

MINUTES OF NEW DURHAM PLANNING BOARD APRIL 21, 2009

Chair Cathy Orlowicz called the meeting to order at 7:03 PM. Chair Orlowicz invited Ron Gehl to sit with the Board as the Alternate representative of the Board of Selectmen in the absence of David Bickford. Mr. Gehl said the Board of Selectmen had not yet formally appointed him as alternate for the new year.

Roll Call: Cathy Orlowicz (Chair), Dorothy Veisel, Bob Craycraft (Vice-Chair), Paul Raslavicus; David Bickford (at 9:28 PM). **Unexcused Absence:** Scott Drummey

Public Input: Chair Orlowicz asked if there was any public input on issues not on the agenda. There was none.

Stormwater Management: Chair Orlowicz asked Bradley Mezquita of Appledore Engineering to report to the Board on his analysis of the Town's Ordinances and Regulations relating to Stormwater Management. Mr. Mezquita said that the Town had some good standards for some aspects of stormwater Management. He said the standards are spread in many different places in the ordinances and the regulations, and that there is some overlap and some contradictions. He said there has been a lot of research in recent years on the issue, and the Town's standards need to be updated to reflect the new science.

Mr. Mezquita said he believed it would make it easier for the board to give clarity and consistency to stormwater standards, and easier for applicants to understand the requirements if the Board would pull all stormwater standards together into a single Stormwater Management Ordinance and a single section of the Subdivision regulations devoted to stormwater Management. The site plan regulations could incorporate the subdivision regulations regarding stormwater management by reference.

Chair Orlowicz said she believed the Board had done some good work on stormwater standards in the last couple of years and she did not want to lose that. She added that she was concerned about adding a totally new Article to the Zoning Ordinance.

Cathy Orlowicz opened the issue for public comment at 7:35 PM. Ron Gehl said he felt combining the stormwater standards into a single location would work best for both the board and the public.

Dorothy Veisel asked for more explanation of Cathy Orlowicz' concerns about a standalone ordinance. Ms. Orlowicz said the Board had set a priority on drafting regulations for other ordinances that the town has adopted in the last 3 years and she did not want to lose time from that effort. She added she was concerned about weakening the existing standards in some areas of town such as on steep slopes.

Board members discussed the issue in more detail. Chair Orlowicz asked for a consensus of the Board. The Board agreed by consensus to move ahead with Mr. Mezquita's recommendation and restructure stormwater management standards into a standalone Article in the Zoning Ordinance.

Mr. Mezquita reviewed a chart that Appledore Engineering had prepared that analyzes the Town's stormwater standards. The chart identifies several issues that need to be addressed in stormwater standards. For each issue it documents NHDES recommendations for standards, and identifies where the town addresses the issue in its ordinances and standards, and how town standards compare with DES recommendations.

The issues are: Percent of impervious coverage; buffers and setbacks; post development peak flow rates; total runoff volumes; water quality; groundwater recharge; sites with higher pollution potential; operation and maintenance; and erosion and sediment control.

Mr. Mezquita asked if any board members had significant concerns about the recommended state standards regarding any of these issues. Board members had no immediate concerns. He suggested that he would draft a standalone ordinance and bring it back to the Board for review in late May or June. The Board agreed to this next step by consensus.

Chair Cathy Orlowicz called a 10 minute recess. The Board reconvened at 8:22 PM.

James Houle, Program Manager of the University of New Hampshire Stormwater Center reviewed the work of the Stormwater Center. He reported that concern about clean water began with cleaning up the direct dumping of pollutants into lakes and rivers. The federal Clean Water Act of 1972 set strong standards and effective controls. Most such pollution has now been eliminated. Because of this work, the runoff of pollutants carried by stormwater is now the biggest source of water pollution. Research in the 1990's showed that most systems that had been installed to manage stormwater were not working. They were designed to get stormwater off a property as quickly as possible and into the river systems. Little attention had been paid to the cleanliness of the water, the need for recharge of groundwater systems, or the potential flood impact of increasing amounts of water funneled into drainage systems.

