

NEW DURHAM PLANNING BOARD
May 5, 2020, 7:00 PM
at “ZOOM” Virtual

Under the emergency provisions of RSA 91A, this meeting took place electronically via Zoom.

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

IN LIGHT OF THE COVID 19 (CORONA VIRUS) SOCIAL DISTANCING ADVICE MADE BY THE GOVERNOR AND CDC, THE TOWN OF NEW DURHAM NH FOLLOWING A DECLARATION OF EMERGENCY BY THE PLANNING BOARD CHAIRPERSON, IS PROVIDING A MEETING PARTICIPATION VIA TELEPHONE CONFERENCE FOR YOUR SAFETY.

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.

Join Zoom Meeting <https://zoom.us/j/98746797573?pwd=V093R1l6UHM0dFplbTZSMnpXbnRMZz09>

Meeting ID: 987 4679 7573 Password: 915342

By phone: +1 301 715 8592 US

Any technical difficulties contact Town Administrator Scott Kinmond @ skinmond@newdurhamnh.us or 603-5561516.

Present

Jeff Allard, Chair – via Zoom

Bob Craycraft, Vice Chair – via Zoom

Scott Drummey – via Zoom

Dorothy Veisel, Board of Selectmen Representative – via Zoom

David Wessel – via Zoom

David Bickford- via Zoom

Also Present

Scott Kinmond, Town Administrator- via Zoom

Terry Jarvis, resident - - via Zoom

Tom Varney, Varney Engineering, LLC- via Zoom

Kate Varney, Varney Engineering, LLC- via Zoom

Scott Dunn, resident- via Zoom

Paul Raslavicus- via Zoom

Ray Halpin, applicant- via Zoom

Bridgett Halpin, applicant - via Zoom

Call to Order

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

Chair Allard stated that due to the State of Emergency declared by Governor Sununu and pursuant to Executive Order #12, the Town is authorized to meet electronically. He stated there is no physical location to observe this meeting however in accordance with the Order, it was confirmed that they are providing public access to the meeting by telephone, with additional access possibilities by video (Zoom); all members of the Board and Town Administrator have the ability to communicate contemporaneously during this meeting; the public has access to contemporaneously listen and participate via links posted on the agenda. Chair Allard confirmed the meeting was posted appropriately with access numbers. He stated that in the event the public is unable to access the meeting, it would be adjourned and rescheduled. Chair Allard stated all motions would be taken by roll call; roll call attendance was taken for this participating in the Zoom meeting. Chair Allard confirmed all participants, including the Board of Selectmen members, are alone.

Announcements

Ms. Veisel stated the Board of Selectmen took action at the last meeting which would allow the restaurants in Town to be able to serve patrons outdoors, and allow additional outdoor seating as long as it adheres to the CDC and Governor's guidelines.

Review of Conditional Use Permit

Submitted by Varney Engineering LLC on behalf of Ray and Briaget Halpin, Map 103-016, located at 170 Pine Point Road New Durham, NH

The Board reviewed the application for completeness. Chair Allard noted that due to the current circumstances it is not possible to determine if fees have been paid as Mr. Cauler is not present; he suggested going forward on the assumption fees have been paid. Chair Allard stated he was not aware that there is an aquifer in this area. Mr. Drummey and Mr. Varney confirmed it is, in the area of the sand pit. He asked clarification whether there are steep slopes. It was noted there are slopes of 10% or more and Chair Allard asked why the steep slopes are not applicable. He asked if Merrymeeting Lake is considered a protected water source, noting there is a shoreline protection. Mr. Craycraft stated he believes it would be a drinking water resource and doesn't see where that applies. There was discussion whether this is a protected waterbody and determined any great pond is not.

Ms. Veisel made a motion to accept application for Map 103, Lot 16, Land Use Application, as complete, pending verification that all fees have been paid. Mr. Drummey seconded the motion. Discussion: Mr. Craycraft suggested making the approval being contingent on fees being paid. Roll Call: Mr. Craycraft – aye; Mr. Drummey – aye; Ms. Veisel – aye; Mr. Wessel – abstained; Chair Allard – aye. Motion passed, 4-0-1.

Chair Allard opened the Public Hearing.

Tom Varney, Varney Engineering, stated this property on Pine Point Road is on the far end of Merrymeeting Lake; the applicants purchased the property about a year ago and are in the process of rebuilding the house; there will be a new well and septic system; a deck added to the lake side and a

shed added to the waterfront; retaining walls on the property are timber and rotting; this plan has new retaining walls and new porous walk steps to the lake. Mr. Varney stated there will also be a drywell and dripedge constructed to infiltrate storm water runoff; a NH DES Shoreline Permit is required and a Stormwater Management Study has been completed. Mr. Varney presented photos of the property with the previous cottage, noting the new construction is on the existing foundation; photos showing the deteriorating retaining walls were presented; he noted it is a 38% slope down to the water. He explained the location of the well point and walkway which needs to be improved; it was confirmed the property has been surveyed and a map was presented for review. Mr. Varney stated they went before the Zoning Board of Adjustment on April 14, 2020 for approval to install a new well; approval was granted for the variance due to close proximity to the leech field. It was confirmed the well would be located under a deck. He stated the deck can be 8' and is planned at 12' they will be going to the ZBA for a variance for that as well. Mr. Varney explained there would be gutters and downspouts for directing rain water runoff. He stated tree cover will remain the same and there will be no infringement on the tree line behind the retaining wall. The Stormwater Study was presented for review. Ms. Veisel asked how many square feet in the house currently. Ray Halpin, applicant, explained the proposed house has a loft area so the living space will be increased from about 900 to 1300 square feet. It is two bedrooms and the septic design is for two bedrooms. Ms. Veisel asked if there would be a walk-out basement. Mr. Varney confirmed there will be; he outlined the details of the storm water management plan which include a catch basin and dry well. He stated there is no indication of erosion on the property with the lot size being 11.3%. The patio will be porous material. The Board reviewed the Best Management Practices Manual and logs. Chair Allard confirmed there are four best management practices including porous steps, catch basin and drywell, porous patio and dripedges. Mr. Varney stated the house location meets the setback requirements and the reason for wanting the deck is because the house is remaining small. Chair Allard noted a 12' deck is allowed if it is within the 50' setback and suggested that if that is within the 75' setback then a variance would not be needed. Mr. Drummey noted there is an existing house but no existing deck. Chair Allard confirmed construction is underway on rebuilding the home but there is no variance for the deck and no conditional use permit from the Planning Board; he questioned why these were not done before the work started. Mr. Varney stated the Conditional Use Permit is for the walkway; the posts for the deck have not been placed. Chair Allard if the silt socks and hay bales are necessary for the home construction. Mr. Varney replied those would be for the steep slopes work as well and does not know if they are in place currently. Mr. Halpin does not know if those are in place. Mr. Varney stated there is not any disturbance of the land with the way they are doing the construction; he confirmed the shed has not been started. Mr. Drummey asked the purpose of the shed. Mr. Varney stated its for water related items; the current well structure will be removed. It was noted there is an allowance for accessory structures in this area, to be located 20' from the shoreline and not to exceed 150 square feet, and 15' from the side. The proposed structure will be 140 square feet. Chair Allard asked if the Board believes a variance is needed for the deck. It was noted the ordinance does not specify the width allowed. Mr. Varney confirmed the well is 125' from the lake; it won't be 75' from the septic but meets the 65' state requirement and the variance has already been granted by the ZBA. Terry Jarvis, Chair of Zoning Board of Adjustment, confirmed all variance were granted although due to COVID difficulties, she was unable to get the documents signed in time for this meeting. There was further discussion of whether a variance is needed. Mr. Drummey stated the footprint of the building is more than 75' back and the deck is not part of the building. Ms. Jarvis stated the ZBA has had the

advice of engineers indicating a deck is part of the building. Ms. Veisel stated it needs to be addressed as it doesn't make sense that its okay at 50' but not at 75'. The Board concurred a variance should be sought as the ordinance is not completely clear. Chair Allard stated they need to amend the details of Section XXI, F and G. Ms. Jarvis suggested the Planning Board continue the Public Hearing until July as the earliest time for them to be in for a ZBA meeting is June. Chair Allard suggested going forward with a decision now, with it conditional that an 8' deck is allowable but a 12' deck requires a variance approval from the ZBA. Chair Allard asked about the telephone poles Mr. Varney indicated were being use as anchors on the wall and confirmed those will be removed. Mr. Varney replied yes. Mr. Craycraft noted with the inspection and maintenance manual, the list is missing the item of "dripedges." Mr. Wessel asked if the outhouse depicted on the map has been removed. Mr. Varney stated it is not being used but there are no plans to remove it.

Chair Allard opened the Public Hearing to public input. Paul Raslavicus, resident, stated that in regards to the maintenance records, unless the Town asks to see the records they don't know if individuals are in fact maintaining the requirements. He suggested the Planning Board discuss requirements for inspections and followup. Chair Allard explained there is a form the applicants sign which give the Town permission to conduct inspections. Town Administrator Kinmond stated in other communities, the burden of inspection always remains on the homeowner, not the town and explained it needs to be done by professional who is familiar with this practices as opposed to a Building Inspector with a building and trades background. Ms. Jarvis concurred and stated she wants to work towards putting the burden on the property owner as well, since they are requesting the variance.

Chair Allard closed the Public Hearing.

Chair Allard outlined conditions previously discussed: approval contingent on confirmation that the BM fees have been paid; agreement with the homeowner to allow the Town to inspect BMPs annually and permission runs with the land; silt socks and hay bales be installed before any further construction on the land; confirmation the application fees have been paid; confirmation of NH DES permit approval; an 8' deck would be allowed without variance however if the deck is to be 12' then a ZBA variance will be needed; add "dripedges" to page 2 of the BMP; homeowner would provide the BMP to the Code Enforcement Officer annually to facilitate the annual inspections.

Chair Allard made a motion to approve the request for a Conditional Use Permit for Ray and Bridget Halpin, Map 103, Lot 16 at 170 Pine Point Road with the following conditions: confirmation that the BMP fees of \$55 have been paid; agreement with the homeowner to allow the Town to inspect BMPs annually; and permission runs with the land; request that silt socks and hay bales be installed before any further construction on the lot; confirmation that all application fees have been paid; confirmation of NH DES permit approval; an 8' deck would be allowed without need for a variance however if the deck is to be 12' then either a ZBA variance or decision by the ZBA that a variance is not necessary will be needed; add "dripedges" to page 2 of the BMP; homeowner is to provide the BMP to the Code Enforcement Officer annually for inspections. Ms. Veisel seconded the motion. Roll Call: Mr. Craycraft – aye; Mr. Drummey – aye; Ms. Veisel – aye; Mr. Wessel – aye; Chair Allard – aye. Motion passed, 5-0-0.

Consultation for ADU and Conditional Use Permit for Scott & Sandra Dunn 5 Hilltop Circle, Map 244, Lot 055.

Chair Allard confirmed no materials were submitted for distribution to the Board prior to the meeting. Scott Dunn, resident, stated his property is located at Map 244, Lot 055, 5 Hilltop Circle. He explained he is looking to plan an ADU for his parents to move into. Mr. Dunn stated he has been in contact with various builders and it is his understanding that his lot size does not accommodate a stand-alone ADU and wants to know if a variance is possible to allow his proposal to move forward. He stated his parents want to maintain some of their independence with a stand-alone unit; it was noted the lot is 1.91 acres, 80,000 square feet; 90,000 is required for a stand-alone ADU. Mr. Dunn stated it won't meet the conditions regarding 20% nonpermeable surface if the deck and driveway are factored in. Chair Allard stated the minimum lot size is 1.5 however it is also dependent on soil type; the requirement is that stand-alone ADUs require an area 50% larger than that for a conforming lot making the minimum at 2.25 acres. He explained the different types of ADUs which include attached as well. Mr. Dunn stated they considered converting the garage but he would want to replace the existing garage with some sort of attached or detached garage; anything attached to the garage would interrupt the sight-lines at the front of the house. Mr. Dunn stated the current septic design would restrict an additional building off his house. Chair Allard summarized the preferred option is a detached ADU; Ms. Veisel suggested they could get a variance for the setback if doing attached. Chair Allard suggested Mr. Dunn may have a reasonable case but he will need to discuss that further with the Board. Mr. Dunn asked what his next steps are. Mr. Craycraft stated there is an impervious coverage question which may come into play; he stated there may be other options but Mr. Dunn would prefer not to do those. Mr. Dunn stated the existing septic design would then hinder accessibility for his wife who is disabled as well as affect the sight-line, possibly decreasing the property value. Ms. Veisel asked how many bedrooms are in the current bedroom; Mr. Dunn replied there are 3 and the design is for 4. Ms. Veisel stated he should be aware that if there is a less restrictive option, the Planning Board may grant a request for a stand-alone but also require a variance for the setbacks. Mr. Dunn explained the place for the ADU is in the front and it would be behind the setbacks; he stated he plans to have a separate septic for the stand-alone. The ADU is planned for a maximum of 2 bedrooms. Chair Allard noted there is no allowance for an additional driveway but the current driveway must be able to accommodate two additional cars. Mr. Dunn stated there would be spaces added. Ms. Jarvis suggested this may be a case that will need to come before the ZBA. Chair Allard recommended Mr. Dunn work with the Land Use Assistant to work on an application. Ms. Jarvis noted the forms and applications are all available on the Town website along with a checklist to ensure all information needed, is provided.

Mr. Drummey made a motion to continue the Public Hearing for the Conditional Use Permit for Peter and Karen Spohn, Map 114, Lot 49 to the May 19, 2020 Planning Board meeting. Ms. Veisel seconded the motion. Roll Call: Mr. Craycraft – aye; Mr. Drummey – aye; Ms. Veisel – aye; Mr. Wessel – aye; Chair Allard – aye. Motion passed, 5-0-0.

Approval of Minutes

Meeting of April 07, 2020 – Postponed.

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DRAFT

Meeting of April 21, 2020 – Postponed.

Next Meeting: May 19, 2020

Adjourn

Mr. Drummey made a motion to adjourn. Ms. Veisel seconded the motion. Roll Call: Mr. Craycraft – aye; Mr. Drummey – aye; Ms. Veisel – aye; Mr. Wessel – aye; Chair Allard – aye. Motion passed, 5-0-0.

The meeting was adjourned at 9:15pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary