

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

March 17, 2021 ~ 7:00 p.m. ~ Dunbarton Elementary School & via Zoom

The chair opened the meeting by introducing the board members.

ROLL CALL ATTENDANCE

Jeff Crosby, Ex-Officio Dave Nault, Chair Chuck Frost, Secretary Ken Swayze, Alison Vallieres, Alternate Ron Slocum. Vice-Chair George Holt was present via Zoom.

The chair stated that a quorum is present; Ron Slocum will be a voting member in the absence of Brian Pike.

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. Zoom access info was posted on the website calendar.

1. Approval of Minutes: **Ken Swayze made a motion to approve the minutes of the January 20, 2021 regular meeting; seconded by Dave Nault. All were in favor.**
2. Correspondence/General: None
3. Selectmen's Office Report: Selectman Nault reported the following: 1) asbestos was found in the damaged town-owned property at 41 Kimball Pond Road. Asbestos abatement has been completed; the house will be razed when road limits are lifted. 2) survey of Kelsea Road was completed; additional information has been sent to the surveyor, there may be some changes.
4. Planning/Building Department Report: Nothing to report at this time.

OLD BUSINESS – None

NEW BUSINESS

Application 2021-PB-001, Countryside Homes, LLC – 43-Lot Open Space Residential Subdivision, Lots 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 (via Zoom), and Surveyor Jacques Belanger were present as the applicant's agents.

Donna White introduced the application as follows: Existing three lots, totaling 240.78 acres, to be consolidated, then subdivided into 43 homestead lots, five open space areas, and one common area. The open space ordinance regulations allow reduced lot sizes and frontages, offset by large tracts of common land. Each proposed lot meets the required minimum of two acres and 125' of frontage and depicts the 40' setbacks permitted by the open space ordinance. The open space areas total 130.60 acres and the common area, for the use of residents of Countryside, is 2.55 acres.

The chair said he would like to begin with the waivers submitted with the application.

Ms. McCourt stated they are requesting the following waiver from the Subdivision Regulations: Section V. F. b Maximum Dwelling Units: Single-access Road. No proposal for a new single-access roadway layout shall serve more than twenty-five (25) dwelling units; and shall demonstrate to the satisfaction of the Board that the overall roadway system design and subdivision layout incorporates design features conducive to efficient travel, public safety, and the protection of property and the community residents therein. The basis for required improvements shall be in accordance with the road design and fire suppression standards referenced herein.

The following are the grounds for the requested waiver:

The waiver request is to allow Fairway Drive with two 14-foot travel lanes separated by 24-foot island be considered a secondary access to the development. The area between the lanes will be a ditch and contain shrubbery. Part of the design is to create the first connection between lanes at about 900 feet because of the lack of homestead lots and then continue at about 500 feet intervals. The only access from a public class 5 roadway for the three lots totaling 240.78 acres is 420.08 feet of frontage on NH Route 13. New Hampshire Department of Transportation would not allow a second major access on that frontage. The hardship is allowing reasonable development of the property. The existing access to the property is through a private easement across multiple properties that cannot be expanded. Public safety will be protected since the cable, electric and telephone shall be under-ground and the location is within the existing fairways with no large trees. The proposed roadway balances environmental impact, property owner's rights and safety.

Ms. McCourt read from the review engineer's: *If the Planning Board does vote to approve the 10% grade waiver, it is recommended that breaks in the center median at stations 10+00, 15+00 and 20+00 not be approved, as these left turns on a 10% grade with a 14 foot roadway lane width may result in vehicle safety issues.* Ms. McCourt said there could be a couple of options to address the concern during winter conditions: 1) erect signs 'for authorized use only'; 2) not plow the crossovers. Ms. McCourt referred to a board member's concern on the status report about a tight radius. She noted that 150' radius at centerline is standard on 8% grades; she increased the radius to 200' to accommodate the 10% grade. Ms. McCourt explained that this type of design works well as a secondary access at the applicant's subdivision in Bow.

Ken Swayze made a motion to grant the waiver as presented. Several board members spoke up about having questions. It was agreed that discussion could continue. **Dave Nault seconded the motion.**

Jeff Crosby asked to clarify an earlier statement about the existing access being through a private easement. He asked if this was going to be a deeded road. Ms. McCourt clarified that the current access to the property is via Country Club Drive; that access would be discontinued. The new access would definitely be a deeded road. Mr. Crosby asked for a better understanding of the 'boulevard' as he still sees it as one access and wonders how that achieves the requirement. Ms. McCourt explained that it would be two parallel roads, separated by a median. She said if one side is closed due to an accident or other emergency, they have the other side to use. She said it is not like a single road that would be closed if there was a problem. Maria Dolder stated it provides dual access for emergencies, being two separated streets, providing ways in and out. Ms. McCourt noted that this same design was approved by the Planning Board when the property was before them for an 88-unit with golf course plan.

