
MINUTES

NEW DURHAM PLANNING BOARD

FEBRUARY 3, 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), Ron Gehl (Selectman's Alternate), Paul Raslavicus

Others Present: Arthur Capello, Tom McKay, Tom Varney, LuAnne Varney, and Ryan Noonan

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

Minutes: Board members made the following edits to the draft minutes of July 15, 2008: Add the name "Nicholas Bickford" to the list of Others present.

Cathy Orlowicz moved to approve the minutes of January 20, 2009 as amended. Paddy McHale seconded. Paul Raslavicus abstained because he was not present at that meeting. Unanimously approved.

Town Center Mixed Use District: Chair Craycraft explained the status of the proposed amendment to the Zoning Ordinance. He opened the issue to public comment at 7:11 PM. There was no comment from anyone present. Board members discussed whether to include the provision prohibiting dangerous chemicals from the district. Mr. Craycraft closed the public comment at 7:20 PM.

The Board agreed by consensus to change the term "front door" to "main door" in Section XV.F.3.b. The Board also agreed to replace the words "health and recreation" in Section... to "wellness".

Paddy McHale moved to select Option A in the section on Prohibited Uses so that Section V.D.4 reads as follows:

- a. "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302.4 Designation of Hazardous Substances, and NH Department of Environmental Services Env-Ws 421.039(f) as amended or superceded, or metals; and

b. Adult entertainment or adult use facilities.”

Paul Raslavicus seconded. Yes: Bob Craycraft, Paddy McHale, and Paul Raslavicus. No: David Bickford, Cathy Orlowicz. Passed 3-2.

Paddy McHale moved to place Amendment 1, which adds a new Article V and Amends Articles II, III, and XV to establish a Town Center Mixed Use District, on the 2009 Town Meeting Ballot and recommend passage. Paul Raslavicus seconded. Yes: Bob Craycraft, Paddy McHale, and Paul Raslavicus. No: David Bickford, Cathy Orlowicz. Passed 3-2.

Anna Cronin Conditional Use Permit: Paul Raslavicus asked why there was a discrepancy between the version of the Steep Slope ordinance in the Ordinance Book and the version distributed at the meeting. Bob Craycraft explained that he had found an error in the version in the Ordinance Book and asked Mr. Allen to correct it. David Allen said that the corrected version was on the town website.

Chair Craycraft asked Mr. Allen to describe his analysis of the application. Allen said Town Engineer Bill Straub of CMA engineering had reviewed the plans. The plans show the project will disturb 10-11,000 square feet of steep slopes over 30%. The steep slope ordinance allows a maximum of 6,000 square feet of disturbance on slopes over 30%. Mr. Straub said the project could be accomplished using retaining walls.

Tom Varney, representing the applicant, agreed with this analysis and said they would revise the plans to conform to the 6,000 square foot limit.

Bob Craycraft noted that the application says the project will include installation of porous pavement. He said he was concerned that if porous pavement is poorly installed, or is not adequately maintained, it can lose its porosity.

Tom Varney said the plan requires oversight of the porous pavement installation by a licensed engineer to ensure proper installation.

Mr. Craycraft asked what protection abutters would have during any blasting necessary to remove ledge. Mr. Varney said that is the responsibility of the blaster. David Allen said blasting requires a permit from the town, and the blaster must show evidence of extensive insurance before the town will issue a permit.

Paul Raslavicus asked the applicant to add the number of their DES shoreland permit to the application plan. He also noted that the ordinance requires a written statement from the applicant explaining there is no other way to place a garage on the lot except by putting it on steep slopes.

Bob Craycraft noted that the ordinance requires the Board to make a finding of facts. Cathy Orlowicz asked what that would involve. David Allen said he would mail Board members examples of ZBA decisions that include findings of fact.

Paddy McHale moved to continue the Acceptance and Public Hearing for the **Anna Cronin Conditional Use Permit to March 3, 2009**. **Paul Raslavicus** seconded. Unanimously approved with no abstentions.

Natural Resource Amendments to Subdivision Regulations. The Board has had several working sessions to prepare these regulations. **Cathy Orlowicz** moved to approve the proposed additions to the Natural Resource section of the Subdivision Regulations. **Paddy McHale** seconded. Unanimously approved with no abstentions.

Planned Absences: Paul Raslavicus said he would be out of town for several weeks and would miss the next three meetings of the Board in February and March.

Election of Officers. Cathy Orlowicz noted the Board will need to elect officers following the March 10 Town Meeting. Traditionally the Board waits until all members can be present for the election. The Board agreed by consensus to hold elections at the April 7 board meeting.

Minutes: Paddy McHale moved approval of the July 1, 2008 Planning Board minutes as edited by Paul Raslavicus and David Allen. **Bob Craycraft** seconded. Unanimously approved with no abstentions.

Annual Plan: Board members suggested 3 issues as part of the Board's work plan for 2009: Landscaping, Parks and Recreational Uses, and Affordable Housing.

Paddy McHale moved to adjourn at 9:19 PM. **David Bickford** seconded. Unanimously approved with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved with edits February 17, 2009