

**Kingston Planning Board
October 19, 2010
Public Hearing**

Minutes

The Chairman called the meeting to order at 7:00 PM; there were no challenges to the validity of the meeting.

Members Present:

Rich Wilson, Chair
Jay Alberts, V. Chair
Chuck Hart, BOS rep.
Rich St. Hilaire, Alternate

Ernie Landry
Glenn Coppelman
Dan Mastroianni
Adam Pope, Alternate

Members Absent: Marilyn Bartlett, Alternate

Also present: Glenn Greenwood, Circuit Rider Planner; Dennis Quintal, Town Engineer; Ellen Faulconer, Administrative Assistant.

Mr. Wilson announced that Mr. Pope will be a voting member this evening.

Board Business

Correspondence:

- Letter received from “Book Bin” – no additional review required.
- Review of Diamond Oaks from RCCD.
- Zoning Amendment Calendar from RPC.
- Letter from Danna Truslow regarding scope of work for PREP grant.

ACTION ITEM: Board to review and discuss PREP grant scope of work at next meeting.

- Possible regional impact for a project in Danville that their Board will discuss on Oct. 28th. An RPC planner will be at the meeting.

ACTION ITEM: Mr. Greenwood to report back to the Board regarding the Danville project and possible regional impact.

- By-laws language distributed

ACTION ITEM: Board to confirm acceptance of by-law language for Alternate Members to move forward for the November public hearing.

- Letter re: test pits on Hunt Road received from RCCD.

- Bond Balance sheet reviewed
- Boutin Bond released pending confirmation of no outstanding bills
- Information received from Sad Café regarding public hearing process. Mr. Greenwood stated that he had spoken with Attorney Loughlin about the possibility of streamlining the denial process. Attorney Loughlin explained that there is no statutory language that allows a Planner to make a zoning decision; the Planning Board needs to be the one making the denial. He added that any relief allowed by the Planning Board is in what they require during the application process; for example, waiving a required engineering bond. This application will be reviewed during next week's Plan Review.
- Building permit for Tupello
- Memo regarding questions from Inspector's meeting. Mr. Hart noted that the non-compliant sign at Pondview would be an enforcement issue for the Board of Selectmen.
- 2010 Law Lecture Books received
- Town and Country magazine received.

Diamond Oaks Golf Club, LLC
NH Route 125 and Granite Road
Tax Map: R-3, 4C and 13

Lynn Merrill introduced herself, Steve Cummings, Kathy Sullivan, and Marc Jacobs. Owner of the property, Jim Dufresne was also present. Mr. Cummings stated that the plans were submitted about three weeks ago, some changes had been made since then based on items discussed along the way with the Town Engineer and the Board; he said he was ready to answer any questions. Mr. Wilson stated his assumption that once all this was addressed, a full-set of final plans showing all the changes would be submitted; Mr. Cummings confirmed that would happen. Mr. Cummings asked for final verification of the pages that needed to be recorded so he could have those pages stamped properly and make sure they were recordable.

The letter from RCCD that had been received by the Board, dated Oct. 15th and received Oct. 19th by the Board, was discussed; a copy was given to the applicant (attached). Mr. Greenwood explained his take on the comments from RCCD (#2 in his comment letter, attached); he said that from his perspective, Mike Cuomo from RCCD seems to agree with the wetland delineation done by Mr. Jacobs; Mr. Cuomo pointed out parts of the Town's ordinances that may need some sort of activity by the Planning Board either by interpretation or conditional use permit or permitted use review. He added that Mr. Cuomo questioned the proximity of the wetland to Greenview Circle and refers to the Town Ordinance that refers to right-of-way access and the need for the Planning Board to make a decision regarding the integrity of the wetland and the proximity of the road to the wetland; Mr. Cuomo also stated the need for a better delineation of the 65-foot buffer, based on the functional evaluation of the wetland. Mr. Greenwood said that the backside of the lots have an excess of 65-feet and only raising the issue of actual construction activity that might be within the buffer including how much area will be used for grading within the buffer. Mr. Wilson pointed out the area where a wall was shown on the left of

the 18th green. Mr. Greenwood said that, in his discussion with Mr. Cuomo on Friday, he didn't think there was a vernal pool on the site after further discussion with Mr. Jacobs.

Mr. Jacobs referred to item #2 on RCCD's list. He discussed the evaluation that determined that there was no vernal pool in that area. The Natural Heritage Bureau had been contacted regarding a data base check regarding any threatened or endangered species in the area; the finding showed none.

ACTION ITEM: Mr. Jacobs will provide the Board with that documentation regarding vernal pool species determination.

The Board discussed their site walk in April and the area was dry then. Mr. Jacobs stated that there is evidence that shows that it floods briefly but it couldn't sustain amphibians.

Mr. Jacobs explained that he did not apply the functional evaluation properly when initially determining the setback due to a misinterpretation; after discussing the table and requirements with Mr. Cuomo, he agreed that the 65-foot setback was warranted.

Mr. Wilson referred to #7 on the list referencing the wetland buffering and limited planting not being properly labeled; no landscaping is indicated in the graded area in the wetland buffer. Mr. Jacobs stated that he would need to defer to the project engineer on this. Mr. Cummings stated that they were not planning on doing any planting in that area; just loam and seeding; they had been asked by Mr. St. Hilaire to add a swale in there to intercept water which he did but, based on tonight's discussion, he said that he is not sure that should still be done. He said there would be some plantings out of the area, next to the clubhouse.

Mr. St. Hilaire stated that the Board needed to make this decision about the swale; he said that, while not being an engineer or wetland scientist, practical experience says that there will be sheet flow; the Conservation Commission thought that there needed to be some sort of a cut-off trench there to have something to catch the sheet flow to keep fertilizers and the like out of the of the wetlands. He said that it had been added but would be up to the Planning Board to decide to keep or remove it. Mr. St. Hilaire asked Mr. Jacobs about his opinion of the process for establishing the wetlands setback and the Ordinance that he had to work through; Mr. Jacobs applauded Kingston for trying to have science in the process; he thinks that the table works and can be defended scientifically which is something most environmental ordinances should strive for.

Mr. Jacobs referred to RCCD's comments numbered 4-8; he summarized that they seem to refer to work or grading proposed within the buffer zone with the Planning Board determining whether it is allowed and what form any landscaping will take within the buffering. He said that RCCD was suggesting that certain elements of the stormwater control system may need a conditional use permit to be within that area. Mr. Cummings showed the Board where the 65-foot limit would be on the plan; none of the buildings were within this area. He noted the areas that were within the 65-foot buffer; there was a structure pointed out by Mr. Cummings; a detention area where most of it was within the

65-foot buffer; a small piece of a wall was within the 65-feet. Mr. Wilson suggested that the wall that Mr. Cummings noted was being eliminated; Mr. Cummings said that a portion of that wall was being eliminated. It was noted that the Pump House was within the buffer; Mr. Cummings said that the Pump House could be moved.

Mr. Alberts questioned whether the Board should address issues that have been raised; he suggested locking down the issue of the cut-off trench for the sheet flow. Mr. Wilson specified, for the applicant, that Mr. Pope was a voting member this evening. Mr. St. Hilaire clarified that he was representing the Conservation Commission this evening and added that they had not spoken with RCCD about the cut-off trench. He asked the Town Engineer for his thoughts on this. Mr. Quintal stated that buffer zones vary from Town to Town with some being very strict that don't allow any disturbance within the buffer limits; some Towns require delineation prior to development so no disturbance takes place; he continued that further disturbance of work in the buffer zones in order to protect the wetlands is getting to be more and more of an issue in future rules and regulations both Town and State-wide. He thinks in this case, there is a plan that has now fixed a 65-foot delineation that has drainage proposed, slopes proposed, existing cart path within the 65-feet; a proposed well house that can be moved and the Board should give some thought to this with some input as to whether it is appropriate to leave a well house, drainage structures that are part of stormwater detention areas within the buffer zone. He added that this area is already being used by the golf function due to the cart path already going through the buffer. He stated that there was an expert, soil scientist present who knows what needs to be done to protect wetlands; he stated that although he was representing the applicant, he would truthfully answer the questions as to whether these proposals were reasonable and whether other things could be done to protect the wetlands in conjunction to what is being proposed, either through swales or other types of vegetative plantings; whether additional plantings surrounding the cart path within the buffer would function better; long-term delineations and maintenance of the buffer should be considered by the Board with notes of protection so people who live here don't go beyond their limits for planting gardens, fertilizers, and other things that would further disturb the wetlands. He added that he would defer to the Wetland Scientist.

