PUBLIC HEARING ON UPDATED MASTER PLAN:
The chairman introduced Mike Tardiff, Executive Director of Central New Hampshire Regional Planning Commission. Mr. Tardiff spoke about the updating of the Master Plan being a long process of review and revisions. He said it is recommended by the State that the Plan be updated every ten years. The updating process has included a community survey, a visioning session with members of the public, and many meetings with the Planning Board. Mr. Tardiff gave an overview of the Plan with highlights of the Community Vision, Implementation, and Land Use chapters. He explained there are a total of ten chapters and several maps; these three chapters are the core of the Plan that feed into the other chapters. It was explained that the Master Plan is supporting the Zoning Ordinance, Capital Improvement Program, and other Town projects. Mr. Tardiff touched on the survey comments, noting the underlying theme heard was that residents like Dunbarton as it is. He gave some examples of topics addressed during this update, one being to look at agricultural uses on a smaller scale by right, then ratcheting up through to a larger scale. He said the group also talked of revisiting the Village zone, discussing a little more density, non-residential uses, etc., understanding parking is an issue. Mr. Tardiff explained that the Implementation Chapter outlines project priority, objectives, and recommendations. He said the Land Use Chapter describes how changes could be made, a base for future changes to the Zoning Ordinance.

George Holt said this Master Plan is essentially the same as the 2004 edition, with some forward thinking, such as maybe increasing commercial uses in the center of town. Mr. Tardiff said commercial uses are allowed by special exception throughout the town. This Plan recommends some changes, thinking of uses and appropriateness for the different areas of town.

Mr. Tardiff stated that the Page’s Corner intersection is addressed in the Master Plan. It is shown as a recommendation; however, it is not shown as a high priority. He spoke about the improvement of the intersection being ranked second highest in the region and the process of it being submitted to the State for consideration in the DOT’s Ten-Year-Plan (TYP). It did not make the draft TYP; having the recommendation in the Master Plan could make a better case for the TYP. Mr. Tardiff asked if the town would want to show this improvement as a higher priority, perhaps increasing its strength as a factor of consideration.

Sandra Mannion of 23 Stark Highway South asked for clarification on Mr. Tardiff’s position and the Master Plan. Mr. Tardiff explained his role with CNHRPC and how he and his staff work with the town on these projects. He explained the purpose of this public hearing as the culmination of the process, noting that the entire document and maps were on the Town’s
Catherine Dumont of 35 Robert Rogers Road asked what Mr. Tardiff wants. He explained the purpose of the Master Plan and it being the basis for the Zoning Ordinance. George Holt spoke about the survey, visioning session, the need for the opinions of the townspeople and what they would like the town to be like, and the requirement to update the Plan as times and needs change. Brian Pike stated that the Master Plan has to be in place in order for the Town to have the Zoning Ordinance and Capital Improvement Program. Ken Swayze said the document can also be used as a tool for growth control. Mike Kaminski spoke about concerns of the Page’s Corner intersection and how the Master Plan recommendation can assist the Town’s case for acceptance to the TYP. He said Mr. Tardiff is asking the Board to consider increasing the priority of the recommendation. Jeff Crosby explained to Ms. Dumont that the Plan is a guide for the Board to work with and what residents would like to see for the town. He said it is not changing zoning; it just has to be updated every so many years.

Hearing no further comment from the public or Board, the chairman asked the members how they want to proceed. **George Holt made a motion to move the Page’s Corner improvement recommendation to a higher priority level and to adopt the updated Master Plan with minor non-substantive edits mentioned in discussion; seconded by Brian Pike.** Jeff Crosby thanked Mr. Tardiff and his staff for their efforts throughout this update process, noting that many after-hours meetings were involved. Hearing no further discussion, the chairman called for a vote. **All were in favor of the motion.**

**BUSINESS:** Secretary Chuck Frost stated that meeting notices were posted on the Town’s bulletin board and website, and a notice of the Master Plan public hearing was printed in the Concord Monitor.

1. **Approval of Minutes:** Chuck Frost made a motion to approve the minutes of August 21, 2019 as presented; Brian Pike seconded the motion. There was no discussion. **All were in favor.** Minutes of the September 4th workshop were distributed at the beginning of the meeting; acceptance of those minutes will be addressed at the next meeting once members have had a chance to review them.

2. **Correspondence:** None

3. **Planning/Building Department Report:** Several lot line adjustment plans remain unrecorded because deeds have not yet been received. The state building code update went into effect on September 15th. The building code now refers to the 2015 version of the various documents and 2017 version of the National Electric Code.

4. **Selectmen’s Office Report:** Mr. Kaminski reported the Board received the Planning Board’s recommendation on the Crooker/Guinea Road upgrade. He said the Conservation Commission will hold a public hearing on the matter in early October. Once the Board hears from the Conservation Commission, they should have a decision at their level. George Holt stated that the Conservation Commission conducted a site walk last night.
5. Jeff Crosby asked if the Board has gained any traction with the policies and procedures project. The chairman said no.

6. Chuck Frost said the Zoning Ordinance review sub-committee needs to reschedule their workshop postponed from earlier this evening. It was agreed to schedule the next committee workshop for October 16th at 5:30 p.m.

NEW BUSINESS:

Application #2019-PB-003, Falcon Heights Properties, LLC - 4-Lot Subdivision, Tax Map E3-03-09, Stark Highway South. The chairman explained that this portion of the meeting is to address the receipt of application and review for completeness. He explained the process, noting that no comments will be taken from the applicant/agent, abutters, or members of the public at this time.

The application was introduced by Donna as follows: 4-lot subdivision of an 8.87-acre lot with 892.38’ of frontage on Stark Highway South. The parcel is partially in the Village District and partially in the Medium-Density Residential District. Proposed lot sizes are 2.0395 acres, 2.6044 acres, 2.1749 acres, and 2.0509 acres. There are no requests for waivers of checklist items. Minor typographical corrections will be needed for the final plan. It does not appear that this application has any regional impact. During review of the plan, a member of the executive committee noted language in the Zoning Ordinance that addresses district boundaries dividing a parcel.

Chairman Swayze interrupted at this point to ask Jeff Crosby if he is an abutter to this property. Mr. Crosby said he is but feels there may be more to this, and he would like the opportunity to participate in this part of the process. He said it is not a case of him influencing a decision to approve or disapprove in any way as they are just discussing the receipt and completeness of the application. Brian Pike said accepting the application is a straightforward process, either yay or nay. If yay, he would ask Jeff to step down. Jeff Crosby said he understands that totally. George Holt said he feels that could provide an avenue for challenging the receipt of application. Chuck Frost said he is not sure he is comfortable as it seems it might be an interest here for an abutter further down the line. Brian Pike asked if there is a status report for the application. Jeff Crosby said he hasn’t seen one and officially has no idea of what is going on. Donna said she has a status report but had been waiting for direction to distribute it. Chuck Frost said he is willing to see how it goes. Mike Kaminski said Jeff is only going to act on the acceptance of the application, then recuse himself. Mr. Crosby said that was correct. Brian Pike pointed out that there are enough members present tonight to act on the acceptance, so Jeff could recuse himself at this point unless he had something to add. Mr. Crosby said he may feel the need to add something as things progress and if he goes to the audience there will be no comment taken. He said his only avenue to speak as a valid board member is during this process, and he still has an opinion.

The chairman asked the members how they wanted to proceed. Chuck Frost said he was willing to proceed. Brian Pike said he was willing to proceed and if it doesn’t feel right, they can stop. George Holt said, based on the perception of conflict, he would make a motion that Jeff Crosby recuse himself from this process; Brian Pike seconded the motion for discussion purposes. Mr. Holt said he values Mr. Crosby’s opinion but there are
attorneys in the audience and a lot of people interested in this matter, and any wiggle room on a decision could trigger a challenge and the Board could have to do it all over again. Chuck Frost and Brian Pike agreed this was a good point. Mr. Crosby said the Board is talking about the acceptance of application ‘X’. Ken Swayze said he sees Jeff’s point and knows he likes to get his point across, but he would personally recuse himself in this situation which is what board members have done over the years. Jeff Crosby said he feels there is a reason the board has not seen a status report since they typically have it before now. Donna stated she finished the report today based on conversations of the last few days. The chairman called for a vote. **All were in favor of the motion.** Jeff Crosby asked to clarify that he has absolutely nothing to say on this as a valid Planning Board member. It was stated that was correct; Mr. Crosby moved to the audience.

Donna continued the presentation of the application as follows: Based on comment provided, it appears that this application may not address all Subdivision Regulation Checklist requirements and is not sufficiently complete to invoke the jurisdiction of the Planning Board at the noticed Public Hearing. She asked if she should distribute the status report at this point; there was no response. Chuck Frost spoke about the districts splitting this parcel and the wording of the Zoning Ordinance (Article 3, B, 2, e). He said he felt there should be some sort of proportionality but there is no provision, so he feels this should go to the ZBA first. George Holt said the number of lots is not supported by the acreage and zoning. Mike Kaminski concurred with Mr. Frost and Mr. Holt. Ken Swayze spoke about how the village district was created. He said trying to put two-acre lots into the center of town just doesn’t work as they are mathematically difficult to create. He said he sat out as an abutter to other similar plans; those, compared to this one, seemed to not be problematic at the time and were approved by the Planning Board over the years. Mr. Swayze stated that the office has talked with town counsel who acknowledges things are a little obscure in the Ordinance. Mr. Swayze said this will need to be addressed. He said he feels another entity needs to be involved, that being the ZBA. He said he would try to attend that meeting and give an overview of the Planning Board’s error in the Zoning Ordinance.

There was discussion of the zoning issue, no guidance being given by the Ordinance, and that the Board cannot go against the Ordinance. Mr. Swayze said it would be to the detriment to the applicant if the Board was to lead them down a lousy path where abutters could challenge the decision. He said if something is approved, the Board needs to approve it in the right way. He said right now they are supposed to be doing receipt of the application and review of completeness. Brian Pike said he can’t accept the application in good conscience if it is going to need to go to the ZBA. Mr. Swayze said it is not the Planning Board’s job to tell them they have to go to the ZBA. George Holt said they could deny the receipt, then they could decide to go to the ZBA. **Brian Pike made a motion to not accept the application as complete, as discussed; seconded by George Holt. All were in favor of the motion.**

Jeff Crosby returned to the Board.

**OTHER BUSINESS:**
Zoning Ordinance Review – There was nothing new to report as tonight’s workshop was postponed.

There was a discussion of the split of parcels by district boundaries, acceptance of others in the past, and there being no direction on such matters in the Zoning Ordinance. Some board members said they were unaware of this issue until tonight, noting they had not seen a status report on the application. The timeline leading to this meeting was explained by Donna, giving the sequence of review and communication with the executive committee. A couple of board members said they were unaware that the Board had an executive committee. One noted the Board doesn’t have Rules of Procedure, where that and other issues would be addressed. There was discussion on how this application was handled and the attorney’s response. Some members were not aware that town counsel had been consulted until earlier in this meeting; at that time Donna made copies of the response for each board member. Discussion continued about the distribution of information. George Holt recommended that all correspondence be distributed to all board members, not just the executive committee, moving forward. Ken Swayze stated that once information is distributed beyond the executive committee, it becomes public. Jeff Crosby pointed out that legal ramifications were discussed earlier this evening, yet some had no idea of the attorney’s response. He said the additional information may have clarified things. There was lengthy discussion on policies and procedures, Rules of Procedure, the Village District creation and associated problems not being properly addressed in the past, the history of zoning/lot sizes, and having to address the matter through a zoning amendment. Donna was asked to gather information from other towns on the subject of parcels being divided by district boundaries. George will create a GIS map showing the district boundary following the contours of the parcels and email it to board members. It was agreed that the hardship in these cases is created by the Zoning Ordinance.

Chuck Frost moved to adjourn the meeting at 8:37 p.m.; seconded by Brian Pike. All in favor.

Respectfully submitted,
Donna White