
MINUTES

NEW DURHAM PLANNING BOARD

DECEMBER 8, 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) at 8 PM, Paul Raslavicus at 8:30 PM, Scott Drummey (Alternate), Jeff Kratovil

Others Present: Paul Gelinias, Mike Gelinias, Ryan Noonan, Ron Gehl

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

Workforce Housing: Cathy Orlowicz read into the record an e-mail from Paul Raslavicus with comments on the workforce housing amendments.

The Board agreed by consensus to reorganize Section IV.A. so that all points related to accessory apartments are sub points of IV.A.2, added a note that there can be only one accessory apartment per lot, and clarified the new item IV.A.2.d to read "Accessory apartments shall be designed to complement the design of the parent structure."

The Board agreed by consensus to remove the requirement for a duplex home to have double the lot size of a single family home. Instead it can be built according to the same rules as for a single family home.

Following extensive discussion the board agreed to leave section VII.A.3.(3).b as written. Cathy Orlowicz asked Scott Drummey to sit for Paul Raslavicus.

Bob Craycraft moved to submit the Workforce housing Amendments for Public Hearing on Tuesday, January 5, 2010, subject to review of the wording on December 15. Dot Veisel seconded. Approved unanimously with no abstentions.

Stormwater Management: The Board reviewed the proposed language. David Allen noted that he had not added the language to exempt forestry and agriculture from the requirements of the ordinance as agreed by the Board at the previous meeting.

The Board agreed by consensus to clarify that the design of storm water management improvements for “Incidental” level disturbances would not require design by an engineer.

Bob Craycraft moved to submit the Stormwater Management Ordinance for Public Hearing on Tuesday, January 5, 2010, subject to review of the wording on December 15. David Bickford seconded. Approved unanimously with no abstentions.

Town Center Mixed Use District Ordinance. The Board agreed by consensus to define the Zoning district on the basis of lots frontage on and access to certain roads, as follows:

1. All lots with frontage/access on Depot Road; and
2. All lots with frontage/access on the section of Main Street from the Merrymeeting River to the Depot Road; and
3. All lots with frontage/access on the section of Old Bay Road from Depot Road to the east side of Map 9, Lot 90 and Map 9, Lot 91; with the agreement that the distance the district would extend away from the road frontage on very deep lots was still to be determined.

Board members began to discuss how far back the Zoning District should go on deep lots.

Paul Raslavicus asked David Bickford to recuse himself from this part of the discussion of the ordinance because it specifically related to Map 10, Lot 65 which is co-owned by Mr. Bickford. Ron Gehl read Section I.A.iii of the Ethics ordinance into the record:

“Public servants shall not participate in any matter in which he or she or a member of his or her family, have a personal interest that may directly or indirectly affect or influence the performance of his or her duties. In such instances, the public servant shall recuse himself or herself from discussion and decision-making.”

Cathy Orłowicz said the question about the ordinance had been raised several times over the two years the board has worked on this ordinance and said she felt it was inappropriate to bring it up repeatedly when Mr. Bickford had stated his response several times.

Mr. Bickford said he was afraid that most boards in town would not be able to operate if every town board member had to recuse himself or herself from every

issue that might affect them personally. He asked if Mr. Raslavicus would or should recuse himself from any discussion of the Shore front ordinance.

Mr. Raslavicus said at this point he was directing his question to the narrow issue of how to establish the zoning district boundary on a particular lot that is co-owned by Mr. Bickford.

Mr. Bickford said he could participate in the discussion without any bias and would continue to do so.

The Board returned to the question of setting boundaries. Bob Craycraft suggested a depth of 1200' from the road. David Bickford suggested there was no reason not to include the entire lot. Chair Orlowicz asked for a show of hands on whether Board members wanted to set some limits or allow the entire lot to be within the district. A majority wanted to set limits.

Bob Craycraft reiterated his suggestion to use the 1200' marker. He said he felt that allowing the full depth of a lot to be in the zoning district could create the potential for negative environmental impact, and the GIS soils analysis made it a logical cutoff point. Chair Orlowicz asked for a show of hands. A majority agreed to the 1200' distance.

Cathy Orlowicz asked the board to make a decision on what the minimum lot size in the district should be. There was extensive discussion including participation by members of the public. Bob Craycraft said that he preferred allowing smaller lot sizes in the Town Center district as a planning technique that would make it easier to maintain the rural character of other parts of town. He acknowledged there was vocal opposition to lowering lot sizes and said he felt it was more important to get the zoning district into the Zoning Ordinance and it would be acceptable to him to keep the same lot sizes in the Town Center as in the rest of town. The Board then agreed by consensus to change the lot size section of Table 1 to say the lot size would be the same as in the Residential-Agricultural-Recreation district; and to change the frontage section of the table to say the same thing.

Bob Craycraft moved to submit the Town Center Mixed Use Zoning District Ordinance, as amended by consensus at this meeting, for Public Hearing on Tuesday, January 5, 2010, subject to review of the wording on December 15. David Bickford seconded. Approved unanimously with no abstentions.

Minutes of November 10, 2009: Board members made the following corrections:

Page 1: Add Jeff Kratovil (Alternate) as present

Pages 3 & 4: Corrected spelling errors including “removing”, “families”, “storm water” and “Orlowicz.”

Paul Raslavicus moved to accept the minutes of November 10 as amended. Dot Veisel and David Bickford abstained as they were not present at the meeting. Chair Orlowicz asked Jeff Kratovil to sit for Dot Veisel. Approved unanimously with no abstentions.

Minutes of November 24: Board members made the following corrections:

Page 2: 1st paragraph, 2/3 of the way through, following “Tash circle”: Insert the phrase “-the area bounded by Tash Road, Route 11, Depot Road, and Old Bay Road.”

Page 2: Ethics. Strike the entire bullet.

Bob Craycraft moved to accept the minutes as amended. David Bickford seconded. Approved by a vote of 4-1.

Tremblay Site Plan: Paul moved to approve the draft Notice of Decision as it was written. Bob Craycraft seconded. Approved unanimously with no abstentions.

The Board discussed agenda for the meeting of December 15.

Bob Craycraft moved to adjourn at 10:14 PM. Dot seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant