TOWN OF DUNBARTON, NH
PLANNING BOARD MEETING MINUTES

November 20, 2019, 7:00 p.m. at Dunbarton Town Offices

IN ATTENDANCE: Chairman Ken Swayze, Vice Chairman George Holt, Secretary Chuck Frost, Alison Vallieres, Brian Pike, Jeff Crosby, Ex-Officio Mike Kaminski, P/Z/B Department Administrator Donna White

BUSINESS: Secretary Chuck Frost stated that meeting notices were posted on the Town’s bulletin board and website.

1. Approval of Minutes: Brian Pike made a motion to approve the minutes of the October 16, 2019 meeting as presented; Chuck Frost seconded the motion. There was no discussion. Majority in favor; Alison Vallieres abstained as she was not present at that meeting.

2. Correspondence: None

3. Selectmen’s Office Report: Mike Kaminski reported the following: 1) Budget season; Donna will work with Ken Swayze and John Trottier on the boards’ budgets; 2) Policies and procedures; Donna, Ken Swayze, and Mike Kaminski have met a couple of times. Subdivision and lot line adjustment applications and Rules of Procedure have been created. The goal is to have the documents out to board members for review; schedule a hearing to accept them in packages rather than wait until the entire project is complete. Matt Monahan, Central NH Regional Planning, did some work on this and some of that work is being incorporated. Brian Pike asked that current documents be sent out with these new drafts so that they can be compared. 3) The BOS made their final recommendations on the Guinea Road improvements. 4) The building department continues to work with the Botnick stables matter; the owner’s engineer is doing a site review. 5) Bond still in place on the Perkins’ lot line adjustment approval. Donna informed board members that she is in contact with Mr. Perkins; he has someone creating the deeds.

4. Planning/Building Department Report: None

5. Chairman Swayze welcomed Alison Vallieres back after being away from the Board for several months due to family matters. It was acknowledged that Alison brings a lot of history and insight to the Board. Members concurred.

NEW BUSINESS:

Application #2019-PB-003, Falcon Heights Properties, LLC – Four-lot subdivision of Map E3, Block 03, Lot 09 at 20 Stark Highway South.

Jeff Crosby recused himself from this case as an abutter to the property and moved to the audience.

Donna introduced the application, noting this is the re-submittal of the application that the
Board voted to not accept as complete at their September meeting. The details of the application were given as follows: The parcel is split by the Village and Medium-Density Districts, with the frontage in the Village District. The intent of the plan is to subdivide the 8.87-acre lot into a total of four residential lots; proposed lots would be 2.0395 acres, 2.6044 acres, 2.1749 acres, and 2.0509 acres. There are no requests for waivers. No review comments were received from the fire, police, or highway departments; the project does not appear to be of regional impact; minor typographical errors need to be corrected; proposed well and septic locations are to be shown on the plan without topography; new lot numbers are to be assigned by the Assessing Office and shown on final plan; NH DOT driveway permits are needed prior to the recording of plan, and state subdivision approval is outstanding. The applicant appeared before the ZBA on October 21, 2019 for an Appeal of an Administrative Decision; appeal granted.

Chairman Swayze reported that legal counsel was asked to review the Zoning Board’s Notice of Decision on the applicant’s Administrative Appeal and the details attached to this application. He said the task of the Board this evening is to review for compliance with the application checklist and consider acceptance of the application. Mr. Swayze explained that the compliance with zoning was questioned regarding two acre and three acre lots, thus the decision to ask legal counsel for comment. Counsel’s opinion, which has been distributed to participating board members, referred to ‘administrative gloss’, precedent having been set with the Board having done this type of subdivision over the years, creating a temporary internal law. Mr. Swayze noted that some in the audience may have even been recipients of approvals for two acre lots.

**George Holt made a motion to accept the application and move to public hearing; seconded by Mike Kaminski.** The chair polled the members for their thoughts on accepting the application: 1) Brian Pike: spent a lot of time with the Master Plan over the last couple of years; people were polled and want a small-town feel; he said there are some legal issues to deal with thus he is against this subdivision but would vote to accept the application. Mr. Pike said this is creating four lots from one on a small section of Route 13, making it look like Goffstown. He feels it would be common sense to use the three-acre requirement. 2) Mike Kaminski: in favor of accepting application. 3) Alison Vallieres: no questions. 4) Chuck Frost: no questions after seeing counsel’s comments. 5) Ken Swayze: no questions. 6) George Holt: no questions; the application appears to be in the spirit of the district of two acres, 200’ of frontage; he is on the fence with the actual acreage requirement; he would like to move forward, hear the application, feels they need to accept the application. **Vote was called: all were in favor of the motion.**

Jacques Belanger, Belanger Surveying, represented the applicants. He explained the location of the parcel, noting these will be two-acre lots that meet state loading requirements for well and septic. There will be four lots, one to the north of the existing house, the larger lot will be with the existing house, and two lots to the south of the existing house. Mr. Belanger pointed out the loop driveway at the current house. He said they will give up one of those to go with a new lot and there will be a shared driveway as they are only allowed three access points. Mr. Belanger noted both districts have the same setback requirements. He said they still need state subdivision approval and DOT driveway permits. Mr. Belanger pointed out that they may adjust the line between the northern lot and the existing house, leaving more of the field with the one to the north.

George Holt asked if the board was going to do a site walk. The chairman encouraged members to stop by the site individually at their convenience, verifying with the property owner that this was acceptable. Abutters were called upon. Robert M Foster; not present. Russell & Catherine Dumont; not present. Timothy Langley; not present. Suzanna Majewski - George Holt read a letter
received in September from Suzanna Majewski (31 Stark Highway S), Edward Majewski (37 Stark Highway S), and Sandra Mannion (23 Stark Highway S), outlining the following questions to be addressed by Mr. Belanger: 1) How much clear cutting of the proposed lots will there be? JB: typical cutting for a house lot. 2) Will there be a buffer of trees or natural landscape between the road, the houses and the abutters? JB: not proposing one. 3) What type and style of homes/structures will be built and where will they be located on the lots? JB: not sure at this time; there are no architectural requirements for the area. 4) How will our property values be affected based on the structures that are built? JB: have no way to know that. John Casey: asked about the driveways in relation to their on the other side of the road. Mr. Belanger pointed out the location of the proposed driveways, noting approximate distances from the Casey driveway and that it depends on the state’s approval. Janet Casey: agrees with Brian Pike about changing the appearance of the area. She asked how long the precedent will prevail. Board members explained that this section of the Ordinance is currently under review for clarification. Jeff Crosby: nothing at this point. Sandra Mannion: asked if they will be selling spec houses or vacant lots for buyers to build. The property owner said he is unsure at this time. Ms. Mannion stated that she has the same concerns about the center of town becoming more congested; this is not what she would like to see when looking across the street. Edward & Helma Majewski: not present. Edward & Sherilyn Paquette: not present. Jeremiah & Andrea Couhie: not present.

The chair asked is anyone else from the public wished to speak. Deborah Foster stated she is not an abutter but lives close to this parcel. She said the congestion of traffic is concerning, as is the number of new driveways, noting they have had the rural feeling all along and this is one of the last chunks of land in the area. Mrs. Foster spoke about there already being a lot of traffic on the road, along with large trucks and trailers coming from Mr. Crosby’s business. Jeff Crosby asked to speak, noting that several are agonizing over the Village District which is the same right here in the center. He said the owner is only looking to do what is permitted, adding that the property was for sale and anyone could have bought it. Mr. Crosby referred to information gathered during the recent update of the Master Plan, specifically the lack of housing and the desire for community type of development in this small area. He said maybe the town needs to look at the district, but this is what they have right now. He pointed out that it is a state road, towns to either side of Dunbarton contribute to the traffic, and this is for three new houses which is incidental to what is already seen. Mr. Crosby said he would rather see this on a state road that is well engineered with wide shoulders than on a narrow, curvy, substandard town road. He said the townspeople have created a nice community and people want to move here. Jeff said the driveways will be state-permitted unlike many others, the new houses will meet setbacks as compared to many others existing in the Village District, and he does not foresee small, substandard houses being constructed. He said the applicant is asking for something that is allowed, and he would like to put a little positive spin on the project.

Maria Dolder, attorney for the applicant, noted that this is the Village District where two acre lots are permitted, yet the feeling of the comments seems to be the application is contrary to the district. She wanted to clarify this proposal is exactly what is anticipated in the district, saying the Master Plan specifically says the residents want to see more density. She said the Zoning Board agreed there is nothing currently in the Zoning Ordinance that addresses split district lots. Ms. Dolder said she understands the concerns voiced; however, this is how it has been done and change needs to come through the Zoning Ordinance by way of amendments. Deborah Foster said she participated in the Master Plan process and doesn’t recall any discussion about density; she recalls talk about the village center with shops/café, a village center not spread out. The chair stated that Central N H Regional Planning Commission urged increasing the Village District with more two-acre lots as
people were looking for smaller lots and houses, but the Board was not necessarily in favor of that. He noted these lots are two acres, which is not that small, certainly compared to Goffstown lots that might be 100’ x 100’. Mrs. Foster said change is hard; traffic is a major concern.

The chair closed the hearing to the public, bringing it back to the board only. Brian Pike, Mike Kaminski, and Alison Vallieres had no questions/comments at this time. Chuck Frost said there was some discussion to reduce the size and area of the Village District during the Master Plan process. George Holt said his recollection was that the discussion was to shorten but widen the district; however, there isn’t the infrastructure with water and sewer to do that. Two acre lots will support wells and septic systems. The chair had no questions/comments at this time. He reminded board members about individually doing a site walk. George Holt asked about wetlands; it was noted there was nothing to prohibit building on the lots. Jacques Belanger will be sure the lots are staked, including the wet area that is more behind the existing house.

The chair asked board members if it was felt this project creates a regional impact; it was agreed it does not. **Chuck Frost made a motion that there is no regional impact created by this project; seconded by Mike Kaminski. All were in favor.**

**Chuck Frost made a motion to continue this hearing to the meeting of December 18, 2019 at 7:00 p.m.; seconded by Brian Pike.** There will be no further notification. **All were in favor.**

Jeff Crosby returned to the table.

**OTHER BUSINESS:**

**Zoning Ordinance Review** – Chuck Frost reported that the committee will continue to review Article 4; currently, the committee is going over recommended changes/corrections found during their review thus far. The committee will hold another workshop on December 4, 2019 at 5:30 p.m. Amending the Village District will be addressed at that workshop. Alison Vallieres said the ZBA agreed to have her represent them and will attend the review committee workshop. George Holt said he will send out revised maps and concepts of the Village District for the workshop.

Jeff Crosby noted that the Board should be soliciting for new members and alternates, as the time will come when some members may want to step down. He said residents should be given the opportunity to attend meetings, learn the process, duties, etc. in preparation of filling a vacancy. Mike Kaminski said he has someone who is interested; will invite the person to attend the December meeting. Ken Swayze said Ron Slocum has also voiced some interest; he will speak with Mr. Slocum.

**Brian Pike moved to adjourn the meeting at 8:16 p.m.; seconded by Chuck Frost. All in favor.**

Respectfully submitted,
Donna White