

PLANNING BOARD MEETING MINUTES
APRIL 17, 2024 7:00 PM AT DUNBARTON TOWN OFFICES

The chair called the meeting to order at 7:00 p.m.

Roll Call Attendance

Alternate Jonathan Lefebvre, Ex-Officio Justin Nault, Vice-Chair George Holt, Chair Chuck Frost, Ken Swayze, Secretary Alison Vallieres, and Jeff Crosby.

Business

The chair confirmed with the secretary that this meeting was posted in two places and on the Town's website.

1. Approval of Minutes: **Ken Swayze moved to approve the minutes of the March 20, 2024 regular meeting; George Holt seconded the motion. All were in favor.**
2. Correspondence – None
3. Selectmen's Report – Selectman Nault reported that the board has reviewed the driveway regulations as submitted by the Planning Board. No action has been taken; they will discuss the recommendations at this week's meeting.
4. Building, Planning & Zoning Department Report – a) Donna reported that Ed Rogers, surveyor on the Kelsea Road project, called the office to confirm conditions of approval and to say that the monuments will be set this week. Mr. Rogers indicated that the applicant is prepared to submit the exaction fees that were assessed toward the upgrade of Kelsea Road. b) Donna reminded members of the Planning and Zoning Conference that is scheduled for May 11th. It is an online conference, with many helpful elements for board members, and is free. All were encouraged to register.
5. Election of Officers – The chair said he would like to move this to the end of the agenda so the board could move directly to planning matters.

Conceptual Consultation

The chair stated that this consultation is non-binding and is for discussion/review purposes only. Ken Perkins of 1101 Gorham Pond Road stated that he owns Lots K1-13-03 (former home) and K1-13-04 (current home) and co-owns Lot K1-13-02 with Emily Eggens. He explained that the shared lot was purchased approximately 30 years ago through a Selectmen's tax sale because it sits between their lots and provided them extra area. Mr. Perkins said he is proposing to divide the shared lot in half and each party annexing half to their existing lots. He said it was realized a few years ago that the split of the lot was supposed to have been done as part of the sale. He spoke about a lot line adjustment that he did a few years ago in order to have the required frontage for his new home on Lot 4, leaving a jagged lot line between his two house lots. Mr. Perkins said he would also like to adjust the line between his two house lots, straightening the line to make it cleaner. The proposed lot line adjustments would eliminate Lot K1-13-02 and increase the size of Lot K1-13-03 and K1-13-04. Mr. Perkins presented board members with a copy of the tax map with the proposed changes outlined. Members agreed that the proposed changes would improve the situation, making the lots more conforming.

Old Business

Application #2024-PB-001, Frederick V & Lisa J Cross Family Trust – Three-lot Subdivision, Map F4-01-06, Guinea Road in the Low-Density Residential District. Chuck Frost and Ken Swayze recused themselves as abutters to this property. Jeff Crosby recused himself due to a potential business relationship with the applicants. Vice Chair George Holt appointed Jonathan Lefebvre as a Voting Member on this matter. Mr. Holt asked Donna to give an overview of the application. Donna reported the following: three-lot subdivision that involves the upgrade of a section of Class VI road; accepted as complete on February 21, 2024; continued to this meeting to allow time for determination of road upgrade specifications; the road agent met with the applicants and surveyor to review road upgrade requirements; the Conservation Commission held a site walk on April 9th and a public hearing on April 10th, their report has been distributed to board members. Donna outlined items that should be considered during the approval process as follows: 1. Standard conditions; 2. Outline of road improvement requirements; 3. Outline of associated costs that will be the responsibility of the applicants; 4. Completion of work to be done prior to the signing and recording of the plan; 5. Documentation of the turn-around to be drawn up and recorded if that is the standard process; and 6. Applicant to petition the Town to accept the upgraded section as a Town-maintained road.

George Holt reviewed the road upgrade specifications set by the Road Agent and the recommendations of the Conservation Commission. He then asked the applicant's agent, Jacques Belanger, to bring everyone up to date on the plan. Mr. Belanger said the road is approximately 26', with 21' of pavement and the alignment more toward the Cross side of the road. He discussed doing a typical cross-section to show specifications. Mr. Belanger stated that the Conservation Commission had recommended a width of 22'. He said he has done a preliminary crossing which would create 900 sf of wetland impact at the 22' width. Mr. Belanger said the impact would be approximately three times that when doing the wider roadway. George Holt said less impact is preferable. Mr. Belanger mentioned some trees that have been flagged. It was stated that some are dead and/or leaning; none are of real value. Jeff Crosby said the existing road width is preferred for maintenance purposes. He said the wetland has been somewhat created by a failed culvert. He said tree cutting would be done when running power out there, so it makes sense to encompass all of it at the beginning of the project. Mr. Crosby said he sees no reason to go with less than what is there now. Jacques Belanger stated that the wetlands are not anything special. Jeff Crosby said it looks like someone in the past dug a hole thinking it would be good for fire water.

Mr. Belanger said he moved the line between lots 06-01 and 06-02 a little to make better room for the driveway on lot 06-01. Jeff Crosby noted that there would be a 50' x 50' box for the turn-around, needing extra area for maintenance and snow. He said moving the turn-around northerly keeps it away from the abutter's property and allows it to be perpendicular to the road. George Holt asked if there would be a design, consistent with town policy, needing an engineer and inspections. Jeff Crosby explained what might need inspections. He said there is not a lot of elevation change. He said he would plan to pave it as the Highway Department in the future to limit the run-off, erosion, and silt, as well as make it easier for winter maintenance. Mr. Holt asked why the Town would be paving the section. Jacques Belanger said the regulations call for the upgrade to be done to gravel standards. Mr. Holt asked if the applicants are paying for the construction costs. Mr. Belanger said that was correct.

Justin Nault said he would agree with keeping the 26' width, consistent with what is there. He said it makes sense to keep the road opened up enough to maintain in the future. He mentioned there being a steep grade at the new section and asked where the water is going on the new section. Jeff Crosby said they could make a water bar and a ditch line on the cut side. He said it is a 49 ½' wide ROW and any additional work would be done on the applicant's land. He said there are no walls on that side and merely the resemblance of a wall on the other side of the road. Mr. Crosby mentioned that there have been a number of logging operations and powerline work causing the loss of walls. Justin Nault spoke about doing a culvert at the turn-around, in the ditch line. Mr. Crosby said that would be done if needed. George Holt asked if there should be a

description of that work. Jacques Belanger said they would do a 'typical', like was done on Zachary. Jeff Crosby said he did not think they needed to get an engineered plan involved, saying that Jacques could do a typical of the details. He said there should be some level of third-party review. Mr. Holt said he wants to avoid any misunderstandings about what is being required. Jonathan Lefebvre said the expectations should be documented, including the inspection of the base grade and proper gravels, noting that the road agent has submitted specifications for the work. He said he is leaning toward the 26' width as recommended by the road agent. George Holt said the town engineer would need to provide an estimate of inspections, reports, and an escrow account be established for that purpose. Donna will contact Mike Vignale. Jacques Belanger stated that it is not a very complex job. Jeff Crosby said that Mike Vignale did a good job on the Zachary project, noting that he was timely and reasonable.

There was general discussion of slopes, culverts, turn-around details, bonding, the need for an easement for the turn-around, and wetland crossings. It was explained that once the construction is done and signed off by the engineer, the board could sign and record the plan. Once that has been done, the applicants could petition the Selectboard to accept the upgraded section as town-maintained. Mr. Cross asked what guarantee they would have that the road would be accepted once they had done all of the work. Justin Nault said there would be no reason not to accept the maintenance if the work met all regulations. Donna cited the example of a recent petition to accept an area on Kelsea Road to be used for the enhancement of a turn-around. Jonathan Lefebvre explained that it is just a formal process, by state statute. Justin Nault asked if a turn-around had been considered, instead of a box. Jeff Crosby said that would be more complicated, noting the town would not have control of all the land involved. George Holt asked why the turn-around had to be at the end of the upgraded section. He said if it was back further it would be less of a cut. Jeff Crosby spoke about the difficulties that would create for maintenance and plow drivers. Alison Vallieres said she agreed with the 26' width, 22' paved, staying consistent. Discussion included the location of the turn-around, the road agent's outline, and ended with the consensus of a 26' width.

The vice chair opened the hearing to the public.

Cindy Pinard, 67 Guinea Road - Ms. Pinard said the road was originally dirt and ended at the Stone farm. She said it was expanded for one driveway and randomly paved. Ms. Pinard said she does not feel it should be 26' wide, noting that the road goes downhill and around the corner, narrowing by the power lines. She spoke about the road being heavily used with people going to the power lines for mudding and shooting. She said it is a very dangerous road, and nobody goes slow despite there not being good visibility.

Margaret Watkins, Mansion Road, Conservation Commission member - Ms. Watkins said there are only a few scenic roads remaining in town, many losing their scenic value. She said they are generally narrow and dirt. Ms. Watkins said the Conservation Commission recommended an 18' width at the beginning of Guinea Road years ago but it got widened and paved. She said there is an old cellar hole with historical value, and she understands it would be easier to maintain but hates to see another road losing that sense of character.

Chuck Frost, 39 Overlook Drive, abutter to the south - Mr. Frost said he has no problem with the overall subdivision itself; the only issue is the road and turn-around. Jacques Belanger pointed out a 50' x 50' area on the plan. Mr. Frost said the turn-around is going into a hill. He said he had mentioned at a previous meeting that there should be a buffer between the turn-around and his property, and it looks like that is being done. Mr. Frost said he is in favor of the 26' width, saying it is fair and consistent with what the town has done in the past. He said Ken Swayze did a previous subdivision on the road and it was 21' wide plus the shoulders. Mr. Frost said Class VI roads that are scenic are potential failures, washing out, and pavement would be environmentally better since there would be less silt. He said Jeff Crosby has done a great job on the roads in town, and he has no problem with the upgrade.

Ken Swayze, 105 Grapevine Road, abutter - Mr. Swayze said the rest of Guinea Road is in terrible condition, has not been taken care of, and as a scenic road it is not scenic.

Jeff Crosby, 17 Stark Highway South, resident – Mr. Crosby said there are old stonewalls on the road. Those, and every stone cross culvert on the road, have been destroyed or failed because of logging trucks. He said the property owners never do anything to maintain them or fix the damage. He said, as a plow driver, a paved road is easier to maintain, noting that going from a paved section to a dirt section is problematic because you cannot salt dirt roads. He spoke about having to be pulled out several times in the past by Jim Stone, and he feels it would be irresponsible not to fix it right at the start.

Ken Swayze said the road was always open as a fire road in the past. He said no one has taken care of it during logging operations. Jeff Crosby said Jim Stone helped maintain the road as a cut-through to town, as did Simon Audet. Jeff explained that Town money cannot be spent on Class VI roads and the old practices had to end. Margaret Watkins asked if the Town maintains the other end of Guinea Road. Mr. Crosby said they do. Ms. Watkins asked if Mr. Crosby could create an 18' travelway, thinking that would slow people down when traveling through, if the applicants brought the road up to standards. Mr. Crosby said road width does not dictate people's speed.

Hearing no further comment from the public, the vice chair closed the public hearing and brought it back to the board. He asked how the board would like to proceed.

Jonathan Lefebvre made a motion to approve the proposed subdivision for Frederick V & Lisa J Cross Family Trust of Tax Lot F4-01-06, dividing one 16.66-acre parcel located on Guinea Road into three residential lots.

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, Planning Board meetings & minutes of 2/21/24 and 4/17/24 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. 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 (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.**
- 6. Road construction to be completed consistent with the Guinea Road Upgrade Specifications submitted by Road Agent Jeff Crosby 3-20-2024.**
- 7. Culvert to be installed beneath the turn-around on uphill ditch line.**
- 8. Water bar or diversion to be installed on south end of construction area to limit surface water runoff from entering reconstructed road.**

9. Easement for turn-around.

10. Escrow for engineering inspections after:

- a. Grubbing**
- b. Installation of base grade**
- c. Final inspection**

11. All upgrades to the affected section of Guinea Road and inspections to be done at the applicants' expense.

Justin Nault seconded the motion. All were in favor.

Chuck Frost, Ken Swayze, and Jeff Crosby returned to the table.

New Business - None

Other Business

Election of Officers – **Justin Nault made a motion to maintain the same slate of officers for the ensuing year.** Chair Chuck Frost, Vice Chair George Holt, and Secretary Alison Vallieres accepted the nomination. **Jeff Crosby seconded the motion. All were in favor.**

General Discussion – Chuck Frost said the last meeting felt strange that it was not a two-month process for the subdivision on Mansion Road. He said he had wanted to look at the property. Jeff Crosby noted that there were no abutters with objections. Jonathan Lefebvre said he thinks applications can be handled on a case-by-case basis. He said that was a simple plan and there were no objections from abutters. Chuck said the surveyor had mentioned that it was a challenging lot. Ken Swayze said in the past, members were allowed to do a site visit. George Holt said he was ready to go for another meeting. There was discussion about scheduling group site walks so everyone can see the property. Donna said she felt that it would be better to do a site walk as a group so that all parties are seeing it together and have the opportunity to ask questions of the applicant and/or their agent, all hearing the same information rather than doing individual site visits. Justin Nault pointed out that the recent site walk conducted by the Conservation Commission worked well. There was a scheduled date and time, and various groups, abutters, and the public were included. Chuck Frost mentioned that he does not feel the board should be drafting up the motions at meetings. He said he feels it should be done offline/outside of a meeting and brought into the meeting. There was discussion on business needing to be conducted in a noticed meeting. Several members stated that decisions cannot be made outside a meeting.

Jeff Crosby brought up approved, but not yet recorded, subdivision plans. He noted that the Land Subdivision Regulations (Section IV – E Final Plat) read that a final plan is to be filed within twelve months of approval. Ken Swayze said an extension can be granted. Jeff said that there are a couple of approved subdivisions that have not been recorded yet, both being approved more than a year ago. Donna explained that one is waiting for monuments to be set; the other needs a driveway permit, but there have been some issues with getting one. There was discussion about conditions needing to be met prior to a plan being recorded and the best way to enforce the regulation. It was agreed that written notice should be sent to owners/agents, reminding them of the timeframe.

Alison Vallieres moved to adjourn the meeting at 8:45 p.m.; seconded by George Holt. All were in favor.

Respectfully submitted,
Donna White