

Planning Board
March 23, 2023
7:30pm

Members present: Chip Current, Barry Hantman, Leo Traverse, Joe Hester, Chris Smith, Charles Underhill, Roger Whitehouse

Others present: Gail Turilli, Charlie Zilch, Carsten Springer, James Seaver, Josh Rabenius, Henry Boyd Jr, Justin Passay Esq., Doug Anderson, Juan Hernandez

The minutes of 3/9/23 were reviewed and there were no comments from the Board. Barry **made** and Charles 2nd a **motion to accept the minutes as written**. All in favor, **motion carries with Chip, Roger, and Joe abstaining**.

The Site Walk minutes of 3/22/23 were reviewed and there were no comments from the Board. Roger **made** and Barry 2nd a **motion to accept the minutes as written**. All in favor, **motion carries with Chip, Chris and Joe abstaining**.

Chip welcomes newly elected Selectmen, Joe Hester to the Planning Board. Mr. Hester will be taking the place of Steve Woitkun as the Selectmen's Representative to the Planning Board. Chip also mentions that there are 3 Board Members that are up for election this year, himself, Leo, and Roger. Board elections will be held at the first meeting in April.

Doug's Tree Service – Continuance:

Justin Passay, Esq. addresses the Board on behalf of Mr. Anderson. In December of 2021 the original application was accepted and conditional approval was granted with 19 waivers and 13 conditions. The plans were revised but the time frame lapsed as the conditional approval was good for one year. A cease and desist certified letter was sent to Mr. Anderson on behalf of the Selectmen. Henry Boyd filed an updated application and letter to the Planning Board to start the process again. The updated application was accepted on February 23, 2023. The project went before the Conservation Commission on March 2, 2023 with no issues. The 19 waivers for the first approval have been confirmed and have been requested again along with an additional waiver for the town engineer fee. It was the consensus of the Board that the Town engineer review is not required. The status of the prior applications conditions are that there are two issues remaining, which are silt fencing and paving. The goal for tonight's meeting is to obtain conditional approval and get a recommendation to have the cease and desist lifted.

Henry Boyd of Millennium Engineering addresses the Board. He states that he has created a paved detail apron to extend 5ft onto the property. Barry mentioned that the dimensions and construction standards for the driveway are needed. Henry stated that he will do an advance detail to which Barry noted that the ordinance has specifications. Henry questioned the silt fence. Barry stated that if it is on the plan it needs to be there. There was an added note that states woodchips will be installed at the downslope side of the silt fence and will remain after the silt fence is removed.

Barry mentioned that he noticed some standing water within 5ft of the road on the site walk and felt that the Planning Board would want to address this issue. Doug stated that the reason for the water is due to snow melting. 99% of the year it is mostly a dry area and has not been delineated as wetlands. Carsten concurs with Doug and mentions that the wetlands scientist described it as a very grey/ run-off area. Uphill to the South there are some wetlands present. Carsten would prefer not to see silt fencing as it acts as a “Berlin Wall for species”. Barry noted that if it is on the plan, the Planning Board has requested it. Henry mentions a compromise as he has moved away from using silt fencing on projects and is now using silt socks, made up of biodegradable wood chips which would turn into soil over time. He suggests to add silt socks at the front and both sides of the gravel driveway. Carsten mentioned that the road is not going to be paved. East of the culvert and south of the access road there is water draining from the abutting property and is in favor of the silt socks. Chip doesn’t feel it will impact the areas and that silt socks are not necessary.

This is not a traditional site and many waivers are being requested. The waivers that are shown on the plan are what the Planning Board had approved previously. Requirements for the waivers were discussed by the Board and the requested waivers are as follows:

1. Section 20 - General Standards. Site preparation, disturbances to existing vegetation. soils, water supply, sewage disposal systems. There are no new disturbances with this plan. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted 3/23/23**
 2. Section 20.1- Traffic Impact Analysis. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**
- Charles asks if there are any concerns by the public with any of the waivers that are being requested. There was a brief discussion and the public has no concerns.
3. Section 21.D – Driveways. All Commercial driveways shall be paved with bituminous concrete, unless it can be proven that the use of permeable pavement is necessary to reduce the need for the installation of drainage facilities to accommodate runoff. Barry **made** and Roger 2nd a **motion to grant this waiver with the exception of pavement on Frye Road**. All in favor, **motion carries**. **Waiver granted on 3/23/23**
 4. Section 21.F,H &I – Vehicular / Pedestrian access. Charles **made** and Barry 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
 5. Section 23 – Parking lot design. There is no parking lot being proposed but, Barry notes that there are 3 parking spaces shown on the plan. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**
 6. Section 24 – Loading – All non-residential sites shall provide off-street loading facilities. These facilities shall be located and designed to minimize traffic flow disruptions of entering and exiting vehicle, and so that delivery vehicles can be parked completely out of the right-of-way. Loading facilities shall be designed such that delivery vehicles do not need to stop or reverse direction on Town roads. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**

7. Section 25 – Snow Removal. The general plan for snow removal shall be indicated in a note. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
8. Section 26 – Pedestrian Access. All sites shall provide for safe pedestrian access and circulation. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
9. Section 27 – Lighting. Barry noted that there is an exterior light at the front entrance. Chip states to have this shown on the plan. Roger **made** and Barry 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
10. Section 28 – Storm Drainage. Storm drainage systems shall be designed using the following design storm return frequencies: a. storm water conveyance or pipe and swale: 25 yr return frequency b. cross culverts: 25 yr return frequency c. detention/retention basins: 50 yr return frequency. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
11. Section 29 – Utilities. All utility systems shall be placed underground in conformity with the terms and specifications of the utility company involved. It was noted that all utilities on this site are above ground. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
12. Section 30 – Landscaping. Every lot shall comply with standards in order to enhance site design, enhance privacy. Roger **made** and Barry 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
13. Section 30.1 – Architectural design. In order to “...provide for the harmonious and aesthetically pleasing development of the municipality and its environs...”(NHRSA 674:44, II). Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
14. Section 32 – Solid Waste / Recycle Disposal. All sites shall provide solid waste facilities for both recycling and disposal as are necessary to serve the site. Barry **made** and Roger 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
15. Section 34 – On-Site Water Supply. In areas not served by municipal water, provisions for on-site water supply shall be indicated. Roger **made** and Barry 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
16. Section 35 – Sewage. In areas not served by municipal sewage disposal, provisions for on-site sewage disposal shall be indicated. Roger **made** and Barry 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
17. Section 36 – Handicapped Accommodations. All pedestrian access facilities, parking facilities, and other applicable site elements shall be designed and constructed to be in compliance with applicable provisions of the Americans with Disabilities Act, as amended. Roger **made** and Barry 2nd a **motion to grant this waiver**. All in favor, **motion carries**. **Waiver granted on 3/23/23**.
18. Section 38 – Road Standards. Construction requirements for roads, parking areas, bridges, sidewalks, and drainage facilities shall be in accordance with the Standard Specifications for Road and Bridge Construction, as published by the State of New Hampshire Department of Transportation, and the road standards of Danville’s

- 139 Subdivision Regulations. Roger **made** and Barry 2nd a **motion to grant this waiver.**
 140 All in favor, **motion carries. Waiver granted on 3/23/23.**
 141 19. Section 40.1 a, d & e – Plat Notes Required for landscaping, snow removal and
 142 recycling. Barry **made** and Roger 2nd a **motion to grant this waiver.** All in favor,
 143 **motion carries. Waiver granted on 3/23/23.**
 144
 145 20. Engineer review requirement. Chip noted that he would like to have the Town
 146 Engineer inspect the 20ft of pavement needed, during and after construction. The
 147 intent is to waive all engineer review fees as this is not a subdivision but, a
 148 connection to a Town road. Mr. Anderson states he is waiting on the driveway
 149 approval and mentions to possibly transfer the inspection to the Town Road Agent.
 150 Attorney Passay states a condition can be added to the plan. Barry stated that he
 151 would like to see the Town Engineer inspect the road. The Board had a brief
 152 discussion and voted 5 – 2 in favor of transferring the inspection to the Town Road
 153 Agent during, and post construction. Barry **made** and Roger 2nd a **motion to grant**
 154 **this waiver.** All in favor, **motion carries. Waiver granted on 3/23/23.**
 155

156 Charles mentions other projects that have come before this Board and that potential wildlife
 157 impacts were looked at. He asks if this area is sensitive to that to which Chip responded, “not
 158 particularly”. There are seven items that remain outstanding and are as follows:

- 159 1. **Construction Standards**
- 160 2. **Detail Specifications**
- 161 3. **Removal of Silt Fence**
- 162 4. **Driveway Permit**
- 163 5. **Silt Socks**
- 164 6. **Light Pole – Show on Plan**
- 165 7. **Inspection by the Road Agent**

166 Carsten will be sending a letter to the Planning Board from the Conservation Commission.
 167 Engineer authorization has been given to the Road Agent. Roger **made** and Chris 2nd a **motion**
 168 **to grant conditional approval with the above conditions.** All in favor, **motion carries.**
 169 **Conditional approval granted on 3/23/23 and will be good for one year.** The Planning Board
 170 suggests that the cease and desist issue be brought to the Board of Selectmen as they cannot
 171 make that decision.
 172

173 **Eastern Materials Excavation Permit Renewal, Map & Lot 4-28:**

175 Charlie Zilch addresses the Board on behalf of Downey and Michael Shea. He explains that this
 176 is a 35 acre gravel pit that has been around for over 30 years. Mr. Shea is has been using it as a
 177 staging area over the last three years and taken out 250 yards of material. Over the next three
 178 years he may decided to come back with a new plan. The bond put in place is still current, AOT
 179 permit is due for renewal, and Dennis Quintal (Town Engineer) will come out to review the area
 180 once the snow has dissipated. Barry confirmed that all of the abutters have been noticed. Roger
 181 **made** and Barry 2nd a **motion to accept the application.** All in favor, **motion carries.** Barry
 182 mentions that the original plan had dates for the phases and to update those if needed. Charlie
 183 mentioned that he met with the Conservation Commission who had no objections. A letter will
 184 need to be sent to the Planning Board. Charles asked what is showing on pages 2,3,7,8 & 9.

Charlie explains that page 2 shows the overall detail, page 3 shows a large detail of the pond, pages 7,8 & 9 show the construction phases for erosion control and excavation detail. This project will come back before the Board on 4/13/23 with the Town Engineer's review.

Lot Line Adjustment – Russack 2-24-1 & Town of Danville 2-24-1-1 Final Approval:

The Board had a brief discussion. There were three conditions that have been met and are as follows:

1. Monumentation
2. State Approval
3. Dates Waivers Granted

Roger made and Barry 2nd a motion to grant final approval. All in favor, motion carries. Final approval granted 3/23/23, mylars to be signed at the end of tonight's meeting. Chip composed a letter for town counsel which he read to the Board and signed. Barry made and Roger 2nd a motion to send the letter to Town Counsel. All in favor, motion carries.

Preliminary Discussion for a Lot Line Adjustment on Colby Road & Cub Pond Road:

Josh Rabenius addresses the Board. He explains that he had come before the Board previous and it was recommended that he consult with the ZBA as a variance may be required. He is proposing to adjust his property line on Colby Road and put frontage on Cub Pond Road. Mr. Rabenius met with the ZBA on March 1, 2023 and the only issue with removing frontage on Colby Road and putting it on Cub Pond Road was that a building permit may not be issued. It was suggested that Mr. Rabenius speak with the Building Inspector who stated a permit would be issued but, a variance may be needed. Barry noted that once the lot line adjustment is made, it is an existing lot of record. Chip stated that the Building Inspector doesn't have jurisdiction to deny a permit based on frontage. The Road Agent would issue a driveway permit if on a Town road. Mr. Rabenius is essentially looking to change the 200ft of frontage on Colby Road and transfer his neighbor, Mr. Weston's lot line down to directly abut Cub Pond Road for the 200ft of frontage. Barry mentioned when applying for the building permit on the lot, to speak with the fire chief as he may want extra fire protection as it is not a Town road.

Roger made Barry 2nd a motion to adjourn. All in favor, motion carries. Meeting adjourned at 9:00pm

Agenda for Next Meeting:

1. Sapphire Woods Extension Request
2. Eastern Materials – Engineer Review
3. Preliminary Discussion for Possible Subdivision on Hersey Road
4. Board Member Elections

Respectfully,

231 Gail Turilli
232