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**Planning Board  
June 3, 2008**

Minutes approved 7/8/08

**Members present:**

- Steve Perry, Chairman
- Alison Douglas, Clerk
- Leon Barry, Bond Agent
- Frank A Byron, Selectmen’s Representative
- Marc Ducharme
- Edward Almeida
- Carlos Fuertes

**Members not present:**

- Jayson Brennen, Vice Chairman
- Mary Anne Geist

**Also present:**

- Joan McKibben, Administrative Assistant
- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

**Agenda**

- 1. Acceptance of application for Home Occupation at 15 Foxwood Lane, Tax Map 8 Lot 163. Applicant Theresa Kelley. Proposed business is pet sitting of which majority of work is offsite and some pets onsite.**
- 2. Weatherstone Drive and driveway access. Tyler Matthew, 38 Page Road, Rolling Acres I.**
- 3. Capital Improvements Plan**
- 4. Any Other Business**
  - Economic Subcommittee update
  - CTAP Meeting 5/22 Update
  - Approval of Minutes 4/15/08 and 5/6/08
  - RFP – Hydrologist
  - Two Home Occupation renewal approvals
  - Bond Reduction – Moose Hollow Extension
  - Pine Creek Update
  - Best Management Practices Handout
  - NRPC Update

1  
2 Chairman Perry called the meeting to order at 7:08 p.m.

3  
4 **1. Home Occupation - 15 Foxwood Lane**

5  
6 Ms. Theresa Kelley came before the Board to discuss her application for a pet sitting  
7 business. The service entails her going to client's homes to care for their pets. Mostly it  
8 is an off site business but occasionally she will take care of a sick animal in her home, or  
9 care for a pet while client is on vacation.

10  
11 Mr. Perry went over the requirements for a home occupation. The home occupation will  
12 be secondary to the use as a residence. Ms. Kelly: Correct. The home occupation shall be  
13 carried on by the resident and members. She is the owner. There are no changes. It is  
14 under 500 square feet. As to outside area, she currently has a fenced in area and it has  
15 been like that for 14 years; there is no change. She has six dogs of her own and has a  
16 kennel license. There will be no signage and no exterior storage. There could be an  
17 occasional vehicle but no on street parking. As to noise, vibration, offensive omissions,  
18 etc. nothing will change as to what she has now. She said that she did have a problem  
19 previously but worked it out with the neighbor. She understands if the business grows,  
20 she would have to relocate. She would only have one to two additional pets besides her  
21 own.

22  
23 The Clerk read a letter from Mr. & Mrs. Michael and Bertha Mieckowski indicating that  
24 they have no objections to the home occupation but asked that the following be made a  
25 stipulation: 1. No animals be permitted to stay outside the house overnight or for long  
26 periods of time; no more than three (3) hours during the day. 2. No food to be permitted  
27 outdoors. 3. Water containers to be emptied regularly. 4. No kennels or outdoor structures  
28 to support this endeavor will be permitted on the property.

29  
30 Ms. Kelley said that none of her animals ever stay outdoors overnight. Ms. Kelly: They  
31 are indoor with us when we are home during the evenings. They do go out to relieve  
32 themselves in the yard. When I go to work, the dogs are all contained in the house. At  
33 noontime a friend lets them out for ½ hour or so and then they are brought back into the  
34 house. When we come home in the evening, they may be out for an hour or two, have  
35 dinner, and then they go back out. None of them stays out overnight.

36  
37 Mrs. Douglas: After dinner how long do you leave them out? Ms. Kelly: Most are out ½  
38 hour to 40 minutes, sometimes 5 minutes. If I am out doing something, they might be out.

39  
40 She said there is no food in general outside. "I do not feed them outside; they may get a  
41 treat, cookie, etc. I do have water bowls changed on a daily basis; nothing that is  
42 stagnant. I have used in the past a wading pool but I do not have one. There are no  
43 kennels. I have never had a kennel and I do not plan to have one. There are no  
44 doghouses. The front yard is fenced in and the back yard has a 6 foot chain link with  
45 several gates that are key locked so you can't open them.

1  
2 Chairman Perry opened the meeting to public comment. Mr. Vincent Cosco, 19 Foxwood  
3 Lane, an abutter, came forward. He said he has watched them and they take care of their  
4  
5 dogs. His concern is about a noise ordinance. There has not been a noise issue and one to  
6 two additional animals should not be a problem. It was said there is a noise ordinance  
7 having to do with decibels.

8  
9 Mrs. McKibben, Conservation Commission Chairman, spoke to say the property does  
10 back up to a wetlands and she is concerned regarding the wetlands in the back from pet  
11 wastes. Ms. Kelley said that she has a private company haul it away on a weekly basis.

12  
13 Public comment closed. It was said that if there is a noise issue, it would revert to the  
14 Code Enforcement Officer and the home occupation would have to be reviewed. There is  
15 a noise ordinance not to exceed 75 decibels.

16  
17 Mrs. Douglas **MOTIONED** to accept the application and approve the Home Occupation  
18 at 15 Foxwood Lane, Tax Map 8 Lot 163, applicant Theresa Kelley for the proposed  
19 business of pet sitting, the majority off site, with proposal for limited pets on site. Mr.  
20 Barry seconded. Mr. Byron **MOTIONED** to amend the motion to include there would be  
21 no more than 7 dogs at the residence at any one time, no kennels will be built outside, no  
22 outside feeding of the animals will occur and removal of waste will be accomplished  
23 minimum weekly. Mrs. Douglas said that she has indicated she may have two additional  
24 dogs. Mr. Byron amended his amendment from 7 to 8 dogs. Mr. Barry suggested  
25 changing the wording to pets instead of dogs. Mr. Ducharme seconded the amendment.  
26 Motion carried 4-1-0. Mr. Barry **MOTIONED** to consider changing the amendment  
27 instead of dogs change to animals. Mr. Ducharme seconded. Mr. Byron: You made a  
28 motion to amend the motion. The new motion is the amended motion. Mr. Perry: So, it is  
29 only going to change the word in the amendment from dogs to animals. Mrs.  
30 Miecowski asked if that means rabbits, snakes, etc. It was said animals means anything.  
31 Mrs. Douglas asked to clarify the amendment. Mr. Perry: The amendment is to change  
32 dogs to animals. Talk ensued. Mr. Ducharme pointed out that the application states pets.  
33 Vote to change dogs to animals. Motion carried 3-2-0. Vote on Main Motion. All in  
34 favor to approve animal sitting business. Motion carried 5-0-0.

35  
36 At this time, 7:35 p.m. Chairman Perry appointed Alternates Edward Almeida and Carlos  
37 Fuertes as voting members this evening.

38  
39 **2. Weatherstone Road - Tyler Matthews, 36 Page Road**

40  
41 Mr. Tyler Matthews, a resident, came forward. Attorney Andrew Prolman was present.  
42 Mrs. McKibben came forward to provide input into her research of the Rolling Acres  
43 Phase I and Phase III. She provided written notes. She said the drainage pipes are in on  
44 Weatherstone Road but they have not been inspected. They were a condition of Phase I.  
45 Sheet 13, Phase I, required the construction of the closed drain system as part of the

1 approved project. It was noted that there should also be temporary turnarounds at the end  
2 of Weatherstone Road and Horizon Drive per Phase I. According to Lou Caron there had  
3 been no inspections of the pipes installed on Weatherstone Road and they would have to  
4 be cameraed after the fact. This has not been done as yet.

5  
6 Mrs. Douglas: On the Phase III plan, Page 5, it states final grading of Weatherstone Road  
7 and paving is Phase III scope of work.

8  
9 Mrs. McKibben: That is a note taken off the plan.

10  
11 Mr. Matthews: I am confused, 38 Page Road, is Part of Phase I...there was a stipulation  
12 to put in drainage on something that was not approved until Phase III and when was  
13 Phase III approved?

14  
15 Mrs. McKibben: The road layout was approved.

16  
17 Mr. Perry: There was drainage set up assuming the road was going in and when it came  
18 time to building it, Phase III was in the works, or being discussed, and I think that is what  
19 led to it being done that way.

20  
21 Mr. Ducharme: If you read this note in the Phase I plan, it is very specific that it is not  
22 going to be done. Future Weatherstone Road right-of-way final grading of this road is not  
23 required at this time. All drainage restructures are required to be set to rim height shown  
24 on drawing even though the road will not be constructed at this time.

25  
26 Mr. Matthews: But is there is a reasonable expectation that Phase III, there would be  
27 something accomplished within two plus years? Then why put drainage in?

28  
29 Mr. Ducharme: For a future possible road whether it is now or twenty years.

30  
31 Mr. Matthews: That does not make sense.

32  
33 Mr. Perry said the drainage had to be done because of the way the water comes across  
34 either the way it sheets off Page Road and some of the other roads on the other side  
35 directed the water that way and it was a collection spot. So, instead of a pond in  
36 someone's front yard, it was put in during Phase I.

37  
38 Mrs. McKibben: Not as active drainage though and we did have a scientist evaluate that it  
39 was not a jurisdictional wetland even though it was ponding there because drainage was  
40 coming across Louise Drive and dumping over there.

41  
42 Talk ensued. Mrs. McKibben: Phase III says final grading of Weatherstone Road and  
43 paving are Phase III scope of work. There was never a time frame as to when Phase III  
44 would get built.

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1 Mr. Matthews: I bought a house knowing that it was going to be developed,  
2 understanding that it is going to be developed and now I am hearing things like who  
3 knows when, may not, we all know how the economy is, no one is buying a house right  
4 now...

5

6

7 Mr. Perry: I think the worse thing that happened was that you got a poor rendition of  
8 what was supposed to be a driveway. I would not want that to be my driveway and  
9 unfortunately that is what it is. It is supposed to be a driveway but on the same token why  
10 would you spend money to fix that when you know it is going to be torn up?

11

12 Mr. Matthews: I have a hard time hearing why would I spend any money; again it is land  
13 that is not mine. I was given a temporary easement without my knowledge, they just said  
14 here you go. They pawned it off on me. I do not want the responsibility and again the  
15 assumption in buying a house there, I have to deal with it for a time but when there are  
16 development going in, I would assume something is going to get done in a timely  
17 fashion.

18

19 Mr. Ducharme: Did they make any promises to you to that affect?

20

21 Mr. Matthews: No. I never asked the question and maybe shame on me for that. I  
22 wouldn't think that would be something that would not need to be asked. I am a  
23 reasonable person. I understand it is going to take time for something to be constructed.

24

25 Mr. Ducharme: Here is the thing though, let's say the Planning Board said we will not  
26 approve Phase III, Phase III was not approved, when you were closing on your house.

27

28 Mr. Matthews: I did not live in town. I had no idea what the Planning Board was doing. I  
29 have to go with what the contractor was doing.

30

31 Mr. Matthews said he was told when he bought his house that it was a future road. Mr.  
32 Perry: It is not an approved road right now. We do not have authority to say something  
33 needs to be done.

34

35 Mr. Matthews: So, who does? Why can't it get approved the 300 feet?

36

37 Talk continued. Mr. Wagner: I do not know if there is any recourse. There is a benefit to  
38 the developer by doing this driveway arrangement to be able to get two more houses built  
39 before the road was built. I do not see why they can't be held at least to keep that right-  
40 of-way to what a reasonable driveway standard would be.

41

42 Mr. Ducharme: We can ask them...are we going to ask the person who built the house or  
43 who owns Phase III?

44

45 Mr. Perry said it probably would be the owner of Phase III.

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Att. Prolman: I do not have an answer for Mr. Matthews. I will say we have talked over the past few years. With respect to the drainage system of Phase I, the front of Phase I lots at Weatherstone Road were picking up a lot of sheet flow from Page and there were catch basins coming from the other side of Page at Louise Drive and dumping onto my client's property. So, as part of the CO (Certificate of Occupancy) process and part of Phase I, we had to pick up that drainage and put it somewhere. If you remember the drainage comes from Mr. Matthews' site and his neighbors...two catch basins there and they run down the length of future Weatherstone Road and they outlet behind all the row of homes on Phase I. There is a long swale that goes behind all the homes all the way down to Tributary B. Well, that had to be installed to pick up the drainage and sheet flow off Page and there is a similar drainage system off of Spring Road...and so that had to be installed and that is why the drainage was installed. Why it did not get inspected, I do not know. I think that was a break down between the contractor and the Town. The plan I am pretty sure says it is the contractor's burden to set up a preconstruction meeting and make sure things get done properly. The contractor dropped the ball and now it will cost more. With respect to Weatherstone Road, we all sat in this room looking at Phase I and we had anticipated that Phase III would have been built by now. It hasn't been. We do not have an answer and we do not have a timetable for that. We thought it was going to go in last summer and fall and the economy hit the skids. I have been talking with you about potential rezoning and overlay zoning and that may delay things for a longer period of time if this Board proceeds to go down that road. If the Board does not do the rezoning, then perhaps, I know my client and the home builder Chris Dunn, they are chomping at the bit to start selling the lots that have been approved in Phase III. So, they want to do these things but I asked them to give me a chance to work with you folks with respect to the rezoning. I do not have a good answer for Mr. Matthews. No one likes to be the bad guy...I bought my home on a road that had asphalt and curbing and it was completed and done and the driveway comes off of that. Mr. Matthews did not and a couple of other people in Phase I did not. That was their choice. We probably all anticipated it would have been built out by now. I can relay a request of my client, Cutler and Page LLC, but I can tell you the answer will be no because he is not going to put down a driveway or a road at this point just for the cost alone.

Mr. Byron asked if it could be graded. Att. Prolman said that is a possibility and that Mr. Dunn was to put down some crush stone. Mr. Prolman said he would ask.

Mrs. Douglas: What I am hearing nothing has to be done and it does not have to be done forever. Att. Prolman: Not necessarily forever because if you recall we had a discussion about the vesting for Phase III and how long the permits would last. I think we came to the conclusion my client had a four year window to reach substantial completion of Phase III and if that does not happen, then Cutler & Page LLC, it becomes subject to any subsequent zoning.

1 Mr. Ducharme pointed out to Mr. Matthews that in his Purchase and Sales Agreement it  
2 states that the seller does not guarantee the driveway. Mr. Matthews again stated that he  
3 never received the easement until a year later.

4  
5 Mr. Ducharme: It seems the issue is with the homebuilder.

6  
7 Mr. Perry: I am going to formally ask Mr. Prolman if you could do everything in your  
8 power to talk to your client, maybe talk to Bob Pace (builder) about doing something,

9  
10 regarding putting some stone.

11  
12 Att. Prolman: I was talking with Jim Crowley to get Weatherstone Road to base course to  
13 the back of the property line and it is \$50,000 to \$60,000. I will do everything I can. I  
14 will make the recommendation to grade it, get some crush stone out there, and get some  
15 better material out there. I live off of Page Road and I see it, muddy in the springtime and  
16 ugly in winter. I wont make any promises.

17  
18 Attorney Prolman will report back to the Board and Mr. Matthews.

19  
20 Mr. Perry: Mr. Matthews, I am very sorry we can't offer you anything better than that.  
21 The problem is the Town is not going to spend money to pave this road because it is not  
22 the Town's road. I do not know what to say. We will stay on top of this; we will keep you  
23 informed.

24  
25 At 8:08 p.m. Mr. Matthews left the meeting.

26  
27 **3. Capital Improvements Plan**

28  
29 Mr. Steve Wagner, NRPC, provided the Board with a spreadsheet and a draft CIP  
30 document for the Board's review. Members to review and bring their recommended  
31 changes to the June 17, 2008, meeting. A hearing will be scheduled for July 8, 2008.

32 Mr. Wagner said the only update he made on this document is the information he got  
33 from the State bond bank as to the interest.

34  
35 Mr. Wagner: I did shift one thing over because the tax rate was a little skewed in 2010. If  
36 you look at item 'm' in the highway department, I moved that over one year to balance  
37 things out.

38  
39 Talk went on about paving Albuquerque by Nightingale. Mr. Byron said it will not be  
40 paved this year. Mr. Wagner: And one of the things different then when this first started,  
41 I had applied the impact fees to specific years. Since we do not know what project and  
42 what portion is eligible for impact fees, I left them in that column in blue until they  
43 decide what to do.

1 Talk went on as to sending copies to all department heads for their review. Mr. Perry: I  
2 really can't see this getting pushed out any further. They submitted to us what we asked  
3 for which was their capital improvement projects and we just had to allocate it in order to  
4 balance it for the coming years. We did not change anything they were asking for...if the  
5 money is allocated in the year, they can shift projects and do it in terms with the  
6 Selectmen and Budget Committee. The only thing omitted was what we felt did not apply  
7 to this.

8  
9 Mr. Byron asked about the net local assessed value jumping up and referred to the graph  
10 on page 22. He was told the 2005 to 2006 jump was due to a reassessment.

11  
12 Mr. Wagner: If you go to page 21 because this was delayed, I plugged in 2007 because it  
13 is more current. The key is that average annual change 1990 to 2005 that 3%, I am still  
14 sticking with that number for the calculation that goes in calculating the tax rate but I  
15 used the new 917 million for the net taxable value and that brought down the tax impact  
16 because you get more value in the.

17  
18 Mr. Byron: Should you normalize this?

19  
20 Mr. Wagner: You are asking the wrong person.

21  
22 Mr. Byron: Well, you have a change in valuation which is jumping this number and that  
23 is an artificial change where the numbers before it 2005 and back do not have that  
24 valuation.

25  
26 Mr. Wagner: What I am doing, I am maintaining, if you look at your rates up to 2005,  
27 you have a 3% average annual rate of change. At this point, I am totaling disregarding  
28 2006. I would say 2006 and 2007 because my notes say the 3% annual change is the  
29 value used in Appendix D.

30  
31 Talk continued. Mr. Byron: I just want to make sure because if we get challenged in  
32 court, your methodology is included in here as to why or how you did it. In other words,  
33 you made an assumption that you are using the percent change across the years with the  
34 exception of the jump from 05 to 06. So, what you are saying the average annual change  
35 is 3%? Right. So, I am asking to make sure somewhere in the document you spell out as  
36 to how you came to that conclusion and it is justified.

37  
38 Mr. Byron went on to say he does not have a problem with what Mr. Wagner did he just  
39 wants to be sure if someone down the line has a question as to how he did it, it is noted as  
40 an addendum perhaps in the back of the document.

41  
42 **4. Any Other Business**

43

1 **Economic Subcommittee** - The advertisement asking for volunteers to serve on the  
2 subcommittee was put in the HLN on 5-31-08 and given to the Cable Committee and  
3 posted at Library, Town Hall and Incinerator.  
4

5 **Pine Creek Subdivision** - Mr. Kevin Lynch, Code Enforcement Officer, told the Board  
6 he viewed the area yesterday. The septic system should be buried any day; they are  
7 waiting for the State inspector. Then they will be finishing up the last section that is not  
8 loamed and seeded and they will spray with mat seeding and loam around the mound.  
9 All the other areas have been covered. The center core will also be sprayed. The screen  
10 loam will be covered after they are done.  
11

12 **CTAP** - Mr. Almeida said he attended a meeting on May 22, 2008, which was put on by  
13 the N.H. D.O.T. (New Hampshire Department of Transportation). He brought some  
14 reports from the meeting. Mr. Almeida said it was video taped. The CTAP application  
15 needs to be amended.  
16

17  
18 Also, Mrs. McKibben said that Kerrie Diers from NRPC wants to meet with the Board  
19 regarding a program for public water supply, source water, and contaminated sources to  
20 explain this. It was agreed she would be in on June 17, 2008.  
21

22 **RFP for Hydrologist** - The Board reviewed a letter from Lou Caron dated May 30,  
23 2008, regarding the Scope of Services for the study requested by the Planning Board at  
24 the May 20, 2008, site walk. Mr. Barry asked where they will be dispersing the water.  
25

26 Mr. Perry: Have you seen the plans that they proposed, yet? They plan a detention basin  
27 on the front of the property next to the Stoke's house, the front corner where the water  
28 sits now, they propose a detention basin there and they are saying the water is going back  
29 into the ground.  
30

31 Mr. Ducharme said that the Conservation Commission should review the scope of work.  
32

33 Mr. Ducharme: I want them to specify as abutting downstream properties because the  
34 Conservation had asked for the entire watershed be studied. If flooding is a concern,  
35 flooding backs up upstream as well as downstream.  
36

37 Mr. Perry: The only question I had about this, is they also proposed the option of running  
38 the water out back and don't we want them to look at that over as well?  
39

40 Mrs. McKibben: I would think so. What is it going to affect going in that direction.  
41

42 Mr. Perry: Because I would think from a hydrologist point of view if you gave him this is  
43 what they are proposing and they put on the table the possibility of running the water out  
44 back. They would at least give their findings of the plans now and recommendation of  
45 which one to follow.

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1

2 Mr. Ducharme: I think that can all be covered in the available data and maybe we should  
3 specify it further.

4

5 Mrs. Douglas: I think we should specify it further.

6

7 Mr. Barry: The catch basin they are proposing...that is a lot of water in that catch basin  
8 because there is a lot of water in the Spring.

9

10 Mr. Ducharme: And that is what this analysis is going to tell us.

11

12 Mr. Barry: And wasn't it also a concern about some piping that goes across the road that

13

14 the water dumps on the other side of 3A?

15

16 Mr. Perry: That is off site.

17

18 Mr. Ducharme: And that is specified in here, too, and I think we are going to change a  
19 little bit to study the entire watershed.

20

21 Mr. Barry: That is another concern of Kevin is the water going over there does not flood  
22 it on the other side.

23

24 Mr. Ducharme: Well, I think it wasn't flooding; it was erosion that he was concerned  
25 about.

26

27 Mr. Perry: Marc, would you suggest that we just beef up the available data?

28

29 Mr. Ducharme: I think we can beef up the available data...the project where it talks about  
30 abutting and downstream properties say the entire watershed and maybe specify that  
31 culvert too. I definitely want to hear back from the Conservation.

32

33 Mrs. McKibben: Which culvert, Marc, are you talking about?

34

35 Mr. Ducharme: The one that goes under 3A that caused flooding in the field a few years  
36 ago. It is further to the south.

37

38 Mrs. McKibben: Do you want that in this scope of work?

39

40 Mr. Perry: It is off site though.

41

42 Mr. Ducharme: Yeah, but we have to know how this project is going to affect that  
43 culvert.

44

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1 Mr. Perry: The problem is we are trying to prevent storm water from leaving the site  
2 because that is one of our requirements is that you detain your own storm water.

3

4 Mr. Ducharme: Yes, but that was the concern.

5

6 Mr. Perry: And the hydrologist is to study the ground water that is going to be affected by  
7 this development.

8

9 Mr. Ducharme: So, it is not going to do the flooding at all then.

10

11 Mr. Perry: Flooding, no. On site it can take it into account but it can't go off site.

12

13 Mr. Byron: Well, I think there was a proposal to berm it, send it to the back wetlands.

14

15 Mr. Perry: That is the only thing I see as missing here is that they proposed an option out  
16 in the field at the site walk was to get rid of the detention basin, regrade the property to

17

18 send the water out back. Their speculation is that the water would never get back there  
19 except in a flood type situation, which it would go back there anyways because the lot is  
20 flat now?

21

22 Talk ensued. Mr. Byron: I think we have to cover both of those. If they move the water to  
23 the back of the lot, we need to understand where that water is going to go.

24

25 Mr. Ducharme: This whole analysis is going to hinge on the ground-covered type of  
26 existing condition. I think it was during my absence of many meetings it was  
27 decided to call it row crops. That is really the end of the decision on this not to reopen the  
28 argument. If you call it brush today, there is no runoff and that is why it is not a problem  
29 this year which is if I walked out there and said what is on the ground, I would say it is  
30 brush not row crop. Now, why hasn't there been a plant in there in a few years? That is a  
31 question. Mr. Perry: It is going to be this year they say. Mr. Ducharme: And I guess the  
32 last couple of years there has been a lot of flooding so that is why it wasn't planted but  
33 that is not a question for the hydrologist either it is what is the affect of the ground water.  
34 So, maybe we should simplify and say the question is what will the affect of this  
35 development be on the ground water elevation and do not specify abutting and  
36 downstream, well abutting properties.

37

38 Mr. Barry: Is downstream going to be automatically affected if they are going to move  
39 water around? Mr. Perry: The water is not supposed to leave the site. Mrs. Douglas: That  
40 is the key, not supposed to.

41

42 Mr. Perry: A flooding situation which is anything I believe, Steve, over a 25 year storm.

43

44 Mr. Wagner: A 25 year is a standard calculation for the storm water.

45

## Planning Board

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1 Mr. Perry: Because anything beyond that, they do not have to build for.

2

3 Mr. Byron: I think they have to give us an analysis of the proposed solutions. In other  
4 words, what is the impact of leaving the catch basin, or what is the impact if they regrade  
5 it and send it to the wetlands?

6

7 Mr. Ducharme: If the developer wants to propose one of them first and the analysis  
8 works, can they end it there, or do they have to have both done?

9

10 Mr. Perry: We are asking the question. Mr. Ducharme suggested asking the developer if  
11 he wants to choose one and go with it or do both.

12

13 Mr. Perry: On the field if we did not decide to hire a hydrologist, I would have favored  
14 the regarding of the site because it would have alleviated the neighboring problem of the  
15 water standing there. There is something that says to me if you hold water right next to  
16 someone's house that is having a problem, you are not going to help them but if you send  
17 water away to an unknown problem area, it won't hurt.

18

19 Mr. Barry: But sending it back, is not the way to do it because it could hurt.

20

21 Mr. Perry: That is where the analysis needs to come in because on the field they thought  
22 if they sent it out back there was enough ground that it would have to travel on...that it  
23 would never reach back there.

24

25 Mr. Barry: All that water is coming down from Albuquerque ...and now we want to push  
26 water back and say okay it is going to neutralize itself?

27

28 Mr. Perry: That is what we are hiring him to check out for us.

29

30 Mr. Byron: I am just worried that if you fill the wetlands with water, theoretically it has  
31 to go somewhere.

32

33 Mr. Durcharme: Their drainage study would have to show that they are not increasing  
34 flow to the wetlands; otherwise, that would be a wetlands impact.

35

36 Mr. Byron: That is not what the proposal was.

37

38 Mr. Ducharme: Yes, but that should be done not by this study but by the developers  
39 study, drainage study.

40

41 Mr. Perry: To me, the job of the hydrologist is to evaluate the plan as it is now with the  
42 aspect that I would expect them to tell us if they propose the same plan regraded towards  
43 the back, would it help the situation have less impact ton the neighboring properties than  
44 the one they are proposing now because that would come back from the answer they are  
45 going to give us with the detention basin.

1  
2 Mr. Ducharme questioned if this is adding unreasonable costs to the developer. Mrs.  
3 Douglas: I think we have to have the information. Mr. Ducharme: We do. But can the  
4 developer chose one first and if it doesn't work, then do the other one?  
5  
6 Mr. Perry: To me there is no study on the second one. To me the study of the detention  
7 basin, he will come to a finding.  
8  
9 Mr. Ducharme: We made the motion; we have to hire the guy.  
10  
11 Mr. Perry: Right and what he is going to do he is going to come to a finding on the  
12 detention basin and let's just say hypothetically it passed, then the question can be posed  
13 as Part II just as would this site be better if their numbers calculate correctly if they sent  
14 the water away, would it help the situation. That is the only part of that question I would  
15 ask? The detention basin is there on the plan now.  
16  
17 Mr. Ducharme: Yea, I think you are making assumptions, though.  
18  
19  
20 Mr. Perry: It is asking an opinion. That is the way I look at it.  
21  
22 Mr. Ducharme: Are we going to have a drainage study and a grading plan for that second  
23 design pushing the water back and who is going to prepare that?  
24  
25 Mr. Perry: I was wondering if that should have been done beforehand.  
26  
27 Mr. Byron suggested talking to the lead engineer and make a determination if he is still  
28 of the opinion of using the drainage basin is the right way to go and if he is of the opinion  
29 the drainage basin is the right way to go, analyze that and see what it does. If it passes, it  
30 passes. Mr. Ducharme: We have to talk to the engineer and the developer.  
31  
32 Mrs. McKibben: You had a question for their engineer, is the drainage basin still the way  
33 they want to go and have that studied, right?  
34  
35 Mr. Perry: Right.  
36  
37 Mr. Ducharme: Or if he has the other grading plan or drainage study and preferable he  
38 will give us both.  
39  
40 Mr. Perry: Any type of grading plan as they proposed to send it out back, if not if he  
41 would get us one.  
42  
43 Mr. Barry asked who is going to prepare the grading plan. Mrs. McKibben: We do not  
44 know if that is an option they want studied. Mr. Perry: Let's call that back to question.  
45 They proposed it.

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Mr. Ducharme: Actually, Lou encouraged it.

Mrs. McKibben: They have to design it.

Mr. Perry: Does this Board want to ask them to provide that so it can be studied also?

Talk continued. Mr. Ducharme: No matter what design it has to pass the mustard of this study regardless how the water moves. So, it will be an acceptable design according to the hydrologist. The question is which one do we want to use? I think we could encourage them to push the water out back...

Mr. Wagner is concerned with the long term success whatever method they use and questioned which proposal would last longer. Mr. Perry said that detention basins end up a burden to the Town. It was said that in this case, it might not be the town's responsibility.

Mr. Perry: That is why I think the whole proposal of sending the water out back if it works, is better.

Mr. Ducharme: Why don't we ask them for an updated set of plans in accordance with the site walk that showed the water being routed up there because they did say they would do it.

Mr. Byron: We are obligated to evaluate the proposal that they have given us and if the proposal they have given us does not work then...

Mr. Perry: If they put it on the table.

Mr. Byron: It wasn't them that put it on the table; it was Lou Caron who was suggested putting a berm and running it out back. That is why I am saying talk to the engineer, if he has now changed his mind, if the best option for the development is to move the water out back, then they should give us the updated plans so we can evaluate...we should evaluate the plans they give us and not create new plans for them.

Mr. Ducharme: We can make suggestions.

Mr. Perry: Go with your original question, Joan, and go from there.

