

**SOMERSWORTH PLANNING BOARD
MINUTES OF MEETING
MARCH 21, 2018**

MEMBERS PRESENT: Ron LeHoullier, Chair, Harold Guptill, Vice Chair, Bob Belmore, City Manager, Dave Witham, City Council Representative, Jeremy Rhodes, Jameson Small, Jason Barry, Alternate and Mark Fearis, Alternate.
MEMBERS ABSENT: Paul Robidas, Aaron Fournier and Chris Horton.
STAFF PRESENT: Shanna B. Saunders, Director of Planning and Community Development and Tracy Gora, Planning Secretary.

The meeting was called to order at 6:35 pm.

LeHoullier appointed Fearis and Barry as voting members for tonight's meeting.

1) APPROVAL OF MINUTES

Motion: Guptill moved to accept the minutes of the meeting of February 21, 2018.

Seconded by Small. Motion carried with an 8-0 vote.

2) COMMITTEE REPORTS

Land Use Board Reports (ZBA, HDC, Conservation Commission, SRTC)

See attached report.

Minor Field Modification Report

See attached report.

City Council Report

Witham stated that the Council continues to work through selecting firms for various City projects. Stated that the upgrades to the wastewater treatment facility are over 10 million dollars and the firm chosen to do the work was Wright-Pierce. Stated that the work to the pump station on Blackwater Road is over 50% complete. Stated that the project of changing all City street lights to LED is just about complete.

Strafford Regional Planning Commission Update

Weekly emails are sent.

Vision 2020 Committee Report

None.

3) OLD BUSINESS

A) Any other old business that may come before the Board.

None.

4) NEW BUSINESS

- A) Upland, LLC is seeking 28-lot major conservation subdivision approval and waivers for property located at 138 Rocky Hill Road, in the Residential Single Family (R1) District, Assessor's Map 54, Lot 01, SUB #03-2017.

Saunders reviewed her memo (see attached) and stated that it is lengthy because there are still amendments that needs to be made to the plans. Stated that the plans show a lot line adjustment with some of the leftover land. Stated that the applicant is requesting a waiver from installing sidewalks but that in her opinion, there is a lot of development potential in this area and they should consider the long term with sidewalks. Suggested requiring an escrow be set up for future sidewalk installation that the City can hold for up to six years and then return if nothing happens. Stated that they are also requesting a waiver for the length of the one of the proposed cul-de-sacs and the SRTC had no issue with that. Stated that the SRTC gave the applicant kudos for the layout, use of buffer and working with the land as they did. Stated that the applicant had to go to the ZBA because the property is in the Groundwater Protection District (GPD) that requires that you hook up to City sewer, which is thousands of feet away. Stated that the variance they received allows them to use private septic systems but they must use a passive system. Stated that the applicant had to go before the Conservation Commission because the property is in the GPD and because they need a conditional use permit (CUP) for encroachment on the wetland buffer. Stated that the Conservation Commission has recommended conditions of approval that are listed in the memo. Stated that there was third party review of the drainage only and the report was in your packets. Stated that the applicant hasn't made changes to their plan yet because of timing but that any changes will need to be reviewed by the third party again. Stated that an escrow account will need to be set up for legal review of covenants and bylaws for the Homeowner's Association (HOA). Stated that they are reviewing the possibility of installing hydrocarbon absorbing sacs in the catch basins but the City is looking into long-term maintenance. Stated that more research needs to be done on that.

Belmore referred to the memo, page 5, P and stated that he wants to make sure that there is room enough for access of school busses.

Saunders stated that the Fire Department looked at the size of their largest truck so she assumes a school bus will work.

Dave Francoeur, owner and applicant addressed the Board. Stated that this project got started eight months ago with his engineer. Stated that he first brought the project to Director Saunders seven months ago where she suggested going to the SRTC and Planning Board for a conceptual review. Stated he did that and then came up with this plan based on that. Stated that he hopes all of the Board's concerns from the conceptual review have been addressed with this plan. Stated that he also went before the ZBA and the Conservation Commission and here they are with a good project. Stated that they are required to leave at least 30% of the land in conservation, which they are doing. Stated that they are planning on using the existing disturbed areas for the development. Stated that he has talked with abutters and they have moved some of the lots and put a buffer area in. Stated that there were water issues with Rouleau Drive and Winslow Drive but that this development isn't sending the water toward the abutters. Stated that there will be no wetland crossing. Stated that there were concerns about access and maneuverability of emergency vehicles but that he spoke with the Fire Chief and he had no concerns. Stated that he widened the roads by two feet. Stated that he met with Director Saunders and Director Bobinsky yesterday and showed them the school bus radius. Stated that there is a little section of land that he is basically going to give to a neighbor, who already uses the driveway because he has a right of way over it. Stated that a fence will be put up there. Stated that many of the outstanding items have already been taken care of. Stated that they are ready for the next review and that they don't feel there is anything left outstanding. Stated that he would like approval tonight so that he can get started. Stated that the Director's memo mentions sidewalks but that no one seems to really want them. Stated that he is

widening the road by two feet with the absence of sidewalks. Stated that he is spending more money to make the road wider so the cost of the sidewalks is already spent in the building of the road. Stated that the Fire Chief is happier with a wider road.

Bob Stowell with Tritech Engineering Corporation addressed the Board. Stated that they were here in November for a conceptual review where they got a lot of good feedback that they incorporated into this plan. Stated that there were some outstanding items to be completed on the list but that they were mostly administrative items that have been addressed. Stated that he is not sure there is a solution to the hydrocarbon concerns since all of the options they and the third party engineer looked at have flaws. Stated that they had a positive review by the third party engineer with manageable items to address. Stated that environmentally they are steering clear of sensitive areas. Stated that drainage is shown on page SP3 and that the lots will be on septic systems. Stated that the bar for drainage is high because of the GPD. Stated that they will need an Alteration of Terrain (AoT) permit from the State. Stated that they are infiltrating the ten year storm and that they are keeping the drainage where it goes now. Stated that there will be bio retention areas where they will capture runoff, pretreat it, treat it, infiltrate and release the rest. Stated that the conditional use permit was for the location of bio retention #3 but that they are not doing anything in the wetland. Stated that they didn't want to make the water worse for the abutters on Rocky Hill Road so the stormwater is directed toward Cole's Brook. Stated that there is a good buffer from the abutters.

Public hearing opened 6:55 pm.

Janet Moriarty of 126 Rocky Hill Road addressed the Board and stated that she lives on the corner of Rocky Hill Road and Shawn's Way. Stated that this project impacts her a lot. Asked who will own the conservation land and be responsible for it. Asked about the status of Shawn's Way and stated that she would be worried it would be used for ATVs. Asked about that road being closed off or if the Fire Department needs it.

Pam Sawyer of 130 Rocky Hill Road addressed the Board and asked how the Board can give approval for the septic systems if all the details are not ironed out yet. Stated that the applicant wants approval tonight but they are still working on the details. Stated that she disapproves of 28 houses because it is too dense and this is a quiet area. Stated that homes usually have two cars so there will be 56 more cars on the road, along with visitors to the homes. Stated that Rocky Hill Road is used a lot by non-vehicles and there are no sidewalks. Stated that the speed limit is posted at 30 mph but people disregard the limit. Stated that they are at the bottom of Rocky Hill Road and water runs down so she doesn't know how there could be a sidewalk and there would need to be culverts. Stated that this area is close to the City's backup well. Stated that Francoeur changed his mind on the types of houses and showed different ones to different abutters. Stated that she is concerned that Francoeur will change his mind after he gets approval. Stated that all the houses will be on septic and that she is concerned with the small lots and polluting. Stated that Francoeur mentioned this development being for age 55+ but asked who is going to monitor and control that. Mentioned the railroad crossing and asked about having lights and drop arms. Stated that she spoke with the school bus company First Student and they told her that they do not drive into cul-de-sacs. Stated that there is going to be a lot of traffic by adding 28 houses and they might have to purchase another bus. Asked what a loop road is. Stated that between lots 18 and 19 there is a right of way and there is a large lot abutting his property for future expansion. Asked how many more cars the road can handle. Stated that there are no warning lights at the railroad crossing. Stated that she would like a privacy fence installed in her back yard at Francoeur's expense because she wants to prevent people from coming onto her property. Stated that she moved here for the tranquility of the woods and they are looking to shatter that. Asked the Board to consider the impact before approving this.

Sarah McGraw of 36 Market Street addressed the Board and stated that she has concerns relating to the proximity of the project to the wellhead protection area. Stated that she is concerned with any changes that haven't been shown to the Board yet. Read a section from page 14 of the City Natural Resources Assessment and stated that this wellhead has potential for being used. Stated that it was used in 2015.

Steve Fermanis of 37 Laredo Lane, Rochester NH addressed the Board and stated that he represents the Kurlovich Estate, which is a direct abutter. Stated that he has been before the Board several times and only asked for a three lot subdivision. Stated that there was a right of way mentioned earlier and would like to see that. Suggested that maybe the right of way should be paved. Asked if the drainage can be pointed out. Stated that he would like to see where everything is. Stated that it would be scary to approve this with the unresolved hydrocarbon concerns. Stated that the original plan was for 15 houses and that he is surprised it went up to 28 given the nature of the homes in the surrounding communities. Stated that it doesn't seem like this would fit in.

Saunders stated that it is proposed that the HOA will own the open space. Stated that if there are plan changes during development then it would either be a minor field modification approved by staff or if significant, it would have to come back to the Planning Board. Stated that an example of a loop road is shown on the yield plan and it means there are two points of access.

Francoeur stated that the right of way for the potential road at the end of the cul-de-sac is required by City regulations and is provided in case of future development. Stated that the closest sidewalk to this property is about two miles away and explained where they are. Stated that the lot sizes he is proposing is what the ordinance allows. Stated that he doesn't have the right to do a conventional subdivision because this is the ordinance now. Stated that there will be guidelines and rules for the HOA and there will be no recreational vehicles. Stated that this has been designed to meet the regulations. Stated that this is what the City wants because it is in the ordinances and we are abiding by it.

Stowell showed drainage on the plans and stated that there will be three drainage areas. Stated that the standard is that they cannot increase post-development runoff from pre-development runoff. Stated that they meet, and far exceed, that standard. Stated that there are woods roads on the property that are not part of this development.

Public hearing closed 7:23 pm.

Small inquired about the holding of the conservation easement until 50% of the properties are sold then the HOA holds it.

Saunders stated that the developer will hold the conservation easement until 50% of the properties have been sold then it will be turned over to the HOA.

Small asked if the HOA would be responsible for cleaning out the catch basins.

Belmore stated that the conservation easement will always be with the HOA. Asked if the easement restricts the use of all-terrain vehicles, etc.

Saunders stated that she is unsure if that is written into the easement but that the applicant may be amenable to making that a condition of approval.

Belmore confirmed that the open space easement ownership would not be part of the road acceptance.

Saunders confirmed – according to the submitted docs.

Belmore stated that there have been issues with other subdivisions and just wants to protect the City.

Saunders stated that in this case, the only thing that the HOA will have is the open space – road maintenance will go to the City after acceptance.

Fearis asked if the open space is taxable and if the HOA pays for it.

Saunders stated that she would have to find out from the City Assessor.

Witham stated that the applicant pointed out that the regulations require this kind of subdivision but asked if they will welcome other type's.

Saunders read from the regulations.

Witham stated that he recalls Council conversations about this when they were considering updating the regulations that this is less impactful to the land, there is more space left open, more room for wildlife, less impact on wetlands and is more favorable.

Saunders stated that it leaves tracts of undeveloped land with the hope of connectivity.

Small stated that the City requires using the conservation subdivision but that there are exceptions to that and read from the regulations where traditional subdivisions are supported. Stated that the Board has the option to use the yield plan or the conservation subdivision. Stated that the Table 5.A.2 from the Zoning Ordinance says that 1.5 houses are allowed per acre and that he doesn't think the math works out for this project. Stated that the State makes recommendations for the amount of land to be conserved but the City regulations are different. Stated that there needs to be a minimum of 30% of buildable land conserved but that he doesn't see that here. Stated that the yield plan was done correctly using Table 5.A.1 but not when considering Table 5.A.2.

Saunders stated that her understanding is that the calculations are done using the entire lot at the beginning. Stated that she understands Table 5.A.2 applies to multi-family dwellings or multiple SFH on one lot. Stated that this doesn't apply to the R1 District because they are restricted to a single lot with one building.

Small stated that he feels this is too dense and there are a lot of septic systems close to each other. Asked how it will be maintained. Stated that this will all be put on the City.

Fearis stated that 28 lots are allowed but not mandatory. Stated that he doesn't like the disjointed thinking of having more green space but shoving all the houses together. Stated that looking at the setbacks, houses would be ten feet from each other. Stated that he would like to change that in the ordinance. Stated that he drove through Hawthorne Circle, which is similar and the houses are all close together. Stated that he is not sure of the style of house being proposed but he would like to see that before approving this. Stated that the lot sizes are small and asked what the driver was for septic systems.

Belmore stated that the City doesn't make anyone do anything but set up regulations. Stated that they are trying to maximize what they have. Stated that they could have less lots but that the regulations allow for 28. Stated that the City sets up guidelines and provides options.

Witham agreed.

Stowell stated that step one was density and that they did a lot of work to get there but they have a yield plan that is a buildable plan. Stated that the yield plan meets the regulations and is a real plan. Stated that the next step is to design the plan. Stated that the State has a suggested amount of land to conserve but that Somersworth has developed standards that say 35% and this project exceeds that. Stated that they are conserving 40% of the buildable land and showed where it is on the plans. Stated that this is acceptable to the State to use septic systems and that they would actually allow for more lots.

Witham asked about third party review.

Saunders stated that they only review the septic and drainage portion.

Witham asked if the third party engineer looked at the yield plan.

Saunders stated that they did not.

Francoeur stated that he met with Director Saunders, brought a conceptual plan to the SRTC and the Planning Board and this was the direction the City wanted. Stated that his perception was that he couldn't do a traditional subdivision. Stated that the third party engineer reviewed the septic systems and there are great soils in this area. Stated that he feels that he meets the criteria that has been put in zoning. Stated that he is concerned that there are so many questions when he follows the regulations.

Saunders stated that she wouldn't object to third party review of the calculations or the yield plan.

