

DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL (11/16/16)

**DUNBARTON PLANNING BOARD
WEDNESDAY, OCTOBER 19, 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
Alison Vallieres, Secretary
Charles Frost
Jeff Crosby
Brian Pike, Selectman's Representative**

Staff Members Present:

Stephen Laurin, Building, Planning and Zoning Department

Ken Swayze 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 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;

Chuck Frost made a MOTION to approve the minutes of September 21, 2016, as submitted.

Brian Pike SECONDED the motion. Motion PASSED, 5-0-1. Allison Vallieres abstained.

B. Correspondence from the Secretary

None.

Ken Swayze said the Board received correspondence from Jacques Belanger regarding the Industrial Communications site plan approval, requesting a retroactive extension of the approval period to today and to 30 days beyond.

The Board discussed the request and the outstanding issues with the conditional approval. Stephen Laurin said that the plans satisfy all of the conditions of approval but that minor technical revisions need to be made before they are signed.

George Holt made a MOTION to extend the approval period for the Industrial Communications site plan, retroactive from expiration to this day, and for an additional 30 days, and that there be no more extensions granted.

Jeff Crosby SECONDED the motion. Motion PASSED unanimously.

C. Selectmen's Report

1. Brian Pike said that at their last meeting the Selectmen discussed the need to amend the ADU ordinance based on the Legislatures passage of SB 146.
2. Mr. Pike said the Selectmen expect to receive the Town Attorney's opinion on the Kelsea Road issues in November. He said the Attorney is about two weeks behind schedule due to his heavy workload.

D. Planning and Zoning Department Report – Stephen Laurin

1. The Building Department received notices from Eversource and New England Power/National Grid, as required by NHDES, regarding temporary wetlands impacts arising from their utility maintenance work.
2. Mr. Laurin noted that although the Building Department is ahead of last year in the number of permits issued, there have been only 3-new home permits issued, and one foundation-only permit for a residence.

OLD BUSINESS:

None.

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 and a rider's lounge in a 7,000 s.f. horse barn addition.

Ken Swayze asked Stephen Laurin if plan was sufficiently complete to accept. Mr. Laurin said it is sufficiently complete for acceptance, and went on to point out some minor revisions and corrections that would need to be made to the final plans, as noted in the status report.

George Holt made a motion to accept the Montalona Limited Partnership Site Plan application.

Brian Pike seconded the motion. The motion passed unanimously.

Wayne Morrill with Jones & Beach Engineers, reviewed the plan changes that were required by the Planning Board at the conceptual discussion on September 21. He highlighted the septic capacity (300 gpd), the 100' agricultural buffer, the corrected Current Use boundary, required parking spaces, the revision to the drip edge detail on the building addition, the Best Management Practices document, location of off-site fire suppression facilities, lighting details, fire code requirements, and a note indicating that there would be no additional tree cutting near abutting properties. He said they have added a sheet indicating line-of-sight from the driveway, the changes to be made to open up the driveway access, and added a note that the driveway culvert will be cleaned out.

In response to a question from Jeff Crosby as to why the radius on the south side of the driveway, Mr. Morrill said they did not want to impact the abutting property, adding that state law does not allow a driveway radius to be increased onto an abutting property.

David Cater, co-owner of Montalona Limited Partnership, said he spoke with the Fire Chief who told him that he thought the driveway was adequate for access by fire apparatus. Jeff Crosby noted that trailered vehicles could have a more difficult time negotiating the driveway.

Mr. Crosby said that he had received an E-mail from David Cater earlier in the year which noted that the culvert was not functioning properly, and that water is pooling during heavy or extended rains. Mr. Crosby noted that the culvert is not in the right-of-way so the property owner would be responsible for any upgrades and maintenance. He said he did not feel that he had to go out and inspect the site as long as they can assure him that they will do the best they can with the driveway and culvert.

Brian Pike said the Town is concerned about bigger rigs swinging out into the oncoming lane, and would prefer to see a good, open driveway. David Cater agreed to get together with the Road Agent when equipment was present at his site and try to improve conditions as discussed.

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

Matt Routhier, representing 1209 Montalona Road, said the plan survey conflicts with his surveyor's survey of the boundary line between the two properties; and, he is concerned with runoff, and the presence of ledge. Ken Swayze said the applicant has submitted a detailed drainage analysis of the site, which addresses the drainage situation. He added that the plan survey was prepared by a licensed land surveyor, and that any conflict between the two surveys would need to be resolved by the surveyors.

Wayne Morrill said they can crown the driveway to reduce potential drainage issues.

The Chairman closed the public hearing.

George Holt made a motion to approve the Site Plan application of Montalona Limited Partnership for the proposed expansion of a riding academy and stables including the addition of a 7,000 s.f. horse barn and riders lounge, located at 1201 Montalona Road in the Low Density Residential District, Tax Map-Block-Lot C6-01-03; revised plans submitted on October 5, 2016.

Approval is subject to the following conditions:

- 1. Submittal of a final, technically accurate, and graphically correct plan-set in full compliance with all current Site Plan Review Regulations (excluding waivers granted by the Board) and incorporating any and all additional requirements established during deliberations with the Board (per Status Reports, Planning Board minutes, and other acknowledgments);*
- 2. Compliance with all provisions of prior plan approvals, as applicable;*
- 3. Compliance with: a.) 2009 International Building Code (IBC) requirements, and b.) NFPA Life Safety Code requirements, et al; particularly with regard to agricultural activities;*
- 4. 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;*
- 5. Payment of all fees and costs associated with the Dunbarton Planning Board application process;*
- 6. Completion of any special, identified work and improvements at the site, as specified by the Site Plan Review Regulations, and/or required by the Board, that are required to be completed prior to the signing and filing of the Mylar;*
- 7. 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.*

Chuck Frost seconded the motion. The motion passed unanimously.

Subdivision Application

Applicant/Property Owner: Michael Guiney

Agent: Edward L. Rogers, LLS, P.E.

Property Location: 32 Kelsea Road, Map B6, Block 01, Lot 05. LDR Zoning District.

Description: Subdivision application proposing to subdivide a 46.44-acre lot into 6 residential lots. Kelsea Road currently splits the property, resulting in 24.33 acres lying north of Kelsea Road, and 22.11 acres lying south of Kelsea Road.

Ken Swayze said that after reviewing this application he felt there were too many waiver requests to consider it for acceptance.

Jeff Crosby and Alison Vallieres agreed, saying that it does not meet the basic road upgrade requirements that are expected of any proposed subdivision. Brian Pike said this proposal is similar to the situation on Holmes Road which was required to be upgraded.

George Holt noted that he had spent a considerable amount of time reviewing the plan, and felt there were too many waiver requests, and too many details missing or incomplete on the plan (e.g. the change from Class V roadway to Class VI, setback details, etc.).

Jeff Crosby made a MOTION to not accept Michael Guiney subdivision application.

Chuck Frost SECONDED the motion. Motion PASSED unanimously.

Brian Pike said the Planning Board should have a general conversation with the subdivider before a formal application is submitted.

Ed Rogers said he thought that the Planning Board would have received comments from the Road Agent, Selectmen, and other Town departments about the application prior to tonight's meeting. He said he was concerned that the Board made reference to the waiver requests during their discussion with no opportunity for the applicant to respond. Ken Swayze reiterated that the decision to not accept the application was based on the Boards discussion and determination that the plan was missing preliminary information and important preliminary technical data.

The Planning Board agreed to schedule a workshop meeting on November 2nd, at 7 p.m. for a Conceptual Consultation.

Ken Swayze recused himself from discussion of the next application.

George Holt, as acting Chairman, introduced the next application.

Subdivision Application

Applicant/Property Owner: Suzanna D. Majewski

Agent: Arthur F. Siciliano, LLS

Property Location: 31 Stark Highway South, Map E3, Block 06, Lot 07. VD-Village District, and MDR Zoning District.

Description: Subdivision application proposing to subdivide a 4.43-acre lot into 2 residential lots. A majority of the lot lies within the Village District, while a small portion of the "back" end of the lot lies in the Medium Density Residential District.

Stephen Laurin said the application is sufficiently complete to allow the Planning Board to accept it for review.

Chuck Frost made a motion to accept the Suzanna D. Majewski subdivision application.

Brian Pike seconded the motion. The motion passed unanimously.

Art Siciliano presented an overview of the 2-lot subdivision noting that it meets the area and frontage requirements for new lots in the Village District. He noted that a small portion of the lot, back from Route 13, is in the Medium Density District.

George Holt and Chuck Frost asked how the location in two zoning districts affects the lot calculations, and whether they should show the square footage in the Village District and in the Medium Density District. Art Siciliano said he applied the Village District zoning requirements because all of the frontage, and a majority of the lot area is located in the Village District. Discussion ensued regarding the past practice of the Board for lots that lie across multiple zoning districts.

Brian Pike said that the 75' protective radius for the existing well is not completely on the lot after subdivision; and that they will need to get DOT approval for a new driveway permit. Art Siciliano noted that there is an existing driveway access point, and that the plan indicates that the access will be eliminated.

Alison Vallieres said she believes that the subdivision meets the intent of the Town's regulations. Jeff Crosby agreed that the plan meets the intent of the regulations.

George Holt agreed, but added that the final plans need to be updated to meet all of the subdivision plan requirements including granite bounds at all lot corners, etc.

Art Siciliano said he cannot change the monumentation for lots that are marked with iron pipes and drill holes in stone walls because it would alter the deed descriptions for other people's properties. He said he will meet the requirements that are in the Subdivision Review Regulations.

Chuck Frost made a motion to continue the public hearing to November 16, 2016 at 7 p.m. at the Town Office meeting room.

Jeff Crosby seconded the motion. The motion passed unanimously.

Ken Swayze returned to the Board.

OTHER BUSINESS:

Master Plan Updates

Ken Swayze asked if any Board members had comments on the latest draft of the road chapter submitted by Dean Williams.

The Board agreed that Dean has done a thorough job of presenting a complete range of transportation issues, including some that would not necessarily apply to Dunbarton at this time. They did not feel, however, that it would necessary to have Dean remove some of the information and do extensive rewrites of the chapter.

Ken Swayze said that the next Hazard Mitigation Committee meeting is scheduled for October 24 and that he would be unable to attend. Jeff Crosby said he would be available. Brian Pike said that all three Selectmen are members of the committee and one of them would attend the meeting.

ADJOURN:

Alison Vallieres made a MOTION to adjourn the meeting at 8:25 p.m.

Chuck Frost SECONDED the motion. The motion PASSED unanimously.

Respectfully submitted,

Stephen Laurin
Building, Planning and Zoning Administrative Assistant