

Town of New Durham Planning Board Meeting

March 1, 2022

APPROVED April 5, 2022

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING**

March 1, 2022, 7:00PM

New Durham Town Hall, New Durham, NH 03855

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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

*Technical difficulties or For Assistance with Zoom application please contact Land Use
Administrative Assistant Robin McClain at ndlanduse@newdurhamnh.us or contact Planning
Board.*

*Note: Town of New Durham offers no security assurances to those connecting via PC to a third
party software and hardware not configured or controlled by our IT service provider.*

PRESENT

Jeff Allard, Planning Board Chair

Bob Craycraft, Planning Board Vice Chair

Dorothy Veisel, Board of Selectmen representative – via Zoom

David Bickford, Planning Board member – excused absence

Scott Drummey, Planning Board member

ALSO PRESENT

Robin McClain, Land Use Assistant

Nicole Zoltko, Town Administrator – via Zoom

Walter Shanahan, applicant – via Zoom

Carol Shanahan, applicant – via Zoom

Brad Jones, Jones and Beach Engineers

Randy Tetrault, Norway Plains Associates

Jamie Fegan, applicant

Jeff Gilpatrick

Steve Badger, relative of applicants

Erin Badger, relative of applicants

Don Blackden, for consultation

Stephanie Richard, Changing Seasons Engineering

Sarah Barley, abutter – via Zoom

Nancy Bodwell, abutter – via Zoom

Terry Jarvis, resident – via Zoom

Mark Sullivan, applicant – via Zoom

CALL TO ORDER

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

PUBLIC INPUT

None.

AGENDA REVIEW

No changes were made to the agenda.

Continued review of Stormwater Conditional Use Permit application submitted by Changing Seasons Engineering PLLC on behalf of Walter and Carol Shanahan, Map 108 Lot 47, on Owls Head Point Road

The Board reviewed additional information and revisions as requested at the last meeting.

Stephanie Richard, Changing Seasons PLLC, representative for the applicant, stated the plans were modified to show the breakdown of the square footage of the house and garage; she stated the storm water components were updated as well as the stormwater report. She stated a section is also included addressing the ground water requirements; the road waiver is also included in the packet. It was confirmed the shoreline permit has been obtained.

Chair Allard asked if there will be a decrease in solids, nitrogen and phosphates going into the lake after the construction. Ms. Richard confirmed that is correct; there will be a decrease in stormwater runoff which will result in a decrease in those compounds going into the lake.

The Board reviewed the calculations of the impervious coverage; it was agreed the total is 16.2% for the building and structures which is greater than 15% of the ordinance. Ms. Richard explained she doesn't recall a deck ever being included in that calculation. Chair Allard stated it is the deck and walkway that puts it over the limit.

Ms. Richard stated there won't be any stone walkways; the driveway will be pervious gravel; and the steps down to the deck won't be impervious. Chair Allard noted the overhang also needs to be added to the impervious surface total. Mr. Drummey suggested the overhang could be reduced.

Chair Allard noted comments were received from Town Counsel in regard to the location of the well; it was Town Counsel's determination that the Board doesn't have jurisdiction to tell them where to put the well and unless it is critical to the conditional use permit.

Mr. Drummey suggested the board approve conditionally and have the plans come back with a reduction to the impervious coverage.

Erin Badger, daughter of applicant, stated they have been before the Zoning Board of Adjustment over the last nine months and it has always been indicated that the total impervious coverage has been 14.3% and there were no issues. She stated this is the first time they are hearing about this. Chair Allard stated the deck affects runoff and is still considered an impervious surface but agreed its not well defined. He suggested the plans be trimmed back within the limit and the Board will review at the next meeting.

Town Administrator Zoltko asked for clarification of the regulations the Board is going by and whether it's the Storm Water Management of September 2013. Vice Chair Craycraft explained this information is in the Shore Front Conservation Overlay District.

Ms. Jarvis noted Article XXI, Section E indicates impervious surface coverage is limited at 20% while building coverage is limited to 15%. Mr. Drummey explained the building includes the deck and stairs which brings the total over 15%. Ms. Badger noted the deck is not enclosed. There was further discussion whether decks and walkways are to be included. Ms. Badger stated there seems to be a difference between the ZBA and Planning Board in their definition and application. Mr. Drummey suggested they ask Town Counsel whether a deck is to be included. Town Administrator Zoltko stated she will ask but it will likely come back to what is defined in the ordinance.

Chair Allard suggested that in the meantime, Ms. Richard that she revise the plans to be within the impervious coverage limit. Mr. Badger noted the ordinance indicates the deck would have to be included to be counted in the coverage calculations; he also questioned why the two boards interpret the ordinance differently. Ms. Badger stated she is disappointed this is being pushed off a year because the Board doesn't have a clear interpretation.

Ms. Veisel joined the meeting via Zoom at 8:10PM.

Mr. Drummey made a motion to continue the case to March 15, 2022, 7:00PM at New Durham Town Hall. Vice Chair Craycraft seconded the motion. Roll Call Vote: Mr. Drummey – aye; Ms. Veisel – abstain; Vice Chair Craycraft – aye; Chair Allard- aye: Motion passed, 3-0-1.

Continued Public Hearing of Stormwater Conditional Use Permit application submitted by Jones and Beach Engineers on behalf of Paul Berlind, Map 116 Lot 012, on 206 South Shore Road.

Chair Allard reopened the public hearing at 8:17PM. He confirmed the Town Engineer reviewed the plans and discussed it with Mr. Jones. Mr. Jones summarized his discussions with Weston and Sampson; he stated overall they would be reducing the overall runoff from the site. He stated the porous pavement and drywell both have 60-65% contaminant removal per the UNH Stormwater Manual; overall impervious coverage is being reduced by 10%. Mr. Jones stated a structural engineer is going to be retained to design and install stabilizing the footings. Chair Allard confirmed test pits have not been done yet. Mr. Jones explained the erosion control and stabilization plans for the construction phase which will include silt fencing and hay bales.

Chair Allard noted there was a question about easement on to an abutter's land; he stated he doesn't see it on the plans but it would be a private issue between the land owners. Vice Chair Craycraft stated it would only be a concern to the Board if anything affected runoff into the property.

Mr. Jones stated the driveway will be porous pavement; he explained it will be 4" thick and laid down on top of the gravel.

The Board reviewed the updated Best Management Practices log. Vice Chair Craycraft had no concerns.

Mr. Drummey made a motion to approve the Stormwater Conditional Use Permit application submitted by Jones and Beach Engineers on behalf of Paul Berlind, Map 116 Lot 012, on 206 South Shore Road with the following conditions:

- *The applicant shall provide plans stamped by a licensed structural engineer for the track system, including footing design and supporting test pit information to the Building Inspector prior to construction;*
- *The applicant shall provide plans stamped by a licensed structural engineer for the temporary steel I-beam and concrete block reinforcement support for the access trail to the Building Inspector prior to construction;*
- *The applicant shall provide additional erosion control measures on the plan to include silt fence and hay bales along the slope after the I-beam and blocks are removed and while slope is restored;*
- *The applicant shall schedule a pre-construction meeting with the Building Inspector and the Town Engineer, Weston and Sampson and shall provide an accurate construction schedule at the meeting;*
- *Given the steep slopes and significant potential for erosion, the Town shall conduct frequent inspections (weekly during good weather and after each rainstorm);*
- *Weston and Sampson will inspect the temporary haul road after construction and after restoration; should additional erosion measures be needed, the applicant shall install without hesitancy;*
- *BMPs fees (3) shall be paid totaling \$90;*
- *The homeowner shall submit an inspection log annually by December of each year;*
- *The applicant shall sign a covenant to be recorded at the Strafford County Registry of Deeds giving the Town the right to inspect BMPs in the future, with the Town's right to run with the land;*
- *The homeowner must submit a signed copy of the Operations and Maintenance Manual;*
- *The homeowner is to keep records of maintenance inspections for at least the most recent five years.*

Vice Chair Craycraft seconded the motion. Roll Call Vote: Mr. Drummey – aye; Ms. Veisel – aye; Vice Chair Craycraft – aye; Chair Allard- aye: Motion passed, 4-0-0.

Conceptual Consultation for a 5-lot subdivision by Norway Plains Associates, Inc., representing Donald and Vickie Blackden for property located on Old Bay Road, Map 256 Lot 11

Randy Tetrault, representative for the applicants, stated they have done some test pits, surveys of the 48 acres and they have looked through the inventory maps for the natural resources and wetlands. He stated this would be considered a major subdivision due to the size and number of lots; he stated the proposal is for four road front lots sized 250' by 500'. The remaining 38 acres would be in non-building woodlot status adjacent to the applicant's current residence.

