

DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

**DUNBARTON PLANNING BOARD
WEDNESDAY, SEPTEMBER 21, 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:

Board Members Present:

Kenneth Swayze, Chairman
George Holt, Co-Chairman
Charles Frost
Jeff Crosby
Brian Pike, Selectman's Representative

Staff Members Present:

Stephen Laurin, Building, Planning and Zoning Department

Others Present:

Dean Williams, Central New Hampshire Regional Planning Commission (CNHRPC)

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

Stephen Laurin stated that notice of the meeting had been posted in two public places in Town, and placed on the Town's Web Site.

GENERAL SESSION:

A. General Board Administration:

Approval of prior meeting minutes;

George Holt made a MOTION to approve the minutes of July 20 and August 17, 2016.

Brian Pike made a motion to amend typographical errors to both sets of minutes.

George Holt made a MOTION to approve the minutes of July 20 and August 17, 2016, as amended.

Brian Pike SECONDED the motion. Motion PASSED unanimously.

B. Correspondence from the Secretary

None.

C. Selectmen's Report:

1. Brian Pike said the Selectmen discussed Kelsea Road at the last meeting and have since talked to the Town Attorney. He said they are not expecting a response until mid-October.
2. The Selectmen held a public hearing on September 8 to accept the Open Space land from the developers of the Overlook Estates subdivision. There were no comments from the public. The Selectmen formally accepted the land.

D. Planning and Zoning Department Report – Stephen Laurin

1. NHDES has sent out notices to Town’s Building Departments and Planning Boards regarding Best Management Practices (BMP’s) for groundwater protection, and asking whether the communities are interested in incorporating or referencing the BMP’s in Town Ordinances and other documents.

Discussion ensued about what the Town can do to prevent building permit applicants from erecting building within the setback, contrary to the layout shown on the application, and then going to the Zoning Board for a variance.

OLD BUSINESS:

Overlook Estates Subdivision

Ken Swayze said the Board intends to finalize the Overlook Estates subdivision approval tonight. In addition to codifying the approval of the modified plan made on August 17, the Board needs to firm up the legal filing requirements regarding Open Space land, road bed right-of-way, etc. He reiterated that the Selectmen have accepted the grant of Open Space land from the developer. The Open Space deed for wetland mitigation has seen some minor amendments over the past several days, but there have been no substantive changes. The changes were required to comply with NHDES regulations and oversight. It was noted that an amended wetlands permit was issued by NHDES.

The Chairman asked if staff or Board members had any questions or concerns about the legal status of the plans or deed language. There were none.

Ken Swayze made a motion to approve the final plan set and legal filing requirements for the 22-lot Open Space Subdivision, plus two open space lots to be deeded to the Town of Dunbarton, to be known as “Overlook Estates”, as proposed by Stinson Hills, LLC, consisting of 136.36 acres, located on Tax Map I4-01-02, on Grapevine Road, 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 status reports and Planning Board minutes);*
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. *That all specified work and improvements at the site, as specified by the Land Subdivision Regulations, be completed prior to the signing and filing of the Mylar, or a surety be posted in favor of the Town, in an amount adequate to complete such work as required.*
5. *Preparation, submittal, and filing of all Deeds, legal instruments, and/or documents required or intended to be filed at the Merrimack Country Registry of Deeds, in such content and form acceptable to the Town.*

George Holt seconded the motion.

Discussion: In response to a question from Brian Pike regarding deed changes, the Chairman said they were made only to comply with the NHDES mitigation requirements, and that all of the Town’s substantive language remains unchanged.

The motion passed unanimously.

Ken Swayze noted that Lori Sommer with NHDES has been unavailable to comment on the final deed language, but he does not anticipate any problem because the final changes were those in accordance with NHDES. If NHDES requires changes after the deed has been filed, then Stinson Hills, LLC, will need to file an amended deed.

NEW BUSINESS:

Site Plan Application

Applicant/Property Owner: Montalona Limited Partnership, Kristin and David Cater

Agent: Wayne Morrill, Jones & Beach Engineers

Property Location: 1201 Montalona Road, Map C6, Block 01, Lot 03. LDR Zoning District.

Description: Site Plan application to expand an existing indoor riding academy and stables with the addition of 12 stables in a 7,000 s.f. horse barn addition.

Ken Swayze said the Board has before it a Site Plan application from Kristin and David Cater. At the request of Mr. Swayze, Stephen Laurin provided a brief explanation of what this application is about. Mr. Laurin said there are currently stables on the site and a riding academy.

He said that the owners came to the Town in 2007 about their intention to start a horse boarding and riding academy. They went to the Zoning Board and were informed that since it was considered an agricultural operation, a Special Exception would not be required. The owners then went to the Planning Board, and after discussions with the Board they were informed that since there were no specific regulations for riding academies, they would not need to complete a formal site plan review.

Earlier this year, the owners submitted a building permit application for a 7,000 s.f. horse barn. After review by the department, they were informed that they would need to apply for site plan review for expansion of the existing riding academy, due to revisions to the Site Plan Review regulations since 2007.

Ken Swayze added that the 7,000 s.f. building is an addition to an existing 24,000 s.f. facility. He noted there are numerous requests for waivers, including one which, apparently, is a request to waive site plan review in total. He said the process is, typically, for the Board to discuss whether or not the applicant has submitted a complete application that can be accepted by the Board to begin formal review. When there are waiver requests, the Board will invite the applicant to address the waiver requests and explain why they feel the waivers should be granted.

The Chairman said that he had heard that the applicant did not intend to request an overall waiver of site plan review, notwithstanding a signed request per the application, and asked if that was the case. Wayne Morrill said it was not their intention to request an overall waiver, and withdrew the written request. The Chairman said he is not comfortable with the number of waiver requests, and questioned why they could not simply include the required information on the plan. He would not be inclined to grant a waiver for some of the items, but, in his opinion, felt that some would be justified.

George Holt suggested that the Board discuss the requests individually.

Waiver request #1 regarding property line survey: Ken Swayze noted that the plan makes reference to a prior property line survey, and that this was simply for a building addition.

It was the consensus of the Board to grant the waiver request.

Waiver request #2 regarding entire lot survey: As above, Ken Swayze noted that the plan makes reference to an existing lot line survey, and that this was simply for a building addition.

It was the consensus of the Board to grant the waiver request.

Waiver request #3 regarding wetlands delineation: George Holt asked if there are any wetlands in the proposed work area. Wayne Morrill noted that they have a wetland scientist on staff, and he verified that there are no wetlands anywhere near the area of the addition.

It was the consensus of the Board to **grant** the waiver request.

Waiver request #4 regarding sight distance from existing driveway: Ken Swayze said that although there is an existing use, conditions change over time and, at a minimum, the Town should be given the information about sight distance. George Holt said sight distance should be known because of the potential for additional trailers and other traffic using the site. In response to a question from Chuck Frost, David Cater said the additional stalls are intended to serve their existing customers who are currently boarding some of their horses at other facilities. Brian Pike said he was concerned that traffic could quickly increase in the future, so the Board should know now what the sight distance is.

It was the consensus of the Board to **not grant** the waiver request.

Waiver request #5 utilities contact information: Wayne Morrill said he will add the utility contact information on the plan.

It was the consensus of the Board to **not grant** the waiver request.

Waiver request #6 exterior lighting standards: Wayne Morrill said there are no pole lights around the parking area and they show security lighting on the existing and proposed buildings. The activities take place during the day, so there is no need for extensive lighting. He said they are only looking for a waiver to a full photometric grid of the entire plan. David Cater added that there are motion lights on the barn. Ken Swayze said the Board is looking for the existing lighting conditions, and for them to show some details of the proposed lighting fixtures including light cut-off and other manufacturer specifications. George said he wants to see some details to show that there is no excessive side cast lighting or spillage of lighting onto other properties.

It was the consensus of the Board that the applicant is not required to meet **all** of the site plan review lighting requirements. They must, however, provide a complete plan of what they want to do, including technical lighting specifications, and state why they feel other requirements are beyond the scope of this project.

It was the consensus of the Board to **not grant** the waiver request.

Waiver request #7 regarding location of fire cisterns, etc.: Ken Swayze said this plan needs to indicate what fire protection is available, or not. Board members agreed that there needs to be something on the plan that discusses the adequacy of fire protection on site, or in the area.

It was the consensus of the Board to **not grant** the waiver request.

Waiver request #8 regarding landscaping standards: George Holt said his concern would be possible removal of buffers to nearby neighbors. If the applicant can confirm that they are not removing any vegetation buffers, he does not see the need for a plan.

It was the consensus of the Board to **grant** the waiver request.

Based on the items missing from the plan, some by virtue of the waivers not being granted, Ken Swayze said he believes the application is incomplete and he is not comfortable accepting it tonight. He would like to see some building pictorials, parking details, and more details about employees. George Holt said he would like the Board to discuss the other items with the applicant tonight so they can leave with a good understanding of what the Board might accept as a complete application. He suggested continuing the meeting with a non-binding, conceptual consultation with the applicant.

*Brian Pike made a motion to **not accept** the Montalona Limited Partnership Site Plan application and in turn open up a Conceptual Consultation this evening.*

Jeff Crosby seconded the motion. The motion passed unanimously.

Ken Swayze noted that abutters have received notice of tonight's meeting and he opened the public hearing to receive comments from abutters.

Aaron Currier, 1211 Montalona Road, said his only concern had to do with lighting that might impact the back of his property. He thought that the Board addressed his concern by requiring some sort of lighting details. He had no other comments.

The Chairman asked Police Chief Dan Sklut and Town Administrator, Line Comeau, if they had any concerns. Chief Sklut said he was not concerned that the project would have a negative impact public safety. Line Comeau had no comments on the plan. The Chairman brought the discussion back to the Board.

Discussion ensued regarding the detail of the building foundation and stone bed to handle drainage. Jeff Crosby noted that some of the confusion comes from the description that says "drip edge detail for frost wall". Wayne Morrill said he will correct the plan detail to better describe the foundation plan.

Ken Swayze pointed out that the applicant has not addressed the parking requirements found in the Site Plan Regulations. He said the plan needs to indicate the location, number, and required size of parking spaces. The plan needs to show the total number of stalls on site, number of employees, square footage, etc., to calculate the required number of spaces per the chart found in the regulations. Jeff Crosby said they will not be required to mark the parking spaces on the ground, only to show on the plan that there is adequate space onsite.

Brian Pike said they should also review ADA requirements regarding number of spaces, signage, etc.

George Holt would like more information about the existing septic facilities, and a calculation of the gallons per day capacity. David Cater said there will be one additional restroom in the lounge. If existing facilities turn out to be inadequate to meet minimum requirements, they would initially be required to provide an updated, new septic design approved by NHDES.

Brian Pike asked how they handle manure. David Cater said they spread the manure in the fields. Sometimes they get requests from landscaping people who ask them to pile it up so they can haul it off to mix into loam for sale. In response to a question from Jeff Crosby, David Cater said they follow Best Management Practices for handling manure. Wayne Morrill said they presented the BMP plan to the Zoning Board in 2007. Ken Swayze said they should add updated information to the plan.

George Holt asked that they show the 100' agricultural setback on the plan.

In response to a question from Jeff Crosby regarding the riders lounge, David Cater said it is where riders can hang out to stay warm in the winter, etc. There will be no overnight use. Mr. Crosby said the driveway entrance barely meets minimum requirements, and would like to see Mr. Cater make some improvements to deal with driveway width, steep slopes, and turning radius to access the drive.

He added that Mr. Cater should speak to the Fire Chief regarding access for emergency vehicles.

The Board noted that the next Planning Board meeting is October 19, and they agreed that the applicant could submit revised plans in 15 days which would be about two weeks prior to the meeting. The Board said, however, that they should submit their revised plans as soon as possible so the Planning Department has time to identify any possible issues.

Ken Swayze said the applicant should remove the overall site plan waiver request from the application, and include the list of waivers granted tonight on the revised plan, along with the date granted.

Discussion ensued regarding notification that would be required for the October meeting, and whether the Board should waive the requirement for newspaper publication.

Brian Pike made a motion that the applicant obtain a current abutters list and re-notify the abutters of the next meeting by certified mail, and to not require them to publish notice in the newspaper.

Jeff Crosby seconded the motion. The motion passed unanimously.

OTHER BUSINESS:

Master Plan Updates

Dean Williams reviewed the changes he made since the last meeting in August. He asked that Board members review the Vision section and make tweaks as they feel would be appropriate. The Board discussed clarification of some tables and typo's. Dean said he intends to include a story box with information describing the role of the Transportation Advisory Committee (TAC), and he asked that Board members compare the "Objectives" in the current Transportation Section of the Master Plan to his revised "Objectives", and forward comments to Steve.

ADJOURN:

Brian Pike made a MOTION to adjourn the meeting at 8:55 p.m.

Ken Swayze SECONDED the motion. The motion PASSED unanimously.

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