

CANDIA PLANNING BOARD
MINUTES of May 3rd, 2017
APPROVED
Public Hearing

Present: Tom Giffen, Chair; Ken Kustra; Judi Lindsey; Carleton Robie, BOS Representative; Dennis Lewis, Road Agent; Dave Murray, Building Inspector; Dean Young, Fire Chief

Absent: Al Hall, Vice Chair; Rudy Cartier; Joyce Bedard; Mike Santa, Alt.

Chair Tom Giffen called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance.

Minutes April 19, 2017–No quorum. To vote on May 17, 2017.

Continuation of 17-002 Major Site Plan Application: Applicant: Wildcat Land Development Services, LLC 43 Lawson Farm Road, Londonderry, NH 03053; Owner: same; Property location: 285 Old Candia Road, Candia NH 03034; Map 410 Lot 137 & 137.1 Intent: Convenience store expansion.

Present: Doug MacGuire of The Dubay Group; Craig St. Peter and Joe Sobol of Wildcat Land Development Services, LLC; Bryan Ruoff from Stantec; Ron Severino of Severino Trucking.

Abutters Present: John and Stephanie Helmig of 75 Fieldstone Lane; Gregory & Nicola Herbert of 81 Fieldstone Lane and Attorney John Cronin and John McPhee of Cronin, Bisson & Zalinsky, representing Gregory & Nicola Herbert.

T. Giffen said first, bad news, I checked with the Town Attorney to see if we have the legal capacity as a Board to grant relief on the 40', we do not but I believe the ZBA would be amenable. I don't see that there would be an obstacle but we don't have the power or capacity to act there. What I'd like to do with the assistance of Bryan Ruoff from Stantec go through the remaining points that we have based on the most recent correspondence and see if we can wrap all of that up and move forward and send you to the ZBA with our blessing.

D. MacGuire replied we recognized based on the email I received today and feedback sent over from Andrea that that was going to be the option. We're prepared to fully comply with that buffer. I have an exhibit I'd like to show and I can walk the Board through that and see if that makes sense. T. Giffen agreed. D. MacGuire continued we knew that this was going to be part of that secondary phase so there is some flexibility. We maintain the 100' buffer along the full length, what we did is pulled the pavement out of that buffer completely. There is still some grading proposed in the buffer. My position on that is that based on how I read this it says "*a vegetative buffer of trees or shrubs shall be maintained.*" It doesn't say it's a no disturb buffer, it simply says it has to be a buffer of vegetation. So the grading we propose in there, we would re-vegetate that area that we're grading to maintain vegetation within that buffer. There won't be any additional encroachment in that. It did pinch us down but that's the applicant's position. We're going to offer to do; based on the previous abutter coming in and they had talked about that plan from 2010 and there was a certain shape that they had been agreed to. That shape basically goes 200 x 350, a triangular shape. What the applicant is willing to do is supplement this buffer with that additional piece. So even though we're not required to go any more than 100', we're going to extend that buffer so that it fully encompasses what was promised by the previous owner of the property and then extend that all the way down to comply with the current zoning requirements. T. Giffen said that saves you a trip to the ZBA and save some time and you can keep on moving. D. MacGuire agreed; that's our thought. I think we can accomplish the proposed plan and still do that, it's not a project killer.

T. Giffen summarized it can be maintained as a vegetative buffer, you're in compliance. There's really not a whole to talk about but I'd like the Board to weigh in. K. Kustra asked do you have in mind what kind of vegetation. D. MacGuire replied to my knowledge, there is existing vegetation there. We did some test pits in the area and it was already starting to thicken up with scrub type of material. I know there was removal in material in the past but to my knowledge, it's re-vegetated. It's only going to continue to re-vegetate. The ordinance didn't specify anything specific with regards to this buffer. T. Giffen agreed. D. MacGuire continued it says *trees and shrubs*, it didn't say anything about additional plantings or spacing or tree caliper or anything like that. I think we're meeting the intent of the ordinance by saying we're going to leave that vegetation as is and it will continue to naturalize and mature.

J. Cronin introduced himself. My name is John Cronin I'm with the firm Cronin, Bisson & Zalinsky, P.C. My colleague John McPhee is with us and we represent Mr. and Mrs. Herbert, the abutters up in the back. We've had the occasion to speak to the engineers and the applicants to address this buffer issue and we're glad that they've recognized the obligation of the ordinance and they're going to honor it. When you look at the ordinance it talks about a vegetative buffer and there's a big difference between a buffer and a setback. A setback is a distance between one point or another; you can't have an obstruction within it. A buffer when you're talking about zone separation, especially residential and industrial, light industrial or commercial, it's clear in the ordinance that it's designed to protect the residents. That's its whole purpose. We know that deciduous trees here in NH might get 6 or 7 months of vegetation, the rest of it you don't. The purpose is to protect noise, light and view. Typically when you see a plan like this come before a Planning Board, there are detailed sheets of landscaping plans that talk about species, caliper, spacing and maturity. We don't see that in this particular plan and the content of the buffer is very very important to us. We know this is a phased approach. We recognize the applicant's have the right to go forward with a phased approach but the uncertainty makes this buffer of particular importance. If you assume the worst, we know there's a truck stop there now. Some of you, I'm sure you're all used to it but there are others around town. You can go as close to Exit 5 in Londonderry, you might have 50-100 trucks and they are there at night, their engines are going, their air conditioners and everything else and you can see them. That's a very real concern for any residents. Although from the elevation of standing in points of the yard, it might add some protection from the slope of the rock, but people don't always live in the back yard. They live in the second floor, they live in their house and this is going to be very visual. We would ask the Board to take a look at that ordinance and visualize it from the view of the drafters. It was done to protect the residents and we don't think the existing vegetation is sufficient. We would ask the applicant to propose the type of species, density, maturity, the caliper so we can make an informed decision about that. I recognize it's a detail of the zoning ordinance and certainly a Planning Board can punt and send it to the Zoning Board and say what does this mean? That's your prerogative and your discretion. I'm not going to suggest to you which is the right way to go but I just want to make it clear from the Herbert's point of view, this is a very serious concern.

T. Giffen replied one of the difficulties we have as a Board is that the zoning regulations in Town were not all written professionally, a bulk of them were not. They were reviewed by Town attorney's when they were originally drafted to see if there was anything that was obvious, that was a problem but we have found in practice, issues of this nature can crop up. One of the difficulties is where the type of vegetation, simply described as a vegetative buffer, that's the extent of it, the language. We don't have a whole lot to work with. It exposes us to a lot of controversy. That's a problem.

J. Cronin replied I'm not finding fault with you or the applicants, certainly their engineer is a talented guy and experienced and well respected, they're doing their best job for the applicants. Counter to that my job is to advocate for the abutter. They have one opportunity here with respect to this buffer and we don't know what the future holds so my position is when it's vague it's your discretion and I'd like you to act as if it were your home up there. Thank you. T. Giffen asked the applicants if they've had contact with the abutters. Have you discussed this?

J. Sobol replied we tried to reach out to Greg and John and we spoke to John moments ago and I think I'll let John speak. J. Helmig said I'm not really as affected by the visual part of that buffer like Greg is, I can't see it so we're lucky. T. Giffen asked G. Herbert what is your current position with respect to the applicant and this buffer.

G. Herbert said I'm Greg Herbert and our concern is we have no idea what's going in behind, what they're excavating right now. At certain times the noise can get pretty loud. Six months out of the year we have no foliage on the trees so we have a clear shot of everything that's going on down there from our home. If the intent here is to increase a truck stop or put a car wash for trucks in there, what does that do as far as noise and trucks being there 24/7 now. In the summer we have the windows open, sound travels. We already hear the road night and day since all of the trees have been choked out there by the prior owner. That's my biggest concern, nobody's saying what they're going to put behind the little truck stop part. So I have no idea what's that going to do. Will that increase the noise, the lights?

T. Giffen replied the problem is enforceability. The Town doesn't have a noise ordinance to my knowledge. The zoning ordinance in this particular instance specifies vegetative buffer but that's as specific as it gets. When somebody comes before the Planning Board to apply for a project to be done, we're limited in what we can enforce because of the nature of the regulations that we have. The regulations get drafted, they go to the attorney, if the attorney says they're okay, they go to deliberative session and they get voted on and they either pass or they don't. If they've been adopted then there they are; that's the regulation. Assume for a moment that we wanted to do everything in our power to make your life better and eliminate as much noise as possible for you; we still don't have the legal authority to enforce on an applicant something above and beyond the zoning regulation. It creates friction sometimes and all I can suggest is that you try to work with the applicant to work something out to get some trees put in. From where I'm sitting, even if I were sitting in your shoes. I'm trying to think of a way we can enforce a regulation that isn't entirely specific. Require things that are not in the regulation. It ties our hands. I have sympathy for all parties but I'm not sure what we can really accomplish based on the language in the regulation. We have a Zoning Review Committee; we try to identify problem areas and propose new regulations or edits to existing regulations to improve them, make them more enforceable and fair. This one hasn't hit the front burner. We usually don't take a serious look unless a situation crops up where it becomes obvious there's a problem. I'm sympathetic to both parties. On one hand I have an applicant who wishes to comply with the spirit of the regulation and on the other hand I have an abutter with a legitimate concern. Where's the Board fall. What would you do if you were in our shoes?

G. Herbert said I don't know. J. Sobol replied Mr. Chairman and Greg, we are permitting up to here with our truck parking but we have no use for this right now. We don't know what it is going to be right now. We would be required to come back before the Board for commenting on issues for this pad area up in here. This is the limit of our construction, in terms of where vehicles will be at this time. It's a significant distance from your home. We'd be back before the Board for that use.

T. Giffen replied your plan complies with the letter of the regulation. K. Kustra asked the abutter can you live with what their proposing until something comes up in the future. You mentioned you don't know what the future's going to bring for what they're doing. But in the present time can you live with what's going on. G. Herbert responded I don't have a choice. They're not violating any law. I have no problem with what they're doing up to that point. What that means in terms of future noise with more trucks coming in and stuff like that, I can't answer that question until it happens. If they're complying with the 100' buffer, who am I to say they can't do that, it's their property. My concern is without knowing what is going further back, at that point in time. Every time we come in here they were proposing something different to get things moving. First it was a car wash; then it was a truck stop. I don't know what's next and it just keeps getting further and further back. If they maintain a 100' buffer then what can I say?

J. Cronin added the vegetative buffer and I know it's difficult and causes controversy but I think we agree that the regulation is a little bit narrow. The Supreme Court has found with respect to your discretion, I think you have more power than you might think and when there is language in an ordinance that's not

specific, it's up to you to exercise your discretion based on the intent of the drafters. So when Mr. Herbert says they haven't violated anything; that depends on how you view what a vegetative buffer means and what its *constant (unintelligible)*. They show it one dimensional on a plan and show hash marks and say we're going to comply with a 100' buffer. That on its face sounds compliant but what does a vegetative buffer mean, how do you can define it and what is actually going to be proposed in that area before you can make an conclusion that it's fine.

T. Giffen said I understand your point. These folks have evidenced a willingness to have good relations with the abutters and with the Town in general. They're not here looking to ask for something that the regulation doesn't permit. If I had a litigious applicant who wanted to take the Town to court trying to enforce a regulation that's not terribly well written or specific as in this case, what do I do? Do I expose the Town to that risk; we as a Board expose the Town to that risk? I think it would be good judgment to not expose the Town to that risk.

J. Lindsey said because our regulations are not in place yet for this buffer, they're not very specific, vegetative buffer I would say we can't really enforce anything but we can strongly suggest that the people developing Exit 3 could maybe use *Best Practices* and put in the most dense, high vegetative buffer they could to keep...we want a Town that develops sensibly where people want to live, not all of a sudden your house is exposed to this. There isn't maybe a strong ordinance yet but to do what is really right if you lived up on that hill, maybe build the best one you can. That's my suggestion. C. Robie replied I think what they've proposed is reasonable. The face is going to be; elevation change here is about 20 feet. D. MacGuire replied the elevation change from the corner to the proposed furthest pavement to the top of that slope is over 30 feet and then it continues to climb. It should be noted that that 30 feet is happening in a very quick distance, it's a vertical ledge face with some additional sloping on top of that. Mr. Cronin's discussion on what a buffer should provide with protection from light pollution and noise pollution, I think that sheer grade separation will provide a significant positive effect to that. Light poles are 20' high; we're at 30' that light is sitting 10' below grade and they're dark sky compliant lights. Those lights are shooting 100% down; you're not getting any view from the side so there shouldn't be any light pollution associated with that from the elevation. From a noise standpoint, if the sound of a vehicle or something I would hope that that sheer face would reflect that noise pretty well. J. Lindsey said the scene looks different in winter and summer. Now that the leaves are coming back that will be a big buffer but when all the leaves fall, and it is winter, it's a whole different scene out there.

D. MacGuire said I understand your point but I think it's difficult for the applicant to come up with something. First, a 100 foot vegetative buffer in my experience...I've never seen a Town require someone to plant a 100' buffer with 100 feet wide of trees. That's seems excessive to me. Where do we draw that line? I think the intent in reading this is they're making it so wide because the vegetation that's there can be utilized. That's my interpretation but I can certainly sympathize. T. Giffen said the ordinance came in 2007. I wasn't active in the planning area at that time. I can't speak to what the intent may have been so we have an existing ordinance to work with. J. Sobol replied I took a stab at an elevation view of the situation and it is an 80 foot difference in where Greg's home sits, elevation 590, to where we're cutting to at elevation 522 in this zone where Doug's *float (unintelligible)* above the rock face. If you factor in the first floor and such, elevation 600 etc. a difference of 80 feet and over a distance of 330 feet. Even in this phased approach where nothing is approved to be constructed in here other than the grading, we have a 330 foot buffer where we're really not disturbing from this specific home that exists right now. I did share that with the attorney. J. Cronin responded I appreciate that and I want to acknowledge that we have had discussions and I appreciate these folks and what they're trying to accomplish. Elevations are interesting, I don't quarrel with the elevations and different slopes but the ordinance says nothing about elevations. It doesn't say you have a 100 foot vegetative buffer unless you have a certain elevation slope. You have 100' vegetative buffer regardless of what the elevations are. I've heard that they want to comply, I've heard your response; generally you believe that's reasonable. I still don't know what you mean by a 100' vegetative buffer. It doesn't mean we have to plan 100', I think it says 100' of vegetative buffer and I think that's what the

Herbert's expect. C. Robie said we can talk about buffers until we're blue in the face. Maybe a grass buffer would satisfy the law. Vegetative could be King Pines or anything in between. T. Giffen replied obviously what you're proposing complies with the letter of our regulation and I think we need to move forward. If you find it in your heart to find some Hemlocks somewhere, they're low and dense, provide some benefit with very little cost. It's your discretion. I don't think we can enforce anything beyond actual verbiage in the language.

G. Herbert asked what would be the intent to even write that in there if the purpose saying buffer was not to provide protection for the residential side of the zone. Why is it difficult to tell, just don't put that in the ordinance. If you could just plant grass why would you call that a buffer? T. Giffen said I feel the Board's hands are tied by the language being vague. It would be nice if it got into more detail and provided some teeth.

B. Ruoff said the letter of the ordinance says that *100' wide vegetative of trees and shrubs is required to be maintained*. But that could very well be maintain what's already there or supplement what's already there, is how I read it. T. Giffen agreed and said if there's something there, you don't cut it down, and you leave it alone. B. Ruoff agreed. D. MacGuire replied the vegetation will only continue to grow in that area as would an immature planted buffer. T. Giffen said let's move through the letter.

D. MacGuire said I don't have a lot to talk about with regard to these. Bryan and I had met and it looks like we have multiple comments here but there aren't many that have teeth. There are a few notations he had on details. There are a few comments he's leaving in because it needs final decision or direction from the Board. For example #6 and #7, we gave these architectural plans to the Building Inspector so he has what he needs. Bryan is just leaving those in to make sure that's the case. D. Murray replied I did receive the plans right after the last meeting. As far as this phase goes and what we're doing with the site work it's fine. We'll need more detail when they come in for the building permits. But for now, yes.

D. MacGuire continued #16, we did receive our AOT comments and I believe the Board has received a copy of those. I was pleased with that review. There were no substantive changes, just a few minor detail items, nothing relating to the design or layout of the plans. I'll be revising those and anticipate a permit within the next couple of weeks, getting the plans back to the state and getting that. I think the Board can feel comfortable with that being a condition of the approval. #17, we just discussed.

#21 that was a waiver request, I have 3 waivers that we talked about at the last hearing. I have a copy of those for you. This is number 1. Requiring HISS mapping was required where we did Site Specific Soil Mapping. SSSM is a more accurate method of mapping soils as its listing the specific soil and we had agreed that that would be ok. C. Robie suggested we vote on each waiver. T. Giffen said let's go over them one at a time. The HISS requirement is an outdated requirement. B. Ruoff agreed. T. Giffen continued the work already done is at least equivalent if not better.

MOTION:

K. Kustra **motioned** to accept the waiver as requested. J. Lindsey **seconded**. **All were in favor. (4-0-0) Motion passed.** Waiver granted.

D. MacGuire said #36 is a detail; we'll address that, not an issue. #42 the lighting plan has been updated. Our lighting vendor that we work with had not gotten those completed at the time of Bryan's re-submission; those are now on the plan. D. MacGuire showed where the additional supplemental lighting was added to the plan to meet the foot candle count and point 2 requirements. T. Giffen said my concern looking at it at short notice doesn't give you time to review. B. Ruoff replied given the detail requested, I think there will need to be another submittal; it can be reviewed at that time in detail. T. Giffen suggested we make that a condition of approval that adequate detail be provided. D. MacGuire said Bryan has other detail items that need to be touched up as well. D. MacGuire continued;

#43 there's a truck movement plan. We addressed the signage that limited the vehicle usage. That was omitted accidentally but put back in. Bryan you'll see that. With the additional truck movements, I did

create an additional exhibit. (*To Bryan*) Per the discussion we had at your office, you were concerned about these 2 potential movements. We've shown those. We will provide this to you as a supplement to the plans but these 2 movements do show that you have adequate room to get into those spaces.

#44 Bryan and I have discussed this. It's a little bit of a tough situation. Alteration of Terrain has now weighed in on these plans as well and they didn't have any comment here. I think that's important to note because that's another agency that's reviewing these plans. We have a small area that based on the grade, cannot be collected in our diversion swale that we have. We have a diversion swale we're proposing that's been sized and designed to accommodate any flow or any run on to our site. That gets directed down to this area and comes down a rip rap slope into our proposed detention basin here. There's a small isolated area that is collecting some water that can't hydraulically *meet (unintelligible)*, unless we put a pump station, couldn't make its way around. To mitigate that we provided some storage there and hold a 25 year storm with no water coming out of it. It would take a very high level storm, but if it were to over top, there would be a small amount of runoff that would come down over the ledge face. That was one of the concerns that Bryan had, obviously you wouldn't want to design an entire site that way. We're trying to mitigate that. Bryan's suggestion was to provide a fall zone for that water if during a 100 year storm and there was a small amount of water coming over. We're also proposing a *storm berm level spreader* so that when this water does, in a very rare storm event, go over the ledge face, its going to do so in a sheet flow manner. It's not going to be concentrated; not a river going over the side; it would be a slight amount. What's going to happen, there is a fall zone designed on the ledge face anyway, typically an area of grade coming back towards the ledge face, that area is going to collect that water and we have an under drain system through this whole area that's collected so there won't be any standing water in that area. That's an overview, that's something that Bryan and I have been discussing but he wanted to bring that to the Board as it's an unconventional item that comes up on the plan.

T. Giffen asked would that be under the AOT review. D. MacGuire confirmed yes it was. We were using that area as part of our AOT criteria. It was looked at and there was no comment to that. B. Ruoff replied from a storm water standpoint, storm water handling and drainage standpoint, it's not something that would raise a red flag for AOT necessarily. Where it concerns me, I grew up in the Catskill area, what keeps me up at night is not necessarily the flow of the water coming over the rock face but in the winter when that is ice and you have a 20' high section of ice from the top of the rock to the bottom of the ground because water's coming over the edge of that rock face. In this approach it's not the storm water flowing over that isn't manageable; it's the icing and ice face on that rock. Implications of that especially with the proposed pavement in phase II only being 8 feet off of that rock face. T. Giffen summarized if there was a large ice formation in the winter you wouldn't want to stand underneath it. B. Ruoff said probably not.

D. MacGuire commented I can see and understand that situation but it's not likely that we're getting a significant enough melt to justify any water to come out. Meaning, we don't have a 25 year storm event happening in the middle of winter. I don't expect to see any water coming out, particularly in the winter over that ledge face. I could see it if we had a large spring rain in addition to snow melt that supplemented a large storm event, I could see some water but I don't think it would be an ice issue at that point. I've seen ice issues on ledge driving down the highway. We're trying to mitigate that as much as we can. I understand where Bryan's coming from but I don't see that likely happening and if it did, we do have a fall zone which is designed to collect falling rock of ledge and so falling ice would be similar to that. I don't think it would be a big problem. T. Giffen asked Bryan if you were the engineer on the job designing this, what would you do differently to mitigate. B. Ruoff replied the topography is difficult. Grading could potentially be provided, a berm essentially, a fill perhaps instead of an excavation of a pond area, which is what is being proposed now. Roughly cut pond, even collecting and pumping out to keep the storm water moving, those were all things I would look at before I am comfortable. T. Giffen asked handled for summer weather. B. Ruoff said summer is a non-issue. T. Giffen said in winter a pump is going to be in-effective. B. Ruoff agreed.

K. Kustra asked how close would this be to the buffer. D. MacGuire replied a portion of it would be slightly in the buffer. That area is being re-graded, we could not grade and actually continue to..., we're providing a gravity swale with a minimum pitch to carry that water around, that grade would have to be chased all the way onto the abutting property to be continued because of the low point that we're dealing with. We will be re-vegetating that area as part of the requirements of the buffer. That area will be graded and we will provide supplemental buffering in that area. Because we're providing additional plantings, we'll make sure they are of the evergreen variety in those areas. T. Giffen said so if you re-vegetate that area you have an opportunity to demonstrate a form of kindness. D. MacGuire confirmed we absolutely will be providing an evergreen buffer and that would be in kind, as Mr. Cronin mentioned, with our landscape architect who will be weighing in on that. We have a landscaping plan, that area to be re-vegetated will be designed by him so we'll have appropriate spacing. Our landscape architect is very experienced and he's done many buffers. That area will be built to the intent of a conservative buffer. Where we had a problem, a 100' wide buffer, there's just so much room and so much variation as to what could be happening there, so where we can control where we're impacting anything, we can pull all the grade out and not add any additional vegetation is my interpretation but where we are impacting with grading, we will be re-vegetating.

J. Cronin asked I'd like to know and ask the applicant what is the relative distance of the far edge of that detention pond in proximity to the Herbert's boundary and what capacity is the detention pond in a 25 year storm? D. MacGuire responded the actual detention pond encroaches about 30' into the buffer. The grading associated with that creation probably encroaches 50' to 55' into the buffer. That will be re-vegetated and part of our landscaping plan. As far as capacity, it's a small sub-catchment area. We are over doing it a bit and it was at Bryan's request, I wasn't worried about a little water coming off but he said he'd feel better if he could hold the 25 year storm so we're holding back more water than we need to. This isn't required as part of our drainage design. The basin, its maximum volume is 3,000 cubic feet. It's not a large holding area by any means and its being overdesigned to allow for zero water to be going over that ledge face. J. Cronin replied I'm curious as to the elevation in the top, if it did get freezing or whatever in that pond, I'm concerned about the flow back toward the Herbert's property and would like to know what the relative to the elevation points are, it might be steep enough where it's not an issue but I'd like to know. Secondly I'd like to know who the landscape architect is. D. MacGuire replied Randy Knowles is our landscape architect, I'm sure you've worked with Randy before. J. Cronin agreed. D. MacGuire said I can get that by next week I would say. As far as the grade....J. Cronin replied if you can just tell me that it would be going uphill, that would be satisfactory. D. MacGuire replied it's definitely going uphill. It's going to go over that ledge face before it goes anywhere else that's for sure. J. Sobol said in regards to Bryan's concern on the icing, as the geotechnical consultant, when it would be freezing water, it wouldn't be draining, so there wouldn't be that effect of flowing water over the rock face in that frozen time period. When the temperature goes up it would melt and maybe go over the face but it wouldn't freeze on the rocks. So I think Doug is trying to minimize the impact into the buffer. B. Ruoff agreed he is ok with that.

T. Giffen suggested that the applicant include the landscape plan as part of the plan. D. MacGuire said it is. We do have it and it will be supplemented with this disturbed area plantings. T. Giffen said I think we're ok on point #44. D. MacGuire continued;

#51 is a simple detail request, I have a call into a vendor on that to get some specifics, it's not my area of expertise but we do need additional detail.

#53 no problem with that, we took care of that already.

#54 Bryan had quite a few just additional comments on some of the details we updated. We added more information so he felt there was more information to review, I understand that. In looking through those, I had some questions for him, which I talked to him about before this hearing and we're on the same page. Most of these are minor notes and detail additions, little clarifications. I was scared by comment (I), which was *please provide buoyancy calculations for the two outlet structures*. Bryan ran a preliminary calc himself and he's feeling more comfortable with that. B. Ruoff agreed. D. MacGuire continued all these

others are recommendations that I don't have any issue with so we'll provide those updates. T. Giffen summarized so it sounds like what we have is a group of items, we'll call details, to be addressed and those details will be taken care of on your end. Bryan you'll have something else to look at again and take one final run through. D. MacGuire replied it's hard to get to a literal 100% due to the amount of detail on the plans. We fully intend to provide one final submission which to not belabor the Board could be handled as a condition of approval and that we would work directly with Bryan to get those wrapped up. All these detail related items don't need feedback from the Board.

#55 a debris grate was added. Actually it was on the plan, I just didn't specify it. We're using an FES grate to cover that.

#58 the additional signage, the *do not enter* signs were not specified, we do have a couple of areas that are one directional flows so we want the do not enters, I've added the signs to the plan. *One way* sign; place one along the parking area just so if someone comes out of the restaurant and they forget, it might catch their attention. I'll show that detail.

#61 rip rap sizes: some inconsistency with how we translated the calculations to the plan. We have it correctly in the drainage analysis but it was shown incorrectly on the plan. So we'll make that fix.

#65 brings us to one of our waiver requests. I'd like to talk about #2 first, (*waiver requests*) that was actually not a waiver request that Bryan had in his plan but it was brought up at the last meeting and that was in discussion with the lighting of the existing lighting. I think Bryan was comfortable with what we discussed but my recollection was that you requested a waiver. So I'm requesting a waiver of providing modeling of the existing lighting because that was part of the original approval. #3 was the drainage related items in that we talked about at length last hearing in that this was a unique site. T. Giffen said I'd like to finish going through the list as far as the detail items and then address the waivers and the conditions so we have a solid understanding of what's required going forward. Fair enough? D. MacGuire continued:

#71 is a detail item. We don't have an issue.

#74 that is probably better suited for our geotechnical engineer. J. Sobol read #74; *we recommend that Figure No. 1 – Typical Rock/Soil Cut (on plan sheet 19 or 21) be revised as follows:*

- a. *Confirm the width of the 'Rock Catchment Swale' to be consistent with NHDOT standards for all fall zones for the associated height(s) of the rock face cuts.*

This has been designed several times. The rock face, it varies obviously. We have no control of where the top of bedrock is but there is a face there. It's gone now. The blasting has taken care of the existing face. This design mimics the design from 2006 and the catchment zone is oversized for the 8 foot width related to a height of 15-20 feet. It's way oversized and it has performed well, until now. Severino has blasted on that face but it that has performed well for six years. This was also approved in October for the excavation permit that Dubay had put together. It was previously approved for the catchment. It's addressed in the geotechnical report that Miller Engineering, my firm, and I prepared for the project. The other comment is the *vertical rock face*. The vertical face, we are blasting this in a production mode. A pre-split mode would set a face of an exact or roughly exact angle. Again, back in our experience for a 15-20 foot high cut, back in 2010 when we constructed, production blasting worked. It just doesn't control the exact angle of the face. It does cant back and lean back in reality. On the adjacent property, which is an Industrial property, there are vertical faces, significantly higher than this, that are perfectly stable. The bedrock, when it comes to bedrock, it's specific to the jointing pattern. In this rock, the jointing pattern is horizontal. If it was more angles that intercepted an open face; that could be more of a stability problem. But the specific rock we're dealing with is horizontally bedded so the geotechnical engineer and owner applicant for the project is satisfied that this is a proven design. B. Ruoff replied the rock catchment swale. NHDOT requires a fall zone of exactly half the height of a rock face. Where the rock face height varies, the standard detail doesn't meet that requirement in all instances. The reason this wasn't on our original letter, there was a disconnect from phase I vs. phase II. After meeting with Doug, understanding that this would be potentially the limit of the excavation and any site development would occur based on the set grades. The rock face would be set as well. We felt it prudent to include this as a comment so it was clear that

when the development does occur at the rear of the site, there are certain allowances made for the fall zones for the rock face away from edging pavement or buildings and whatnot. That's the basis of the comment. NHDOT standard is half the height of the rock face. I think its 8 feet, doesn't meet some vertical heights of the rock face as proposed now. The tallest rock face is 26 feet or 24 feet. In those locations you would need NHDOT requirements of a 12 foot fall zone. J. Sobol replied FHWA standards are far less conservative. To be honest, I'm not familiar with the ½ the height standard requirement; for a highway or a state highway? B. Ruoff said yeah. J. Sobol continued as geotechs we're looking at private development and we use a different standard and this is a very conservative approach in my opinion. T. Giffen said you'd base that on horizontal bedding. J. Sobol said correct. Again the property over here has vertical cuts with virtually no catchment zone against their pavement, they're extremely tight in here and they have no problems with rock fall. D. MacGuire said that could also be another item, but when we come in with a specific design if that comment would come back up and our office would be required to submit some level of a standard to contradict the DOT standard. Bryan could review that. But at this stage...B. Ruoff agreed. That would be my recommendation as well. As of the phase I design, these two are a non-issue. The setback from the rock face slope is significant so I see them both as a non-issue at this point. T. Giffen said that part of the property is not going to be used at this juncture. You have more than one standard, NHDOT which is very conservative and then you have an FHWA, what is that. J. Sobol clarified Federal Highway Administration. I'd have to get the exact standard for you Mr. Chairman but to be honest I didn't even know these comments were out there until tonight, otherwise I would have been more prepared. Doug brings up a good point in that we're not there yet in having to construct a final situation until we come back before you.

