

MINUTES

NEW DURHAM PLANNING BOARD

OCTOBER 6, 2009

Chairperson Cathy Orlowicz called the meeting to order at 7:07 PM.

Roll Call: Cathy Orlowicz (Chair), Dot Veisel, David Bickford (Selectman's Representative @ 8 pm), Paul Raslavicus, Scott Drummey (Alternate), Jeff Kratovil (Alternate)

Excused Absence: Bob Craycraft (Vice-Chair),

Others Present: Sandra Bruedle, Keith Babb, Paul Gelinas, Ryan Noonan

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

Chair Orlowicz asked Scott Drummey to sit for Bob Craycraft. She noted that only the Selectmen's Alternate could sit for David Bickford.

Minutes of September 15, 2009: Dot Veisel moved to approve the minutes of September 15 as written. Scott Drummey seconded. Approved unanimously with no abstentions.

Babb Excavation Permit: Paul Gelinas described the Babb Application. He noted that the location had been an ongoing excavation site for many years. The plan for the next two years is to continue working the two acre segment where work has been done in the last few years.

Cathy Orlowicz noted that the Board had made a site walk on September 9 and no concerns had been noted or observed at that time.

Mr. Gelinas noted that the site is considerably more than 50' from the Perkins Brook which forms the south property line.

Scott Drummey asked if the excavation was downward into a pit, or if there was any runoff from the excavation site. Mr. Babb said it was a hole and no runoff was possible. He said he would be working for about a month cleaning up and adding additional protections before beginning actual excavation. Planned improvements include adding rock barriers to the side walls of the pit, adding a lock to the gate, cutting brush and tree growth along the road to improve the line of vision from the road to trucks leaving the pit.

Cathy Orlowicz noted that the site does not overlay an aquifer, and the applicant has a state permit in hand.

Mr. Babb told the Board he expected the maximum annual extraction would be about 40,000 cubic yards if all goes well, and could be less. He does expect to expand service in the Wolfeboro area.

He plans to reclaim partial areas once he has completed excavation in a particular section. Reclamation will bring slopes to a grade of 2:1 or 3:1. Arthur Capello told the board that once that reclamation was completed the slopes would be quite stable. Mr. Capello has not yet made a site visit but will this weekend and will notify the Board of his findings.

Chair Orlowicz opened the application to public comment at 7:39 PM. There was no comment. She closed the public comment at 7:40 PM.

Paul Raslavicus moved to approve the application of Keith Babb for an Excavation Permit for the Gravel Pit on Kings Highway at Map 19, Lot 8A subject to:

1. **Conclusion of the purchase of the property from Sandra Bruedle;**
2. **No concerns are identified by the Building Inspector in his site visit on October 10 or 11; and**
3. **The permit will expire on October 5, 2011.**

Dot Veisel seconded. Approved unanimously with no abstentions.

Tremblay: David Allen reported that Attorney Stanley Mullaney, representing Tom Tremblay, had requested a one month continuance of the hearing. Mr. Mullaney is preparing for a jury trial October 23, and has no time to help Mr. Tremblay prepare his applications until after that trial. Mr. Allen said he had discussed the question with Town Counsel, Justin Richardson, and Mr. Richardson had confirmed that this is an appropriate reason to request a continuance.

Paul Raslavicus moved to continue the application of Mr. Thomas Tremblay for a site plan approval for businesses located at 69 Meaderboro Road, (Tax Map 1, Lot 22) until the November 3, 2009 Planning Board meeting. Scott Drummey seconded. Approved unanimously with no abstentions.

Capital Improvement Plan. The CIP was distributed to Board members at the October 6 Planning Board meeting so they could review it in advance.

Town Administrator April Whittaker explained the process for developing the CIP or Capital Improvement Plan. She noted that there were few changes in this year's CIP from last year. She added there are a few potential new capital initiatives under

discussion but they have not proceeded far enough to include them in the CIP plan this year.

Jeff Kratovil asked if the CIP is a document that is “carved in stone”. Ms Whittaker explained that it is guidance and planning document. It does not authorize any expenditure, nor does it commit the Town to any expenditure. The Board of Selectmen needs to include the identified expenditures in an annual budget to be voted upon at Town meeting. In many cases the items in the CIP require a special warrant article that can only be approved by the Town Meeting.

Chair Orlowicz opened the CIP to public comment at 8:08 pm. There were no comments, but she held the comment period open for several more minutes.

Scott Drummey moved adoption of the Capital Improvement Plan for the years 2010 – 2019 as it was recommended by the Capital Improvement Plan Subcommittee. Dot Veisel seconded.

David Bickford and Paul Raslavicus indicated they would need to abstain because they had not had time to review it.

Chair Orlowicz called a 15 minute recess at 8:19 PM to allow all Board members time to review the document. She reconvened the meeting at 8:34 PM.

The Board unanimously to approve the Capital Improvement Plan as presented, with no abstentions.

Lot Merger: David Bickford moved to approve a voluntary merger of lots 19-2 and 19-1 as requested by Mr. Kenneth Pederson on behalf of the Lions District 44H of New Hampshire Services to Mankind. The Lions district is the owner of both lots. Paul Raslavicus seconded. Approved unanimously with no abstentions.

Subdivision Regulations: Proposed amendments to the subdivision regulations were introduced at the October 6 Planning Board meeting. The regulations would require the submission of electronic copies of application materials, and require applicants to prepare the certified mail envelopes for notifying abutters.

Cathy Orlowicz opened the matter to public comment at 9 PM. There were no public comments. Ms Orlowicz closed the public hearing at 9:10 PM.

David Bickford moved to amend the proposed amendments to read “names and addresses must be current as of 5 days before filing the application,” instead of 26 days. Members accepted this as a friendly amendment.

Dot Veisel moved to approve the amendments to the New Durham Subdivision Regulations as presented. Paul Raslavicus seconded. Approved unanimously with no abstentions.

Site Plan Regulations: Proposed amendments to the site plan regulations were introduced at the October 6 Planning Board meeting. The regulations would require the submission of electronic copies of application materials, require applicants to prepare the certified mail envelopes for notifying abutters, and require submission of application materials 21 days prior to the Board meeting.

Cathy Orlowicz opened the matter to public comment at 9:20 PM. There were no public comments. Ms Orlowicz closed the public hearing at 9:28 PM.

David Bickford asked that the wording be changed to read “names and addresses must be accurate as of 5 days before filing the application,” instead of 26 days. Members accepted this as a friendly amendment.

David Bickford moved to approve the amendments to the New Durham Subdivision Regulations as amended. Dot Veisel seconded. Approved unanimously with no abstentions.

Non-Public Session: Scott Drummey moved to go into non-public session under the terms of RSA 91A:3 IIb for discussion of an ongoing legal matter. Paul Raslavicus seconded. Yes: Dot Veisel, Scott Drummey, Paul Raslavicus, David Bickford, Cathy Orlowicz. No – no votes.

The Planning Board returned to public meeting at 10:42 PM.

Dot Veisel moved to invite Town Counsel to meet with the Planning Board soon at his convenience. Scott Drummey seconded. Approved unanimously with no abstentions.

David Bickford moved to adjourn at 11:00 PM.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved as amended on 11/3/2009