

PLANNING BOARD MEETING MINUTES
APRIL 20, 2022, 7:00 PM AT DUNBARTON TOWN OFFICES

Roll Call Attendance

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

Business

The chair confirmed with the secretary that this meeting was posted in two places and on the Town's website. He announced that there is a full voting board for this meeting and welcomed Justin Nault as the newly appointed Selectmen's representative.

1. Approval of Minutes:

Ken Swayze moved to approve the minutes of the March 16, 2022 regular meeting; George Holt seconded the motion. Majority in favor; Justin Nault abstained as he was not present.

Ken Swayze made a motion to approve the minutes of the April 6, 2022 workshop; seconded by George Holt. Majority in favor; Justin Nault, Ron Slocum, & Jeff Crosby abstained as they were not in attendance at that meeting.

2. Correspondence – A letter of regional impact was received from the City of Concord for a public hearing this evening for the addition of antennas and equipment at a telecommunication facility.
3. Selectmen's Report – Selectman Nault reported the following: There is now a signed contract for the Town Hall restoration project. A pre-construction meeting was held last week; construction is expected to start within the next couple of weeks.
4. Building, Planning and Zoning Department Report – Donna reported the following: 1) The first meeting of the Hazard Mitigation Committee was held the day before. She explained the purpose of the Hazard Mitigation Plan, the need to update the plan every five years, the process that will be followed, and who is participating as interested parties. 2) There will be a pre-construction meeting for the extension of Zachary Drive at 8:30 on Friday morning at the Town Office meeting room.

Old Business

Application #2021-PB-004 – Michael Guiney – Six-lot Subdivision, Lot B6-01-05 on Kelsea Road in the Low-Density Residential District. Applicant Michael Guiney was present. The chair stated that a request to continue this application was received. Mr. Guiney confirmed that they would like to continue the application to the May meeting. **George Holt made a motion to continue this application to the meeting of May 18, 2022; seconded by Ken Swayze. Majority were in favor of the motion; Jeff Crosby was opposed.** Mr. Crosby said he feels the application has been going on for

a long time and ought to come to an end/be wrapped up. That meeting will be held at 7:00 p.m. at the Town Office meeting room. There will be no further notification.

Application #2021-PB-007 – Robert W & Nora Lamarque Family Revocable Trust – Two-lot Subdivision, Lot G2-05-09 on Stark Lane in the Medium-Density Residential District. Jacques Belanger represented the applicants. Mr. Belanger said there had been some concerns from an abutter about a lot line/pin location at the western front corner, and he has met with Mr. Leslie to review the matter. Mr. Belanger explained that there is an older pin buried in a stump that was reportedly a pin for a previous boundary survey; he is not sure if it is real or not. He said both parties have agreed to that point which is approximately 8' from a previous pin set 30 years ago. This reduces the subject parcel frontage a bit, but they are still conforming. Mr. Belanger said they still need a dredge and fill permit, state subdivision approval, and a state driveway permit; however, he would like to get a conditional approval this evening.

George Holt asked about the wetland crossing not being shown. Mr. Belanger said the permit is being processed, pointing out the area that is really the only access point they have and the area of least impact. He said it is not really a flow there; it is just wet. Mr. Holt asked to confirm that both parties are satisfied with the boundary agreement. Mr. Belanger said they are in agreement.

The chair opened the meeting to the public. Hearing nothing, he closed the public hearing and brought it back to the Board.

Jeff Crosby asked if the design is conforming with a house, well, septic, and the wetland areas without needing ZBA relief. Mr. Belanger said it is. **George Holt made a motion to approve the proposed subdivision for Robert & Nora Lamarque Family Revocable Trust of Tax Lot G2-05-09, dividing one 7.86-acre parcel located at 58 Stark Lane into two 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 January 19, 2022, April 20, 2022, 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), as a result of such other permit approvals, without re-consultation with the Board. Wetlands permit is needed.**
- 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 (e.g., survey monumentation must be in compliance)**
- 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.**

Ken Swayze seconded the motion. Ron Slocum asked about needing state subdivision approval because the lots are under five acres, even though the Zoning Ordinance allows for three acre lots in this district. Mr. Belanger explained that it is a state requirement for lots under five acres, regardless of a town's requirements. **All were in favor.**

Application 2022-PB-003 – Michael & Molly Kemp & David & Melissa Willis – Lot Line Adjustment, Lot C3-02-10 & C3-02-14 on Gorham Pond Road in the Low-Density Residential District.

Application 2022-PB-004 – David & Melissa Willis – Two-lot Subdivision, Lot C3-02-14 on Gorham Pond Road in the Low-Density Residential District.

Jacques Belanger represented the applicants. He explained that he did not get to work on the Starr access easement language as discussed at the last meeting. He said the dredge and fill permit is in progress. He gave an overview of the lot line adjustment, with the Willis lot gaining a bit of frontage to be over 600' and allow the subdivision, and the Kemp lot gaining two acres from the back of the Willis lot. He pointed out the common access; there will be a shared use agreement between the parties. Mr. Belanger noted that an abutter had submitted a letter with concerns at the last meeting, and he has added the abutter's house, shed, and well to the plan to show their locations. He said he took those locations from previous work done 15-20 years ago.

Chuck Frost asked to verify that the Starr easement is already there, Mr. Belanger is just clarifying the details. Mr. Belanger said that was correct, noting that the parties met after the last meeting. Jeff Crosby asked if the abutter's shed on the plan is within the 50' setback. Mr. Belanger said he would say it is. Chuck Frost asked Jeff Crosby if the driveway location was acceptable. Mr. Crosby said their options are pretty limited because of the wetland crossing, and the area shown would be of the least impact. He said the location meets the Town's requirements.

The chair opened the meeting to the public. Hearing nothing, he closed the public hearing and brought it back to the Board. Jeff Crosby stated that it is important that the driveway location stays where it is shown, making it the same access point for both parties.

Jeff Crosby moved to approve the proposed lot line adjustment for Michael & Molly Kemp and David & Melissa Willis of Tax Lots C3-02-10 and C3-02-14. 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 March 16, 2022 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 (e.g.: 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.**

Justin Nault seconded the motion. All were in favor.

Jeff Crosby moved to approve the proposed two-lot subdivision for David & Melissa Willis of Tax Lot C3-02-14. 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 March 16, 2022 and April 20, 2022, and other acknowledgments).**
2. **Approval and receipt of all other required local, state, and federal permits. As a result of such other permit approvals, there shall be no change(s) to the base plan(s) without re-consultation with the Board. *Wetland crossing permit required.***
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, is completed prior to the signing and filing of the mylar (e.g., survey monumentation must be in compliance.).**
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. **Note about shared access easement between Lot C3-02-14-1 and Lot C3-02-13 to be added to plan.**

Ron Slocum seconded the motion. All were in favor.

Application 2022-PB-005 – Strategic Contracting, LLC – Nine-lot Subdivision, Lot H5-01-01 on Gile Hill Road in the Low-Density Residential District. Jacques Belanger represented the applicants. He stated there will be a common driveway between Lots 8 and 9 because of the steepness of the parcels. Mr. Belanger said he walked the road with the road agent and the applicants to review what needs to be done for improvements.

Jeff Crosby said the plan is to bring the road up to an 18' width with 2' shoulders. He explained there is a pinch point at the beginning of the road and a pole close to the road on the right as you go up the hill so they will have to go left. He said there is plenty of width at the top; the most severe area in need is about 250' in length. Mr. Crosby said he would estimate the work to be done in front of the applicants' parcel between \$40,000 and \$60,000. He said 'part B' of the plan would be from Grapevine to the start of this property. To help facilitate the exaction fee, he provided an outline of costs that was distributed by Donna. He reviewed each line of the estimated costs. He talked about the varying widths of the road, stonewalls on the left, none on the right in most areas, and the 15% grade of the road being the biggest issue. It was noted that there is a wall on the left for the first 1500'. Jacques Belanger said there is a pile of rock rubble in the area of Lots 1 and 2. Mr. Crosby said if any more subdivisions are done on the road, he would push to have the road paved. He said there is not an adequate ditch line, and the road is tough to maintain. He spoke about the lay of the land in several areas on the road and how there is one area on the right that is wet, yet he does not believe it would be considered a wetland. Mr. Crosby said there is a culvert crossing there and a drainage swale. He said safety concerns outweigh any wetland impact. George Holt asked if he would be opposed to putting in a Michie wall. Jeff Crosby said that would probably run about \$150,000. Justin Nault said he thought it would be better to slope it and do a guardrail.

It was noted that a letter was received from the Conservation Commission earlier in the day. George Holt said the Commission would need to have a public hearing on any improvements to Gile

Hill Road as it is a scenic road. He said they would want a meeting between the road agent, developer, planning board and conservation commission to go over what the plan is. Jeff Crosby said the discussion is about exaction fees, noting that the applicant can do the work along their property. Mr. Holt said trees are not a safety issue. Jeff Crosby said there is a narrow point that will not support the 18' being required. Mr. Holt said it all needs to go before the Conservation Commission for a public hearing if the Town is requiring the work. Mr. Crosby said there are safety issues and nothing unreasonable is being proposed. He said the work is well within the Town's capability to do this. Mr. Holt said they are talking about the entire road project, not just the lower end. Jacques Belanger said it has not been a problem in the past for the applicant to do the work. Jeff Crosby said the applicant can do the work by their own property. There was discussion about the applicant doing work, the Town's portion of the work, and the Conservation Commission requiring a public hearing on the proposed work. The road agent said he was asked for input to bring the road to 18', that was provided, noting deficiencies and safety concerns. He said the road cannot be widened without cutting trees. Mr. Holt referred to the Chan subdivision where walls were moved and trees cut, noting that they still had a public hearing. Ron Slocum said a public hearing was held when improvements were done on Tenney Hill Road, also a scenic road. George Holt said the Commission could have the public hearing at their next meeting, the week before the next Planning Board meeting. He said, between now and then, they need to have a site walk with the road agent and developer. Chuck Frost said he is a little reluctant to prolong this application further; however, he is in favor of doing a public hearing if required by RSA.

Discussion began on the exaction fee analysis. (Analysis attached at end of minutes) The chair reviewed the outline of 18 residential lots on Gile Hill Road, nine being this new subdivision, and nine being existing residential/building lots. He said the applicant would be doing \$50,000 in work at the front of their property, in addition to exaction fees assessed. Jeff Crosby said in the past, the number of lots would have included potential lots being created from large open lots. Mr. Frost said he is not in favor of that, speculating on what lots might be created. He said he feels it would be better to consider that at the time of those lots being subdivided. George Holt said he feels the analysis is reasonable and is the same process being used for the Guiney subdivision on Kelsea Road. Jeff Crosby said Mr. Chan upgraded the Class VI portion of this road to Class V, as well as assessed exaction fees. He asked if this is fair and equal. Jacques Belanger asked if the Town is holding any exaction fees for this road. Donna said there are \$12,000 in exaction fees for Gile Hill Road, fees on three lots that were assessed at the time of the Chan subdivision. Jeff Crosby said he feels the money should be given back to the applicants if the Conservation Commission does not approve the work. George Holt said he does not see it being an issue. Mr. Crosby said if they cannot do the bare minimum to get the 18', they should not be taking the money. Ken Swayze said the work being recommended would enhance the scenic value of the road. George Holt said they have got to have a public hearing. Alison Vallieres said she feels this is a safety issue. Jeff Crosby agreed. Jacques Belanger asked if the road agent could pick and choose the trees that he feels need to be removed, if viewed with the Conservation Commission. Mr. Holt said yes, they just want to know the plan.

Donna said the intent of this discussion is to review the numbers and determine if exaction fees will be assessed after the 10' dedication and improvements done by the applicants. Applicant Rob Starace said he thought the \$50,000 in improvements would be somewhat in lieu of exaction fees, as there is some value there. Chuck Frost said they are not giving credit for land being donated. Mr. Starace said he felt it would at least lessen the fees, again stating that the work being done has value.

Mr. Frost said he did not think so. Ron Slocum reviewed the estimate of \$88,500 for the first part of the road, and \$50,000 for the applicants' area. There was discussion about the entire distance of improvements, equating to \$138,500, and why the two sections were listed independently.

Rob Starace said not getting credit for the \$50,000 in work does not set well with them. He spoke about another subdivision on this road where the applicant did some tree work and got credit in lieu of exaction fees. The group discussed recalculating the fees, considering the costs of the entire length of the project as one, dividing that number by the number of lots, and deducting the estimated cost of improvements along the subject parcel. (\$88,500 + \$50,000 = \$138,500 divided by 18 lots on the road = \$7,694, times the 9 lots of this subdivision = \$69,250 - \$50,000 in-kind work). Jeff Crosby talked about the work that needs to be done. Rob Starace said they will have enough fill on the hill and would donate some to bring up the right side of the road discussed earlier. George Holt said the costs are reasonable, and he would be in favor of recalculating the fees. Jeff Crosby said they had to have a direction, thus the analysis that was submitted. Chuck Frost spoke again about a previous subdivision where the applicant brought the road from Class VI to Class V, in addition to the lots being assessed exaction fees. George Holt said the analysis being proposed is the same approach being used for the Guiney subdivision where all costs divided by the number of lots are being used. He said this subdivision is being given the same treatment. Ron Slocum asked if the Board could get an outline of the work being done for the \$50,000. The road agent will provide this information before the next meeting.

The chair opened the meeting to the public.

