

Planning Board
November 10, 2022
7:30pm

Members present: Barry Hantman, Chris Smith, Roger Whitehouse, Leo Traverse, Steve Woitkun

Others present: Gail Turilli, Jase Gregoire, Guillermo Sepulveda, Shayne Gendron, Sandra York, Carsten Springer, Brian Heide, Joshua Manning

The meeting minutes from 10/27/22 were reviewed by the Board. Chris noted some corrections: line 33 & 34 should change the word “by” to “for”. The next sentence should state “It seems as though District 6 is looking to be reasonable.” Line 62 should mention that the Board talked about RPC membership and hiring them as a consultant. Line 107 change the word “trump” to “front.” Barry added two other corrections to line 119 should state “special protections” and the last line 135-136 should be the last sentence of the previous paragraph. Roger **made** and Leo 2nd **a motion to accept the minutes as amended.** All in favor, **motion carries with Steve abstaining.**

Barry mentioned that the RPC had sent a letter asking if the Planning Board wishes to pay dues for the upcoming year and the cost was over \$4000. Carsten mentioned he was the last commissioner to the RPC for the last three years that we were members. It was a real loser to the town and it is one of the reasons we are a better community with an unbalanced tax base. The leadership of the RPC put forward a request to raise dues to all towns at a meeting. Carsten had asked that they present the budget and they did not. Once the budget was presented at a subsequent meeting, the RPC was able to increase funding by 30% using federal money and they still asked towns for more. If the town ever considers RPC again, he would be more than happy to discuss other towns he deals with in his day job where he sees the RPC writers. He feels this is not a good arrangement and not part of the State, Town or County government. The focus is mainly on the seacoast area and doesn't help Danville or surrounding towns very much. Barry stated he was also an RPC commissioner for many years and there were several reasons why Danville stopped being a member of the RPC. When the Planning Board put together the budget for the upcoming year, it did not include any RPC dues. When the letter was received about two weeks ago, he was asked by the Selectmen's administrator whether or not the town should pay this bill. Barry informed them not to pay it as this was not in the 2023 budget. Carsten stated by his last calculation, since the town has not been members, we are probably ahead \$75,000 - \$115,000 at this point by not having to pay dues over the last 8 years or so. Roger believes it has been 7 years. Barry noted that this Board made the decision not be continue as members of the RPC and have hired consultants at various times which we can continue to do so if needed.

Correspondence:

The NH DES newsletter was received and has some information about grant funds for cyber security which Barry mentions the Selectmen may be interested in.

Agricultural/Residential Zone Discussion for Farming Parameters:

Barry mentions that a letter was received from Sandra York of 199 Colby Road which was briefly discussed at our last meeting. Mrs. York then addresses the Board with her concerns. She states that new neighbors were acquired last March. One morning she was awoken by what sounded like an 18 wheeler in her backyard around 4:50am. It turns out that it is a 1970 international flatbed diesel truck. The truck idles in the driveway for at least 5 minutes, longer in the colder months. It then leaves the property going through the gears in front of her house. Without trespassing on their property, she cannot determine if the vehicle is registered commercial which would bring into play Article VII Nuisance Provision. This particular neighbor also has a tractor that emits noxious fumes. Trees have also been cleared on this property and there is very little privacy. Recently, this neighbor acquired 2 cows which she presumes they are raising for meat. Her cameras recorded these 2 cows in her yard eating grass and plants between midnight and 3am on October 20th and she feels the fencing they have up is not adequate. It could have been a bad situation if the cows ventured into the road. The ordinance has no parameters to the number of livestock on the property, fencing, or buildings that she can find and what is to stop this neighbor from getting more cows, pigs, chickens, etc. She feels that 5 acres should be a minimum and would like the Board to revisit Article IV.A. Residential/Agricultural Zone 1.C of the Town Zoning Ordinance and consider instituting parameters.

Barry notes that nothing can be done retroactively. There are 2 issues here: the truck and farming. As far as the truck issue, the town has ordinances that restrict certain vehicles in that zone which would be an enforcement issue to be brought up to the Selectmen. If the neighbor is in violation regarding the vehicle and/or the noise ordinance, it would need to be brought to the Selectmen's attention for enforcement. He also notes that farming vehicles are not considered commercial vehicles.

In regards to farming, Mrs. York has not spoken with the neighbor to which Barry states most issues are easier resolved in having a conversation. NH RSA's are very protective of farming and agricultural activities. Towns are limited in restricting these as this is a permitted use in town and there are State Mandates. State laws restrict how animals are treated. Cows coming onto Mrs. York's property is not permitted and would be an enforcement issue. Mrs. York stated that she hasn't seen them out again and that maybe the fencing had been fixed. Barry mentions that the nuisance factor may also be an enforcement issue. He also states that there are laws regarding taking legal action. It has to be done in the first year that the farm is there and there is a right to farm law in NH. The Board could clarify the ordinance but, the best avenue would be to speak with the neighbor. Mrs. York feels her right to quiet enjoyment are not being addressed. Barry gave out some handouts regarding farming and agriculture to Mrs. York to look over. Carsten suggested to contact the Co-Op Extension Service about a good way to approach this issue. Chris noted if the town looks at the regulations and makes suggestions to change, it would have to be by town vote.

Wellinghall Farm Wedding Venue Site Plan & Conditional Use Permit:

Barry states he would like to address the Conditional Use Permit and comments from the last meeting. He also stated that the town engineer will a copy of the new plans. Jase Gregoire of Civil Works NE stated those were issued today. The AOT comments have been addressed and

there are no design changes. A landscape plan has been provided which the town engineer saw yesterday with only one comment regarding snow storage. There will be trees planted along the road and the final plan will have the species. Carsten noted that if something changes, it is not part of the permit. Barry stated that the landscape plan would suffice as the trees/bushes are far out from the road and there is no need to see the species. The only change is that there are now no cupolas' in order to meet the 35ft height requirement which is shown on the architectural plan. Barry stated that there needs to be a note on the plan for fire suppression for final approval. Chris mentions to clarify the note regarding utility trailers. There are six items that remain outstanding and are as follows:

- #3 – Note for I & M plan
- #5 – Fire Suppression Plan acceptable to PB (Hall & Rental Building)
- #7 – State Permits
- #9 – Revised Snow Storage Plan acceptable to PB
- #12 – Detail on plan to address infiltration and trench details
- #14 – Bonding

Barry stated he is going to add item #23 to the list for signature blocks. Typically site plans are recorded and sheets 6,8, & 9 with a cover sheet will need to have signature blocks for recording. The Fire Suppression plan may be required for recording if a cistern is used. If using sprinklers, just a note will need to be added. Bituminous curbing detail is not seen on the plan but has not changed.

Conditional Use Permit:

Jase Gregoire states there are impacts to the 75ft wetland buffer consisting of the bio-pond, construction of the grass re-enforced access road and the commercial driveway. The impacts are mostly in the front of the property. There are also impacts to the storm water retention basin, treatment swale and access to the back of the property. Parking is not in the 75ft wetland buffer. Barry asked if the Conservation Commission had any comments. Carsten noted that he is pleased with the overall plan and that there are very minimal impacts. Roger asked if the impacts are more than 50ft in. Jase stated it is variable but that there is a direct impact at the wetlands crossing. Carsten mentioned that there is already an impact but the plan shows an improvement to the situation. Roger **made** and Chris 2nd a **motion to grant the Conditional Use Permit**. All in favor, **motion carries**. **Conditional Use Permit granted on 11/10/2022.**

Site Plan:

Jase Gregoire states he has received a letter from DES today and is seeking conditional approval at tonight's meeting. Barry stated there are 8 conditions that need to be met for this application and are as follows:

1. I & M Plan
2. Fire Suppression Plan
3. State Permit numbers
4. Snow Storage
5. Infiltration & Trench details

6. Bonding
7. Signature block on sheets 6,8 & 9 with a cover sheet
8. Conditional Use Permit date on the plan

Once conditional approval is given, plans cannot be changed. Roger **made** and Steve 2nd a **motion to grant conditional approval with the above 8 conditions**. All in favor, **motion carries**. **Conditional Approval for the Site Plan granted on 11/10/2022**. Barry mentioned that the conditional approval is good for one year and if needed, they may ask for an extension which will only be granted one time. Barry also requests a full set of plans upon final approval.

Other Business:

Carsten addresses the Board on behalf of Chip Current with a proposal for a Warrant Article change from Forestry. He states that as previously confirmed by town vote and per state law, the Forestry Committee is charged with the management of the Danville Town Forest. Four sections of current zoning create inconsistency and ambiguity related to that. This needs to be clarified. Barry asked where this is documented to which Carsten stated in the exemption section in Zoning. The town forest was established by town vote and the Forestry Committee was put in charge of that. There is an Audubon easement in place and a Forest Management Plan that was voted on last year. The proposed Warrant Article is for clarification of wood cutting activities in the Town Forest and will read as follows: "To see if the Town of Danville will vote to amend the Town of Danville Zoning Ordinance to clarify that Forestry activities in any portion(s) of the review. Specifically, this will change Article XIII.B.9.f,g,h,i by replacing all four subsections with clarified exemption language contained in a new subsection f. The new Article XIII.B.9.f will read as follows: All wood-cutting activities and Forest Management practices of the Danville Forestry Committee within the Danville Town Forest."

Steve **made** and Roger 2nd a **motion to put this forward to our first public hearing in December**. All in favor, **motion carries**. Master Plan updates and Zoning Warrant Article changes will be discussed at this hearing on December 8 and will be noticed in the newspaper.

Roger **made** and Steve 2nd a **motion to adjourn**. All in favor, **motion carries**. **Meeting adjourned at 9:45pm**

Agenda for PB Meeting on Dec 8:

1. Master Plan Updates
2. Zoning Warrant Article Changes
3. Preliminary Discussion for a Lot Line Adjustment requested by Donald Pryor for lots 2-44 and 2-46.

Respectfully,

Gail Turilli