

## Central New Hampshire Regional Planning Commission

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**DATE:** March 4, 2016  
**TO:** ALLENSTOWN PLANNING BOARD  
**FROM:** MATT MONAHAN, CNHRPC  
**RE:** 4 NH Homes/Mike Gallo #01-2016  
**CC:** Eric C. Mitchell and Associates (via email)

The applicant, Mike Gallo of 4NH Homes, submitted an application for Allenstown Map and Lot 402-152-3 and totaling 9.43+/- acres, and Deerfield Map and Lot 413-62 totaling 41.25+/- acres (0.43 to be merged with the Allenstown lot), both parcels owned by the same, for the purpose of first merging the Allenstown and Deerfield tracts and then re-subdividing them into two lots. The Allenstown Parcel will increase from 9.43 acres to 10, then be subdivided into two five acre lots. The site is located on Mount Delight Road, within the Open Space and Farming Zone.

CNHRPC received a set of plans for the proposed Subdivision on February 22, 2016. The plan sets reviewed were entitled SUBDIVISION PLAN OF LAND AND LOT LINE ADJUSTMENT ALLENSTOWN TAX MAP 402 LOT 152-3 DEERFIELD TAX MAP 413 LOT 62 MOUNT DELIGHT AND MIDDLE ROADS ALLENSTOWN AND DEERFIELD, NH and dated February 8, 2016 and consisted of 3 sheets as prepared by Eric C. Mitchell and Associates, Inc.

Pursuant to the request of the Town of Allenstown Planning Board, CNHRPC reviewed the plans for compliance with the Allenstown Subdivision Regulations and applicable requirements. A memorandum intended to apprise the Planning Board of submittal items required by the Allenstown Subdivision Regulations that were missing from the plan as well as zoning and general planning issues that should be considered with the proposed Subdivision was submitted to the Board and the Applicant on February 25, 2016. The Applicant has since submitted items and updated information in response to the February 25 review memorandum. This memorandum is intended to apprise the Planning Board of any issues that still remain.

### SUBMITTAL DETAILS

CNHRPC INITIALLY reviewed the following plans and documents:

- A plan set entitled SUBDIVISION PLAN OF LAND AND LOT LINE ADJUSTMENT ALLENSTOWN TAX MAP 402 LOT 152-3 DEERFIELD TAX MAP 413 LOT 62 MOUNT DELIGHT AND MIDDLE ROADS ALLENSTOWN AND DEERFIELD, NH and dated February 8, 2016 and consisted of 3 sheets as prepared by Eric C. Mitchell and Associates, Inc.
- A Town of Allenstown Subdivision Application.
- A copy of a check from 4NH Homes, number 1632, in the amount of \$1,399.14.

- A copy of a check from Eric C. Mitchell and Associates, Inc., number 5658, in the amount of \$6.74. A copy of a Planning Board Fee Acknowledgement form signed by Mike Gallo.
- A copy of a waiver request signed by Bernie Temple of Eric C. Mitchell and Associates.
- A letter of authorization signed by Mike Gallo.
- A copy of an abutters list.
- A copy of test pit data.
- A Town of Allenstown Planning Board Subdivision Application Checklist.

The following items were received by CNHRPC on March 3, 2016 and were considered with this **UPDATED** review memorandum:

- A revised plan set entitled SUBDIVISION PLAN OF LAND AND LOT LINE ADJUSTMENT ALLENSTOWN TAX MAP 402 LOT 152-3 DEERFIELD TAX MAP 413 LOT 62 MOUNT DELIGHT AND MIDDLE ROADS ALLENSTOWN AND DEERFIELD, NH and dated February 8, 2016 and consisted of 3 sheets as prepared by Eric C. Mitchell and Associates, Inc. and noted as "Revision A."
- A culvert analysis drainage study.
- A response letter to the February 25 review memorandum.
- A revised waiver request.

### **TOWN OF ALLENSTOWN SUBDIVISION CHECKLIST & SUBDIVISION REGULATION REQUIREMENTS**

The following are advisory comments based upon the Town of Allenstown Subdivision Regulations and Subdivision Checklist Requirements used during the consideration of materials received by CNHRPC pertaining to this proposal.

#### **Overall Summary:**

The applicant is seeking approval to annex 0.43 acres from an abutting lot in Deerfield creating a 10-acre lot, then subdivide the new lot into two 5-acre lots. Major areas of focus for the project will include:

- Major Issues:
  - Coordination with Deerfield: The proposal will need to be approved by both boards. In addition, a development of regional impact (DRI) decision will need to be made by the Board. Given that a portion of the project is in Deerfield CNHRPC feels that it is reasonable to assume that the project has a regional impact. See DRI section below for details.
  - Lot shape: a waiver request has been submitted for the lot shape requirements. See details below.
  - Stormwater Management: TRC found that culverts would be needed under each driveway, which have been shown. Also, the applicant has provided a drainage summary. The Board needs to decide if the study needs to be reviewed by the Town's engineer or not. Key question to be answered: does the post-construction flows increase or decrease on neighboring lots?
  - Waivers need to be acted upon.
- Technical Review Committee Comments:
  - Road Agent: Water flow along Mount Delight is a concern. A culvert should be placed at each proposed driveway. Each culvert should be 15".

- Planner, Road Agent, Building Inspector: A drainage swale along the westerly property line on lot 152-3 should be installed to treat the runoff emanating from the two culverts. An easement should be created around it.
- Town Administrator: The easement document will need to be reviewed by the Town Attorney as a condition of approval. TA would also like to review it as well.

Present at the February 22, 2016 TRC: Matt Monahan, CNHRPC Planner; Shaun Mulholland, Town Administrator; Dana Pendergast, Building Inspector/Fire Chief; Ronnie Pelissier, Road Agent; Larry Anderson, Sewer Commission; Eric Mitchell, agent for the applicant.

- Potential Conditions of Approval:
  - Plan note indicating that bounds have been set.
  - The Allenstown Driveway Permit is received.
  - The Deerfield Planning Board approves the plan.
  - An easement document for the drainage swale is received and reviewed by the Town's attorney at the applicant's expense and the Town Administrator. Escrow of \$300 for attorney's review.
  - Professional stamps and signatures (surveyor and wetland scientist) as well as owner signatures need to be on the final plan.
  - All waivers granted and conditions of approval need to be on the final plan.
  - Any other conditions sought by the Board.
  - Post-Construction Inspection Escrow, in an amount determined by the Town's Engineer, for inspection of all public infrastructure, roads, and drainage structures.
  
- Potential Course of Action:
  - Applicant's presentation.
  - Planner presents concerns in this memorandum.
  - Board makes determination of regional impact.
  - Board acts on waivers.
  - Board acts on completeness.
  - Board opens public hearing.
  - Board closes public hearing, deliberates and votes.
  - The Notice of Decision should be recorded at the Merrimack County Registry of Deeds.

**Waivers Requested from Subdivision Regulation Items:**

The applicant has requested a waiver from:

- Item 23, Subdivision Regulation Section 5.02c for ties to the State Plan Coordinates.
- Item 28, Subdivision Regulation Sections 5.02j and 5.02j1 to allow a drainage summary instead of a full drainage study, and to not require the Town Engineer to review the study.
- Item 38, Subdivision Regulation Section 5.02j for new electric utilities to be placed underground.
- Section 6.02(g)6 to allow a lot depth greater than 4 times the width.

Requested waivers seem reasonable given the configuration of the parent tract. If the waiver regarding drainage study and/or engineer review is not granted the required information

would be needed before accepting as complete. If the waiver for lot shape is not granted the lot configuration would need to be revised. For the Board's reference, here is the text in the regulations regarding lot shape:

*"All lots shall be approximately rectangular in shape, and should not have a depth in excess of four (4) times their width, except where extra depth or non-rectangular shape is necessary due to topography and/or natural conditions."*

## **DEVELOPMENT OF REGIONAL IMPACT**

1. In accordance with RSA 36:56, the Board shall determine if the proposal is a development of regional impact:

"A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact." That said, the proposal does appear to have a regional impact given that a portion of the project is located in Deerfield. A vote by the board indicating that the project has a regional impact will result in the need to notify the Town of Deerfield and Central New Hampshire Regional Planning Commission (meeting minutes via certified mail). This will result in the application being continued.

## **OTHER COMMENTS**

The following are advisory comments based upon commonly held planning principles and the review of the plans received. These comments represent the opinion and professional discretion of the reviewer in considering the materials received in relation to this proposal.

2. Approval of the proposal by the Deerfield Planning Board should be a condition of approval.
3. Changing the plan note currently indicating that bonds will or have been set under the surveyor's supervision to that they have been set should be a condition of approval.
4. Receipt of Town of Allenstown Driveway Permit should be a condition of approval.
5. Attorney review of the easement document should be a condition of approval. An escrow check should be provided as well to accommodate this review.
6. Any conditions of approval and waivers granted should be listed on the final plan to be signed.

Given the nature of the proposal and the items submitted, the application could be considered substantially complete once waivers are granted.

Any item indicated in this memo as missing from the plan could be a condition of approval if the Board felt such item(s) are relevant and are not waived. If the Board chooses to invoke jurisdiction and accept this application as complete, the timelines set forth in RSA 676:4C shall apply. If the application is accepted as complete, the Planning Board can enter into a public hearing if such a hearing was properly noticed in accordance with 676:4D.