

**DRAFT, SUBJECT O REVIEW, CORRECTION AND APPROVAL**

**DUNBARTON PLANNING BOARD  
WEDNESDAY, JULY 17, 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  
Charles Frost  
Les Hammond, Selectmen's Representative**

**Kelly Dearborn-Luce, Planning and Zoning Department**

**Other Town Officials:**

**Jeff Crosby, Road Agent**

**Members of the Public:**

**Andrew Dunn  
Shawn Brady  
Jacques Belanger, Surveyor  
Arthur Siciiano, Surveyor  
Joann Wilusz  
Theresa Wiegelman**

**Ken Swayze, Chairman, called the meeting to order at 7:00 p.m. with a six (6) member Planning Board present.**

**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. In addition, the Public Hearing Notice was published in the Concord Monitor for one day.**

**A. General Board Administration:**

- 1. Approval of previous meeting minutes: Wednesday, June 19, 2013**

***MOTION:***

***Les Hammond made a motion that the Dunbarton Planning Board accept the minutes as written of the Wednesday, June 19, 2013 Planning Board Meeting. George Holt seconded the motion. The motion passed unanimously.***

**B. Correspondence**

**The Secretary reported she had no correspondence to report to the Planning Board.**

**Kelly Dearborn-Luce, Planning and Zoning Department, reported the following:**

1. Planning Board has received a notice of the Planning Association Meeting to be held on November 13, 2013 at Fratello's in Manchester, NH.
2. Public Notice for a Hearing for Telecommunications Tower Replacement in the Town of Mont Vernon (notice to Towns within a 20 mile radius) to be held on July 23, 2013 at 7:00 p.m.
3. Article in NH Town & Country on Recuse of member, etc.
4. House Bill 347 - Authorize cottage housing development as an innovative land use and suggestions of how to choose language if regulated.

**C. Selectmen's Report**

Les Hammond, Selectman, reported that he had nothing to report from the Selectmen's Office.

**D. Upcoming Application for August 2013**

Kelly Dearborn-Luce, Planning and Zoning Department, reported that she had received a communication from Maurice Cote of Cote & Sciere, regarding an extension for the four lot subdivision located off Grapevine Road. This will be on the agenda for either August or September 2013. Kelly will check to make sure which month they will be coming to the Planning Board.

**PUBLIC HEARINGS:**

**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.)**

**BEVERLY MARCOU REVOCABLE TRUST (G2-03-03) PROPOSED TWO LOT SUBDIVISION AT PROPERTY LOCATED ON MANSION ROAD AND CALEB'S WAY IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH**

Kelly Dearborn-Luce, Planning and Zoning Department, presented the Board with a Status Report on the Beverly A. Marcou, Trustee, Beverly A. Marcou Revocable Trust, two lot subdivision at property located on Mansion Road and Caleb's Way. (attached)

She noted that there were two items which needed to be addressed as follows:

- a. The status of the existing apartment including square footage. The property card states it is a "one bedroom apartment" up over the garage but does not include the square footage.

George Holt stated that the plan is fine with the exception of the question of the use of the property is not clear with regard to the existing apartment.

Charles Frost noted that he had a question regarding the reference mentioned of an office which seems like an additional room. This could become a bedroom.

- b. There is a note re PSNH but it is not on the plan.

Ken Swayze, Chairman, stated this is a "non-event".

The Board noted that the application may not be clear enough to see what is going on with regard to the apartment.

Alison Vallieres stated she had similar concerns as the other members regarding the apartment. We need to verify the status and size of the existing apartment.

c. Noted there are several Administrative notes which she will address with the Surveyor prior to the final plan being prepared, i.e. spelling, etc.

Based on the above discussion, the following motion was made:

**MOTION:**

*George Holt made a motion that the Dunbarton Planning Board accept the Beverly Marcou Revocable Trust (G2-03-03) proposed two lot subdivision of property located on Mansion Road and Caleb's Way in the Low Density District in Dunbarton, NH this evening and start deliberations. Les Hammond seconded the motion. The motion passed unanimously.*

Arthur Siciliano, Surveyor, appeared before the Board on behalf of the Beverly Marcou Revocable Trust.

The Planning Board expressed the following concern regarding the existing apartment up over the garage.

*"The Planning Board noted the application doesn't say anything about the existing apartment. There should be a statement on the plan that the existing apartment meets current zoning".*

*The Planning Board noted that they need to determine the present status of the existing apartment and that it meets current zoning.*

*George Holt stated that the Planning Board will direct the Building Department to do a site review of the property to determine the exact square footage of the existing apartment. The Building Department asked the owners to allow him to do this recently and they were reluctant to allow him to do an inspection. Presently, they are saying the apartment is 780 square feet. The Planning Board needs the Building Department to verify this fact.*

At this point in the discussion, Joann Wilusz, representing the Beverly Marcou Revocable Trust, stated that the apartment has been there since the early 1970's before the zoning change. She stated the apartment is "grandfathered".

*The Planning Board stated that the proposed subdivision needs to comply with current zoning requirements. This is a requirement because you are dividing the lot into two parcels. The requirement for the new lot is five acres and the lot with the existing house with existing apartment would require 7 acres if it does not qualify as an "accessory apartment" according to the current zoning. Any apartment over 1,000 square feet is not an "accessory apartment".*

**The Planning Board requested that the Building Inspector be allowed to inspect the existing apartment and determine the total square footage.**

Arthus Siciliano, Surveyor, explained that this is a two lot subdivision, breaking off a five acre lot for a new home leaving 6.37 acres with the existing house, which includes the apartment. Plan shows existing well radius.

It was noted that the applicants will allow the Building Inspector check that all the monuments are in place.

**Site Walk:**

***The Planning Board noted they would be conducting a Site Walk of the property on Wednesday, July 24, 2013 at 6:00 p.m.***

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

Lynn Marcou Trust - Not Present

Louis Marcou Trust - Not Present

Joanne Wilusz Family Trust - Present, representing Beverly Marcou Revocable Trust

Christopher/Myran Currier - Not Present

Karl and Theresa Wiegelman - Not Present (She introduced herself after the abutters had been read. )

Richard W. Brown and Ann Jeffer-Brown - Not Present

Douglas Maynard - Not Present

Catherine McDonald and Rene Ouellet - Not Present

Timothy Ferwerda, Meridian Land Services - Not Present

Arthur F. Siciliano, Surveyor - Present, representing the applicants

**Members of the Public/Others:**

At this point in the Public Hearing, Jeff Crosby, Road Agent, stated he had a question with regard to the status of the road which the subdivision was located on. Is this a State maintained road or is it Town maintained?

There was considerable discussion, and it was established that Caleb's Way was a Town Maintained Road and that the portion of Mansion Road where the Stark Mansion fronted was also Town maintained. ( The State maintains the portion of Mansion Road from Stark Lane up to the T in the road continuing south by the Ouellette home. It does not maintain the portion of road which leads into the Flood Control area. In addition, the Corps of Engineers controls the gate into the Flood Control area. )

The Planning Board noted that if the new owner of the lot does not want their driveway off Caleb's Way, they can request a Driveway Permit off the Town portion of Mansion Road.

At this point in the Public Hearing, Theresa Wiegelman, Caleb's Way, stated she had a question. When her name was read, she did not respond. She asked about the proposed

location of a proposed house on the new lot. It was noted it was directly across from her home. The Board noted the Town has 50 feet setbacks.

At this point in the meeting, Ken Swayze, Chairman, closed the Public Hearing

**MOTION:**

*George Holt made a motion that the Dunbarton Planning Board continue the Beverly Marcou Revocable Trust Proposed two Lot Subdivision until the next regularly scheduled meeting of the Dunbarton Planning Board to be held on Wednesday, August 21, 2013. Les Hammond seconded the motion. The motion passed unanimously.*

**SHAWN & ALICIA BRADY (C3-02-10) /ANDREW AND DONNA DUNN (C3-02-11) PROPOSED LOT LINE ADJUSTMENT OF THEIR PROPERTIES LOCATED ON 1050 GORHAM POND ROAD AND 1062 GORHAM POND ROAD IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH**

Kelly Dearborn-Luce, Planning and Zoning Department, presented a Status Report of the Shawn & Alicia Brady/Andrew and Donna Dunn Proposed Lot Line Adjustment. (attached)

She noted there are some Administrative markups which she will address with the Surveyor to be put on the final plan prior to signing. These would not prevent the application from being considered complete for acceptance.

It was noted that this application had received a Variance from the Dunbarton Zoning Board of Adjustment to allow the Brady lot to have two separate residences. The final acreage of the Brady lot after this Lot Line Adjustment would be seven acres. The Zoning Board of Adjustment has done the bulk of the review.

The Chairman explained that in the past, the Planning Board has tried to make a practice of making a decision on Lot Line Adjustments such as this on the first night and not continue it to the next month. Would suggest that the Board try to do this for this application.

Charles Frost asked about the easement that is shown on the plan and what the purpose of the easement is.

Kelly Dearborn-Luce stated it is a Conservation Easement that is written on the plan and noted it is within the James Starr deed . The Conservation Commission has reviewed but has no knowledge of what it is for.

**MOTION:**

*Charles Frost made a motion that the Dunbarton Planning Board accept the application from Shawn & Alicia Brady/Andrew and Donna Dunn for a Proposed Lot Line Adjustment of their properties located on 1050 Gorham Pond Road and 1062 Gorham Pond Road as presented this evening and start deliberations this evening. Les Hammond seconded the motion. The motion passed unanimously.*

Jacques Belanger, Surveyor, explained the Lot Line Adjustment as follows:

1. Noted that this Lot Line Adjustment will reduce the Brady Lot from 14 acres to 7+ acres which is the required acreage for a duplex.
2. This additional seven acres will make the existing Dunn Lot a conforming lot in that it will now have over 300 feet of frontage. (Presently, the Dunn lot is a non-conforming lot.)
3. Both houses on the Brady lot are served by the same well and septic system.
4. Asking to offset the grade bound because of a large maple tree.
5. Is a requirement that they show the easement on the plan. (James Starr Property easement)

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

Alicia/Shawn Brady - Shawn Brady present, applicant  
Donna/Andrew Dunn - Andrew Dunn present, applicant  
David/Melissa Willard - Not Present  
Gary Attalla and Nancy Rizza - Not Present  
Fogg Hill LLC - Not Present  
Frederic Greenhalge -Not Present  
Starr Trust James Starr - Not Present  
Robert/Gerald Bourassa and J. Urella - Not Present  
Dunbarton Conservation Commission - George Holt present  
Town of Dunbarton - Les Hammond, Board of Selectmen present  
J. E. Belanger Land Surveying - Present representing the applicant

There being no further public comment, the Chairman closed the Public Hearing.

**MOTION:**

*Les Hammond made a motion that the Dunbarton Planning Board approve the proposed Lot Line Adjustment for the Shawn & Alicia Brady/Andrew and Donna Dunn of their properties located on 1050 Gorham Pond Road and 1062 Gorham Pond Road as presented this evening. Michael Guiney seconded the motion. The motion passed unanimously.*

**OTHER BUSINESS:**

**Draft Proposed Rules and Procedures for the Dunbarton Planning Board:**

Kelly Dearborn-Luce, Planning and Zoning Department, presented a draft copy of proposed Rules and Procedures for the Dunbarton Planning Board. She asked that members take them home and review for changes and/or recommendations.

**Board Discussion:**

Les Hammond, Selectman, stated that the paragraph regarding Membership and Terms of Office, states that there will be only one Selectmen to act as an ex-officio member with power to vote. Does this mean that there cannot be two Selectmen on the Planning Board?

**It was noted that according to the RSA's, there can only be one Selectman on the Planning Board.**

**Lot Line Adjustments:**

There was discussion amongst the Board Members regarding Lot Line Adjustments.

Les Hammond stated it was noted that in order to change the Tax Maps, the Planning Board needs to approve Lot Line Adjustments.

**Cell Tower Request:**

It was noted that a request for three additional antennae to be put on the AT&T tower located on Stark Highway North was received by the Planning and Zoning Department.

The Planning Board noted that they have a right to do this but they should come to the Planning Board for a Site Plan Review similar to what Verizon recently did.

**Updating Subdivision Regulations:**

Alison Vallieres stated that the Subdivision Regulations need to be brought up to date especially with regard to time frames for submittal of applications, etc. This has been worked on three times by Central New Hampshire Regional Planning Commission.

There being no further business, the meeting adjourned with the following motion:

***MOTION:***

***Charles Frost made a motion that the Dunbarton Planning Board adjourn the meeting at 8:20 p.m. George Holt seconded the motion. The motion passed unanimously.***

Respectfully submitted,

Alison R. Vallieres, Secretary

