

**PLANNING BOARD**  
**27 School Street**  
**HILLSBOROUGH, NH**  
**August 3, 2022**

**DATE APPROVED:** 08/17/22

**TIME:** 7:03 p.m. – 9:41 p.m.

**MEMBERS:** Susanne White- Chairperson, Melinda Gehris -Vice Chair, Adam Charrette, Ed Sauer, Steve Livingston, Nancy Egner

**EX-OFFICIO:** James Bailey III

**PLANNING DIRECTOR:** Robyn Payson

**ALTERNATES:** Kim Opperman, Dana Clow

**Excused:**

**Public:** Riche' Colcombe, John Segedy, Richard Head, John Kergil, Babette Haley, Jennifer Crawford, Anya Franks

**Call to Order:**

Chairperson Susanne White called the meeting to order at 7:03 PM.

Susanne White called the roll all members were present-no alternates appointed.

**Minutes:** 07/20/22 Nancy Egner made a motion to approve the minutes. Ed Sauer seconded the motion. The motion carried with Melinda Gehris abstaining.

**Site Plan Review**

219 West Main Street Map 110 Lot 170

Jack Franks-Avanru Development

Susanne White read the Public Hearing Rules and asked everyone to silence their phones.

Susanne White asked Robyn Payson if the application was complete.

Robyn Payson said that the new set of plans had been forwarded to the Planning Board. She said she received the drainage report earlier in the day. She said the application was now complete.

Nancy Egner made a motion to accept the application. Ed Sauer seconded the motion. The motion carried unanimously.

Susanne White asked Jack Franks to present the application.

Mr. Franks introduced the application and Erin Darrow who would be presenting the application for 84 units of workforce housing on 10.1 acres of land.

Erin Darrow reviewed the changes to the plans that had been made since the last meeting.

There was discussion about a culvert on West Main Street that there were concerns about

flooding. Ms. Darrow said they had a discussion with Kevin Belanger of DOT District 4, and they did not have any record of flooding from that culvert. Mr. Belanger said that if any problems do arise from that culvert to contact him directly.

Ms. Darrow said that the plan is very similar to the original with the inclusion of more details in drainage, stormwater management, and grading. There was also a memorandum addressing traffic impacts.

Susanne White asked Ms. Darrow to talk about the type of units.

Mr. Franks described the 48, 1-bedroom 1-bathroom units that are approximately 630sq ft and 36, 2-bedroom 2-bathroom units that are approximately 935sq ft. Due to increased construction costs, there has been some talk at the state level of potentially making those units 605sq ft and 908sq ft. They are in the process of determining that to mitigate the cost of construction. These units will be available to people with 60% of the median income. That would be between \$12.00 and \$26.00 an hour. The rents that are charged are less than what market rate would be. He said this is not a subsidized project.

Dana Clow asked if the Average Mean Income numbers are by household.

Mr. Franks said there are four categories. Single person, two-person, three-person, and four person and above. The income level for a family of four's income limits would be much higher than somebody who is single.

Mr. Franks said a recent report from the state said there is a need for at least 20,000 units statewide, he said that is probably short by half. He said you can go to the New Hampshire Housing website ([nhhfa.org](http://nhhfa.org)) to see the income levels for the state and what the rents are.

Nancy Egner said they also do a great job addressing housing shortages and vacancy rates across the state. She said a healthy vacancy rate is considered 5-7% and the current rate in the state is approximately under 1%.

Ed Sauer asked how the residents of the two-bedroom units impact the school systems in which they are located.

Mr. Franks said at Abenaki Springs in Walpole NH, out of 43 units there are five children. He said over the course of the last 12 to 15 years class size has dropped from about 30 to approximately 15. He said that the school system has the capacity of approximately 15 to 20 additional children per grade.

Ed Sauer said the question is, would the two-bedroom apartments all have two kids. He said the answer to that is no. He then asked if the units would be taxed in the same way as the rest of the town.

Mr. Franks said there is a form that they fill out that will give a little tax relief based on the fact that it is an affordable housing project. That is because they are bringing in 40% less revenue.

Ed Sauer asked how much in taxes would be collected with this development.

Mr. Franks said he anticipated approximately \$111,000.00 per year.

Melinda Gehris said that Mr. Franks indicated that he may change the size of the units. She asked if that would change the size of the building or if it would just be an interior change.

Mr. Franks said with modular technology, you are able to “shrink the boxes” easily. He said they may shrink the building about one foot on each side. This would result in less impervious area. They are trying to be good financial stewards of the resources they are being given. He said it was noted that they are about 8% larger than what would be considered the norm.

Melinda Gehris referred to the Zoning Board of Adjustment Variance application which spoke of a commercial component of the development. She asked Mr. Franks where that would be.

Mr. Franks indicated an area of wetland at the front of the property. He said over time with the drainage mitigation in place, that area may be able to be redeveloped and that is where a future commercial use might be located.

Ms. Darrow said that a commercial proposal will not be on the table for at least a couple of years.

Melinda Gehris asked about the retaining walls. She said it was unclear how high they were and whether or not there were guardrails.

Ms. Darrow said that there is a guard rail at the top of one of the retaining walls and then she described the height of the other proposed retaining walls some having a drop of 4-6 feet.

Melinda Gehris said a drop of 4-6 feet is still a drop if you have children. She asked Ms. Darrow to consider adding more guardrails.

Mr. Franks said some additional guardrails could be added.

Dana Clow commended Ms. Darrow on her efforts to enhance the plans significantly. He asked Mr. Franks about his statements regarding the expansion of the stormwater management system potentially affecting the wetland areas adjacent to West Main Street. He said if that was true, wouldn't that constitute an unauthorized alteration of a resource area?

Ms. Darrow said the intention is to take the flow, concentrate it and then discharge it. She said what Mr. Franks was saying is instead of there being sheet flow through the woods as it is now, it will be concentrated into one point. Over time, that will impact natural hydrology. The Army Corps of Engineers methodology specifies after five years that a change in hydrology may have resulted in changes to the other characteristics that are part of a wetland.

Dana Clow said that traditionally hydrology is a balancing act between trying to minimize

alteration and adverse impact and achieving the objectives of the system's collection and treatment.

Ms. Darrow said they are trying to not increase the net flow, they are trying to hold the water in place.

Mr. Franks said that DES may want to make adjustments to the design. He said they need to have an Alteration of Terrain permit from the state. He asked if the Town would like a copy of that application for their records.

Dana Clow said what he didn't see in the analysis was the design of the individual stormwater outlets. The plan is not evenly balanced. He said the pond was cut and paste and made into three, but the outlets would have to be individually different. He asked if they were in the analysis.

Ms. Darrow said they were the same shape but each one is a little bit different. She said her analysis was pretty simple. She said she didn't take a look at each catch basin, it looking at the drainage overall. She spoke about the size of the pipes she said she would always rather have them a little bit bigger because you can get sediment in the pipe.

Ed Sauer said he had a question about water supply. He asked about the location of hydrants.

Mr. Franks said he would be having a conversation with the Fire Department about that.

Ed Sauer said another question to ask the Fire Department would be if there was sufficient space to get trucks between the two buildings.

Erin Darrow said they ran a truck template to show how the vehicles would get around, but they have not shown the Fire Department yet.

Mr. Franks said that the driveway is over thirty feet wide so there is ample room for trucks and turn arounds.

Susanne White asked Mr. Franks to speak to the traffic study.

Mr. Franks said they went back to the Department of Transportation and had a conversation with them and spoke with Kim Hazarvatrian who is a PHD in Transportation Engineering. He came to the same conclusion as DOT which was that a traffic impact study wasn't needed. They said 42 units would not impact the traffic at all. They will have the right to review this again before the second phase is built.

Susanne White asked, assuming all of the funding comes through what the estimated time of completion was for the first 42 units.

Mr. Franks said, provided they score well they expect to get their tax credit reservation in October it is conceivable that they could get to a closing in April and begin construction between

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April and May. Time for construction is about 10 months.

Kim Opperman asked if they will complete the drawings prior to the success of the funding? Once you have the funding you have to finish the plans.

Mr. Franks said once the funding is in place, they immediately go to Alteration of Terrain and the balance of permit drawings would be started immediately. He said the drawings are done.

Kim Opperman spoke of the new “NFK13R” fire sprinkler codes that came out this year.

Mr. Franks said he has been using “13R” on all developments from Abenaki Springs up until now.

Kim Opperman said it had just been approved in New Hampshire this year.

Mr. Franks said “13R” is what they would be using.

Susanne White introduced the new Superintendent of Schools Ms. Jennifer Crawford.

Ms. Crawford said, looking at the statements of impacts to the school being similar to the other community, the potential for having children is much larger than just five, and she wanted everyone to understand that.

This development could increase the student population, which is not a bad thing. She said families need housing, and there is a housing crisis in this state, so it is important to find ways to mitigate that. In addition to class sizes, there are also things like transportation and the individual needs of whatever students may happen to live in these units. She said there is the potential for 120 students from this development, and you have to be aware of that. These aren't bad things you just have to be aware.

She said she looked at the plans and the length of the driveway. She understood there would be no dedicated sidewalk areas so if I have students that need to come to a bus stop, how does that play into the layout that you have? Is the bus stop going to be on West Main Street or are we going to have a turnaround? Is there a way to have a walking path? She also expressed concern about snow removal.

Mr. Franks asked if there was a bus stop there now.

Ms. Crawford said no, but the bus goes down West Main Street.

Ms. Darrow said the driveway length is approximately 600ft between West Main Street and the main living area.

Ms. Crawford said you could conceivably have kids walking down on their road without a dedicated sidewalk to West Main Street. She said one of the things she would like to see is for the children to have a safe way to school.

Mr. Franks said that they have widened the road and they could stripe it to show the walking path. They could also put a pad down at the end with a sheltered bus stop.

Ms. Crawford said she wanted to make people understand that saying there would be five children out of this development was unrealistic. It could be possible that a child lived in every one of those units.

Mr. Franks said 120 children was not feasible. He said the percentage was .8% students per unit. He estimates that 85% of the new tenants will be from within the community.

Susanne White Recognized Richard Head Chairman of the Conservation Commission and asked him for his comments.

Mr. Head said he received Ms. Darrow's response to the Conservation Commission's comments that day. He said his comments in response would be his alone because the Conservation Commission has not yet met to discuss this.

He said that although it is not intentional, the response to the environmental concerns seems to be "Don't worry about it, these are going to be reviewed by the state and the feds and other agencies so it's not your problem, don't worry about it."

He said it is the Board's problem and concern.

One of the things that is stated as the purpose of Site Plan Review is to avoid development which will result in negative environmental impacts including but not limited to protection of our air water and soils. Mr. Head said he has a lot of experience with the Department of Environmental Services through his career and he has a lot of respect for them. He is not saying to not rely on that review because they do a tremendous job. He said they do have an incredibly important and valuable role, but that doesn't mean the Board should give up their role in reviewing the environmental issues.

The biggest issue was relative to stormwater flow and the lack of any stormwater plan. An updated plan was received today. He urged the Planning Board to hire an expert to provide a review of the plans in order to give them the information you need to evaluate it yourselves.

Mr. Head described the differences between the Site Plan the Conservation Commission reviewed, and the current version.

He said one thing he had not see before was that two of the snow storage locations are located on top of the stormwater control basins. He said this has the potential for significant problems because a pile of snow turns in to a pile of ice. He said if you are relying on the capacity of those drainage basins to store water and to let it percolate through, does the stormwater drainage analysis take into account that two of those basins are also snow storage locations and what does that mean to the overall stormwater flow capacity of this site? As he read the plan there is 25% of impervious surface, and impervious surfaces do cause problems.

Mr. Head acknowledged that they do not need a wetlands permit. Wetlands permits are for dredge and fill within a wetland that is delineated. That doesn't mean that there are going to be no impacts to those wetlands simply because they don't need a wetlands permit. By adding 25% impervious surface, you are changing the hydrology of this property significantly. Normally, if you have a surface that allows for infiltration, you are not going to have all of the water concentrated into a pond and then through a pipe discharge. There is a significant difference in how water is managed on this property. At the end of the day, how much water is leaving the property is important to the state. He said what he is asking is that the Board look at what is happening on the property, because what you get in stormwater when you convert pervious surfaces to impervious surfaces is a collection of all of the pollution that is in that area. You are adding traffic, parking, salt, sand, chemicals, you are adding things to this property that is going to get wrapped up in the stormwater. The stormwater is going to go into those basins, then into those ponds and it is going to get discharged into those wetlands.

The other aspect he wanted to discuss was in the Conservation Commission's comments is the property's location relative to Sylvania and the Landfill. Mr. Head distributed a handout entitled "Annual Water Quality Summary Report & 2021 Fall Data Transmittal, Hillsborough Municipal Landfill".

He said what this is, is the water quality summary for the landfill which has to provide reports to the Department of Environmental Resources. Richard Head reviewed the document which shows the subject parcel being in the Groundwater Management Zone.

What he doesn't know and what has not been provided is how deep they have to go. He said there was no test pit data. He said normally you don't have to look at test pit data, but it is useful to see where it hits groundwater in some of those test pits. The question is, what is happening with the groundwater and what happens if in the course of construction, they have to "de-water"? What's going to happen to that water and what's going to happen if that water is contaminated because of the landfill, and we have water contamination that is flowing in the direction of this property.

Then you look at what the nature of the contamination is. Mr. Head went on to say that the monitoring wells for the landfill show is not horribly contaminated, but there is PFOA and PFOS contamination. These are fluoridated compounds. He said between his time at the Department of Justice and his current job, he spent about five years representing water districts all over the state and the country with PFAS contamination. This contaminate is regulated at part per-trillion concentration levels. These are highly regulated contaminants. Mr. Head reviewed the information from the monitoring wells, none of which are located on the applicant's property.

Mr. Head said it is a potential issue when they are constructing on this property. He said that the applicant put in their comment to the Conservation Commission that they have to comply with state regulations regarding dewatering and discharged water. What surprised him was that the applicant wrote that a Phase 1 Environmental Assessment was in the process of being completed. In the world of environmental site assessments, a Phase 1 is a very low level. You are not digging wells or testing the ground water, you aren't doing testing, it is a records review. They

are going to DES and collecting information. He said it was shocking that they do not have this already.

Mr. Head referred to the Groundwater Management Permit area in the handout the. The Groundwater Management Permit is the location where groundwater contamination could be possibly happening. The is outside diameter is where there is no impact to groundwater on the site. The subject property is located within the Groundwater Management Permit and anyone who purchases the property would know that. He said it would be surprising if a Phase 1 assessment had not already been done. He pointed out the monitoring well sites on the property but did not know if they were ever sampled. He suggested the applicant might want to find out if there was any monitoring well data for the site. He said there will be sampling of the ground water at some point and the Planning Board should get copies of the reports.

Mr. Head said in reference to Mr. Franks comments about coming back and presenting on the plans that are going to be reviewed by Alteration of Terrain and other federal and state agencies. He said that they should be asked to come back and participate in a public meeting and present what they are going to be doing.

Mr. Franks said he wanted to clarify his comments. He said he would be willing to give the DES and Alteration of Terrain plans to the Town for the record, but he didn't want to come back in and go through that. He said he had never seen that in 20 years of development, and he said he didn't expect to start that process now. He said regarding the monitoring wells, they have been there since 1992, if there is data, he didn't think it had been looked at since 1992. With regard to ESA, it's not a site plan approval process, it is something that comes as the deal progresses. If there are issues with the Phase 1 assessment, they move on to a Phase 2, but generally you don't front load ESA's for the Site Plan Review process. He said there were a lot of great questions, but they will work with the state and do what needs to be done in order to get to that level of confidence that they can give to the town for the record.

Ms. Darrow described the Phase 1 Environmental Site Assessment process. A Phase 1 assessment is when a certified professional looks at a property and determines if there is a need for additional testing. Sometimes there are properties that look complicated and might need a Phase 2 but when you get down and look at everything it doesn't need a Phase 2. The first thing you do is a Phase 1. This is a document is required by the financial institution and is reviewed by the bank. She said she has been an engineer for 22 years and has never had a Planning Board or Zoning Board ask for an Environmental Site Assessment. It's produced for the lending institution so they have confidence that the property that they are going to be guaranteeing doesn't have any unresolved issues that could impact the value. She said the data that was presented was a part of the information for the environmental professional who determines whether a Phase 2 is warranted.

