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;
  
   Brian Pike made a MOTION to approve the minutes of October 19, 2016, as submitted.

   Jeff Crosby SECONDED the motion. Motion PASSED, 6-0-0.

B. Correspondence from the Secretary
   None.

C. Selectmen’s Report
   1. Brian Pike said the Board of Selectmen have begun scheduling meetings with department heads regarding next year’s Town budget.

   2. He said the Selectmen are awaiting the opinion of Town Attorney regarding the status of Kelsea Road. He said the Attorneys’ review is delayed because of his work on the Northern Pass project and other priorities. Mr. Pike reiterated that the Kelsea Road issues the Attorney is reviewing are unrelated to the recent discussions the Planning Board has had about a proposed 6-lot subdivision.

D. Planning and Zoning Department Report – Stephen Laurin
   None.
OLD BUSINESS:

Ken Swayze recused himself from discussion of the next application.

Subdivision Application – Continuation of Public Hearing from the October 19 meeting.

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.

Suzanna Majewski and Art Siciliano were both present.

Acting Chairman George Holt introduced the application. Art Siciliano said he is still waiting on DOT approval for the new driveway location, and he said he would like to discuss the surveyor’s rules regarding the existing monumentation on the site. George Holt said he does not believe that there should be any deviation from the Town’s requirements found in the Subdivision Regulations, adding that the intention of the regulations requiring granite monumentation is to ensure that there is no future or continuing disputes regarding boundary locations.

Art Siciliano said he felt that the existing monumentation was adequate, but that he would comply with the regulations.

Brian Pike said the Town has been consistent with requiring granite bounds since the mid-2000’s, and reiterated his belief that the monumentation regulations are appropriate and the Board should not generally be granting waivers to them.

Stephen Laurin noted that they have received NHDES subdivision approval.

George Holt noted that there were no abutters present and closed the Public Hearing.

George Holt made a MOTION to approve the application of Suzanna J. Majewski for a proposed two-lot subdivision, consisting of 4.43 acres, located on Tax Map/Block/Lot E3-06-07, at 31 Stark Highway South, in the Medium Density and Village Zoning Districts; revised plans submitted on October 24, 2016, 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 (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. 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. 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 (i.e. all survey monumentation must be in compliance, etc.);
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.

Chuck Frost SECONDED the motion. The motion PASSED, 5-0-0.

George Holt reminded Mr. Siciliano that the Town will inspect the monumentation prior to the signing of the Mylar.

Ken Swayze returned to the Board.

NEW BUSINESS:
None.

OTHER BUSINESS:

Master Plan Updates
Mike Tardiff with Central NH Regional Planning Commission (CNHRPC) appeared before the Board.

Ken Swayze asked where we are in the billing process with CNHRPC’s work to date. Mike said they will invoice all of this year’s work prior to the Town’s year-end budget period.

Mike asked Board members if they had any questions at this time about the draft language for the Transportation Chapter. The Board said that although there may be more information in the chapter than necessary for Dunbarton, they were satisfied with the scale of the chapter. Mr. Tardiff acknowledged that the chapter includes a lot of detailed information, including traffic calming strategies, etc., and suggested that some of it could be moved to appendices at the back of the document.

He said it is time to start working on the Natural Resources Chapter with the Conservation Commission. He said Katie Nelson and Joanne Cassulo would be working with Conservation. George Holt said the Conservation Commission meets on the second Wednesday of each month. He said Brett St. Clair is the Chairman of the commission.

Mike said the immediate goal is to work toward having a Master Plan Visioning session in late January, February, or late March. The Visioning sessions will be an outgrowth of the survey’s. His staff would help with scheduling, and assisting the Planning Board with the different breakout sessions.

There was a consensus that Saturday’s are not a good day to get folks out to a Visioning Session because they are busy with family and personal activities. They agreed that a weeknight would be better. This phase of the Master Plan update includes 8 chapters of the plan, but the Visioning Sessions will provide information for all of the chapters, which will be updated over the next two years. The latest mapping and demographic data that the planning commission is compiling will be used to develop a narrative of local and national trends, which, in turn, will help the Town identify the direction it wants to take for the future.

Mike Tardiff said that after the Town-wide Visioning Session, the committee could continue its outreach by holding small-scale “visioning” sessions with other Town groups such as seniors, the Garden Club, volunteer Fire Department, the Men’s Club, etc. They could go to the 5th grade social studies class with maps and graphics and talk about how they get to school, recreation fields, and other things they want to talk about, to get another perspective.

George Holt suggested Wednesday, January 25 as a date for the Visioning Session. Mike Tardiff said the 25th would work, and by the fall, after the summer lull, the Town would be ready to gear up to
continue the process. He noted that many of the survey responses indicated an interest in creating a commercial district in Town, which surprised him. He said things have changed from 12 years ago.

He said that he and Katie Nelson could attend next month’s Planning Board meeting to talk about demographics, and then Katie and Joanne can begin work with the Conservation Commission on that part of the plan. Ken Swayze said the Board is working on Zoning amendments and asked Mike how long he and Katie would need at next month’s meeting. Mike said they would need just 25 minutes to present a draft agenda and discuss the process, and Kate could talk about the American Community Survey information.

Mike said the goal of their meeting with the Conservation Commission is to review the current Master Plan and the recent survey results, and discuss what should remain in the Master Plan and what should be added or changed. George Holt said Bret St. Clair is the Chairman of the Conservation Commission and would send his contact information to Mike and get him on the agenda for December 14.

Zoning Ordinance Amendments

Alison Vallieres handed out a list of suggested zoning amendments for consideration by the Board, along with some amended language. She began by pointing out the changes to the Definitions section.

She made some clerical changes to the language found in the new state law regarding Accessory Dwelling Units (ADU’s) and proposed incorporating it as an amendment to the Zoning Ordinance. Brian Pike suggested making reference to the RSA number. Next she added a definition for Duplex, and made cross references in the Definitions for “Dwelling, Duplex”, and “Duplex”, and for “Dwelling, Accessory Dwelling Unit”, and “Accessory Dwelling Unit (ADU)”.

Because of the complexity of all the issues involved, the Board agreed to postpone updates to the agricultural definitions to a future update cycle.

The definitions for livestock, Open Space Subdivisions, and Stables are also proposed. Alison said the Board has had discussions in the past about private stables and commercial stables, but that there had been no agreement on clear language. Jeff Crosby questioned how the Board can come up with a definition for the difference between a commercial stable and a private stable.

Discussion ensued regarding commercial buildings versus private use-buildings. Ken Swayze said they should not focus on an arbitrary definition of “commercial building” but on the actual use of the structure, and that any definition of a commercial building cannot be based on size. He said board members should review the multiple definitions at home and come back to the next meeting to discuss them. He said that with regard to Ordinance language in general, the word “should” needs to be replaced with “shall” where appropriate. He added that rather than trying to come up with separate definitions for stables, barns, etc., just add a definition for “agricultural buildings”. Brian Pike agreed, saying that stables, barns, hen houses, goat houses, etc. can be included in the definition of agricultural buildings. It should also be noted in the definition that the listed examples are not an all-inclusive list, and that it would include other agricultural use buildings; e.g., if a storage trailer is used to store hay or house chickens, it would be considered an agricultural building.

Alison said there also needs to be a definition of Workforce Housing in the Ordinance, and it needs to be in the Table of Uses. Brian Pike noted that there is a definition in the Statute. Stephen Laurin said he would add the definition that is found in the statute.

George Holt suggested referencing Article 6 for the definition of Open Space Subdivision.

Alison moved on to discuss the Table of Uses. She has added Duplex along with the acreage requirements (footnote #6); Open Space Subdivision (footnote #4); Workforce Housing (footnote #15 – and add “per RSA 674:58-61”); Accessory Dwelling Unit (footnote #14). She said she will remove the “reserved for future footnote” lines and renumber the footnotes; and she will add a definition for
“Agricultural Building”. Chuck Frost would like to see additional agricultural definitions to deal with more uses (e.g. slaughterhouses, etc.). Ken Swayze pointed out that if a use is not specifically listed in the Ordinance, it is a prohibited use. If someone wanted to pursue a use that is not listed in the Ordinance, they have the option to go to the Zoning Board to request a variance.

Discussion ensued regarding footnotes 1-Low Density District, 2-Medium Density District, and 3-Village District, and that they all mention acreage requirements. Brian Pike asked why those acreage requirements would not also apply to Duplexes. Ken pointed out that those footnotes only refer to multi-family dwellings, which in addition to the acreage requirements, are regulated by Article 9, Multi-Family Residential Housing District Ordinance. There needs to be a separate footnote for Duplex acreage requirements, or rewrite footnotes 1, 2, and 3 to account for both multi-family dwellings and Duplexes.

The Board agreed that they need to entirely remove section “E” regarding Phasing of Building Permits” because, as Alison noted, it doesn’t apply anymore, and the Selectmen will not enforce it.

Ken said he and George Holt have discussed a couple of modifications to the Open Space Subdivision Ordinance. One is to modify the 50’ building setback requirements to possibly reduce it to 40’, and the other has to do with allowing some limited forestry activity within the 100’ buffer. Discussion ensued regarding modified language to allow maintenance of the buffer while keeping it in a primarily natural state. There should be an allowance to remove sick trees and problem timber that has come down. It is intended to be a natural buffer, so clear-cutting would not be allowed, but proper “forest management” should be allowed to take place. Language such as best management practices shall be utilized, and/or a percentage limit on the removal of the basal area over a specified time period. Georg Holt said the language in the Shoreland Protection law might provide a good guide for developing some ordinance language.

Discussion continued about who would ensure compliance with the buffer requirements, e.g., the Road Agent, Selectmen, Planning Board, Forest Committee, etc. Jeff Crosby said the owner should submit a formal Forest Management Plan to the Selectmen or the Planning Board, which would be reviewed by a qualified professional designated by the Town.

George Holt suggested that the applicant/property-owner for an Open Space Subdivision would submit deed language through NHDES to the Planning Board which would become part of an approved plan. Ken said they need to think more about a procedure to permit work in the buffer before allowing the owner to begin any forestry or maintenance work.

Alison noted that the Planning Board should schedule its first Public Hearing for proposed zoning amendments no later than Wednesday, January 18, because the deadline is Monday, January 23. The second Public Hearing would be February 1, which is a workshop meeting.

Stephen Laurin suggested that with regard to amending the Accessory Dwelling Unit ordinance, rather than plugging in the language from the statute, an alternative could be to just make two changes to the current ordinance, which would eliminate any conflict with the law. The concern with simply plugging in the statute language is that it does not offer any upper limits, e.g. to the size of the ADU, etc. Our ordinance currently limits the size to 1,000 s.f. The first change to the ordinance would be to remove the one-bedroom limit for ADU’s, which conflicts with the law, and the second is to add a requirement that there be a connecting door between an attached ADU and the structure to which it is attached.

Discussion ensued regarding attached and detached ADU’s. The new law allows a Town to permit a detached ADU, and to allow a requirement for additional minimum lot acreage if the ADU stands on its own. Dunbarton’s current ADU ordinance requires that an ADU be attached to the principal dwelling, or to an accessory structure (barn or garage). There is currently no provision for an ADU to stand as a separate structure. It was the consensus of the Board to simply remove the one-bedroom
limit in the ordinance and to add the connecting door, which would then bring the ordinance into compliance with the new law.

Ken Swayze said the Town adopted two sign ordinances in the past, one for permanent signs and one for temporary signs. However, they were never intended to be part of the Zoning Ordinance of the Town, and he does not know how they got into zoning. He said that those two articles (13 and 14) need to be removed from the Zoning Ordinance, but that they still stand on their own as ordinances of the Town.

ADJOURN:

Brian Pike made a MOTION to adjourn the meeting at 8:35 p.m.

Chuck Frost SECONDED the motion. The motion PASSED unanimously.

Respectfully submitted,

Stephen Laurin
Building, Planning and Zoning Administrative Assistant