

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

December 16, 2020 ~ 7:00 p.m. ~ via Zoom

The chair opened the meeting by reading the Right-to-Know Law Meeting Checklist as follows:

As Chair of the Dunbarton Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, I find that an emergency exists and that this Board is authorized to hold a meeting electronically and no physical quorum of the public body is necessary. This evening there is no physical location for this meeting.

In accordance with the Emergency Order, this is to confirm that we are:

a) *Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means;*

We are utilizing the Zoom platform for the electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #1-929-205-6099 and password 196787, or by clicking on the following website address: <https://tinyurl.com/y4lofjy4>.

b) *Providing public notice of the necessary information for accessing the meeting;*

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the Town of Dunbarton's website at [www.dunbartonnh.org](http://www.dunbartonnh.org).

c) *Providing a mechanism for the public to alert the public body during the meeting if there are problems with access;*

If anybody has a problem, please call 603-831-8670 or email [building@dunbartonnh.org](mailto:building@dunbartonnh.org).

d) *Adjourning the meeting if the public is unable to access the meeting.*

In the event the public is unable to electronically access the meeting, we will adjourn the meeting and have it rescheduled at that time.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When a member states their presence via Zoom, **also please state whether there is anyone in the room with you during this meeting**, which is required under the Right-to-Know law.

**ROLL CALL ATTENDANCE** Chair Chuck Frost (daughter, Danette Slater is in the next room), Vice-Chair George Holt (pup, Caleb, is in the room), Brian Pike (there is nobody else in the room), Alternate Ron Slocum (there is nobody else in the room), and B/P/Z Office Administrator Donna White (there is nobody else in the room). Secretary Ken Swayze – not present; Alison Vallieres – not present; Jeff Crosby – not present; Ex-officio Dave Nault – not present.

The chair stated that a quorum is present; Ron Slocum will be a voting member for this meeting.

### **BUSINESS**

Donna confirmed that notices of this meeting were posted on the Town's website and two boards at the Town Offices. Zoom access information was provided to the public.

1. **Approval of Minutes:** Brian Pike made a motion to approve the minutes of the November 18, 2020 regular meeting and the November 18, 2020 zoning ordinance review workshop; seconded by George Holt. Roll call vote: Chuck Frost – yes; Brian Pike – yes; George Holt – yes; Ron Slocum -yes. **Approved.**

2. **Correspondence/General:** None

3. **Selectmen's Office Report:** In Dave's absence, Donna reported that there have been two positive cases of COVID-19 involving Town employees. As a precaution, the Transfer Station and the Town Offices are closed this week. When the Town Offices re-open on the 21<sup>st</sup>, business will be conducted via phone, email, and appointment only.

4. **Planning/Building Department Report:** Donna reported that next Monday is the application deadline for the January meeting. She has been communicating with the agents for the proposed open space subdivision but is not sure if they plan to submit anything at this point. There has been no further communication from Mr. Guiney or his agent about his proposed subdivision.

**OLD BUSINESS** – None

**NEW BUSINESS** – None

### **OTHER BUSINESS**

1. Article 5 Review – Board members have been reviewing **Article 5, Wetland Conservation District**, of the Zoning Ordinance for the last couple of months. Suggested changes have been submitted and incorporated into the text of the article. Donna shared the complete text with those in attendance. The group reviewed each of the changes. There was discussion about the National Wetlands Inventory (NWI) map. George said the NWI, a guide to the extent of wetlands, shows a lot of wetlands throughout the town, noting that the only ones the Board would be concerned with are those that are contiguous. He said this only applies to areas contiguous to great ponds and streams, and there is a 125' buffer around those wetland areas. One of the changes to section **B. Wetland Conservation District Defined** is to replace 'adjacent Group 1 soils as depicted on the wetlands soils map in the Town Offices with 'contiguous wetland soils'. An additional paragraph will be added about the NWI and that field-conducted wetland delineation will be required. Ron asked where the Wetland Conservation District map can be found. Donna has the original in her office. Ron suggested that applicants should be able to easily access the map if it is required by the Ordinance. He said a clear link is needed. George said it is more conceptual in the Ordinance; all wetlands need to be verified. There was discussion about wetland areas versus the Wetland Conservation District. The group reviewed the entire article and agreed to the text as presented. Wording for the proposed zoning amendment was also reviewed and approved. Donna will add the reason for the amendment, to include updating the Town's delineation method to be comparable with that of NH DES.

It was agreed to review the next proposed amendment and take them up as one slate.

2. Article 12 Review – The group reviewed proposed language submitted by the Building Inspector, requiring a certified foundation/footing plan on new construction that may encroach on the lot's setback. Donna explained that there have been a few situations in town where the encroachment was questioned, there was a delay in the receipt of a certified plot plan, and the project ended up having to go to the Zoning Board for a variance. The certified plot plan shows the setbacks but unless the foundation or footings are verified, there is no guarantee that the structure is in the correct location. Ron asked if foundation and footing are defined in the Ordinance, citing different types that might be used. Donna said she would check the building codes that are in place to see if they define the terms. There was brief discussion about the need to clarify the terms; it was agreed to move forward with this amendment. If a definition is needed, it can be added at the time of the public hearing held for the proposed amendments. The proposed amendment language was reviewed; all were in agreement with wording.

**George Holt made a motion to approve both zoning amendments are presented; Brian Pike seconded the motion. A roll call vote was taken: Chuck Frost – yes; Brian Pike – yes; Ron Slocum – yes; George Holt – yes. Approved.** Amendment text will be included at the end of these minutes.

It was agreed to hold the zoning amendment public hearing on the same date as the January meeting, January 20, 2021. Donna will notify the group of the time once she knows if there will be any applications on that meeting's agenda.

Having no further business, **Brian Pike made a motion to adjourn at 7:52 p.m.; motion was seconded by George Holt. A roll call vote was taken: Chuck Frost – yes; Brian Pike – yes; Ron Slocum – yes; George Holt – yes. Meeting Adjourned.**

Respectfully submitted,  
Donna White

#### Proposed wording for Article 5 amendments 12-16-20

Are you in favor of the adoption of Amendment #X as proposed by the Dunbarton Planning Board for the Dunbarton Zoning Ordinance as follows: to amend **Article 5, Wetland Conservation District** with the following changes:

- 1) **Section B - Wetland Conservation District Defined** – *replace* ‘adjacent Group 1 soils as depicted on the wetlands soils map in the Town Offices’ **with** ‘contiguous wetland soils’ **and delete** the list of Group 1 soils. *Add* the following paragraph: ‘The Wetland Conservation District Map is based on the current National Wetlands Inventory map and provides a general indication of the location of the larger wetlands in the community. Field verification of the actual Wetland Conservation District boundary is required through a field-conducted wetland delineation.’
- 2) **Section F - Procedural Requirements** – Subsection 1 – *replace* ‘by means of a High Intensity Soils Survey map prepared by a Certified Soil Scientist’ **with** ‘by means of a wetland delineation’. *Add* the following paragraph as Subsection 2: ‘Wetland delineation (identification of wetland boundaries) requires a field-conducted evaluation of soils, hydrology, and plants by a Certified Wetland Scientist, unless exempted under New Hampshire law (RSA 310-A or RSA 482-A or administrative rules Env-Vt 100-800. Three indicators are used to identify wetlands: a. The presence of water at or near the ground surface for part of the growing season. b. The presence of hydric soils. c. The predominance of plants that are adapted to living in saturated soils. Wetland delineations shall be conducted in accordance with current NHDES Wetlands Bureau Rules, as amended.’ *Renumber* remaining subsections. Subsection 4 – *replace* ‘Certified Soil Scientist’ **with** ‘Certified Wetland Scientist’.

Reason: To update the article and make consistent with NH Department of Environmental Services protocol.

#### Proposed wording for Article 12 amendment 12-16-20

Are you in favor of the adoption of Amendment #X as proposed by the Dunbarton Planning Board for the Dunbarton Zoning Ordinance as follows: to amend **Article 12, Section B. Building Permit Procedure** by adding the following: **3. Application** - b. Footings/foundations for all new building construction will be certified by a State of New Hampshire licensed land surveyor prior to any further construction. The Building Inspector or his/her agent may waive this requirement if in his/her opinion it is obvious there are no setback encroachments.

Reason: There have been several cases where a structure has been discovered to be in a setback during the construction process. The case then has to go before the Zoning Board for a variance or be moved. Having the foundation/footing verified prior to construction would help avoid this situation.