

MINUTES

NEW DURHAM PLANNING BOARD

JUNE 2, 2009

Chairperson Cathy Orlowicz called the meeting to order at 7:04 PM.

Roll Call: Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), David Bickford (Selectman's Representative), Dot Veisel, Paul Raslavicus, Scott Drumme (Alternate)

Others Present: Thomas Varney, LuAnne Varney, John Crickett, Josephine Crickett, Thomas McKay, Paul A Gelin, Jr

Public Input: Chair Cathy Orlowicz asked if there was any public input. There was none.

May 19 Minutes: Board members made the following corrections to the May 19 minutes:

Page 1, Workforce Housing section, first sentence: change “xxx” to “Director”.

Page 2, 2nd paragraph, 1st sentence: change “up to 5” to “at least 5”.

Page 2, 2nd paragraph, last sentence: change “in the law the keeps” to “in the law that keeps”.

Paul Raslavicus moved to approve the Minutes of May 19, 2009 as amended. Bob Craycraft seconded. Dot Martin abstained as not present. Approved 3-0.

Cronin Conditional Use: Staff David Allen distributed the draft findings of fact and conditions that the board tentatively approved at its May 5 meeting. Tom Varney, representing the applicant, summarized the actions required of the applicant before the permit can be issued. He asked the Board to consider reducing the \$3,000 escrow amount because of the cost of the improvements needed.

David Allen said the escrow amount was based on an estimate from the Town's engineer. David Bickford said he believed it was reasonable for the escrow fee to be at the high end of the range because the project is very unusual.

Board members suggested the following amendments to the draft Decision:

Page 2, item d, insert the word “area” between the words “surface” & “and” so the phrase in parentheses reads “(1,125 square feet in surface area, and 4'-6' deep.”

Page 2, item 12: add the words “Road Agent” following “Mr. Fuller”.

Page 3, item #3: add the word “management” between the words “best” and “practices” so it reads “best management practices.”

Page 3, following item 10.c: add 10.d to read “all permits have been received”.

Page 4, following item 12: add #13. To read “The applicant has received all applicable state and federal permits.”

Bob Craycraft moved to approve the suggested amendments. Dot Martin seconded. Approved unanimously with no abstentions.

Bob Craycraft moved that the Board accept the findings of fact and approve a Conditional Use Permit for Anna Cronin to build a garage on steep slopes on Tax Map 38, Lot 217 according to the plans submitted by Mr. Tom Varney on May 5, 2009; and subject to the following conditions:

Bob Craycraft moved to approve the application of Anna Cronin, 77 North Shore Road, for a conditional use permit to allow construction of a garage on steep slopes on Tax Map 38, Lot 217. Dot Veisel seconded. Yes: Cathy Orlowicz, Dot Veisel, Bob Craycraft, and Paul Raslavicus. No: David Bickford.

McKay Excavation Permit Application: Chair Cathy Orlowicz asked staff David Allen to confirm that fees have been paid, abutters and the public notified, and all materials submitted. He confirmed. She asked if any Board members had a real or perceived conflict of interest in the case.

David Bickford, Selectmen’s Representative, said that as a Selectman he had voted on contracts with Mr. McKay for the purchase of gravel. Paul Raslavicus said he felt there could be a perception of conflict of interest. Dot Veisel asked Mr. Bickford if he felt he could be impartial on this application and Mr. Bickford said he could. Mr. Bickford said he would step down if there was really strong concern about the situation, but seeing none he would sit on the case and could be impartial.

Paul Gelinis presented the application to the Board. The gravel pit has operated since the early 1990’s returning every two years to renew its excavation permit. Mr. McKay plans the extraction of gravel in two phases. There are only a few years left in the first phase. As excavation of an area of the pit is completed, Mr. McKay covers that area with loam and seeds it with grass.

When Phase I is completed, Mr. McKay will need new state and federal permits before beginning Phase II. Mr. Gelinis said the McKays expect 20 to 30 years of extraction during Phase II.

Bob Craycraft said he would like clarification from the Code Enforcement Officer that the existing bond (\$4,000 plus interest) is adequate to cover the costs of reclamation if needed.

Chair Orlowicz noted that the Board usually conducts a site visit. She suggested June 20 at 9 am and said she would invite members of the Conservation Commission to join the walk.

Bob Craycraft moved to continue the public hearing to July 7, 2009 and to hold a site walk on June 20 at 9 am. Dot Veisel seconded. Approved unanimously with no abstentions.

O'Reilly Subdivision: David Allen reported that the Board had met with the applicant on March 7, 2009 and at that time had continued the public hearing to June 2. He said he had attempted to contact the applicant, and had left a couple of phone messages, without response. He added that before his phone calls Mr. O'Reilly had come into the office to meet with him (Allen) but he had been out of the office at the time.

David Bickford moved to continue the Public Hearing on the application of James O'Reilly for a 21 lot conventional subdivision at 41 Copple Crown Road, Map 26, Lot 6 until July 7; and to contact Mr. O'Reilly by certified mail to inform him of the meeting.

Paul Raslavicus asked Mr. Bickford to accept an edit to the motion so that the second phrase reads as follows: "and to contact Mr. O'Reilly by certified mail by certified mail to inform him of the meeting and that the Planning Board will take appropriate action based on his response." Mr. Bickford agreed. Dot Veisel seconded. Approved unanimously with no abstentions.

Amendments to the Shore Front Ordinance: Cathy Orlowicz said she had researched current legal definitions for "trailers", "manufactured homes", "mobile homes," etc. and felt these definitions would help the Board revise the ordinance to clarify the intention to prevent mobile homes from being placed in the Shorefront Zone. She will provide the information for the Board's June workshop.

Chair Orlowicz recessed the meeting at 8:27 PM and reconvened at 8:33 PM.

Conference and Training Reports: Paul Raslavicus, Dot Veisel, and Scott Drummey reported on their participation in training sessions and conferences.

Paul and his wife Susan attended a 6-hour training by Randall Arendt on community design. The focus of Mr. Arendt's presentation was the importance of skillful and professional design at all stages of community development: overall planning, subdivision, and lot level design. He told attendees that design should come before engineering. Too often design is forced by decisions made by engineers.

Scott Drummey found two workshops at the OEP Planning Conference to be valuable. One on Site Plan Review and one on Heritage Commissions. The Site Plan Review session emphasized the importance of being able to "see" site plans in 3-D,

not just 2-D, and helped participants learn to read contours and height dimensions in order to imagine 3-D. Scott feels that the Heritage Commission would be a good thing for New Durham and something he would like to work on. He would begin by working on an inventory of buildings and also by reviewing town regulations to ensure they do not contribute to the destruction of heritage sites.

Dot Veisel reported on the session she took at the Conference by Michael Donovan, a Land Use Attorney. She said Mr. Donovan is an excellent presenter and would be a good person to invite to do a presentation in New Durham. His session was an introduction to the job of Planning Boards, and he emphasized again and again that planning is the major job of Planning Boards and should be their focus.

Regulations for Steep Slope Ordinance: The Board reviewed staff draft of issues to address in regulations for the Steep Slope ordinance and added some additional thoughts including the following: be sure to identify the buildable location on the lot early on; give the Building Inspector/Code Enforcement Officer guidelines for implementing the ordinance; if conditional use permit is not needed that may be level for Building Inspector to be able to handle the requirements; or perhaps building inspector can handle everything where the slope is less than 18 or 19%.

Mixed Use Business & Residential District: David Allen walked through questions about the Board's desires for such a district. David Bickford said it was important to him to avoid long skinny lots; Scott wants to be clear about why we want it and what we want it to look like; Mike Gelinas referenced a comment from Randall Arendt that people will only walk about 1500' from one location to another; Cathy Orłowicz agreed with the need to reclarify why we want a mixed use district.

Adjournment: Paul Raslavicus moved to adjourn at 10:05 PM. Dot Veisel seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes Approved as Amended on June 16, 2009