

# MINUTES

## NEW DURHAM PLANNING BOARD

### FEBRUARY 6, 2007

A video recording of this meeting is on file with Office of Town Clerk. It is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.

Chairman Bob Craycraft called the meeting to order at 7:05 PM.

**Roll Call:** Ron Gehl (Selectmen's Representative), Bob Craycraft (Chair), Cathy Orlowicz (Alternate), George Gale (Alternate), David Lindberg, Mike Clarke. **Unexcused Absences:** Donald Voltz, Christopher LaPierre.

**Public Input:** Chairman Craycraft asked if there was anyone who wished to give public comment on an issue that was not on the agenda. There was not.

**Zoning Amendment #1. Water Quality Protection:** Bob Craycraft noted that the agenda for the meeting was consideration of proposed amendments to the Town of New Durham Zoning and Land Use Ordinance. The first proposed amendment is the addition of a water quality protection article to the zoning ordinance. Craycraft gave a brief summary of the contents of the ordinance as the Planning Board was proposing it following earlier public input.

At 7:11 PM Chairman Craycraft opened the Water Quality Protection Amendment to public hearing. David Bickford testified and said that he felt the ordinance was greatly improved by the changes the Planning Board had made. He had a few non-substantive suggestions for clarity and grammar.

Art Hoover asked for clarification on the impact the ordinance would have on 65 acres that he owns contiguous to the Merrymeeting River. Would the entire lot be considered in the Riparian Buffer Zone? Board members said no, only the part immediately adjacent to the wetland. Hoover asked about waters of special significance, and the tiered setbacks. Bill McGrew asked how the proposed New Durham setbacks compared with other towns. