

MINUTES

NEW DURHAM PLANNING BOARD

MAY 4, 2010

Chairperson Paul Raslavicus is travelling on Business. Vice-Chair Bob Craycraft called the meeting to order at 7:04 PM.

Roll Call: Bob Craycraft (Vice-Chair), Dot Veisel, David Bickford (Selectman's Representative), Scott Drummey

Excused Absence: Paul Raslavicus (Chair). **Unexcused Absence:** Jeff Kratovil (Alternate)

Others Present: Arthur Capello, Tom Varney, Luanne Varney, Patrick Donahoe, Megan Donahoe, Keith Babb, Paul Raslavicus

Public Input: Vice Chair Bob Craycraft asked if there was any public input. There was none.

Donahoe: Bob Craycraft summarized the observations from the site walk. Tom Varney presented the Board with a Vicinity Plan in the form of an aerial photograph of the area. He also said he had called the NHDOT District 3 office and they had no record of a driveway permit being issued, so the applicant will get and provide that.

Bob said he had some concerns from the site walk about debris, the structural integrity of the chimney, and the nature and status of the shallow well inside the shed.

Arthur Capello agreed to check out the structural integrity of the chimneys. Pat Donahoe said the shallow well is not used. Instead there is an artesian well dug inside the shallow well. The shed will be removed and the dug well filled in. Other Board members were not concerned about the debris, saying it would be bad business for Mr. Donahoe to ignore it and not clean it up.

Mr. Varney described the Landscaping Plan. He said they planned to give the site a more modern and green look. Grass will be sown on the flat unused sections of the site. They would like to plant closer to the road but they do not have the right to plant inside the NHDOT right of way.

Bob Craycraft asked what would happen if there were a 25 gallon gasoline spill. Scott Drummey said he was not clear about what the rules would be about cleaning up a spill site. Scott asked that maintenance of the filter be added as a condition of approval.

Mr. Donahoe responded to some of the concerns expressed by Board members. He said there is an artesian (drilled) well inside the dug well, and the top of the artesian well is 8' above the water level. Water from the dug well is not used. Bob Craycraft said it would be important to have both water systems tested, and asked if Mr. Donahoe could get a copy of the inspection certificate from DES confirming that the water meets proper safety standards.

Mr. Craycraft said that the chimney on the west side of the unused building seemed to have a lot of lean and was clumsily held up. The chimney on the east side has some bricks that are crumbling. Tom Varney responded that the applicant wants to wait until he gets a firm start with the gas station and convenience store before deciding what to do with the abandoned building.

Mr. Donahoe says he will tear the smaller chimney down and will check with a mason regarding what is needed for the larger chimney. In terms of the shed over the well, he said he plans to replace that structure with a similar size that is new.

Scott Drummey asked that the applicant's DES approval number be placed on the plan. Bob Craycraft expressed concern about the amount of discarded materials on the site. Dot Veisel noted that he had already removed a considerable amount of junk and would no doubt finish cleaning it up to make it attractive to potential customers.

Dot Veisel asked Mr. Donahoe if there were other permits he would need. He said he was applying for permits to sell beer and cigarettes.

Scott Drummey moved to approve the site plan review application of Pat Donahoe to operate a gas station and convenience store at 364 Route 11 (Tax Map 261-004) subject to the following conditions and to correction of any scrivener's errors:

The Building Inspector has inspected the abandoned building for safety, and it has been dismantled and removed if there are any safety concerns;

The remaining junk and discarded materials has been cleaned up;

Applicant has an approved driveway permit from NHDOT;

Applicant has submitted a maintenance schedule to the Code Enforcement Officer that is at least as strict as manufacturer recommendations, and has agreed to submit maintenance reports to the Code Enforcement Officer as requested;

Both septic systems have been inspected by a qualified septic designer and approved as fully functioning;

The shed over the well has been replaced;

The small chimney has been dismantled and removed;

All necessary state, federal, or local permits have been issued and posted in a visible location, and permit numbers have been recorded on the site plan, including but not limited to permit to sell gasoline, permit to sell beer, and permit to sell cigarettes; and

A variance has been approved by the Zoning Board of Adjustment to allow the gas tank canopy to extend into the state's right of way; and

A final site plan has been submitted to the Town and signed by the Chairman of the Board.

Dot Veisel seconded the motion and it was approved unanimously with no abstentions.

Babb Excavation Pit: Bob Craycraft noted that this issue was before the Board because the state gravel pit regulator had expressed concerns to the Town's Land Use Administrative Assistant and the Board had made a site visit on May x, 2010. He said the question the Board needed to address was whether the cleanup was moving fast enough and whether any 3rd party assistance was needed in determining the proper remedial action.

Mr. Craycraft said that personally he was impressed with the amount of cleanup that had been completed. He added that since Mr. Babb would be applying for new permit to expand the area of excavation he would need engineering and wetlands expertise to prepare that application and the experts could simultaneously give advice on the current situation

David Bickford said he had spoken with Mary Pinkham Langer and that she had communicated the problems to NHDES. Mary also said that Mr. Babb would need to submit an Alteration of Terrain permit application. Mr. Bickford said the Alteration of Terrain had combined 3 previous applications so it was not as detailed related to any of the specific situations as it was before.

Bob Craycraft asked the applicants when they expected to file the new application. Paul Gelinas said he was hoping to have it in time for the June Board meeting but July was more realistic.

David Bickford suggested that the Board should ask Mr. Capello to issue a cease and desist order. The rest of the Board members did not agree. They agreed by consensus on agreement with Mr. Babb on 5 points:

1. Mr. Babb will continue reclamation;
2. He will extract no more gravel or other materials from the site until such time as a new permit is issued;
3. He will submit application for the new permit no later than in time for the July Planning Board business meeting;
4. He may sell or otherwise distribute gravel that has already been extracted from the permitted area;
5. The Code Enforcement Officer will monitor items 1, 2, and 4; and
6. Mr. Babb will submit his application for an Alteration of Terrain permit at approximately the same time as his new application to the town.

Scott Drummey moved that the applicant find a licensed engineer and a wetland scientist who is acceptable to the staff and to the Acting Chair of the Board who will visit the site, and provide a written report to the Board which:

1. spells out the damage done by the stormwater;
2. reviews the effectiveness of the applicant's remediation measures;
3. recommends any additional reclamation measures necessary to protect the nearby stream from any additional sediment;
4. reviews the plans for the proposed next stage of gravel excavation and
5. recommends to the applicant and the Board any and all engineering or stormwater management actions that need to be taken before or during the next stage of excavation to protect nearby wetlands and surface waters.

Dot Veisel seconded. Approved unanimously with no abstentions.

Minutes of April 30, 2010 Site Walk: Board members made the following corrections:

Members present: should read "Paul Maloney."

4th paragraph, 1st bullet: should read "walked the west boundary..."

4th bullet: strike the words "pit operation site" at the end of the sentence and replace with "property adjacent to the permitted pit operating site".

David Bickford moved to approve the minutes of the April 30, 2010 site walk at the Babb Excavation Pit as written. **Scott Drummey** seconded. **Dot Veisel** abstained as she was not present. **Approved 3-0.**

Minutes of April 20, 2010: **Dot Veisel** moved approval of the April 20, 2010 meeting minutes as written. **Scott Drummey** seconded. **Approved unanimously with no abstentions.**

Minutes of April 6, 2010: Board members made the following corrections:

Page 1, Roll Call: Strike the word “(Alternate)” following **Scott Drummey’s** name.

Page 1, 2nd to last line: replace “regarding” with “regrading”.

Page 3, last paragraph, 3rd line: should read “...common interest in a board member’s real property...”

David Bickford moved to approve the minutes of April 6, 2010 as amended. **Scott Drummey** seconded. **Dot Veisel** abstained as she was not present. **Approved 3-0.**

Driveway Regulations: **Dot Veisel** moved to schedule a public hearing on May 18 to consider amendments to the Regulations which will require the approval of the Road Agent after a driveway is installed, and which would establish a procedure for amendments to the regulations. **Scott Drummey** seconded. **Approved unanimously with no abstentions.**

Stormwater Management Regulations: **Arthur Capello** said that he would draft an application form for the Stormwater and Steep Slopes ordinances that is tied to the Conditional Use Approval process.

Excavation Regulations: The Board reviewed the balance of the Excavation Regulations and suggested several changes which will be incorporated into the next draft. There was agreement that the key to effective Excavation Regulations was stormwater management, and identifying anything that should be different for excavation situations than for all other situations.

CIP Representative: **Scott Drummey** volunteered to serve for a second year. **David Bickford** moved that the Planning Board appoint **Scott Drummey** to represent the Board on the CIP Subcommittee. **Dot Veisel** seconded. **Approved unanimously with no abstentions.**

Adjournment: **Dot Veisel** moved the Board adjourn at 10:02 PM. **Scott Drummey** seconded. **Approved unanimously with no abstentions.**

Respectfully submitted,

David Allen
Land Use Administrative Assistant
Minutes approved May 18, 2010.

Town of New Durham