

**DUNBARTON PLANNING BOARD  
TUESDAY, DECEMBER 19, 2012  
TOWN OFFICES – 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  
Alison Vallieres, Secretary  
James Marcou  
Michael Guiney  
Travis James, Alternate  
Charles Frost, Alternate  
Les Hammond, Selectman**

**Town Board/Staff Members:**

**Ted Vallieres, Selectman  
Jeff Crosby, Road Agent**

**Consultant:**

**Matt Monahan, Central NH Regional Planning Commission  
Steve Laurin, Planning and Zoning Consultant for Dunbarton**

Ken Swayze, Chairman, opened the meeting at 7:00 p.m. with a full Board present and noted that seven members would be voting this evening.

The Chairman verified with the Secretary that the Meeting had been posted in accordance with the RSA in two public places, posted in the Concord Monitor for one day and published on the Dunbarton Web Page.

**7:00 p.m. – GENERAL SESSION:**

**A. General Board Administration:**

**1. Approval of previous meeting minutes: Tuesday, November 27, 2012.**

**MOTION:**

**Mike Guiney made a motion that the Dunbarton Planning Board accept the minutes as written of the meeting of Tuesday, November 27, 2012. Travis James seconded the motion. The motion passed by a majority vote with James Marcou abstaining because he was not present at the November 27, 2012 meeting.**

**2. Selectmen's Report**

**Les Hammond, Selectman, noted there was nothing to report this evening from the Selectmen's Office.**

**3. Correspondence**

The Secretary noted the only thing she had to report for Correspondence was there was a possibility of a U. S. Cellular Request for Site Plan Review for them to put two more carriers on the existing cell tower. This will probably be before the Planning Board in February.

Also reported that she was in the process of working on the Public Notice and Post Card information for the upcoming Public Hearing to be held on Wednesday, January 16, 2013 at the Dunbarton Elementary School Library on the proposed "Open Space Ordinance" .

**PUBLIC HEARINGS: 7:00 p.m.**

None

**RECEIPT AND ACCEPTANCE OF NEW APPLICATIONS BY THE DUNBARTON PLANNING BOARD:  
FOR COMPLETION AND ACCEPTANCE. (NOTE: If accepted, at Planning Board's discretion,  
deliberations/public hearings may be allowed at this session.)**

At this point in the meeting, James Marcou stepped down from the Planning Board for the following Marcou Lot Line Adjustment and Subdivision requests:

**LOUIS & DEBRA ANN MARCOU AND LOUIS FREDERICK MARCOU REVOCABLE TRUST (G2-03-11 AND G2-03-02) PROPOSED LOT LINE ADJUSTMENT AT THEIR PROPERTY LOCATED ON MANSION ROAD AND CALEB'S WAY IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH**

Ken Swayze, Chairman, noted there were requests for Waivers for the following:

Waiver requests for Lot Line Adjustment for Tax Lots G2-11-3 and G2-2-3 on the west side of Mansion Road.

Waivers for wetland delineation, topography and soils. Lot G2-3-2 has an existing house, well and septic system.

Lot G2-3-11 was subdivided out in 1998. The buildable area is out near Caleb's Way. The removal of Parcel A does not take away from that buildable area.

The Board reached a consensus that the request for Waivers did not rise to the level that they would affect the merits of the proposed Lot Line Adjustment. It was noted that this was only a simple Lot Line Adjustment and not a Subdivision. These are mundane to the proposed Lot Line Adjustment.

Steven Laurin, Planning and Zoning, stated he saw no issues or problems with the proposed Lot Line Adjustment as presented.

Ken Swayze, Chairman, noted that this request was for a simple Lot Line Adjustment which would be adding a 50 foot easement which consists of .92 acres from the Beverly Marcou Revocable Trust Lot to the Louis and Debra Ann Marcou Lot and adding a parcel of .92 acres to the Beverly Marcou Revocable Trust Lot from the Louis and Debra Ann Marcou Lot thereby not changing acreage in either lot.

There were no comments from the Board members on the proposed Lot Line Adjustment as presented.

**MOTION:**

George Holt made a motion that the Dunbarton Planning Board accept the proposed application for a Lot Line Adjustment from Louis & Debra Ann Marcou and Louis Frederick Marcou Revocable

Trust as presented this evening and start deliberation/public hearing at this time. Travis James seconded the motion. The motion passed unanimously.

Ken Swayze, Chairman, opened the meeting for the applicant's presentation.

Arthur Siciliano, Surveyor, representing the applicants, presented the plan and noted the following:

1. Lots G2-3-2 and G2-3-11 are both lots which front on the west side of Mansion Road. He explained that the 50 foot easement consisting of .92 acres would be taken from G2-3-11 and given to Lot G2-3-2. In addition, a small parcel consisting of .92 acres would be taken from G2--3-2 and given to Lot G2-3-11 thus making it an even swap. The acreage of both lots will not change.

At this point in the discussion, Ken Swayze, Chairman, asked what drove this to happen?

2. The applicants explained that the 50 foot easement was no longer needed because there was no need to have the access to Caleb's Way. Lynn Marcou Trust also shares a driveway with her brother Louis and Debra Marcou Trust. Louis Marcou will provide an easement to Lynn Marcou for the shared driveway as part of this application.

George Holt asked if there were any wetlands in the area of the easement.

Arthur Siciliano stated there were no wetlands on the easement area.

George Holt also suggested that it would be helpful if they put the abutters homes on the final plan.

Ken Swayze, Chairman, opened the Public Hearing for comments.

Abutters were read as follows and noted all had been notified by Certified Mail:

Louis/Debra Marcou - Present  
Mansion Heights c/o Rocco Dipretro - Not Present  
Janice Boynton - Not Present  
Patrick and Heidi Wright - Not Present  
Joanne Williams, Linda Porter, Frances Hill - Not Present  
Lynn Marcou Trust - Present  
Louis Marcou Revocable Trust - Present  
Beverly Marcou Revocable Trust - Present  
Joanne Willusz Family Trust - Present  
Arthur Siciliano, Surveyor - Present

Other Members of the Public:

Ann Jeffers, 26 Mansion Road - Present, looked at plan  
Christopher Currier - Present, looked at plan

At this point in the meeting, Ken Swayze, Chairman, closed the Public Hearing.

There being no further comments from member of the Planning Board, the following motion was made:

**MOTION:**

George Holt made a motion that the Louis and Debra Ann Marcou and Louis Frederick Marcou Revocable Trust Proposed Lot Line Adjustment be continued until the next regularly scheduled meeting of the Dunbarton Planning Board to be held on Wednesday, January 16, 2013 at the Dunbarton Elementary School Library. The motion was seconded by Les Hammond. The motion passed unanimously.

The Chairman noted that abutters would not be given Certified Mail notification again.

**BEVERLY MARCOU REVOCABLE TRUST (G2-04-03) PROPOSED THREE LOT SUBDIVISION AT PROPERTY LOCATED ON MANSION ROAD AND STARK LANE IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH**

At this point in the meeting, Alison Vallieres, Secretary, stated that she would be stepping down from the Board for this particular application because she was a member of the Board of Directors of the Dunbarton Historical Society and there was the possibility of negotiations between the owners of the property and the Dunbarton Historical Society sometime in the future and she felt this would be an ethical issue.

Ken Swayze, Chairman, asked the members of the public and the Planning Board if they saw any problem with Alison Vallieres continuing to take the minutes of the meeting. There was no objection to Alison Vallieres continuing to take the minutes.

Ken Swayze, Chairman, asked Steve Laurin, Planning and Zoning, if he felt the application for the above proposed three lot subdivision was substantially complete.

Steve Laurin stated he felt the application was substantially complete with the possible exception of not having the square footage on the lots and the fact that the plan needs the signature of the Wetlands Scientist.

