

**Town of Auburn
Planning Board
PUBLIC HEARING
January 21, 2015**

Present: Ron Poltak, Chairman; Alan Côté, Vice-Chairman, Paula Marzloff, Member. Jim Tillery and Steve Grillo, Alternates. Russell Sullivan, Selectmen's Representative; Minutes recorded by Denise Royce.

Absent: Karen Woods, Member.

Mr. Poltak called the meeting to order at 7:00 p.m. Mr. Poltak explained the procedure for tonight's meeting and noted the emergency exists. In the absence of Ms Woods, Mr. Poltak elevated Mr. Grillo to full voting status for tonight's hearing.

MINUTES

Mrs. Marzloff moved to accept the minutes of January 7, 2015 as written, Mr. Côté seconded the motion. A vote was taken; all were in favor, the motion passed.

- ANNOUNCEMENTS/CORRESPONDENCE

➤ None were reviewed at this time.

GENERAL BUSINESS

- PUBLIC HEARING

**- Sterling Homes, LLC
Keith Martel
Dearborn Road, Tax Map 8, Lot 42
Major Subdivision
Preliminary Conceptual Consultation Review**

Mrs. Marzloff recused herself for this discussion.

Mr. Martel began by saying that they are looking at developing a parcel of land on Dearborn Road directly across from Copley Court. Mr. Martel indicated that they are before the Board tonight to get abutter input as well as Planning Board input on the preference of either cluster or a conventional grid subdivision. Mr. Martel stated that they were before the Planning Board last month for an informal with a 21 lot cluster subdivision with one lot on Dearborn Road. Mr. Martel continued by saying that they were before the Board with both a cluster plan as well as a conventional grid plan and that there was some interest in pursuing the cluster and was surprised with that as he thought that the Board would lean more towards the conventional grid subdivision. Mr. Martel pointed out that the road would be approximately 1,400 to 1,500 feet long and talked about the road layout and the tightness of the curve. Mr. Martel explained the plan and the two deviations from the current subdivision regulations which included; 1) the hook in the road, and 2) the length of cul de sac is longer and totals about 1,990 feet.

Mr. Côté asked about the grid subdivision. Mr. Poltak wanted Mr. Martel to understand that the

Board is open to either concept and believed it was particularly important that the abutters pay close attention to what is being proposed between the two (2) proposals and that the Board was open minded. Mr. Martel talked about the grid style subdivision and talked about the horseshoe road. Mr. Martel stated that he had spoken with Manchester Water Works and they suggested that they keep the wetlands as well as the wetland buffers out of the lots. Mr. Martel stated that they were able to keep all of the wetlands and wetland buffers off of the lots but when they go to the grid subdivision plan then the buffers go onto the lots. Mr. Martel concluded by saying that he believed they were both good projects and wanted to hear from the abutters.

Mr. Poltak explained that process of the public hearing where they let the applicant speak first and then the Board will ask the applicant questions and then he will turn to abutters and then to general residents relative to comments. Mr. Poltak stated that the Board did receive a letter from Manchester Water Works asking that the Board give precedence to the proposal associated with cluster because it provides more open space between their properties which is on file with the town.

Mr. Poltak asked the Board if they had any questions. Mr. Côté personally likes the idea of a conventional subdivision as opposed to a cluster and believed that they would need a waiver to reduce the buffer significantly on the southerly side of the property and he is not one to offer those reductions unless there is a hardship. Mr. Côté believes there have been a lot of cluster subdivision in the town lately and it would be nice to see a conventional subdivision as opposed to a cluster subdivision.

Mr. Martel informed the Board members that the cluster would need deviation from the cluster regulations because the overall parcel does not contain 20% of wetlands which is a requirement in the regulations. Mr. Martel also pointed out that he talked about the curve as well as the length of cul de sac. Mr. Martel further pointed out the discussion regarding maintaining a 100 foot cluster buffer which the requirement is 20% average or 250 feet and those would be the areas that they would be looking at. At this time, Mr. Poltak turned to abutters. Ingrid Ouellette of 91 Dearborn Road stated that a 100 foot buffer is not enough because there is a 100 foot buffer between her and Copley Court and would have pursued it more because it really is not enough of a buffer between her property and the subdivision.

Donna Furgal of 40 Dearborn Road agreed with Ms. Ouellette and believed the larger the buffer the better for privacy and in keeping with the rural community. Greg Furgal pointed out to the Board to take a look at the Copley Court subdivision and stated that the two lots at the beginning of Copley Court are a mess and it looks like it does not belong there. Mr. Furgal asked what the number of waivers given for Copley Court. Mr. Poltak indicated that there were a number of waivers issued. Mr. Côté explained that if they go with a conventional subdivision that there would be no buffer zone. However, there would only be three (3) homes that they would be looking at. Discussion ensued with regard to the Conventional subdivision having no buffer zone but that the homeowner would have to maintain a 50 foot building setback for any structure larger than 120 square feet and that the property owner could clear cut right to the property line if he so wishes. Mr. Sullivan explained that the setbacks would be 50 feet front and rear and 30 feet side setbacks and that potentially houses could be 60 feet apart.

Denise Lavigne of 82 Dearborn Road asked where her lot is located relative to this development and what would be placed behind her. Ms. Lavigne asked if the house would remain. Mr. Martel stated that with either project the house would remain. Mr. Martel

explained the location of the road as well to Ms. Lavigne.

Jeff Sullivan of 46 Ryan Road asked about the open concept and the length of cul de sac being 1,900 feet and that the regulation is 1,200 feet which would require a waiver. Mr. Sullivan was in agreement with Ms. Furgal that he did not want to be looking at seven (7) houses along the back property line and believed that the conventional grid would keep the same character of Auburn in place as opposed to the cluster. Mr. Sullivan asked if the wells in the cluster subdivision of it would have the potential of being on the same vein and was worried about over taxing the water supply. Mr. Martel answered by saying that none of the radius' would overlap onto another and was unsure. Mr. Sullivan indicated that he was for Concept 4 which was the conventional grid subdivision. Mr. Côté explained that the developer has the option to go with a conventional grid subdivision or a cluster subdivision, however, the Board would have to grant waivers and that he was very reluctant to grant any waivers and was leaning towards the conventional grid subdivision. Mr. Martel stated that both proposals were good plans. Mr. Sullivan asked what the size of the lots would be in Concept 25, the cluster subdivision. Mr. Martel indicated that they would be three quarters of an acre. Mr. Sullivan asked what the size of the homes would be. Mr. Martel stated approximately 2,000 to 3,000 square feet and would be in the low \$400,000 range. Mr. Sullivan further asked about the requirement for a cistern. Mr. Martel indicated that they have not spoken with the fire department.

Ms. Furgal asked about the buffer for Concept 4 and in keeping the tree line. Mr. Martel explained that the lots were shallow and closer to the back lot and that the homeowner would be required to maintain a 50 foot setback which means no buildings larger than 120 square feet could be placed within the 50 foot setback but that the homeowner could clear cut the trees of which they could do the same. A brief discussion ensued with regard to the buffer and the difference between a cluster subdivision buffer and a conventional grid subdivision that has required setbacks for that zone.

Discussion ensued with regard to matching the new road with Copley Court so that the intersection aligns. Mr. Poltak believed it was another thought in the process.

Mr. Remillard of Haven Drive believed that if it was the consensus of the abutters and the developer to do a grid subdivision than they should do a grid subdivision. Mr. Poltak understood what was being said. Mr. Sullivan agreed with Mr. Remillard and believed that a grid subdivision would be better suited for the area. Chris Rolfe stated that he disagreed and believed that it should be a cluster to keep the open space available for everyone to utilize.

Mr. Poltak reiterated what was said tonight that the abutters would prefer a grid subdivision as opposed to a cluster subdivision. Mr. Poltak further stated that the Planning Board does not have the authority to dictate either approach but what would fit best within the community. Mr. Poltak asked the Board to continue until February 18th. Mr. Martel stated that they were here before the Board tonight with a Preliminary Conceptual Consultation to obtain direction and feedback from abutters and interested parties and then they would file a formal application which would include engineering review. Mr. Martel did not believe they would need a continuance. Mr. Coviello of Long Beach explained that there would be a whole new application submitted and what they were looking for tonight was to obtain information and abutters would be re-notified.

Maverick Development
Haven Drive & Pingree Hill Road, Tax Map 5, Lots 29 & 36

Major Cluster Subdivision (25 Lots)
Continued from December 17, 2014

Mr. Mitchell began his presentation by saying that they were before the Board a month ago and at that time there were four (4) items that they had to address further. The first was the road improvements at Rattlesnake Hill Road and Haven Drive. They have completed a survey in detail for 35 mph intersection and have met with the road agent. The second item was regarding the buffer area near Lot 29-1 because it was not out of the wetlands. Mr. Mitchell showed a lot detail and pointed to Sheet #R3 which shows a post delineation buffer to be placed to show the wetland buffer. The third item was the distance for the cluster buffer and that Mr. Febonio has spoken to all four (4) abutters and that Mr. Febonio has it in writing from at least three (3) of them. Mr. Mitchell explained that there would be a 50 foot no cut buffer behind lots #29-15 and #29-16 and that the vegetation is a little bit thinner there so they would plant more vegetation. The fourth item was regarding the vernal pools which are located on the third from the last sheet of the plan set. Mr. Mitchell talked about the mitigation of the vernal pool and stated that Tracy Tarr of GCA was present tonight to talk about the vernal pool. At this time, Tracy Tarr began her presentation and submitted a vernal pool mitigation plan to the Planning Board. Ms. Tarr also submitted a copy to the Conservation Commissions chairman, Jeff Porter. Ms. Tarr indicated that the town encourages mitigation through Article 5. Ms. Tarr talked about the wetland creation and conservation areas and that there was over 42 acres that was proposed as open space which is over 66% of the entire site. Ms. Tarr indicated that the areas around the vernal pools would have to be protected with either deed restriction or an easement to meet federal requirements. Ms. Tarr also indicated that the Army Corp of Engineers would also be involved in the mitigation. Ms. Tarr went into detail which is shown on the plan and stated that what they are proposing is three (3) vernal pools which total 9,200 square feet. They are also proposing three (3) pools at various depths. They have a vernal pool impact on the site so they have the opportunity to move materials and research shows that when you move actual hummus and even some of the water and some of the animals from the existing pool you have a real high chance of success. Ms. Tarr went into greater depth with regard to the mitigation of the vernal pools and that they would be monitored for three (3) to five (5) years. The applicant is a contractor so that he can build the pools and every step of that process is monitored by the wetland scientist from beginning until the very end. At this time, Ms. Tarr asked if there were any questions.

Mr. Poltak asked the Board if they had any questions. Mr. Côté asked about the 4 to 1 ratio and that the 2,300 square feet that will be disturbed, will that be the entire vernal pool out front or just a portion of it that will be filled in. Ms. Tarr said that only a portion of the vernal pool will be filled in so that's why you need to mitigate for that size. Mr. Côté stated that it was likely that a portion may cease to function and will be impacted. Ms. Tarr stated that if they were surrounding this vernal pool with houses then she would agree with Mr. Côté. Mr. Côté asked how much of the vernal pool out front would be negatively impacted outside the limits of what they would be filling. Ms. Tarr stated that it was not so much on the size as the green habitat that is provided but they would be providing three (3) additional pools at a 4 to 1 size and even if you go to the 3 to 1 argument it still meets the federal requirements. Discussion ensued with regard to the vernal pool and the impact. Mr. Côté asked what the total size of the vernal pool out front. Ms. Tarr stated that it was 6,400 square feet and only part of it would be filled and that any road including the existing road represents a mortality source to animals migrating but this project has accomplished directional buffer to maintain movement for animals to here. They are mitigating this as if they are losing the pool by making three (3) new pools. Mr. Tatem of Stantec pointed out that, with Mr. Côté's comment that the town may want to entertain for

that vernal pool in the front to have a requirement that, that vernal pool is also monitored for 3 to 5 years. Ms. Tarr indicated that, that pool would be monitored at the same time as the others. Discussion ensued with regard to the uncertainty of when the trees are cut and the pool is monitored.

Mrs. Marzloff asked about the deed restrictions and will it be going to a homeowners association because the deed restrictions on the lots will not mention this area. Mr. Febonio stated that it was a strong possibility and it would be drawn up and reviewed. Mr. Febonio stated that it would be a deed restriction and not an easement and everyone will be in an association that owns it but they haven't figured it all out yet. Mr. Mitchell asked if there was a current preference by the town on how it's done. Mr. Poltak stated that neither one works as its enforcement becomes the problem. Mr. Poltak asked Mr. Sullivan for his input as to what would be the preference. Mr. Sullivan indicated that there was no preference but it would definitely have to be reviewed by town counsel. Anything that is written to put town ownership on it would have to be done very carefully. Mr. Côté believed that as long as it was a Conservation Easement that would prevent the ATV's from riding around.

At this time, Mr. Poltak moved to questions from abutters and interested parties. The abutters that were previously present at the last two meetings repeated their concerns to the Board with regard to the vernal pool, the road (Haven Drive) going through and the number of lots within the proposed subdivision. Discussion regarding salt usage around the vernal pool area at the entrance from Pingree Hill Road and Mr. Febonio stated that he would speak with the road agent, Mike Dross.

There was a brief discussion regard ATV's riding out there and Mr. Pisapia commented that there has been no damage done with ATV's being out there. Mr. Côté pointed out that if there is a Conservation Easement and they're going out with ATV's then they would be breaking the law. The fact of the matter is that they could be driving through vernal pools now when there is no development. Mr. Côté explained that this was not a solid argument from his standpoint and if there is a deed restriction and there are people who don't like ATV's and would rat their neighbor out because they can't stand listening to them.

Mr. Poltak explained that the developments that we all live in have often times taken advantage of vernal pools which no longer exists. Mr. Poltak also explained that once the land is sold then the property owner has the right to a reasonable use of the property that they purchase and that a vernal pool will not stop a development. The court has upheld the ability to mitigate vernal pools or any type of wetland for that matter and when you have the Army Corp of Engineers and the State of NH Wetlands Board which takes precedence over the local Conservation Commission you're going to have to adjust to the maximum ability to mitigate the property associated with its intended use in compliance to our local land use regulations. Mr. Poltak pointed out that we all should keep that in mind.

Mr. Dandrade reiterated again regarding the look and feel of the cluster, the wetland buffer and cluster development along with the fact that there has not been a peer review done yet. Mr. Poltak reiterated that this is only in the design review phase and once it enters into a formal application for a technical review process then that will occur.

Ms. Gagnon of Haven Drive asked Mr. Mitchell what he found when he researched the entrance of Rattlesnake Hill Road and Haven Drive. Mr. Mitchell indicated that when you look to the north, if you take a right out of Haven Drive approximately 75 to 100 feet that there is a

hill that will need to be taken down some. There is also two driveways at the crest of that hill and if they push the road down. Then they would raise the other part of the road up and then you would be able to see Haven Drive well beyond what you used to see from the hill and you would be able to see cars pulling out. Mr. Mitchell also indicated that there are a few trees that would need to be taken down which are in the right of way that cars need to inch out in order to see.

Discussion ensued with regard to the number of lots proposed on this property. Mr. Mitchell indicated that there are 25 lots proposed. Mr. Côté asked Mr. Mitchell how many lots they would lose if the Board did not grant them relief from the cluster buffer. Mr. Mitchell stated that two (2) lots would be in jeopardy. Mr. Moore asked why they should be allowed to have 25 lots on this property when they have to ask for waivers. Mr. Poltak answered by saying that they have to conform to the Town of Auburn's regulations and that either way works with this property. Either option works whether it's a conventional grid subdivision or cluster subdivision and they have obtained a Special Exception from the Zoning Board of Adjustment to allow a cluster subdivision in this zone. Mr. Mitchell briefly spoke about the open space density.

Mr. Côté reiterated to everyone present that the property owner was granted a Special Exception by the Zoning Board of Adjustment to have a cluster subdivision within the Residential One zone.

At this time, Mr. Poltak pointed out that we keep going down the same road over and over again and stated that we have the ordinances in place with respect to this subdivision and it has to be in compliance with the ordinance and they have done other cluster subdivisions because it's an integral to the process if you're going to make it work and nothing is perfect. Mr. Poltak further added that, with all that said he believes that we have to move away from whether or not cluster is right in the town or whether cluster is right for the town but if everyone is of the opinion that cluster is not right then we can rescind the ordinance in the future but it's not going to happen tonight. An abutter did not think they should be seeking a variance from the buffer. Mr. Côté explained that a variance was something that is done through the Zoning Board of Adjustment and what they are asking for is a waiver from the Planning Board regulations to allow for a reduction in the cluster buffer which has not been granted yet. Mr. Côté stated that he did not like granting a waiver from the cluster buffer without a compelling argument and they haven't granted a waiver yet. Ms. Remillard stated that her opinion was that she was against the cluster. Jesse Maloney of 59 Haven Drive wanted to the Board to explain what the waiver from the cluster buffer would be. Mr. Côté explained that basically the subdivision regulations state that when you do a cluster subdivision that you must keep a cluster buffer to buffer the abutting properties from that cluster subdivision and in the regulations it states that it shall be 20% of the width of the lot or 250 feet, whichever is less. In this case, where the lot is so large the cluster buffer should be 250 feet is the lesser of 20% of the width of the lot. Mr. Febonio wanted to clarify the waiver request from the cluster buffer and they are trying to make connectivity for the road to go through. Mr. Febonio explained by pointing out the location on the plan and pointed out that only four (4) homes would be affected by the reduction in the cluster buffer. Mr. Febonio further added that with a conventional grid subdivision that there would be homes even closer than that so they are only asking for one waiver in this whole project which is a reduction in the buffer down to 100 feet. The rest of the project has extreme buffers along with conservation land. Mr. Febonio stated that he has four (4) letters from these four (4) abutters that would be affected by this giving him their approval.

Mrs. Marzloff wanted to point out to everyone present tonight that if this property was a piece of

flat dry land that they would not be able to put a cluster on it because you have to qualify to have a cluster because you have to have a percentage of wetlands and steep slopes.

Someone asked how long the street would be. Mr. Febonio stated that from Pingree Hill Road to connect to Haven Drive would be 2,800 feet. Another abutter asked if it would work if they did not connect to Haven Drive. Mr. Poltak said no it would not work and turned the discussion over to Mr. Sullivan. Mr. Sullivan explained that it was very important for roads to connect in order to have access for police, fire, ambulance, snowplowing and school bus continuity so they can find a road that goes through. Connectivity is very important.

Mr. Febonio wanted to comment on the peer review and informed the Board that he has already had two (2) wetland scientists on this project that have researched the project through and through. Mr. Febonio believed that they had a really good plan in place and that they were only asking for one waiver in this whole project and would like to move forward and not backwards. Mr. Poltak thanked Mr. Febonio for his presentation.

Mr. Poltak asked the Board where they would like to go from here. Mr. Côté asked Mr. Mitchell if he has a waiver request put together so that they can put that to rest and vote on it. Mr. Mitchell stated that they have not yet filed a formal application and this was only in the design review stage and believed that the Board would need to be under formal review when they do that. Mr. Mitchell further stated that they would be putting forward a formal application along with the appropriate waiver request for the cluster buffer at that time.

Mr. Febonio pointed out that three (3) of the four (4) abutters are present tonight because one couldn't make it. Mr. Febonio further stated that he has agreed to transplant trees and to add more of a buffer for these four abutters in order to make it private.

Mr. Poltak explained that he would like to move forward and get the technical review engaged and the peer review going. At this time, Mr. Poltak asked the three (3) abutters present tonight to speak on whether they were in favor of the buffer reduction or against the buffer reduction. Mr. Pisapia stated that Mr. Febonio has taken great time and length as well as detail of what is to occur during the project and to provide privacy buffer and is in favor of it. Ms. Pinkham of Haven Drive agreed with Mr. Pisapia is in favor of it because the buffer will be untouched. Mr. Maloney of Haven Drive stated that he does not have any tree coverage from his house to the stone wall and that Mr. Febonio came by and informed him that he would be placing trees for privacy. Mr. Poltak thanked the abutters for coming tonight and appreciated them speaking and noted that they were in favor of the cluster buffer reduction.

Mr. Poltak asked Mr. Mitchell how he would like to proceed. Mr. Mitchell asked the Board if they only hear Public Hearings on the third Wednesday of the month or would the Board be accommodating to holding a Public Hearing on the first Wednesday of the month as they are unable to submit an application by the due date of January 28th. The Board discussed the possibility of holding a Public Hearing on the first Wednesday of March and the only Board member that would be unavailable at that time was Mr. Côté. The rest of the Board members did not have a problem.

Mr. Côté made a motion to continue the Public Hearing for Maverick Development, Pingree Hill Road and Haven Drive, Tax Map 5, Lot 29 & 36. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak informed Mr. Febonio and Mr. Mitchell to come back on March 4th with the next step of the process. Mr. Poltak informed everyone present that the applicant would be coming back March 4th with the next step of the project.

Strategic Contracting Company, LLC
77 Pingree Hill Road, Tax Map 5, Lot 19
Major Subdivision (3 frontage lots & 8 cluster lots)
Continued from December 17, 2014

Mr. Mitchell began his presentation by passing out 2 plans of which one plan showed the connectivity to Country Circle. Mr. Mitchell indicated that they were looking to submit a final plan by next Wednesday to be heard in February. Mr. Mitchell added that they were before the Board last month and explained that the plan was the same number of lots and the same layout as previously submitted. What they talked about at the last meeting was that they were considering asking for a zoning variance through the Zoning Board of Adjustment for a reduction in the buffer in the front two lots asking for a reduction down to 75 feet from 125 feet. Mr. Mitchell explained the lots on the plan and pointed out the field on the lots and wanted to inform the Planning Board what they were considering doing. Mr. Mitchell pointed out the second issue where there is a Level 2, they have given some consideration in asking for a reduction from 75 feet to 50 feet as it is all still in the field as well but in speaking with the Conservation Commission there was some concern that although we studied it as a Level 2 and they thought it was a Level 1 and should have a different buffer so they've decided to stick to the 75 feet and not ask for a variance for anything less. Mr. Mitchell talked about the Wetland Buffer Demarcation proposed for this subdivision. They are proposing to put this type of barrier at the limit of the wetland buffer. Mr. Mitchell pointed out the locations that the Wetland Buffer Demarcation would be placed.

At this time, Mr. Mitchell went over the plan showing the connection to Country Lane which is shown on the plan recorded in the RCRD at D-18073 (shown on the plan as Lauren Lane).

Mr. Mitchell concluded by reiterating that they would be submitting a formal plan by next Wednesday to be heard at the February Planning Board Public Hearing and asked the Board members if they had any questions. Mr. Poltak asked the Board members if there were any questions.

Mr. Côté indicated that he would like to hear from Mr. Porter of the Conservation Commission to hear what he had to say. Mr. Porter began by saying that any type of moving water is considered a Level 1 and depending on poorly drained soils it would be considered a Level 2 with a 75 foot buffer. Mr. Porter believed that the buffer should be 75 feet at a minimum and not a maximum.

Rob Starace, owner of 77 Pingree Hill Road stated that this was a very flat piece of land and that the reason they would be asking for a variance was because it treats the water a lot better than if it was running down a steep slope.

Mrs. Marzloff asked Mr. Mitchell if he planned to do anything about site distance and drainage along Pingree Hill Road. Mr. Mitchell asked if there was a full set of plans which showed the site distance. At this time the Board reviewed the plans for site distance and drainage. Mr. Mitchell indicated that the site distance does meet the requirement of the town but they have to cut some of the lawn back because you can't see it. Mrs. Marzloff asked about drainage. Mr.

Mitchell stated that the road is going into their site so they would be putting in a culvert at the mouth for any water that goes down the ditch it will continue down there but the road is going into their site so they are not adding any road to Pingree Hill Road. Mrs. Marzloff stated that there was no ditch. Mr. Mitchell pointed out that they would make sure that there is a ditch where they come in and down lower so the water will drain.

Mr. Poltak asked the Board members if there were any questions. None were noted at this time. Mr. Poltak asked if there were any questions from abutters. Ms. Cornett of Pingree Hill Road asked about the Level 1 to the Level 2 where it shows the running brook.

Mr. Snowdale of Pingree Hill Road asked about the water flow on Pingree Hill Road and wanted to know if there would be more water flow going down the road because it was pretty wet. Mr. Mitchell talked about keeping the water on the property and showed the drainage easement along with a detention pond and stated that they would maintain runoff and hold the water on the site. Mr. Côté explained that there was a state regulation that stated that once a development goes in that there is no increase in runoff than there was before the property was developed. Mr. Lessard disagreed with Mr. Côté's statement and gave an example of the Calef Road project where there was a problem and that the town had to foot the bill. Mr. Tatem commented that the upgrade on Calef Road did not have an impervious to the water that went down across his property. Mr. Tatem stated that they investigated that thoroughly. Mr. Tatem pointed out to Mr. Lessard that his property has been flooding out for years and years. Mr. Lessard stated that then it got worse and worse.

Mr. Poltak asked if there were any questions from the Board. Mr. Grillo stated that the Board has Conservation Commission questioning the Level 2 and the members of the audience questioning the Level 2 so his question is to the Board of what is the next step. Mr. Côté stated that they may want to have a peer review done on that stream to see if it is a perennial stream or is it seasonal stream. A seasonal stream would be looked at differently as a perennial stream would be considered a Level 1 and a seasonal stream would be considered a Level 2. Mr. Mitchell explained that they did have Schauer Environmental do the methodology to come up with all the different tiers and that he could have Tom present at the next meeting to explain his report. Mr. Côté stated that he would be willing to listen to Schauer Environmental because he may give them a compelling argument as to why it's a Level 2 and not a Level 1. Mr. Sullivan agreed with Mr. Côté.