Rhodes stated that the regulations state that a developer "shall" attempt a conservation subdivision but doesn't say they have to have the maximum number of lots. Stated that they meet the minimums with the yield plan and the conservation subdivision. Stated that the plan does meet the minimum numbers for open space and septic systems however the City didn't demand this layout or size. Stated that he feels it is the maximum development that there can be.

Stowell stated that the yield plan is viable and is what would be proposed if not the conservation subdivision.

Francoeur stated that regarding the style of the houses, he doesn't like to have four or five styles with the client picking one because then you have too many houses that look the same. Stated that he likes to sit with a client and design what they want. Stated that they will all get building permits and meet the regulations. Stated that the houses in Sunningdale are close together and selling just fine. Stated that this is the setback from the regulations and they meet it.

Belmore stated that the applicant mentioned a road to the abutting property that the City wanted and asked if that was discussed at SRTC.

Saunders stated that between lots 18 and 19 there is a right of way for possible road construction per Section 7.C.1 of the Subdivision Regulations and read them.

Belmore asked about the status of the hydrocarbon BMP.

Saunders stated that it is still being worked on and that if the Board votes on the application tonight it would need to be a condition of approval to be worked out to the satisfaction of the City.

Fearis stated that he likes the fact that the applicant designs unique houses. Stated that he doesn't care for the density and that the houses are too close together.

Francoeur stated that this is what the City requires and what is in the regulations.

Belmore stated that regarding the well being used last in 2015 he would have to check with staff because he remembers it last being used during the floods in the 2000s. Stated that Somersworth is engaged with Dover for emergency water supply and it is pending a State grant.

Rhodes stated that the concerns from the third party engineer's memo from March 9 is mainly administrative but #1 isn't. Stated that it is a design concern having to do with drainage.

Stowell stated that he submitted data to show the third party engineer that what he has proposed will work and slope is a factor but that it will work appropriately as proposed.

Rhodes stated that he would like that to be resolved. Asked if the applicant owns Shawn's Way.

Stowell stated that it is part of this parcel.

Francoeur stated that there is an easement.

Rhodes stated that an abutter raised a concern on how it may be used.

Stowell discussed deeding Shawn's Way to the people who have the easement.

Witham asked about the existing woods roads shown on plan page EX1.

Francoeur stated that it will be part of the common land and the use will be restricted.

Rhodes asked about putting boulders at the beginning of the woods roads to restrict the use.

Francoeur stated that they can do that at each entrance.

Rhodes stated that one of the abutters requested privacy fencing.

Francoeur stated that there are acres of buffer land and that privacy fencing wouldn't make sense.

Rhodes stated that regarding the hydrocarbon containment the option of doing nothing isn't acceptable because it is drinking water. Stated that regarding a sidewalk exaction, there are no sidewalks in this area and there is a lot of land that could be developed and sidewalks could connect future developments. Asked the applicant if he would agree to putting money in an escrow for potential future sidewalks.

Francoeur stated that he would need to know the amount and the logistics. Stated that the City didn't seem to want sidewalks because the cost of maintenance to the City. Wondered if it would ever even get used.

Rhodes stated that he isn't talking about internal sidewalks and that he likes that the street will be wider but he is talking sidewalks outside of the development that could connect to future developments in this area.

Witham stated that he supports not having sidewalks in the development but talked about having them on Rocky Hill Road. Stated that he agrees that people use Rocky Hill Road and that he understands the concern. Asked how you would calculate this applicant's portion the

exaction for that though. Stated that the City already has sidewalks that need to be rebuilt now and that adding more may not be the viable thing for the City.

Saunders stated that the wording for exactions talks about a proportional share so she would have the developer calculate cost for internal sidewalks and that would be their proportion.

LeHoullier stated that the Board didn't require sidewalks on Rouleau Drive or Winslow Drive and wondered if it would be a good idea to start requiring them now. Stated that the Board needs to look at the Subdivision Regulations and talk about sidewalk requirements.

Witham stated that Sunningdale has sidewalks but that the Board required them to be built on Stackpole Road because of connectivity.

Belmore stated that the developer wouldn't have to do everything but just his proportion of the cost. Stated that he could back out the cost of widening the road. Stated that he is not opposed to having money put in escrow that can be returned in six years if it doesn't get used.

Small stated that an abutter mentioned the nearby railroad crossing. Asked where children will be waiting for the school bus. Stated that the dirt road is going to see a lot more traffic and suggested having a small pad for the children to wait for the school bus. Mentioned that there is no gate at this railroad crossing.

Witham suggesting have a mailbox kiosk that is also like a gathering spot to wait for the bus.

Stowell stated that he thinks that the school bus will go into the development.

Francoeur stated that the size of the road is better for the bus to turn around.

Saunders stated that the railroad is an abutter and was notified of the meeting.

Small asked who is responsible for safety at the railroad.

Belmore replied that the railroad is responsible for safety.

Francoeur stated that he lives over there and that his kids are already at school when the train goes by.

Barry stated that regarding drainage he is happy for the balance with pre and post development.

Barry asked about the regarding hydrocarbon topic as it relates to stormwater design. The basins have a forebay, can you explain how it mitigates hydrocarbons

Stowell explained the forebay is not a high end hydro carbon mitigation method, not the best solution, its more for sediment. He explained how the forebay works and that they would use the UNH Stormwater Center soil matrix the City recommend.

Barry asked about infrastructure inside the drainage basins, to mitigate the hydrocarbons.

Stowell explained they could put a hooded sump in half the basins – those that don't have upstream flow.

Barry stated that he would like to see more than a 0.5% slope for the pipe due to velocity concerns.

Stowell stated that the calculations show that even at this slope it will be fine because of the velocity. Stated that they would have to artificially raise the road system to change the slope but they don't need to.

Barry asked about curbing.

Stowell stated that the interior doesn't have curbing.

The Board started to discuss the waiver requests.

Saunders stated that waiver one is for sidewalks. Stated that if the Board decided to have an off-site exaction for sidewalks it would be part of this.

Sidewalk waiver motion: Fearis moved that the request of Upland, LLC for a waiver from Section 7.M.1 of the Subdivision Regulations to not install sidewalks be **APPROVED WITH THE FOLLOWING CONDITION:**

1. The road pavement width shall be 26 feet throughout the subdivision.

Seconded by Guptill. Motion carried with an 8-0 vote.

Subdivision motion: Small moved that the request of Upland, LLC for a conservation subdivision be **TABLED**.

Small stated that he would like this application tabled because there are pages of items that need to be addressed on the plans that the Board should look at. Stated that he would like to go through that. Stated that he wants drainage to be figured out. Stated that there is still work that need to be done.

There was no second to the motion so no vote was taken and the motion did not carry.

Witham asked for an explanation for the maximum length the City requires for cul-de-sacs.

Saunders stated that it is typically for life safety concerns but the Fire Department has no issues with the waiver request for cul-de-sac length.

Guptill asked someone to show on the plans what the different in road length looks like.

Stowell showed on the plans. Stated that there are fire hydrants within the development.

Rhodes stated that he feels that the regulation for the length of the cul-de-sac has to do with not too many lots with a single point of access. Stated that his concern would be with safety.

Cul-de-sac waiver motion: Witham moved that the request of Upland, LLC for a waiver from Section 7.C.3 of the Subdivision Regulations regarding cul-de-sac lengths be **APPROVED**.

Seconded by Rhodes. Motion carried with a 6-2 vote with Small and Fearis opposed.

Saunders stated that, regarding with waiver for the performance security, the Board has typically granted this in the past. Stated that he regulations require 110%. Stated that this money would just be used only if the developer walked away from the project and the City needed to secure the site. Stated that it is just for safety and that the Site Plan Review Regulations have already been updated by this Board.

Performance guarantee waiver motion: Guptill moved that the request of Upland, LLC for a waiver from Section 7.O.2.a.i of the Subdivision Regulations for the amount of the performance guarantee be **APPROVED**.

Seconded by Witham. Motion carried with an 8-0 vote.

Saunders stated that the Board also needs to vote on the conditional use permit application.

Belmore stated that the conditional use permit was reviewed by the Conservation Commission and they have suggested conditions of approval that the Board should use.

Conditional use permit motion: Guptill moved that the request of Upland, LLC for a conditional use permit be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. The applicant shall use the UNHSC specifications for soil matrix in the bottom of the stormwater ponds;
2. The applicant shall use primarily stump grindings berm or silt soxx for erosion control (in lieu of silt fence);
3. The applicant shall meet the specifications of the third party review dated 3/9/18 by Dubois and King;
4. Any rules associated with the NHDES 400 foot Sanitary Protective Radius for Community Wells and the 4000 foot Wellhead Protection Area for Bedrock Wells shall be adhered to by the applicant and future property owners;
5. Some sort of hydrocarbon mitigation shall be included in the catch basin design to help remove oils and greases from everyday use of the roadway. Dubois and King submitted a memo that details six options;
6. The applicant shall only use low phosphate, slow release nitrogen fertilizer or limestone on landscaped areas and language regarding such use shall be included in the Homeowner's Association documents; and,
7. The applicant shall place a sign, at his cost, in the development, that alerts the homeowners that they live in the Groundwater Protection District and therefore must take more precautions with use of anything that may impact the well or groundwater. Sign language shall be preapproved by the City.

Seconded by Rhodes. Motion carried with an 8-0 vote.

Saunders referred to her memo for suggested conditionals of approval.

Witham stated that he wants to make sure that there is legal review of the homeowner's documents, etc.

Stowell asked if the condition of approval for monumentation be for after the development is constructed.

Saunders stated that it can be. Continued reviewing the suggested conditions of approval.

Belmore asked if the Board is comfortable with the yield plan.

Witham mentioned using a natural barrier rather than just boulders to block off the woods roads.

Rhodes stated that he just wants to limit off-road vehicles.

Witham stated that he has listened to abutters and that they can debate the appeal of the subdivision but that it appears the proposal meets the City and State regulations. Stated that he would like a condition of approval for third party review of the yield plan. Stated that overall he supports the project.

Belmore stated that he would like a condition of approval prohibiting all-terrain vehicles in the open space. Stated that it is consistent with other projects.

Witham stated that the easements get recorded at the Registry of Deeds.

Witham stated that he wants to address Small's concerns with density and buildable area.

Belmore stated that he would like to see the third party engineer review that.

Saunders stated that a lot of verification needs to occur and that she would word the condition of approval to come back to the Planning Board if anything doesn't add up.

Motion: Witham moved to add review of the yield plan to the conditions of approval.

Seconded by Small. Motion carried with an 8-0 vote.

Motion: Guptill moved to reopen the public hearing.

Seconded Fearis. Motion carried with an 8-0 vote.

Sawyer asked the Board if they are voting on this tonight before the drainage and septic systems are approved.

Saunders stated that the review of the septic systems is complete.

Sawyer stated that one of the dirt roads goes from the house on the main lot to Shawn's Way and that her backyard can be seen from there. Stated that she would like a privacy fence because people are going to be able to see into her backyard. Stated that there aren't a lot of trees.

Belmore stated that the ZBA approved the use of septic systems but each individual home needs to get State approval for each septic system.

Small stated that the Board has a choice to allow the conservation subdivision with maximum houses, have a hybrid of conservation and conventional subdivisions or just the conventional subdivision.

Guptill asked if there is any way for more of a buffer with Sawyer's property.

Francoeur stated that he understands protecting privacy but that he would have to cut trees and excavate to put in a fence. Stated that he can't stop someone from going in her backyard but that he can't stop someone from going into his backyard either.

Stowell stated that page EX1 shows the woods roads.

Subdivision motion: Guptill moved that the request of Upland, LLC for a 28-lot conservation subdivision be **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. PLAN REVISIONS:

- a) The legend is not consistent from sheet to sheet, and in some cases items such as the flood zone are not even a part of the legend even though it's shown on the plan. Please make sure the legend is shown on every sheet, all lines are explained in the legend and the lines are consistent between sheets;

- b) The Landscape plan shows the two trees per lot that are required. Please add the required transformer box landscaping required in Section 7.J.4 of the Subdivision Regulations, and cul-de-sac island landscaping (grass is fine) per Section 7.H.3.d of the Subdivision Regulations. Review the placement of the electric transformers and cable boxes with respective utilities at each of the house lots to ensure placement does not conflict with efficient snow plow operations or provisions of other municipal services;
- c) Soil mixture in the bottom of the basins is not the most up to date mix recommended by the UNH Stormwater center. Please amend to a mix of gravel, sand, silt and clay. See attached hand out from the UNH Stormwater Center;
- d) Topographic plans S4 and S5 show contour lines but no contour values. Please add;
- e) Grading and Drainage plan SP3 shows contour lines but no contour values. Please add;
- f) Both silt fence and silt soxx are used in the plan set. We would prefer the silt soxx is used in the wetland buffer as install is much easier. Please change silt fence notation on C5, C6 and C7;
- g) Sheets S2 and S3 do not show all lot frontage values. Please add;
- h) Sheet S1 shows the greenspace calculations. This is confusing. Is the line entitled "buildable area" really the open space of the buildable area or the total buildable area? The same with "non buildable area". Please clarify;
- i) Sheet C1 note C9 in the leader for the construction entrance is a typo. Please fix;
- j) Sheet C4-please submit as-built plans to the Planning Office not the Engineering Office;
- k) Sheet C6 shows a Hi Vis Hi Flow Silt Sac and erosion blanket, please cite in the plan set where this will be used;
- l) The Water Department is worried about the long-term effects of gas, oils and greases and their additives on the adjacent public drinking water well. In order to help mitigate, please work with the Planning and Public Works Departments to install a hydrocarbon mitigation system if the City deems it is effective and is a system that the City can carry on maintaining once the road is accepted as a City Street. "No action" may be a feasible option given all these factors;
- m) A separate boundary line adjustment application with fees will need to be submitted for the lot boundary change shown on the plans between map 54, lot 8 and the parent parcel/parcel A;
- n) Please make the following changes to the Declaration of Covenants and Bylaws that were submitted:

Bylaws:

