

**TOWN OF DUNBARTON, NH  
PLANNING BOARD MEETING MINUTES**

**January 15, 2020 ~ 7:00 p.m. at Dunbarton Town Offices**

**IN ATTENDANCE:** Chairman Ken Swayze, Vice Chairman George Holt, Secretary Chuck Frost, Alison Vallieres, Brian Pike, Jeff Crosby, Ex-Officio Mike Kaminski, P/Z/B Department Administrator Donna White

**BUSINESS:** Secretary Chuck Frost stated that meeting notices were posted on the Town's bulletin board and website.

1. Approval of Minutes: **George Holt made a motion to approve the minutes of the December 18, 2019 meeting as presented; Brian Pike seconded the motion.** There was no discussion. **All were in favor.**
2. Correspondence: The secretary spoke about a letter from a North Hampton group that was sent to PB members. Alison and Brian did not receive the mailing; copies were provided. The letter addressed legislation that was passed last year relative to a housing appeals board.
3. Selectmen's Office Report: Mike Kaminski said the Board has been busy with the budget season.
4. Planning/Building Department Report: Donna informed board members of the following: 1) There are two approved lot line adjustment plans to be recorded once additional documents are received; 2) Donna printed and bound one copy of the newly adopted Master Plan; board members agreed that she should get pricing for 20 copies to be printed and distributed; 3) There are two proposed bills (SB487 & SB536) that address the housing appeals board mentioned earlier; 4) The building inspector has done a summary of what is needed to finish up the Botnick site plan revisions, emailed it to Mr. Botnick, and spoken with him on the phone. Mr. Botnick was out of town at the time of the call; he will contact Mike upon his return to discuss details on the berm mentioned by his engineer.

**NEW BUSINESS:**

Application 2019-PB-004 – Brian F Nordle & Dolores J Richard-Nordle - 3-Lot Subdivision of Tax Map B7-01-05, Purgatory Pond Road, in the Low-Density Residential District. Donna gave an overview of the application as follows: Intent is to subdivide 17.05 acres into a total of three residential lots; 7.02 acres, 5.01 acres, and 5.02 acres. State subdivision approval is not required as the lots are each over five acres. Based on staff review, it appears the application is sufficiently complete. **Jeff Crosby moved to accept the application as complete and move to public hearing; seconded by Chuck Frost. All were in favor.**

Jacques Belanger represented the applicants. He pointed out that the road has been upgraded and the town has accepted it as a Class V road. It is a 50' right-of-way with a 30' travel way. The parcel has just under 1,500' of frontage, will be divided into three lots, there is a large

wetland behind the parcel, and no state wetland permits are anticipated. Ken Swayze asked if this parcel falls within Wetland Conservation District territory. George Holt also mentioned shoreland protection but didn't think that would apply in this case. He said he didn't think it would be in the WCD but would look at the distance from the pond. Jeff Crosby asked if there is an easement for the turn-around. Brian Nordle said it is all set and has been recorded. Jeff said it would be wise for the town to consider a layer of pavement while the road is in good condition. He explained to the board members that the applicant did the road improvement; there is no reason for exaction fees on this project. Ken Swayze asked if the State or Fish & Game has any interest in the road. Mr. Nordle said they do not. Brian Pike agreed with Jeff Crosby's thoughts on paving the road. Mike Kaminski asked if exaction fees would be pertinent if the town was going to upgrade the road. Mr. Crosby said the applicant spent substantially more with the upgrade, bringing the road from Class VI to Class V, than normal standards would require.

The chairman opened the hearing to the public. Dave Zylak of 209 Twist Hill Road said he was in favor of the subdivision; he had no questions. Hearing no further comment from the public, the chair closed the public hearing and brought the discussion back to the Board. He suggested that board members do individual site walks of the property. George Holt asked about monuments on the match piece of the plan. Ken Swayze spoke about the meandering stream and the need to include the date of the location depicted on this plan. Mr. Belanger said he would have the lots staked out within a week.

**Chuck Frost made a motion to continue the public hearing to the meeting of February 19, 2020; seconded by Brian Pike. All were in favor.** There will be no further notification.

Application 2019-PB-005 – Falcon Heights Properties, LLC - 2-Lot Subdivision (using Large Lot Zoning with Reduced Frontage) of Tax Map H5-02-02, 35 Gile Hill Road, in the Low-Density Residential District. Due to a business relationship with the applicant, Jeff Crosby recused himself and moved to the public seating. Donna gave an overview of the application as follows: Intent is to subdivide the 22.70-acre lot (in Current Use tax status) into two lots; lots will be 5.00 acres and 17.69 acres. The existing dwelling will be on the five-acre lot. The applicant was granted a Variance by the Dunbarton Zoning Board to allow them to apply for the subdivision with 17.69 acres where 18 acres is required under the Large Lot Zoning option. State subdivision approval is not required as the lots are over five acres. Based on staff review, it appears the application is sufficiently complete.

George Holt asked about the basis for approval of the variance, saying he felt it undermined the purpose of the Zoning Ordinance. It was stated that the variance had been granted and was not within the jurisdiction of this board or discussion. Alison Vallieres, as a member of the ZBA, said the Board addressed the issue and felt the applicant met the five criteria; therefore, the variance was granted. **George Holt moved to accept the application as complete and move to public hearing; Mike Kaminski seconded the motion. All were in favor.**

Jacques Belanger represented the applicant. He explained that they were shy on acreage but over on frontage under the Large Lot Zoning option, noting that the ZBA granted the approval on the five points of the variance application. He said they are breaking off a lot with the existing house where a new septic system will be installed, and he pointed out the areas of test pits, 4K area for septic, and proposed well location on the new lot. Mr. Belanger stated this subdivision is on a Class V scenic road, pointing out the section beyond this parcel that was improved with the Chan subdivision. Ken Swayze asked if this subdivision would be subject to exaction fees. Jeff Crosby, Dunbarton road agent, said he met with the owner, Joe Beauchemin, who understood the process.

He said the applicant would only be responsible for the one new lot. He stated that a \$4,000 assessment per lot was agreed to in the past on the Chan subdivision. Mr. Crosby pointed out there are two larger tracts on Gile Hill Road where there will probably be some future development. He said he told Mr. Beauchemin he would like to see some tree cutting, noting that a landowner can cut their own trees. Mr. Crosby said Mr. Beauchemin got an estimate, pointing out that the area is not heavily forested, and he could remove trees on the frontage for the Town in lieu of exaction fees. He said the Town currently has two exaction fees on deposit, and those funds could be used for stumping, etc.

Chairman Swayze opened the hearing to the public. Dave Herrick of 47 Gile Hill Road stated the lower half of Gile Hill is a mud bowl in the spring. He wondered if this parcel would turn into a three or four lot subdivision in the future. Mr. Swayze said that can't be predicted. George Holt said the owner would be hard pressed to do that with this lot. The road agent addressed Mr. Herrick, explaining the purpose of the exaction fees. Due to restraints of the road, the fees are to be used on the improvement of that road as more development comes along. He said the improvements can be done to help offset the added traffic. Mr. Herrick asked if the reduced frontage would limit them from being able to put another house on the new lot. Ken Swayze said a road into the lot would probably be required and those can be very expensive. He said that is out of the Board's jurisdiction this evening.

Jeff Dion of 53 Gile Hill Road said the road is narrow at the crest and traffic is a concern. He asked Mr. Crosby what the timeframe for his project would be. Mr. Crosby said he hoped to do something this summer, noting that the road is difficult for plowing and maintaining. Cody Herrick of 47 Gile Hill Road referred to the subdivision regulations regarding extra consideration to the road where there are over seven dwellings. Ken Swayze pointed out that is for subdivisions of seven units or more, not the case here. There was discussion about road improvements and fire suppression systems addressed in the referenced section. Dave Herrick asked when the requirement for in-house fire suppression systems ended, noting that he was required to install one as part of the Chan subdivision. It was explained that the State discontinued the requirement just a few years after it was first passed; it only pertains to subdivisions completed during that timeframe. It was suggested that Fire Chief Jon Wiggin be contacted for his input on the matter. The road agent stated the area may see bigger improvements with more development; for now, he is limited on the tools to address this type of road.

The chair closed the hearing to the public and brought it back to the Board. Mr. Swayze recommended that board members do individual site visits to the property. George Holt asked that a stake be placed at the back corner of the new lot for better definition of the area. He said it seems like the applicant is being coerced to remove the trees instead of paying the exaction fee for road improvement. He said he is against the owner doing the tree work in lieu of the exaction fee; he would rather see the exaction fee used on the road for common good. Chuck Frost said he tends to agree, as the roadwork would be for the greater good. The road agent said this area is part of the pinch point in the road, where town maintenance used to stop, and the tree work would give him ample width for the improvements. Brian Pike suggested this conversation be continued after the site walk. George Holt said the applicant can do the trees, which is his right, and the exaction fee as well. He said he knows everyone in the Conservation Commission will say no. Ken Swayze asked to confirm that Mr. Holt was saying the owner could cut the trees as his right and George would have no problem with that. Mr. Holt said the Conservation Commission would say no. Mr. Swayze then asked to confirm that Mr. Holt and Mr. Frost were saying the \$4,000 should go to road maintenance.

Alison Vallieres asked if they meant the applicant should remove the trees and pay the exaction fee. Brian Pike suggested that board members look at the trees while there for a site walk.

**Brian Pike made a motion to continue the hearing to Wednesday, February 19, 2020; motion seconded by Chuck Frost. All were in favor.** There will be no further notification.

Jeff Crosby returned to the Board.

Application 2019-PB-006 – Thomas Corrado - 2-Lot Subdivision (using Large Lot Zoning with Reduced Frontage) of Tax Map H3-04-04, 259 Stark Highway North, in the Low-Density Residential District. Donna gave an overview of the application as follows: Intent is to subdivide the 35.34-acre lot (in Current Use tax status) into two lots; 29.86 acres with 80.01' of frontage and 5.48 acres with 302.79' of frontage. There is one waiver request, the existing house will be on the larger lot, and a shared driveway agreement will be needed. State subdivision approval is not required as the lots are over five acres. Based on staff review, it appears the application is sufficiently complete.

Chairman Swayze read the following waiver request: "Section VI C. Location of property lines and their approximate dimensions; existing easements, buildings, water courses, ponds or standing water, rock ledges and other essential features. We are asking the board not to locate an interior private trail network and the interior wet areas." **George Holt made a motion to grant the waiver; seconded by Mike Kaminski. All were in favor. Chuck Frost made a motion to accept the application as complete and move to public hearing; Brian Pike seconded the motion. All were in favor.**

The chair asked Donna to update board members about the building project at this location. Donna explained that her department has been working with Mr. Corrado, who has a building permit for a garage/workshop. Over time, Mr. Corrado has decided to create a dwelling out of part of the building. The office has met with Mr. Corrado on multiple occasions, creating a memorandum of understanding of what the scope of the project can be based on the current building permit. It has been explained that he cannot have two dwellings on the same parcel without going for site plan review for multi-family housing. Because the existing house on the property would fall into the 100' buffer required by multi-family housing regulations, Mr. Corrado went to the ZBA for a variance. That variance was denied; therefore, Mr. Corrado has decided to subdivide the parcel so he can complete the new structure as a dwelling on its own lot. He has been told to put the building project on hold until this is resolved.

Jacques Belanger represented the applicant. He gave an overview of the proposed subdivision, pointing out a dug well toward the front of the property, noting that the protective radius overlaps onto the other lot. An access and utility easement will be provided. Mr. Belanger said there will be a shared driveway, noting feedback from the fire department about the width of the driveway. He will check on that, saying they might have to add a gravel shoulder. Mr. Belanger said they will probably send a driveway application to DOT, changing the use from a single driveway to a shared driveway. Brian Pike asked if they would be doing a shared driveway maintenance agreement. Mr. Belanger said they would. On behalf of the building inspector who also reviewed the plan, Donna asked if Winslow Road should be shown on the plan and pointed out a soil type reference that might be listed incorrectly. Mr. Belanger will address both items. George Holt asked about monumentation, noting the Board has been trying to have granite bounds set. Mr. Belanger spoke about points in large boulders. Mr. Holt said some lot corners were shown without monuments. Mr. Belanger explained those areas were not part of this survey and are on a straight line so wouldn't require monuments anyway. Chairman Swayze recommended that board members do a site visit to the

property before the next meeting. Jeff Crosby asked if the applicant might apply for a new, stand-alone driveway permit. Mr. Belanger pointed out that it would be a pretty good cut. He said they could probably meet the criteria, but there is a lot going on in that area with the store, Winslow Road, and trail.

**Mike Kaminski made a motion to continue the application to the meeting of February 19, 2020; seconded by Brian Pike. All were in favor.** There will be no further notification.

#### **OTHER BUSINESS:**

Policies & Procedures: There was discussion about needing to formally revise the submittal deadline from 30 days to 21 days and formally accept/approve the revised applications presented a couple of months ago. Mike Kaminski said the committee will be reviewing Planning Board fees in the near future.

Zoning Ordinance Review: Chuck Frost reported that the committee will pick up their review in late February.

**Brian Pike moved to adjourn the meeting at 8:20 p.m.; seconded by Jeff Crosby. All in favor.**

Respectfully submitted,  
Donna White