

MINUTES

NEW DURHAM PLANNING BOARD

OCTOBER 21, 2008

Chairperson Bob Craycraft called the meeting to order at 7:13 PM.

Roll Call: Bob Craycraft (Chair), Paddy McHale (Vice-Chair), Cathy Orlowicz, David Bickford (Selectman's Representative), Ron Gehl (Selectman's Alternate), Paul Raslavicus

Chair Craycraft announced that staff person David Allen is not present for the meeting. Mr. Allen provided the Board with the voice recorder, and will write up minutes from the recording.

Public Input: Chair Bob Craycraft asked if there was any public input. There was none.

Food Pantry: Bob Craycraft read a note from David Allen saying that all notices had been done on time. He walked through the site plan checklist that Mr. Allen had prepared. Board members noted an error on the checklist form. The Vicinity Map is to cover a 1000' radius, not 2000' as printed on the checklist.

Chair Craycraft asked if the applicant had a letter from the property owners giving the food pantry permission to use the building. Terry Jarvis provided a fax copy of the letter. Mr. Craycraft noted that the Board would need a signed original before it can give final approval. Board members discussed whether the permission letter needed to be for a specific and limited period without coming to a conclusion.

Ms. Jarvis said she had submitted a letter requesting a waiver of the application fees. Chair Craycraft pointed out that only the Board of Selectmen can waive fees.

Paddy McHale moved to accept the application as complete, conditional upon adding the following items:

- write the date prepared, the name of the person making the edits, a note saying there are no wells or leach fields within 100', proposed hours of operation, and the outdoor lighting plans on the plan;
 - submit a written waiver request for not showing setbacks on the plan;
 - submit an original signed letter from the property owner giving permission to the Food Pantry to use the building for that purpose.
- David Bickford seconded. Unanimous with no abstentions.

Chair Craycraft noted that Mr. Allen had provided information to the Board stating that both variances and special exceptions run with the land when it changes hands. He said the Board had not received an opinion from Town Counsel about this specific case. The ZBA Notice of Decision giving the special exception has some very specific wording including language that says the approval is for the use and purpose "as described in this application." Mr. Craycraft said it is important for the board to get specific guidance because of the specific nature of the ZBA decision.

Bob Craycraft asked Terry Jarvis to present the New Durham Food Pantry's plans. Ms. Jarvis began by stating that the items the Board wanted to see on the plan had not been added because she was unclear if she could modify a plan prepared and signed by an engineer. She said they would make those changes immediately.

Ms. Jarvis summarized the history of the New Durham Food Pantry pointing out that there had been discussion about including the food pantry in the community center that was proposed for the church a couple of years ago. She said they had unexpectedly been offered the use of the old church building just a few weeks earlier. They are presently located in an uninsulated garage where the cost of heating this winter will be extremely high. The church also offers more space, which will be particularly helpful when they put together special food packages before Thanks giving and Christmas. She said the Food Pantry is typically open three or 4 Saturdays each month for a couple of hours.

Ms. Jarvis said she had approached the Board of Selectmen for approval to use the Town parking lots in the two or 3 times a year they might need overflow parking. Her understanding is that the Board was supportive of the idea but wanted to wait until the Planning Board approves the plan before making a final decision.

Ms. Jarvis said Police Chief Sean Bernier had expressed some safety concerns and those had been resolved. She has talked to the Librarian and a Library board member about temporary parking in their lot across Birch Hill Road. These people told her they saw no reason not to allow it, and the Library Board must make the decision.

Terry Jarvis told the Planning Board that no more than 15-18 Food Pantry Volunteers and users would be in the building at any one time: far less than the 50-75 children who might have been using the Community Center at a time. Someone has volunteered to plow snow for the Food Pantry and will meet with Road Agent Mark Fuller to understand any concerns or issues the Road Department might have. Ms. Jarvis discussed possible parking plans and indicated the Food Pantry was looking for guidance from the Planning Board as to what the Board would prefer. Mark Fuller suggested that parallel parking on Main Street and Birch Hill Road might work best. Arthur Capello suggested the ZBA might need to review and approve this new plan, especially related to parking, because of the fact the town Zoning Ordinance has some specific requirements regarding parking.

Chair Craycraft opened the issue for public comment. Selectman Peter Rhoades said he was supportive of the Food Pantry and agreed to the need for specific guidance from Town Counsel because of the specific nature of the ZBA's prior decision regarding the use of the property. Selectman Ron Gehl noted that only an engineer could modify a plan that is stamped by an engineer. Building Inspector Arthur Capello noted the presence of an old oil tank on the plans and pointed out that New Hampshire Department of Environmental Services regulations require the removal of an abandoned oil tank.

Cathy Orłowicz wanted discussion about who could change a plan stamped by an engineer. She noted that the Board had accepted a hand drawn sketch in another application it had approved earlier in the year. Bob Craycraft suggested that the need for engineered plans is triggered by certain conditions of the lot. In the case of this lot, stormwater issues might be the trigger.

Mr. Capello noted that the Building Code requires a functioning toilet and sink, as well as an outside light over any building entrance. He asked about plans for a sign. Ms. Jarvis said they were thinking of placing a sign on the outside of the building that conforms to the size limits of the Zoning Ordinance.

Bob Craycraft noted that Main Street is a state road so parking and stormwater issues will need to be worked out with the state. He said the Board would need to see the state's concerns and agreements related to Main Street in writing. Mark Fuller offered to help the applicants make contact with the regional state highway office.

Chair Craycraft summarized the status of the discussion:

- The Planning Board will get guidance from Town Counsel relative to the applicability of the ZBA variance granted to the building;
- The applicant should speak with Berry Engineering (who prepared the existing plan) regarding their use of the plan and how to make changes in it;
- The applicant, with assistance from Road Agent Fuller, will get written information from New Hampshire Department of Transportation regarding their requirements or limitations for parking and stormwater drainage on the property;
- The applicant will need to submit revised plans. If Department of Transportation requires stormwater management, actions the applicant will need plans stamped by a Licensed Engineer. The revised plan should eliminate any aspects of the old plan it will not be implementing. It should address outdoor lighting, signage, parking, and hours of operation.

- The following items noted in the Acceptance of the application as complete must be completed:
 - write the date prepared, the name of the person making the edits, a note saying there are no wells or leach fields within 100', proposed hours of operation, and the outdoor lighting plans on the plan;
 - submit a written waiver request for not showing setbacks on the plan;
 - submit an original signed letter from the property owner giving permission to the Food Pantry to use the building for that purpose.

Cathy Orlowicz moved to continue the New Durham Food Pantry application for a site plan for the old church building, 5 Main Street (Map 9, Lot 83) in New Durham to the November 10 Planning Board meeting. Paddy McHale seconded. Unanimous with no abstentions.

Paddy McHale moved to request guidance from Town Counsel regarding the applicability of the May 10, 2006 ZBA variance and special exception decision to the New Durham Food Pantry application. Town Counsel will be provided with the decision and the Minutes of May 10, 2006. David Bickford seconded. Unanimous with no abstentions.

Stormwater Management Grant Application: Bob Craycraft described a proposal he had prepared for a grant to work on stormwater management regulations. He explained the importance of stormwater management and the nature of the grant. It will provide 100% of the cost of a review of the Town's ordinances and regulations by a stormwater management professional. Then it will cover 100% of the additional cost of regulations or ordinance changes necessary to fully protect the Town.

Grants will be announced soon. Work will begin at the end of the November meeting with staff from the New Hampshire Estuaries project to clarify the needs, goals, and processes for New Durham. The road agent, building inspector, conservation commission, and select board will all have an opportunity to participate.

Cathy Orlowicz moved to submit the grant application graciously prepared by Bob Craycraft to the New Hampshire Estuaries Project Technical Assistance Program Round 3 Grants. Paddy McHale seconded. Unanimous with no abstentions.

Business District Ordinance: Bob Craycraft referred the Board to the draft of the ordinance that was mailed to them by staff. He said it included the most recent revisions made to the draft by Julie LaBranche after the last working session the board had with her. He highlighted some of the changes.

Board members discussed the prohibited uses. David Bickford opposed any limitations that might reduce the value of someone's property. Cathy Orlowicz

questioned the limitation on slaughtering & processing of animals and worried if it might inhibit agriculture. Paddy McHale suggested limiting "commercial" slaughtering and processing.

Discussion on parking lots focused on how best to manage stormwater runoff and how that affected such things as interior landscaping of parking, curbing, storm drains, artificial berms, etc.

Chair Craycraft called a 5-minute recess at 9:05 PM. The board reconvened at 9:12 PM.

Ron Gehl suggested consolidating items 4-7 into a more generic statement in the ordinance, and place the details in regulation, which can more easily be changed with the evolving state of the art. The board agreed by consensus. Mr. Gehl suggested that the word "storage" in the first bullet on page 4 might be a problem. He suggested adding the phrase "as amended or superseded" following the reference to federal and state rules.

Bob Craycraft asked the Board for its thinking about allowing smaller lot sizes in the Town Center business district. Board members expressed different opinions. The greatest concerns related to septic impact and equity between residents in different parts of Town. Bob Craycraft reminded the Board that using "feature based lot sizing" current lot size requirements can be reduced by whatever percentage the Board determines is best. The Board could set something less than the current Town guideline that is still larger than the new state lot size minimums. The board did not resolve the question.

Paul Raslavicus noted that some Towns such as Stratham have additional limitations on the types of signs that can be installed such as signs that smoke, that glare into a public road, strings of flashing light bulbs (except for holidays). Chairman Craycraft asked Board members to look at Mr. Raslavicus ideas and come prepared to discuss them at the next meeting.

Paddy McHale moved to schedule a Public Hearing for the Town Center Business district ordinance at the Planning Board's November 18 workshop meeting. Paul Raslavicus seconded. Unanimous with no abstentions.

Chair Craycraft noted that the Board would not have time to work on the draft Conditional Use Permit Ordinance or the Conservation Subdivision review process.

New/Old Business: Mr. Craycraft apologized for not sending Board members his draft of additional standards in the Subdivision Regulations for natural resource protection. He will send them out and expect to work on them at the November 18, workshop meeting. He continued the discussion of working on affordable housing with the Strafford Regional Planning Commission to the next meeting.

Paddy McHale moved to place the Planning Board-Red Oak Ridge, LLC agreement on the agenda for November 10. David Bickford seconded. Unanimous with no abstentions.

Board members signed the signature pages for the changes to the subdivision regulations related to natural resources, and the revised Capital Improvement Plan.

Cathy Orlowicz reported she had attending the first of the Local Government Law Lecture Series, which focused on the "Effective Use of Code Enforcement Tools". She distributed copies of the notes from the lectures. She said the lecture leaders had emphasized the importance of writing decisions carefully and ensuring that all town ordinances and regulations do, in fact, comply with the relevant laws.

Paul Raslavicus pointed out that the draft agreement with Red Oak requires signature from the Board of Selectmen and the Conservation Commission, and someone needs to ensure that the issue gets on their agendas ASAP.

Chair Craycraft tabled the minutes because of lack of time.

Cathy Orlowicz moved to adjourn at 10:03 PM. Paddy McHale seconded. Unanimous with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved as amended on April 21, 2009