T. Giffen replied the Town doesn't specify a standard for this type of thing, whether it be a DOT standard or an FHWA standard, it's not written into our regs. It's an area of the property that's not going to be used at present, it's for future development and at that point, any safety concerns related to the design of the rock face catchment would be addressed as part of the next design phase. J. Lindsey replied that sounds reasonable. C. Robie agreed. T. Giffen said I think we're all in agreement that this doesn't need to be changed at this juncture it will be addressed as part of the next phase. C. Robie said on that point if the blasting is done, the only thing that would have to change is the driveway. D. MacGuire continued;

#75 these are some catch all comments from Bryan. Some clarifications maybe but I don't take any issue with these. Its details specifying that it's 4,000 psi concrete; sure. That's the standard and I think any shop drawing would say that but it doesn't hurt to specify it as such. Stop signs, stop bar that was a good catch. I didn't put one there but there should be so we added one.

#77 is another detail, specifying the material in the area of the Ice Cream Shop. Just for clarity to the Board, what my plan was for that area was to pave the parking lot. Stone dust the area that would be congregating area for the Ice Cream area and I do have that labeled. My plan was to stone dust the whole area and we have some fencing from a safety standpoint if there are little kids, keep them out of the area where trucks are going and whatnot, so we have that. Does that answer the question Bryan? B. Ruoff replied yes I think so. T. Giffen reiterated so we're okay on #77.

J. Lindsey asked what is a Canterbury fence. D. MacGuire replied that is Randy Knowles term, our landscape architect. I don't know exactly what it is but my understanding it's a wrought iron fence; it's not actually wrought iron but made to look like that. An aesthetic fence. We don't want chain link around the area and Bryan that detail was on the back but I don't know if I called it out as the Canterbury fence. C. Robie said Canterbury fence; it's on there and has been called that from the beginning.

MOTION:

C. Robie **motioned** to relief from modeling the existing lighting on the site. J. Lindsey **seconded**. **All were in favor. (4-0-0) Motion passed.** Waiver granted.

C. Robie asked did #54 have 21 recommendations the first time around. B. Ruoff said no. C. Robie said I'm confused on that. How we got #54 with 20 recommendations, when did they come? B. Ruoff said item #54 previously was just the construction detail for the outlet control structure is unclear. So Dubai group revised this plan sheet and provided new details. C. Robie said on page 18. B. Ruoff said correct. C. Robie continued so that was updated and then we have 22 more questions or recommendations. B. Ruoff replied essentially it's a brand new plan sheet. So it's clarification comments based on that brand new plan sheet.

Regarding Waiver #3: D. MacGuire said the basic issue is that there was going to be some backing up within the pipes, hydraulically because of the way the outlet of the detention basin was. But nothing coming out of the catch basins grade.

MOTION:

J. Lindsey **motioned** to accept the waiver. C. Robie **seconded**. **All were in favor. (4-0-0). Motion passed.** Waiver granted.

T. Giffen we have 3 waivers that have been granted. We also have conditions and just to re-cap. One of the conditions is *#16 the applicant is required to obtain all State and Federal permits and provide copies to the Planning Board. Reference to all associated permit numbers must be added to the plans.* We have a group of notes which I feel it makes sense to treat in aggregate as detail notes to be addressed on the final plan subject to Stantec's approval of said detail notes. I'd like we propose we simplify things and treat that as one condition, that the detail notes be addressed. D. MacGuire said there are no design changes.

T. Giffen suggested a **motion** for conditional approval. J. Lindsey objected. I'd rather approve it when everything comes in as it should. C. Robie **motioned for conditional approval** as long as Doug and Bryan can work out the details and present a set of plans and come back for an approval. K. Kustra agreed. T. Giffen summarized we grant conditional approval subject to the specific conditions. J. Lindsey said to move ahead and then vote on so we're not voting on the complete approval of the whole plan. Just to move forward, and then it comes forward again. C. Robie reiterated these gentleman come back with plans.

T. Giffen said we're not approving right now, we're giving you assurance that you're good as long as these points are addressed and we've granted your waivers. It's not going to get approved tonight.

J. Cronin said I don't want to interrupt I just want to be clear on the timing of the approval. It triggers certain dates that I have to do things. One point you mentioned in the discussion the landscaping plan. T. Giffen said that needs to be added, yes. We'll consider that part of the detail set and will be reflected in the minutes.

D. MacGuire said so for clarification, the abutters are having a position on that. What I'm proposing is the full buffer as we showed and the areas that are disturbed will be re-vegetated with evergreen vegetation in those areas. But I'm not planning on adding any additional vegetation. I don't think any party is going to be fully pleased with that. Obviously our party would love to not have to deal with that buffer but we recognize that it's a requirement. T. Giffen reiterated we have a regulation that has little in the way of teeth. There's little that's specific. I can't in good conscience ask someone to go above and beyond the regulation. Your intent is good, you're not going to cut what's already there and it's going to continue to grow and any areas that you're disturbing will be re-vegetated and doing so in a manner that's responsible and reasonable and provide the type of planting that will provide a more effective buffer than what we have now. I don't think we can really ask you for a whole lot more. To the audience we do have a zoning regulation review committee and new members are welcome.

T. Giffen said let's **vote to see if we're going to grant the conditional approval. All were in favor. (4-0-0). Vote passed.**

D. MacGuire said in my experience when we get to this level with specific conditions, my understanding was that a conditional approval would be just that. The Board is issuing us an approval conditional upon those items. Therefore, I would be re-issuing a final set of plans to Stantec and to the Town, and with Bryan's final sign off, a letter saying all these small detail items have been addressed and

updated within the plan set. His response would go to Andrea and the Board and at that point, I didn't think we would need another hearing. We would come in and have those finalized plans and at that point we would request the plans be signed in the title block. At that point you would be effectively final approval, approving the plans. That's my intention but if that's not what the Town does. C. Robie confirmed I think in this case Judi was questioning a specific thing and I said when you gentlemen come back, and you both agreed, that when you've met the details, so she can hear it, I think it would take 15 minutes at another meeting. Maybe I mislead her but I didn't intend to. J. Lindsey said I want to hear it one more time and everything is...D. MacGuire confirmed so you want us to return to the Board one final time. Ok.

C. Robie said when you come back have all the items; that you've met all the details and Judi will be satisfied. D. MacGuire said we can come back in two weeks as long as I can get everything to Stantec. I don't expect to have the AOT in hand but I hope at that point we would be getting a conditional approval based on that one item. J. Lindsey said I almost refuse to say okay until I see that. D. MacGuire said that's not typical in my experience but I respect that. We're at the mercy of the AOT review agency. Two weeks would be fine and if not, I can issue a letter requesting a further continuance.

J. Cronin commented regarding procedure. I have to be careful on deadlines. What I heard is that you made a motion for a conditional approval. And then I heard that there will be a 2nd hearing to do the final approval. My understanding of the statutes is once you make conditional approval, the deadline starts. This is unusual because the buffer relates to the interpretation of the zoning ordinance so I have a compounded deadline. I have to go north to Superior Court and east to ZBA. I don't want to file an appeal. My client doesn't want to file an appeal. We would like to see a landscaping plan here in 2 weeks and that clock ticks today. When I leave tonight, I want to be clear, when do you believe the appeal deadline starts? T. Giffen said we haven't granted an approval tonight so upon approval. J. Cronin said so on the next one. I need to work with these folks and work with the plan and hopefully get some resolution so that's what my goal is.

