PLANNING BOARD MEETING MINUTES

DATE: Wednesday, March 21, 2018

TIME: 7:00 p.m.

LOCATION: Town Offices

IN ATTENDANCE: George Holt (GH); Ken Swayze (KS); Alison Vallieres (AV); Chuck Frost (CF); Jeff Crosby; (JC); Brian Pike (BP); Michael Kaminski (MK), Selectmen’s Representative; Mike Cummings (MC), Building Department

ABSENT:

BUSINESS:

1. Approval of Minutes from February 2018. CF made the motion to accept the minutes; GH seconded the motion. The motion passed unanimously.

2. Planning Department Report:
   a. Email from Rick Botnick requesting a reduction in the Site Plan Review fee, as discussed during the project Site Plan Review meeting. It was noted that the Building Department inspection fees were waived ($1782+) for this project due to third-party reviews conducted for the project. KS recommended following up on the request.
   b. For the Botnick project, it was also noted that: 1) all site work would need to be substantially completed before issuance of a certificate of occupancy for the site building; or 2) the applicant would need to come back to the Planning Board (PB) and request a minor modification.

   a. Search for Planning/Zoning Office staff is completed. The Planning, Zoning and Building Department (PZBD) assistant will be hired on March 22, 2018.
   b. Regarding the farm land located on Story Hill Road and Route 13, the operation has received the requested “after-the-fact” permits for the well and hoop houses.

4. Road Agent Report:
   a. No news to report.

5. Building Department Report:
   a. On the LaMontagne project (Overlook Estates), the project is winding down. KS asked the Building Department (BD) to track installation of the remaining bounds to be set for the project.
NEW BUSINESS:

Bryan and Kelly Comeau 2-Lot Subdivision - Lots A2-01-05, 1191 Gorham Pond Road. 
[Note that this is for receipt and acceptance of the application.]

1. MC reviewed plans and noted the following:
   a. No waivers requested.
   b. No issues with the plan other than minor details.
2. GH moves to accept application and proceed with deliberations. JC seconds motion. PB approves motion unanimously.
3. The applicants’ agent, Jacques Belanger, Land Surveyor, described the plan, which proposes a two-lot subdivision of 17.49 acres +/- in the low-density district.
6. KS notes that the hearing is continued to April 18, 2018.

OLD BUSINESS:  None

OTHER BUSINESS

1. Master Plan
   a. Mike Tardiff and Steve Henninger from the Central New Hampshire Regional Planning Commission (CNHRPC) followed up on land use topics discussed at the February 2018 PB Meeting.
      i. Gravel Pits:
         1. JC noted that town has one private and two town-operated gravel pits.
         2. Other older pits are not active; most are not reclaimed.
      ii. Current Use:
         1. Requested information on Current Use properties. The PB recommended obtaining the data from the Town Administrator.
      iii. Village District:
         1. Presented a plan to widen the Village District (VD)
         2. Proposed alternative to reduce required acreage in zone.
         3. Include limited commercial uses by right for the VD.
         4. The PB agreed in concept to include discussion of change to VD in the Master Plan but did not recommend progressing with plans beyond the conceptual level.
   iv. Agricultural Uses:
      1. Described a three-tiered system with: 1) small operations permit by right; 2) small commercial operation subject to a limited conditional use permit (CUP); and larger operations
subject to Site Plan Review (SPR).

v. Commercial Overlay District for light commercial uses along Routes 13 and 77

2. Dunbarton Elementary School (DES) Construction Project
   a. Jeff Trexler, on behalf of the Dunbarton School Board and School Administrative Unit (SAU) 67, met with the PB to discuss the plans and schedule for the DES Construction Project as required under NH RSA Section 674:54. Mr. Trexler stated that he had not been aware of the need to provide noted to the PB of the project, until after the project was approved at the March 2018 School Meeting. At issue is the requirement that the project plan be provided at least 60 days prior to the beginning of construction, while the project needs to start next week so that the work can be completed by the start of the school year in September 2018. Mr. Trexler noted that, upon discovery that the schools project was required to present plans, etc. to the PB for the project, the plans were expeditiously submitted to the PB for review.

   b. GH noted that PB discussions regarding the project plan are provide as an information session and for advisory purpose only.

   c. KS requested that CNRPC comment on how other towns such as Concord conduct such information sessions:
      i. Michael Tardiff noted that every governmental project comes before the planning board for Site Plan Review with the intent on improving the process and plan. Comments are provided for “Information Purposes Only”
      ii. John Trottier, ZBA Chair and Town of Londonderry official, said that Londonderry follows the same process.

   d. MK stated that the RSA allows the Town to review the plans, and let the school start the work.

   e. CF and AV noted that the school should have come before the PB earlier. But, because the Town voted to approve the project at the March 2018 School Board meeting, they considered the project to be a “done deal”. They recommended that project move forward and didn’t want to delay the project.

   f. Jeff Trexler suggested the applicability of the RSA hinged on the definition in the law for “Substantial Change In Use”. Mr. Trexler maintained that the project does not represent a substantial change in use because the use as a school doesn’t change and that the area affected is less than 10% of the school building area.

   g. KS read from a March 20, 2018 legal opinion provided by the NH Municipal Government Center, which stated that the project did represent a substantial change in use, and therefore, RSA Section 674:54 would apply.

   h. KS moved to recommend that the Selectmen’s Office approve a building permit for the project, with a condition of requiring the school to provide an
update on the progress of the project in 30 days. KS noted that the applicant would be conducting the work at their own risk. JC seconded the Motion;

i. Discussion:
   i. MK stated that the motion honored the voter wishes and moved the project forward.
   ii. JC asked about inspections. JT answered that project professionals would conduct observations and the building inspector would provide final inspections

j. Public Hearing
   i. John Trottier said that it was unusual having a construction schedule so advanced. It took everybody by surprise.

k. The planning board voted unanimously in favor of the motion.

l. Subsequent informal comments:
   i. Jeff Trexler admonished the PB for not allowing him to present his proposal before the motion. Mr. Trexler consider the project not to be a substantial change in use for the school. Mr. Trexler noted that, by approving the motion, the PB implicitly indicated that the project was a substantial change in use, thus bringing the project within the realm of RSA Section 674:54.
   ii. BP state that state laws prevail and that the school board doesn't determine what is a change in use.
   iii. KS stated that he is trying to accommodate the project schedule, and that the school was in error for not bringing the plans to the PB in a timely manner.
   iv. MK states that the passed motion allows the Town time to review the project plans, as well as let the school begin their project on time.

m. Jeff Trexler presented a brief presentation of the project to the PB at the urging of MK.

n. Mark Antonia, P.E., noted that all parties, including school board, project architects and engineers, Road Agent, Selectmen’s Office and PB, all should have noted the need for the project review required under RSA Section 674:54.

o. There was general concurrence among PB members that the school should have presented the plan well in advance of their forthcoming construction date. That said, there was also general concurrence that sufficient prior notice of the project was well documented by a number of public hearings, mailed notifications to all residents of Dunbarton, and approval by the Town at the March 2018 School Meeting. Several PB members noted that the PB’s approved motion, that recommended issuing a building permit for the school project, was based on these factors.

3. Motion by the Dunbarton Planning Board (3/21/18)
Re: Dunbarton School Board  
2018 Capital Improvement Program

Motion to recommend and otherwise counsel, as may be required, that the Dunbarton Building & Planning Department issue a limited-activity building construction authorization (“Permit-in-part”) for proposed new classroom space and associated support/office space at the Dunbarton Elementary School, in accordance with plans submitted to the Town of Dunbarton Building Department on 3/15/18.

Said construction activity to be limited to excavating; grading; concrete footings, walls floors; rough framing for walls/roofs/ceilings/floors; roofing; and analogous construction comparable to residential construction trades.

Such limited-scope work shall be effectively restricted to a 60-day period similarly referred to in the NH RSA 674.54 as the information review period (“notification shall be provided at least 60 days prior to the beginning of construction”).

This 60-day period shall remain in effect, or held in abeyance, or ended, pursuant to the satisfactory review of submittals, documents, and plans (as referred to in N.H. RSA 674.54) by the Dunbarton Planning Board (its agents or assigns) together with the Dunbarton Board of Selectmen, and the Town’s Building Dept. Such review may also include opportunity for Public Comment and review as may be directed by either Board.

The School Board, its representatives, contractors, assigns, etc., associated with this project, are noticed they are proceeding at risk until the Planning Board’s, Select Board’s, Building Dept.’s respective review and/or comment period ends.

Passed unanimously (7 members) 3/21/18

Meeting Adjourned at approximately 10:00 pm

Respectfully submitted by George Holt, 3/22/18