

**MINUTES
NEW DURHAM PLANNING BOARD
5 AUGUST 2014**

Acting Chair Drummey called the meeting to order at 7:07 pm.

Roll Call: Scott Drummey (Acting Chair), Bob Craycraft, Paul Raslavicus, David Swenson (Selectmen's Representative), Terry Chabot (Alternate), Recording Secretary Amy Smith.

Excused: Dot Veisel

Others Present: Tom Varney, PE, Paul Zuzgo, LLS, Videographer Corky Mork, David Bickford, Pamela Anderson, Gary and Theresa Nadeau.

Acting Chair Drummey designated Ms. Chabot to sit in as a voting member.

Public Input: There was no public input.

PUBLIC HEARING - Green Oak Realty Development- Excavation Permit - Kings Highway- Map 219 Lot 005

Acting Chair Drummey opened the public hearing for Green Oak Realty Development for an Excavation Permit for property located on Kings Highway, Map 219 Lot 005. Present for the hearing was Tom Varney, PE. Mr. Varney submitted a water quality test for the Board's review and noted the sample was taken after a rain event. Mr. Varney also submitted a notice from the State Department of Environmental Services (DES) stating he submitted an application for an Alteration of Terrain Permit (ATP). Ms. Smith stated she has received a copy of the permit application from the Town Clerk. Ms. Smith also stated at Green Oak's last public hearing (1 July 2014) Mr. Varney indicated he was waiting for a definitive response from DES regarding the wetland by the brook. Ms. Smith stated the ATP application includes an e-mail from Bill Thomas of DES stating the wetland in question is not a State of New Hampshire jurisdictional wetland. Ms. Smith read the e-mail.

Board members next discussed the bond amount. Mr. Varney explained the difference in the bond amount suggested by the Town Engineer (CMA Engineers) and his figure. Mr. Varney noted the \$64,000 figure CMA Engineers came up with is for reclaiming the entire excavated area. Mr. Varney stated Mr. Babb plans on excavating a section of the pit and reclaiming it prior to excavating a new section. Mr. Varney stated this is why he submitted a figure of \$15,000 for the reclamation bond. Board members reviewed an e-mail from Bill Straub of CMA Engineers stating he had spoken with Mr. Babb and Mr. Babb explained his manner of excavating an area and then reclaiming it prior to excavating another area. Mr. Straub stated a bond amount of \$20,000 may be more appropriate provided the pit is periodically monitored and the applicant's engineer submits a report stating the extent of the excavation and actual reclamation. Board members next discussed how often monitoring should take place and who should do the monitoring. Discussion followed. Mr. Bickford stated he believes the Town's Excavation Regulations already specify how often inspections are to take place. Board members reviewed the Excavation Regulations which state inspections will take place 4 times a year and will be carried out by the Code Enforcement Officer. Ms. Smith noted the Town required \$800 for

inspections for the 4 year period prior to approval of the McKay gravel pit. (\$50/inspection x 4 per year x 4 years).

Acting Chair Drummey asked Mr. Varney if he could send an annual report to the Code Enforcement Officer regarding pit activity and reclamation. Mr. Varney questioned the extent of the report. Acting Chair Drummey stated it did not have to be a new set of plans but a narrative describing the extent of the pit excavation and reclamation. Mr. Varney stated he would do this. Ms. Smith noted the applicant will also need to reimburse the Town for the cost of reviewing the project plans. Ms. Smith noted she has already sent a copy of the invoice to Mr. Babb and the amount is \$991.76.

Mr. Swenson stated he had a general question for all applications and not just for this one specifically. Mr. Swenson questioned if the Board could deny an application if the property taxes for the property in question are not current. Acting Chair Drummey stated tax collection is not in the purview of the Planning Board. Ms. Smith stated she does not check nor has she ever checked if an applicant's property taxes are current prior to processing an application. Board members briefly discussed whether this could legally be done. Board members agreed to have Ms. Smith contact the New Hampshire Municipal Association legal department and find out if a Town can legally deny a permit or application if taxes for the property in question are not current.

Board members reviewed the items still needed for the application: a reclamation bond in the amount of \$20,000, payment to the Town in the amount of \$991.76 to reimburse the cost of CMA Engineers to review the project, a narrative from the applicant's engineer to the Code Enforcement Officer detailing the extent of pit excavation and the associated extent of the actual reclamation due September 1st of every year, \$800 monitoring fee (\$200 for 4 years) for the Code Enforcement Officer to monitor the pit activity, State approved Alteration of Terrain Permit.

Mr. Swenson made a motion to conditionally approve the application for Green Oak Realty Development for an Excavation Permit for property located on Kings Highway, Map 219 Lot 005 contingent upon a reclamation bond in the amount of \$20,000, payment to the Town in the amount of \$991.76 to reimburse the cost of CMA Engineers to review the project, a yearly narrative from the applicant's engineer to the Code Enforcement Officer detailing the extent of pit excavation and the associated extent of the actual reclamation due September 1st of every year, \$800 monitoring fee (\$200 for 4 years) for the Code Enforcement Officer to monitor the pit activity, and the State approved Alteration of Terrain Permit. Mr. Craycraft seconded the motion. The motion was unanimously approved.

Code Enforcement Officer

Mr. Swenson informed Board members the Board of Selectmen hired a new Code Enforcement Officer - Jim Daley. Mr. Swenson gave Board members a brief summation of Mr. Daley's credentials.

ACCEPTANCE & PUBLIC HEARING - Andrew & Pamela Anderson - conditional use permit - to allow the disturbance of 4,763 square feet in order to demolish an existing house and build a new house - 320 South Shore Road - Map 113 Lot 35

At 8:05 pm Acting Chair Drummey opened the acceptance and public hearing for Andrew & Pamela Anderson for a conditional use permit to allow the disturbance of 4,763 square feet in order to demolish an existing house and build a new house for property located at 320 South Shore Road, Map 113 Lot 35. Present for the hearing was Paul Zuzgo, LLS, Mrs. Anderson, Tom Varney, PE. Mr. Zuzgo submitted revised plans for the Board's review. Board members also reviewed the 'Stormwater Management Report' and 'Inspection & Maintenance Manual and Logs' prepared by Mr. Varney.

Mr. Raslavicus referred to Article XVII 'Non-Conforming Buildings, Land or Uses' Sections B, C, D, and F of the Zoning Ordinance. Mr. Raslavicus stated he did not feel the application meets the requirements of the Zoning Ordinance as more than 20% of the lot will be impervious and the structure will be closer than 50 feet to a water body. Acting Chair Drummey noted the structure is not getting any closer to the water than it is now. Mr. Swenson noted there is no increase in impervious area. Discussion followed. Acting Chair Drummey stated he would fully agree with Mr. Raslavicus if the lot in question were a vacant lot, however, the Andersons currently have a structure on the property. Acting Chair Drummey further stated the lot is grandfathered and as long as the Andersons are not building any closer to the water or increasing the amount of impervious surface they are allowed to rebuild on the existing footprint. Mr. Swenson agreed and stated the structure is staying within the same footprint and not increasing the amount of impervious surface or further encroaching on the Lake. Board members did agree the regulations could be worded better.

Mr. Craycraft noted the 'Inspection & Maintenance Manual and Logs' need to have a certification page added and signed by the property owner. Mr. Craycraft also noted there are some labels missing on the plan regarding stormwater management and suggested a note added to the plan referencing the 'Inspection & Maintenance Manual and Logs' by title and date. Board members agreed the plan should have a legend or arrows added for what the textured area on the plan indicates.

Mr. Craycraft made a motion to accept the application of Andrew & Pamela Anderson for a conditional use permit to allow the disturbance of 4,763 square feet in order to demolish an existing house and build a new house for property located at 320 South Shore Road, Map 113 Lot 35 as complete. Mr. Swenson seconded the motion. The motion was unanimously approved.

Acting Chair Drummey opened the public input portion of the hearing. There was no public input. Acting Chair Drummey closed the public input portion of the hearing.

Mr. Craycraft made a motion to conditionally approve the application of Andrew & Pamela Anderson for a conditional use permit to allow the disturbance of 4,763 square feet

in order to demolish an existing house and build a new house for property located at 320 South Shore Road, Map 113 Lot 35 contingent upon a certification page added and signed by the property owner, addition of labels missing on the plan regarding stormwater management, a note added to the plan referencing the ‘Inspection & Maintenance Manual and Logs’ by title and date, adding a legend or arrows to the plan to indicate what the textured area depicts. Ms. Chabot seconded the motion. The motion was approved with four affirmative votes (Chabot, Craycraft, Drummey, Swenson) and one negative vote (Raslavicus).

ACCEPTANCE & PUBLIC HEARING - Gary Nadeau - conditional use permit to allow the disturbance of 6,366 square feet in order to build a garage, new driveway using pervious pavers and add a deck around the house for property located at 69 North Shore Road, Map 109 Lot 26.

At 8:45 pm Acting Chair Drummey opened the acceptance and public hearing for Gary Nadeau for a conditional use permit to allow the disturbance of 6,366 square feet in order to build a garage, new driveway using pervious pavers and add a deck around the house for property located at 69 North Shore Road, Map109 Lot 26. Present for the hearing was Paul Zuzgo, LLS, Tom Varney, PE, Mr. & Mrs. Nadeau. Mr. Zuzgo submitted revised plans for the Board’s review. Board members also reviewed the ‘Stormwater Management Report’ and ‘Inspection & Maintenance Manual and Logs’ prepared by Mr. Varney. Board members noted distances and bearings were missing from the plan on the North West side of the property. Acting Chair Drummey reviewed the checklist. Ms. Smith noted the Nadeaus received their State Shoreland Impact Permit. Items still missing from the plan were the deed reference (book and page number), surveyor’s stamp, and the class of the road (Class V). Mr. Zuzgo asked if the Board wished him to include both the book and page number of the deed and the book and page number of the voluntary merger. Board members stated they would like both references on the plan.

Mr. Craycraft made a motion to accept the application of Gary Nadeau for a conditional use permit to allow the disturbance of 6,366 square feet in order to build a garage, new driveway using pervious pavers and add a deck around the house for property located at 69 North Shore Road, Map109 Lot 26 as complete . Mr. Swenson seconded the motion. The motion was unanimously approved.

Acting Chair Drummey opened the public input portion of the hearing. There was no public input. Acting Chair Drummey closed the public input portion of the hearing.

Mr. Zuzgo explained the proposal to the Board and noted the Nadeaus are reducing the impervious area of the property. Mr. Craycraft asked if the porous asphalt to be used is the standard UNH plan. Mr. Varney stated it is. Mr. Craycraft suggested adding a detailed description of the porous asphalt to the plan and also a note stating ‘porous asphalt installation to be inspected by a professional engineer’. Mr. Raslavicus asked Mr. Nadeau how he planned to maintain the porous asphalt. Mr. Nadeau stated he would periodically vacuum the porous asphalt with a shop vac. Mr. Craycraft noted annual vacuuming of the porous pavement is listed in the

‘Inspection & Maintenance Manual and Logs’. Mr. Nadeau also noted he would not use salt on the porous asphalt during winter months.

Board members noted some corrections that need to be made on the plan. On the road side of the lot, right side ‘porous pavers’ should be changed to ‘porous asphalt’ also in the chart at the top - ‘post construction area’ column - ‘drive’ line ‘pervious pavers’ should be changed to ‘porous asphalt’, the bottom right of the lot (lake side) ‘reconstructed patio w/ permeable pavers and infiltration bed’ should be changed to ‘reconstructed permeable patio and infiltration bed’.

Mr. Craycraft noted the ‘Inspection & Maintenance Manual and Logs’ need to have a certification page added and signed by the property owner. Also a note added to the plan referencing the ‘Inspection & Maintenance Manual and Logs’ by title and date.

Mr. Craycraft made a motion to approve the application of Gary Nadeau for a conditional use permit to allow the disturbance of 6,366 square feet in order to build a garage, new driveway using pervious pavers and add a deck around the house for property located at 69 North Shore Road, Map109 Lot 26 contingent upon adding a detailed description of the porous asphalt to the plan, a note stating ‘porous asphalt installation to be inspected by a professional engineer, ‘Inspection & Maintenance Manual and Logs’ need to have a certification page added and signed by the property owner, a note added to the plan referencing the ‘Inspection & Maintenance Manual and Logs’ by title and date, corrections to wording on the plan, deed reference (book and page number) and book and page number of the recorded voluntary merger document added to the plan, surveyor’s stamp, distances and bearings added to the plan on the North West side of the property and the class of the road (Class V) added to the plan. Mr. Raslavicus seconded the motion. The motion was unanimously approved.

Review of Mail

There was no mail.

Review of Minutes

Board members reviewed the minutes of 15 July 2014. Acting Chair Drummey noted on page 3, second paragraph, add “There was none.” after the first sentence. **Mr. Craycraft made a motion to approve the minutes of 15 July 2014 as amended. Mr. Raslavicus seconded the motion. The motion was unanimously approved.**

Zoning Ordinance Edit

Ms. Smith passed out the draft Zoning Ordinance document prepared by Elaine Planchet. Acting Chair Drummey asked Board members to review the document as ‘homework’ and asked Ms. Smith to put the Zoning Ordinance Edit on the agenda for the 19 August 2014 meeting.

Acting Chair Drummey informed Board members he may not be able to attend the 19 August 2014 meeting.

Town Owned Property

Ms. Smith passed out a list of Town owned property she received from the Town Administrator. Ms. Smith stated the Town Administrator asked her to forward the list to the Conservation Commission and Planning Board members for their input on the properties owned by the Town. Mr. Swenson stated the Board of Selectmen met with a real estate agent and representatives of an auctioneering firm to discuss the possible sale of Town owned property. Mr. Swenson stated the Board of Selectmen is looking for input from the Board. Acting Chair Drummey suggested reserving some lots for playgrounds and community gardens. Mr. Swenson asked Board members to review the pieces and come up with suggestions. Discussion followed regarding who would be eligible to purchase the properties, where the money goes if a property is sold, and the type of input the Board of Selectmen is looking for. Acting Chair Drummey asked Board members to come up with suggestions for the 19 August 2014 meeting.

School Impact Fee Update

Ms. Smith passed out the updated School Impact Fee document prepared by Bruce Mayberry.

At 10:12 pm Mr. Raslavicus made a motion to adjourn. Mr. Craycraft seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary