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Town Planner's Recommendation
Wednesday, May 13, 2015

- IX. ***Public Hearing - Edgewood Road and Emerson Road Subdivision.*** 4-lot subdivision and a boundary line adjustment. Jack Farrell, applicant. County Line Holdings, LLC and Mark Morong 1991 Trust, owners. David Vincent, surveyor. Map 1, Lot 15-0. Residence A Zoning District.
- I recommend the public hearing be closed, the board provide direction on the subdivision including the designs for the Class 6 – Edgewood Road portion and the shared driveway portion, and the project be continued to June 10.

Please note the following:

Next Steps

- 1) **Next meeting.** If all is in order I will have recommended conditions of approval prepared for the June 10 meeting. A number of the items below, however, are intended to be addressed as precedent conditions, *after* Planning Board approval.
- 2) **Proposed design and plan.** Does the Planning Board find the proposed design and plan, as follows, acceptable, with any appropriate changes?

Class 6 Road

- 3) **Road Design.** The TRG discussed in detail the proposed improvements to the Class 6 Road – the continuation of Edgewood Road at its meeting on April 14. Presently there is an approximately 12 foot paved road. The applicant proposes to add 8 feet of gravel on the easterly side of the pavement to create a 20 foot travel surface. It would be preferable to add 4 feet of gravel shoulders on each side (as was approved for the Mill Pond Subdivision), so the road would be symmetrical, but the existing pavement is situated close to the southerly edge of the right of way, so it would be very tight to try to add it on that side and remain within the right of way (allowing for the need for maintenance beyond the shoulder). Plus, one of the abutters on that side, Robert Marshall has requested to the board that improvements to the road be placed on the far side (easterly side) from him. Given that the vast majority of traffic on this road would be by the five residents, the members of the TRG thought that this was the most appropriate design for the road.
- 4) **Section and plan.** The applicant submitted a revised plan with cross sections and details (included in the packet, revision dated 4/30/15). Unfortunately, the plan and section do not correctly depict the additional 8 feet of gravel discussed by the TRG. A plan showing

the full length of the Class 6 road with the 8 feet of gravel is needed. A cross section showing the 8 feet of gravel is needed.

- 5) Gravel. Mike Lynch said the gravel will need to be good processed gravel. DPW will approve the specifications.

Shared Driveway

- 6) Design. See the detail sheet showing a 12 foot wide gravel driveway with some wider sections for passing. The TRG thought this design made sense.
- 7) Fire Department. There is a note on the plan that the final driveway layout is to be as required by the Fire Department. The layout of the shared driveway should be finalized and approved by the Planning Board. Individual driveways need not be part of the subdivision review.
- 8) Right of way. The right of way/easement width is 30 feet as required.
- 9) Easements. An easement allowing for access, utilities, and maintenance will be needed. The applicant should provide a draft in advance of the next meeting. A written, recorded easement will be needed plus notes on the plan should clarify the easements.
- 10) Drawings. Some changes should be made to the drawing – specify the width of various sections and label the easement boundaries.
- 11) Access to 3 lots. The applicant has requested a waiver from Subsection 9.03 A. of the Subdivision Regulations which limits access to private driveways to 2 lots.
- 12) Street name. A street name will probably be needed (as a precedent condition). A street sign should be posted where the shared driveway meets the Class 6 road .
- 13) Mail boxes. Mail boxes should probably be placed near the street sign. The Post Office will drive down the Class 6 road to reach them.

Fire Department

- 14) Sprinklers. My understanding is that the Fire Department is fine with the designs of the class 6 road and the shared driveway. We will obtain a signoff from the department, of course. The applicant has agreed to sprinkle the 3 new houses which allows for more flexibility for the department.
- 15) Structure of roads. My understanding is that the gravel for both the class 6 road and shared driveway, as well as the 2 turnarounds shown on the individual lots is designed to support fire trucks. The department will confirm this with its signoff.
- 16) Fire Access. Here is an email from John Powers, Deputy Fire Chief, from April 1 about the designs. Their approval will be finalized with a sign off.

This appears to match what we had discussed with Mr. Farrell and Jeff Murphy.

In summary, the fire department access road / driveway was allowed to be reduced in lieu of providing NFPA 13R sprinkler coverage in the dwellings as allowed under NFPA 1. Also, widened sections were added to allow locations where emergency apparatus could pass each other, and provisions for turning apparatus around were included.

So long as the proposed surfaces are maintainable year-round and can support the weight of our fire apparatus, the proposal discussed under the eighth bullet below should not conflict with the code.

Utilities

- 17) **Show utilities.** The water, sewer, electric and any other utilities should be shown on the plan, including in the Class 6 and shared driveway areas. They are shown in details but not on the plan.
- 18) **Underground.** New electric utilities are required to be placed underground. The lines are above ground within the Class 6 road. How will the new lines connect with these existing lines?
- 19) **Trash.** The TRG spent a good amount of time wrestling with this issue on April 14. After considering the various possibilities, members present thought it made sense to not erect any structure but rather let lot owners know that the Town does not pick up trash on the Class 6 road nor on the shared driveway, and that owners may either bring their trash to the end of the Class 5 portion of Edgewood Road or take it to the transfer station on Durham Point Road. We should note that the Town reserves the right to not pick up trash at the end of Edgewood Road if the trash is not maintained in a neat and orderly manner. This information could be included in the maintenance agreements and the deeds, as appropriate. The Town picks up trash along Town roads in front of single family houses.

Situations like this fall into a gray area. The houses are single family but they are not located along a Town road. The challenges with requiring the applicant to erect an enclosure is that it would need to be maintained. The Town would not maintain it and it could be difficult to get the owners to maintain it. The structure would be in view all the time whereas the trash would be there only one day per week. Note that Town vehicles do not drive on Class 6 roads. Tom Johnson, Building Official (who could not make the TRG meeting), in contrast, believes that another approach is needed.

Construction of road/driveway improvements

- 20) **Construction.** The applicant proposes to not build the improvements – improvements to the Class 6 section, construction of the shared driveway, installation of utilities, and other improvements (such as the street sign) - himself but expects to sell the subdivision to a developer who would build them. This is reasonable provided appropriate surety, process, and notice is given. I consulted with the Town Attorney and the improvements would need to either be built or bonded for as a precedent condition prior to signing the plans and recording the plat.

Wetland

- 21) Dredge and fill. The applicant has applied for his permit from NHDES
- 22) Conditional Use – DCC. A conditional use will be needed as part of the subdivision approval for the shared private driveway to cross the wetland. The Conservation Commission reviewed the application on February 12, 2015 and recommends approval of the conditional use with several conditions. I am checking with the chair of the Commission if their comments included the road and driveway construction, in general, that will be situated within 75 feet of the wetlands.
- 23) Conditional Use Criteria. The applicant included a memo to the board addressing the criteria. It was included in the prior packet.

Documents

- 24) Other 2 lots. There are 2 existing lots that already take access from the Class 6 road. The applicant is meeting with them hoping they will agree to be part of a 5-member group that will maintain the Class 5 road jointly. *We should know if they have agreed to be part of this prior to Planning Board approval as this will affect the structure of the agreements.*
- 25) Drafts submitted. The applicant has submitted draft agreements for access and maintenance of both the Class 6 road and shared driveway. These can probably be finalized as precedent conditions.
- 26) Restrictions. The applicant has offered a number of restrictions on the lots. The draft is included in the packets.

Miscellaneous

- 27) Accessory apartments. The applicant has agreed to a condition that accessory apartments not be permitted for the 3 new lots (in order to reduce traffic on the road/driveway and impacts upon abutters).
- 28) Variance. The ZBA granted a variance to allow for 4 lots to be developed not as a conservation subdivision. Conditions of the variance will be included in the subdivision approval.