

Planning Board  
January 12, 2023  
7:30pm

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

7  
8 Others present: Gail Turilli, Christi Unger, Dan Dorow, Dennis Griffiths, Joe Hester, Dave  
9 Drislane, George Brasil, Kevin Dube, Scott Barr, Brian Heide, Jeff Murphy of SFC Engineering,  
10 Carsten Springer, Bob Loree, Vince Edwards

11  
12 The meeting minutes from 12/8/22 were reviewed and Chip mentioned a couple of changes.  
13 Line 17/18 after the word to add, limit agricultural uses. Capitalize the next sentence. Line 240  
14 Should be “governance” not “governments.” Barry **made** and Leo 2<sup>nd</sup> a **motion to accept the**  
15 **minutes as amended.** All in favor, **motion carries.** **Note: all attachments requested by**  
16 **Heritage have been included with the meeting minutes.**

17  
18 **Citizen’s Petition for Amendment To Zoning Ordinance Article XIII.B.9:**

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

29  
30 Chip mentions that the lead petitioner, Amber-Rose McIntyre of 20 Beechwood Drive, is not  
31 present but submitted a statement that reads as follows: “The petitioned amendment contains  
32 clarification about forestry activities and forest management on town land in the historic district  
33 but, preserves the purpose of the historic district ordinance. The petitioned amendment is  
34 consistent with our residents’ votes and efforts to protect this special, historic area of our town,  
35 legal guidance the town has received, and the terms and conditions of the Audubon easement on  
36 this land. I hope the Planning Board members will agree and vote to recommend the petitioned  
37 amendment.”

38 Chip then opens the Public Hearing for questions or comments.

39  
40 Kevin Dube of 22 Rockrimmon Road addresses the Board. He states he had listened to the  
41 previous hearing and is concerned about giving jurisdiction to any town property to the Audubon  
42 Society. He feels that they are a global powerhouse and shouldn’t have any jurisdiction on town  
43 property. Chip stated that he understands but, the town voted in 2009 to put the Town Forest  
44 into an easement and this is not what the warrant is about. In the future, could try to break that.  
45 At this time, there is an easement in place, held by Audubon on that property and we have to  
46 abide by the covenants therein.

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

57  
58 Barry **made** and Charles 2<sup>nd</sup> a **motion to close the public hearing**. All in favor, **motion carries**  
59 **with a unanimous vote. Public Hearing is now closed.**

60  
61 Chip notes that he agrees with a lot of the sentiment but, requiring something to not be exempted  
62 in an exemption section of a document is really poor zoning. Barry feels that this citizens'  
63 petition is confusing in the way that it is worded. There are zoning sections that require review  
64 and sections that state things that are exempt from review. He finds it hard to interpret and  
65 personally believes this would end up in court. Charles mentions that he spent 40 years writing  
66 contracts. In those contracts there are defined terms that become capitalized because they refer  
67 to something specific. In looking at this petition, the historic district is not capitalized but, town  
68 forest is. He feels there are a great deal of clean ups with the way the arguments are presented  
69 and the way the document is constructed. It would be difficult to create, put in place and expect  
70 people to correctly interpret the intent.

71  
72 Barry **made** and Charles 2<sup>nd</sup> a **motion to add: Not Recommended by the Planning Board**. All  
73 in favor, **motion carries with a vote of 6-0**. Charles mentioned that there are underlying issues  
74 that need to be addressed. Chip agrees with Charles. The proposed Zoning Warrant Article that  
75 was put forward by this Board is trying to do exactly that, which is clarifying the division of  
76 power over specific pieces of land in town to the appropriate place. Barry also agrees and states  
77 that there are conflicts with some of the Boards in town that need to be addressed.

78  
79 **Warrant Article XIII.B.9 – Second & Final Public Hearing:**

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

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

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

103  
104 Barry **made** and Chris 2<sup>nd</sup> a **motion to put this forward to Town Warrant**. All in favor,  
105 **motion carries with a vote of 6-0**.

106  
107 Charles **made** and Barry 2<sup>nd</sup> a **motion to add: Recommended by the Planning Board**. All in  
108 favor, **motion carries with a vote of 6-0**.

109  
110 **Preliminary Discussion for Access on Back Road in Danville to a parcel on 49 Back Road**  
111 **in Kingston:**

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

131  
132 Chip notes that he will not be available for the next meeting and Barry will step in for the Chair.  
133 If there are no agenda items for the next meeting on 1/26/23, it will be cancelled. Charles asks if  
134 there is anything the Planning Board can do to mollify emotional content. Chip stated the  
135 Planning Board s constantly trying to make the Zoning Ordinance more clear and that all towns  
136 struggle with preservation.

137

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

140

141 Respectfully,

142

143 Gail Turilli

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