



# MERIDIAN LAND SERVICES, INC.

CIVIL ENGINEERING | LAND SURVEYING | PERMITTING | SOIL & WETLAND MAPPING | SEPTIC DESIGN | ENVIRONMENTAL

Office: 31 Old Nashua Road, Suite 2, Amherst, NH 03031

Mailing: PO Box 118, Milford, NH 03055

Phone: 603-673-1441 \* Fax 603-673-1584

[www.MeridianLandServices.com](http://www.MeridianLandServices.com)

November 5, 2020

11020.00

Town of Frankestown  
Planning Board  
**c/o Karen Fitzgerald, Chair**  
27 Main Street  
PO Box 5  
Frankestown, NH 03043  
(603) 660-1241  
[kfitzgerald1222@gmail.com](mailto:kfitzgerald1222@gmail.com)

Re: Waiver Request  
Shattuck Horse Arena Site Plan  
Map 3, Lot 18; Case No 20-SP-02

Dear Members of the Board,

On behalf of Ronald and Melissa Shattuck (Applicants/Owners) Meridian Land Services, Inc. (Meridian) hereby formally requests the following waivers from the Town of Frankestown Site Development Regulations.

### **Section VI.D ('Application Submission Requirements ~ Automatic Waivers)**

As stated in the section of the regulations, automatic waiver for submission requirements so asterisked in Section VI(C) of the site Development Regulations are granted to the following types of site developments.

...

*'Commercial livestock operations requiring new buildings or structures, other than fences, in excess of 100 square feet in area'*

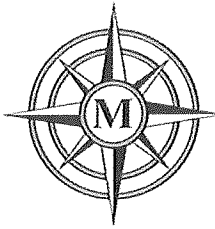
...

As the Board has publicly commented that the use of the riding arena is a commercial use, and as indicated in Section III.A.4 of the Site Development Regulations:

*'Commercial or small family wholesale businesses related to the raising, keeping and sale of domestic livestock or poultry which do not require the construction of any new buildings or structures, other than fences, in excess of 100 square feet in area. (Fur ranching, animal care facilities, riding stables and like uses are not covered by this or any other exemption in Section III(A)).'*

It is apparent that Section VI.D is applicable and that the asterisked requirements of Section VI(C) are automatically waived, as listed below:

- VI.D.2.a A landscape plan as specified in Section V(E)(6);
- VI.D.2.e A sediment and erosion control plan as required in Section V(B)(4);



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- VI.C.2.f A storm water drainage plan as required in Section V(B)(2);
- VI.C.2.h Elevation drawings from all applicable directions of all new buildings or additions to Buildings;
- VI.C.2.h If not otherwise included in the above plan(s), maps showing the topography as required in Section V(C)(1) and soil types as required in Section V(C)(2);
- VI.C.3.f A written opinion of the Road Agent, as specified in Section V(F)(8);
- VI.C.3.h Two copies of a construction plan timetable;
- VI.C.3.i A statement indicating the future plans for that portion of the applicant's holdings that are not covered by the site development proposal, including the type of development and the location of future roads;
- VI.C.3.j A statement that all significant features have been properly marked on the ground and that the site is ready for Board inspection;

Although it is our opinion after reading the text of the section that this waiver is automatically granted by right, there were several section cited in the Completeness Review Committees memorandum of October 1<sup>st</sup> as being deficient.

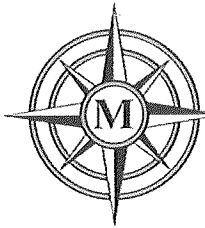
### **Section VI.C.1.f (Plan Scale, portion only)**

The section requires that plan scales be no smaller than fifty feet per inch (1"=50'). Sheet 1 of 2 we request that the plan scale be allowed at eighty feet per inch (1"=80'), to allow the entirety of parcel 3-18 be shown on one contiguous sheet, for clarity and ease of review. Please note that sheet 2 of 2 shows a the development area, that area being adjacent to and surrounding the horse arena, at a scale of twenty feet per inch (1"=20').

Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations, as it would make the overall review of the plan set difficult for members of the board, members of the public, and other parties interested in viewing the drawings. Furthermore, there is no benefit to anyone to adhering to this requirement.

### **Section VI.B.2.c (Stormwater Drainage)**

The regulation requires that all runoff from roofs, canopies and paved parking areas be carried away via an underground drainage system. We request a waiver of this requirement from the roof area and graveled parking areas (which depending on interpretation may not be relevant) of the site area, to be conveyed via sheet flow and open channels. Drainage on the northerly side of the building, including half of the building, is directed to a stone lined swale via a sheet flow condition, on the northern side of the site area. Runoff to the east and south of the structure and parallel with the access way is directed to a stone lined swale along the easterly side of the driveway in a fashion similar to roadways, runoff to the west and south of the structure sheet flows off the graveled areas into the fields. All methods of conveying drainage, are in compliance with the current NHDES 'Alteration of Terrain Rules', the



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USDA 'National Engineering Handbook', NHDOT 'Manual on Drainage Design for Highways', FHWA 'Hydraulic Engineering Circular No. 22 Urban Drainage Design Manual', and the NH Stormwater Manual, in addition to the superannuated Rockingham County Conservation District 'Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing areas in NH.

Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations, as the structure and corresponding parking areas have already been constructed and are functioning in a fashion consistent with current drainage conveyance practices, and there is no benefit to further disturbing the land and to create closed conduit style conveyance infrastructure, which would only concentrate stormwater flows, and create point discharges that are more prone to causing erosion.

### **Section V.F.10 (Partial Waiver)**

The regulation requires that a construction proposal including construction materials specifications, typical road cross sections, construction methods, and an estimate of full cost of improvements be provide, of which the applicant is requesting relief from.

Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations, as the majority of improvements have been constructed, and there is no benefit to providing this information, the only proposed improvements at this time are four flood lights and a small paved area for ADA parking compliance. As the applicant is a professional bituminous asphalt paver, they are well aware of the construction requirements of paved areas, and do not need cost estimates.

### **Sections V.B.1.e (Partial Waiver)**

The regulation requires that both HISS and SSS mapping be conducted and shown on the plans. These mapping standards are intended for the benefit of properly locating septic systems and for soil based lot sizing due to sanitary septic loading, and the applicant is requesting relief from the regulations is regards to these requirements.

Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations as the use has no current and/or future intention of constructing a sanitary waste disposal system.

We feel that you will find these requests acceptable.

Thank you for your time and consideration regarding this matter.



**MERIDIAN**  
**LAND SERVICES, INC.**

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As required per the Town of Francestown Site Development Regulations Appendix B §C.4, we have provided the following statement, to meet the requirement, under protest:

*If the Planning board denies the requested waiver(s), I understand that a) if I do not agree to provide the required information, my application shall not be accepted, and b) if I do agree to meet the requirement(s), the Board shall proceed according to the procedures outlined in Section IV(B)(6).*

Sincerely

**Meridian Land Services, Inc.**

Douglas V Brodeur, PE  
Project Manager

cc: Melissa & Ron Shattuck  
Jason Bielagus