

**DUNBARTON PLANNING BOARD
TUESDAY, FEBRUARY 20, 2013
DUNBARTON TOWN OFFICES – 7:00 P.M.**

The regular monthly meeting of the Dunbarton Planning Board was held at the above time, date and place with Chairman Ken Swayze presiding. The following members were present:

**Kenneth Swayze, Chairman
George Holt, Co-Chairman
Alison Vallieres, Secretary
Michael Guiney
Travis James, Alternate
Charles Frost, Alternate
Les Hammond, Selectman**

Town Board/Staff Members:

**Jeff Crosby, Road Agent
Steve Laurin, Planning and Zoning Consultant for Dunbarton**

7:00 p.m. – GENERAL SESSION:

Ken Swayze, Chairman, called the meeting to order at 7:00 p.m. with a 7 member Planning Board present. He noted for the record that all members present would be voting members unless they recused themselves from the particular agenda item.

Ken Swayze, Chairman, confirmed with the Secretary that the meeting had been posted in two public places and also placed on the Dunbarton Web Site in conjunction with the law regarding posting of meetings, etc.

A. General Board Administration:

- 1. Approval of previous meeting minutes: Wednesday, January 16, 2013**

MOTION:

Michael Guiney made a motion to approve the minutes of the Wednesday, January 16, 2013 meeting as written. George Holt seconded the motion. The motion passed unanimously.

- 2. Correspondence**

The Secretary stated that she had received no correspondence for Planning Board's review for this month.

- 3. Selectmen's Report**

Les Hammond, Selectmen's representative, reported that the Board of Selectmen had received a request from Tom Giovagnoli for the Board of Selectmen to waive Building Permit fees for the construction of a large chicken house (48' x 560' long) at his

property located on Twist Hill Road. The Selectmen will be discussing this request at tomorrow evening's Board of Selectmen's meeting. He noted that the Building Permit fee was expensive because of the large square footage of the building. There is the probability of Site Plan Review process because of the size of the operation and the fact that it is a commercial operation, etc. He will have to come to the Planning Board for the Site Plan Review. The Town has not waived Building Permit fees in the past.

PUBLIC HEARINGS:

54 DANIEL PLUMMER REALTY, LLC - CARROLL STREET AUTO, LLC (H2-01-03) PROPOSED TWO LOT SUBDIVISION LOCATED ON 85 RAY ROAD IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH

At this point in the meeting, Ken Swayze, Chairman, stated that the Carroll Street Auto Application had been withdrawn because of a problem with an abutter notification.

Ken Swayze, Chairman, stated that he was going to change the order of business so the Jerelyn Rose Johnson Hill Revocable Trust, Overlook Estates request for an extension could be heard prior to the David Nault Proposed Subdivision.

RON WOODS, AGENT FOR THE JERELYN ROSE JOHNSON HILL REVOCABLE TRUST, OVERLOOK ESTATES, GRAPEVINE ROAD, DUNBARTON, NH - REQUESTS AN EXTENSION FOR THE PLANNING BOARD APPROVAL GRANTED IN APRIL 2007. THE 22 LOT PRD (PLANNED RESIDENTIAL DEVELOPMENT) HAS BEEN GRANTED EXTENSIONS BY THE STATE OF NEW HAMPSHIRE AND THE REQUEST WOULD BE TO EXTEND THE TOWN OF DUNBARTON PLANNING BOARD APPROVAL TO ALIGN WITH THE STATE.

Ken Swayze, Chairman, stated that this PRD is located near the Bow/Dunbarton Town Line on Grapevine Road.

Ron Woods and Bob Hill, Owners, appeared before the Planning Board requesting that they be given an extension for the above PRD due to economic conditions. Ron Woods stated that they would reach the six year limit this coming April. (April 26, 2013) This is the reason he is before the Planning Board requesting the extension now.

Ron Woods stated that the Project will be phased in three phases. He also stated he realized that the road construction criteria had changed in that they now require another 1/2" of asphalt on the road.

Ken Swayze noted they were not technically approved for a "construction phase project", and would have to present a schedule to the Board for approval.

