

MINUTES

NEW DURHAM PLANNING BOARD

NOVEMBER 3, 2009

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

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

Others Present: Kathy Burkhardt, Mel Burkhardt, Gloria Switalski, Victor Piekarski, Tom Tremblay, Laurie Tremblay, Stan Mullaney, Arthur Capello, Ryan Noonan

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

Tremblay Site Plan: Chair Cathy Orlowicz explained the rules for public hearings. She asked Board members and the public if there were any perceived conflicts of interest. There were none.

David Allen walked the board through the application materials and the checklist. The applicant submitted a letter indicating that several items on the checklist were not relevant. Board members agreed with this list by consensus.

In response to questions the applicant indicated the outside lighting consisted of residential lighting on the front of the house and the garage. All stone walls on the property are shown on the application plat. All abutters were notified. There are no easements or rights of way on the property, except for utilities. There are no paved surfaces.

The applicant submitted a letter requesting waivers from several application requirements.

David Bickford moved to accept Mr. Tremblay's request for waivers. Dot Veisel seconded. Approved unanimously with no abstentions.

David Bickford moved to accept the application as complete, with the condition that the applicant provides estimates of the impervious surfaces and calculations of the percent of impervious cover. Bob Craycraft seconded. Approved unanimously with no abstentions.

Mr. Mullaney summarized the history of Mr. Tremblay businesses and explained the nature of his application. He emphasized that Mr. Tremblay had been told by town officials that he did not need permits beyond his building permits and that he had relied on that information. Mr. Mullaney described the businesses as long standing, non-disruptive, and consistent with the rural siting.

The lightning rod business is conducted from an area in the garage that serves as office, but there is no storage of materials on site, and no customers who visit the site. The wood business involves Mr. Tremblay or his suppliers delivering logs to the site. They are stacked until processed. Processing is done with a large saw rig that cuts the long logs into firewood sized logs.

Mr. Tremblay employs his son and one other person in the firewood business. The amount of their employment and the amount that Mr. Tremblay works on the firewood business varies considerably on a seasonal basis and related to the economy. No logging is done on his land, and there is no milling of lumber.

There was extensive discussion of hours of operation. Mr. Tremblay indicated he fits this work in around other responsibilities so his hours can include starting at 6 am and working on the weekends.

Mr. Tremblay does not have a sign on the property for his business. His van carries the name and logo of the lightning rod business. He relies on newspaper ads and word of mouth advertising.

Chair Orlowicz opened the issue to public comment at 8 pm. Mel Burkhart lives across the road. There are many other things in the neighborhood that are louder and more disturbing than Mr. Tremblay's business. Victor Piekarski is an abutter since 1995. He has never been bothered by the operation and is often unaware of it. His only concern is the potential for significant expansion and new problems from a new owner if Mr. Tremblay sells the property.

Arthur Capello, Building Inspector and Code Officer said he had visited the site and had no concerns about the business. He thinks there should be defined hours of operation. Scott Drumme asked if the town has a noise ordinance and how it might affect the business. Cathy Orlowicz read from the ordinance which limits loud noises between 11 pm and 7 am.

The board discussed potential conditions of operation at great length. During this discussion the applicant mentioned some possible drainage problems. They decided to conduct a site walk to help them understand the context more clearly, and scheduled it for 7:30 AM, Saturday, November 7.

Eldridge: Cathy Orlowicz and Bob Craycraft recused themselves from this discussion because they are involved with the Meeting House Committee. Chair

Orlowicz asked Paul Raslavicus, as the senior board member, to chair the meeting. Mr. Raslavicus asked Scott Drummey and Jeff Kratovil to sit as members in place of Mr. Craycraft and Ms. Orlowicz.

Mr. Allen described the interest of Mr. Anthony Eldridge in making a boundary line adjustment between his property at Map 7, Lot 19 and the Town's property at Map 7, lot 20 which has the Old Meeting House on it. The line adjustment would add approximately one acre to the Meeting House property which could be used as a parking lot that would significantly improve the use of the site. The soils on Lot 19 are very poor septic soils and require 150,000 square feet as minimum lot size. The proposed Boundary Line adjustment would make the lot about 20-30,000 square feet smaller than this requirement. Mr. Allen conveyed Mr. Eldridge's request for the board to consider such a boundary line adjustment.

Jeff Kratovil moved to deny any consideration of a lot line adjustment that would create a non-conforming lot. Dot Veisel seconded. Approved unanimously with no abstentions.

Mr. Raslavicus pointed out that the Planning Board could consider such a request if the Zoning Board of Adjustment granted a waiver from the lot size requirements for this specific situation.

Hart Merger: Bob Craycraft moved to approve the merger of Map 10, Lot 40 with Map 10, Lot 36 as requested by Ms. Lorna Hart, 123 Merrymeeting Road. Ms. Hart owns both properties which are abutting. Dot Veisel seconded. Approved unanimously with no abstentions.

Smith Merger: Bob Craycraft moved to approve the merger of Map 27A, Lot 24, Section 1 with Map 27A, Lot 23 as requested by Mr. Stephen Smith. Mr. Smith owns both properties which are abutting. Dot Veisel seconded. Approved unanimously with no abstentions.

Paul Raslavicus moved to adjourn at 10:30 PM. David Bickford seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant