

Planning Board
February 22, 2024
Public Meeting
7:30pm

Members present: Chip Current, Barry Hantman, Joe Hester, Leo Traverse, Chris Smith, Charles Underhill

Others Present: Gail Turilli, Jase Gregoire, Dan Jenkins, Vince Edwards, Carsten Springer, Donald Stokes (Eversource), Kaitlin Griffin (Eversource), Matt Cardin (Eversource), Jake Kwapiszeski (Eversource)

The minutes from February 8, 2024 were reviewed with no comments from the Board. Barry **made** and Chris 2nd **a motion to accept the minutes as written.** All in favor, **motion carries.**

Wellinghall Farm – Site Plan:

Jase Gregoire, Civilworks New England, addresses the Board. He states this is for a proposed wedding venue and is seeking conditional approval tonight. State permitting has been held up due to the need to see the additional phase of the project. There is an approved variance from the ZBA for the height of the cupolas and the applicant has met with the Conservation Commission who recommended approval. The main difference tonight is that a recordable site plan showing boundaries and the overall project has been created. Sheet 6 will also be recorded. Dan Jenkins noted that a wetlands permit was received in January of this year. A permit summary has been included on the cover sheet. Driveway permit is pending per posting of the bond and the state septic is also pending.

Joe Hester asked about item 21 on the cover page that states: The NHFG, including its employees and authorized agents, shall have access to the property during the term of the permit. Jase explained that this was a condition for the A.O.T. permit and the state will be notified when construction is complete. Fish & Game will be allowed to come back and fourth with conditions. Carsten mentioned that this was brought up at the Conservation meeting a few weeks back and this project has been delayed by Fish & Game for 12-14 months. Fish & Game does not have permit authority, they are advisory only but, DES will not issue a permit unless Fish & Game is satisfied. Carsten also explained at the Conservation meeting there was a motion to request clarification on this to specify which permit is being referred to. He is concerned that questioning this would push this project back another 6-8 months and therefore, Conservation decided not to move forward with the request. Chip stated that after the Wellinghall Farm project, he feels that this is something that Danville as a town, should take up in the form of some kind of complaint as it is causing issues with developers in town. Carsten stated Conservation is in agreement with that. He then asked Jase how many acres are being impacted by this to which Jase responded with 10 acres. Carsten explained that from a Planning Board perspective and a Conservation standpoint, this is a situation where an applicant doesn't want to put in 50 homes, which would put kids in school and affect taxes. A business is being put in that impacts a small portion of the property that is going to pay meals and room tax to the town and is a better plan from a Conservation standpoint. Charles asked if the site was going to continue with the sugar shack,

asked if a dual use would be warranted and notes be added to the plan for agriculture. Chip stated that there are notes already on the plan as the sugar shack will remain in operation. Jase mentioned that one of the waivers has already been accepted, waiving the fee for engineering review on the conditional use permit. Two outstanding waivers remain, that were previously accepted in November of 2022. 8% of commercial driveway where 5% is required and asking for bituminous curbing where concrete curbing is required.

Barry asked about fire suppression for the cabins. The plans have been updated and a note (32) has been added on sheet 6 under site notes. Jase reiterated that the hope tonight is to obtain approval for the waivers requested, conditional use permit, and conditional approval for the site plan. Barry mentioned that on Sheet 10, it shows the temporary snow storage area pointing into parking spaces. Jase stated that those spaces would potentially be unavailable in the event of a storm but, there would still be enough spaces. The town engineer asked that the temporary snow storage area be moved outside of the wetlands buffer and felt this was the best location for snow, it would melt, or be moved and go into the proposed bio-retention basin area. Additional impacts are shown on sheet 13, up around the hammerhead on the cabin road there are some impacts to the 75ft wetland buffer. There was more of an impact in the first concept but, decided to go with a retaining wall to minimize the impacts. Behind the cabins there are some additional impacts for grading and there are no building structures in the 75ft wetland setback. Chip noted infiltration pond 1, looks as though half of it is in the buffer. Jase stated that half of it is in the buffer but, there was already a pond there in the previous design and the impacts are relatively the same. Carsten stated Conservation has looked at this and noted that DES made some notes about no cutting in some of the buffer areas near the vernal pools. He believes this is not necessarily a good decision, letting in some sunlight and getting some regrowth is a good thing. Overall, Conservation feels this is an excellent plan. Dan noted that the conditional use permit was previously approved in 2022 but, the overall impact has been reduced. Jase also stated that the wetland impact did not change. Carsten mentioned the drainage and that Fish & Game made a number of changes relative to the grates, such that it had a higher probability of clogging and keeping things clear. There are also notes related to when equipment can go in to deal with problems and limits the time. Vince Edwards stated that the recommendations made were beyond standard codes. Things were downsized to the outside of regular engineering because they felt it was important. Jase noted that some of the sumps were eliminated and grate sizes were reduced. Chip asked how long Dennis (town engineer) had these plans. Jase stated that they were emailed to him today for review. There have been no design or concept changes. Notes have been added/changed addressing previous Planning Board and Town Engineer comments.

Barry **made** and Charles 2nd a **motion to approve the conditional use permit**. All in favor, **motion carries. Conditional Use permit approved 2/22/24**

Previous comments are now reviewed starting with the Town Engineer with Responses:

1. All State permits must be obtained and approval permit numbers added to the title sheet. Add State water supply permit to the list. The location of the well may need to

be relocated since contaminants from the parking lot are directed into the well protective zone. The well should be installed and tested during the first phase of construction to verify it will meet the required capacity for the project. Alternate location on site may be required.

A copy of all permits will be provided once approved, and the site plans will be updated.

2. There was no objection to the waivers submitted.
3. Section 25 – Sheet 9 Snow Storage areas now seem insufficient. It should be clear that large amounts of snow that contain deicing chemicals should not be piled within the protective zones of the vernal pools. The planting scheme will prevent snow storage on the west side of the building. Snow storage impacts Conveyance swale and sediment forbay #2, will need revision.

The plans have been updated with a note (34) on sheet 6

4. Section 28 – Provide 100-year frequency calculations to verify embankments do not overtop.

The pone embankments do not overtop in the 100-year storm event, see HydroCAD printouts that have been provided. Charles mentioned the changes made to the catch basins and sump pumps, and asked if most of the impacts are going to be within the State R.O.W. along 111A. Jase stated no, the impacts are all on private property.

5. Sheet 26 – The retaining wall plan is acceptable at this time. Final engineered design shall be required with full details and computations. Change the sheet number since sheet 24 is the lighting plan.

Plans will be updated.

6. Section 35 – State approved septic system design is required prior to final approval and approval number shown on the plan. Sheet 13 “See septic plan”

The town of Danville is a “pre-approval” town, the septic plans were provided to the Health Officer prior to submitting to the state for approval. Septic plans were provided to the Planning Board for review.

7. Sheet 13 Note 10 should include the wastewater flow for the proposed cabins.

Note has been updated.

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141 8. Sheet 25 – Infiltration Rate note. Testing results certifying required design rate must
142 be provided to town prior to constructing the infiltration basin.

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144 A note has been added to sheet 25. The infiltration note (3) on sheet 24 will be added
145 to sheet 26.

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147 9. Section 45 -Bonding. The town should require a bond according to this section. The
148 applicant should provide a construction cost analysis and bond reduction worksheet
149 that details all site work.

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151 An engineers opinion of cost & bond reduction worksheet has been provided. Barry
152 asked if the bond includes pavement from the existing roadway to the property line.
153 Chip notes that is a state issue.

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155 10. Section 47 – Certificate of Occupancy – A field check is required by the Planning
156 Board prior to CO to verify compliance with the site plan approval.

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158 This has been acknowledged by the applicant.

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161 **Planning Board Project Review Comments/Responses:**

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163 1. Architectural sketches of the proposed cabins.

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165 Draft architectural sketches of the proposed cabins were provided at the November 9,
166 2023 Planning Board meeting.

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168 2. Note about ADU compliant cabin.

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170 The plan set has been updated accordingly, note 31 under site notes on sheet 6.

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173 3. A handicap parking sign out front of the cabins.

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175 Update shown on sheets 7 & 10.

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178 4. Add note about cabins not to be used to establish residency.

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180 Update added to sheet 6, notes 2-4 under site notes paragraph. Dan also mentioned
181 the existing farmhouse will also be used as an optional rental for a maximum of 2
182 weeks.

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184 5. No snow storage signs at the end of the cabin road.

Updated can be seen on sheet 10.

6. Provide a site management plan.

A site management plan has been provided.

Barry asks if this is noted on the plan. Dan stated note 19 on sheet 6. Chip mentions to add this to the site notes as well. Carsten mentions that there have been situations when property changes hands, there is no maintenance or drainage easement available to the town and asks if the Board came to a resolution regarding this matter. Chip stated no but, the Planning Board requires maintenance easements in subdivisions. This plan is for the benefit of one site and there is no town infrastructure on it. He believes that state law allows municipalities and the state to go in to private property when it is causing damage to municipal infrastructure.

7. Provide a note stating that “this proposed development is subject to a stormwater inspection maintenance plan”.

Plan has been updated with a note (19) under grading notes paragraph on sheet 6.

8. Note on sheet 6 or recorded plan that indicates that this plan is part of a larger plan set and a copy of the entire plan is on file at the town hall.

Planning Board approval signature block will be added to sheets 6 & 7.

9. Update lighting plan to include proposed lights for the cabins, and all other existing lights located on the property.

10. Note on the plans that there will be no access to the cupolas.

Plan updated with at note (32) under site notes paragraph on sheet 6. This was part of the variance approval from ZBA. A note will be added for the variance.

11. Note on the plans about fire suppression.

The plan has been updated with a note (33) under site notes paragraph on sheet 6. Barry mentioned that there are two note 25's. This will be revised.

Conditions of Approval from November 2022 Planning Board Approval:

1. Provide stormwater inspection and maintenance manual.

The I & M has been provided.

2. Fire suppression plan.

A fire suppression plan will be developed once state and local permits are approved.

3. Update cover sheet with state permit numbers.

The cover sheet has been updated with the applicable state permit numbers, the subsurface bureau and water supply permits are still pending (pending drilling of well and testing).

4. Snow storage areas.

Areas have been updated and are shown on sheet 10. Barry asked if there is a place on the plan for the cistern. Jase stated that it will be close to the wedding venue. Carsten mentioned that there is no problem putting it in the wetlands buffer under logical circumstances. A note will be added stating that the cistern will be in close proximity to the building and will be easily accessible for the Fire Department. Chip mentions to place it within 15 ft of a paved area.

5. Infiltration and trench details.

Details have been updated accordingly.

6. Bond for construction.

An Engineer's opinion of cost analysis and bond reduction worksheet has been provided. Chip mentioned to work with Dennis (town engineer) to determine the number and the Selectmen accept the bond.

7. Signature blocks on sheets 6, 8, & 9

The plan set has been updated to include a note sheet and an overall site plan that are to be recorded (sheets 6 & 7). Signature blocks have been provided on these sheets.

8. Conditional use permit on the plan.

The cover sheet has been updated.

Waiver Discussion:

Three waivers have been requested, and one has been previously granted which was waiving the engineering review fee for the conditional use permit. Nothing has changed since prior approval. Waiver criteria was briefly discussed and the remaining waivers requested are as follows:

1. Section 21.e – The maximum grade of a commercial driveway shall not exceed 5% and shall maintain a negative grade until it is beyond the ditch line. Requesting an 8% grade.

2. Section 23.d – Curbing shall be granite. Requesting Bituminous slope concrete.

Barry **made** and Joe 2nd a **motion to grant the waivers**. All in favor, **motion carries**. **Waivers granted on 2/22/24**.

