

Planning Board
July 25, 2019
7:30 pm

Members Present:

Barry Hantman, Chip Current, Chris Smith, Jennifer Heywood, Roger Whitehouse, Scott Borucki

Others Present:

Carsten Springer, Tim Lavelle, Nick Cristofori, Beth Caillouette, Bruce Caillouette, Josh Manning, Jim Hanley, Bud Post, Dorothea Post

Minutes:

Chip made and Scott seconded a **motion to approve the June 27, 2019 minutes as amended**. Chris abstained. The motion **passed** unanimously.

Chip made and Roger seconded a **motion to accept the July 11, 2019 site walk minutes as written**. Chris and Jennifer abstained. The motion **passed** unanimously.

Correspondence:

- From DES, dated July 18, 2019, regarding the approval for subdivision for lot 1-51-5
- From Jim Lavelle, dated June 27, 2019, notice as an abutter for a wetland permit application for lot 4-94
- Email from Jennifer Rowden of RPC, sent July 8, 2019, regarding several recently passed bills
- From FEMA, dated June 19, 2019, regarding updates begin made to the flood maps
- From Civil Construction Management, Inc, dated July 17, 2019; an update on the Macomber site plan
- Email from Civil Construction Management, Inc, sent July 18, 2019 regarding the Post subdivision
- From Civil Construction Management, Inc, dated July 12, 2019 regarding the Post subdivision
- Email from Bill Gregsak, sent July 9, 2019 regarding the Post subdivision
- Town and City magazine, July/August 2019 edition
- From Lake Realty Trust: request to extend the application review period. It was reported that all of the revisions have been given to Dennis Quintal for his review. Chip made and Scott seconded a **motion to extend the review period for the Stage Coach Estates subdivision to August 22, 2019**. The motion **passed** unanimously.

Macomber, Olde Road site plan:

Jim Hanley introduced himself and explained they've met with the Conservation Commission and the fire department. All of the comments received so far from the town engineer, letter dated July 17, 2019, have been addressed. They have a driveway permit.

A letter from the Conservation Commission and the Fire Chief are still needed. The developer has agreed to patch the pothole at the end of Olde Road and to extend the tree buffer as discussed at the site walk. It is the consensus of the Board that the developer does not own the corner of Olde Road and Main Street and therefore is not obligated to repair it. Chip said that if the Board continues to request that developers improve roads, we need to figure out who owns the roads.

There was a short discussion about lighting. A lighting plan will need to be on the plans. Mr. Macomber stated the plan will conform to town standards. He has a photometric analysis with the actual specs. Chip asked him to review the lighting section in the town ordinance and have on the plan whatever is called for in the ordinance. Barry pointed out the note already on the plan stating the lighting will conform to town standards.

The hours of operation have been reviewed to be 7am to 5pm. The proposal meets the noise ordinance.

There were no comments from the public except that Carsten Springer pointed out the HCLI zone was exempted from the noise regulation signed this year by the Selectmen. Chip said he asked the owner if the hours of operation could begin at 7am and not 4am as previously noted on the plans. Barry said this is a well-structured plan and several issues were looked at during the site walk. It did not appear there is anything in that area that will cause sound to echo. Scott said the new regulation had more to do with existing issues in town and confirmed the HCLI zone was specifically exempted.

It was reiterated that the outstanding items are the letters from the Conservation Commission and fire department, a modification to the tree buffer, and the lighting plan. Chip made and Chris seconded a **motion to grant an extension to the review period until August 22, 2019**. The motion **passed** unanimously.

Stormwater:

Nick Cristofori introduced himself as an engineer with Comprehensive Environmental, Inc., and briefly explained the MS4 Regulations regarding stormwater management. This is an unfunded federal mandate. Mr. Cristofori said the 2003 was straightforward. We are still working on the 2017 permit for which compliance is due by June 30, 2020.

Mr. Cristofori said he reviewed our town regulations the Board of Selectmen regulations and Site Plan Regulations. Barry pointed out that the regulations can be changed at any time during the year but if a change to the zoning ordinance is required, a warrant article would have to go before the town voters, which may result in it not passing. Mr. Cristofori said he didn't review the zoning ordinance. Barry suggested he review the wetlands conservation district section as that may cover some of the requirements.

There was a short discussion about whether CEI would consider reviewing all of the town's regulations. Mr. Cristofori said there is a set dollar amount used for the MS4 program. If this is how the town wants to spend those dollars, he can review all the town documents for compliance. He said once the dollar amount is met, the review is ended. Chip suggested reviewing the material presented tonight before making any decisions.

