

New Durham Planning Board

September 3, 2019

Approved

NEW DURHAM PLANNING BOARD

New Durham Town Hall

September 3, 2019, 7:00p.m.

Present

Jeff Allard, Chair

Bob Craycraft, Vice Chair

Dorothy Veisel, Board of Selectmen representative

David Wessel

Excused Absence

Jennifer Thompson – Alternate Member

Scott Drummey – Member

Also Present

Laura Zuzgo, Administrative Assistant

Tom Varney, Varney Engineering

Ashley Rowe, Norway Plains Associates, Inc.

Darryl Misiaszek, Resident

Jerry Bach, Applicant

Bonnie Bach, Applicant

Call to Order

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

**Public Hearing – Continued: Ten Rod Road Subdivision Application
Norway Plains Associates, LLC representing Dan Woodman for a 2-Lot
Subdivision, Map 267 Lot 021**

Mr. Rowe explained a map presented showing that the property is presently in Current Use. He also noted he submitted the waiver documentation as requested at the last Planning Board meeting/public hearing session.

Chair Allard stated one of the waivers requested is from depicting the natural features on the remaining 77.5 acres. Mr. Rowe explained there is plenty of land for someone to build somewhere but they aren't looking to do so at this point and it would be cost prohibitive at this point. The issue isn't with the 77 acres but they only want a 2 acre lot for a family member to build a house. Mr. Craycraft stated he has some questions regarding the waivers: historically what is done is to have the surveying done near the area to confirm it's a buildable area and then typically they have also had a building envelope that only extends on the area surveyed with features outlined to avoid having someone come in and put a house way back. He stated the remaining area would also be surveyed to ensure a house and septic could be put in, noting it wouldn't be heavy engineering but they would do a test pit. Mr. Craycraft stated the intention may be that it won't be sold off but you never know. Mr. Rowe stated he asked the board two weeks ago if that's something he should have done and was advised to just come back with a

waiver request. Mr. Craycraft stated the regulations want to ensure they are only allowing building lots, otherwise it would be a woodlot. Mr. Rowe asked if they are really concerned they wouldn't find a buildable lot on the 77 acres; Mr. Craycraft stated he doesn't know the features and that is the issue of concern. Chair Allard summarized that in order to grant the waiver the Board still needs to be sure that the 77 acres is a buildable lot. He stated worst case scenario, if five years down the road someone wants to build on the 77 acres, are they bound by the granting of a subdivision decision at this meeting. Mr. Rowe, explained per state statute, anything over 5 acres doesn't require Board approval. Selectman Veisel stated it should be pretty easy to establish whether the lot would be buildable with a test pit. The Board discussed scenarios to approve the subdivision at this point. Mr. Rowe expressed his frustration with having already had test pits done for the 2 acre lot and now being delayed again. Mr. Craycraft stated he doesn't see why they wouldn't find a buildable lot on the 77 acres but wants to be sure they position the house lot without running in to steep slopes, etc. Mr. Rowe stated the building envelope would be near the road where it is flat. Mr. Craycraft suggested he take a few minutes to add the building envelope to the plans in order to move forward and the waiver request will have the condition attached.

Mr. Craycraft made a motion to grant the waiver request for Section 86.E.5, Natural Features so the entire parcel does not need to be surveyed, with the condition that the building envelope be added near Ten Rod Road as discussed, not to exceed 20,000 square feet, as previously discussed, and a notation be added that any future building is to be limited to the building envelope. Ms. Veisel seconded the motion. Motion passed 4-0-0.

The Board reviewed the boundary survey waiver request as presented.

Mr. Craycraft made a motion to grant the boundary survey waiver for Section 86.E.6. Mr. Wessel seconded the motion. Motion passed, 4-0-0.

Chair Allard stated a concern of the Conservation Focus Overlay District was this qualifies as a major subdivision. He stated that's not what is intended but it's what the zoning ordinance defines and suggested a waiver be granted so it's not part of a Conservation Focus Overlay District. The Board reviewed Section 10 of the Conservation Ordinance along with the maps for confirmation; Mr. Craycraft noted this parcel is not part of the Conservation Focus Overlay District and Chair Allard stated that the waiver for Section 10.B.2 does not apply in light of 10.B.1, which is the district boundaries.

Mr. Wessel asked if there is any public present who wants to comment on the subdivision request. None was indicated.