Ron Slocum pointed out that the two lanes do not start for a distance in from the main road, noting that the entrance can be the weakest link. Ms. McCourt stated that the dual lanes cannot start until out of the DOT right-of-way. She said there will be underground utilities and no large trees to pose problems. One access point is allowed for the frontage they have. Fire Chief Jon Wiggin asked what the width would be at the entrance from Route 13, the length of the divided section, and how many crossovers were proposed. Ms. McCourt said the entrance width is 24' and widens out at a 50 to 1 taper, and the start of the divide would be 138' from the edge of pavement at Route 13. Ken Swayze showed the chief the length of the divided section (3,000') and crossovers (four, 24' width) on the plans. The chief asked Ms. McCourt if the entrance could be wider. She said she would have to go to DOT, noting that a letter from the chief might help, and she *might* be able to get 36'. Chief Wiggin said it would allow more room to maneuver around in the event of an incident at the entrance.

There was discussion about winter maintenance of the crossovers. Attorney Dolder stated they feel it is a safety issue and the crossovers should be open. Jeff Crosby spoke about crossovers on significant slopes, noting that the driveways do not line up with the crossovers. He questioned if people might use a crossover above their driveway, driving down the wrong way to get there rather than go to a crossover further down the road. He also spoke about the possibility of winter conditions being difficult. Jeff said he understands the boulevard theory but is not sure about the crossovers. Chuck Frost asked if there would be a visibility problem in the area of the two crossovers on the curves. Ms. McCourt said they are designed for sufficient sight line. She said she could remove those on the 10% grade if that is the Board's preference and was approved by the fire chief, adding that it could be a safety issue to get to the homes on the other side.

Review engineer, Jim Donison of Northeast Engineering, spoke about the waiver request. He said he agrees with the fire chief's comments on the dual access, noting that this type of entrance is seen throughout the area quite often. Mr. Donison said he has no problem with the engineering standards but had highlighted the breaks in the median on the 10% grade. He said he feels these could still be problematic on an 8% grade. He said he would agree with the waiver request if the fire and police departments agree.

Hearing no further comment from the board, department heads, or review engineer, the chair called for a vote on the motion to approve the waiver. **All were in favor. Waiver granted; unanimously.**

The chair asked Ms. McCourt to proceed with the next waiver request. Ms. McCourt read the request as follows: Section V. H. Grades of all streets shall conform in general to the terrain and shall not exceed 8%. No street shall have a grade less than 1%.

The following are the grounds for the requested waiver:

The waiver request is to increase the grade of the road in three areas from eight percent (8%) to ten percent (10%). The proposed area includes Fairway Drive from Stations 9+40 to 20+25 (1,085 feet). The New Hampshire Department of Transportation Minimum Geometric & Structural Guides for Local Roads and Streets provides for a maximum grade of ten percent (10%). The length of the higher grade will not cause accessibility problems, but they do save in environmental impact of clearing more land. The existing grades on site are steep and utilizing a 10 percent instead of 8% will save creating excessive cuts and fills equaling over seventeen (17) feet in depth.

Ms. McCourt corrected a statement read on the grounds for this waiver, noting that there is just one area where this would be necessary. She said to get the 8% grade would require excessive cuts and fills or extending the road farther. Referring to board member comments, Ms. McCourt said there was concern on one tight radius. She noted that the town's regulations allow for a 150' radius at the centerline on an 8% grade; she increased the radius to 200' on the 10% grade. The shoulders are at a 4:1 slope, which DOT considers traversable, and there should be no major problems.

George Holt stated that the waiver to allow 10% grade itself is not the issue; however, the curve, downhill slope, and turning into driveways during the winter make him question if the design is a safe condition. He said he looked at AASHTO standards and would feel more comfortable if a transportation engineer certified it is a safe situation. Ms. McCourt said she is a civil engineer and has used and quoted DOT specifications. Mr. Holt said he is hesitant to approve at 10% with the curve there unless they could mitigate to a lower slope or increased radius. Jeff Crosby asked Ms. McCourt if an 8% grade could be achieved. She said it could be done with a 17' cut and probably some blasting of granite. Mr. Crosby said the entire project is a pretty big environmental impact anyway. He wondered if they could split the difference to 9% and modify the corner. Ms. McCourt said there would be a huge environmental impact reducing the grade with cuts and fills, drainage, and access to the lots along there. She spoke about the conceptual meeting held with the Board in August, understanding it was not binding, when they thought the board was pretty much set with the 10% grade. She said the modifications would change the character of the project, noting that she has already shortened the slope length by 200'. Jeff Crosby stated that 8% is still a pretty good grade. Ms. McCourt referred to the review engineer's report where he mentioned other towns that allow 10% grades. Jeff said he applauds Ms. McCourt for keeping the catch basins out of the road surface.

Chuck Frost stated he has concerns with the curve on 10% grade and agrees with George and Jeff. He spoke about hills in Dunbarton and related issues, saying he would like to see some improvement to this design. Ms. McCourt said anything over 12% grade is typically where problems occur. She pointed out that this road runs north to south and would receive a lot of sunlight. She spoke about the possibility of putting in guardrails, maybe lengthening the road, the fact there are no trees to shade this section, no curbing to prevent water from leaving the road, and how she feels this is the best layout. Jeff Crosby agreed the road is facing south, getting lots of sun and that is huge; however, it will still be slippery but should clear up well. He asked if installing guardrails might make people more comfortable with the slope. Ms. McCourt noted that the 4:1 slope is on the uphill and there is a 24' median. She said if the Board thinks guardrails are appropriate, she could put it in the plan, but she does not see it.

Review engineer Jim Donison said he agrees with the road agent, 8% is already a steep road, and he recommends not approving anything greater than 8%. He said the Town has a good subdivision regulation and

safety issues trump the environmental impact of increased cuts. Jenn McCourt noted that Mr. Donison cited other towns with 10% grades, saying she would like some reasoning of why 8% to 10% is such a concern. Mr. Donison said his experience with different public works departments has been that light snow on an 8% grade can be an issue, again pointing out the Town's regulation is for a maximum of 8%.

George Holt said if the board does not approve the waiver now, it does not mean it cannot be reconsidered with a different curve layout. Ken Swayze noted there are towns that allow 9% and 10%. Chuck Frost read from the review engineer's report about maximum grade allowances: Hooksett 8%; Concord 8%; Goffstown 8%; Weare 9%; Bow 10%; NH DOT 10%. Dave Nault said the 10% grade was discussed during the conceptual consultation with the applicant, and the board was somewhat in agreement with the grade. Attorney Dolder agreed that the board did not seem to have an issue with these two items being discussed for waivers, so they went forward with the plan. She noted that the main concern voiced by board members was about the 125' frontage and two-acre lot size. She said this was addressed before the application was submitted, reducing the number of lots from 46 to 43.

Ken Swayze asked Ms. McCourt if she can do an 8% grade. She said she would have to say no, not to have a real development. She said she could look at the one radius, making it bigger, and might be able to get a little less than 10% but wonders if it would amount to enough to satisfy the board. Ms. McCourt pointed out they are dealing with a pond, lot accesses, and trying to create an effective development. Jeff Crosby said the board needs to give the applicant an answer. Ken Swayze said he would suggest the applicant look at a redesign. Ms. McCourt said she could probably soften the curve but does not see getting it down to 8%. She asked if the board is saying 8% is the regulation and there is no possibility of a waiver. Chuck Frost said the board would have to see what the applicant can do; they cannot just give an answer. Ms. McCourt said she had thought 10% was a possibility; she will have to go back to the drawing board. Attorney Dolder said they have taken six months since the conceptual meeting to meet what the board seemed to be looking for. She said she is not sure the applicant is up to spending another six months to get 1%. Ms. Dolder said this waiver is of the utmost importance.

Hearing no further discussion, the chair asked for a motion. **George Holt made a motion to deny the waiver; seconded by Alison Vallieres.** Jeff Crosby said he wants to be sure not to lead the applicant down the road as they felt they were from the conceptual. He said he is going with the review engineer's recommendation. **In favor of the motion: George Holt, Jeff Crosby, Chuck Frost, Alison Vallieres, Ken Swayze. Opposed to the motion: Ron Slocum, Dave Nault. Motion passed; waiver denied (5-2).** Ken Swayze stated that the project is at a standstill; the applicant has to start over.

Ms. McCourt asked for a continuance of the application to allow them time to look at the project; if they can't accomplish what is being asked, they would have to withdraw. Dave Nault said the applicant came to the board for a conceptual and the board told them the 10% seemed doable. He said it seems reasonable to continue the application to allow the applicant time to revise the plan and see what can be done. Attorney Dolder and Ms. McCourt discussed the amount of time needed to make revisions; it was agreed they would like to return for the May meeting. **Dave Nault made a motion to continue the application to the May 19th Planning Board meeting; seconded by Ken Swayze. All were in favor.** Donna White announced that the meeting would be at 7:00 p.m. in the same location (provided the facility is available; advised public to check for public notice or call the office); there would be no further notification.

OTHER BUSINESS

Map C7-02-04, 160 Twist Hill Road – Rob Degan from S & H Land Services explained that their client is looking to purchase this property, and it has been discovered there are problems with the deed. He explained the layout and known history of this (the original lot) and two abutting lots that now have houses.

Having no further business, **Alison Vallieres made a motion to adjourn at 8:57 p.m.; motion was seconded by George Holt. All were in favor. Meeting Adjourned.**

Respectfully submitted,
Donna White