

Danbury Planning Board

September 12th, 2023

Un-Adopted

The Danbury Planning Board met on Tuesday September 12th, 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

Gary Donoghue

Jim Phelps, alternate

Matthew Remillard, Secretary

Not Present:

Anna Offen, clerk

Guests: Phill Hastings, Esq; Mike Donovan, Esq; Heather Mather, Chair, Wilmot Planning Board; Tom Schamberg, Wilmot Select Board; Chris Fore, Danbury Resident.

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

The board reviewed the minutes from August 8th, 2023. Matthew Remillard made a motion to approve the minutes, Jim Phelps seconded. **Motion passed with 5 affirmatives and 1 abstention (Ruby Hill).**

Phil Hastings, representing Ragged, was asked by the Chair to provide a list of all Abutters notified, so that the Stack of 50+ Reply receipts may be verified. Hastings agrees.

Hearing is opened for the 3rd amendment to the Ragged Mountain Development Plan.

Mike Donovan, representing Danbury Planning Board, referenced his Memo to the Board of 6 SEP 23. He acknowledged that the amendments offered at this hearing were intended to align the Development Plan with the Ragged Mt. Master Plan, approved at the JUN 23 meeting of the Board.

Mike noted that Phil had tried to handle the simple housekeeping matters noted for this amendment, as a means to simplify tonight's work.

Mike had substantive issues which he delineated in his Memo. These are categorized changes to 40-50 routine matters in the Master Plan. They also include procedural changes of note (Specifically the elimination of regular Quarterly Reports from Ragged). Mike listed his concerns in 11 bullet points within the Memo.

Phil acknowledged the difficulties Ragged has had in generating timely Quarterly Reports. He felt the elimination of the requirement would shift the initiation of reports to the Planning Board, whenever they felt one was needed. Phil believed this would better trigger a timely response from Ragged.

John indicated that Parking Reports during the Ski Season were still needed, especially in light of the changes in prior plans for more parking lot development. Operationally he felt that an annual, Season's End Report on parking would be sufficient. John further acknowledged that more strategic reports on status of developments planned for the future would be OK on demand.

It was stated that the Master Plan, Section 9.8, stipulates all details on Plan Compliance as well as the procedure of rendering reports upon Planning Board request.

Jim suggested that the language be changed to require one Annual Report on actual development in the prior 12 months. He suggested a June target date for this report, unless Ragged felt some other month would be better or more convenient for them.

Mike took notes on this and suggested that the proposed Annual Report also include an outline of what lies ahead, perhaps for the next two years.

- Ruby asked about Mike's Item 7, regarding Section 8.2.4 (A). Mike said it is no longer mandatory but may be requested.
- Ruby asked about Item 8. Phil answered that the original Plan had envisioned off site parking but that subsequently the property to be used for this purpose was sold so the matter is no longer applicable.
- Ruby asked about Item 10, noting that she had frequently noticed Brownouts in days past. Phil indicated that recent upgrades to the commercial power infrastructure had eliminated this problem.

Jim asked about CC&R approval by the Planning Board under the new Development Plan. Mike answered that for Forrest Knoll West there was a written requirement for such formal approval. Mike went on to say that for other areas there might or might not be such written requirements. If not, he indicated the responsibility would shift to the HOA for the area in question. Mike further noted that violations of covenants are now treated in the Development Plan, as amended.

Mike also reported for the record that his concern expressed in Item 5 of his Memo, % of Conservation Land that qualified as Wetlands, has been numerically listed as of this Amendment.

John asked how the next Ragged request for Development Permit is progressing internally. Phil was not certain but felt there could be a submission as soon as Late SEP 23.

Phil noted that creation of construction specifications for Water, Waste Water, and Road infrastructure were underway for Forrest Knoll West.

He felt an initial request for Forrest Knoll East could come this winter, in hopes of beginning development in the 2024 Construction Season.

Phil concluded his answer by reporting that Cardigan Cabins is projected to have six units completed by spring.

John then brought up the cost of required publication of plats and plans. He asked if those fees could be automatically debited from the escrow account. Phil and Mike agreed in principle.

Mike asked for clarification on the Town's responsibility to record and hold hard copy documents on these developments. He asked whether there would be one recorded sheet per Subdivision, or one per buildable Plat. He also asked whether these engineering documents should be Mylar or Paper. Phil offered the opinion that those details were up to the Planning Board to specify. He indicated this only mattered at the point where they will be recorded. Both John and Mike concurred that the County Registries of Deeds would not be an acceptable alternative to Town preservation of these plans. The Registries were said to be backlogged and would be unable to quickly respond to any request that their recorded documents be used.

John indicated that the Town's account with the County Registry could be used to review On-Line versions.

Jim suggested that having Mylars is preferable to paper copies of these documents. He favored paying to have the recording done at the County Registry as it would make it easier for the Town to find them again when need be.

Mike felt that recording each buildable Plat was important. Beyond that, utility and water plans would be sufficient to fill out the Town needs.

Phil asked about the quality of the Town's digital discipline in finding individual engineering sheets of this type. John and Jim were in agreement that the Town could do a better job of that. They concluded that meant it was all the more important for Ragged to provide these documents so there would be a record of them on both sides of the table.

Ruby asked about Section 9.2(C) which specifies which entities pay for additional Student Loads on the Danbury School System based on new residents in these new Developments. She asked that the present agreement revert to the language of the 2015 Plan. Phill agreed that would be acceptable.

John then opened the Public Hearing:

Tom Schamberg rose to applaud the economic development inherent in this Plan. He expressed concern about the cost of municipal infrastructure assumed in this development. He noted that Wilmot maintains 50 miles of rural roadway. This includes approximately 1.3 miles of New Canada Road.

Discussion ensued about the wear and tear on that unimproved roadway.

Wilmot would like to see specific language delineating who has financial responsibility for the maintenance of that road. Tom would like to see specifics on who does what and who pays what. He noted that Wilmot's portion of the New Canada Road constitutes 60% of the whole.

Phil reminded the Hearing that the 2008 Plan envisioned renovation and upgrade work to New Canada Road. He went on to assert that Wilmot had resisted this approach, thinking it would mean increased traffic and, thus, increased wear and tear on even the improved surface.

Phil noted that Ragged has tried to re-direct incoming traffic from the south to Danbury Center and then to Ragged Mountain Road.

The problem is that GPS Guidance sends a great deal of traffic up New Canada and Wiggin Roads to save several travel miles.

Heather spoke next. She reiterated Wilmot's concern about having to bear the costs of maintaining the bridge and surface of New Canada Road.

She indicated that her Town had to participate in the revenue from the enterprise in some way in order to be able to shoulder those costs.

She asked only that Wilmot be kept in mind during the Danbury / Ragged discussions underway.

Christopher Fore spoke next and volunteered to personally install 'No Thru Traffic' signs on both roads each Friday during ski season, removing them on Sunday night.

The Public Hearing was closed.

Phil asked that for Board approval of the 3rd amendment of the Ragged Mountain Development Plan, as modified tonight.

Jim MOVED to adopt the 3rd Development Agreement of 12 SEP 23 with additions approved by Mike. Matt Seconded. A Roll-Call Vote was taken, which was unanimous in the Affirmative. The Motion Carried.

Mike indicated that this would be his final meeting as, with the approval of this Plan, his work would be complete. He noted that his Practice has been closed and he now looks forward to actual Retirement.

Gary MOVED that the Planning Board make a Resolution of Thanks to Mike for all his years of detailed work on this matter. Phil was accorded the honor of ceremonially Seconding. The Resolution was Approved by Acclamation.

3 Building Permits were read into the record.

It was reported that the Zoning Board of Review, at their 15 AUG 23 meeting, had Continued the 3J Farms matter to 19 SEP 23 since the Planning Board had not been properly noticed.

John reported that he and Anna had delivered documents to Zoning as required by RSA 676:5, Section 1.

Mark MOVED to name John as spokesperson for the Planning Board to reply to statements of facts and law from 3J Farms at the 19 SEP 23 Zoning Board meeting. Ruby Seconded. There was no further discussion, the matter was called and the vote was unanimous in the Affirmative. The Motion Carried.

There was then discussion as to whether or not the Town Attorney should be present at the upcoming Zoning meeting.

Gary categorized the 3J Farms Appeal as an assault on the validity of the Danbury LUZO. It was Gary's position that the Town Attorney should be present, and representing the Planning Board.

Ruby was concerned with the apparent Caveat Emptor policy of 3J Farms as regards the viability of any of its designated Plats to qualify for building permits. She envisioned a future buyer finding out only after completing the purchase of land that there could be no Building Permit issued. She felt the Town might be included in any civil action claiming damages for not publicly acknowledging this situation before the sale was made.

It was the consensus of the Board that Mike Courtney attend the upcoming Zoning meeting to represent the Planning Board, in addition to its named Spokesperson.

Jim asked about the procedure for Town Department Heads to add items to the CIP. He thought it would be advisable to detail who gets to add capital items to CIP Spreadsheets, and when, and how. Jim asked if detailing this was within the jurisdiction of the Planning Board.

Ruby felt that the Draft Meeting was the moment for Department Heads to add to their 'Wish Lists.' After that first session, she maintained, it should be known that no further updates could be made in that year.

It was acknowledged that Notice for the meetings regarding CIP had been a problem. That issue likely resulted in the push to add assets to the CIP during the final meeting.

Jim asked that the Board think about this issue now and be prepared to offer more detailed instructions when next year's CIP process begins.

Jim then announced that his Jack Wells Road sand pit was being closed and seeded. There are State approvals pending for the work. He alerted the Board that when it is complete he will be asking for a Planning Board Site Visit so that final approval of the closure can have the most complete documentation.

With no further business before the Board, Mark MOVED that the meeting be Adjourned. Matt Seconded. There was no discussion and the vote was unanimous in the Affirmative. The Motion Carried at 8:27pm