Ken Swayze, explained the situation that if they were to post a Bond for the entire road project, they would be exempt from any future changes in Zoning, etc. Other than posting a Bond for the entire project, there would be no protection from any upcoming Zoning or other changes. He stated that the Planning Board only approves extensions for subdivisions, etc. in two year increments. We ask that the applicants come back in a year and give the Planning Board an update.

Ron Woods stated that he understood the Special Exception runs with the land.

Ken Swayze, Chairman, stated this is true but that the Planning Board approval does not run with the land.

Ron Woods stated that he has extended the Wetlands Permit along with the Alteration of Terrain (Site Specific) permit. The Wetlands Permits are required because it is close to an intermittent stream. The cost for this culvert crossing will be \$26,000 because of the Blanding Turtle. Culvert must have a gravel base 2'. We did not want to start the project and disturb the wetlands at this point. We would like to market the project if the Board agrees with the extension.

George Holt suggested that they make sure they do not let the Alteration Terrain Permit lapse. If it lapses, you will have to do a whole new Site Specific, etc. (It was noted this expires in 2015)

Charles Frost stated that this is a PRD and not a PUD.

Ron Woods noted that this project would be giving 59 acres to the Town of Dunbarton and the land would connect the Dunbarton Conservation Bela Brook land to the Town of Bow Conservation land.

Ron Woods stated the proposed PRD has a "hammerhead" at the end of the first two phases and a cul-de-sac at the end of the third and final phase.

Ken Swayze, Chairman, noted that if the extension is granted this evening, you will have a two year period of exemption, etc. ; but that you are fully liable for all changes that have occurred in applicable regulations that have occurred since your initial approval and April 26, 2013.

MOTION:

George Holt made a motion that the Dunbarton Planning Board grant a two year extension to Ron Woods and Don Hill, owners of the Jerelyn Rose Johnson Hill Revocable Trust, Overlook Estates 22 lot PRD (Planned Residential Development) located on Grapevine Road in Dunbarton, NH until April 26, 2015. Les Hammond seconded the motion. The motion passed unanimously.

RECEIPT AND ACCEPTANCE OF NEW APPLICATIONS BY THE DUNBARTON PLANNING BOARD: FOR COMPLETION AND ACCEPTANCE. (NOTE: If accepted, at Planning Board's discretion, deliberations/public hearings may be allowed at this session.)

DAVID M. NAULT (B6-01-02) PROPOSED TWO LOT SUBDIVISION LOCATED ON MONTALONA ROAD AND KELSEA ROAD IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH

At this point in the meeting, Michael Guiney stepped down from the Planning Board because he is an abutter to the Nault Property.

A Status Report for the proposed David Nault Subdivision was presented by Steve Laurin, Planning and Zoning. (attached)

Ken Swayze, Chairman, stated that it had come to the Board's attention just today that there should have been a Waiver presented by the applicant with the initial application due to the fact that the proposed driveway was not in accordance with the Subdivision Regulations which state as follows:

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"i. Building lot access, driveways.

a.) All new, proposed building lots shall show reasonable technical capability to support an individual, dedicated driveway access along the proposed building lot frontage. Location(s) shall be shown on the plan(s) giving design consideration to sight-line placement, and proposed final construction width and grade, so as to not interfere with the maintenance and construction functions of the Town's roadway system and to otherwise provide suitable access, at the curb-line, for the intended use of the building lot. Plan detail of the driveway area shall clearly show the first fifty (50) feet connecting to the Town R.O.W.

b.) {Note: Future, alternative driveway locations, other than those as shown on the approved plan, are permissible upon review and issuance of a new permit by the authority-having-jurisdiction, provided the fundamental intention of the Land Subdivision Regulations to allow for individual driveway access at the building lot frontage, is maintained.}

c.) Waiver requests for "off-lot" access driveways, shared driveways, easement driveways, and the like, insofar as there can be no access from the approved lot frontage, shall be considered on an individual case by case basis. Support consideration shall be given to such other building lot features and amenities that demonstrate the remaining overall lot is substantially adequate for the intended purpose and that lot frontage access is problematic due to legal and/or engineering constraints. It is not the intention of this regulation to grant driveway waiver exceptions for new subdivisions that appear marginal or inferior.