The Board reviewed the maps and plans presented. Mr. Tetrault stated the lots would be 2.5 acre, single family residential lots. Mr. Drummey stated woodlot is not a current designation anymore. Chair Allard stated the back lot will require its own' road frontage of 400' on a Class V road. Mr. Tetrault stated he doesn't know if the current lot is in woodlot status. Mr. Drummey noted the property card indicates the lot is in current use. The Board and Mr. Tetrault reviewed the maps and discussed possible configurations. Vice Chair Craycraft suggested a lot line adjustment to have two lots then have the remaining third lot with the house. Mr. Tetrault confirmed the owner of record is the same for all the lots. Chair Allard stated the soil tables have been updated and suggested those be referenced for these proposed lots. It was the consensus of the Board that if three new lots are created, it would be a minor subdivision, but the back lot could potentially be divided further. Mr. Drummey suggested the deed include the provision the back lot could not be further divided.

Conceptual Consultation for enclosing porch for Jamie Fegan for property located at 69 Route 11, Map 251 Lot 25

The Board reviewed the proposed plans. It was confirmed the plans are only for enclosing the existing porch and the floor would be insulated; there is no change of use or expansion of space so no further review by the Planning Board is needed. However, a Special Exception may be needed from the Zoning Board of Adjustment and Chair Allard suggested the applicant review the plans with the Building Inspector.

Review of Boundary Line Adjustment Application by Norway Plains Associates, Inc. representing the Cedergren Eagle Realty Trust; Carolyn Sullivan & Veronica Carleo-trustees, Carolyn Sullivan Revocable Trust; Carolyn & Mark Sullivan-trustees and Veronica and Thomas Carleo, for properties located at 23, 25 and 27 Cedergren Road, Map 105 Lots 6, 7 & 8.

The Board reviewed the proposed lot line adjustment maps and plans. Chair Allard confirmed a public hearing is not needed for this application. Ms. McClain confirmed abutters were notified.

Vice Chair Craycraft stated he doesn't anticipate a conflict of interest but wants to disclose that he has worked with Mr. Sullivan on the Conservation Commission. The Board concurred.

The Board reviewed the application for completeness.

APPROVED April 5, 2022

Mr. Drummey made a motion to accept the Boundary Line Adjustment Application by Norway Plains Associates, Inc. representing the Cedergren Eagle Realty Trust; Carolyn Sullivan & Veronica Carleo-trustees, Carolyn Sullivan Revocable Trust; Carolyn & Mark Sullivan-trustees and Veronica and Thomas Carleo, for properties located at 23, 25 and 27 Cedergren Road, Map 105 Lots 6, 7 & 8. Vice Chair Craycraft seconded the motion. Roll Call Vote: Mr. Drummey – aye; Ms. Veisel – abstain; Vice Chair Craycraft – aye; Chair Allard- aye: Motion passed, 3-0-1. Ms. Veisel abstained as she doesn't have a copy of the application for review.

Chair Allard stated there are four waiver requests and he agrees this information would not be needed.

Mr. Drummey made a motion to accept the waiver requests indicated on the cover letter for the land use application dated January 28, 2022. Vice Chair Craycraft seconded the motion. Roll Call Vote: Mr. Drummey – aye; Ms. Veisel – abstain; Vice Chair Craycraft – aye; Chair Allard- aye: Motion passed, 3-0-1. Ms. Veisel abstained.

Mr. Tetrault stated there are three existing lots of record, all of which are about ¼ of an acre in size. He stated there are existing structures on two of the lots which owned by three different trust entities; those two lots would annex half of the original center lot which would make the other two lots about ½ acre in size and less nonconforming. The Board reviewed the maps and plans presented. Chair Allard stated he doesn't see any reason why this should not go forward. The Board concurred.

Mr. Drummey made a motion to approve the request for the Boundary Line Adjustment Application by Norway Plains Associates, Inc. representing the Cedergren Eagle Realty Trust; Carolyn Sullivan & Veronica Carleo-trustees, Carolyn Sullivan Revocable Trust; Carolyn & Mark Sullivan-trustees and Veronica and Thomas Carleo, for properties located at 23, 25 and 27 Cedergren Road, Map 105 Lots 6, 7 & 8. Ms. Veisel seconded the motion. Roll Call Vote: Mr. Drummey – aye; Ms. Veisel – aye; Vice Chair Craycraft – aye; Chair Allard- aye: Motion passed, 4-0-0.

Discussion and possible appointments to fill the vacancies for two representatives for the Strafford Regional Planning Commission

Chair Allard asked if anyone on the Board has served on the SRPC. Ms. Veisel stated she served many years ago; the commission seems to have more focus on the county level and suggested it may be appropriate for someone from the Department of Public Works to go as the primary concerns at the time she was on the commission dealt with transportation.

ADJOURN

Mr. Drummey made a motion to adjourn. Vice Chair Craycraft seconded the motion. Roll Call Vote: Mr. Drummey -aye; Ms. Veisel – aye; Vice Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.

The meeting was adjourned at 10:26PM.

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Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary