

TOWN OF DUNBARTON, NH
PLANNING BOARD MEETING MINUTES
JULY 21, 2021, 7:00 PM AT DUNBARTON ELEMENTARY SCHOOL

APPROVED 8-18-21

Roll Call Attendance

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

Business

The chair confirmed with the secretary that this meeting was posted in two places and on the Town's website. It was noted that a full board was present; Ron Slocum would remain an alternate.

1. **Approval of Minutes:** **Ken Swayze moved to approve the minutes of June 16, 2021 regular meeting and June 30, 2021 workshop; Brian Pike seconded the motion.** The chair stated that Jennifer McCourt, engineer for the applicant heard at the meeting of June 16, 2021, submitted clarifications on a couple of areas of the minutes from her presentation. As he began to read the information submitted, Brian Pike spoke up, stating that these are the Board's minutes, and it is not up to the public to be changing them. There was discussion about the process of entering the changes as submitted, making note of them in the minutes of tonight's meeting. Donna explained that they would be reflected in the minutes as read by the chair; however, the actual minutes of June 16th would not be revised. The chair read Ms. McCourt's remarks for the top of page 4 of the minutes: As written - *Jenn McCourt said she used 30 mph outside the curve, decreased it to 20 mph going into the curve.* Clarification submitted – *Jenn McCourt said she used 30 mph outside the curve, utilizing AASHTO assumption that drivers will decrease their speed to 20 mph going into the curve.* The chair read Ms. McCourt's remarks for the bottom of page 5 of the minutes: As written – *Ms. McCourt said that information will be put on the engineering plans.* Clarification submitted – *Ms. McCourt said that information will be put on the engineering plans if that is the Board's wish.* **All were in favor of approving both sets of minutes as written.** Ron Slocum noted that he would abstain as he was not present for the workshop.
2. **Correspondence** – None
3. **Selectmen's Report** – Selectman Nault said he had nothing to report at this time.
4. **Building, Planning and Zoning Department Report** – Donna reported the following: a) A new application for a lot line adjustment was received; this will be on the August agenda. b) The ZBA has a case going to the newly established Housing Appeals Board. A pre-hearing conference is scheduled for July 27, 2021; the hearing will be sometime in September. c) A webinar on the mechanics of land use board meetings was recently attended by Donna and Chuck. Donna distributed the document via email to all Board members and encouraged everyone to review them as there was a lot of helpful information.

Old Business

Application 2021-PB-002 – Countryside Homes, LLC – 25-Lot Subdivision, Maps A3-01-04, B3-02-01, & B4-01-11, Stark Highway South in the Low-Density Residential District. Attorney Maria Dolder, Engineer Jennifer McCourt, and Highway Engineer Michael MacDonald with R. S. Audley were present as the applicant's agents. Applicant Bob Pike and the Town's review engineer Jim Donison of Northeast Engineering were also present.

The chair re-opened the public hearing and asked Donna to outline any administrative updates since the last meeting. Donna reported that the Conservation Commission was given a copy of the plans; Brett St. Clair has been in contact with Bob Pike. The Alteration of Terrain package has been delivered to the office and

submitted to the State. A copy of Michael MacDonald's letter, submitted at the June meeting, was sent to Jim Donison for review and comment.

Jenn McCourt gave a review of the plans as updated since the last meeting, explaining that the stormwater and subdivision features have been added. Ms. McCourt confirmed that the Alteration of Terrain permit packet has been submitted to the State. She reported that a box culvert will be installed at the wetland crossing at the request of the Conservation Commission. Ms. McCourt said she created sheets to depict the various stormwater areas; she reviewed each section, pointing out ponds, ditches, vegetated buffers, treatment swales, the box culvert, and easements. She also noted a 50' buffer easement so any runoff is treated before it gets to the wetlands. She also pointed out an area near the wetland crossing where there will be a 2:1 slope and guardrails. She explained that she verified with NH DES that driveways can go through the 50' vegetative buffer. Ms. McCourt pointed out a large detention pond at the intersection of Fairway Drive and Hilltop Lane that would collect flow from Fairway Drive. She said her calculations have taken into account 2-, 10-, and 50-year storm events, with the 2-year pre- and post- volume met.

Jenn McCourt said some abutters had voiced concerns about headlights on a couple of curves. She pointed out that there will be a 10' cut into the slope, making the road approximately 20' below any houses on the main curve. She noted that the centralized mailboxes would be near the upper curve. Ms. McCourt said, as she had stated before, they would be more than happy to place reduced speed signage.

George Holt asked about the outflow of the wetlands and pond at the 1800' point. Ms. McCourt said the outflow is at the other end of the pond. She spoke about raising the sub-grade and extending the ditch line in that area. Chuck Frost asked if any additional measures are needed to stabilize the material in that area. Ms. McCourt said there were not, as there are stable soils; she spoke about the raised road, culvert, and ditch. George Holt said the Conservation Commission asked for the box culvert because of new stream crossing rules. Ms. McCourt said it is a Tier 1 stream and she changed it from a 48" round culvert to a box culvert at Brett St. Clair's request.

Jenn McCourt said they have applied for the DOT and Alteration of Terrain permits; the wetlands permit should be done and submitted by the end of the week. Chuck Frost said he had emailed a list of questions to Ms. McCourt. Ms. McCourt referred to Maria Dolder for response. Attorney Dolder asked where the Board wanted to go with this and if they wanted to rehash the information as the questions were already covered at the last meeting. She noted that they meet the 150' radius subdivision requirement, both engineers have reviewed the questions and found there are no new technical questions, they have no further information to offer, and the previous letters and testimony stand. Mr. Frost said the engineer said snow and ice would melt quickly, saying he felt this was an optimistic approach and he wonders what would happen with actual snow and ice situations. The attorney said this happens on every road in the state. She said in talking with Ms. McCourt, there is no additional information to offer. Mr. Frost asked about pedestrians and children playing in the road. Ms. Dolder said she believed an additional 2' of road width was required to accommodate walkers and bikers, asking the road agent if that was correct. Mr. Crosby said that was correct, he is of the opinion to leave extra width to accommodate such things. He said people also have to be responsible for their own actions.

Attorney Dolder said she has been working with the USPS on the mailbox situation. She has been told they can request a waiver of the USPS requirement for centralized mailboxes. She said she knows the Town does not want the mailboxes in the ROW, whereas the USPS prefers the ROW. She would like to have it on the record that the Town does not want the mailboxes in the Town ROW. Jeff Crosby asked if she was talking about cluster mailboxes, otherwise they would be in front of the houses. Attorney Dolder said that was correct. She noted that the centralized mailboxes would be going on someone's private property, and the USPS feels they should be in the ROW thus avoiding maintenance problems of them being on private property. Mr. Crosby said he thought USPS requested that they be put together. Ms. Dolder said that was correct, but they can request a waiver of the USPS regulation. Chuck Frost said he understood the proposal at hand to be that the Town refuse to have the mailboxes in the Town's ROW. Brian Pike asked who would plow out the mailboxes if they were in the ROW. It was stated that the Town would be plowing. **Dave Nault moved to leave them as**

centralized mailboxes, not in the Town's ROW and not maintained by the Town; Brian Pike seconded the motion. George Holt asked what the problem would be with individual boxes at the houses. Ms. Dolder explained the USPS regulation. Jeff Crosby said if they are in the ROW, a plow operator has a front plow and wing plow on, leaving a huge bank in front of the mailboxes. He said the Town already gets complaints from people about snow in front of their mailbox; he would prefer they are not in the ROW. Ms. Dolder said there have been comments from abutters and the Board that it would be nice to have individual boxes. Mr. Crosby said he understands, but he is looking at it from the Road Agent's position. Brian Pike asked who would clear snow from the front of the mailboxes if centralized. Ms. Dolder said that is the issue; they are trying to deal with it through a waiver or having to create a homeowners' association. With no further discussion, members voted on the motion. **All were in favor of the motion.**

George Holt mentioned that a review letter received from the Town's engineer differs from the applicant's engineer. He asked if the Board could hear from Mr. Donison. The chair asked Jim Donison of Northeast Engineering to speak to his letter of July 12, 2021. Mr. Donison spoke about his review comments, noting that he referenced two AASHTO documents (2019 Low Volume and the standard AASHTO book for highway design). He stated that these documents are guidelines, not hard and fast, to follow, and engineers use their best judgment when doing road designs. Mr. Donison said he reviewed the roadway design and found the majority of it to be well designed. He said what he refers to as Curve #1 is of the most concern because of the 8% grade and 150' centerline radius, accentuated by an almost 90-degree turn. He said this is a very sharp radius. Mr. Donison said Curve #2 is of concern to a lesser extent. He said some of the reasons for his reservations are that the design engineer referred to speed limit signs; he has concerns of inexperienced drivers, first-time users of the road, and periods of slippery roads. He said residents will adjust, but he wonders why they would not design the road with a larger radius, noting his concern of safety. Dave Nault said it seems the grade would increase if they lessened the curve. Mr. Donison said he was not sure. Mr. Nault said the design meets the minimum requirements, and it does not look like the topography would allow for much change. George Holt said they could extend the length of the grade. Chuck Frost said they could do additional cut and fill.

George Holt asked Jim Donison what he would recommend and what would be a reasonable curve radius. Mr. Donison said he is not usually asked that as the design review engineer, and he does not like to answer that question. He read from Table 4-3 in the 2019 AASHTO Low-Volume book about recommended speeds on various radii for super-elevated designs. (20 mph-85'; 25 mph-155'; 30 mph-250') Mr. Holt asked Mr. Donison to look at a non-super-elevated curve. Mr. Donison said he would have to get back to him. Mr. Holt said the Town's regulations do not require super-elevation. Dave Nault stated that Jeff Crosby previously said he does not want super-elevated roads. Jeff Crosby said he finds super-elevations to be hazardous; a crowned road is preferred. He said the super-elevated road drives better, but we have not required it in the past. George Holt asked Jim Donison what he would recommend. Would it be enforcement signs? Change the curve? He said what he was trying to get at was 'is it safe?'. Mr. Donison said a larger radius would be better. Mr. Holt asked if 250' would work. Mr. Donison said it would, if not super-elevated. Mr. Holt said he feels the design is unsafe and could be safer. Mr. Donison said it could be safer. Ron Slocum mentioned that the applicant stated they would put up 20 mph signs. Dave Nault said the design seems to be within a reasonable range based on the table Mr. Donison referred to, the guidelines, and postings. Chuck Frost said he did not know a lower speed limit could be set. Jim Donison said a lower limit can be posted if conditions call for it. Mr. Frost said he was concerned about weather conditions here and how the same guidelines can be used for different parts of the country. Jim Donison said it is a guideline and all factors must be taken into consideration when designing a road. Brian Pike asked about Curve #2. Jim Donison said it is less of a concern because the slope and sharpness are less.

Jenn McCourt said Jim Donison has brought up more technical issues than in his review letter, and she would like to address those. Ms. McCourt said one table does not tell the whole story. She said to go to a super-elevated design would create more problems in her opinion. She explained the design process. Ms.

McCourt said AASHTO is an entire document, not one little piece to be used. She said it involves an engineer's judgement and the entire package. She said she feels posting signs at each side of the curve would be more than sufficient and would act as a traffic calming measure. Ms. McCourt said the 150' radius has a 1.37 safety factor, and with the number of houses, environmental factors, and localized traffic, she does believe the design is safe. George Holt asked what she would put for a speed. Ms. McCourt said 20 mph on the curve.

Ken Swayze asked Michael MacDonald if he had anything to offer at this time. Mr. MacDonald said he did not. George Holt asked Jim Donison if 20 mph signage would be sufficient to make the road reasonably safe. Mr. Donison said it would be satisfactory; he would put that in writing if asked. Mr. Donison asked if the Board wants to have a brand-new road with restrictions to begin with, considering construction costs as the main justification for it.

The chair opened the hearing to the public. Kathy Schnebel of 1017 Meadow Lane asked about the curve, noting shadowing, puddling, freezing concerns, and who would maintain the vegetation that shades the road. Attorney Dolder asked the chair if he would like them to respond to each question as it comes in; the chair said would be his preference. Jenn McCourt said there would be a 2:1 slope on the sides, and with the grade of the road and 2% crown, there would be no puddling. She said the road will run North/South so the sun will hit it. The tree line is 150' away so there will not be a whole lot of shade there. Ms. McCourt explained that the slope is being peeled back; there are not any trees there. Roger Schnebel asked if Lot 2 is where the detention pond is located, Ms. McCourt said that was correct. Hearing no further questions from the public, the chair closed the hearing to the public and brought it back to the Board.

Jeff Crosby pointed out that the access to this property is currently via Country Club Drive. He asked if that access would go away if the plan was approved. Bob Pike confirmed that is the access to the property. Mr. Crosby asked if construction vehicles would be using that road. Mr. Pike said R S Audley will be building the road, and only pick up trucks will be using that access. There will be no construction vehicles on that road; all staging will be elsewhere on the property.

Dave Nault asked if new owners will be advised of the airport on abutting property. Mr. Pike said the airstrip is still in use and is clearly marked on the plans. George Holt said he did a site walk at the property and had a question about a powerline easement on the eastern property boundary that brings power to adjacent property owners. Jenn McCourt said the actual easement is on Meadow Lane properties, and she is showing a line coming from one of those poles. She said Eversource has been discussing getting rid of some of the poles, time will tell what they decide to do.

Chuck Frost asked why they would design a new road with the expectation of 20 mph. Michael MacDonald said it was not designed that way. He spoke about design speed and speed limit, noting that signage for 20 mph was a concession to alleviate concerns. Mr. MacDonald spoke about factors involved in an engineer's judgement call, such as short duration trips, and he finds it acceptable and reasonable to expect to slow down. He said you do not design for a worst-case scenario; it is an engineer's judgement of what is reasonable. He noted that 20 mph reduced speed signs were not part of the proposed design. Jenn McCourt said they are looking at a steep, narrow strip, and a lot of work went into the design. She noted this is the best place for the road based on the topography. She said the design works, common sense comes into play, and the AASHTO guidelines do take into account all conditions and the environment.

Chuck Frost asked about the mailboxes. Attorney Dolder requested the Board move to vote for a conditional approval. Dave Nault said he felt they have all the information needed to vote, final questions have been addressed, and all the engineers have helped fill in gaps, and he is in favor of going forward with a vote; Ken Swayze seconded. Chuck Frost was not in favor of moving to a vote; remainder of Board members were in favor.

Jeff Crosby made a motion to approve Application 2021-PB-002 for Countryside Homes, LLC a 25-lot subdivision on Stark Highway South on Lots A3-01-04, B3-02-01, and B4-01-11, with the standard conditions of approval and the added condition of approval regarding 20 mph signage, as follows:

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 and minutes of June 16, 2021 and July 21, 2021, and other acknowledgements).
2. Approval and receipt of all other required local, state, and federal permits. As a result of such other permit approvals, there shall be no change(s) to the base plan(s) without re-consultation with the Board.
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, is completed prior to signing and filing of the mylar (e.g.: survey monumentation must be in compliance)
5. Preparation, submittal, and filing of all deeds, legal instruments, and/or documents required or intended to be filed at the Merrimack County Registry of Deeds, in such content and form acceptable to the Town.
6. Placement of 20 mph speed limit caution signs on either side of the curves of the road in appropriate location.

Dave Nault and Ken Swayze seconded the motion.

George Holt said he would go with the town's engineer and ask why allow a road that could be better. He said everyone has the right to subdivide their property but not all property is subdividable. He read Section V (B) of the subdivision regulations. Mr. Holt said this is a new subdivision and he is not sure why the Board would cave to this. He read Section V (C) of the regulations, noting that the town engineer says it could have been done better and he will vote against the motion. Brian Pike said he does not disagree with Mr. Holt, but the rules are laid out. He said the applicant has met those requirements, and the Board needs to follow their own rules. Mr. Pike said he does not see why the Board would deny the application, agreeing they should do better. George Holt said the plan does meet the subdivision regulations; however, safety should be first. He gave examples of other roads/curves around town, saying it is incumbent on the Planning Board to not approve the application. Ron Slocum read Section V (F. b) of the subdivision regulations. He also read Section V (G – 150' centerline radius and H – 8% grade), noting that the regulations state what they can do, and they have done that. Mr. Slocum said the Board cannot deny the application because of the 150' radius, it would be illegal, the safety is there, and the Board needs to re-write the regulations if they don't like them. He said speed reduction has been offered. George Holt disagreed; safety should come first. Ron Slocum said the Board has to mitigate the concerns the best they can. Chuck Frost said he agreed with George Holt, referring to Section V (B & C). He said the town engineer has recommended options, and it does not make sense to approve this. Brian Pike and Ron Slocum stated that the rules have been met. Mr. Slocum asked if they are saying the rules do not apply because they do not like it. Mr. Frost asked why bother having the town engineer review the plans if they are not going to listen to him; they could just do their own administrative review. Brian Pike asked George Holt if he is saying the regulations are not safe. Ken Swayze called the question, thanking Ron Slocum for his comments as he was right on the money. **In favor of the motion: Dave Nault, Jeff Crosby, Alison Vallieres, Brian Pike, Ken Swayze. Opposed to the motion: Chuck Frost, George Holt.**

Motion passed 5-2.

Other Business

School Street Café – Donna said an electrical permit was recently issued for the café. At the time of inspection, it was discovered that the electrical work was for the installation of a commercial range. During initial meetings with the owners of the café in 2018, there was discussion about limited food preparation being done onsite. Donna explained that she and the building inspector/code enforcement officer wanted to clarify with the

Board that the restriction was temporary until the ZBA issued a special exception for an eating and drinking establishment. After brief discussion, Dave Nault made a motion that the Board was in consensus that cooking onsite is permitted; seconded by Brian Pike. Alison Vallieres abstained from voting due to the fact she is a member of the ZBA who issued the approval; all others were in favor of the motion. The operators of the café were in attendance; they were informed they can do food preparation onsite but are not to use the new stove until they have the required venting and final approval from the building inspector.

Regulations – Alison Vallieres said the regulations need to be updated so the Board does not continue to come up against situations like seen recently with open space and road designs. It was agreed that the regulations should be reviewed once the review of the Zoning Ordinance has been completed.

Zoning Ordinance review – All sections, other than Open Space Subdivisions, have been covered. The OS sub-committee will meet on July 27th at 6:00 p.m. at George's house. A workshop was scheduled for review of the sub-committee's draft proposal on August 4, 2021.

Brian Pike moved to adjourn the meeting at 9:04 p.m.; seconded by Ken Swayze. All were in favor.

Respectfully submitted,

Donna White