

Approved on October 16, 2013

DUNBARTON PLANNING BOARD
Wednesday, September 18, 2013
At Dunbarton Town Office – 7:00 P.M.

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

Kenneth Swayze, Chairman
George Holt, Co-Chairman
Michael Guiney
Charles Frost
Les Hammond, Selectmen's Representative

Kelly Dearborn-Luce, Planning and Zoning Department
Alison Vallieres, Secretary was absent.
Kelly Dearborn-Luce will record minutes for tonight's meeting.

Other Town Officials:

Jeff Crosby, Road Agent

Members of the Public:

Gregory Scarlett, GPS Properties.

Ken Swayze, Chairman, called the meeting to order at 7:00 p.m. with a five (5) member Planning Board present.

Ken Swayze, Chairman, confirmed with Kelly Dearborn-Luce that the meeting had been posted in two public places and also placed on the Dunbarton Web Site in conjunction with the law regarding posting of meetings, etc.

A. General Board Administration:

Approval of previous meeting minutes: Wednesday, August 21, 2013

MOTION:

George Holt made a motion that the Dunbarton Planning Board accept the minutes as written for the August 21, 2013 Planning Board Meeting. Mike Guiney seconded the motion. The motion passed unanimously.

B. Correspondence

Kelly Dearborn-Luce, Building, Planning and Zoning Department, reported the following:

1. Update on the October meeting: Thomas Giovagnoli will be on the agenda for their continuation of a site plan review for the agricultural use of a barn. It was noted that the School will be contacted to request the Media Room as a large crowd may be expected for the hearing.
2. Two training correspondence presented to the Board (1) Floodplain Management and (2) Law Lecture Series. Members will contact Kelly if interested in attending.

3. Two House Bills that recently passed in NH were distributed to add to the Members Land Use Regulations. (1) RSA 676:36 and 6754:51 as it relates to the voluntary installation of fire suppression sprinklers and (2) RSA 677:15 as it relates to the appeals of planning board decisions.

C. Selectmen's Report

Les Hammond, Selectman Chair, stated there was no report from the Selectmen's Office at this time.

General Business:

Greg Scarlett (GPS Properties) to discuss an extension for the project of 28 units off Powell Lane in the LDR District. Tax Lot # C4-01-06 (AKA Pastures at Black Brook). The previously approved plan is for a 28 unit multi-family (7 buildings with 4 units in each building) clustered development. The approval and notice of decision was originally issued on September 19, 2007.

Ken Swayze, Chairman, noted that the agenda had an error as it listed the number of units as 26 and should be 28.

Kelly Dearborn-Luce, Planning and Zoning Department, presented the Board with a Status Report. She noted that the request for the extension was necessary as the approval was issued in 2007. There had been no activity since that time. The applicant has \$1,475.00 left in general fund for engineering escrow and in accordance to the Notice of Decision, \$2,500.00 is due upon start of the project for engineering study of the intersection.

Ken Swayze, Chairman, advised that the Board and Department Heads will conduct a pre-construction meeting when the project is ready to move forward and at that time the fees will need to be paid.

Kelly Dearborn-Luce also stated that the final paper plan with will need to be submitted prior to the filing of a Mylar.

Ken Swayze, Chairman, asked Greg Scarlett for the update of the project.

Greg Scarlett said he was in to see the Board to request a two year extension for the project. Due to the financial infrastructure of the site work alone, he has been unable to move forward as planned. Also the cost of the community water system, which he now regrets, will be costly to construct.

George Holt stated it is best to keep the DES permits active as there have been many changes within the application process. Greg Scarlett stated the Terrain DES permit expires in June 2014 but he will renew the permits.

Ken Swayze, Chairman, spoke about the new changes in the zoning. Kelly Dearborn-Luce submitted the new regulations to Greg Scarlett for references.

Based on the above discussion, the following motion was made:

MOTION:

George Holt made a motion that the Dunbarton Planning Board grant a two (2) year extension to Greg Scarlett owner of GPS Properties for property at tax lot # C4-01-06 for the previously approved 28 unit multi-family development located on Route 13 at Powell Lane & Black Brook Road in the LDR District, with the following condition:

The applicant shall conform to all current updated regulations and to the original Notice of Decision which was issued on September 19, 2007, and the applicant come back and report to the Board on interim progress at the end of the first year.

Motion was seconded by Les Hammond. The motion passed unanimously.

Next item of business:

Receipt and acceptance of an application for the Planning Board to request a waiver from site plan review regulations from AT&T, Frank Kelley.

SAI Inc., C/o Frank Kelley for AT&T requested a waiver to install 3 additional arrays, new concrete pad to house the electrical cabinet and upgrade the technology of the existing tower at 91 Stark Highway South, tax lot #F3-03-03. The reason for the request is due to the Federal Law 6409 and new State law which regulates and defines "modifications" to existing towers.

The law states that the local boards shall approve by building permit process and not require site plan reviews.

Kelly Dearborn-Luce gave a status report;

The building permit application was submitted and reviewed by the Building Department. It was noted that the existing site plan regulations required Planning Board approval or at least a request for waiver. It was also noted that the new State Law is not in effect until September 22, 2013.

The applicant filed the waiver request.

The Building Department determined that the project met the definitions, in accordance to the State Law, of minor modifications, and that the waiver should be granted and the building permit issued.

Specifications of the arrays and concrete pad were discussed.

Jeff Crosby asked about the 10% rule for modifications and Ken Swayze explained the ruling on expansion(s) of an existing tower.

MOTION:

George Holt made the motion to grant the waiver to site plan review for the proposed renovations to the existing tower.

Motion was seconded by Mike Guiney. The motion passed unanimously.

Other Business:

There being no further business, the meeting adjourned with the following motion:

MOTION:

Mike Guiney motioned to adjourn, seconded by Chuck Frost, motion passed unanimously.

Meeting adjourned at 7:50pm.

Respectfully submitted,
Kelly Dearborn-Luce
Building, Planning, and Zoning Department