

Draft Minutes

New Durham Planning Board

June 21, 2011

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

Chairperson Bob Craycraft called the meeting to order at 7:05 PM.

Roll Call: Bob Craycraft (Chair), Dot Veisel, David Bickford (Selectman's Representative) @ 7:16 PM, Scott Drummey (Vice-Chair), Paul Raslavicus

Excused Absence: **Unexcused Absence:**

Others Present: Dennis Neyland, Douglas Peck, Mike Clarke, Susan Raslavicus, Helen Wellman, Roger Haskell, Adele Haskell, Len Brown, Bryan Berlind, Wayne & Patricia Edwards, Barbara Fletcher, Len Brown.

Public Input: Chair Bob Craycraft asked if there was any public input. Mike Clarke, Road Agent, asked to speak. He referred to the Planning Board minutes of 5/3/2011 which state that Mr. Christian Smith had spoken to Mike Clarke regarding drainage issues along Valley Road and Mr. Clarke said he had no concerns. Mr. Clarke said he had had no conversations with Mr. Smith and wanted the record to reflect his statement.

Edwards: An application by Wayne & Patricia Edwards to subdivide Map 101-015, consisting of 20.6 acres on North Shore Road, into three lots.

Paul Raslavicus recused himself from the issue as an abutter. Bob Craycraft asked if there was anyone else on the Board who might be perceived to have a conflict of interest on this case. There were none.

Chair Craycraft asked Bryan Berlind to present the application. Mr. Berlind asked the chair if there was a quorum present. Mr. Craycraft said there were three sitting

members of the board which constituted a quorum. David Bickford arrived shortly making four sitting members.

Mr. Berlind noted changes that had been made to the plan as it was submitted for design review at the request of the Board.

- Note "A" was added specifying the terms of the backlot as a woodlot.
- The riparian buffer setbacks to the wetlands were added, adjusted to wider lengths if needed because of steep slopes.
- Four building envelopes were outlined, two on each of the forward building lots. Each building envelope was a section of land with slopes under 15%.
- Lot size calculations were added based on soil types.

Chair Craycraft asked for the location of the driveways. Mr. Berlind pointed out an existing woods road that would serve as the driveway location for Lot 1. And he showed a proposed driveway location on the plat for Lot 2 that comes off of the the right of way to the woodslot on the adjoining lot.

Chair Craycraft asked Road Agent Clarke to comment on the proposed subdivision. Mr. Clarke said there had been a problem with water overflowing the road during flooding. There is an existing culvert under North Shore Road that is 15" in diameter. Mr. Clarke would like the applicant to replace this with at 2' metal culvert. The Town Highway Department will provide the culvert and will blacktop the disturbed area of the road so that it is done to Highway Department specifications. He also asked for a driveway culvert.....

Dot Veisel moved to accept the application by Wayne & Patricia Edwards to subdivide Map 101-015 on North Shore Road into three lots as complete. Scott Drummey seconded. Approved by a vote of 3-0. Mr. Raslavicus was recused and Mr. Bickford had not yet arrived.

Bob Craycraft opened Board discussion of the application. He said he was concerned by the proposed building envelopes at the back of the two building lots. They were far enough off the road that he would want to know if building in those areas would have any negative impact on wildlife. He asked if the applicants would prefer to drop those building envelopes from the design or have a natural resource professional investigate

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the area for wildlife impact. The applicants agreed to remove the back building envelopes from the design.

Mr. Craycraft said that because the proposed subdivision is at the end of a 3-4 mile cul de sac (North Shore Road) he would like to get comments from the Chief of Police and the Fire Chief about any public safety concerns they might have. Although the area is already developed he would like to understand at what point the cumulative impact of further development could create potential danger.

Chair Craycraft opened the issue to public comment at 7:20 PM. Paul Raslavicus, speaking as a member of the public, commended the applicant for the improvements made in the plan since the design review stage. He asked if the application required a stormwater management or erosion control conditional use permit. Mr. Craycraft said it did not, because all proposed development was on slopes less than 15%. Mr. Raslavicus said that he read the Steep Slopes Conservation Ordinance to prohibit subdivision on lots with steep slopes. Bob Craycraft and Scott Drummey said they saw nothing in the ordinance that prohibited subdivision if it was done in such a way that development would be limited to the flatter areas of the parent lot. There was considerable back and forth discussion on this question.

Mr. Raslavicus also asked if the applicants planned to mark the buffer zone as required by ordinance. Mr. Berlind replied that their revised plan shows steel pin markers showing the edge of the buffer zone at all property line, and the applicant intended to add the signage required along the buffer line.

Helen Wellman asked to know the locations proposed for the septic systems. Mr. Berlind pointed out the areas identified on the plat as potential septic system locations and said those locations were based on test pits that the applicant had dug and measured and they are not located on steep slopes.