- a) Article III, Section 2(a)-need to add maintenance of the open space. Also please add "per Planning Board approval" after the word upkeep;
- b) Article VI, Section 7-what does the Road Agent manage as outlined in Article IV Section 7 Road Agent? Is this the common area, the easements, snow removal? The Road Agent is a good idea until the road gets turned over to the City. Perhaps combine the position of "Road Agent" to that of Open Space Manager, as that responsibility needs to be addressed as well;
- c) Easement enforcement needs to be addressed in the interim between developer control and City control of roads and drainage. This should be written into the document as well;
- d) Article V, Section 1, third line-...as set forth in the Article Second of the Trust Agreement ..." ADD: "and Planning Board Approval";
- e) General Provision-suggest use of the federal fiscal year, July 1-June 30 for the Homeowner's Association (HOA) budget year; this links up with the City's fiscal year, typically when new fees or fee increases go into effect, such as water fees or trash bag fees. This may be easier for the HOA fees to be collected based closer to this standard fiscal calendar;
- f) Members-suggest having the developer and their legal advisers review the wording of Article II, Section 3, Quorum. This section and related wording seems a bit confusing; and,

- g) Clarify Article V, Assessments, Section 1, Category of Assessments. Similar to my question above. Are the assessments for the common areas and for the main road until the developer petitions the City to accept the street as a City street?

Declaration of Covenants:

- a) Section 2.b-please change “Storm Water Management” to “Drainage System” as is defined in the definitions;
- b) Section 3-not sure what the language “to remove a water pipeline, sewer pipeline to be laid over...” means. Perhaps rewrite to be more clear?
- c) Section 7-should include language from the Zoning Ordinance Section 7.VII.F & G and Subdivision Regulations 7.I.3;
- d) Section 9.iii, third line-typo “frat” should be “that”;
- e) There needs to be very clear language as to the process for turning over the development once the 14th house is sold. Section 14 is a little vague and states at any time after the sale of 50% of the lots. We would like a clear transition point to be chosen and articulated in the document with clear direction to the HOA as to what they need to do to get their association up and running;
- f) Bio #1-The City or HOA will need to have the access easement clearly marked out on the proposed subdivision plans and for Lot #1 to allow for maintenance of the bio-retention #1. While this basin is immediately off the entrance, the proposed plans do not show any easement for the Map 54, Lot 1 property; as it stands, it would indicate permission to access Lot 1 for any maintenance needs for this basin is not allowed. Please add;
- g) Bio #2-the 20’ easement for the storm sewer pipe between Map 54 Lot 1-7 and Lot 1-8 seems adequate, but additional easements are needed around the bio retention basin to ensure equipment has access to maintain and or clean out the basins in the future, and to be clear to the future owners of Lot #7 and #8 that City crews or their contractors will need to be on this to be defined easement on occasion for maintenance purposes;
- h) Bio #3-better definition of the easement between lot 14 and lot 15 to ensure that abutting property owners do not add landscape, fencing or other structures that would impact future access for maintenance work. In addition, easements are needed behind the bio retention #3, from lots 11, 12, 13, 14, and 15 to enable the City Public Works or contractors access behind Bio #3 for maintenance and cleaning of excessive sediment over the years;
- i) I would also request the developer’s engineer provide the City with a recommended maintenance plan for these three (3) bio retention basins for future use by the City Public Works personnel or whoever will end up being the responsible party to maintain these structures; and,
- j) Please add language that prohibits ATV’s, snowmobiles and other recreational vehicles from the Open Space.
- o) Please address all comments from the 3/9/18 Dubois and King letter. The plan be re-reviewed by the third party review firm with the changes/additional info including but not limited to #5, #7, #9;
- p) Please show that the length and width of the cul-de-sacs can accommodate a future access for fire apparatus, Public Works plow trucks, solid waste trash and recycling trucks, school buses and other public safety vehicles;
- q) Note on the plans the timing of the installation of street trees proposed in front of the house lots as described in La-1 and La-2, so as to not conflict with the construction of the house lots and other site improvements;
- r) The following Water Department comments correspond with the W-1 Water Notes on Sheet No. SP-2 and C4 of the plan set:
 - 1. Note 1-change “City of Rochester” to City of Somersworth;
 - 2. Note 3-change “City of Rochester” to City of Somersworth;
 - 3. Note 9-add maximum depth of 7’;
 - 4. Note 10-add maximum depth of 7’;

5. Note 12-eliminate dead end sections, as they tend to stagnate and cause water quality concerns. Use 8 X 6 MJ reducer, valve and a hydrant to terminate sections of main. Service taps should be a minimum distance of 15' from the end of the main; and,
 6. A copy of the revised water plans need to be submitted to the City of Somersworth DPW for review. If approved by the DPW, the plans will be forwarded to NHDES for review. Any changes that might be required by NHDES will be at the expense of the applicant.
- s) Natural barriers, sufficient to prohibit access by vehicles, shall be placed at the "woods roads" entrances into the site as shown on the existing conditions plan. The intent is to stop offsite ATV's, snowmobiles and recreational vehicles from continuing to use the trails after development;
 - t) A combination mailbox/bus stop structure shall be constructed at the entrance to the property. This structure shall have a roof and sides and be similar to the one constructed at the Sunningdale development;
 - u) An escrow account shall be set up and funded by the applicant for the legal review of all legal documents; and,
 - v) The City's third party review firm shall review the yield plan and open space calculations to verify that all City regulations are met or the applicant shall return to the Planning Board.

2. CONDITIONS THAT MUST BE MET PRIOR TO FINAL APPROVAL OR RECORDING OF THE MYLAR:

- a) Please provide copies of drainage, access and utility easements that cross or reside on house lots. Please include enough land in their storm drainage easements for the drainage swales and retention basins adjacent to specific house lots to allow the City or other contractor's access to the sites for maintenance;
- b) CONSTRUCTION COST ESTIMATE-a construction cost estimate for this project shall be submitted;
- c) PERFORMANCE GUARANTEE-the applicant, in order to begin site work shall provide site improvement and restoration security, a performance guarantee in an amount equal to 25% of the total estimated cost of installation of all public improvements. Before lots can be deeded to third parties, the applicant shall provide a cost estimate of remaining site work including labor, and provide 100% of the estimated cost for remaining site work. (Any existing restoration security being held at this time may be considered toward this amount.) This amount shall include as-built plans. Said performance guarantee shall be submitted to and approved by the Planning Department;
- d) PLAN FILING AND RECORDING-the applicant shall provide a Mylar suitable for recording, appropriate recording fees (depending on Mylar size), with separate fee for LCHIP, made payable to the Strafford County Registry of Deeds, and four (4) paper copies of the final plan as approved by the Board. The final plan shall reflect any and all changes required as part of the approval process. Please submit one copy of the revised plan for final Staff approval before submitting the additional 3 (three) copies and Mylar;
- e) SURITY SECURITY-the applicant, in order to cover maintenance of roads and other improvements for a period of two years from the date of completion shall provide surety security in an amount not less than 25% of the cost of improvements. If repair or unusual maintenance is necessary or if additional improvements are required then such costs shall be drawn against said surety; and,
- f) FEDERAL AND STATE PERMITS-all Federal and State permits shall be in place before plan signing and recording, including NHDES Site Specific, and NHDES Wetlands permit.

3. CONDITIONS TO BE COMPLETED PRIOR TO THE START OF SITE WORK:

- a) **WETLAND BUFFER DEMARCATION**-wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the conditional use permit and NHDES wetlands permit). Should overcutting occur the applicant will be required to replant. Wetland buffers shall be marked with orange snow fences prior to any onsite activity, and such markers shall be maintained throughout construction;
- b) **PRECONSTRUCTION MEETING**-a preconstruction meeting is required prior to the start of work. Please contact the Office of Planning & Community Development to schedule this at least 2 weeks prior to breaking ground; and,
- c) **EROSION CONTROL**-erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breeches shall be repaired within 48 hours of the storm event.

4. AS-BUILT PLANS:

- a) Within thirty days of the completion of the project and prior to the issuance of the final occupancy permit, the applicant shall submit (3) three prints of the as-built plan for circulation to department staff. Once reviewed, if revisions are required, the applicant shall submit one revised copy for verification before submitting final five (5) revised as-built prints and a Mylar suitable for recording; and,
- b) **MONUMENTATION**-a Licensed Land Surveyor shall submit a statement that the proposed monumentation has been installed according to the approved plan.

Seconded by Witham.

Witham stated that going back to Small's discussion on which type of subdivision to allow, this proposal seems to meet the regulations. Stated that they talked during the conceptual review that Sunningdale, which is the same type of subdivision is selling at high price points. Stated that this may be different than surrounding communities but these are the regulations in Somersworth and it seems to work. Stated that he can't justify not saying yes.

Small stated that he suggests using the NHDES minimum standards, which would allow about 16 houses. Stated that the Board's job is to think down the line and look at the whole community. Stated that this application isn't even complete and that he is not voting in favor of this.

Belmore asked how many lots were discussed at the conceptual review.

Small replied 28 lots.

Rhodes stated that the 28 lots are from the yield plan. Stated that he would like the condition of approval be that the yield plan get reviewed by third party and come back to the Planning Board if there are any issues.

Motion carried with a 6-2 vote with Small and Fearis opposed.

B) Any other new business that may come before the Board.

None.

5) WORKSHOP BUSINESS

A) Any workshop business that may come before the Board.

None.

6) COMMUNICATION AND MISCELLANEOUS

LeHoullier stated that it is up to the Board if they want to have a workshop meeting to fine tune things in the subdivision regulations.

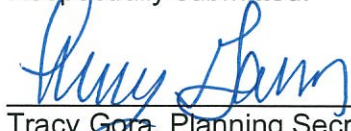
Small stated that the City's regulations are cut and paste from the State's but lower the numbers. Stated that he just doesn't see how they meet this regulation and wondered how they can get 28 lots.

Motion: Witham moved to adjourn the meeting.

Seconded by Belmore. Motion carried with an 8-0 vote.

Meeting adjourned at 9:15 pm.

Respectfully submitted:



Tracy Gora, Planning Secretary
Somersworth Planning Board