

PLANNING BOARD MEETING MINUTES
MARCH 16, 2022, 7:00 PM AT DUNBARTON ELEMENTARY SCHOOL

Roll Call Attendance

Jeff Crosby, Ex-Officio Dave Nault, Alison Vallieres, Chair Chuck Frost, Secretary Ken Swayze, Ron Slocum.

Business

The chair confirmed with the secretary that this meeting was posted in two places and on the Town's website. He announced that Ron Slocum has recently been appointed as a full member of the Board, filling the remainder of the term vacated by Brian Pike.

1. Approval of Minutes:

Dave Nault moved to approve the minutes of the February 16, 2022 regular meeting; Ken Swayze seconded the motion. All were in favor.

Ken Swayze made a motion to approve the minutes of the March 2, 2022 meeting; seconded by Alison Vallieres. Dave Nault & Jeff Crosby abstained as they were not in attendance at that meeting. All others were in favor.

2. Correspondence – A letter of regional impact was received from the Town of Pittsfield for a telecommunication facility; the public hearing was on March 10th.
3. Selectmen's Report – Selectman Nault reported the following: 1) all articles passed at Town Meeting, including the road bond and Town Hall restoration project; 2) Justin Nault was elected as the new selectman; he will be appointed as the BOS representative to the Planning Board at their meeting on March 17, 2022.
4. Building, Planning and Zoning Department Report – Donna reported the following: 1) A request for participation on the Hazard Mitigation Plan update committee has been sent to all departments and boards. Ken Swayze said he could assist if needed. 2) She is working with the road agent and fire chief to create driveway regulations. Jeff Crosby said questions often arise and the Town has no specific requirements. He said this would be a basic guideline, addressing fire, life safety, access, etc.

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 April meeting. Ron Slocum made a motion to continue **this application to the meeting of April 20, 2022; seconded by Alison Vallieres. Dave Nault recused himself from**

the vote. All others were in favor of the motion. That meeting will be held at 7:00 p.m.; meeting location will be posted on the Town's website. 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 requested that the application be continued to the next meeting to allow additional time to address a boundary question. **Dave Nault made a motion to continue the hearing to the meeting of April 20, 2022; Ken Swayze seconded the motion. All were in favor.** The meeting will be at 7:00 p.m.; meeting location will be posted on the Town's website. There will be no further notification.

Application #2022-PB-001 – Grapevine, LLC – Two-Lot Subdivision, Lot H4-03-03 on Grapevine Road in the Low-Density Residential District.

Application #2022-PB-002 – Grapevine, LLC – Twelve-Lot Open Space Subdivision, Lot H4-03-03 on Grapevine Road and Zachary Drive in the Low-Density Residential District.

Jacques Belanger represented the applicant. He said he has added another section to the easement plans, showing drainage slope easements. They are waiting for state subdivision approval; have worked out a couple of issues on that. The subdivision approval will be keyed together with the wetland crossing permit for the common driveway on Grapevine. Mr. Belanger said there have been no changes to lot configurations or the overall plans.

The chair stated that the Board of Selectmen have agreed to accept the open space lot as a town-owned parcel. He said the town's review engineer sent a letter late this afternoon with comments that need to be addressed. Anthony Costello, design engineer for the applicant, had not yet seen the letter; copies were distributed, and a few minutes were taken to read through the comments.

1) cul-de-sac radius: the Town does not have design regulations. The outside of the pavement would be 57'; 45' inside radius is typical for fire trucks. It will be a solid, paved cul-de-sac. The road agent said he felt that would be adequate.

2) driveways: regulations require plan details for the first 50' of driveway connecting to the Town's right-of-way. Several board members stated that driveways have typically been shown up to the edge of the right-of-way. Donna read from the subdivision regulations, Section V-I-a. It was suggested that a waiver be granted. **Jeff Crosby made a motion to waive the requirement for plan details of the driveway area to be shown the first 50' connecting to the Town right-of-way; seconded by Dave Nault.** Mr. Crosby said this has never been enforced to his knowledge. Chuck Frost agreed. Mr. Crosby noted that Dunbarton does not have any driveway regulations. He said, from the highway department point of view, it would be okay as long as shown to the edge of the right-of-way. Board members discussed how this is consistent with what has been done in the past. **All were in favor.**

3) drainage analysis – single analysis point: Mr. Costello said there are no rules addressing this. He pointed out various areas on the plan and talked about keeping runoff on this property and options on dealing with additional flow. He said the intent is to decrease water onto Zachary Drive. One option would be to discuss additional flow going onto the abutting property, owned by Strategic Contracting, who are present. The chair said he would address that with the abutter during the public hearing portion of the meeting.

4) drainage analysis - some development areas not included: Mr. Costello said it is difficult to address all areas without knowing where houses are going. He spoke about the three lots mentioned in the review engineer's letter, noting that drainage would be directed away from the road. He said stormwater treatment typically addresses water from a road, not lots. Mr. Costello said he would propose individual treatment plans as compared to making it the Town's responsibility. Ron Slocum asked how much this would cost a homeowner. Anthony said most could be handled with a wider drip edge, maybe a little pond; it depends on the lot and its development, size of the house, etc. He said they try to keep the money and maintenance out of the Town's purview. Dave Nault said most lots are big enough to manage the runoff. Ken Swayze said this is the first time this has come up. Jeff Crosby said the natural lay of the land would allow the water to flow to the back of the lots. He said drip edge around the house is common practice, and the engineer has adequately taken care of the road runoff. Mr. Costello said the road drainage has been designed to deal with the runoff, and these lots slope away from the road. Consensus of the board was that there is no requirement for development area drainage analysis in the regulations: Jeff Crosby, Ron Slocum, Ken Swayze, Dave Nault, Alison Vallieres, Chuck Frost agreed it is not an issue.

Anthony Costello re-visited the drainage analysis from #3, stating that it is not a town requirement and could be addressed by getting approval from the abutter.

5) level spreader detail: Mr. Costello explained the design and purpose of a level spreader being to present erosion. He said he does not feel it is necessary to add one in the swale at the end of the cul-de-sac. Mr. Costello pointed out how the water lands on concrete and stone. Board members discussed the review engineer's comments. Mr. Costello said he will change the detail.

The chair said it seems that all concerns outlined in the review can be worked out. He noted that some changes have been made to the plans. Anthony Costello said he updated some notes and subgrade information. Ron Slocum said he was concerned about future subdivision of the 13-acre lot at the end of the cul-de-sac. It was stated that there is not enough frontage to subdivide that lot and that the open space density of the parcel would not allow for additional lots. The group discussed ZBA history of allowing lots without frontage to be built on, not being able to create non-conforming lots, how anyone would know this is part of an open space development and the density has been used, and the best way to address the concern. It was suggested that a note of no further subdivision be put on the final plans. The applicant's attorney, Maria Dolder, said that would be acceptable.

The chair opened the hearing to the public.

Barry and Kathleen MacKinnon were present; had no issues with the plan.

Strategic Contracting, LLC agents Gene Archambault and Rob Starace were present. The chair asked if they had any thoughts on the proposal mentioned earlier about additional stormwater flow. Mr. Archambault said they would be agreeable to allowing the additional stormwater flow onto their abutting parcel. There were no other comments from the public.

The chair closed the public hearing and brought it back to the board. He asked if it was the consensus of the board that the review engineer's comments are being settled. Members agreed they are. The chair asked how the board would like to proceed with the two-lot subdivision.

Jeff Crosby moved to approve the proposed two-lot subdivision for Grapevine, LLC of Tax Lot H4-03-03, subdividing two conventional residential lots on Grapevine Road from the 65.82-acre parcel.

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 February 16, 2022, 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.
6. In-house sprinkler systems will be installed in all homes per agreement between the owner and fire chief.
7. Waiver granted for Subdivision Regulations, Section V-I-a: Plan detail of the driveway area shall clearly show the first fifty feet connecting to the Town R.O.W.

Motion seconded by Dave Nault. All were in favor.

The chair asked how the board would like to proceed on the open-space subdivision. Jeff Crosby said he would like to address a matter discussed at the last meeting, when it was brought to his attention that there was significant damage to the end of Zachary Drive. He said he went to look at it and determined that the damage has been caused by frost and insufficient drainage causing the road to heave. He said this has no bearing on this subdivision; he just wanted to follow up on the concern.

Ken Swayze moved to approve the proposed open space subdivision for Grapevine, LLC of Tax Lot H4-03-03, subdividing the remaining 55 acres of the parcel into 11 residential lots and one open space lot.

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 February 16, 2022, 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.

6. **In-house sprinkler systems will be installed in all homes per agreement between the owner and fire chief.**
7. **The 12.57-acre open space parcel will be accepted by the Town of Dunbarton per Selectmen's meeting on March 3, 2022.**
8. **Waiver granted for Subdivision Regulations, Section V-I-a: Plan detail of the driveway area shall clearly show the first fifty feet connecting to the Town R.O.W.**
9. **A note that there will be no further subdivision of these lots is to be added to the plan.**

Motion seconded by Dave Nault.

Ron Slocum noted that additional traffic was a concern of abutters at the last meeting. He asked if the Town should consider reducing the speed limit. Dave Nault said the Town has been asked to do this in the past, and the Board of Selectmen are staying with the rural limits, not changing individual roads. **All were in favor of the motion.**

New Business

The chair stated that this part of the meeting is for the receipt of application, and there will be no input from the applicant or the public at this point.

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. Donna gave an overview of the project to adjust lot lines between the two lots, with C3-02-10 ending up with 9.04 acres and C3-02-14 ending up with 10.01 acres after the adjustment.

Application 2022-PB-004 – David & Melissa Willis – Two-lot Subdivision, Lot C3-02-14 on Gorham Pond Road in the Low-Density Residential District. Donna gave an overview of the project to subdivide the 10.01 acres into two residential lots of 5.00 acres with the existing house and 5.01 acres as a vacant lot.

Dave Nault made a motion to accept the two applications as complete and move to public hearing; seconded by Jeff Crosby. All were in favor.

Jacques Belanger represented the applicants. He gave the history of the Willis lot being subdivided from the Kemp lot years ago. He pointed out that there is a conservation easement at the back of these lots and an easement along the property line to access land owned by the Starr Trust. Mr. Belanger informed the Board that the Willis party went to the ZBA in 2018 for a variance of required frontage. That variance was denied. He said Mr. and Mrs. Willis went to the Kemps about doing a lot line adjustment as a way of gaining the frontage needed for the subdivision. Mr. Belanger pointed out that the adjustment gives Mr. and Mrs. Willis an additional 511 square feet of land and 32' of frontage and gives the Kemps an additional two acres. This would give the Willis party appropriate frontage for the two-lot subdivision. Mr. Belanger said there are quite a bit of wetlands. The wetland scientist is working on a crossing permit.

Dave Nault asked what the change does to the easement. Mr. Belanger explained that it is a shared use easement. Mr. Nault asked if it would be listed on any new ownership. Mr. Belanger said it would. Jeff Crosby asked about the end of the shared easement as depicted on the plan. Mr. Belanger said the easement is vague. Chuck Frost noted that cross-hatching in the setback is not listed in the legend. He said it looks like a 20' easement within the 50' setback. Mr. Belanger said it floats and is not well defined. He said there is an old logging road that runs through there. He showed a plan that

this plan was created off. Jeff Crosby asked if a house, well, and septic could be fit on the new lot without going to the ZBA. Mr. Belanger said it could be done.

The chair opened the hearing to the public.

Richard Araldi – Donna read an email received from the abutter. (Original in file)

James Starr Trust – Mr. Starr confirmed the end of the easement, noting that it gives him access to his other lot. He asked if a house and asphalt driveway were constructed in the area if he would have any say in the driveway. He said it would mainly be to get trucks in and out. David Willis said he would have no problem as the intent is for both parties to be able to use the area. It was agreed that a note could be put on the plan and decision. Mr. Willis said the house they plan to build would be small, set back quite a bit from the road, and would not encroach on the Araldi home. He said there would be minimal tree cutting.

