

MINUTES
NEW DURHAM PLANNING BOARD
JUNE 1, 2010

Chairperson Paul Raslavicus called the meeting to order at 7:01 PM.

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

Others Present: Mary McHale, Jim Gosciminski, Tom Varney, Luanne Varney, Alison Rendinaro, Arthur Capello

Public Input: Chair Paul Raslavicus asked if there was any public input. There was none.

Gosciminski Conditional Use Permit: Tom Varney presented Mr. Gosciminski's plan for driveway, septic, and house on his lot on South Shore Road (Tax Map 114 , Lot 050). Mr. Gosciminski is applying for a conditional use permit to allow construction of a driveway on slopes exceeding 30%.

Paul Raslavicus stated for clarification that the location of the house is on slopes between 15-25% and covers 9100 square feet of disturbance which is less than the trigger number for needing a conditional use permit for the house. Bob Craycraft added that Mr. Gosciminski will also need a Stormwater Management Conditional Use Permit which includes providing the Board with a maintenance plan.

Mr. Varney described the plan for the driveway. It will be located at the same place as an existing driveway but it will be built with a stone lined ditch on each side and the ditches will lead to a dry well at the downhill property line. Most of the downhill side of the driveway will be raised above the existing ground level and will be protected by a retaining wall.

Bob Craycraft moved to accept the application as complete. Dot Veisel seconded. Approved unanimously with no abstentions.

Arthur Capello asked if Mark Fuller, the Road Agent, had seen the plan. Mr. Varney said they had not yet applied for a driveway permit. Mr. Allen said he had not sent the proposal to Mr. Fuller. Board members asked Mr. Allen to convey the plan to Mr. Fuller as soon as possible, and in future when a driveway is involved in a plan to get the plan to him as soon as it is received. They also asked Mr. Varney to submit his driveway permit application as soon as possible so that it will not delay final approval.

Scott Drummey asked why the stone lined ditch on the west side of the driveway was so much lower on the hill than the start of the ditch on the east side. Mr. Varney said there was not room between the driveway and the property line for a ditch, and the contours were such that and water that missed the ditch would flow along the edge of the road and into the drywell.

David Allen asked if he was reading the stormwater management plan correctly and that there is no water runoff from the lot now for small and medium storms and minimal runoff for major storms, and there will be the same or less after construction. Mr. Varney said that is because the soil type on the lot is "Class A" which is very permeable, and because of the stormwater management planning with the driveway, ditch, and house so that most water landing on impermeable surfaces will go into the drywells.

Bob Craycraft said he was concerned about what would happen to the water when it reaches the road. There is no drainage ditch along side of the road so it could run across the road onto the neighbors' property. Bob also suggested that there be a note on the final plan stating the owner's intent that remaining vegetation will stay in place in perpetuity.

Bob Craycraft moved to schedule a site walk on Tuesday, June 8, meeting at Town Hall at 6:45 PM and driving together to the site. Dot Veisel seconded. Approved unanimously with no abstentions.

Paul Raslavicus noted that the disturbance area for the house is very close to the maximum allowed, so if there is any expansion of the house, now or in the future, there will need to be a Steep Slopes and Stormwater Conditional Use Permit for the house.

Jeff Kratovil asked if the many large boulders on the lot would interfere with construction of the house, driveway, and other structures. Tom Varney said it would be no problem for an experienced contractor who has the proper equipment.

Paul Raslavicus opened the issue for public comment at 7:50 PM. There was no public comment. He closed the public comment period at 7:51 PM.

Bob Craycraft moved to continue the Public Hearing to July 6 at 7 PM at the public library. Dot Veisel seconded. Approved unanimously with no abstentions.

Green Oak (Babb) Excavation Site: Mr. Babb, Mr. Allen, Mr. Capello, and Mr. Craycraft agreed in early May on Tom Varney as the engineer and wetlands scientist who should inspect the site and make appropriate recommendations to the Board as

to appropriate remediation. A copy of his letter and attachments to DES was distributed to Board members.

Mr. Varney reported that he had found violations of state wetlands regulations and had reported those violations to DES. He also prepared a remediation plan for Mr. Babb to implement. The key elements in the plan are cleaning out the sediment that has washed into the wetlands, leveling out the slopes of the pile of dirt imported to the site, and seeding all open areas. Mr. Babb has been working diligently on that plan.

Arthur Capello said he had made several visits to the site and concurred that Mr. Babb is moving forward on the restoration plan.

Bob Craycraft asked how far down the stream the sediment had washed. Mr. Varney said none of the fill was visible in the brook, but the lighter sediments could have reached the brook and been carried away by the water without leaving any signs.

Arthur Capello said it appeared the wetlands violation, i.e. the washing away of the fill, had carried over beyond the property line to the abutter's property. He wondered if the owner of the abutting property should be notified. Jeff Kratovil asked Mr. Varney how he would rate the criticalness of this violation compared with others. Mr. Varney said he felt he did not have enough experience with wetlands violations to make that evaluation, but the fact that a significant amount of fill had been washed away meant that it could have a significant impact. David Bickford added that there was probably a significant level of phosphorus that was washed into the stream and would end up in Merrymeeting Lake.

Bob Craycraft asked if the Planning Board should send a letter to DES emphasizing the connection of this site to Merrymeeting Lake. The consensus of other board members was that Mr. Babb appears to be cooperating with the restoration plan, and therefore the Board should continue to monitor his progress. If he does not complete the restoration plan that would be grounds to notify DES.

There was discussion about whether the permit issued to Mr. Babb last fall was still in place, or did this violation end it? Mr. Varney reported that he knew that Paul Gelinas was working on the plan to submit to the Planning Board and that he was close to finished with it. The Board decided that if that plan is submitted quickly, the status of his prior permit was moot, because he has been directed by the Board to do no more excavation, and to remediate the violations. He is allowed to sell and deliver the crushed rock that was mined before the storm that created the problem.

Minutes of May 18: Board members made the following corrections:

Page 1: "Arthur Capello" and "Scott Lehner" were added to others present.

Page 1, 2nd Paragraph of Public Input: Insert the word “to” between “two visits...” and “the Babb Excavation Pit”. Strike the word “is” between the words “...pit and...” and the words “...no excavation is active.”

Page 1, Last paragraph: The lot is 205-001, the frontage is 1800’, and the acreage is 106 acres.

Page 2, first paragraph: Strike the language, “Mr. Lehner said he could not afford to do that”.

Page 3, end of second paragraph: Add the sentence, “The board will take the recommendation under advisement”.

Scott Drummey moved acceptance of the Minutes of May 18 as amended. Bob Craycraft seconded. Paul Raslavicus abstained as he was not present. Approved by a vote of 4-0.

Scott Drummey moved acceptance of the minutes as revised. Bob Craycraft seconded. Paul Raslavicus abstained as he was not at the meeting.

Strafford Regional Planning Commission: Chairman Raslavicus has received letters from the Strafford Regional Planning Commission indicating that three positions for a New Durham resident are open on SRPC Boards and Committees. David Allen has been the representative on the Transportation Technical Advisory Committee. He agreed to be renominated. New Durham is also allowed two positions on the Board of SRPC. Dot Veisel volunteered to serve in that capacity for at least one year.

Minutes of May 18: Jeff Kratavil brought the Board’s attention to a section that was missing from the minutes of May 18 as the board had approved them.

David Bickford moved to reconsider the minutes of May 18. Bob Craycraft seconded. Approved unanimously with Paul Raslavicus abstaining.

Dot Veisel moved to make the following correction on Page 3, following “...putting money into the Capital Improvement Plan for a system sometime in the future”. Add the following wording:

Donahoe Gas Station: 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:

1. The Building Inspector has inspected the abandoned building for safety, and the building has been dismantled and removed if there are any safety concerns;
2. The remaining junk and discarded materials have been cleaned up;
3. Applicant has an approved driveway permit from NHDOT;
4. Applicant has submitted a stormwater 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;
5. Both septic systems have been inspected by a qualified septic designer and approved as fully functioning;
6. The shed over the well has been replaced;
7. The small chimney has been dismantled and removed;
8. 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
9. 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
10. 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.

Scott Drummey seconded the motion to add this wording. Approved unanimously with Paul Raslavicus abstaining.

David Bickford moved to accept the minutes of May 18 as amended. Bob Craycraft seconded. Approved unanimously with Paul Raslavicus abstaining.

Ethics Ordinance: Members of the Board signed the revised Ethics Ordinance.

Earth Excavation Regulations: The Board worked on the Earth Excavation Regulations. They agreed to a four year term for an Excavation Permit combined with at least twice annual inspections by the Code Enforcement Officer. The inspection schedule would also apply to permit-exempt sites. The fees for all four years of the permit and inspections would be paid in advance at the time the permit is issued.

Bob Craycraft moved to schedule the rewritten Earth Excavation Regulations for public hearing on Tuesday, July 6, 2010. Scott Drummey seconded. Approved unanimously with no abstentions.

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved as amended on June 15, 2010