

MINUTES
NEW DURHAM PLANNING BOARD
AUGUST 4, 2009

7Chairperson Cathy Orlowicz called the meeting to order at 7:01 PM.

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

Others Present: Sandra Bruedle, Keith Ball, Billy Perkins, Karen Jones, Ryan Noonan

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

Minutes of July 21, 2009: Board members made the following corrections:

Page 1: McKay: Insert a new second sentence to read: "Bob Craycraft also recused himself. Chair Orlowicz appointed Scott Drummey to sit for Mr. Craycraft."

Page 1: McKay: In the following sentence replace "xx" with "Capello".

Page 1: McKay: Add the following paragraph before the bolded motion: "Paul Raslavicus asked if a letter had been sent to the Police Chief requesting information about any traffic violations related to the gravel pit. David Allen confirmed that the letter had been sent and that Chief Bernier had responded and reported that there was no record of any traffic violations. Mr. Allen said he was in the process of moving his office and did not have the letter in hand. Mr. Raslavicus said that on the basis of Mr. Allen's statements he was ready to proceed to vote on the application."

Page 2: Before Stormwater: Insert new sentence to read "David Bickford and Bob Craycraft returned to the Board. Scott Drummey returned to sitting as an alternate."

Page 2: Stormwater: In the last sentence the phrase "impervious surface" is repeated. Strike the second use. Also strike the words "impervious surface of the" preceding the words "roofprint of the house".

Page 2: Second to last paragraph beginning with "Cathy Orlowicz": rewrite "couple of ordinances that they" to read "couple of ordinances that the ordinances".

Page 2: Final sentence of the page: Correct spelling of "document".

Page 3: Impact Fee: Last sentence of first paragraph: Correct "He thinks this would" to "He thinks this should".

David Bickford moved to accept the minutes of July 21 as amended. Dot Veisel seconded. Approved unanimously with no abstentions.

Bruedle Conceptual: Sandra Bruedle and Keith Ball asked the Board for guidance on the planned sale of the Bruedle gravel pit on Kings Highway (Map 19, Lot 8A) to Mr. Ball and the process for transferring the Excavation Permit. Board members said Mr. Ball would need to apply for a town permit in his own name before the pit could be operated under new ownership. Members and staff explained the application and review process and indicated the process was straightforward and unless significant unknown changes had taken place in the site they were not aware of any reason a new permit would not be granted.

Recess: Chair Orlowicz recessed the meeting at 8:22 PM. She reconvened the meeting at 8:28 PM.

Stormwater Management Ordinance: The Board held a working session on the Stormwater Management Ordinance. They reviewed a draft document that split the wording between an ordinance and regulations. Board members were comfortable with much of the draft document. They suggested some additional items could be moved to the regulations if wording is added to the ordinance stating that regulatory implementation details would be according to the most current version of the state stormwater management manual or other appropriate document.

Board members agreed by consensus that the ordinance should be equally applicable to all development of a certain size regardless if it was residential or commercial; and the trigger point should be either a square foot amount or a percent of lot size, similar to the Steep Slopes Ordinance. They agreed in principle, also by consensus, to a method suggested by Jennifer Viarengo to allow the Code Enforcement Officer to require fixing of small areas of disturbance that are improperly graded in a way that creates significant erosion.

David Allen agreed to draft an ordinance only (not regulations) based on the Board discussion and distribute it before the next Board meeting.

Impact Fee: David Allen reported he had discussed the questions raised by Board members at the last meeting with Mr. Mayberry. Mayberry explained the special use of the word "assessment" in the RSA and the fact that the RSA requires the Planning Board to "assess" the impact fee at the time of subdivision. He also clarified that his use of the term "special fund" in the impact fee ordinance is different from the way "special fund" is used elsewhere in state statute, and therefore the phrase "special fund" does not need to be in the regulations. This clarified a question that had been raised by the Finance Director, Vickie Blackden.

David Allen reported that Arthur Capello had calculate the building permit fee and impact fee for an average size house as requested by the Board. He said he did not have the specific numbers in front of him, but remembered the Impact Fee as being approximately \$4500 for an 1800 square foot house, which is the average. The building permit fee for the same house would be between \$800 and \$1,000.

The Board made minor edits for clarity and agreed to send the document to Town Counsel for review before holding a public hearing. Board members agreed to ask

Bruce Mayberry to present the process and results of his impact fee analysis at the public hearing.

New/Old Business:

Red Oak: The Board agreed to meet in non-public conversation with Town Counsel at 7 PM on Tuesday, August 11 to understand the legal implications of the refusal by Red Oak Ridge, LLC to participate in applications for Conservation funding for their properties. The Board will hold a workshop session following the meeting with Town Counsel and will not have a workshop on August 18.

Cocheco River Advisory Committee: David Allen shared a letter from the Commissioner of the Department of Environmental Services requesting volunteers for a Cocheco River Advisory Committee. No Board member wanted to be appointed. Board members will suggest names of potential interested citizens to David Allen before September 3, 2009.

Trailers and Parks: Paul Raslavicus asked the status of these two items. Proposals will be forthcoming soon from Cathy Orlowicz and Scott Drummey respectively.

Adjourn: Bob Craycraft moved to adjourn at 9:45 PM. Dot Veisel seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved as amended August 11, 2009