Barry noted the following outstanding conditions for the site plan and they are as follows:

1. Add infiltration note on sheet 26
2. Add approved waivers and dates
3. State subsurface system approval
4. State water supply permit
5. Fix conditional use permit date
6. Fix site plan approval date
7. Bond (acceptance by Selectmen)
8. Site note referencing site management plan
9. Signature block on sheet 6 & 7
10. Surveyors stamp & wetlands scientist stamp
11. Note for ZBA variance
12. Fix note numbering (two #25)
13. Note regarding cistern location

Charles questioned if there was any concern with the timeline for meeting these conditions. Chip stated that conditional approval is good for one year and extensions are allowed. It was also noted to add to the outstanding conditions list: #14 – Any changes required to address update to storm water management plan after town engineer review.

Barry **made** and Charles 2nd a **motion to grant conditional approval**. All in favor, **motion carries**. **Conditional approval granted on 2/22/24**. Carsten asked if the applicant is willing to share the timeline/events with Conservation and the Planning Board to which Dan answered yes.

Eversource:

Matt Cardin of Eversource addresses the Board. He states he is here along with other colleagues, to discuss the beginnings of upcoming projects for the coming year. Chip expressed his gratitude for Eversource coming in for this discussion and stated that he is looking to have them come in once a year to discuss potential projects for the year. Chuck questioned having two presentations, one to Planning Board and one to Conservation and maybe having both Boards present for one presentation. Carsten explained that typically it would go to Planning Board first and if there is anything specific to Conservation, then it would go before the Conservation Commission. Three structures need replacing and full inspection. J147 North/South, failed inspection, V103 line, parallel circuit, outside of the Peaslee Tap, need to be replaced with steel structures. The earliest this project would start would be fall of 2024 into the spring of 2025. 500-1000 ft South of the Tap is the third structure where there is a small wetland but, the vast majority is in uplands. A conditional use permit will need to be obtained. All structures are on Eversource property and will have some buffer impact. Charles asked about the scope of work that may carry over into other communities and to coordinate with Danville. Matt stated that

there are 4 structures in total, one being in Kingston. Carsten asked beyond Danville, what is the biggest struggle that Eversource is dealing with. Matt stated with DES, the dredge and fill has changed dramatically from a 2-week permit process to an 8-9 month process. Carsten noted that he has seen approved permits get rescinded. Chip explains that is what happened to the applicant in the previous discussion tonight. Matt stated that the main criteria for permits is based on temporary mats for wetlands. Now, the criteria has changed to soil type and whether or not timber matting for the specific soil type would be considered temporary. Also, a non-temporary mat is being considered which pushes Eversource into a permanent impact scenario which is a major dredge and fill permit.

Carsten stated that this is a serious financial issue across the state. Fish and Game has zero permit authority and yet, DES says unless you do what Fish and Game says, no permit will be issued. Matt responded by saying Fish and Game in an agency that advises DES and in the wetland rules, DES is required to receive Fish and Game input and then make a decision to either approve or deny the permit. Jake stated, DES will not issue a permit until confirmation of Fish and Game consultation is complete. Charles mentions in talking about construction activities around transmission, asks if Eversource is also feeling pressure either from ISO New England and Public Utilities Commission in terms of reliability issues and other aspects of operational considerations that have to be resolved concurrent with the construction activities. Replacing poles is enhancing the reliability of the system and keeping it from degrading too much has to be proven. Charles questions if this also needs to be coordinated. Matt stated if it gets to a point where the system couldn't be maintained, it would be an issue. The main issue was the it was assumed 2 -weeks for permitting then the goal post changed and now it is at 200+ days. From a broad schedule standpoint and a reliability standpoint, there could be concerns. Now that Eversource can plan on it, there is lesser risk now that they are acclimated to it. Vince Edwards stated it's the same regulatory burden of time of year restrictions. Wanting certain things in certain places in certain date ranges that don't exactly jive with the ability to turn power off. That's where ISO comes in. Charles explained that there is short term reliability where things are taken out of service and long term reliability which is the stability of the system given the conditions found and whether to look at risk factors that increase as reliability drops. This is probable not within a FERC consideration. FERC basically says that you have 3 years to resolve transmission issues locally and if it can't be done in 3 years, FERC steps in and states they will take care of it in 6 months but, this may be beyond the scope of what is being looked at now. Matt stated that the last thing the company wants is a failed structure. Ideally they are looking to get structures replaced in 12 months. If it takes 2 years, would probably be ok as inspections are done. If there was an emergent issue, a conversation would be held until after the fact. He also states that he has never seen permitting issues holding up reliability concerns. The most blatant case was the Seacoast Liability Project. It was a legitimate ISO New England Mandated reliability project, the company committed to it, and it took 7-8 years to site and permit. Chip confirmed that is Matt's purview, that there is a total of 3 structures in town for this year. Matt stated that Eversource polls transmission and he will represent the transmission maintenance. Also vegetation and distribution groups are polled. There is not a lot of distribution in Danville. The best that Eversource has come up with was some vegetation management work. Kaitlin Griffin states that the company is looking at a better time line this week but, now is looking at an April timeframe. Jaked stated the V103 R.O.W. is scheduled for vegetation maintenance this BMP's were recently issued which are inclusive of time of year restrictions for the entire 2024

vegetation maintenance program. It takes a look at what restrictions are going to look like and trying to strategically place crews at the time of year with best respects for those restrictions. The best estimate of when vegetation maintenance will take place is in the Q2-Q3 timeframe, could be as early as April but likely within the green out time of year. The preferred time is to perform vegetation maintenance in winter months to the extent possible. There are some other various significant areas of the system that are subject to a lot more scrutiny and those sensitive areas have to be prioritized.

Chip noted that the last time Eversource did vegetation maintenance, left a mess, ruts all over. Carsten also mentioned the fire pond issue and that notes were supposed to be put on the plan. There is a fire pond with a hydrant on G. H. Carter right below the power lines. It is a small pond that never goes dry. This time, Eversource did everything right down to the pond. Now there is a siltation issues in a fire pond. The buffer around the pond should remain vegetated. A suggestion was made to speak with the road agent because on the opposite side of the road, there was a culvert getting clogged up. Chip stated if Eversource wants to do the work in Q2, they would need to come before the Planning Board now and for the fall project, start the process in the summer. Matt noted that Eversource is preparing applications now. Jake mentioned that the consultation memo for NH Fish & Game was submitted last month and there is a 60 day review timeframe, potentially longer depending on if more information is needed. As far as the SPN approval time, that has stayed steady. Eversource is making use of established access ways within the R.O.W., new impact footprint is very small, well within the threshold of A.O.T and they are tracking the impact. If it should be determined that an A.O.T. permit is needed, it will be submitted. As of now, they are confident that they are well under that threshold. The only other permit that may be needed is a temporary driveway permit for the substation access road.

Carsten made a suggestion that may help the Board of Selectmen in tax issues relative to this. The value basis in Kingston is many millions of dollars just based on poles and things like that. Those are taxable items relative to the Board of Selectmen calculations. Wooded poles being replaced by steel structures is a lot of increased basis value.

Matt noted, just procedurally, that Eversource is to come with a conditional use permit to the Planning Board for review then go to the Conservation Commission and those notes will be forwarded to the Planning Board. The majority of towns have Eversource go to the Conservation Commission first. Chip explains that the Planning Board doesn't require Eversource to have a complete plan as the Board will work with them during the process but, they will need to come to Planning Board first and if necessary, will need to meet with Conservation.

Barry made and Charles 2nd a **motion to adjourn**. All in favor, **motion carries**. **Meeting adjourned at 9:30pm**

Agenda for next meeting:

1. 12 Olde Road/ S.J. D'Agati Trucking LLC – Amendment to Minor Site Plan

Respectfully,

Gail Turilli

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