1. CALL TO ORDER

2. APPROVAL OF MINUTES
   
   A. NOVEMBER 30, 2016
   
   Documents:
   
   Item 2 Approval Of Minutes November 30 2016.Pdf

3. PUBLIC HEARINGS
   
   A. CARTER COUNTRY CLUB INC./CARTER GOLF, LLC -
      Request for a Preliminary Review of a Major Subdivision called Carter Country Club Houses on the Hill consisting of 307 single family lots and the relocation of an existing 9-hole golf course located at 257 Mechanic Street, Tax Map 132, Lot 16 and 53 Poverty Lane, Tax Map 117, Lot 10, Lebanon, NH in the R-3 Zone. #PB2015-11-PMAJ
   
   Documents:
   
   Item 3A Carter.pdf

4. NOTICE OF REGIONAL IMPACT

5. STUDY ITEMS

6. OTHER BUSINESS

7. OPEN DISCUSSION

8. ADJOURNMENT

Please note times indicated for agenda items are estimates and are for guidance purposes only. Agenda items are subject to presentation out of order due to removal of items or change in agenda sequence.

The public may appear in person or by agent or counsel and provide testimony stating the reasons why these requests should, or should not, be granted. Any person with a hearing disability who wishes to attend this public meeting and needs the services of either a sign language interpreter or special equipment (FM system), please contact the Planning Office at 603-448-1457 at least 72 hours in advance so the City can make any necessary arrangements. All plans are available for review Monday-Friday from 8:00AM to 4:30PM at the City of Lebanon Planning Office, City Hall, 51 North Park Street, Lebanon. For more information about what is happening with these applications and in the City, please visit our website at www.lebanonnh.gov
LEBANON PLANNING BOARD
SPECIAL MEETING AGENDA
Council Chambers, City Hall
Wednesday, January 25, 2017
6:30pm

CALL TO ORDER

APPROVAL OF MINUTES
NOVEMBER 30, 2016

Item 2 Approval Of Minutes November 30 2016.Pdf

PUBLIC HEARINGS

CARTER COUNTRY CLUB INC./CARTER GOLF, LLC
- Request for a Preliminary Review of a Major Subdivision called Carter Country Club Houses on the Hill consisting of 307 single family lots and the relocation of an existing 9-hole golf course located at 257 Mechanic Street, Tax Map 132, Lot 16 and 53 Poverty Lane, Tax Map 117, Lot 10, Lebanon, NH in the R-3 Zone. #PB2015-11-PMAJ

Item 3A Carter.pdf

NOTICE OF REGIONAL IMPACT

STUDY ITEMS

OTHER BUSINESS

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Documents:
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AGENDA
PLANNING BOARD- SPECIAL MEETING
JANUARY 25, 2017

AGENDA ITEM 2
APPROVAL OF MINUTES:

NOVEMBER 30, 2016
I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Vice Chair Davio, who appointed Mr. Garland and Mr. Wyatt to sit for Ms. Celtrick and Mr. Schwarz.

II. APPROVAL OF MINUTES: September 28, 2016

Changes: Page 1, line 31, replace “said” (first occurrence) with “said”; page 3, line 6, replace “recourse” with “remedy”; page 5, line 2, replace “my” with “may”.

Mr. Brooks noted that on page 3, lines 44-45, the “Etna Road” project Mr. Finley referred to was likely Timberwood Commons, and “Quarry Pond” likely referred to Densmore Pond.

Lewis Greenstein moved to approve the minutes of the Lebanon Planning Board meeting of September 28, 2016 as amended. Seconded by Bruce Garland.

*The motion passed 7-0.

III. PUBLIC HEARING

OLD BUSINESS:

A. CARTER COUNTRY CLUB, INC./CARTER GOLF, LLC—Request for a Preliminary Review of a Major Subdivision called Carter Country Club Houses on the Hill, consisting of 307 single-family lots and the relocation of an existing 9-hole golf course located at 257 Mechanic Street, Tax Map 132, Lot 16, and 53
Property owner Doug Homan represented the applicant. Vice Chair Davio asked about the drainage plan. Mr. Homan said a lot of progress has been made. Ms. Hall said she just received the package. Vice Chair Davio asked about the water study. Mr. Homan said there has been a lot of back-and-forth with the City, but he did not have the information he needed to commit to doing it. He said as of today, he has the answers, and the study will begin. Ms. Hall said she does not have the layout of the water plan. Mr. Homan said that will not delay the study. Ms. Hall said they need the layout to do the modeling. Mr. Homan said he will make sure that happens.

Melissa Billings, Ward 2, asked whether the applicant is accountable to the regulations that were in place when the application was submitted. Mr. Brooks said that is correct. Ms. Billings asked why the City would allow Mr. Homan to benefit from new water and sewer regulations. Gregory Schwarz, Ward 2, speaking from the audience, said the Board has the right to know the full story regarding changes in standards, as that could apply retroactively to other applications. He said some citizens met with Public Works about the details of a compromise with Mr. Homan. He said Public Works Director Michael Lavalla lowered the standards for this development. Mr. Schwarz said the standard is 600 gallons, and that was lowered to 240 gallons to accommodate this project. He asked why the standards were lowered for this application and not for any other recent applications. He asked why the Board was not informed of this so the Board can make the decision about lowering this important standard.

Mr. Brooks said he was not part of those discussions. Ms. Hall said the NHDES standard is about 60 gallons per day per person in the household, and the City standard is 150 gallons per bedroom. The City standards were based on two people per bedroom; Hanover uses the same standard. The City has been thinking about changing the regulations to see what would really be used so they do not have to reserve as much capacity. She said a four-bedroom house is not usually occupied by eight people. She said they are holding this application to the 150-gallons-per-bedroom standard, and that will not be negotiated down. Ms. Billings said at the last meeting, engineer Rod Finley said he reached a compromise with the City on standards. She asked if it is correct that this application will be held to the standard of 600 gallons per day for a four-bedroom house, with no compromise. Ms. Hall said that is correct.

Mr. Homan said everyone agrees that the 600-gallon-per-day standard is ridiculous, but the peaking factor is the problem. He said today, sink and toilets use less water, but the City has not changed their standards. He said the City uses a peaking factor of six times the actual daily flow. Ms. Hall said that is the NHDES standard for peaking. Ms. Billings said it is not the Planning Board’s job to decide if a regulation is good. She said Mr. Homan knew what the standards were, and if he does not like them, he can take his project elsewhere. Louisa Spencer, Ward 2, said an article in the Valley News implied that residents are frustrated with the Planning Board. She said they are frustrated because they cannot get all of the information, and they do not know how much free capacity there is in the system. Ms. Monroe said she told the Valley News that she felt the public was frustrated by having to come to meetings again and again.
Vice Chair Davio asked about the sewer study. Mr. Homan said it is in process. They know what they have to design for. Vice Chair Davio asked about the wildlands fire protection report. He said the report refers to a required 30-foot defensive space, but it is not clear if that is between the structure and the fire area or between buildings. Mr. Brooks said he believes it is between the structure and the potential source of ignition. Mr. Homan said he believes it is where the lots abut the area of highest risk.

Vice Chair Davio said the Board would go through emails they received. He said the intent is not to cover every point, as some have already been discussed, and some are awaiting more information. Mr. Brooks said the staff is working to compile a complete list of all of the comments and questions that have been received so they have the questions, who asked them, and the response. The Board reviewed emails from Billings (Dec. 2015) and Hancock (Dec. 2015). Mr. Homan said he was offended that they have to review the emails again. He asked why staff cannot look through them and compile them. They reviewed emails and letters from Sorenson (Dec. 2015), Loebel and Cawthorn (Jan. 2016), Billings (Feb. 2016), Billings (March 2016), Sorenson (March 2016), Sorenson (April 2016), Sorenson (also April 2016), Tedeschi (April 2016), Billings (July 2016), Melahn (Feb. 216), Pierce (Jan. 2016), Long (Jan. 2016), a Jan. 2016 letter from several King’s Grant residents, Billings (April 2016), Ryder (Sept. 2016), and letters from Barry Schuster and the CCBA and Liberty Utilities.

Elizabeth Tedeschi, Ward 2, said there is a reference to a tree buffer. She asked what the buffer is and whether it is comparable to King’s Grant. She said she heard that 40% of the trees would be saved, but based on the plan, that seems unlikely. Vice Chair Davio said that will be addressed with Mr. Finley. Henry Billings, Ward 2, asked what constitutes “scattered and premature.” He read the definition from the Subdivision Regulations. He said Russ Thibault stated that the project would never pay for itself and that it would be a negative $150,000 to the City’s tax base. He said Mr. Homan stated it would be a negative $1 million. He asked what the number is that represents excessive public expenditure. Mr. Brooks said there is not a fixed number. The City has accepted projects knowing they would not pay for themselves, including the Rivermere and Twin Pines projects, because that type of housing was needed. He said that is one of the things the Board will have to consider. Ms. Spencer said residential developments never pay for themselves; the services people demand outpace the tax revenue. It is a matter of proportional benefit. Dr. Morley said the real question is how to bring revenues and expenditures more in line. If there were fewer units, and the price point was higher, would the tax base be able to support the expenses? He said he does not know the answer to that question.

(Ms. Prentiss arrived at 6:54 p.m.)

Mr. Garland said the City and School District are responsible for different costs with no dialogue between them. He said Mr. Thibault’s projection is based on the number of additional children in the school system, but the School Board has projected flat attendance over a 10-year period. Benedicte Henrotte of Farnum Hill Road asked if the developer can mitigate the impact by doing certain enhancements. Mr. Brooks said the Board can impose exactions for improvements necessitated by the project, limited to water, sewer, drainage, and transportation, but he does not think they can ask a developer to pay more. Impact fees recoup infrastructure investments that make development possible, including fire service, police, schools, and recreation, and that
money (exactions and impact fees) needs to be spent within six years. Ms. Henrotte asked if the applicant can offer to do more. Mr. Brooks said he does not think so, but he could look into that.

Mr. Porter said the scattered and premature determination refers to eight topics, and he would like to know when the Board will have all the information they need and set a timeline for a decision. He said regarding Section 12.3.B(1) of the Subdivision Regulations, the Board opted not to request a study of agricultural soils, there were natural resources and wetland studies, and they are waiting for the water study. Regarding Section 12.3.B(2), Mr. Porter said Mr. Thibault addressed the fiscal impact, but he did not recall discussion about busing. There was a reference in the traffic study, and mitigation was recommended. Mr. Garland said the Planning Office can contact the School District. Mr. Brooks said it is the applicant’s responsibility to get the information. Sheila Moran said she is a retired school principal, and she does not think an email to the bus coordinator would be enough. She asked if buses would be expected to go through the development and how much access there would be to buses. If the buses cannot get all the way in, that would be a hardship for families. Mr. Homan said the roads will be built to City specifications, and City roads can accommodate buses. Ms. Monroe said information is needed from the School District. Mr. Porter asked if an additional bus would be required because of the number of students. Ms. Billings said with hundreds more cars exiting via Buckingham Place, children could be on the buses longer while waiting for traffic.

Section 12.3.B(3) was discussed in the traffic study. Regarding Section 12.3.B(4), Mr. Porter said they have heard from the Solid Waste Manager and the Fire Department and are awaiting water and sewer studies. Ms. Spencer asked if those studies will tell them how much capacity there is in those systems. Mr. Homan said he would love to have an answer to that question, too, as it is a constant moving target. He said flows are dropping because the City is removing water from the system. Vice Chair Davio asked what they are expecting from the studies. Ms. Hall said they will find out if the lines are properly sized and the impact down to the interceptor. Once the flow reaches the interceptor, they need to know if the pipe size is large enough for the flow to the treatment plant. They know the capacity of the plant. They are doing flow monitoring throughout the city, so they will know what the capacity is, and they can keep track of it. Al Tedeschi, Ward 2, asked if this includes run-off. Mr. Porter said that comes up later. Ms. Prentiss said the City Engineer has a running tally of how much of the capacity has been allotted. Ms. Hall said that is correct. When there are new projects running through the same line, they have to account for those. Ms. Prentiss said that tally should be shared with everyone. Mr. Brooks said that list relates to the plant capacity, not the capacity of the lines, which is what the study will look at.

Mr. Porter said Section 12.3.B(5) does not apply. Ms. Howard-Heretakis noted that abutter David Melahn is concerned about the impact of drainage on his well because his property is surrounded by the proposed development. Regarding Section 12.3.B(6), Mr. Brooks said the Police Department noted the sight distance at Poverty Lane. The applicant intends to make changes to the road, and they have to address the Scenic Road issue before final review. He said he believes this section has been satisfied. Jim Buska, Ward 2, asked about snow removal and noted that cul-de-sacs are harder to clear. Vice Chair Davio said that has been addressed. Mr. Brooks said the City will only plow the roads they accept; the homeowners’ association is responsible for all others.
Regarding Section 12.3.B(7), Mr. Porter asked about drainage. Mr. Brooks said the applicant has provided an additional round of data. Mr. Homan said this has been ongoing for months. Ms. Hall said the first study was in May 2015, and she just received additional information on Nov. 23. Ms. Prentiss asked if this is to see if they need a peer review. Ms. Hall said it is. Mr. Homan said 18 months into the process, they are now talking about a peer review. The initial study was 18 months ago, additional information was requested, and he has been providing it. He has provided all of the information that was requested, and this is the first he has heard about a peer review of drainage. Mr. Brooks said there was a list of questions discussed in May and June, and #9 recommended an updated drainage plan and said peer review should be considered. He said the applicant stated that the best peer review is by NHDES for the Alteration of Terrain permit. The baseline information was to have been provided within 30 days, followed by a discussion of peer review. Ms. Billings asked about fencing around the detention ponds. Vice Chair Davio said that is part of the same discussion. Mr. Tedeschi asked if the public can see Pathways’ drainage calculations. Mr. Brooks said the Planning Office can provide it on disk. Regarding Section 12.3.B(8), Mr. Porter said this is done.

Mr. Porter noted that they are waiting for elements of Sections 2, 4, and 7. He asked when they can have the rest of the information. Vice Chair Davio said they will discuss drainage at the next meeting. Mr. Homan said there are a few minor changes to the sewer plan, and he will get Mr. Finley to provide those. Ms. Hall said the last set of plans she received was in May 2015, some lots have been eliminated since then, and she does not have a current set of grading plans. Mr. Homan said staff asks for a whole new set of plans after each change. He said he has no problem providing plans when they get close to completing preliminary review, but it is not reasonable to request new plans after every change.

Judy Ryder, Ward 2, asked what the criteria are for peer review. She said they are not getting a peer review of the traffic study, even though there are conflicts within the report and it shows a large number of cars but says no traffic signal is warranted, and they do not know what will happen with the ponds. Mr. Porter said civil engineers are held to professional standards. Ms. Ryder said there are a lot of subjective factors. Mr. Porter said they have not finished dealing with the drainage. Based on the City Engineer’s review, the Board will decide if a peer review is needed. Ms. Monroe said the Board considers their knowledge of the topics discussed, information from professionals, and the people who live there. Ms. Ryder asked if a peer review will be done if the City Engineer says one is needed. Ms. Monroe said they will discuss that.

Mr. Porter asked what the timeline is or whether the Board should impose one. He said they should meet once more to hear reports and one more time to make a decision. Dr. Morley agreed. He said they need to know what points are in contest. He said he wonders if reducing the number of units and increasing the price will increase the tax revenue. He questioned the relationship between the power line easements and the design; he said the Board should have a final letter indicating that the easement can be used. He said they need to know the relationship between this project and the golf course. He said they need a formal document from the CCBA. He said the applicant can eliminate shared driveways, as he thinks that is a potential problem. He said they should have larger, asymmetrical lots to accommodate the natural features. He said the number of cul-de-sacs should be limited. He said they should re-examine the traffic signal warrant after 85% of the certificates of occupancy have been issued. He said they should look at a two-lane...
roundabout versus a traffic signal at the intersection of Slayton Hill Road and Mechanic Street and assign fiscal responsibility. They need to look at the alignment of the intersection with Poverty Lane, complete the water and sewer studies, look at the drainage and address the issue of a peer review, and look at the school transportation issue.

Vice Chair Davio said some of those issues have been addressed. They cannot deal with the golf course. Dr. Morley said it is an issue if the CCBA says the amount of land set aside by Mr. Homan is inadequate. Mr. Brooks said according to the City attorney, the deed restriction is an issue of private property rights, and the Planning Board has no jurisdiction. If the applicant and the CCBA agree, there is no issue; if they disagree, they have to work it out. If the result impacts the development, the applicant will have to come back to the Board. He said the same is true of the Liberty Utilities easement.

Mr. Porter asked when they will get the additional information. Ms. Hall said the sewer study will take a minimum of 60 days once they receive the plans, although it will probably take closer to 90 days. The water study will go more quickly. Vice Chair Davio said he does not think they can wrap this up in two meetings, as the drainage discussion could take up an entire meeting. He said he is thinking about a meeting at the end of January to discuss drainage. The water and sewer studies should be initiated by then, so they will know the timing of those. Ms. Billings asked when the Board has all of the information, whether they will make a decision in public or non-public session. Mr. Brooks said the deliberations will be held in public. If they need legal advice, they could have a “non-meeting,” but the final decision will be part of public discussion.

Carl Porter moved to continue this application to January 25, 2017 at 6:00 p.m. at City Hall. Seconded by Bruce Garland.
*The motion passed 8-0.

Mr. Garland asked if the applicant wants comments about the proposed homeowners’ association agreement. Mr. Homan said it is extremely preliminary.

IV. STUDY ITEMS: None
V. OTHER BUSINESS: None.
VI. OPEN DISCUSSION: None
VII. ADJOURNMENT

Carl Porter moved for adjournment. Seconded by Suzanne Prentiss.
*The motion passed 8-0.

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,
Charles Glazer
Recording Secretary
AGENDA
PLANNING BOARD- SPECIAL MEETING
JANUARY 25, 2017

AGENDA ITEM 3A
PUBLIC HEARINGS:
OLD BUSINESS

CARTER COUNTRY CLUB INC./
CARTER GOLF, LLC-
APPLICATION INFORMATION

Property Owner(s):
Carter Country Club Inc.

Applicant(s):
same as above

Application Type:
Request for Preliminary Major Subdivision Review

Application ID#:
#PB2015-11-PMAJ

Map(s) / Lot(s) #:
132-16, 117-10

Property Location(s):
257 Mechanic St. & 53 Poverty Ln, Lebanon

Property Size (Ac./Sqft.):
+/-260.9 Ac. (combined tract)

Zoning District(s):
Residential Three (R-3)

Overlay District(s):
Wetlands Conservation: ....... Yes
Flood Plain:..........................N/A
Steep Slopes: ......................N/A
Airport Protection:..................N/A
Historic District: .................N/A
Landfill Reclamation:............N/A
DES Shoreland Protection: ......N/A

DRAWINGS AND OTHER SUBMISSIONS

- Carter Country Club Subdivision-Questions Tracking Sheet
- Letter from Susan Pinckney addressed to the Planning Board, December 3, 2016
- Letter from Sheila Moran addressed to the Planning Board, January 18, 2017

COMPLETENESS REVIEW

This application has been reviewed in accordance with the Lebanon Subdivision Regulations. The Planning Board found that the application was complete enough to accept jurisdiction and commence Design Review of the Preliminary Layout on June 8th, 2015, which is separate and apart from formal consideration of an application for Final Plan Review.

After Design Review of the Preliminary Layout, the Board shall prepare, in writing, its Findings and Determinations with respect to the proposed subdivision with regard to the following general requirements: Section 12.1 (Character of Land); Section 12.2 (Open Space and Recreation Area); Section 12.3 (Premature or Scattered); Section 12.4 (Impact Fees); and Section 12.5 (Off-site Improvements). The Board shall send its Findings and Determinations in writing to the Applicant and shall clearly specify the date of the end of the Design Review Phase and the expiration date of such Findings and Determinations.
STAFF RECOMMENDATIONS

Recommendations pending at this time; further review is required.
Carter Country Club Subdivision – Questions Tracking Sheet

Table of Contents

I. Process & Procedure
   A. Master Plan
   B. Zoning Changes

II. Fiscal Impacts

III. Traffic Impacts

IV. Drainage
   A. Stormwater Ponds
   B. Wetlands

V. Development Layout
   A. Open Space
   B. Roadways and Driveways

VI. Utilities

VII. Wildlife Study

VIII. Wildlands Fire Study

IX. Deed Issues
   A. Golf Course

X. Homeowner’s Association
I. Process & Procedure

1. Could the number of lots be reduced later if the Board approved over 300 during preliminary review? (5/9/16)

   A decision will be made about the number of lots during preliminary review. If the Board is not happy with the number of lots, they can suggest a lower number. The question is based on a total review, including traffic, natural resources, and all of the other issues. (5/9/16)

2. If the Board’s recommendations are non-binding, what weight or impact can they have on the plan, and what happens if the applicant rejects them? (5/9/16)

   The Board can deny approval. If there is mitigation, that will be taken into account. (5/9/16)

3. Is the burden on the Board to help the developer get the project through? (5/31/16)

   The Board needs to advise the applicant if he is within the regulations. The role of staff is to help the applicant know what he needs to address, and it is up to the Board to determine if the applicant has met those burdens. Preliminary review concludes with a list of comments that need to be addressed in final review. (5/31/16)

4. If the Board has asked for a re-evaluation of the traffic situation, and the applicant does not think that is equitable does the applicant gets to just say “no.” (5/31/16)

   The Board can request anything that is within their legal authority. The Board can determine that they do not have enough information to render a decision. (5/31/16)

5. Is it correct that if the applicant supplies all of the studies that are requested, that is not a guarantee of approval for the project? (6/29/16)

   That is correct. (6/29/16)

6. The process appears confusing and complex and does the preliminary review gave the Board and staff enough information to make an informed decision? (7/26/16)

   A decision regarding whether a project is premature or scattered does not necessarily require final design of every detail. They can only use the Zoning Ordinance, the Subdivision Regulations, and certain standards for making decisions. Staff has no authority to reject an application; they can only make recommendations. All authority rests with the Planning Board. (7/26/16)

7. Letter from the public (Melahn) expressed concern about the possibility that the project may not be completed. (7/26/16)

   During preliminary review, the Board reviews the entire project, and during final review, they review each phase in order and grant permission to record each phase. The project must stay on schedule to keep it approved and vested. (7/26/16)

8. The traffic study covers 10 years, while the fiscal impact study covers 15-20 years, has the applicant decided on a timeframe? (7/26/16)

   Mr. Homan said it is likely to be 10-20 years. (7/26/16)
9. There is concern because there is not a detailed plan on how to fund the infrastructure. (8/29/16)

   The Board shares that concern for the final plan. The City can have security posted by the developer before the development is built. (8/29/16)

10. Will the home buyers determine the footprint of their houses? (9/28/16)

   The developer establishes a building envelope, and the buyer needs a site plan and a building permit. Individual building lots are reviewed by Codes but not the City Engineer or the Planning Office. The City Engineer reviews driveway permits but not drainage for individual lots. (9/28/16)

11. Does the Planning Office ever recommend the Board reject a proposal during the Completeness Review? (Billings 07/16 Letter)

   Answer received by letter from City Manager's Office and Planning Office clarifying process.

   A. Master Plan

1. What is the purpose of the Master Plan in review? Why have the Master Plan if it is not followed? How does it “guide discussion” or “inform decisions?” (7/26/16)

   The Board can work with the applicant to guide the development plan. The Future Land Use Map is a guide to future zoning, and zoning amendments can be proposed based on that. The Master Plan is policy that informs changes made to development regulations. Staff is making changes to the stormwater regulations based on the Master Plan. It takes time to translate the Master Plan into regulations. Changing residential zoning requires a ballot vote. (7/26/16)

2. What is the project’s conformance to the Master Plan? (9/28/16)

   Mr. Homan said nothing has changed about his position. He will develop this property, as he feels the Planning Board has left him no choice. There are better alternatives, but he is prepared to move ahead with this plan. He said if there are specific things the Board wants to look at, he is happy to do that. Mr. Brooks said based on their discussions, Mr. Homan is not interested in withdrawing his application or discussing what else might be done under the current zoning. The Board needs to continue reviewing the current application. (9/28/16)

3. How will this development benefit the community and follow the Master Plan? (9/28/16)

   The Planning Board is reviewing this application per the Zoning Ordinance and the Subdivision Regulations. The Master Plan guides changes to regulations. If the zoning changed, it would not affect this application. The applicant is not required to say how this development conforms to the Master Plan. Mr. Homan said there is no legal requirement to comply with the Master Plan. It is there to act as guidance. He said he believes that the plan he tried to get the neighbors to buy into meets the Master Plan better than the current plan. Mr. Sorensen said one reason for the Master Plan is to promote the adoption of new ordinances, but there are other reasons, to reflect on the content of things that do not enter into zoning, such as the character of Lebanon, sustainability, and air and water quality. (9/28/16)

   A. Zoning Changes

1. What is the process to seek a zoning change? (9/28/16)
The City Council can propose a change, or they can respond to a petition from any number of voters. A citizens' binding initiative from 10% of the number who voted in the last gubernatorial election can also place a proposal directly on the ballot. A citizens' petition can be submitted anytime. Otherwise, it would have to get onto the City Council's agenda between Aug. 1 and Oct. 1 for a decision by Dec. 1. If the applicant wants to propose something that is not allowed under the current zoning, there is a mechanism to do that. (9/28/16) According to the City attorney, the Planning Board cannot force an applicant to withdraw an application. If it is paused, they could discuss something else, but the applicant cannot have two applications going at the same time. (9/28/16)

2. Could the Board discuss a conceptual application even if it is not currently allowed by zoning? (9/28/16)

They can. During conceptual review, discussion is open, and Board members are not held to the same standard of objectivity. (9/28/16)

II. Fiscal Impacts

1. The question is whether the revenue for the development is likely to exceed, equal, or fall short of costs. (11/9/15)

The revenue from this project will fall short of costs to the City, like most or all mid-priced, single-family developments in Lebanon. (11/9/15) The bottom line is that this development will not pay for itself. If the project is deemed to be premature or scattered, they should look at the phasing. No analysis has been done at the phase level. (11/9/15)

2. Mr. Garland asked how Mr. Thibault amortized the $1.8 million in impact fees. (11/9/15)

That money is collected upon the issuance of Certificates of Occupancy, and that was not included in the cost-versus-revenue calculations. (11/9/15)

3. Mr. Porter asked how the impact would change if the project only resulted in 306 units? (11/9/15)

It would make little difference, making the result perhaps $2,500-$5,000 less negative for the City. (11/9/15)

4. The estimated assessed valuation is based in part on the neighborhood, and the existing neighborhood has lot sizes that are twice the size of those proposed for the new development. (11/9/15) A larger lot may not have a larger assessed value, but a smaller lot might have a lower assessed value. He said assessed value is more relevant than sale price. (6/29/16)

Mr. Thibault said he could do a sensitivity analysis. (11/9/15) Financial sensitivity analysis is part of preliminary review. (5/31/16) Extra land does not add proportionally to assessed value. (6/29/16) There have been seven sales in Lebanon since 2013 of houses that are mostly 7,800-11,000 square feet. The houses were built between 2001 and 2008, and the average price was $359,000, with a price per square foot of $154. He used $160 per square foot, which leads to his projected pricing. Is a 10,000-square-foot lot too small a lot to support the house prices? There is no correlation between lot size and assessed value, based on his study of Buckingham Place homes, and houses have to be assessed according to their value. (6/29/16)

5. In the report submitted in May 2015, the estimated number of added students was 160, and current information is now 192. Which numbers are accurate in estimate the number of students. Which is more accurate? Is there a need for a second opinion? (Letter 01/11/16) The May report stated that 55% of taxes were paid by non-residential properties, and the current presentation says that 55% was paid by residential
properties. (11/9/15) Does the Fiscal Impact Analysis allow for the new classrooms and perhaps new building that would be needed to accommodate the increase in new students? (Letter 01/11/16) Concerns about the need to identify crowding and capacity issues at the elementary school. (Letter 01/11/16)

Mr. Thibault said he will check on that, but that will not strongly impact the results of the analysis. (11/9/15) Regarding school enrollment figures, he said he used 0.52 students per single-family home, which would result in 159 students. He scaled back the statewide figures to reflect the lower school enrollment in Lebanon. He said between 2005 and 2015, Lebanon’s school enrollment dropped by 300. He said the 159 figure is half of the past decline. According to Bruce Mayberry’s study, all of Lebanon’s schools have excess capacity of 10-25%. He is using 0.52 students per single-family home, and the impact fee study used 0.3. He said he thinks his student generation number may be very high. (6/29/16)

6. Is there a way to look at all current development simultaneously and determine the total impact? (11/9/15) What approved projects have requested extensions, housing that is ready to be built but is not in the marketplace. (11/9/15) Were all 206 new SF residences approved by the PB between 2000 and 2013 built or only approved? (Letter 01/11/16)

Mr. Brooks said there is no easy way to do that. He said several other projects have been approved, and they cannot be “unapproved.” (11/9/15)

7. Is this genuinely a business proposition or is it intended to lose money? Would this inform the Board’s assessment of whether the project is scattered or premature? (5/31/16)

Financial failure is not a part of the regulations. (5/31/16)

8. If the proposed build-out is more extensive, how would that impact Mr. Thibault’s estimate of costs to the City? (Letter 01/11/16) Is the Cumulative Impact Years meant only to look out for 5 years as presented, or should it examine impacts 5-10, or beyond years in terms of impacts? (Letter 01/11/16)

Fiscal impact studies are a combination of art and science and include judgments the analyst has to make. It comes down to whether a development is likely to pay its way, break even, or fall short. Under the assumptions Mr. Thibault made, this development will fall short, primarily because it will generate a sizeable number of schoolchildren. The magnitude of this estimate is the source of the questions. The assumptions are generally conservative, with a higher cost than is likely to occur. No one has suggested that his analysis that the development will have a negative impact is incorrect. (6/29/16)

9. Is it expected that 15 houses will be built per year for the next 20 years-and what data justifies this assumption? (Letter 01/11/16) If the proposed absorption rate is lower, is it accurate to say that the build-out could extend to 30-40 years? (Letter 01/11/16) Ms. Hall asked if the 15 units per year sold accounts for other approved plans that include single-family homes. Other projects have asked for extensions because homes have not been sold. (6/29/16) Ms. Billings said 15 new homes are now sold in Lebanon per year. Ms. Billings asked if this estimate assumes no economic downturns.

