

# MINUTES

## NEW DURHAM PLANNING BOARD

### OCTOBER 10, 2006

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Chairman Bob Craycraft called the meeting to order at 7:02 PM.

**Roll Call:** Ron Gehl (Selectmen's Representative), Bob Craycraft (Chair), Cathy Orlowicz (Alternate), Donald Voltz (Vice-Chair), George Gale (until 8 PM, Alternate), Mike Clarke

**Excused:** David Lindberg **Unexcused:** Christopher LaPierre

**Public Input:** Chairman Craycraft asked if any member of the public had comments or input they wanted to share with the board. There was none.

**Morell: Community Center:** Continued Acceptance and Public Hearing regarding a proposed site-plan for a Community Center to be submitted by Chris Berry of Berry Surveying & Engineering on behalf of applicant Jayne Morell for property located at 5 Main Street (Map 9, Lot 83). The Public Hearing may be convened if the application is accepted as complete.

David Allen reported that Mr. Berry had informed him by phone that they were not ready to move ahead and would request a continuation until the next regular board meeting. **Ron Gehl moved to continue the Acceptance and Public Hearing regarding a proposed site-plan for a Community Center to be submitted by Chris Berry of Berry Surveying & Engineering on behalf of applicant Jayne Morell for property located at 5 Main Street (Map 9, Lot 83) to the November 7 regular board meeting. Don Voltz seconded. Unanimous. George Gale sitting for David Lindberg.**

**Kodiak:** Public Hearing on a design review application submitted by Donald A. Voltz of Lindon Design Associates, for wetlands buffers on a 28 lot Open Space Subdivision. The design review application is submitted on behalf of applicant Kodiak Realty of Rochester, for property located on Birch Hill Road (Tax Map 16, Lot #22) in New Durham.

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Vice Chairman Donald Voltz stepped down from the Board to present the application. He asked Tracey Tarr, Wildlife Biologist, to present the plan for wetlands and wildlife buffers on the site. Tarr explained that the width of the proposed buffers was based on the soil type and the resource being protected. Most of the soils are loam which is ideal as a wetlands buffer. All buffers will remain in their current state which in most cases is forested. The proposal calls for a 75' no cut buffer on the deer yard in the north west corner of the property; a 50' buffer on the main wetland corridor; and a 25' buffer on all other areas. All buffers will have signage.

Don Voltz told the Board that the most important role of the buffers was to minimize runoff during construction and said there would be lots of additional signage during that period.

Ron Gehl said the Board needed to consider the impact and value of the buffers long beyond the construction period.

Bob Craycraft expressed concerns about the yield plan and said he believed it was not in compliance with DES regulations. Gehl said he also had concerns but they should be held for a later date. He noted that all discussion in the design review phase is non-binding.

Chairman Craycraft opened the issue to public input at 7:22 pm. Nancy Parker submitted a letter to the Board opposing the application on behalf of her mother. She also spoke on behalf of her mother who is an abutter. Her mother had 3' of water in the basement of her house which abuts the Kodiak property on the south. Parker asked how the developers would engineer the road crossing of the wetlands nearest Birch Hill Road to prevent such flooding in the future.

Don Voltz said the project would be engineered so that there was no worsening of any drainage problems. Voltz asked the Planning Board to identify the unresolved issues with the project. Gehl said the buffer plan was reasonable as presented. He said the Board would need to look more closely at the yield plan and the applicant might need to adjust the total number of lots downward.

There were no further comments from the public. Craycraft closed the Public Hearing at 7:37 PM. He said the next step would be for the applicant to submit a full and complete final plan.

**Gibbs:** Acceptance and Public Hearing on an Application to be submitted by Paul Gibbs on behalf of the owners GGE Land Associates, LLC, of 169 Mast Road,

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Dover, NH 03820 for voluntary lot line adjustments between Map 19, Lot 5 on Cedargren Road and Lions Camp Pride Way in New Durham, NH and 8 abutting properties as follows:

1. .7 acres to Map34, Lot 24, 6 Cedargren Road West, owned by Robert F & Christine M. Hicks of 101 Tower Hill Farm Road, Plymouth MA 02360;
2. .55 acres to Map 34, Lot 22, 4 Cedargren Road West, owned by Sharon Worster of 368 Old Bay Road, New Durham, NH 03855;
3. .34 acres to Map 34, Lot 21, 211B Cedargren Road West, owned by Thomas K Davenhall, Jr. of Central Street, Farmington, NH 03835;
4. .2 acres to Map 34, Lot 20, 2A Cedargren Road West, owned by Robert J. and Kathleen LaCasse of 45 Prescott St., Groton, MA 01450;
5. .1 acres to Map 34, Lot 19, 149 Lions Camp Pride Way, owned by Carol L. Driscoll of 37 Carver Circle, Simsbury, CT 06070;
6. .04 acres to Map 34, Lot 18, 153 Lions Camp Pride Way, owned by Frederick & Veronica Savage of 20 Worthley Road, Manchester, NH 03102;
7. 4.9 acres to Map 34, Lot 17, Lions Camp Pride Way, owned by G.G.E. Land Associates, LLC of 169 Mast Road, Dover, NH 03820; and
8. 270 square feet to Map 34, Lot 16, 3 Cedargren Road, owned by Norma L. O'Brien of 44 Clough Hill Road, Loudon, NH 03301.

Donald Voltz returned to the Board. Bob Craycraft recused himself from the agenda item because he is on the Board of Moose Mountain Regional Greenway which is in discussion with Mr. Gibbs in regard to a potential land transfer. Ron Gehl recused himself because he was not present at the earlier discussion and he is a member of the New Durham Land Conservation Committee which is involved in discussions about the potential land transfer. Vice-Chair Voltz chaired the discussion.

Voltz reviewed the application and notification process. He noted that one abutter, Thomas Davenhall, had not been sent certified notice. Mr Davenhall identified himself as present at the hearing and fully aware of the proceedings and in favor of moving forward.

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Voltz reviewed individual items from the application checklist with the applicant. He then took up the applicants' letter requesting waivers from surveying the entire property, and showing locations of sewer and water facilities. Cathy Orlowicz said she would like the letter to spell out the detail that had been presented verbally so that a future reader could fully understand the request and reasons for it.

**Orlowicz moved to accept the waiver requests....conditional upon the applicant revising and resubmitting the letter of request with additional detail explaining the reasoning for the requests. Mike Clarke seconded. Unanimous with no abstentions.**

**Mike Clarke moved to accept the application as complete with the following conditions:**

- 1) Delete the existing Plat note #5
- 2) Add a note identifying the zoning district
- 3) Add tie lines, directions, and lengths to shoreline lot boundaries
- 4) Provide a vicinity map at scale 1"=400' with 20-foot contours and lot lines

**Seconded by Cathy Orlowicz sitting for David Lindberg. Approved unanimously with no abstentions.**

Acting Chair Don Voltz opened the question to public hearing at 8:05 PM. Voltz asked Randy Tetrault to begin by explaining the application. Tetrault described the plan for multiple boundary adjustments which would extend the lakeshore lot boundaries away from the lake as far as Cedargren Road and Lions Camp Pride Road. He pointed out an adjustment to the boundaries of the 48' right of way for Cedargren Road West. This will make the Right-of-Way parallel to the property boundary but will have no effect on the actual location of the gravel road.

Tetrault emphasized he had carefully researched the relevant deeds, and the deeds are clear that the boundaries of all lots go to the lake waterline.

Mr. Voltz opened the public hearing to abutters. Mr. Tom Davenhall pointed out that all the lakeshore lots involved were very small and any increase in size would be beneficial.

Mr. Richard Hicks said that the plan as presented at this meeting was different from the last plan that he had seen. The former plan showed his property line between lot 34-23 and lot 34-22 extending back in a straight line from the current boundary line. This new

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plat shows a different line which reduces his new space from 40,000 square feet to 38,000 square feet.

Tetrault explained that he had redrawn the lines in response to instructions from Mr. Gibbs. Hicks said he was not sure he could agree to the revised plan. David Kessler, on behalf of GGE Properties, requested a short recess. At 8:05 PM Mr. Voltz recessed the meeting for 5 minutes.

Acting Chair Voltz called the meeting back to order at 8:10 PM. David Kessler said he believed all applicants were prepared to go forward with the proposal as it was presented that day.

Mr. Hicks said he was OK to go forward with the plan as presented and he would try to work out his concerns afterwards with Mr. Gibbs. Cathy Orlowicz asked Mr. Hicks if he was absolutely comfortable moving forward, saying she did not think the Board should approve anything unless all applicants were in agreement. Mike Clarke agreed with her concern.

Mr. Tetrault pointed out that even with Planning Board approval, the Boundary Line Adjustment would not go into effect until the actual transfer of land and amendment of the deeds. If Mr. Hicks is unable to reach agreement, there will be no Boundary Line adjustment to his lot, and the other lots will go forward as planned.

Mr. Hicks stated for the record that he is in agreement to go forward with the plan as dated October 10, 2006.

**Mike Clarke moved to approve the Voluntary Boundary Line Adjustment as presented on the plat presented October 10, 2006 with the following conditions:**

- 1) Delete the existing Plat note #5
- 2) Erase the line extending north east at S 31° 09'39" W from the northeast corner of Map 34, Lot 17
- 3) Display all lot lines to be abandoned with a dotted line, and label "Existing lot line to be abandoned"
- 4) Set all monuments and show on plat as set
- 5) Submit a revised request for waivers letter that matches actual waivers requested
- 6) Add a note identifying the zoning district

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- 7) Add tie lines, directions, and lengths to shoreline lot boundaries
- 8) Provide a vicinity map at scale 1"=400' with 20-foot contours and lot lines

**Seconded by Cathy Orlowicz sitting for David Lindberg. Approved unanimously with no abstentions. George Gale sitting for Bob Craycraft.**

**Winnepesaukee Resort:** Acceptance and Public Hearing on an Application to be submitted by Lake Winnepesaukee Resort, LLC, 745 Boylston St., Boston, MA 02116 for a revised site plan for Golf Cottages on the grounds of the Lake Winnepesaukee Golf Club located at 1 Lake Winnepesaukee Drive (Map 26a, Lot 50) in New Durham. The proposal reduces the number of cottages from 3 to 2 and creates a small increase in impervious area. The Public Hearing may be convened if the application is accepted as complete.

Bob Craycraft and Ron Gehl returned to the Board. Don Voltz recused himself because of a potential conflict of interest. Craycraft resumed the Chair.

Chair Craycraft asked Mr. Grotenhuis if the abutters to the property who live in Wolfeboro were sent public notices. Grotenhuis said they used the same list that had been used when the original application was submitted last year. Craycraft pointed out that the Wolfeboro abutters did not show up on the list of abutters, and if the Board had acted on the original proposal without notification of all abutters it was a mistake on the Board's part at that time.

Chair Craycraft said that without proper notification the Board could not formally review the application or hold a public hearing. He said they would review the application for completeness. The Board requested several items be added to the plat including the following:

1. Identify the plan as an amended site plan with a new start date;
2. Include a new waiver request letter that specifies all waivers requested in the original application as well as any waivers requested for this revised application;
3. Include a note stating the area is outside the shoreline protection area;
4. Show the 20' setback from Lake Winnepesaukee Drive;
5. Add a note specifying the 7400 square feet increase in impervious surface;
6. Include an impact statement, noting that it is an update on the previous impact statement and noting the changes in impact from the original application;
7. Ensure notification of all abutters

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**Ron Gehl moved to continue the Acceptance evaluation to October 24 at 6 PM at the New Durham Public Library. Mike Clarke seconded. Unanimous with no abstentions.**

**Rules of Procedure:** The revised Rules of Procedure were adopted at the last meeting.

**New/Old Business:** Bob Craycraft said he had not yet received the 2<sup>nd</sup> draft of the Buffer ordinance and he would pass it on to Board members as soon as he received it. He said it would be a good idea to do an exercise to try applying the draft to some applications the Board has previously acted on to see how it would apply.

**Budget:** Craycraft said he had made some revisions in the formatting of the budget to make it easier for the Budget Committee to follow. There was consensus to set aside approximately \$5,000 over two years to purchase GIS software and hardware. There was also agreement to purchase a scanner and a color printer from this year's remaining funds if possible, or to request funds in next year's budget for the items.

**Board Procedure with Incomplete Applications or Improper Notice:** Don Voltz said he had a concern with the procedure used by the board with the Winnepesaukee Resort Application. His reading of RSA 676:4 is that if the application is incomplete or the notice incomplete or improper, the Board should not have any discussion on either the merits or the completeness of the application. Some Board members felt there was no difference between the Board reviewing the completeness of an application and staff reviewing it prior to submission to the Board. The Board asked David Allen to check with the Local Government Center for their interpretation.

**Minutes:** Don Voltz moved approval of the September 26 minutes as amended. Ron Gehl seconded. Unanimous. Cathy Orlowicz sitting for David Lindberg.

Respectfully submitted,

David Allen, Recording Secretary

Minutes corrected and approved, November 7, 2006

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