George Holt, Co-Chairman, stated that due to the fact that the Planning Board did not become aware of this situation until today, they were inclined to accept the Nault Proposed Subdivision with certain conditions such as allowing abutters to speak and a very short presentation of the Proposed Subdivision by the applicant. This would be up to the entire Planning Board to decide.

It was noted for the record that no Waivers were asked for with the application.

After Planning Board discussion, the following motion was made, seconded and passed unanimously.

MOTION:

George Holt made a motion that the Dunbarton Planning Board accept the Proposed David Nault Subdivision as substantially complete subject to the following conditions:

- 1. That the applicant request, this evening, a waiver for a shared driveway to serve the new 5.5 acre lot fronting on Kelsea Road (no driveway to be proposed at this lot at this time), and explain the reasoning for no direct driveway access, based on the plan the applicant submitted for this evening.**
- 2. That the waiver be granted this evening before application is considered complete and accepted, and before proceeding to a conceptual presentation by the applicant for the proposed two (2) lot subdivision.**
- 3. There is to be no comment and/or deliberation by the Planning Board this evening.**
- 3. Abutters and public are to be allowed comment/testimony..**

Les Hammond seconded the motion. The motion passed unanimously.

David Nault presented his rationale for not having a direct driveway on the new 5.5 acre lot. :

Stated that his surveyor, Mike Dalberg, was unable to attend this evening due to a family emergency.

Stated the newly created lot will have 300 feet of frontage on a Class V road and consist of over 5 acres. This lot meets all requirements and is the balance of the land left and should not be subject to any request for a Waiver according to his surveyor.

At this point in the meeting, the Planning Board noted that they disagreed with Mr. Nault's surveyor. The driveway access does require a Waiver in accordance with the Town of Dunbarton Subdivision Regulations as stated above.

The Chairman strongly suggested to Mr. Nault that he proceed with a successful shared-driveway waiver request or his application most probably wouldn't be accepted this evening.

At this point, Mr. Nault offered that they were not able to use any frontage at Montalona road due to considerable wetlands, but that furthermore there were also wetlands along the 300 feet of frontage at Kelsea Road which would require a Wetlands permit for a direct driveway. There was an existing driveway just beyond the new lot's frontage which would be shared by both lots

The Chairman asked for comments by the Board. The Board felt this seemed a logical alternative. There was no additional discussion.

MOTION:

Ken Swayze made a motion that David Nault, applicant be granted a waiver request for a driveway access located other than on the lot frontage as shown on the newly submitted plan this evening. Les Hammond seconded the motion. The motion passed unanimously.

The Chairman noted that the waiver request having been granted allowed for the application to be considered "accepted as complete" and Mr. Nault could commence his presentation.

The Planning Board instructed David Nault that he still had to present a request in writing for a Waiver along with updated plans reflecting all changes made in accordance with the Status Report for the next regularly scheduled meeting on March 20, 2013. The deadline for submittal for this will be 20 days prior to the next meeting or Thursday, February 28, 2013.

David Nault presented the Proposed Two Lot Subdivision as follows:

- 1.) Indicated this was the continuing subdivision of his property along Montalona and Kelsea Road.
- 2.) Stated this is a 27.9 acre parcel being subdivided into two lots, one being 5.44 acre. The other being 22.5 acres.
- 3.) Stated the newly created lot will have 300 feet of frontage on a Class V road and consist of over 5 acres.
- 4.) Access will be a shared driveway off Kelsea Road and not using the lot frontage on Montalona Road. The frontage on Montalona Road involves considerable wetlands.
- 5.) Newly created lot will be for a single family home.

Abutters were read as follows and noted all had been notified by Certified Mail:

Michael Guiney - Present, stated he had several questions regarding this application. Stated he owns the abutting property to the west of the lot. According to the Site Plan, every corner and turn is supposed to be monumented and I don't see where they are planning on putting them out there to represent the "snake" that is the boundary. Should have been done last time they did a subdivision. They sold off the house on Montalona Road. Deed just refers to Johnson land when it should be replaced by bounds, etc.

My big concern is monumentation.

Roger/David Nault - David Nault (applicant) present
 Catherine Beliveau - Not Present
 Elizabeth Spencer Nault - Not Present
 Scott Griffs - Not Present

Wayne Shearer - Not Present
Linda Peters - Present. No comment.

