

New Durham Planning Board

April 4, 2006 Meeting

A video recording of this meeting is on file with the Office of the Town Clerk, is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records rules established under RSA 33-A:4, or for a minimum of 24 months.

Members Present: Chair Bob Craycraft, Vice Chair Don Voltz, Selectmen representative Ron Gehl, Mike Clarke, David Lindberg and Alternate Cathy Orlowicz.

Members Absent: Alternate George Gale had an excused absence. Alternates Brian Chasse and Chris Lapierre had unexcused absences.

Others Present: Mike Obriane, Road Agent Mark Fuller, Christopher Berry of Berry Surveying and Engineering, Cathleen Joy, Fred Swett, Jeff Hertel and Curtis Nalid of Chestnut & Cape Builders LLC.

The meeting convened at 7:05PM and the board members introduced themselves to the public.

1. Public Input:

Mike Obriane asked questions related to what are the criteria for a lot line adjustment. Mr. Obrian inquired whether abutters were notified when a lot line adjustment came before the planning board and whether a woodlot could be used to provide area as part of a lot line adjustment. Mr. Obriane was informed that abutters would be informed prior to a lot line adjustment and that there were no specific criteria of what constitutes a lot line adjustment.

2. A Continued Public Hearing on an application submitted by Christopher Berry of Berry Surveying & Engineering on behalf of applicant Cathleen Joy for a Three (3) Lot Subdivision for property located on Ridge Road Top (Tax Map 2, Lot 9) in New Durham.

David Lindberg and Mike Clarke recused themselves from this case. Mr. Craycraft asked Cathy Orlowics to sit in for Mike Clarke. Chair Craycraft reviewed the March 7, 2006 planning board minutes and summarized the items that were requested by the planning board at the last meeting as part of the conditional acceptance of the application as complete:

- Submittal of a Vicinity Map
- Waiver request for the main parcel of the application

- Wetland Scientist Stamp be added to the plats
- Notation be added of the well in the basement of the existing home

Chair Craycraft then summarized the observations and comments made during the March 11, 2006 Site walk:

- Sediment was observed in the stream channel.
- Mr. Harrison was concerned about erosion that would be associated with further development.
- Questions were raised regarding the method used to dig the test pits and how the percolation tests were performed.
- A stream crossing that washed out on Mr. Harrison's Property last fall was observed.
- A downstream well that, according to abutter comments, had become contaminated was observed.
- The suggestion of a shared driveway was proposed by Road Agent Fuller.

Chris Berry provided an updated set of plats that included a notation of the well in the basement of the existing home and that included a vicinity map. Mr. Berry indicated that the wetland stamp would be provided with the final set of plats and that he preferred to avoid having the wetland scientist stamp each set of plats since it carries with it a charge. Mr. Berry also provided a waiver request for the contour lines for the "parent" portion of the parcel as requested by the Board.

Mr. Berry indicated that a shared driveway was included on the new set of plats and the shared driveway reduced the amount of impervious surface and would reduce the impacts of runoff on the adjacent brook. Mr. Berry indicated that the new set of plats still retained a permanent building envelope for each house lot. Mr. Berry indicated that there was a previous discussion regarding the construction of a detention pond but upon further review Mr. Berry did not feel it was feasible due to an insufficient water storage area in the vicinity. Mr. Berry indicated that the ideal location for such a detention basin was on the upland lots where the erosion problems had been documented previously. Mr. Berry estimated that the two proposed house lots would increase the amount of runoff by 0.5 cubic feet per second. Mr. Berry indicated that the proposed design of the lots and the driveway would be to distribute the water to minimize the potential problems associated with the increase in discharge volume.

Mr. Berry indicated the application had been presented to the Zoning Board of Adjustment for a wetland crossing and the ZBA wanted additional information before acting upon the application.

Ron Gehl questioned whether fill would be added to the jurisdictional wetland that skirts lots 9-1 and 9.2. Mr. Berry indicated that fill would be added but the driveway path would minimize the impacts to the wetlands and minimize the impact of increased runoff.

Vice Chair Voltz questioned whether the proposed driveway would result in a "dam effect" that would restrict flow and cause problems. Mr. Berry did not feel this would cause a problem since the water would be allowed to flow. Mr. Berry did suggest that a drainage channel could be lined with rip-rap or matting to minimize erosion.

The hearing was open to the public. Road Agent Fuller asked whether the driveway would be constructed prior to the plans being signed. Mr. Berry indicated the applicant would prefer to sell these lots as a package deal and that the driveway would not be built prior to the plans being signed. Road Agent Mark Fuller noted that the prospect buyers should be made aware of the shared driveways for these two lots.

There were no further comments from the public.

Cathy Orlowicz indicated that Mr. Harrison had questioned the procedure for digging the test pits and performing the percolation test. Vice Chair Voltz provided information he had obtained regarding minimum statutory requirement for digging test pits in New Hampshire and for performing a percolation test. Mr. Berry indicated that the hole was dug to a three foot diameter with a spade and that the hole was dug deeper with a post hole digger. **Need info regarding the small "excavation" footprint on one of the lots.** Mr. Berry indicated that he did not bring an excavator into the site because he wanted to minimize the disturbance and indicated the potential impact to the stream. Alternate Cathy Orlowicz was appointed to site for PB member Mike Clarke.

Motioned by Ron Gehl to continue the public hearing to the May 2, 2006 Planning Board meeting with the following conditions:

- **Add cutting restrictions to the map that are in line with the Shoreland protection act.**
- **Add Soil, Wetlands and Contour attributes to the Vicinity Map.**
- **Make a notation that no snowmobile or ATV trails are located on the vicinity map.**
- **DES subdivision Approval is received**
- **A variance is granted by the ZBA for the wetland crossing.**
- **Drainage details are provided.**

Seconded by Don Voltz. Vote: unanimously approved.

3.A Public Hearing on an application submitted by Chestnut & Cape Builders LLC, on behalf of applicant Johnson's Steak & Seafood LLC., for a Site Plan Design Phase for property located on 69 Route 11 (Tax Map 8, Lot 4) in New Durham.

Chair Craycraft read the limitations set forth in RSA 674 II(b) regarding Design Review Phase discussions.

Curtis Nalid of Chestnut & Cape Builders LLC, representing Johnson's Steak and Seafood, gave an overview of the commercial proposal. Mr. Nalid indicated the plan involved adding a second entrance to the existing business and involved the conversion of a residential house, located off Ridge Road, to a market that would sell fresh meat and that might also include bottled wine and produce. The existing garage, deck and garage driveway would be removed and the garage driveway would be seeded. The applicant is considering approaching the ZBA should a variance be required to meet the Town's

impervious surface requirements. Mr Nalid also indicated that the septic and well are shared with Johnson's existing restaurant. The applicant is also proposing four additional parking spaces to accommodate parking for the proposed market. Abutter Fred Swett that the existing house might be located on state property but he had no problem with the proposal otherwise. Chris Berry questioned whether the applicant would need a special exception for this application and Don Voltz indicated that he would. Jeff Hertel indicated that off road vehicle use is limited to the winter months in the vicinity of this proposed commercial application.

The Planning Board discussed and provided the following input regarding this application:

- The applicant should work with the Department of Transportation to resolve any issues associated with the State's right of way.
- Impervious surface calculations should be looked at closely to ensure they meet Town standards.
- The possibility of moving the proposed driveway entrance away from Route 11 was proposed.
- The applicant should make sure the septic system can support the retail operation in accordance with DES standard.
- Lighting and the possibility of low impact lighting were discussed.
- A gravel path was proposed that would accommodate foot traffic between Johnson's existing restaurant parking lot and the proposed market.
- Multiple plats were suggested as part of the formal Site Plan to make review simpler and to avoid clutter.
- Road Agent Fuller requested that drainage be contained on the Johnson Property.
- Safety concerns regarding snowmobile traffic were discussed and the applicant volunteered to contact the Powder Mill Snowmobile Club for input.
- Input from the Fire and Police Departments was suggested.

Mr. Nalid thanked the board for its time and indicated that a formal application would be forthcoming.

4.A Public Hearing on an application submitted by Christopher Berry of Berry Surveying and Engineering on behalf of applicants Van E. Hertel & Jeffery Hertel Trustee of Raed Family Trust for a Design Review Phase for a Two (2) Lot Subdivision for property located on Ela Mill road (Tax Map 6, Lot 4A) in New Durham.

Cathy Orlowicz recused herself from discussion on this application. Chair Craycraft asked whether Vice Chair Voltz would be stepping down and Vice Chair Voltz indicated that he did not have a conflict of interest. Chris Berry provided an overview of the proposed two-lot subdivision with the intent of placing the two building lots towards the road frontage with the rear of the lots to remain open.

The Board provided the following comments:

- Add the minimum lot size calculations to the plat.
- Add a 12” culvert near the junction of Ela Mill Road and Davis Crossing Road.
- Consider a restrictive cutting area on the steep sloped area near Davis Crossing Road.

5. New/Old Business:

- Ron Gehl informed the board that a building permit had come before the selectmen on a class VI portion of Birch Hill Road. The selectmen will be seeking planning board input regarding this application in the near future.
- Master Plan Implementation Survey – The Board reviewed and edited the survey.
 - **Motion Made by Ron Gehl to approve the PB chair to forward the survey edits, including comment from the fire station task force committee, for final review by Andrew Smith. Seconded by Vice Chair Voltz. Vote: unanimously approved.**
- Discussion of Third Party Consultants, PB Rules of Procedure, Subdivision Regulation Amendments, Subdivision/Site Plan checklist and SRPC involvement in the coming months was postponed until the April 18 planning board workshop.

6. Minutes

Motion was made by Vice Chair Voltz to table discussion of outstanding PB minutes until the April 18 workshop. Seconded by Ron Gehl. Vote: unanimous.

7. Adjournment

Motion to adjourn by Vice Chair Voltz, Seconded by Cathy Orlowicz. Vote: unanimous. 9:50PM

**Respectfully submitted by
Robert Craycraft
Planning Board Chairman**

Approved: _____