

**Central New Hampshire Regional Planning Commission**

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**DATE: JUNE 9, 2020**

**TO: DEERING PLANNING BOARD**

**FROM: MATT MONAHAN, CNHRPC**

**SUBJECT: SHORELAND PROTECTION ORDINANCE & WATERSHED PROTECTION OVERLAY REVIEW & COMMENT; 21 ZOSKI ROAD**

**CC: IAN AND CONCORDIA LANE (via email)**

**DESCRIPTION OF THE PROPOSAL**

The applicants, Ian and Concordia Lane, submitted materials for review for Map 229, Lot 30, and of an unknown acreage on land owned by the same for the purpose of replacing a septic system. The site is located at 21 Zoski Road within the Watershed Protection Overlay District. The current use on the site is a single family home.

**ADMINISTRATIVE DETAILS**

CNHRPC received a set of plans for the materials for review on May 27, 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 the Septic Permit; the Board is not acting to approve or deny the Septic 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 Town of Deering Tax Map.
2. A Town of Deering Septic Permit Application.

**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 absence of a narrative and plan set made it somewhat difficult to review relevant Planning Board criteria. As such, CNHRPC relied solely on the information from the septic application to conduct the review.
  2. The Board needs to review and comment on two ordinances: Article 4, Section 4 and one for Article 4, Section 5.

3. NHDES approval of the septic system will be required (4.4.8.a).
  4. Technical reviews pertaining to septic design, building code, and other construction details fall within the jurisdiction of the Building Inspector.
- Potential Concerns the Planning Board Should Convey to Building Inspector:
1. That any lawn shall not exceed 10% of all dry land of the lot should be a Septic 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 Septic 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...” The materials received by CNHRPC did not include a plan set so setback from the reference line could not be reviewed.

**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 Septic 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: As the proposal is for a replacement septic tank there will presumably be no new holding ponds.
  - c) Grading of the site must minimize erosion: As the proposal is for a replacement septic tank there will presumably be no new grading and potential erosion.
  - 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 Septic 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.