

PLANNING BOARD WORKSHOP MINUTES
OCTOBER 6, 2021, 7:00 PM AT TOWN OFFICE MEETING ROOM

Roll Call Attendance

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

Ex-Officio Dave Nault recused himself from the Guiney/Kelsea Road discussion; Ex-Officio Alternate Michael Kaminski took the seat at the table. Michael Guiney stated that he would be recording the meeting. George Holt, acting chair, stated that this is an informal, non-binding discussion.

Application #2021-PB-004 – Michael Guiney – Six-lot Subdivision, Lot B6-01-05 on Kelsea Road in the Low-Density Residential District. Applicant Michael Guiney and his agents, attorney Pat Panciocco and surveyor Ed Rogers, were present. Abutters Josh and Leigh Nault were also present.

Ed Rogers distributed a conceptual plan for a turnaround at the end of the Class V portion of Kelsea Road, noting he addressed concerns heard as he felt that was the focus of discussion at the September meeting. Mr. Rogers said that Mike Guiney pointed out to him that the Wetland Conservation District was incorrectly drawn. He said he went back and checked the Town's GIS information and adjusted the limit of the wetlands accordingly. George Holt said the wetlands would need to be field verified; Mr. Rogers will discuss this with the wetland scientist. He said the adjustment to the wetlands frees up an area near the existing turnaround, so he drew this plan. Mr. Rogers said they had previously proposed a 50' x 50' easement hammerhead turnaround. Jeff Crosby stated there are several cul-de-sacs in town, and he feels this is a good option. Ed Rogers stated that if it is agreed that the wetland conservation district does not encompass this area, he will do some grading and check the engineering on it before the next meeting to be sure they do not have to grade into the wetland area. He noted that the utility pole in the ROW will be relocated. The edge of the traveled way is quite close to existing lot lines; the plan will need some engineering.

Jeff Crosby said the other cul-de-sacs in town do not have islands as shown on this plan. He said it shrinks the overall area, is a completely paved circle, and works well functionally. He gave examples of Moose Point and Jacqueline Drive, both having gone through the Planning Board process. Ed Rogers stated that this plan may already be at the radius Jeff has in mind, noting that it works well for trucks and buses. Jeff said they are easier to plow without the island, as they aren't left with large piles to the outside of the circle, creating issues for homeowners. Mr. Rogers said the island is an option to collect stormwater. Jeff said the Town likes to see water shed to the sides. He said he likes this concept and appreciates Ed's efforts.

George Holt asked if the ownership of the circle would be part of the roadbed. Ed Rogers said the outer arc would be an easement dedicated to the Town by Mike Guiney, acknowledging previous discussions of ownership versus easement. Ken Swayze said the Town prefers to own the area. Mr. Rogers said it does not matter to them, noting that a lot of towns prefer not to own. He urged the Board to confirm this with the Town's attorney. George Holt said he would prefer to see the Town own the area. Mr. Rogers pointed out that the Town does not own the existing road. Ken Swayze said they take title to the roadbed, giving them an ownership position rather than deal with easement concerns.

Ken Swayze pointed out a note on the plan about re-bar to be set. He said granite or concrete bounds are required. Ed Rogers spoke about monumentation of the right-of-way, points of curvature, and corners of lots. He said it is sometimes best to differentiate with different types of bounds. He said it is not his intention to set granite bounds in the middle of stonewalls; he typically uses a drill hole with a magnetic nail. He was

encouraged to refer to the Zoning Ordinance for details. Mr. Rogers said it is not standard practice to have bounds set before the acceptance of an application, it would typically be a condition of approval. It was agreed this is not expected. George Holt said they should be noted as monuments to be set.

George Holt asked for clarification of the undefined cart path easement to be shown graphically on the plan, clearly defined. He said he wants to be sure there is some means of access from the Class V road through to the abutting properties. Ed Rogers said what is shown on the plan is from a boundary agreement of 1987, and it runs from Kelsea Road all the way through. Jeff Crosby noted that there was discussion during a recent subdivision process about providing a right-of-way to any landlocked piece of land, and he wondered if that comes into play on this project. George Holt said he felt this is a little different as they are not adding roads or doing anything on the interior of the parcel.

Ed Rogers clarified that a previous question about a well shown in a wetland area has been corrected, noting that it was an error left over from a former plan. Ron Slocum asked if the circle could be moved to the right to reduce the area coming into the circle. Mr. Rogers said he has not done any real engineering or grading yet; he may be able to move it some and still keep the 45' radius. He said he does not want to swing it into Mr. Guiney's yard. Jeff Crosby said it looks like it could be swung slightly.

George Holt pointed out that the wetland mapping is over five years old. He suggested having the wetland scientist confirm the results as things change, then certify that it has been reviewed. Ed Rogers said that is an expensive process and there are a lot of wet areas on the property that are not critical to this development. He said there are no crossings or impacts, and he would like to be able to just focus on pinch points. George Holt mentioned confirming hydrology. Ken Swayze said he felt Mr. Rogers' suggestion would be acceptable. Ron Slocum said that looks like a good approach to him.

Jeff Crosby spoke about plowing and how the snow all goes to the right, leaving piles. He said an open expanse of area is best and is more user-friendly. Ed Rogers said a catch basin could be installed in the middle of the circle for drainage. Jeff said a catch basin in a gravel road does not work because of silt and sumps not being permitted in catch basins according to Alteration of Terrain. George Holt said he would advocate for no central drainage. Ed Rogers noted that the plan will generate stormwater; he will need to look closer and address it.

Mike Kaminski said he was very pleased with the plan. Alison Vallieres said this is a much better plan. George Holt said this plan provides definition to the area. Ken Swayze reminded everyone that this is a non-binding discussion. Several members commented that they are on the right track with this concept. Ed Rogers said he will revise the plan set. George Holt asked that he submit the plans at least a couple of days before the October 20th meeting so all have a chance to look at them.

Pat Panciocco said they have no problem working with the Town on the turnaround to solve a town problem, but they are not planning to build it entirely. She said it would be a big asset for the Town to have this resolved, but it is not a problem created by Mr. Guiney's subdivision. She said this is about the limit of what he is offering to donate to the Town. Ken Swayze stated the Board is not in the position to discuss this tonight. George Holt said that exaction fees will be discussed as the process continues, noting that they are not asking the applicant to build the entire road for six new lots. Ms. Panciocco said, when talking with him at another time, Ken Swayze said the Town does not have a published impact fee ordinance. Ken clarified that it is an exaction fee and is based on every application. Ms. Panciocco said it is limited to the impact of a development on the road. She said Jeff Crosby had created a list of what might need to be done to Kelsea Road. She asked what work has been done to date. Mr. Crosby said the Town has cut trees, added gravel, and has made other improvements. He said a list of what was required for several other subdivisions in Town has been provided, saying this is not going to be debated tonight but clarifying that it is not an impact fee as Ms. Panciocco initially stated. Ms. Panciocco said the impact is usually created by a subdivision and the use of people in the subdivision. Ken Swayze pointed out this project will create increased use; the use of a Rational Nexus was mentioned. Ed Rogers said it is important to understand there are currently five houses on the road and may be 10 or 11 in the end. He said that is not really a threshold that requires safety upgrades, noting that it will still be

a low volume road with the same classification. He said the Board needs to stay focused on what impacts this subdivision has on Kelsea Road. Ken Swayze said a contribution is necessary for this increased impact. Ms. Panciocco continued to speak about the use of exaction fees in Dunbarton, no other exaction fees on Kelsea Road, and how \$4,000 has been used consistently. Jeff Crosby pointed out that in-kind work has been done on some subdivision projects. Ken Swayze said Jeff is very reasonable with repairs and maintenance, pointing out that exaction fees are the process used to improve roads over time. Ed Rogers said it is not a fair way to characterize this project by saying it will be doubling the traffic. Pat Panciocco said there will need to be some consideration given by the Board of the fact that Mr. Guiney is willing to do this cul-de-sac towards whatever contributions are expected.

Mike Kaminski stepped down. Dave Nault returned to the Board as Ex-Officio.

Other Business

Countryside Estates performance bond – The Board was informed that a bond to cover the entire road project was submitted by R S Audley Construction on September 27th. The bond, in the amount of \$2,285,000, was reviewed by the Town's attorney, Shawn Tanguay, who said it followed standard bond language. The bond was also reviewed by the Town's contract engineer, Jim Donison, who said he felt the bond amount was sufficient when comparing it to the road project and schedule of values. George Holt asked Jeff Crosby for his input. Jeff said he was good with the amount of the bond. George asked if it covers reclamation if things go bad. Ken Swayze explained that the Town has the bond to call to finish the project in that event. Jeff said the project is not being done 'at-risk'. George said there was a pre-construction meeting held on September 30th; Jeff Crosby gave an overview of the meeting. **Jeff Crosby made a motion to accept the performance bond submitted by R S Audley and Bob Pike in the amount of \$2,285,000 and that it be recommended to the Board of Selectmen for acceptance; motion seconded by George Holt.** Ron Slocum was appointed to be a voting member in the absence of Brian Pike. **All were in favor.**

Countryside Estates easement language – Donna informed the Board that she was in receipt of draft language for the project's drainage and vegetated buffer easement. She was asked to send the draft to the Town attorney for review and comment; she will also forward it to Board members. Donna said that Maria Dolder, attorney for this project, asked for something in writing from the Town saying that the Town would accept maintenance responsibility of the stormwater facilities associated with the roadway construction. Board members discussed the request and various ways to address it. It was agreed to send something to the Board of Selectmen, recommending that they send a memo to Ms. Dolder, stating that the Town would agree to accept maintenance responsibility of the new roadway upon its completion and acceptance as a Town road. Donna will draft something up for the BOS chair to sign at their next meeting.

Alison Vallieres moved to adjourn the workshop at 8:10 p.m.; seconded by Dave Nault. All were in favor.

Respectfully submitted,
Donna White