

# DRAFT MINUTES

## NEW DURHAM PLANNING BOARD

### NOVEMBER 6, 2007

Chairperson Cathy Orlowicz called the meeting to order at 7:06 PM.

**Roll Call:** Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), Peter Rhoades (Selectmen's Representative), Ron Gehl (Selectmen's Alternate), Paul Raslavicus (Alternate). **Excused Absence:** Duane Armstrong, Donald Voltz. **Unexcused Absence:** Christopher LaPierre (Alternate), George Gale (Alternate)

#### **Others Present:**

**Kodiak/True Value:** Continued Public Hearing on an application submitted by Donald A. Voltz of Lindon Design Associates, for a 24-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. Applicant has requested that the application be continued to the meeting of December 4, 2007.

Chair Cathy Orlowicz said she would step down as a legal abutter, and asked Bob Craycraft to assume the chair. Ron Gehl sat for Peter Rhoades. Malcolm McNeill, representing the Kodiak applicants, requested a continuation until the December 4 Board meeting and an extension of the review period until December 15. He said this was necessary in order to complete revisions to the road and drainage plans. Ron Gehl moved to continue the application to December 4, to extend the review period until December 15, and to continue discussions as needed between Town experts and staff and the applicant's consultants to finalize details of the subdivision. Paul Raslavicus seconded. Unanimous with no abstentions.

Chair Orlowicz and Selectman Rhoades returned to the board, and Selectman Gehl stepped down.

**Red Oak Ridge, LLC:** Design Review Hearing regarding a preliminary application to be submitted by Red Oak Ridge, LLC for a 157 lot subdivision for 220 housing units on 2000 acres of property located on Birch Hill Road, (Tax Map 15, Lot 1, Tax Map 17, Lot 1, and Tax Map 18, Lots 3 & 4) in New Durham, New Hampshire.

Chair Orlowicz explained the purpose of a Design Review Hearing. She strongly emphasized the need for members of the audience to remain respectful during the

applicant's presentation and assured citizens they would have an opportunity to comment and ask questions. She asked Malcolm McNeill to introduce the application.

Mr. McNeill introduced the application team. Mr. McNeill is a land use attorney with McNeill, Taylor & Gallo. Scott Prosser is the Project Director for Red Oak Ridge, LLC. R. Gordon Leedy, Jr., ASLA - Director of Land Development with Vanesse Hangen Brustlin, Inc. (VHB). Michael J. Leo, PE, LLS is Senior Project Manager and Jacob J. Tinus is Senior Environmental Scientist, both with VHB. Vanesse Hangen Brustlin, Inc. is a large design & development firm with an office in Bedford, New Hampshire.

Mr. McNeill said the applicants chose to begin their work with the Town of New Durham with the Design Review Hearing so that abutters and the public would be notified and have the opportunity to respond to the plans.<sup>1</sup> McNeill said it was a large project which the applicants intended to build out in phases over a period of years. He said that the New Durham Open Space ordinance requires 50% of the land to be permanently protected as open space, and the Red Oak proposal currently proposes that 75% of the land in the development be protected as open space.<sup>2</sup>

McNeill pointed out that road access to the development will be off of Birch Hill Road and Coburn Woods road and that other potential road access was also available. He said the applicants expected that 50-60% of the home buyers would be second home buyers. The applicants are designing the development to be a place for active life styles. They plan that a substantial part of the open space will be open to the general public with hiking and snowmobile and cross country ski trails. McNeill said this type of development is often referred to as a "green" or "sustainable" development.

Mr. McNeill went on to introduce the applicant's Yield Plan. He described the yield plan as a design for the same land using more traditional subdivision design techniques. This plan establishes the maximum number of housing units that can be created on the land by any method of subdivision. McNeill also explained how the applicant's actual proposal meets the terms of the Open Space Conservation Subdivision Ordinance. And he indicated the applicant team has several questions related to the Master Plan and the Board's understanding of the Zoning Ordinance that they would like direction from the board on.

McNeill then asked individual members of the VHB team to give additional detail

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<sup>1</sup> The Design Review Hearing and the formal application stages require the applicant to notify all abutters and the public. The Conceptual Hearing does not require the applicant to notify abutters and the public and does not prohibit notification.

<sup>2</sup> The New Durham Zoning Ordinance requires 50% of the "buildable" land be permanently protected.

about the proposal. Gordon Leady showed how the proposal encompasses 4 separate lots that combined add up to slightly more than 2000 acres. Jake Tinus used data from public sources to describe the current natural resources of the site.

Mike Leo described the yield plan and their proposal in more detail. He said that the yield plan shows that it would be possible to site 309 conventional lots on the land that would meet the Town's lot size specifications. If true, this would allow them to put that same number of housing units on the land with their Open Space design. The plan they are actually showing has 94 single family lots and 63 duplex or 2 family lots which would generate 220 total housing units.

Mr. Leo also pointed out the areas that are proposed for protected open space. The largest area includes Rattlesnake Mountain and Mt. Eleanor on the west end of the properties, and some wetland and wooded areas in the southern section running south to Coldrain Pond. A narrower slice of land extends eastward parallel to the south shore of Merrymeeting Lake and immediately behind the existing South Shore Road camps and houses, and continues until it abuts land owned by Lions Camp Pride.

The applicants are thinking that this open space would be made available for public use and perhaps improved by cleaning up and/or expanding some of the existing trails and adding one or two Adirondack shelters. Hunting would continue to be permitted in this area. A permanent conservation easement would be placed on this land and given to a major conservation organization to manage and protect.

Two other open space lots are proposed in the area that will be developed and built out. Mr. Leo said these would most likely not be open for public use and would be reserved for residents of the development. These areas might include space for picnics and other more active recreation.

Malcolm McNeill concluded the presentation. He said the plan included a homeowners' association that would manage the open areas that are for residents only. They have planned considerable roads within the development that would connect to Birch hill Road and Coburn Woods Road. He said the developers were undecided about whether the roads should be public or private. The applicant is projecting that the less expensive lots will cost \$100-\$150,000 and the best lots on the top of Birch Ridge will cost \$4-500,000. The applicants plan to work closely with the Fire Department to plan for water cisterns and fire safety.

McNeill said the applicants are highly sensitive to the importance of protecting the water quality of the nearby lakes and streams. They understand there will be some financial costs to the town and they expect to contribute to a "reasonable" assessment of those costs.

Chair Cathy Orlowicz thanked Mr. McNeill and the applicant team for their helpful

presentation. She then invited members of the Planning Board to comment or ask questions. Bob Craycraft clarified that the Open Space Conservation Subdivision Ordinance requires that 50% of the developable land be preserved as open space. He said it would be impossible to know exactly how much that means or how much of the required amount is met by the proposal until there have been more thorough on site studies of the land. He also pointed out that the Water Quality Protection Ordinance will require setbacks around all water resources which could also affect the land calculations. Craycraft added that there were many very steep slopes in the parcels of land and that could exacerbate water protection concerns.

Paul Raslavicus asked if the applicants felt that their proposal protected 50% of the buildable area. Mike Leo said that it did. Mr. Raslavicus also noted that detailed information would be needed in regard to issues such as conversion of or building on Class 6 roads and the impact on Merrymeeting Lake water quality. He said the applicant presentation had suggested that this plan would meet the Ordinance goal of affordable housing and he did not see how \$150,000 lots could help with affordable housing.

Cathy Orłowicz asked how the applicant determined the classification of Birch Hill and Durgin Roads, and questioned the accuracy of the location of Durgin Road on the applicant's materials. She asked how the applicant had decided to make duplexes such a large part of the proposal.

At 8:25 PM Chair Orłowicz opened the meeting for questions from abutters.

X abutters asked questions. The greatest number of questions and comments focused on the impact on the water quality of Merrymeeting Lake. One person noted that the lake is the drinking water source for many lake residents. Others depend on wells and wondered if the water demands of the new development would reduce the water flow in existing wells.

In addition to storm water, people expressed concerns about fertilizer, pesticides, and animal waste. They pointed out the fact the lake is spring fed and many of those springs are on the slopes of the proposed development. Some citizens pointed out that Merrymeeting Lake properties account for a very significant share of the Town's tax revenue which could be lost if there was any negative impact on the lake, either in terms of water quality or any other factor that would make it less desirable.

Other questions focused on the financial cost/benefit to the town. They acknowledged the developments would increase tax revenues to the town but most were skeptical if that would offset increased costs for schools, roads, and public safety and resource protection.

One resident thanked the applicants for their eloquent presentation and pointed out that the job of the applicant is to highlight the up side benefits of their proposal. He

warned that every proposal has its down sides as well as its upsides and asked the Planning Board how it would get information on the down sides. Another person wanted to know if the Planning Board could get funds from the applicant to do the necessary studies.

Some citizens said the best option would be for the community to work together with conservation organizations and others to raise money to buy back the land and give it permanent protection status.

Some residents noted that the applicants had spoken of the amenities of the new development and wondered if the applicant was planning to buy land along the lakeside to create direct access for residents. Mr. McNeill said that was not part of their plan and that residents would make use of existing public access. Citizens pointed out that public access is very limited and boat access is difficult to reach.

Chair Orlowicz invited Department Heads of Town services to ask questions or comment. Mark Fuller, road Agent said he estimated 5 miles of new road in the development which would cost \$50,000 plus staff time plus equipment to maintain. He said the floods of the last couple of years made it clear that South Shore road cannot handle any more water runoff and he pointed out that the plan put all traffic on Birch Hill Road. He said Birch Hill road was already close to capacity and an additional 2000 trips per day would triple the existing traffic level.

As no other Department Heads had comments at the time, Ms. Orlowicz opened the hearing to the general public—anyone in town who might have input.

Selectman Ron Gehl pointed out that Birch Hill Road is a class 6 road. State statute says that it requires permission of the Board of Selectmen to build on a class 6 road, and that approval was not “a given”. He reminded people that a few years ago a similar question had come before the Board of selectmen. At that time the Selectmen felt it was a big enough issue that Town Meeting should have the opportunity to vote on it and it was defeated. Gehl also noted that there were many steep slopes near existing and proposed roads. He challenged the applicant’s assertion that 50-75% of the buyers would be seasonal users only, and noted that many properties that were once seasonal are now year round as the owners have either retired to New Durham or sold to year round families.

Selectman David Bickford commented on the high impact the proposal would have on town infrastructure such as schools, fire stations, etc.

Other members of the general public echoed the concerns identified by abutters and expressed additional concerns about snowmobile trails, the impact on Chalk Pond, March’s Pond and Coldrain Pond. Dennis Gagne asked the developers to provide the names and locations of other developments they have done so the townspeople could see how they turn out and how the developers have worked with other

communities. As there were no other members of the audience wanting to speak, Chair Orlowicz closed the public hearing and asked the applicant if they had any final comment.

Malcolm McNeill thanked the citizens of New Durham for their “candid” feedback. He said the development team would review the comments and decide what their next step would be.

He noted again that the developers have about a dozen questions they would like guidance on from the planning board. They want to know if the Board is open to smaller lots so the houses can be clustered more tightly and more in “village” groups; would the board considered community water and septic; and other questions.

Chair Orlowicz called for a 5 minute recess at 9:25 PM.

The meeting was reconvened at 9:43 PM.

Ms. Orlowicz asked if there was any old or new business that needed to be addressed at this time. There was none. Bob Craycraft moved to table action on meeting minutes to the next Board meeting. Paul Raslavicus seconded. Unanimous with no abstentions.

Chair Orlowicz said she would notify Board members if there was a meeting on November 13.

Bob Craycraft moved to adjourn at 9:47 PM. Peter Rhoades seconded. Unanimous.

Respectfully submitted,

David Allen  
Land Use Administrative Assistant