

Planning Board  
January 10, 2019

Members present: Barry Hantman, Chip Current, David Cogswell, Jim Castine, Scott Borucki, Chris Smith, Roger Whitehouse

Others present: Jim Lavelle, John Jalbert, Emily Jalbert, Carsten Springer, Bob Meaney, Richard Atkins, Holly Bright, Josh Manning

Barry mentioned there are several warrant articles placed on the ballot by the Planning Board. Positions on the Board are also on the ballot. Barry and David's positions are up this year. There are open alternate positions.

Correspondence:

- Dec. 27, 2018 from Dennis Quintal re: Lake Realty Trust, Stage Coach Estates
- Dec. 28, 2018 from Dennis Quintal re: Caleb Drive 1-51-5 lot subdivision
- Email dated Dec. 18, 2018 from Brian Lockard re: 2 Sandown Road subdivision

All correspondence dealt with applications to be discussed during a meeting.

Roger mentioned he was not at the meeting of December 13, nor did Scott abstain.

Chip made and Roger seconded a **motion to accept the December 13, 2018 minutes as amended.** motion **passed** unanimously.

Bob Meaney, 87 Sandown Road site plan:

Josh Manning explained he's spoken with the town engineer. A new set of plans was given to the Board members. Mr. Manning highlighted the changes involved the storm water and drainage. The waiver request for 1.5' of cover rather than 3' of cover was discussed. Mr. Manning explained that the existing pond must stay in its present location at its current elevation in order to not drain onto the abutting property. Working backward toward the road and with the slopes being what they are, if the road were raised to meet the 3' of cover required, there wouldn't be enough pitch to get the drainage correctly directed toward the pond. There would also be more wetland impact at this crossing with the 3' of cover. He said several engineers have reviewed this and this seemed to be the best way to make this work.

Chris asked about the slope. Carsten asked about the type of culvert. The criteria for granting a waiver were reviewed. Richard Atkins was asked about the notification to abutters for waiver requests. It was explained that the original application notice is given to each abutter, but any waivers discussed do not require separate certified letters to abutters. The board discussed the possibility of this becoming a town road and that this might require more work to be done if the culvert is not covered per town specifications. Carsten mentioned a right-of-way that goes to an abutting parcel which is about 10-12' wide, but this wouldn't support a road.

The Board agreed this waiver request met the intent of the regulation. Chip made David seconded a **motion to approve the waiver request for Subdivision Regulation 38.IV.C.2.a at approximately station 2+50 provided that a note is added to the plan stating that the road will remain private.** Barry opposed because he believes in most cases these types of waivers can be avoided if the applicant modifies the plans and he does not want to set a precedent. The motion **passed**.

The second waiver request discussed was for using Cape Cod berm instead of vertical granite. Mr. Manning explained the Cape Cod berm is an asphalt berm that when put on correctly, is more resistant to plows. They don't chip or break when hit. This type of berm is easier for turtles to climb over due to the

slope. This would be from station 5+50 to 0+0 on both sides of the road. Mr. Manning said he anticipates the state to deny the wetland crossing if granite curbing is used since it is not the preferred material. Chip said that would be something to review later in the ordinance.

Barry and Chip said they are not in favor of this. The Board reviewed the criteria for granting a waiver. There was a question about whether the request met the objectives of the regulations. One of the objectives of curbing is that it be permanent, thus the need for granite. Scott said he doesn't see the Cape Cod as any less permanent than granite since both can be hit by plows. He said the concern for wildlife and from Fish and Game needs to be considered. Mr. Manning said the vertical curb was designed for urban areas with sidewalks, not a road in which the grass comes up right next to the road. Sloped granite curbing would be better, but the ordinance calls for vertical which may have come from an older idea of creating sidewalks in the community. Chip said the sidewalk requirement is still in place in certain zones.

Carsten said it would be good to consider the people who will be living in the community. It can be presumed that some will have walkers or wheelchairs that would benefit from a sloped curb. Chip said that no curbing is proposed around the residences, this is only along the road for drainage purposes. After further discussion, Chris said this would be something in the regulations to review at another time, it was agreed that this is not a problem for this project.

Hardship was discussed. Jim asked about a plow hitting the Cape Cod versus grass curb. Any surface has the potential of being dug up by plows, and each type of edge has different drainage traits. Scott said he wasn't sure there were any special circumstances for this parcel. Chip made and David seconded a **motion to deny the waiver request**. Scott abstained. The motion **passed**.

The Danville Postmaster was not willing to put anything in writing yet. He wants to see the exact location but is ok with a central drop-off. The exact location won't be there until the project is built. Mr. Manning said he can put a note on the plan stating the box will conform to the specifications put forth by the Danville Postmaster. The Board stated they'd prefer something in writing from the Postmaster. Chip said he will speak with him.

Mr. Manning passed out architectural renderings that have also been given to Dennis Quintal. The test pit logs were added to the file.

Pending a clean letter from the town engineer, the Board is amenable to discussing conditional approval. Chip made and David seconded a **motion to extend the review period for this application to February 28, 2019**. The motion **passed** unanimously.

#### 94 Caleb Drive, two-lot subdivision:

A drainage study was given to the Board and also provided to the town engineer. The letter dated December 28, 2018 was reviewed. There are items that need to be addressed. Mr. Manning pointed out the drainage easements shown on the plan. The proposed grades are on the plans.

The waiver request for the plan scale was discussed. Mr. Manning said the plans have one sheet that meets the specific scale. The Board requested the entire lot to be shown on a plan at the 1" = 50', meeting the requirement, and the remainder of the sheets can be scaled at Mr. Manning's discretion. No waiver request will be required.

The letter from the Conservation Commission was forwarded to the Board. A drip edge around the houses is proposed due to the sandy soil. The buffer zone ID markers are on the plans. A letter from the road agent is pending. Grading has been added to sheet 1. The abutter's list was reviewed.

Chip made and Chris seconded a **motion to grant conditional approval for Map 1 Lot 51-5 under the following conditions:**

1. Satisfying items 2, 5, 8, 9, 10, 12, 15, 16, 17, 18, 19 on the letter from town engineer to the satisfaction of the Planning Board.
2. Letter from Conservation Commission stating they have no issues
3. Letter from road agent
4. All professional stamps on plans
5. State subdivision approval
6. Note regarding fire suppression
7. Sheet D2 with the entire two lots shown at appropriate scale (30:1)

The motion **passed** unanimously.

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

Barry read the letter from Brian Lockard regarding this application. Tim Lavelle handed out the driveway permits for the lots on Sandown Road. He said most items from the December 5, 2018 letter from Dennis Quintal have been addressed. Carsten said he will get a letter from the Conservation Commission.

There was a lengthy discussion about drainage, wetlands, and the town regulations. Mr. Lavelle said that they plan to develop the remaining back property of 36 acres and asked about showing drainage designs for just one house when there is no plan to build it. Barry said that if the remaining property is not developed, this provides a plan for the single lot. Chip said the drainage design is a test of the first phase. Mr. Lavelle said the drainage model was done for both phases. He thought that if Mr. Quintal really wanted the calculations for just one lot, he would have clearly stated that. Mr. Lavelle said he can have it put into writing that one house on this lot will not adversely affect the neighbors.

Mr. Lavelle said the culvert will not be touched. He said whoever buys that lot will probably want to cut grass near it. He said he spoke with Eben Lewis of NHDES who said a permit is required to remove it. Mr. Lavelle said he does not feel this needs to be addressed.

Waivers have been withdrawn. Natural buffer zones are on the plans. Mr. Lavelle said he does not feel erosion is a great possibility here and does not feel the markers are required. He asked if it is required to put up markers when there is nothing growing on which to put them. The regulation was reviewed, and the Board discussed a waiver. Mr. Lavelle said they do not want to request any waivers. He was told to either request the waiver or put up the signs. This is something that could be discussed for next years' ballot.

Mr. Lavelle said that according to the regulations, the pond on the property is required to have signs around it designating the buffer zone. He was told he can request a waiver.

Mr. Lavelle said the state driveway permit is still pending. Chip made and David seconded a **motion to extend the review period to February 28, 2019**. The motion **passed** unanimously. This will be on the agenda January 24. There were no questions from the Board or the public at this time.

Zoning Ordinance Warrant Article public hearing:

Chip explained the following proposed amendments to the Zoning Ordinance are recommended with the idea of making properties more attractive to commercial entities. The following was discussed:

HCLI Zone street setbacks:

To see if the Town of Danville will vote to amend the Danville Zoning Ordinance Article IV.C.2.b to bring the street setbacks more in-line with the rest of town and that of neighboring towns. Specifically, to read:

- b. Buildings shall be at least 30 feet (30') from any public street, except along NH Route 111 which shall be 15 feet (15'). The building setback from the roadway shall be measured from the edge of the public roadway right of way.*

Chris said he reads this as meaning that if a parcel is along Route 111 and another public street, the setback all around will be 15'. Chip clarified that the meaning is that only on Route 111 the setback will be 15' and if there is also frontage on another public street, that setback is 30'. Barry said that on the public hearing, a non-substantive change can be made, and he said this appears to be non-substantive.

Chris made and Chip seconded a **motion to put this forward to a public hearing on January 24**. The motion **passed** unanimously.

Chip explained the purpose of the following proposed amendment is to bring the Village District more in line with how the Commercial permitted uses were revised recently.

Danville Village District Permitted Uses:

To see if the Town of Danville will vote to amend the Danville Zoning Ordinance Article IV.B.2 to bring the permitted uses in-line with the format of the HCLI Zone. Specifically, to read:

*Section 2. Permitted uses*

- a. One single unit dwelling and accessory buildings per lot.*
- b. Accessory Uses: Extended Family Living Unit, subject to the provisions of article 4-section A.4*
- c. Customary/Home, Silviculture, and Agricultural occupations, subject to the provisions of Article IV, section A.1(c)*

*The following uses are permitted subject to site plan review and approval by the Planning Board:*

- a. Section Housing, subject to provisions of article IV-section A.5.*
- b. Multiple unit dwellings, subject to the provisions of article IV-section A.1(d)*
- c. Retail sales establishments, restaurants, bakeries, cafes, internet-based sales and distribution, or similar uses.*
- d. Professional Offices, studios, medical, dental, banks, financial institutions, personal service establishments, governmental uses, Inns and Bed and Breakfast establishments, or similar uses.*
- e. Educational and day care facilities for children and adults, nursing homes, elderly congregate care and assisted living facilities, or similar uses.*
- f. Churches and other places of worship, funeral homes, fraternal organizations, and other similar uses.*
- g. Animal hospitals, boarding and breeding kennels, or similar uses.*

Jim asked if the "internet-based" uses opens it up for Amazon to build a warehouse in the village district? Barry said this type of use is not what he had envisioned for the village district. There was a discussion about height restrictions and that each application is subject to approval by the Planning Board. Barry pointed out that an internet-based business is the only one that doesn't imply a customer comes to the store, and this appears to be the opposite of what he thought of as the intent of the ordinance. Carsten pointed out the Village District was put into place about 15 years ago and has produced no new businesses.

After discussion, it was decided to remove the wording regarding an internet-based sales and distribution.

Chip made and David seconded a **motion to bring the above proposed amendments to a public hearing**. The motion **passed** unanimously.

Chip made and David seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,  
Janet S. Denison

Jan. 24, 2019

7:30pm            minutes and correspondence

7:40pm            Public Hearing-Zoning Ordinance warrant articles