

PLANNING BOARD MEETING MINUTES
OCTOBER 18, 2023, 7:00 PM AT DUNBARTON TOWN OFFICES

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

Roll Call Attendance

Ron Slocum, Vice-Chair George Holt, Chair Chuck Frost, Secretary Alison Vallieres, Ken Swayze, 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 September 20, 2023 regular meeting; Alison Vallieres seconded the motion. Majority in favor; Ron Slocum abstained as he was not present at that meeting. George Holt made a motion to approve the minutes of the October 4, 2023 sub-committee workshop; Ken Swayze seconded the motion. George, Ken, and Chuck approved the minutes; others abstained as they were not in attendance.**
2. Correspondence – None
3. Selectmen's Report – Selectman Nault was not present.
4. Building, Planning & Zoning Department Report – Donna said the Selectmen will hold a public hearing on November 16th for the layout of a portion of Kelsea Road. This is for an easement on the Guiney property that will be used in creating a turn-around area at the end of Kelsea Road.

Old Business

Application 2023-PB-002, Grapevine, LLC – Four-Lot Subdivision, Map H4-02-06, Grapevine Road, in the Low-Density Residential District. The chair stated that a waiver request was submitted by the applicant's agent. Jacques Belanger, surveyor, said they are asking to set bounds at the edge of the wetlands rather than the actual corners which would fall in the swamp. He said the bounds' locations will be documented on the final plan. Board members agreed this is a reasonable request. **Ken Swayze made a motion to grant the waiver; seconded by George Holt.** There was no discussion. **All were in favor.**

The chair asked if the applicant had anything to update since the last meeting. Mr. Belanger distributed a clean set of plans to board members. He said the lot corners have been staked and flagged, they have located the missing wetland flags, corrected the buffer line, depicted driveway locations, and shown some engineering details. Mr. Belanger stated they would record Sheets 1 and 3 of the plan set; that way the notes about erosion control, driveways, and placards being posted will be on record. He went on to say that sight line distances have been met from the driveways as depicted and are shown on Sheet 4.

Chuck Frost said there have been some concerns about the slopes of driveways for these lots. He said some members feel it should be demonstrated that adequate access can be attained. George Holt stated that he sent an email to Donna, who forwarded it to the applicant and his agents. Mr. Holt referenced Section V – I (a) of the Land Subdivision Regulations. ***I. Building lot access, driveways.***
a. All new, proposed building lots shall show reasonable technical capability to support an individual, dedicated driveway access along the proposed building lot frontage. Location(s) shall be shown on the plan(s) giving design consideration to sight-line placement, and proposed final construction width and grade, so as to not interfere with the maintenance and construction functions of the Town's roadway system and to otherwise provide suitable access, at the curb-line, for the intended use of the building lot. Plan detail of the driveway area shall clearly show the first fifty (50) feet connecting to the Town R.O.W. He said they have met the first 50' as required; however, the contours show 35% grade. He said the access to the two lots toward Bow is very steep, and there is no way they could get a drill rig in there without significant work. Mr. Holt said the applicant's engineer, Jenn McCourt, had responded to his email, but did not really address the concern of the grades. A profile view has been submitted on the most recent plans. Mr. Holt noted there is a grade of 35-40% there, and he wants to know how they will get in there. He said he feels these are undevelopable lots until the Planning Board has that information. Mr. Holt acknowledged that the town does not have driveway regulations, but he created an example using ground surface. He said he feels it is necessary for at least those two lots to have details of how they could be done, and he wants the applicant to demonstrate that it could be done and how they could get a rig in there for water.

The applicant's attorney, Maria Dolder, stated that Dunbarton does not have driveway regulations for residential driveways. She said the September minutes reflect discussion of another recent subdivision where there were no similar requests or requirements made. Ms. Dolder also referenced the minutes of the last meeting where Ken Swayze stated he did not feel it would be fair to limit the grade of driveways as George Holt was suggesting, noting his own driveway's slope. Ken Swayze said his driveway does not have steep sides like these would. He spoke about the cost of doing this project, based on the fill that would be needed, etc. Bob Pike said he is aware of the costs and will make the driveways work. Ms. Dolder said the applicant has to show the feasibility of driveways and that they will be built to provide safe access. She distributed a plan profile done by Jenn McCourt to show it would be feasible. George Holt noted they will have a fill of about 15'. Robert Pike, manager of Grapevine, LLC, stated that is not a problem, the driveways can be designed, and he can build them. Mr. Swayze asked if Mr. Pike intends to do some of this work early on in the project. Mr. Pike noted that he is short on inventory, as is the State of New Hampshire. He said he will have to get the driveways put in to build, and essentially no matter what he does, the road agent will have the final say. He said Josh Chapman will be doing the site work. Mr. Pike said he will make these work and would try to hold them at 10%, noting that the 20' platform pushed them back so a couple might be 11-12%. Mr. Pike said ultimately he has to end up with something that is saleable. Attorney Dolder said they do not want to define the driveway locations, because they want to leave movement for house placement. Bob Pike said they will have access to tons of material that Rob Starace has to be moved from his Gile Hill project.

Jeff Crosby said the platform at the top of the driveways was his main concern and those have been addressed. He said he would like to see that on the plan, with the driveway perpendicular to the road. It was noted that the details are shown on Sheet 3 which will be recorded.

Ken Swayze noted that this is a difficult piece of property with the wetlands and steep slopes. Mr. Pike said the 125' wetland buffer is very protected, notes on erosion control have been put on the plans, the plan meets all acreage and setback requirements, the wetland conservation district has been delineated, and the line was corrected. Ron Slocum confirmed that trees will be cut down for the line of sight where necessary. Ken Swayze suggested that the driveway profiles be added to the plan. The applicant and his agents agreed that would be done.

The chair opened the hearing to the public. Abutters were called:

Dana & Nancy Mullen – not present

Victoria Ryder – 163 Grapevine Road – Ms. Ryder asked what the next step and the timing would be. Chuck Frost explained that the board would finish the public hearing, and if approved, it goes to the applicant for execution. He said the board cannot really dictate a timeframe. Mr. Pike said he does not have a timeframe for the project.

Town of Dunbarton Conservation Commission – George Holt, speaking on behalf of the Commission, spoke about the Commission's desire to protect the wetlands and the request for notes about silt fence, etc. being placed on the plans. Mr. Pike said he has instructed his logger not to cut in the wetlands. He said they can cut in the buffer but cannot pull stumps.

Kevin & Jessica Besong – not present

Charles & Sandra Morin Trust – not present

Lucas & Jolene Lampman – not present

Frank & Elizabeth Bernardi – not present

Robert & Joann Jergensen – not present

Milioto Family Revocable Trust of 2020 – Joe Milioto, 11 Gile Hill Road, said he had a question about the driveway that lines up with Gile Hill Road. He asked if it could be moved so it does not line up directly opposite the end of the road. Bob Pike said it is probably not going to move much. Mr. Milioto said he is concerned about people going right through the stop sign and across Grapevine into this driveway. He said it is creating a four-way intersection, which creates a safety concern, adding that snow clearing is also a concern.

Harry & Doris Ledger – 173 Grapevine Road – Mrs. Ledger handed out a few copies of a printout on *Access Management (Driveways)* from the US Department of Transportation, Federal Highway Administration. (copy in application file) She then read a statement from she and her husband. (copy in application file) Mrs. Ledger said that safety remains a concern, noting curves in the road, steep slope, and the proximity to the crest of a hill as impediments to clear sight distance. She said they would encourage the board to consider the section in the handout about driveway density by limiting the number of houses/driveways. She said they would also ask that profile sheets for each driveway be required. Board members pointed out that these have been provided by the applicant on Sheet 4 of the revised plan set.

George Holt explained the Planning Board's job in this whole process. He said the frontage and acreage requirements are spelled out in the subdivision regulations. He said the applicant has shown good intent by meeting the requirements and providing additional information requested by the board. Mr. Holt said if the board was to say no to the project, he would guarantee there would be a lawsuit. He said the board has to work with the regulations that have been adopted and have to follow the process. Ken Swayze noted that this area has the largest density requirement in town with five acre lots.

Mrs. Ledger asked if the sight distance has been met in both directions. Chuck Frost said it has been met, asking Mr. Belanger to point this out on the plans. Mrs. Ledger said she was all set, didn't need to see it. Jeff Crosby said the sight distance can be met in both directions; they may have to cut some trees. Mrs. Ledger said there are two old growth trees, and she asked if the builder would agree not to cut those. The chair said it cannot be both ways; trees will need to be cut to accomplish the sight distance.

Joe Milioto stated that he is fine with a house on that lot, he would just like to see the driveway moved. George Holt asked the applicant if he was willing to move the driveway 20'. Mr. Pike said the location depends on sight distance and access. Mr. Holt asked Mr. Pike if he would be willing to lose a lot as suggested by Mrs. Ledger. Mr. Pike said no.

The chair asked if there were any other comments from the public.

Margaret Watkins – 122 Mansion Road – Ms. Watkins had some questions about erosion controls. She asked if another builder would be subject to the same requirements in the event Mr. Pike decides not to build on these lots. Mr. Pike said he is very aware of the restrictions. It was stated that the requirements stand with the project, no matter who does the building. Ms. Watkins asked what permanent erosion control meant. George Holt explained temporary erosion control versus permanent. Mr. Pike stated that NH DES prefers the use of organic material. Ms. Watkins said the Conservation Commission would be willing to work with the building inspector to ensure silt fencing is in place. She asked about the mention of placards being posted. Jacques Belanger said the placards would be placed on trees or posts will be set.

Doris Ledger asked how they would get logs out of the lot, noting her concern of safety. Bob Pike said the logger typically builds a road and landing. He said proper signage would be in place, and the trucks would not be loading on the road.

Hearing no further comments, the chair closed the public hearing and brought discussion back to the Board.

Chuck Frost said the concerns on the driveways and slopes have pretty much been addressed, noting the submittal of profile information for the driveways. George Holt said that additional information satisfied his request for assurance. Jeff Crosby said he felt they had adequately addressed his concerns.

Chuck Frost made a motion to approve the proposed subdivision for Grapevine, LLC of Tax Lot H4-02-06, dividing one 23.67-acre parcel located on Grapevine Road into four 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 September 20, 2023 and October 18, 2023 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. Driveway profile to be added to Sheet 3 of the plan set.

Motion was seconded by Alison Vallieres. All were in favor.

New Business - None

Other Business

Land Development Regulations – George Holt reported that the sub-committee met on October 4th and came up with a list of changes they would like to see. He said they will incorporate some text from the proposed combined handbook and update some references. George said the next step is to put together how these changes would look with red-line, track changes. He asked Donna to send the word document to him for this purpose. The sub-committee will meet again on November 1st. They will look at areas from the proposed combined handbook that they want to incorporate into the current regulations. Chuck Frost said they want to bring in the Technical Review Committee section from the proposed handbook. He said he learned from Ken and George that a lot of input went into the current regulations that were updated in 2010, and there is not a lot that needs to be changed. Donna mentioned deficiencies mentioned to her by engineers, surveyors, applicants, and attorneys. She was asked to provide a list to the sub-committee for consideration.

Zoning Amendments – Language for the floodplain regulations will be updated once the FEMA mapping process is completed. There are no other changes being considered at this time.

Bond Reductions – Requests for bond reductions were received from R. S. Audley, Inc. for the Countryside project and Advance Siteworks for the Zachary project. Donna reported that there are a couple of outstanding matters to be addressed on the Countryside project; once those are taken care of, the request will be reviewed. The final inspection report for the Zachary project will be submitted by the engineer once he has seen an as-built plan.

Jeff Crosby moved to adjourn the meeting at 8:36 p.m.; seconded by George Holt. All were in favor.

Respectfully submitted,
Donna White