Douglas Peck asked about the legal status of the right of way. David Allen responded that the Board would want to see drafts of the deeds for the woodlot and the lot where the right of way is located to ensure that it is properly protected. Bob Craycraft said it would need to be clearly designated on the plat as well. Mr. Edwards said that the proposed right of way to the back woodlot had no steep slopes, no wetlands, and was relatively level.

Chair Craycraft closed the public comment at 8 PM. He asked Mr. Clarke if he had any concerns about erosion or sediment accumulation in the drainage ditch along the road.

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Mr. Clarke said it was a well vegetated swale and would create no problems if properly maintained.

David Allen summarized the changes in the plan the Board had requested, including:

1. Add the specifications and location of the culverts requested by the Road Agent to the plat;
2. Add a note to the plan designating the riparian buffer and the requirement that it be maintained as a vegated buffer in perpetuity;
3. Add a note to the plan that the exisiting vegetated swale along the roadway will be undisturbed in perpetuity;
4. Provide the board with draft deeds for the woodlot and the adjoining lot that clearly identify and delineate the right of way to the woodlot; and with draft deeds for the building lot identified as 10... and the adjoin lot 1xxxx that clearly identify and delineate that part of the driveway for lot 10c that lies on the adjoining lot 11
5. Change the wording from “proposed” or “possible driveway” to driveway;
6. Remove the back building envelopes leaving only the envelope on each lot that is closest to North Shore Road;

The board and applicant discussed the appropriate distance between the small signs that must be posted and agreed they should be no more than 150’ apart. The board clarified that these tags do not require survey accuracy but can be set by tape measure from the flags that have already been placed outlining the wetlands, and they are needed only on the building lots not the woodlot.

The Board and Mr. Allen discussed the need for a system to track time related conditions of approval or conditions of a conditional use permit so that the Code Enforcement Officer will have an easy system for knowig what to check and when. Mr. Allen will draft an outline of such a system, in consultation with Mr. Capello and other appropriate staff, and bring it to the board at an upcoming meeting.

Stormwater Management Regulations: The Board reviewed the new draft of the regulations which incorporates comments from Jennifer Viarengo of Appledore Engineering. They found several points that remain unclear or should be modified. Mr.

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Allen will clarify as necessary with Ms. Viarengo and make the necessary edits for the next Board meeting.

Potential Zoning Amendments: Mr. Allen brought four issues related to the Zoning Ordinance to the attention of the board and asked if the Board saw a potential need for changes to the ordinance.

1. The Article on non-conforming lots specifies that the setback from the water needs only to be 50' instead of the 75' required for conforming lots. However, because it is located in a totally different part of the ordinance it is easy to overlook. Board members said they would like to see the 75' apply to all lots, so that if a structure is going to be replaced it can be moved further from the lake if possible.
2. An recent applicant is repairing the damage on steep slopes left by a previous owner. There is a great deal of repair on steep slopes and most of it involves landscaping. Do we want to require a person in this situation to go through the variance process? The Board was unsure about making policy based on an unusual situation.
3. ZBA would like the Planning Board to establish criteria for a commercial special exception. The Planning Board did not discuss this.
4. Is there a way to simplify variance procedure when related to physical handicap? The Board did not discuss this.

Working Sessions on Dark Skies and extension of Town Center Mixed Use District:

Board members filled out worksheets prepared by staff. Mr. Allen will tally the results and use it to focus further work of the board on these issues. Paul Raslavicus gave Mr. Allen an article on Dark Skies protection which he will copy and distribute to the Board. David Bickford noted that he is particularly interested in how to balance the need for security lighting with the dark skies protection.

Certification of Zoning Ordinance Amendments: Chair Craycraft said he would carry this over to the next meeting.

New/Old Business: David Bickford noted for the Board's interest that because of the Planning Board's discussion of phosphorus pollution which has been underscored by recent training on road issues, he has asked the Road Agent to consider adjusting his plans to pave Brackett Road to start with those parts of the road closest to waterways.

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May 3, 2011 Minutes: Paul Raslavicus moved to accept the minutes of May 3 as amended. Scott Drummey seconded. Approved unanimously.

June 7 Minutes: Scott Drummey moved to accept the minutes of June 7 as amended. Paul Raslavicus seconded. Approved unanimously.

Scott Drummey moved to adjourn at 10:22 PM. Dot Veisel seconded. Approved unanimously.

Cannot be subdivided

- clar. fz driveway-

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clarify budding envelope vs.

building footprint

do not need markers on woodlots, just

bldg lots

100 ~

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tags do not need cross surveyed locations

Is of move continue to July 19

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Scott management-

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TODO Tracking system

- Mary McHale-

ownership change between

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Apple dorer

copy t distribute Thul's dark skies

call Scott's wife re swb reg,

Dark skies-make sure we have

good. info on security us. too much

security.

New hold Business

- Brackett Rd. may be start by brook-

phosphorus runoff-maybe shutdown

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May 3 minutes

Pad on. rc Scotland unanimous

Paul and

Scott move June? as amended. hnhnmons

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The meeting was adjourned at 9:55 PM.

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Respectfully submitted,

David Allen
Land Use Administrative Assistant

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