

November 21, 1991

Members in attendance: Richard Smith, Sr., Chairman; Catherine George, Raymond Donald, Robert Marston, Amanda Rossi, Alt.

Others in attendance: Sarah Campbell, Rockingham Planning Commission, Joseph Conti

The meeting was opened at 7:45pm.

A Public Hearing was opened for a Lot Line Adjustment between David Kinchla and Wayne Ewald. The lots so affected are: 14-03-04 and 14-03-12.

Mr. Kevin Jones, Agent for Mr. Kinchla outlined the proposed transfer of land and the need to do the transfer. He explained that the barn constructed on the property of Mr. Ewald encroached upon the property of Mr. Kinchla. He noted that an addition to the barn further encroached and this lot line adjustment seeks to bring the Ewald property into conformance with current Zoning Regulations.

Mr. Conti asked the present distance between the barn and the new lot line.

Mr. Ewald stated it is 23 ft. at the closest point. This would be measured from the rear of the barn.

Mr. Ewald stated this is simply to rectify an encroachment of the property.

Mr. Kinchla stated the encroachment came by way of action from the previous owners and the fencing encroached even more.

Mr. Donald asked if the boundary markers were set.

Mr. Ewald asked if the side setback was 15 ft.

Mr. Conti answered the setback for side lot lines is 10 ft.

Mr. Ewald stated that the currently proposed setback would be 23 ft.

The plan presented was revised on October 18, 1991 showing 14-03-04 and 14-03-12. 04 being Ewald; 12 being Kinchla.

Mr. Jones noted that concrete/granite bars are already set and it is so noted on the plan.

Mr. Donald motioned to approve the Lot Line Adjustment as requested.

Ms. George second.

The motion passed 4-0.

The mylar was signed.

The Public Hearing was closed at 7:58pm.

The continuation of Hearing for Scarpicchio. was opened.

Mr. Ronald P'ica, Engineer was present. He explained that he was planning to have the attorney present this evening to explore the possibility of putting interior lot lines within the cluster as proposed. He noted that the attorney has talked with Town Counsel prior to this meeting.

Dr. Marston arrived at this time.

There was brief discussion about the proposed name for the road. The name proposed is Andrews Circle.

Mr. Smith suggested Andrews Court.

This discussion precipitated some discussion about the naming of the street at Bell & Flynn's development.

At this time Ms. Campbell informed that Board that the entire file for the Scarpicchio. development is missing from the files.

Mr. Pica addressed the notes he had taken at the August 15th meeting. His notes deal with the following:

1. Note on limit of work/disturbance in the retention pond area. [Done]
2. 100 ft. buffer zone. [Done]
3. Note 100 ft. buffer zone flagged. [Done]
4. Extended Parcel H to grant more land to the School District. [Done] Will be transferred.
5. Landscaping plan: show buffer limit construction line. [Done]

6. Add scotch pine and white spruce. Scotch pines to be 10 ft. min. at planting; white spruce to be 10 ft. high at planting. Shrub species as noted on plan. Minimum of four shrubs at each building; minimum three ft. high at time of planting. Ms. Campbell requested a copy of a letter from Larry Smith so noting be provided.
7. Finish restoration. This has been completed.
8. Property corners are in place.

It was noted that the Board of Selectmen have a copy of Larry Smith's letter stating the restoration was completed to the satisfaction of the Conservation Commission.

There have been no complaints received from abutters about the restoration to date.

Outstanding Items:

- a. Storm calculations
- b. Articles of Association- (S. Campbell not comfortable with this as a condition/R. Pica agreed)
- c. Should show phases (Ron Pica said he talked with the Attorney and he understands the mechanisms to implement.)
- d. Payment of all outstanding review fees.
- e. Impact fee resolution.

Conditional Items:

- a. Deed for school property
- b. Approval on drainage
- c. Engineer review
- d. State approvals
- e. Signed, stamped mylars
- f. Acceptable bonding

Mr. Pica stated there will be a note on the plan to tie in the dry hydrant prior to occupancy of the top houses. If any problems arises with the access to the pond, an alternative solution will be the installation of a tank. Mr. Pica stated that the attorney picked up on the verbal agreement and that there isn't a written agreement. He said the tank will be located in the 100 ft. buffer.

There was discussion about siting the tank within the buffer. Richard Smith confirmed that no trees would be disturbed and that the only thing to be disturbed would be the grass.

There will be a note on the site distance area which is to be maintained by the property owners. After checking, it was discovered that the note exists on the plan. Mr. Pica noted that this will also be noted on the Articles of Association.

There was discussion about the speed limit to be posted. Mr. Pica said that the rule of not less than 30 mph would be negated if there were a hazard present. Mr. Pica suggested the limit be posted at 20 mph.

Mr. Conti inquired if a blinker would be appropriate warning of the school zone at Andrews Lane.

Ms. Rossi noted that now it would be a thru street, one would be needed.

Mr. Pica asked what it takes to install the required lights.

Mr. Donald stated the Town has just done this on South Road.

Mr. Pica then noted that South Road is posted for 30-35 mph as opposed to the proposed 20 mph limit on Andrews Lane. He inquired if installing two signs warning of the school zone would be adequate.

Mr. Donald related that the Town has no way to determine the traffic pattern.

Ms. George said she did not see that necessity to install blinking lights if the speed is already set at 20 mph.

Mr. Pica stated he does not know of any reason why the speed limit could not be posted below 35 mph. He feels this gives the Police Dept. the opportunity to control the speed limit.

Mr. Pica stated he will put the requirement for a "School Zone Ahead" sign on the drawing.

Mr. Donald stated the placement would be determined by the Road Agent.

Ms. Campbell stated that Impact Fees would have to be resolved prior to conditional approval. The Town would likely give credit for the property donated to the School District. This would give 3.19 acres against the bond.

Mr. Pica asked what the normal Impact Fees are.

Ms. Campbell answered \$1200 to \$1500 per unit.

Mr. Pica stated that they are going to give 3.19 acres to the Town. He asked consideration of the large cost expended by the developer to extend Andrews Lane to make it a thru road to 107.

He noted the current length of Andrews Lane at 2100 ft. +/-, with no cul-de-sac, poorly maintained and non-conforming to the current regulations presently poses a problem to the Town. He stated that by developing the site it also improved the situation as it exists. He noted that the developer is creating a straight thru street. He also noted the cost of purchasing the lot off Rte. 107 was \$150,000, with the only benefit to the developer being the two additional lots added to the project. Mr. Pica asked the Planning Board to consider a minimum Impact Fee.

Mr. Donald stated he appreciates Mr. Pica's dissertation, but he disagrees that the development improves Andrews Lane.

Mr. Conti stated that the cost of the purchase of the additional land (5 acres) should not be considered by the Board when imposing Impact Fees.

Mr. Smith stated that the acquisition of this property probably increased the value of the development as it is adjacent to the Golf Course and should prove beneficial and bring higher values to the development.

Mr. Pica stated he was sure the developer will take advantage of this amenity during sales.

Mr. Conti asked what the value of the three acres is to the school.

Mr. Pica stated this is of more value to the Town than to the developer as it is wetland. He stated that the State determines the number of students allowed by the ratio of acreage to the number of students. He stated that wetlands doesn't deter this calculation.

Mr. Donald stated the Town could impose a moratorium if they ran out of room.

Mr. Pica stated that with the current market the figure of \$1200 to \$1500 is very high.

Ms. Campbell noted that developers provide the funds or do work in lieu of fees. She suggested he may rather do work, such as paving, patching, shimming on the existing Andrews Lane.

Mr. Pica stated he will take a look at it and see if they would be able to make some kind of improvement.

Mr. Pica noted that one improvement they will be providing is the addition of a hydrant on Rte. 107. The cost is \$2500 and it is a

benefit for the Town.

Mr. Donald stated the Town will listen to an offer.

Ms. Campbell requested a specific document stating the offer when it is ready.

Mr. Pica stated that the developer might consider making an offer of a specific dollar amount to be used to supplement Town funding for such improvements that were discussed.

Mr. Conti stated the problem would be the increased load of commercial vehicles using Andrews Lane during construction and noted his concerns that the road would not hold up under the load very long.

Mr. Pica stated the developer is looking into creating interior lot lines. He noted that 25 ft. is required between the building and lot lines. He asked if these would include easements for drives and utilities.

Ms. Campbell stated that all buildings are to be 25 ft. from the lot lines.

Mr. Conti noted that all buildings must be 50 ft. apart.

Mr. Pica said they will attempt to put lot lines in and this would be done prior to conditional approval.

Mr. Pica requested to come before the Board on December 19, 1991.

The discussion with Mr. Pica ended at 9:07pm.

Daniel Bodwell was present to discuss his plans for the Septage Disposal business that he conducts in regards to the treatment of it.

Mr. Bodwell stated that he has talked with the environmental people of New Hampshire and that he has another meeting scheduled for the first of December. He will present concepts that he wants to do to make improvements over the long run. He presented Mr. Donald with a copy of his plan for the Board of Selectmen.

