

Planning Board
Sept. 26, 2019
7:30 pm

Members present: Barry Hantman, Chip Current, Jennifer Heywood, Janet Denison—selectmen ex officio

Others present: Josh Manning, Bob Meaney, Carsten Springer, Dennis Quintal, Ed Lang

Chip made and Jennifer seconded a **motion to approve the September 12, 2019 minutes as amended**. The motion **passed** unanimously.

Janet Denison was appointed a voting member as the Selectmen's rep.

Correspondence:

- From RPC, order form for the 2020 Land Use books. Enough will be ordered for the other committees who wish to have a book and for any potential new members to the Board.

87 Sandown Road site plan:

Bob Meaney explained they were given conditional approval in January, then asked the Board a few months ago about waiving some impact fees. A final determination won't be made until final approval, but Barry expressed his opinion that a 55+ community will have little impact on the school, making waiving that portion of the impact fees reasonable. If the parcel is purchased and the age restriction is lifted, the new owners would have to see the Board about a change-of-use. At that time the school impact fee would be discussed again.

Mr. Meaney said he'd like to know if the school impact fee would be levied so it can be factored into the selling price. It was agreed that if all the conditions for final approval are met, there shouldn't be a problem requesting the school portion of impact fees be waived. The other impact fees would still apply.

Mr. Meaney said he'd like to name the road after his mother, calling the road Lois Lane. The Board told him there's a potential the street sign would be stolen frequently.

Ward Way road bond:

There was a lengthy discussion with Dennis Quintal and Josh Manning about starting construction of the road before the bond is in place. The Board stated that some construction can take place before the final approval. No foundations can be created. Mr. Manning stated he had brought a lower bond amount to the Selectmen who referred him to the Planning Board.

It was mentioned that a road can be put on the land, but if it is not to town standards, it will be required to be rebuilt before the town accepts it as a road.

Mr. Quintal said he's seen some projects move forward with building a road, then requesting a reduced bond later. He said if problems occur and the bond is not in place, the town is

potentially left with unsafe conditions. He said something should be in place for contingencies, restoration, and inspections. Chip said that if they go out of business before selling a house, the town needs something to bring the property to a safe condition which is not necessarily to town standards.

The Board reviewed the worksheet dated February 19, 2019, commenting that about half of “general construction” can be reduced from the initial bond amount. Mr. Manning was asked to work with the town engineer and come up with an intermediate bond number, plus an amount to put into an escrow for the inspections, and to give that number to the Selectmen for their approval. This won’t necessarily be the number that triggers final approval from the Planning Board.

Other Business:

Dennis requested that a copy of the Board minutes be sent to him. This way he will know what the Board is discussing during reviews and when a project is finalized. Chip said he can try to be more communicative as the vice-chair.

The 2020 budget was discussed briefly. Chip made and Jennifer seconded a **motion to present to the Selectmen and have Barry represent the Board if required, a Planning Board budget total of \$3400.00**. The motion **passed** unanimously. It is preferred that this budget is also forwarded to the budget committee.

Proposed Warrant Article regarding MS4:

Barry mentioned that Nick Cristofori spoke with the Board about MS4 regulations mandated by the EPA and has come to us through the NHDES. MS4 stands for Municipal Separate Storm Sewer System. Barry said he reviewed the definition of sewer, which in this case included drainage systems, culverts, etc. Anything that controls water run-off is part of their definition.

Carsten asked whose definition Barry is using. It is both: DES is using the EPA definition. Carsten said that sewage means different things to others. Chip asked if we should create our own definition. Barry said he made no effort to redefine the state definitions.

Barry said there are areas of town that have been deemed to be in the regulated MS4 area. There is a section for waivers based on population and it appears if the population is less than 1000 the waiver may be easy to obtain. If the area is more densely populated, the waiver is difficult to obtain. Carsten asked about the criteria used to designate some areas within the regulated area. The answer is that portions of Danville have been labeled as urban. It is unknown how they determined which areas are urban.

It was mentioned that after reviewing the requirements, our ordinances will need some revisions to be compliant. Barry gave the example of land disturbances greater than one acre within the MS4 area, during and post construction. Our ordinances today are mostly compliant when regarding post construction. This can be addressed in the subdivision regulations and can only pertain to the MS4 areas.

The during construction phase needs to be reviewed for compliance with the MS4. Barry said he tried to incorporate some exemptions into the proposed language.

There was a short discussion about how someone may be unaware they are not in compliance. Barry offered the example that air pollution is not being specifically written into our town ordinances, yet there are state and federal regulations making us accountable to this law whether we are aware of it or not.

Carsten complimented Barry on his work regarding this subject. Barry said many towns are grappling with how to write this into their regulations. He mentioned Derry has a very well written but extensive ordinance.

There was a short discussion about the type of review that someone would have with the Planning Board. Barry explained that Derry's system is to tell the developer/property owner what they will be doing but he'd like to leave some room for the applicant to explain what they propose to do. Barry said the bulleted items are specifically required to be in the town's plan.

Chip said he disagrees with requiring plans for minimizing the amount of disturbed area. Carsten said there should be a definition for "plan." That word was changed to "method."

It was mentioned that Mr. Cristofori suggested listing methods of enforcement and it was agreed that was unnecessary. Barry said he does not want to specifically list methods, other than some inspections being required.

The final bullet was to cover anything that may have been missed. This is a note that Barry added, stating developers would have a note on their recorded plans that all or a part of the area on the plan is part of the MS4. Chip said he does not like that because the MS4 is a changing construct and if the area is revised, anyone with this on their plan is now in a contradiction. Carsten asked what happens when there's a minor plan change. Jennifer suggested making this last bullet an item on the application.

Carsten said the MS4 doesn't make sense because it labels Danville as urban and Concord is not. He said it mathematically does not make sense. Carsten suggested presenting a map to the voters so they can see what areas are designated in the MS4. Barry said that whether this passes or not, it won't change what area is part of the MS4. He said he didn't want people to think that if this is voted down, we are absolved from compliance. It is still part of federal law.

Carsten said he feels this type of regulation doesn't protect the environment. Barry agreed this is overkill for Danville. The Conservation Commission will review the proposed warrant article before the first public hearing. The proposed warrant articles are typically sent to legal before they go to the public hearing. The incongruity was pointed out of having the consultant write the waiver request when the best way for him to remain employed by the town is to not have a waiver.

Commercial Wells-Hampstead:

Hampstead has had a problem with an additional well proposed in the area. It is in the state approval process, which for the most part, the approval process is all done through the state. Previous commercial water development in Hampstead has depleted aquifers. Carsten said he's aware of wells going dry within hours of wells being drilled in Hampstead. Barry said he's not seen evidence of this but has seen evidence that significant water-draws in Hampstead impact Sandown and a small portion of Danville. That well will not serve anyone in Danville and probably not anyone in Sandown.

Barry has been in touch with the water commission in Hampstead to try to understand what they've done so that Danville can be proactive. He learned that a large portion of what they've done is to review the state's review of the water project to contribute comments where they thought the state was incorrect or lacking. They hired hydrologists to help them, but also created a water commission to have a target group to review the information.

Barry said that he wondered if a community well could be considered a business. A community well could be connected to a new development. This would cause increased draw on the existing well when the systems are connected. It is Barry's understanding that the new well in Hampstead will not even be for Hampstead.

Carsten posed the question, is a well community property? He said it's easy to know the average rainfall in this area. If a certain amount of water is being withdrawn from a certain well is not being recharged by the amount of rainfall, the well is not scientifically sound. Barry said he agrees, but the ability of the town to regulate that is very limited. He suggested setting up a commission, or charter an existing group, to review applications. These groups could have joint meetings with neighboring communities. Hampstead is proposing a warrant article to require a reliable water source before a certificate of occupancy is issued. This is due to finding out that developers, instead of drilling the well, were giving a well allowance when selling a house. This leaves it up to the owner to drill the well. The well allowance would be used with one well, when sometimes it took more than one attempt to find a reliable water source.

Carsten suggested reaching out to people at NHDES before we create a new town committee to review water and wells. Barry said that Hampstead suggested that if more towns, such as Sandown and Danville, wrote to the state about the same issues, perhaps the state would put more emphasis on finding a solution.

At 9:33 Chip made and Jennifer seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,
Janet S. Denison

Upcoming agenda:

Oct. 10, 2019
7:30pm minutes and correspondence

Discussion with Doug Anderson—properties along Route 111

Mylar and plans to sign:

Subdivision for lots 1-45-15, 51-2, 51-3