

Town of New Durham Planning Board Meeting

June 7, 2022

APPROVED July 19, 2022

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING**

June 7, 2022, 7:00PM

New Durham Town Hall, New Durham, NH 03855

APPROVED July 19, 2022

Join Zoom Meeting

<https://us02web.zoom.us/j/81801356357?pwd=dndnZnpTQStOeVlGT25MRGloREJvdz09>

Meeting ID: 81801356357 Passcode: 551829 Or via telephone number: 1-646-558-8656; Meeting ID: 898
5110 3167 Passcode: 715184

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Administrative Assistant Robin McClain at ndlanduse@newdurhamnh.us or contact Planning
Board.*

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PRESENT

Jeff Allard, Planning Board Chair

Bob Craycraft, Planning Board Vice Chair - via Zoom

Marc DeCoff, Board of Selectmen representative

David Bickford, Planning Board member

Scott Drummey, Planning Board member

ALSO PRESENT

Robin McClain, Land Use Assistant

Matthew Lopiano, resident

Tom Varney, Varney Engineering, LLC

Josh Thibodeau, Varney Engineering, LLC

Don Blackden, resident

Sue Goddard, resident

Tim Goddard, resident

Alice Perron, resident

Tom Perron, resident

Randy Tetreault, Norway Plains Engineering, PLLC

CALL TO ORDER

Chair Allard called the meeting to order at 7:00PM.

AGENDA REVIEW

No changes were made to the agenda.

Ms. McClain explained that the process for filing applications has changed and full plans are now required to be submitted two weeks in advance; the Board discussed whether they would move forward with the applications on the agenda. After discussion, the Board agreed to review the applications at this time.

Design review for a planned subdivision submitted by Don and Vickie Blackden for property located on Old Bay Road, Map 256 Lot 11.

The Board reviewed the design for a planned subdivision. Chair Allard confirmed abutters were notified and the public notice was published in the newspaper.

Chair Allard opened the public hearing at 7:13PM.

Mr. Tetreault, representative for the applicants, presented packets for review by the Board; he stated they came before the Board in March for a conceptual consultation on this project. He stated the proposal is to create four 2.5 acre single family residential house lots on a Class V road, Old Bay Road, and to place the remaining 38 acres in woodlot status.

Chair Allard noted in Article 10, Conservation Overlay District, applies to all major subdivisions and asked the Board if they agree it should apply. The Board reviewed the maps and confirmed the lot is outside the overlay district but there are steep slopes. Mr. Tetreault noted the soils indicate steep slopes but per the topography, there is only one lot that will have over 15% slope. Mr. Tetreault stated there are small pockets of forested wetlands but they are not located in the developable area. Vice Chair Craycraft stated they need to think about the whole picture along with considering the resources list because the rest of the property could be developed down the road. Chair Allard noted the ordinance indicates they need to consider the entire parcel as if there were going to be phased development on the single application. He stated the fifth lot could potentially be developed with a lot line adjustment. Mr. Tetreault stated it can't be converted because there is no road frontage. Mr. Bickford suggested if a road were put in, there would be frontage.

Mr. Bickford stated he is concerned about access to the back lot and there needs to be some way to get back there. Mr. Tetreault stated it is flat and easy to put in access. Mr. Blackden stated the proposal includes granting access to the lot. Mr. Tetreault stated there are also plans to put in walking trails. Mr. Drummey stated a 50' right of way needs to be on paper and the potential needs to be there. Mr. Tetreault stated the proposed driveway sites have been reviewed by the Road Agent but at that point there wasn't any discussion about the access road. Mr. Drummey suggested one of the driveways could be used for access.

Chair Allard asked if the application process will be traditional or expedited. Mr. Tetreault stated it would be traditional; the plans have already been reviewed by the Conservation Commission. Vice Chair Craycraft confirmed he has seen the natural resources inventory.

Chair Allard asked where there are wildlife corridors in this area. Mr. Tetreault explained the wetland area is close to the road for the amphibian corridor but he's not a wildlife expert. Chair Allard asked Vice Chair Craycraft to look into getting more information on the impact to the

wildlife corridors where the lots are being proposed. He stated they also need to determine whether the water quality protection overlay district ordinances apply. Mr. Tetrault pointed out the setbacks on the plans and confirmed all are met including the wetlands buffers. He noted there are two wetlands over 3,000 square feet. It was confirmed there are no steep slopes. The Board agreed a site walk would be needed. Mr. Blackden confirmed the Fire Chief, Police Chief, Road Agent and Conservation Commission have reviewed the plans and none had any concerns.

The Board agreed to set the site walk for June 16, 2022 at 6:00PM.

Mr. Tetrault explained where the houses would be situated on the proposed lots; he stated there is some flexibility for placement which will be up to the purchasers of the lot however there will also be regulations from the State of NH that will provide parameters.

Mr. Drummey made a motion to declare the design review for the proposed subdivision submitted by Don and Vickie Blackden for property located on Old Bay Road, Map 256 Lot 11 as complete. Mr. DeCoff seconded the motion. Roll Call Vote: Mr. Drummey – aye; Mr. Bickford – aye; Mr. DeCoff-aye; Vice Chair Craycraft – aye; Chair Allard – aye. Motion passed, 5-0-0.

Mr. Drummey made a motion to continue the Public Hearing for the proposed subdivision application submitted by Don and Vickie Blackden for property located on Old Bay Road, Map 256 Lot 11. Mr. DeCoff seconded the motion. Roll Call Vote: Mr. Drummey – aye; Mr. Bickford – aye; Mr. DeCoff-aye; Vice Chair Craycraft – aye; Chair Allard – aye. Motion passed, 5-0-0.

The Board discussed whether a public hearing could be continued and it was noted an application had not been submitted yet so the public hearing could not be continued.

Mr. Drummey withdrew his motion. Mr. Tetrault will move forward with submitting the formal application.

Review of Shoreland Conditional Use Permit application submitted by Varney Engineering LLC, on behalf of Matthew C. Lopiano, Map 113 Lot 69, on 309 South Shore Road.

It was confirmed all fees have been paid; the public notice was posted at Town Hall and in the newspaper; it was also confirmed abutters were notified.

The Board reviewed the application for completeness. Ms. McClain noted the Building Inspector has not reviewed the application yet. Chair Allard noted the application indicates there are no steep slopes within 125'. Mr. Varney stated that there are steep slopes. He stated they haven't been before the Zoning Board of Adjustment but the plans meet all the requirements except for the height of the building. It was noted they will probably reduce the height so they don't need to get a variance.

Mr. DeCoff asked whether the Town can be held liable if the BMPs fail. Chair Allard stated the

first two years of the inspections are paid for and are to be done by the Building Inspector. Mr. Drummey noted going forward the Building Inspector will not be doing that. Ms. McClain stated it will be up to the property owner to find someone to do the inspections.

Mr. Drummey made a motion that the application submitted by Varney Engineering LLC, on behalf of Matthew C. Lopiano, Map 113 Lot 69, on 309 South Shore Road be accepted as complete. Mr. DeCoff seconded the motion. Roll Call Vote: Mr. Drummey – aye; Mr. Bickford – aye; Mr. DeCoff-aye; Vice Chair Craycraft – aye; Chair Allard – aye. Motion passed, 5-0-0.

Mr. Varney stated the plan is to replace the cottage with a new, year-round house which will have a garage underneath and the driveway area will be increased. Stormwater measures will be implemented to infiltrate storm water runoff. Lot size coverage is 17.8%; a new septic will be installed and a NH Shoreline permit will be required. Mr. Varney stated the property was surveyed and the tax map needs to be updated as a parcel was added by Mr. Lopiano. Mr. Varney presented pictures of the existing house. He stated there are flat slopes across the lot with rocky terrain in the back; he stated the current septic system is a State approved system, designed around 2000. He stated the driveway is steep; there is a stream that comes from the neighbor's property and goes across the lot, then diverted to a culvert. Mr. Varney stated the lot is over 30% slope so a conditional use permit is needed. He confirmed the lot coverage will be under 15% and the proposed house will be more than 75' from the lake.

Mr. Varney stated this is a tough piece of land with the steep slopes and large boulders; he stated there will be gutters on the eaves of the building, porous driveway materials and the overall flow of stormwater will be reduced after development. He stated there won't be a drywell but there will be crushed stone and porous pavers. The Board reviewed the stormwater report. Mr. Bickford asked if the property across the street is part of the application. Mr. Varney stated it is not but there are already two parking spaces on that property. Mr. Lopiano stated all the property is one deed but different lot numbers. Mr. Bickford stated the spaces could be counted but if they were, the lots could never be divided; he stated these are separate parcels.

Chair Allard stated he is concerned about the amount of water on the property; he stated there is a spring that runs over the land. Mr. Varney stated it does run across the land and into a culvert. Chair Allard suggested having a way to filter the water so it doesn't continue to run across the land. Mr. Lopiano stated there is a swale currently with crushed stone, then the water goes through the culvert but by August, there is no water running. He stated there is also crushed stone and swale across the street. Mr. Lopiano stated the Town is working on a drainage project in the area as well to help further filter the water before it reaches the lake. Chair Allard asked Mr. Lopiano to consider having a 50' waterfront buffer as well.

The Board reviewed the tax records and maps. It was noted each lot has its own lot number.

Chair Allard stated he is also concerned about the amount of disturbance and silt which will be flowing down; he stated he wants to be sure the site is stabilized and have the Town Engineer do the site walk with them. He stated the lot is steep, there is a lot of disturbance and the plan is

complex. The Board agreed. Chair Allard noted there also needs to be confirmation that there is a legal right to park four vehicles between the parcels. Mr. Lopiano stated with moving the house back, there will be more room, and there is currently room for four vehicles.

Mr. DeCoff made a motion to continue the Public Hearing for the application submitted by Varney Engineering LLC, on behalf of Matthew C. Lopiano, Map 113 Lot 69, on 309 South Shore Road to July 5, 2022 at 7:00PM at the New Durham Town Hall. Mr. Drummey seconded the motion. Roll Call Vote: Mr. Drummey-aye; Mr. DeCoff-aye; Mr. Bickford-aye; Vice Chair Craycraft-aye; Chair Allard- aye. Motion passed, 5-0-0.

APPROVAL OF MINUTES

Meeting of May 17, 2022 – Postponed.

Next Meeting: June 21, 2022

ADJOURN

Mr. Drummey made a motion to adjourn. Mr. DeCoff seconded the motion. Roll Call Vote: Mr. Drummey-aye; Mr. DeCoff-aye; Mr. Bickford-aye; Vice Chair Craycraft-aye; Chair Allard- aye. Motion passed, 5-0-0.

The meeting was adjourned at 10:07PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary