

Planning Board  
January 12, 2023  
7:30pm

Members present: Chip Current, Barry Hantman, Chris Smith, Steve Woitkun, Leo Traverse, Charles Underhill

Others present: Gail Turilli, Christi Unger, Dan Dorow, Dennis Griffiths, Joe Hester, Dave Drislane, George Brasil, Kevin Dube, Scott Barr, Brian Heide, Jeff Murphy of SFC Engineering, Carsten Springer, Bob Loree, Vince Edwards

The meeting minutes from 12/8/22 were reviewed and Chip mentioned a couple of changes. Line 17/18 after the word to add, limit agricultural uses. Capitalize the next sentence. Line 240 Should be “governance” not “governments.” Barry **made** and Leo 2<sup>nd</sup> a **motion to accept the minutes as amended**. All in favor, **motion carries**. **Note: all attachments requested by Heritage have been included with the meeting minutes.**

**Citizen’s Petition for Amendment To Zoning Ordinance Article XIII.B.9:**

Chip reads the Citizens’ Petition as follows: “To see if the Town of Danville will vote to amend the Town of Danville Zoning Ordinance to clarify historic district review requirements for forestry activities in the town forest. Specifically, this will change Article XIII.B.9 subsections f, g, h, & i by replacing all four subsections with clarified exemption language contained in a new subsection f and renumbering existing subsections j & k accordingly. The new Article XIII.B.9.f will read as follows: All wood – cutting activities and Forest Management practices of the Danville Forestry Committee, or their agents, within the Danville Town Forest, subject to Article XIII.B.8 of this ordinance and all easements, covenants, legal agreements, and bequest restrictions.”

Chip mentions that the lead petitioner, Amber-Rose McIntyre of 20 Beechwood Drive, is not present but submitted a statement that reads as follows: “The petitioned amendment contains clarification about forestry activities and forest management on town land in the historic district but, preserves the purpose of the historic district ordinance. The petitioned amendment is consistent with our residents’ votes and efforts to protect this special, historic area of our town, legal guidance the town has received, and the terms and conditions of the Audubon easement on this land. I hope the Planning Board members will agree and vote to recommend the petitioned amendment.”

Chip then opens the Public Hearing for questions or comments.

Kevin Dube of 22 Rockrimmon Road addresses the Board. He states he had listened to the previous hearing and is concerned about giving jurisdiction to any town property to the Audubon Society. He feels that they are a global powerhouse and shouldn’t have any jurisdiction on town property. Chip stated that he understands but, the town voted in 2009 to put the Town Forest into an easement and this is not what the warrant is about. In the future, could try to break that. At this time, there is an easement in place, held by Audubon on that property and we have to abide by the covenants therein.

Dennis Griffiths asks if this is solving a problem. Chip noted he would have to ask the petitioners as he can only make a speculation. Carsten Springer speaks on behalf of Forestry stating that this creates a conflict in Zoning because it uses a section that is supposed to delineate exceptions to Heritage and circles back. He is certain that the Planning Board will come up with a better analogy. One disturbing thing he found at the last meeting was that Carol Baird stated she had no desire to have Heritage have any part in forestry activities and four days later, this petition was put out which she and her husband signed. Words and deeds are not matching up. Dennis mentioned that after reading extensive documentation, it seemed that everyone was in agreement with how this was structured and Forest Management. He urges the Planning Board to not support this as it invites a situation where there is major conflict.

Barry **made** and Charles 2<sup>nd</sup> a **motion to close the public hearing**. All in favor, **motion carries with a unanimous vote. Public Hearing is now closed.**

Chip notes that he agrees with a lot of the sentiment but, requiring something to not be exempted in an exemption section of a document is really poor zoning. Barry feels that this citizens' petition is confusing in the way that it is worded. There are zoning sections that require review and sections that state things that are exempt from review. He finds it hard to interpret and personally believes this would end up in court. Charles mentions that he spent 40 years writing contracts. In those contracts there are defined terms that become capitalized because they refer to something specific. In looking at this petition, the historic district is not capitalized but, town forest is. He feels there are a great deal of clean ups with the way the arguments are presented and the way the document is constructed. It would be difficult to create, put in place and expect people to correctly interpret the intent.

Barry **made** and Charles 2<sup>nd</sup> a **motion to add: Not Recommended by the Planning Board**. All in favor, **motion carries with a vote of 6-0**. Charles mentioned that there are underlying issues that need to be addressed. Chip agrees with Charles. The proposed Zoning Warrant Article that was put forward by this Board is trying to do exactly that, which is clarifying the division of power over specific pieces of land in town to the appropriate place. Barry also agrees and states that there are conflicts with some of the Boards in town that need to be addressed.

### **Warrant Article XIII.B.9 – Second & Final Public Hearing:**

Chip notes that this is the second and final public hearing for this Warrant Article. If the Board decides to put this forward, it will go to the Warrant. If any changes are made, it will not go forward. Only 2 public hearings are allowed otherwise it times out and will go to the next year. The other option would be to not put this forward. He explains that he wanted to make this clear for everyone. The proposed Zoning Warrant Article amendment reads as follows: "To see if the Town of Danville will vote to amend the Town of Danville Zoning Ordinance to clarify review requirements for Forestry activities in the Town Forest. Specifically, this will change Article XIII.B.9 subsections f, g, h, & i by replacing all four subsections with clarified exemption language contained in a new subsection f and renumbering existing subsections j & k accordingly. The new Article XIII.B.9.f will read as follows: All wood – cutting activities and Forest Management practices of the Danville Forestry Committee, or their agents, within the

Danville Town Forest, subject to all easements, covenants, legal agreements, and bequest restrictions.”

Chip opens the public hearing for comments. Carsten requests that the townspeople not comment further. He states that this proposed Warrant is zoning language change only. It is trying to address what Charles had referred to. It neither gives or takes away authority from Heritage or Forestry. The lots specified by number many years ago, have changed shape and size and will continue to do so. Therefore, the best thing to do is specify the areas that are the Town Forest. Any future changes to the Town Forest areas would thereby be incorporated without additional zoning amendments. There are no further comments. Charles **made** and Chris 2<sup>nd</sup> a **motion to close the public hearing**. All in favor, **motion carries**. **The public hearing is now closed.**

Barry **made** and Chris 2<sup>nd</sup> a **motion to put this forward to Town Warrant**. All in favor, **motion carries with a vote of 6-0**.

Charles **made** and Barry 2<sup>nd</sup> a **motion to add: Recommended by the Planning Board**. All in favor, **motion carries with a vote of 6-0**.

#### **Preliminary Discussion for Access on Back Road in Danville to a parcel on 49 Back Road in Kingston:**

Jeff Murphy of SFC Engineering addresses the Board. He states he comes before the Board as he is looking to develop a single family home located at 49 Back Road in Kingston. It is a class VI road which has 3500ft to the left and under 1500ft to the right to get to Danville. He feels the best plan would be to access the parcel through Danville as there is roughly 500ft in Danville. This is a viable project and it was recommended that he speak with the Danville Planning Board. Barry stated that since the parcel is completely in Kingston, it would have to get approval through Kingston. Permission to extend Back Road from Danville into Kingston could be requested via petition and Kingston would own that part of the road. There is not much this Planning Board to do since all of the development is in Kingston. Per subdivision rules, this would need to go before the ZBA if the parcel was in Danville as there are limits on driveway length and frontage. From a driveway perspective, bring up to town road standards and have a petition from Kingston to request a connection. Chip noted that upgrading a dirt road in Danville and Kingston needs BOS approval. Barry noted that the ZBA could grant a waiver on a driveway. Chip mentioned that this is a public way not a ROW and permission from the landowners would be needed. The Kingston and Danville Board of Selectmen may ask for the Planning Board’s opinion. Kingston allows development on Class VI roads where Danville does not. The Planning Board is not needed for this project, it is a conversation that needs to held with the Board of Selectmen unless they decided to bring in the Planning Board.

Chip notes that he will not be available for the next meeting and Barry will step in for the Chair. If there are no agenda items for the next meeting on 1/26/23, it will be cancelled. Charles asks if there is anything the Planning Board can do to mollify emotional content. Chip stated the Planning Board s constantly trying to make the Zoning Ordinance more clear and that all towns struggle with preservation.

138 Charles **made** and Steve 2<sup>nd</sup> a **motion to adjourn**. All in favor, **motion carries**. **Meeting**  
139 **adjourned at 8:40pm.**

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141 Respectfully,

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143 Gail Turilli

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