

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

June 16, 2021 ~ 7:00 p.m. ~ Dunbarton Community Center

ROLL CALL ATTENDANCE

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

BUSINESS

The chair confirmed with the secretary that notices of this meeting were posted on the Town's website and two boards at the Town Offices. It was noted that there is a full board present.

1. Approval of Minutes: **Ken Swayze made a motion to approve the minutes of the May 19, 2021 regular meeting and June 2, 2021 workshop; seconded by Brian Pike. Majority were in favor; Dave Nault abstained as he was not at those meetings.**
2. Correspondence/General: None
3. Selectmen's Office Report: Selectman Nault reported that the mask mandate for meetings has been removed.
4. Planning/Building Department Report: Donna reported the following: 1) She and Alison are working on the policies and procedures project that was started some time ago; she had a meeting with Matt Monahan from Central N H Regional Planning. 2) The department is seeing its first experience with the newly established Housing Appeals Board. A ZBA case that was denied has been appealed to the HAB.

OLD BUSINESS - None

NEW BUSINESS

Application 2021-PB-002, Countryside Homes, LLC – 25-Lot Subdivision, Maps A3-01-04, B3-02-01, and B4-01-11 located on Stark Highway South in the Low-Density Residential District. Attorney Maria Dolder, Engineer Jennifer McCourt, Highway Engineer Michael MacDonald with R. S. Audley, and Surveyor Jacques Belanger were present as the applicant's agents. Applicant Bob Pike and Brian Nordle from R. S. Audley were also present.

Donna White introduced the application as follows: Existing three lots, totaling 240.78 acres, to be consolidated, then subdivided into 25 residential lots using standard lot sizing and large lot zoning with reduced frontage. The proposal is for 17 lots with five acres and 300' of frontage, four lots with at least 12 acres and 225' of frontage, two lots with at least 18 acres and 150' of frontage, and two lots with at least 24 acres and 75' of frontage. Building setbacks are 50' per the ordinance requirements. New interior roads will be developed. Fairway Drive is proposed to be 3,272' and Hilltop Lane is proposed to be 3,250'. Each end of Hilltop Lane ends in a cul-de-sac.

The chair stated there is one waiver request to be considered. Jacques Belanger said they are asking to waive the requirement to replace known and documented monuments (lot corners) with granite bounds. He explained that as a surveyor it is hard to pull former/official pins, markers, etc. as they are historical and used in deeds. They would set monumentation for all new points created by the subdivision. Ken Swayze said he would like the Board to have the opportunity to field review any problematic bounds, verifying their integrity,

and replacing anything questionable. Mr. Belanger noted that abutting owners' approval is required to replace existing monuments. Mr. Belanger and Ms. Dolder agreed to the request. Mr. Swayze stated he did not feel the waiver would then be necessary. Dave Nault said he would think approving the waiver with the option of checking existing monuments would be the best way to go, making it clear in the approval. Ken Swayze said he disagreed. Attorney Dolder said she would like something from the Board that acknowledges that a blanket replacement would not be required, and the Board would work with Mr. Belanger on this matter. She said they are agreeable to the review so there is no question later in the project. Ron Slocum said he agreed with Dave Nault's statement, because without the waiver they technically have to replace all of the existing monumentation. Jeff Crosby said he agrees with Mr. Nault on granting the waiver so nothing can change midstream, and the Board needs to give clear direction for the applicant. George Holt said it would be best to do the waiver and include an amendment about reviewing the existing monuments. **George Holt made a motion for the conditional approval of the waiver with the condition that existing monuments be reviewed on a case-by-case basis and replaced if/as necessary. Brian Pike seconded the motion; all were in favor. Waiver of Section IX A(a) granted.**

The chair asked if members were ready to accept the application. **Ken Swayze made a motion to accept the application as presented; seconded by George Holt.** Mr. Holt said he has reviewed the plan and feels they meet the requirement for acceptance. Dave Nault said he agreed with Mr. Holt; he has looked at the plan and read through the requirements and feels they have everything they need. Brian Pike noted that the status report stated the application is complete. **All were in favor of the motion; application accepted.**

Attorney Dolder gave an overview of the application. She stated that the plan complies with the Dunbarton Zoning Ordinance and Land Subdivision Regulations, other than the waiver that was conditionally approved.

Jenn McCourt reviewed the subdivision plans as follows: a) There will be an access road in off NH Route 13, Fairway Drive; second road, Hilltop Lane, off lower end of Fairway. b) There will be a pull-off on Fairway for a cluster mailbox area per USPS requirements. c) Lots 3, 6, and 7 are larger lots but the open water areas have been deducted because those areas cannot be counted toward the lot's acreage. d) Test pits have been done; all lots meet NH DES subsurface regulations. e) There are three existing wells (part of the former golf course) that will be re-used; those are on lots 5, 6, and 25. f) Individual fire sprinkler systems have been offered by the developer as the means for fire suppression. Donna noted there is a letter from the fire chief in the file that verifies this.

Ms. McCourt reviewed the roadway design plans as follows: a) There will be stormwater treatment, concrete pipe used, veined grates at the catch basins. b) The 8% grade meets Dunbarton's regulations. c) Ditch lines will be reinforced with fabric and check dams. d) There will be a 4:1 slope on the downhill side so there will be no need for guardrails. e) Detention ponds, treatment swales, and catch basins were pointed out. f) There is one wetland crossing near the cul-de-sac at the northern end of Hilltop. NH DES Wetlands Board requires 2:1 slope; there will be guardrails there. Ms. McCourt spoke about the Alteration of Terrain requirements relative to catch basins, slopes, check dams, and erosion control.

Ms. McCourt reviewed the details sheets. She spoke about signage, stop bars, and 50' double yellow lines at both ends of Fairway Drive. DOT requirements will be shown on these sheets.

Ms. McCourt noted that at the meeting for the conceptual consultation, the Board asked her to look at extending the cul-de-sacs to the abutting property lines. She pointed out the abutting properties, noting the wetlands and steep slopes that would be encountered. She said one area has a lot of sensitive wetlands that she has kept the road away from to minimize the environmental impact. Ms. McCourt said the abutting properties have frontage on other roads, and, in her opinion, there is no need or avenue to make economical or viable sense for surrounding lots. She said they have to file for the DOT driveway permit, Alteration of Terrain, subsurface subdivision approval, and a wetland crossing permit. Dave Nault asked if there are any wetland crossings for access to driveways. Ms. McCourt said there are not, only the road.

Ron Slocum said he noticed that this plan depicts a single lane road as compared to the double lane previously submitted. Ms. McCourt said they are able to use the single lane design because they reduced the plan to 25 lots. Mr. Slocum asked if there are any requirements for the mailboxes to be near Route 13. Attorney Dolder said they will meet with the post office when it is time. She said she has talked with them, and the USPS prefers them to be closer to the main road. Mr. Slocum said he was thinking there could be several

parties stopping for mail at one time and would be concerned about congestion near the intersection of the subdivision. Jenn McCourt noted that the turn-off for the mailboxes is 130' in from Route 13, the mailboxes are at the far end of the turn-off, and there are four parking spaces in the turn-off. Chuck Frost asked if the mailboxes would be on common property. Attorney Dolder said they are still working on that. The area is on private property and would require an easement; they will have to form something like a homeowners' association for the sole purpose of maintenance of the area. Ms. Dolder said it is not their preference but what the post office prefers. Jeff Crosby said he likes the mailbox idea from the highway department point of view. He said he would hope the Town would not assume any responsibility for plowing and maintenance of the area.

Jeff Crosby asked Ms. McCourt if she felt the Alteration of Terrain will pass muster as she has crafted the design. She said there will be a little more work to be done before submitting the application for AOT. Mr. Crosby asked if she sees it being changed to curbing and closed drainage, noting that he would like to see it as she has crafted it. Ms. McCourt said she tried to craft the design with open drainage, without curbing which can be a maintenance nightmare, other than catch basins which she could not get around in some areas.

George Holt said he read Ms. McCourt's memo on the radius of the curve, and he still feels it does not meet typical AASHTO guidelines for safety. He said the plan may meet the Town's regulations, but it would be hard to approve something unsafe. Attorney Dolder said they have two engineers present to address that matter. She said if the Board would like her to address this from a legal perspective, setting a legal argument on the record, she would be happy to do that, but they cannot jump into the matter without doing so. Dave Nault said he saw the two memos from the Town's engineer and Ms. McCourt's memo, and he thought he understood the plan was to reduce the speed limit to 20 mph on the curve. Jenn McCourt said that was incorrect but before she could explain, she would let the attorney address the matter. Attorney Dolder said they have had a third engineer look at the plan as well. The attorney said this road plan clearly meets the subdivision regulations. She explained that the Board does not have any legal authority to change its regulations for this particular project or any developer unless through the process outlined in NH RSA 675:6. She noted that the current regulations were amended in 2010, and changes are not valid or can be enforced if not done through the proper process. Ms. Dolder referred to a statement from the Subdivision Application cover page that reads: "To help develop a better proposal, please review the Town of Dunbarton Land Subdivision Regulations", noting they have done that. The attorney said they have created a subdivision that meets the Town's regulations. She said an applicant has the right to rely on established subdivision regulations. Attorney Dolder referred to a recent matter that went before the new Housing Appeals Board. She read from a HAB decision on Shattuck v Francetown. She said they have complied with the Town's requirements of 150' radii and are now being asked to do more. Ms. Dolder said it is her position that the subdivision regulations do provide clear and defined guidance, and the Board needs to amend them if they don't like them. Ms. Dolder said both engineers present will be able to address the AASHTO concern. Ken Swayze stated that the Board is not totally united on the matter, and he thanked Ms. Dolder for the information. Chuck Frost said he has concerns on the safety aspect, noting that the Town's engineer came to a different conclusion. Attorney Dolder said Michael MacDonald, highway engineer, and Brian Nordle, both with R S Audley, Inc. are present to answer any questions on the matter.

Jenn McCourt explained that traffic volume estimates for this type of development are 9.5 trips per day per lot which would equate to approximately 250 trips per day. That figure falls under the low volume AASHTO guidelines. She said what the Town's engineer referred to for AASHTO guidelines were recommendations based on truck traffic, not residential traffic. She said she previously asked the road agent if he was alright with super elevations, and he said no so she backed the numbers off. Ms. McCourt said 150' works per the Dunbarton subdivision regulations and noted that the AASHTO manual is a guideline. She said Mr. Donison gave reference for highway design in his memo. Ms. McCourt said she has looked at the Manual on Uniform Traffic Control Devices, and if the Board of Selectmen wants signage it can be done. She pointed out that this is dead-end, 25-lot subdivision, and most drivers, including UPS, FedEx, Amazon, etc., will know a curve is there and drive accordingly. She showed that area of road runs North-South so it will get a lot of sun; there are no trees in the area so it will not be shaded.

Michael MacDonald said he has reviewed the McCourt and Donison letters, as well as the roadway plans. He explained that the AASHTO manuals are guidance documents, not standard rules, that are used for reference and with judgment. He spoke about design speed and MPH speed, past experience and judgment

required when designing roads, driveways, the lack of large truck traffic, the geometry and geography of the road, and other factors to be considered. Mr. MacDonald said he felt confident with the design after review of the plans. Brian Pike asked what design speed was used for this plan. Jenn McCourt said she used 30 mph outside the curve, decreased it to 20 mph going into the curve. George Holt said the letters are good and were helpful. He asked both Jennifer McCourt, P.E. of record, and Highway Engineer Michael MacDonald, P.E., whether they considered the curve to be “safe”. Both Ms. McCourt and Mr. MacDonald stated that they believe that the curve met applicable interpretations of AASHTO guidelines and that the curve was as safe as any street in Dunbarton. Mr. MacDonald said he feels it is reasonable for this use.

Chuck Frost said the Town’s engineer offered a difference of opinion, and he would like to see that reconciled. Attorney Dolder said she feels Mr. Donison did not use the proper book as this is a local road in a residential subdivision, not a through road. Michael MacDonald said the reference Mr. Donison used is more comprehensive, but the supplemental manual was made to support these smaller roads which is stated in the Foreword of the *Guidelines for Geometric Design of Low-Volume Roads*. Dave Nault said this plan falls within the realm of that manual and it appears to be a judgment call, not that they are saying one is right and one is wrong. Mr. MacDonald said these are guidance documents, it is an engineer’s judgment, and he believes Jenn McCourt is correct in her design. Ms. McCourt said she has met the subdivision regulations and any conversation with the Town engineer is out of kindness just in case they have to appeal. Jeff Crosby said he does not understand why the Town’s engineer is not present tonight, noting he had been brought in for the previous application for this subdivision. He said it seems like the ball was dropped.

Jeff Crosby spoke about the proposal for additional signage. He said he has found in dealing with the general public that signage is appreciated, and if that is an avenue to make this safer it is very doable and not a big expense. He said the design meets the requirements, and you cannot control how people drive. Dave Nault said he agreed, noting that it is a judgment call and the Town’s engineer will always air on the side of caution. He said the applicant has met what we really need. Ms. McCourt said they would be happy to post the curve at 20 mph, with the rest of the road at 30 mph. Ron Slocum said it really boils down to the subdivision regulations and comes down to legality. He said the differences of opinion between engineers become a moot point, as 150’ centerline radius is in the subdivision regulations which are rules to be met whereas the AASHTO manual is a guideline.

Dave Nault asked to go back to the plan for connecting to abutting properties. He was referred to Sheet T2; Mr. Nault noted the area was quite steep. George Holt asked if the centerline is staked. Jacques Belanger said it is, with one section needing to be re-aligned which he will be doing shortly. Ron Slocum asked about the existing clubhouse shown on Lot 25. Jenn McCourt said it will be removed. Brian Pike asked about the two wells shown on Sheet T1, Lot 25. Ms. McCourt said they will keep the existing well but need to meet DES standards by showing a proposed well.

The chair asked if there were any comments from the Fire Department. Chief Wiggin confirmed that the applicant has opted for home sprinklers which he thinks is great because that is the best option for life safety. He noted the only downfall is that people need to maintain the systems. The chief said there will be fuel delivery trucks on the road. The curve could be a concern for those but if it meets the regulations the department will live with it.

The chair asked Donna to read off the list of abutters.

Peter & Eileen Cantt – not present

Philip & Virginia Manro – Mr. Manro stated that they own the majority of the pond. He noted that the prior plan had a parking area and allowed use of the pond which was a major concern of theirs. Bob Pike said this project owns about 10 acres of the pond, and there will be three parcels/owners on the pond. He said there will be no other permission granted.

Joan Burnham Revocable Trust 2007 – Bill Burnham said they are the biggest abutter and would like the area surveyed/staked. It was stated that the parcels have been surveyed as part of this and previously proposed projects. Mr. Burnham said water run-off is a concern. Jenn McCourt said the project has to meet NH DES Alteration of Terrain regulations, meaning they have to control and treat the run-off. Zeb Burnham asked for clarification of the discussion on monuments earlier in the meeting. Jacques Belanger explained the reason for the waiver request, that the existing monuments will be reviewed for integrity, and replaced if necessary.

Benjamin & Mary Horn Trust – Mr. Horn said he has no comments; he is all set.

Richard & Linda Carty – not present

Mary-Jane Caron Revocable Trust – not present

Real & Francine Boyer – Mrs. Boyer asked if it is known where the houses will be located. Jenn McCourt said they have shown proposed driveway locations, test pit locations, and the required 50' building setbacks. She said the person buying the lot will probably determine where they want to place their house. Mrs. Boyer stated some may lose their view. Kathy Schnebel stated she and her husband are buying the Boyer property. She asked how many developers would be on this project. Bob Pike said he will probably sell to individual owners and builders. He said the development will have covenants, and he will make architectural approvals. Roger Schnebel asked about the maximum building height. Mr. Pike said it is 35' in Dunbarton. Mr. Schnebel asked what would be done if their well, foundation, or pool were affected by any blasting that might be done. Mr. Pike said he has not encountered any ledge and really cannot say. Mr. Schnebel said he has a concern of lights with the turns and cul-de-sacs. He asked if this would be an over-55 development. Attorney Dolder said it is a general development. Mr. Schnebel asked if school buses will be able to maneuver the cul-de-sacs. Jeff Crosby said the road is designed to accommodate larger vehicles. Mr. Schnebel asked if there would be underground utilities. Ms. McCourt said it would be underground communication and electric.

Evelyn Kantor Trust – Ms. Kantor asked if their water pressure would be affected and if there will be streetlights. Jenn McCourt said no streetlights are planned. She said substantial water tests were done on wells when an 83-unit townhouse project was being proposed and abutting wells were not affected. She noted there would be a lot less use with this proposal and that NH DES regulations address that. Ms. McCourt said these lots range from five to 24 acres each and the chances are fairly slim as they are meeting all standards.

Andrew & Heather Cummings – not present

Sifathullah Woodod & Rahimullah Woodod – not present

Joseph & Nicole French – Mr. French said he had no comments or questions.

Christian & Heather Leary – Mr. Leary noted their lot abuts the area where the mailboxes will be located. He asked if the area will be lit and if any trees are planned. Jenn McCourt said no lights or trees are planned.

William J Doucet Revocable Trust – not present

Brian & Brittney Zahn – not present

Charles Graybill Revocable Trust – not present

Thomas & Melissa Maille – not present

Arvid & Betsy Rain – not present

J & J Realty Trust – not present

Paul Bigelow – not present

Theresa Naser 1998 Trust – not present

Drew Family Living Trust – not present

Kenneth & Jennifer Proulx – not present

Professionals – Attorney Dolder, Surveyor Belanger, Engineer McCourt, Wetland Scientist TES Environmental Consultants (not present)

Notified of Development of Regional Impact:

Central NH Regional Planning Commission – review submitted.

Southern NH Planning Commission – no response

Town of Goffstown – email received; Goffstown Planning Board had no comments on the plan.

Towns of Weare, Bow, and Hopkinton – no responses

Hearing no further comments from the public, Chair Frost closed the public hearing and brought it back to the Board.

George Holt said he heard comments about lights from the mailbox and curve areas and requests for plantings/shading. Jenn McCourt spoke about elevations; Mr. Holt asked that she look at it further. Jeff Crosby noted that the first proposal heard was for a 43-lot subdivision and now a 25-lot subdivision is being proposed. He said the environmental impact, wells, septic, and traffic will all be far less. George Holt asked about signage. Ms. McCourt said that information will be put on the engineering plans. Mr. Holt addressed the

concerns mentioned about wells, noting there will be plenty of recharge with this size lots and the residential use will be far less.

The chair re-opened the hearing due to questions from the public.

Joe French suggested that the mailboxes be located at individual homes rather than clustered or maybe even smaller, scattered clusters. Donna presented a letter from the USPS that requires all developers to go directly to USPS for regulations on placement. The clustered arrangement is preferred.

Roger Schnebel asked to follow up on his question about potential damage due to blasting, acknowledging that the developer anticipates the need for blasting to be minimal. George Holt said if blasting becomes necessary it is typical that a survey of existing conditions is done prior to any blasting. Bob Pike said it is common practice that pre-blast surveys are done for every house, foundation, and water supply.

The public hearing was closed by the chair.

Ken Swayze moved to continue the application to the next meeting; Brian Pike seconded the motion. Board members were encouraged to do individual site walks. **All were in favor.** The next meeting will be held on July 21, 2021, at 7:00 p.m. in the Community Center of Dunbarton Elementary School. There will be no further notification.

OTHER BUSINESS

Zoning Ordinance review - It was agreed to hold a workshop on June 30th at 6:00 p.m. to review Articles 11, 12, and 13. Donna will distribute the documents to the group for review and comment.

Having no further business, **Brian Pike made a motion to adjourn at 8:54 p.m.; motion was seconded by George Holt. All were in favor. Meeting Adjourned.**

Respectfully submitted,
Donna White