



## Planning Board Minutes

PO Box 277

Dublin, NH 03444

January 4, 2024

The Planning Board met at 6:00pm in the basement of the Town Hall. Present were Don Primrose- Chair, Donna Garner- Vice Chair, Susan Peters- Select Board Representative, Members: Francis McKenna, Caleb Niemela, Katy Wardlaw and Alternates: Brie Morrissey, Neil Sandford and Karl Eckilson. Absent were Member, Kirsten Colantino and Alternates: Archie McIntyre and Bob Sardinkas.

A list of other attendees attached.

**Call to Order:** Don opened the meeting at 6:00pm appointing to Brie sit in for Kirsten.

**Approval of Planning Board Minutes, December 7, 2023:** Caleb made a “motion to approve the minutes as written”. Francis seconded. The motion passed unanimously with Susan abstaining.

### **Old/Unfinished Business**

**Conservation Commission Letter on Wetlands Protection:** Jay presented a copy of the letter that he had sent to the Planning Board concerning the importance of protecting wetlands. A copy of the letter is attached to the minutes. Con Com is finding that waivers to the 100-foot wetland buffer are being granted almost automatically. The Commission would prefer that waivers are granted only in “hardship” situations. He was questioned about what constitutes “hardship”. The answer was that it is a case by case situation but in general considered in existing lots and this issue needs to be considered during subdivision applications. Jay proposes that a sub-committee be formed between the two Boards to review the ordinance. The Planning Board agrees that more communication and education is always best. Don asked that any Planning Board member who wishes to participate on a sub-committee to email him.

**Driveway Application, waiver for wetland buffer setback-Map 6 Lot 59D:** Caleb recused himself from any discussion and left his seat at the Board table. Don appointed Neil to sit in for Caleb. The Board reviewed the map of the property which shows an engineered driveway plan. There are two separate issues: wetland buffer and a culvert. A letter previously received from the Conservation Commission (letter dated Nov 9 and attached to Planning Board Nov 16, 2023’s minutes) states that the Commission does not want a waiver granted because the subdivision creates a new lot. It would be best to relocate the driveway to the west rather than grant a waiver. Sturdy stated that moving the driveway impacts where a house could be built on the second lot as well as interfering with the septic area in relationship to the building site.

Discussion ensued. The driveway plan does not impact the wetlands to the west, only to the east in which the land goes uphill. The existing drainage pipe is not functioning. Photos of the area were reviewed by the Board. The issue is the pipe being compromised with no plans for replacement. Fieldstone's wetland scientist, Chris, spoke to this issue stating that it is "important that the clay pipe gets replaced" and there would need to be an easement between the two properties for maintaining it. Jay spoke up and said that all construction near wetlands affects the habitat and the environment and that "this property is very wet in many areas". He also said that in this case, the driveway can be moved. Neil made a motion: "I move that we grant the wetland setback waiver with the provision that the clay pipe be replaced in its entirety". Brie seconded. It was then stated that this property is currently a buildable lot today, however they are trying to create a second, marginally buildable lot. Voting: Three yes- Brie, Neil and Katy. Three no- Donna, Don and Francis. Susan had to leave the Planning Board meeting during this discussion to attend the Conval School Board meeting for the Select Board. The motion will be readdressed at the next Planning Board meeting on January 18<sup>th</sup> when seven members are present to vote.

Caleb returned to the meeting and his place at the table.

### **New Business**

**Map 7, Lot 22 Sub B- Monument Road- waiver for wetland buffer setback:** Chris from Fieldstone Land Consultants presented to the Board a written summary of the existing 2.36 acre, non-conforming lot of record along with photos of the intended house location and seasonal runoff, an aerial view of the property and a map of the Proposed Construction Plot Plan. A copy of the plot plan is attached to the minutes. A waiver of the 100-foot wetland setback. The Board has scheduled a site visit for this Saturday, January 6<sup>th</sup> at 8:00am. Notice for site visit will be posted to the Town website at the end of tonight's meeting as well as tomorrow at the Post office. Absentee members/alternates will be notified by email tonight at the close of the meeting.

### **Other Business**

**Planning Board Meeting Time Change:** It was brought to Don's attention that when making changes in meeting schedules, that it must be done officially as the meeting structure is part of the Planning Board's Rules of Procedure. The time change will be addressed at the Public Hearing on January 18<sup>th</sup>. Neil made a "motion to change the wording in 'Meetings: #1 in the Rules to read that the time and place of meetings is determined by the current Board and subject to proper notice to the Public'". This would avoid the need for a public hearing if and when a different meeting time was more convenient to the current Board members. Brie seconded. The motion carried unanimously.

**ADU Ordinance Language:** Donna spoke on behalf of the HOP committee, which is a sub committee of the Planning Board. The Planning Board had finalized the language that they wanted to present in a Warrant Article for the Town to vote on but Donna pointed out that HOP has done a lot of research and fact gathering and felt strongly that she should present their thoughts. Discussion ensued. There is no change to Article XXVIII. Donna made a "motion to change the original Owner Definition voted on by the Board on December 7, 2023 to the following definition: The physical person that owns the property or a person with a material

interest in another legal entity (e.g. partnership or corporation) that owns the property". Don seconded. The motion carried with Brie opposed.

**Letter from the State DOT Department -Evolution Autoworks LLC:** The town received a letter from the ST of NH concerning an application received from Evolution Autoworks requesting a Public Automotive Inspection License. Since no permit for a home business has been requested, nor given, Don will write a letter to the owner asking for the scope of the business.

**Next Planning Board Committee Meeting:** Thursday, January 18, 2024 at 6PM in the basement of Town Hall. Public Hearing to follow at 7:00PM

**Adjournment:** There being no further business, Don made a "motion to adjourn the meeting at 8:05pm". Caleb seconded.

Minutes respectfully submitted by Pamela J. Celko

List of Non-Board Member Attendees Meeting

Date: January 4, 2024

Chris Guida-wetland scientist for Fieldstone

Ben Krook-Property Owner

Conservation Commission Members:

Jay Schechter-Chair

June Brening

Sturdy Thomas, representative for Benton Grant

Margot Sprague, HOP Committee Chair

Dublin Residents:

Emily Primrose

Geff Pinney



December 13, 2023

Town of Dublin Planning Board  
Dublin Town Hall  
Dublin, NH 03444

Re: Wetlands protection

Dear Planning Board,

There has been much conversation recently about the need to increase the supply of housing in Dublin. This seems like an appropriate time to review our wetlands ordinance. Our dependence on wells and septic systems in Dublin makes this review even more critical. The Conservation Commission has heard from many residents who believe it is important to balance the protection of our natural resources with the needs of landowners.

Wetlands, ponds, lakes and streams serve an extremely important purpose in our environment. Some of the benefits provided include water quality protection, wildlife habitat, and flood control. These benefits were not always appreciated in the past. Clearly wetland and surface water protection are important responsibilities for both the Planning Board and the Conservation Commission.

The Wetlands Conservation District contained in our current Zoning Ordinance, under Article XIII;A, has the following as its purpose:

- 1) To protect the public health, safety, and general welfare...
- 2) To protect wetlands from development or alterations that would be detrimental to their normal functioning as Wildlife habitat, floodwater storage, water quality renovation...
- 3) To maintain conservation corridors for wildlife and water quality along streams and lake shores.
- 4) To protect or create and to maintain woodland buffers adjacent to wetlands that will intercept surface runoff...and that will remove or minimize the effects of...pollutants that can threaten the quality of the wetland and the bedrock aquifers, which provide potable water for most of Dublin.
- 5) To protect and enhance the aesthetic values of the landscape.
- 6) To prevent unnecessary public expenditures that may result from misuse or abuse of wetlands.

Wetland Buffer Zones are established under Article XIII; F,1. The buffer zone shall extend at least 100 feet, measured horizontally from the edge of all wetlands.

Under Article XIII; F,4 The Planning Board shall have the authority to grant waivers to the wetland buffer rules if the Board is persuaded that the proposed activity (a) is not less than 50 feet and (b) does not pose a risk of harm to functioning wetlands... When any such waiver is requested, the Dublin Conservation Commission will be notified so they can attend and give input...

The State of New Hampshire has produced a document called Buffers for Wetlands and Surface Waters, A Guidebook for New Hampshire Municipalities. This document states "After a thorough review of the current scientific literature and consultation with natural resource professionals and state and federal regulators, **100 feet is recommended as a reasonable minimum buffer width under most circumstances.**"

The residents of Dublin have tasked the Planning Board and DCC with protecting our nature, wildlife and drinking water. In the past waivers to the 100 foot setback requirement have been issued in almost all cases. It is our opinion that the ability to issue waivers was intended to lessen the hardship for owners of existing non-conforming lots, not to make new subdivisions easier.

We propose that a committee be formed with members from both the Planning Board and the Conservation Commission to review our current Wetlands Zoning Ordinance and propose any changes which are deemed necessary.

Very truly yours,

Jay Schechter  
Chairman  
Dublin Conservation Commission

REFERENCE PLAN:  
SUBDIVISION PLAN OF LAND LOCATED ON MONUMENT ROAD - DUBLIN, NH. SCALE: 1"=50'. PREPARED BY MICHAEL PLOFF, JR. AND RECORDED AT THE C.C.R.D. AS PLAN NO. 039-000-0116.

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- PLANNING LOT LINE
- BUILDING STRUCK LINE
- EDGE OF PAVED ROAD
- EDGE OF TREE LINE
- ANGLE IRON ROUND
- DRILL HOLE ROUND
- IRON PIPE ROUND
- DRILL HOLE FOR IRON PIPE
- TAX MAP & LOT NUMBER
- OVERHEAD UTILITY LINE
- STONE WALL
- EDGE OF WETLANDS
- WETLANDS BUFFER LINE
- 10' CORRIDOR
- 2' CORRIDOR



**7-22-B**  
2.36 ACRES  
(PER REG. PLAN)



**CERTIFICATION:**  
WETLANDS WERE DELINEATED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 15-87-2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTHEAST AND SOUTHEAST REGIONS (REV. 2012) AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND (VER. 4.0), BY CHRISTOPHER A. GUIDA, C.E.S., IN SEPTEMBER 2023.

GRAPHIC SCALE

50' 25' 0 50' 100' 150'

INTERVAL: 1"=50'

REV.	DATE	DESCRIPTION	C/O	DR	CK

Surveying • Engineering • Land Planning • Permitting • Septic Designs

**FIELDSTONE**  
LAND CONSULTANTS, PLLC

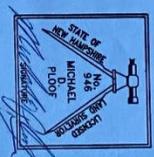
206 Elm Street, Weirfield, NH 03075  
Phone: (603) 672-5456 Fax: (603) 413-5456  
www.fieldstonelandconsultants.com

**MONUMENT ROAD**

**PROPOSED CONSTRUCTION PLOT PLAN**  
PREPARED FOR  
**TRU FORM FOUNDATIONS**  
( MONUMENT ROAD )  
TAX MAP 7 LOT 22-B  
DUBLIN, NEW HAMPSHIRE

SCALE: 1" = 50'  
DECEMBER 29, 2023

FILE: 3080C900.dwg PLOT NO. 3080.00 SHEET NO. 1 OF 1



- NOTES:**
- THE OWNER OF RECORD FOR TAX MAP 7 LOT 22-B IS TRU REALTY LLC - P.O. BOX 299, NEW IPSWICH, NH, 03071. SEE C.C.R.D. BK.3254 PG.720 DATED 8/9/2023.
  - THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING AND PROPOSED BUILDING IMPROVEMENTS FOR TAX MAP 7 LOT 22-B, AS SHOWN.
  - ZONING FOR THE PARCEL IS THE RURAL DISTRICT. REQUIREMENTS INCLUDE MINIMUM AREA OF 4 ACRES FOR FRONT, SIDE AND REAR. THE PARCEL ALSO LIES IN WETLAND CONSERVATION DISTRICT WITH A 100' BUFFER FROM DEDICATED WETLANDS.
  - LOT LINES SHOWN ARE BASED ENTIRELY ON THE REFERENCE PLAN NOTED HEREON. THIS IS NOT TO BE CONSIDERED A BOUNDARY PLAN BY THIS OFFICE.
  - HORIZONTAL ORIENTATION IS PER THE REFERENCE PLAN NOTED HEREON. VERTICAL DATUM IS ASSUMED.
- CERTIFICATION:**  
I HEREBY CERTIFY THAT THE EXISTING OBSERVABLE IMPROVEMENTS SHOWN ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE IN OCTOBER, 2023.

12/29/2023