

Central New Hampshire Regional Planning Commission

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DATE: JUNE 9, 2020
TO: DEERING PLANNING BOARD
FROM: MATT MONAHAN, CNHRPC
SUBJECT: SHORELAND PROTECITON ORDINANCE & WATERSHED PROTECTION OVERLAY REVIEW & COMMENT; 11 RESERVOIR DR
CC: BILL DEMOTTA (via email)

DESCRIPTION OF THE PROPOSAL

The applicant, Bill Demotta, submitted materials for review for Map 228, Lot 10-1, and totaling 12.2 +/- acres on land owned by the same for the purpose of constructing a new single family home, a septic system, and a driveway permit. The site is located at 11 Reservoir Drive, within the Watershed Protection Overlay District. The current use on the site is vacant land.

ADMINISTRATIVE DETAILS

CNHRPC received a set of plans for the materials for review between June 1 and June 9, 2020. Pursuant to the request of the Town of Deering Planning Board, CNHRPC has reviewed the plans for compliance with the Deering Zoning Ordinance, Article 4, Section 4, Shoreland Protection and Article 4, Section 5, Watershed Protection District and applicable requirements. This memorandum is intended to apprise the Planning Board of requirements of the Shoreland Protection Ordinance and the Watershed Protection District that should be considered with this proposal. Finally, it should be noted that the Planning Board’s role is to provide review and comment to the Building Inspector during the issuance of a Building Permit; the Board is not acting to approve or deny a Building Permit (RSA 674:21, Innovative Land use; Zoning Ordinance Article 4, Section 4.10.c and Article 4, Section 5.1).

SUMMARY OF SUBMITTED ELEMENTS

CNHRPC has reviewed the following plans and documents:

1. A project narrative.
2. A Town of Deering Major building Permit Application, with structure renderings.
3. A Town of Deering Driveway Permit Application.
4. A Town of Deering Tax Card.
5. A Town of Deering Tax Map.
6. A Town of Deering Application for Construction of an Individual Sewage Disposal System.
7. A plan set entitled STORMWATER INFILTRATION & MANAGEMENT PLAN LOT 228-10-1 PREPARED FOR WILLIAM DEMOTTA DEERING, NEW HAMPSHIRE and dated June 8, 2020 and consisted of one sheet as prepared by Meridian Land Services, Inc. of Amherst, NH.
8. A plan set accompanying the Application for Construction of an Individual Sewage Disposal System entitled RESIDENTIAL SEPTIC DESIGN TAX MAP 228 LOT 10-1, RESERVOIR DRIVE DEERING, NH PREPARED FOR WILLIAM DEMOTTA

FAMILY TRUST, 11 RESERVOIR DRIVE, DEERING NH 03244 and dated August 16, 2019 and consisted of one sheet as prepared by J.E. Belanger Land Surveying, P.L.L.C. of Dunbarton, NH.

SUMMARY HIGHLIGHTS AND MAJOR ISSUES

This overall summary highlights the major issues to be reviewed by the Board. Please refer to the whole memorandum for the full description of all the issues and concerns associated with the proposal, as well as additional details that pertain to the major issues listed below.

Major areas of focus for the project include:

- Major Issues:
 1. The Board needs to review and comment on two ordinances: Article 4, Section 4 and one for Article 4, Section 5.
 2. NHDES approval of the septic system will be required (4.4.8.a).
 3. A building permit will need to be secured from the Building Inspector by the applicant following Planning Board review and comment (4.5.3). Comments and concerns identified by the Planning Board should be conveyed to the Building Inspector in writing.
 4. Technical reviews pertaining to septic design, building code, and other construction details fall within the jurisdiction of the Building Inspector.
 5. Driveway permit (curb cut location, culverts) fall within the jurisdiction of the Road Agent as part of the driveway permit process.

- Potential Concerns the Planning Board Should Convey to Building Inspector:
 1. That lawn shall not exceed 10% of all dry land of the lot should be a Building Permit condition.
 2. That septic tanks must be pumped by a licensed hauler and a report sent to the Administrative Assistant within 30 days of pumping should be a Building Permit condition.
 3. Any other recommendations identified by the Board.

PLANNING BOARD ACTIVITIES

1. CHAIR READS PROPOSAL AS PRESENTED ON AGENDA:
Chair reads the Description of the Proposal and the Administrative Details on Page 1 of this memorandum.

2. APPLICANT'S PRESENTATION.
Following formal recognition by the Chair, the Applicant or agent presents an overview of the proposal (background, existing use, proposed use, what is around the site, and any other relevant items or considerations).

3. BOARD REVIEWS AND COMMENTS ON THE PROPOSAL.
Following the applicant's presentation, the Chair opens discussion on the proposal. Board reviews the specific provisions of the ordinances that they are tasked with commenting on.

4. CHAIR CLOSES REVIEW AND COMMENT PERIOD; PLANNING BOARD VOTES ON COMMENTS TO BE PROVIDED TO THE BUILDING INSPECTOR
Board votes to formally define comments on the application. Action will consist of two votes. One will be for 4.4 and one for 4.5.

The first vote should be in regard to the "...construction and dimensions of the structure are consistent with the intent of Article 4 and this Article..." as discussed in 4.4.10.c and the vote will need to cite that section specifically.

The second vote must be in accordance with Article 4, Section 5.3 (Administration) of the Zoning Ordinance and must cite that section specifically as well.

PLANNER CONCERNS

The items described below represent the Planner's review of the proposal in the context of the Planning Board's scope of review as described in each ordinance. The Board should review each of cited ordinance sections prior to their review and comment.

PLANNER CONCERNS

Deering Shoreland District Requirements (Article 4, Section 4):

1. Shoreland District Requirement (4.4.10.c) – Section 4.4.10 establishes a 50' setback from the reference line for all structures. The Planning Board determines that the... "construction and dimensions of the structure are consistent with the intent of Article 4 and this Article..." Applicant shows that the reference line is not within 50' of development.

Deering Watershed Protection District Requirements (Article 4, Section 5):

1. Watershed District Requirement (4.5.6) – Section 4.5.6, Review Criteria, spells out the specific scope of the Planning Board's review as follows:
 - a) No more than 10% of dry land may be lawn: The Board should recommend that, as a Building Permit condition of approval, lawn shall not exceed 10% of all dry land of the lot.
 - b) "BMPs" for to neutralize pollutants to be employed; no holding ponds permitted: The applicant does not show any holding ponds on the stormwater plan.
 - c) Grading of the site must minimize erosion: The stormwater plan shows a modest slope away from the proposed improvements. Additionally, siltation fencing/berms are depicted around the entirety of the improvements to limit any erosion downslope from the site. Finally, though the length of the driveway is fairly long, it is relatively flat.
 - d) Septic tanks must be pumped by a licensed hauler and a report sent to the Administrative Assistant within 30 days of pumping: The Board should recommend this as a Building Permit condition of approval.
 - e) Activities involving potential contamination must include a Spill Prevention Control and Countermeasures Plan (SPCC Plan): As a residential development the proposal does not include any commercial or industrial elements.

OTHER COMMENTS

The following are advisory comments.

2. The concerns identified by the Board should be conveyed to the Building Inspector in writing within five business days.