

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

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

### **Roll Call Attendance**

Alison Vallieres, Ron Slocum, Chair Chuck Frost, Secretary Ken Swayze, and Jeff Crosby George Holt and Justin Nault were absent; a quorum was present.

### **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 June 15, 2022 workshop and regular meeting; Alison Vallieres seconded the motion. All were in favor.**

2. Correspondence – Donna reported receipt of two letters of regional impact for cell towers; both hearings were done last week.
3. Selectmen's Report – Selectman Nault was unable to attend. Donna informed the group that bookkeeper Eric Window has taken a position elsewhere; that position is currently open.
4. Building, Planning and Zoning Department Report – Donna reported the following: 1) She contacted Matt Monahan for an update on the Land Use Handbook project; there has been no progress as he has been busy with multiple other projects. 2) The Kemp/Willis deeds and plan will be recorded tomorrow, finalizing that application. 3) There are three new houses going up at Countryside Estates, two on Zachary, and one on Gile Hill, the three newly approved subdivisions. 4) The Hazard Mitigation Plan is being updated; Donna has documents to update with the Board later in the meeting.

### **Old Business**

Application #2021-PB-004 – Michael Guiney – Six-lot Subdivision, Lot B6-01-05 on Kelsea Road in the Low-Density Residential District. A question on the cost of moving telephone company lines has been sent to town counsel for guidance. The applicant's attorney asked that the application be continued until that information is available. **Ken Swayze made a motion to continue this application to the meeting of August 17, 2022; seconded by Jeff Crosby.** Ron Slocum asked why the cost of moving lines makes a difference in the decision on the subdivision application. He said he does not feel it affects the decision and the final costs could be a condition of approval. Chuck Frost said he read the RSA as saying exaction fees are to be assessed at the time of application approval. Alison Vallieres said she feels the decision should not be fragmented; it would be better to wait for final details. **Majority were in favor; Ron Slocum was opposed.** That meeting will be held at 7:00 p.m. at the Town Office meeting room. There will be no further notification.

### **New Business**

Application #2022-PB-006 – Bryan & Monica Murphy – Minor Site Plan, Lot B3-02-03 on Town Farm Lane in the Low-Density Residential District. Donna gave an overview of the application: request to operate a propane fill station at their property on Town Farm Lane, to consist of a 1,000-gallon tank and pump system; to fill tanks

for their bed bug extermination business as well as 20#, 30# and 100# tanks for customers. A Special Exception for the use has been granted by the Zoning Board. A letter from the fire chief is part of the application package. Abutter notification was done, and the hearing was posted in the Concord Monitor.

Due to the small scale of the proposed project, many of the site plan checklist items do not apply. The applicants submitted waiver requests for each of the non-applicable items. Ken Swayze stated that each waiver request should be addressed separately. The complete document can be found in the application file. The following is a summary of waivers and motions:

Section VI.A.3 – Ken Swayze; Jeff Crosby – all in favor

Section VI.A.5 – Ken Swayze; Jeff Crosby – all in favor

Section VI.A.6 – Ken Swayze; Jeff Crosby – all in favor

Section VI.B.1 – Ron Slocum; Chuck Frost – all in favor

Section VI.B.5 – Ron Slocum; Alison Vallieres – all in favor

Section VI.B.15 – Ron Slocum; Alison Vallieres - it was asked if any state permits are required; response was no. – all in favor

Section VI.B.16 – Ron Slocum; Jeff Crosby – all in favor

Section VI.B.17 – Ron Slocum; Chuck Frost – all in favor

Section VI.B.18 – Alison Vallieres; Jeff Crosby – all in favor

Section VI.B.19 – Alison Vallieres; Jeff Crosby – all in favor

Section VI.B.22 – Jeff Crosby; Ken Swayze – all in favor

Section VI.B.23 – Jeff Crosby; Chuck Frost – all in favor

Section VI.B.24 – Ron Slocum; Alison Vallieres – all in favor

Section VI.B.25 – Ron Slocum; Alison Vallieres – all in favor

Section VI.B.30 – Ron Slocum; Jeff Crosby – all in favor

Section VI.B.31 – Alison Vallieres; Ken Swayze - Chuck Frost said there will still be more traffic even if it is on a private road; brief discussion about traffic from the state road onto the private road. No concerns. – all in favor

Section VI.B.32 – Ron Slocum; Alison Vallieres – all in favor

Section VI.B.34 – Jeff Crosby; Chuck Frost – Jeff Crosby asked if the propane company should be listed; it is not a public or private utility. No concerns. – all in favor

Section VI.B.35 – Jeff Crosby; Ron Slocum – all in favor

Section VI.B.36 – Jeff Crosby; Alison Vallieres – all in favor

Due to the large number of waiver requests still to be covered, it was suggested that they be addressed by sections as listed rather than individually.

Section VI.D.1, 2, 3, 4, 5 – Jeff Crosby; Ken Swayze – all in favor

Section VI.E.1, 2, 3, 4, 5, 6, 7, 8, 9,10,12 – Alison Vallieres; Chuck Frost – Ron Slocum asked if there is site work needed for the tank location. Mr. Murphy said it will be a crushed stone base per H R Clough and the tank will be on cinder blocks. There will be a concrete pad for the employee to stand on. - all in favor.

Section VI.F, Section IX.1, 2, 3, 5, 6, 7, 10, 11, 13 – Jeff Crosby; Alison Vallieres – Ron Slocum noted that a letter has been received from the Fire Chief. He asked if there will be physical damage protection. Mr. Murphy said it is addressed in the plan. - all in favor.

Section VII.B, C, F, G, H, I, K, M, N, P, Q, R, S, T, U – Jeff Crosby; Chuck Frost. All in favor

Section VIII – Requirements for Residential Site Plans – Not applicable – Ken Swayze; Alison Vallieres - all in favor

**Ken Swayze made a motion to accept the application as complete subject to review of the plan and the waivers; seconded by Ron Slocum. All were in favor.**

Bryan Murphy gave a summary of the project. He said they are proposing to fill 20, 40, and 100# propane tanks for customers, as well as their own tanks for their bed bug extermination business which used 3,000 gallons of propane last year. He said this proposal allows them to buy wholesale, rather than going to a retail location to fill their tanks. H R Clough out of Contoocook would supply and own the tank and pump system; they would have a three to five-year agreement. The tank will be connected via wi-fi which will allow the tank level to be checked without the company having to drive to the site. Mr. Murphy said the propane company has data for other similar set-ups they have. He said they plan to try the hours as listed on the application, Thursday and Friday evenings and Saturday mornings. He said they may do an occasional fills at other times by appointment. Jeff Crosby said he would not limit the hours too much on paper. There was discussion about being locked into what is presented, consideration of future demand, and the best way to proceed. Alison Vallieres advised the applicants not to confine themselves to a specific schedule. Mr. Murphy said he would like to revise his application to read: *Hours of Operation – It is difficult to accurately predict demand, but the plan is to start with the hours listed below and adjust based on the actual demand over time which may differ seasonally. I will also offer “by appointment” service. Thursday & Friday 6pm – 8pm; Saturday 8am – 10am.*

Ron Slocum asked if expired tanks have to be emptied before disposal. Mr. Murphy said he contacted the Transfer Station for that information and was told they do not have to be emptied. Chuck Frost asked if the Transfer Station would be okay with the potential number of tanks. Mr. Murphy said the tanks would be disposed of by the customers even if he did not offer the service, so there would not necessarily be an increase in the number of tanks being disposed of. He said he may not even offer the service as it would require storage and transporting the tanks. Chuck Frost asked how a tank is inspected. Mr. Murphy said there is a date stamped on the tank; they cannot be filled if expired.

Jeff Crosby spoke about the stonewalls at the site. He said he is fine with the plan as long as the fire department can access the site in the event of an emergency. Ron Slocum noted the driveway is 14' wide, with walls on either side. Ken Swayze asked if there would be any odor detectable by neighbors. Jeff Crosby said any odor from the release of the hose would dissipate quickly. Mr. Murphy said the only time there might be an odor is when tanks are being filled, agreeing with Mr. Crosby.

Mr. Murphy said he was thinking of having a sign on Route 13. It was noted that Route 13 is a state highway, so any signs would need to go through the State. He said he recently purchased and mounted a road sign, since they had always used the country club sign as a landmark. With that sign now gone, there was no identification on the road.

Mr. Murphy reviewed the diagrams/renderings with the board. He said the placement of the tank shown on the diagrams may change somewhat because of regulations for the length of the hose from the tank. There will be a chain link fence all around the fill station. That will be inside the rock walls. Mr. Murphy noted that they have submitted a letter from the fire chief, a copy of their deed, a letter and email from H R Clough, and the plot plan.

Chuck Frost asked about the ownership and maintenance of Town Farm Lane. Mr. Murphy spoke about a lawsuit a number of years ago, where it was determined that his parents (now him) and the Canons (across the road) owned to the middle of the road. He said abutters can use it, but they do not own it. He said the maintenance was not addressed at that time. Mr. Murphy said last year the four neighbors agreed to go in together on the plowing, but there is nothing official. He said he fills any potholes. Mr. Murphy talked about the traffic that had used the road when the former country club was operational, the logging trucks that used the road when logging the former country club property, and the construction workers who used the road during the construction of the new subdivision at the former country club. He said he had talked with Bob Pike in the past, but nothing came of it.

After the applicant completed his presentation, the chair brought the meeting back to the Board. Jeff Crosby said as long as Jon Wiggin is okay with the plan, he is all set. He said there being no permitting process for the set-up mystifies him; it was stated that H R Clough would calibrate the tank. Alison Vallieres agreed with Mr. Crosby regarding the fire chief's review of the project. Chuck Frost said it seems like a good plan. Ron Slocum noted there will be no impact for the highway department. He said he agrees with the applicant revising his reference to offering service by appointments. The chair noted there were no abutters or members of the public present. The public hearing was closed.

**Jeff Crosby made a motion to approve Application #2022-PB-006, Bryan and Monica Murphy of 13 Town Farm Lane, for a minor site plan on an existing 2.334-acre residential lot on a private road to open a propane fill station for the purpose of filling 20#, 30#, and 100# propane tanks for customers in addition to their own propane tanks that are used for their bed bug extermination business; subject to all requirements established during deliberations with the Board (per status reports, site plan documents submitted by the applicant, Planning Board meeting, and minutes of July 20, 2022). Motion seconded by Ron Slocum. All were in favor.**

### **Other Business**

Hazard Mitigation update – Donna reviewed a document of Planning Board-related policies and regulations with the Board. Each item was reviewed for current version/most recent update, description, how that document is used by the Board, and what future improvements are needed for each.

Verification of monuments – Donna talked with the Board about their practice of having all new subdivision monumentation verified by the Building Inspector prior to the signing of the plan. She said the three recent subdivisions of 25, 13, and 9 lots each cover hundreds of acres with dozens of bounds. Because the inspector is only part time, and the office is very busy right now, Donna said she cannot spare him to be out verifying bounds. There was discussion about board members volunteering or hiring a surveyor or other party to do the verification. Donna said the licensed surveyor who did the work stamps and signs the plan, certifying their work, and feels that should be sufficient. It was mentioned that there have been times in the past when some bounds were not set, therefore, the practice was started to verify each one. It was suggested that the surveyor could sign an affidavit, certifying that the bounds have been set. It was also suggested that random checks could be done, rather than verifying every monument on the plan. Donna will inquire as to how this is handled by other towns.

**Ken Swayze moved to adjourn the meeting at 9:10 p.m.; seconded by Alison Vallieres. All were in favor.**

Respectfully submitted,  
Donna White