

# Town of Dunbarton, NH

## Planning Board

1011 School Street, Dunbarton, NH 03046

### Status Report December 16, 2013

**Applicant/Owner:** Giovagnoli, Thomas

**Property Tax/Lot #:** D6-04-02 @ 57 Twist Hill Road

**Gen. Description:** Site plan review for a proposed 46' x 588' (27,048 sq.ft.) barn to house 20,000 laying hens  
Lot is in the Low Density Residential District which allows specified agricultural and/or public/institutional uses (and 5 ac. / 300 ft. frontage).  
This lot is 83 acres and 400+ feet of frontage on Twist Hill Road.  
Twist Hill Road is a Class V / Town maintained road.

### Record and History Synopsis:

1. Owned by applicant since November 30, 2000.
2. Prior occupancy and use was by Godbout family which operated a turkey farm.
3. Property is subject to deed restriction that no commercial pig farm shall exist and a typical pole line easement.
4. Parcel is in Current Use.
5. A prior outstanding enforcement action regarding Accessory Apartment has been corrected and approved by the Building and Fire Departments.
6. Preliminary building permit reviewed by Building Inspector Kyle Parker on February 14, 2013. A letter sent to the Board of Selectmen on February 19, 2013 from Kyle Parker for request of building permit fees to be waived and Kyle notes (in the same letter) the applicant needs to talk with the Planning Board.
7. March 18, 2013 the Planning Department receives the proposed barn site plan application.
8. April 17, 2013 Planning Board hearing, the Site Plan Application is accepted for completeness. Waivers requested from Section VI 1, 2, and 20. Hearing continued to May 15, 2013. Surveyor Jacques Belanger gave general overall presentation. Abutters and audience expressed some of their concerns-i.e.; well location, access road, agricultural best management practices, management of wetlands, water quantity, truck radius, hours of operation, fire suppression, run off of drainage, etc.
9. Applicant withdrew from May 15, 2013 meeting.
10. May 31, 2013 appeal filed to the Dunbarton Zoning Board from Abutter Kim Chapman through Attorney John Sokul.
11. Applicant chose not to move forward. ("at stay" until appeal process completed)
12. June 26, 2013 Attorney John Sokul withdrew appeal until further notice.
13. Applicant withdraws from possibility of July planning board meeting, citing the revised plans not ready.
14. Applicant withdraws from August meeting. Revised plans not ready; will have new authorized Engineer, Jennifer McCourt.
15. Revised and updated plans received by Planning Department on August 27, 2013.
16. Jennifer McCourt notifies the Planning Department she will be out of the State for the September meeting and plans to be on the agenda for the October 16, 2013 meeting.

17. 2<sup>nd</sup> hearing held on October 16, 2013. Minutes have been sent out to each member. The hearing is continued until the November 20, 2013 meeting.
18. Applicant to respond with answer of request for third party review for (1) engineering for technical review if plans, (2) CNHRPC to review our regulations and ordinances for code compliance and (3) appraisal report for potential devaluation of neighboring properties.
19. Applicant's and Agents respond to Engineering and Code review and payment in the amount of \$2,650.00 was made by applicant on November 1, 2013.
20. A letter from the applicants Attorney received on November 1, 2013 to request the Board withdraw the "appraisal" 3<sup>rd</sup> party review request.

**Review Comments: for October 16, 2013 meeting**

Jennifer McCourt, Engineer has submitted written report addressing several of the concerns that were discussed at the first hearing on April 17, 2013.

New updated/corrected list of abutters has been submitted to Alison Vallieres, Secretary.

New septic design for agricultural use site plan is proposed, (first set of plans noted no bathrooms except a chemical toilet would be on site.) The revised plan has septic design for employees.

Applicant has own Attorney – John Cronin.

Notices and copies of application and revised plans were sent to the Department Heads on September 9, 2013. Police Chief, Fire, Chief, Road Agent, Building Inspector, Board of Selectmen, and Conservation Commission.

Concerns from Departments to be addressed. (i.e.; Fire Chief and Police Chief concern with access and widths of access, and Conservation concerns of wet areas.)

Written comments received from Police Chief Daniel Sklut: "I am happy to see agricultural pursuits in Dunbarton. My only concern at all with this proposal is the tractor trailer traffic hauling eggs and waste on this winding country road. I viewed the approach to the access area from Twist Hill Road on to the property from both the north and south. There should be adequate visibility from either approach for a vehicle operator traveling at a reasonable speed to see a large vehicle enter or exit the property".

Written comments received from Fire Chief Jon Wiggin: "On Giovagnoli's plan I am concerned with the width of the access road; the Fire Department likes 18' roads taking in consideration of snow reducing the width of the road in the winter and being able to pass another vehicle if necessary. Further on in the project the building plans and construction practices will be a concern and will have to be reviewed by the Fire Department".

Need height of building proposed noted on the plan. Engineer states in narrative only.

Exterior lighting is required, but not shown on plans.

All required DES permits are required to be secured. (i.e.; wetlands, etc.)

Storm Water / Site Specific management plan has been submitted.

Some minor administrative changes and other items of corrections to be addressed.

Site visits were done by some of the members of the Planning Board and Conservation Commission at various times. Planning Board members, Mike Guiney and Les Hammond visited the similar facility owned by Pete and Gerry's in Monroe NH.

*Referenced Waivers VI, B, 1, 2, and 20 are:*

(1) Surveyed property lines, utilizing the NH State Plane Coordinate System, showing their bearings and distances and showing monument locations every 1,000 feet,

(2) Boundary survey with a maximum error of closure of 1 in 10,000. Distances shall be to the nearest 100<sup>th</sup> of a foot and bearings to the nearest 10 seconds.

(20) Features such as existing water course, water bodies, trees, landscaping, existing foliage lines, other vegetation, rock ledges, stonewalls, and any other human made or natural features, in accordance with Section VII.A. Design of the Development.

### **2<sup>nd</sup> Review Comments: for November 20, 2013 meeting**

On **November 1, 2013** the office received updated/revised plans and correspondence.

*Some new items that have been noted on the plans are:*

Previous Administrative corrections have been made. (I.e.; Lot numbers and/or spelling corrections)

*Notes on Sheet 2 of 5 that are new:*

Note #1 explains the purpose in more details.

Note # 6 list the sight distance as (required minimum is 399' and provided is 433')

Note #12 added the word "average" to the truck traffic is 3 trip ends per week. During spring road weight limit posting only 2 trip ends will be allowed.

Note # 16 lists the conditions (Site Plan Regulations) a through h. per request from Chair at meeting held on October 16, 2013.

Note # 17 addresses the "uses" allowed under Agriculture with the LDR District as being Livestock, Poultry and swine. (Although the use of "swine" farm is noted in the deed as a restriction.)

Note # 18 the cycles of laying hens as 17 weeks old to 80 weeks old.

Note # 7 under the "Plan References" is new as it explains the Wheelers property right to cross over.

*Revised Plan:*

New septic approval number is given as CA2013115130.

Sheet 2 – new 22x22 compost area added.

The square footage of the barn is now 27,600 (increase of 550 square feet).

Generator noted on plan.

Parking spaces noted on plan. 2 spaces at 20x9.

*Also submitted with the revised plans:*

Sketch showing (example) that the lot could be subdivided as it relates to water supply.

The building construction plans. (5 pages)

Board will review again when all other technical reviews have been forwarded.

November 15<sup>th</sup> report from 3<sup>rd</sup> party review, North Point Engineering and  
and on November 18<sup>th</sup> report from CNHRPC received.

Jacques Belanger requested a 90 day extension at the August 21, 2103 meeting with the Planning Board and 90 day extension was granted. In November, another 90 day request will be required to continue the hearings in accordance to RSA 676:4.

### **3<sup>rd</sup> Review Comments: for December 18, 2013 meeting.**

#### **No new revised plans at this time. This status report is from the requested 3<sup>rd</sup> party comments and minutes of November meeting.**

21. Two third party reviews have been submitted to Applicant and Agents and available to the Public. The reports are from Northpoint Engineering, Kevin Leonard for the site plan and CNHRPC, Matt Monahan for general comments and zoning compliance review.

22. On November 20, 2013 meeting, the Planning Board and Attorney Cronin discussed the request for a third party review for appraisals of property. No decision was made at the November 20, 2013 meeting

23. On November 25, 2013, the Planning Department received an extension request for on-going review process for 30 days. The Planning Department suggests that the Board request a longer extension time frame for review of revised plans.

25. At the November 20, 2013 the waivers requested from the application process were amended and granted. George Holt amended waiver #20 to show (features) 100' from edge of driveway around area of the building and show 50' on each side of roadway. Board recommended a 100' wood buffer (not 60' as shown) around project.

26. Board requested more details relating to the architectural for the barn.

27. Board requested that the added concept for the use of the outside area for the chickens be defined, state the purpose and be shown on plans.

28. The outside “manure” needs to be addressed with “storm water management”.

29. Note #17 on the plans quotes the agricultural use out of the zoning regulations, of what is allowed in the LDR. The Planning Department suggests the restriction in the deed, regarding no use of a swine farm, be noted as well.

30. Some of the items noted in the Northpoint Engineering report are as follows: In Summary

The Planning Department does agree with some of the notes listed and will require the Planning Board approval.

Site Plan Regulations: At this time it is not possible to determine full compliance with the Site Plan regulations due to: 1) the nature and number of missing items; and, 2) Feedback from other individuals/entities (Department Head verification of the adequacy of revisions; Town Engineer and Health Inspector feedback). It is likely that if the items listed above under Site Plan Requirements are met, along with the granting of waivers, the resolution of department head concerns and plan notes are listed then it is likely that the plan will comply with the Site Plan regulations.”

Define buffers. (If forestry or natural or managed) Define “60’ vegetated buffers” and what is prohibited in the buffer.

If, Dumpster(s) are being used - defined and show locations.

Requirements for Fire Department access to the building.

Details needed for the architectural design of the building.

Questions of the water run-off when building is “hosed” down. If preventing the run-off from wetlands.

If obtaining an EPA general permit prior to construction.

If obtaining an Alteration of Terrain Permit – close to the 100,000 SF threshold.

Clarify how, when and where the chickens will be outside.

Clarify the onsite processing of collecting the eggs.

Show the proposed utility poles.

Show all building doors. (Man doors and overhead doors)

Define all concrete pads.

Recommend bollards near generator and propane tanks.

Define size and placement of propane tanks and discuss with Fire Chief.

Sound attenuated for generator may need specified decibel level.

Exterior lighting to be shown on plans.

The width of stone drip edges may not be wide enough for roof overhang run off.

Appropriate grading of access road in SW corner is not shown on plan.

528 & 530 contours for gravel area on S side are not shown on plan.

Proposed grading of the two treatment swales not shown on plans.

Elevations of the emergency outlet weir are not specified on plan.

End sections of proposed new drainage culverts not shown on plans.

New 12” culvert for riprap outlet protection plan apron not shown on plan.

Signs for Twist Hill not shown on plan. (Are they proposed?)

Truck access and parking at “loop” may be traffic conflict.

If a lot of truck traffic, paving the driveway is recommended and no grading details for widening improvements.

Recommend sight distance profiles.

The intersection shown exhibits north bound only.

Recommend typical section for the proposed gravel loading area and new access roads be provided.

*STORM WATER COMMENTS:*

A spot elevation should be added to the plans indicating the pond is constructed as intended and grading plan at detention pond.

A maintenance plan should be provided for proposed infiltration facilities.

(All items listed above are available in full details in North point Engineers Report)

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Some Board members have indicated the need to provide “walk-through” details for the storm water management.

The Planning Department will provide the Board with a review of the revised plans and check off the outstanding items on the entire status reports.