

**NEW DURHAM PLANNING BOARD**

**New Durham Town Hall**

**March 3, 2020, 7:00p.m.**

*Final: Approved 4-21-2020*

**PRESENT**

Jeff Allard, Chair

Bob Craycraft, Vice Chair

Scott Drummey

Dorothy Veisel, Board of Selectmen representative – excused absence

David Wessel – excused absence

David Bickford, alternate member– excused absence

**ALSO PRESENT**

Tom Varney, Varney Engineering

Sean Kelley, resident

Cara Kelley, resident

Gary Nadeau, resident

Alan H. Wysocki, resident

**CALL TO ORDER**

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

**Review of Conditional Use Permit Application -Varney Engineering LLC on behalf of Sean and Cara Kelley Map 109 lot 33 & 34, 59 North Shore Road New, Durham NH**

Tom Varney, Varney Engineering, stated the owners would like to demolish the cottage as its outdated; they would keep it the same size on the footprint and extend the deck on the front by a few feet as well as add a deck on the side and a garage; the septic system would also be updated. He stated those were approved by the Zoning Board in November and January. Mr. Varney stated a 20' strip of land on the side has been merged to the lot; the impervious lot coverage is 17.8% and shoreline and septic designs are required. Pictures and maps were presented along with best management practices plan and a copy of a land survey for review by the Board. Mr. Varney explained that there are steep slopes on the property including the driveway, and noted the current septic system is failing. He explained the areas of runoff and drainage and noted the runoff into the lake will be reduced. Chair Allard asked if there is any anticipated tree cutting. Mr. Varney stated there is not much vegetation and there isn't much problem with them and nothing can be done in the 50' buffer zone. Chair Allard asked if the beach is perched. Mr. Varney replied it's a sandy shore line, sloping down to the water. Chair Allard stated he wants to be sure that new designs improve storm water runoff into the lake, over the current design, so they can ensure changes are better off for the lake. He wants to be sure the Board is approving plans that improve sites rather than degrading them and suggested they outline the things that will improve. Mr. Varney stated the storm water management plan addresses runoff and porous pavement can absorb more water to keep it from going

into the lake. He stated the roof runoff would go into drip edge around the edge of the building. The Board reviewed and discussed the plan maps and the runoff areas. Chair Allard stated the positive impacts are primarily the pervious pavement in the driveway, the roof drip edge, the retaining wall, replacing a failing septic with a new system and moving the leach field back by 30' and further from the abutters' well, and the runoff for a 100-year storm will be reduced by 80%. The negative impacts include adding the garage, increase impervious surface. Mr. Craycraft noted they need to be sure to assess the fees for the inspections and be sure the best management practices run with the land. Chair Allard noted this is required with conditional use permits. It was confirmed there would not be living space in the garage.

Chair Allard closed the public hearing.

**Mr. Drummey made a motion to approve the Conditional Use Permit for Sean and Cara Kelley, Tax Map 29, Lot 33 and 34 merged, with the following conditions: no living space exists in the garage; BMPs run with the land; allow the Building Inspector to inspect the BMPs annually according to the maintenance and inspection manual; construction of the porous pavement be overseen by a NH licensed professional engineer; fees for the BMPs for the first year in the amount of \$35 be paid. Mr. Craycraft seconded the motion. Motion passed, 3-0-0.**

**Review of Conditional Use Permit application -Varney Engineering LLC on behalf of Alan H. Wysocki Map 103 Lot 14, Pine Point Road New Durham NH**

Chair Allard noted this property is located in the aquifer overlay district and asked Mr. Craycraft if there are any special protections due to that. The Board reviewed the application for completeness. Mr. Craycraft stated he doesn't see anything in particular that would be triggered by it.

**Mr. Drummey made a motion to accept the application on behalf of Alan Wysocki for Map 103, Lot 14 as complete. Mr. Craycraft seconded the motion. Motion passed, 3-0-0.**

Chair Allard opened the public hearing.

Tom Varney, Varney Engineering, stated the land is vacant, has steep slopes and the plans are to build a cottage. He stated this was approved by the Zoning Board of Adjustment in July; the storm water management plan has to do with the shoreline and septic design. A land survey was done and presented for review along with the maps. Mr. Varney explained the wooded areas and no building is known about on the lot; there are slopes 25-30% and it is a sandy, gravel lot with good drainage but highly erodible. The cottage would be added behind the 25' setback but the deck would encroach into the 25' setback. Chair Allard confirmed the variances with the ZBA were for the deck and the location of the leach field. Mr. Varney explained the layout of the lot and stated the parking is at the top and then you have to walk down to the house. The Board reviewed

the maintenance manual and the pervious and impervious surfaces within the plan. It was noted the plan includes a catch basin and dry well.

Chair Allard closed the public hearing. Mr. Craycraft stated they want to be sure to include the inspection fees for the BMPs, totaling \$55.

**Mr. Drummey made a motion to approve the Conditional Use Permit for Map 103, Lot 14, on Pine Point Road, with the following conditions: that the BMPs run with the land; the owner grant permission to the Town Building Inspector to inspect the BMPs annually; the DES shoreland permit is submitted; the first year BMPs fees be paid in the amount of \$55. Mr. Craycraft seconded the motion. Motion passed, 3-0-0.**

**Review Conceptual Consultation for Site Plan Walk Application (not yet completed)**  
**Gary and Theresa Nadeau Map 257 lot 004 Valley Road New Durham NH**

Gary Nadeau, resident, explained the proposed plans for constructing an 80x40 restaurant with function hall on the lot. He stated the building would be set back off the road and he would like to have the access from Tash Road to avoid needing a curb cut from the State of NH on route 11. Mr. Nadeau stated they would be doing test pits in a few weeks to get more information on what they can do. He stated it would be a nice looking, stick built structure. The Board reviewed and discussed the maps presented. Mr. Nadeau explained the calculations used for seating to water usage. Mr. Craycraft confirmed the lot is not in the aquifer overlay district but it is close and suggested Mr. Nadeau review that. Mr. Nadeau explained the septic system will have grease traps which are emptied regularly to collect that waste. Chair Allard asked if an environmental study would be necessary as it is a commercial use. He noted something they need to take up at some point is the provision for a minor commercial use, with the same impact as a single family home. The Board reviewed the building and parking lot setback requirements. It was agreed by the Board that it would need to go before the Zoning Board as well along with needing an environmental impact study.

**Other**

Chair Allard stated the NH State legislature created a housing board which will be able to overturn local planning board decisions. He explained it is being pushed in the movement of affordable housing but is also backed by the NH Housing authority, which is a private organization and the NH Home Builders Association. The Board discussed the encroachment of the board on towns and local boards, as well as the affects it could have on small towns. Chair Allard stated he is not in favor, and explained the situation in Minneapolis where they are no longer allowing single family homes because they deemed them to be statistically owned at a higher rate by Caucasians, and therefore racist. He stated this is an assault on local regulation.

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Mr. Craycraft stated someone asked Brian about old copies of subdivision regulations. Chair Allard stated he asked Brian to research the amendment dates and it was determined the 1995 version to be the one in effect in 1999, the year a resident was asking about.

### **REVIEW AND APPROVAL OF MINUTES**

Meeting of February 4, 2020 – Edits were made. Postponed.

### **Next Meeting:**

March 17, 2020, 7:00pm, New Durham Town Hall

### **ADJOURN**

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

The meeting was adjourned at 9:25pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary