

**MINUTES
NEW DURHAM PLANNING BOARD
1 JULY 2014**

Acting Chair Drummey called the meeting to order at 7:10 pm.

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

Excused: Terry Chabot (Alternate)

Others Present: David Bickford, Keith Babb, Tom Varney, PE, Paul Zuzgo, LLS, Videographer Jim Ladd, Lorna Hardy, James Hardy, Tom and Ellen Mason.

Acting Chair Drummey took a moment to note Alternate Planning Board member Craig Groom died unexpectedly while in Alaska. Vice Chair Drummey stated Mr. Groom will be missed by the Board.

Public Input: There was no public input.

PUBLIC HEARING - Green Oak Realty Development - Excavation Permit- Kings Highway-Map 219 Lot 5

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 5. Present for the hearing were Tom Varney, PE and Keith Babb. Mr. Varney stated he had e-mailed a letter from a Realtor regarding diminution of surrounding property to Ms. Smith. Board members noted they were in receipt of the letter. Mr. Varney also stated that he has been in contact with Bill Thomas of NH Department of Environmental Services (DES) in Concord regarding the wetland by the brook. Mr. Varney stated that wetland is a manmade wetland and DES reviews manmade wetlands on a case by case basis. Mr. Varney stated in speaking with Mr. Thomas the wetland in question will most likely not require a State wetlands permit but he has not yet received a definitive response from DES.

Board members next reviewed the reclamation bond estimates prepared by Mr. Varney and the Town Engineer - CMA Engineers, Inc. There was a very large discrepancy between the value Mr. Varney calculated for 'Erosion Control Matting' and the value CMA Engineers came up with. As a result the bond value suggested by CMA Engineers was much higher - \$64,000 - compared to Varney Engineering's bond figure of \$15,000. The current reclamation bond on the pit is \$2,500. Acting Chair Drummey asked Mr. Varney if his bond figure included the cost of labor. Mr. Varney stated his estimate included \$7,600 for heavy equipment (bull dozer and excavator) and \$600 for manual labor for someone to rake out the material. Mr. Babb stated, he felt, the \$64,000 bond amount is way more than it should be and suggested getting estimates from a couple of local contractors. Mr. Babb also noted he has other pits with much larger areas to reclaim that do not have a \$64,000 reclamation bond. Mr. Swenson asked the cost per \$1,000 for a reclamation bond and suggested if there was not much difference in cost he may want to just get the \$64,000 bond. Mr. Babb stated he is not exactly sure of the cost per \$1,000 for the bond but he does know there would be a substantial increase in cost for a \$64,000 bond

compared to a \$15,000 bond. Acting Chair Drummey suggested Mr. Varney or Mr. Babb contact CMA Engineers to try and resolve the discrepancy. Ms. Veisel stated Mr. Babb's earlier suggestion of obtaining two estimates from area contractors for the reclamation work is a good idea. Board members agreed.

Ms. Smith asked about the State Site Specific/Alteration of Terrain permit. Mr. Varney stated it is pending. Mr. Babb stated since this is the final stage of the pit he is waiting for the plan approved by the Planning Board to submit as a final plan to the State. Acting Chair Drummey asked about the water quality test. Mr. Varney stated he did gather samples after the last rain storm but there was an issue getting them to the lab so he will gather more samples.

Mr. Craycraft made a motion to recess the public hearing of Green Oak Realty Development for an Excavation Permit for property located on Kings Highway, Map 219 Lot 5 until 5 August 2014 at 7 pm at the Town Hall. Mr. Raslavicus seconded the motion. The motion was unanimously approved.

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 7:40 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. Mr. Zuzgo stated he would like to request the hearing be recessed until 5 August 2014. Mr. Raslavicus stated prior to the Board recessing the acceptance and public hearing he would like to point out that neither Mr. Zuzgo nor the applicants were in attendance at the Board's scheduled site walk of 13 June 2014 and as a result members did not have access to the interior of the building and could not fully evaluate the application. It was noted that the Board did have questions regarding the proposal that are outlined in the 13 June 2014 site walk minutes. Ms. Smith stated she would e-mail the minutes to Mr. Zuzgo once they are approved by the Board. Mr. Zuzgo suggested having the Code Enforcement Officer evaluate the interior of the building. Board members agreed this is a good idea but Planning Board members may also want to attend. Board members suggested since the Code Enforcement Officer is in New Durham on Thursday evenings scheduling the site walk then. A tentative date of 24 July 2014 was decided but would need to be confirmed by the CEO along with a time. Ms. Smith noted if more than two Planning Board members attend the site walk it would be considered a quorum of the Board and would need to be posted. Mr. Swenson suggested once the date and time are confirmed, Ms. Smith post the meeting that way if three (or more) Board members attend the site walk there would not be an issue.

Mr. Craycraft made a motion to recess 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 until 5 August 2014 at 7:30 pm at the Town Hall. Ms. Veisel seconded the motion. The motion was unanimously approved.

Review of Minutes

Board members reviewed the site walk minutes of 13 June 2014. Ms. Smith noted there is a typo in the word 'present' and also noted Mr. Raslavicus pointed out that Susan Raslavicus should be included under 'Others Present'. Mr. Raslavicus suggested under the heading 'The Board was not able to fully understand the following:' adding "Interior of the Building". **Mr. Craycraft made a motion to approve the site walk minutes of 13 June 2014 as amended. Mr. Raslavicus seconded the motion. The motion was approved with four affirmative votes (Craycraft, Drummey, Raslavicus, Swenson) and one abstention (Veisel).**

Board members reviewed the minutes of 17 June 2014. Mr. Raslavicus noted on Page 1, 2nd paragraph under the heading 'Public Hearing' changing the first sentence to read 'Mr. Raslavicus noted at a previous hearing Ms. Veisel made a motion to include waste disposal in the Impact Study.' In the same paragraph, 4th line down adding 'based on the requirements in the Site Plan Review Regulations Section VII - B -25' after the word "building". On page 2, 2nd line, changing the word "stated" to 'read' and inserting the word 'which' between "permit" and "states". Changing the second paragraph of page 2 to read 'Mr. Raslavicus suggested incorporating the most recent Cameron's Home and Garden Center landscape plan onto the plan to be recorded. There were no objections from the Board. Mr. Raslavicus also stated that an 'Operation & Maintenance Log' for weed control, irrigation, and landscape maintenance is required by the Town Center Ordinance.' Page 2, 3rd paragraph adding 'She also stated per Zoning Ordinance Article XVI - F, signs may be illuminated at the discretion of the owner using external white incandescent or fluorescent lighting.' Page 2, 4th paragraph, 2nd to last sentence deleting the words 'that are not people who bought a vehicle from Mr. Maynard' to 'whether or not they purchased the vehicles from him.' **Ms. Veisel made a motion to approve the minutes of 17 June 2014 as amended. Mr. Raslavicus seconded the motion. The motion was approved with three affirmative votes (Raslavicus, Drummey, Veisel) and 2 abstentions (Craycraft, Swenson).**

ACCEPTANCE & PUBLIC HEARING – Lorna F. Hardy – 2 lot subdivision – 222 Old Bay Road – Map 253 Lot 3

At 8:10 pm Acting Chair Drummey opened the acceptance and public hearing for Lorna F. Hardy for a 2 lot subdivision for property located at 222 Old Bay Road, Map 253 Lot 3. Present for the hearing was Paul Zuzgo, LLS, Lorna Hardy, James Hardy, Tom and Ellen Mason. Mr. Zuzgo stated he received the test pit data from soil scientist Cynthia Balcius and submitted the test pit log to the Board. Mr. Zuzgo also stated 3 acres of topography is shown on the large lot to prove it is a buildable lot. Mr. Zuzgo stated the soil type comparison of State approved soil types with soil types listed in the Town's Zoning Ordinance has not yet been done. Board members reviewed an 11 x 17 plan showing the topography and test pit location. Mr. Craycraft stated a site walk of the property did take place (21 June 2014) but only he and Acting Chair Drummey of the Planning Board attended so there are no minutes as there was no quorum. Mr. Craycraft stated he and Mr. Drummey walked the property with Mr. Hardy and Mr. Mason and noted a test pit, delineated wetlands, property boundaries and potential house site.

Mr. Craycraft noted any wetlands that occur in the area where Mr. Zuzgo has shown topography need to be shown on the plan. Mr. Craycraft also stated soil mapping showing the soil based lot sizing requirements have been met must also be shown on the plan. Mr. Craycraft asked if Mr. Zuzgo has an updated waiver request. Mr. Zuzgo stated he did not. Mr. Craycraft suggested the applicant's agent and/or the applicant review the Stormwater Management and Erosion Control Ordinance and the associated Stormwater Management Regulations. Ms. Smith noted she forwarded Mr. Craycraft's 8 June 2014 e-mail that noted this to Mr. Zuzgo on 9 June 2014. Mr. Zuzgo stated he did receive the e-mail. Mr. Mason requested any future e-mails sent to Mr. Zuzgo regarding this application be copied to Mrs. Hardy (the applicant) as well. Ms. Smith obtained Mrs. Hardy's e-mail address.

Board members reviewed items needed to show the proposed lot is a buildable lot: any wetlands that occur within the area where topography has been shown need to be delineated, soil mapping showing the soil based lot sizing requirements have been met must be shown on the plan, proposed driveway and home site need to be shown on the plan. Also the applicant's agent and/or the applicant need to review the Stormwater Management and Erosion Control Ordinance and the associated Stormwater Management Regulations to ensure the proposal is in compliance. **Mr. Craycraft made a motion to recess the acceptance and public hearing for Lorna F. Hardy for a 2 lot subdivision for property located at 222 Old Bay Road, Map 253 Lot 3 until 15 July 2014 at 8 pm at the Town Hall. Mr. Swenson seconded the motion. The motion was unanimously approved.**

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 & add a deck around the house - 69 North Shore Road – Map 109 Lot 26

At 8:40 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 & add a deck around the house for property located at 69 North Shore Road, Map 109 Lot 26. Ms. Smith read a letter from Mr. Nadeau requesting his hearing be recessed until 5 August 2014. Ms. Smith informed Mr. Zuzgo he needs to submit 8 copies of both the 11 x 17 plans and full size plans.

Mr. Craycraft made a motion to recess 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 & add a deck around the house for property located at 69 North Shore Road, Map 109 Lot 26 until 5 August 2014 at 8:15 pm at the Town Hall. Ms. Veisel seconded the motion. The motion was unanimously approved.

Review of Mail

Board members reviewed the mail.

Miscellaneous

Mr. Raslavicus stated both he and Ms. Veisel had experienced difficulty with audio when watching meetings over the internet. Mr. Craycraft stated he had also experienced audio issues within the first few minutes of a meeting then it was fine. Videographer Jim Ladd stated a piece of the recording equipment failed at the 23 June 2014 Board of Selectmen's meeting so it is possible it was on its way out and this caused the audio issue. Acting Chair Drummey suggested it could also be due to Mr. Raslavicus moving too quickly from one section of the meeting to another and the webcast didn't have proper buffering time.

At 9:02 pm Mr. Craycraft made a motion to adjourn. Ms. Veisel seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary