

PLANNING BOARD

SEPTEMBER 1, 2009

MINUTES

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

Roll Call: Cathy Orlowicz (Chair), Dot Veisel, David Bickford (Selectmen's Rep), Paul Raslavicus, Scott Drumme (Alternate), Bob Craycraft (Vice-Chair) (at 7:11 PM).

Breudle Gravel Pit Excavation Permit: Chair Orlowicz asked the Board's permission to change the agenda to consider this item first. Board members agreed. She reported that the Board could not consider the application at this meeting because of an unanticipated problem beyond the control of the applicant. She asked the Board if they would agree, in this case only, to place the application on the agenda of the workshop scheduled for September 15. Board members agreed.

The Board discussed whether they had the authority to consider and act on an application from a person who was not currently the property owner. After some discussion the Board asked Staff David Allen to clarify the appropriateness of this action with legal counsel.

The Board agreed to schedule the application for hearing on September 15, and to schedule a site walk for September 9 at 6:30 PM, subject to confirmation of their authority with legal counsel.

Introduction of Potential Alternate: David Allen introduced Jeff Kratovil who is a 4-year resident of New Durham residing at 160 Old Bay Road. Mr. Kratovil is interested in serving as an alternate on the Planning Board. Board members asked a range of questions and Mr. Kratovil shared additional information about his background and interests. Board members have agreed in the past to wait a period of two weeks before taking any action on potential new members or alternates. Mr. Kratovil remained at the meeting as a member of the public.

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

Minutes of August 11, 2009: Board members made two corrections to the minutes of August 11. Page 1, Minutes of 8/4/2009: change "calculate" to "calculated". Page 2, 5th bullet: change "related" to "relate".

Bob Craycraft moved to approve the minutes of August 4 as amended. David Bickford seconded. Approved unanimously with no abstentions.

Impact Fee Regulations: David Allen reported that Attorney John Teague had reviewed the proposed Impact Fee Regulations. Mr. Teague questioned one item related to the fund accounts for holding Impact Fee payments. Mr. Allen clarified the question with staff and Bruce Mayberry. Mr. Teague had no other concerns. Board members agreed by consensus on the changes in wording needed to clarify this point, and a few other changes made for clarity.

After extensive discussion board members also agreed by consensus to change the wording on Section 3.b. to read "The expansion of any existing year round dwelling by a single owner that results in a cumulative increase in living area greater than 150 square feet." They also changed the footnote to that section to read "For example, an addition of 150 square feet followed by a second addition of 150 square feet at a later time is a cumulative increase in living area of 300 square feet."

David Bickford asked that the content of Building Inspector Arthur Capello's memo regarding the building permit fees and impact fee costs for an average size house be entered into the minutes. Mr. Capello found that the average size of a house permitted in New Durham is 1887 square feet. The Building Permit fee for a house of that size is about \$815. The amount of the impact fee under the proposed regulations would be \$4700.

Bob Craycraft moved to schedule the Impact Fee Regulations for Public Hearing on October 6, 2009 with Mr. Bruce Mayberry present to make a public presentation of his methodology and impact fee calculations. Dot Veisel seconded. Approved unanimously with no abstentions.

Subdivision Regulations: Staff David Allen proposed amendments to the Subdivision Regulations requiring applicants to prepare certified mailings to abutters, and requiring submission of electronic files of applications. **Bob Craycraft moved to schedule the amendments to the Subdivision Regulations proposed by staff to Public Hearing on October 6, 2009 as presented. David Bickford seconded. Approved unanimously with no abstentions.**

Site Plan Regulations: Mr. Allen proposed the same amendments to the Site Plan Regulations. **Bob Craycraft moved to schedule the amendments to the Site Plan Regulations proposed by staff to Public Hearing on October 6, 2009 as presented. David Bickford seconded. Approved unanimously with no abstentions.**

Recess: Chair Cathy Orlowicz called a short recess at 8:47 PM. She reconvened the Board at 8:52 PM.

Stormwater Ordinance: The Board reviewed correspondence from Appledore Engineers and Derek Sowers that responded to a number of questions Board members had asked at the August 11 meeting. They discussed at length the information regarding levels of disturbance that would trigger the requirement for submission of a permanent Stormwater Management plan. By consensus the Board narrowed the square foot area of disturbance to 12,000 to 15,000 square feet.

Paul Raslavicus expressed concern regarding the proposal to set the percentage of square feet trigger at 15%. He felt that could be a problem on smaller non-conforming lots. The Board agreed to continue the discussion of these triggers at its next meeting.

Several Board members felt that the language and organization of the draft ordinance made it hard to understand early in the ordinance which developments would need to submit their Stormwater plans to the Planning Board, and what kind of plans they would need to submit. They accepted Mr. Allen's offer to edit and reformat the beginning paragraphs of the ordinance, and to develop a chart showing how the requirements of this ordinance combine

with the requirements of the Steep Slope ordinance and other setback requirements of the Zoning Ordinance.

Transportation Enhancement Grant: Cathy Orlowicz reported on a planning meeting held earlier in the day to prepare a grant proposal for the Transportation Enhancement Grant Program. Board members agreed by consensus to provide a letter of support for the grant proposal. Ms. Orlowicz noted that she will be signing a similar letter in her capacity as Town Historian. She suggested that Vice-Chair Bob Craycraft sign the letter from the Planning Board. Mr. Craycraft and other board members agreed to that suggestion.

Dot Veisel emphasized the importance of building sidewalks to protect the safety of children traveling to and from the elementary school, and to facilitate the school's access to learning opportunities in the center of Town.

Non Public Session: Cathy Orlowicz moved to enter into non-public session for discussion of Town Counsel advice under the terms RSA 91-A:3-II(e). Paul Raslavicus seconded. Roll Call Vote: Bickford:yes; Craycraft:yes; Raslavicus:yes; Veisel:yes; Orlowicz:yes.

The Board returned from non-public session. **David Bickford moved to seal the minutes of the non-public meeting until the matter under discussion is settled. Paul Raslavicus seconded. Approved unanimously with no abstentions.**

David Bickford moved to direct Town Counsel John Teague to proceed as previously discussed and send a letter on behalf of the Planning Board. Paul Raslavicus seconded. Approved unanimously with no abstentions.

Adjourn: Paul Raslavicus moved to adjourn at 10:25 PM. Dot Veisel seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant