

DRAFT MINUTES

NEW DURHAM PLANNING BOARD

MAY 1, 2007

Chairperson Cathy Orlowicz called the meeting to order at 7:10 PM.

Roll Call: Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), Don Voltz, Peter Rhoades (Selectmen's Representative), Ron Gehl (Selectmen's Alternate),

Public Input

Lot Line Adjustment: Acceptance and Public Hearing regarding an Application to be submitted by Randy Tetrault on behalf of the owners GGE Land Associates, LLC, 169 Mast Road, Dover, NH and John & Anne-Marie McKenna, 21 Alder Creek Road, Rochester, NH. The Application requests a voluntary lot line adjustment between Map 19, Lot 5 and Map 34, Lot 17 on Lions Camp Pride Way that will convey 3.96 acres from Map 19, Lot 5 to Map 34, Lot 17. The new area of Map 34, Lot 17 will be 5.1 acres.

Randy Tetrault described the application. It adds a little less than 4 acres to Map 34, Lot 5. Cathy Orlowicz opened the issues for comment from abutters and town officials and the public. There were no comments. Don Voltz asked clarification on whether pins were set. Tetrault said they were already set. He also said the land being transferred amounted to 3.75 acres. Don Voltz said there was no note on the plan showing revisions and revision dates.

Donald Voltz moved to approve the Lot Line Adjustment between Map 19, Lot 5 and Map 34, Lot 17 on Lions Camp Pride Way and Cedargren Road with the following conditions:

1. **The applicant submits a revised letter of request for waivers that includes all waivers required from subdivision application checklist: "Natural Features- Existing 2 foot interval contours" and Documents and "Studies Section".**

2. **The applicant adds a note to the Plan indicating that the monuments have already been set.**

Peter Rhoades seconded. Unanimous with no abstentions.

Conceptual Discussion: Tom DeLong re: potential 3-lot subdivision on Quaker Road

Chair Cathy Orlowicz noted that this agenda item had been moved to the June Board meeting agenda at the request of the applicant.

Kodiak Woods Subdivision: Continued Public Hearing on an application submitted by Donald A. Voltz of Lindon Design Associates, for a 27-lot Open Space Subdivision on behalf of applicant True Value Land and Homes, LLC of Rochester NH, for property located on Birch Hill Road (Tax Map 16, Lot #22) in New Durham.

Chair Orlowicz stated that she would step down from this issue because she is a legal abutter. She passed the chair to Bob Craycraft, Vice-Chair. Don Voltz stepped down to represent the applicant. Peter Rhoades stepped down as the Selectmen's Representative so that Selectmen's Alternate Ronald Gehl could sit on the issue and give maximum continuity of review. Mr. Gehl participated in several Board meetings during 2006 that gave the application conceptual and design review. He was the Selectmen's representative to the Planning Board at that time.

Acting Chair Craycraft noted the additional materials that the Board has received since the last meeting, including revised plats that, septic leach fields added, written waiver request for cul de sac length. He also noted that a site walk was conducted on April 21. In addition, the Town has received a written quote for scope of services from West for \$2880, and verbal quote from CMA for \$6,000.

Mr. McNeill presented for the applicants. He noted he wanted to see the CMA written quote. He said he was aware of Planning Board concerns about the yield plan, and said he was sure that West Environmental would be able to make an educated guess of the probability of the yield plan being acceptable to NHDES. He agreed that discussions during the conceptual and design phase were nonbinding but he noted that the applicant did rely on them as a good faith indication of Planning Board intentions. Mr. McNeill asked Don Voltz, Tracey Tarr, and Don Rhodes to present the parts of the subdivision plan they had worked on.

Don Voltz reported that the Board had asked at the last meeting that the applicant add neighboring wetlands to the vicinity map. When they did that, it showed that it would not be practical to layout a connector road to the south abutting property because the road would lead to an inaccessible and unusable part of the lot. He said the applicants would take the connector road off future revisions of the plan. He then reviewed the design as shown on the application materials.

Tracey Tarr walked the Board through the wildlife & wetlands reports. She noted that the applicants' proposal included two restoration areas that were not required by regulation for impacts fewer than 10,000 square feet. She said it was an additional benefit the applicants were offering. Ron Gehl noted the Board has been told it was not all wetlands before the trees were cut a couple years ago. Tarr disagreed, saying the soils show it has been wetland for some time.

Don Rhodes described the road and engineering plans as submitted. In response to a question, he said the drainage designs were based on the houses being built with drip strips instead of gutters and there would be a stipulation on the plan to that effect. Rhodes reported that they had done a detailed drainage analysis. They found that there are 110 acres that drain into the lot. They enter the lot in two main areas of wetlands. He stated the drainage plan was designed to ensure that there would be no increase in the pre-development levels of drainage downstream from the lot. He also assured the Board there would be no negative impact on Coldrain Pond.

Rhodes told the Board that the traffic impact study built on work that his firm had previously done for the Barron subdivision. They estimated that the subdivision would generate one trip per lot at the busiest, or peak, hour. This, he said, would have little impact on Birch Hill Road traffic.

Attorney Malcolm McNeill spoke next for the applicants. He passed out the draft legal agreements needed for a conservation subdivision. These include one establishing a homeowners association, a second which is the by-laws of the homeowners association, and a third which is the easement that is intended to protect the open space in perpetuity. He suggested that the Town Conservation Commission might be interested in reviewing the documents.

McNeill then summarized the Kodiak application and the presentations by the Kodiak team. He said the applicant was open to a second site walk because some Board members had not been at the first one. He spoke briefly about the yield plan saying that the degree to which communities demand absolute approvability of the yield plan by the New Hampshire Department of Environmental Services varies from town to town. He said he was sure that Mark West and West Environmental could give the town a good idea in that regard.

Bob Craycraft noted that the yield plan had come up twice during the conceptual and design review stages and that he and some other Board members had raised grave concerns about its approvability. Craycraft agreed that West Environmental could give helpful input to the Board and added that if necessary the Board could also get guidance from NHDES. McNeill stated that his own experience was that NHDES did not like to become involved in discussions except after the submission of a real application.

Ron Gehl reported that he had participated in the second discussion of the yield plan during the design review phase. He said at that time he had clearly noted that, as

directed by statute, he would not be bound by the design review discussions, and that he had told the applicant's agent he had serious doubts about whether some of the lots would be approvable by NHDES. Gehl emphasized that in no way was the applicant led to believe that the yield plan was "a done deal".

Bob Craycraft remembered that only three members of the Board were present the first time a review plan was seen by the Board. He added they were not in a position to give it careful review because it was only made available to them at the meeting itself.

Attorney McNeill responded that it was the applicant's perception that there was a 2-1 vote in favor of the yield plan at the August 2006 Planning Board meeting when it was presented.

Craycraft disagreed. He said the Board conducted a straw poll, not a formal vote. The poll indicated that of the three Board members present two felt it was acceptable and one not. He confirmed Ron Gehl's recollection that in the design review meeting of October 10, 2006, he as Chair had made it absolutely clear that anything stated in the New Durham Planning Board design review discussion is non-binding. He added that both the applicant's surveyor and the applicant's wildlife/wetlands scientist were present at the October meeting and heard the concerns that he and Mr. Gehl expressed. Craycraft added that the applicant had had plenty of opportunity to incorporate the Board's concerns about the yield plan into a redesign of their proposal.

Mr. McNeill noted that the applicant had not yet received the scope of services from the Town's third party experts so the escrow accounts could not yet be established. David Allen responded that both third party experts had indicated they could have their reports available for the next regular Board meeting, and both had said they might not have them before the actual meeting.

Ron Gehl asked the applicant to explain why the development footprint on the plan presented today was larger than the footprint presented on 9/11/2006 even though there is one less lot on today's plan. Don Voltz explained that the applicant had changed the route of the road from the earlier design and in so doing had lost one lot. They had also decided based on some of their test pits that they should increase the size of some of the lots on the western end of the development, based on the results of more recent test pits on those lots. He agreed that the total footprint was slightly larger.

Chair Craycraft opened the issue for public hearing at 8:11 PM.

Mark Foyne, 297 Birch Hill Road said that this development, if approved would increase the town population by 5%. He noted that the entrance to the subdivision is directly across the road from his house, so all the traffic would come right at his residence. This would particularly be a problem at night because of headlights shining in his windows. He strongly disagreed with the applicant's assertion that the

development would have no negative impact on the neighborhood. He noted that this area of town had considerable historic significance.

Chair Craycraft closed the public hearing at 8:22 PM

He asked if Board members had questions for the applicant. Ron Gehl expressed several concerns about the design of the drainage plan and the difficulty of maintaining it in the future. He suggested changes that would make it less complex and easier to maintain.

Don Rhodes explained they were constrained by the high water table that limited the depth of the ditches and their goal was to minimize the amount of water that would collect in the ditches at any point of time.

Gehl asked questions about several issues identified in the ordinance including a landscaping plan, street lighting, underground utilities, active recreation, and pedestrian and bicycle paths. Don Voltz said the utilities would be underground, no street lighting or landscaping was needed, there was no area flat enough for active recreation, and they had not thought about pedestrian or bicycle paths. Gehl asked if the drainage areas were considered part of the open space. Voltz said they were not. Gehl asked if the applicant could convey a vision of what the subdivision, its lots and houses would look like. Voltz replied it would be more like a traditional New England village with houses about the same distance from the street and closer than in a typical suburban design. He said the target market would be mixed. McNeill noted that the developer plans to build the houses that are planned to have three or four bedrooms.

Ron Gehl moved to hold a site walk at 8:00 AM Saturday, May 12. George Gale seconded. Unanimous.

Mr. Gehl moved to approve establishment of an escrow account of \$9,000 to cover the costs of third party environmental and engineering review. George Gale seconded. Unanimous.

Ron Gehl moved to continue the public hearing to June 5. George Gale seconded. Unanimous.

Acting Chair Bob Craycraft announce a 5-minute recess at 9:13 PM.

Chair Cathy Orlowicz called the Board to order at 9:23 PM.

Impact Fee: The Board discussed the cost and arrangements involved in contracting with Bruce Mayberry to work with the Board on an Impact Fee ordinance. They agreed by consensus to ask David Allen to work with Mr. Mayberry to come up with a scope of services, cost estimate, and draft contract.

Zoning Districts: The Board agreed by consensus Authorize contract with Strafford Regional Planning Commission

Discussion about

Capital Improvement Plan Subcommittee: Chair Orlowicz said the Board needed to appoint a representative to the Capital Improvement Plan Subcommittee. George Gale said he would be interested in serving but could not because he had not been elected to the Board. There were no other volunteers. Cathy table the matter to the May 15 Board meeting.

Planning Board Mission: Peter Rhoades and Bob Craycraft suggested edits to read as follows:

The mission of the Town of New Durham Planning Board is to

- generate a shared community vision of the future of the Town;
- encourage--through education, ordinance, regulation, and other means--land uses that help create that vision;
- foster a well informed and active electorate; and
- encourage other public and private groups to help create that future.

Bob Craycraft moved to approve the mission as edited. Don Voltz seconded. Unanimous. Cathy Orlowicz noted that the mission statement could be placed on the town web site and included in the Town Report.

Master Plan Vision Statement: The Board agreed by consensus that the vision statement as written was satisfactory and should be scheduled for Public Hearing at the June 5 Planning Board business meeting.

Minutes: Don Voltz moved approval of March 21 minutes as presented. Peter Rhoades seconded. Unanimous. Minutes from the April 21 site walk were postponed so that Ron Gehl could review them. Don Voltz moved to table minutes of April 3 to May 15 Board meeting. Peter Rhoades seconded. Unanimous.

Board Vacancies: Peter Rhoades asked how the Board would handle the vacancy of a regular member and the alternate position vacated by Cathy Orlowicz when she was elected a regular member. Bob Craycraft said he wanted to suggest George Gale for the full board position, and he understood Paul Raslavicus had indicated interest in serving as an alternate. Peter Rhoades asked Gale if he was interested. George said yes. Cathy reported that Paul Raslavicus had just had non-emergency surgery and would be unavailable for a couple of weeks, and he had indicated interest. Cathy said she would put elections on the agenda for the May 15 workshop meeting.

Peter Rhoades moved adjournment at 10:21 PM. Don Voltz seconded. Unanimous.

Respectfully submitted,

David Allen, Land Use Administrative Assistant