

Planning Board
March 24, 2022
7:30pm

Members present: Barry Hantman, Roger Whitehouse, Steve Woitkun, Chris Smith, Charles Underhill

Others present: Gail Turilli, Joe Fitzpatrick, Steve Pascoe, Charlie Zilch, Daniel Perry, Carsten Springer, Scott Chaudoin

The Minutes from 2/10/2022 were reviewed. Chris noted a change on line 33 should state “is for leasing space”. Charles **made** and Roger 2nd a **motion to accept the minutes as amended**. All in favor, **motion carries**. Barry mentioned updating the Zoning Ordinance to reflect the Warrant Article changes. Gail is working on getting this completed.

362 Main Street, Map & Lot 4-1 Subdivision Application:

Roger checked the abutters list and all have been properly noticed. Charlie Zilch of S.E.C. & Associates addresses the Board on behalf of Daniel Perry Builders, LLC. The lot is 7.45 acres with 609.59ft of frontage on the east side of Main Street. The lot contains a single-family dwelling and detached barn at the southerly end of the property, which was constructed in the late 1700’s. There is an existing septic system, well, and single access driveway just North of Billy’s Way. The land surrounding the dwelling and barn was used as farmland but now has mostly reverted back to woodland. Sheet 2 of the plans shows the wetlands on the property, which are located in the rear, west end and at the North end of the lot. The wetlands were identified and delineated by Timothy Ferwerda, wetlands soil scientist, and are a mix of poorly drained and very poorly drained soils. The upland is flat, moderately sloped, with well drained soils. The current owner, Daniel Perry, would like to subdivide utilizing the frontage on Main Street. NHDOT will allow for 3 curb cuts as the property has more than 600ft of frontage and contains three points where 400ft of all season safe sight distance can be established. 3 lots would be allowed per the Town of Danville’s zoning requirements. The most northerly driveway that would serve a third lot, places the driveway in a location that a small wetland impact would be required. The owner has decided to submit a 2 lot layout not requiring a wetlands permit due to the timeframe associated with obtaining the permit. The proposal is to subdivide the property into 2 lots by separating the existing house and barn from the remaining land. Proposed lot 4-1 will provide 200ft of frontage and contain 2.25 acres. The dwelling and barn are not salvageable, will be removed with a new dwelling and garage constructed on the lot. The existing driveway will also be removed and relocated 60ft North where the all season safe site distance can be obtained. The remaining land, lot 4-1-1, will contain the remaining frontage of 409.59ft as well as 5.20 acres. The driveway for this lot will be located at the southerly end of the lot. Both lots have generous building envelopes with 4000sq ft of receiving areas for septic and potential well locations. The entire site is located within the Residential/Agricultural and Danville Village District zones and not within a flood hazard area. There are no variances or waivers required. There are 2 required state approvals, NHDOT for driveway permits and NHDES subdivision approval for lot 4-1. Both have been applied for and are currently under review. There are no questions from the Board regarding the application. Roger **made** and

47 Charles 2nd a **motion to accept the application.** All in favor, **motion carries.** The
 48 **application is accepted on 3/24/22.**
 49

50 Charlie stated that sheet 2 of the plans shows a 2-acre lot around the existing house with 200ft of
 51 frontage. The remaining lot will have 5.2 acres. DOT and State subdivision approvals are under
 52 review. Multiple test pits have been done on every lot. Barry noted that potential house and well
 53 locations are shown on the plan. He also mentions that commercial use is permitted in the
 54 Danville Village District and wanted to clarify that this is not being proposed. Charlie stated the
 55 proposed use is for Residential use only. Barry mentioned that some things will be needed such
 56 as, subdivision from the state, state approval for the curb cuts, review from the town engineer,
 57 review from the road agent, and comments from the Conservation Commission. There are a fair
 58 amount of wetlands in the back of the lots. Barry suggested to consider having an easement to
 59 allow for the town, if needed or wanted, to be able to trap beavers or remove beaver dams on the
 60 property. Beavers are active in that area and the dams can cause flooding. Carsten noted the
 61 upstream has 60 acres of water. The Fish & Game has their RSA's which state that they can take
 62 care of this issue in special circumstances but, never issued a permit. The Town cannot go onto
 63 private property even though it may be affecting 15 people upstream. Barry asked if the property
 64 owner would be willing to allow the town permission, if needed for this issue. This is a
 65 consideration and not a requirement. The property owner has no objection but would like
 66 notification prior to this taking place. Charlie stated a note can be put on the plans to address
 67 this. Carsten mentioned that he could provide a copy of a deed that would show defined
 68 verbiage for this type of issue. Barry asked about fire suppression. Charlie stated that it is not
 69 required.
 70

71 Barry asked if there were any questions from the Board. Charles mentioned the existing
 72 structure and if there is a need to worry about conservation of that structure. Charlie stated that it
 73 is beyond repair. Daniel Perry stated that he has already had surveys done for the demolition of
 74 the structure. Charles asked if documentation is needed from the Historical Commission stating
 75 that the structure is unsalvageable. Barry and Carsten both stated that it is not necessary as the
 76 property is not located in the Historic District. Barry mentioned that some comments from the
 77 town engineer have been received and are as follows:

- 78 1. State approvals pending must be obtained and listed on sheet 1
- 79 2. The newly created lot line between the 2 lots be monumented every 200 ft w/a note
 80 on the plan
- 81 3. Description of the soil types be provided to the Board and listed on the plans
- 82 4. When construction occurs on lot 4-1-1, proper sediment control shall be utilized to
 83 prevent impact to the associated wetland resource area.

84 Charlie stated this can be added to the septic design. Barry stated to add a note on the plans.
 85 Charles mentioned that further south, there is a stone wall along 111A and questioned if this
 86 continues on this property. Charlie noted that there is one section with a retaining wall and
 87 wetland pocket but nothing disturbing any stone walls.
 88

89 Barry opens the hearing to the public. A question was asked regarding changing the use from
 90 residential to a business and if the abutters would be notified. Barry stated that if a property is
 91 converting from a non-commercial to a commercial use that some form of site plan review would
 92 have to come before the Board and that the abutters would be notified. Carsten mentioned to

Charlie that when coming before the Conservation Commission, be prepared to discuss the trip wires that occur within the state in regards to curb cuts. He suggested looking into a shared driveway on the dry land which would avoid any wetland crossings and that Conservation may provide a letter of support to the state if needed. Barry asked about culverts to which Charlie stated they are not required. Charlie had some discussions with district 6 regarding the original plan set. Minor adjustments were made to ensure the guarantee of the curb cuts and acceptance for 3 driveway access points. The site line off of proposed lot 4-1-1 comes across where the new driveway is making sure the sight line isn't obscured. Barry suggested when/if a decision is made to come back to the Planning Board to subdivide the larger lot to add a buffer for the historic schoolhouse next door to the property. Carsten stated that there is already a road between the school and the property. Charlie questioned granting conditional approval pending the few outstanding items. Barry asked the Board about having a site walk to which the consensus was not necessary. Barry stated 8 conditions that need to met and are as follows:

1. State subdivision approval
2. State curb cut approval
3. Work with Conservation regarding deed easement for the beaver issue
4. Soil types listed on the plan
5. Monumentation of the lots (engineer comment #2)
6. Note regarding sedimentation control during construction
7. Town Highway Department comments
8. Conservation Commission review

No bonding is required for this application. Roger **made** and Steve 2nd a **motion to grant conditional approval with the above 8 conditions**. All in favor, **motion carries**. **Conditional approval granted on 3/24/2022**. Joe Fitzpatrick mentioned 2 wells on the property and if they would be utilized. There is a dug well on the corner of Billy's Way and a drilled well between the existing house and driveway about 20ft off the road. Charlie noted that the wells will be discontinued.

5 Red Pine & Colby Road, Map & Lot 3-90-11 Subdivision & Site Plan:

Overview:

Roger confirmed all abutters have been notified. Charlie Zilch of S.E.C. & Associates addresses the board on behalf of Steve Pascoe, current owner of the property. The intent is to obtain approval to subdivide parcel 3-90-11 into 2 lots utilizing the frontages on Red Pine & Colby Roads. The lot created by the frontage on Red Pine Road will support the existing dwelling as a residential lot and the lot created by the frontage on Colby Road will be used as a commercial lot by converting the existing barn to a commercial use. The property is 3.82 acres with 200ft of frontage on Red Pine Road, 321.28ft of frontage on Colby Road and located in the recently re-zoned Danville Village District. The lot currently supports a 4-bedroom single family dwelling accessed from the frontage of Red Pine Road and the converted barn, which is now a storage building, accessed from the frontage on Colby Road. Both structures are served by individual driveways, septic systems, and wells. A wetland bisects the lot and separates both structures.

History:

The property was once part of a larger tract of land, subdivided in 1986 into a 16-lot residential development. Red Pine Road was constructed to access the development and the barn was an existing structure at that time. In 1993, the site was included in a plan for a lot line adjustment to allow for the abutting lot to be subdivided into 2 residential lots making the lot area 2.93 acres. The lot was then purchased in 2000 and a septic design was prepared and approved to construct the residential dwelling on Red Pine Road. The existing barn was remodeled in 2002 and used as a wrestling school. A septic design was prepared and approved to support the wrestling barn in October of 2004. The design called for installation of a well and septic system to support 30 students for a total sewage flow of 300 gpd. The septic design was approved allowing the leachfield to be within the Town's 75ft wetland setback. In September of 2012 a lot line adjustment plan was submitted to the Planning Board and approved adding 0.89 acres to the property which brought the total lot area to 3.82 acres. State subdivision approval was successfully obtained but, a variance application failed and the subdivision was withdrawn. The lot was then sold to the current owner, Steve Pascoe.

Current Proposal:

As noted, the site is within the re-zoned Danville Village District. This allows for new opportunities to expand on the Towns commercial base within new areas in which to establish businesses that can be blended with the existing residential uses. Mr. Pascoe would like to convert the existing barn into a light commercial use to establish professional office space for his real estate business. In order to achieve this, the lot needs to be subdivided with the house remaining as a residential lot, 3-90-11, and the barn converted to a commercial lot, 3-90-11-1. An application was submitted to NHDES for subdivision approval which was granted for the residential and commercial lots. With that approval, this proposal was brought before the Planning Board and Conservation Commission for discussion. Relief was needed from zoning requirements for the lot that would support the commercial use. Both boards were supportive of the concept. A variance application was submitted to the Zoning Board of Adjustment and all variance requests were granted. A driveway permit needs to be obtained from NHDOT for the commercial use lot. Colby Road is a State roadway at this point. To obtain the 400ft of all season safety sight line, an easement was obtained from the neighboring lot, 3-96, owned by Raymond and Bianca Labbe where the sight line crossed their property. The easement deed and plan information have been submitted to NHDOT and permit is pending. Barry mentioned a waiver for the 4000sqft receiving area required for lot 3-90-11 is being requested. There were no questions from the Board regarding the applications. Roger **made** and Steve 2nd a **motion to accept the applications**. All in favor, **motion carries**. **Applications accepted 3/24/22**.

Details:

Barry noted that a variance was granted by ZBA. Charlie explains that relief was given for the following:

- Lot to be 1.82 acres where 2.0 acres are required
- Lot to contain 0.76 acre of total non-wetland area where 1.0 acre is required
- Existing building (to be converted to commercial use) to be within the wetlands buffer zone (24' at it's closest point with the majority of the building greater than 50') where 75' is required

- Existing building (to be converted to commercial use) to be within the front lot line (right of way) setback (24' at its closest point) where 30' is required
- Proposed (waste water treatment) septic system replacement area to be within the wetlands buffer zone (50' at it's closest point) where 75' is required.

Charlie noted that Colby Road is a State road and that there will be one access point to the east. An easement is in place from a neighboring lot to obtain the 400ft of site distance. Barry mentioned to have a note on the plans for continued maintenance of the easement. Charlie stated that the wetlands on the site have been re-mapped and the upland soils are supportive of the septic system. Barry noted that the 2nd lot is only approved for commercial use and a note should be on the subdivision plans. Charlie mentioned that there is a note on the cover sheet, notes 4 & 5 which also mention the variance relief. Both lots have 200ft of frontage. Proposing a typical driveway with a mailbox in front. Access will be limited to the front of the property. There are only internal changes to the building with a few external site changes. Barry questioned the well radius for the well on the existing residential lot. Charlie explained that it extends into the wetlands an onto the other lot. It is in an area that is precluded from development in the wetland complex surrounding Colby Brook. The state does not require an easement. Barry stated that the Planning Board has a requirement to show that the well radius is within the lot. Charlie noted that this could be captured in an easement and a potential replacement area for the well has been provided but that the existing well will be used. Barry mentioned to check the Zoning Ordinance. The fire wards will need to be addressed in regards to fire suppression for the commercial building as anything over 2000sqft requires it per Steve. State approvals have been obtained. Barry noted that he would like Conservation's comments in regards to the amount of wetlands. Carsten stated a previous concern was for the septic but, this has since been addressed. Barry mentioned gravel in the parking area but, believes the Zoning Ordinance requires paving and a better delineation needs to be shown on the plans. Carsten noted that paving shouldn't be done to the east area in front of the building as it goes straight into the wetlands. It would be more advantageous to have some permeable surfaces but, the plan needs to show where the gravel ends and pavement begins. Charles questioned if crushed gravel can be paved. Barry stated that there are specific requirements in Zoning for paving but, a waiver could be requested. Charlie stated that there will be paved parking in the front and along the back side of the building on the right side. There will be nothing to the east as the gravel will be retained there. Carsten suggested adding rip rap at the farthest end. Barry questioned having a drainage swale. Charlie noted that storm water control will be added, infiltration trenches on either end of the parking area. Landscaping will be added to increase the buffer. There will be on building and parking signage. The town engineer has reviewed the plans and has some comments that will be addressed.

The business will have private curbside trash pick up, no dumpster on site. A note will be added to the plans. Charles mentioned that there are 7 parking spaces shown on the plans. Barry stated he would check the ordinance. The trash pick up will be added to note 21. Note 24 needs to be addressed regarding the waiver. Charles questioned the propane tanks that abut the building and are next to a door for access and egress and if it's appropriate with town fire codes. Mr. Pascoe mentioned the tanks were installed with a permit about 2-4 years ago and the door is not used for egress. The Fire Wards will look into this. Mr. Pascoe also states he may not put up a sign as the building is not a public place. Barry noted that business signage is not required. Charlie mentioned note 25 on the plan references signage. There is one handicapped parking space with

a van accessible isle. Barry feels that space obstructs the ability to get into the other parking spaces. Charlie explained that there are 4 spaces in the paved parking area and may have occasional handicap use, with room to get by. The van accessible isle can be used to drive through. Barry mentioned one handicapped space, a van accessible isle, and a piece on the other side that is not a parking space, and asked if that piece is a travel lane and what the dimensions are at it's narrowest point. Charlie confirmed that there is a travel lane, trying not to expand the parking area to make it as compact as possible. Barry believes in looking at the plans that there is at least 10ft between the travel lane and the building and just wanted to confirm that there is an accessible travel lane when the handicapped space is being used, a car can travel in that lane to get to the other parking spaces proposed in the back. Chris asked if the paving will go up to the building on the right side. Mr. Pascoe noted that 2/3 of the front right side of the building at the corner of the handicapped space up to the building will be paved, Charlie mentioned that it is a flat area and no grading is needed. A low split rail fence or something similar, was discussed in order not to restrict the site line. Charles asked if an isolation zone is required for the well on the commercial lot. Charlie stated it is not required for this use. Barry noted that the protective well radius needs to be shown on the plans.

Before the Planning Board comments on the waiver request for the 4000sqft receiving area, Conservation needs to review and comment. There is a waiver request for landscaping. The front yard is required to be 30ft. Distance is needed from the edge of the gravel to the property line. Charlie noted that the site line is included in the buffer. Barry stated that per site plan regulations, a buffer of 50ft is required for existing abutting properties. The consensus of the Board is that a waiver is not needed, just need the dimensions that it is more than 50ft. Charlie noted that the focus of the buffer waiver is more for the front of the property. The property across the street is considered an abutter, has the same owner, but would need to grant the waiver. There is more than 50ft on the westerly side of the property. Roger **made** and Steve 2nd a **motion to grant the waiver for site plan regulation article III, section 30-A 1&5**. All in favor, **motion carries. Waiver granted.**

Charlie questioned if the Board took jurisdiction on both applications to which Barry confirmed. The 2nd waiver request will be addressed after Conservation review. Steve questioned if only the ground level of the building will be utilized. Mr. Pascoe stated that will be the office space, and currently storage on the 2nd floor with possible office space in the future. There are no plans to rent the property. Barry stated a note needs to be on the plans. Chris questioned how the parking was configured. Charlie mentioned there is a parking allowance for office space and it is based on the square footage of the building. 60% of the building will be utilized for office space. He took the total square footage and added in a multiplier which came up with 6 spaces required but, are proposing 7 spaces. This will be a private office with no clients coming in. Roger mentioned that commercial property has to follow zoning. Barry questioned having a site walk, and the consensus of the Board is that it is not necessary. Roger **made** and Steve 2nd a **motion to waive the site walk**. All in favor, **motion carries**. This application will be continued to Thursday, April 14 after meeting with Conservation.

Preliminary Discussion for Lots 2-48-1 & 2-48-3:

Scott Chaudoin address the board. He states his father recently passed and he is before the Planning Board on behalf of his mother regarding possible development options for parcels 2-48-1 & 2-48-3. There is a 2 acre lot to the right and a 2 acre strip at the bottom of the hill with 48 acres in the back abutting Back Road. Approximately 50 acres of total land. Carsten mentioned he has never walked this property. The property is now in current use. Barry explained that there are lots of options to consider:

1. Fees would need to be paid to take the property out of current use.
2. The property could be subdivided, with a 25-lot maximum and a minimum of 2 acres per lot per zoning.
3. A cluster subdivision which would have the lots closer together
4. Senior housing which would also have the lots closer together but, can have a small commercial use with it.
5. Donate the land to the town
6. Connect the 2 lots with a lot line adjustment

There is frontage on a couple of different roads, plenty of access, residential use and all within the Zoning Ordinance. Barry suggested if a decision is made to subdivide, find a developer to look at the property and give some proposed options based on what he wants to do. Have a soil scientist map out the property for wetlands. Mr. Chaudoin asked about solar farms. Carsten stated you need 7 acres plus and with 7 acres would break even. He suggests talking to experts who deal with that. Charles stated since this is an agricultural area, consider a horse or dairy farm. Another suggestion was made to contact NRCS/licensed forester to get a good idea of what is there. Charles mentioned in regards to solar, the transmission connection and off load. In NH, the laws require the power company take excess beyond a certain amount. This property is not zoned for commercial use and would need to go before the ZBA for a variance for a solar farm. Carsten suggests looking at all the considerations before making a decision. If developing the smaller lot, do it with the large lot in mind. A lot line adjustment should be considered before anything.

Election of Officials:

Steve nominated Barry for Planning Board Chairman. Barry declined and **made a motion to** nominate Chip, Roger 2nd the motion. All in favor, **motion carries**. Chip Current voted in as Planning Board Chairman unanimously. Charles **made a motion to** nominate Roger for Vice Chair and Chris 2nd the motion. Steve **made a motion to** nominate Barry for Vice Chair and Roger 2nd the motion. All in favor, **motion carries**. Barry Hantman voted in as Vice Chair unanimously. Roger **made** and Steve 2nd a **motion to adjourn**. All in favor, **motion carries**.
Meeting adjourned at 9:40pm

Agenda for next meeting:

1. Continuance of 5 Red Pine & Colby Road Site Plan & Subdivision
2. Re-submittal of Site Plan and Subdivision applications for Sapphire Woods
3. Preliminary Discussion for Map & Lot 4-206, Hunt Road
4. Bond Reduction request for Stage Coach Estates

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322

323 Respectfully

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325 Gail Turilli