

# MINUTES

## NEW DURHAM PLANNING BOARD

### JANUARY 22, 2008

Chair Cathy Orlowicz called the meeting to order at 7:08 PM

**Roll Call:** Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), Ron Gehl (Selectmen's Alternate), Paul Raslavicus, Paddy McHale (Alternate). **Excused:** Don Voltz, Peter Rhoades (Selectmen's Representative). **Unexcused:** George Gale (Alternate), Chris LaPierre (Alternate)

**Others Present:** Gigi Giambanco, Bill Malay, David Bickford, Mike Gelinis, Julie LaBranche

**Public Input:** There was no public input.

**Open Space Conservation Subdivision Amendments:** David Allen noted for the board that the draft amendments that had been mailed out to the Board were the copy the board was reviewing. He said the Board had agreed at the 1/8 public hearing to include "equestrian" trails as protected and that change needed to be added to the draft. Bob Craycraft pointed out the correct name of the group was "The Land Conservation Plan for New Hampshire's Coastal Watersheds"

Paul Raslavicus suggested several edits for clarity: Add the word "also" prior to the words "Section E-2" of Section B-7. Clarify that the "value" that is referred to in Section C-5 is "property value" by inserting the word "property" prior to the word "value". Change the word "biking" to "bicycling" wherever it occurs to clarify the reference does not include motorized bikes.

Chair Orlowicz opened the issue for public input at 7:21 PM. There was none. She closed the public input at 7:22 PM. She said the changes that had been made were non-substantive and would not require a third public hearing. She asked Paddy McHale to sit for Don Voltz.

**Bob Craycraft moved to place the Amendments to Article V, Open Space Conservation Subdivision, as edited this evening, on the ballot for Town Meeting 2008. Ron Gehl seconded. Unanimous with no abstentions.**

**Steep Slopes:** David Allen said the board had discussed several significant changes to this proposed Ordinance at its January 22 working session and these changes were

reflected in a revised draft distributed at this evening's meeting. Cathy Orlowicz noted that important changes had been discussed to the table of restrictions.

Paul Raslavicus requested that the Board again change the word "biking" to "bicycling". Julie LaBranche, Senior Planner from the Strafford Regional Planning Council pointed out that small construction projects on steep slopes would not be affected by the proposed ordinance until they were big enough to disturb 500 square feet of steep slopes. Ron Gehl further noted that a project larger than 500 square feet could also be exempt from the requirements of the ordinance if most of the disturbance was on slopes less than 15%. He said he hoped this would encourage landowners to move their construction away from steeper parts of their lots to areas with less slope.

Julie LaBranche went on to point out that the ordinance also provided wide latitude for existing lots of record, and emphasized that the primary target of the ordinance was for new subdivision development.

Cathy Orlowicz said she was under the understanding that the Board had intended the restrictions on pre-existing lots to apply only to pre-existing lots that had not yet been built upon. After significant discussion the Board agreed to specify different limitations for lots of record which already had a house, and lots of record with no dwelling as follows:

1. Residential development on a pre-existing lot of record
  - a. If the lot is not developed and disturbs an area of steep slopes less than 10,000 square feet of steep slopes or 25% of the square footage of the lot, whichever is less; or
  - b. If the lot is developed and new development disturbs less than 2000 square feet or 15% of the square footage of the lot, whichever is less.

Chair Orlowicz opened the issue for public input at 8:15 PM. Mike Gelinas said he felt it would be easier for people to understand if the table was reformatted to show the rules for existing lots of record in one column, and the rules for new subdivisions in a different column. He stated concern about the costs involved in applying for a conditional use permit, and he said he would prefer to see the ordinance take effect at a slope of 17% rather than 15%; and the town engineer authorized to grant a conditional use permit so it did not have to come before the Planning Board.

Ron Gehl responded that he had given considerable thought to the issue of enforcement and felt it could be done quite simply with the use of an "inclinometer"—a simple device for measuring slope—that would cost the Town only about \$100. He agreed that a few sites would be more costly to design and

added those sites were the ones with the most potential for erosion and should be very carefully planned.

Cathy Orlowicz stated she wanted it on the record that she had always advocated that the ordinance take effect at a 17% slope instead of 15%.

David Bickford asked why the ordinance should limit the width of a new trail to 6'. He said the landowner should be able to decide the width of a trail on his or her property. There was a long discussion related to this comment with a couple of board members pointing out that the concerns were related to erosion and storm water drainage and this was a means to prevent those problems. Eventually Chair Orlowicz asked if there was a consensus of board members to leave the wording as drafted. Board members agreed.

Chair Orlowicz closed the public input at 8:50 PM after checking with members of the public to see if there was any additional comment. She stated that the Board had made some significant changes in the proposed ordinance which would require an additional public hearing.

Ron Gehl raised a concern about the accuracy of the map of steep slopes that had been prepared by the Strafford Regional Planning Commission. He said he had checked out a map created with data from the Granite GIS system and it was very different. Bob Craycraft concurred with Mr. Gehl's concerns. Julie LaBranche agreed to carry the concerns to Dale Abbott, the SRPC GIS staff person and see if they could be corrected and a new map prepared.

