

Planning Board Meeting
July 8, 2008
Minutes approved 9/16/08

Members present:

Steve Perry, Chairman
Jayson Brennen, Vice Chairman
Leon Barry
Marc Ducharme
Frank Byron, Selectmen's Representative
Edward Almeida

Members not present:

Alison Douglas, Clerk
Mary Anne Geist
Carlos Fuentes

Also present:

Joan McKibben, Administrative Assistant
Steve Wagner, Nashua Regional Planning Commission, Circuit Rider
Lou Caron, L.C. Engineering (Left at

AGENDA

1. Recreation Commission – Use of Impact Fees

2. Granite State Paintball, Tax Map 2 Lot 2, 273 Derry Road. The Board will consider an amendment to a previously approved site plan (approved April 2006). The applicant seeks approval for part-time public use.

3. Final Review of the Capital Improvements Plan

4. Theroux Subdivision Tax Map 15 Lot 2, 315 Charles Bancroft Highway, the Board to discuss RFP for hydrologist

5. Any Other Business

Moose Hollow bond(s)
Minutes: 5/20/08, 6/3/08 and 6/17/08

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

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1. Recreation Commission – Use of Impact Fees

Mr. Andy Collins, Recreation Commission member, came forward to ask about the use of impact fees for expanding Roy Memorial field. They had been before the Selectmen and were told to make sure that it fits in with the current CIP (Capital Improvements Plan). Mr. Barry read out loud the letter from the Recreation Commission.

Mr. Perry: Okay, you are going to expand the field. Did you have a chance to look at the previous CIP? Mr. Collins: Yes. I think he mentioned it (letter). Mr. Perry: Did you guys consider the fencing and the lighting at the same time, or is that something you are going to hold off for later? Mr. Collins: We are going to have to hold off on the fencing because they wouldn't be using the field for soccer.

Mr. Perry: I think it falls well within the intent of the CIP. It definitely seems like an expansion of service to me.

Chairman Perry opened the meeting to public comment. There was no public comment. Public comment closed. Chairman Perry appointed Mr. Almeida as a voting member.

Mr. Perry **MOTIONED** to send our endorsement to the Selectmen on this project. It was seconded. The Selectmen would have to vote to release the funds. Motion carried 6-0-0. The Administrative Assistant will forward a letter to the Selectmen.

Mr. Collins then talked about Talent Hall. They are trying to get Talent Hall up to speed. Right now it presently is at 49 occupancy limit because of the deficiencies in the building. One of the things they have to do is pave around the building and this would allow the building to be opened to 257 occupancy limit. He asked if this is something that would fit in with the impact fees. He further stated that the Fire Chief said that was one of the things they had to do (pave a 4 foot walkway) and if they did expand the building which is in the CIP to put the outside bathrooms and storage...then it would have to be a fire lane (12 feet) that would go around the building for fire access to the bathrooms. Talk ensued as to paving. Chairman Perry said that this needs to be checked with Town Counsel to see if paving is considered expansion of services. Mr. Brennen asked why they couldn't roll it (paving) in with the other project under the whole expansion of the park. Mr. Collins added they are going to be looking to move some of the road away (move the dirt access road closer to talent hall) from the field to increase the field size as well.

2. Granite State Paintball

Mr. Jason Farrow was asked if Item 4 could be heard at this time. He agreed.

4. Theroux Subdivision - Discussion of Hydrologist RFP

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1 Mr. Rene Theroux, 315 Charles Bancroft Highway, came forward. Mrs. McKibben said
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3 the RFP for the hydrologist went out and there were no takers. The Board asked Mr.
4 Caron's opinion what to do next. Mr. Lou Caron said the Board to reconsider the vote
5 (vote to hire a hydrologist) or find more firms to bid but he is not convinced what kind of
6 results the Board would get because the study of groundwater is pretty involved.

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8 Mr. Caron: In discussing the paradox here like for probably the last 15 to 20 years
9 through our State Environmental Services the focus has been on peak runoff from sites,
10 of not stressing out existing stream beds or diverting flows, or changing co-patterns and
11 that is where your detention ponds and retention ponds and infiltration systems came into
12 being as the preferred solution for solving the peak runoff question. Then Lord and
13 Behold over the last five years we have had two to three 100 year storm events where the
14 quantity of flow, the volume of flow, has become an issue in addition to the peak flow.
15 Rules are changing in N.H. that the volume flow is being addressed. In this particular
16 project based on soil runoff characteristics of the conditions today versus the conditions
17 later, all indications are, and the calculations show it, that the runoff from the site will be
18 reduced just by changing the characteristics of the type of surface that you have. Water
19 that falls out of the sky is still going to go into the ground. Some of it is going to runoff
20 and a little less will runoff after the development which means a little more is going to go
21 into the ground. Relatively speaking is that enough to have a negative impact on an
22 abutter? Probably not at the groundwater level. The person next door who has an issue
23 with water in their basement today will probably have an issue with water in their
24 basement whether this project goes or doesn't go. They had water this year and it was an
25 unusual year in that we had record snowfalls but no rain to go with the snow melt and we
26 did not have deep frost to prevent infiltration as the snow melted. You could have another
27 50 year storm in September, August, and the water will be there and the basement will be
28 flooded. I am not sure that an in-depth hydro geological study would tell you that the
29 water table, because of this project, is going to go up one quarter of a millimeter. I do not
30 think you will even get that kind of an answer. I had mentioned to you prior to your vote
31 in my opinion you were not going to get something of value from the study.

32
33 Mr. Caron continued: The idea of the diversion berm rather than the infiltration, dry well,
34 is probably a good idea. Whatever surface water might be going next door gets diverted
35 towards the brook...that would take the flow coming from the front in the new ditch and
36 route it all the way back. It would be an extremely flat ditch so you will find most of the
37 water going to it and through it will infiltrate except in a flood event. In a flood event you
38 are going to have rain, it will back up from the brook and probably the worse scenario of
39 this project is there is a floodplain that exists today that is beyond the 100 year floodplain
40 but if you look at from Route 3A all across the valley towards the hillside that whole area
41 is kind of a floodplain and now you are plunking down cubic yards of dirt to raise the
42 ground to build the houses which takes away volume from that floodplain but it is not a
43 100 year floodplain. I am not sure that the effect of that volume will have a real detriment
44 on the downstream abutters because the only way that would ever get filled would be a

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1 major rain event which it gets filtered in. That is the worse case of that site and the whole
2 corridor between Route 3 and the hillside coming up to Albuquerque is that any fill that
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4 you put in there takes away storage volume for a flood event and it kind of pushes the
5 problem downstream or upstream...but I have never heard that the flooding is so much of
6 an issue except for the low lying properties which seemed to be building their little
7 channels out to the stream to drain their properties but when a flood event comes, it will
8 fill with water I would expect.

9
10 Chairman asked members how they felt about reversing the vote to hire a hydrologist.
11 Talk ensued. Mr. Brennen said he was not at the site when the vote taken but would have
12 voted against hiring an hydrologist. Mr. Perry just wants to make be sure whatever is
13 done that the large ponding of water next to the Stokes' house is alleviated.

14
15 Mr. Caron: There should be some relief to the abutter by intercepting water that now goes
16 to his house and routing it to the brook. What I can't tell you because I do not have
17 enough information when it gets to the end of the berm if it is going to make a U turn and
18 come back again. Although the evidence in the field shows the abutter has built up his
19 own berm to protect his property and it looked like a higher berm the closer you got to
20 the brook the ground kind of went up a little bit and the berm looked a little higher. I do
21 not think it will come back unless the whole place is flooded. If the whole place is
22 flooded, it all comes up both sides of the berm. I think a bigger problem is your
23 downstream pipes if they get plugged, if you get beaver activity they create dams in there
24 typically a much larger problem than you will ever get building two house lots.

25
26 Mr. Almeida: One of the concerns when you were computing runoff the assumption was
27 that it was going to be grassed and if not maintained with grass, we do not know what
28 will happen. I do not remember seeing any notes in the drawing that it has to be
29 maintained as grass so what would keep someone from putting a basketball court or
30 something?

31
32 Mr. Caron: A little bit of pavement probably would not be an issue. If you look at what
33 has happened along that route, including the house next door, the properties appear to be
34 very well maintained...that is the pattern. Most likely the grass will be kept up.

35
36 Mr. Wagner asked if there should be a restriction on the plan that no change in the
37 contour or grading can take place without approval. Mr. Caron: The regrading would not
38 bother me but the addition of impervious surface would because that changes the runoff
39 characteristics: basketball court or tennis court.

40
41 Mr. Theroux: About the grass, when we talked about putting a bond to make sure there
42 would be a grass surface there, we talked about it in April, we also designed because you
43 wanted a low impact, we came up with that dry well to try not to show the water as much
44 as possible so the water would just dissipate, be absorbed. If you want us to draw up a
45 system that we talked about, we can do that.

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Mr. Caron: The roof infiltrators I think would be a good idea because they are away from the abutting property.

Mr. Almeida would like to see some restriction regarding limiting the impervious surfaces. Mr. Wagner suggested to add to the plan the section of the ordinance that limits the 15% impervious cover and in addition the diversion berm cannot be altered without planning board approval. Mr. Caron: Yes, as long as it gives you a fall back position, something you can hang your hat on for enforcement purposes. A note on the approved plan would do it. The 15%, I am a little leery. I am looking and there is no calculation right now.

The following motion was made but is null and void (see below). Mr. Brennen MOTIONED that we not mandate the completion of a hydrologic study on the Theroux subdivision, Tax Map 15 Lot 2. Mr. Barry seconded. Motion carried 6-0-0.

Mrs. McKibben: I have a concern about the swale if it is a really flat swale, I do not want to create a mosquito breeding habitat especially over time if it gets filled in and becomes a cattail situation.

At this time, Mr. Byron interrupted to say the Board is supposed to be talking about the hydrologist and is off the topic. Mr. Perry agreed. Mr. Byron noted that the Board had deferred the application until July 22, 2008, and asked what notification to the abutters was provided for this consideration this evening. Mr. Byron: It is related to this subdivision plan and under the requirements of the Planning Board you can move or continue an application without renotification to a date certain, you did that and the date was July 22, 2008 and that is legal. But the discussion you are having is on this subdivision plan and there has been no notification to the abutters that this meeting is happening other than the postings...which is not in keeping with the requirements of the Planning Board.

All discussions and vote will be redone on July 22, 2008. All actions taken tonight are null and void. Mr. Perry said the meeting was to discuss if the Board was going to continue searching for a hydrologist and the Board got passed that. This matter will be discussed at the next meeting on July 22, 2008.

3. Road Bonds

Lou Caron told the Board that he did review the Moose Hollow Road bond request for a reduction. He also stated that he would be reviewing all the road bonds in the near future due to rise in asphalt, etc.

2. Granite State Paintball

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1 Mr. Jason Farrow, Granite State Paintball, 273 Derry Road, came before the Board to say
2 that he is not expanding the business but rather he wants to open the area to the public.

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4 The application had been deferred until this evening. Previously the approval was limited
5 to his team players, as a private club, but now he wants to open it to be able to book
6 parties, etc. There is no change in the hours. The minutes of April 2006 were reviewed.

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8 Mr. Wagner said that the portable potty had been pushed over near the well and there is a
9 concern; it needs to be relocated and chained. Also, Mr. Farrow needs to make sure the
10 parking complies with the original approval.

11
12 Mr. Farrow said he has insurance, the landlord is listed as an additional insured, and
13 players are required to sign a waiver. There are picnic tables but there will be no cooking.
14 Chappy's has allowed them to park vehicles on their site but Mr. Farrow prefers not to do
15 so. Mr. Farrow said if he is allowed to open to the public most of the hours will be
16 Saturday and his regular players would not be there because they use the area on
17 Sundays.

18
19 Mr. Barry said they have proven themselves and it sounds good to open it to the public. It
20 is not individuals but rather parties. Mr. Byron asked if there are considerations to check
21 since it will be opened to the public. It was suggested talking with the Building Inspector
22 and have him review the ordinances and regulations. Also, Mr. Farrow said he is willing
23 to putting a handicap portable potty.

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25 Mr. Wagner: To me in the meeting tonight I think there are a few things to check out. If
26 we had him back on the 22nd, we could look into if there are some issues, the Board
27 would accept the change with an amendment 8x11 changing the conditions since nothing
28 on the plan is going to change except the location of the portable potty, and they are
29 sticking with the original parking as approved. So, really it is just mandating a location
30 for the lavatories, one has to be ADA and then we can look into other requirements with
31 Code Enforcement.

32
33 Mr. Farrow will provide a copy of his insurance. Mrs. McKibben said the plan does not
34 get recorded and showed the original plan submitted. Code Enforcement will be
35 provided with a plan of the Fur & Feathers site plan.

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37 Mr. Perry **MOTIONED** to continue to July 22, 2008. Mr. Barry seconded. Motion
38 carried 6-0-0.

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40 **4. Capital Improvements Plan**

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42 The final Capital Improvements Plan was presented by Mr. Wagner. The necessary
43 changes were made as noted at the last meeting.

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45 Mr. Barry **MOTIONED** that the Planning Board hold a public hearing on July 22, 2008,

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1 to approve the 2009-2014 CIP. Mr. Almeida seconded. Motion carried 6-0-0.

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4 **5. Any Other Business**

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6 **Bond Reduction** - Mr. Barry read the letter dated June 30, 2008, from Lou Caron
7 regarding a bond amount. The bond was recalculated for Larchmount IV Moose Hollow
8 Road Extension and cul-de-sac. The new bond amount is \$146,000 (total). The original
9 bond was presented on May 20, 2008, and recalculated due to the rising price of asphalt,
10 etc.

11

12 Mr. Barry **MOTIONED** to accept the new bond proposals for Moose Hollow Road
13 Extension. Mr. Almeida seconded. Motion carried 6-0-0.

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15 **Minutes** - Mr. Brennen **MOTIONED** to accept the May 20, 2008, minutes. Mr. Byron
16 seconded. Motion carried 6-0-0.

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18 Mr. Barry **MOTIONED** to accept the minutes of June 3, 2008, with the amendments.
19 Mr. Byron seconded. Motion carried 4-0-2.

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21 **Nashua Regional Planning Commission** - Mr. Barry reported on the NRPC meeting he
22 attended. He said NRPC has moved from Nashua to Merrimack on Executive Drive.

23

24 On another matter, he reported the seniors (older persons developments) are trying to get
25 legislation passed. They feel that the road in all developments should be plowed by the
26 town because they pay the same taxes as everybody else.

27

28 On another matter, he said that the Parkway in Nashua is on a schedule for completion.
29 They have cut 37 million dollars from the budget by eliminating sidewalks, etc.

30

31 Talk ensued. He said Nashua ran a pharmaceutical drug drive at the landfill for anybody
32 who wanted to bring in outdated drugs or medicines. Mr. Barry: Now when they had all
33 of these drugs what they did with them? They came to Litchfield to be burned. So, a lot
34 of it came to our incinerator.

35

36 Talk went on as to controlled substances.

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38 There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. It
39 was seconded. Motion carried 6-0-0. The meeting adjourned at 9:30 p.m.

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42 Lorraine Dogopoulos

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Recording Secretary