

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

September 16, 2020 ~ 7:00 p.m. at Town Office Meeting room

IN ATTENDANCE Brian Pike, Alison Vallieres, Alternate Ron Slocum, Chair Chuck Frost, Vice-Chair George Holt, Secretary Ken Swayze, Ex-Officio Dave Nault, Jeff Crosby, B/P/Z Administrator Donna White

BUSINESS Secretary Ken Swayze stated that meeting notices were posted on the Town's bulletin board and website.

1. **Approval of Minutes:** **George Holt made a motion to accept the minutes of the August 19, 2020 meeting as presented; Brian Pike seconded the motion.** There was no discussion. **All were in favor.**
2. **Correspondence/General:** Donna reported on new legislation that allows planning boards to post public hearings for zoning amendments on their Town's website and two other locations, with no requirement for notice in a locally published newspaper.
3. **Selectmen's Office Report:** Dave Nault reported the following: 1) The primary election went very well in town; everything went smoothly, there were four voters without masks, a couple voted outside. The Secretary of State's office audited the event and said a great job was done with setting up. Counting of ballots ended about 10:40 p.m.
4. **Planning/Building Department Report:** Donna informed board members of the following: 1) Mr. Baier, on the agenda for a waiver of site plan review, missed the ZBA deadline for the September meeting so will be going to the ZBA in October. His PB application was continued from the last meeting to an indefinite date. 2) Outstanding applications include: a) LLA – deeds needed in order to go to registry; b) subdivision – shared driveway needs to be widened in order to finalize and go to registry; c) LLA/merger – application on hold; has not been before the PB yet.

OLD BUSINESS

Application #2020-PB-004, 131 North Stark Highway Realty Trust – Three-lot Subdivision of Tax Map G3-03-03, Stark Highway North, in the Medium-Density Residential District. Donna reported that State subdivision approval has been received, and lot numbers have been assigned for the newly created lots. She recommended that the plan be approved, with the condition that NH DOT driveway permits are issued.

Jacques Belanger, agent for the applicant, stated he has been in communication with Scott Looney from DOT who had a question about a secondary access on the northerly lot. He said that must be straightened out and expects to have it settled soon. Dave Nault asked if an existing well by the concrete pad would be sealed off. Mr. Belanger said it cannot be used for potable water due to salt infiltration, but they may possibly use it for irrigation. There was discussion on the matter; it was agreed that a note about the non-potable water well should be added to the plan.

The chair opened the hearing to the public; hearing none, he brought it back to the Board. There was no further discussion. **Ken Swayze moved to approve the proposed subdivision for 131 North Stark Highway Realty Trust of Tax Lot G3-03-03, dividing one 9.73-acre parcel**

located on Stark Highway North into three residential lots in the Medium-Density Residential District. 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 August 19, 2020 and September 16, 2020, and other acknowledgments). *A note is to be added to the plan, referencing the status of an existing well as being non-potable.*
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. *NH DOT driveway permits are required.*
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 the signing and filing of the mylar (i.e. 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.

Brian Pike seconded the motion. All were in favor.

Application #2020-PB-005, Michael & Dana Baier – Request for Waiver of Site Plan Review, Tax Map B7-01-08, 233 Twist Hill Road in the Low-Density Residential District. (continued indefinitely)

NEW BUSINESS

Application #2020-PB-006, Mark G Kilmister and Matthew J & Cassandra E Delude – Lot Line Adjustment, Tax Map F3-02-01 and G3-01-10, Barnard Hill Road and Samuels Court in the Low-Density Residential District. Donna gave a summary of the application as follows: The intent of the plan is to annex 11.28 acres from Lot F3-02-01 to Lot G3-01-10. After adjustment, Lot F3-02-01 would have 12.06 acres and Lot G3-01-10 would have 14.87 acres. There are two waiver requests to be addressed. Except for the waiver requests, all checklist items have been met, and the application is sufficiently complete to move to public hearing.

Ron Slocum stated he has a professional relationship with one of the applicants; he feels he could act impartially when discussing the application but wants to bring this to the Board's attention. The chair said it is best to step down if there is any question at all. It was noted that there is a full board, and Mr. Slocum would not be voting on the application. Brian Pike agreed, mentioning the perception that could be given if he remained on the Board. Mr. Slocum recused himself and moved to the audience. It was pointed out that there have been recent cases where a board member had made a similar disclosure but remained on the board because the members did not feel there was a

conflict.

Jacques Belanger, representing the applicants, addressed the waiver requests.

- a. 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. Mr. Belanger said this is a basic lot line adjustment, therefore he has not delineated any wetlands.
- b. Section VII 6: Location and description of each permanent monument and benchmark including primary control points and reference to a USGS benchmark. Mr. Belanger said he has not shown topography for this simple lot line adjustment, therefore there is no need to show the USGS benchmark.

Ken Swayze made a motion to grant the two waivers; seconded by George Holt. Mr. Holt said he is concerned about future development if the wetlands are not shown. Mr. Belanger said there is no big wet area, noting that the parcel has been logged and skidders have been all through it. He pointed out a small wet area. Jeff Crosby said he has no problem with the plan. He said if they want to subdivide later, the wetland can be addressed at that time. Ken Swayze stated this is a simple real estate transaction. **All were in favor of the motion.**

Ken Swayze moved to accept the application as complete and move to public hearing; seconded by Jeff Crosby. All were in favor.

Jacques Belanger showed the location of the two parcels and explained the details of the lot line adjustment. Both lots are residential use; there is one monument to be set. George Holt asked if the acreage being transferred will remain in Current Use. Mr. Belanger said it would, unless developed.

The chair opened the hearing to the public. Applicant Mark Kilmister said he is a fourth-generation owner and is happy to see someone acquire the land and leave it as is. Hearing nothing further from the public, the chair returned the hearing to the Board. **Ken Swayze moved to approve the proposed lot line adjustment for Mark G Kilmister of Tax Lot F3-02-01 and Matthew J & Cassandra E Delude of Tax Lot G3-01-10. 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 September 16, 2020, and other acknowledgments).**
- 2. Payment of all fees and costs associated with the Dunbarton Planning Board application process.**
- 3. That all specified work and improvements at the site, as specified by the Land Subdivision Regulations, is completed prior to the signing and filing of the mylar (i.e. survey monumentation must be in compliance.).**
- 4. 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. *New deeds to be submitted to Planning Office with the final plan mylar.***

George Holt seconded the motion. All were in favor. Ron Slocum returned to the table.

OTHER BUSINESS

Acceptance of new/revised applications – Board members have reviewed ‘interim’ lot line adjustment and subdivision applications and been asked to provide comment/recommended changes. At the last meeting, Ken suggested adding verbiage to address the number of meetings typically involved with each process to let applicants know what to expect. Dave Nault said he did not initially like the idea of adding timing to the cover letter but now sees that it makes sense with the way it has been worded.

Brian Pike made a motion to accept the new lot line adjustment application and revised subdivision application as presented with that change; seconded by Dave Nault. All were in favor.

Zoning Ordinance review – The chair said it has been a while since the sub-committee last met to work on the review of the Zoning Ordinance due to COVID-19. He asked if members are interested in getting back to the project. Several members said they would be willing to work on the project. Ken Swayze spoke about a discussion from the last meeting about the process of reviewing new applications. There was brief discussion about both matters, and it was agreed to re-instate the first Wednesday of the month workshops. The review will pick up with Article 5; Donna will distribute the section to board members for review and comment. These workshops are open to all board members and are considered public meetings, not hearings, and are noticed accordingly. The first workshop was scheduled for October 7th at 7:00 p.m.

Boulevard – Jeff Crosby asked for clarification on the boulevard proposed during last month's conceptual consultation. There was discussion on how the boulevard would provide dual access to the subdivision, thus addressing subdivision regulation requirements.

With no other business before the Board, **Brian Pike moved to adjourn the meeting at 8:05 p.m. Ken Swayze seconded the motion. All in favor.**

Respectfully submitted,
Donna White