**Bob Craycraft moved to approve the changes to the proposed Steep Slope ordinance as presented and agreed to in tonight's meeting. Paddy McHale seconded. Unanimous with no abstentions.**

**Conservation Focus Areas:** David Allen told the Board that the draft of the ordinance before the Board incorporated all the changes the Board had discussed at its last two meetings with the addition of two edits: the references to "biking" trails had been changed to "bicycling" and the name of the "The Land Conservation Plan for New Hampshire's Coastal Watersheds" had been corrected. Chair Cathy Orlowicz asked Board members if they had any questions or comments on the proposed ordinance as it stands now. There were no concerns.

At 9:05 she opened the issue for public input. Bill Malay told the board there were some other areas in the town that the Conservation Commission had identified in the past few years as very high priorities for protection. He stated some of these areas had been identified as part of a natural resources inventory conducted by University

of New Hampshire students, and asked if it would be possible in the near future to bring these areas under the protection of this ordinance.

Bob Craycraft noted that the six areas covered by the proposed ordinance had been selected based on consensus set of scientific criteria developed as part of the "The Land Conservation Plan for New Hampshire's Coastal Watersheds". He said he thought it would be quite possible to add additional areas if there was a similar clear and accepted set of criteria used to identify them. Paul Raslavicus said it would make it easier for the Planning Board to take that action if the Conservation Commission provided a specific recommendation to them. There was no additional public input and Chair Orlowicz closed the public input at 9:08 PM. She said that some of the changes the Board had incorporated into the proposed ordinance were significant and it would need to go to public hearing again.

Paul Raslavicus moved to accept the proposed ordinance as presented and with the two editorial amendments and to move the proposal to a second public hearing on February 5. Bob Craycraft seconded. Unanimous with no abstentions.

**Used Materials Storage:** Chair Cathy Orlowicz noted that the Board had agreed to several changes in the draft ordinance at its last meeting asked Board members if they had any questions or comments on the proposed ordinance as it stands with those changes. There were no concerns. She opened the issue for public input at 9:10 PM. There was no input from the public. She closed the public input at 9:12 PM.

Paddy McHale moved to approve the amendments as shown on the second draft of the ordinance before the Board, approve the proposed ordinance as amended. Ron Gehl seconded. Unanimous with no abstentions.

**Paddy McHale moved to place the proposed ordinance on the agenda for a second public hearing on February 5, 2008. Paul Raslavicus seconded. Unanimous with no abstentions.**

**Recreational Vehicles:** Chair Cathy Orlowicz asked Board members if they had any questions or comments on the proposed ordinance as it stands now. Paul Raslavicus noted that the board had agreed on January 15 to add the following wording as item # 5 in the list of criteria: "is parked at least 75' from the shoreline." The Board agreed to add that wording. Chair Orlowicz opened the issue to public input at 9:21 PM. There was no public input. She closed the public input at 9:22 PM.

**Bob Craycraft moved to accept the proposed amendment to the Shore Front Conservation Area Article as amended, and to place it on the agenda for a 3<sup>rd</sup> public hearing on February 5. Paddy McHale seconded. Unanimous with no abstentions.**

**Impact Fee:** This proposed ordinance had a first public hearing on November 20, 2007. No changes have been made or suggested in the proposal since then. Chair Cathy Orłowicz asked Board members if they had any questions or comments on the proposed ordinance as it stands now. There were no concerns. She opened the issue for public input at 9:25 PM. There were no questions or comments from the public. Ms. Orłowicz closed the public input at 9:26 PM.

Bob Craycraft moved to place the proposed Impact Fee Ordinance as written on the ballot for Town Meeting 2008. Paddy McHale seconded. Unanimous with no abstentions.

**New/Old Business:** Cathy Orłowicz reported she had been to a workshop on housing and conservation by Ben Frost and Jennifer Czysz. She had learned that several grants are available for towns to develop affordable housing plans within the guidelines of this new program. She mentioned an upcoming workshop in Dover regarding the revisions to the state Shoreland Protection Act.

Ms. Orłowicz also reported she had drafted a letter to Mr. Stan Kuzia in response to his letter asking the Board to reconsider its recommendations to the Board of Selectmen regarding Pine Point Road. She told the board she had also prepared the Planning Board section for the Town's Annual Report.

Chair Orłowicz noted that the Board had draft minutes from several Board meetings to act on, including: September 22 site walk, November 13 and 20, December 4 and 18 and January 8, 9, and 15 and said she would like to take them up at the February 5 meeting.

Paul Raslavicus said he had visited two open space developments that had required a formal landscape plan approved by the Planning Board. He feels that since lots are reduced and houses closer together it makes the landscaping more important. He said he has a strong interest in seeing the Board enforce the requirement in the Open Space Conservation Subdivision Article that requires a landscaping plan, and he felt the board needed some professional assistance in doing so. The Board asked Mr. Allen to consult with Town Counsel on the appropriate way to bring the issue into discussion with current and future applicants.

Bob Craycraft said the Board had made progress by employing outside expertise in engineering and natural resources and needed to add additional 3<sup>rd</sup> party expertise to its capacity, including landscaping, hydrology, and conservation subdivision design.

David Allen brought the Board's attention to the RFP from the Orton Foundation for grants related to articulating the "heart and soul" of a community. He agreed to bring an outline of a concept to the February 5 meeting for board consideration.

Cathy Orlowicz reminded the board and public that three positions on the board would be on the ballot at Town Meeting 2008 and invited anyone interested to submit their names.

Paul Raslavicus moved to adjourn at 10:04 PM. Paddy McHale seconded.  
Unanimous.

Respectfully submitted,

David Allen  
Land Use Administrative Assistant

Minutes Approved 2/19/2008