Mr. Poltak asked how Mr. Mitchell how he wanted to proceed to make progress. Mr. Mitchell stated that the formal application is 99% complete and plan to submit before next Wednesday to be placed on the agenda for Wednesday, February 18th along with engineering and the like.

Mr. Poltak reiterated that this plan will be back before this Board on Wednesday, February 18th with a formal application along with the wetland scientist.

Mr. Côté exited the meeting at 9:19pm. Mr. Poltak elevated Mr. Tillery in the absence of Mr. Côté.

JMJ Properties, LLC
Lovers Lane, Tax Map 8, Lot 25
Major Subdivision (3 frontage lots & 25 cluster lots)
Continued from December 17, 2014

Mr. Mitchell began his presentation by saying that he was here on behalf of JMJ Properties, LLC and further informed the Board members that they would be submitting a formal application by next Wednesday for the February meeting. Stantec has reviewed the drainage on this already and they have prepared the wetlands permit and have met with Conservation Commission on that as well. They have a crossing down in the front with a box culvert. Mr. Mitchell also talked about a staging area location on the plan which would be out of the way down a trail which is located within the open space. They have spoken with the Conservation Commission to ask if they could use some of the open space which they would maintain 125 foot buffer. Mr. Poltak asked about the Frisella property and noted that they were okay with the proposed subdivision. Mr. Mitchell said yes. Mr. Mitchell also talked about putting a walking trail in an area where the woods road is located which has waterfalls and goes down to Calef Pond. The second item Mr. Mitchell talked about was the two lots in the front and that they had talked about access on Lovers Lane and asked the Board's opinion if they would rather have the two (2) driveways come off of the interior road as opposed to Lovers Lane. If so, they would like to propose two (2) temporary driveways down a 50 foot strip until the rest of the road is built. Mr. Poltak asked where the road for Lovers Lane Phase I was located. Mr. Mitchell pointed out the location of that road on the plan. Mr. Poltak stated that he would rather have the two (2) driveways come off the interior road rather than on Lovers Lane other than that he had no problem with what Mr. Mitchell was asking to do. Mr. Mitchell understood. Discussion ensued with this proposal and the Board did not have a problem with what Mr. Mitchell was proposing.

At this time, Mr. Poltak turned the questions over to the Board members. Mr. Poltak asked Mr. Mitchell if there would be an issue regarding parking where he is proposing putting a walking trail at a right of way into the open space. Mr. Mitchell indicated that if the site was not open to the public and there only for the ownership of everyone living in the development. Discussion ensued with regard to the proposed trail system. Mr. Tatem thought the trail system was a great idea but thought it would be a good idea to put a couple of parking spaces in the location so people were not parking in front of someone's house. Mr. Tatem also suggested that they put a demarcation to show where the trail is because if there's a right of way people won't see it. Mr. Porter talked about Manchester Water Works having an issue with trash as they are dealing with that now with their trails with mountain biking and asked who would be policing the trails. Mr. Mitchell believed it could happen anywhere but this would be privately owned. Mr. Sullivan pointed out when the cluster ordinance was written back in the 80's that this was what they were looking for which was for local people using the open space. Mr. Porter added that he would like the opportunity to fully review the final plans because there were a few lots that he'd like to review regarding setbacks.

Mr. Poltak asked what the next step would be. Mr. Mitchell indicated that they would like to submit final plans by the deadline which was next Wednesday to be heard at the February hearing which would include re-notification of abutters.

Mr. Tillery made a motion to continue the Public Hearing for JMJ Properties, LLC, Tax Map 8, Lot 25 until February 18, 2015. Mrs. Marzloff seconded the motion. All were in favor, the motion passed unanimously.

Mr. Poltak thanked everyone for coming and the meeting ended.

OTHER

Mr. Poltak asked the Board members if there was any new business to discuss. None was

noted.

ADJOURN

Mrs. Marzloff moved to adjourn the Hearing. Mr. Tillery seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:40 p.m.

The Planning Board will not be meeting next week. The next Planning Board meeting will take place on Wednesday, February 4, 2015 and will be held at the Town Hall, 47 Chester Road.