Mr. Cristofori said the town has a good starting point in its regulations and his memo provided more details about what is still lacking. The board discussed some of the recommendations as outlined. Mr. Cristofori explained that parts of Danville are considered urban according to the census. Carsten expressed his frustration with the recommendations. The idea that any part of Danville could be considered urban was questioned.

Mr. Cristofori pointed out it's up to the town to have in place what is required. Chip said that requiring silt socks is not bad. There are some road standards that are followed but it may not be a bad thing to review these and have a more specific schedule and parameters for inspections.

Barry suggested adding one sentence to the zoning ordinance stating all development must comply with the MS4 regulation. Carsten said he's been to meetings in Concord regarding this and did not advise adding this sentence as Barry suggests. Chip said that a change to the zoning ordinance would require the town to immediately comply with anything in the MS4. This would not leave any room for the requirements to work their way through any court proceedings.

Carsten pointed out that the requirements had included mandatory street sweeping even if it's a dirt road. Scott said if someone were developing their property, they could possibly only do less than one acre one year, then develop another area less than one acre the next year. Barry said the suggested changes could only be applied to the urban areas. Chip said we don't want to be the target for fines and penalties. We also don't want to put onerous requirements on the residents or businesses that are unnecessary. Chip said the requirements should be less draconian than more.

Mr. Cristofori said the MS4 regulates the urban areas of town. Some things are left up to the town, such as establishing written regulations. Barry said it seems finding the right place for the right words could take some time, and if no one else is up to the task, he would be willing to research this. Mr. Cristofori said the compliance is due by June 30, 2020. Copies of the suggested amendments should be given to Mr. Cristofori and Dennis Quintal and the Conservation Commission for their input. Beth Caillouette asked to be kept in the loop.

Mr. Cristofori handed out the proposed revisions and additions. The word "onerous" was used to describe the suggestions. Bud Post asked how a private organization can tell a private citizen how much money should be spent on a project? Carsten asked if allowances are made for agriculture. Mr. Cristofori said the clean water act has regulations for agriculture. Carsten said Danville is not urban and that he is asking Mr. Cristofori as a paid consultant to give us choices, not just tell us what to do. Barry said that Mr. Cristofori is here to tell us what the EPA requirements are and if there is an issue with those requirements, that is a conversation to have

with the EPA. If there are other areas in which there's a way to mitigate, the town would like to know.

It was mentioned that for a town like Danville, the requirements are "massive overkill." Beth Caillouette said she's been working with the seacoast towns which are bigger and more urbanized. They're trying to work with RPC to put something in place that is less intrusive. She said she will pass along their information. She will meet with a representative from the NHDES tomorrow also. Barry said that given the onerous nature of this, and that these suggested amendments will affect the entire town, he'd like to see how to limit this. Mr. Cristofori shared a map indicating the urban areas of town. This was scanned and forwarded to the Board members.

Post Subdivision:

Conditional approval has been granted. The Alteration of Terrain was sent to Bill Gregsak who says one of four things have been done. There was a short discussion of the town taking over the maintenance of the drainage system. Barry said the owner of the land will be in charge of the maintenance. Chip said this needs to be stated in the deed. Scott said that an easement could allow the town to go on the property to maintain it, then a bill can be submitted to the homeowner.

Mr. Post was told that he needs to tell the state that the town will be responsible for what is on its own land. The plan that was given conditional approval cannot be changed unless the change is part of the conditions to be met for final approval. The pictures that NHDES would like on the plans cannot go on the front sheet due to not being compatible with mylar. The pictures can be on a separate paper and reference the plan but cannot be part of the plan.

Other Business:

Jennifer said she's looked into the MS4 and there is mention of other towns receiving waivers for the requirements. Carsten said that getting a waiver is not easy. He said Mr. Cristofori is the same consultant who insisted the town incorporate a 19-page document that was later revised by the town to be just a few pages, mostly definitions. He said the town should be very careful what we are paying for. Parts of Concord are not considered urban under the EPA's definitions. Barry said that's why he's going to review all of this information.

Letters for the Master Plan need to be sent to department heads.

Note 7 was added to the minor lot line adjustment for lots 1-51-13 and 14. Chip made and Scott seconded a **motion to grant final approval for this application**. The motion **passed** unanimously.

At 9:15 Chip made and Scott seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,
Janet S. Denison

Upcoming agenda:

Aug. 22

7:30pm minutes and correspondence

Applications to review:

Macomber, Olde Road site plan

Stage Coach estates subdivision plan