

Danbury Planning Board

June 27th, 2023

Un-Adopted

The Danbury Planning Board met on Tuesday June 27th, 2023 in accordance with the schedule adopted and posted. John Taylor called the meeting to order at 7:00 p.m. and welcomed everyone present. John asked if anyone had a conflict of interest and hearing none proceeded with the meeting.

Present:

John Taylor, Chair

Mark Zaccaria, Vice Chair

Matthew Remillard, Secretary

Anna Offen, clerk

Jim Phelps, alternate

Not Present:

Ruby Hill, Selectmen ex-officio

Gary Donoghue

Guests: Gerry Dionne, Phil Hastings, Chris and Jennifer Fore, Jess Hatch

John Taylor appointed Jim Phelps to be a voting member of the Board.

John Taylor read the following building permits into the record:

Ann Marie Alexander, 38 Challenge Hill Rd, Tax Map 415, Lot 049, 23 Module roof mounted solar array installation

Jon Little and Amy Hilliker, 49 Sheldon Rd, Tax Map 409, Lot 083, New 3 bedroom/2 bath winsor modular home, 27'6" x 44'

At 7:04pm John Taylor opened the continued public hearing on the Forest Knolls West Subdivision for Ragged Mountain, property located on Ragged Mountain Rd. Phil said that he and Mike Donovan have been communicating back and forth regarding updates to the Subdivision. He presented to the Board and the public a document listing "Conditions Precedent to Signing Plat". Ragged has agreed to pay the exaction fee of \$25,000 to go towards the improvements of the road. The payment would be provided withing 30 days of notice that the town is going to begin work on the road. Reviewed the document from Phil Hastings.

Reviewed the memo from Mike D. Per the calculations included in the memo and figured during the meeting, after taking the required common space for the Forest Knolls Subdivision, there will be 27.32 acres remaining in the Fish and Game land bank.

Jim Phelps asked how would we record the open land reserved? Mike Donovan stated that #9 on the Conditions document addressed this, with a note to be added to the plat. There will also be language within the CC&R's that will designate what is open common space.

Anna Offen asked about the street being created in the subdivision and what the name would be? Phil answered that Forest Knolls West Rd will be a private road but that another condition should be added that the Selectmen will need to review the name of the private road prior to approval.

Chris Fore, abutter spoke and first thanked the Board and Ragged for reconciling all the land in regards to open space. He said that the development agreement seems to be in conflict with the Land Use and Zoning Ordinance, as the open land designated is not in a conservation easement. Mike D said that he does not think that this is the case. The Board previously agreed to the allowance of land to be determined as "common land" without the conservation easement.

Jim Phelps made a motion to adopt the Findings of Fact Re: Common Open Area, dated June 27, 2023 with the amended acreage as presented at the meeting tonight, Mark Zaccaria seconded. **Motion passed unanimously.** Mike Donovan will send the updated Findings of Fact to Anna Offen via email.

Jim Phelps made a motion to approve the subdivision pursuant to all the conditions listed (1-16) on the document provided this evening "Proposed Conditions of Approval", Mark Zaccaria seconded. Roll Call Vote: Jim Phelps - yes, Mark Zaccaria – yes, Anna Offen - yes, John Taylor - yes, Matthew Remillard – yes. **Motion passed unanimously.** Mike Donovan will send the updated document to Anna via email. Phil Hastings will also send an updated check for fees (\$255.00). Closed the public hearing.

The board reviewed the minutes from June 13th, 2023. Jim Phelps made a motion to approve the minutes, Matthew Remillard seconded. **Motion passed unanimously.**

The Board reviewed the Notice of Decision re: 3J Farms Subdivision. Jim Phelps made a motion to approve, Matthew Remillard seconded.

At 8:15pm Jim Phelps made a motion to adjourn, Mark Zaccaria seconded. **Motion passed unanimously.**

Conditions Subsequent to Plan Signature.

11. RM Devco, Inc. shall pay the Town of Danbury \$25,000 to be used for maintenance and repair work on Ragged Mountain Road as directed by the Select Board. Said payment shall be in lieu of the Enhanced Building Permit Fee required by Section 8.2.2 (c) of the Second Amended and Restated Development Agreement. Said payment shall be made within thirty (30) days following notice from the Town to RM Devco, Inc.'s of the Town's intent to commence the anticipated road work. If the road work is not commenced within six (6) years from the date of approval, then this condition shall expire and any funds paid by RM Devco, Inc. shall be refunded. In such a circumstance, the Enhanced Building Permit Fee shall apply to the build-out of any lots for which a building permit has not already been issued as of the date of the refund.
12. Lot 9 shall be conveyed to the HOA.
13. RM Devco, Inc. shall grant the HOA an easement for the waterline, well and pump station to be located on Parcel 416-60-003. Said deed shall be reviewed and approved by board special counsel or town counsel.
14. The deed conveying the proposed new street to the HOA shall be reviewed and approved by board special counsel or town counsel.
15. Prior to the sale of the first lot, the following documents shall be recorded with copies of the recorded documents provided to the Planning Board and board's special counsel or town counsel:
 - a. HOA Declaration (containing CC&R's) substantially in the form approved by board special counsel or town counsel per Condition #3.
 - b. Stormwater Management Easement Deed from RM Devco, Inc. to Town of Danbury substantially in the form approved by board special counsel or town counsel per Condition #8 (to the extent not included in (a) above).
 - c. Deed from RM Devco, Inc. to the HOA of Lot 9 (the common open space parcel) per Condition #11.
 - d. Waterline easement from RM Devco, Inc. to the HOA substantially in the form approved by board special counsel or town counsel per Condition #12.
 - e. Deed from RM Devco, Inc. to the HOA of the proposed Forest Knolls West Road per Condition #13.
16. Compliance with the provisions of the HOA Declaration which are enforceable by the Town of Danbury is a condition of approval of the subdivision.

Approved June 27, 2023

Danbury Planning Board
Forest Knolls West Subdivision
Proposed Conditions of Approval

Conditions Precedent to Signing Plat.

1. NH DES Alteration of Terrain and NHDES Subdivision approval shall be obtained and noted on the subdivision plat.
2. The Danbury Select Board's approval of the water line crossing of Ragged Mountain Road; the future utility sleeve in Ragged Mountain Road; and the Sediment Forebay located at the intersection of the proposed new street and Ragged Mountain Road shall be obtained.
3. The draft Homeowner's Association (HOA) Declaration, which shall include CC& R's consistent with the revised Master Plan approved on June 13, 2023, shall be reviewed and approved by board special counsel or town counsel.
4. The recorded subdivision plat (Sheet 4 of 13) shall include a note indicating that Lot 9 is to be conveyed to the HOA.
5. The recorded plat shall include notes indicating that all stormwater management facilities shown on the plat (including all sediment forebays, infiltration basins, catch basins, lines and pipes located within subdivision or within the Ragged Mountain Road right-of-way) are to be owned, maintained and repaired by the HOA.
6. The recorded plat shall include notes indicating that the sewer lines in the proposed new street, septic tanks in the center of the cul-de-sac, the community leachfield and the sewer line connecting the septic tanks to the leachfield are to be owned maintained and repaired by the HOA.
7. The recorded plat shall include notes indicating that the HOA shall have the perpetual right and easement to the waterlines in the proposed new street and the well and pump station located on Parcel 416-60-003 and the water line between the proposed new street and the pump station and all appurtenances thereto, including the right to maintain and repair such improvements.
8. RM Devco, Inc. shall grant the Town of Danbury the right to access, maintain and repair the two sediment forebays and the infiltration basin in the event the HOA fails to do so. The easement deed granting such rights shall be reviewed and approved by board special counsel or town counsel. Said easement deed shall include the right to recover the expense of any such maintenance and repair work from the HOA.
9. The recorded plat shall include a note specifically evidencing the subdivision's compliance with the common open space requirements set forth in the Zoning Ordinance.
10. The Select Board Board shall review and approve the new street name.

Approved June 27, 2023

Danbury Planning Board
Forest Knolls West Subdivision
Findings of Fact Re: Common Open Area

1. Per §11.10.3.7 of the Danbury Zoning Ordinance the amount of Common Area in a cluster development shall be the amount saved by reduction in lot sizes but shall at a minimum equal 50% of the area of the tract.
2. For the Forest Knolls West Subdivision: (1) 50% of the area of the tract = 8.46 acres; (2) the cumulative amount saved by the reduction in size of Lots 1-8 = 10.34 acres.
3. Thus, the amount of common area required is 10.34 acres.
4. Lot 9 is Common Area. 1.03 acres of Lot 9 are neither steep nor wet. The remaining area of 2.99 acres is either steep or wet. 25% of that (0.75 acres) may count towards Common Area.
5. Thus, the eligible Common Area provided by Lot 9 is 1.03 acres + 0.75 acres = 1.78 acres.
6. The balance of 8.56 acres is provided by the land conveyed to NH Fish & Game in 2012. See §'s 1.7 & 1.17 of Second Amended and Restated Development Agreement.
7. Information provided by Horizons Engineering (plan attached) indicates that there are 27.59 acres of upland and 72.64 acres of wetlands on the Fish and Game land. Thus, 45.75 acres of the Fish and Game land is eligible to be considered Common Area. After deducting 8.56 acres for Forest Knolls West and 9.87 acres for Cardigan Cabin, 27.32 acres remains eligible to be considered Common Area for other developments.