Mr. Jacobs stated that in the Town's regulations, it is apparent that structures are meant to be excluded however, landscaping and grading are a little less clear. It doesn't explicitly exclude those activities but both he and Mr. Cuomo believe that if grading is allowed and approved, restorative plantings were in order; he re-iterated that it is not clearly stated but is definitely implied in the regulations. He explained that it is in order for those types of activities along the backs of the units where the grading does encroach into the 65-foot buffer zone. Mr. Wilson confirmed with Mr. Jacobs that it was his opinion that the pump house be moved out of the buffer zone; he agreed. Mr. Wilson stated that the Board consensus was to move the pump house out of the buffer zone.

Mr. Pope referred to comment #4; he asked about something being added to the condo. docs. so the owners are aware of and bound by the limitations, including fertilizers, and requirements of the 65-foot buffer zone. Mr. St. Hilaire agreed that this should be added to the condo. docs as it is unlikely that owners will look at the plans.

Mr. St. Hilaire suggested that the Board review the language for buffer zones and clarification and believes the Conservation Commission will agree that the language needs to be clear that “buffer zone” means just that and nothing should be happening it out other than natural vegetation with no soil disturbance.

ACTION ITEM: Clarify that a Buffer Zone allows nothing in it except natural vegetation; add a sentence or two for clarification.

ACTION ITEM: Add in restrictions of fertilizers and plantings in the 65-foot buffer zone to the Condo. Docs.

Attorney Sullivan will reference the plans and add that all of the unit owners will conform to the buffers that are shown of the plan and the restrictions that are set forth. She will send to Attorney Loughlin for his review and to work out the final language.

The cut-off trench and sheet run-off was discussed and areas on the plan that might be appropriate for this. Mr. St. Hilaire referred to a steep slope behind some of the units that headed toward the wetlands with a possible cut-trench taking care of the slopes behind the 14 and 15 area. Mr. Cummings added that it included 9, 10, 11, 12 and 13. Mr. Wilson suggested working this into the rebuilding of the 10-foot wall with a drop-off at the 18th tee; he noted that this had been discussed at the Technical Review Committee (TRC) meeting which then asked Mr. Cummings to address it by re-working it to a slope with a three or four foot wall to make a safe required wall. He said that this was a condition established at the TRC; he added that he would discuss those momentarily. Mr. Cummings said that almost all of the stormwater flows are being picked up in some type of closed drainage system or open and closed combination and are all being treated in two different detention areas before they are being released to the wetlands; he added that there is nothing directly running into the wetlands that isn't treated. He explained that what exists now for wetland vegetation is simply grass as it was a driving range and putting green; no vegetation is being removed; the intent is to grade off to what it is now with the slopes possibly being steeper and then graded and grassed. He added that if the Board wanted plantings added to slow the flow, they could add them per Mr. Jacobs' recommendations. Mr. Wilson stated that he thought a swale would be an improvement to what is there now. Mr. Quintal said that behind the units, the only water is coming from the back area and channelizing the water in this area is not a good idea; if it is sheet flow going over grass behind the buildings and is going across the existing cart path, sheet flow is better to slow it down and treat it through the grass areas and have plantings that Mr. Jacobs' recommends to be planted there; a swale will channelize the water and then there is the problem of dealing with water traveling at a faster rate and possible erosion which would require erosion protection. Mr. Quintal re-stated his belief that a swale was not necessary but grass and some additional plantings in that area, that were maintained and protected, would be adequate. Mr. St. Hilaire deferred to the experts.

Mr. Wilson read and reviewed those items addressed by the TRC. He referred to item #4 on Mr. Greenwood's comments to make a correction under “a” that should say “NH Rte. 125 intersection and Greenview Circle” instead of “along Greenview Circle, as Chief

Briggs was talking about the intersection at Rte. 125 that he wants to make sure is well lit. Mr. Wilson stated that he was adding a “j” to the list which would say that the pump house will be out of the 65-foot buffer; he is setting up a conditions list in case the Board decides to make some type of approval. Mr. Wilson asked Mr. Cummings if the applicant had come to an agreement with the Health Officer regarding the proper septic loading for the residential dwellings. Mr. Cummings said that he has agreed to use what the Health Officer wanted for loading; there is a minor issue regarding the merging of lots as there is a difference between using one lot and four different parcels. Mr. Wilson said that Mr. Middlemiss told him that, unlike the Planning Board, he is not able to approve something with contingencies which is why he is being so strict about this issue. Mr. Cummings said that if they got conditional approval by the Board, one of the conditions could be for the septic system being accepted by the Town and NH DES with the other condition being that there is a deed with the four parcels combined into one lot; that condition could be met and then the septic could be done and that condition met and it could be done in this orderly fashion.

Mr. Wilson and Mr. Greenwood reviewed the list from the TRC regarding septic approval, State and Town approvals; Mr. Greenwood noted that obtaining all State permits is a standard condition. Mr. Wilson stated that in the list of conditions, obtaining all state permits would be one condition, “k”; approval of Septic by the Town would also be required, “l”.

Mr. Wilson continued reviewing Mr. Greenwood’s comments including the Deed of Easement. Mr. Greenwood spoke with Attorney Loughlin; this was done in conjunction with both attorneys; this additional instrument is reflected in the condo. docs. Mr. St. Hilaire liked the document.

Mr. Wilson read the comments received from the Conservation Commission; expressed concern that monthly revisions should have notations showing the updated changes on the plans; the regulations should be changed to express that Open Space should be more narrowly defined as land open to everyone and more natural in terms of non-development; concerns about the wetlands function evaluation specifically about the sustainable groundwater discharge and aesthetics; plans are not stamped by a wetland scientist and suggest that a third party review. Mr. Wilson noted that the third party review had been done as discussed earlier in the meeting. The Fire Departments comments were to require a note on the plan regarding the units having sprinklers. The Highway Department’s comments were to require that the road be private. Mr. Wilson said that on the TRC list, a binder will be on the road prior to Building Permits being issued, in lieu of a road bond. Mr. Wilson told the Board that at Monday’s TRC meeting, they did a 9-1-1 renumbering of the plan with the lot numbers. Mr. St. Hilaire said that the road name “Greenview” might be an issue with 9-1-1; when the roads were re-named for 9-1-1, there could only be one road with the name in it and there was already a “Green” road. He suggested that a name change might be considered. There were questions about responsibility of road names and road name changes. Proposed names were discussed; Mr. Wilson said the final plan would need to reflect the road name; Mr. Dufresne said that he would come up with another name for that road. There was discussion regarding the proposed numbering of the lots and the

difference in tax map numbering and road numbering; tax map numbers and street addresses are done differently and might need to be separated. Mr. Cummings, on sheet 6, now shows unit numbers with a street number next to it in a chart on that page. Mr. Wilson suggested that another sheet be added that reflected street addresses versus tax map numbers.

Mr. Coppelman referred back to Mr. Pope's comments about adding clarity into the condo. docs and asked if he was including clarifying the types of fertilizers that were allowed to be used in the wetland buffer area. Mr. Pope answered that he was referring to the restrictions that are called out in the ordinance including types of fertilizers. Mr. Coppelman continued by referencing Mr. Greenwood's comments, item 2D, and Mr. Cuomo's comments about whether a conditional use permit is required for any stormwater infiltration systems in units 9-14 and wondered how the Board wanted to deal with that. Mr. Quintal said that this referred to the drainage basins within the buffer; Mr. Cummings agreed that the drainage detention basin was within the buffer. Mr. Greenwood thought that the roof drains on 12, 13, and 14 might be close to the buffer area. Mr. Cummings said they were out of the buffer and were put into the ground to meet recharge requirements. Mr. Coppelman read Mr. Cuomo's comments that refer to a drainage/stormwater control system within the buffer; Marc Jacobs also stated that Mr. Cuomo had pointed to the basin during their meeting. Mr. Cummings said that he was not familiar with this being considered a structure. Mr. Greenwood said this would be designed to minimize detrimental impact to the wetland. Mr. Cummings said that, under new regulations, the owner has to maintain the structures on a yearly or two-year basis, depending on the Planning Board's recommendations. Mr. Coppelman read "Conditional Use Permits"; permitted uses include a water impoundment and doesn't need a conditional use permit for the drainage basin.

Mr. Wilson noted that he added an "m" to the list: the limitations found in 202.5, per the Wetlands Ordinance, will be stated in the Condo. Docs. Mr. Wilson had the applicant confirm that there are four lots being merged; Mr. Wilson asked about the missing deed. Ms. Merrill said that it is part of another deed that covers all of the lots; it's not a separate parcel deed. Mr. Wilson noted that the Board is at about 61 days "on the clock"; Mr. Greenwood confirmed that jurisdiction was invoked on August 17th.

Mr. Quintal reviewed his comments, referencing his letter to the Board dated October 19, 2010 (attached); he explained that the notes were broken out sheet by sheet. He stated that the sheets without the signing blocks need to have some sort of initialed and dated area so the Town knows which sheets were actually part of the approval. Sheet 2 and 3 concerned clearing up drafting and tables; sheet 4 shows the limited common areas but they aren't dimensioned and Mr. Cummings might want to work this out; Mr. Cummings said that this would be done when applying to the State. Mr. Quintal said that normally it is done on a site plan that would show this. Attorney Sullivan confirmed that this needs to be done for the State. Mr. Quintal continued that Sheet 5 shows a community water supply that is also serving the Golf Course Clubhouse and asked if this was a conflict. Mr. Greenwood said that this should be clarified. Mr. Cummings said that this could be done by metering with the Clubhouse paying their fair share. Attorney Sullivan said that the docs. say that each

unit pays their fair share; there are common utilities. Mr. Greenwood said that it should be clarified since we are not sure of additions in the future. Attorney Sullivan will add this to the condo. docs. There was additional discussion about the well, usage, determination of shares per units whether residential or commercial. Mr. Alberts did not feel it was necessary to change the documents; there were no further Board comments on this issue.

Mr. Quintal continued reading from his comments; access and maintenance of the septic system might need permission to access over the common areas. Sheet 7 has an issue of retaining walls higher than 9 feet; these types of walls should be engineered and certified by a structural engineer so nobody gets her. Mr. Wilson said that this was covered by the TRC and the applicant is going to eliminate these walls by doing a slope. Mr. Quintal stated that some of the walls, due to detention basins, couldn't be sloped and would need to be certified by a structural engineer. He suggested that Mr. Cummings simply put a note on the plan that "it will be designed, reviewed and inspected by a structural engineer prior to installation." Mr. Coppelman suggested that this be added to item "n".

Mr. Quintal referred to sheet #8; he suggested that the Board needed to decide if a landscaping plan showed enough plants. Mr. Cummings said that there was a note on the plan referencing the landscape which they could enhance; it is their intention to meet the regulations regarding screening, especially along the abutting buffers. Mr. Coppelman asked if the Board had seen a buffer plan. Mr. Quintal said that sheet 8 of the plan set should refer to Sheet 17 for planting detail; the buffer zone and gaps must be intact. Mr. Cummings confirmed that he will be adding a note that the plan will comply with the Town of Kingston's Buffering and Screening. Mr. Quintal said the road will be built in 2 or 3 phases so the requirement within 6 months was fine.

Mr. Quintal reviewed Sheet 15 regarding Stumps being buried on the site; he suggested that a note be added that stumps will be buried according to the State's rules and regulations and eventually be put on an As-built plan which should be completed after construction and provided within 6 months of each phase. As-built plans, phases, requirements were discussed. Attorney Sullivan explained that, per State law, as-builts are required as units are completed. Mr. Quintal said that those are limited to the unit; the Board would need more than that. Mr. Cummings agreed with the phasing.

Mr. Quintal said that the drainage analysis is being reviewed by the State and he didn't review that deeply since the State would; any waivers that have been asked for and approved by the Board should be noted on the final recorded plans; the response of the parking and septic systems and use of the Clubhouse was that it would be "designed for the proposed use" and it should be limited to that use, as far as the use of the Clubhouse. He concluded by saying that if the State has major changes that would affect design changes, he reserves the right to review them later on.

Mr. Greenwood suggested that the Board determine as they would consider substantial completion to be for vesting purposes; he proposed that substantial improvement will constitute the completion of road work in each phase and the utilities for those units in each phase. The Board agreed that "The threshold for substantial improvement will be

the completion in each phase of the required roadwork and utilities”. Phasing and substantial improvement was discussed; this vests them from changes in regulations. Mr. Cummings said that the majority of the roadwork will be done in the first three phases. Mr. St. Hilaire said that the project will be vested once the binder goes down in the first section of road which is required before the building permit is received. Mr. Greenwood agreed with Mr. St. Hilaire that the majority of the road will be done before the first building permit is issued which in itself qualifies for substantial improvement.

Mr. Greenwood and Mr. Wilson confirmed that they were both on letter “r” for conditions: Roadwork/binder and utility work associated with Phase I and Phase II will constitute the requirement of substantial improvement. Mr. Greenwood had “q” as list waivers by the Board for the final plan as one of Mr. Quintal’s requirements.

Mr. Coppelman asked if the Board would like to see the updated plan before issuing a conditional approval. Mr. Wilson said that item “f” could be removed as it had been done. Mr. Wilson reviewed the list of items for the conditional approval:

- a. Additional lighting required at NH 125 and “aka” Greenview Circle. Mr. Coppelman asked if this needed to be reviewed; Mr. Cummings agreed to satisfy Chief Briggs’ concerns on this matter.
- b. Additional lighting required on the commercial building parking lot; this is meant for the community center with Chief Briggs’ comments that not parking lot lights are shown but they might be covering them with building lights.
- c. The plan needs to indicate that all units will be sprinklered. (It needs to show this for all residential units, too).
- d. Merge all four lots
- e. Final plan needs stamp of certified wetland scientist.
- f. All lots need to be re-numbered to conform to E 9-1-1 requirements. (Mr. Wilson noted that this had been done and just needed to be transferred to the plan).
- g. Reconfigure wall at unit 14 to make area safe. (Mr. Wilson noted that the discussion had been expanded to include all retaining walls; Mr. Coppelman stated that this section was also in number “n” referencing Mr. Quintal’s comments; Mr. Wilson said these go hand-in-hand).
- h. The road must be constructed to the binder course in order to receive building permits. (Mr. Wilson explained that this requirement is in lieu of a road bond).
- i. There are two notes of “15” on sheet one, needs it to say 15 and 16.
- j. The pump house will be moved out of the 65-foot buffer at a site approved by the Town Engineer.
- k. Approval and receipt of all required State permits.
- l. Approval of septic system by Town.
- m. Limitations pertaining to wetlands, per 202.5, will be clearly stated in the by-laws.
- n. All retaining walls over 4 feet need to be designed, reviewed and inspected by a structural engineer prior to installation.
- o. Note must be added to the plan: “Vegetated buffers must be designed to meet Town regulations and specifications in all areas on Mulligan Way and units 32, 33 and 34 of “aka” Greenview Circle”.

- p. As-built submittals will be provided after each Phase of completion, within six months with Stump Dump sites shown.
- q. List of waivers approved by the Planning Board must be shown on the plan.
- r. Threshold of Road Binder work and Utilities of Phases I and II will constitute Substantial Improvement.
- s. Plans will incorporate the Town Engineer, Dennis Quintal's comments as enumerated in the Letter dated October 19, 2010:
 - **Sheet 1 – PROPOSED AGE-RESTRICTED DETACHED CONDOMINIUM SITE PLAN**
 - 1. Along with the Project Engineer, all sheets must have applicable Signatures/Stamps and date.
 - Surveyor (Art. 904.4.F.10), Engineer, Wetland Scientist, Soil Scientist
 - 2. Town Signing Block (Kingston, Newton, and Plaistow) is added on the Sheets to be recorded and I recommend an initial block on all other sheets to certify date of acceptance of specific sheet.
 - **Sheet 2 – PROPOSED GOLF LIMITED COMMON AREA OVERVIEW PLAN**
 - 3. A partial Legend is shown on Sheet 2. A Complete Plan Set Legend is needed to define all line types, hatching and objects that occur throughout the sheets.
 - 4. Drafting, remove small dimensions (unacceptable at Registry).
 - **Sheet 3 – BOUNDARY AND LIMITED COMMON AREAS PLAN**
 - 5. Drafting, overwritten text (unacceptable at Registry).
 - 6. Line and Curve Tables show more data than on this sheet. I recommend removal of excess data or add a note to clarify.
 - **Sheet 4 – PROPOSED LIMITED COMMON AREAS PLAN**
 - 7. Drafting, overwritten text (unacceptable at Registry).
 - 8. Recommend numbering units and identify the limits of LCA and easements. How are unit owners to identify the limit of their LCA without dimensions?
 - 9. See #6.
 - **Sheet 5 - PROPOSED GOLF COURSE BUILDING SITE PLAN**
 - 10. Drafting, overwritten text (unacceptable at Registry).
 - 11. Is it clear in the Condo Documents that the Residential Community Water Supply will also provide water to the Golf Course Clubhouse?
 - 12. Show existing wells and water lines.
 - 13. Show lines and location of waste water disposal for the Clubhouse.
 - **Sheet 6 – PROPOSED RESIDENTIAL CONDOMINIUM AREA OVERVIEW PLAN**
 - 14. Drafting, overwritten text (unacceptable at Registry).

15. There does not appear to be adequate area for access and maintenance of the septic system disposal area.
 16. Identify Buffer Zone.
- **Sheet 7 – PROPOSED RESIDENTIAL UNIT GRADING PLAN**
17. Art. 904.5. B. Show building access & egress, slab elevation, & height of Community Building.
 18. All stone retaining walls greater than 4 feet tall, specifically those located behind the Community Building (9’), by detention basin (10’) and behind Unit 14 (14’) must be engineer designed and certified by a Structural Engineer. Top of wall must be protected by safety fence.
 19. Section of retaining wall (160’ +/-) behind Unit 29 is not needed.
 20. Sewer line too close to foundation on Unit 26 (4 feet recommend at least 10 feet).
 21. Detail must be provided for locations where water and sewer lines cross.
- **Sheet 8 – PROPOSED LANDSCAPE AND LIGHTING PLAN**
22. Add note to refer to plant details on Sheet 17. Board to decide if enough plants are shown.
- **Sheet 12 & 13 – EXISTING CONDITIONS PLAN**
23. Test pit logs stamped by evaluator. Wetland Scientist Stamp on Existing Conditions Plans.
 24. Identify existing landscaping.
- **Sheet 15 - EROSION CONTROL AND SITE DETAILS**
25. Provide note on Plan stating stumps to be buried on site and shown on an As-Built Plan.
- **Additional Comments:**
26. Drainage Analysis – The NHDES has reviewed the drainage requesting several changes. Final plans submitted for review should be submitted with a cover letter noting any significant changes to these plans.
 27. List of Waivers – No objection. The approved waivers must be noted on final recorded plans.
 28. Clubhouse/Pro Shop – It has been noted in response that the parking and septic is designed for the proposed use and as such its use should be limited by them.
- t. A table/chart will show the correlation of street addresses to Tax Map numbers.
 - u. Building permits are contingent on the recording of the condo. docs. and associated easement document.

Mr. Coppelman asked where the pump house will go when it moves out of the buffer; Mr. Cummings said that it will be out of the wetland; Mr. Coppelman wondered whether the Board would want to see where this structure was located. Mr. Wilson suggested adding

that the pump house location outside of the 65 foot buffer and approved by Town engineer. This was added to item “j”.

Mr. St. Hilaire cautioned the Board to consider continuing this discussion for one week while the paperwork is tidied up to make sure that the list and language is correct and then have the Board vote on it next week. Mr. Wilson said that the Board would have to ask the applicant for an extension of the 65 day “clock”. Mr. Alberts agreed with Mr. St. Hilaire. The applicant said that he would extend the deadline by 8 days if the Board found it necessary. The Board reviewed the upcoming meeting calendar.

MM&S to issue the conditional permit of Diamond Oaks Golf Club, LLC for the development of 34 detached single family age-restricted units, conditional approval based on items “a” through “u” as initially stated and recorded; conditional approval to lapse within one year from today’s date based upon the plan revised on 09/17/10. (Motion by Mr. Alberts, second by Mr. Mastroianni) Board discussion: Mr. Coppelman stated that he felt that the comments made by Mr. St. Hilaire were valid and the few extra days to make sure the list is correct is worth the Board’s consideration with very little impact to the applicant. **Motion Failed 2-5.**

MM&S to continue the hearing to October 26th at 6:30 PM. (Motion by Mr. Coppelman, second by Mr. Hart) **PUNA**

Ordinance Review

Blasting Ordinance: Mr. Wilson read the Fire Chief’s comments; Windham’s ordinance was fine, very comprehensive. He reviewed the Fire Department’s application. There was a question regarding whether the Blasting Fee was adequate.

ACTION ITEM: Mr. Hart to talk with the BOS about the Blasting Fee.

MM&S to move the Blasting Ordinance to the November 16, 2010 public hearing. (Motion by Mr. Alberts, second by Mr. Hart) **PUNA**

Windmill Ordinance: Mr. Wilson read comments submitted by the Conservation Commission. Mr. St. Hilaire asked for an additional copy as he would be meeting with Dave Walker on some issues and is involved with this technology. He’ll bring any comments back to the Board. Mr. Wilson added that the Board had thought about discussing what zones these may be allowed in; Mr. Landry said that he had a number of comments. The Board continued this to November 16th for discussion purposes, not to move forward for a public hearing. The Board questioned whether to have the meeting on November 2nd, Election Day. Mr. Wilson said at this point, November 2nd was open with nothing on the agenda. The November 16th agenda was reviewed.

Lighting Ordinance: The proposed change to the Lighting language was distributed and reviewed.

MM&S to move the changes to the Lighting Ordinance to the November 16, 2010 public hearing. (Motion by Mr. Alberts, second by Mr. Hart) **PUNA**

Workforce Housing: Mr. Greenwood reviewed the changes he distributed this evening. He believes this will be the final language for the revised buffer-yard drawings and a short addition to the text that a landscape plan is required.

MM&S to move proposed additions to Workforce Housing (affordability, buffering) to the November 16, 2010 public hearing. (Motion by Mr. Coppelman, second by Mr. Hart) **PUNA**

Board Business, cont.

Mr. Coppelman reminded the Board to review the scope of work for the Aquifer protection grant so comments can be sent back to Danna Truslow; to be discussed at the next meeting. Mr. Greenwood confirmed that all Board members had received this by email.

ACTION ITEM: The Board decided to have the discussion for the Windmill Ordinance on November 16th and eliminate the need for a meeting on November 2, 2010.

MM&S to approve the September 21, 2010 minutes as written. (Motion by Mr. Coppelman, second by Mr. Hart) **PUNA**

MM&S to adjourn at 9:45. (Motion by Mr. Alberts, second by Mr. Coppelman) **PUNA**