

MINUTES
NEW DURHAM PLANNING BOARD
OCTOBER 7, 2008

Members Present: Chair Robert Craycraft, Vice Chair Paddy McHale, Selectmen's Representative David Bickford, Paul Raslavicus, and Cathy Orlowicz

Others Present: Cory Colwell, Jim Gove, James O'Reilly, Attorney Mark Weaver, Dorothy Veisel, Terry Jarvis, Winnie Berry, and Mary McHale.

Chair Craycraft called the meeting to order at 7:06 PM and the board members proceeded to introduce themselves to the members of the public.

Public Input: There was no public input.

Acceptance and Public Hearing regarding an application to be submitted by James O'Reilly for a 21-lot Conventional Subdivision on property located on 41 Cople Crown Road, (Tax Map 27, Lot 6) in New Durham, New Hampshire. The Public Hearing May be convened if the application is accepted as complete.

Chair Craycraft summarized the history of the application and indicated that the applicant had submitted an application to the Board, which was reviewed for completeness at the previous meeting. Chair Craycraft indicated that several items were not included with the application and that the Board advised the applicant that the application did not contain the materials needed to be accepted as complete. Chair Craycraft indicated that Town Counsel had previously advised the Board to avoid accepting an application as complete until all substantive information was submitted. The board advised the applicant that he could proceed with a Design Review meeting to move the process forward but that the applicant would have to provide additional abutter notification materials to bring the application before the board at the next meeting. The applicant had agreed to the Design Review process.

Chair Craycraft indicated that David Allen had verified that abutters had been re-notified of tonight's meeting and that additional materials had been received from the applicant to address missing items identified by the Board at the last business

meeting. Mr. Colwell, representing Mr. O'Reilly, proceeded to help the board review the newly submitted materials including a new set of plats:

- Lot size by soil type calculations were distributed that indicated each lot meet the Town's lot sizing standards.
- Vegetated buffers, per New Durham's water quality protection ordinance, were added to pages SD-01 through SD-07.
- A road width notation was added to pages SD-02 through SD-07
- New lot numbers per the assessor were added to pages SD-01 through SD-07 as well as on the cover page.
- A 10 foot sidewalk easement was added on the interior segment of the proposed driveway (pages SD-01 through SD-07)
- A Cemetery is shown on sheet SD-05 that contains a 75-foot setback.
- Symbols were placed on the edges of the deed restricted areas, per the water quality protection ordinance, on sheets SD-01 through SD-07 and a note 12 was added to sheet NL.01.
- A note was added to sheet NL.01 that includes a chart of buffer setback distances and use categories per the water quality protection ordinance.
- A note 13 was added to Sheet NL.01 that summarizes correspondence with the New Durham fire department.
- A Regional impact notification for the Towns of Middleton and Wolfboro was included with the abutter list.
- The road names were revised to comply with 911 requirements with the assistance of the New Durham Police Department.
- A map was provided that included slope classes per the requirements of the New Durham Steep Slope Overlay District.

The Board also discussed a waiver request dated August 12, 2008 that asked for a waiver of the 10% road grade maximum along the existing Class VI portion of Copple Crown Road and requested a waiver to the required K values in the vertical curves per the provisions of the New Durham Roadway Related Subdivision Regulations. A conversation ensued as to whether the waiver would compromise highway safety and whether the waiver was required along an existing Class VI roadway. The New Durham Road Agent indicated that he did not have a problem with the waiver request but that he wanted to make sure the New Durham consulting engineer reviewed the proposal to ensure runoff would not pose a problem to roadway stability. The board decided that the roadway safety would be addressed by

the town-engineering consultant and could be acted upon in the future if the board felt the waiver was applicable to the Class VI roadway.

Motion to accept the application as complete by Paddy McHale. Seconded by David Bickford. The board unanimously accepted the application as complete.

Mr. Hale asked how many cisterns would be placed on the property and asked where the cisterns would be located. Mr. Colwell indicated that one cistern would be installed based upon fire department input with the understanding the house lots would each contain a home sprinkler system.

Chair Craycraft opened hearing to public input. Steve Hale, representing the Lake Winnepesaukee golf course, advocated the retention of the woodland buffer between the O'Reilly property and the golf course clubhouse. Some of the buffer is on the Lake Winnepesaukee Golf Course property and some is in the right of way on Mr. O'Reilly's property. Mr. Hale would like some stipulation that landowners not cut live trees in the right of way on the class VI road. Mr. Hale questioned whether trees could be cut in the right of way and Road Agent Fuller indicated that the land to the centerline remained the property of the landowners who could cut trees on their parcels. Road Agent Fuller reiterated his concern related to Copple Crown Road drainage and asked the applicant, town and engineers to ensure that the drainage does not create additional erosion problems and if possible, to reduce the existing potential for erosion. Road Agent Fuller also indicated that he would like culverts to be engineered in a manner that would avoid flow blockages in the winter, due to freezing, and erosion during high flow periods.

Paul Raslavicus departed at 8:14 PM due to prior commitments.

The applicant agreed to post a bond of \$2880 for a town environmental review through West Environmental and \$4500 for a town engineering review by CMA engineers.

Due to the November 4 Election and the November 11 Veterans Day holiday, the Board discussed moving the next planning board business meeting to Monday November 10, 2008, which was amenable to the applicant.

Cathy Orlowicz moved to continue the public hearing to November 10, 2008. Seconded by Paddy McHale. Unanimously approved.

Conceptual Consultation regarding a potential site plan application to locate the New Durham Food Pantry in the unused church located at 5 Main Street (Map 9, Lot 83) in New Durham.

Chair Craycraft read the limitations of a preliminary conceptual consultation per the provisions of the New Durham Site Plan Review Regulations, Section V.A. Terry Jarvis, representing the New Durham Food Pantry, provided a summary of the proposed use of the old church as a food pantry. The proposed use would include the distribution of pre-packaged food products while there would be more intense uses during a couple times a year. Mrs. Jarvis indicated that the Food pantry had grown and is seeking a larger capacity structure to meet increased needs.

The board indicated a food pantry would meet the ideals of the master plan and also provided the following advice:

- A variance from the ZBA for a commercial use of the parcel is required
- The building and parking area must be ADA compliant
- The building must meet septic/waste disposal standards
- Adequate parking must be supplied on site
- The applicant may want to discuss overflow parking on Town property with the appropriate town officials
- The applicant should discuss Town and state building requirements with the Town's Building Inspector/Health Officer.
- Some correspondence should be received from the property owner indicating that the food pantry has permission to use the facility as a food pantry.

Terry Jarvis asked the board to hold a special public hearing to consider the site plan application at the next planning board workshop and indicated that the food pantry had to be moved as soon as possible. Terry indicated that a previous special exception by the ZBA for a non-profit use of the old church should apply to the non-profit use by the New Durham Food Pantry. Bob Craycraft indicated that he was inflexible in using a workshop meeting to accommodate a formal application review and cited that using workshops for long-term town planning is paramount. Chair Craycraft suggested that Mrs. Jarvis ask the Town leaders for permission to operate out of the town hall, as it had in the past, until a more permanent location could be secured.

Cathy Orłowicz indicated that special provisions had been made for applicants in the past. Chair Craycraft responded that extenuating circumstances, such as the town not posting a meeting in a timely fashion, had resulted in a special meeting since the Town was at fault. Chair Craycraft indicated that this application did not fall into this criterion as the applicant had failed to meet the application submittal deadline requirements. The remaining board members felt that a 501-c-3 non-profit

organization should not receive special consideration and would not be considered a precedent setting action. Chair Craycraft disagreed.

Motion by Paddy McHale to consider a site plan application on October 21, 2008 seconded by Cathy Orlowicz. The motion carries three to one. Yea: Cathy Orlowicz, Paddy McHale, and David Bickford. Nay: Bob Craycraft

Continued Public Hearing on an amendment to the New Durham Subdivision Regulations to add a section regarding the protection of natural resources during subdivision review.

Chair Craycraft indicated that the revised amendments, edited at the last public hearing, reflected the removal of a sentence that stated, "Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid the placement of structures on prominent knolls and ridge lines." The Board members did not have further proposed amendments.

Chair Craycraft opened the hearing for public comment. There was none. Chair Craycraft closed the hearing to public input and entertained a motion to approve the amendments as written.

Paddy made a motion to adopt the proposed natural and scenic features as amended at the last public hearing. Seconded by David Bickford. Unanimously approved.

Working session on amendments to the New Durham Subdivision Regulations to specify the application process and requirements for an Open Space Conservation Subdivision.

Several amendments were proposed for consideration in a revised draft that included:

- Clarify the process for the "collaborative design review process to read "Expedited Conceptual Consultation Option"
- Do not require test pit data as part of the submittal materials during the design review process but rather require that the applicant submit a yield plan that, to the extent practically possible, identifies areas on each proposed lot where a septic system could be placed based on existing Strafford county soils maps or, if available for the parcel, a high intensity soil survey.

Chair Craycraft indicated that he would incorporate the proposed amendments into a revised draft and distribute the draft to board members for review. The board will continue discussion of the proposed amendments at the next planning board workshop.

Working session on amendments to the New Durham Subdivision Regulations to specify the application process and requirements for a Conditional Use Permit.

The Board reviewed a draft set of subdivision amendments and had the following comments:

- Replace “Land Use Administrative Assistant” with “Land Use Office” for consistency
- Under section “E. Revocation”, replace the sentence, “... the Planning Board shall suspend any conditional use permit immediately, and shall set ...” with “... the Town’s Code enforcement officer or acting Town agents may suspend any conditional use permit immediately, and the Planning Board shall set ...”
- Replace the header “Appeals” with “G. Appeals”

Chair Craycraft indicated that he would incorporate the proposed amendments into a revised draft and he would distribute the draft to board members for review. The board will continue discussion of the proposed amendments at the next planning board workshop.

2009 Budget Request

The board reviewed the proposed 2009 Planning Board Budget and had the following comments:

- Retain a planning services line item that might also include funding for Town Counsel Legal Review services to differentiate planning board legal services from legal services sought by other boards.
- Retain planning services for a planning consultant who can assist with expanded business district development.
- Ask David Allen to review other line items to see if the current funding is sufficient to support 2009 initiatives or whether the line items should be increased/decreased.
- Determine whether all 2008 Planning Board Contracted Services had been invoiced.

It appears that Bruce Mayberry had not yet invoiced the Town for his services and it is possible that the Strafford Regional Planning Commission may have an additional invoice that is forthcoming for Business District Development services.

Cathy Orlowicz will correspond with Bruce Mayberry to determine what questions he needs answered to help him finalize the school impact fee formulas for consideration by the Planning Board.

The Board unanimously agreed to pursue grant funding for the development of affordable housing regulations/ordinance and stormwater management regulations/ordinance:

Chair Craycraft will write the storm water management grant application through the New Hampshire Estuaries Project Technical Assistance Provider Grant program and will distribute it for review at the next Planning Board workshop.

Cathy Orlowicz will talk with Cynthia Copeland of the Strafford Regional Planning Commission regarding grant funding for New Durham to develop an affordable housing ordinance/regulations.

Minutes: No action was taken

Motion to adjourn by Paddy McHale at 10:04 PM, seconded by David Bickford. Unanimous

Minutes prepared by Robert Craycraft

Minutes approved as amended on April 21, 2009