

PLANNING BOARD
27 School Street
HILLSBOROUGH, NH
August 17, 2022

DATE APPROVED: 8/29/22

TIME: 7:01 p.m. – 9:20 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: Kim Opperman

Public: John Segedy, Babette Haley, Joyce Bosse, William and Nancy Shee

Call to Order:

Chairperson Susanne White called the meeting to order at 7:01 PM.

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

Minutes: 08/03/22 Melinda Gehris made a motion to approve the minutes. Nancy Egner seconded the motion. The motion carried unanimously.

Site Plan Review

219 West Main Street Map 110 Lot 170
Jack Franks-Avanru Development

Susanne White asked Robyn Payson if she had anything to say about the application.

Robyn Payson said she had no new plans to present to the Board. She said she received a memo at 5:00pm that afternoon from Ms. Darrow responding to the engineer's comments.

Melinda Gehris asked if there were updated plans for the Board to review. Ms. Darrow said she brought one copy of the updated plans. She said there was a lot of information in a short amount of time, and she would provide additional copies of the plans to the Planning Department.

Susanne White Directed Ms. Darrow to review her response to the peer review by Scott Bourcier of Gale Associates Inc. and identify the changes that were made.

1. The Detailed Site Plan (Sheet 5) appears to be incomplete. While the plan graphically illustrates the location of drainage structures and the alignment of the drainage pipe along with identifying (we assume to be) proposed drainage structure rim elevations, the plan does not provide the following details:
 - a. drainage structure information (i.e., material, size, inverts, etc.),
 - b. drainage pipe information (i.e., material, size, inverts, slope, etc.), and
 - c. drainage inlet/outlet information (i.e., headwall, flare - end sections, inverts, etc.).

Enclosed with this memorandum are updated site plans that include profiles for the proposed drainage structures. This provided details regarding the drainage structures, the pipes, and inlet/outlet information.

There were no comments or questions from the Board.

2. The Detailed Site Plan (Sheet 5) does not label the proposed contours of the detention ponds; therefore, we were unable to confirm the stormwater model elevations to that of the planset.

Each of the proposed contours were not labeled so as to avoid a cluttered site plan. The revised site plans include additional detail to more clearly depict future grade elevations.

Melinda Gehris asked about the location of the snow storage. She said that the snow storage was supposed to be moved out of the basins. Ms. Darrow said it was supposed to be shown.

Ms. Darrow said that she needed to provide in narrative form is the drainage analysis. She said there is a request for a bound report . They were in the process of being printed and bound and were not available at this meeting.

Melinda Gehris asked when they would be ready. Ms. Darrow said she expected they would be ready by close of business tomorrow. She said there was a lot of information in a very short period of time.

Ms. Darrow said that she could talk about the findings in the drainage analysis.

3. The drainage analysis did not include a report cover/title page, was not dated, and was not bounded. We recommend the Applicant improve the submission of the drainage analysis so that we may better reference the document and ensure information included within the report is not lost.

The revised drainage report includes a cover sheet for your convenience. These reports are not always bound for review purposed to allow for ease of access to the various report sections for review.

Ms. Darrow said she would provide a bound copy.

4. The drainage analysis does not include pre - development models for the 24 - hour peak rate of runoff for the 2, 10, and 25 - year storm events as required by Chapter 185 - 7 of the Site Plan Regulations, Subchapter 201 - 6.H(2) of the Subdivision Regulations. Chapter 185-7 of the Site Plan Regulations states as follows:
'...All development shall meet the standards and requirement included in the Town of Hillsborough Zoning Ordinance, Subdivision Regulations and other codes which may be adopted by the Town of Hillsborough, unless exempted or otherwise waived...'

The updated drainage report provides calculations for a 2-, 10-, and 25-year frequency storm events for the pre-development site conditions.

Ms. Darrow said that these comments are pulled from other municipal regulations and not just from the site plan regulations. They are going back to the calculations and eliminating the 100-year storm calculations.

5. The drainage analysis did not include post - development model for the 24 - hour peak rate of runoff for the 25 - year storm event as required by Chapter 185 - 7 of the Site Plan Regulations, Subchapter 201 - 6.H(2) of the Subdivision Regulations.

The updated drainage report provides calculations for the 2, 10, and 25 year storm events.

Ms. Darrow said she was looking at the 100-year storm event and not looking as closely as the 25 year storm event. She said she made the modifications in the updated plan.

6. The drainage analysis does not demonstrate that the proposed stormwater control measures maintain the post - development 24 - hour peak rate of runoff for the 25 - year storm event to pre - development conditions as required by Chapter 185 - 7 of the Site Plan Regulations, Subchapter 201 - 6.H(3) of the Subdivision Regulations. The drainage analysis does not appear to be complete as it does not

- a. model the proposed stormwater infrastructure (i.e., pipes, structures, swales, etc.),
- b. provide illustration that relates the model to the proposed infrastructure, and
- c. identify the point - of - interests (POI' s) for pre - /post - development runoff comparison.

The updated report has been revised to analyze the 25-year storm event instead of the 100 year storm event. The drainage plan has been updated to provide additional detail. The intent of the report is to provide a comparison of the runoff from the site in pre versus post conditions. Each catch basin and drainage detail is not included. To be more conservative, the sub-watersheds have been analyzed with the detention basins checked accordingly. This allows a determination of the net increase or decrease in the calculated volume of runoff in the pre versus post development conditions.

Ms. Darrow said in her opinion, this was a difference of engineering approach in the drainage analysis. She said she is taking a look at the site as a whole, what is the pre-development vs the post development rates of runoff, looking at the sub watersheds and ultimately where the stormwater is being discharged to. She said she was assuming that Mr. Bourcier wanted her to look at the watersheds and divide them up in to sub watersheds, look at the capacity of each catch basin and pipe and everything.

She said she thinks it is really important to note, for the volumes received, if we took a look at the entire flow or the watershed, the 18-inch pipe would be adequate. She said to go through and look at the detail of every 18-inch pipe which is clearly oversized for the flow received seems not necessary at this juncture. She said the bottom line is they want to be looking at is what the

water is doing off-site. Is it going to increase, decrease or stay the same? Ultimately, we want to ensure that we don't increase off site flow.

7. The submitted drainage analysis was not stamp/sign by a New Hampshire registered professional engineer in accordance with Chapter 185 - 7 of the Site Plan Regulations, Subchapter 201 - 6.H(6) of the Subdivision Regulations.

Once the review process has been completed a final stamped drainage analysis will be provided. It is significant to note that the drainage analysis submitted has been prepared by a New Hampshire registered professional engineer in accordance with Chapter 185-7 of the Site Plan Regulations, Subchapter 201-6.H(6) of the Subdivision Regulations.

Ms. Darrow said if he needs her to stamp it to complete his review she will.

8. Rainfall data and associated source of the storm events modeled within the stormwater runoff analysis was not included within the narrative of the drainage report.

The updated drainage report specifies the rainfall data and associated source of storm events modeled within the stormwater runoff analysis.

Ms. Darrow said that was correct and it has been updated.

9. The rainfall data is incorrect. Per the requirements of the New Hampshire Department of Environmental Services (NHDES) – Alteration of Terrain (AoT) Bureau, rainfall data is to be obtained by the Northeast Regional Climate Center's Extreme Precipitation in New York & New England website (<http://precip.eas.cornell.edu/>). The rainfall modeled for the 2, 10, and 100 - year storm events were 2.70 - inches, 4.10 - inches, and 6.00 - inches; respectively. According to the Northeast Regional Climate website (for the project location of 71.911 - degrees west and 43.113 - degrees north) the 2, 10, and 100 - year storm events should be 2.85 - inches, 4.20 - inches, and 7.37 - inches; respectively.

NRCS rainfall data was used in the original drainage report. The Town of Hillsborough regulations do not specifically identify a requirement to use the Northeast Regional Climate Center's Extreme Precipitation. It is correct that this information is required for the NHDES Alteration of Terrain Permit. That being said, the updated drainage report uses the rainfall data from the NRCCEP as you requested.

Ms. Darrow said saying that the rainfall data was incorrect was a misnomer, its different source of information. She said the Department of Environmental Services Alteration of Terrain Bureau requires the rainfall data from Cornell (from the research center Scott Bourcier referenced) is used in the analysis. However, an industry standard is using the NRCS data for these same storm events and that is what she used. It is a lesser volume, so it provides more conservative results. when she used the Cornell numbers, even with the greater volumes for the frequency storm events it reduces the volume, so she went back and used the Cornel numbers instead of the NRCS.

10. The drainage analysis modeled the storm events as a Type II. According to the Natural Resources Conservation Service (NRCS) 1986 Rainfall Distribution map, the storm events should be modeled as a Type III.

The drainage calculations have been updated for the storm events to be modeled as a Type III.

Ms. Darrow said she made the change.

11. There is no plan that graphically overlays the watershed boundary on a USGS quadrangle map. We were unable to confirm the overall watershed delineation limits, internal sub catchment boundaries, and determine if there are any contributing drainage areas that should be included within the stormwater model. We recommend that the Applicant overlay the established watershed boundary on a USGS quadrangle map.

Enclosed with this memorandum is the overall watershed boundary on a USGS quadrangle map.

Ms. Darrow said she didn't do it originally because they are on the crest of a hill, but she did ultimately add that information.

12. Due to the scale and 8.5" x11" sheet size of the Existing Conditions Drainage Watersheds (Drainage Report Appendix 3) we were unable to compare and confirm the Pre - development watershed delineation limits, drainage flow path(s), time - of - concentration(s), and analysis points of interest (POI). We recommend this information be provided on a full - size predevelopment drainage plan so that we may review, compare, and confirm.

The existing conditions watershed map was intended to be printed on a 24x36 sheet size. The updated drainage report includes a full-scale watershed map.

13. Due to the scale and 8.5" x11" sheet size of the Proposed Conditions Drainage Catchment Areas (Drainage Report Appendix 4) we were unable to compare and confirm the Post - development watershed delineation limits, drainage flow path(s), time - of - concentration(s), and analysis points of interest (POI). We recommend this information be provided on a full - size post - development drainage plan so that we may review, compare, and confirm.

The proposed conditions watershed map was intended to be printed on a 24x36 sheet size. The updated drainage report includes a full-scale watershed map.

Ms. Darrow said she was going to include #12 and #13 together.

Ms. Darrow said the reviewer said he was unable to read the watershed plans because they were on 8 ½" x 11" inch paper. The plans were intended to be 24"x 36".

14. Based on our comparison to the Proposed Conditions Drainage Catchment Areas (Appendix 4 of the drainage report), it appears no test pits were performed within the proposed locations of the three (3) detention ponds to support the infiltration rate being modeled. We

recommend that test pits be performed within the infiltration area as required by the Standardized Test Pit / Boring Protocol outlined in Chapter 2 - 4 of the NH Stormwater Manual, Volume II. We also recommend the test pit information be included within the drainage report and consist of percolation results, depth to ledge, and depth to seasonal high groundwater table. Last, we also recommend the associated test pit locations be graphically illustrated on the Proposed Conditions Drainage Catchment Areas plan.

The town of Hillsborough does not have a specific regulation that requires on-site infiltration testing as part of the design process. The infiltration rates used in the drainage analysis are based on the NRCS Soils Survey, and preliminary soil survey and test pit observations. It is requested that the infiltration rates be verified either at the time of the Alteration of Terrain permit submission, and/or the time of construction prior to installation to confirm design assumptions.

Ms. Darrow said they did go out and dig test pits at the locations of the drainage ponds. They moved the ponds around based on the information that was collected. She said they haven't gone out and completed infiltration tests. She said in her professional experience this is not part of the municipal review. You usually see that at the state level. The infiltration rates at NRCS are a substantiated assumption. It's based on scientific data.

15. The proposed development consists of detention ponds. There does not appear to be any means of accessing this infrastructure for maintenance. We recommend the Applicant design truck (not passenger vehicle) accessibility to and around the full perimeter of the drainage detention ponds. The assess-way design shall include, but not limited to, access-way plan/profile/cross-sections and detail(s).

There are three detention ponds designed to mitigate storm water runoff as part of this development. Access to and from the ponds is reasonable; however, a road with access for heavy trucks around the perimeter of the ponds is unusual, not necessary, and not a requirement in the Town's regulations.

Ms. Darrow said it is unusual to see a road around a detention pond. Some will and some will not. However, they do intend to be able to provide ongoing maintenance.

16. The plan set does not design the electric, telephone, and cable utilities.

The updated plan set shows the electric, telephone, and cable utilities.

Ms. Darrow said there is some information that will not be perfect at this level. She said at this point they area going to show where the utilities are going to lie.

17. The plan set does not include the profile and detail(s) of the potable water utility.

The plans set shows the location and details of the potable water utility.

Ms. Darrow said she did not have the profile. The potable water does not always have a profile especially since it is pressurized, but they can add that if it is necessary. They request that this be added as a condition of approval. They do have the layout of the water on the plans.

18. The plan set does not include the profile of the sanitary sewer utility.

The updated plan set includes the profile of the sanitary sewer utility.

Ms. Darrow said she has a sewer sanitary layout and profile on sheets 15 and 16 of the updated plan set.

Mr. Franks added that they have received the “will serve” letter from the Water/Sewer department. He said they will be seeking a CDBG grant to help improve the infrastructure of the town. He also said he will be looking into more ARPA funds. He said his goal as the developer is to try and get additional funds to help the Water/Sewer Commission upgrade. Some of those discussions are yet to be had but we are going to work with them to see that these things come together. He said some of these decisions come along later in the process and there are going to be mitigating circumstances like perhaps ledge. They may choose to go around it rather than blasting. Some of those things that come up will be shown on the “as built” plans at the end.

Ms. Darrow said what they are hoping to convey is that there might be some changes but what they are proposing is a feasible buildable project.

19. The plan set does not include centerline stationing, centerline radius information, centerline tangent information, profile, and 50 - foot cross - sections of the access drive.

The updated plans include the centerline stations. A profile and cross-sections can be provided, if needed.

Ms. Darrow said she did not get to finishing the road profile on the plans she submitted. She said that is something she could finish tomorrow and include. She said in this design they have stayed under 10% and have followed the Town of Hillsborough’s rules.

20. The driveway access detail (Sheet 9) identifies two (2) 11 - foot travel lanes from West Main Street to the housing facility, but then identifies on the Site Plan (Sheet 4) a 26 - foot width, which we assume consists of two (2) 13 - foot travel lanes. We recommend confirmation of the two pavement width designs.

The plan set shows a typical cross-section of the driveway with two 11-foot travel lanes and 2-foot shoulders. This is how there is a total of 13-feet for each lane.

Melinda Gehris said they thought there was going to be a sidewalk on one side.

Mr. Franks said that the intent the last time they were here was to widen the walking path. The road went from 24ft to 26ft with a four-foot walking path.

Ms. Darrow said that there was discussion about widening the road two feet but not putting a sidewalk in. She said she knew there was discussion about adding a four-foot walkway.

There was discussion about the walkway.

Mr. Franks said the walkway would be delineated and “hatched”.

21. The plan set does not design the sidewalk. (i.e. material, width, tip - down, curbing, etc.).

The updated plans set includes the design details for the sidewalk.

Ms. Darrow said she added a couple of curbing and sidewalk details.

Susanne White asked if there would be curbing on the sidewalk. Ms. Darrow said yes.

The curbing will not be on the walkway it will be on the front of the building. There was discussion about the curbing in front of the buildings.

Susanne White asked where they were leaving this.

Ed Sauer said the road is 26 ft wide with a four-foot walkway that will be striped.

Ms. Darrow said the walkway will not be curbed, it will be striped and painted.

22. The plan set does not appear to meet the required number of American Disability Act (ADA) car and van parking spaces, nor include signage and pavement marking detail(s).

The total number of required spaces are a total of 3 accessible parking spaces (car and van), and a minimum of 1 van-accessible spot is required. There are a total of 4 accessible parking spaces shown on the plan.

Ms. Darrow said she added the signage and pavement marking details.

Ed Sauer asked if the ADA parking spots would be taken away from the rest of the residential parking spots or is it in addition to the residential parking spots. Ms. Darrow said it was part of the total number of parking spaces.

Ed Sauer asked if that would cut the parking short.

There was discussion about the number of ADA parking spaces for both buildings. For each 42-unit building, there are 46 total parking spaces, two of which are ADA.

Dana Clow said ADA parking is always included in the total number of spots. It is not separate.

There was discussion about the number of parking spaces.

Melinda Gehris asked if the 42 units are done and there are 44 cars, there is no other option for them in this part of town. What would happen then?

Mr. Franks said there is the overflow gravel parking lot that is available. Should it be necessary in the future, it will be paved.

23. The plan set appears to graphically illustrate similar symbols for speed bumps and pedestrian crosswalks. We find this confusing and recommend different graphical illustrations for the two proposed development features.

The plans show a difference between the speed bumps and crosswalks.

Ms. Darrow said she did not change anything on the plan because she didn't find it confusing.

24. The plan set does not include an Erosion Control Plan.

The updated plan set includes a graphical depiction for the sediment and erosion control, in addition to the construction details and sequence already provided.

Ms. Darrow said she included her erosion details on sheet three with the construction details. She said she would like to have some flexibility during construction depending on product availability. You have to have something down grade from all areas of impact, and you have to have permanent control and off-site control. A permit that is going to be required is a Stormwater Pollution Prevention Plan that is filed with the EPA and it goes in to more details for sediment and erosion control. Often this will go back to the Alteration of Terrain plans.

25. The plan set does not include a Demolition Plan.

There is not a need for a Demolition Plan.

Dana Clow said they are cutting down trees.

Ed Sauer asked if the demolition is for 30 years down the road and the building is worn down. He said he knows wind towers have that. They have to have a demolition plan before they build a new one.

Mr. Franks said there is a Land Use Restriction Act that is from this state. This has to and will remain affordable workforce housing for a minimum of 50 years. There are reserves that are put away every year for repairs. After 15-year compliance period they can go back for Rehab Credits. He said there should be about half a million dollars available for any necessary improvements.

26. Based on the intent of the application being an 82-unit multifamily housing complex that proposes 115 parking spaces (95 new and 20 future parking spaces), we recommend a traffic study be performed to understand peak trip ends and the impacts along West Main Street.

This has already been addressed and the board and the NHDOT has determined that no traffic impact study is necessary.

27. The plan set does not include a sight distance plan and profile for the proposed development access road and West Main Street. We recommend the Applicant prepare a sight distance plan and profile that meets New Hampshire Department of Transportation's (NHDOT) Policy relating to Driveway and Access to the State Highway System, and AASHTO "Green Book" (latest edition) guidelines.

This information is more consistent with the requirements of the New Hampshire Department of Transportation driveway access permitting process. This project is being reviewed and we are working with the technical staff to address potential driveway concerns.

There was discussion about traffic. Ms. Darrow said they will be working with NH DOT on their driveway access permitting process. Mr. Franks said there will be a stop sign and a stop bar at the end of the road that accesses West Main Street. Kevin Belanger of DOT District 4 engineer submitted a letter to the Town expressing that he was not concerned about the increase in traffic created by the development.

There was a discussion about the construction of the driveway. Mr. Franks said Mr. Belanger, is working closely on the project and they will comply with DOT's requirements.

28. The proposed project consists of a vehicular guardrail system. We recommend the Applicant detail the guardrail system in accordance with the AASHTO Roadside Design Guide (latest edition).

The exact type of guardrail or fence is yet to be determined. As this is a private driveway, the requirements for guardrail vary from a public road.

Ms. Darrow said that compliance with the AASHTO guide may or may not apply to this development. It is a private driveway.

29. The proposed project consists of retaining walls. We recommend the Applicant develop retaining wall profiles of each proposed retaining wall with an existing conditions profile; proposed top and bottom of wall elevations; and fall protection guard system in accordance with Section 1015.2 of the International Building Code.

The walls will have to be designed according to the requirement of the Town of Hillsborough Building Code and the New Hampshire State Building Code. These codes refer to the International Building Code. This information is typically provided for a building permit and is unusual for site plan review.

There was discussion about the details of the retaining walls. Mr. Franks said the retention walls and guard rails will be designed by the contractors and will be compliant with International Building Code and the codes of the Town of Hillsborough. Erin Darrow said that the wall details will be submitted prior to construction.

Dana Clow said he agrees that the design of the wall comes under the building department and International Building Code, however it is part of site plan review. He said if the reviewer has asked for details on the site plan, (top of wall elevations, and ground elevations) so intermittently you can see how high the wall is. The site is constructed using those walls. The information is useful to the Board.

Ms. Darrow said she has the elevations and contours on the plans.

30. The plan set does not list supplemental permits to be secured as part of this project. We recommend the Applicant include a list of supplemental permits (along with the agency's approval date) on the plan set.

It is intended to obtain the additional required permits from the required governmental agency upon obtaining the necessary funding. A list of the anticipated permits is included on the sheet 3 General Details sheet of the plan set.

31. The site plan does not consist of industry standard site plan notes that
- a. Identifies the Land Owner and Applicant,
 - b. Purpose of the site plan (incl. identifying the number of one - and two - bedroom units),
 - c. Zoning analysis table,
 - d. Applicant/Owner responsibilities,
 - e. Engineer - of - Record responsibilities,
 - f. Contractor responsibilities,
 - g. Planning Board endorsement box,
 - h. Flood Plain information, etc.

The site plan does include the industry standard site plan notes. It is significant to note that there is not any flood plain in the project area.

Ms. Darrow said she cannot add to the site plan the number of one- and two-bedroom units because that information is still somewhat in flux.

Mr. Franks said there will be 18 two-bedroom and 24 one-bedroom units. Ms. Darrow said she would add that as a note.

Ms. Darrow said the other items are outside the normal kinds of site plan notes. She will however include the approval block on the plans.

32. The Landscape Plan (Sheet 11) graphically illustrates proposed vegetation but does not identify the species of the vegetation.

The landscape plan identifies generally tree and shrub locations. It is requested that flexibility be provided in species type depending on product availability at the time of construction.

Ms. Darrow said the type and caliper of trees is included on the site plan. They will fit in with the surrounding deciduous forest.

33. The Lighting Plan (Sheet 15) does not include light fixture details, light pole details, light pole foundation details, and the text of the photometric information is not legible.

The photometric plan meets the design intent. Flexibility regarding the light fixture details, light pole details, and pole foundation details is requested to be confirmed at the time of the building permit.

Ms. Darrow said they would like there to be flexibility as to the specific fixtures in case there are issues with ordering.

Mr. Franks asked Adam Charrette if he had any concerns with the lighting that was being proposed.

Adam Charrette said they were fully shielded and looked good. He said he would add a condition limiting the lighting to be 200,000 lumens for the whole site.

34. Many of the details included in the plan set appear to be scanned images that consist text that is not legible.

The revised plans should allow for improved readability.

35. While we are indifferent if the Applicant follows the American National Standard Institute's text height of 1/8 - inch, we recommend a uniform text height be applied to all drawing's sheets (including but not limited to), plan notes, call - outs, legend, details, etc. We also recommend (to the best extent possible) text, leaders, and graphical illustrations not cross or cover plan information.

This comment is more regarding style and approach rather than regulatory requirements.

The intent of the plan set is to not have things cover each other up. As far as the same size text, she tries to have consistency. She says she agrees that it looks a lot better when everything is the same size. She said she appreciated the input, but it seems it is more of a style issue than a regulatory issue.

Susanne White acknowledged the hard work this took and said Ms. Darrow was very responsive. She asked the Board members if they had any questions.

Dana Clow said going back to comment #6, it was interesting that she originally analyzed the 100 year storm which is in the array of storms that are assessed. He said since she had done the analysis, it would be prudent to know what happens in a 100-year event, how the detention basins function. He said it sounded like she had eliminated them.

Ms. Darrow said she included it in the detention basins. She said it is more conservative because she is assuming that the entire watershed is flowing into them, but not the entire watershed is flowing into them, so it is more conservative.

