

Danbury Planning Board

March 21st, 2023

Un-Adopted

The Danbury Planning Board met on Tuesday March 21st, 2023 in accordance with the schedule adopted and posted. As this was the organizational meeting for the Board, Gary Donoghue, the Board member with the most seniority, called the meeting to order at 7:00 p.m. and welcomed everyone present. Gary asked if anyone had a conflict of interest and hearing none proceeded with the meeting.

Present:

John Taylor, Chair

Mark Zaccaria, Vice Chair

Ruby Hill, Selectmen ex-officio

Anna Offen, clerk

Gary Donoghue

Jim Phelps, alternate

Not Present:

Matthew Remillard, Secretary

Guests: Phil Hastings, James Long, Ron Talon, George Heaton, Jeremy Martin, John Marchand, Nick Vertefeuille, Andy Nadeau, Jessica Hatch

Gary Donoghue promoted Jim Phelps to voting status for the meeting. Gary then proceeded with the nominations for officers of the Board for the 2023-2024 term. Gary nominated John Taylor as Chair, Ruby Hill seconded. Roll Call Vote: Jim Phelps – yes, Mark Zaccaria – yes, Anna Offen – yes, John Taylor – yes, Ruby Hill – yes, Gary Donoghue – yes. **Motion passed unanimously.**

Gary nominated Mark Zaccaria as Vice Chair, Jim Phelps seconded. Roll Call Vote: Jim Phelps – yes, Mark Zaccaria – yes, Anna Offen – yes, John Taylor – yes, Ruby Hill – yes, Gary Donoghue – yes. **Motion passed unanimously.**

Gary nominated Matthew Remillard as Secretary, Mark Zaccaria seconded. Roll Call Vote: Jim Phelps – yes, Mark Zaccaria – yes, Anna Offen – yes, John Taylor – yes, Ruby Hill – yes, Gary Donoghue – yes. **Motion passed unanimously.**

At 7:11pm John Taylor opened the public hearing on the application for subdivision for 3J Farms, property located at 234 Eastern District Rd, Tax Map 410, Lot 90.

Jim Phelps asked about the road frontage for the lots, it should be 200ft. He also mentioned that buildable lot area should be shown on the plan. Nick said that this information is on the Test Pit Evaluation, which shows those calculations. Jim also asked when the wetlands were delineated? In November. Jim said that he has driven by that area and some of lots 4-7 have water and he

questioned the integrity of the wetlands delineations. John Taylor asked who did the wetlands designation - it was done in their office in New London. Andy Nadeau stated that those results should be shown in the test pit. Andy also offered to provide information on the preparer's methods. Jim stated that Lot 12 has a lot of ledge and would be hard to access, and he would be interested to see where the driveway would be located.

There was a question on if the application could be deemed "incomplete" due to missing state permits, but that is not the case.

Jim Phelps made a motion to accept the application as complete pending the acceptance of the permits, Gary Donoghue seconded. **Motion passed unanimously.** Closed the public hearing on the application.

At 7:35 opened the public hearing on the subdivision for 3J Farms, property located at 234 Eastern District Rd, Tax Map 410, Lot 90.

Gary Donoghue asked for specifics on test pits on lot 3 and lot 2. The water gets very high in that area. Andy answered that the flood plains are shown and that the buildable area is outside of the FEMA flood zones. Gary stated that those are not the most reliable. Jim Phelps – on lots 1&2, wanted clarification on where the flood zone is. Nick answered that the property north of the line is not in the flood zone. Flood plains are not necessarily excludable from buildable area (Nick).

George Heaton – what is the timeline of the clock that is ticking? He would like to submit more comments after the meeting. John explained that it would depend on the decision tonight. George is an abutter above for almost 60 years, and he has been marooned or had to go around to route 4 multiple times, he knows that the land floods. He also referenced the planning board ordinances and thinks that the subdivision would spoil the town.

John Marchand, an abutter across from 3,4,5 stated that the property floods significantly and does not understand why the board would take the word of test pits done in a non-flood time, when water is going to be flowing in the next couple of months. He is also worried about losing the idyllic pasture views in the area, and thinks that is significant. John Taylor agreed about that, but pointed out that the owner also has the right to subdivide.

James Long, abutter, a wetlands and soil scientist, forester and septic designer since 1986. He agrees with Jim Phelps, that the wetlands line follows the fence, and that on test pit 7 the soil types show that the area is wetland. Why the numerous test pits? He thinks that lot 3,4,5 would require dredge and fill permits. He asked if the person that performed the wetlands delineation was a soil scientist? – No (Andy). He also disagrees with the soil map and does not think it meets the standards. It should not be blown up. He also questions 7, 7a, 13, 13a and sees a lot of red flags. He suggested that a peer review be done by a soil scientist and a wetlands scientist. John Taylor asked if he had any concerns about lots 7-12? He said that he has concerns about all the wetlands delineations.

John Marchand asked if it is common that the owner and applicant not attend? Yes that is common. He also asked what the intentions of the owner are? Phil Hastings replied that the

owner approached them a couple of years ago about ways to make the farm more sustainable. He wants to preserve the farm in some fashion. Multiple lots are an increase in revenue, he is also looking to tie the lots together to the farm, for the grazing land, barns, etc.

Jim Phelps asked if there will there be any covenants proposed. Phil Hastings answered that it is in discussion, but not part of the application.

Phil Hastings sated that due to the concerns about the wetlands and the mapping, he thinks that they need to go back and review their work. He would also like to discuss the plan with the owner. He does not think that a peer review would be necessary at this time. Gary Donogue asked Phil what are the legal requirements in selling lots that might not be accessible? Phil is not aware of anything, NH is a buyer beware state.

Jim Phelps, speaking for himself and not the board thinks lots 1&2 would be irresponsible to approve, Lot 12 – he is concerned with the driveway, lots of ledge.

Jeremy Martin, fire chief, asked that the owner provide a dry hydrant by the bridge and a place for a fire truck to pull off the road, this would be his recommendations. Phil Hastings replied that he has not spoken to Jeff (owner) directly about this, but does not think it will be an issue.

Gary stated that he would like a peer review. He also mentioned that he would like to hear from the Road Agent.

Andy Nadeau asked for more clarification on what is needed for the next meeting? John replied peer review of the wetlands, soil and buildability of the lots.

Phil Hastings would like to get back to us by 4/11 with more information.

Mark Zaccaria made a motion to continue the public hearing to 4/11, Ruby Hill seconded. **Motion passed unanimously.** At 8:24 public hearing was continued.

The Board set the meeting schedule for the 2023-2024 season. Jim Phelps made a motion to accept the schedule, Ruby Hill seconded. **Motion passed unanimously.**

John read the following building permits into record:

Jim Phelps, 257 Taylor Hill Rd, **Tax Map 405, Lot 010**, Interior completion of existing house , no change to footprint

Ryan & Jennfer Thomas, 12 Wiggin Rd, **Tax Map 411, Lot 082-002**, Completion of 24 X 24 garage, studio 1bdm 1 bath ADU to be added at a later date

At 8:55pm Ruby Hill made a motion to adjourn, Anna Offen seconded. **Motion passed unanimously.**