C. Robie said I made a motion for conditional approval based on you two gentlemen coming back and meeting all the details. D. MacGuire said what we have then is a conditional approval with a compliance hearing. J. Cronin said I agree with that. D. MacGuire continued so that would be the conditional approval, which would start a clock. We intend to work with the abutters but there would be a clock that would start for the appeal process from the date of the conditional approval. If there was a conditional compliance hearing, that would not affect the timeline. If you're still comfortable with a conditional approval with a compliance hearing, then that's fine, they just need to know that and we still need to continue to work with Bryan and get him the final plan. He'll have to issue a final letter stating that he's all set. If he doesn't issue that letter, you aren't going to issue the final approval and sign the final plan. I don't see much of a conflict except for the timeline issue. That should be clarified. J. Cronin replied I think I know where you're headed but my preference would be that there wouldn't be a conditional approval until we could see the buffer plan. Certainly it's your prerogative, I can deal with that. I just want to be clear on a date line because I don't want to be caught missing a deadline. J. Lindsey reiterated I don't want to approve a conditional situation. C. Robie said but we did. J. Lindsey said we didn't understand the full impact of that. T. Giffen replied there may have been some confusion and I take responsibility for that. J. Cronin asked if he could make a suggestion, I don't mean to be out of order, having dealt with this in the past it may be proper for someone voting in favor of it to make a motion to reconsider it. Tell the applicant that their satisfied with the presentation and in your view it's sufficient to be passed subject to completion of details, which will be considered at the next meeting in two weeks. If those details are satisfactory, it's the expectation that that the plan be approved. And that gives us two weeks to deal with this and see if we can solve the buffer issue.

D. MacGuire and J. Sobol agreed to more time to work with the abutters.

MOTION:

C. Robie said it would be up to me to rescind my conditional approval motion and a vote so I'll make a **motion** to rescind that motion and a vote which was all in favor. J. Lindsey **seconded**. **All were in favor. (4-0-0). Motion passed.**

C. Robie confirmed we rescinded the vote, not the motion. T. Giffen said so effectively we've rescinded the vote. When you come back, I don't think we need a whole lot more. All the ducks should be in a row. It's been continued to two weeks (*May 17th*). If you need additional time, let Andrea know.

Informational Only-Chester Subdivision: This is a non-binding conceptual discussion only. Applicant: Eric Mitchell & Associates, Inc., 106 South River Road, Bedford, NH 03110 Owner: DAR Builders, LLC, 305 Massebec Street, Manchester, NH 03104; Property location: Chester Tax Map 11 Lot 30-7 and Lot 30.

Abutters Present:

Joseph Moore of 185 Crowley Road; Bob and June Petrin of 194 Crowley Road; Saul Levesque of 29 Crowley Road; Joseph Colotti of 186 Crowley Road.

Eric Mitchell passed out smaller versions of the plan. As indicated I'm here for DAR Builders, the owner of the property. We were before the Board last summer and had a discussion about what was proposed and we are here to give you an update. We could not submit soon enough to get on for the next public hearing but we think it's important to give the Board a head's up on where we are and get any non binding input you might want to give tonight. The project itself has frontage in Candia on Crowley Road and two access points. The land, with the exception of one lot that's being developed is *conceptual (unintelligible)*. When we were here last summer we talked to the Board and also the Road Agent and it was my understanding at the time that we'd be looking to, from a standpoint of physical construction, have the intersection on the westerly side of our street, down here on Crowley Road be a stop situation. All 3 ways. Instead of a 90 degree turn like there is now, everyone would come to a stop there. Crowley Road would be resurfaced and that the parcel of right-of-way that is in Candia would be deeded to the Town of Chester and to the extent that Chester would own it and Candia would not have any responsibility to even perceived responsibility, to maintain it. The roads would be maintained by the Town of Chester. What we have on the plan and one of the reasons why you knew about even some of the details is we have called for a Dredge and Fill permit with the state. We did submit copies here to Candia as well as Chester. The total impact is just under 10,000 square feet of wetland but there's only about 2,300 square feet of impact in Candia, which is right over here. Although the plan has a lot more information, we wanted to make sure everyone understood that it is in two towns but it is one road so we did submit one to Candia and one to Chester. We submitted all at the same time. All your Boards got copies of the same plans we submitted to Chester for the Dredge and Fill. It's also been submitted to Alteration of Terrain. To Chester we've submitted to their review consultant. He's done one review on it and we expect to get comments back to him next week on his review. We will be submitting to the Planning Board in Chester for a public hearing as soon as we know the plans are going back to the review consultant. So we are well into the final phase of the project. The designs have been done. We have additional work to do to satisfy the review consultant's comments and AOT will be looking at the project any day now based on their schedule. What we've done on the plan is propose a 3 acre lot on the westerly side, right now it's about 4 acres of land. We have a 3 acre lot which will be in Candia and then the right-of-way, about an acre in size, will be deeded to the Town of Chester. On the other side what is now a house lot, it's vacant, we'll put the right-of-way through and we'll have two little pieces of property which would be part of the open space of the subdivision, its non-buildable land. The only place that there would be any building in Candia would be at the proposed 3 acre lot. We would be bringing that back and applying for the public hearing process with Candia. The second sheet in your set is more detail and easier to see. The 3 acre lot, it has a detention pond on it that would be deeded to the Town of Candia and the 2nd access has no drainage involved. The easterly access goes down about 1%

away from Crowley Road. The westerly access goes down about 2% away from Crowley Road. So from the standpoint of physical impact of Crowley Road, all the drainage will go away from Crowley Road. None of the water is going towards Crowley Road but obviously all of our traffic is. The layout of the project in the back, we have about 180 acres with 60 lots that are proposed. The plans you have may have 63 but the density bond has been reduced so there will be 60 lots, plus one in Candia. We'll be finalizing our plans and submitting a plan that looks like this with the information of the land that's in Candia and bringing it to this Board for their formal review.

C. Robie asked have you made an application to the Town of Chester. E. Mitchell replied we have not made a final application to Chester but we have submitted to their review consultant and done one review. They suggested instead of submitting the application, go to review consultant and have that at least go through there and get reviewed because with the timing, we may need to postpone a meeting and we didn't want to do that. We do anticipate next week to submit to Chester and Candia both at that same time but as of right now there has been no public hearing set up for either town. C. Robie asked did you get a copy of our Road Agent's notes from today. E. Mitchell replied I have not seen that. D. Lewis said he and I have talked on the phone and I've met with the developer and pretty much everything that's on this list. C. Robie asked so you are aware of some of the thoughts that will come forward. E. Mitchell looked at the list; relative to shimming and paving of the road I was aware of and that's here. The three way stop I was aware of and deeding the land to the Town of Chester for the roadway, those are the things specifically that I was aware of.

T. Giffen commented the first two bullet points are areas of concern. D. Lewis said my first comment basically addresses the physical shape and layout of Crowley Road. Being one of our oldest roads in town, it's extremely narrow, a two rod right-of-way. When former developers have come in to upgrade the road we're very limited as to what we could do. So what's there is basically all we'll ever get; it's a narrow road. We're going to be putting a lot more traffic on an already stretched road. If this were a new subdivision, we would require 24 feet of pavement and it would be an arterial street for that volume of traffic by our subdivision standards. I wanted to bring that the Board's attention. And then deeding of the two right-of-ways to Chester so we don't have to maintain two, three, four hundred feet of road, plowing it, paving it, taking care of drainage, signage. They'd have to deed it to the Town of Candia or Chester and it makes sense to do it to Chester. I consulted their Road Agent and he was fine with that. He has to go up there to plow anyway. My other comment was the 3 way stop at the 90 degree corner. Doing away with the 90 degree corner and come up to a basic T. Take left, right but everyone stops. The shim and overlay of Crowley Road I do think the course would be to widen it. Reclaim it, widen it and do whatever but we physically can't do that. So I recommend a 1 inch shim and an inch and a half overlay. My other comment, it was brought up in the past about the intersection of Chester Road and Main Street, both state roads, with poor visibility looking left when you exit Chester Road. This has come up with the last two subdivisions down there and something eventually has to be addressed. We're going to be throwing another, who knows how many, 400, 600 whatever that number is. Some will go down Brown Road, which is another road which is only two rods wide and some low spots. That's another narrow road or they'll use Chester Road or go down towards Chester on Candia Road. The traffic is the biggest issue. T. Giffen replied I understand your point on that intersection. You have to be quick. D. Lewis reiterated those are state roads so it is a state issue. T. Giffen asked if there were any abutters who wanted to comment.

Joe Colotti of 186 Crowley Road asked what is the time frame for volume. I believe Chester does have an ordinance against the volume or limit of houses that can be built per year by a contractor. E. Mitchell replied I do not believe that Chester has a limitation. Auburn has a limitation of 7 permits per builder per year and it doesn't matter how many projects they have but I'm not aware of one in Chester. J. Colotti asked what is the anticipated *schedule (unintelligible)* per year. E. Mitchell responded Chester does have a limitation on their dead end roads to 1800 feet so we would like to phase the project. We would come in the easterly access point and go in 1800 feet, which would be done in the first year. We expect to put that in and pave it. 2nd phase we would continue the road all the way out to Crowley Road and 3rd phase

would be down to the bottom. A phase as far as building a road, which would be at least a season or a year to do that. J. Colotti asked what are some of the reasons why there isn't access on other roads that are directly in Chester, such as Shattigee, that are limiting you guys to utilizing that land and that access versus coming into our town. E. Mitchell replied there is no direct; we don't have access to Shattigee Road. It's private property. They had been talked to at one point about an access but it isn't something they want to do. J. Colotti asked can you say why they don't want to. Is it the size of the development? E. Mitchell said I don't know. I believe it's held by the Mathis family and they have a lot of timber land and land that's been in the family for a long time, I'm speculating but I've worked with the Mathis's before and they use their land, log it and its part of their income. They log it every 20 years and they're not into developing their land or selling it to developers. The property to the west is conservation easements and also the piece between the town line over here on the east, there's a conservation easement on it. J. Colotti said as is on the opposite side of Crowley Road as well. E. Mitchell agreed. The only place to get into through Chester would be to go out through Shattigee, through the Mathis property but they have been approached and they don't want to sell.

Ted Bantis of 47 Crowley Road asked what about police and fire. Who would have to respond out there? T. Giffen replied I believe it would be Chester; Chester residents served by Chester services. T. Bantis replied it's an awful lot of traffic to put on Candia roads and we're not going to get a tax dollar out of that. An abutter (*Joe Colotti or Joe Moore?*) asked so our cooperative agreement with Chester for emergency response isn't going to make us a first responder? I would think it would. T. Giffen said we would be able to get there before they would, mutual aid and it would certainly add to the expenses to the Town of Candia in several ways. E. Mitchell responded yes it would be mutual aid, they have it in towns regardless of where it is, based on Chester's current regulations, the houses here have to have sprinkler systems in them and they have to have a cistern. We're trying to define if they can require both but if not, it would be sprinkler systems so from a life safety standpoint, if people can get out of the house safely before it takes time to have a fire engine get there, that's one thing we've looked at. D. Lewis commented would we require Chester or at least a representative of Chester's Planning Board attend our Planning Board meetings and vice versa for all meetings pertaining to this, because it involves both towns. We're going to get the brunt of the traffic; they're going to get the brunt of emergency response and school buses, plowing and everything else. I think there should be representatives at all meetings. T. Giffen and J. Lindsey said excellent point.

J. Moore of 185 Crowley said we don't see a school bus on Crowley today. D. Lewis remarked you'll see Chester's if this goes through. J. Moore said that s-turn coming up Chester Road and during the winter, it's a white knuckle event when you pass another car, what's going to happen when a school bus goes by? D. Lewis said there is no room for snow there, it goes on the bank and rolls back, it's shaded, and it's a difficult road to keep bare pavement on. It's lays low, its cold it packs very easily. Snow and ice packs quickly on that road so we'll have to use more salt on it for sure. J. Moore continued good surface on that road, who's going to pay for the ongoing 5 years, 10 years. Not those 60 houses.

D. Young Fire Chief said I think what would happen there is what happens on Currier Road where half the houses are in Deerfield and Deerfield would have to come to Candia to get there. There would be certain calls depending on what they are that we would get toned automatically. 98 out of 100 calls we wouldn't get called, but obviously house fires and major calls we would get called. It would be how Greg Bolduc sets his run cards up, how he wants to do it. We always talk together. At this point, he hasn't talked to me about it as he hasn't seen the plan yet because it hasn't been submitted. I don't see a huge impact for the Candia Fire Department down there. J. Colotti asked how many homes are on Currier Road that are shared with Deerfield. D. Young said 12 or 15 maybe. D. Lewis said more than that. D. Young said we go there maybe once a year, if that.

June Petrin 194 Crowley Road said the big concern is the road, I think about the morning, the bus that picks up the kids that are down at the end of Crowley on Chester Road and there's already cars parked down there at that v and a bunch of kids standing around and with the few of us that come and go on that

road, those people with their kids down there are taking their lives in their hands. This morning I was coming up Crowley at 7:15 am and someone was coming the other way, they weren't paying attention and I literally had to get off the road and almost up onto the stone wall because they were coming down the middle of the road. I was blaring on my horn before they finally looked up. You start adding all these people going to work in the morning, drinking their coffee and putting their make-up on, you're asking for an accident on that road. Comment from the audience, those rolling hills are tough. J. Colotti said you can pave it all you want but it doesn't change the contour of the road. T. Giffen said coming down off the top of the hill towards that corner can be treacherous.

Saul Levesque of 29 Crowley Road commented those were good points, for me backing out of my driveway, I'm right over one of the hills, close to the Chester Road intersection. When I back out, I back onto the traffic that would be coming, just so I don't get hit by someone coming over the hill. The hill even further is even worse. You can't see anything. I had sent emails to some members of the Planning Board and we spoke of it earlier in regards to the proper ordinance and you mentioned your hands are tied because that's the law. What's the legality here for Candia? If we don't want it, what's the law? Is there a law that says we have to allow it? I posed the question and I never got an answer, if you don't know it that's fine.

T. Giffen said I don't know it. It's difficult, you have a landowner with the right to use their land but then you have all these other issues, collateral damage when it involves the tax dollars are going to another town and a significant amount of impact is going to this town. It's thorny. We've had some feedback from the attorney with something similar to an impact fee but not, referred to as an exaction fee. There is an RSA for it. It's a mechanism for obtaining fees from a developer where the subdivision will impact town roads. Here is a quote from the statute; *"The failure to adopt an impact fee ordinance shall not preclude a municipality from requiring developers to pay an exaction for the cost of off-site improvement needs determined by the planning board to be necessary for the occupancy of any portion of a development. For the purposes of this subparagraph, 'off-site improvements' means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the planning board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development. The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction."* When I read that, if the right-of-way for Crowley was wider than it is and we felt that we need to widen and improve the roads, improve sight lines, re-grade whatever it took to make the road safe for the volume of traffic, we would then be in a position under the RSA where we could request an exaction fee from the developer and be proportionate to help upgrade Crowley Road, but we already crossed that bridge. The right-of-way isn't wide enough to do anything. I'm not sure where that leaves us.

E. Mitchell replied I think the shimming and repaving of the entire length of Crowley Road is a substantial amount, it's not just along our frontage. I don't know if you've run any costs on that or not?

D. Lewis said it's about 2400 tons to shim and the cost is around \$160,000-\$170,000. E. Mitchell said so it was more than \$100,000 and maybe less than \$200,000, whether it's an exaction or something like that, if it was right along the frontage, which they did partly when they cut out the frontage lots, that would be one thing but here we're arguing the full length of Crowley Road and not just paving it but shimming it and paving it to the tune of \$160,000 or \$170,000 bucks. D. Lewis replied it was the same route we took with the last two developers where one of them paid to box out all the sub-soil, widen the road, that's when we widened it to what it is now. It used to be in some places just 12 feet wide. We did our best to get it out to the walls and the trees, that's all we could get. But both of those developers put in \$200,000 each. One paid for the sub-grade work, the under drains and culverts, the other paid for paving and whatever else was left. The paving that you see that doesn't make it to the edge, that was a repair job by Pike Industries for the center line that cracked and they did that for free. \$22,000 repair job.

An abutter asked Dennis if they shim the road and they cut that traffic loose on it what is the time frame the Town would have to do that road over again. D. Lewis replied as with every road, 10-14 years. Pavement just breaks down, it gets brittle, it cracks, water gets in there and freezes, it falls apart. The Town should have a program where every 10-14 years we've gone over every road in town but that's the life expectancy. And that is only 2" of pavement on that road now and it's reached its life expectancy. The abutter said that would be a big impact to the Town to have to re-do that down the road. D. Lewis said it's going to be turning it into an arterial street. It's supposed to be 22' wide but we can't make any existing Town road up to those standards because they were laid out 200 years ago, 50 years ago. The grades, there are houses every 200 feet now, every 300 feet, you can't change the grade. We're in that same predicament with every existing Town road so when we think about the future, changing our zoning ordinance to allow cluster subdivisions or conservation subdivisions, remember we put a lot of traffic on old existing Town roads that aren't made to take it. .

Bob Petrin 194 Crowley Road asked under whose authority does the deeding portion get switched over to Chester. Right-of-way in Candia will be deeded to Chester. Who makes that determination please? E. Mitchell said the property is owned by the developer and as a condition of approval once the roads are built to the Town and the Town wants to accept them, then they would give a deed to the Town and if this was all in Candia, once the road is built to the standards or bonded to the standards they would give the deed to the Candia, that would be the owner. In this case, the deed would be given to the Town of Chester, not Candia and that is being done so Candia doesn't have any rights in the road itself and then not any rights to have to maintain that little short distance. Although there is a mutual agreement between many communities, little parts of different places, this takes that away completely so what's in Candia will be maintained by Chester. D. Lewis confirmed so basically the developer gives the deed to the Town of Chester, it's his property. We do that with any subdivision in Candia when there's a new road, say Winslow Lane, we get a deed for that. Or we should get the deed.

One abutter was concerned with runoff to his property and another was concerned about ground water and the effects on his well from construction, blasting and fracking and asked if any studies had been done. E. Mitchell responded most of Crowley Road is up higher than what most of this site is. It does go downhill. The westerly access goes downhill a lot. The back of all the lots that are in Chester do go downhill. The distance down through there is maybe 600 feet or so from Crowley Road back to the edge of the properties, at least 600 feet. The lots that we have, we have a 50' buffer, all the lots will be a significant distance away. From the standpoint of wells, I presume you have a drilled well. Drilled wells from my experience unless you get a really unique situation, there will always be water for drilled wells in subdivisions. All these lots will be at least an acre in size, they will all have water. Whether they have radon or not, there hasn't been one drilled yet to check to see but you'll always find water, it's just a question of how deep do you have to go? Any of the lots on Crowley Road are significantly away from the development and uphill so surface water's not going towards your property from this development and all the wells are going to be down in back. I don't see a problem with that. There isn't a study but we can get some additional information for the Board as well. In many subdivisions where you have 1 acre lots and other communities, wells can be drilled side by side by side, 150 feet apart, and not cause problems to the other wells. Or if there is drilling and blasting going on, it's not causing problems for the wells. Based on what's been done and what the experience is throughout the state it's not really a concern. Where you're much further away, there isn't much concern anyway, but it should be limited. I can get some more information from the state and log every well that's been drilled so I can get you some information on that.

Another abutter was concerned about the children and bicycles on the road with that kind of traffic. Jennifer Orzechowski of 20 Crowley Road commented I live on the straight away and like June was saying there are constant issues at the bus stop in the morning. We've had to call the police several times because people just go flying through there, almost hitting us and the kids. It's going to be bad.

J. Colotti said there is a speed issue that the police departments well aware of on that road, never mind this new development. But the cut through towns from Raymond, Epping, it's one of those areas

where people try to cut through to get over to the highway. It's a long exit between 2 and 3, 3 and 4. Instead of people going out to the highway, they cut through. I'm surprised there aren't more people here from Brown Road and Chester Road. Those two roads will have significant impact. T. Giffen reiterated there's definitely concerns with the roadway. In terms of safety and there's a need to improve the quality of the pavement to withstand the load of the heavier traffic volume. So we'll do something with respect to the shimming and overlay. J. Colotti continued there's a lot of negativity against your developer and the company and like we said before, it's his right, it's his land, he has the right to develop it. And that's fine but us as a Town and as a Board really need to think about the positives. What positives can we extract from this opportunity for this development? Are there some? If there are, we need to focus on that and what benefits there are for our community. Maybe there are, maybe they're but we can't just talk about what the negatives are but what could really benefit Candia from a 60 home subdivision that is not in our Town? T. Giffen replied anything that comes from the developer to help the Town of Candia is going to be a fairly short term thing. Such as the exaction fee that's covered by the RSA to help for specific road improvements. You can get that once but you'll have the ongoing traffic log, continuing maintenance and I'm not sure if there's a good way around it. Whatever we could determine is legally available, we should certainly pursue. E. Mitchell asked what the posted speed limit was. Several people said 25 and it's posted.

Another unidentified abutter thanked Eric Mitchell for coming and providing information considering the tone of the concerns. An abutter asked Dennis if it was a scenic road so 10 people per day. E. Mitchell clarified 10 trips a day, not vehicles, which includes coming and going. It includes everything as someone going to work and coming home, two trips. If two people work, that's four. School bus coming in that's a trip. Mailman is a trip. Oil truck is a trip. 10 trips a day, does not mean there's 10 cars leaving everybody's house a day per house and then 10 more going back to go home. It's 10 in and out. And they are scattered between the peak hour in the am and the peak hour in the pm when most people are using the roads. But we can give you some numbers as to what the peaks would be. I think originally when the front lots were done, there was a traffic study, but we can get additional information for what the peak traffic is going to be. For example, the hour and a half in the morning and how many cars coming out of this and same for afternoon.

S. Levesque said I think I was reading the Master Plan for Candia and it showed the percentage increase in traffic in all the roads in Candia and Crowley was 700%. Just to put that in perspective. That's far more than any other road in Candia.

T. Giffen said suggested putting in a speed table down near the sharp corner. Let me tell you, you wouldn't want to go over that fast. I'm not sure how well that would go over.

E. Mitchell said we'll be getting our plans together to submit it. As far as having representatives from Chester come, I think it depends on the, at least to come to the meeting, not necessarily a joint meeting, but have some members here. They also meet on Wednesday nights, the first, second and fourth Wednesday. The first would be out but you meet on the first and third. So it's possible for the third to come and then if anyone wanted to go to their meetings, to do it on the second and the fourth.

T. Giffen asked Andrea to draft a letter to the Chester Planning Board asking that we be notified of when this project is scheduled so that the Planning Board members can attend and we would like to offer the same courtesy to them. E. Mitchell said I can also add you to the list of certified mail and I'll add Chester to your list of certified mail.

MOTION:

C. Robie **motioned** to adjourn at 9:23 pm. J. Lindsey **seconded**. **All were in favor. Motioned carried (4-0-0).**

Respectfully submitted,

Andrea Bickum

Land Use Secretary

cc file