Mr. Bodwell described the use of "Constructed Wetlands" that would help process the septage effluent. He noted this is new to our part of the country, but used in the southern states. He noted he would take the septage effluent from the storage lagoons and pump it into different cells where the growth breaks it down. There would be a series of cells which would remove various ingredients during each phase. The final treatment would go into a pond a could be used as irrigation water rather than go into a stream. He noted the sizing of the cells is still to be determined by the engineers. He showed the Board a drawing of the area where the cells are proposed, these being preliminary sketches. He stated they will be so placed to follow the natural water flow.

Mr. Donald stated that Mr. Bodwell has had problems with the present ordinance and to date has had nothing prepared in writing regarding his problems.

Mr. Bodwell stated the Town should accept what the State has in place.

Mr. Donald stated the Town did not like what the State had, and therefore, they adopted the present ordinance.

Mr. Bodwell said the Town has not seen the State plans. He noted his property has been receiving septage since 1982 and feels that he has cooperated with the Town.

Mr. Donald stated the Town has an ordinance and part of the ordinance is licensing and the Mr. Bodwell has input into the licensing and he has had time to make ordinance changes. If nothing is forthcoming the Town expects him to comply with what is in place.

Mr. Bodwell stated he is willing to sit down and discuss the changes with the Planning Board. He said the State hasn't adopted the plan as yet. It is far different from what is now in place and the Town should be aware of the information supplied by the State. He noted the State is reviewing the plans now and he hopes that it will be enacted in January 1992.

Mr. Bodwell has a copy of the proposed plan and he will let Mr. Donald see it with the understanding that it is not yet finalized.

The plan is formulated by the Water Supply & Pollution Control Board.

Mr. Bodwell asked for feedback from this type of concept.

Ms. Campbell asked if this would increase the volume that Mr. Bodwell now has.

Mr. Bodwell stated no.

Mr. Bodwell said the advantage is the working manner of constructed wetlands. He noted that the licensing would be for a five year period and would be renewable. He noted there would be additional testing of soils and septage. He noted this is a changing world and the ordinance written last year by the Town, even if acceptable by him, is now out of date. He again said he would like input from the Board and asked if they could get together next month after they have a chance to review the materials he supplied to the Board.

Mr. Smith asked the pleasure of the Board.

Mr. Donald stated they have no choice but to take it up by the Board, the Town has an ordinance and there is no application from Mr. Bodwell to license.

Mr. Bodwell stated that he has no intent to apply for the license as the ordinance is now written.

Mr. Donald stated the Town would be forced to take legal action or write an ordinance or both. The solution would be something that both could work with.

Mr. Bodwell will be scheduled on the December 19, 1991 meeting of the Planning Board agenda for 9:00pm. (A notice will be sent to him prior to the meeting as a reminder.)

Correspondence:

Letter from Civil Consultants dated Nov. 4, 1991 re: Bell & Flynn update. Ms. Campbell explained to the Board that Bell & Flynn has paved their road prior to the sieve analysis results receipt (this was their option, which they took prior to the results of the testing). The test failed and Mr. Rafferty has promised to remedy the problem in the Spring.

Letter from Bell & Flynn re: selection of Greystone as name of their road.

Rockingham Planning News and receipt of dues payment due, \$1082.

Ms. George motioned to accept the minutes of October 17, 1991 as printed.

Dr. Marston second.

The motion passed 5-0.

Ms. Rossi inquired about the driveway on Stumpfield Road which has paving and stones which extend onto the roadway.

It was explained that this is being monitored and it is the work of the new owner and not the developer. Mr. Conti stated that the matter will be addressed by the Board of Selectmen next year.

There was discussion about the size of culverts required on a driveway. It was noted that no size is stated in the ordinance.

Ms. Campbell discussed the possibility of the Board's requirement of lot lines in cluster developments. She suggested an ordinance change to accomplish this.

A public hearing will be held to change as follows:

Delete XI.1.H.2 "Interior lot lines are allowed, provided that no building shall be located closer than 25 feet from any property line. In the absence of interior lot lines, 50 foot distances shall be maintained between all buildings."

New XI.1.H.2 "Interior lot lines are required; setbacks from lot lines shall conform to the requirements of VI.B if 50 ft. not possible."

Mr. Donald motioned to include this in a Public Hearing for December 19, 1991 at 7:45pm. Zoning Regulations to be enacted at Town Meeting.

Ms. George second.

The motion passed 5-0.

A Public Hearing is scheduled for the Water Resources Management and Protection Plan for December 19, 1991 at 7:50pm.

Ms. Campbell will prepare notices for the newspaper and Mrs. Marden will prepare public notification.

The meeting was adjourned at 10:03pm.

Respectfully submitted,

Nancy J. Marden, Secretary

Typed: November 24, 1991