

**DUNBARTON PLANNING BOARD
TUESDAY, MARCH 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
James Marcou
Michael Guiney
Charles Frost
Travis James, Alternate**

Town Board/Staff Members:

**Jeff Crosby, Road Agent
Steve Laurin, Planning and Zoning Consultant for Dunbarton
John Trottier, Chairman, Zoning Board of Adjustment**

Members of the Public:

**Roland Cassidy, Applicant, Carroll Street Auto
Jacques Belanger, Surveyor for Carroll Street Auto
Art Siciliano, Surveyor for Marcou
Lynn Marcou
Joanne Willuz
Robert Grondin**

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.

Ken Swayze, Chairman, stated that the David Nault Proposed Subdivision has been withdrawn from this evening's agenda at the request of the applicant.

Ken Swayze stated there are some housekeeping issues which need to be corrected within the Site Plan Review Regulations. He asked that Steve Laurin and Alison Vallieres, Secretary, work on them.

A. General Board Administration:

- 1. Approval of previous meeting minutes: Wednesday, February 20, 2013**

MOTION:

Michael Guiney made a motion to approve the minutes of the Wednesday, January 16, 2013 meeting as written. Travis James seconded the motion.

Discussion:

At this point in the meeting, Charles Frost stated he had a question regarding the minutes as follows:

Charles Frost stated he had a question on the Nault Proposed subdivision regarding the Planning Board granting a waiver for the shared driveway access before accepting the subdivision. Stated he was not sure that was the proper way of doing it.

Ken Swayze explained that the proper procedure was for the Planning Board to act on any waiver requests prior to the acceptance of the subdivision plan. A waiver is to allow something that is not in compliance. If the waiver requests are denied, the subdivision application cannot be accepted by the Planning Board. Mr. Nault was granted the waivers at the table per a consensus of the Planning Board and he was asked to submit a certain waiver request in writing and additional plans. Waivers must be asked before the plan is accepted, because otherwise the application is not in compliance with our regulations and most likely the application would not be heard by the Planning Board as the application is then also incomplete.

The motion passed unanimously.

2. Correspondence

The Secretary stated that the Planning and Zoning Department has received an application for Site Plan Review from Thomas Govignali for a large chicken barn located on Twist Hill Road in Dunbarton, NH. This will be on the Planning Board agenda on April 17, 2013. The plans are available at the Building Department for members of the Planning Board review along with the public.

3. Selectmen's Report:

None

CONTINUED PUBLIC HEARING - 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

Jacques Belanger, Surveyor, appeared before the Planning Board with an updated plan showing the Carroll Street Auto proposed two lot subdivision. He stated that this started a year ago in 2011 and came back to the Planning Board in November 2012 for acceptance. He stated that it took that long to work with the U. S. Army Corp of Engineers regarding the "Consent to Easements Structures" documents. Noted the following with regard to the Status Report.

1. Made revisions that Steve Laurin picked up on in Status Report.
2. Provided statement on plan that the new residential lot has no continuing grandfather commercial rights.
3. Tax Map - Plan should show new lot number for new lot, etc.
4. Added date of survey (2008) on plan. Noted it was 8/22/2011 when we put this plan together. We got tied up with the Corps of Engineers.
5. Will show profession certification for Wetlands Scientist on the final plan.
6. Have added USGS Benchmarks to the plan. Elevations are based on their own datum.
7. Lot #4 belongs to the Gravel's.
8. Re location and square footage of the developable areas, the intent was to carry the square footage and the frontage.
9. When we did the Site Plan Review for Carroll Street Auto we went 10' back on the line.
10. Wetlands Delineation. The Corp of Engineers flowage easement is anything below 420'. Confirmed that the building pocket and proposed septic system is above 420' elevation. The Board required the 420 foot elevation be clearly shown on the filed plan.
11. There are no contours on the plan to be filed because it gets too crowded.
12. Several minor spelling errors will be corrected on the final plan.
13. Buffer area: The Board noted that the buffer as required should be completely on the Commercial lot and maintained by the owner of that lot.

Noted they were considering putting up a 6' tall solid fence for screening. It was noted the parking lot for the Commercial Use was right on the property line. The fence will be on the Commercial Lot. Fence will consist of 100' long fence 5' off the property line.

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

Russell Rattray & Melinda Wolf - Not Present
Donald and Constance Gravel - Not Present
Debra and Robert Jarvis Trust - Not Present
Ralph/Candy Lamphere - Not Present
Dept. of the Army, NE Division, Corp of Engineers - Not Present
J. E. Belanger Surveying - Present on behalf of the applicant
Aspen Environmental Consultants - Not Present

Comments from the Public:

The Board noted that the required buffer area was not clearly shown on the plan.

Jeff Crosby, Road Agent, asked if the Town of Dunbarton was also notified.

It was noted that the Board of Selectmen receive a copy of the Public Notice, etc.

There being no further comments, the public hearing was closed at 7:25 p.m.

MOTION:

Charles Frost made a motion that the Dunbarton Planning Board approve the proposed two lot subdivision of 54 Daniel Plummer Realty, Map/Lot H2-01-03, located on Ray Road in the Low Density Residential District, subject to the following conditions:

1. Submittal of a final, technically accurate, and graphically correct plan-set in full compliance with all current subdivision regulations and incorporating any and all additional requirements established during deliberations with the Board (per minutes, per Status Reports, etc.);
2. Approval and receipt of all other required local, State, or Federal permits. There shall be no change(s) to the base plan(s) without re-consultation with the board, as a result of such other permit approvals;
3. Payment of all fees and costs associated with the Dunbarton Planning Board application process;
4. Prior to plan signing and recording of the Mylar, all specified work and improvements at the site, as specified by the Land Subdivision Regulations, shall be completed (i.e. survey monumentation, etc.);
5. Preparation, submittal and filing of all Deeds, easements, legal instruments, and/or other documents required or intended to be filed at the Merrimack County Registry of Deeds, in such content and form acceptable to the Town.

Travis James seconded the motion. The motion passed by a majority vote as follows:

- Swayze - Yes
- Holt - Yes
- Vallieres - Yes
- Guiney - Yes
- Frost - Yes
- James - Yes
- Marcou - Abstained because he was not present at the beginning of the application process.

APPLICANT WITHDREW (FOR THIS EVENING) - CONTINUED PUBLIC HEARING - 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

CONTINUED PUBLIC HEARING - BEVERLY MARCOU REVOCABLE TRUST (G2-04-03) PROPOSED THREE LOT SUBDIVISION AT PROPERTY LOCATED ON MANSION ROAD AND STARK LANE IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH

At this point in the meeting, James Marcou and Alison Vallieres stepped down from the Board. Ken Swayze noted for the record that Alison Vallieres was the Recording Secretary for the Planning Board and if there were no objections from the applicants, public or the Board, she would continue as Secretary for this application.

There were no objections from the Board or attendees to Alison Vallieres continuing to take the minutes of the meeting.

Art Siciliano, Surveyor, appeared before the Planning Board on behalf of the Marcou's. He noted the following with regard to the proposed three lot subdivision:

1. At the last meeting, the discussion was regarding the existing Special Exception on the property. He stated that the owners have agreed to null and void the existing Special Exception. This is now, again a three lot residential subdivision.
2. Stated they had asked for 60 days before coming back to the Planning Board (March 20, 2013). Noted they would like to get an approval this evening.
3. It was noted no revised plans were turned in.
4. Planning Board noted they had completed a site walk which George Holt went on. Charles Frost went on a site walk alone. Ken Swayze noted he had driven by the property. There is no need for a further site walk of the property.
5. It was suggested that a note regarding the intent to nulify of the Special Exception be put on the final plan to be recorded.
6. Noted that the applicants were not in favor of donating an easement/land to the town along the frontage to extend the right of way for road improvements in the future.

At this point in the meeting, Jeff Crosby, Road Agent, stated he had looked at the area referred to and noted there is already 10' - 15' of land for improvements if needed. Not aware of the State moving the road over. Stated he was not aware of any big plan to do any improvements. If this gets approved, there shouldn't be anything to prevent anyone to going before the Zoning Board for another Special Exception for another use.

Abutters: It was noted for the record that there were no abutters present.

John Trottier, Chairman, Zoning Board of Adjustment - Stated he had no comments.

Ken Swayze, Chairman, stated he would like to see a finished plan before acting on the subdivision.

George Holt stated he saw no reason why the Planning Board could not vote on the proposed subdivision this evening. There is nothing of any magnitude to change.

All members agreed that the Planning Board should vote on the proposed subdivision this evening.

MOTION:

George Holt made a motion that the Dunbarton Planning Board approve the proposed three lot subdivision as proposed by the Beverly Marcou Revocable Trust (G2-04-03) at property located on Mansion Road and Stark Lane in the Low Density District in Dunbarton, NH subject to the following conditions:

1. Submittal of a final, technically accurate, and graphically correct plan-set in full compliance with all current subdivision regulations and incorporating any and all additional requirements established during deliberations with the Board (per minutes, per Status Reports, etc.);
2. Approval and receipt of all other required local, State, or Federal permits. There shall be no change(s) to the base plan(s) without re-consultation with the board, as a result of such other permit approvals;
3. Payment of all fees and costs associated with the Dunbarton Planning Board application process;
4. Prior to plan signing and recording of the Mylar, all specified work and improvements at the site, as specified by the Land Subdivision Regulations, shall be completed (i.e. survey monumentation, etc.);
5. Preparation, submittal and filing of all Deeds, easements, legal instruments, and/or other documents required or intended to be filed at the Merrimack County Registry of Deeds, in such content and form acceptable to the Town.

Travis James seconded the motion. The motion passed by a majority vote as follows:

Swayze - Yes

Holt - Yes

Guiney - Yes

Frost - Yes

James - Yes

Marcou and Vallieres - Both abstained because they had recused themselves from the Marcou subdivision application.

OTHER BUSINESS:

James Marcou and Alison Vallieres stepped back to the Board.

Steve Laurin, Consultant, stated that pdf. files can be forwarded to Planning Board members for their review.

Steve Laurin, Consultant, noted that the following conferences were coming up:

- 1. Broad Band**
- 2. Local Land Use Officials Workshop - May 4, 2013**
- 3. NHDES**
- 4. April 19, 2013 - Planning and Zoning Conference.**

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

MOTION:

James Marcou made a motion that the Dunbarton Planning Board Meeting adjourn at 8:30 p.m. The motion was seconded and passed unanimously.

Respectfully submitted,

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