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# MINUTES

## NEW DURHAM PLANNING BOARD

### JANUARY 20, 2009

Chairperson Bob Craycraft called the meeting to order at 7:04 PM.

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

**Others Present:** Bob Bickford, Nicolas Bickford, Ron Gell

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

**Minutes:** Cathy Orlowicz and David Bickford suggested edits and corrections to the minutes of January 6. All were accepted by consensus.

Cathy Orlowicz moved to accept the January 6, 2009 minutes as amended. David Bickford seconded. Paddy McHale abstained because he was not present. Unanimous.

**Town Center District:** Bob Craycraft distributed copies of the email sent to Board members by David Allen describing feedback from Town Counsel regarding the Town Center District ordinance, and Mr. Allen's recommendations for edits based on the feedback.

Cathy Orlowicz moved to make the email regarding comments by Town Counsel available to the public. Paddy McHale seconded. Unanimous with no abstentions.

David Bickford distributed feedback from Rob Johnson of the Farm Bureau. Chair Craycraft checked to ensure all members had copies of email correspondence from Paul Raslavicus. Bob Craycraft noted that David Allen discussed the structure of the warrant article with Paul Sanderson who recommended it all be one ordinance and Mr. Allen prepared it in that way.

Paddy McHale suggested "Lumber Yard, Mill, Wood Storage and Sales" be changed from allowed by Conditional Use Permit to "permitted" in Table V-1 "Uses Permitted by Right and Conditional Use Permit in the Town Center District. Cathy suggested instead that it be deleted from the table. If the use related to "Lumber Yard, Mill, Wood Storage and Sales" is not automatically allowed by RSA 21:34-a a landowner seek a Special Exception from the Zoning Board of Adjustment. The Board agreed by consensus to delete the use from the table.

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Chair Craycraft open the discussion to public comment at 7:28.

Cathy Orłowicz and Ron Gehl suggested language to streamline the wording of Section E.1. Together they proposed that the second sentence in Section E.1 be changed to read:

“To meet the purpose and goals of the master plan, ‘to protect health, safety and the welfare of the community’, the Planning Board may require more stringent dimensional requirements, as long as those requirements are not more stringent than those allowed in the Residential-Recreational-Agricultural District.”

Board members agreed by consensus to this change.

Ms. Orłowicz asked if the references in the Zoning Ordinance to other parts of the Ordinance required a Town Meeting vote to change them. Bob Craycraft remembered a conversation with Walter Mitchell, former Town Counsel, who said it was not necessary to reference each specific change in numbering and it is wise to include in the warrant article a general phrase such as “other sections are renumbered accordingly”.

Ron Gehl suggested rephrasing the words “10 rooms or less” stated in the ‘Other Requirements’ for Inn, Bed and Breakfast in Table V-1 to read “10 guest rooms or less”. The Board agreed by consensus to this change.

David Bickford asked if Board members had concerns about the Dimensional Requirements for surface. No concerns were expressed.

Bob Bickford, member of the public, said he was concerned that the prohibition in Section D.4.a against the use of “municipal waste” could prohibit landowners from getting compost from the Transfer Station and applying it to fields or gardens. After extensive and inconclusive discussion the Board agreed by consensus to carry two options forward to the next meeting for Section D.4.a.

Option A is to reword Section D.4.a read as follows:

“Processing, reprocessing, recycling, treatment or disposal of chemicals, regulated substances as listed in the Code of Federal Regulations: Title 40 Protection of the Environment, Part 302.4 Designation of Hazardous Substances, and NH Department of Environmental Services Env-Ws 421.039(f) as amended or superceded, or metals; and”

Option B is to delete Section D.4.a.

Cathy Orłowicz noted that Town Counsel John Teague had expressed concerns about some of the definitions. She suggested adding the words “and Clarifications” to the title of Section G. The Board agreed to this by consensus.

Paddy McHale and Bob Craycraft combined ideas to propose that Section G.2 be restated to read

“Any use other than residential: business or commercial use permitted by right, conditional use, or special exception.

David Bickford said Section H.6 describes what is excluded, not what is allowed. Cathy said the list of exclusions were all problematical because they were outside and the critical factor for the definition is that the activity be conducted inside. Paddy McHale suggested the wording of H.6 be changed to read:

“Any recreational activity or business occurring within the confines of an enclosed structure.”

This change was agreed to by consensus.

Mr. McHale then suggested changing Section H.7 by striking the words “limited to” at the beginning of the sentence. The Board agreed by consensus.

Board members agreed by consensus that the amendments to the sign ordinance are acceptable as written.

**Paddy McHale moved to continue the public hearing regarding the proposed Town Center Ordinance as amended at this meeting to Tuesday, February 3 at the Public Library. David Bickford seconded. Unanimous with no abstentions.**

### **Warrant Articles for Town Meeting**

David Bickford expressed great concern about the negative impact the Town Center Ordinance may have on the character of the Town. Bob Craycraft suggested striking the words “of business” that follow the words “encourage development.” The Board agreed by consensus.

Cathy Orłowicz suggested striking the words “and rural” that precedes the word “character”. She also suggested adding the word “District” after the words “establish guidelines for signs in the Town Center”. The Board agreed to both changes by consensus.

**Certification:** Board members signed the certification of the amendment to the Subdivision Regulations that spells out the Application Process for a Conservation Subdivision.

**Natural, Scenic & Historic Features:** Board members discussed the proposed Section 5 at great length.

Bob Craycraft suggested adding the words “Scenic & Historic” between “Natural” and “Features” in the title. The Board agreed by consensus. The Board also agreed by consensus to her suggestion to add the words “, that may include landscaping.” to Section 12.06.1.c. and eliminate Section 12.06.5.

Ms. Orlowicz suggested reversing the order of Sections 12.06.7 and 12.06.8. The Board agreed by consensus.

Bob Craycraft asked Board members if they needed to do anything regarding the definition of "building envelope" noting that the question had been raised at an earlier meeting. There was agreement that no action needed.

**Cathy Orlowicz moved to schedule the proposed amendments to the New Durham Subdivision Regulations related to Natural, Scenic, and Historic Resources, as amended tonight, for Public Hearing on Tuesday, February 3 at the Public Library. Paddy McHale second. Unanimous with no abstentions.**

#### **New/Old Business**

Cathy Orlowicz asked questions regarding the Crown Conditional Use Permit application scheduled for February 3. She had been unable to find a number representing the complete area of disturbance. Bob Craycraft pointed it out. She wondered if the Planning Board would be involved in every building permit request that impact more than 500 square feet of steep slopes. She asked if the Board would have a site visit. Chair Craycraft said that it might be appropriate.

Board members agreed that it would be helpful to give staff some direction about which items on the subdivision and site plan checklists absolutely need to be present before an application is placed on the Board schedule.

Bob Craycraft said that Appledore Engineering would be on agenda for the 2/17 Planning Board workshop to begin the discussion about Stormwater Management.

The board agreed to schedule the minutes of an earlier meeting for review and approval, in addition to the minutes of the most recent meeting.

Cathy Orlowicz moved to adjourn at 9:53 PM. Paddy McHale seconded. Unanimous with no abstentions.

Respectfully submitted,

David Allen  
Land Use Administrative Assistant

Minutes approved February 3, 2009.