

CANDIA PLANNING BOARD
MINUTES of February 15, 2012
APPROVED

Present: Mary Girard, Chair; Sean James, Vice Chair; Judi Lindsey; Albert Hall III; Carlton Robie, Board of Selectmen Rep; Steven Bradley Alt; Dennis Lewis, Road Agent

Absent: Kim Byrd; Ginny Clifford

Chair Mary Girard called the meeting to order at 7:00pm, immediately followed by the Pledge of Allegiance.

Minutes February 1, 2012

A. Hall III **motioned** to accept the February 1, 2012 minutes as amended. S. James **seconded**. **All were in favor**. S. Bradley abstained.

PUBLIC HEARING

Final Major Subdivision Application: Fieldstone Land Consultants, PLLC 778 Elm Street Suite-C Milford, NH 03055; Property Owner: Michael R. Thompson 564 Old Candia Road, Candia NH 03034; Property Location: 546 Old Candia Road, Candia NH 03034, Map 413 Lot 046; Intent: To subdivide into 7 house lots with average of 5 +/- acres per lot.

Chad Branon, Fieldstone Land Consultant, Attorney Gregory E. Michael from Bernstein Shur Counselors at Law and Michael Thompson, owner were present. Attorney Gregory E. Michael opened the presentation for the applicant. He said the plan has been before the Board and is here tonight for the final review. He said this particular plan as the Board may be aware is the plan that they believe will meet the regulatory requirements of the town's Site and Subdivision Regulations by way of access using the bounds by reading the ordinance 2.04 Driveways. He pointed out on the map where the driveway came in from lot 5 onto lot 6 in an attempt to avoid the larger area of wetlands to service both lots 5 and 6. He said it is a way of bringing the driveway in to meet the regulatory scheme likewise lots 3 and 4 again using the bounds crossing the wetlands in this area using the dry upland area will facilitate access. He said there was a different plan that they believe and the Fire Chief believes would work better. He said he will have Chad Branon talk about this. He said in the past they looked at prior plans approved by the Board, shared driveways servicing two lots do not necessarily coincide with using the bounds. He showed on the plans where an alternate driveway could come in off Brown Road onto lot 6 close to the railroad bed and have little wetland impact to access both lots 5 and 6 and likewise instead of crossing the wetlands from lot 4 to come in on lot 3 as a straight shot to access lot 4. He said in the Fire Chief's letter, he said having less curves is a better public safety amenity then the current design that is done per the regulations. He said he would point out the Road Agent has suggested an elevation issue related to Brown Road. Attorney G. Michael said Brown Road flooded along with hundred of roads in the state back in the famous Mother's Day flood of 2006. Many roads not prone to flooding did experience some degree of flooding. He said he wanted to point out that the driveways would be built above the 100 year flood plain to keep from flooding and would be designed to the town's regulatory standards.

Attorney G. Michael said they are aware that the Manchester Water Works has issued some comments regarding the subdivision drainage and so forth. He said while a specific drainage analysis is not necessarily required or needed in looking at this, for them to perform any type of analysis they would need to know where the driveways would be because it would make a

difference in the overall drainage picture. He said again he wanted to point out that a specific drainage analysis is not necessary to perform.

Chair Girard said after the preliminary there was a letter sent with recommendations from the Planning Board and some issues ~~which~~ were not taken care of and asked A. Lachance to go over them. A. Lachance said he met with C. Branon and Mr. Thompson and reviewed all the outstanding items from his review letter dated January 12, 2012r. He said he felt most of the items can be addressed.

C. Branon introduced himself; he is a civil engineer from Fieldstone Land Consultants. He ~~S~~said, for the benefit of the audience, he would like to give a quick synopsis of the subdivision. He said they are proposing a 7 lot subdivision on parcel Map 413 Lot 046. Total acreage of the parcel is 42.2 acres and the lots meet the lot sizing requirements and zoning requirements. Chair Girard said that is in the applicant's opinion. C. Branon said the lots meet the lot sizing requirements per the Land Use Regulations, 3 acre minimum, 200' frontage, building setbacks and contiguous acre requirements. He said they have been before the Board in previous preliminaries and at that time the flood plain shown on the plan went basically across the wetlands onto the entire property which was marked Flood Zone A but the flood elevations were not determined. They said they filed paperwork with FEMA asking for the flood elevations and what they received back for elevations is shown in purple on the plans that are presented in the final. He said they shared the information with our Town Engineer. He did not see anything in Stantec's January 12, 2012 letter saying they had any issues with the flood plain elevation levels. He said they have finalized the subdivision plan package and have done driveway designs for each of the new lots which consist of two common driveways. He said they talked about the waiver request during the preliminary stage but ultimately the Board wanted to see them follow the regulations and then revisit the waiver request. He said they have submitted a waiver request for Section 2.04 which requires the common driveways to start on the bound of the lot. He explained the first two pages showed the survey and soils and the last few pages show driveway designs and erosion control criteria which they believe meets the requirements of the Subdivision Regulations. He said they did have a chance to review Stantec's January 12, 2012 review letter with Aaron Lachance. He said ultimately their opinion is that all of the comments are relatively minor many were notations and conflicts on the plans with notes. He said the largest request was doing a water shed analysis to make sure the culverts on the common driveway for lots 3 and 4 were sized adequately. He said when they first met they did try to make a fiscally responsible yet conservative design by using the size of the culverts coming across Brown Road and doubling the size. He said typically driveway standards are held to a lower standard than a road. He said they agreed to perform the water shed analysis and have done a fair amount of work but have not resubmitted yet because they wanted to wait until they came tonight to discuss the waiver request and if granted then they would have to redesign the driveways and they wanted to do it once to submit to the Board. Chair Girard said some of the lots are not regular in shape which was discussed at one time and she said the Board has not received a waiver request for overhead utilities as they are required to go underground. C. Branon said they did discuss the lot shapes in the preliminary and it was their understanding that this development no longer was considered irregular because none of the lots restrict to 100' which is what the regulations state. He showed the original plan that was changed. He said irregular is very subjective and they did have dialog on what the Board considered irregular and they had eliminated any angles that were less than 100'. He said the lots presented are very similar to lots that were approved in the subdivision on Crowley Road. He said he does not believe comments on irregular lots were in the comments after the preliminary. He said they discussed utilities with Stantec and it was their understanding the underground utilities pertained to new roads in a subdivision and not a frontage subdivision. Chair Girard said Section 15.05 states underground utilities applied to all new subdivisions which means you would have to

request a waiver if the utilities are not underground. C. Branon said they wanted to wait to see the interpretation of the Board before they submitted a waiver.

Chair Girard said she wanted the Board and the audience to have an opportunity to speak before she gave her comments. S. James said he saw they started some preliminary hydrologic work that is not finished and asked what their thoughts were of the cause of the flooding and if water was coming largely downstream through the culverts or was the water backing up from off site. C. Branon said it appears that it backs up through the few culverts at Brown Road. C. Branon said he feels it is more of a tail water condition and that likely some downstream structures are failing. He said he also believes this section of Brown Road is about 20 years old and after he ran some quick drainage analysis, he found the culverts are substantially undersized and he suspects Brown Road is going to flood at every 100 year event. He said there is roughly 120 to 150 cubic feet per second flow going into 3 culverts of which two are submerged and the third culvert running $\frac{1}{4}$ to $\frac{1}{2}$ full. He said it is pretty safe to say on the limited work they have done that the culverts on Brown Road are taxed. He said it is safe to say in large storm events there will be flooding occurring, which the road agent observed on the 2006 Mother's Day flood. He said many other roads in the state flooded as well. A. Hall asked why they would not want to bury the utility lines as this would add value to the home and in the long run save maintenance. C. Branon said they did not intentionally, not follow the regulations they were just waiting on clarification. A. Hall said this went into effect for all the subdivisions to have utilities underground. S. James asked if the hydrologic sizing on the driveway culverts were based on what is coming from Brown Road because it did not make sense since it is backing up when driveways are squared away. He said it is confusing about the two shared driveways as they are not actually shown but are on the detail. C. Branon said they are just showing easements for recording purposes only. S. James asked if all the plans are recorded and Chair Girard said they record the plans the applicant wants. S. James said Section 10.01 there is a 75' wetland buffer for septic and did not see it on the plans. C. Branon said on sheet 2 the setbacks are shown. He said they would add labels. Chair Girard asked S. Bradley if he had any comments. He said he was all set. C. Robie said he wanted to clear up the utilities issue to meet the regulations. J. Lindsey said this property came up for subdivision a few years ago. She said she has concerns of creating lots in a flooded area and could not in good conscious approve lots that would create problems for future home owners. She said there is an issue of shared driveways which sets up conflicts between homeowners right from the beginning. She feels there is no need to create shared driveways in the first place as it sets up a bad situation. She said they need to consider flooding on long driveways built over wetlands that are going to flood will compound the problems. She said there is a risk for safety personnel during rescues. She said what really supports her position is the recent letter from the Manchester Water Works which basically says because of the water supply they would not support the subdivision because of the potential effects it would have on the drinking water. C. Branon said he wanted to respond. He said it is important to point out that there has been flooding on the site but all of the development they are proposing is outside the 100 year floodplain and outside what is considered the flood zone. He said shared driveways are permitted in town and he asked why they would not be thought about and used on future subdivisions and said the Board has approved shared driveways. He said they are only trying to do something that other people in town have already done. In regards to the Manchester Water Work's comments, C. Branon said they have met with them this morning and unfortunately, he feels they do not support Michael Thompson's right as a landowner to develop their property. He said Manchester Water Works just want to make sure the development isn't going to have any negative effects on their property or the watershed. He said that an email Manchester Water Works sent today does not disapprove of the development in its entirety but in fact they would prefer the development have the opportunity to impact less wetlands for example by having the waiver request approved which would result in approximately

4000 to 5000 sq ft less wetland impact. He said they requested they do a detailed study that would model pre versus post condition water runoff to determine if there would be an increase. He said the reason they have not done a drainage analysis study is because it has been their experience that typically frontage developments with no new roads are not required to have a study done. He said they respect their concerns but feel they have put together what they believe is a plan that meets the regulations. He said he certainly expected to have this dialog this evening in regards to the drainage analysis but they do not believe the development of this property in the end is going to have any effects. Chair Girard said the Board did not solicit the letter from the Manchester Water Works it came completely on their own. Chair Girard said it doesn't matter how big a lot is not every lot can be subdivided. She read into record *Subdivision 11.02 Character of Land for Subdivision*, "*Land of such character that it cannot, in the judgment of the Board, be safely used for building development because of danger to health or peril from fire, flood, poor drainage, excessive slop (25% or greater), or other hazardous conditions, and/or because of these conditions.... shall not be platted for residential, commercial, industrial or institutional subdivision.....*" She said she feels this property cannot handle 6 more septic, wells and homes. She said that there have been a lot of safety concerns that have been addressed by officials in town including the Police Chief. Road Agent, D. Lewis said he reviewed the land and met with Fieldstone Land Consultants and said all the driveways meet the sight distance requirements however he cannot in good faith sit here and say that the driveways would not flood in the future. He said the 2006 Mother's Day flood flowed from the left hand side to the right hand side. The 2007 April flood the following year equalized on both sides of the road. D. Lewis said he would like to see the driveways above this level and said since he has seen it flood it would be irresponsible not to require that. He said because the town will end up with residents stuck in their homes calling for help when it does flood. Chair Girard said she has safety concerns on lot 4 that is going to have a 1200' driveway that is not on their land. She said she would not have a problem with 1200' driveway if it was on the land it serviced. Fire Chief D. Young said the alternate entrance for the shared driveways 5 and 6 would be a straight shot to get in but they could still maneuver an s turn built to the correct radius and said he would support the waiver. He said who is he to say how long a driveway should be, the Fire department would do the best they can. He said the driveway could be like a runway and the owner only plows for a small vehicle, they are not going to be able to get their equipment in. He said he knows driveways are built to the town regulations but it is afterward how they are maintained. Building Inspector Dave Murray said they are buildable lots; the only problem is getting to the buildable lots. Linda & Brian Cooper, abutter from Hook Road said they have been to all the meetings and they can clearly see all the water and amount of wetlands that would have to be filled in to make the driveways. She questioned if the additional wells and septic would affect them. She said she had concerns on the wetland impacts and wildlife. A. Soares from Brown Road said the attorney has mentioned that the drainage study is not normally done but Manchester Water Works asked for one because of its potential impact on the water supply for the city of Manchester. She said this property floods out onto Hook Road that flows into the Massabesic water supply. He said they constantly have the Manchester Water Works testing the water quality in the area and around her home. She said for them to be concerned and to ask for a drainage analysis study is not unreasonable. She said living on Brown Road she has seen the water come up high on many occasions not just the 2006 Mother's Day flood and that there are many properties on Brown Road that are wet and do flood. A. Soares said she does not see how there would not be an impact on the water distribution because of the additional impervious areas from development and wetland crossings. Attorney G. Michaels said he wanted to remind the Board that a property owner has the right to use his land and the Board is responsible to help the land owner work through any issues, which the Board does by using a consultant and taking input from everyone. He said it is crystal clear the lots are buildable lots. He

said they are building in uplands and using proper regulations showing the FEMA flood mapping. He said it is not their fault that Brown Road is at the level it is which he said it is a public class 5 road. He said if you take a close look at the famous flooding events in 2006 and 2007, he said a lot of areas flooded in NH but to suggest since there has been two 5 hundred year events in the past 2 years does not mean the land is rendered unbuildable which is unfair and constitutes a taking that is not right. He said they are proposing a plan that meets the regulations in his opinion. He said he would be happy to work with the town's consultants and feels the waiver requests make sense. He said they would be happy to look at the drainage issues that Manchester Water Works is talking about, but to suggest that the plan presented does not meet the spirit and intent of the regulations again in the Board's opinion they reject that. He said he would like to point out about long driveways and that it is in the eye of the beholder and said he has been involved in many projects throughout the state with long shared driveways. He said many towns encourage shared driveways because they are simple, they want to reduce road cuts and it is simple to have easements for maintenance and plowing etc. He said the idea that a longer driveway represents a greater risk is somewhat of a myth. He said the same kind of blockage can occur in a 100' driveway and to suggest somehow there is huge unsafe condition created is unfair, unwarranted and not support by any significant facts. He said they are willing to work with the Fire department who supports the waiver. Attorney G. Michaels said he believes the waivers make sense and that the driveways will be safe. He said easements and agreements for shared driveways are not very complicated at all. He said he has respectfully heard the comments and understand the comments and he would be happy to take another look but is not sure what the town engineer has to say. He said he strongly believes this plan makes sense and should be approved.

Chair Girard said the recommendation to Mr. Thompson at the preliminary was not to come back with this particular plan and the Board suggested he come back with a plan with fewer lots or a change in the driveways. Attorney G. Michaels said even if there were fewer lots there would still be long driveways. Chair Girard said but they would be accessing their own land. Attorney G. Michaels said then we cut some more driveways through the wetlands but the amount of traffic that is on a private driveway is only a few cars a day and if asked to cut another driveway, how would that be somehow safer or better? Chair Girard said there is no usable frontage on the lots it is all under water. G. Michaels said it is frontage and that is what the regulations say. C. Branon respectfully addressed the Board and showed previous subdivisions that were approved that had similar plans to the one proposed. Chair Girard said they approve a subdivision on their own merits and not on what was done in the past. C. Branon said the very same concerns were brought up in a similar situation that was approved in 2008 regarding the regulations and driveways. Chair Girard said you do not know if it was the same as there may have been other circumstances. C. Branon said he researched the plans and minutes and said it appears to be the same as this subdivision with lots in the subdivision that have wetlands along the frontage with driveways on the common bound and run on another. He said the only reason he brings this up is because as a consultant engineer they are left to interpret the regulations in town, read them, research what has been approved and advise their clients. Chair Girard said it is the Board's job to have good planning and the plan presented is not good planning. A. Hall III asked to change the subject to talk about trees. He said it is elementary that trees hold water, thousands of gallons of water and a lot of trees will have to be removed and his question is how is this going to affect everything and where is all the water going to go. S. James said that is part of what Manchester Water Works is asking for in the drainage analysis to address the trees cut down for development. S. James said he sees their point on the shared driveways, as far as past projects but he agrees with the Chair that every project is different and this concern is not new.

S. James asked A. Lachance to go over the comments that weren't touched on. A. Lachance said comment #1 discusses the wetland dredge and fill permit. He said the reason they asked for a drainage analysis to be done is for the sizing of culverts which is important. He said NHDES may, depending on the condition of the wetlands and the flow, may require instead of culverts circular enclosed pipes or open structure. He said it is tough for the consultant to design as they are waiting for the final direction driveway locations so they only have to submit their application once to DES. He said most likely DES will want more input on a particular culvert and will most likely solicit input from the Conservation Commission which will result in another round of comments and input in respect to the permit. S. James asked if they had met with the Conservation Commission and they said yes and they mainly dealt with the entrances and asked if there was a way to minimize wetland impact. On comment #3 A. Lachance said regarding the letter from the Road Agent on raising the height of the driveways, if raised there will be more of a wetland impact the higher the elevation of the driveways. He said he agrees raising the elevation of the driveways is good but not sure to the flood levels, perhaps an elevation to Brown Road because not sure what effect a higher driveway would have if Brown Road floods. D. Lewis said the area where the road floods is at the low point at the middle culvert. He said if there were short wetland crossings the flooding would be brief but when you start getting 100' to 200' section of a driveway flooded you will not be able to safely navigate which is his concern. A. Lachance said he agrees with the Road Agent on the raising the elevations of the driveways to the 100 year flood level but the impact of a higher driveway should be considered against the additional wetland impact it will create. C. Branon said he would like to comment and said it goes 100% against what they talked about a couple of weeks ago. He said design engineers typically design to 100 year floodplain levels. If everyone in the state designed to what they saw the water level go to the City of Manchester probably would not exist. He said he certainly can appreciate the fact that Brown Road has flooded but no one can anticipate those types of storms and regulations require them to design to the 100 year flood plain. He said they submitted paperwork to FEMA who determined the elevations and every driveway has been designed to be above the 100 year flood plain. As a design engineer that is all they can do because where do they get the data to design to a storm not defined? He said he appreciates the concerns but when it comes to designing you have to have a basis on which to design which is typically the 100 year flood plain. He said he had talked to Stantec concerning this and said he had agreed but now has a change in heart. A. Lachance said let me correct what I am saying. I think what we are getting tonight based on what is being discussed is the 100 year flood plain elevation that is mapped on the plan may not be accurate based on why they said. He said the drainage analysis that they are going to do is going to give us more information that we had when we sat down. He said we are talking about 120 to 150 cubic feet per second at a 24" culvert with significant flooding over Brown Road that has been witnessed by the Road Agent. He said the Blue line on the plan does not appear accurate for which we are talking about the 100 year flood plain. I am not suggesting you to design more than 100 year flood plain. C. Branon said they are not doing a flood analysis, and as a consulting engineer, there is a big difference between a drainage analysis and modeling the impacts of what the site is going to have on neighboring properties by doing a flood study. D. Lewis said prior to 2011 where was the FEMA flood zone? C. Branon said prior to 2011 there wasn't a FEMA 100 year flood plain line with elevations it was shown as Zone A without elevations. D. Lewis said there is a 2005 FEMA map that shows the flood zone up over Brown Road. C. Branon said FEMA never completed their study in this area. In 2011 they completed the study and gave them paperwork with the elevations. D. Lewis said the flooding that has occurred corresponds to the Zone A not what FEMA gave recently for elevations. A. Hall said are we to go by the data compared to what the town has experienced directly and experience and protect it? C. Branon said he could appreciate that 100 year flood plain has a 1% chance of happening every year.

S. James said he is having a hard time with the FEMA elevations at 338' because Brown Road is 11' higher than the elevations FEMA came up with which means the flood must have been a 500 or 1000 year storm. He would like to know and understand why Brown Road is 11' higher than what FEMA came up with. He said he is not asking them for an answer but said it is hard to understand where the elevations came from and it is concerning. C. Branon said when he looks at drainage just because there is a 100' flood plain, that there wouldn't be flooding outside the area of the 100 year flood plain. S. James said it is an 11' feet difference or more. C. Branon said I think what you are really seeing there is that these structures are not sized for a 100 year flood plain. He said the culverts on Brown Road are way undersized. He said if you are in a back water flooding condition yet it is on top of the road, you could have a 24" culvert 3 roads removed, that floods which is not in a flood zone. He said there is no relationship to your comment and the 100 flood plain which is close to it but doesn't necessary mean it is related. S. James said another way to look at it is if all Brown Road culverts were large enough to handle all the flow where would all the water go, the water would go onto this property. C. Branon said maybe this was how FEMA determined the line or not. S. James suggested that this be part of the study seeing how the water comes in and out of the property. D. Lewis said when the culverts flood it tends to equalize itself on each side and as the right side went down then it would flow into the property. He said during the 2006 Mother's Day flood the water was flowing across Brown Road onto the property. He said the following year the water equalized and he was not sure if it was due to Hook Road where the culverts were eventually washed out. He said he was not sure what was further downstream that would have caused the equalization. C. Branon said whether it was a failed structure or not it appears something must have been happening downstream to have it equalize. A. Lachance asked C. Branon to speak briefly to the type of drainage analysis that they would do since they are not going to do a flood study which was what Manchester Water Works had suggested. C. Branon said what they initially talked about was doing a stream stat water shed analysis of the water shed that drains through the site so they could size the culverts adequately. He said that is the limit of an offsite analysis which is what they envision doing. He said what Manchester Water Works is looking for them to do is to make sure the development of the property does not result in an increase of runoff or diminish water quality. He said with that in mind all they would do for a drainage analysis on the site would be taking into account the surface area that will be changed from development, trees down, driveways and ultimately have a pre and post comparison. He said there will be in an increase and they would have to design to mitigate such as small drainage basins or retention systems they maybe on individual lots to mitigate the increase. He said that is the study Manchester Water Works talked about at their meeting earlier today. He said they do not intend on doing a flood study that is going to determine what a tail water elevation is at a 100' year storm that is going onto the property. He said they can assume the elevation being would be the 100 year flood elevations from FEMA which 327.5 feet. He said it is worth noting that not only are the driveways designed above the 100 year flood plain but from a finished grade standpoint they are installing 36" culverts inverts, so if there was a tail water condition in the 100 year storm there would still be a 2 foot capacity in the culverts. He said in their analysis instead of 3 culverts they could use 4 or 5. Once they submit their plan to the state, they may be looking at a different structure all together. We can show when the 100 year event happens the driveway will be above water but we are talking about 100 year event that was determined by FEMA not what was witnessed. A. Lachance said for the tail waters issue use, to use what FEMA has determined as the flood elevation as a constant tail water in the analysis and that would be fairly accurate based on the information we have now to do that would be acceptable from a drainage analysis. He said as far as a drainage study goes, they need to wait until they have an analysis from the applicant to discuss further as it is speculation right now. He said this addressed comment #4 which talks about driveway culvert sizing which can

be done once the analysis is complete. Comment #8 A. Lachance said the driveways were discussed in the previous plans do not minimize impacts and are that oriented in such a manner to access the right away on a common boundary. From an environment and engineering standpoint they support a waiver request it is logical to minimize wetland impact but do not what the precedence has been on previous applications. Engineering wise they support it. C. Branon said Manchester Water Works letter supports the waiver request, the Fire Department has indicated that the waiver would make the access easier and the Conservation Commission said their opinion is to reduce wetlands is always their priority. He said by granting the waiver they would be reducing a substantial amount of wetlands, between 4000 and 5000 square feet could be reduced by eliminating a crossing. He said the Board in the past has approved a driveway that starts on another lot frontage to minimize wetland impacts and said that would implicate some precedence. L. Cooper said the applicant keeps bringing up past subdivisions that were approved but just because it was approved doesn't mean it was right to begin with. Girard said they look at each application on its own merits and not compare it to other subdivisions. S. James asked to look at the alternate driveways that they are requesting for by the waiver. C. Branon said basically the new plans shifted the lots lines so the common line is on an existing woods and a wetland crossing and with the waiver they could eliminate the wetland crossing. A. Lachance said comment #19 discussed the utilities. He said when they read the regulations it was not clear whether in a frontage subdivision underground utilities were required. He said they did suggest if the applicant wanted to go overhead with the utilities that a waiver should be requested. A. Lachance said comment #20 discusses shared driveway easements. He said from hearing concerns from the board tonight on the shared driveways, he suggested draft easements be submitted for review so the Board can see what the agreements and how they are written. A. Lachance said they have asked for the stump burial notes be revised. He said Candia has a regulation requiring stump dumps cannot be buried below the water table. He said they have requested detail for guardrails and additional cross section information and other information that should be easy to provide. He said those constitute the major comments from their most current letter. A. Hall asked about comment 26. A. Lachance said when they sat down with the applicant they came to a consensus that the drive doesn't need to be paved and that there has to be a clear area like a gravel shoulder or cleared area so the front overhang of the fire apparatus will not be hitting trees. He said he thought this had to be an actual gravel shoulder area but after reading the regulations again it does not need to be. Chair Girard said as long as it is cleared out so large Fire Apparatus can get in a shoulder is not needed.

Chair Girard asked if there were any more comments and asked what the pleasure of the Board was. A. Soares said being in the Emergency Management Meetings lately, the 100 year floods are becoming as common as the 25 year storms. She said in Emergency Management they are looking beyond the 100 year storms. She said in the plan they have culverts sized for the 100 year flood plain which gives a 2 foot clearance, FEMA, State and our Local Emergency Management are looking beyond the 100 year flood plain and feels there should be larger buffer than 2 feet. She feels 2' is a shallow buffer.

S. James suggested the Board vote on the waiver first. Chair Girard read the waiver *"Section 2.04 Driveways Access to the public way shall be on the bound f the lot used for "lot width and frontage" (6.02). Access to public way from another bound other than that used for frontage may be allowed by the Planning Board only upon a showing of public safety concern."* S. James said his only thought on this is that the shared driveways are upon a showing of a public safety concern which he don't really see, it doesn't change the number drives, and the length doesn't change substantially and the Fire Chief doesn't really have any objections to the drive per the regulations. He said he is not in favor of the waiver request. C. Robie said the applicant did mention the Conservation Commission wanted the driveways to stay out of the wetlands and that is why he

is asking for the waiver and that is why they are looking for the waiver. S. James said he agreed it reduces the wetlands but it isn't a safety issue per the regulations. G. Michaels said a comment from the Fire Chief was he liked the straighter driveways which would be more effective if they had to get in. S. James said the Fire Chief didn't say the ones presented were unsafe. D. Young clarified and said obviously if there is a straighter way in he would be in more favor of it but as long as the driveways presented are built to specifications he would have no issue. C. Robie said the Fire Chief recommended the straighter driveway and the Conservation Commission wanted less wetland impact. He said he feels having the driveways on the property line is a better spot because if you are going to split a driveway, the driveway should come in on the bound but it would be good if the driveway followed the bound all the way to the back on the property line.

S. James **motioned** to deny the waiver request under Section 2.04. A. Hall **seconded**. M. Girard, S. James, J. Lindsey, A. Hall III, S. Bradley **were in favor**. C. Robie **was not in favor**. Motion carried 5 to 1. Chair Girard said if the waiver had been granted then the applicant would have to redo the plan.

Chair Girard said since there are 6 voting members present as long as there isn't a tie vote the decision will carry and if there is a tie vote it wouldn't be a decision according to our attorney, it has to be a majority. C. Robie clarified the plan presented tonight had the correct driveways. S. James said the driveways on the plan submitted are where they can be according to the regulations without the waiver. S. James said he doesn't see an issue voting on the subdivision tonight. C. Robie said you have to go with what you have. J. Lindsey **motioned** to deny the 7-Lot Subdivision as presented due to information presented and input from the Manchester Water Works, letters from town officials and town engineer concerning usable frontage, over use of property adding 6 more wells and septic systems, creating lots in a flooded area that has flooding issues, creating lots with long shared driveways, Long driveways through wetlands, eminent impact of changing wetlands and effect on neighboring properties per Manchester Water Works letter, wetland impacts and under Section 11.02 Character of Land for Subdivision . A. Hall **seconded**. S. James said he agreed with reasons stated, primarily the issue stated with the driveways and the amount of wetlands which is covered in Section 11.02 and concerns with flooding whether coming downstream or back water and flood elevations. S. James said there is enough history at the site which gives him concerns with the development of the property at least with the number of lots and set up as proposed in the plan. A. Hall said he agreed with S. James. S. Bradley said he would vote against the plan as presented he said he had concerns with the flow of the water, continued effect past the property. He said he is concerned with the long driveways and feels that Section 11.02 applies. C. Robie said the only reason he is voting no is the proposed driveways not following the property line in. He said they were going to do a wetland study to further size the culverts and feels they were not given that chance. He said he is voting no with the Board tonight but feels the applicant did not get a fair chance to come back again with the plan. Chair Girard said she is not in favor because there is hardly any unusable frontage, shape of the lots, because she feels it is over use of the land and if he had come in with a smaller subdivision she may have changed her mind. She said she isn't sure if they would be able to get a wetland crossing permit. She said she likes long driveways as long as they are on the lot they service but not the proposed long shared driveways. **All were in favor**. Chair Girard said the vote is unanimous. She said they do have recourse to appeal. Attorney G. Michaels said he is aware of those procedures. Chair Girard said they could also change the plan because it is the plan that has been denied. Attorney G. Michaels said thank you.

Other Business

S James motioned to cancel the March 7, 2012 Planning Board meeting due to lack of applications. J. Lindsey seconded. All were in favor.

The next Planning Board meeting is March 21, 2012 at 7pm at the Town Hall. It was discussed and agreed to have a Public Hearing on March 21, 2012 to adopt the Energy Chapter and NRI into the Master Plan.

A. Hall **motioned** to adjourn at 8:50 pm. J. Lindsey **seconded**. **All were in favor**.

Respectfully submitted

Sharon Robichaud

Land Use Secretary