Dana Clow said Ms. Darrow replied, "it is significant to note that the drainage analysis has been submitted and prepared by a NH registered professional engineer". He said the purpose of the signature and seal is to certify that you are responsible for the work. He said, essentially you are saying "I will do it when it is all done" and noting that this has been prepared by a registered professional engineer when that is what the signature and seal does.

Ms. Darrow said having her name on it and taking ownership of preparing that does a similar thing.

Dana Clow said he is responding to Scott's comment and agreeing that standard practice for the engineer is to make a submittal and that you stand behind it with your signature and seal. He said what he interprets from it by the failure to sign and seal the documents is that you recognize that they are not 100%.

Ms. Darrow said the drawings are stamped but the report is not. She said if it adds a level of comfort, she has no issue stamping the cover sheet.

Dana Clow asked a question about the infiltration. He said she has taken credit for removal of a certain volume of water in those ponds through infiltration, and she notes she is using NRCS information. He said NRCS does not give a permeability factor, so you are using the descriptions and coming up with an infiltration component.

Ms. Darrow said it is based on general field information and they haven't done an infiltration test. They did have a soil scientist and a geotechnical engineer out there. She said she would see if they could provide something in writing that makes a further substantiation.

Dana Clow asked if Ms. Darrow knew the permeability rate in those soils.

Ms. Darrow said she did not remember it.

Dana Clow said, essentially, she has taken the information that is available from NRCS, and in her professional judgement determined the infiltration and that rate. He asked if that would be in her analysis.

Ms. Darrow said it was. She said the infiltration rate is determined on site and when you don't have that information, you have to make conservative assumptions. She said they are going to have to do infiltration testing for the AOT permit.

Dana Clow said that the other thing he took away from the meeting two weeks ago was, there is potentially high ground water in some areas. Because high ground water has the potential to significantly affect infiltration rates. He said he was sure Ms. Darrow didn't do a groundwater mountaining analysis which is typically required as a part of any stormwater facility that relies on infiltration. Mountaining analysis has a dramatic effect on infiltration rate. The drainage analysis is the highly technical part of this presentation. The drainage analysis is the hard-core engineering and that is where we have come up kind of short.

Ms. Darrow said as far as the infiltration rates, to get that information they have to go out and do some additional testing and then take that data and update the drainage and there is just not enough time to do that.

Dana Clow said he wasn't suggesting that they needed to, he was questioning the source of the numbers she used.

Ms. Darrow said it was based on anecdotal information and information from the team of people who are working with her that she considers to be the experts on soils. She said she knows they have to do infiltration tests.

Dana Clow said he was unaware the NRCS provides rainfall data.

Ms. Darrow said it does, but if they need to use the Cornell numbers for AOT then they should use them for the Town of Hillsborough.

Melinda Geris said she has spent a lot of time looking at this project. She complimented Ms. Darrow on her hard work over a short period of time. She said she has also had conversations with the town attorney. She said her goal was to figure out how we can get Avanru what they need, which is a decision they can use for August the 30th. That is not going to be easy because the statute for workforce housing has extra requirements that they wouldn't have if this was a regular housing plan or subdivision plan. So, she has been working very hard to find how they can do this. She said she wanted to talk about how generally they can do this.

She said, if the Board approves the plan tonight with conditions, that is a conditional approval. The next step is written notification to Mr. Franks. If they accept all of the conditions, they have a final decision. If they vote tonight to accept with conditions and Mr. Franks does not accept all of the conditions, we are still going to give the written notice tomorrow. He now has the opportunity to come back to the Planning Board to tell them all of the reasons he thinks the Planning Board is wrong. He has no less than 30 days to do that. That is going to be a problem for him because he is not going to get a decision by August the 30th. As soon as he gives notice that he does not like the conditions, he has to provide us with the evidence that the Board is going to look at as to why he doesn't like the conditions.

Once they get those, the Board has to notice a public hearing, and they need to have at least 10 days' notice to the public. That means it has to be sent in tomorrow in order for the hearing to be noticed in the paper in time. It is still possible if Mr. Franks does not like any of the conditions, she has worked out a way to get him back here on the 29th of August. That gives the Board the

potential to give Mr. Franks what he wants by the 30th. She said Mr. Franks is going to have to work with the Board by getting the evidence to the Board by 4:00pm on Monday August 22nd. That gives them four days and it gives the public seven days to look at whatever evidence they are going to give the Board. This is the only way to get the applicant what they need by the 30th. She said the Board has committed to this and she said speaking for herself that we want this project, and we want it to be successful. She said she wanted to work to make that happen. Melinda then asked the Board if they had any questions on the procedure.

She said the first thing they have to determine if the application will be approved tonight.

Melinda Gehris made a motion to approve the site plan application to construct two 42-unit multi-family structures at 219 West Main Street (Map 110 Lot 170), in 10.1 acres of land located in the Commercial District.

