

## Danbury Planning Board

May 9<sup>th</sup> , 2023

### Un-Adopted

The Danbury Planning Board met on Tuesday May 9<sup>th</sup>, 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

Ruby Hill, Selectmen ex-officio

Anna Offen, clerk

Gary Donoghue

Jim Phelps, alternate

Matthew Remillard, Secretary

#### **Not Present:**

**Guests:** Ann Chandler, Tim Britain, Jeff Deuink, Ron Talon, Andy Nadeau, Nick Vertefeuille, John Marchand, James Long

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

The board reviewed the minutes from March 21, 2023. Jim Phelps made a motion to approve the minutes, Ruby Hill seconded. **Motion passed unanimously.**

At 7:03pm John Taylor opened the continued public hearing on the subdivision for 3J Farms, property located at 234 Eastern District Rd, Tax Map 410, Lot 90. Tim Britain was present in place of Phil Hastings. Gary Donoghue mentioned that he has had dealings with Attorney Tim, but the board did not feel that this was an issue. Tim stated they have removed lots 1 & 2 from the previous subdivision plan, making it a 10 lot plan not a 12 lot plan. The remaining lots have been renumbered to reflect this. Their wetlands specialists was back out to the property and has provided an updated report. Andy Nadeau gave the board updated plans and walked through the changes. They eliminated two parcels from the subdivision. The two lots down in the meadow (old lots 1&2) have been removed. Two lots have been increased in size, Kaitlyn re-classified some of the area as wetlands. With that three lots have been reconfigured to increase the buildable area on those lots, with land added from closer to the barn. The test pits have not been dug on those lots (test pit 16,17,18). Nick addressed the board that we wanted to know the buildable area on the lots, Nick re-calculated the buildable area on each lot to account for wetlands and slope, this is now listed on the plan. Also, all the wetlands that are now listed on the plans have been surveyed and are no longer approximated.

Jim Phelps – asked if lot 1 is only accessible through wetlands – which Andy confirmed that there are two lots (1&2) where this is the case. Jim asked if permits would be required from DES in order to access these lots and Andy said that yes that is the case, but they have not been.

Jim asked about an easement for lot 10 – access through lot 9 in order to account for the ledge. There is a note on the plan about this. Jim asked about the buildable area on lot 10 and the test pits. There is 7.5 acres for that lot and there has been a test pit done.

Anna Offen asked what would happen if the plan is approved for lots 1&2. Andy confirmed that a permit would be needed in order to build on these lots. Tim suggested that the plan could be approved with the condition that the wetlands permit would be obtained.

Ruby Hill asked about the access for these lots – this has not been determined yet. Preferred access would be individual access. Tim stated that for tonight's hearing the plan is being presented with individual access to the lots.

John Taylor has four issues. He looked more carefully into the northernly lots, with lots of ledge and slope. He made copies of the buildable lot on the old plan (lots 4-7 new numbers). He is concerned with the run-off of water, some goes into the lower pasture and some is through a culvert under the road. He is concerned with the removal of land that is currently absorbing some of that water, by adding houses. Jeff Deuink said that the water in the picture that John provided has never gone over the banks. And that the water that John is talking about does not come through those lots. Nick V. said that most streams in this area are gaining streams and that it does not necessarily mean that the property would be flooded and he asked if this would be speculation. Jeff Deuink said that there is french drain in that area and that is what catches the majority of the run-off. Mark Zaccaria asked what happens when the permeability of the lots is decreased, what happens to that water. Andy answered that the lots in question are large lots and he doesn't think that it would add much more water.

John Taylor stated that he does not feel that lots on the northern side keep in the spirit of the LUZOS, even if they are following the letter of the ordinance.

John Taylor – the majority of the buildable land is on lot 10 and on the back of lots 9. He asked about looking into cluster development. Jeff answered that they looked into this and found it to be less esthetically appealing as it would create 30 buildable lots.

Discussion was held about the definition of contiguous land, as referenced in the town LUZO's. Jeff answered that per the LUZOS the definition of contiguous has been met. John and Jim Phelps do not agree with this, but we would potentially need a legal opinion on the definition.

John Taylor - brought up the concern of the increase of traffic on both Taylor Rd and Bohannon Rd, not necessarily due to new houses but deliveries, etc. Tim said that this is speculation, all lots proposed can be accessed by eastern district. John said that people will take Taylor Hill, and Tim

said that again that is speculation. Andy asked what in the ordinance regulates an increase in traffic? John said that there is not a specific ordinance.

Jeff Deunk – some important things for him – he wanted to maintain the views and he feels that they have done this. And he is trying to incorporate larger lot area, to maintain open space.

Ron Talon was asked to speak about what the plan might be to develop the property. He believes that they would be looking at upper scale homes. Jim Phelps asked if there would be covenants – Jeff said that there will be but not until after the subdivision. Jim asked if that would be included as a condition of the subdivision and Jeff answered no. Jim asked how that would be included in the deed and Tim stated that they did not need to provide that. Gary stated that it seems like that should not be included in the conversation.

Jeff reiterated to the board that he is really trying to maintain the look and feel of the land and is trying his best to keep it nice, but at the end of the day his land is an asset. His reasons for this decision to subdivide was not to make money back on the property. Jeff also stated that his plan is to stay in the area and he has a right of way in the plan in order for him to be able to access the rest of his land if he were ever to sell the land.

Tim said that there would be tax revenue (removed from current use, etc. ) even when the lots are vacant and being developed. Then once developed and built, there would be added tax value. Tim also reiterated that Jeff has proposed a tasteful, appropriate subdivision that meets all the requirements.

John Marchand (abutter) – “No impact on the view” – he does not feel that this is correct. Putting a shed up will obstruct the view. He feels that this is one of the most pristine areas in Danbury, maybe even NH. He also questioned how it would maintain the integrity of the land to build on it, as it is pasture land. He asked what is involved to apply for a wetlands permit. Jim Phelps answered that it is an application to DES, Danbury does not participate.

James Long (abutter) – He appreciates the review of the wetlands that have been done. He asked about a peer review on the soil delineations. Jon Taylor said that Phil asked us to hold off on that. He asked about the wetlands on Lot 5. Lot 3 – will the access be off Eastern district Andy answered yes. He again mentioned the peer review.

Ann Chandler (abutter) – is the town thinking of putting in any roads to access the back of the lots. Jim Phelps answered No.

Jeremy Martin (Fire Chief) – Horizons reached out to him, he recommended a dry hydrant and pull-off. Has not heard a response. Andy answered that Jeff would like to offer an easement to the town, as he does not think that it would be feasible to build a pull-off. Jeremy asked if there would be a dry hydrant? Tim answered no, that DES would most likely not approve it. Jim Phelps agrees that he does not think that a permit could be obtained from DES due to the wetlands on either side of the bridge. Jeremy also asked about putting in a cistern? Jeff asked if the board has ever done that as a condition of approval? Jim answered he does not think so.

The main takeaways from the Board with what they would like to be addressed at a future meeting :

Jim Phelps

Driveway access to Lot 1&2 and wetland permits

Easement on lot 9 to access lot 10 (show on the plan)

Non-contiguous lot make-up, he would like an opinion from town council

Missing test pits on lots 2&3

Peer review discussion

Discussion of road impact fees

Ruby Hill

Non-contiguous lot make-up, clear definition on contiguous

Peer review of soils

Traffic study, etc.

Joh Taylor

Contiguous land

Non ledge slope vs. ledge slope ;

Tim said that they are willing to continue the public hearing to the next meeting and waive the 65 day timeline.

Mark Zaccaria asked about an opinion on the permeability of the lots on the northern side. Andy said that they can look at this. Mark and JT asked

Gary Donoghue - He understands Jeff's position, but he does feel that the subdivision is a little forced with the placement of the lots. However, if it meets the regulations he would be for the approval.

Jeff Deunk mentioned that previously the Board had approved a subdivision for him that did not have 2 cars of contiguous land.

Jim Phelps made a motion to continue the hearing to June 13<sup>th</sup>, Anna Offen seconded. **Motion passed unanimously.** Public hearing continued.

Jim asked where do we send the question about the contiguous definition? John Taylor stated that he would send the question to the Town's counsel.

Additional discussion was held regarding the questions that were presented.

John Taylor read the following building permits into the record:

James D. Phelps, 663 US Route 4, **Tax Map 201, Lot 052**, 50 X 70 storage unit on concrete slab, with metal roof 17 units

John Lavorgna, Waukeena Lake Rd, **Tax Map 409, Lot 007**, 100 X 40 shop and 32 X 24 storage building

Brandon Bliss, 41 Gould Hill Rd, **Tax Map 411, Lot 110-001**, 40 X 50 garage w/ attached 25 X 50 foot living space RV camper for temporary living while permanent structure built porta potty already on site

Kolt J Cook, 77 Eastern District Rd, **Tax Map 201, Lot 069**, Kitchen and playroom addition / no new bedrooms or bathrooms

The board reviewed the meeting minutes from April 11, 2023. Ruby Hill made a motion to accept the minutes as written, Matthew Remillard seconded. **Motion passed unanimously.**

LRPC is looking for representation for Transportation Advisory committee. Ruby asked if anyone on the board was interested and suggested a member from the Road Agent's staff, Sharon be nominated. The board agreed.

Read into record the message from Jeremy Cornell, Road Agent.

At 9:17pm Jim Phelps made a motion, Ruby Hill seconded. **Motion passed unanimously.**