

HENNIKER PLANNING BOARD

Draft Minutes

June 10, 2009

Members Present: Kristin Claire, Chairwoman; Ed Miner, Vice-Chairman; Terry Stamps; Rick Patenaude; Scott Osgood; Ron Taylor, Selectman, ex-officio; Jeffrey Roach, Alternate

Members Excused: Leon Parker, Alternate Selectman, ex-officio

Others Present: Mark Fougere, Town Planner, Jennifer Astholz, Recording Secretary; Peter Flynn; Margaret Glover; Donald Glover; Bruce Corsetti; Paula Amato; James Seymour; Greg Michael; Jennifer McCourt; Gary Harper; Thomas Patenaude;

Review & Approve May 13, 2009 Meeting Minutes

Chairwoman Claire announced that Jeff Roach would be voting on the minutes in place of Kellie Dyjak. Minutes of the May 13, 2009 meeting were reviewed and corrected. Terry Stamps **MOVED** to approve the minutes as amended. Ed Miner **SECONDED** the motion. Motion **PASSED, 7-0.**

Kellie Dyjak joined the Board at 7:05 pm.

Case 2009-007: Map 2, Lot 399-A1, Lot 399-A & 397-X. Located at 340 Western Avenue, located in the RV Village Proper District, the Applicant's (Town of Henniker & Donald and Margaret Glover) are proposing a lot line relocation and lot consolidation. The Henniker Police Department resides on Lot 397-X and the adjacent parcels are vacant.

Peter Flynn, Town Administrator, represented the Town on this application. He stated that the Town is seeking to purchase property currently owned by the Glovers (Lot 399-B). He stated that part of the agreement with the Glovers is to increase their lot (399-A1) by parceling out a sliver of land (Parcel B). He stated that the Town was approved to purchase the property at the 2009 Town Meeting; they are ready to proceed with the purchase and sale agreement as long as this proposal is approved tonight.

Mr. Miner verified that professionally stamped plans have been submitted. Mr. Osgood asked about the driveway plan shown. Mr. Flynn stated that the driveway plan was already there, but he is not sure that they would ever use it as a driveway. He stated that the purpose of this proposal is to procure the land for possible future expansion of the Police Department. He stated that people currently pull in to the right of the existing police station, and most of that is owned by the Glovers, and they have been kind enough to allow it.

Ron Taylor stated that no expansion plans are in the immediate future.

Mr. Taylor **MOVED** to accept the application for Lot Line Adjustment for Case 2009-007 as submitted. Kellie Dyjak **SECONDED** the motion. Motion **PASSED UNANIMOUSLY**.

Case 2009-004: Map 2 Lot 391 A. Located at 38 Grove Street in the ED Educational Zoning District. The Applicant, New England College, is proposing to construct a 76,000 sqft (footprint) multi-purpose artificial turf sports field with night lighting and portable bleachers. The site has been designed by Sebago Technics, which is the engineering firm representing the College. The project is located on an 80.5 acre lot and the proposed field will replace an existing parking lot.

Chairwoman Claire stated that a letter from resident Joan O'Connor urging the Board members to protect the Town's dark skies as a natural and cultural resource has been submitted to the permanent file.

Ms. Claire asked the Town Planner for a summary of what has taken place since the Conceptual Consultation. Mr. Fougere stated that field engineering has been detailed, many of the notes on the plans have been updated, and the Special Exception was granted by the ZBA. He stated that a Site Plan approval in the ED District is what is being requested at this time. The application for the field and the application for the parking lot are being treated as two separate applications.

James Seymour, Sebago Technics, stated that the Alteration of Terrain permit, the wetlands permit and the shoreline permit have been requested from the State.

Chairwoman Claire read aloud from a letter from Mike Vignale, the Town Engineer. A final boundary survey is required; Jennifer McCourt said that it is in the updated plans. Details for silt fencing are required. Mr. Vignale commented on the need for a handicapped accessibility route to the bleachers. Mr. Seymour showed a sidewalk path which ties the parking lot to the field, and there is a concrete pad for wheelchairs to view the games. He also stated that a stone barrier will be used to separate vehicles from pedestrian traffic.

Mr. Miner stated that he is looking for detailed erosion control plans; Mr. Seymour and Ms. McCourt showed where it was on the plans. There was discussion about duct taping the lateral drainage joints. Mr. Seymour stated that this is an acceptable practice with field installation. He stated that a "T" gasket can also be installed. Prior to the gasket being available, the duct tape process was the industry standard.

Ms. Dyjak asked for clarification of the measurement of the chain-link fence. Mr. Seymour stated that the measurements are different on the left and right sides due to the stabilizing corner posts, etc. Mr. Seymour stated that rip-rap sizes were corrected on the plans.

Ms. Stamps verified that the stone barriers will be placed so that vehicles cannot interfere with pedestrian traffic; however, they will not be too high to block visibility. Mr.

Seymour stated that the stone barrier was chosen to be in keeping with the rural setting, but will be designed for optimal safety.

Ms. Claire stated that Mr. Vignale's letter refers to the shoreline zoning for the State. Mr. Seymour stated that written applications have been submitted for all of the necessary State permits. Mr. Osgood stated that the applicant will not get a building permit until permits are obtained from DES. He stated that the Board could ask to see them before the building permit is signed. He also asked for the Planning Board to be copied on the erosion control plan.

Mr. Fougere stated that there will be dredge and fill permit associated with this project. Mr. Seymour stated that they will strip the existing asphalt to 6" below what is currently there; fill will be towards the river. Mr. Seymour stated that there was a recommendation for a pre-construction meeting with the Town and contractor regarding details of the project. He anticipates the installation to take approximately two to two-and-a-half months to complete.

It was noted that the Town Engineer did not make any comments about the hydrologic studies submitted on Sheets 1 & 2 of the plans.

Mr. Miner asked about the drainage calculations and drainage plans. He asked where the water from the parking lot will go. Mr. Seymour showed on the plans how the drainage follows the existing patterns.

Martin Curran, of the Army Corps of Engineers, stated that there is flood easement property on this parcel of land. He stated that New England College will have to have written permission from the Army Corps of Engineers, after following the permitting process, to proceed with these plans. He stated that there cannot be any area where there is a loss of flood-plain capacity. He stated that the applicant needs to provide profiles to their engineering department. Mr. Seymour stated that he will copy the information from the State permit applications to the Army Corps of Engineers. Mr. Curran stated that the applicant is aware that they need to have written documentation from the Army Corps of Engineers for construction.

In a letter dated 4/27/09, the Town Engineer stated that no details had yet been provided about site lighting. Mr. Seymour stated that a photometrics plan and the lighting array design had been submitted for review. Mr. Seymour gave lighting details to the Board and stated that the lighting technology that has been chosen is great at focusing light onto the field and significantly reducing sky glow. Again, it was stated that the letter from Joan O'Connor about lighting concerns be kept as part of the record.

Paula Amato, from NEC, stated that late afternoon games usually start at 4:00 pm and typically end between 8:00-9:00 pm. She stated that the lighting will be able to be controlled remotely by phone or website, which will be helpful if needed for games that run into overtime.

Mr. Seymour stated that there will be four light poles with 10 lights on each pole. He stated that the average tree canopy in the area is 73'-90' high, which is taller than the light poles; the arena is actually 19' higher than the lights themselves. Mr. Seymour stated that the closest resident is about 850' away. He stated that this area reduces light and land impacts to other residents. Ms. McCourt stated that they will really only be using the lights primarily during the fall season when it gets dark so much earlier.

Rick Patenaude stated that he feels good about the lighting plan. Chairwoman Claire stated that it appears that the lights are a low impact to the community.

Mr. Osgood asked if they will measure photometrics after the lights are installed to make sure that they follow the plans. Mr. Seymour stated that it is standard to measure the intensity on the field, but they do not usually do complete photometrics.

Chairwoman Claire opened the public hearing at 7:52 pm. Hearing no comments, the public hearing was closed.

Mr. Osgood asked if the field will be open for public use. Ms. Amato stated that there is the potential to establish times for the field to be open to the public for scheduled events; however, the field will not typically be left accessible to the public.

Ron Taylor **MOVED** to accept the application for Case 2009-004 as complete. Terry Stamps **SECONDED** the motion. Motion **PASSED, 7-0.**

Scott Osgood **MOVED** to approve the application for Case 2009-004 with the following conditions:

- 1) receipt of Alteration of Terrain permit;
- 2) receipt of Dredge and Fill permit;
- 3) receipt of Shorelands Protection permit;
- 4) receipt of approval from the Army Corps of Engineers;
- 5) successful review of revised plans by the Town Engineer;
- 6) receipt of acceptable photometrics plan from the lighting company

Rick Patenaude **SECONDED** the motion. Motion **PASSED, 7-0.**

Case 2009-006: Map 2 Lot 424. Located off of Grove Street in the ED Educational Zoning District. The Applicant, New England College, is proposing the construction of a 100 space parking lot and associated drainage and lighting. The site has been designed by Sebago Technics, which is the engineering firm representing the College. The project is located on a 12.5-acre lot, which is currently wooded.

Ms. Claire stated that the back of her property abuts the back of the parcel of land under consideration. She stated that there is about 80 acres between them, but she will recuse herself from the case if the Board feels it would be helpful. The Board unanimously agreed that there was no reason for her to step down from the Board under the circumstances.

Kellie Dyjak stated that having been a commuting student to New England College, she knows the frustration of getting parking tickets due to limited parking. She stated that she is concerned about student parking if the number of parking spaces is being reduced.

Paula Amato stated that the college did a parking count twice a day for two days to determine parking needs. She stated that they are comfortable with the newly designed lot for 100 cars. She stated that two other lots will be re-lined to allow for more spaces, and the campus operations lot may be able to accommodate overflow parking.

James Seymour stated that this project is the result of having to have parking with the associated athletic field. The applicant will extend and improve Grove Street, and the road will be paved and widened to 20' wide. A 5' walking path has been designed so that pedestrians are not walking in the travel lanes. He stated that there are concerns about the natural resources in the area such as a perennial stream and associated wetlands, and a 17' high retaining wall has been added. He stated that it has been designed for stormwater to be stored under the parking lot, and they have addressed the water quantity and water quality issues. He also stated that the parking lot will be lit with lights on 16' poles. Security cameras will be installed on the lot.

Chairwoman Claire stated that she would like to review comments made by the Town Engineer, Mike Vignale, about the parking lot plan.

Mr. Vignale has asked for further details about the retaining wall. Mr. Seymour stated that it will be made of gray granite block. The highest point will be 17' tall; some portions of the wall go below the level of the lot, so the wall is actually 20' tall in these places. There will be landscaping outside the parking lot to soften the appearance. He stated that they will restore as much vegetation as possible on the back side of the wall, but paving will go right to the edge of the wall.

Mr. Seymour stated that the plan has revised drainage devices which are yet to be reviewed by the Town Engineer.

Mr. Vignale stated that the wooden guard rails shall be reinforced with steel.

Mr. Vignale's letter asked for discussion about the proper number of handicapped parking spaces as required by the ADA. Mr. Seymour stated that two spaces are shown near the trail head. Ms. McCourt stated that this parking lot is additional parking for the overall college campus. NEC meets the ADA requirements at each of the buildings, and they have included two handicapped spots at the trailhead access. She also stated that there is no handicap parking at the existing field.

Mr. Patenaude stated that if they meet the college requirements at the buildings, then two additional spots to access the field seems appropriate.

Ms. Claire stated that this lot is really for overflow parking and is not tied to the college buildings. Mr. Osgood stated that an injured athlete will appreciate the spaces that have been provided at the trailhead.

Ms. Dyjak stated that she is comfortable with this plan and offered to further research the topic of handicap parking for future reference.

It is the consensus of the Board that they are comfortable with these accommodations.

Mr. Vignale stated that additional drains are to be shown on the plans. Infiltration systems have been put on the plans, but they have not yet been reviewed by the Town Engineer. The infiltration rate is defined by the New Hampshire manual. Plans will be reviewed by the State.

Mr. Vignale commented on the Seasonal High Water Table and drainage concerns. Mr. Seymour stated that they have revised some of the details but have not discussed them with Mr. Vignale yet.

Ms. Dyjak asked about the snow removal plan. Gary Harper, from NEC, stated that snow will be piled into the corner then will be hauled away. Ms. Claire asked about salt runoff into the river. Mr. Harper stated that the college does not use salt. He stated that the college has developed a good system for removing snow and keeping lanes open for emergency access.

Mr. Seymour stated that he understands that the Board will want to see plans for the retaining wall prior to its construction.

Mr. Miner asked about the protocol for keeping the catch basin sumps clean. Mr. Harper stated that the systems are checked in the spring and the fall. Mr. Seymour stated that the maintenance plan is stated during the permitting process. Mr. Seymour described the type of filter fabric used around the drains.

Ms. Stamps stated that the Conservation Commission has not seen this plan yet.

Ms. McCourt stated that the road is a Class VI road which the college maintains. They went to the Board of Selectmen and asked about improving the road, and the Board of Selectmen approved the plan.

Chairwoman Claire opened the public hearing at 8:32 pm. Hearing no comments, the hearing was closed.

The Board reviewed the list of outstanding items. They are: 1) clarify landscaping plan; 2) Town Engineer needs to review a series of 17 items on revised plans.

Mr. Miner stated that he is uncomfortable with voting until the Town Engineer can comment on the revised plans.

Mr. Taylor stated that he does not want to delay the applicant; he suggested that they be put on the agenda for the 6/24/09 meeting.

Kellie Dyjak **MOVED** that Case 2009-006 be continued to the 6/24/09 meeting of the Planning Board. Mr. Miner **SECONDED** the motion. Motion **PASSED UNANIMOUSLY**.

Discussion of Case 2008-011: Map 1 Lot 99. Located on NH 114 (70 Bradford Road) in the Medium Commercial (CM) Zoning District, Mink Hills Land, LLC. Review draft of Phasing and Financial Guarantee Agreement.

Rick Patenaude recused himself from this case as he is associated with it. Jeff Roach will be voting in his place.

Chairwoman Claire stated that the Development Agreement has been reviewed by Town Counsel. An email has been received from him stating that he has no concerns. Ms. Claire suggesting changing the contact person to "Town Planner."

The Board and applicant reviewed the document. They discussed specifics and made corrections where deemed necessary.

Ms. Osgood stated that the fee for inspections should not be limited to \$250/inspection and suggested that it state "reasonable industry standards." The applicant disagreed with this terminology. Mr. Fougere stated that this clause can be reviewed in two years to see if it needs to be revised then. A correction was made to item #8 to clarify the Town permitting process.

Terry Stamps **MOVED** that the Planning Board Chairperson will review and sign the revised Development Agreement. Kellie Dyjak **SECONDED** the motion. Motion **PASSED, 7-0**.

Conceptual Consultation Discussion: Map 2, Lots 369 C & D, Located on Newton Road, Site Plan for proposed construction of 47 multi-family units on three lots, with town water and sewer. Property Zoned Commercial Village (CV) and is owned by Mr. Joseph and Jinhua Morette.

Rick Patenaude rejoined the Board at this time.

Ron Taylor stated that he is recusing himself from the Board for any discussions of Mr. Morette's plans for this property as he had been a voting member of the ZBA previously. Mr. Osgood stated that he does not think that it is necessary for Mr. Taylor to recuse himself, and Town Counsel agrees that it is not necessary for him to do so. However, Mr. Taylor stood by his decision to recuse himself.

Ms. McCourt presented plans for the proposed multi-family units at the end of Newton Road. She stated that there are substantial wetlands in the back of the property.

Ms. McCourt stated that the number of units has been reduced to 37 (a decrease of 10 from what was approved by the ZBA).

Ms. McCourt stated that they went to the ZBA for a Special Exception for use of a multi-family development. That was denied and the case went to court. The decision was overturned and remanded back to the ZBA for approval. They went through the approval process where conditions were imposed. She stated that many of the conditions that were imposed would have been necessary anyways and include: 1) upgrading Newton Rd.; 2) upgrading Town sewer and water; 3) provide private trash pickup; 4) units will be condominium style (for sale); 5) each unit will have 2 or fewer bedrooms; 6) maximum number of units is 47 or less; 7) represented number of children will not change when plan is presented to the Planning Board (this will be reduced as the number of units has decreased).

Ms. McCourt stated that the other Special Exception was for the wetlands crossings. She stated that the units must be for-sale condominium units. She stated that nothing was mentioned about having to be owner-occupied units. She stated that the ZBA did not want it to be a rental complex.

Mr. Osgood stated that he is aware of many cases where one owner owns each unit in a complex, but then rents the units out, thereby creating a rental complex even though that is not what was intended.

Ms. McCourt stated that they have met with the Cogswell Springs Water commissioners and a flow test was done. She stated that they have to resubmit their plans back to them for final approval. She stated that there is water all the way down Newton Road. They will be installing sprinklers in the units and adding fire hydrants as well. She stated that there is concern about storage on Western Avenue. She is working on calculations, infiltration rates and measuring pump activity.

Mr. Taylor stated that the Town is considering metering Town water use. A committee is studying the viability and will make a determination by the end of the year. He stated that Mr. Fougere had organized a discussion meeting with the applicant and various Town departments today. He stated that the applicant will have to go back to the Fire Department for revised plans. Bruce Lewis is the water engineer working with the applicant and will get the details to the Water Commissioners.

Ms. McCourt stated that the number of units was reduced because of a lot density issue. Mr. Fougere found a mistake where the wetlands were included in the lot sizing. Making this correction changed the lot density; therefore, 18 units are planned for one building and 19 units are planned for the other building.

Ms. McCourt stated that the development is above the flood elevation and is not in the flood way. She stated that existing structures are in the flood plain but have never been flooded.

She showed planned upgrades to Newton Road. She said they are looking to expand to 20' wide travelway with 3' shoulders. Ms. Claire stated that there had been discussion about 20' wide travelway with 5' sidewalks.

Bruce Corsetti said that one of the houses on the road is only 3' from the right of way. There was further discussion about a 5' sidewalk on one side of the road.

Mr. Corsetti stated that if the Planning Board approves this project, the Police Department will have to be involved due to troublesome parking in the right of way. Ms. Claire stated that there should be no parking in a Town right of way, but Mr. Corsetti stated that this has always been an issue. He also described a triangular piece of road that was changed in the 1960's.

Chairwoman Claire stated that she reviewed the traffic study in the files. She stated that she is concerned about impact to the intersection of Rte. 114 and Western Avenue. The traffic analysis that was done does not address that intersection.

Ms. McCourt stated that they anticipate minimal impact to an already failing intersection. Mr. Taylor stated that the Town representatives went to the State DOT 12 years ago to discuss a plan for putting a stoplight in the center of Town. They showed that the Town would lose 24-28 parking places, and there would only be two parking spaces left on Bridge Street. The Pharmacy would lose parking due to the need for turn lanes. Ms. McCourt stated that this is a common problem throughout the State.

There was discussion about the usefulness of another traffic study. If one is desired, it should be done while school is in session. It was discussed that the intersection of Western Avenue and Rte. 114 is already a failing intersection.

Mr. Patenaude stated that he does not think that it's a good idea to ask for a new traffic study of that particular intersection. Ms. Stamps expressed concern about what they could do with the information anyways. It was stated that if the intersection is failing now, it will fail later. The new development will probably impact Hall Avenue until new traffic patterns are set. Mr. Miner also stated that he doesn't believe that a new traffic study will result in any new information.

Mr. Osgood stated that he would like to get the question answered from the ZBA about the intent for the complex to be condominium style and owner occupied units. He stated that it is unique that the ZBA dictated the type of ownership as a condition, and the Planning Board needs to know what they meant. Mr. Fougere stated the he will first check the ZBA minutes for any comments relating to the units being owner occupied.

Mr. Corsetti expressed concern about a sidewalk along Newton Road. He stated that there will be an enforcement issue with one of the landlords to make sure that he does not continue parking in that area.

Board Discussion on Grandfathered Active Excavation Operations

Ron Taylor rejoined the Board for this discussion. Rick Patenaude recused himself. Jeff Roach will vote in Mr. Patenaude's place if necessary.

Mr. Fougere stated that he has visited two gravel pits. He visited the smaller Michie pit first and will visit the large operation soon. He stated that the Cousineau pit is not grandfathered, and he reviewed two options with the owner. He can file an intent to excavate plan. However, the owner's intent is to have retail space, so he may be better off showing grading plans for Site Plan instead.

Miscellaneous

Mr. Osgood reported on the meeting for finalization of the Chase Brook conservation property. He stated that he and several others walked the trails in the new conservation area, and it is a great resource for Town residents.

Workforce Housing was discussed. Mr. Fougere stated that New Hampshire statutes do not dictate a specific number of units that must be provided. Medium income is defined as \$69,900 for a family of four; \$207,000 price for single-family home. He stated that Henniker has 402 homes assessed at that level; 35% of the Town's single-family homes. Mr. Fougere stated that Henniker's 2007 figures show 533 multi-family dwellings; 1227 single-family homes; 100 mobile homes.

Terry Stamps stated that Peter Flynn asked her what the Planning Board's role will be in the Community Profile project. It was the consensus of the Board that this is not a Planning Board project. The UNH representatives recommend the Board of Selectmen to be the oversight committee. Mr. Taylor stated that there are currently over 20 committees in Town. He recommended that the Community Profile committee submit reports to the Board of Selectmen for review.

Terry Stamps **MOVED** to adjourn at 10:00 pm. Ed Miner **SECONDED** the motion. Motion **PASSED, 7-0.**

Respectfully submitted,

Jennifer Astholz
Recording Secretary