The project was submitted by Jack Franks of Avanru Development Group, LTD. On behalf of property owners William S. and Nancy M. Shee and in accordance with the plan titled: "Plan set for Site Development Plan Review Workforce Multifamily Housing development 219 West Main Street Tax Map 100 Lot 170 Hillsborough, New Hampshire dated July 27, 2022, prepared by Erin Darrow, P.E.,C.P.E.S.C. of Right Angle Engineering and as submitted as a part of this application with the following conditions:

Condition precedent of approval:

The applicant will provide a more complete drainage analysis which will include:

- a. Modeling the proposed stormwater infrastructure (i.e., pipes, structures, swales, etc.),
- b. Providing illustration that relates the model to the proposed infrastructure,
- c. Identifying the point-of-interests (POI's) for pre-/post-development runoff comparison,
- d. Includes accurate rainfall data obtained by the Northeast Regional Climate Center's Extreme Precipitation in New York & New England website (<http://precip.eas.cornell.edu/>),
- e. Model storm events as a Type III,
- f. Include in the stormwater model the overlay of the established watershed boundary on a USGS quadrangle map,
- g. Provide infiltration rates that will be verified at the time of construction prior to installation to confirm design assumptions,
- h. A drainage plan stamped/signed by a New Hampshire registered professional engineer in accordance with Chapter 185-7 of the Site Plan Regulations, Subchapter 201-6.H(6) of the Subdivision Regulations.

The revised drainage analysis must be reviewed by the Town's engineer to confirm the plan meets these criteria. If the plan includes this information, the condition is met. If the plan does not include the additional information the applicant must return to the planning board for approval of the revised drainage analysis and site plan.

General Conditions

1. Provide revised plans that address these issues:
 - a. electric, telephone, and cable utilities,
 - b. profile of the potable water utility,
 - c. profile of the sanitary sewer utility,
 - d. centerline stationing, centerline radius, centerline tangents, and profile of the access drive,
 - e. driveway access detail,
 - f. sidewalk detail,
 - g. moving of the snow storage out of stormwater basins, include top of wall and bottom of wall elevations.
2. Compliance with all local, state, and federal laws and regulations.
3. Provide a stormwater management plan for both during construction and after development is complete.
4. Provide a plan for dewatering of excavated areas and management of contaminated groundwater during construction.
5. The Owner's signature, and all professional stamps/signatures (including, but not limited to Land Surveyor, Wetland Scientist, Soil Scientist, and Engineer-of-Record) will be included on the final plans.
6. Submission of all Federal and State approvals (including but not limited to, NHDES Environmental Permits, EPA Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), SWPPP Field Reports, etc.).
7. A pre-construction meeting with the Applicant, the Applicant's Contractor, the Hillsborough Town Engineer, and any other Town Departments be completed prior to the commencement of construction.
8. Submission of annual stormwater inspection reports that identifies the third-party inspector (including name of company, contact information and name of inspector) date of the inspection, the name of the company, the results of the inspection, corrective measures performed (include date of completion).
9. The Developer will provide the Town a surety (cash, letter of credit, or bond, subject to Town Attorney review) to cover construction costs associated with the development of the site improvements (road, sewer, water and drainage) to continue for the time of construction in an amount to be determined by Gale Associates at a cost of \$1,800 to be paid by the applicant and to be determined by Gale within 30 days.
10. Submission of certification that all Town engineering review fees have been paid in full prior to the signing of the site plan by the Planning Board Chair.

11. All catch basins and drainage structures shall be cleaned at the end of construction.
12. The Planning Department shall receive final as-built plans in electronic format and full-sized hard copy.
13. A restrictive covenant shall be recorded stating that the units in this Workforce Housing development may not be rented to or sold to any household whose income is greater than that specified in RSA 674:58, IV for a term of 30 years.

Adam Charrette amended the conditions to add the following:

14. All light fixtures both pole and wall mounted will be fully shielded and “Dark Skies” certified with a maximum 3000 kelvin color tone
15. A site lumen total shall not exceed 200,000 lumens for all combined lighting fixtures with the exception of emergency only lighting

Melinda Gehris accepted the amendment.

Jim Bailey seconded the motion.

Melinda Gehris said she believes that with the exception of the drainage report, everything she has asked for is contained in the plans, the only thing that is different is the surety because the current plans are not in great enough detail to estimate an amount.

Mr. Franks said that he has never had to have a surety bond with a town. They have a bond with the state. He said it would be an onerous burden to put on a Workforce Housing development.

Dana Clow said what he has seen on private site plans is if the developer decides to vacate the property, the bond is for restoration of the site not completion of the work. He said the question is, what are you asking for the bond for? Is it for completion or restoration? Then direct Gale Associates to determine it accordingly.

Melinda Gehris said the language that she used was the language provided by Town Counsel. She is concerned that this is a big project, and we have towns people who are going to look to the Board and say what happens now if there is a problem?

Susanne White called for a vote. The motion carried unanimously. The application was approved.

Melinda Gehris asked for input from the applicant.

Mr. Franks said he was taken aback with the bond. He said the project is bonded by the state. If something happens to the company, there are measures in place that ensure the project will get built.

Melinda Gehris said, Robyn Payson will send Mr. Franks a copy of the decision tomorrow. She said she suspected Mr. Franks would want to come back and challenge the bond requirement. She said in order to do that to meet his deadline that has to happen by the 29th. If there is something he wants to come back and object to or provide evidence of why he should not be required to do it, that's got to happen by the 29th. She is proposing the Board schedule a special meeting on the 29th with an understanding that if he gets the written conditions and accepts them, he has his final decision they will convene on the 29th and tell the public who come that they don't need a meeting. But if you have something that you do want the Board to reconsider, they will have met the notice requirement and they will have a process in place for them to come in and talk about the conditions and have the Board potentially make a decision on the 29th so he has everything he needs by the 30th. If the Board doesn't need the meeting, they can cancel it.

Mr. Franks said he would have to run an approval with conditions by NH Housing. He said his preference was for them to go through the list and get back to him by Monday.

Melinda Gehris said she needed to have any evidence supporting objections to any of the conditions by Monday the 22nd.

There was further discussion about what was required to move forward.

Melinda Gehris made a motion to schedule a special meeting of the Hillsborough Planning Board to be held on Monday August 29, 2022 at 7:00pm in The Media Center, Hillsborough Deering Highschool, for the purpose of reviewing an evidence from the applicant regarding the conditional site plan approval pursuant to RSA 674:60 on the application submitted by Jack Franks of Avanru Development to construct two 42 unit multi-family housing structures in the Commercial Zone at 219 West Main Street Map 110 Lot 170 with the condition that any evidence that the applicant would like the Board to consider on the 29th will be provided to the Planning Department by 4:00pm on Monday, August 22nd. Jim Bailey seconded the motion. The motion carried unanimously.

Rules of Procedure

Robyn Payson asked if anyone had further changes to the Rules of Procedure.

Melinda Gehris said she had been approached by a member of the public with two concerns about the Rules of Procedure. One concern was that they are cutting off public comment after eight minutes. And when they have something like the current application it is too short a time to respond to a very complicated application.

Ed Sauer said it is quite common in situations where you have a lot of people, and there is an opportunity for a second round to speak.

Melinda Gehris said the Chair has the discretion to allow someone to speak longer if there is something new to be added.

Susanne White said the issue is when someone has something new to add that has not been brought up before.

Melinda Gehris said the other concern was about destroying the recordings. She said the concern raised to her was what would be a legitimate reason for not holding on to recordings.

Robyn Payson said there is no reason for them to be kept once the minutes are approved. She said according to the state retention statute, it says “all audio recordings shall be destroyed upon the approval of the official meeting minutes per RSA 33:3-a. There are two reasons why they should be destroyed. First there is no reason to keep them because the written minutes are the official record of the meeting, and second, it is in line with state statute.

John Segedy was recognized to speak. Mr. Segedy said the statute Robyn Payson referred to is a minimum that recordings are kept. It does not say you should destroy them. He said he has years of recordings on a very old laptop and still have plenty of space on it. This is not taking up electronic space on a server. It is a minimal amount of space. He said there is no reason to erase them except to try and control information. He said it makes the Board look bad because they look like they are hiding things.

He went on to speak on his other concern. He said when someone has two hours, to expect somebody to respond that that in five minutes or eight minutes is not fair and it makes it look like you are not giving the public due process. It almost makes it automatic that someone who did not get a chance to bring a point up, to have an automatic reversal of your decision. He said he would also suggest that one of the purposes of citizen boards like this is to give the public a chance to have input on things and to feel like they were heard. To just shut people off like that defeats one of the purposes of having these boards so people don't have to go to court. This board and the Zoning Board of Adjustment are there so people don't have to take everything to the court. Even if their point was not agreed to, at least they got to have their say. He says he feels like they are not doing that.

It was pointed out that the rules were missing a provision that included reading written comments from the public into the record. This could help people who have a lot to say get their comments on record.

Steve Livingston asked if there had been any time when public comment went on and on.

Susanne White said there had been occurrences.

Jim Bailey said there are reasons to have that because things can get out of hand. He said it is good to control it.

Steve Livingston asked who reads the written comments that are submitted.

Melinda Gehris said it would be the Chairperson or their designee.

Steve Livingston said written comments might be the only way a person would want to submit their comments.

Following discussion, it was determined to add to section 6.5 “Any written comments

previously received will be read at the commencement of the public hearing.”

Robyn Payson distributed materials from Matt Taylor sent on Gateway Zones. He will be at the meeting of September 7th to discuss them with the Board.

Robyn handed out some examples of decisions that used “findings of fact” as a part of their process.

There being no other business Melinda Gehris a motion to adjourn. Ed Sauer seconded the motion.

Meeting Adjourned 9:20 pm

Respectfully Submitted,

Robyn L. Payson, Planning Director