

# Planning Board Minutes 10/11/11

## NEWMARKET PLANNING BOARD MEETING OCTOBER 11, 2011 MINUTES

Present: Eric Botterman (Town Council ex officio), Elizabeth Dudley, Janice Rosa, Rick McMenimen (Alternate), John Badger (Chairman), Diane Hardy (Planner), Peter Roy, Justin Normand

Absent: Val Shelton (Vice Chairman)-excused, Adam Schroadter (Alternate)

Called to order: 7:00 p.m.

Adjourned: 7:35 p.m.

Agenda Item #1 – Pledge of Allegiance

Agenda Item #2 – Public Comments

None.

Agenda Item #3 – Review & approval of minutes: 09/13/11

Chairman Badger appointed Rick McMenimen to replace Val Shelton, who is absent.

Action

Motion: Rick McMenimen made a motion to approve the minutes of September 13, 2011

Second: Eric Botterman

Vote: All in favor

Agenda Item #4 – Regular Business

Public hearing to amend Title III: Land Use Code and Regulations, Chapter V: Subdivision Regulations and Chapter VI: Site Plan Regulations in accordance with RSA 675:6 and RSA 675:7. The purpose of these amendments is to update the Town's

stormwater management regulations, as contained within the Subdivision and Site Review Regulations to:

- (1) promote the infiltration of stormwater on-site to recharge groundwater, aquifers, streams and wetlands;
- (2) assure water quality treatment is included in stormwater designs;
- (3) include methods for controlling the peak flow "after development" from having no net increase from "before development" conditions for various storm events through the use of "low impact development (LID) techniques and other best management practices; and
- (4) update erosion and sedimentation control measure to meet current standards for non-point source pollution.

The proposed amendments are described below:

Chapter V: Subdivision Regulations. Add new definitions, modify Section 3.02 Roads by adding a new section on Stormwater Management, upgrading construction standards, renaming Section 3.03 "Stormwater Management" and modifying section to include on-site control of peak flows and run-off volumes, new requirements for Stormwater Management and Erosion Control Report, drainage analysis, operation and maintenance plans, checklists, and revised fees.

Chapter VI: Site Review Regulations. Add new definitions, clarify purpose, and modify Section 3.07 to be renamed "Stormwater Management", to include new requirements for Stormwater Management and Erosion Control Report, new development involving the disturbance of 20,000 square feet and/or the addition of more than 5,000 square feet of impervious surface, redevelopment projects, parking lot design, drainage analysis, operation and maintenance plans,

checklists, and revised fees.

Diane Hardy stated Bill Arcieri, from VHB, was present to answer any technical questions that may come up. She gave a brief overview of the updates made since the last meeting of the Planning Board. The suggested changes, from the September meeting, were made and she has addressed all of the Board's questions and concerns. With these changes, she included a rate increase for posting requirements for the subdivision and site plan regulations. The legal notices are running on average \$75-85 per application, so the suggested fee increase is \$75 from \$40 for the newspaper notices. The abutter notifications are \$7 per abutter to mail public notices by certified mail. The subdivision regulations still had the old rate, so that has been corrected. Rick Malasky, Director of Public Works, had made recommendations to change the road specifications. She spoke with Rick Malasky and he is recommending these changes be made to bring our standards up to current day standards for the base course level and the paving course. The top course of the gravel base is being increased from 3" to 6" and the wearing course will go from 1" to 1½". We have received a memo from Jessica Veysey, from the Conservation Commission, who has been their liaison to the Stormwater Regulation Committee.

She has recommended some further changes. Diane Hardy stated she had gone through them and copied Jessica's comments, then redlined proposed changes in response to Jessica's comments on the copies distributed to the Board. Jessica's recommendations were very helpful and appropriate.

Diane Hardy asked Bill Arcieri if he had any comments he would like to share with the Board. Bill Arcieri stated he did not have anything specific. He knew there had been a lengthy discussion about locating Stormwater BMP's in the wetland buffers. Stormwater BMPs should not be located within the Wetland Protection Overlay District (and their corresponding buffers) according to the Zoning Ordinance. There was no intent to try to be more restrictive than what is already in place in the Zoning Ordinance. It was meant as a reminder to Board members and applicants that other ordinances may come into play when locating stormwater BMPs.

Elizabeth Dudley stated, in terms of the 50 year storm vs the 100 year storm, it bears considering that we take into

account existing build up and impervious surfaces. If you plan for the 100 year storm, you are planning for future construction and impervious surfaces. It might be a good idea to be conservative about this, because of future increases in impervious surfaces. Other communities located upstream contribute to the runoff we experience downstream which could make a 50 year storm into a 100 year storm.

Bill Arcieri stated he understood her point. The 50 year storm is not based on a timeline of development per se, it is based on a statistical analysis of the probability of a certain size storm occurring. The reason we are not requiring drainage structures to be designed for the 100 year storm is that requires much more space to retain the volume. The model ordinance put out by NHDES suggests not to mitigate for the 100 year storm. It becomes a very onerous requirement. The Board will be looking at drainage on a site specific basis, not with respect to the entire watershed.

Peter Roy asked who sets the standards for the 50 year and 100 year storms. Bill Arcieri stated the State generally sets those standards. Peter Roy asked how often changes are made. Bill Arcieri stated it was last changed in 2008, which was a major upgrade to the alteration of terrain rules. It was probably 10 years prior to that for the previous upgrade. Peter Roy asked what happens if the Board adopts a 50 year storm standard and the State increases their definition from 5" to 7" of rainfall. Eric Botterman stated the State does not dictate what the 50 year storm is. It is based on historical data that is published and it doesn't change very often. Peter Roy expressed concern about the Board getting itself locked into something they have no control over. If the severity of storms suddenly becomes increasingly heavy and we have an ordinance that uses the 50 year storm as the basis for designing drainage facilities, there should be a process by which we revise the standard. If this does not occur, someone could question if our regulations are sufficient to take care of the runoff. Eric Botterman stated, given time, those numbers will change, but they won't in the foreseeable future. There would have to be many years of statistical anomalies for it to change.

Bill Arcieri stated the rainfall portion has not been updated in some time. You wouldn't really need to change your own regulations, if they did change.

Eric Botterman stated he was happy with the changes the committee is recommending. Designing for the 50 year storm is much better than what we currently have.

There were no further questions for Bill Arcieri. He stated this process of updating the regulations started last December and this is a good step up.

Eric Botterman stated Bill Arcieri and the committee did a lot of work and did a great job.

Action

Motion: Eric Botterman made a motion that the Board accept the changes to the subdivision and the site review regulations as outlined on the agenda with the changes noted by Jessica Veysey from the Conservation Commission.

Second: Rick McMenimen

Chairman Badger thanked Bill Arcieri and the subcommittee for the hard work they had done.

Vote: All in favor

Applicant: Garvey & Company LTD

Application: Preliminary Conceptual Consultation

Location: 401 Wadleigh Falls Road (Beaulieu property)

## Tax Map R6, Lot 1, B3 Zone

Proposal: Zoning change to allow excavation activities in a lot that is currently located in the B3 Zone and the Aquifer Protection District

Mr. Garvey, of Garvey and Company, was not present. The Board moved to the next agenda item.

Bond reduction on Maya's Way subdivision from \$200,576 to \$28,008

Chairman Badger stated the Town Engineer confirmed the developer has completed the work to the date. Diane Hardy stated Rick Malasky attended the site inspection and he was in agreement with the proposed reduction, as recommended.

### Action

Motion: Eric Botterman made a motion that we accept the bond reduction request to \$28,008.00

Second: Peter Roy

Vote: All in favor

### Agenda Item #5 – New/Old Business

#### Update – Zoning Amendment Subcommittee

Justin Normand gave the Board an update. He stated they had received feedback from people who have tried to put some projects through, but did not achieve their final goal. This helped the subcommittee to see what was stopping people from getting their projects to fruition. Diane Hardy stated they decided to focus their first review on the Route 108 corridor, including the golf course property, which is currently zoned M4, which is mixed uses affiliated with golf course use. They will also look at the B1 district from the railroad crossing to the car wash. That area is currently zoned for business, however, there are a lot of residential uses currently there and the lots are configured such that it is not feasible for those lots to be developed into mixed-use and commercial uses without some sort of consolidation. They will look at setback and density requirements on that section of Route 108 and possibly come up with criteria for uses to be permitted by special use permit.

Janice Rosa stated the public is invited to send written input to the subcommittee. They will take comments into consideration. They will devise a format to get notices of their meeting topics out to the public, such as through Channel 13 and the Channel 13 Facebook page, so people are aware of what is being discussed and can provide input into the process.

### Agenda Item #6 – Adjourn

## Action

Motion: Eric Botterman made a motion to adjourn at 7:35 p.m.

Second: Janice Rosa

Vote: All in favor