

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
May 2, 2023, 7:00PM
New Durham Town Hall, New Durham, NH 03855**

PRESENT

Bob Craycraft, Planning Board Vice Chair (Acting Chair)
Marc DeCoff, Board of Selectmen Representative
Scott Drummey, Planning Board Member

Jeff Allard, Planning Board Chair – excused absence
Anne Ross-Raymond, Planning Board Member – excused absence

ALSO PRESENT

Susan Stillwell, Land Use Assistant
Tom Varney, Varney Engineers
Anthony Jones, Jones and Beach Engineers Inc.
Kenneth Lance, applicant
Josh Thibeault, Varney Engineering, LLC
Ann Richard, applicant

CALL TO ORDER

Acting Chair Craycraft called the meeting to order at 7:01PM.

Introductions were made by the Board members present.

AGENDA REVIEW

No changes were made.

PUBLIC INPUT

None.

Continuance of Public Hearing Case #PB2023-001 and Review of April 6, 2023, Site Walk

An application submitted by Jones & Beach Engineers Inc, on behalf of Joseph and Cheryl Mullen for property located at 287 South Shore Road, Map 113 Lot 77.

The applicants are requesting a minor Stormwater Conditional Use Permit.

Acting Chair Craycraft stated this public hearing was continued from the April 4, 2023, meeting; a site walk was done on April 6. He stated the Planning Board also agreed a third-party review would be needed by the Town Engineer and a letter was received April 27, 2023, from Jones and Beach Engineers in response to that. The applicant would like to proceed without the third-party review. Acting Chair Craycraft stated the applicant has the right to move forward without the

review but if Board members believe it is necessary, it could be cause for denial. He stated the applicant also has the right to have his case heard by a full board.

Andrew Jones, Jones and Beach Engineers Inc., representing the applicant, presented a summary of the storm water management ordinances and he stated the plans meet those requirements. He stated Mr. Mullen has indicated he would like to proceed with the case tonight. Mr. Jones presented a sketch depicting the slopes and categories as well as the area of the lot that was surveyed. He stated there is not another flatter, more ideal, location for the garage or an area that provides more separation from the stream.

Acting Chair stated two items related to the ordinance came up previously related to stormwater management and buffers around the stream.

Acting Chair Craycraft stated per the steep slopes ordinance, Article XI Table 7B, there is a 12,000 square foot area of disturbance threshold, if there is no buildable location with slopes less than 25% slope. Acting Chair proceeded to reference the stormwater management ordinance Article XVII.E.1 and Section XVII.E.7.a, b, and c. Acting Chair Craycraft pointed out the no-disturbance buffer requirements and the requirement to avoid altering site hydrology. The Board reviewed and discussed the storm water overlay district requirements. Mr. Jones explained the proposed location for the garage seems to be the most practical; he stated it will go into an access easement but there are no specific details of that easement.

Acting Chair Craycraft noted the proposed plans include about 9800 square feet of disturbance; there is also a preexisting house, shed, driveway and septic that collectively exceed the 12,000 ft² threshold that is not being considered on the plan. He stated it was noted there is potential for the existing garage to become an ADU so there should be plans for a replacement septic; he stated he doesn't want them to keep coming back and disturbing the steep slopes. Mr. Jones stated there are no plans for an ADU; there will be no plumbing and only electrical service for lighting. Acting Chair Craycraft indicated there is some steep slope disturbance area, 2:1 slope, that effectively looks like a reclamation plan for a gravel excavation permit. Acting Chair Craycraft asked the applicant to walk through the use of geotextiles and seeding and grading plan. Acting Chair Craycraft expressed his concern of this project abutting the neighboring property and how the site would be stabilized to avoid a collapse from the abutting property. Mr. Craycraft expressed his feelings that this is an example of where a third-party engineering review is needed. Mr. Jones stated to address the concerns of the slope collapsing, they are proposing the use of erosion control blankets over the whole site. He stated the seeding plan will also help. Acting Chair Craycraft stated this is a difficult lot to do development on. Mr. Jones explained any area that will be disturbed, will be replaced with vegetation and erosion control blankets; he stated the only part having trees cut, will be for the purpose of putting in a swale. He stated the road shown on the map is existing. Mr. Jones stated that the site would be better stabilized following the site work than under current conditions. Acting Chair Craycraft questioned the statement and pointed out that the site is currently vegetated with forest cover and grass that provides treatment. Acting Chair Craycraft pointed out that the vegetation serves as low maintenance erosion control measures.

The Board reviewed the proposed impervious surface. It was confirmed that the current intention is to have the driveway and parking areas be gravel; Mr. Jones stated they are open to the idea of

paving. The run off from the back of the roof is being directed to an infiltration trench; the front is being directed towards the swale; no gutters are included. Acting Chair Craycraft asked what the driveway base matrix consisted of. Mr. Jones said no details are provided but a driveway base material detail could be produced. Acting Chair Craycraft stated snow storage is a concern and asked where that would be located on the lot. Mr. Jones stated it would be pushed to the side of the swale and outlined on the plans where other areas the snow could be pushed. Mr. Jones indicated the site would be used year round. Acting Chair Craycraft noted there is a slope along the 25-30% grades. He stated he is concerned about the loose material with the gravel driveway, as well as, the 7% slope going down to the swale. Acting Chair Craycraft he stated he is concerned about runoff of smaller, finer grain materials with the steep slopes during storm events. Mr. Jones stated there are plans to remove the fines from the liquid contained in the proposal; he stated all the runoff from the driveway will go into the swale, which is planned for a 50 year storm. Acting Chair Craycraft mentioned that some aspects of the HydroCAD software used to model runoff for this project, is not based on site-specific information, and some potential impacts of this project may not be reflected in the design. Acting Chair Craycraft expressed his opinion that a third-party review would be beneficial.

The Board reviewed and discussed the Post Construction Best Management Practices. Mr. Jones stated there will be drip edge, vegetation on the slope, and a rain garden. Acting Chair Craycraft asked why the rain garden is at a higher elevation than the area around it. Mr. Jones indicated the value was associated with a nearby elevation. Acting Chair Craycraft referenced some pollutant removal efficiency documents that were provided by Mr. Jones at the last meeting. Acting Chair Craycraft indicted the removal efficiencies associated with the rain garden are for locations greater than, or equal to, a surface water. Mr. Jones' understanding is that those distances are not applicable to larger rivers and not the stream that runs through this property. Acting Chair stated he strongly feels a third-party engineering review is needed; he stated he is not comfortable with the steep slopes and gravel driveway, noting the catch basin could be filled in a single event. Mr. Jones indicated the driveway could be paved. Concerns remained about water velocities and potential damage associated with stormwater runoff over the steep sloped terrain. Acting Chair Craycraft was also concerned about the extensive alteration of the steep slopes and potential changes to the hydrology. Mr. DeCoff and Mr. Drummey concurred. Mr. Jones noted he hasn't been able to find documentation indicting there was disturbance in the last ten years; he stated the previous development should not be factored into the area of disturbance and those areas have been stabilized; he stated the pre-existing area should not count towards the 12,000 square foot limit. Acting Chair Craycraft stated they want to minimize the overall disturbance on steep slopes and Acting Chair Craycraft read the Steep Slope Conservation Overlay District Purpose/Authority, Section XI.A. Mr. Jones stated they have done their best to comply with the strict stormwater requirements and the applicant is entitled to have a garage on his property. Acting Chair Craycraft stated he isn't saying a garage can't be built on the property but he felt scaling back the degree of steep slope disturbance was needed to meet the Steep Slope Conservation Overlay District requirements.

It was noted the Plan has considerable language containing 'should' instead of 'shall'. Mr. Jones agreed to change the language.

Mr. Jones rotated BMP so that it remains outside of the 25 ft no disturbance buffer of the stream.

After discussion, it was agreed the Board has several unresolved questions that require third party Engineering Review and Mr. Jones reiterated his clients does not want to pay for an engineering study.

Mr. Drummey motioned to approve the application submitted by Jones & Beach Engineers Inc, on behalf of Joseph and Cheryl Mullen for property located at 287 South Shore Road, Map 113 Lot 77. Mr. DeCoff seconded the motion. Motion failed, 0-3-0.

Public Hearing -#PB2023-002

Application submitted by T W. Varney, P.E., Varney Engineering, LLC, on behalf of Kenneth Lance for property located at 213 Middleton Road, Map 246 Lot 3.

The applicant is requesting a Site Plan Review for the brewery to change the restaurant and brewery equipment locations.

The Board reviewed the application for completeness.

Mr. DeCoff motioned to approve the application as complete. Mr. Drummey seconded the motion. Motion passed, 3-0-0.

Tom Varney, Varney Engineering, LLC, representative for the applicant, stated the applicant wishes to modify the previously approved Site Plan – basically, swapping buildings. The existing brewery building will become the restaurant and the barn will become the brewery instead. The size of the restaurant will be reduced from 102 to 60 seats; parking will be reduced accordingly while the second greenhouse, near the barn, will remain operational.

Mr. Drummey motioned to Approve the Application Submitted by T W. Varney, P.E., Varney Engineering, LLC, on behalf of Kenneth Lance for property located at 213 Middleton Road, Map 246 Lot 3. Mr. DeCoff seconded the motion. Motion

APPROVAL OF MINUTES

February 7, 2023- Edits were made. **Mr. DeCoff motioned to approve the minutes as amended. Acting Chair Craycraft seconded the motion. Motion passed, 3-0-0.**

March 21, 2023- Edits were made. **Mr. DeCoff motioned to approve the minutes as amended. Acting Chair Craycraft seconded the motion. Motion passed, 3-0-0.**

April 6, 2023, Site Walk- No were made. **Mr. DeCoff motioned to approve the minutes as presented. Acting Chair Craycraft seconded the motion. Motion passed, 3-0-0.**

Mail & Correspondence

- **ZBA Notice of Decision on Lopiano Case**
- **ZBA Notice of Decision on Rhoades Case**

New/Old/Other Business

- **Review - Nadeau Plat**

Hertel needs to verify that upland wetland riparian tags have been installed.

Finalize 2023 Version of Zoning Ordinance

NEXT MEETING

June 6, 2023, 7:00PM, New Durham Town Hall

ADJOURN

Mr. DeCoff motioned to adjourn. Mr. Drummey seconded the motion. Roll Call Vote: Mr. Drummey – aye; Mr. DeCoff-aye; Ms. Ross -aye; Mr. Craycraft-aye. Motion passed, 4-0-0.

The meeting was adjourned at 8:45PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary