

PLANNING BOARD MINUTES

APRIL 17, 2012

Chair Scott Drummey called the meeting to order at 7:06 PM.

Roll Call: Scott Drummey (Chair); Bob Craycraft (Vice-Chair), David Bickford (Selectmen's Representative), Dot Veisel, Craig Groom (Alternate

Members Excused: Paul Raslavicus

Others Present: Douglas Peck, John Chapin, Wayne Edwards, Patricia Edwards, Chris Maynard, Beth Meyer (videographer), David Allen (staff), Mike Clarke (Road Agent), Arthur Capello (Building Inspector)

Public Input: Chair Drummey asked if there was any public input on issues not related to the agenda. Mr. Peck asked a question related to the Edwards subdivision. Chair Drummey noted that the Edwards subdivision would be the next issue on the agenda, and Mr. Peck should hold his questions until that time. The Public Input item on the agenda is reserved for people to bring issues to the attention of the Planning Board that are not on the agenda.

Edwards Subdivision: Craig Groom recused himself from this agenda item and left the Board table. Scott Drummey introduced this agenda item by noting that the purpose is to review the conditions placed on the Edwards when the Board gave conditional approval in July, 2011 and determine if in fact the conditions have been met. He added that the Board has no authority at this point to add additional conditions, or alter those already established.

The Board reviewed the eight conditions it had set in July, 2011 and determined that all had been met, as shown in the table below:

CONDITION SET BY BOARD	STATUS
1. Add 4 buffer pins on plat;	Done as shown on new plan.
2. Set all boundary and buffer pins;	Done as shown on new plan.
3. Post buffer notices along upland boundary of wetlands buffer at intervals of approximately 150'	Awaiting notice signs from Town
4. Prepare deed language acceptable to Town Counsel for the following deeds:	

<ul style="list-style-type: none"> o for Map 101-015.2 spelling out right of way to lot 101-015.2 from 221-002 	Verbal OK from Town Counsel
<ul style="list-style-type: none"> o for Map 101-015 spelling out right of way across lot 221-002 and 101-015.2 	Verbal OK from Town Counsel
<ul style="list-style-type: none"> o Revised deed for Map 221-002 spelling out right of way to 101-015 and 101-015.2 	Verbal OK from Town Counsel
5. Written notification from Fire Chief confirming his verbal comments that he has no problems with the plan;	Received from Fire Chief
6. Completion of all culvert work described in letter from Mike Clarke to the Planning Board dated June 30 and edited July 19, 2011. The work must meet all road agent specifications and the Road Agent must sign-off that this has been completed;	Received from Highway Dept.
7. Add a note to the plat indicating that the right of way for lot 101-015.2 is shared with the right of way for lot 101-015 and extends 350' from the south property line;	Done as shown on new plan.
8. The applicant will return to the New Durham Planning Board with evidence of completion of all conditions precedent prior to final approval by the Board and filing of the plan with the Strafford County Registry.	Completed with this meeting.
9. Failure to meet any of these conditions shall constitute abandonment of the subdivision by the applicant and the Board may vote to deny final approval.	N/A

Mr. Peck asked if he could comment and ask questions. Chair Drummey agreed. David Bickford added that the Board wanted members of the public to understand how and why the Board made its decisions.

Mr. Peck and Mr. Chapin asked many questions of the Board: Could the Edwards build duplexes on the subdivision? A: Duplexes are permitted on any lot anywhere in town that meets the size criteria.

Will the school bus have to go over Owl's Head steep road during the winter? A: The school district bus goes only to the end of Merrymeeting Road. Parents are responsible for getting their children to that pick up point.

Why did the Road Agent require a culvert that will send more water onto the private property of Mr. Chapin and co-owner? A: In storm conditions the current culvert is too narrow to carry the flood waters. The water then flows over the road onto the same property, and in the process it damages the road. The new culvert will carry the increased water flow of a storm, and will prevent storm water from flowing over and damaging the road.

What gives the Road Agent the right to increase water flow onto private property? A: The Road Agent is charged by law with maintaining the roads, and managing the storm water that reaches the roads to minimize flood hazards.

Dot Veisel moved to grant final approval to the 3 lot subdivision by Wayne & Patricia Edwards on North Shore Road (Map 101, Lot 015) with the condition that:

- 1. The Edwards install the wetlands buffer notices as soon as they are available from the Town; and**
- 2. The Edwards and subsequent property owners maintain the grass swale along the north side of North Shore Road so that no vegetation or debris interferes with existing road drainage.**

Bob Craycraft seconded. Approved 4-0.

Craig Groom returned to the Board table. Scott Drummey asked him to sit for Paul Raslavicus for the balance of the meeting.

Maynard Conceptual Consultation: Chris Maynard, 53 Chamberlain Way described his plans to establish an Auto Sales and Service business at 30 Depot Road, Map 250-138. He has entered into an agreement with Paul Garland, the current owner of the property, that Mr. Garland will subdivide a minimum size lot from the existing property if Mr. Maynard's plan is approved by the Planning Board.

Board members reviewed the permitted uses in the Town Center district and agreed that the proposal would be permitted with a Conditional Use Permit from the Planning Board. A Special Exception from the Zoning Board of Adjustment is not required.

Bob Craycraft pointed out that the property location is in the Aquifer Protection Overlay district and the design will need adequate engineering to ensure that pollutants from the auto servicing work will not seep into the aquifer. The Board agreed that it will want the Town Engineer to review and approve the design. Mr. Allen said to Mr. Maynard

that he will need to include a 3rd party engineering escrow along with his application fees.

Road Agent Mike Clarke pointed out that Depot Road is a state road, and Mr. Maynard will need to work with the NH Department of Transportation for any driveway or access permitting they may want.

Mr. Maynard said that he would not be expanding the footprint of the existing building but will be paving part of the lot for customer parking. Scott Drummey explained that the maximum amount of the lot that can be impermeable surface is 20%; so the lot will need to be five times larger than the combined area of the building and the parking lot.

Mr. Maynard said he believed he could meet the concerns of the Board and that he would work with an engineer to prepare a full application.

Cul de sacs: The Board has held a couple of conceptual consultations that could result in subdivision proposals that include a significant cul de sac road. It invited Mr. Clarke to discuss his concerns and preferences in regard to cul de sacs.

Mr. Clarke told the Board that his primary concern related to the challenges of snow removal on cul de sacs. His trucks have plows that are 12' wide when extended. But when they are turning sharp corners the plow blades are at such a sharp angle to the road that their effective plowing width is only about 4'. Plowing a cul de sac with a road width of 20' can require 4-6 times around the circle.

In addition, it is very difficult to make that many swings around the cul de sac without doing damage to the pavement or curbs. Both factors increase the cost of maintenance to the Town.

Whenever possible he prefers that a subdivision that lacks the space for two entrance/exit points be with a "loop road" rather than a cul de sac. A loop road would be shaped a bit like a letter "P" with the top of the "P" rounded and the loop rejoining the stem at a 90° angle.

When there is no option on a property except a cul de sac, he would like to see the minimum outside width increased from the current 100' to 125' and other changes to the dimensions to facilitate the work of the road crew.

Posting Requirements: The Board asked to review the public notice posting requirements of RSA 676:4 and the Planning Board Rules of Procedure in light of the problems with posting related to the Edwards subdivision. Mr. Allen had clarified with the Local Government Center attorney that the state requirements for posting include notification of time, date, and location.

There are no requirements for meeting postings for including an agenda. Public hearings for land use actions and amendments to the Zoning Ordinance or regulations require posting the subject of the public hearing 10 days in advance for a first meeting. If the Board does not conclude its work at the first meeting, it may continue the issue to a firm time, date, and location without needed to repeat the 10 day posting.

Final approval of a subdivision, as in the Edwards case, does not require a public hearing and therefore does not require additional posting beyond the posting requirements for the meeting itself. This is because it is a factual review of the circumstances: have the conditions been met or not?

250th Birthday Party: The Board reviewed plans for Planning Board involvement in the 250th Birthday Party prepared by staff. They made a few adjustments.

Annual Plan: The Board reviewed its schedule of work and accomplishments related to the Annual Plan and made a few adjustments to avoid conflicts.

Minutes of April 3, 2012: Bob Craycraft moved to approve the minutes of April 3, 2012 as amended. Craig Groom seconded. Approve unanimously.

David Bickford moved to adjourn. Dot Veisel seconded. Approved unanimously at 10:08 PM.

Respectfully submitted,

David Allen,
Land Use Administrative Assistant.