

**Planning Board
Board Room, Municipal Building, 7:30 PM
October 2, 2007**

Members: Nancy Collier, Judith Esmay, Bill Dietrich, Bill Baschnagel

Alternates: Joan Garipay

Selectman Alternate:

Staff: Vicki Smith, Jonathan Edwards

Others: See attached sheet

1. Request for site plan waiver by Dartmouth College to install a concrete pad to be used as a base for sculpture at Sherman House, 37 North Main Street, Tax Map 37, Lot 43, located in the "I" zoning district.

Jack Wilson presented photographs of the site and sculpture. The base of the sculpture will be bolted to the concrete pad, which will be buried out of sight. No lighting or water will be associated with the sculpture.

Ms. Smith asked whether the installation of a simple concrete pad with which no utilities are associated might qualify for the exemption from site plan review granted such projects as bicycle racks, bus shelters, and blue lights. Mr. Edwards observed a committee is presently considering this and other permitting issues. The Board agreed to support the staff in making site plan exemption decisions for minor projects that do not involve noise, lighting, or considerable disturbance.

A motion to grant site plan waiver for the sculpture pad was made by DIETRICH, seconded by ESMAY, and approved unanimously.

2. Discussion of storm water management provisions to be added to the Subdivision Regulations.

COLLIER stated that review would focus on the second draft of storm water regulations dated July 10, 2007 and that the review is a continuation from the last Planning Board meeting.

Joanna Whitcomb, a planner in the College's Planning, Design, and Construction Office, submitted a review of the proposed regulations prepared by a storm water engineer. Mr. Edwards stated that, in the absence of storm water management standards, contractors make discretionary choices of appropriate contractor's means and methods. Storm water management imposes additional costs on the project. Without objective standards, the subcontractor and the site engineer are responding to conflicting interests. Erosion problems at development sites can be traced to this conflict.

Mr. Kulbacki pointed out that as seasons change there needs to be some regulatory flexibility for the contractor's approach to storm water management. COLLIER asked the staff to discuss erosion control issues with the College's Planning, Design and Construction Office and Mr. Kulbacki.

Mr. Kulbacki discussed his suggestion regarding the underground placement of utilities in Section 1501. BASCHNAGEL did not think the regulations should state that all underground utilities should be encased in concrete. Mr. Kulbacki stated this is the standard practice that is followed in rights of way.

BASCHNAGEL didn't think the regulation should prohibit new poles from being installed. Mr. Kulbacki explained that this applies only to subdivisions of three or more lots. He observed there is a desire to limit the number of new poles. If utilities are going to be underground, trenching should start from the last pole, not a new pole. BASCHNAGEL didn't feel that a distinction can be made based on the categorization of major or minor subdivision. Ms. Smith pointed out that on page 52 there was nothing that stated there is a difference between major and minor subdivision standards. COLLIER stated this should be titled 1505 not 1501. She pointed out that the underground utilities and conduits within the right of way should have a minimum of 30" of cover. She recommended *concrete encased conduits in the right of way* needs to be added to the sentence. She stated the next two sentences should be taken out as they repeat what has already been stated.

COLLIER asked the Board if it was going to allow new poles, noting that subdivision regulations can be waived. ESMAY said that a purchaser of land for development should take all the regulations into account and recognize that a particular piece of land may cost more to develop due to the regulations. She also said that a waiver could be granted when it is not possible to go under the road with the utilities. Ms. Smith stated one of the nicest things about Fern Lane is that all the utilities are underground. BASCHNAGEL said his concern is the added cost that the developer will take on if new poles are not allowed. He thought the language should require underground lines for projects with four or more houses.

Barbara McIlroy asked if there was a less expensive way to carry the utilities. Mr. Kulbacki said the only option would be an onsite* power generator. He noted the biggest cost is in digging the hole, not in the conduit.

DIETRICH said he would be more comfortable if the language stated *unless otherwise approved by the Board all underground utilities shall be located within the rights of way, but leave in no new pole shall be installed.* He stated this leaves the Board the flexibility it may need. It was decided the language should read *unless otherwise approved by the Board utility feeds shall be brought underground from the existing utilities and no new poles shall be installed.*

Page 11, #4, *Impacts on neighbors.* BASCHNAGEL asked if the regulation should apply to all subdivisions. He stated it is one thing to regulate a quarter acre lot and another thing to impose the same regulations on a ten acre lot where there is plenty of room to work. COLLIER asked if this really should apply to only major planned residential developments. Ms. Smith asked why any land owner should have their vegetated buffer damaged by a drainage swale created on an adjacent property. BASCHNAGEL stated it needs to be made very clear that the developer of a lot is liable for any damage caused to any other lot. Ms. Smith stated the way this is currently written it will apply to both major and minor subdivisions.

Mr. Edwards stated there may be a way to deal with this differently in the PRD section since that is where this situation happens more frequently. He thought of it as a design guideline that is used as a performance standard. It could be presented as a warning to the developer if the Board believes the plans jeopardize the neighbor particularly with regard to changes in water flow. Ms. Smith observed that cutting trees to the plot line will affect neighboring land; at question is how deeply into the neighbor's lot the impact will go.

Mr. Edwards suggested that the language read *particularly within required setback areas with respect to effects on abutters.* COLLIER stated #4 will be dropped and Mr. Edwards will work on drafting a new 1602 1A to replace it.

Page 11, #5, *Existing natural surface waters*: It was stated this is basically the same as #4. COLLIER asked if the Wetlands Committee should look at this since that group has been working on these issues. She stated this is really a zoning change and is misplaced. Ms. Smith agreed this had to do with new development and new areas. COLLIER stated this applies to major subdivisions and big projects, not each individual project. She thought it should be written for major subdivisions and not in the storm water section of the Subdivision Regulations. Ms. Smith agreed. Mr. Edwards said he would recommend that this be taken out, and the Board agreed.

Page 11, #6: Mr. Edwards stated this section encourages nonstructural storm water management measurements and low impact development approaches when appropriate. The draft assumes use of infiltration and low impact development as the default position. If someone is not planning to use those techniques, the Planning Board needs to know why. The Board agreed to leave the section as is.

1603 *Installation in Construction*: Mr. Edwards said this section is an attempt to define in an orderly fashion a clear set of responsibilities: who is responsible for designing, who is responsible for constructing, who is responsible for adhering to the engineering standards that the Board has approved, what happens in an emergency, how things are inspected, and how often inspection occurs.

BASCHNAGEL said if the intent is to have the applicant be responsible then A2 needs to be changed as it makes the construction site operator responsible. Mr. Edwards will rearrange and reword this section. COLLIER suggested giving each section a heading.

Page 16, #11: BASCHNAGEL said that between October and May, unstabilized areas of soil disturbance should be no larger than two acres. Mr. Kulbacki stated the intent is to make sure that no more than five acres drains into a single sedimentation area.

Scott Williams, Pathways Consulting, suggested that the word *stabilized* be defined. COLLIER stated there are definitions on page 22. Mr. Edwards stated he would add *disturbed portion*, but will take any suggestions that Mr. Williams can e-mail him.

Page 16, C1 *Inspections*: BASCHNAGEL said the word *shall* should be removed where it applies to the Town. Mr. Kulbacki agreed and will work on the wording with Mr. Edwards. BASCHNAGEL suggested all inspections be included in this section.

1604 *Post Construction Maintenance and Verification*: COLLIER thought that the numbers need to be fixed in this section.

BASCHNAGEL suggested that items 3-8 on page 18 should all be under the purview of the Public Works Director. Mr. Kulbacki said that those items are best handled as a joint effort between Planning and Zoning and Public Works. BASCHNAGEL thought a statement about *review and approval* should be added. Mr. Edwards will rewrite it as follows: *review and approval of an O&M plan by the Planning and Zoning staff with the prior review and advice by the DPW Director*. COLLIER asked what recourse the applicant will have if they don't agree with the decision. Ms. Smith said the applicant can then come to the Planning Board.

1605 *Enforcement*: Mr. Edwards stated this enables the Selectmen to set a fee for this purpose. ESMAY asked if the Planning Board has the power to authorize the Select Board to act. Mr. Edwards stated technically no, but this closes a loop and directs someone that has an issue to go to the Board of Selectman. COLLIER stated she would like Mr. Edwards to consult with Walter Mitchell on the wording.

Appendix B, *Construction Erosion Control Plan*: Mr. Kulbacki stated this is a method of assessing the risk

of damage due to erosion. He stated this is a tool that can be used with contractors when changes have been made to a site. COLLIER asked if these belong in the Subdivision Regulations. Mr. Kulbacki stated they could be a separate document.

Mr. Edwards asked if the redrafting should be based on the Planning Board's input or on the input that the staff agrees to with Dartmouth. COLLIER stated Dartmouth should be given some time and then if Dartmouth brings up additional changes the staff feels should be included then those items can be put in the redraft in bold letters.

Mrs. McIlroy asked if the meetings with Dartmouth are public. Mr. Edwards said they are not. COLLIER stated the Board would expect Mr. Edwards to report back after he meets with Dartmouth and Dartmouth would be invited as well.

3. Other business:

Upcoming Planning Meetings:

November 6th High School

November 13th Route 120 and continuation of discussion of storm water management provisions to be added to the Subdivision Regulations.

November 20th Zoning Issues and Rural Committee Update

4. Adjourn: Meeting adjourned at 10:21 PM

Respectfully Submitted,
Erin Hammond, Recording Secretary
Judith Esmay, Clerk