

MINUTES
NEW DURHAM PLANNING BOARD
APRIL 7, 2009

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

Roll Call: Bob Craycraft (Chair), David Bickford (Selectmen's Representative), Cathy Orlowicz, Paul Raslavicus, Dorothy Veisel, Scott Drummey (Alternate)

Others Present: Mark Fuller (Road Agent), Arthur Capello (Building Inspector), David Allen (Land Use), Thomas Varney, LuAnne Varney.

Public Input: Chair Bob Craycraft asked if there was any public input on issues not on the agenda. There was none.

Minutes of March 24, 2009: The following corrections were made:

Cathy Orlowicz moved to accept the minutes of March 24, 2009 as amended. David Bickford seconded. Paul Raslavicus abstained as he was not at the meeting.
Approved 4-0.

Anna Cronin Conditional Use Permit: Staff David Allen summarized the status of the application. Applicant's Representative Tom Varney reported on the revised application. It is totally different than the original plan. It disturbs just less than 6,000 square feet. It involves a vertical wall behind the garage created by a straight cut through the ledge. A retaining wall sits atop the the edge of the ledge to hold the soil and loose rocks that lie on top of the ledge. He described the infiltration basin under the porous pavement driveway that will capture the runoff from the roof of the garage.

Board members identified a number of questions and concerns including:

- How can the board be confident that the porous pavement will not become clogged and then not allow infiltration?
- If snow collects in the space between the garage and the ledge will it cause rot or water damage to the back wall of the garage?
- Should any approval be conditioned on regular maintenance of the porous pavement?
- Would it be possible to construct a garage on the flatter area beyond the ledge, cut a driveway to the top, and create less disturbance of the steep slopes area than the proposed design?
- Can the interceptor ditch at the top of the ledge be constructed without disturbing land beyond the 6,000 square feet disturbed by the completed project?
- Will the land between the interceptor ditch and the retaining wall be kept free of trees? If not could tree roots over time degrade the functioning of the system?
- Is the location safe for a vehicle to back out of the proposed garage into the road?
- Can a town official come onto the property to inspect the porous pavement to ensure that it is not clogged?
- Could water coming down the ditch toward the driveway go into the infiltration basin and fill it up so that runoff from the roof has no place to go?
- Could water from the infiltration basin flow under the road pavement and damage the road bed or flow up through the road bed onto the road?
- Could it drain down the hill and cause damage to the house or cottage below the road?

Chair Craycraft opened the application for public comment at 7:35 PM. Mark Fuller said he had some concern about water seeping into the road bed and asked if a fabric barrier could be placed between the infiltration basin and the road bed. He said that the road crew or others could tell if the porous pavement has become blocked if rainwater is sheeting over the pavement during a storm. He said it would be very difficult if not impossible to build a driveway to the top of the ledge.

Susan Raslavicus asked if the retaining wall would be dry or mortared. Would it need mortar? Tom Varney said it would be dry and explained that would be adequate.

Chair Craycraft closed the public comment at 8:05 PM.

Board members agreed that a site visit would help answer some of their questions. **Cathy Orlowicz moved to schedule a site visit to the Anna Cronin property at Tax Map 38, Lot 217 at 9 AM on Saturday, April 11 in relation to her application for a Conditional Use Permit to build a garage on steep slopes. Dorothy Veisel seconded. Approved unanimously with no abstentions.** Board members agreed to meet at Town Hall and ride share to the site because of limited parking.

Cathy Orlowicz moved to continue the Acceptance and Public Hearing for a conditional use permit for Anna Cronin to build a garage on steep slopes at Tax Map 38, Lot 217 in New Durham. David Bickford seconded. Approved unanimously with no abstentions.

Subdivision Regulations Regarding Parks: Board members reviewed an excerpt from the Exeter, NH Subdivision regulations regarding space for parks. Paul Raslavicus suggested the issue might be considered more broadly as space for recreation. Several Board members felt the requirement could be simplified. Some felt a fee to help pay for planned recreation locations might be more useful and effective. Would that be in the form of a recreation impact fee?

Cathy Orlowicz questioned how the size of the set aside for parks was calculated. It was suggested that a number tied to the Master Plan estimated need for park space would have a stronger and more defensible rationale.

David Allen will check with NH Local Government Center (free) legal counsel for guidance and will research other approaches.

Town Center Ordinance: Staff David Allen asked each Board member to identify the changes they would need to see in the proposed Town Center Mixed Use District in order to support it at Town Meeting.

Bob Craycraft said he was satisfied with the ordinance as it stood, but would be willing to support an increase in the lot frontage requirement.

David Bickford said he supported simplifying the permitting of a new business but was not sure that a separate zone is a good idea. He suggested the granting of a Home Occupation Permit could be delegated to the Building Inspector with no Planning Board involvement. He said was not clear how to decide to draw the boundary of a zoning district.

Scott Drummey said he shared Mr. Bickford's concerns about the size of lots and the rationale for creating a boundary.

Dot Veisel noted that she had not been involved in drafting the ordinance. She said the

primary concern she had heard others express was that the proposed 75' minimum road frontage to lead to too dense an area.

Cathy Orlowicz said it was important to her that a section of King's Highway be included in any business or commercial zoning initiative, and she agreed in general with the comments of others.

Paul Raslavicus said he was very surprised by the strong opposition to the plan, especially from members of the Board. He felt the Board had worked well as a team and had made many compromises to have a satisfactory proposal. He noted that the Board had agreed to focus on the Town Center area and had said they would work on the Kings Highway project next.

Mr. Raslavicus said maybe David Bickford should have recused himself from working on the amendment because he owns property in the proposed zone. Mr. Raslavicus also questioned if Mr. Bickford, as the representative of the Board of Selectmen had represented the Board of Selectmen's views or his personal views.

Cathy Orlowicz said that Mr. Bickford had declared at the beginning of the work on the ordinance that he owned property and no one on the Board had objected. Paul Raslavicus said he had not heard it, perhaps it was at a meeting when he was not present. He said he would raise the question again this year.

Master Plan Strategic Plan: David Allen distributed a list of recommended action items from the Master Plan and asked Board members to rank them 1 – 3 according to how soon they should be part of the Board's annual plan.

Annual Plan: Mr. Allen distributed a draft Annual Plan including all items that have been suggested for completion in 2009. He said it was more than the Board could finish in one year and asked Board members to think about which items should stay in the plan and which ones should be postponed.

Impact Fee Methodology: Mr. Allen noted that the Impact Fee ordinance adopted by the Town in 2008 indicates a preference for use a square foot basis for calculating the fee. Bruce Mayberry, in his presentation to the Board, had said the data supported using the square foot basis above a certain minimum number of square feet being added, and up to a maximum of about 3,000 square feet. Mr. Allen asked Board members if they were comfortable with using that framework for setting the fee. Board members agreed.

Election of Officers: Bob Craycraft, the senior member of the Board, chaired the nomination and election of officers. He asked for nominations or volunteers for the position of Chairperson. Cathy Orlowicz volunteered. There were no other volunteers. David Bickford nominated Cathy Orlowicz as chair. Dorothy Veisel seconded. The

Board elected Cathy by a vote of 4-0 with Cathy abstaining.

Paul Raslavicus nominated Bob Craycraft for Vice-Chair. David Bickford seconded. The Board elected Bob 4-0 with Bob abstaining.

There were no volunteers for the position of Secretary. Dot Veisel said she would take abbreviated minutes if David Allen was absent and the video recorder was not working.

New-Old Business: Cathy Orlowicz assumed chairing the meeting. Paul Raslavicus thanked Bob Craycraft for his good work as chair.

David Allen presented a Lot Merger request from the Society for the Protection of New Hampshire Forests for two lots in Jenkins Forest. Board members asked to see the location of the lots before taking action.

David Bickford asked the Board to establish this year the dividing line for which Steep Slope Conditional Use Permits need Board review and approval and which ones can be reviewed by the Building Inspector alone. He also asked the Board to review the policy on automatic take over of roads in new development.

Cathy Orlowicz drew attention to an apparent error in the published version of the Steep Slopes Ordinance. On Page 51 of her version of the article it says the Planning Board may waive certain requirements of the ordinance. This is not true. The Planning Board can only waive application requirements.

Bob Craycraft noted that there had been questions raised in the discussion of the Town Center Mixed Use District ordinance regarding potential shortcomings of NHDES septic system rules and enforcement. He asked Board members to identify what questions they have about septic siting and send them to staff so they can be collated for discussion with NH DES. David Allen will email Board members for their questions.

Bob Craycraft moved to adjourn at 10:10 PM. Paul Raslavicus seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved as amended on April 21, 2009