

# MINUTES

## NEW DURHAM PLANNING BOARD

### JULY 6, 2010

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

**Roll Call:** Paul Raslavicus (Chair), Bob Craycraft (Vice-Chair), David Bickford (Selectman's Representative), Dot Veisel, Scott Drummey, Jeff Kratovil (8:00 pm. Alternate)

**Others Present:** Jeff Gosciminski, Cathy Orlowicz, Charles McKay, Fred Quimby, Robert Northridge, Bob Lenahan, Donna Vello, Bill Vello, Bryan Berlind, Arthur Capello, Mark Fuller, David Allen, Jack Crickett

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

**Vello Conditional Use Permit:** The Board reviewed the application materials they had received and noted that some parts of the application were not present. After considerable discussion, **Scott Drummey moved that the application by William and Donna Vello be accepted as complete, conditional upon receipt by the Planning Board of:**

1. NHDES approval for construction of the septic system;
2. Notice of Decision of the ZBA approval of the variance;
3. Completed Conditional Use Checklist;
4. Conditional Use Applications for Steep Slopes and for Stormwater Management;
5. A revised plat showing the slope category (e.g., <15%, 15-25%, etc.) of all slopes on the property in accordance with the steep slope overlay district.

**Dot Veisel seconded. Approved unanimously with no abstentions.**

Chair Raslavicus asked Mr. Berlind to give a presentation of the proposal to the Board. Mr. Berlind noted that the ZBA had granted a variance to allow reconstruction of the house at a distance of 32 feet from the highwater level instead of the required 75'. He described the house as being in very poor physical condition and needing to be rebuilt or replaced. He also noted the applicant's desire to make the house more conforming by moving it 14 feet further away from the shoreline and the septic tank 17 feet further away from the property line. The new house will be slightly larger in total footprint, but it will have a smaller footprint within the state's 50' setback requirement. Mr. Berlind gave an overview of the stormwater management measures planned for the site.

A board member asked Mark Fuller, Road Agent, if he had any concerns about the driveway or any other part of the design. Mr. Fuller noted that the entire driveway is below the level of the street so there will be no problem of water flow from the driveway or any other part of the lot onto the public road.

Chair Raslavicus opened the issue to public comment at 7:57 PM.

Bob Northridge, 50 South Shore Road, said he had not received notification of the earlier ZBA meeting. He said that the applicant's plan to locate the new septic system created a situation in which three leach fields would lie within 100' of each other, and would all be on land that drains toward his well. He is worried that future expansion of the capacity of any of the systems could result in contamination of his well.

Mr. Fred Quimby, 46 South Shore Road, echoed Mr. Northridge's concerns and added that his well and that of a neighbor are dug wells and more susceptible to contamination. Arthur Capello pointed out that the Subsurface Division of NHDES does the permitting of septic systems, they know the location of existing wells and leach fields, and they calculate the likelihood of problems before approving a permit. David Allen added that Mr. Northridge and Mr. Quimby should address their concerns to that unit of state government because the Town has no involvement in permitting of septic systems.

**Scott Drummey moved to schedule a site walk on the property for Saturday, July 11 at 6:30 PM. David Bickford seconded. Approved unanimously with no abstentions.**

**Bob Craycraft moved to continue the public hearing until August 3, 2010 at 7 PM at the Public Library. Scott Drummey seconded. Approved unanimously with no abstentions.**

**Gosciminski Conditional Use Permit:** Tom Varney, representing the applicant, explained changes that had been made to the application in response to feedback from the Board and from Mark Fuller, Road Agent. The revised design includes relocation of the driveway, addition of a paved apron for the driveway, addition of a small swale along the roadway to direct water toward the dry well, and an Inspection & Maintenance schedule with a format for reporting to the Town.

Road Agent Mark Fuller said the revisions addressed his concerns and he had issued the Driveway permit earlier in the day. Board members discussed the changes and felt they addressed their concerns.

**Bob Craycraft moved to approve a Steep Slopes Conditional Use Permit, and a Stormwater Conditional Use Permit to Mr. Jeff Gosciminski to allow the construction of a driveway on slopes exceeding 30% on South Shore Road at Tax Map 114, Lot 050; with the condition that the Inspection and Maintenance Log be submitted to the Strafford County Registry together with the final site plan. Dot Veisel seconded. Approved unanimously with no abstentions.**

Chairman Paul Raslavicus recessed the meeting at 8:30 PM. The Board reconvened at 8:39 PM.

**Excavation Regulations:** Chair Raslavicus summarized the Planning Board's work on these regulations. Mark Fuller asked several questions:

1. The regulations exempt work done by the Town on Class I through Class V roads but say nothing about Class VI Roads. There are circumstances in which the Town does maintenance work on Class VI Roads when they are designated Fire Emergency Lanes. Board members were uncertain about the origin of excluding Class VI Roads. Mr. Allen will check with the Local Government Center attorney.
2. Please clarify the meaning of abandoned pits and when the Planning Board would act to remove a permit. There was consensus to change Section VI.A.1 to read "during the period of the permit" instead of "during any 2-year period"; and to remove the second sentence from XVI.A.2 so that there is no reference to withdrawing a permit if "no substantial" work has been done.
3. What is the source and rationale for requiring the pit to be no lower than 6' above the high water table? The Board took this number from the Town of Alexandria regulations that it used as a starting point. Mr. Allen will check to see if there is a practical or scientific basis for this number. The Board agreed by consensus that if this number is kept, it will add a clause allowing the board to exempt an applicant from the requirement if the applicant can demonstrate that it will not harm the water table.
4. In Section X.A.1, why do tree seedlings need to be four feet high? That is very expensive. The Board agreed they had already decided to remove the minimum height and it was in the draft by mistake.
5. Who conducts the site walk for the application? The Planning Board will continue to do that.

**Bob Craycraft moved to continue the public hearing on the revised Excavation Regulations to Tuesday, July 20 at 7 PM at the Town Hall. Scott Drummey seconded. Approved unanimously with no abstentions.**

**DES Innovative Permitting Initiative:** The Board agreed by consensus that David Allen draft a letter to NHDES indicating that the Town of New Durham is interested in knowing more about this plan, wants to learn more about it, and may decide to be a candidate Town for participation in the initiative.

**Minutes of June 15, 2010: Bob Craycraft moved to accept the minutes of June 15, 2010 as presented. Scott Drummey seconded. Approved unanimously with no abstentions.**

**Chair Raslavicus adjourned the meeting at 10:03 PM**

Respectfully submitted,

David Allen  
Land Use Administrative Assistant

Town of New Durham