

MINUTES

NEW DURHAM PLANNING BOARD

DECEMBER 2, 2008

Chairperson Bob Craycraft called the meeting to order at 7:00 PM.

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

Others Present:

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

Business District: Chair Craycraft described the background and main components of the proposed Town Center District. He noted that the concept had been proposed in the Master Plan and the Board had been working on it for several months since holding an initial public hearing earlier in the year. Board members emphasized that business uses are currently allowed any place in town with a Special Exception issued by the ZBA and a Site Plan Review by the Planning Board. The proposed zoning ordinance eliminates the need for ZBA to be involved for most businesses within this district.

Mr. Craycraft opened the issue for public hearing at 7:12 PM.

Bob Bickford raised concerns about the effect of the ordinance on potential future business expansion of his farm. He was particularly concerned by the prohibition on slaughtering of animals. It might be necessary for him to enter the business of poultry processing in the future and the proposed ordinance might be a problem.

Mike Gelinas suggested it might be better to keep the limitation on slaughtering and leave the farm in the Residential, Agricultural Zone that covers the rest of the town.

Paul Garland complimented the Board on developing a business district ordinance. He expressed concern that the 3,000 square foot limit for a building footprint might be too small for a health facility or bank. He asked the board to get additional information about the space needs of potential businesses. Ron Gehl suggested increasing the limit to 5000 square feet, or specifying that a business owner could ask the ZBA for a Special Exception if they want to make a larger facility.

Mr. Gelinas expressed concern that the smaller lot sizes allowed in the proposal could result in an unexpected and unwanted requirement from the state to create a

municipal water facility. He asked the board to get clarification from the state before taking final action.

Board members agreed by consensus to the following changes:

- Page 2, Section 4.0-A---strike the words "and Regional Commercial District"
- Page 4, Section D---change "section D" to "Section C"
- Page 4, Table 2, top of right column---change "Village District" to "Town Center District"
- Page 5---remove paragraph #2
- Page 5---remove paragraph #5 and put it in the regulations.
- Page 6---remove all of Section A, "Declaration of Purpose"
- Page 6, Section B.1---insert "Plan" after "an Application for Site"
- Page 9, definition of Health and Recreational Facility: add ", recreation," after the word "limited to health"...

Cathy Orlowicz asked if the Board should exclude "shooting range" from the definition of "Commercial Recreational Facility". The Board took no action. She also asked for clarification on how high a sign could be on a building. Other board members agreed it was unclear but no agreement was made.

Cathy Orlowicz moved to hold a second public hearing on the revised Town Center Ordinance on January 6, 2009. Paddy McHale seconded. Unanimous with no abstentions.

Conditional Use Permit: Bob Craycraft explained that there are sections of the Zoning Ordinance that require an applicant to get a conditional use permit in certain situations, but there is no guidance for the board or applicant on how to go about getting such a permit. The Board has drafted an amendment to the Subdivision Regulations to layout the process.

Chair Craycraft opened the issue to public comment at 7:58 PM. Ron Gehl said the draft regulations were very similar to those used by other towns around the state and would work well. Mr. Craycraft closed the public hearing at 8:02 PM.

Board members made a couple of typographical corrections.

Cathy Orlowicz moved to adopt the Conditional Use section of the Subdivision Regulations as edited. Paddy McHale seconded. Unanimous with no abstentions.

Burned Building: Bob Craycraft and Arthur Capello explained that this amendment will take the Planning Board out of the process of ordering the removal of a badly damaged or unsafe building. Either the Code Enforcement Officer or the Fire Chief

will be able to order the removal and it will no longer be necessary to involve the Planning Board.

Chair Craycraft opened the issue for public hearing at 8:10 PM. There was discussion about the one-year waiting period before the town can take action to remove a building whose owner is not acting. Mr. Capello suggested reducing it to six months. Public comment closed at 8:12 PM.

The Board agreed by consensus to leave the time period at one year.

The Board also agreed by consensus to remove the phrase at the end of the section that reads "according to 'STANDARD CODE FOR THE ELIMINATION OR REPAIR OF UNSAFE BULDINGS.'"

Cathy Orlowicz moved to continue the Public Hearing to January 6, 2009. Paddy McHale seconded. Unanimous with no abstentions.

O'Reilly: The applicant requested in writing a continuation to March 3, 2009.

Cathy Orlowicz moved to continue the O'Reilly subdivision application to March 3, 2009. David Bickford seconded. Unanimous with no abstentions.

Paul Raslavicus moved to re-notify abutters to the O'Reilly property in accordance with statutory and regulatory requirements prior to the next hearing of the application, at the applicant's expense. Paddy McHale seconded. Unanimous with no abstentions.

Food Pantry: Bob Craycraft recused himself from the case and asked Vice Chair Paddy McHale to chair this section of the meeting. Mr. Craycraft moved away from the Board table. Mr. McHale called a 5-minute recess at 8:25 PM.

Vice Chair McHale reconvened the board at 8:32 PM. He summarized the status of the application at the end of the last meeting and asked the applicant to share any new information. Christopher Berry of Berry Surveying spoke for the applicant. Mr. Berry prepared the original site plan for the Community Center in 2006. He noted that a certified wetlands scientist had flagged the wetlands. He said that all revisions requested by the Planning Board or the ZBA in 2005-06 had been made and were reflected on the plan submitted by the Food Pantry. These included ADA compliant parking and entrance, outdoor lighting, ample parking, stormwater management and grading, and winter maintenance plans.

Paddy McHale asked staff David Allen to report on new information requested by the Board at the last meeting. Mr. Allen shared a letter from the Road Agent that indicated no problems with the parking during dry and frozen conditions, but concern about potential runoff and pollution when wet and muddy. Mr. Fuller also said the improvements to the parking area should be made all at one time. Cathy Orlowicz noted that she serves as Office Manager to the Highway Department but was not involved in the preparation or delivery of Mr. Fuller's correspondence.

Allen also reported on his conversation with Town Counsel John Teague. The Board had asked Mr. Teague if Section VIII.B.2 of the Site Plan Regulations stopped the board from allowing a certificate of occupancy before all conditions, including the paving of the parking lot, were completed.

Mr. Teague said the board could allow the certificate of occupancy under section VIII.B.3 which allows the c.o. if the unfinished work is a "minor improvement" delayed by weather. The paving of the parking lot cannot be done now because asphalt plants have closed for the cold weather. He felt the parking lot was a minor improvement because it is not critical to the operation of the facility, the Road Agent feels the parking area is usable during dry and frozen periods on a temporary basis, and alternative parking is available if the ground is muddy.

Vice Chair McHale opened the issue to public comment at 8:53 PM. Arthur Capello, Code Enforcement Officer, asked the board to clarify which conditions needed to be met before the certificate of occupancy. Peter Rhoades suggested a bond for the parking lot and there were other comments on the bond. Bob Craycraft said the library had agreed to the use of its parking area only for overflow parking. Mr. McHale closed the public comment at 9:00 PM.

Mr. McHale asked Mr. Allen to identify the questions the Board needed to answer in order to come to a decision on the application.

The Board agreed by consensus

- To keep the condition that the parking lot be paved by July 1, 2009 or earlier if agreed to by the Road Agent.
- Not to require a bond.
- That the paving of the parking area is a minor improvement delayed by weather
- That the sediment retention area is infrastructure for the parking area and subject to the same conditions.

David Bickford moved to approve the use of the 5 Main Street Church (Map 9, Lot 83) as a Food Pantry by the New Durham Food Pantry, P.O. Box according to the site plan drawing prepared by Berry Surveying as amended; and to authorize the Building inspector to issue a Certificate of Occupancy when all conditions except the paving of the parking lot are met. This approval is subject to the following conditions:

- 1. submittal by the New Durham Food Pantry of a fully prepared and signed site plan drawing incorporating all changes to the drawing agreed to by the applicant and the Planning Board;**
- 2. completion of all improvements, changes, and additions depicted on the site plan drawing;**

3. Completion of the parking lot and all associated infrastructure before July 1, 2009.

Cathy Orlowicz seconded the motion. The Board voted unanimously, with Bob Craycraft recused, to approve the motion.

Bob Craycraft returned to the Board at 9:30 PM.

Tremblay: Paddy McHale moved to continue the Acceptance and Public hearing regarding and application to be submitted by Tom Tremblay for a Site Plan for a Wood Cutting Business and a Lightning Protections Systems Businesses on property located on 67 Meaderboro Road (Map1, Lot 22) to January 6, 2009. David Bickford seconded. Unanimous with no abstentions.

Paddy McHale excused himself from the balance of the meeting due to illness.

New/Old Business:

The Board scheduled an additional meeting for Monday, December 8 at 7 PM to work on the proposed amendments to the Subdivision Regulations regarding Conservation Subdivisions and Natural Resources.

Bob Craycraft noted the email from the New Hampshire Estuaries Project to Appledore Engineering regarding stormwater management regulations and asked for Board comments. There were none.

Mr. Craycraft asked board members to review the materials on Natural Resources and Parks before the next meeting.

David Bickford moved to adjourn at 10:04 PM. Paul Raslavicus seconded. Unanimous with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved as amended on June 16, 2009