

DRAFT#3, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

**DUNBARTON PLANNING BOARD
WEDNESDAY, APRIL 20, 2016
DUNBARTON TOWN OFFICES – 7:00 P.M.**

The regular monthly meeting of the Dunbarton Planning Board was held at the above noted time, date and place with Chairman Kenneth Swayze presiding. The following members were present:

Kenneth Swayze, Chairman
George Holt, Co-Chairman
Alison Vallieres, Secretary
Charles Frost
Jeff Crosby
Brian Pike, Selectmen's Representative

Town Board/Staff Members Present:

Stephen Laurin, Building, Planning and Zoning Department

Applicants/Agents:

Jacques Belanger, J.E. Belanger Land Surveying, P.L.L.C.
Robert LaMontagne, Principal, Stinson Hills, LLC.
Robert Grondin, Stinson Hills, LLC.
Michael Tardiff, Central NH Regional Planning Commission (arrived at 7:30)

Ken Swayze, Chairman, called the meeting to order at 7:00 p.m. with a six-member Planning Board present. He noted for the record that the Planning Board had a quorum for this evening's meeting and all members would be voting.

The Chairman confirmed with George Holt, pro-tem Secretary, that the meeting had been posted in two public places throughout the Town, and put on the Town's Web Site.

GENERAL SESSION:

A. General Board Administration:

Approval of prior meeting minutes;

MOTION:

Chuck Frost made a MOTION to approve the minutes of March 2 and March 16, 2016, as written.
George Holt SECONDED the motion. Motion PASSED unanimously.

Election of Officers;

MOTION:

Brian Pike made a MOTION to nominate Ken Swayze as Planning Board Chairman, George Holt as Vice-Chairman, and Alison Vallieres as Secretary.

Jeff Crosby SECONDED the motion. Motion PASSED.

The Chairman noted that the Secretary will work with the Building and Planning Department to execute the administrative and clerical needs of the Planning Board.

B. Correspondence from the Secretary

None.

C. Selectmen's Report:

Brian Pike, Selectmen's Representative, reported that he has been speaking with Central NH Regional Planning Commission (CNHRPC) and has requested that the commission work with Dunbarton to implement the newly revised Road Surface Management System (RSMS). He said they have included Dunbarton on their short list of Towns to expand the pilot program. He noted that NHDOT asks about road conditions annually, and the RSMS would help Dunbarton monitor the condition of its roads.

He added that CNHRPC said it would be helpful for Dunbarton to have a representative and an alternate on the Transportation Advisory Committee (TAC) to assist with the development of the RSMS. A brief discussion ensued regarding candidates for TAC membership. It could be any interested Town resident, official or employee. Jeff Crosby said he would like to get more information about the committee and may consider signing up as an alternate.

D. Planning and Zoning Department Report – Stephen Laurin

1. The NH Office of Energy and Planning has rescheduled the 22nd Annual Spring Planning and Zoning Conference to Saturday June 4 at the Grappone Center in Concord.
2. The NHDES Water Source Protection Conference is scheduled for Wednesday, May 11 at the Grappone Center.

OLD BUSINESS:

Subdivision Application – Continued Public Hearing from March 16

Applicant/Property Owner: Steven Labbe

Agent: Jacques Belanger, LLS

Property Location: 96 Mansion Road, Map E3, Block 01, Lot 07. LDR Zoning District.

Description: Proposal to subdivide a 29.53 acre parcel into two residential lots utilizing the Large Lot Zoning provisions, and incorporating a shared driveway.

The Chairman noted that the Board had not received any comments from NHDOT regarding the shared driveway, and only received the driveway maintenance agreement on April 15. He asked Board members if they wanted to continue discussion of this application tonight or postpone it until all of the new material has been received and reviewed. After a brief discussion, the Board agreed by consensus to allow Jacques Belanger to continue his presentation and discuss any new material he may have this evening.

Mr. Belanger submitted a copy of the “Declaration of Easement and Driveway Maintenance Allocation”, and stated that he had spoken to Bill O’Donnell at DOT. He has not yet received any comments from Mr. O’Donnell.

Mr. Belanger said that he is requesting conditional approval of the plan this evening. He noted for the record that the shed will be located off the property line, new bounds will be set, he will submit revised plans and DOT comments, and the 18’ wide driveway will be constructed prior to plan signing.

The Chairman opened the Public Hearing and called on abutters and others from the public for comments. There were none.

The Chairman closed the Public Hearing.

George Holt questioned whether the driveway agreement contains sufficient language to protect all parties, and suggested that it be sent to Town Counsel for review. Discussion ensued regarding the shared driveway. Mr. Belanger noted that the driveway culvert near Mansion Road may need to be extended or headers added to maintain an 18’ driveway width.

Chairman Swayze said the Building Inspector and/or Road Agent will check on bounds and other improvements noted on the plan to ensure they are in place prior to plan signing.

George Holt made a MOTION to approve the Subdivision application of Steven M. Labbe for the subdivision of a 29.53 acre parcel into two residential lots utilizing the Large Lot Zoning provisions (creating 1 new lot), 1 proposed lot at 24.4 acres with 139.19’ of frontage; and the 2nd lot at 5.03 acres with 300.03’ of frontage, and incorporating a shared driveway, located at 96 Mansion Road in the Low Density Residential District, Tax Map E3, Block 01, Lot 07, 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, other memoranda, etc.);*
2. *Approval and receipt of all other required local, State and 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 signing and filing of the final plan at the Merrimack County Registry of Deeds:*
 - a.) *all specified work and improvements at the site, as specified by the Land Subdivision Regulations, shall be completed (i.e survey monumentation, etc.);*
 - b.) *the proposed shared-driveway serving, in common, the proposed new lots, as shown on the approved plan, be constructed to an 18' travel width, full-length from Mansion Road to the new property lines(s) and/or to where the two drives split, in accordance with construction details to be shown on the final plan. Said plan details and construction to be acceptable to the Dunbarton Fire Department, the Dunbarton Planning Board, its agents or assign;*
 - c.) *the storage/utility shed shown on the plan, shown bisected by the new subdivision property line, to be removed and /or moved to a conforming location.*
5. *Preparation, submittal, and filing of all Deeds, easements, legal instruments, and/or other documents required or intended to be filed at the Merrimack Country Registry of Deeds, in such content and form acceptable to the Town. In particular, provisions of shared/common driveway agreement to be reviewed and found acceptable by Town Legal Counsel (with all costs to be paid by applicant).*

Brian Pike SECONDED the motion. The motion PASSED, 5-0-1. Alison Vallieres abstained.

NEW BUSINESS:

Jacques Belanger presented an overview of the existing subdivision plan of Jerelyn Rose Johnson Hill Revocable Trust-Overlook Estates (Map I4, Block 01, Lot 02) that was conditionally approved by the Planning Board on April 18, 2007. He said the current owner, Stinson Hills, LLC, has proposed three minor modifications to the plan for Planning Board consideration, including one waiver and two minor changes.

Mr. Belanger noted that the plan includes approximately 4,300' of roadway with 22 lots that were created under the Planned Residential Development (PRD) Zoning Ordinance. He said a Zoning change in 2013 introduced an Open Space Subdivision Ordinance that replaced the PRD. He said the requirement of a 100' perimeter buffer in the Open Space Ordinance required that they reconfigure the lot layout to better accommodate the proposed 22 lots.

He continued that the other modification included "easement" areas to accommodate drainage areas as required by the new Alteration of Terrain rules. He also submitted a waiver request regarding the new 60' right-of-way regulation. He said that the original plan was approved under the Subdivision Regulations that required a 50' right-of-way. Since then, the Subdivision Regulations have been revised to provide for a 60' right-of-way, which would be a burden on them by necessitating a complete redesign of the roadway portion of the project.

Chairman Swayze commended the applicant for keeping the revised drainage within the deeded right-of-way parcel(s) to the Town. Jacques Belanger explained the drainage changes in more detail.

Robert LaMontagne representing Stinson Hills, LLC said they would also like to change the proposed ownership of Open Space C in their modified plan. The plan called for Open Space C to be held by Jerelyn Rose Johnson Hill Revocable Trust with a conservation easement attached to it. Since the new drainage scheme would require 100's of square feet new drainage easements and Open Space C is very small and not connected to other open space, they are proposing to deed it to the Town as part of the right-of-way.

Chairman Swayze said he would like the Board to discuss the question of the right-of-way waiver request before taking up any new items. Jeff Crosby said he is ok with maintaining the 50' right-of-way as they have requested. After a brief discussion, Board members agreed by consensus that they are ok with maintaining the existing 50' right-of-way as shown on the plan.

The Chairman reiterated that tonight's meeting is not a public hearing but rather a meeting of the Planning Board to discuss items within the jurisdiction of the Board. Having said that, he asked if anyone in the audience had any questions about the Board's discussions.

Brent Rheinhardt of Bow and co-owner of Dunbarton lot I4-01-35 which is part of their Bow house lot, said he and his wife, Megan, purchased the property within the past year.

Nancy and Chuck Rheinhardt of Bow said they had to build a moat to prevent excess runoff onto their lot when One Stack Road went in. Nancy Rheinhardt is concerned that off-site drainage from this development would damage her property.

Chairman Swayze noted that this development will not affect the ownership of Brent and Megan Rheinhardt's Dunbarton property, and added that the drainage design is not supposed to increase the rate of discharge onto adjoining properties. Both he and George Holt said the new Alteration of Terrain requirements that the development must meet are more stringent than the old requirements.

Robert LaMontagne noted that the DES wetlands easements on their property do not permit motorized vehicles except for snowmobiles.

Chairman Swayze asked if any Board members had a problem with the new drainage areas that are required by the Alteration of Terrain permit. There were no objections.

Jacques Belanger said that it is his understanding that the Town Conservation Commission might be interested in expanding its existing conservation land by accepting Open Space A and B as deeded conservation land. With regard to Open Space C, he said the applicant wanted to know if the Town would be interested in accepting it as additional conservation land or as deeded right-of-way with the roadway. The Board agreed that it would make sense to incorporate it as additional right-of-way and had no objections.

Chairman Swayze made reference to the "Best Management Practices (BMP) Inspection and Maintenance Manual" that had been submitted to the Town by the developer, which details the Town's responsibilities for inspection and maintenance of the drainage systems. He noted that the Town is not required to accept the proposed inspection and maintenance schedule as submitted. He suggested that they consider a different design that reduces the maintenance costs to the Town. George Holt concurred, saying that the Town is looking for a low or no maintenance design, and would like them to consider alternative drainage designs. The Chairman said the Town could require payment of fees to compensate it for unusually high maintenance costs.

In response to a question from Mr. LaMontagne regarding drainage design changes, the Chairman said that the Town's Engineering Consultant might make some suggestions but that he will not be designing the project.

Mr. LaMontagne said they are not looking for any building permits at this time, but they would like to proceed immediately with initial road construction and asked what type of bond would be required. George Holt and Jeff Crosby said that they felt a \$25,000 reclamation bond would be adequate for them to begin right-of-way work. The Board agreed with the suggested reclamation bond. The Chairman said the Town preferred cash but would accept an irrevocable letter of credit from a New Hampshire state licensed bank.

Jeff Crosby requested that Mr. Lamontagne make sure that all of the subcontractors fully understand the Town's Subdivision road construction requirements.

Robert LaMontagne asked whether the Town's Engineer or the Planning Board would authorize any design changes. The Chairman said the Planning Board would review and authorize any proposed design changes that might be submitted to it by the Town's Engineering Consultant.

The Planning Board agreed by consensus that it had no objection to the proposed minor modifications presented by the applicant.

MASTER PLAN UPDATES:

Mike Tardiff with the Central NH Regional Planning Commission (CNHRPC) said they have received a total of 105 responses to the 2016 Master Plan Community Survey, noting that they had received approximately 400 survey responses during the 2004 update. Alison Vallieres said she is disappointed in the low response and would like the committee to do more outreach.

Mr. Tardiff agreed that there should be additional outreach to the community. He made a few suggestions, including reaching out to the PTO and other community groups in Town, and developing an informational flyer for the elementary school students to take home to their parents.

Brian Pike suggested an E-mail “blast” to residents, and added that he would contact the school and help initiate the distribution of flyers to the school staff and students.

Mike Tardiff said CNHRPC staff could produce a card layout similar to the Arts on the Common card, and the Town would pay for the cost of mailing them out to Town residents. He also suggested publishing a “blurb” in the Concord Monitor informing residents of the Master Plan update and requesting that they complete the community survey. The Board also discussed distribution of the community survey at the upcoming Energy Fair and the Arts on the Common event.

Mike Tardiff said he would produce presentation materials for the Arts on the Common and Energy Fair. Brian Pike noted that Don Larson is the contact for the Arts on the Common.

Mr. Tardiff suggested setting a goal of obtaining another 150 responses to the survey.

Discussion ensued regarding the format and number of visioning sessions and identification of groups to invite to participate in a session.

Mr. Tardiff added that CNHRPC staff will be working on gathering the Transportation section base data, including traffic counts and other existing conditions. He noted that work done on any Master Plan chapters prior to the visioning sessions will be revised based on results of the visioning sessions.

In response to a question from George Holt regarding establishment of Master Plan subcommittees, Mr. Tardiff said he felt it would be best for the full Board to begin the work in these early stages. The Board concurred.

OTHER BUSINESS:

Ken Swayze and Jeff Crosby noted that after the Town receives comments from Kevin Leonard and the \$25,000 reclamation bond for Overlook Estates, they will need to come in for a pre-construction meeting. They added that the project comes under the Attorney General review regarding sales of lots prior to finalization of the plan.

ADJOURN:

George Holt made a MOTION to adjourn the meeting at 8:40 p.m.

Brian Pike SECONDED the motion. The motion PASSED unanimously.

Respectfully submitted,
Stephen Laurin
Building, Planning and Zoning Administrative Assistant