

## Central New Hampshire Regional Planning Commission

28 Commercial Street ❖ Concord, NH 03301

Telephone: (603) 226-6020 ❖ Fax: (603) 226-6023 ❖ www.cnhrpc.org



**DATE:** DECEMBER 22, 2016  
**TO:** ALLENSTOWN PLANNING BOARD  
**FROM:** MATT MONAHAN, CNHRPC  
**RE:** PINE ACRES SUBDIVISION # 07-2016  
**CC:** HIGGINSON LAND SERVICES (via email)

The applicant, 4NH Homes, submitted an application for Map 108, Lot 8, and totaling 32.7 +/- acres on land owned by Michael Nickerson for the purpose of creating a twelve lot cluster subdivision. The site is located at Route 28 and Pine Acres Road, within the R2 Zone and the Agricultural Conservation Overlay.

CNHRPC initially received a set of plans for the proposed Subdivision on November 21, 2016. The plan sets reviewed were entitled CLUSTER SUBDIVISION PLAN PREPARED FOR 4NH HOMES LLC. LAND OF MICHAEL NICKERSON TAX MAP 102 LOT 8 NH ROUTE 28 AND PINE ACRES ROAD ALLENSTOWN, NEW HAMPSHIRE and dated October 24, 2016 and consisted of two sheets as prepared by Higginson Land Services of Henniker, NH.

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 December 5, 2016. The Applicant has since submitted items and updated information in response to the December 5 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 CLUSTER SUBDIVISION PLAN PREPARED FOR 4NH HOMES LLC. LAND OF MICHAEL NICKERSON TAX MAP 102 LOT 8 NH ROUTE 28 AND PINE ACRES ROAD ALLENSTOWN, NEW HAMPSHIRE and dated October 24, 2016 and consisted of two sheets as prepared by Higginson Land Services of Henniker, NH.
- A Town of Allenstown Subdivision Application Form.
- A Town of Allenstown Fee Acknowledgement Form.
- A Town of Allenstown Subdivision Checklist.
- A letter from Higginson Land Services describing the nature of the application.
- A waiver request.
- An abutters list.
- A ZBA variance application to allow a cluster in the R2 with R2 density.

- A ZBA variance application to allow individual subsurface disposal systems on each lot of the cluster.

The following items were received by CNHRPC on December 5, 2016 and were considered with this **UPDATED** review memorandum:

- A revised plan set entitled CLUSTER SUBDIVISION PLAN PREPARED FOR 4NH HOMES LLC. LAND OF MICHAEL NICKERSON TAX MAP 102 LOT 8 NH ROUTE 28 AND PINE ACRES ROAD ALLENSTOWN, NEW HAMPSHIRE and dated October 24, 2016 and consisted of two sheets as prepared by Higginson Land Services of Henniker, NH.
- Test Pit Data.

### **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 create a 12 lot cluster subdivision with a 13<sup>th</sup> lot retained for conservation purposes. Major areas of focus for the project will include:

- Major Issues:
  - Pembroke Planning Board will need to sign the plan. Additionally, regional impact will need to be acted upon.
  - Review and comment on the open space by the Conservation Commission and the Board of Selectmen is advised.
  - Management of the open space is not clear. If it is to be accepted by the Town, the Board of Selectmen must accept it. If it is to be managed by a third party or to be shared by the homeowners it needs to be described as such. Lastly, deeds should specify ownership and management requirements. Disposition and management of the open space should be described in a plan note.
  - Drainage compliance with the Stormwater Management Ordinance needs to be addressed. Town's engineer may be needed to review.
  - State subdivision approval will be required.
  - Some of the well radii are located in roadways. A release of liability would be needed for these to remain.
  - Driveway permits will be required prior to the issuance of building permits. This should be listed on the plan as a condition of approval.
  - Plan for monumentation setting needs to be addressed.
- Technical Review Committee Comments:
  - Town Administrator:
    - Conservation Commission needs to review the proposal.
    - Any easement for the Town would need to be reviewed by the Board of Selectmen.
    - Where is the driveway for 8-12? Applicant answer: will show on revised plans.
    - Well radius in the road needs to be addressed.
    - A buffer or fence should be provided for the lot along Route 28 to minimize noise.

- Town Planner:
    - Stormwater is a concern for MS4 compliance.
    - Planning Board likely to want engineering feedback given the project's proximity to the river.
    - Driveway Permits will be needed following planning board approval.
  - Building Inspector:
    - Will there be driveway culvers? Applicant answer: none proposed.
  - Road Agent:
    - Where will the drainage go? Applicant answer: to the back and infiltrated before reaching the river.
  - Police: No comments.
  - Fire: No comments.
  - Water: No comments.
  - Sewer: No comments.
- Potential Conditions of Approval:
- Disposition and management of the open space should be described in a plan note. Draft deeds should be presented to the Town for review as applicable.
  - Signature block on sheet 2 needed.
  - Review and comment by Conservation Commission and Board of Selectmen.
  - Tie to NH State Plan system.
  - All stamps and signatures of professionals will need to be on the final plan set (surveyor and wetland scientist).
  - Receipt of State Subdivision approval.
  - A release of liability is needed for all wells that contain portions of the radii in roadways.
  - Driveway permits will be required prior to the issuance of building permits. This should be listed on the plan as a condition of approval.
  - Plan note should indicate that monuments will be set under the supervision of the surveyor before the conveyance of any lots.
  - A buffer or fence should be provided for the lot along Route 28 to minimize noise.
  - Signature by Pembroke Planning Board.
  - 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.
- 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.

**Allenstown Subdivision Checklist Requirements:**

1. Checklist Item 22 (5.02.b) – All stamps and signatures of professionals will need to be on the final plan set (surveyor and wetland scientist).

2. Checklist Item 23 (5.02.c) – Tie to NH State Plan system not addressed.
3. Checklist Item 33 (5.02.g.1) – Plan not signed by surveyor regarding the setting of monuments not addressed.
4. Checklist Item 36 – Compliance with Stormwater Management Ordinance cannot be addressed until engineering study is resolved.
5. Checklist Item 38 (5.02.h) – New electric not shown as underground.
6. Checklist Item 39 (5.02.j) – Erosion Control Measures not addressed.

**Waivers Requested from Subdivision Regulation Items:**

The applicant has requested a waiver from the following sections of the Subdivision Regulations:

- Article V Section 5.02.j for a drainage analysis.
- Article Section 6.02.g (5) for flag lots.

The request for relief for a full drainage study could be reasonable if some other information was provided given the sandy soils and the distance from the river. A letter, signed and stamped by the applicant's engineer describing the impact of the development on stormwater and its relationship to the Stormwater Management Ordinance would be ideal.

The waiver request with regard to flag lots seems reasonable given that the development is for a cluster subdivision that seeks to not include a new road. The flag lot setup allows for all lots to access the existing roadway. One thing to consider would be to move the access ROW for lot 102/8-9 to the other side of lot 8-3 and to move the access way for lot 8-7 to the other side of 8-1.

**Allenstown Zoning Ordinance Requirements:**

7. The following variances were granted by the ZBA resulting in zoning compliance:
  - Article VI, Section 601.a and Section 701.a to allow a cluster subdivision in the RS zone with the density as allowed per the R2 zoning.
  - Article VI Section 602.N.3.C to allow individual subsurface disposal systems on each lot.

**DEVELOPMENT OF REGIONAL IMPACT**

8. 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 could be seen as having a regional impact with Pembroke due to the proximity of the river and the fact that Pembroke needs to sign the plan.

**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.

9. Review and comment on the open space by the Conservation Commission and the Board of Selectmen is advised.
10. The board should consider engineering review for the drainage issues.
11. Discussion point for the Board: is there any possibility of spreading the driveways out? For instance, could the driveway for lot 8-9 be moved to the other side of lot 8-3, and also, for lot 8-7, could the driveway be moved to the other side of lot 8-1.
12. Noise may be an issue for the lot located along Route 28. A fence or vegetative buffer could resolve this issue.
13. A release of liability is needed for all wells that contain portions of the radii in roadways.
14. 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 issues pertaining to drainage and compliance with the stormwater management ordinance have been resolved.

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.