The Board reviewed the subdivision request and Chair Allard confirmed that other than the requested waivers, there were no other issues to address and asked if any member of the Board had other conditions they wished to attach to this application. None was indicated.

Ms. Veisel made a motion to approve the Two-lot Subdivision Request for Map 267, Lot 021 as presented. Mr. Craycraft seconded the motion. Motion passed, 4-0-0.

The Public Hearing was closed at 7:25pm.

Gerald and Bonnie Bach for Conditional Use Permit, Map 114 Lot 004 located at 352 South Shore Road

The Board reviewed the application for completeness. Ms. Zuzgo confirmed the meeting was posted appropriately, abutters were notified and all fees were paid. She noted the Zoning Board of Adjustment also granted variances and copies of those decisions were included for review. It was noted that no changes are being made to the driveway so no driveway permits are required.

Mr. Wessel made a motion to accept the Conditional Use Permit application for Map 114, Lot 004 located at 352 South Shore Road as complete. Mr. Craycraft seconded the motion. Motion passed, 4-0-0.

Chair Allard opened the Public Hearing at 7:29pm.

Tom Varney, Varney Engineering LLC representing Mr. and Mrs. Bach, gave an overview of the proposed plans noting the current building is a single room cottage with a dirt crawlspace; a State approved well and septic system are on the lot. The new addition is to be constructed as more living space. The ZBA granted approval for this November 13, 2018 and storm water measures are being installed. The Board reviewed the maps and plans presented along with pictures of the current building. Mr. Varney outlined the steep slopes on the maps, averaging 25%. He noted there was some erosion a couple years ago but they have been dealing with that; the proposed plans will include engineering calculations and look at the runoff which comes off the road, into the lot. It was confirmed they also have a shoreline permit from NH DES.

Chair Allard reiterated that the ZBA granted two variances - the 75' setback and the non-conforming setback, Article XXI, C.2. Mr. Varney confirmed that the variance is for expanding or adding to the building, which is already non-conforming and making it more non-conforming. It was confirmed the new structure will be no more than two bedrooms. Ms. Veisel asked whether it was agreed to eliminate the shed. It was clarified there are currently three and one will be removed. Chair Allard noted that without a Conditional Use Permit, the lot with over 25% steep slopes is restricted to 12,000 square feet of the lot disturbed; Mr. Varney noted over 30% they couldn't disturb more than 6,000 square feet. Mr. Varney explained they will be disturbing less than 12,000 square feet with the proposed plans. The Board reviewed the plans for the amount of impervious lot coverage. Chair Allard noted the house is close to the water's edge and asked the exact location. Mr. Varney replied it would be about 22'. Chair Allard asked if they plan to cut trees. Mr. Varney replied that to the side of the new addition, on the left of the lot, they would be doing some tree cutting to be able to get to the area for construction. It was confirmed this would be in line with the DES approval. Ms. Veisel asked what the area around the lower level of the structure would be. It was noted it would be a storage area;

there is a boat house as well but it is not over the water. Chair Allard asked Mr. Craycraft if the water management plan meets the criteria. Mr. Craycraft replied that it does. Mr. Varney stated the front roof toward the lake would have gutters and downspouts down to the porous pavement along with drip edge on the road side.

Chair Allard closed the Public Hearing at 7:57pm. He asked if any members of the Board feel there are any conditions that should be attached to the approval. Mr. Craycraft suggested adding fees for inspection of the BMPs; he also stated the language for ensuring the covenant runs with the land. Ms. Zuzgo stated that the form is still with legal counsel and has not been received back. Chair Allard explained the condition is to allow the Town to have access to inspect the Maintenance Plan is being followed and that would run with the land.

Mr. Craycraft made a motion to approve the Conditional Use Application for Tax Map 114, Lots 3 and 4, 354 South Shore Road, with the condition that the final covenant language to be recorded at the Strafford County Registry of Deeds be formalized by Town Counsel with the Town's right to inspect running with the land and with the condition to receive the monetary fee for the inspection of the four BMPs in a total of \$55. Ms. Veisel seconded the motion. Motion passed, 4-0-0.

Mr. Bach asked when the fees are due and if there is a time limit for when the inspections begin. Mr. Craycraft replied during the construction there will be different measures to ensure the slope is stabilized, but the inspections will begin after the construction is completed but advised them to keep an eye on things and the Building Inspector will note if anything is of concern.

Conceptual Site Plan Review- Map 250 Lot 132, 3 Old Bay Road

Mr. Misiaszek, stated he spoke with the Building Inspector and was referred to discuss his project with the Board. He explained the roof is falling in and the walls need to be improved; in the past they have done these things without a permit but this time they would like to add a two bedroom apartment and bathroom. Ms. Veisel explained they need to consider the septic system. Mr. Misiaszek stated the system is adequate for an extra shower/toilet; the structure will not be added to but only replaced and the building size will remain the same. Ms. Veisel suggested a permit is needed as the plans are to increase living space. Chair Allard stated it is also a change of use from commercial to a mix of commercial and residential; he suggested a Conditional Use Permit may be needed. The Board discussed whether it would be necessary. Mr. Misiaszek explained his purpose to use the living space and it will be used only during the summer. The Board discussed whether this would qualify as an accessory dwelling unit. Mr. Craycraft noted this is a permitted use within the mixed use district and can be combined within a single structure. The Board concurred a Conditional Use Permit would not be needed. It was confirmed the maximum square footage of the building is within the 6,000 limit. Mr. Misiaszek explained the upgrades and replacements he will be doing for the gas pumps on his property, which is being inspected and monitored by the State of NH. Chair Allard stated he needs to provide some sort of written statement from the State or an engineer that the septic system is adequate for the store and structure.

Mr. Wessel left the meeting at 8:15pm.

Approval of Minutes

Meeting of July 23, 2019 – Postponed as a quorum for the meeting is not present.

Meeting of August 20, 2019 – Postponed as a quorum for the meeting is not present.

Next Meeting

September 17, 2019-Workshop

Ms. Zuzgo stated the Building Inspector John Abbott will be attending the meeting to present some discrepancies he has come across within the ordinances.

Review Ordinance changes for Land Use Map

Copies of the Land Use Maps were reviewed and discussed by the Board. Chair Allard stated there were about 20 categories and suggested minimizing for clarification and that in the past they discussed having three categories for land use and development: suitable, moderately suitable and not suitable. He presented further definitions for review by the Board with discussion at the next workshop meeting.

Budget Review

The Board reviewed the 2019 Budget Year-to-date expenses for the Planning Board. Ms. Zuzgo stated there is about \$3,000 left in contracted services and it could be encumbered with another \$3,000 for next year for fees to contracting for a charrette. She noted they have also started running postage through the meter and it will come out of the Planning Board account line and even though it will be received back through fees, it needs to be budgeted. Chair Allard asked if they could possibly budget for a charrette for town planning and commercial development and suggested some accounts that may be combined for next year budget. Ms. Zuzgo stated the Board needs to be sure to go to the training sessions put out by New Hampshire Municipal Association and they need to make sure the budget includes the line and funds for it. She also suggested they should considering putting funds towards reviewing the impact fees versus a charrette. The Board asked Ms. Zuzgo to get a quote on reviewing the impact fees but Ms. Zuzgo noted the budget goes before the Board of Selectmen on October 23 and suggested the charrette is a want not a need while the impact fees are already in place and need to be maintained. Ms. Veisel noted the Board of Selectmen recently approved an RFP for having a space needs study done and that will be beneficial in showing an outside perspective of needs throughout the Town and suggested a charrette may be something to come after the space needs study. Chair Allard stated he will look into options with Robin at Plan New Hampshire

Discuss form for applicant receiving Conditional Use Permit

Ms. Zuzgo explained Legal Counsel has the form for review and stated the Board has the authority to use the form after it's been received back.

Discussion on Updating Soils Table

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September 3, 2019

Approved

Chair Allard asked if there's a resource that could help them update the soil table. Mr. Craycraft stated they will need a soil scientist in order to keep the lot sizing standards the same as codes and laws have changed. Ms. Zuzgo noted that would be another contracted service. The Board discussed possible contractors and Ms. Zuzgo will do a search on recommended professionals.

Ms. Zuzgo presented fliers for upcoming training sessions and encouraged the Board to attend, noting the classes fill up quick so they need to let her know so she can register them as well as submit the invoice to the Finance Officer; there is enough funds left in the budget for four members to attend.

Adjourn

Ms. Veisel made a motion to adjourn. Mr. Craycraft seconded the motion. Motion passed, 3-0-0.

The meeting was adjourned at 9:18pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary