

DRAFT MINUTES
NEW DURHAM PLANNING BOARD
JULY 21, 2009

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

Chairperson Cathy Orlowicz called the meeting to order at 7:02 PM.

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

Others Present: Tom McKay, Paul Gelinias, Ryan Noonan, Ron Gehl,

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

Minutes of July 7, 2001: The Board began review of the July 7 minutes. Members had different recollections of one part of the meeting. David Allen offered to review the video of the meeting. **Paul Raslavicus moved to table consideration of the July 7 meetings so that David Allen can review the video of the meeting. Dot Veisel seconded. David Bickford and Bob Craycraft recused themselves from the vote. Cathy Orlowicz appointed Scott Drummey to sit for Bob Craycraft on this vote. Motion approved 4-0.**

Minutes of June 27 Site Walk: Chair noted that the Board had already approved these minutes without changes and struck this item from the agenda.

McKay Excavation Permit Application: David Bickford noted he had recused himself from this application at the previous Planning Board meeting, and stepped down from the board. Arthur xx reported he made a site inspection on Saturday, July 6. He said he had no concerns. He had looked at all issues identified in the ordinance and said he felt everything was in place. He commented it was the cleanest excavation pit he had ever seen.

Paul Gelinias offered to answer any questions that Board members might still have. There were none.

Paul Raslavicus moved to renew the Excavation Permit for Charles McKay to operate a Gravel Pit on Pine Point Road (Tax Map 28, Lots 44 & 45) according to the terms of previous Town and State permits. The permit will extend to

June 26, 2011 which is 2 years from the expiration of the previous permit. Scott Drummey seconded. Approved 4-0.

Stormwater Management Ordinance: Board members had a lengthy discussion on who would be required to meet the standards of this ordinance. There was consensus that the way the ordinance is drafted it would apply in all situations in which there is either 1) more than 10,000 square feet of land disturbance beyond disturbance where the “roofprint” of the house is located (“roofprint” meaning footprint plus areas of roof overhang); or 2) more than 5,000 square feet of new impervious surface beyond the impervious surface of the roofprint of the house.

Several members were uneasy excluding all residential development, particularly those houses and lots where there is a lot of development and significant impact on drainage. Chair Orlowicz asked David Allen to check with the folks at Appledore Engineering to get a good understanding of their rationale for this approach.

Mr. Allen noted a situation that had recently come to his attention where the disturbances associated with building a house had been poorly repaired after construction. A relatively small area in the yard was functioning as a funnel for stormwater, leading to significant and serious erosion. The area of the disturbance was not particularly steep, but steep slopes nearby were creating a high velocity water flow. He suggested the Board should consider whether to address this type of situation.

Cathy Orlowicz noted that the Board had specified in its last couple of ordinances that they did not apply to agriculture and forestry and suggested the Board should do the same with this ordinance. She added that the combination of a maximum area of impact and/or a maximum percentage of the lot area might be a good approach for this ordinance as it was for the steep slope ordinance.

Ms. Orlowicz identified some parts of the document as language that would be better in regulations than an ordinance. There was consensus of Board members that much of the detail should be in regulations, not the ordinance. David Allen said he would prepare a draft ordinance and draft regulations that separated the current document into two parts based on comments from Board members.

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Impact Fee Regulations: Building Inspector Arthur Capello recommended that the minimum square footage for the impact fee be 150 square feet. He said additions to existing houses that are not living area should be exempted, e.g. a farmer's porch. He asked the board to clarify a couple of issues: If a family wants to build a "den" above a detached garage, should that be considered "living space" and charged an impact fee? Some waterfront properties have added a "bunk house"—a separate structure with beds for grandchildren visiting in the summer. He thinks this would not count as "living space" because there are no kitchen or plumbing facilities and people are not using them in ways that add to the school population.

Most board members thought that only space directly attached to a dwelling unit should be subject to the impact fee. If there are additional modifications to a den over a garage so that it can be used year round as living space, then the impact fee should be assessed at that time.

The Board agreed by consensus that the impact fee should not apply to expansion of seasonal only dwellings.

David Bickford asked Mr. Capello if it would be easier to return to the idea of counting bedrooms as the basis for the impact fee rather than square feet. Mr. Capello agreed that in some ways it would be easier and in other ways it would be more difficult. There was consensus among Board members to stay with the square foot basis.

Chair Orlowicz asked Mr. Allen if he could draft definitions for some of the words the Board was using in its discussion such as "year round" and "living space". Mr. Allen agreed to do that with input and feedback from Arthur Capello.

There was discussion about the time at which impact fees are assessed. The ordinance and regulations allow for two times: in the subdivision process or when a building permit is issued. Board members questioned how the Planning Board would know how many square feet a house would be on a lot at the time of subdivision. Others wondered if it wouldn't be easier to do it all at the issuance of the building permit. David Allen said he would check out these questions with Bruce Mayberry and report back to the Board.

New/Old Business

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Trailers: Paul Raslavicus thanked Cathy Orlowicz for finding the table of definitions of trailers, mobile homes, etc and said he thought that would be a good basis for doing an amendment. He asked Cathy if she would try to draft something for the board on that basis. She agreed.

Excavation Regulations: David Bickford noted that Charles McKay had asked several questions about the level of regulation in New Durham for excavation pits. McKay said he knew other towns where it was less. Mr. Bickford asked if Board members felt that the renewal of an excavation pit permit could be delegated to the Code Enforcement Officer. The Board did not make any decisions.

Parks: Scott Drummey will get a draft to the Board soon.

Adjourn: Dot Veisel moved to adjourn at 10:03 PM. Paul Raslavicus seconded. Approved unanimously.

Respectfully submitted,

David Allen

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