Mr. Houle shared other research that showed that the quality of the water in a watershed is quite closely tied to the percent of impervious surface in that watershed. When the coverage exceeds 10%, the water quality is likely to be significantly degraded.

For this reason he thinks Stormwater will be the next “utility” in the sense that the management will be entrusted on a broader scale to a specific institution with strong public guidelines or standards.

Mr. Houle shared research from the stormwater center on the effectiveness of various types of stormwater management devices. There is considerable variation in how effective these tools are, and the effectiveness of individual tools varies depending upon what kinds of impurities need to be filtered out. For example, phosphorus requires filtration through organic media whereas nitrogen requires filtration through a system that includes an anaerobic filter area.

The Board recessed briefly at the end of Mr. Houle’s presentation. Chair Orlowicz reconvened the Board at 9:26 PM.

Workforce Housing: David Allen told the Board that Ben Frost would be present at the Board’s May 19 meeting to talk about the issue of Workforce Housing and update the Board on the legal requirements for town action.

Minutes of April 7, 2009: Board members made the following edits to the minutes of April 7:

Page 2, 4th bullet, insert “of the steep slopes area” after the words “less disturbance”.

Page 3, both bolded motions, change the number “317” to “217”

Page 3, 3rd paragraph of “Subdivision Regulations Regarding Parks”, insert “NH Local Government Center (free)” before the words “legal counsel”.

Page 5, “New-Old Business”, strike the words “Cathy Orlowicz assumed chairing the meeting.”

Page 5, next paragraph, insert “Board members asked if there were any easements or restrictions on the lots. David Allen said easements and restrictions were a civil matter, but he would check it out.” after the words “Jenkins Forest”.

Bob Craycraft moved to approve the minutes of April 7 as amended. David Bickford seconded. Paul Raslavicus abstained as he was not present. Approved 4-0.

Minutes of April 11, 2009: Bob Craycraft moved to approve the minutes of

April 11 as presented. Paul Raslavicus seconded. David Bickford and Dot Veisel abstained as they were not present. Approved 3-0.

Minutes of 10/21/08: Board members made the following edits to the minutes of October 21:

Page 3, 2nd paragraph strike the words “if the” following “Cathy Orlowicz” and replace with the word “wanted”. In same sentence, period after the word “engineer” and strike the words “implied that the applicant must submit an engineered plan”

Page 4, Section “Stormwater Management Grant Application, last word of first sentence should be “regulations”.

Next paragraph, second sentence, add the word “the” before “November meeting” then replace the word “will” with “with”.

Page 4, Section “Business district Ordinance:” second sentence insert the word “the” after the words “Julie LaBranche after”.

Bob Craycraft moved to approve the minutes of October 21 as amended. Paul Raslavicus seconded. Dot Veisel abstained as she was not a member at the time. Approved 4-0.

Minutes of 10/7/2009: Board members made the following edits to the minutes of October 7:

Add to the list of others present: Attorney Mark Weaver, Dot Martin to Dorothy Veisel, “Winnie” Berry, and Mr. Hale.

On Page 2, replace “XX” with “Mr. Hale”

On Page 4, 2nd paragraph before end of Food Pantry discussion “president” should be “precedent”. Change “503-C” to “501-c-3”. Insert the word “not” following “501-c-3 non-profit organization should...”

Bob Craycraft moved to approve the minutes of October 7 as amended. David Bickford seconded. Dot Veisel abstained as she was not a member at the time. Paul Raslavicus abstained because he had left the October 7 meeting early. Approved 3-0.

Annual Plan: Board members discussed the draft annual plan. David Allen said he thought there was too much on the list and asked Board members to suggest deletions. There were no suggestions. Mr. Allen said he would revise the plan and reduce it and bring it back to the Board.

Adjourn: David Bickford moved to adjourn the meeting at 10:07 PM. Paul Raslavicus seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen,
Land Use Administrative Assistant

Minutes Approved as Amended on June 16, 2009

Town of New Durham