**MOTION:**

Travis James made a motion that the Dunbarton Planning Board accept the proposed three lot subdivision of the Beverly Marcou Revocable Trust (G2-04-03) located on Mansion Road and Stark Lane as presented this evening. Mike Guiney seconded the motion. The motion passed unanimously.

Ken Swayze, Chairman, opened the Public Hearing for comments.

Les Hammond noted that there were no proposed driveway locations noted on the plan.

Arthur Siciliano, Surveyor, representing the applicants explained the proposed subdivision as follows:

1. Noted the total acreage of the lot is 27.63 acres and the subdivision would divide it into three lots of 6.81 acres, 5.5 acres and 15.32 acres.
2. The lots have frontage on Mansion Road and Stark Lane.
3. The three proposed lots meet the frontage requirement of 300 feet.
4. All wetlands have been delineated by a Wetlands Scientist.
5. The parcel is not in Current Use.

**6. The parcel has an existing Special Exception for Industrial/Warehouse, etc. granted in 1989. This Special Exception was never fully acted on. The owners began construction on the site but never finalized it.**

It was noted for the record that there was a Special Exception granted with many restrictions and conditions. There was an area set aside for the Special Exception. It did not represent the entire 27 acres. There was either three or five acres of Lot 3.

The Board asked the owners what the intent was for the proposed three lots.

**7. The owners stated the intent of the subdivision is to sell the lots for residential purposes.**

It was noted that Special Exceptions go with the land. Based on this information, the owners would have to nullify the Special Exception as part of this subdivision.

The Planning Board stated they would be in touch with the LGC attorney regarding the process of nullifying the existing Special Exception prior to making any decision.

Abutters were read as follows and noted all had been notified by Certified Mail:

Beverly Marcou Revocable Trust - Present  
Richard Brown/Ann Jeffers Brown - Present  
Scott/Lynn Ellen Leslie - Not Present

Catherine McDonald/Rene Ouellet - Catherine McDonald present. Stated they had been strong opponents of the granted Special Exception 20 years ago. Unfortunately, we lost the law suit. I implore the Board to research the minutes of the Special Exception. We learned that the Special Exception went with the land and not the owner. This is hugely important to us. It puts a whole different view of this application.

Gregg Reed - Present, stated he did not come prepared because he did not think it would be a Public Hearing. He stated he is the closest neighbor to the property. He would like to see some discussion about my privacy. The existing lot abuts directly to my property. Would not want this to look like the Stinson Road and citizens were affected and see how they have been impacted. Would like to not have to listen to noise and what had occurred on the corner of Mansion Road and Stark Lane. I brought this up when Stinson Hills was created. Noises are very loud. Can hear vehicles coming out of their houses. I would like not to be impacted by noise.

Ken Swayze, Chairman, noted there is nothing in the Planning Board regulations to act on Mr. Reed's comments with the exception of a Town wide noise ordinance. How can the Planning Board reduce the noise? The Reed lot is completely open.

Douglas Maynard - Not Present

Thomas Carr, Meridian Land Services - Wetlands Scientist for the applicant  
Arthur Siciliano - Surveyor for the applicant

**Other Members of the Public:**

Jeff Crosby, Road Agent - Asked what the classification of Mansion Road was and where exactly does the State control and the Town, etc. Stated that the Town plows Mansion Road in the winter and the State maintains Mansion Road in the summer. What about the driveway permits for the proposed lots. Do they get the driveway permits from the State? Mansion Road continues past the old farmhouse. Does the State continue road maintenance, etc. at the sharp corner? The Town is under the impression that where we make the sharp bend in Stark Lane, that the State maintenance starts at that point. This should be put on the final plan.

The Planning Board noted that Arthur Siciliano, Surveyor, should research the State maintenance and responsibility for Mansion Road in relation to these three proposed lots. The driveway permits should come from the State if this is the case.

At this point in the discussion, Les Hammond, Selectman, stated that he would like to see the owners grant a 10 foot strip of land along Stark Lane for road improvements. He stated the corner is very sharp and we would like to move the road over a bit. Would like to see a ten foot strip about 160 feet in length. We would go to the stone wall and move it back 10 feet or so off the pavement. This would be for safety reasons.

Arthur Siciliano stated that it would make a difference if the State or the Town owns the land. If the State owns it, it would easier to grant an easement instead of an outright taking. He will research this.

The Planning Board noted they will schedule a Site Walk of the properties sometime between Christmas and New Year's. Will get in touch with Art Siciliano to be present. As many members of the Board as possible will attend. Some members may go on their own. After discussion, a tentative date of Wednesday, January 2, 2013 at 3:00 p.m. was scheduled.

There being no further comments, the Public Hearing was closed.

**MOTION:**

George Holt made a motion that the Beverly Marcou Revocable Trust proposed three lot subdivision be continued to the next regularly scheduled meeting of the Dunbarton Planning Board to be held on Wednesday, January 16, 2013 at the Dunbarton Elementary School Library. Mike Guiney seconded the motion. The motion passed unanimously.

**BEVERLY MARCOU REVOCABLE TRUST (G2-03-03) PROPOSED TWO LOT SUBDIVISION AT PROPERTY LOCATED ON MANSION ROAD AND CALEB'S WAY IN THE LOW DENSITY DISTRICT IN DUNBARTON, NH**

Alison Vallieres stepped back to the Board.

Ken Swayze, Chairman, asked Steve Laurin, Planning and Zoning, if he felt the application was substantially complete.

It was noted that the proposed subdivision would make the lot with the home on it, less conforming due to the reduction in acreage. At this point, it was felt the application was not substantially complete.

Les Hammond noted there is an apartment in the home which should be considered in the acreage requirement.

Alison Vallieres stated that according to the Tax Card, there is a two bedroom apartment in the home. It is unclear at this time how large the apartment is and if it could be considered an "accessory apartment".

Lynn Marcou stated that the apartment is up over the existing barn/garage

Ken Swayze, Chairman, noted that according to the Zoning Ordinance, "accessory dwelling units/apartments" are only allowed if they have one bedroom and a maximum of 900 square feet. Anything over one bedroom requires a Variance and 7 acres of land. Based on this information, the home lot should remain no smaller than 7 acres.

The Planning Board determined that the application was not substantially complete at this time and the following motion was made:

**MOTION:**

George Holt made a motion to reject the proposed two lot subdivision application from Beverly Marcou Revocable Trust because it was substantially incomplete. Charles Frost seconded the motion. The motion passed unanimously.

**OTHER BUSINESS:****MATT MONAHAN, PROPOSED OPEN SPACE ORDINANCE DISCUSSION**

Matt Monahan, Central New Hampshire Regional Planning Commission, appeared before the Board.

**Sample Conservation Deed:**

He presented a copy of a sample Conservation Deed that George Holt had given him. George Holt noted that Margaret Watkins had made several suggestions, etc. It was noted that this was just a sample and not something that was final. George noted that Margaret had expressed concern about monitoring of many small parcels of land. If there is no budget for this, it is very limited. She also stated that both parties should sign the Conservation Deed.

Ken Swayze, Chairman, noted that the Board was leaning more towards Associations being responsible for the Open Space as they would have more of an interest in it. This would benefit the homeowner. If the land was deeded to the Town, the Town would have an interest that they maybe didn't want. Homeowner's Associations would work.

**Public Hearing on Open Space Ordinance:**

It was noted by Les Hammond, Selectman, that he had reserved the Dunbarton Elementary School Library for the Public Hearing to be held on Wednesday, January 16, 2013 at 7:00 p.m. re the new "Open Space Ordinance".

Matt Monahan will provide copies of the revised Ordinance for the public.

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Alison R. Vallieres, Recording Secretary