Abutter Dave Herrick, 47 Gile Hill Road, said the biggest concern is the road. He said there are seven houses there now, with an additional nine proposed. He said the road needs to be paved. Mr. Herrick said he knows some officials in Bow, and Bow is going to gate the end of the Class VI road. Chuck Frost said he is not in favor of gating the road because of potential emergencies. Mr. Herrick said he puts a lot of time and money into that road, and he feels it should be gated, not locked though.

Abutter Barry MacKinnon, 24 Gile Hill Road, said he is happy to hear the road is being addressed.

Resident Dave Nault said the calculation of exaction fees, dividing the full cost by the number of lots and crediting the in-kind work, is the right way to go and is similar to what is being done on another project in town.

Abutter Chris Matheson, 35 Gile Hill Road, asked if mailboxes would remain at the bottom of the hill. The chair explained that is not something under the Board's authority. Rob Starace said he worked with the post office when building on Purgatory Pond Road and was able to get home delivery for those new homes. He will contact the post office about doing the same for Gile Hill Road.

Donna read a letter received from the Town of Bow. They are recommending that a gate be placed at the Dunbarton end of the Class VI road that leads to Bow. Board members noted that this has been discussed in the past and there was no interest in gating the road.

The chair closed the public hearing and brought it back to the Board. George Holt asked to schedule a site walk with the Conservation Commission. It was agreed to do the site walk on April 27th at 8:00 a.m.

Ken Swayze moved to continue the application to the May 18th meeting; seconded by George Holt. All were in favor. The meeting will be at 7:00 p.m. at the Town Office meeting room. There will be no further notification.

New Business - None

Other Business

Grapevine, LLC plan revision – Jacques Belanger handed out a revised plan of the recently approved lots on Zachary Drive extension. He explained that there had been a question during the state subdivision review on a lot at the end of the cul-de-sac. Mr. Belanger said the wetlands guy discovered an area that was missed on Lot 3. He said Lots 3 and 4 are affected, explaining that they could apply for a wetland permit or put a jog in the property line. He said they would still have adequate width on the lot by sweeping around the wetland to avoid it. This would allow the driveway to clear the wetland area. Mr. Belanger pointed out that they had planned to have a swale and cross culvert in the area; this will be changed to a box culvert instead of the swale. George Holt asked how they would monument the line. Mr. Belanger said they will monument at each point. He noted that the lot meets the state's loading requirements. Jeff Crosby asked about the box culvert. He will contact Anthony Costello, design engineer, to discuss this. The board agreed with revising the line as presented.

Grapevine, LLC construction/bond estimate – A construction estimate/schedule of values was submitted by Advance Siteworks, LLC for the extension of Zachary Drive as part of the recently approved subdivision. That estimate is \$428,050. A review of the estimate and schedule of values was submitted by Michael Vignale, PV Partners, LLC. on behalf of the Town. In his email, Mr. Vignale said the estimate provided by Advance Siteworks, LLC was an acceptable figure for the bond. Board members reviewed the numbers and agreed to recommend that a bond in the amount of \$428,050 be accepted by the Board of Selectmen. Donna will forward the information to the BOS.

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

Respectfully submitted,
Donna White

FOR REVIEW & CONSIDERATION AT APRIL 20, 2022 MEETING

Gile Hill Road – Recommended Improvements

Submitted by Jeff Crosby, Road Agent – April 13, 2022

ALL FIGURES ARE ESTIMATES ONLY

Replace two 15” culverts @ \$8,000 each	\$16,000
Crushed gravel in place; 1500 yds @ \$25/yd	\$37,500
Tree cutting; 30 +/- trees @ \$750/tree	\$22,500
Stump removal, road widening, etc.	<u>\$12,500</u>
Total estimated costs	\$88,500

Remainder of document created for discussion purposes

by Donna White, Office Administrator

Gile Hill Road – Number of Lots

H4-04-02 - #11
H4-04-01 – 70 acres/1300’ frontage
H4-03-09 - #24
H5-02-02 - #35
H5-02-18 – 17.69 acres/reduced frontage lot
H5-02-06 - #47
H5-02-05 – Town owned; 43.57 acres
H5-02-04 - #53
H5-02-07 - #65 (merged with 03)
H5-02-01 - #71
H5-01-01 – nine proposed lots

19 Lots – Town-owned lot = 18 residential lots

\$88,500 / 18 = \$4,917 per lot

Applicant’s portion of road improvement costs

New lots being created by this subdivision **9 @ \$4,917 each = \$44,253**

Town’s portion of road improvement costs **9 @ \$4,917 each = \$44,253**