

**PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
July 05, 2023**

TIME: 7:00 p.m. –8:50 p.m.

DATE APPROVED: 07/19/23

MEMBERS: Susanne White- Chairperson, Nancy Egner -Vice Chairperson, Ed Sauer-Second Vice Chairperson, Adam Charrette, Steve Livingston, Bryant Wheeler

EX-OFFICIO: James Bailey III

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Kim Opperman, Dana Clow, Morgan Tanafon

Excused: Ed Sauer, Nancy Egner

Public: John Noonan, Richard Head, Chairman, Conservation Commission, Jack Franks, Bill Hutwelker, Riche' Colcombe, Terry Thomas.

Call to Order:

Chairperson Susanne White called the meeting to order at 7:00 PM. She called the roll and appointed Dana Clow to sit in place of Ed Sauer and Morgan Tanafon to sit in place of Nancy Egner.

Minutes

06/23/23 Steve Livingston made a motion to approve the minutes. Bryant Wheeler seconded the motion. The motion carried unanimously.

PUBLIC HEARING

Site Plan Amendment/Major Subdivision

29 West Main Street

William and Nancy Shee/Avanru Development/represented by John Noonan, Fieldstone Land Consultants PLLC.

Robyn Payson introduced the application and shared the concerns of Ernie Butler about the impacts the new road would have on the Highway Department.

John Noonan of Fieldstone Land Consultants presented the application for a four-lot subdivision and amendments to the previously approved plan to move the buildings slightly and adjust the location of the parking. The applicant also intends to install a road that will meet Town specifications and have a sidewalk along the west side. The applicant intends for the road to become a Town road. One of the new lots is intended for a community center and another for a potential urgent care facility. The third new lot is for the road. He went on to describe the "Condominium Phasing", which is how the workforce housing units will be built.

Susanne White asked why the development is being called condominiums.

Jack Franks said it was necessary for financing. He said each phase will have different investors.

Mr. Noonan described the new drainage plan which should create no new wetland impacts. He said an Alteration of Terrain Permit from DES will be necessary for the project and that will provide oversight of the drainage.

Mr. Noonan said this development will be serviced by Town Water/Sewer. He said the utilities and the road will be constructed in the first phase. Phase two will include connecting to a manhole cover on site. He said the landscaping plan was virtually the same. They would be moving some plants around, but the same plants would be used. On the photometric plan they are showing pole mounted lights approximately every 60ft to provide light for the sidewalks and the road. He said the lights are full cutoff Dark Skies compliant fixtures.

Mr. Franks spoke about the aesthetics of the lights. He also described the grant he received that is allowing the sidewalks to be constructed.

Steve Livingston asked if the intention of the road was to connect to Harvey Way. Mr. Franks said that is being considered but the plan hasn't been finalized yet.

Bryant Wheeler asked why they would want to bring the road out to Harvey Way?

Mr. Franks said it would be a natural progression to have a through way but also for the Water and Sewer department to have a connection up there.

Mr. Franks said the American Rescue Plan Act "ARPA" funds have been awarded are for infrastructure to get the Water/Sewer connection up there. He said they are willing to make that long term investment.

Subdivision Application

Steve Livingston made a motion to accept the subdivision application. Bryant Wheeler seconded the motion. The motion carried unanimously.

Susanne White opened the public hearing.

Richard Head, Chairman of the Conservation Commission was recognized. He said the Conservation Commission did not submit any new comments, but they did have questions.

Mr. Head asked about one of the lots and asked if the use would be discussed tonight.

Mr. Noonan said that lot was planned to be for the Community Center and would have its own site plan hearing.

Mr. Head spoke about the Conservation Commissions concern about the increase in impervious surface and its affect on the hydrology and the wetlands. He said there was a concern about snow storage and how it would affect water quality.

Mr. Noonan said they produced their own stormwater quality report which will be submitted as part of their Alteration of Terrain permit. He said there was more detail now. Mr. Noonan described the specifics of the updated Stormwater Management Plan.

Richard Head said that the Conservation Commission appreciate and greatly respect the Alteration of Terrain's program through DES, but at the end of the day if there are problems that are associated with stormwater flow, changes to the hydrology, changes to how the water's flows from the site DES is not going to fix it, it is going to be the Town. He said he thinks it is important for the Town to be comfortable and to have done the analysis to evaluate whether there are impacts that are going to affect the Town.

Mr. Head when on to discuss impervious surfaces and their effect on drainage and stormwater management.

Mr. Head handed out a previous site plan from a different project on the lot showing the wetlands that are off the property and the extended impacts on flow. He went on to talk about how changes to the topography, impervious surface, and moving stormwater next to a wetland that is flowing down hill is ultimately going to have some impacts on how that water is flowing. If that water flow increases there are potential downstream impacts that the Town will have to address, not DES.

Mr. Head said there were concerns about the location of snow storage.

Mr. Noonan pointed out the snow storage areas.

Mr. Head said they were essentially putting snow storage right next to stormwater drainage.

Lea Bosse said (referring to the lot that will house the 84 units of workforce housing) they needed to go back to the ZBA for a variance on density.

Robyn Payson said they did not need to go back to the ZBA.

Mr. Noonan said they are under the maximum lot coverage is 30% for commercial. The lot size is 40,000 square feet, and they are over on acreage for a commercial lot. He said their new lot coverage is 15.4%. So, they are under on the lot coverage and over on their lot size.

Riche' Colcombe said she was interested in the conversation on Harvey Way. She said if there is not a through road going through Harvey Way, are we going to get completion of that second loop of water and sewer or if it does not go through Harvey Way are we eliminating that second loop.

Dana Clow said Mr. Franks had alluded to some distribution of responsibilities there. The question is in flux because water and sewer is going to have participation in that discussion.

Mr. Franks said the reason for the application to Hillsborough County was for the upgrades to the road but the increased sizes of the pipes that are bigger than what they planned to put in. The

initial discussions were to use the ARPA funds to get the infrastructure up to that point and have it stubbed and all set to go. In order for this to be completed it is part of a second phase if and when they will be able to determine with Mr. Thomas (abutting property owner) if they are going to be able to get through there.

Riche' Colcombe asked if the continuation was contingent on the use of Mr. Thomas's property and Harvey way.

Mr. Franks said it was contingent on whether or not Mr. Thomas wants to complete it.

Dana Clow said there have been no specific plans submitted to the Water/Sewer Commission at this time.

There was further discussion about the water and sewer connection.

Mr. Franks thanked Riche' Colcombe for her support of this project as a State Representative.

Terry Thomas who is an abutter to this property spoke. He said his grandfather did the development of Harvey Way in 1958 and provided the land for Osram Sylvania when it started. Originally, Harvey Way was going to go to Myrtle Street Extension. He said he was approached by Peter Mellen about three or four years ago because they have the biggest piece of property that a water main extension could go through that was not owned by the Town. He said he believed it would have gone up Bible Hill and Harvey Way to replace that water system. Since COVID hit he hasn't heard anything more about it, but it is something that could be incorporated here and save some money on the entire project.

Susanne White Closed the public hearing.

Steve Livingston made a motion to approve the four-lot subdivision. Morgan Tanafon seconded the motion. The motion carried unanimously.

Findings of Fact

1. The property is located at 219 West Main Street.
2. The owners of the property are William and Nancy Shee.
3. The applicant is Avanru Development.
4. The application is to subdivide the subject property into four lots.
5. There were no waivers requested for this application.
6. All lots conform to the requirements in the Town of Hillsborough Zoning Ordinance and Subdivision Regulations.

Morgan Tanafon made a motion to approve the findings. Steve Livingston seconded the motion. The motion carried unanimously.

Site Plan Amendment Application

Robyn Payson introduced the application and said that the Board needed to decide if they wanted to require peer review on the drainage report and construction oversight on the road construction.

Susanne White asked if the Board had any questions.

Steve Livingston made a motion to accept the Site Plan Amendment application. Jim Bailey seconded the motion. The motion carried unanimously.

Jim Bailey discussed the road. He said there needs to be a percentage of development required before the Town accepts the road. He said acceptance of the road is by the Road Agent. He said he knew the applicant wanted it to be a Town road, but it had to be up to spec.

John Noonan said they have an oversized “hammer head” for turning around at the end of the road.

Jim Bailey said he was concerned about where the snow would go when it is plowed.

Dana Clow said based on the standards for accepting a road it is “all or nothing” either the criteria has been addressed or it has not been addressed. You either meet the construction standards or you don’t.

Jack Franks said the immediate project before us is for this road that will meet all of the Town specs. From a snow removal perspective, the snow would be easily pushed up to the hammer head. He said there is ample room up there and if it did require a cul-de-sac we need to address that. He said they would collaborate with the Road Agent.

Susanne White opened up the public hearing.

Riche’ Colcombe said this is not the only dead-end road in Hillsborough so she didn’t know why this should be an issue where there are other dead end roads in town. She also asked if the Road Agent is allowed to make a decision on the road independently, is it the Select Board or does it have to go to Town Meeting to be accepted as a Town Road.

Jim Bailey said the Road Agent determines if the road is acceptable and then it goes to Town Meeting to be voted on. As far as the dead-end roads in town you don’t want to perpetuate problems from the past. We want to address this in this particular case. He said he doesn’t speak for the Road Agent.

There was discussion about the role of the Road Agent in accepting the road.

Jim Bailey said they don’t want potential problems to arise that’s going to cost the Town money in the long run. You want to try and nip everything in the bud right now during the initial phase of planning to eliminate problems down the road.

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Dana Clow said this is going to be an arterial roadway and it makes a difference. Because we flubbed it the first time and flubbed it the second time there is no reason to continue to make the same mistakes.

Leigh Bosse said you cannot have a cul-de-sac over 1000 feet. He said his subdivision was turned down initially because of that on Dascomb street.

Mr. Noonan said the road was 925 feet. He said there is a pavement set back so there is a place they can plow to if this was accepted as a Town road. He went on to say that the Town regulations require a 60 ft right of way. With a 24 ft road you can do a hammer head turn around. He said they have also provided an easement which allows the town to turn around.

Steve Livingston asked where the road would pop out on to Harvey Way.

Bill Hutwelker said we are not at that point, and it is very subjective. The whole plan would go to the Zoning Board and then the Planning Board and the Town would have input on that. He said it would go on to Mr. Thomas's property and then go south to connect to Harvey Way.

Susanne White said she went up there before the meeting and she saw what looked like an old driveway or an old road that's about two houses from the end. She asked if that was where it was coming out?

Mr. Thomas said he has two egresses to his property. One is the one Ms. White was talking about or if you go up Harvey Way and go straight.

Susanne White brought up construction oversight on the road.

Dana Clow said he didn't see a substantial difference between the current road and the driveway that was approved before. He said he didn't see the need for peer review to be overwhelming.

Kim Opperman said if you have a qualified engineer that will put his stamp and his reputation on a plan. He said he has seen peer review and they have come up with minor things and it's very costly. All that needs to happen on that road is the compaction tests. If you get those right, chances are you are going to have a great road.

Mr. Franks asked if peer review would be handled by the Road Agent or would that be a third party review that the project would pay for. He said they have equity investors, there is a reviewer with the state NH Housing Authority, and their own engineers will be on site doing it. There is a fourth person who is going to be doing the compaction reports.

Kim Opperman asked if the Town would be on the distribution list.

Mr. Franks said Robyn Payson and Laura Buono would be put on the distribution list. He said they have to meet state standards, New Hampshire Housing standards, and another reviewer done by the equity investors plus the independent contractor.

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Dana Clow said the Town's interests have to be protected. As part of the distribution list if nothing else. The Town needs a professional representative at the table.

Bryant Wheeler said if they have an engineer's stamp and specs, the people who are financing this are going to look and see whether or not they are doing a good job.

There was further discussion about third party construction oversight.

Riche' Colcombe said at the last Town Meeting the Road Agent got up and recommended a road not be taken by the Town, the voters have the final say as to whether they will be taking this but her knowledge of the Select Board is that they have more authority over the roads than the Road Agent does.

Jim Bailey said the Board of Selectmen may have final say on the road, but they depend on the Road Agent's recommendation on the road. He said they take his recommendation and move forward.

Riche' Colcombe said the Selectmen could take or not take the Road Agent's recommendation.

Jim Bailey said that it would be foolish not to take the recommendation of the Road Agent.

Susanne White said that the roads that were not accepted previously had drainage issues.

Jack Franks asked if they could get input from the Road Agent as the road is being completed so he is part of that process.

Jim Bailey said as long as we have the reports, we should be able to move forward without third party review.

Susanne White closed the Public Hearing.

Bryant Wheeler made a motion to approve the Site Plan Amendment. With the following conditions:

1. The developer grants an easement to the Town for a turnaround at the entrance of the parking area.
2. Reports relating to road construction to be submitted to the Town Planner and Town Administrator for review by the Road Agent.

Jim Bailey seconded the motion. The motion carried unanimously.

Findings of Fact:

1. The property is located at 219 West Main Street.
2. The owners of the property are William and Nancy Shee.
3. The applicant is Avanru Development.

4. There are the same number of units and parking spaces as the previously approved plan.

Steve Livingston made a motion to accept the Findings of Fact Jim Bailey seconded the motion. The motion carried unanimously.

Leigh Bosse said that he will soon be in for an amendment to his subdivision approval because he has a 7-unit subdivision with three hundred feet of road and the Planning Board required him to hire a special engineer to review the road three or four times during its construction, now this goes through without it. He said he hopes he will get the same treatment.

There being no other business, Steve Livingston made a motion to adjourn.

Meeting Adjourned 8:50 pm

Respectfully Submitted,
Robyn L. Payson, Planning Director