Raymond/Kathleen Huot - Kathleen Huot present. Stated the Nault property was all around her. Know there is a wetland area in the back and it is subject to flooding. Want to make sure the building would not affect my lot. Want to make sure. As long as that is not a problem.

At this point in the meeting, David Nault pointed out the location of the newly created lot in relation to her property and noted it would not affect her home.

Raymond/Laura Fields - Not Present
Timothy/Carrie L. Finke - Not Present
Pointer Fish & Game Club - Not Present

Comments from the Public:

Jeff Crosby, Road Agent - Stated that he was speaking on behalf of the Town's interest. Would request that David Nault show the Town Culvert on the plan. Stated that David Nault will be responsible for fixing the end of the culvert where it is broken, etc. Should show where it is located so that down the road the Town will be aware of its location. Logging trucks, etc. have been running into the end of the culvert. The road is not very wide. There is the potential for two more building lots. (One in the back and one in the front.) There are presently two people using Kelsea Road. It is starting to get "maxed" out. Stated it is starting to show more wear and tear from the traffic. There is the potential for further development. I don't know if now is the time to set growth rules for that road where they are going in and out and doing logging. The Planning Board needs to discuss the continued development of Kelsea Road.

At this point in the discussion, Ken Swayze, Chairman, asked if Les Hammond, Jeff Crosby and David Nault can get together and discuss plans for Kelsea Road in the near future.

Linda (Peters) Landry - Asked if the Conservation Commission had looked at this plan yet.

It was noted that this was a meeting to accept the proposed Subdivision application. George Holt noted that the Conservation Commission was aware of the proposed subdivision.

Steven Laurin asked if the plan included the metes and bounds of the driveway. It was noted the Board would not be doing this tonight.

David Nault stated that after and before we came in and filed with the Planning Board, the existing lots bounds were barbed wire fence, drill holes in rocks, etc. These metes and bounds cannot be changed. They are the metes and bounds which are already existing. The Plan has been filed at the Registry of Deeds with these bounds. We can't put 25 new pieces of granite out there.

Jeff Crosby - Stated he was speaking as a resident of the Town of Dunbarton. Stated it seems like we are always "butting heads" with Dahlberg, Surveyor. Maybe you ought to tell him that this is a Planning Board and he has a poor attitude. When he presents other subdivisions,

it is always the same. It is not unreasonable for the Board to ask questions. This is just one more thing with him being belligerent. I feel there is no need of it. He should be a little more forthcoming with the Board.

MOTION:

George Holt made a motion that the Dunbarton Planning Board continue the David M. Nault (B6-01-02) Proposed two lot subdivision located on Montalona Road and Kelsea Road until the next regularly scheduled Planning Board Meeting scheduled for Wednesday, March 20, 2013. Les Hammond seconded the motion. The motion passed unanimously.

OTHER BUSINESS:

Michael Guiney stepped back to the Board.

Open Space Ordinance:

At this point in the meeting, Ken Swayze, Chairman, brought up the subject of the Open Space Ordinance and the fact that the Planning Board should reaffirm their previous vote of the approval of the Proposed Open Space Ordinance.

He noted the following were the minor changes that Matt Monahan, Consultant, had been directed to make to the Ordinance after the Public Hearing:

1. Clarification of the Planning Board's role in the layout of homestead lots and the discouragement of "pork chop" lots.
2. Clarify that the homestead lots were subject to the setback requirements of the underlying zones.
3. Clarify the process for conflicts between state and local septic requirements.
4. Clarify and/or remove to elsewhere, language requiring bounds are set before building permits are issued.
5. Clarified process for determining the quality of open space.
6. Clarified that homestead lots must access internal subdivision roads only.

MOTION:

Ken Swayze made a motion that the Dunbarton Planning Board reaffirm their vote of January 16, 2013 with regard to the Proposed Open Space Ordinance and that it be placed on the Town Meeting Ballot with the note that the Planning Board recommends the passage of this Ballot Article. Les Hammond seconded the motion. The motion passed unanimously.

GIS Tool:

George Holt suggested that all Planning Board members be aware of an on-line tool which is available through the Dunbarton Web Site for locating wetlands, etc. on land in Dunbarton.

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

**Alison R. Vallieres, Secretary
Dunbarton Planning Board**