

## Danbury Planning Board

March 17, 2026

### Un-Adopted

The Danbury Planning Board met on Tuesday March 17<sup>th</sup>, 2026 in accordance with the schedule adopted and posted. Gary Donoghue, as the senior member of the Board, called the 2026 organizational 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

Anna Offen, clerk/alternate

Jim Phelps

Edward Esty

Francis Bliss, Selectmen ex-officio

Kristen McKenna

Katelyn Setterlund, clerk

#### **Not Present:**

Maggi Winn

**Guests:** Jeff Hertel, Donna and Philip Sprague, Reginald Glines

Gary Donoghue nominated John Taylor as Chair, Jim Phelps Seconded. **Motion passed unanimously.**

Jim Phelps nominated Gary Donoghue as Vice-Chair, Frances Bliss seconded. **Motion passed unanimously.**

Gary Donoghue nominated Jim Phelps as secretary, John Taylor seconded. **Motion passed unanimously.**

John Taylor nominated 1 alternate member, Francis Bliss seconded. **Motion passed with five affirmatives.**

Anna Offen

The Board set the 2026-2027 calendar.

The meeting minutes were reviewed from 2/24/2026. Jim Phelps made a motion to approve the minutes, John Taylor seconded. **Motion passed unanimously.**

Jim Phelps asked Anna Offen if she could seek clarification from SF Mountain Co., the new owners of the Ragged Mountain Ski Resort, on what parcels they do and do not own, by tax map. Anna stated she would follow up with the owners and report back to the Board. Jim noted that the owners are mentioned having options and suggested that a colored map would be helpful. John Taylor also noted the introduction of the Board's legal representative, Jason Reimers of BCM Environmental and Land Use Law, PLLC, based in Concord.

At 7:14 John Taylor opened the public hearing regarding the Spear Hill subdivision **Tax Map 412 Lot 4**. Jeff Hertel, as authorized representative, was present for the hearing. Jeff formally withdrew the eight-lot subdivision application filed initially on November 11, 2025. **Public hearing was closed.**

At 7:15pm John Taylor opened the public hearing on the application for subdivision, property located at Spear Hill Road, **Tax Map 412 Lot 4**. Jeff Hertel, as authorized representative, was present. The new subdivision application consists of five lots. The upper four lots from the prior subdivision will remain combined as a single 42-acre lot for the time being. Four of the proposed lots are located along Route 4, including two 8-acre lots, one 5.5-acre lot, and one 10-acre lot. Anna Offen reviewed the subdivision checklist with the Board for completion. John Taylor asked whether any members of the Board had questions. Jim Phelps made a motion to accept the application as submitted, Gary Donoghue seconded. **Motion passed unanimously.**

At 7:27pm John Taylor opened the public hearing for the subdivision, property located at Spear Hill Road, **Tax Map 412 Lot 4**. Jeff Hertel, as authorized representative, was present. Gary asked how many driveways are proposed onto Route 4. Jeff responded that there would be only one driveway, serving Lot 1. Reginald Glines asked about a containment pond or cistern for fire protection. Jeff stated, based on confirmation from Fire Chief Jeremy Martin, that a cistern is not required for a five-lot subdivision; the cistern plan will remain in place for potential future development. Jim Phelps asked about the land located on the opposite side of Route 4. Jeff stated that the intention is to offer that land to the Rail Trail, though no discussions have taken place yet. If the Rail Trail is not interested, they would explore conveying it to an abutter, the State, or another party that could use it. Jeff noted that he does not want to tie that parcel into a lot on the opposite side of the road. Anna Offen inquired if approving the subdivision as proposed, without a plan for that parcel of land, would create a nonconforming lot. Jim confirmed, and stated that he believes the issue needs to be addressed before the Board can sign off on the application. Jim noted that approval would also be contingent upon the driveway permit, pending State approval. Kristen McKenna asked whether the submitted plans addressed the location of wetlands in the area near the corner of the property. Jeff responded that the wetlands are shown on the plans.

Donna Sprague asked about the proposed location of the cistern, stating that she did not see it clearly identified and wanted to better visualize its placement. Donna also questioned how approval would be obtained to excavate within a wetland area. Jeff Hertel explained that the cistern would be located at the edge of the wetlands, not within them, situated on the hill and

near the roadway. Donna asked about runoff from the brook and ditch line, noting what she described as a new issue created by the State, observing that the area off the pavement has become very muddy and that the condition has been more noticeable this year. Jim Phelps stated that the issue may have been caused by recent road/bridge construction and suggested contacting Weaver Brothers, who completed the site work. Donna stated that a drain appeared to be missing at the bottom of the road. John Taylor asked whether the issue could be alleviated by using larger stone for drainage or additional vegetation. Donna stated that she did not believe those measures would resolve the issue. Jim asked if this matter is not related to the subdivision, and Donna said it was not. Donna further expressed concern that people moving into town are not adequately informed by realtors about the severity of mud season. John asked whether, if the issue is not corrected, it could increase the amount of wetlands on the Sprague's property. Donna stated that it may. John then asked if the issue was seasonal. Donna responded that it occurs not only seasonally, but also anytime there is a decent rainfall, including significant summer storms. Gary Donoghue stated that the Select Board may need to become involved. Frances Bliss asked how the situation affects the overall condition of the road. Jeff responded that the road condition through Lots 3 and 4 is good and that the impact would not be significant. Donna agreed with that assessment. Frances asked whether this situation changes what work may be required on the road and the exaction fee the Board sought in the original subdivision application. John noted that the degree of impact from two to three houses does not rise to the level requiring an exaction fee at this time. Frances disagreed, stating that she believes the road will be impacted. Jim stated that there will be an impact to the road but noted that the road is currently in much better condition past Huntoon Road and along Spear Hill. Frances asked what steps would be required if the road is, in fact, impacted. Jim stated that the impact would be similar to that of any other gravel road, potentially requiring routine maintenance or the installation of a drainage pipe, and noted that the condition may be a reaction due to the recent bridge construction. Donna stated that the entire road becomes a mud bog, adding that runoff from the road is a new problem and that there are three to four locations where material from the other parcel has contributed to the issue. Noting the problem is not limited to Spear Hill and above, and that a significant amount of mud occurs during mud season on the lower portion of the road as well. Frances reiterated that there already seems to be an existing issue affecting residents on the road and suggested that some form of exaction fee should be considered. Jim responded that he was not familiar with the specific problems described by Donna and could not speak to them, noting that he had only viewed the road when conditions were dry. Frances stated that the material used on the lower portion of the road may not be adequate, while the upper portion appears to be acceptable. John noted that while additional houses could impact taxpayers, the construction of four additional homes would also increase the tax base and, in terms of scope, the Board has typically not imposed exaction fees on subdivisions of this size.

Jim Phelps noted that the subdivision effectively involves five lots, including the remaining 42-acre parcel, and stated that this could necessitate an exaction related to road improvements and electric infrastructure for future subdivision. Reginald Glines asked Jeff Hertel whether the 42-acre parcel would be further subdivided in the future. Jeff responded that he is unsure what future development plans, if any, may apply to that parcel. John suggested imposing a restriction on the larger parcel requiring that any future subdivision will be subject to applicable electric and road exaction fees, with the restriction running with the land and binding any future owners.

Jim Phelps stated that the Board could not approve the application because the nonconforming lot across Route 4 must be addressed. Jim suggested that the Road Agent should also review that portion of the road to determine whether it can support additional traffic. Jim stated that the Board could consider granting conditional approval, subject to resolution of the land across Route 4, receipt of the driveway permit from the State for Lot 1, and the understanding that any future subdivision may be subject to road impact fees and the provision of electricity. John Taylor suggested amending the condition to state that future subdivision will be subject to, and is likely to require, road impact fees and electric service. Jeff Hertel stated that electric service will be extended to Lot 4 from Route 4, noting that is Eversource's preferred approach. Donna Sprague asked about the proposed driveway location for Lot 2 at the large corner. Jim clarified that final driveway permits are issued by the Select Board, and that while a proposed driveway location should be shown on the plan, it is not required to be constructed exactly as shown. John stated that concerns regarding driveway placement may be appropriate to raise with the Select Board. Jeff noted that the proposed driveway was used for logging. Frances Bliss clarified that logging accessways are temporary and intended solely for that purpose and should be removed upon completion of logging activities. Gary Donoghue asked whether the Board had received a letter from Fire Chief Jeremy Martin confirming that a cistern is not required for the proposed five-lot subdivision. Jeff stated that he would forward the correspondence to the Board.

Jim Phelps made a motion to approve the subdivision application with the following conditions; State driveway permit approval for Lot 1; resolve question of ownership of lot across Route 4; Road Agent input on the current condition on Spear Hill Road and its ability to support additional traffic; statement on the plan that the 42-acre lot will be subject to road improvement exaction and provision of power should it be subdivided further, John Taylor seconded. **Motion passed unanimously.**

Jeff Hertel noted that there is still a missing abutter on the tax map and that he was unable to determine ownership of that property. Frances Bliss was able to locate the owner of the property and provide a mailing address for Jeff to send a notice. John stated that the Board would need to withdraw approval at this time and the application would remain as pending due to the missing abutter notice. Frances asked whether the tax map would need to be corrected. Jeff responded that the map will be updated accordingly. John made a motion to continue to public hearing, Anna Offen seconded. **Motion passed unanimously.**

Gary Donoghue asked about the procedure for addressing the new concerns regarding road conditions that may be related to recent construction undertaken by the State. Jim Phelps responded that Weaver Brothers should contact the State or the engineer responsible for the project to address the issue.

John Taylor discussed an email received on Monday regarding the Lakes Region Planning Commission (LRPC). He noted that the Commission's first meeting of the year is scheduled for 3/23/2026. John stated that the LRPC has not been very active, largely due to funding issues reported last June, and noted that federal funding for local planning commissions has been inconsistent. John explained that previously he and Mark Zaccaria had alternated as commissioners in attending meetings. John commented that Kristen McKenna had previously expressed interest in serving as a second commissioner. John noted that the LRPC tends to focus

more on Lake Winnepesaukee and the larger communities such as Meredith, Laconia, and Franklin, with less involvement from smaller towns. Kristen confirmed that she remains interested in the position. It was noted that the role is an appointed position.

John Taylor read the following permit into record:

David Stukus, Eastern District Road, **Tax Map 410, Lot 090-007**, 28' x 48' house. *Revised: 28' x 58' house.*

At 8:07pm John Taylor made a motion to adjourn, Kristen McKenna seconded. **Motion passed unanimously.**