**Minutes** - Mrs. Douglas **MOTIONED** to accept the April 15, 2008, minutes. Mr. Fuertes seconded. Motion carried 7-0-0. Mrs. Douglas **MOTIONED** to accept the minutes of May 6, 2008. Mr. Byron seconded. Motion carried 5-0-2.

1 **Home Occupation Renewals** - Mrs. Douglas **MOTIONED** to accept the Home  
2 Occupation permits for Sally Bouchard, 446 Charles Bancroft Highway, and George  
3 Gomez, Homestead Court. Mr. Barry seconded. Motion carried 7-0-0.

4  
5 **Moose Hollow Road Extension Bond Reduction** - Bond Agent Leon Barry read the  
6 bond request aloud. They are looking to reduce the bond to \$104,700. Mr. Barry  
7 **MOTIONED** to accept the new bond amount of \$104,700. Mr. Ducharme seconded. It  
8 was asked if this new amount included the current pricing. Since the costs are going up  
9 perhaps 20%, it was felt that Mr. Caron will have to be contacted to verify the figures.  
10 Mrs. McKibben: The cul-de-sac stayed so the drainage is going to be corrected. Mrs.  
11 McKibben to ask Mr. Caron if he updated the unit costs to reflect the current prices of hot  
12 top. Vote: Motion failed 1-6-0. This will be reviewed on June 17, 2008.

13  
14 **Pinecreek Village** - Mr. Perry said he visited the site and it still looks like a construction  
15 site but it is a lot better with the matting. Mr. Caron sent a letter of his findings when he  
16 visited the site on May 16, 2008. Clerk read the letter aloud. Mrs. McKibben will  
17 forward the letter to Ashwood Homes and a copy to Kevin Lynch.

18  
19 **Best Management Practices to Control Nonpoint Source Pollution** - Mrs. McKibben  
20 handed out the information to members.

21  
22  
23  
24 **Work Force Housing** - Mrs. McKibben said the Greater Nashua Area Work Force  
25 Housing Coalition wants to give a presentation to the Board to present their side of work  
26 force housing. They will meet with the Board on June 17, 2008.

27  
28 **Meeting Agenda** - It was agreed the first meeting in July will be on July 8, 2008 and  
29 then the next meeting after will July 22, 2008.

30  
31 **Lower Merrimack River Local Advisory Committee** - Mrs. McKibben said that they  
32 want to make a presentation on July 22, 2008, about their corridor plan.

33  
34 **Rezoning** – Attorney Prolman wants to meet on July 22, 2008, to discuss open  
35 space/overlay district.

36  
37 **Other** - Mrs. McKibben was asked to prepare something to advertise on Cable about the  
38 July 8<sup>th</sup> meeting. Also, it was agreed the August meetings would be held on August 5<sup>th</sup>  
39 and August 19<sup>th</sup>.

40  
41 **NRPC Appointments** - Leon Barry and Jayson Brennen were appointed by the  
42 Selectmen as commissioners to NRPC. It was not certain if there is another full member  
43 position opened because Mr. Peebles has not officially resigned.

## Planning Board

June 3, 2008

1 **Rolling Acres IV** - Mrs. McKibben said she reviewed a letter from Attorney Prolman  
2 and that the wetlands on Phase IV is a vernal pool. She said he is reading the ordinance  
3 differently than the Conservation is as to the disturbance. She sent him an email. Mrs.  
4 McKibben: The ordinance says “prior agricultural field” and he is thinking than any  
5 drainage can go within the buffer and I am saying it is a 200 foot buffer undisturbed or 50  
6 foot undisturbed. This may need to be interpreted by the Code Enforcement Officer.

7  
8 **Code Enforcement Position** - Mrs. McKibben is drafting a letter to the Selectmen from  
9 the Conservation and Planning Board (if agreed) about the appointment of a Code  
10 Enforcement Officer. They feel that Selectmen should look to hire someone with strong  
11 zoning and code abilities because there are a lot of issues and whoever they hire needs to  
12 understand zoning and code issues. The Board agreed to be included in the letter to the  
13 Selectmen.

14  
15 **2009 Budgets** - Mr. Byron talked about upcoming budgets for September and a change  
16 where forecast revenues will be included in the budget submissions. This will be  
17 discussed at the meeting with department heads and committee heads on June 30  
18 meeting.

19  
20 There being no further business, Mrs. Douglas **MOTIONED** to adjourn the meeting.  
21 Mr. Almeida seconded. Motion carried 7-0-0. The meeting adjourned at 9:45 p.m.

22  
23 Lorraine Dogopoulos  
24 Recording Secretary