Mr. Thibault said people have suggested that this development will take a long time to sell out. The impact of this development will extend for 15-20 years, depending on the regional economy. DHMC may nearly double its number of employees by 2030, according to one source. The impacts will be spread out over time. (6/29/16) Mr. Thibault said he looked at the impact of this development, not the impact of all housing in the city. That would involve a housing needs analysis that is complicated by commuting patterns. (6/29/16) Mr. Thibault said 15 sales per year is historic and includes a big recession. If the economy gets more back to the normal average, three times as many homes could be sold each year. Lebanon’s economy is growing.
Mr. Thibault said it does not assume that the downturn would occur in nine years out of a single decade. (6/29/16)

10. Is there any way for the public to see how the proposed impact fees would be distributed? (Letter 01/11/16)

Regarding impact fees, under the City’s former impact fee schedule, this development would have paid $1.8 million, including $1.2 million for schools, $500,000 for recreation, and $165,000 for police. Under the new schedule enacted in May, they will pay about $1.5 million, including $800,000 for schools, $500,000 for recreation, $150,000 for police, and $150,000 for fire, as the single-family impact fee dropped due to a decline in school enrollment. (6/29/16)

11. Who will be buying the proposed 3-4 bedroom homes? What data is there to confirm that new 3 and 4-bedroom homes in Lebanon will generate fewer students than 3 and 4-bedroom homes elsewhere in NH? Is the downward adjustment justified? (Letter 01/11/16) Where are the figures used from ‘Students Per Unit in Case Study Communities’ New Single Family Units’? How were the case study communities chosen? In what way are they comparable communities to Lebanon? (Letter 01/11/16)

Mr. Thibault’s figures are based on single-family homes, not necessarily three- or four-bedroom houses. She said she does not believe that people with no children or one child would buy a three- or four-bedroom house. The City’s impact fee consultant looked at single-family homes and concluded that the typical single-family home has 0.3 students per unit. He computed this by size—students per 1,000 square feet—and came out with an almost identical number. (6/29/16)

12. Will all of the houses that get building permits be built?

Mr. Thibault said they will, although not all that are approved by the Planning Board will necessarily be built. (6/29/16)

13. If the population in Lebanon is changing, and school enrollments are shrinking, does that raise question about the need for 307 three- and four-bedroom homes? (6/29/16) If Lebanon’s housing has been skewed towards smaller residences, then isn’t it true that these results do not accurately predict the generation of students in Mr. Homan’s proposed development, where all units would be built to accommodate families? (Letter 01/11/16)

Mr. Thibault said there is an issue in the state with a lot of larger homes but smaller households. In 2010, there were 0.4 schoolchildren per single-family home, and now there are 0.3 per home. Lebanon does not need 300 units now; that is why there is an extended marketing period. They can probably sell 15 units per year, but not 30-40. (6/29/16)

14. How many people who work here will actually live here? (6/29/16)

The level of commuting is related to housing costs and the transportation network. If one could build $200,000 homes in Lebanon, they would sell quickly. More expensive homes will sell at a slower pace. (6/29/16)

III. Traffic Impacts

1. How would the development impact the Mechanic Street project? When are the impacts expected to happen? (12/14/15)
The consultant evaluated impacts for 2016 and 2026; much further out is hard to predict with any accuracy and she looked at the full build-out scenario for both years. Mr. Homan said the build-out would take at least 10 years. (12/14/15)

2. Would the two-way left turn lane use new lanes or use the existing center lanes? How would that impact the traffic flow on Route 4? (12/14/15)

There is no proposed a specific design. She said Route 4 only needs one through-lane in each direction plus the turn lanes. (12/14/15)

3. What impact do “complete streets” have on this project? (7/26/16)

It will ensure that there is discussion about what infrastructure is appropriate. (7/26/16)

4. When is the a.m. peak? Should the peak time be longer, and why are those times were chosen? How long a period was the study conducted? (7/26/16)

The peaks are 7:15-8:15 a.m. and 4:30-5:30 p.m. Counts were done on April 22, 2015 and were adjusted based on DOT numbers. (7/26/16)

5. How likely is it that a roundabout will be built? (6/29/16) Why would the developer be required to do a study when the Mechanic Street project is preliminary and they do not know when it will be built? (6/29/16)

The whole Mechanic St. corridor was studied, and there is $2.65 million in the State’s 10-year transportation plan that has been allocated so far for the project. (6/29/16) Instead of a one-lane roundabout, it would have to be two-lane roundabout. (6/29/16) The City went through the engineering process for the Mechanic Street project and sent the report to NHDOT but has not heard back. The operational value of a roundabout versus a signal has not yet been thoroughly vetted by the State. (8/29/16)

6. What is fair and appropriate mitigation by the applicant in relation to transportation impacts? (6/29/16)

Mr. Homan said he is expecting to pay for traffic mitigation, but the City chose a roundabout, which has less capacity than a traffic light, and then decided they want him to pay for an additional lane. He is not sure that is equitable. A meeting will be set to discuss this with staff and consultants. (6/29/16) (Re-evaluation of traffic impacts) The Board has received the most updated version of the traffic study and the Board needs to discuss remediation. (7/26/16) It was discussed with the applicant on making a contribution toward improvements at the intersection because they do not know what improvements will be chosen or when they will be done because of the timing of State funding. The State has promised about $3.2 million, but the City has not yet decided what to do with the money. The applicant’s contribution must be spent within six years, so the City does not want to collect it too soon or too late. The applicant might modify the phasing to change the timing of the contribution, so they do not have the information to know when the City will get the money. When the mitigation is needed, it will have to go in. The intersection may have to be signalized by the applicant. (8/29/16)

7. Does the contribution need to be an absolute number or if it could be a percentage of the work that is needed? (8/29/16)

The Board has done it both ways. (8/29/16)

8. Will there be a peer review of the traffic study? (7/26/16)
There will not. RSG recommended a traffic signal, and the City recommended a roundabout. The Board decided that the City’s consultant already reviewed the traffic and found that this project will trigger the need for a two-lane roundabout. (7/26/16)

9. Has the Buckingham Place-Mechanic Street intersection been considered, as that is problematic? (8/29/16) When will the details be determined? (8/29/16) Concern about conflicting statements related to the US 4/Buckingham Place intersection and whether a signal is warranted or not, as there are two conflicting statements regarding that requirement. (Ryder 9/25/16 Letter)

The traffic study proposed other improvements there, including a three-lane cross-section. That intersection is not proposed to be signalized. (8/29/16) Ms. Hall said they are waiting to hear back from the State regarding the draft plan. The applicant stated the mitigation recommended by Ms. Wygonik will solve the problem, and the staff had no argument against that. There is a need for a light at Slayton Hill now or very soon but it is not clear. (8/29/16)

10. Will all of the roads be built at once? Will the other infrastructure parallel the building of the roads? (8/29/16) What is the timeline for the financial obligation of the applicant related to the traffic mitigation? (9/28/16) Why is the phasing not revised so the project affects Wellington Circle last and not third? How many lots will be developed before the connection is made to Slayton Hill Road and traffic from the development will not all travel via Buckingham Place? (9/28/16)

They will build all aspects of one phase before starting the next one. The ponds are associated with the phasing. Each phase is self-supporting. The applicant will have to specify the improvements for each phase and when it will be done as part of the final approval. (8/29/16) This will be determined before submission of the final application. The City received a revised phasing schedule from the applicant, and staff will determine how that fits in. There was no objection to deciding about this before final review. Regarding the revised phasing schedule, Mr. Finley said they are now down to 287 lots. Road I was replaced with two shared driveways that will serve four lots; this replaces 11 lots with four. For Phase 6, they extended the wetland delineation and removed and combined lots to accommodate the stormwater pond. They changed the phasing to address the traffic impacts. (9/28/16) Phases 1 through 4 are connected via Buckingham, with about 63 homes. (9/28/16)

11. Why does the applicant not build out from the existing areas toward the center so all of the existing residential areas are equally impacted and the traffic impact is more evenly distributed? Has the applicant considered creating a connector to Slayton Hill Road earlier in the phasing? (9/28/16)

That decision was made for marketing reasons; the first lots built will be the ones that are the most desirable, otherwise it would be a significant financial hardship. According to the traffic study, the traffic will be distributed evenly among the three access points. (9/28/16)

IV. Drainage

1. The Engineering Department reported that not all the drainage into the new lots is accounted for, including the drainage from Farnum Hill. (3/14/16)

Mr. Finley said that Farnum Hill drainage will be brought to existing drainage ways, but it will not be treated within the development. (3/14/16) Board indicated that if staff is not satisfied with drainage plans and there is disagreement, then a 3rd party review should be considered. Staff recommended that they review the drainage plans with the recommended changes and will determine whether a 3rd party review is necessary. (3/14/16) The applicant responded that the most qualified peer review is from NHDES, when they review the
Alteration of Terrain permit application. Staff did not agree- NHDES will look at the ponds, but that does not have to happen until final review. The City never received existing conditions information. There are a lot of ponds proposed, and it is not clear if the downstream can handle the outfalls. Staff does not have pre- and post-discharge points. Mr. Brooks said the state laws have changed. Local communities cannot deem an application incomplete for lack of state and federal permits. The applicant could wait until final review to get an Alteration of Terrain permit. (5/31/16) Mr. Finley is working on the drainage as requested, including how to redirect the drainage on the lots that drain toward each other. A few lots will have on-site stormwater systems. He said he photographed the water bars on Old King’s Highway so the water can be directed across the road into the wetland. (8/29/16)

2. The removal of trees and possible re-grading of the surface, this water flow change and get more dramatic and could negatively impact my private septic field, causing a perfectly good design to fail prematurely. (Melahn 2/14/16 Letter) In response to Mr. Melahn’s letter, Mr. Porter asked if question is under the purview of the Board. (7/26/16)

The Board could require ditches to divert water away from others’ wells. They are increasing the amount of flow from developed properties onto abutting properties, so that should be picked up. (7/26/16)

3. Concern about the impacts on drainage from the proposed tree removal. (Ryder 9/25/16 Letter) Will this development will make things worse or better or keep them the same in terms of drainage impacts. (9/28/16)

The system is designed to do no worse than what is current regarding peak run-off rates. He said volume is more difficult to control, because when impervious surface is added, volume increases. They plan maximum infiltration. He said the City Engineer is concerned about changing the size of wetlands by redirecting water from one to another; he is working to address that issue. (9/28/16)

4. Who is responsible for maintenance and ensuring that water does not drain from the proposed homes on to Old King’s Highway, as the water bars that are there now are not dependable? (9/28/16)

The property owner is responsible. If drainage is left up to the homeowner, that could be an issue and that the ditches have to be part of the original design and included in the homeowner’s association. There needs to be a system of easements for the drainage infrastructure. (9/28/16)

5. There is a lot of wooded, undisturbed buffer in King’s Grant that is part of the restrictive covenant and cannot be eliminated. A similar buffer does not appear in the applicant’s plan. The buffer helps with on-site infiltration. The proposal does not represent low-impact development techniques that look at the density that the land can handle and see how the site connects to other drainage features. Mr. Sorenson said he cannot get the necessary information from the plans. (4/11/16)

6. Will the final review cover all of the drainage issues or if the applicant will come back phase by phase? (9/28/16) How they can judge if drainage issues have been resolved? (9/28/16)

The drainage infrastructure of individual lots is not reviewed. Ideally, that should be in place. (9/28/16) They have to rely on the overall drainage plan. What is recorded and developed is on a phase-by-phase basis. (9/28/16)

7. Individual house lots may need to cut and fill, would that impact what goes into the street drainage or neighboring properties? (9/28/16)
It is possible—one of the conditions of approval will be a compaction report for each building site. The Board may be able to include a condition regarding how drainage on each lot is handled. The Building Code has basic requirements for drainage. (9/28/16) Several lots are not integrated with stormwater ponds and staff will recommend conditions of approval regarding those lots. (9/28/16)

A. Stormwater Ponds

1. Staff has identified a lack of detail regarding the stormwater ponds, including outfalls are cut off, Pond 8 grading is not clear due to a lack of contour lines, and there is concern about the impact on abutting properties from run-off. Staff recommends that the ponds abutting residential properties be sized for 100-year storms, as Pond 2 design indicates that there will be overflow in 50- and 100-year storm events. (3/14/16) Concerns about how the plans account for off-site drainage flowing into the ponds. Pond 2 is shown to be built for a 25-year storm, but it says it is designed for 50- and 100-year storms. Where will the water go and could it blow out the roadway? The drainage ditches on Poverty Lane are not sized for such an event. (5/31/16) The Board determined that this should be part of preliminary review. (7/26/16) For what rain even volume, duration, intensity and duration is the pond designed for? (Sorenson 3/15/16 Letter) What are the other options besides detention ponds, has the city asked the applicant for other water run off solutions, like LID? (Tedeschi 4/1/16 Letter)

Mr. Finley said he has presented a concept that will handle the stormwater on the site, although some detail needs to be added. Details can be worked out during final review. (3/14/16) They are proposing wet detention ponds. There are several alternatives, but all have permanent pools. A dry pond would not provide treatment, per the New Hampshire Stormwater Treatment Manual. They chose wet detention ponds based on the site conditions. (8/29/16)

2. Annual maintenance of ponds. What maintenance issues does the design of the pond anticipate? (Sorenson 3/15/16 Letter) Does the outlet of the pond have an above ground cleanout? (Sorenson 3/15/16 Letter) Will HOAs cover the expenses initially? Has the PB asked the applicant about establishing an HOA? If an HOA isn’t successful, is the city willing/able to take this on at the expense of tax payers? Who pays for maintenance? (Tedeschi 4/1/16 Letter) Who would be responsible for taking over the stormwater ponds for maintenance? (5/9/16) (5/31/16) Who would maintain the stormwater ponds and verify they are working correctly over time. Who will maintain the large number of ponds, especially as the build-out will be over a number of years, and the homeowners’ association may initially include only five to 10 families? (5/31/16) What represents “excessive expenditure of public funds?” Will the City have to spend $150,000 per year to inspect each pond? How is that decision made? (7/26/16)

A homeowners’ association is needed to control any common infrastructure. (5/31/16) Mr. Homan wants the City to take over the ponds for maintenance. The acceptance of utility infrastructure is up to the City Council. (5/9/16) Mr. Homan said the ponds will be phased along with the project. (5/31/16) If the City accepts the ponds, they accept the responsibility for maintenance. It is up to the City Council, with input from staff, based on cost, manpower, and the City’s ability to take it on and there is no assumption that the City will take them over. Mr. Finley said pond inspections cost less than a few thousand dollars per year. (7/26/16)

3. Will new growth of vegetation and tress degrade the effectiveness of the ponds? (Melahn 2/14/16 Letter) How is it determined what the volume and velocity of water will be after trees are removed and impervious surface is added? Will the ponds be sufficient to hold the water? (9/28/16) Will the speed at which the water goes into the ponds be considered? (5/9/16)
It is explained in Chapter 2 of the New Hampshire Stormwater Manual. There is a runoff coefficient for forested areas, and they measured the coefficient for other areas and put it in a model. (9/28/16)

4. Test pits and an infiltration test are needed. (3/14/16) Mr. Tedeschi asked about test pits. (8/29/16) The Board asked about the test-pit information. (9/28/16)

Mr. Finley said on June 30, test pits will be dug at each pond area, and he will meet with Ms. Hall to see what she is looking for so they can provide the necessary data. (6/29/16) Mr. Finley said they have dug test pits for each pond location, and they are appropriately sited, with no ledge. The pond near Poverty Lane intersects an additional wetland strip, and it will be relocated. He needs to meet with Public Works to find out what information they need. (7/26/16) Mr. Finley said they did not hit ledge, and that will inform the final design. The City had not received the test pit information as of 8/29/16. Mr. Finley said they dug test pits at each of the 11 proposed pond sites. Some lots will be treated individually as part of building permit applications. Those lots can have on-site rain gardens to remove sediment and to infiltrate water and level spreaders. Most of the soil they found is very fine sandy loam, and there is an elevated seasonal water table. All of the treatment methods have water in the ponds all of the time, as dry ponds are not considered to be treatment systems. (9/28/16)

5. How would the property drain during a storm event? What back-up mechanisms are in place to accommodate major storm events? Would a 100-year storm would drain toward Wellington Circle? What would happen if the ground is already saturated from a previous rain event? (5/9/16) How does the pond function during winter rain events when the run off curve number is different from other seasons? (Sorenson 3/15/16 Letter) Has the applicant provided calculations on where surface water does after a torrential rainstorm? (Tedeschi 4/1/16 Letter)

Mr. Finley said the ponds are not designed to connect to each other. They discharge separately into existing wetland areas or outlet structures. Vertical standpipes have openings for discharge. They are required to discharge no more run-off than the pre-development rate. The ponds will hold the run-off and release it slowly. In a 100-year storm, the volume in the pond will be maintained, and excess will go into the stone-lined spillway. Not all details are required on the plan at the preliminary level. A 100-year storm would drain to Wellington Circle at the pre-development rate. The wetlands are a way to absorb the water. (5/9/16) A maintenance plan will be part of the final application. Mr. Finley said four inches of rain in 45 minutes is off the charts, a 100-year storm means five and one-half inches of rain in 24 hours. (9/28/16)

6. What happens to salt that is drawn into the ponds? (5/31/16) Will the detention ponds concentrate pollutants such as lawn fertilizer, road salt, oil/grease, bacteria from pet waste, plastic litter? (Tedeschi 4/1/16 Letter) What is the impact the concentration of pollutants in the drainage ponds will have on wetlands? (9/28/16) Will the ponds need to be drained to remove the pollutants. (9/28/16)

Mr. Finley said that salt comes out in the overflow in a substantial storm event. The vast majority is handled in the pond and its forebay. They can reduce the use of salt and use mostly sand. The ponds are the best way to handle salt; it is within state and local regulations. (5/31/16) Mr. Finley said the design guidelines deal with certain pollutants. Salt is difficult to control. Pollutants are trapped in the pond. Ponds are the best method the State has come up with. Some sediment will collect in the forebay, and others will be treated through infiltration. Mr. Finley said the facilities are designed to treat pollutants. He said the University of New Hampshire does studies to develop methods designed to minimize impacts. (9/28/16) Mr. Finley said there is a maintenance protocol. (9/28/16)

7. How can the applicant get a truck to Pond 11 for maintenance? How are all the ponds be accessed? (5/31/16) What is the maintenance access for sediment removal to the pond? (Sorenson 3/15/16 Letter)
How wide is the vehicle access way/road/trail to the pond and what is the steepness of the slope? (Sorenson 3/15/16 Letter) Does the access to the pond cross the spillway? (Sorenson 3/15/16 Letter) Access for the maintenance of the pond-how will this be accomplished? Is there a plan for access? (Tedeschi 4/1/16 Letter) Does the pond require a drainage easement? If so, what is the nature of this easement requirement and location? (Sorenson 3/15/16 Letter) Is the slope from the edge of pond to bottom less than 4:1 for ease in maintenance? (Sorenson 3/15/16 Letter)

Mr. Finley said there will be easements or dedicated right-of-way strips through lots. He said all of the ponds are cut into the grade, and any fill is above the water elevation. (5/31/16) Ms. Hall said they also need to discuss access roads to the ponds for maintenance. (6/29/16)

8. There were questions about the depth and scale of the proposed drainage pond at point P9. (5/9/16)

Mr. Finley said Sheet 38 of the plan set shows the normal water surface elevation and the high-water elevation, with a 10-foot maintenance strip for tractor access. The pond would accommodate a 25-year storm. The outlet control structure is designed for a 25-year storm, but there is a shelf at the 100-year level that acts as an emergency spillway. The distance would be from the 25-year storm point to the property line is approximately 40 feet. (5/9/16)

9. What is the design of the overflow feature? (5/31/16)

Mr. Finley said each pond has an overflow structure that is concrete, round or square, with openings for discharge at different levels and a beehive grade at the top. They will be designed for different storm events to discharge into the lowest drainage channel. (5/31/16)

10. How will they avoid infiltration for certain ponds (including Pond 10) if the rock fractures for areas that they will blast due to ledge? (5/31/16) What happens if they hit ledge. (9/28/16) Soil type for pond have an infiltration rate low enough to maintain saturated soil to maintain natural wetland features? (Sorenson 3/15/16 Letter)

Mr. Finley said they will use clay and pond liners. He said they want some degree of infiltration. (5/31/16) Mr. Finley said first, they will try to relocate the pond. If that is not feasible, they can remove the ledge. If the ponds fill with groundwater, they will have to take into account the change in rate. (9/28/16)

11. Who is responsible for making sure that people do not accidentally fall into the ponds and drown? (5/31/16) Why are fences not required for stormwater ponds when they are required for someone who has a pool, why is this different? Who owns the ponds and who bears responsibility if a child dies? (6/29/16) Is a fence required around the pond? (Sorenson 3/15/16 Letter) Potential child safety issues related to deep stormwater ponds? (Tedeschi 4/1/16 Letter)

Mr. Finley said some ponds have fences, and they will consider that. City Council will decide if they want the City to take over the infrastructure. (5/31/16) Unless the City accepts the ponds, they belong to the applicant. Any swimming pool with a depth of more than 24 inches requires a fence. Many detention ponds are not fenced. (6/29/16)

12. Has the applicant considered making changes to the detention ponds so water will not be retained in them, out of safety concerns (Zika)? (7/26/16) Concern about mosquito impacts. (Ryder 9/25/16 Letter) To what degree does the pond promote mosquito and other natural habitats that can lead to disease transmission
and safety concern? (Sorenson 3/15/16 Letter) How will the mosquito threat be mitigated? (Tedeschi 4/1/16 Letter)

*Mr. Finley said they can look at that and prepare a memo about this issue. (7/26/16)*

13. Will there be flow from higher elevations or pipes going into Pond 11? (5/31/16)

*Mr. Finley said there will be pipes, as well as ditch lines and storm drains in the road. (5/31/16)*

14. Question about Pond 10 and where it discharges and whether it can absorb the overflow, as the water will tend to spread out? (5/31/16)

*Mr. Finley said the pipe will discharge into the wetland. The pond will discharge at pre-development rates to the wetland. He said some lots will not drain to the pond; they will need on-site drainage features. (5/31/16)*

15. Is there any flexibility to change to a different design for the rest of the ponds if the first ones do not work? What order will the ponds be constructed? (9/28/16) Are there any suggestions for remedy if the drainage situation proves to be worse than what the model predicts? (9/28/16)

*Mr. Finley said he believes this design is the best option. (9/28/16) Mr. Finley said the initial order is ponds 1, 4, 3, 9, and 8. (9/28/16) Staff noted that Phase 1 and possibly Phase 4 drain into Pond #4, and a portion of Phases 1 and 2 drain into Pond #3-this could impact abutters, if they reverse Phases 4 and 2, there is an opportunity to test one or two ponds before building the one that is behind the Wellington Circle homes. (9/28/16) Mr. Finley said Phases 4 and 3 drain into the wetland on the Carter Country Club property. (9/28/16)*

16. Where does the water go when the pond is over his property on an adjacent lot? The information about pond design does not include information regarding how to build on a slope behind homes when drainage is difficult? (9/28/16)

*Mr. Finley said Pond #9 discharges to the west into the existing wetland complex. He said the entire Stormwater Manual promotes low-impact development techniques, including wet detention ponds. He said he is not sure what other practices could be used for treatment and retention. (9/28/16)*

17. Where are the emergency spillways are pointed? (9/28/16)

*Mr. Finley said they are pointed in the same direction as the outflow structure. (9/28/16)*

18. Will the ponds expand the wetlands. (9/28/16) How does the pond effectiveness compare to the existing wetland system? (Sorenson 3/15/16 Letter) Does the pond cause wetlands? If so, what is the width of the wetlands from the ponds edge? (Sorenson 3/15/16 Letter)

*Mr. Finley said the Etna Road project abuts a wetland and is designed with a similar detention pond system, and the delay in discharge had a worse effect on Quarry Pond, so the ponds were removed, and they used the natural detention of the watershed. Ms. Monroe said in this case, the grade change increases the velocity along a narrow channel. (9/28/16)*

19. Negative impact on home value & abutting detention pond. Is this the right thing to do to the abutting neighbors? (Tedeschi 4/1/16 Letter) It was stated that Pond #8 will overflow into the wetland, and the wetland is between two existing houses on Wellington Circle. It was asked why the first two ponds are being built where they will have the most impact on residents? (Tedeschi letter) (9/28/16)
20. What community desired aesthetic and recreational desires are featured in the pond design? (Sorenson 3/15/16 Letter)

21. How does the pond affect the perched water table that seasonal cause’s water flow from the hillside? (Sorenson 3/15/16 Letter) How does the pond affect the water table at the foundation? (Sorenson 3/15/16 Letter) The ponds are designed to drain by ground absorption, will this impact the water table and existing nearby cellars? (Tedeschi 4/1/16 Letter)

22. What are the additional site specific design criteria and needs for the pond? (Sorenson 3/15/16 Letter) What is the estimated sediment volume from the watershed for the pond? (Sorenson 3/15/16 Letter) What erosion control features are needed downstream and what are they? (Sorenson 3/15/16 Letter)

23. What is the pond surface area to watershed area ratio? On what basis is this ratio meeting site specific and or regulatory requirements? (Sorenson 3/15/16 Letter) Does the post development runoff equal the predevelopment 10 and 100 year storm events? If not, what is the increase in the runoff volumes and discharge rates downstream from pond? What are the flooding and erosion hazards created by this runoff? (Sorenson 3/15/16 Letter)

24. Dean Sorenson asked about the design criteria for the hillside ponds. He said one pond will sit level with the second story of his house. (8/29/16) What is the distance from the edge of the wetland to my property line? (Sorenson 3/15/16 Letter) What distance is the pond edge to my property line? (Sorenson 3/15/16 Letter) What are the dimensions of the pond? (Sorenson 3/15/16 Letter)

25. Is the pond a retention or detention pond? (Sorenson 3/15/16 Letter) Is this a sediment removal pond? What is the percentage of effectiveness? What is the water quality of the discharge? (Sorenson 3/15/16 Letter)

26. How do the ponds function together as a system (parallel, series, independent, flows connect, flows do not connect?) (Sorenson 3/15/16 Letter) What are the pond’s 1) storm water drainage control volume, 2) water quality volume and 3) dead storage volume (area below outlet)? (Sorenson 3/15/16 Letter) What is the size of the pond bench/shelves that slope gradually into the open water? (Sorenson 3/15/16 Letter) Is the pond designed to use dead storage or extended detention treatment design? (Sorenson 3/15/16 Letter)

27. Will the detention ponds have the potential to attract unwanted wildlife? (Tedeschi 4/1/16 Letter)

B. Wetlands

1. Several building footprints abut wetlands, and Lot 258 shows a building footprint that is partially in a wetland. Plans need to be revised to show extent of wetlands along Slayton Hill Road and be labeled high value wetlands and show the required 100ft buffer as it could restrict development on Lots 38-41 and 121 and Pond 5. Staff recommended that the board require wetland 3rd party review. (3/14/16) Staff recommends that the wetlands rankings are identified on the plans with the requisite buffers. (5/9/16) It is quite wet toward the R19 area; there is a question as to whether the wetland extends to there. Vice Chair Davio said there is a question as to whether the lots to the east of cul-de-sac K are in the wetland. (5/9/16) The capacity of wetlands is important for drainage. The concern is whether all wetlands have been mapped. (5/31/16) The applicant would need to get permits from the Zoning Board and the Wetlands Bureau. Wetland impacts must be approved by the Zoning Board before the final application is submitted. (7/26/16)

2. What happens if there is a wetland that is not shown on the map? (5/31/16)
3. There is a significant amount of wetland to the east and northeast with significant flow around Pond 1, will that be an outlet for Pond 1? (5/31/16)

Mr. Finley said there is an outlet structure that crosses Poverty Lane. They plan to replace the existing road culvert. He said the normal protocol is to have someone chosen by the City review the wetlands. (5/31/16)

V. Development Layout

Staff identified the following issues -Lot 152 has less than the minimum required lot size. Lots 82 and 109 do not have the required lot width at the front-yard setback. Several setback lines need to be revised. Lots 239 and 240 are missing property lines, and there are potential encroachments of building footprints into setbacks. (3/14/16) The Board determined that lots conforming to minimum zoning requirements will be resolved at final review. (5/31/16)

The Assessing Department noted that there will be a Current Use penalty. (3/14/16) The Police Department expressed concern on the impact on traffic on Mechanic Street and Buckingham Place, and street lighting. (3/14/16)

1. There are questions regarding management and oversight of pathways, and the applicant should consider pathways to the open space. Staff recommends bicycle and pedestrian connections, and the Recreation & Parks Department recommends access to Farnum Hill. (3/14/16) The applicant plans to prepare trails that will connect the dead-end roads and connect the project to the Farnum Hill Reserve. Mr. Finley said they are working on the lot configuration, and they will develop trails based on that. The Board determined that this was required this for final review. (7/26/16) Will easements be needed for pathways? (5/31/16)

Yes, unless it is open space. Mr. Homan said they will provide easements, unless they set aside separate lots. (5/31/16)

2. Is there a way to model the final topography of the development with new contour lines? (9/28/16)

Mr. Finley said they have a proposed topography for the roads and ponds. (9/28/16)

A. Open Space

1. The applicant says he will clarify the layout with the proposed open space. (5/31/16)

2. Do the regulations deal with the quality of life for the open space? (5/31/16) Could it be possible to list the types of open space, as it looks like drainage ponds are in open-space areas? (4/11/16)

They do not-staff is working on that. (5/31/16)

3. Can the open space include wetlands, or if it has to be usable land? Can they include drainage ponds? What is the intent of the open space? (5/31/16)

It can be either. Many projects have included drainage ponds within their open space; it is not prohibited. The regulations are not as good as staff would like them to be. It can be developed or undeveloped open space, for active or passive recreation. The current regulations have not resulted in the kind of open space that is preferred by staff; they are working on updating the regulations to make sure it is usable, in large blocks, and abutting natural areas. (5/31/16)

15
4. What is the plan for the open space? (3/14/16)

Mr. Homan said they plan to leave it as-is. They plan about 87 acres of open space, plus 30 acres for the golf course.

B. Roadways and Driveways

1. Staff is concerned that it is not clear that all of the driveways are feasible when only the center lines are shown. On a number of lots, it appears that the proposed driveways do not meet the requirement of five feet of separation from property lines. Staff suggests that the applicant plot out all of the 12-foot-wide roadways, including any retaining walls or structures, and driveway culverts need to be sized and indicated on the plan. Access to the lots is a huge concern, and some steep slopes need to be accommodated. Some driveways encroach on the proposed building footprint. (3/14/16) Because of the locations of driveways, additional clearing will be required for sight distances. (3/14/16) Lots 16 and 17 have driveways that appear to encroach on the right-of-way. On Lot 98, there is a steep curve to the driveway, and it appears to encroach on itself. Access is not indicated for Lots 145, 144, and 135, and the driveways for Lots 96 and 97 are not clearly shown. On Lot 97, the driveway appears to interfere with the retaining wall. There is a potential visibility and access issue on Lots 45 and 230, as the driveways are less than 50 feet from the proposed intersection. In some cases, three lots share one driveway, and that is not allowed. The Lot 119 driveway comes from Lot 118, which shares a driveway with Lot 34, so an easement may be required. The Lot 130 driveway circumnavigates the footprint of Lot 129 and could encroach on Lot 128. There needs to be a 5-foot separation between the driveway and the property line. She said Lot 137 encroaches on Lot 136. Many driveways will require extensive grading and retaining walls. (3/14/16) Mr. Brooks said staff has provided a list of 15 of the most questionable driveways. At final review, they will provide all of the lots. (5/31/16)

Mr. Homan said the homeowners may want a different layout. Mr. Finley said they have shown a typical footprint and center alignment to show the driveways can work on each site. (3/14/16)

2. The road profiles and plan view need to be aligned, and the sight distances for driveways need to be checked. The driveway ditching is not shown on the plans. Some of the driveway radii are very tight. Some of the roadways will require guardrails. According to Engineering, some roads drain into the lots below, and along Road K, it appears that water will be dumped into the power line easement. Service Road D shows ditches that release water across proposed lots. Drainage easements will be needed, and a homeowners' association will be needed to maintain the easements. Geotechnical review will be required to review wetland crossings for roads. No details about street signs have been received. (3/14/16)

Mr. Homan said he would prefer to build the drainage elements on public land and have the City maintain them. He will set up a homeowners' association if he is required to. (3/14/16) The standards call for intersections that are as close to 90° as possible, and not less than 60°. (5/31/16)

3. Engineering suggested connecting proposed roads where possible, as cul-de-sacs lead to increased maintenance and plowing time and dead-end water lines, which could affect water quality. Multiple abutting cul-de-sacs do not represent good planning, but it is not against the regulations. This may be an issue if the applicant asks the City to take over the roads. (5/31/16) How do cul-de-sacs affect water quality? (5/31/16)
Dead-end water mains can affect water quality. Water quality can be maintained by blowing off hydrants. The City has preferred to take over water lines and hydrants to maintain quality, and blowing off the hydrants adds to expense. (5/31/16)

4. How do dead-end streets add to plow time? (3/14/16)

   Instead of plowing straight through, trucks have to stop and push and back up. (3/14/16)

5. It is unknown if fire trucks can maneuver up some of the driveways. (2/08/16)

   Mr. Finley said the 100-foot figure applies if they are fighting the fire from the main road. Ms. Hall said there are different rules for cul-de-sacs, and she is seeking clarification about that. (5/31/16)

6. Why R35 was chosen as an entry point to the development? (5/9/16)

   Mr. Finley said it was because of sight distance and the ability to follow the contour to catch up to the grade. (5/9/16)

7. Will the road across the power line will be at grade? (5/31/16)

   Mr. Finley said that will require a substantial amount of fill. (5/31/16)

8. Vice Chair Davio said there have been questions about the sight lines at the intersection with Poverty Lane. (5/31/16) When do changes done to a Scenic Road require approval by the City Council, with comment from the Planning Board and Conservation Commission? (5/31/16)

   The Police Department expressed concern about the visibility at the intersection of the main connector road and Poverty Lane. (3/14/16) Where the R1 center line is flagged, looking to the north, there is a horizontal curve to the right, and to the south, there is a vertical curve, blocking visibility. Mr. Finley said that is true, especially to the south. Work needs to be done to make the sight distances meet standards. They plan to change the geometry of Poverty Lane. There is a cut planned at that intersection. (5/31/16) City Code requires that the City Council make the determination about altering the profile of a scenic road, with input from the Planning Board, which in turn gets input from the Conservation Commission, but the Code does not specify when that must happen. Between preliminary and final review, the applicant needs approval for water and sewer extensions and approval for wetland impacts by the Zoning Board. The recommendation is that the applicant ask about the scenic road at the same time. (5/31/16)

9. Staff recommends concrete curbing. Will the curbing be consistent throughout the development? (5/31/16) Have the curbing standards changed since King’s Grant was built? (7/26/16) Why does the City not like bituminous curbing? (7/26/16)

   It will be consistent with the regulations and consistent throughout the development. (5/31/16) Section 13.5.H(16) of the Subdivision Regulations requires concrete or granite curbing. The regulations have changed since King’s Grant was built in the late 1970s and early 1980s, and these standards were adopted in 1991. They would have been in effect when the upper part of Wellington Circle was built. (7/26/16) There are issues of maintenance and durability. If the applicant wants the City to take over the roads, that is the City standard. (7/26/16)

10. Mr. Homan asked how long it has been since the City has taken over roads? (7/26/16)
The City agreed to take over Iron Horse Road and one spur connected to Elm Street West but not the intersecting roads or the River Park roads. They agreed to take over the extension of Crafts Avenue, but not Plaza Heights Road. It is not certain the City would want to take over so many cul-de-sacs, but that is the Council’s decision. Mr. Brooks said the fact that the project’s roads connect City roads is in their favor, but there are no guarantees. (7/26/16)

VI. Utilities

Utilities will be constructed to City standards, and the applicant will need to get permission from the City Council for connection. (3/14/16) Letters were submitted to Public Works for review on March 1. (3/14/16) Mr. Finley said he has submitted water and sewer estimates related to capacity issues; he does not know what needs to be studied and needs to clarify that with Public Works. Wright-Pierce has the City’s model, and the study should be done by them. Mr. Brooks said this is essentially a peer review. (5/31/16) Mr. Finley said he prepared a graphic of the overall water and sewer plan for Wright-Pierce, but he still needs to talk to Ms. Hall about the per-capita allotment. (7/26/16) Public Works met with Mr. Finley and contacted two consultants. Wright-Pierce had the lower quote for the hydraulic study at $8,000. Wright-Pierce had the lower quote for the sewer study at $18,900. Mr. Finley said Water System Superintendent Jim Angers proposed looping dead-end mains, and they discussed storage tanks on the hill. He said he needs to get the revised layout to Ms. Hall. (8/29/16)

Status of the studies—there have been meetings about water and wastewater studies. The sewer pipes have been sized to State standards, but the City has its own standards. Mr. Finley’s calculations were more conservative than the City’s and is working on revising the calculations for the City Engineer. (9/28/16)

1. Staff raised concerns about the locations of water and sewer lines and about how water will be accessed on Lot 3. The plans need to indicate how homes below the grade of the roadways will be served by water and sewer. (3/14/16)

   The water service is not a problem because of gravity, and homeowners will have to pump wastewater up to the lines. This is a burden on the homeowners, but it will work. (3/14/16)

2. Can the proposed homes be served by City water and is there enough water pressure to serve upwards 100 homes? How will upslope home be served? (Sorenson 4/19/16 Letter)

3. What is the minimum water pressure required at the residential home? (Sorenson 4/19/16 Letter) What will be the water pressure at each Carter residential home be without changes to the City water supply? (Sorenson 4/19/16 Letter)

4. What is the technical plan for resolving water pressure shortage for the homes underserved? (Sorenson 4/19/16 Letter)

5. Who will pay for the changes necessary to resolve any water pressure shortage identified? (Sorenson 4/19/16 Letter)

6. Is there enough capacity to meet demand? (6/29/16) Mr. Homan asked if it is the City’s contention that they do not have enough capacity. How long will the wastewater study take? (6/29/16) (8/29/16)

   It is a city-wide issue. If there is not enough capacity, improvements need to be figured in. The March 7 memo from Public Works recommended an independent third-party study of the impact on infrastructure. (6/29/16) The issue is capacity in the lines, which is unknown. The best time to do the wastewater study is in
the spring, so they can see infiltration. It takes a few months to do the metering, and then they have to write up the report. The applicant has to provide the usage required for the project. (6/29/16) The study will require 30 days of monitoring and 30 days for the write-up. (8/29/16)

7. Has the City made a written request for the requested water and sewer study? (6/29/16)

_The City has said they need a water and sewer study. Mr. Finley said that is focused on the project, not the City’s infrastructure._ (6/29/16)

8. Is this necessary for the decision about premature and scattered? Have there been studies of the sewer main? (8/29/16)

_Vice Chair Davio said it is. The only segment done was for Iron Horse. Every major subdivision has had to do a study like this. They will have a meeting to resolve the flow numbers, and they need the funds to do the study._ (8/29/16)

9. How many homes will have to pump wastewater to the main lines, and whether water will have to be pumped? What happens if there is a power failure? (5/31/16) How will sites that are downhill from the road work? (5/31/16)

_It depends upon the elevation. There should not be a problem for water, but the backup plan for wastewater is unknown._ (5/31/16) Those lots will need pumps to pump wastewater to the sewer line. (5/31/16)

The Board received a letter from Solid Waste Manager Marc Morgan stating that the project would not have any impact on disposal projections or infrastructure. (7/26/16)

**VII. Wildlife Study**

Study being completed (5/31/16). The Board received the wildlife study, and they will discuss it at the August 2016 meeting. (7/26/16)

1. How does the removal of the surrounding trees affect their [bats] habitat – as well as other species? (Melahn 2/14/16 Letter)

2. Are there vernal pools at the site? (5/9/16)

_Mr. Finley said no vernal pools have been identified there._ (5/9/16)

3. Ms. Monroe asked to hear from neighbors about wildlife on the property and if there is wildlife there year-round. (8/29/16)

_John Tatro said he has walked on this property often, and there is a lot of wildlife there, including a flock of turkeys, red foxes, coyotes, bears, and owls. There is a healthy herd of deer there that crosses Slayton Hill to breed. Mr. Tatro said he has snowshoed there and seen signs of deer and coyotes. Mr. Tatro said the property toward Slayton Hill has over 70% cover, and there is a distinct bedding area. It was noted that Mr. Spear (wildlife scientist) did not discount that there were animals present but said there were not a lot of dens or habitat._ (8/29/16) _Mr. Tedeschi said he agrees with Mr. Tatro and said there are 10-20 deer in his backyard during the winter. Louisa Spencer, Ward 1, said there are also porcupines and bobcats there. Sheila Moran said there are deer on their property, and she has seen or heard all of the species mentioned. Her primary concern is that according to the City assessment of public properties, animals move through the green space from Farnum Hill to Storrs Hill._ (8/29/16) _Benedicte Henrotte said there are no state endangered
species, but that there was no mention of the impact of a large tract of land being fragmented. There are bear dens above King's Highway, as well as turkeys, porcupines, fishers, ermine, foxes, coyotes, and deer yards. She said the Board should get Mr. Spears' opinion regarding fragmentation. (8/29/16) Dean Sorenson of Wellington Circle said he has seen towhees and moose in his yard. Michael Zellweger said there is a natural game trail behind the houses on Wellington Circle. He said he has seen three to five deer each night, as well as fishers and coyotes. He said he has photographic logs of these. (8/29/16) Vice Chair Davio said Mr. Spear did address fragmentation and mentioned some solutions to mitigate the issue. He said Mr. Spears likened it to the way the rest of Lebanon has been broken up and said this project would not have a large impact. (8/29/16)

4. Mr. Homan asked Mr. Tatro if he is a wildlife scientist. Do deer droppings indicate that there is a bedding area? (8/29/16)

Mr. Tatro said he is not, but he has a biology degree. Mr. Tatro said there is a concentrated area of fecal matter during the winter. (8/29/16)

5. What the purpose of the study is? What information the staff gleaned from it to inform the Board's decision? Will this require any alterations to the plan? (8/29/16)

The Board voted to not grant a waiver of the requirement for submission of a natural resources study and also required a wildlife study. The report did not seem to highlight threatened or endangered species, and that may or may not be accurate. Staff cannot say that they gleaned anything significant from the report. (8/29/16)

6. Was Mr. Spears given a list of things to check for? (8/29/16)

Mr. Spears was asked to observe what is there. The Board's role is to determine if what they read impacts the layout of the development and if there are areas that should be reserved or avoided. He said the bulk of the work in the City's Natural Resources Inventory (NRI) for this property was done via aerial photography and remote sensing, as the consultant was not granted access to the property. In the absence of specific info in the NRI, the regulations refer to anything that is particularly sensitive that should be avoided. (8/29/16)

7. Mr. Garland asked Mr. Homan if Mr. Spears' recommendations were acceptable to him. (8/29/16)

Mr. Homan said he discussed them with Mr. Spears, and he does not think there is anything there to stop the project. He said he is expecting to comply with the recommendations as much as possible, and if he cannot, he will bring the issues back to the table. He was under no obligation to allow a stranger onto his property to do a wildlife survey; now they have a thorough, on-the-ground study that agrees with the NRI. Mr. Homan was under no obligation to allow access to the NRI consultant, and he was not the only one to deny such access. It is up to Board members to accept the validity of the report or come to their own conclusions and decide if the report accurately reflects what exists there. The Board must determine if concern about exotic or endangered species, nesting areas, and vernal pools rises to the level of needing to deny or restrict this project. (8/29/16)

VIII. Wildlands Fire Study

The project may require a wild lands fire protection assessment per the Fire Department. (3/14/16) This issue will be resolved during preliminary review. (5/31/16) The preliminary study has been completed, and the applicant will meet with the fire chief the week of Aug. 1. (7/26/16) Mr. Homan said he believes he has reached an agreement with the Fire Department, and he will have a report soon. (8/29/16)
1. What mitigation is the Fire Chief recommending based on the report? (5/31/16)

   *Chief Christopoulos said he is not recommending any based on his assessment of the area. He could require a hazard assessment to determine how high the risk is, and the department can recommend a mitigation strategy. The primary strategy is a buffer zone of 30-100 feet. Beyond that, it is the responsibility of individual homeowners. Enforcement occurs when the first building permit is pulled. (5/31/16)*

IX. Deed Issues

Staff raised concerns regarding the proposed location of a cul-de-sac in the electrical utility’s right-of-way. The City has not received anything regarding the proposed use and the City would need to hear owners of the easement (Liberty Utilities and New England Power). Mr. Homan said he has an unlimited easement over that property. The City can ask their attorney if the Board can condition preliminary review on the satisfaction of the CCBA, Liberty Utilities, and New England Power. The Planning Board has no standing in those rights, but they could impact the layout that the Board is reviewing. (3/14/16) The applicant said he is working with his attorney regarding this request. (5/31/16) The Board received a response from the applicant’s attorney, and the City attorney is satisfied with it. (7/26/16)

A. Golf Course

Staff recommends removing the golf course from the open space calculations and that the golf course be under separate ownership and on a separate lot. (2/08/16) The applicant will use the land legally per the easement. (5/31/16) The impact of the golf course, including traffic, parking, the location of the clubhouse, and water and sewer are subject to site plan review, but there is nothing in the regulations regarding the design of individual holes. (8/29/16)

1. Is it within the purview of the Board to see how deed restrictions may alter the layout of the golf course? (2/08/16)

   *There is a clause in the deed that states that if there is no longer a golf course that meets certain standards, the land reverts to the Carter Community Association. The City is not a party to that language. (2/08/16)*

2. It would be beneficial to get advice from a third party to review the golf course. (2/08/16) Can a site walk of the proposed golf course be requested? (5/31/16)

   *The Board will take that into consideration. (5/31/16) The golf course is not under the purview of the Planning Board at this time. Staff has been advised that there is nothing in the regulations that requires a golf course, and the Board has no jurisdiction over its design. Its location is a private deed issue. The Board only has jurisdiction regarding the impact on the locations of houses, roads, and drainage. Parking and the location of any buildings fall under site plan review. The golf course will be on a separate lot. (7/26/16)*

3. Why is the golf course continued to be referenced in the agenda and should it be removed to clarify that the golf course is not part of the review? (8/29/16) Will an open lot would be shown on the map instead of the golf course? (8/29/16)

   *The agenda item comes from the original application. The applicant is still relocating a nine-hole golf course. An updated map with the golf course removed should be provided. Mr. Homan said they are not counting the golf course as part of the open space. Staff clarified that the applicant is proposing to remove the golf course area from the open space after the initial application was filed, and it will be a separate lot. The applicant*
should provide an updated plat. Mr. Homon said they will provide a clarification of the number of parcels. (8/29/16)

4. If this application moves to final review, and there is a legal dispute between the CCBA and Mr. Homan, will they have to start from scratch and propose another design? (8/29/16)

*The City attorney said the Board has no jurisdiction over the location or design of the golf course because there is nothing about golf courses in the regulations. It is part of the deed issue. If it impacts the layout of roads and house lots, part of the development may need to be relocated. (8/29/16)*

5. Who is responsible to make sure the golf course is safe? (8/29/16)

*Staff does not have an answer for that. (8/29/16)*

**X. Homeowner’s Association**

1. The applicant has said he will establish a homeowners’ association. The applicant can ask the City to take over some facilities, and that would trigger a review process. A straw poll was conducted; five Board members supported seeing the homeowners’ association document during preliminary review, two during final review, and one did not vote. (5/31/16) A draft was distributed on 7/26/16. Would the draft homeowners’ association document include references to gardens, composting, drying laundry outdoors, chickens, and solar or wind power facilities? (8/29/16) What degree of completion of the agreement is expected during preliminary review? (8/29/16)

*The applicant stated that the items will be clarified with the final submission. (8/29/16) There was objection by some Planning Board members requiring this during preliminary review. It should be a generic document with details completed for final review. The final version will be reviewed by the City attorney. The document should make references to additional infrastructure, including easements, water and sewer systems. It should also clarify the home business provisions. (8/29/16)*

2. Will the document will have covenants. (4/11/16) What level of detail will the homeowners’ association document have? (5/31/16)

*There could also be by-laws. Mr. Homan said Kings Grant has covenants because they do not have a homeowners’ association, and the covenants are enforceable by the individual homeowners. The document is simple because it is intended to take care of the infrastructure. If covenants and restrictions are added, it becomes more onerous but easier to enforce. (4/11/16) These documents are “boilerplate” that can be modified, and it will be reviewed by the City attorney. The onus is mostly on the developer until there are a certain number of homeowners. The document will spell out the mechanism and fee structure and should also reference an operations and maintenance document. If the association does not do the required maintenance, the City can do it and put a lien on the properties. (5/31/16)*

3. Is the applicant asking that the City take over roads and stormwater ponds as the draft homeowner’s association documents are not clear? (8/29/16)

*The applicant stated that they are constructing all of the infrastructure to City standards, and the decision whether to take them over is up to the City. They can provide an estimated expense to buyers for items that will be the responsibility of the homeowners. (8/29/16)*

4. With a slow build-out, who will be responsible for that initial expense? (5/31/16)
To The Planning Board:

I am very much against the Carter subdivision that Mr. Homan is proposing. This subdivision will change the ecology, traffic, noise level, air quality, parking, all medical and public services, and the wild life habitat to say the least. It will also be a huge expense for the city to maintain let alone the original cost.

I feel it is inconsiderate and thoughtless to subject this subdivision to an existing neighborhood. Which is what I refer to on Slayton Hill road.

I truly think Mr. Homan has a poor attitude saying he’s offended having to sit and read emails. We are human beings with rights not to be discounted. There needs to be focus on the people no matter how long it takes for that decision. Not the money Mr. Homan will make.

Thank you for you’re time.

Susan Pinckney
I am Lebanon resident and abutter who has been concerned about “Scattered and Premature” elements in Mr. Doug Homan’s proposed Houses on the Hill subdivision. I would like to commend the members of Lebanon’s Planning Board for commissioning the study on which Tim Camerato reports in welcome detail in “Report Pinpoints Wildlife Crossings.” (Valley News., January 17, 2017) I would also like to add information which I think materially expands the relevance and strength of this report.

The wildlife crossing cited in the Valley News is across Slayan Hill Rd. between Mr. Homan’s large parcel of land and the Lebanon owned natural area on Storrs Hill. What is not addressed in the study is the much less trafficked (by humans) Farnum Hill Rd. which is part of the modern extension of the historic Old King’s Highway. A protected trail continues along the old road bed on the southern edge of Mr. Homan’s property. This entire stretch of road and trail is an extraordinary wildlife crossing made possible by the City’s ownership of Lebanon’s largest natural area on and around Farnum Hill. The wildlife we see at our home at the end of Farnum Hill Rd. currently has clear passage through the Farnum Hill Reserve (which extends nearly to Plainfield) across Farnum Hill Rd. and the protected trail, through Mr. Homan’s land and onto the City’s Storrs Hill land. Were Mr. Homan permitted to build as he is proposing it would sever this vast wildlife corridor, a resource the City may proudly say it has enabled by its thoughtful foresight.

The City’s brochure for hikers on the Farnum Hill Reserve identifies the following wildlife: red-spotted newt, showshoe hare, deer, fisher, fox, bobcat, grouse, turkey, woodcock, barred owl, songbirds. While they are not mentioned, we, and others living in the neighborhood, have seen generations of bears moving back and forth across the faintly delineated human presence marked by Farnum Hill Rd. and the Old King’s Highway trail.

I am asking the Lebanon Planning Board to add my comments to their review of Mr. Homan’s proposal.

Sheila Moran
January 18, 2017
***as noted by staff for the records***