

TOWN OF DUNBARTON, NH
PLANNING BOARD WORKSHOP MINUTES

November 4, 2020 ~ at Dunbarton Elementary School gym & via Zoom

The chair opened the workshop at 6:45 p.m. In attendance: Brian Pike (via Zoom), Alison Vallieres, Alternate Ron Slocum, Chair Chuck Frost, Vice-Chair George Holt, Secretary Ken Swayze, Ex-Officio Dave Nault, B/P/Z Administrator Donna White

Ron Slocum was appointed as a voting member in the absence of Jeff Crosby.

Ken Swayze stated that meeting notices were posted on the Town's bulletin board and website. Dave Nault reported that everything went smoothly during voting.

Zoning Ordinance Review

Article 5, Wetland Conservation District – Members reviewed the article as revised from comments at previous meetings. There was discussion on the changes, how zoning changes might affect any new/upcoming subdivision projects, and the timeframe of making the changes. **Dave Nault made a motion to accept Article 5 as revised; motion seconded by George Holt.** Dave Nault spoke about new applications being held to changes. Chuck Frost said he had concerns about holding an applicant to the changes. Ken Swayze said new applications do become subject to changes. Donna will research the relative regulations. There was discussion on the changes not having to go before the voters; Donna said the changes appear to be more than administrative and should go on the ballot. There was brief discussion on making the amendment clear to the voters. Chuck Frost said he agreed with the changes. Brian Pike said the article is being modified enough that it would be in the best interest to have the town vote on the changes. Dave Nault spoke about the steps in the process of bringing these items to the voters. He said the board has reviewed these several times already and does not see any reason to delay. Donna said this should be a generic decision, not referring to any particular project, based on recommendations submitted by Brian and George, deciding if in agreement with the proposed wording, if not, go back to the review table. **A roll call vote was taken - Alison Vallieres – yes; George Holt – yes; Dave Nault – yes; Chuck Frost – yes; Ken Swayze – yes; Ron Slocum – yes; Brian Pike – yes. Motion passed.**

Article 6, Open Space Subdivision – Members were previously supplied with copies of the existing article, as well as a copy of Chichester's open space information supplied by Matt Monahan of CNHRPC, for review. There was discussion about the purpose of this review, the need and best way to address some deficiencies in the article, and 2021 amendment deadlines.

Chuck Frost asked if there should be discussion before moving on. He said there was a potential applicant who came in for a conceptual review, a good-faith conversation. He said he feels it would be unfair to make changes now. Chuck said the current article encompasses so much information, he feels time is short between now and town meeting to do a thorough review. Brian Pike said he understood what Chuck was saying, noting that the meeting he spoke of was discussion only and that project may not be back for another year. He recommended moving forward with the process. Donna said she responded earlier to an email received from the officers, voicing her

concern about trying to make major changes and do it right within the next six weeks. Dave Nault said the process may not get done for this year's vote, but the board can start the review, looking at the wording. He noted this should not be based on a potential application. George Holt said he agreed with Dave. Alison Vallieres said she agreed with Dave and George, and that the board should move ahead with the review. Ken Swayze said he agreed with Donna and Chuck. Dave Nault said they do not have to take it to town meeting, but the purpose of this workshop is to review the Ordinance articles. George said it is the concept that needs to be decided, determining if the group works with the existing ordinance or scraps that and starts again. Ken said the purpose of the workshop is to clean up the article, not make major changes. Donna said the workshop is to review the article, section by section, like has been done with Articles 1-5.

Dave Nault said he likes the article as it is, even though it seems repetitive, each section deals with separate requirements. He suggested going through a section at a time, looking at punctuation, RSA references, and content, adding suggestions as needed. He said the group should be looking at the ordinance before them, not a specific application. Dave Nault offered the following comments from his review of the article:

- 1) Section D-3a – would recommend that the wetlands (or percentage) be excluded when figuring the maximum density. George Holt said no wetland, ledge, etc. is called out in lot configuration. He said the Board went with the simplest formula when drafting the article. He said, in retrospect, he does agree with Dave. George spoke about how land that is set aside as open space generally ends up being mostly wetlands. He said the Conservation Commission has discussed this and it will be revisited. Ken Swayze said this is already addressed in Section H3, Planning Board's Role in Open Space Quality. Dave Nault said he does not feel an applicant should have to get to the end of the article to find answers. George said there are no specific numbers. Ken said the board could look at each case. George said he feels it cannot be arbitrary. Chuck Frost said he feels some quantitative numbers need to be added. Brian Pike said numbers considered should be fair and equitable to an applicant and the town. George spoke about the Chichester ordinance where incentives are given. Discussion continued about how the town typically gets unusable land, the need to address a ratio or percentage of good vs bad land, and studying how slopes, ledge, and wetlands might be addressed in other examples.
- 2) Section C-1 – would like to see the recreational opportunities available to the town or public. Dave said the developer is getting the benefit of the open space option; he feels the town should get some benefit. He said if there is no benefit to the town there is no sense in having the open space option. George Holt said it is up to the developer, noting that not all open space projects have public access. He said the Conservation Commission is looking at it from the angle of habitat protection, with the biggest concern being little chunks of unusable land. Ken Swayze again mentioned that this is covered in Section H3. Dave said he is not necessarily suggesting that the open space land be given to the town or Conservation Commission, just have access. George said he would like to see more valuable land be set aside for conservation.
- 3) Section E-1, 2, 3 – should all include town or public access.
- 4) Section F-1 – allowable uses should include town residents on all.
- 5) Section G-2 – would recommend the lot frontage being increased to 145'-150'. Dave said the type of house being built in town right now would not work on the narrower lots without the

houses needing to be turned the long way. He said he feels the 50' setback being reduced to 40' is reasonable.

- 6) Section G-4 – define “flag” and “pork chop” lots.
- 7) Section I-4 – provide access parking.

George Holt spoke about the layout, saying he feels the setbacks are a little large to make things work. He suggested looking at other examples of this type of subdivision.

Ron Slocum offered the following comments/recommendations:

- 1) Section D-2 – move to Section A. George Holt suggested it could have a separate heading.
- 2) Section D-3a – he has suggested wording; will be revisiting this section
- 3) Section D-3b – the applicant should request a Design Review – change wording to “may request and participate in...”
- 4) Section E-1a – single family homes; would condos and townhouses be excluded? Chuck Frost noted that those would be permitted in the Multi-Family Overlay District on Routes 13 and 77. George Holt said they could be considered if permitted in the underlying zoning district.
- 5) Section E-2a – is it required that the units be owner occupied? It was noted there is no owner-occupied requirement in town.
- 6) Section E-2b-i – change ‘the’ to ‘a’
- 7) Section F-1b – delete ‘A’, change trail to trail(s)
- 8) Section F-1c – public or private use of parks and recreation areas; what about commercial use? George Holt asked if he was thinking something like a hockey rink, something with a fee structure. Ron said that was what he was thinking.
- 9) Section F-1d – Ron asked if agriculture and/or forestry activity would be the same as throughout town. Special exception required or allowed by default? George Holt said something could be put in easement, on a case by case basis. Brian Pike mentioned it could be something like a community garden.
- 10) Section F, last paragraph – would power line crossings be included? George suggested this might be better defined. Ron recommended striking ‘in the opinion of the Planning Board’.
- 11) Section G-4 – strike ‘in the opinion of the Planning Board’. Ron suggested that it be stated as fact, with no opinion. Donna pointed out that the developer might feel the lots are symmetrical, but the Board does not; this gives the Board some oversight. Alison and Brian had no comments. Ken and Dave agreed. Chuck said he feels it is in there to give the Planning Board flexibility.

Donna was asked to collate all the suggestions and distribute them to the members. Ron Slocum said he likes how Chichester’s ordinance calculates the yield.

Article 10, N H Floodplain Development Ordinance – Donna spoke about an email she received about the Town’s participation in the National Flood Insurance Program. The email said no specific activity is required; it was simply a reminder of the Town’s NFIP-related responsibilities. Donna said there is a more current model floodplain management ordinance available and asked if this is something that should be addressed/updated during the Board’s review. Several members stated there are no floodplains in town. Ken spoke about a letter received from FEMA years ago, stating there are no

delineated floodplains in Dunbarton. Donna will research the letter. She pointed out there are a couple of areas in town that are depicted as floodplain areas on the FEMA maps that were updated in 2010. Article 10 will be reviewed in the future.

The timeline for review, amendment preparation, and public hearings was discussed. Proposed amendments must be submitted to the Town Clerk by the first week of February.

New Application Review for Completeness – An application for a six-lot subdivision was received on October 19th; copies were distributed to board members at the October 21st meeting. This review is based on the subdivision regulations checklist. George Holt offered the following comments:

- 1) The parcel is subject to the Wetland Conservation District; not included on the plan. He said the surveyor has shown setbacks to wetlands and small pockets.
- 2) There is no table of lot frontages and areas.
- 3) Two lots (shown as Map B6, Lot 1-5-4 and 1-5-5) have insufficient frontage on Class V or better road; the intent is unclear.
- 4) Wetland survey is more than five years old. Per DES regulations, the survey needs to be verified and an assessment for vernal pools needs to be conducted.
- 5) The plan is confusing because it includes depicted 50' wetland setback for septic and buildings; this does not apply to buildings; 75' may also apply due to soil types.

Ken Swayze asked if George was suggesting the application is incomplete. George said that was correct. Donna stated that the applicant had come to her office the week before to go over her comments from her initial review of the plan. She said the applicant explained how they had arrived at the required 300' of frontage on the two lots in question. Donna pointed out the two measurements (68.15' & 231.92' and 89.11' & 211.70') on each of the lots that were used to get the 300' of frontage. Board members reviewed the areas pointed out; discussion ensued about the status of the Class V and Class VI sections of Kelsea Road. It was noted that the distances were not clearly depicted, nor was the intent. The Town's turn-around, possible road improvements, and documentation of the road location as depicted were discussed. Due to the number of unanswered questions and lack of clarity on the plan, it was agreed that the plan was not sufficiently complete. It was stated that the applicant has the right to pursue the application as it stands, understanding they may be at risk of not being accepted as complete, or they may hold the application, address the concerns, and bring it back for a later meeting date. Ken Swayze noted that, during a meeting with the Selectmen, the applicant was offered a conceptual consultation with the Planning Board, but that did not happen. Donna will notify the applicant when she gets to the office tomorrow morning.

Note: Ex-officio Dave Nault did not participate in this discussion.

Ken Swayze made a motion to adjourn the meeting at 8:45 p.m.; seconded by Brian Pike. All were in favor.

Respectfully submitted,
Donna White