

New Durham Planning Board Minutes
March 7, 2006

A video recording of this meeting is on file with the Office of Town Clerk, is available for public viewing during normal business hours, and will be retained with the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.

Members Present: Chair Craycraft, Vice Chair Don Voltz, Michael Clarke, Selectmen Representative Ron Gehl, Alternates member Brian Chasse & Cathy Orlowicz.

Members Not Present: David Lindberg, Selectmen Representative Dwight Jones and Alternate Member George Gale all had an excused absence. Alternate Christopher Lapierre had an unexcused absence.

Others Present: Christopher Berry of Berry Surveying & Engineering, Cathleen Joy, Peggy Stevens, Jeff Harrison, Jeffery Hertel, Kelly McKenzie, Karen Zachow, Road Agent Mark Fuller, Ryan Heath, Sarah Alden.

Chair Craycraft called the meeting to order at 7:04PM. The Board members introduced themselves to the Public. Chair Craycraft informed the Public a suggestion was made to modify the agenda to accommodate some of the applicants present for tonight's meeting.

1. Public Input: There was no Public Input at this time.

2. Acceptance & Public Hearing on a Three (3)- Lot Subdivision submitted by Christopher Berry of Berry Surveyor & Engineering on behalf of applicant Cathleen Joy for property located on Ridge Road Top (Tax Map 2, Lot 9) in New Durham. The Public Hearing may be convened if the application is accepted as complete.

Chair Craycraft appointed Alternate Cathy Orlowicz to sit in for David Lindberg for this application.

The Board began reviewing the application materials and checklist for completeness with the assistance of the applicant's agent, Christopher Berry of Berry Surveying & Engineering. A question about the inclusion of the Vicinity map requirements on plats was asked. Chair Craycraft noted the New Durham Subdivision Regulations was revised and read the following submission requirement as follows:

Section 7: Plan Submission Requirements item # 5:

Vicinity Map showing the relationship of the proposed subdivision to the adjacent properties and natural features. The vicinity map shall be at the minimum of 1" equals 400 feet and show the following features within 1,000 feet of the subject property.

1. Existing subdivisions adjacent to the proposed subdivision.
2. Locations, names, classifications and speed limit of existing and proposed streets.

3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the proposed plan submitted cover only a portion of the owner's entire contiguous holding.
5. Natural features, including wetlands, open space conservation areas, rivers, and other waterways, significant wildlife and fishery habitats, topography, and other natural resource and building structures, as well as, existing snowmobile, all terrain vehicle, hiking and recreation trails that may influence the subdivision's design only to the extent that this information is publicly available and does not require unauthorized entry onto adjoining parcels. Applicants are expected to contact adjacent property owners and to contact off highway recreational vehicle clubs for any access or information that may be required for the above items.

Ron Gehl suggested a Vicinity Map be included to avoid setting a precedent by which such attributes might be waived. A discussion ensued and it was decided to require the Vicinity Map as required for this application.

Christopher Berry indicated all other information noted is presently on the plats with exception of the topography of the entire property. After the Board completed the checklist for completeness, Christopher Berry provided a new revised set of plans with several modifications that included a fifty (50) foot no-cut buffer areas to provide some relief of the existing issues (runoff, erosion) caused by the adjacent subdivision. These buffer areas were suggested by the New Durham Conservation Commission after review of their Dredge & Fill Application. The New Durham Conservation Commission's hearing for this application was on February 28, 2006. Christopher Berry noted the New Hampshire Department of Environmental Services has considered the application as administratively complete, but required additional information concerning the length of the driveways. He explained the requirements of the driveways (width, shoulders) to meet the National Fire Code standards.

Vice-Chair Voltz noted a waiver request may be required if the entire topography is not provided for this application. Christopher Berry outlined the several modifications made to the plans concerning the stormwater runoff within the building envelope of each parcel.

Motion made by Don Voltz to accept the application as complete with the following modifications:

- **Submittal of a Vicinity Map to be shown on the Plan.**
- **Waiver request be submitted for the environmental features, including contours for the main parcel for this application.**
- **Wetland Scientist stamp be provided on all copies of plans.**
- **The well located in basement in the existing home be noted on plan.**

Seconded by Michael Clarke. Vote: Unanimously approved.

Christopher Berry noted some concerns that will be heard tonight regarding a previously approved application. Mr. Berry indicated that his responsibility ends after his services are completed the plans are submitted to the contractors and has no control if proper procedures are not followed.

Open Public Comment:

Abutter Jeff Harrison expressed his concerns with this development and the deficiency of enforcement by the Board on the previous application (Tax Map 2, Lot 8). Jeff Harrison described and provided pictures to depict the damaged done to his property and adjacent properties within the area caused by the clear cutting of two house lots located west on Ridge Road Top last year.

The Board also received a certified letter from another abutter for this application as follows:

January 28, 2006

As I am unable to return to New Hampshire at this time I have asked my neighbor, Jeffery Harrison, to speak on my behalf re: application to cross wetlands for driveway access submitted by Cathy Joy. My main concern is the stream that runs down through my property. Due to the clearing of 2 house lots uphill, my water well became contaminated, forcing me to purchase water. Because the Town of New Durham approved the building of the 2 houses uphill on the same side as my property, they should focus on the brook and the contamination of my water well before considering any more permits on side of the Ridge Road until the State has been advised to look into the wet lands situation.

I feel that due to the town's issuing building permits that they should be looking to compensating me for my polluted well and/or replacing such due to their neglect in not looking into the wetlands situation before issuing permits.

With the situation at present, the town should hold all decisions regarding easement until the wetland and well pollution situations have been rectified and approved by the state.

Sincerely,
Marjorie Reinhagen
269 Ridge Road Top
New Durham, NH. 03855

Jeff Harrison noted additional disturbance of the intermittent stream that runs through several properties and the destruction it would cause if not properly handled by the Board for this application. He noted during the last subdivision construction phase he could not obtain any assistance from the Town for the damage to his property or for other landowners in the area.

Ron Gehl noted he was one of the first to notice that the lots had been clear cut and the disturbance was clearly in violations of the Wetland permits obtain for that subdivision. Ron Gehl said he then notified the Department of Environmental Services regarding this violation. Ron Gehl questioned if abutter Mrs. Reinhagen had her well tested and what contaminations were found. Jeff Harrison noted she did have the well tested, but was not sure of the results. Jeff Harrison explained that during the construction he did seek the assistance of the Town due to the erosion and sediment problems, but was told there was nothing that could be done. Chair Craycraft read **Section 11.05 Inspections and Violations** of the New Durham Subdivision Regulations which were just revised last year. The new regulations give the Board more authority to monitor and inspect the proposed improvements for all development within the Town. Chair Craycraft also

suggested that the Board might want to consider off-site improvements for this subdivision.

Chair Craycraft requested input from the Road Agent, Mark Fuller for any solution regarding the run-off of the proposed driveways for this subdivision. Road Agent Mark Fuller suggested a retention pond on the property to help slow the flow of water to adjacent properties. Christopher Berry explained the Department of Environmental Services does not like construction of a retention pond in existing wetlands areas. Christopher Berry noted his client has suffered herself due to the adjacent subdivision actions and the damaged it caused to her property. He noted it would be unfair for the Board to make his client do off-site improvements for the damage that was created by the adjacent subdivision. Christopher Berry noted he could provide a new revised plan to include a system (pond) to help alleviate and slow the flow of water to adjacent properties.

Michael Clarke noted to for clarify, that three of the current members were not on the Board when the other subdivision was approved. Chair Craycraft and Ron Gehl acknowledged they were both seated, but what occurred (Aversa) was never presented or approved for clear cutting on the previously approved application.

Town Administrator April Whittaker noted her office is always open and available for such matters, during both planning and construction phases of all subdivisions for both the Planning Board and developers.

Closed Public Comment at 8:20 PM.

Motion made by Don Voltz to continued the Public Hearing until the April Planning Board Meeting. Seconded by Ron Gehl. Vote: Unanimously approved.

Motion made by Don Voltz to conduct a site walk on Saturday March 11, 2006 at 8:00 AM. Seconded by Michael Clarke. Vote: Unanimously approved.

3. A Preliminary Conceptual Consultation on a Two Lot Subdivision submitted by Donald A. Voltz of Lindon Design Associates on behalf of applicant Karen Zachow for property located on Old Bay Road (Tax Map 6, Lot 19) in New Durham.

Chair Craycraft and Vice Chair Don Voltz stepped down for this application. Chair Craycraft explained his reasoning for stepping down for the next few applications. Chair Craycraft noted he does not sit for any applications that are brought before the Board by another Board member. Chair Craycraft appoints Michael Clarke as Acting Chairman.

Motion made by Acting Chair Michael Clarke to amend the agenda. Seconded by Ron Gehl. Vote: Unanimously approved.

Donald A. Voltz of Lindon Design Associates on behalf of his client Karen Zachow to asked the Board for guidance for this application. The property consists of 40 acres and is located on Old Bay Road which abuts the Farmington Town Line. The property has an old farm house, and currently a working farm. Donald Voltz noted he had two questions for the Board before submittal of this application. The first was the use of the existing driveway as a shared driveway; mainly not to disturb the fields currently used by the farm for access.

Don Voltz noted his next inquiry is concerning the surveying of the entire parcel for submittal. Don Voltz noted the property was never completely surveyed and would like to only have to demonstrate feasibility of the new created lot and submit a waiver for complete survey of the parcel.

The Board noted the limitations of discussion under a Preliminary Conceptual by the Board. The Board noted shared driveways are acceptable, but all applications have provided previous surveyed plans to establish the actual boundaries markers of the properties. The Board noted if such plans could be found a waivers request for surveying the entire lot could be considered when the application is formally submitted.

4. A Continued Public Hearing on a Three (3) Lot Subdivision submitted by Donald Voltz of Lindon Design Associates on behalf of applicant Franklin Alden for property located on Valley Road (Tax Map 4, Lot 1B) in New Durham.

Chair Craycraft and Vice Chair Don Voltz remain step down for this application. Acting Chair Michael Clarke appoints Alternates Members Cathy Orlowicz and Brian Chasse to sit for Chair Craycraft and David Lindberg for this application.

The application was accepted as complete at the Board's February meeting. The Board requested if any modification was completed at this time. Donald Voltz noted the only revision was a correct abutter address, but would like to wait until the final submission of plats to the Board. Board members Michael Clarke, Cathy Orlowicz and Road Agent Mark Fuller conducted individual site walks and noted their observations. All noted no issues were detected for this application. Don Voltz noted State Subdivision approval has been submitted, but at this time has not been obtained.

Open Public Comment: There was no Public Input.

Motion made by Ron Gehl to approve the Three (3) lot Subdivision application with the following conditions:

- **Correct address for abutter Ronald & Claudia Vachon (Tax Map 8, Lot 9A) be shown on plan.**
- **State Subdivision approval be obtained and noted on the plans.**
- **All Corners Boundaries Markers be denoted on plan and referenced accordingly.**

Seconded by Cathy Orlowicz. Vote: Unanimously approved.

5. A Continued Public Hearing on a Two (2)-Lot Subdivision submitted by Donald Voltz of Lindon Design Associates on behalf of applicant James J. Griffin for property located on Miller Road (Tax Map 15, Lot 4) in New Durham.

Chair Craycraft and Vice Chair Don Voltz continued to step down for this application.

The application was accepted as complete at the Board's February Meeting. The application had no modification needed for their application. The Board and applicant's agent Don Voltz gave a brief summary of the application and site walk conducted to help bring Selectmen Ron Gehl up to speed for tonight meeting. Acting Chair Clarke noted no issues were discovered when the site was visited by himself, and questioned both Cathy Orlowicz and Road Agent Mark Fuller. Cathy Orlowicz and Road Agent Mark Fuller both acknowledged they had no concerns.

Selectmen Representative Ron Gehl questioned if State Subdivision approval had been obtained. Don Voltz noted State Subdivision approval was obtained on January 31, 2006 for this application. Selectmen Rep. Gehl questioned if there was any abutter's input or concerns raised at the Acceptance hearing for this application. Planning Board Clerk Kathleen Merrill read the abutter's input for clarification on any issues raised for this application to the Board.

Open Public Input: There was no Public Input.

Motion made by Cathy Orlowicz to approved the Two (2)-Lot Subdivision application with the following conditions:

- **State Subdivision approval number be noted on the plans.**
- **Corner Boundaries markers set and denoted on plan and referenced accordingly.**

Seconded by Ron Gehl. Vote: Unanimously approved.

A five minutes was taken and the meeting resumed at 9:25 PM.

6. A Public Hearing on a Site Plan Review application submitted by Donald Voltz of Lindon Design Associates on behalf of applicant Fred & Mary Beth Hertel for property located on 16 Depot Road (Tax Map 9, Lot 103) in New Durham.

Chair Craycraft and Vice Chair Don Voltz continued to step down for this application. Alternate Cathy Orlowicz also stepped down for this application due to her personal conflict with the applicant. The applicant has financially supported a project she is spearheading. Chair Clarke appoints Alternate Brian Chasse to sit for Chair Craycraft for this application.

Acting Chair Clarke noted one abutter notification had not been returned, which was abutter's Clayton & Kathleen Merrill (laughter). Selectmen Rep Ron Gehl requests if abutter Kathleen Merrill had been appropriately informed. Abutter Kathleen Merrill acknowledges both her and spouse have been appropriately informed for this application.

The Board began reviewing the checklist and completeness of this application with the assistance of the applicant's agent Donald Voltz of Lindon Design Associates.

Motion made by Ron Gehl to accept the application as complete. Seconded by Brian Chasse. Vote: Unanimously approved.

Don Voltz of Lindon Design Associates provide an outline proposal to operate a Real Estate business to the Board. The property consists of an acre of land, with a single family three bedroom unit and garage. The property is reasonably flat and borders the New Durham School. The proposal is to rehabilitation the home for office space; add a four car parking area, and fencing. Don Voltz clarified due to the openness of the area they would use the fencing for landscaping in keeping with what is presently used by other the businesses in the area. Don Voltz noted the Zoning Board of Adjustment gave their approval for a Special Exception with conditions attached for a commercial use on February 8, 2006.

Ron Gehl questioned the placement and size of the septic system for the property. Don Voltz explained due to the age of the system and no plans found, however was then able to locate the septic due to the lack of snow present in the area. Ron Gehl questioned the renovation to the home. Jeff Hertel explained the renovations to the home now in process, which has cost approximately thirty thousand (\$30,000) as of now. Ron Gehl questioned the signs, and lighting for the business and noted a permit for the business sign would be required for the application.

Open Public Comment:

Abutter Kathleen Merrill noted she has no objection to the business, and thanked the applicant for removing the hazard of a well that was located on the property.

Motion made by Ron Gehl to approve the Site Plan application to operate a Real Estate Business with the following conditions:

- **Lighting provided for signage and structures be down facing lighting fixtures.**
- **All improvements (driveway paving) to be completed within one year of this approval.**

Seconded by Brian Chasse. Vote: Unanimously approved.

A five minute was taken and the meeting resumed at 10:12 PM.

7. New/Old Business:

Vice Chair Don Voltz proposed the Planning Board's Decision Notice for all Site Plan applications be submitted to the Registry of Deeds. Vice Chair Voltz explained currently site plans are not recorded at the Registry, but the Decision Notice should be properly recording all commercial use within the town. Vice Chair Don Voltz in addition requested that all applications be provide a case number as it is presently in the Planning Board rules and procedures. The Board concurred with Don Voltz's suggestion as presented.

Chair Craycraft informed the Board on the agenda for the up-coming workshop which will include:

- Planning Board Rules & Procedures.
- Site & Subdivision amendments.
- Review of Strafford Regional Planning Commission Fee's
- Planning Board Application revisions

The Board agreed to meet at 6: 30 PM and included approval of minutes as well.

8. Approval of Minutes: February 21, 2006

The Minutes of February 21, 2006 were reviewed and amended.

Motion made by Michael Clarke to accepted minutes of February 21, 2006 as amended. Seconded by Ron Gehl. Vote: Unanimously approved.

9. Adjournment:

**Motion made by Cathy Orlowicz to adjourn at 10:30 PM. Seconded by Don Voltz.
Vote: Unanimously approved.**

**Respectfully submitted by,
Kathleen Merrill
Planning Board Clerk**

Approved: March 21, 2006