

DRAFT MINUTES

NEW DURHAM PLANNING BOARD

DECEMBER 5, 2006

A video recording of this meeting is on file with Office of Town Clerk. It is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.

Chairman Bob Craycraft called the meeting to order at 7:05 PM.

Roll Call: Ron Gehl (Selectmen's Representative), Bob Craycraft (Chair), Cathy Orlowicz (Alternate), George Gale (Alternate), David Lindberg **Excused Absences:** Donald Voltz (Vice-Chair), Mike Clarke **Unexcused Absence:** Christopher LaPierre.

1. **Public Input.** Chair Bob Craycraft asked if there was any public comment or input on subjects that are not on the agenda. There was none.
2. **Community Center:** Continued Public Hearing regarding a proposed site-plan for a Community Center to be submitted by Chris Berry of Berry Surveying & Engineering on behalf of applicant Jayne Morell for property located at 5 Main Street (Map 9, Lot 83).

David Allen reported that the applicant requested a continuation of the public hearing and consideration of the proposal.

3. **Conceptual Discussion:** Conceptual Discussion regarding a potential 2-lot subdivision that would be submitted by Donald Wright of Wright Survey on behalf of applicant James O'Reilly for property located at 41 Copple Crown Road (Map 27, Lot 6).

Donald (Ted) Write spoke on behalf of the applicant. Mr. Wright asked if it was necessary to fulfill all requirements of the subdivision regulations for the entire lot in order to subdivide a couple of acres from a 75 acre lot. Ron Gehl noted that in previous situations the Board had asked to show all requirements on enough of the remainder lot that the Board can see that there is an adequate space for a building and septic.

There was considerable discussion about the road that the lot fronts on. Part of the lot is on the portion of the road that has been paved by neighbor. Mark Fuller said that it is class 5 from Kings Highway to where the highway vehicles

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turn around. The balance is Class 6 from the entrance to golf course up. Ron Gehl pointed out that the Planning Board cannot approve a lot on a class 6 road. Mr. Wright suggested that they could create a private road with adequate frontage. Bob Craycraft said the prior owner, Mr. Stevens, had also looked at subdividing and had stopped because of the Class 6 road issue. Mr Wright said it sounds as if they have 3 options:

1. Apply for a variance from the Class 6 guideline;
 2. Build a road to Town specifications and persuade the Town to take over ownership; or
 3. Build the road as a private road along side his driveway.
4. Zoning Board Special Exception: On November 8, 2006 the Town of New Durham Zoning Board of Adjustment conditionally approved an application submitted by Michael C Appe for a Special Exception to Article IX, Section D which prohibits uses in wetlands which “alter...the natural surface configuration by the addition of fill...” The application was filed by Mr. Appe on behalf of Southern Spectrum, LLC for property located off Old Bay Road (Tax Map 12B, Lot 3) in New Durham. This request has been approved by the New Durham Conservation Commission after a site walk, and by the New Hampshire DES. The ZBA conditionally agreed with Mr. Appe that his proposal to build a bridge across Hayes Brook meets the criteria in Article IX, Section E for special exceptions. The condition of approval is that there is no objection from the Planning Board to this action.

The Board reviewed the file and no member had any objections. **David Lindberg moved to notify the ZBA that the Planning Board has no objections to granting a Special Exception, under the terms of Article IX, Section E of the Zoning Ordinance, to Southern Spectrum, LLC for property located off Bay Road at Map 12B, Lot 3. Mike Clarke seconded. Cathy Orłowicz sitting for Don Voltz. Unanimous with no abstentions**

Roadway-Related Subdivision Regulations. Road Agent Mark Fuller explained the need for regulation of cul de sacs based on the fact that some cul de sacs have been developed recently that do not work well for the highway department.

He proposes that the Planning Board extend the existing specifications for intersections that are in the Roadway-Related Subdivision Regulations to cover cul-de-sacs also.

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Bob Craycraft pointed out that item #50 in the regulations refers to a state regulation. He asked Road Agent Fuller if he knew exactly what is in the regulation. Fuller said he was not sure. Ron Gehl said it would be important to check it. David Lindberg suggested that Fuller check it out, and bring a copy to David Allen to distribute to the Board. Bob Craycraft said the issue would be continued and it did not require formal action to continue it.

Board members reviewed the final copy of the Driveway Rules & Regulations and signed the certification page. Ron Gehl had to leave for a Selectmen's meeting.

Amendments to the Zoning Ordinance, Conversion to Year Round Use

David Lindberg shared a draft of an amendment to Article 7H of the Zoning Ordinance. If an applicant for a building permit wants to convert a primary residence in the Shoreland Protection area to year round use they must first have a 4 bedroom septic tank, and if it will be used in the winter they must bring the whole house up to the current energy code.

Some board members felt it would be adequate for the house to have a septic system that meets current requirements for the number of bedrooms in the house. There was also concern that limiting this requirement to primary residences could allow some structures to slip through the requirements.

Amendments to the Zoning Ordinance, Duplexes

David Lindberg shared a draft of an amendment to Article 4c. It would allow a duplex to be constructed on any conforming lot as long as the total number of bedrooms does not exceed the number of bedrooms that would be allowed for a single family home.

Lindberg said the purpose was to increase the availability of workforce housing. George Gale suggested that a likely result would be an increase in rental units and density in the town.

Riparian Buffer Ordinance: Bob Craycraft distributed the most recent draft from Steve Whitman and Chris Kane that incorporates suggestions from the last discussion.

There was consensus that it would be helpful to property owners to have recommendations included in the ordinance even if they are not to be enforced,

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because many property owners want to do the right thing but don't know what that is.

Considerable discussion on the sections regarding pre-existing lots. Most members were comfortable with the proposed language.

The consultants proposed 3 options on how to address the sticky question of what kind of buffer areas to require for small wet areas on otherwise buildable lots. There was agreement to incorporate the first of the 3 options proposed by the consultants.

David Lindberg expressed concern that traditional or pre-existing agricultural uses could be limited. The draft ordinance does exempt agricultural uses.

The board discussed applicability of the ordinance to forestry. Members felt it was not necessary to have a licensed forester for non-commercial cutting. David Lindberg suggested the same setbacks as in Table 1A apply to forestry. Board members agreed.

George Gale pointed out that wording had been added to clarify the definition of seasonal stream so that it would not include seasonal wetness in a field or pasture.

The Board agreed to name the ordinance the "Water Quality Protection Ordinance."

David Lindberg moved to send the Water Quality Protection Ordinance as edited at this meeting to Town Counsel for legal review. George Gale seconded. Cathy Orlowicz sitting for Mike Clarke. Unanimous with no abstentions.

Bob Craycraft asked board members to review the proposed site plan review checklist and send comments to David Allen.

Capital Improvement Plan: David Lindberg moved to schedule the Capital Improvement Plan for Public Hearing on January 9. Mike Clarke seconded. Unanimous with no abstentions.

Chair Craycraft said review of minutes would be carried over to the next meeting.

David Lindberg moved to adjourn. Mike Clarke seconded. Unanimous with no abstentions. Adjourned at 9:42 PM

Respectfully submitted,

David Allen, Recording Secretary