

UNAPPROVED MINUTES
Town of Auburn
Planning Board
PUBLIC HEARING
December 2, 2015

Present: Ron Poltak, Chairman; Alan Côté, Vice-Chairman, Steve Grillo, Member (6.50 p.m.). Minutes recorded by Denise Royce.

Also Present: Mrs. Rouleau-Côté, Building Inspector. Mr. Tatem of Stantec, Mr. Porter, Chairman of the Conservation Commission and Mr. Richard Eaton.

Absent: Paula Marzloff, Member. Jim Tillery, Alternate Member. Dale Phillips, Selectmen's Representative.

PLANNING BOARD WORKSHOP – 6:00 P.M.
CIP UPDATE
CLUSTER ORDINANCE
SUBDIVISION & SITE PLAN REGULATIONS

Mr. Poltak began the Planning Board Workshop at 6:10 p.m. and turned the meeting over to Mr. Tatem of Stantec to go over the suggested changes to the cluster ordinance of which they will be talking about the minimum lot sizes, a yield plan which would determine what the number of lots will be and the concept of conventional subdivisions and by which the number of lots would remain the same whether it was a conventional subdivision or cluster subdivision. Mr. Poltak also pointed out that they would need to change the cluster subdivision regulations as well and that they would have to deal with buffers and setbacks and the like and how they would approach efficiency in that regard. Thirdly, the concept has been requested of them in the past of employing an Environmental Impact Assessment. Mr. Poltak stated that these three pieces will make up the bulk of what they are proposing moving forward.

Mr. Tatem began by saying that he would like to give a general overview and said that he has work with numerous towns with regard to cluster and conventional criteria and they have environmental folks in their firm and because they work in numerous towns that they are able to offer it to Auburn. Mr. Tatem pointed out that the cluster ordinance that is currently in place was not working because when you drive through a cluster development that there are houses right in a row which ends up looking like the City of Manchester and it may have a 20 foot right of way between two houses and the homeowners don't like it so they plant bushes to mask it. Mr. Tatem stated that he would hate to see the Town of Auburn get rid of the cluster ordinance all together because it has some significant benefits to the natural resources that we have in town to the residents and to developers because if it's done right it's a win win for everybody. Mr. Tatem explained that a couple of other towns have what's called a yield plan where the developer has to come in a follow the two (2) acre requirements and they provide a

conventional plan and then Stantec would look at the plan to make sure that the lots are really buildable and then they would confirm that they could build on it. Mr. Tatem then went on to explain that they could then come back with a cluster subdivision with the same number of lots as they would have gotten with a conventional subdivision plan but instead of a two (2) acre lot that they could have a one acre lot which would then have open space.

Discussion ensued with regard to conservation easements and possibly putting it into a land trust for a fee to maintain trails and they may log it. Mr. Tatem explained the procedure in detail with what would occur if placed in a land trust. Mr. Tatem pointed out that land that is not logged is not healthy. Mr. Tatem talked about promoting nature trails being constructed where they only trim brush and meander through the forest and then the organizations would maintain these trails so that they are not being ridden on by ATV's and snowmobiles. Mr. Tatem also stated that it would also require a few parking spaces at a trailhead with a sign indicating that it is a trail which would come out of the one-time upfront fee. In conclusion, Mr. Tatem stated that if the Board gets rid of the cluster ordinance all together then there is no open space for anyone to use so what they are trying to do is to help rewrite an ordinance so that the abutters and the town's people can see value in. Some of the big items are buffers around these clusters, lot sizes and setbacks and with the proposed changes it will enhance the ordinance considerably and possibly get the Conservation Commission to say that it is way better than what was originally in place.

The Board discussed when the cluster ordinance was last written. Mrs. Rouleau-Côté stated that the cluster ordinance was written back in 1986.

Mr. Poltak thanked Mr. Tatem for the good introduction and noted that Board members were still not present and basically wanted to get a couple of subject matters aside and believed that they would have to wait on them before they went through the intense discussion of the cluster ordinance.

Mr. Poltak believed that they could move on to discuss the Environmental Assessment at this time as there was attendance from the Conservation Commission here tonight. Mr. Tatem began by pointing out the opening paragraph where it talks about "projects involving the development of lots equal to or greater than 10 acres" not including lot line adjustments will require the submission of an Environmental Impact Assessment (EIA). Mr. Poltak thought it was a good idea to go through this page to page and asked Mr. Côté if he had any comments. Mr. Côté asked Mr. Tatem what the outcome has been when they've done a wildlife assessment and gave an example of when Mr. Eaton built Wethersfield and when he developed his property that it affected wildlife. Mr. Côté asked what has happened with other towns when they've put these assessments together and have they actually modified how they allow properties to be developed on these Environmental Impact Assessments. Mr. Tatem stated that they have found things like bobcat dens and deer yards as well as endangered plant species which would never have been noticed. Mr. Tatem pointed out to the Board members that you cannot get information like this without doing an Environmental Impact Assessment

(EIA). Discussion ensued with regard to developing properties. Mr. Poltak asked Mrs. Rouleau-Côté to comment and Mrs. Rouleau-Côté wanted to make sure that during the assessment process that there can be dialogue between the Planning Board, the developer and his engineer as well as the Conservation Commission that just because a flag is raised that all bets are off and that the Board is weighing the four or five things and hopefully there will be open dialogue that this is the best scenario because we know that this piece of land could support 20 houses. Mr. Tatem agreed with Mrs. Rouleau-Côté. Mrs. Rouleau-Côté also wanted to point out that this would be in the subdivision regulations more likely than in the zoning ordinance and would be a tool and not necessarily a road block for one, nor a guarantee for another. Mr. Tatem stated that he would recommend that if the Board adopts this that it should go in the subdivision regulations and not the zoning ordinance. Mr. Côté read the last paragraph of the EIA which states that “The Planning Board reserves the right to modify the scope of any EIA and require more or less than the above-noted requirements. Prior to the modification of any requirements of this regulation, for a specific application before the Board, the Planning Board shall consult with the Conservation Commission.” Mr. Côté believed that the Board could waive this or narrow the scope of it. Mr. Poltak commented that he was in favor of doing this and gave examples such as when Mr. Febonio came in with the subdivision plan regarding the vernal pool which was intensely discussed for a year in a half and in reality the road was moved over and if he had the EIA capability then he could have had Mr. Febonio go independently obtain an assessment that showed that they wanted to protect the vernal pool by having it identified as one of the critical area which matched with the master plan. Mr. Poltak indicated that without this that he cannot make anyone do anything upfront with regard to a more intense investigation with the impact the development will have. This is the tool they would have to work with the Conservation Commission. Mr. Porter added that one of the benefits it would have would be the public input it would have when you look at the EIA as well as being in front of the Conservation Commission and the Planning Board that it gives the public a chance to understand that they are looking at all the best avenues to identify these things to get the best solution for all parties and believed that this would be a great stepping stone to make this happen.

Mr. Eaton commented that he agreed with the EIA and believes it shouldn't say “Impact” and that it should be more of an Environmental Assessment. Mr. Eaton indicated that he did do an Environmental Assessment for the 400 acres in the Wethersfield Subdivision which was done by Gove Environmental. Mr. Eaton also believed that it should be dependent upon the size of the property because there may not be the need for an EIA and that we need to look more at how we can work with the deer and turtles and all the other animals that share the land. Mr. Eaton also pointed out that in the Wethersfield Subdivision that you did not hear any birds and did not see any squirrels and so what they did was selectively cleared the whole property which was done with a forestry management plan. Mr. Eaton explained that it helps the environment with having fields as well.

Mr. Poltak moved on to talk about developments that have lots on the main road with cluster developments out back when you're trying to have a buffer out front. Mr. Tatem

believed the Board did not like the fact of having frontage lots and a development in the back and put something in the ordinance to change that. Mr. Côté gave an example with Mr. Eaton's subdivision where Mr. Garabedian owns the lots fronting on Wilsons Crossing Road which are conventional lots and Mr. Eaton owns the development in the back which is a cluster subdivision. Mr. Tatem talked about the development on Lovers Lane that has two frontage lots and the development in the back and said don't do the frontage lots so that you don't have houses along the road and that the first house is like 200 feet off the road. A brief discussion ensued with regard to this type of development and Mr. Côté did not believe that it would be hard to preclude someone from subdividing their land and leaving right of ways to the back land for future development. Mr. Côté moved on to talk about Wildwood Drive and they allowed a hammerhead instead of a cul de sac and did not see Wildwood as being a benefit to the town and believed it would have been better to just allow lots on Spofford Road instead of having Wildwood Drive.

Mr. Grillo arrived at 6:50 p.m.

Discussion ensued with regard to open space developments and the value of the land and when a developer has a staging area that they would have a restoration plan put in place so that once the development is complete that the staging area would be reclaimed. Mrs. Rouleau-Côté pointed out that one of her concerns were, that as these discussions progress that the subdivision plan is now becoming more of a site plan that now the Board is talking more about oversight that the clustered subdivision becomes more of a site plan than a subdivision.

Mr. Poltak reiterated that his main concern tonight is more towards the EIA and eliminate the impact and call it an "Environmental Assessment." Mr. Poltak also pointed out that this was more subdivision regulations and that the Board was not as much under the gun as they are for the Zoning Regulations. Mr. Tatem agreed with Mr. Poltak. Mr. Poltak wanted the Board to decide whether 10 acres or larger and that he wanted the Conservation Commission and the Planning Board to look at it and come back to the December 16th meeting and see if we can move forward with an approval at that time. With that said, Mr. Poltak wanted to close the work session and get back to it later.

The Workshop concluded at 7:00 p.m.

MINUTES

Mr. Côté moved to accept the minutes of November 18th, 2015 as written; Mr. Grillo seconded the motion. A vote was taken; all were in favor and the motion passed.

PUBLIC HEARING

Jonathan Vadurro Bunker Hill Road, Tax Map 8, Lot 7-3 Minor Conditional Use Permit

Mr. Vadurro explained his reason for being before the Board tonight was to obtain a Minor Conditional Use Permit to allow a driveway for a single family house to impact a Level 2 wetland. Mr. Poltak asked Mr. Vadurro if it was an approved lot of record. Mr. Vadurro stated yes and pointed out that the lot was subdivided back in 1978. Mr. Poltak believed it was to obtain a conditional use permit for the driveway and to build in the Spring. Mr. Vadurro said yes.

Mr. Poltak believed it was pretty straight forward and asked the Board if they had any questions. Mr. Côté asked Mr. Vadurro if he had obtained a DES permit. Mr. Vadurro said that he had not yet applied for one to date. Mr. Côté believed that the lot was created prior to the subdivision regulation and was regarding a Level 2 wetland and not a Level One wetland and the Board had the authority to approve a Minor Conditional Use Permit.

Mrs. Rouleau-Côté informed the Board members that Mr. Tatem pointed out that just below the existing woods road that the limits of his improvements just skirt the edge of wet and asked if there was any reason why that couldn't be lifted. Mr. Tatem commented that rather than being a tangent straight through from the road that he would put a very small curve in the road and throw some notes on the plan that the slopes have to be 2 to 1 and just general notes. Mr. Vadurro understood what the Board members and Mr. Tatem were saying and agreed. Further discussion ensued with regard to the impact to the Level 2 wetland.

Mr. Poltak asked Mr. Grillo if he had any questions. Mr. Grillo did not have any questions at this time. Mr. Côté asked Mr. Vadurro if he would still be able to get a 30 inch culvert in there. Mr. Vadurro said yes. Mrs. Rouleau-Côté also informed the Board members that Mr. Vadurro also dug a test pit by hand.

Mr. Poltak asked if there were any abutters. Mr. Vecchione stated he did not have a problem with what Mr. Vadurro was proposing. Mr. Sullivan did not have a problem with it either.

Mr. Côté moved to grant the Minor Conditional Use Permit for Tax Map 8, Lot 7-3, Bunker Hill Road, to allow the filling of a driveway with the recommendations to try to minimize the impact of the triangular piece by possibly moving the road slightly to the northwest to minimize the impact to the piece that is most easterly and to put a culvert where they are actually crossing the wetlands; Mr. Grillo seconded the motion. A vote was taken; all were in favor and the motion passed.

**Planning Board Workshop Regarding
Master Plan
CIP Update
Road Reconstruction Details
Cluster Ordinance
Subdivision & Site Plan Regulations**

Mr. Poltak wanted to begin with Article 7, the cluster side of the ordinance. Mr. Poltak asked Mr. Tatem to go through only the changes. Mr. Tatem began by asking the Board about the discussion regarding getting as much out of the zoning and into the planning. The Board agreed with Mr. Tatem's comment. Mr. Tatem continued by saying that it seemed to him to leave in the minimum lot size and the setbacks only because all the other zoning has the minimum setbacks, frontage and lot size and put everything else into the planning. Mr. Tatem went on to talk about 7.05 (Open Space) of the zoning ordinance and suggested that they cut and paste that right into the planning because there was no reason to have that in zoning because it's only defining the open space. Mr. Côté agreed because they had discussed making it go to a group like the Southeast Land Trust. Also, 7.06 (Roadway) that all roadways are in planning anyways so again Mr. Tatem would suggest taking Sections 7.05 and 7.06 and moving them right over.

At this time, Mr. Tatem began going through Article 7 – Clustered Development and suggested that the open space be open to the public. Mr. Côté did not believe that all the open space should be open to the public because the idea is to have the open space available to the cluster development because the Town of Auburn already has land that is open to the public and did not believe that the open space in Wetheresfield should be open to the public because then we need to put parking spaces for them to be able to park and are there going to be trails and who will be maintaining them. Again, Mr. Côté stated that he did not agree with having all the open space open to the public and asked Mr. Grillo for his comments. Mr. Grillo understood the concern with regard to parking but thought the open space was part of the town and sees the concern Mr. Côté has pointed out. Mrs. Rouleau-Côté added that in a cluster subdivision that the subdivision is taxed on the open space so they pay a share of the ownership of that open space and if you now start making that open space open to the public how does that taxation happen because you certainly can't make the homeowners pay for someone else to use the land. Mr. Eaton also explained that when someone buys into a cluster subdivision and there are 97 houses that they are buying 1/97th of the open space and that the worst thing that the Board could do is to allow this because the people may own a one acre lot but they are being taxed like they are on a 3 acre lot and did not agree with this idea at all. Mr. Tatem stated that if the Board wants the land to be managed by a company that most of them want to own the land because then they have the rights under the restrictive covenants to log it and to manage it properly. Mr. Côté had a big problem with them having fee ownership in the open space because the open space was never supposed to be open to the public but was supposed to be for wildlife and for preserving rural character. Ms. Remillard could not understand why we were putting so much effort in how it was supposed to be

managed. Mr. Côté stated that a healthy forest is a managed forest which encourages wildlife by taking out diseased wood. Mr. Poltak stated that he did not believe that the open space relative to management and the like is necessarily a priority for tonight's discussion but would like to have a more effective cluster ordinance and pointed out that the town is not interested in owning property as was stated tonight. Mr. Côté further added that the open space language was being removed from the zoning ordinance and being put into the subdivision regulations so the Board could discuss this further at that time. In conclusion, the Board decided to vacate the discussion of trails and strike open space being open to the public and keep it as it is currently with the homeowners association.

Mr. Tatem moved on to talk about item #3 and removed "encourage" and added "require" and changed "grid" to "conventional." Mr. Poltak asked the Board to weigh in on the word changes. Mr. Côté read the changes and believed it sounded too restrictive. After a brief discussion, the Board decided to go with the changes in the wording.

Mr. Tatem moved on to Section 7.02 – General Requirements and decided to remove #5 – *"The tract of land shall have a minimum of 20% of its area consisting of wetlands, class V and VI soils, bodies of water and/or slopes of greater than 20% for residential development."*

Mr. Tatem went on to discuss minimum and maximum lot size added. The Board stated that we needed a minimum and a maximum lot sized added and all the Board members agreed. The Board talked about cluster versus conventional and that the developer would need more infrastructures to build a conventional subdivision and that's why they like to go with the cluster so that it's less road to build. Mr. Porter asked about Mr. Grillo suggesting a 75 foot by 100 foot buildable lot and would they be doing that. Mr. Tatem indicated that they would be doing that but that it would be in the subdivision regulations and not the zoning regulations. Mr. Eaton asked if it requires 3 acres and 300 feet of frontage would they have to provide a yield plan for 3 acre zoning. Mr. Tatem and the Board said yes.

Mr. Tatem wanted to add #7 with building setbacks and recommended that they keep it in zoning because it is already in there for all the other zones. Mr. Côté wanted to point out that the requirement in a cluster subdivision is that structures have to be 60 feet apart and recommended that if they were going to put a side setback that they put the side setback at 30 feet because having the houses 60 feet apart had to do with fire protection. Mr. Tatem and the Board all agreed to do the side setbacks at 30 feet. The Board and Mr. Tatem also talked about the rear setback being at 20 feet and Mr. Côté pointed out the possibility of having two (2) subdivisions back to back or a cul de sac and decided to put the rear setback at 30 feet as well. Mrs. Rouleau-Côté commented that somewhere along the line it will be language noting that these setbacks are effective for cluster subdivisions after March 2016.

Discussion ensued with regard to the front setback being 125 feet and Mr. Eaton did not believe that left enough area to build anything if the front setback is 125 feet. Mr. Côté suggested leaving “the minimum frontage for each cluster lot being 125 feet” out of the zoning regulations and putting it in the subdivision regulations for the Planning Board to decide. Further discussion ensued with regard to staggering the homes within a cluster subdivision. The Board and Mr. Tatem decided to take out #7 which was regarding the building setbacks out of the regulations all together and leaving them in the planning. Mr. Tatem also asked the Board if they also wanted to take out the frontage requirement and leave that in the planning as well. The Board all agreed to remove #8 as well from the zoning regulations and put it in the subdivision regulations to allow the Planning Board the authority. Mr. Tatem pointed out where it was placed in the subdivision regulations which was located on page 2 (i).

Mr. Tatem moved on to #6 and stated that he crossed this one out. Mr. Côté stated that they did not need this one anymore because it was when they had 20% steep slope and that there needed to be something special about the property. The Board all agreed with Mr. Tatem on this one.

Mr. Tatem went on to #9 which was #7 and changed the language to indicate the “homeowners Association.” Mr. Eaton believed it should state both “Homeowners Association” as well as “Condominium” because the Tenn property will have both. Mr. Tatem understood and indicated that he would add both. Mrs. Rouleau-Côté was still unsure of the density thing and wanted to know that, if someone gives a yield plan for a 3 acre/300 foot proposal and they had a cul de sac that was 3,000 feet long would the Board be saying that it was too far over the cul de sac length. Mr. Côté said yes, because they have a maximum cul de sac length and that the developer would have to show them a real yield plan showing that a real subdivision could happen and a 3,000 foot cul de sac could not happen. Mr. Tatem stated that the yield plan would have to meet all the current zoning in that underlying district without any waivers granted. The Board members all agreed.

Section 7.03 – Mr. Tatem stated that he just narrowed this section down. Mr. Tatem went on to state that he left the section calculating open space alone and the Board members all agreed. In #2 of Section 7.04, Mr. Tatem took out computed and put in the word “determined” on the second page and took out the rest and included information regarding a yield plan and that in the subdivision regulations it would talk about two dimensional and no waivers granted.

Mr. Côté went on to say that Section 7.05 and 7.06 that they would be moving to the subdivision regulations anyways and Mr. Tatem agreed with the Board members. At this time, Mr. Tatem indicated that this was it for the zoning and that he would be finalizing this for the Board to review and move it through to a Public Hearing. Mr. Poltak believed that the Board has made some major changes.

Mr. Tatem moved on to talk about the subdivision regulations in Section 7.06 Roadways where he took it out of the subdivision regulations all together. Mr. Tatem asked the

Board if they wanted him to move on to Section 7.05 Open Space and talked about whether or not the Planning Board wanted to include the possibility of a Conservation Easement or taken over by a Land Trust. The Board wanted it removed and has it say that the open space would be controlled by the Homeowners Association or the South East Land Trust. Mr. Poltak believed that they should not include a specific organization but have it say “an acceptable organization or land management.”

Mr. Tatem moved on to #5 and stated that he removed it but after discussions tonight believed it should stay in. Mr. Poltak agreed. Mr. Tatem believed it should remain as written. Mr. Tatem went on to #6 and stated that he added passive recreational uses and changed it to say “hiking, hunting, fishing, bird watching, and...” however, he did not believe that anyone would build a tennis court within the open space and didn’t know if the Board wanted to add ball fields. Mr. Tatem asked Mr. Eaton about the open field in Wethersfield and if anyone used it. Mr. Eaton said yes. Mr. Poltak stated that he did not have a problem with the word “passive” but had a problem with defining it as passive recreation. Mr. Poltak did not want to see what occurred at the Safety Complex where it was an open field and then turned into an area where cars are parked everywhere and soccer games are happening. As long as there are no formalized sports occurring, Mr. Poltak did not have an issue with passive recreation. A brief discussion ensued with regard to passive recreation within the open space. In conclusion, Mr. Poltak stated that passive recreation in his mind was just what Mr. Tatem stated above which was “hiking, hunting, fishing, bird watching and walking” by enjoying what is there. Mrs. Rouleau-Côté believed that meant that the open space was untouched and was unsure that untouched was what everyone wanted. Mr. Poltak believed that from a passive recreational definition it would mean untouched but if the homeowners association came in and said they have hired a professional forester and that they were going to practice civil culture that he did not have a problem with that. Mr. Côté asked if they were going to do a feed lot and believed that this was creating different habitats. With this in mind, Mr. Poltak believed that it should not be defined and simply be left as open space. Mr. Tatem asked the Board members if they want to leave it passive recreation with those definitions and define it as non-commercial, agricultural and forest management. The Board agreed.

Mr. Tatem went on to #7 where it says suitable access and wanted to change it to say “the minimum required frontage (so that it is also a conforming lot of record) on an existing roadway or the roadway to be constructed as part of the subdivision.” This way if the required frontage is 125 feet then the access would be 125 feet. The Board agreed.

Mr. Poltak asked Mr. Tatem that once he has made the changes from tonight’s discussion that he gets it to Ms. Royce so that she can make copies for anyone interest in obtaining a copy of the proposed changes that they could get it. Mr. Tatem understood and stated that he would get it to Ms. Royce as soon as the changes were made.

Mr. Tatem moved on to the Cluster Development within the Subdivision Regulations for the Planning Board. Mr. Tatem stated that in #2 he simply changed the word "Site" to "Subdivision." #B was added. "The first dwelling units or residential lots, on either side of the proposed roadway, must be located at least 250 feet from the ROW of the existing Town roadway."

Mr. Tatem moved on to the original #B and read the changes to the Board. The Board agreed. Mr. Grillo asked if they would have to be putting in a limit like the Board does with reclamation plans with the size of the trees. Mr. Côté believed that they would be looking at it site specific and topography of the land to provide year round visual screening.

Mr. Tatem talked about #F and believed it should remain because of previous discussions tonight. The Board agreed.

Mr. Tatem moved on to (i) Frontage and indicated that it would be the same as the zoning ordinance where it asks for 125 foot front setbacks. The Board agreed. Mr. Tatem went on to talk about front yard will stay at 50 feet and side and rear yard will stay as "structures shall not be located closer than 60 feet of each other." The Board agreed. Mr. Tatem said that the structure heights shall remain as is. The Board agreed. #F is being added and #G & #H are to be removed. #I pertaining to home business and stated to say that "home businesses shall not be permitted within residential clustered development." Mrs. Rouleau-Côté informed the Board and Mr. Tatem that this is already addressed in the zoning ordinance which would require a Special Exception and this should not be in the subdivision regulations. Discussion ensued on whether or not it should be within the subdivision regulations or the zoning ordinance. Mrs. Rouleau-Côté did not believe that the Board could say that it was not allowed. Mr. Côté believed that home office is a lot different than a home shop. Mr. Eaton agreed with Mrs. Rouleau-Côté because if you're able to have a home business in a regular development then you should be able to have a home business within a cluster development and if the Zoning Board says no then its no. Mr. Tatem believed that if it was already in the Zoning Ordinance and required a Special Exception then maybe we should leave it alone. Mr. Côté believed that they should scratch it. Mr. Tatem agreed and would remove it.

Mr. Tatem addressed the next change which was #J regarding the "proposed residential lot shall contain a 75 foot by 100 foot rectangular or a 100 foot circular buildable envelope free of wetlands, wetland buffers, building setbacks, steep slopes, drainage easements, and any other non-buildable area." Mr. Tatem explained that they have done this in Hooksett and if you have a one acre lot that is all wetland buffer and then it's a useless crappy lot but if you have to have a 75 foot by 100 foot rectangular or a 100 foot circular buildable envelope then you'll have a clean buildable area and quality lots that the Board would not be granting all kinds of variances for people to put sheds and pools in. Mr. Tatem stated that it has worked in Hooksett and they're not granting a lot of waivers. Mr. Eaton asked about the 75 foot by 100 foot buildable area and asked

if it was including the front setback. Mr. Tatem said no and that it could be placed whichever way on the lot that would work.

Mr. Tatem went on to talk about keeping the wetlands and wetland buffers out of the lots to any Level One or Level 2 wetland. Mr. Tatem explained the reason and the Board agreed. Mrs. Rouleau-Côté wanted to caution the Board that within Article 5 of the Zoning Ordinance that there were some permitted uses that can happen within the Level 2 wetlands without ever having to go to the Zoning Board or Planning Board. Mr. Tatem asked if it only pertained to existing lots. Mrs. Rouleau-Côté said that it was by right. Mr. Poltak added that it was inherent on an approved lot. Discussion ensued with regard to keeping the wetland buffers out of the lots and if the buffer was in the open space then the homeowner does not own the land within the buffer and if they encroach into the buffer then they would be trespassing. The Board talked about previous cluster developments and the problems that have occurred. Mr. Eaton did not know of an area where the wetland buffer did not come onto the lot. Mr. Eaton pointed out that the Board needs to think about the backyards and think more about the depth of the lot in order to allow space in the backyard for the future homeowner to put in a pool or a shed. Mr. Eaton explained the way they do it in his subdivision is to give every lot 70 to 75 feet behind the house to allow them room to expand and if you don't do that then the Board is right back where they were before. Mr. Poltak agreed with Mr. Eaton and asked how they could say that and make it a depth requirement. Mr. Tatem believed that they could increase the building envelope to be 100 feet by 100 feet. Mr. Poltak believed they could make it 100 feet by 100 feet and be done with it. The Board agreed. Mr. Tatem asked the Board members that if they do 100 feet by 100 feet would they then want to remove item #K. Mrs. Rouleau-Côté commented that if they do that they were still not addressing Mr. Porters' concerns with regard to activity within the buffer. Everyone believed that it would be hard to find a lot that did not have a buffer on it. Mr. Eaton suggested that they say you can't have wetlands on the lot but you can have a wetland buffer. Mr. Tatem agreed along with the Board members. Mrs. Rouleau-Côté believed it could be done on a case by case basis. Mr. Poltak indicated that Mr. Tatem would be reworking this section so that it would allow the Planning Board to reserve the right to restrict the wetlands and wetland buffers that can be allowed on building lots.

Mr. Tatem went on to the changes in #H(1) to change site to subdivision. Next, Mr. Tatem went on to #3 with regard to EIA (Environmental Impact Assessment) and Mr. Poltak wanted the word "Impact" removed. Mr. Tatem asked the Board members that with regard to the Environmental Assessment if it would be placed within the subdivision regulations on its own. Mr. Côté added that all cluster developments would be required to provide an Environmental Assessment. Mr. Poltak added that the Board could make it as broad or as narrow as necessary on a case by case basis. The Board agreed.

Mr. Tatem moved on to the last section #4 with regard to Open Space Criteria and believed they could take it from Chester's ordinance and doctored it up a bit and went through this section with the Board. Mr. Grillo commented that he believed #A was where the Environmental Assessment would take place.

Mr. Tatem went on to #B which would not allow detention ponds within the open space. Mr. Eaton talked about the statement that no detention ponds shall be within the open space and believed it was where the detention ponds belonged. Mr. Eaton pointed out that almost every detention pond was placed in the open space in his subdivision and there were only a few that were on individual lots. Mr. Tatem pointed out the Tenn subdivision on Mt. Miner that had massive detention ponds that were in the open space and used in their calculations. A brief discussion ensued with regard to the open space and it was determined that Mr. Tatem would work on this a little more.

The Board discussed #C and #D and believed these were okay to remain as is. The Board decided to get rid of #E and #F.

The Board discussed the CIP and Mr. Poltak stated that he would work with Ms. Royce to get the letters out to the individual departments and that the only thing that he saw that needed to be changed was the deadline date of January 6, 2016.

OTHER

Mr. Poltak informed everyone that the next Public Hearing would be held at the Safety Complex again and is scheduled for Wednesday, December 16, 2016.

ADJOURN

Mr. Côté moved to adjourn the Hearing. Mr. Grillo seconded the motion. All were in favor, the motion passed unanimously and the meeting stood adjourned at 9:05 p.m.

The next Planning Board meeting will take place on Wednesday, December 16th, 2015 and will be held at the Safety Complex, 55 Eaton Hill Road.