendments to Subdivision Regulations – Section 7 – Parking.

Tim Thompson explained and summarized the changes. He received feedback from surveyors, engineers and the private sector since the Board's September 25, 2012, discussion. The overall intent is to clarify and modernize standards and to anticipate as

many uses as possible. Language was added to give the Planning Board more flexibility concerning waivers. Bicycle parking was added.

Chairman Best and Nelson Disco complimented staff for their excellent work.

Nelson Disco asked several questions that Tim Thompson answered related to warehouse and storage requirements, truck loading, taxis, and company vehicles. Regarding waiver criteria, Deputy PWD Director Kyle Fox says there is the ability for on-street business parking. The section was added at his request, but it could be eliminated if the Board is not comfortable. Chairman Best preferred to keep it; the Board might want to use it later. Chairman Best said this is a nice opportunity to make smaller spaces for compact cars, (e.g., to keep from cutting trees). Nancy Larson said federal guidelines Americans with Disabilities (ADA) guidelines must be adhered to first, then spaces can be made for hybrids or other special vehicles.

Tim Thompson explained that the regulations are in effect because they were posted for public hearing. Some projects that were designed for the old standards have not yet been accepted by the Planning Board. He recommended that the regulations be effective as of March 27, 2013, in order for those projects to remain subject to the old regulations. Chairman Best asked if Town Council is aware of the changes. Tom Koenig said it is not particularly interested, since it just clarifies and improves regulations. Tim Thompson noted that the Town Manager reported to Town Council that it is happening.

Stanley Bonislowski asked when it is known whether a road would be a town road or a private road. Chairman Best said an applicant must build a road in an acceptable way; then the Planning Board makes a recommendation to Town Council for a public road. An applicant can build to a different standard if a private road is intended. Stanley Bonislowski asked whether the town always accepts a road. Chairman Best there must be a public hearing and a Town Council vote. Town Council can refuse to accept. Tom Koenig said it never has in his years of service. If Community Development, PWD and the Planning Board recommend a road, it is almost a formality. Nelson Disco said an applicant is required to build to town standards even if it is a private road. For example, sometimes a condominium association wants to give a road back to the town.

Public comment

Robert Baskerville, Bedford Design Consultants, will represent XTL at next week's Planning Board meeting. He favors Tim Thompson's recommendation about making the regulations effective March 27, 2013, so that the plan can meet the old standards. For example, 2/3 of an automated warehouse can be dark and not need as many parking spaces as are required because there are no people in them. Tim Thompson added that XTL meets the old but not the new requirements. They may have to be amended in the future as this type of use becomes more prevalent. New criteria for granting a waiver are also included in the proposed regulations.

Lynn Christensen did not accept Nelson Disco's amendment to delete Section 7.03.F.1.f. – On-street Parking.

The Board voted 7-0-0 to adopt the proposed amendments, effective March 27, 2013, to apply to projects received by the Community Development Department as

after that date, on a motion made by Lynn Christensen and seconded by Alastair Millns.

8. Discussion of the Subdivision Regulations - Section 5: Building Permits and Performance & Construction Bonds.

Tim Thompson explained that he asked PWD Director Kyle Fox not to sit through such a long meeting before discussing this item. Because of the lateness of the hour, Tim Thompson suggested postponement of the workshop.

The Board voted 7-0-0 to postpone this item to April 16, 2013, in the Matthew Thornton Room of Town Hall, at 7:30 p.m., on a motion made by Lynn Christensen and seconded by Stanley Bonislowski.

9. Discussion/possible action regarding other items of concern.

Robert H. Severance, Jr. & Joan Severance Voluntary Lot Merger for Tax Map 6A-2, Lots 175 and 178, also known as #7 & #8 North Jebb Road.

DW Development and Land Services, LLC Voluntary Lot Merger for Tax Map 7E, Lots 48-1 and 48-2, also known as #723 & #725 Daniel Webster Highway.

Chairman Best explained that the mergers were signed in order to meet an April 1, 2013 tax deadline.

Alastair Millns distributed informational material about roundabouts.

10. Approval of Minutes

The minutes of February 5, 2013, were approved as submitted, by a vote of 7-0-0, on a motion made by Lynn Christensen and seconded by Desirea Falt.

The minutes of February 19, 2013, were approved with changes, by a vote of 7-0-0, on a motion made by Lynn Christensen and seconded by Desirea Falt.

11. Adjourn

The meeting adjourned at 10:00 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.