

TOWN OF TUFTONBORO
PLANNING BOARD
October 19, 2023
7:00 PM
Tuftonboro Town Hall, 240 Middle Road

MINUTES

Members Present: Gary Qua, Chair; George Maidhof, Member; Tony Triolo, Member; Anthony Mirando, Alternate Member; Kate Nesbit, Member; Bob Murray, Selectman's Representative
Absent: Jeff Reisner, Alternate Member; Carol Bush, Vice Chair; Matt Young, Alternate Member
Staff: Susan Burnside, absent
Public: Tim Galvin, Tuftonboro; Ladd Eaton, Melvin Village; Gregg Hershenson, Equanimity Builders; Paul Blanc, Norway Plains.

7:00 PM Call to Order

- I. Public Comment - none
- II. Gary asked for a motion to appoint Anthony Mirando to sit as a full member in place of Carol Bush who was not attending the meeting. Bob M., 1st the motion and Kate N. 2nd. All were in favor and the motion passed.
- III. Approval of Minutes: The October 5, 2023 meeting minutes were requested to be moved to the November 2, 2023 meeting, Kate N. 1st the motion and George M. 2nd. All were in favor and the motion passed.
- IV. Other Business - Tim Galvin – Lakes Region Planning Commission (LRPC) Representative for Tuftonboro.

Mr. Galvin came before the Tuftonboro Planning Board to present information and request the Planning Board make a recommendation to the Town of Tuftonboro to include the State Office of Planning and Development (OPD) "Fairshare" Table into the Town's next Annual Report. This Table is a template which includes an estimated calculation of each town's "Fairshare" of the region's affordable housing needs. Mr. Galvin's concerns were if the Town did not include this table into our future Annual Report, and if the Town did not include considering this information in its future zoning and subdivision changes, it may put the town at risk with the Workforce Housing Laws.

Gary Qua – Planning Board Chair, considered the information, as well as comments from the other members of the Board, but stated that the town's infra-structure (public sewer and water) would virtually make it impossible for the town to be successful in implementation of such a request. However, Mr. Qua did receive the information and will take it back to the Board's Planning Board Consultant for her thoughts and recommendation. The Board will table the request for now and bring it back up in the future once it has received further information.

- V. Public Hearings
 - a. Continued discussion of Equanimity Builders 5-Lot Subdivision (Tax Map 14-2-39) 421 Governor Wentworth Highway.

The Planning Board received their independent engineer's report from Horizons Engineering with numerous concerns about Equanimity Builders own Engineer's Plans from Norway Plains. The following are the concerns/review, and Norway Plains proposed resolution/fix for each.

Horizons Engineering - The property lies in three separate zoning districts: LDR, MDR and NB. Those zoning district boundaries are depicted throughout the plan set. Because the LDR has a two-acre minimum lot size and MDR and NB have a one acre minimum lot size, I used a weighted average minimum lot size to determine whether the lots comply with Table 4.2 of the Zoning Ordinance and incorporated footnote #3 of Table 4.2 which requires the exclusion of slopes greater than 25% and wetlands from the computation. Although Section 3.3.5 of the Zoning Ordinance, reads, “(w)here a District boundary line divides a Lot, either zoning District shall be interpreted as extending twenty feet (20') into the adjacent District” it does not appear from the review of the plan set that the applicant’s agent took advantage of that clause in the Zoning Ordinance in their minimum lot sizing computations. Therefore, I used the information contained on their submitted plans. Since the application also depicts proposed finished slopes of 2.5:1 or 40%, in addition to the natural slopes over 25%, I deducted the proposed slopes which will exceed 25% in the deduction calculations on each lot, as well as the wetlands. Based on this analysis, I believe that Lots 1 and 2 do not comply with the weighted average minimum lot size. Because I did not have this information in CAD form, my computations are approximate. Lot 2 may be able to comply if Section 3.3.5 is taken advantage of, but I believe Lot 1 will require some reconfiguration.