Hearing no further comments from the public, the chair closed the public hearing and brought it back to the Board. **Dave Nault made a motion to continue the applications to the April 20th meeting; seconded by Alison Vallieres.** Jeff Crosby said the sight distance would seem to be suitable at the proposed driveway location. He asked where the driveway crossing would be, noting it seems close to the property line. Mr. Belanger said they would be looking for minimal disturbance. Mr. Crosby said it would avoid having to do a temporary access dredge and fill and would enhance the access for Mr. Starr. He said the realtor telling the abutter that this would not be a buildable lot (in the abutter's email) was accurate at the time because of the lack of sufficient frontage. Dave Nault reminded Mr. Belanger of the two easement notes (common entry and upper easement detail)

to be put on the plan. **All were in favor.** The meeting will be at 7:00 p.m.; location will be posted on the website. There will be no further notification.

The chair stated that this part of the meeting is for the receipt of application, and there will be no input from the applicant or the public at this point.

Application 2022-PB-005 – Strategic Contracting, LLC – Nine-lot Subdivision, Lot H5-01-01 on Gile Hill Road in the Low-Density Residential District. Donna gave an overview of the project as creating nine residential lots, ranging from 5.01 acres to 13.55 acres, conforming to the lot dimensions for conventional and large lot zoning requirements. The parcel consists of 85.87 acres with 2,431.63' of frontage on Gile Hill Road and the proposal dedicates .56 acres to the Town.

Ken Swayze made a motion to accept the application as complete and move to a public hearing; seconded by Dave Nault. Mr. Nault said the plan seems to meet the subdivision regulations, noting that the applicants previously came to the board for a conceptual consultation. **All were in favor of accepting the application.**

Jacques Belanger represented the applicants. He said various owners have been looking at doing something with this parcel since 2005. He noted that the intent is to create nine lots, some with reduced frontage as allowed by the zoning ordinance. Mr. Belanger said the wetlands were mapped in 2005 and have been confirmed/verified with this project. He said test pits have been done, and a widening dedication has been provided. Mr. Belanger pointed out the location of the start of the parcel, approximately 1500' up from Grapevine Road. He noted there is an unmaintained Class VI road at the end of Gile Hill Road that goes into Bow. Mr. Belanger stated that Falcon Heights did a two-lot subdivision on Gile Hill Road in 2020, where some trees were cut in lieu of exaction fees. He also noted that Gile Hill Road is a Class V scenic road.

Ken Swayze asked the road agent about the status of the road. Mr. Crosby said he is not thrilled with this proposal but knew it was only a matter of time before something came before the Town. He said the grade of the road is significant and nothing can be done about that. He spoke about maintenance challenges in the winter. Mr. Crosby said current residents on the road seem understanding, but this project would create a lot more traffic. He said his wish list would be to have the road paved. Mr. Crosby said fire suppression needs to be considered, adding that he feels sprinklers would be the best option.

Dave Nault asked if this project is in the same section already upgraded by Louis Chan. Jeff Crosby said it was a Class VI road at the time, and Mr. Chan was required to bring it to Class V standards, as well as assessed exaction fees. He showed where Mr. Chan did the improvements, approximately three lots up from the start of this parcel. Dave Nault said it was primarily upgraded to a Class V road when a substantial amount of work was done. He said it is fairly narrow and wondered if it would be appropriate to have a fee of some sort set aside for paving. Ken Swayze said the applicants would be required to make improvements on their side of the road. Jacques Belanger said they are allowing for 10' widening. Jeff Crosby said exaction fees could be used to improve the lower portion of the road. Mr. Belanger pointed out the strip of land to be dedicated to the Town, matching the Chan project. Jeff Crosby said he feels that is ample. Donna stated that she has started the exaction fee analysis, having contacted town officials for input. The road agent said Donna has asked him to work up some figures for improvements needed.

The chair opened the hearing to the public.

Grapevine, LLC – Donna read an email received from the abutter. (Original in file)

Barry and Kathleen MacKinnon – Mr. MacKinnon said the improvements would be above them on the road. He spoke about the mud situation, saying he is not suggesting pavement, but wondered if there might be something in between. Mrs. MacKinnon spoke about the area by the Miliotto parcel at the beginning of the road. She said it is historically muddy and narrow, and she is concerned about construction vehicles, wear and tear on the road, and safety. She said she is not opposed to more houses. Jeff Crosby said all of this will have to be addressed. Mrs. MacKinnon said there is a blind spot by their driveway. Mr. MacKinnon said it would be good to improve the pinch areas, drainage, etc.

Chris and Jamie Matheson – Mr. Matheson said they have the same concerns, noting that the road needs widening, underdrain, and a good base.

Jonathan and Tonya Binder – Mr. Binder said they have the same concerns with the road. Mrs. Binder asked if they would be blasting, based on the lay of the land. Rob Starace stated no ledge was found during the test pits. Jacques Belanger said they may have to do a common driveway.

Frederick & Carol Wilcox – Mr. Wilcox said he thought his property line was at the town line, but it does not look that way on this plan. Jacques Belanger explained that he used an old subdivision plan as a base for this project, but the bounds have since been found and he will adjust that line.

Hearing no further comment from the public, the chair closed the public hearing and brought it back to the Board. Jeff Crosby said the concerns are mainly road-related issues, and the plan seems to meet all other requirements. Jacques Belanger said he would like to meet on site with the road agent. Members were encouraged to do their own site walks. The applicants were asked about fire suppression. They said they are offering in-house sprinklers and were waiting to hear back from the fire chief. Donna will remind the chief to call Mr. Starace. Ken Swayze asked Mr. Starace how he feels about the road improvements. Mr. Starace said he agrees with meeting Mr. Belanger and the road agent

out there, saying he hears the concerns of the abutters and the board. Jeff Crosby talked about the road conditions and the potential impact of additional residential traffic, delivery vehicles, and everyday use. Dave Nault said the Board relies on the road agent's input, noting that the applicants have put their best foot forward which helps the process. Jeff Crosby said he could not really give the applicants any numbers when they came in for the conceptual, as there are so many variables to be considered.

Ken Swayze moved to continue the application to the April 20th meeting; seconded by Dave Nault. All were in favor. The meeting will be at 7:00; location will be posted on the website. There will be no further notification.

Conceptual Consultation – Bryan Murphy, 13 Town Farm Lane, explained that he owns a business that does bed bug extermination and uses about 3,000 gallons of propane per year, in addition to 2,000 gallons per year for his home. He said he is trying to reduce his cost for the propane and has talked with H. R. Clough in Contoocook about setting up a fill station at his home. He said it would be a 1,000-gallon tank with a lockable mechanism for filling smaller tanks. Mr. Murphy said he would like to be able to sell to the public, filling tanks for gas grills, etc. He said he did some research and found no license is required to do such a business. Mr. Murphy said he is asking the Board to consider him selling retail, having customers come to him, do tank exchanges and possible tank delivery. He said he learned there are no requirements for fencing if it is a lockable mechanism. He said H. R. Clough would have requirements to prevent the tank being hit.

Ken Swayze asked Mr. Murphy if this would be a home occupation. Donna stated it does not meet the criteria for a home occupation. Board members discussed issues to be considered, including traffic, safety, the need for a special exception for the use, and site plan review. Mr. Murphy was encouraged to go to the fire chief with the plan before pursuing it much further with the ZBA and Planning Board. Mr. Murphy said he is also thinking of buying a small moving/junk removal company in Bedford. He asked if there would be a problem having the trucks at his home rather than pay for commercial space elsewhere. Jeff Crosby said adequate access for emergency vehicles, etc. would be required, noting that things are different when changed from a family access to general public access. Chuck Frost said he is not aware of any restrictions on the number of trucks/trailers allowed. Dave Nault said if the owner starts operating a business out of there, with employees, etc., it could become an issue and require a different process.

Dave Nault moved to adjourn the meeting at 9:30 p.m.; seconded by Ron Slocum. All were in favor.

Respectfully submitted,
Donna White