Mr. Franks spoke of the PFAS. He asked Mr. Head if this location is in the wellhead protection area, because PFAS is generally in the drinking water. Mr. Head said it is a groundwater contaminant that also impacts the groundwater quality standard. He said in this case it is not a drinking water issue it is a groundwater discharge issue. He said he thought it was appropriate for this Board to understand how the development of this property can have environmental



impacts. He also said he does not disagree that it is unusual to request a presentation on what is going to Alteration of Terrain. He is suggesting it in this case not for approval by the Board but for a public hearing so the people in the Town of Hillsborough have an understanding about what changes are being made to this property as a result of this project because as was said in the introduction, it is a partnership and a long term relationship that they have with the developer and the owner of these properties.

He also said that the plan has changed dramatically from the plan the Conservation Commission originally reviewed. He said what we don't know how much it is going to change from today, to what is submitted to Alteration of Terrain or any other agency. He said he does think it's appropriate to come back to the Town and have a presentation, not for approval at that time. His suggestion is for when this plan is approved by the Board, there be a condition that there is public information provided about the changes to the plan that have developed since it came to the Board because we have seen this is a project undergoing last minute changes on a daily basis. It went from one detention basin to three, he said he saw snow removal on top of basins, there are slopes that go into those detention basins.

Ms. Darrow said Mr. Head made a valid point about the snow storage label. She agreed that the label should be relocated. She acknowledged it was not good practice to have snow storage in the basin.

Mr. Head said this is a very tight site that they are trying to put in a lot of features and a lot of structures and all of those have potential impacts. It is a fast-moving project; they are putting more deadlines on the Board. He said it was his understanding that they would have to have a decision by the Board by August 30<sup>th</sup> on a project that is changing quickly, and that does have environmental impacts. He said he thinks its valid to ask them to come back to the Town to tell them what changes have been made since they were last before the Board.

Mr. Franks said that they have 10.1 acres and they put the exact same project on four acres in Swanzey. Ms. Darrow said that the impervious covering was calculated at just over 25%. She said she acknowledged that it is a change, they are building two apartment buildings with 42 units each so there is a cost. What they are trying to do is decide how they can make this impact as gentle as possible on the surrounding properties.

When she found out there were monitoring wells she got on the phone to figure out what is going on and what information is available. She said she isn't preparing the Phase 1 so that information is forthcoming. She said her intent with the memo she sent in response to the Conservation Commission's comments was not to say "don't worry about it" because all of these other agencies were going to be reviewing it. She said we are all a team, and everybody has their own perspective on it. She acknowledged they are going very quickly, and it is accelerated to meet the deadlines for the grants. She said the plan has improved a lot and with further testing there could be changes found that could change the groundwater impacts. She said that there is no way that they would be able to get federal money if there is contaminated water or soils that is going to cause a hazard to the people who would live in this development.

Dana Clow said that the Chairman of the Conservation Commission has raised a credible question. Based on the presence of the monitoring wells and the DES Water Quality Report acknowledges that this needs to be looked at, not so much by the Planning Board but you are continuing to look at it.

Ms. Darrow said they called DES. Mr. Franks said that was when they found out the wells were put in by Hannaford in 1992.

Mr. Franks said the total impervious coverage is approximately 80,000sq ft

Dana Clow said one thing that they keep hearing is that HUD is going to be looking at this carefully and they are going to make sure everything is right. He said DES is going to look at it and the feds are going to be looking at it. Everybody is going to be looking at this, but the fact is that they are here for a permit from the Planning Board. The Planning Board has standards for Site Plan Review. He said there has been significant effort to address those standards. He said that changes to the plan have been enhancements from the original plans and in the interest of moving the process forward that the Planning Board would determine that a credible peer review is done.

He said he understood that it could be done very quickly and that their timeframes could be met. He said it is important to have a review of the materials now that the materials are substantially met and can be reviewed to support your assertion that you are meeting the standards as appropriate at this level. We can't count on HUD and federal agencies. He said he was sure they would do a good job, but the Board has a job to do as well.

He said the best way to accomplish that is to take these enhanced materials that have now been provided and get a review of what has been submitted and hopefully get a determination that based on what's been submitted that the information is credible. He said the Board has expressed their interest in working with the applicant. He said that he thinks this is a good project and he would like to see it go forward but he would like to see a professional to agree that it has at least met the minimum standards. Then the Board can go ahead and make the determination ultimately on the application. He said he would not be voting but would be asking the Board to consider that.

Jack Franks asked if there is anything for Site Plan Review that they have not provided.

Dana Clow said they had everything today.

Mr. Franks said that they have given the documentation that site plan requires, DES is the peer review. HUD will have stipulations that they will have to meet, there will be reviews done for wildlife and historic reviews.

Dana Clow said you are here for Site Plan Review

Mr. Franks said that is not part of the site review process.

Kim Opperman said Let's say we approve it tonight and it changes two or three times.

Susanne White said these are things that will be discussed, but she wanted to open the public hearing.

Susanne White opened the public hearing and acknowledged John Segedy.

John Segedy said he appreciated that some of the issues he wanted answered at the Zoning Board level have been addressed by sending this out to the Conservation Commission, Fire Department, and some traffic people who say they don't need a traffic study. So that's good.

He said in light of this project being located between the dump and the school, it doesn't matter where the bus stop is because the kids are going to be cutting through and walking to school through the back way. Even if you put a fence, there will be little openings in them, and kids will go through.

Mr. Segedy said, for the record he was the opposing member of the Zoning Board on this project which has to do with its location between the dump and Sylvania and the lack of information that he thought was being provided at that time. The location is an issue as a matter of social justice. He said, you have people that are generally going to be poor next to a dump, on top of possibly contaminated ground water and next to propane tanks.

It's a wonderful project and the Town needs it, but this location does not make sense. With all due respect, there are a lot of places where this could have been put. He said up on the hill where the Market Basket was supposed to go, properties down the east end of town. He said it was mentioned that the monitoring wells were put in by Hannaford, Hannaford pulled out before it got very far. He guessed if there was no data there and nothing was taken it was not because there was nothing to see but because they pulled out. If there are monitoring wells they should certainly be sampled.

There was talk about impact on the schools and how many kids over the past few years in your other project. All schools in New Hampshire have had a decrease in population following the downturn in 2008-2010 including in Hillsborough. Now we are seeing an increase. He said he would echo the Superintendent's comment that it is very possible to have a lot more kids. He said he would be shocked with the things he is seeing with the increase in birth rates and young couples moving to town. You will have a lot more kids moving in and \$100,000.00 in taxes are not going to cover that. That is what the complaint is from the people in town have.

John Kergil said he has had a business in town for over 21 years. He said if you look at this property and what these people are trying to put in, I think it is very good. You are looking at the Sylvania manufacturing plant on one side and a car wash and a supermarket, police station, recycling area, a dollar store, and a highway to the north. It's a 10-acre property in the middle of this town. Everyone in this town has driven down Main Street. He refers to Hillsborough as "two, dollar stores and a supermarket". And no offence to the current Planning Board but a lot of things that don't happen in this town start right here. He said he has seen it in 21 years of being here. He said he is not blaming the Planning Board for anything because you have reasons why

you make decisions on why you do or don't do a lot of things. He said I think a lot of times things aren't done in Hillsborough because you can't make a mistake. If you do something, "who's going to get blamed". He said he believes this is a great project for this town. And in regard to the school system, he said he didn't think it was going to have a big effect. He said we need to start looking at things that will bring this town up from where it is. He said we need to start thinking about what is right for this town. He understands conservation but what are they going to do with that property? Something positive needs to happen, and this is positive. It seems that we tend to say "no" to a lot of things in this town, which is why Hillsborough looks like it looks.

Susanne White said that she wanted to say again that the Board is very anxious to work with this developer and see the project through to approval, but it needs to be done in the right way for the town.

Dana Clow said he wanted to respond to Mr. Franks question which was whether they had submitted everything that was required. He said yes, you have. The difficulty for the Board is that the majority of that was received within the last two days. There's no opportunity for the Board to evaluate that and for the most part these are lay people who are not qualified to review what has been submitted. He said that is why he is recommending a peer review. He said it is his understanding that it could be done in time for the Board's next meeting which should not interfere with their time frame.

Ms. Darrow said she was very concerned that a peer review is going to impact the schedule and asked, what are you really going to get from it? She said she was shocked if there was an engineer available to do a peer review.

Susanne White said she did want to have this discussion but there was at least one more person who wanted to make a comment. If after that, there are no more comments, the public hearing will be closed.

John Segedy said if you did peer review you could word it so it would be conditional on it being done before the next meeting.

He noticed the comment earlier about the Market Basket and doing something with this property. That is a wonderful teaser. If you wanted to use it, it would have been a wonderful thing to do with this property. It gets back to what I was saying before it does not seem like an ideal place to have people living with kids, and I do think there will be more kids than you are thinking.

Also, if you continue the meeting to next time to have information from a peer review, he urged there be more of an opportunity for input from the other boards. It would have been nice to have comments from the Fire Department and the Police Department as part of it.

Being that the Conservation Commission has just received answers to all of their questions and Richard did a bang-up job answering them to his ability, but the Commission would still like to respond. He urged the Board to re-open the hearing for public comment and for information from the commentors at a further date, so they have a chance to review it.

Mr. Franks said the original intent was to purchase the parcel next door. When they went to the ZBA they had the intention to locate a commercial development there.

Sylvania won't sell the property so that will not happen. He also said that Ms. Darrow is a licensed engineer, and the architect is a licensed architect. He said they are going to be working with licensed engineers at the state level and with New Hampshire Housing who has code requirements above and beyond the codes that any town or municipality has, and construction standards that are above the codes. We work with the Police Department and Fire Department directly for what they would like to see happen. We are working with a professional team that is recognized by the state and these people have brought multiple other projects to fruition because they are qualified to do what they do. He said he could honestly say there will not be another development in Hillsborough that will receive this much scrutiny. It will be like no other housing development ever before.

He said we are scratching the surface at the Site Plan level, and then there will be a dozen steps behind that. We have to go in order of how these things progress and there may be a need or an opportunity for us to come back. We may need to make some revisions based on additional engineering reports, but we don't frontload this stuff up front because it doesn't make any sense to do that. We are at the first step of many steps that have to take place.

Ms. Darrow asked the Board to take a look at the time and resources that have been invested in this. She said she understands Alternation of Terrain is a different permit and the Board has to make a decision on behalf of the Town. However, looking at this from the Town, knowing that DES is doing an additional step in reviewing to a very high level of detail for the information, which is parallel and very similar, just more detailed than the information you are requiring.

Her experience with a lot of the third-party reviews is they are for projects that are not going to reach the level of detail they are requiring. Multiple engineers and architects are going to review what you do afterwards.

Mr. Franks said DES requires with anything over 100,000sq ft of disturbance that they review everything. This is going to get more scrutiny than anything.

Susanne White asked for any other comments before she closes the public hearing.

John Segedy said the fact that Sylvania is not willing to part with that at this point means you should now consider that piece of property as future Sylvania development which is going to further encircle this property.

Susanne White said that was outside the sphere of tonight's discussion.

Anya Franks said she was not a citizen of Hillsborough, but of Walpole NH and she wanted to share her experiences as someone in a public school in New Hampshire where one of these projects is. She said she didn't see a lot of extra children in school with her. She spoke in favor of the diversity new families might provide.

Susanne White closed the public hearing.

Dana Clow asked, considering they widened the road 4 feet, would they consider having a four foot walkway on one side instead of two feet on each side.

Steve Livingston said that was a suggestion informally made by the Police Department.

Mr. Franks said he could, and they could “hatch” it too. He said they could adjust some of the lighting too. He asked Adam Charrette if he had looked at the lighting information, he sent to him.

Adam Charrette said he had, and he said the fixtures that were send did not appear to line up with the photometrics. He asked if there would be any more poles added.

Ms. Darrow said the photometrics needed to be sent back to the engineer due to the 4ft expansion of the road to make sure it is lit.

Mr. Franks said it would be maybe one or two more poles spaced differently.

There was discussion about lighting the walkway and about school bus pick up and drop off times.

Susanne White said she wanted to back to the discussion about peer review. She said Robyn Payson had been in contact with their engineers and she had some information.

Robyn Payson said that peer review is something that she discussed with the applicant from the beginning. She said that the Board would likely want peer review on the drainage.

She said the Board has three engineering firms that they work with for peer review. Robyn said she reached out to all three companies to get a cost and timing estimate. She said she spoke with Comprehensive Environmental, but they didn't end up sending anything in. Northpoint Engineering sent an estimate of \$3000.00 and a turnaround time of August 17<sup>th</sup>. She spoke with Gale Associates who gave a \$3300.00-\$3800.00 estimate with a turn around date of August 12<sup>th</sup>.

She said there is no question that there is an engineering firm that would be able to take on the peer review.

The scope of review is of the drainage on the plan and the analysis report. Gale has offered to do an additional engineering review of the plans at no cost. The review will be taken on by Gale Associates and completed by August 12 as soon as the agreement is executed. When the results of the review are received on the 12<sup>th</sup>, they will be sent to the applicant.

Steve Livingston said he didn't feel that peer review was necessary. He said he disagreed 100% with Dana that this is needed at all. He said he spent a lot of money on one and nothing changed because he had a professional person in the first place. He said it was an egregious waste of time and money.

Melinda said she respectfully disagreed with Steve. She said the Board has a time crunch that is not of their making, and they are doing the best they can to work with the applicant so the Board can be done with this on the 17<sup>th</sup>.

She said at the same time, she didn't have time to review what they received this afternoon, and she is not an engineer. She said quite frankly on a 12 million dollar project, \$3800.00 does not unreasonable to ask for, and it gives the Board a basis when they come back on the 17<sup>th</sup> with a few days to look at it to make some decisions and hopefully recommend that they can approve this project.

She said with all due respect to Mr. Franks and Ms. Darrow, it is their time crunch. She said we are going to need those documents in time to review them on the 17<sup>th</sup>, if they want the Board to make a decision on the 17<sup>th</sup>.

Dana Clow said he doesn't think anyone expects them to be able to respond to the peer review immediately, but it does give the Board a basis for an evaluation to make a determination as to whether or not the project is approvable. He said that approval will come with conditions and those conditions are going to be based in part on that peer review. He said for a project of this scope to go without a peer review and rely on lay people to make the determination of compliance with your technical information is unheard-of. He said this is the largest project Hillsborough has seen in a long time.

Mr. Franks said that this is the first time in his professional time that there has ever been a peer review.

Kim Opperman said he has never seen plans submitted two days before and asking for approval.

Mr. Franks said he was just saying that he had never had this before.

Dana Clow said he had never seen a project like this that has not been peer reviewed.

Susanne White asked for a motion on peer review.

Melinda Gehris made a motion to send the plans to Gale Associates for a third-party peer review of the stormwater analysis to be paid for by the applicant and for a field review of the proposed development site for which Gale has agreed not to charge the Town of the applicant, with an understanding that Gale will provide their analysis by August 12<sup>th</sup> provided that they have a signed contract from the applicant by the end of this week. Nancy Egner seconded the motion.

Dana Clow said that it is up to Mr. Franks to agree to do the peer review.

Susanne White said that whatever recommendations come out of the peer review will be included in the conditions of approval of the site plan and will have to be adhered to.

Mr. Franks said he would have to talk to the state about how that would need to be worded. He said the Board can vote and he will wait.

Dana Clow said the last thing that they want to do is impede the project. He said he hoped it didn't come across that way, but its their time frame too.

Susanne White said the Board has been working very hard to make this timely and affordable and still meet the needs of the Town and give you the opportunity to get the work that you need done in order to get the approval.

Mr. Franks said he appreciated that.

Susanne White called for a vote. The motion carried with Jim Bailey and Steve Livingston voting No.

Susanne White asked Mr. Franks if he was willing to move forward.

Mr. Franks said he was.

Melinda Gehris made a motion to continue this application to August 17<sup>th</sup>. Nancy Egner seconded the motion. The motion carried unanimously.

## **Work Meeting**

### **Rules of Procedure**

Robyn reviewed the most recent changes to the Rules of Procedure.

Melinda Gehris provided some language for the Rules of Procedure pertaining to the necessity for engineers to be in person when representing an applicant at a hearing unless they are specifically excused.

Robyn will send out an updated clean copy to the Board.

There being no other business Ed Sauer made a motion to adjourn. Jim Bailey seconded the motion.

### **Meeting Adjourned 9:41 pm**

Respectfully Submitted,

Robyn L. Payson, Planning Director