

Planning Board  
December 13, 2018

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

Others present: Jim Lavelle, George Nelson, John Jalbert, Emily Jalbert, Carsten Springer, Josh Manning, Steve Woitkun, Bob Meaney, James Mayo

Jim made and David seconded a **motion to accept the November 8, 2018 minutes as amended**. The motion **passed** unanimously.

Correspondence:

- Legal update from NHMA
- Town and City magazine, Nov/Dec edition
- From Civil Construction Mgmt, dated Dec. 5, 2018 regarding 2 Sandown Road subdivision
- From Civil Construction Mgmt, dated Dec. 5, 2018 regarding Caleb Drive 2 lot subdivision
- From Jim Lavelle, dated Dec. 6 2018 in response to the Dec. 5, letter from Civil Construction
- Two notices from Bedford, NH regarding cell towers
- From NHDES: the alteration of terrain permit application was received for 87 Sandown Road

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

The two letters regarding this project were reviewed. Mr. Lavelle said he has no issue with anything cited in Dennis Quintal's (Civil Construction) letter. The Board agreed that if these outstanding items are going to be addressed with Dennis, there is no need for these to be discussed tonight. A clean letter from Dennis will need to be received by the Board.

There was a short discussion about the rain gardens and that a variance is not needed for these. Mr. Lavelle said they have no intention of stripping the loam and the garden is to protect the wetlands.

The scrivener's error was corrected and USGS datum have been added. A waiver will not be requested for the bounds. Mr. Lavelle said the stones will be moved to set the bounds. At this time, there's no intention of doing anything with the remainder of lot 19B. Barry said that this lot may be developed at some point so the calculations will need to be given to Dennis for his review. Mr. Lavelle said he's not sure Bill Gregsak has done those and he thinks it unnecessary.

There was a short discussion about posting the wetland across the field. Chip said that if they don't want to post on both sides of the ditch, they need to request a waiver which can be discussed at the next meeting.

A letter from the Road Agent is needed. Scott said the Selectmen sent a letter to the state about the intersection. The opening in the stone wall will be reviewed.

Mr. Lavelle said there was some confusion with the location of the test pits. He said the locations shown on the plans presented tonight are accurate.

Mr. Lavelle said that Bill Gregsak has reviewed the rain gardens and said these do not cut into the water tables according to his own auger soundings. The test pits were not where the gardens are going to be. This data has been given to Dennis.

A 5' easement was added to the corner, tapering to 0'. This will permit grading and maintenance. The metes and bounds description and wording of the easement will be provided. Tim Lavelle has spoken with a NHDOT representative who said the DOT doesn't need to do anything with the corner; if the town thinks something should be done, the DOT should be petitioned. The bushes on the corner have been trimmed again.

George Nelson asked how someone asks for a waiver. It was explained that the request can be made and the notice is given of a subsequent meeting in which the request is discussed. Additional notices are not sent to abutters.

John Jalbert said that he can put in the wetland stakes but whoever purchases the property may pull them out.

There were no more questions from the public or the Board at this time.

Mr. Lavelle asked for conditional approval based on a clean letter from the town engineer, and letters from the road agent and Conservation Commission. Chip said the state driveway permits are still needed. He said the wetland buffer marking was to prevent tree cutting in the buffer, but this particular area has few trees there as it is. Mr. Lavelle said he will bring in a waiver request to the office.

Bob Meaney, 87 Sandown Road site plan:

Josh Manning handed out new plans. The NHDES has received their alteration of terrain request. A list of outstanding items will need to be addressed before the permit is issued. Mr. Manning said the list of items from the November 8 letter from Dennis have been almost completed. One light has been added to illuminate the parking spaces. Residential spotlights have been added which shine on the driveways. The lamppost detail is in the plans. Storm event calculations have been done. Sheet 4 shows the adjusted outlet basin for the storm events. Dennis has been given the new plans.

Additional landscaping along the property line near the catch basin has been added to the plans. Ornamental trees have been added in the island near the buildings. Mr. Manning said he's not sure what tree is salt-tolerant but a note can be added that this type of tree has to be there. There are no specific parameters that define an ornamental tree other than the diameter.

The architectural design is still being drawn. The Board agreed that a conceptual design is adequate. Mr. Manning said he's still waiting for the state septic permit.

There was a short discussion of the culvert size that is to go under the roadway. He asked, since this is a private road, if the culvert diameter can be 12" rather than 18". He said the 12" is sufficient to carry the drainage. He was told that the regulations state this is to be built to town standards which require an 18" culvert. He can request a waiver. Mr. Manning also said the 3' of cover will become an issue. Chip said the frost heaves create a problem. Barry advised Mr. Manning to consider how much of a waiver to request.

The Board discussed the granite curbing which is planned to be constructed. It is required to be granite so the snowplows don't rip it up. Since this is to be a private road, the Board could grant a waiver, but since the curbing is integral to the drainage, the applicant may want to consider installing granite curbs.

Bonding can be discussed with the town engineer. Benchmarks will be added to the plans and the width of the asphalt berm has been added to the plan. Sheet C3 will probably be the only one recorded and a signature block will be added to this. Mr. Manning was told to consider recording the sheet with all of the notes.

The units will be sprinkled. A letter from the Fire Wards and a note on the plan regarding fire suppression will need to be on the plans.

Mr. Manning asked if conditional approval could be considered. He was told the waiver requests and letters from the road agent, Conservation Commission, and Fire Wards will need to be obtained. The Board would also like to understand the culvert better.

There were no questions from the public at this time.

Cub Pond lot line adjustment preliminary discussion:

Josh Manning explained that Jim Mayo found Frank Caparco and was able to purchase map and lot 3-173, the right-of-way that wraps around the north portion of 3-53. Mr. Manning presented plans to the Board in which the 20' wide road is merged with lot 53, and the western portion of 53 is expanded into 173.

The road is still a private road and nothing will change on the ground. Those who use to for access to lots will still be able to use it due easement rights. Wetlands were mapped by Tim Ferwerda. Test pits have been done. Chip said he'd like to see a 4k area for a septic. Bob Meaney, an abutter, said he approves of this project.

There are some easements that will be noted on the plan. Barry asked if a single-family home restriction could be voluntarily placed on the land. Mr. Mayo said he'd rather not be confined to that. Barry said that there could be something written that this can't be more than a single family unless the road is improved. Mr. Manning said he can provide something for the Board to review.

94 Caleb Drive, two-lot subdivision:

Mr. Manning explained that this lot was created for a duplex. There are wetlands toward the back. The existing wetlands flows under the road and this will be shown on the plans. The two proposed lots will be serviced by Hampstead Area Water. There has not been any discussion with the Fire Wards regarding fire suppression.

The Board briefly discussed the five-year exemption. There has been work on the subdivision. It was agreed the two lots will be subject to the new impact fees. Chief Woitkun asked to review the 2006 subdivision plans to see if there is a note regarding fire suppression. Mr. Manning said that the homes will comply with whatever is on the recorded plans and they've agreed to install hydrants for the expansion of Ward Way. They will meet with road agent to review driveway permits.

Mr. Manning said there is a road bond still in place. No topcoat or monuments have been set for this section of Caleb Drive.

Chip made and David seconded a **motion to accept the application**. The motion **passed** unanimously. Chip made and David seconded a **motion to not do a site walk for this proposal**. There are no new roads proposed and there are not wetlands near the homes. The site was already reviewed in 2006. The motion **passed** unanimously.

The plan will need to be reviewed by Dennis Quintal. The note regarding fire suppression and signature block will need to be added to the plan. The Board will need letters from the Conservation Commission and road agent. This will be reviewed again at the January 10 meeting.

2018 Annual Report:

The Board reviewed the draft submission for the 2018 town report. The spelling of David's name will have to be corrected. The list of applications reviewed will be added. Chip made and David seconded a **motion that both alternate positions should be officially vacant**. Barry said he will do this at the next official town meeting. Chip **amended his motion that the positions will be vacant as of January 10**. David seconded the amendment. The motion **passed** unanimously.

Chip made and David seconded a **motion to submit the report as amended**. The motion **passed** unanimously.

Zoning Ordinance Warrant Article public hearing:

The Board discussed adding a definition for a commercial piggery. It was suggested that it would be defined as a farm or other property where pigs are raised or kept as part of a business. Slaughter for personal use would be allowed. Chip said to define it this way yet allow pigs for personal use is not following the intent, which is that a lot of pigs smell. He said he'd rather see this section worded to limit the actual number of pigs allowed. Scott asked if this has ever been an issue and perhaps this is attempting to solve a problem that doesn't exist. It was suggested that the number of pigs could be linked to the acreage. It was agreed to not add a definition at this time.

Chip made and David seconded a **motion to waive reading the entire text of the proposed zoning amendments**. The motion **passed** unanimously. The Board discussed the following:

1. To see if the Town of Danville will vote to modify the Danville Zoning Ordinance to streamline the process for approval of a customary home occupation. Specifically, this would modify Article IV.A.2.d as follows:

*Application to the Town for approval of a customary home occupation activity may not require a Special Exception Hearing if all of the criteria specified below are met. Applicants who do not meet these criteria should apply directly to the Zoning Board of Appeals for the Special Exception. Those who meet the criteria (or are unsure whether they meet the criteria) should contact the Planning Board Clerk (or another individual designated by the Board of Selectmen) to review the criteria, and complete the Home Business Registration Form which will be forwarded to the Board of Selectmen for review at a regularly scheduled Board of Selectmen's meeting (the Selectmen may require the applicant to be present).*

Subparagraphs 1 through 8 remain unchanged.

There were no comments from the public. Chip made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chip made and David seconded a **motion to bring this to the 2019 town ballot**. The motion **passed** unanimously. Chip made and David seconded a **motion to add the words "Recommended by the Planning Board" with a tally of 6-0**. The motion **passed** unanimously.

2. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to correct Article XII.G.2.a.2) so that it correctly references RSA 12-K:7 (b) which specifies the amount of time needed for proper notice of a hearing.
3. To see if the Town of Danville will vote to rename the title of Article VIII in the Danville Zoning Ordinance. Specifically, this will amend the title from "Wetlands Conservation District" to "Wetlands Ordinance."

4. To see if the Town of Danville will vote to amend the Danville Zoning Ordinance to increase the spacing required for landscape buffer tree markers for cluster/open space development interior lines. Specifically, this will modify Article IV.A.3.e.5) c) ii to state that markers shall be placed on trees spaced every 50' plus or minus, or spaced based on site conditions.
5. To see if the Town of Danville will vote to update the Danville Zoning Ordinance to provide a consistent usage of the terms "Mobile Home" and "Manufactured Housing" in the ordinance. Specifically, this will modify Article II.V, Article II.CC, Article IV.D, Article V.H.2.f.2).c), and Appendix A to change all references of either "Mobile Home" or "Manufactured Housing" (including the use of those words in plural) to be "Mobile Home / Manufactured Housing".
6. 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.

There were no comments from the public. Chip made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chip made and David seconded a **motion to bring the above proposed amendments to the 2019 town ballot**. The motion **passed** unanimously. Chip made and David seconded a **motion to add the words "Recommended by the Planning Board" with a tally of 6-0 for each proposed warrant article**. The motion **passed** unanimously.

The November 8, 2018 minutes were reviewed again. It was discovered that the pit number was correct the first time. Chip made and David seconded a **motion to accept the November 8, 2018 minutes as written**. The motion **passed** unanimously.

The Board discussed RSA 72:81 which offers a tax exemption for commercial and industrial development. It was agreed this is a good idea to have a graduated percentage. The definitions would have be reviewed carefully. Scott will bring that information to the Board of Selectmen.

The Board discussed RSA 674:33, IV which permits municipalities the ability to amend the zoning ordinance to provide a termination date for all variances and special exceptions. It was agreed this has not been an issue and no action will be taken at this time.

At 10:11pm Chip made and David seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,  
Janet S. Denison

Danville Planning Board

Upcoming Agendas, subject to change:

Jan. 10, 2019

7:30pm minutes and correspondence

7:40pm Zoning Ordinance warrant article 2<sup>nd</sup> public hearing

8:00pm Caleb Drive & Ward Way, map and lots 1-45-15, 1-51-2, and 1-51-3 subdivision.

Waiver request: section III-D 3.c.28: Minimum scale 1" = 50'. The request is to allow a larger scale for the plan set.

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. 24, 2019

7:30pm minutes and correspondence

7:40pm Stage Coach Estates subdivision, map and lot 1-19B