Norway Plains – Will Adjust lot sizes for lots 1 and 2 to meet. We are not using weighted averages.

Horizons Engineering - I believe it would also be in the best interest of both the Planning Board and the applicant to have the Planning Board make a formal decision on whether they believe Lot 5 satisfies the intent of Section 4.4.1, Lot Configuration, of the Subdivision Regulations. If the Planning Board does not, I recommend the Planning Board either formally waive this section or request reconfiguration of lot 5.”

Norway Plains – Planning Board already determined that lot 5 would be ok during its Preliminary Planning meeting where it provided advice on its lot configuration.

Horizons Engineering - The submitted plan set that I received did not all have the required stamps and signatures required by Section 3.2 of the Subdivision Regulations.

Norway Plains – All the required stamps and signatures will be included on the final plans.

Horizons Engineering - I am unable to locate the area of the road right-of-way acreage and square feet as required by Section 3.3.1, C of the Subdivision Regulations on the plans to be recorded. I recommend this be added to the plan to be recorded.

Norway Plains – The required information will be included on the final plans within the right of way boundary.

Horizons Engineering - Section 3.3.2, A – requires a note on the plan that indicates whether Residential Access Streets (RAS) are intended to remain private. Considering that there is parking on this RAS, I assume that is the case and a note should be added to the plans. This requirement is also mentioned in Section 4.4.4, H.

Norway Plains – Note will be included in the final plans on sheets S-1 and S-2.

Horizons Engineering - Section 3.3.2.G.1 requires an explanation of any drainage easement on the plan. The Planning Board should discuss with the applicant’s engineer appropriate language for this note.

Norway Plains – A drainage easement will be included on the final plans.

Horizons Engineering - Section 3.3.3.E reads that you must include "... grading for the entire Subdivision." While this is not typically done for "conventional" subdivisions which are simply creating lots, this development is clearly not "conventional", and it is a requirement of the Subdivision Regulations. I recommend that the Planning Board either formally waive this requirement if it is so inclined, or have the applicant comply. I will state at this point that I have some concern that as this project appears to be attempting to minimize site impact, it does so at the expense of safety and convenience of the residents. Specifically, my concern is that lots 1 and 2 require a lot owner to park on the street, cross an open ditch two feet deep in some locations and then climb a 40% grade that includes a minimum of a 22 - foot vertical climb to reach the building site. This of course assumes the homes are already built and in place. Getting construction materials to these sites, moving furniture, fuel deliveries and emergency services will all have this same access challenge. With lots 3 through 5, the slope is not an issue, but the proposed homes are sited across wetlands as much as 380 feet from the proposed parking spaces. This presents a different, yet similar concern for access related to construction, deliveries, and emergencies. As I read Section 4.4.3 of the Subdivision Regulations, these types of access challenges are to be avoided. Section 4.4.3 reads in part: "All access points, including driveway entrances, shall be located to most adequately promote the safety, efficiency, and convenience of the travelling public and the residents adjacent to the roadway." (emphasis added).

Norway Plains - Grading for the entire subdivision will be included in the notes on final plans. With respect to the site impact, we will be requesting a waiver to comply by developing the roads to the homes for the Fire Department and future residences during the lot development. With respect to the wetlands issue for lots 3,4,5, we will be obtaining a wetlands permit. For the issue of lot 5 we will make a note on the plans for fire access.

Horizons Engineering - Section 3.3.4, D.1 allows the Planning Board to require the applicant to provide exhibits that demonstrate adequate sight distances and I recommend that the Planning Board require these for the connection to Governor Wentworth Highway even though NHDOT also has jurisdiction. It may simply be that the applicant's agent has already provided such documentation to the NHDOT, and if so, they can provide the Planning Board with the same information.

Norway Plains – We will supply a copy of the NHDOT application to the Planning Board.

Horizons Engineering - Section 3.3.4, D.2 requires the applicant demonstrate how the design addresses "Pedestrian safety and access." I recommend that the Planning Board request that the applicant provide such a demonstration in light of the on-street parking in winter months combined with both the slopes and distances to the homes.

Norway Plains – We will supply a simple letter stating that the fire access roads will address the pedestrian safety and access.

Horizons Engineering - I recommend that the engineer provide the design speed for the RAS as required in 4.4.4, B.

Norway Plains – The road design is for a 10 MPH speed limit. A note will be listed on the chart.

Horizon Engineering - The engineer should address Section 4.4.4, F, which reads, "(s)ince in general, on-street parking is not permitted, how will the project design discourage on-street parking?" This design specifically is promoting on-street parking, so I recommend that the Planning Board either waive this section or address it in some manner so that it is clear the Planning Board was aware of it and how it was handled. I also observe that the parking space near station 4+15 is approximately 6% grade which makes it difficult to open vehicle door when the vehicle is facing upslope and the door to

swing wildly open when the vehicle is facing downslope. Standard practice is a maximum of 5% grade in parking areas.

Norway Plains – Parking does not need a waiver outside the Addendum B, and we will revise the grade down to 3%.

Horizons Engineering - The road design is not compliant with several of the geometric requirements found in Section 4.4.5, K and the street cross section for RAS streets contained in Addendum B, Section 4.5.4 . Specifically, the design exceeds the maximum permitted grade in two locations. The maximum grade is 10% and the design has one grade at 15% and another at 14.7%. The minimum grade, designed to facilitate drainage, is 0.5% and the cul-de-sac is designed level or 0.0%. Section 4.4.4, K, requires the maximum grade within 100 feet of the intersection to be 3% and in this design the grade within 100 feet of the intersection is 15%. Where a new street intersects with an existing street, as in the case of this RAS intersecting Governor Wentworth Highway, "... the approach to the intersection should be flat, with a slight rise at the stop." This design has no such "flat" spot. It does have a sharp sag vertical curve of 20 feet in length transitioning from -10% to +2%, but it is only 20 feet in length. With regard to the street cross section, the crown of the street is required to be 2% and the designed cross section is 1% from station 2+58 to station 4+32. The intent of these requirements is driver safety and comfort. I have observed that the applicant did request a waiver of one of these requirements, (maximum grade of 10%), but not waivers of the minimum slope, maximum grade within 100 feet of an intersection, landing requirements, and crown slope of the road. If the Planning Board considers waiving these requirements, it should be done with safety in mind. With such a steep slope of 15% coming down to Governor Wentworth Highway, combined with such a short landing before entering the highway I have concerns about winter travel and the risk of sliding out onto oncoming traffic.

Norway Plains – With respect to the cul-de-sac design level, we will increase it to .5%. With respect to the issue of where the new street intersects with the existing street, we will speak with Jack Parsons, Tuftonboro's Code Officer, on whether we need to comply with the town requirements or if we can go with NHDOT requirements. As far as the crown of the street is concerned, we will increase it to 2%.

Horizons Engineering - Section 4.4.13, A addresses natural existing features related to open space. Given the significant clearing and grading that will occur next to Governor Wentworth Highway for the drainage detention, I recommend that the Planning Board acknowledge that they have considered this section of the ordinance and find the applicant has satisfied it should it think that is the case.

Norway Plains – Final plans will show additional trees and shrubs to address this concern.

Horizons Engineering - Section 4.5.1, E requires pavement be applied in a minimum of two courses. A two inch base course and a one inch wearing course. There is no specification of the aggregate size in the regulations, so in practice, these could be the same specification of pavement as opposed to a larger aggregate base course for structure and a finer aggregate for a wearing course providing a smoother surface. The design proposes three to three and one-half inches in a single course. I have no concerns and recommend the Planning Board waive this requirement if it is comfortable with this approach.

Norway Plains – We are requesting a waiver to accept what is listed in C1 of the plans.

Horizons Engineering - Section 4.5.2, B.5 requires all culverts have concrete or mortar rubble masonry headwalls and tailwalls. Headwall and tailwalls are typically provided to support the shoulders of the roadways and prevent damage to the ends of the culvert. All culvert inlets on this project have catch basins so no headwalls are needed. The engineer has provided flared end sections for each culvert at

their outfalls which will minimize the risk of scour development. I recommend that the applicant provide the required tailwalls or request a waiver from the Planning Board for this requirement.

Norway Plains – We will add tailwalls into the final plans.

Horizons Engineering - The engineer has indicated that the development disturbs 87,650 SF which is less than 100,000 SF of disturbance which triggers an Alteration of Terrain review by NHDES. I do not have access to a CAD file to understand their calculation but using the submitted plans and proposed contours and I compute 105,000 to 106,000 SF of impact, including the area of impact in the Governor Wentworth Highway, the road construction and grading. If this is correct, an Alteration of Terrain application is required, which will trigger stormwater treatment as well as the detention which has been provided. I recommend that the engineer provide the Planning Board with a graphical representation of the disturbance areas which make up this 87,650 SF area.

Norway Plains – Paul Blanc of Norway Plains will discuss concern and solution with Jim Rines of Horizons Engineering and get back with the Planning Board on the acceptable resolution.

Horizons Engineering - The drainage computations as submitted have been designed in compliance with the design standards to include a two, ten, and 50 year storm events. However, I have a concern that the stormwater model is not set up to compute the volume and velocity of the roadside ditch given the steep slopes of the roadside ditches. In fact, the way the stormwater model is set up, roadside ditch Reach R1 is receiving no flow, which we know will not be true. Without an understanding of both the volume of water running along the roadside ditch and the velocity, it is not possible to determine the type of ditch stabilization that will be required to prevent the ditch from eroding on these steep roadside ditches.

I recommend that the drainage model be refined to include modeling of the roadside ditch to understand the volume of flow running down the ditch, the velocity, and depths so that appropriate ditch line stabilization is understood and designed for.

Norway Plains – Paul Blanc of Norway Plains agrees, and he will do a recalculation and complete the flow.

Horizons Engineering - As part of that refinement in the stormwater modeling, the engineer should demonstrate that the catch basin grate can handle the stormwater flows running to them. To understand that you need to know the depth of the flow in addition to the volume, since shallow flows use a different calculation than deeper flows.

Norway Plains – Paul Blanc agrees and will compute the grate inlet capacity.

- VI. Public Comment - Gary asked for a motion to open the discussion to the public. Bob so motioned and Tony seconded. All were in favor and the motion passed.

Ladd Eaton, Melvin Village, and an abutter to the proposed subdivision. Mr. Eaton was concerned about a marker that was placed in the center of the proposed cul-de-sac of the Equanimity Builders 5-Lot Subdivision. His main concern was the height of the proposed cul-de-sac in relation to his house which is located behind the subdivision. Mr. Eaton's concerns were primarily about light from cars, the height of the cul-de-sac in relationship to his yard located below, and the overall aesthetics of the road. He requested that someone meet with him again at the property to go over the plans with him to alleviate all his concerns.

Paul Blanc – Norway Plains, explained to Mr. Eaton what he was currently viewing from his property was not at all what he would be looking at once the project was complete. Mr. Blanc further explained how the builders were going to be removing soil from one side of the road and moving it to his side of the road and that once the construction was complete, it would look a lot different. Mr. Blanc offered to meet with Mr. Eaton at the property as he requested.

Mr. Hershenson, Equanimity Builders, also reiterated to Mr. Eaton that once the trees and fencing that had been previously agreed upon were put up, it would alleviate his concerns. Mr. Hershenson also repeatedly reminded Mr. Eaton they have every intention of keeping all of Mr. Eaton's concerns in mind as they go through the construction phase of the project.

There were no further comments from the public. Gary asked for a motion to close the public session. Bob M. so motioned and Kate N. 2nd. All were in favor and the motion passed.

VII. Adjournment – 10:06 PM. Bob M. motioned to adjourn the meeting and Kate N. 2nd. All were in favor and the motion passed.