

Planning Board
November 8, 2018

Members present: Barry Hantman, Chip Current, Jim Castine, Roger Whitehouse

Others present: Tim Lavelle, George Nelson, Richard Atkins, Holly Bright, John Jalbert, Emily Jalbert, Carsten Springer, Bud Post, Dorothea Post

Jim made and Roger seconded a **motion to accept the October 25, 2018 minutes as amended**. Chip abstained. The motion **passed**.

Chip made and Jim seconded a **motion to accept the November 4, 2018 site walk minutes as amended**. The motion **passed** unanimously.

Correspondence:

- From NHDES, dated Oct. 25, 2018, notice of acceptance of alteration of terrain application for Post subdivision
- From Civil Construction Mgmt., dated Oct. 30, 2018 regarding the 2 Sandown Road subdivision
- From Lavelle and Associates, dated Oct. 31, 2018 regarding the October 4, 2018 letter from Civil Construction Mgmt.
- From Civil Construction Mgmt., dated Oct. 31, 2018 regarding the Post subdivision
- From the Conservation Commission, dated Nov. 1, 2018, explaining they have no outstanding issues with the proposed 55+ development on 86 Sandown Road
- From NHDES, dated Nov. 2, 2018, notice of acceptance of alteration of terrain application for 2 Sandown Road subdivision
- From Civil Construction Mgmt., dated Nov. 8, 2018 regarding the Post subdivision
- From SEC & Assoc, a driveway easement plan for map and lot 3-140-8

2 Sandown Road, tax map and lots 1-19A & 1-19B lot consolidation and subdivision

Tim Lavelle said they've applied for the driveway permit from the state. Some of the comments from the town engineer were addressed during the site walk. The Board reviewed the October 30th letter:

Dennis states that stormwater raingardens are not allowed within 75' of wetlands. The Board looked at section VIII – D.1.a and Mr. Lavelle said he disagrees with Dennis's comment. It seems that Dennis is correct that a raingarden does not meet the parameters of section d.1.a but it meets the specifications of d.1.g. The Board agreed that this item from Dennis's list is not an issue, but this section of the zoning ordinance should be reviewed for clarity.

Mr. Lavelle said that everything else from the letter has been corrected. He was told to get a new letter from Mr. Quintal stating this.

Mr. Lavelle asked about setting concrete bounds along the roadway with a stone wall. He said he didn't want to tear down a stone wall just to add concrete bounds. He submitted a waiver request for Subdivision Regulation V.1.H.1 which will be discussed at the next meeting. The Board agreed they prefer to not disturb the stone wall.

Mr. Lavelle said he met with Terry Locke from the NHDOT on site. Mr. Locke said they did not want a culvert at lot 6 along Router 111A. It would be too deep at one end and disturb the ditchline. The drainage system for the shared driveway of the two lots to the north can be copied here. The intersection of Route 111A and Sandown Road was reviewed by the NHDOT with Mr. Lavelle. Mr. Locke said the

NHDOT does not need an additional easement for this area but he will discuss this with others in his office. Mr. Jalvert had cleared bushes and shrubs along the north west side of that intersection.

Mr. Lavelle said that any further disturbance along Route 111A will require an excavation permit from the state. He said the state may not do anything further with that intersection. He said he was told to not dig back any further without the state's approval. Often an excavation permit is done in conjunction with an excavation permit, but there are no proposed driveways for this section of road. Mr. Lavelle said he will inform the Board when he hears from the NHDOT about this but cautioned it may take a while.

Mr. Lavelle said that according to the NHDOT the trees did not appear to be impeding the line of sight. Carsten said the two smaller cedars have been removed but the larger one is still there. The other brush is gone. He said that what's happened at that corner is important and it should be noted that the vegetation will grow back in a year or so. A provision should be made that this will remain trimmed. He said the state put the intersection into its current condition 30 years ago. Mr. Lavelle said he may meet with someone else at the NHDOT.

George Nelson asked what criteria is being used for line of sight. Mr. Lavelle explained the parameters the state uses.

It was explained that this phase of the project has nothing to do with the intersection, but the developer is trying to work with this Board to improve the intersection. Mr. Nelson asked if there is a requirement for safety that could be considered and possibly improve the intersection. He was told there is not since this project is not proposing a new road. Chip said the state could be petitioned but that would have to come from the Selectmen. Mr. Nelson asked about any waivers and he was told there are none requested for that corner. Scott said the state will dictate what the intersection will be like since it is a state road and that this is a 200+ year old road intersecting a 200+ year old road. Carsten said the state overruled their own regulations when they changed the intersection to what it is now and the current owner of the corner property is suffering for it. He suggested getting rid of the knob where the vegetation is growing and that will go a long way toward improving visibility.

Mr. Lavelle said the stone walls toward the back of the new lots has been drawn on the plans. The test pits are located in the correct places also. The topography has been corrected. Barry said it looked like test pits 5 and 6 are still not correct on the plans and test pits 2 and 31 are too close to the line.

It appears all other items from Dennis Quintal's letter have been addressed. Chip said he'd still like to see the culvert labeled on the existing conditions plan. Bill Gregsak is still fixing some items for the plans. There was a short discussion about putting the driveway for the lot on Sandown Road where the existing gap in the stone wall already is. Mr. Lavelle said this might put the driveway in the 4k area but he will look at it.

Mr. Jalvert asked about the culvert. He was told it's in very poor shape.

Chip made and Roger seconded a **motion to grant an extension for the review of this project until January 10, 2019**. The motion **passed** unanimously.

Mr. Nelson asked about what the town can do regarding the line of sight. Mr. Lavelle said they'll do whatever the state allows them to do. The trees appear to be on the line dividing the state and private property. Carsten suggested that there could be an easement that when the trees die, they cannot be replaced. The town can propose an easement, but it is still up to the state to accept it and it doesn't guarantee the state will do any work within the easement. Barry said the town will need to wait to see what the state will accept but that is not something that can hold up this project. Carsten said this project

does affect the intersection. Chip said this Board cannot consider this intersection as part of this project. Barry said it would be difficult to compel the state to do anything.

Other Business:

The Board reviewed an easement plan for tax map and lot 3-140-8. It appears the driveway has moved. Chester Sullivan will be asked if he's spoken with the road agent regarding this.

Post subdivision, tax map and lot 4-94:

There was a short discussion about the conditional use permit request. A letter from the Conservation Commission was given to the Board at the last meeting. It states they have no issue with the proposal. The culvert will be replaced, and no other wetlands will be disturbed on this site. The new culvert will be 36". There were no comments or questions from the public or the Board members. Roger made and Chip seconded a **motion to grant the conditional use permit**. The motion **passed** unanimously.

The Board discussed the letter from Dennis Quintal. The lot line distances and bearings have been added. Mr. Lavelle asked about adding the bounds and monuments within 200' of the proposed development. All the property lines have been shown on the plan but adding all the bounds etc. will be a lot of extra work to see if other properties have been staked. Mr. Lavelle asked if this is necessary. Barry said he thought the reasoning was to mark the bounds along existing roadways. This is something that could be addressed in the subdivision regulations.

Carsten mentioned that the state has reviewed the work that surveyors do and that they sometimes are on other properties other than their clients. Mr. Lavelle said that it not the intention of surveyors to trespass but when a boundary line is unknown, trespassing may be inevitable. Barry suggested asking for a waiver from this portion of the regulations.

Mr. Lavelle explained they are still waiting on state permits such as the Alteration of Terrain, Dredge and Fill, and subsurface. The ground work for the subsurface has been done and the AofT takes the longest to get.

It was agreed the following are still outstanding:

1. Confirmation from Dennis Quintal that #5, 7, and 13 from his report have been addressed
2. Acceptance of a road bond by the Board of Selectmen
3. An update to note 16 that it is accepted
4. All state approvals in place
5. Comment #7 from Dennis Quintal that this is either addressed or a waiver requested

There were no questions from the public at this time. Chip made a motion to grant conditional approval for the subdivision of lot 4-94 based on the previously mentioned conditions. After some discussion, Chip withdrew the motion.

It was agreed that #34, 35, and 37 from Dennis Quintal's review need to be addressed. Mr. Lavelle explained that Bill Gregsak has added details previously requested but noted that these have not been added to the front sheet yet. He said that they won't know where the trenches will be until they know where the houses will be located. He was told these are required on each home.

Mr. Lavelle also said the test pit locations are correct on the plans, but Bill Gregsak had an older version of the plans which had incorrect locations.

It was agreed that the following conditions are also outstanding:

6. Confirmation from Dennis Quintal that #34, 35, and 37 from his report have been addressed

Chip made and Jim seconded a **motion to grant conditional approval for the subdivision of lot 4-94 based on the six conditions previously noted**. The motion **passed** unanimously.

It was mentioned that subdivisions of four or more lots require some type of fire suppression.

Zoning Ordinance Warrant Article:

There was a short discussion about the following changes to Article IV.C.1:

- d. No Highway Commercial and Light Industrial Zone usage shall be combined on a lot with an existing residential use except:
 - 1. To establish a customary home occupation under the provisions of the Residential/Agricultural Zone.
 - 2. Where an existing residence is allowed in conjunction with a commercial operation only after site plan review. Such uses might include kennels, 24-hour storage facilities, 24/7 production facilities or similar uses.
- e. No new residential units are permitted in this zone. A single residential unit to be used in conjunction with a commercial operation that is permitted by zoning, may be granted an exception upon site plan review.

The Board discussed that the purpose of d.2 was to promote commercial use. If someone has a home there, it can be razed and replaced with a commercial structure. The next section should be clear that any residence must be used on conjunction with the commercial venture. The article was revised to the following:

To see if the Town of Danville will vote to amend the Danville Zoning Ordinance promote commercial development, where a residence is on the same lot as the commercial use. Specifically, this will replace Article IV.C.1.d and e with the following:

- d. No Highway Commercial and Light Industrial Zone usage shall be combined on a lot with an existing residential use except:
 - 1. To establish a customary home occupation under the provisions of the Residential/Agricultural Zone.
 - 2. Where there is an existing residence.
- e. No new residential units are permitted in this zone. A single residential unit, which is integral to the operation of a commercial business that is permitted by zoning, and is attached to the commercial structure(s), may be granted an exception upon site plan review. The residential unit, if granted, shall not exceed 25% of the total floor space.

Roger made and Scott seconded a **motion to bring this to a public hearing**. The motion **passed** unanimously.

At 9:22pm Roger made and Scott seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,
Janet S. Denison

Upcoming Agendas, subject to change:

Dec. 13, 2018

7:30pm minutes and correspondence
7:40pm Zoning Ordinance warrant article 1st public hearing
8:00pm Caleb Drive & Ward Way, map and lots 1-45-15, 1-51-2, and 1-51-3 subdivision
8:30pm 2 Sandown Road, tax map and lots 1-19A & 1-19B lot consolidation and subdivision
9:00pm Post subdivision, tax map and lot 4-94;
Possible waiver request for Subdivision Regulation III.D.3.b.5

Jan. 10, 2019

7:30pm minutes and correspondence
7:40pm Zoning Ordinance warrant article 1st or 2nd public hearing