TOWN OF DUNBARTON, NH
PLANNING BOARD MEETING MINUTES

December 19, 2018, 7:00 p.m. at Dunbarton Town Offices

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

BUSINESS:

1. Approval of Minutes of November 28, 2018. It was noted that Brian Pike’s name was omitted from the list of attendees. Brian Pike made a motion to approve the minutes of November 28, 2018 with that correction; Chuck Frost seconded the motion. All in favor.

2. Correspondence: None

3. Selectmen’s Office Report: None

4. Planning/Building Department Report: Donna reported she will be presenting the department’s budget at the next Selectmen’s meeting. She reminded board members that funds are available for PB training.

OLD BUSINESS:

Application #2018-PB-007, Falcon Heights Properties, LLC, C6-02-03, 1139 Montalona Road, Low-Density Residential District, Three-Lot Subdivision – Jeff Crosby recused himself from the Board due to having a business association with the owner. Donna gave an overview of the application that was continued from the November 28, 2018 meeting. Minor administrative corrections were made to the plan; revised plans were provided to board members in their meeting packets and were available at this meeting. Chairman Swayze asked board members if this proposed plan would be of regional impact. After brief discussion, Chuck Frost made a motion that this proposed plan will not have a regional impact; seconded by Brian Pike. All were in favor.

Jacques Belanger represented the applicant. He stated that he had nothing new to add to the presentation. The chairman asked if there were abutters who wished to speak; no abutters were present. The hearing was brought back to the Board. Brian Pike said this is a pretty straightforward plan. Alison Vallieres asked if there is adequate sight distance from the driveways. Ken Swayze said he drove by and the sight distance looks good. Brian Pike stated
that he knows this property very well and there is good sight distance.

George Holt made a motion to approve Application #2018-PB-007, Falcon Heights Properties, LLC, C6-02-03, for a three-lot subdivision; seconded by Alison Vallieres & Chuck Frost. All were in favor. Copy of the complete motion can be found in the file.

Jeff Crosby returned to the table.

Application #2018-PB-006, MG’s Farmhouse Café, Justin & Ashley Rioux, E3-05-06, 1007 School Street, Village District, Minor Site Plan Review – This is a continuation from the November 28, 2018 meeting. Donna stated that five waiver requests were addressed at that time. Discussion of the driveway access was carried forward; a new plan has been submitted with the driveway, sign placement, and 25’ no construction buffer at the edge of the cemetery addressed.

Maria Dolder, attorney for the applicants, stated that an informal meeting took place a couple of weeks ago where the parking and entrance were discussed. She said they are offering to widen the access to 20’ as noted in their waiver request. She noted that the fire chief agreed with that proposal. For the widening, Ms. Dolder said they are going to do gravel rather than pavement for a couple of reasons, one being the additional cost, another being that the town’s site plan regulations recommend minimizing impervious surfaces. She said the second access, near the cemetery, is all gravel. Ms. Dolder said there is no engineering reason to pave the widened area and she’s not sure why they are being asked to pave it. She said they are willing to take out the existing pavement if the board wants the full width to be consistent material. Ms. Dolder said her clients’ budget has exceeded their expectations and this is one area they can cut costs. Brian Pike asked if they are adding curbing when widening the access. Anthony Costello, engineer for the applicants, said they will be moving the existing curbing 6’ over.

Ms. Dolder stated the sign location has been added to the plan. Two signs are being added; a ‘grandfathered’ sign to the cemetery side of the property will remain in place. Copies of an example sign were handed out to board members. Anthony Costello noted that they have changed the signage in the driveway from ‘one way’ to ‘customer parking’ with an arrow. Ashley Rioux showed the board signs for tenant and customer parking. Ms. Dolder said vendor access had been brought up during the informal meeting; the applicants estimate one delivery per week, via the access near the cemetery.

Chairman Swayze asked if the board had any questions or comments. Jeff Crosby said he met with the applicants on December 5th. Mike Kaminski said he, Jon Wiggin, and Donna White also attended that consultation. Mr. Crosby said he visited the site the following day and did some measuring. He, from the road agent’s point of view, is recommending the access be 25’ in width. As noted at previous meetings, there will most likely be offsite parking, creating some pedestrian traffic. Mr. Crosby said the extra width would allow for safe passage of cars and pedestrian traffic. He feels that paving an apron, at least in the town’s right-of-way, to match the town road is the best option. This would help avoid tearing up the pavement. He said partial gravel would create washout areas, particularly from cars making turns into the driveway. Mr. Crosby said it should be considered that the curbing limits people being able to step off to the side and snow would reduce the driveway width. He also spoke about cars
parking on the side of School Street, limiting the swing into the driveway.

Mike Kaminski said he concurs with the road agent. Ken Swayze said he does not feel it is an unreasonable request. Chuck Frost agreed with the reasoning voiced by the road agent. Brian Pike noted that the regulations state a 24’ width. Mr. Swayze said the site plan regulations are not specifically rules, but guidelines. Jeff Crosby said access points are typically flared. Alison Vallieres said she agrees with the road agent; he is the one who has to deal with the roads and related issues. Ken Swayze said he supports the road agent’s position. George Holt pointed out that gravel surface is considered impervious, suggesting that Ms. Dolder confirm this with Mr. Costello. Ms. Dolder said the site plan regulations list it as pervious; that is what she was going by. She said she is not sure this requirement is something her applicants can get past.

Justin Rioux said he can understand the widening of the access. He questioned Jeff Crosby about his personal driveway, noting that it is gravel. He said he counted eighteen gravel driveways between his own house and the Goffstown line, all looked fine. Mr. Rioux asked Mr. Crosby if he maintains his gravel access. The chairman stated that the applicants currently have three options: a third-party opinion at the owner’s expense; carry this over to the next Planning Board meeting; or withdraw their application. Ashley Rioux said they are only asking for consistency. Justin Rioux asked why Mr. Crosby does not lead by example. Mr. Crosby explained the process he went through a couple of years ago for a Zoning Board application. His property accesses the state road; he met with a state engineer. Mr. Crosby said paving the access was not requested, but obviously if he had been asked to pave it, he would have done so.

Justin Rioux said he called several paving companies and got the run-around. He did get one quote in the $2,500-$3,000 range. That was for 100 sf of the apron, not including excavation. Ken Swayze explained that mobilization of equipment is the largest part of the expense. He said he does not feel the request of the road agent is unreasonable. Attorney Dolder said it isn’t so much the price of pavement, but the expense of the entire Zoning Board and Planning Board process and issues compiling along the way. She said they are trying to balance the cost of spending and what makes sense, noting the large unanticipated expense of having to do the traffic study. Ken Swayze said doing the traffic study was absurd. He spoke about the Zoning Board, the Town’s Master Plan, and ways to correct the cumbersome process. Ms. Dolder said the study showed four turns in and out during peak hours, and she is not sure why going from gravel to pavement is such a big deal with that minimal impact.

Ashley Rioux said the former owner had the public there and she was not required to do all of this. She feels they are being asked to do more. It was explained that the former owner had a permit for a home occupation, not a site plan review, a much smaller scale of business. Ken Swayze said the town is always working to improve the requirements. Jeff Crosby said at the end of the day it comes down to mistakes being made over the years and the board/town learns each time. He said many projects were done with a handshake, but he is at a point where he will ask for what is best for the town and safety. Mr. Crosby said he doesn’t think it is an unreasonable request. He noted what happened with the ZBA had nothing to do with this board. Mr. Rioux said it left a sour taste in their mouth.

Ms. Dolder said she’s not sure why they are being asked for pavement. Justin Rioux said there is a rock at the edge of the access, so they might not be able to get the full 25’.
George Holt asked the road agent if they could pave at this time of year. Ken Swayze said the board can allow them to do the paving in the spring with having a bond in place. Jeff Crosby said they could do the widening now and have surety in place for the balance of the job. Chuck Frost stated that he feels the paved, full width is a reasonable request. Mike Kaminski asked if they are talking 24’ or 25’. Ashley Rioux stated that the transfer station access is not even 24’. It was noted that the transfer station has been there for fifty years and is an existing site. Mrs. Rioux asked if accidents have occurred there because of it not being the full width.

Ken Swayze asked the applicants what they could do to make this happen tonight. He spoke about the cost of paving not being a huge expense and how he was sure the road agent would work with them if they encountered problems with obstructions. George Holt said the paving can be done at a better time of year. Justin Rioux asked if they were talking about widening the access now and paving later. Ms. Dolder asked to confirm that they were saying the applicants could put gravel down for now. Jeff Crosby said that is what is being suggested. Mike Kaminski suggested that the hearing be recessed for a few minutes to allow the applicants and their agents to leave the room for discussion. The hearing was recessed at 7:40 p.m.

NEW BUSINESS:

Application #2018-PB-008, George Warriner, Jr. Revocable Trust, E6-01-01 & E6-01-04, Montalona Road, Low Density Residential District, Lot Line Adjustment – Donna gave an overview of the proposal to annex 4.4 acres from Lot E6-01-01 to Lot E6-01-04, both owned by George Warriner, Jr. Revocable Trust. Chairman Swayze stated this is for receipt of application and review for completeness. Brian Pike noted from the status report that Donna has given this her stamp of approval. George Holt said he looked at it and it looks fine. Brian Pike made a motion to accept the application as complete; seconded by Mike Kaminski. All were in favor.

Neil Semple, representative for surveyor Art Siciliano, presented large copies of the plan to the board members. He explained that Lot E6-01-01 currently has 9.41 acres; it will have 5.04 acres after the adjustment. Lot E6-01-04 currently has 5.01 acres; it will have 9.44 acres after the adjustment. Mr. Semple said there will be no new construction or driveways. He noted there is plenty of room for the town to maintain the road. Ken Swayze pointed out some notations about bounds to be set. Mr. Semple said he is in the process of setting bounds and will replace those that are not currently granite. Mr. Swayze asked Mr. Warriner the purpose of the lot line adjustment, noting that he didn’t have to answer. Mr. Warriner said the family wants to sell his parents’ house; the extra acreage is being added to his lot.

Chairman Swayze asked if the board members had any questions. Hearing none, he explained that a public hearing is not required for a lot line adjustment, but he would allow abutters to speak. There were no abutters present. The chairman brought the discussion back to the board. Brian Pike made a motion to approve Application #2018-PB-008 for a lot line adjustment; seconded by Chuck Frost. It was noted that new deeds are to be submitted and recorded with the mylar. There was no further discussion. All were in favor. Copy of the complete motion can be found in the file.
Application #2018-PB-009, Robert M. Kaminsky & M. Kristen Johnson Revocable Trust, E3-02-48 & E3-02-49, 23 & 15 Tucker Hill Road, Medium Density Residential District, Lot Line Adjustment - Alison Vallieres and Mike Kaminski recused themselves as abutters to the properties. Donna gave an overview of the minor lot line adjustment that adjusts an area where some landscaping on the Kaminsky parcel goes onto the Johnson parcel. **George Holt made a motion to accept the application as complete; seconded by Jeff Crosby. All were in favor.** Mike Ploof of Fieldstone Land Consultants, PLLC, represented Mr. Kaminsky. He explained the purpose of the adjustment, pointing out a retaining wall and the landscape area involved. He said the area is 1,050 square feet; there are no frontage or acreage changes. Mr. Ploof stated that he changed notations on the plan from iron bars to be set to granite bounds to be set as noted in the status report he received.

Jeff Crosby asked if the drill hole found at the front corner is on the utility pad. Mr. Ploof said that was correct. Mr. Crosby said some shrubbery is in the town’s right-of-way and Eversource might want to trim around the cabinet. Cynthia Kaminsky said they plan to address those matters. Brian Pike asked why they are doing the lot line adjustment. Mrs. Kaminsky explained the problem with the hill and some work that has been done. Ken Swayze asked why they didn’t do an easement. Mr. Ploof said they would rather have a fee title. The chairman asked abutters if they had any questions or comments. Alison Vallieres and Mike Kaminski both said they are fine with the plan. The chairman brought the discussion back to the board. **George Holt made a motion to approve Application #2018-PB-009 as presented; seconded by Jeff Crosby.** It was noted that new deeds are to be submitted and recorded with the mylar. **All were in favor.** Copy of the complete motion can be found in the file.

Alison Vallieres and Mike Kaminski returned to the table.

**OLD BUSINESS:**

Application #2018-PB-006, MG’s Farmhouse Café, Justin & Ashley Rioux, E3-05-06, 1007 School Street, Village District, Minor Site Plan Review - reconvened at 7:58 p.m.

Maria Dolder stated that her clients have the option to scrap their project or widen and pave the driveway access to 24’, 25’ if they can without obstructions. She said they have opted to widen and place gravel at this time. Ms. Dolder said they will meet the 24’ width requirement so they do not need the waiver. She said she would like to withdraw that waiver (#5 for Section VII.K.1.e as listed in minutes of November 28, 2018). Jeff Crosby asked that any shrubs in the line of sight be removed. Anthony Costello asked if the curbing on the right side could be eliminated. Mr. Crosby said he agreed with that. Mr. Costello said he will remove that area of curbing from the final plan.

Chairman Swayze asked if board members felt this application would have regional impact. After brief discussion, **Brian Pike made a motion that this application does not create regional impact; seconded by George Holt. All were in favor.**

Chairman Swayze opened the hearing to the public. Abutter Bill Zeller said he is hoping to see this approved. A letter of support from Margaret Watkins was acknowledged for the record.
The chairman brought the hearing back to the board. There was no further discussion. **George Holt made a motion to approve Application #2018-PB-006 with the following conditions added to the routine motion conditions:** 1) Improve and pave 24’ – 25’ x 10’ driveway access apron area at road; 2) Remove any sight-line distance; 3) All work to be done under the approval and observation of the road agent; 4) Compliance with the Zoning Board of Adjustment Notice of Decision rendered on November 19, 2018. Said Zoning Board Notice of Decision shall appear on all filed plans. Seconded by Alison Vallieres. All were in favor. Copy of the complete motion can be found in the file.

There was discussion about the process of setting the surety. A construction cost estimate is to be submitted to the Board of Selectmen and the road agent. The surety also must be acceptable to the Planning Board. It was agreed that the surety can be discussed during the January 2, 2019 Planning Board workshop. The surety is refundable upon completion and inspection of the driveway widening.

**OTHER BUSINESS:**

**Point of Order** – Mike Kaminski said he feels it is important that board members not trash other town boards or committees. Alison Vallieres said, as a member of the ZBA, she didn’t appreciate earlier comments about the ZBA. Chairman Swayze said he had not been referring to the ZBA or its membership as it is not the people but the process. He said the town has the Special Exception that affects many situations. He spoke of several other projects in town that have to go to the ZBA any time there is a change of some sort. Mr. Kaminski said to remember that the applicants are seeing the ZBA from a personal perspective based on other dealings with the ZBA. He said it almost looked like earlier comments made it look like this board was agreeing with them. Mr. Swayze said he forgot that the last applicants were looking at the ZBA on a personal level; he was simply commenting on the ZBA procedural way.

**Zoning Amendments** – The sub-committee will meet for a second workshop on January 2, 2019 at 6:30 p.m. Should it be decided that any of the proposed changes be submitted for the ballot, a public hearing on such will be held at the January 16, 2019 Planning Board meeting.

**Chuck Frost moved to adjourn the meeting at 8:28 p.m.; seconded by Brian Pike. All in favor.**

Respectfully submitted,

Donna White