



Planning Board Minutes

PO Box 277

Dublin, NH 03444

April 6, 2023

The Planning Board met on April 6, 2023 in the basement of the Town Hall. Present were Don Primrose, Chair, Donna Garner, Vice Chair, Susan Peters, Select Board Representative, member Caleb Niemela and alternate Neil Sandford. Also present: Jay Schechter and John Morris both members of the Conservation Commission and Town residents: Emily Primrose, Karl Eckilson, Archie McIntyre, John and Laura Lawlor. Absent: Members Katy Wardlaw, Kirsten Colantino and alternate Bob Sardinkas.

Call to Order: Don opened the meeting at 7:00pm by saying that every application will be judged by following guidelines set forth in The Planning Board's Rules of Procedure, Zoning Board Ordinances, Land Use Regulations and due diligence given to all waiver requests.

Approval of Planning Board Minutes, March 30, 2023: Donna made a "motion to approve the minutes as amended." Caleb seconded. Roll call vote: Susan, yes. Caleb, yes. Donna, yes. Don, yes.

Lawlor Driveway Application Map 5 Lot 60B- Charcoal Road:

Request for 2nd Road Access to Property: The Board received a letter from Mr. and Mrs. Lawlor requesting that they be permitted to have a second access road onto their property. (copy of letter attached) In order to do so, they must demonstrate a need for one. The approved subdivision plan shows that the need is very evident. The Board concurred. Donna made a "motion to allow a second access road to the Lawlor property located at Map 5 Lot 60B. The applicant demonstrated a need for the same." The applicant demonstrated a need for same. Caleb seconded. Roll call vote: Susan, yes. Caleb, yes. Donna, yes. Don, yes.

Driveway Permit: An on-site evaluation was conducted on Friday, March 31 by Dublin's Road agent, Roger Trempe. Roger reported to Don that two trees should be removed for minimum sight distance and that a culvert would be needed to aid drainage. Roger also wanted a paved apron to protect the edge of Charcoal Road. The Planning Board's onsite visit was Saturday, April 1, 2023 at 10:00am. Discussion ensued as to whether a full engineered driveway plan was needed or simply a professional construction plan would suffice. The complexity of the slope of the land plus the length of the proposed driveway in addition to wetlands were the topics of discussion. Mr. Lawlor stated that a culvert would be put in place probably 10 feet in, but will be drawn up properly by an engineer. He wanted to have approval

first before spending money to have an engineer approved plan drawn up. Caleb made a “motion to grant the driveway permit dated March 2, 2023 subject to the following: That the first 100 feet be fully engineered to include a wetland delineation, topography grading and erosion control: removal of 2 trees at roadside and that a paved apron (20 feet depth by 14 feet wide, plus flairs be installed.” Donna seconded. Roll call vote: Susan, yes. Caleb, yes. Donna, yes. Don, yes.

Request for waiver of 100-foot wetland offset for proposed house: The Board agrees that the proposed siting of the house is the best one available for this lot. It was noted that only 4.5% of the lot is buildable after removing wetlands, wetland buffer and setbacks. The Conservation Commission, who had a representative, John Morris, present at the Site Review on April 1st, is not recommending approval of the waiver with reasons being specific to the location of wetlands. They outlined their concerns in a letter written to the Planning Board Copy attached) and read out loud by Donna during the meeting. Discussion ensued. Susan questioned if this parcel was part of a “new” subdivision. It was confirmed that it was. Don stated he is treating it “as a lot of record”. The Board is in hope that waivers of this nature will not often be requested going forward if better attention is paid to future subdivisions. Caleb made a “motion to grant a waiver of the 100-foot wetland buffer zone as shown on the wetland buffer exhibit for the house footprint with the following conditions: all silt barriers to be located 55 feet from wetland. No equipment or materials to be place in the protected area and a permeability analyses will be promoted. Any future cutting of trees within 50-foot buffer zone will require consulting Dublin’s Planning Board and/or Dublin’s Conservation Commission. The waiver is for 45-feet.” Donna seconded. Roll call vote: Susan, yes. Caleb, yes. Donna, yes. Don, yes.

Don asked Alternate Neil Sandford to sit in for Kirsten Colantino.

Review of Planning Board Minutes, December 8, 2022: Neil amended the minutes: he was present for the meeting but his name was not included. Neil insisted that an Alternate has no legal right to make a “formal complaint”. Neil said, “If an alternate can make a complaint, I’m ready to make a complaint that this Board does not want to hear.” Susan commented that as an alternate recognized by the chair, Don could make a complaint. Neil demanded to see the evidence and accused Susan of purposely withholding the legal advice. Pam stated that the legal advice was sent to and received by Bruce Simpson, former Planning Board Chair. Caleb made a “motion to approve the minutes as amended.” Roll call vote: Don, yes. Donna, yes. Caleb, yes. Susan, yes. Neil, no.

Review of Planning Board Public Hearing Minutes, January 12, 2023: tabled to a future meeting

Approved Planning Board Minutes, March 2, 2023: Neil made a “motion to approve the minutes as written.” Don seconded. Roll call vote: Susan, yes. Neil, yes. Donna, yes. Don, yes. Caleb abstained.

Approved Planning Board Minutes, March 9, 2023: Neil made a “motion to approve the minutes as amended.” Don seconded. Roll call vote: Susan, yes. Neil, yes. Donna, yes. Don, yes. Caleb abstained because he was not at the meeting.

Capital Improvements Plan Committee Appointments: Don reminded the Board of its responsibility to appoint members to the Capital Improvements Plan Committee every year and

that at least one Planning Board member needed to be a member. Don read a list of four names, including Caleb's. Don thanked Caleb for taking on this additional responsibility. Donna made a "motion to appoint Sterling Abram and Bill Gurney and Chris Raymond and Caleb Niemela". Susan seconded. Roll call vote: Susan, yes. Neil, yes. Donna, yes. Don, yes. Caleb abstained. One opening remains.

Planning Board Alternate Members: Don made a "motion to appoint Brie Morrissey and Archie McIntyre as alternates." Susan seconded. Roll call vote: Susan, yes. Neil, yes. Donna, yes. Caleb, yes. Don, yes. One opening remains. Karl Eckilson was invited to continue to attend meetings and to participate in conversations without a vote.

Adjournment: There being no further business, Don made a "motion to adjourn the meeting at 9:37pm". Donna seconded.

Minutes respectfully submitted by Pamela J. Celko

Driveway Application at Lot 60B Charcoal Rd, Map 5

1 message

Laura and John Lawlor <ljlawlor@pobox.com>
To: "LimerickFarm@gmail.com" <LimerickFarm@gmail.com>

Mon, Apr 3, 2023 at 7:07 AM

Dear Planning Board,

There is a right of way for the Dublin Golf Course maintenance on the south point of our lot. It is not feasible to use the right of way as our driveway for our house that will be located in the northeast corner of the lot. We are proposing a driveway directly off Charcoal Rd at the north end of the lot.

Thank you,

John and Laura Lawlor

To the Dublin Planning Board:

We purchased a 4 acre property on Charcoal Rd, Lot 60B from Anne Marie and Tom Warren. We are seeking a waiver on the 100' wetland offset. The wetland area is by the road and we are planning on building our home in the corner of the lot, away from the road. The footprint of the house will extend into the 100' set back for wetlands, but is set back more than 50' from the wetland boundary.

70⁺

Thank you for your consideration,

John Lawlor
Laura Lawlor

John and Laura Lawlor

John cell: (603) 494-1004

Laura cell: (603) 831-8302

Dublin Conservation Commission
PO Box 277, Dublin, NH 03444

5 April 2023

Dublin Planning Board
PO Box 277
Dublin, NH 03444

Re: Lawlor Application For Waiver of Wetlands Setback for Map 5, Lot 60-B (Charcoal Road)

Dear Planning Board:

A member of the Dublin Conservation Commission (DCC) attended the Planning Board site visit at 10 AM on April 1, 2023. The DCC met today to discuss this application and approved a motion to send this letter with its comments, concerns and suggestions.

The DCC's opinion is that the applicant should not be granted the waiver for the following reasons:

- 1) The applicant showed plans with at least one of the house corners approximately 70(+/-) feet from the wetland delineation (30 feet inside the 100 foot buffer zone). If any statement was made as to what the waiver request was for, it was not heard by the DCC attendee. Obviously, there would be curtilage around the house that would encroach further into the buffer zone. It is unclear to us, but wetlands (or 100 foot buffer) may be crossed, and thus filled, to construct the driveway into the property.
- 2) The site has a significant slope from the building envelope down to the wetlands. The wetlands occupy a large portion of the lot and connect to Mountain Stream which flows into Howe Reservoir. Keeping the buffer intact would be beneficial to filtering any runoff from the lot, including driveway and building areas, among other benefits.
- 3) Questions remain including any requests for adding fill in the buffer, what is the exact waiver distance, what is planned for the transition from the waived area to the remaining buffer, and the potential for additional encroachment into the buffer area due to the potential of granting a waiver up to the 50 foot buffer.
- 4) This is a new subdivision. The fact that the applicant states that they are building a modest house on a 4 acre lot yet still must encroach on the buffer zone shows this was overlooked during the subdivision process and/or the applicant's review.
- 5) Regardless of the PB allowance of the subdivision, the applicants should have consulted with professionals regarding wetlands and their impact on their house location/design. Lack of awareness of wetlands should not be a valid reason for granting a waiver.

- 6) The DCC was never invited to attend any discussion or site visit for the subdivision process. Since the DCC was not notified of the potential for a waiver request the commissioners were unprepared to participate at the hearing where the waiver request was discussed even though several DCC'ers were, coincidentally, at the meeting.
- 7) The DCC's understanding of the Ordinance change to allow the Planning Board to issue waivers was to simplify the process for owners of pre-existing lots that might be limited in size or substantially covered by wetlands. This property does not fit that model.

One possible resolution would be if the Lawlor's could do a lot line adjustment with the subdividers (Warrens) to give them room for setbacks and the 100 foot wetland buffer.

If the Planning Board does grant a waiver:

- The DCC requests that the depth of incursion into the buffer and the length of the lateral distance along the buffer boundary be limited to the smallest dimensions possible.
- The DCC requests that any silt fence be outside the 50 foot buffer, not straddling it, to ensure that no incursion into the 50 foot buffer occurs.
- The DCC requests that any construction equipment, materials, debris, etc., not be stored or used within the 50 foot buffer, excluding any approved driveway area.
- The DCC requests that any alteration of terrain does not increase slope, or at a minimum, does so only as absolutely necessary.
- Further the DCC requests that the Planning Board inform the applicant of other limitations in the buffer zone. For instance, the applicant stated he was likely to do some clearing for a view of Mount Monadnock. Any cutting is subject to the Conservation Overlay District requirements including notification of the town, obtaining permits and limitations on basal area cutting. There are also other restrictions as to what can be done in the Conservation Overlay District wetlands buffer areas.

Very truly yours,

Jay Schechter, Chairman

Dublin Conservation Commission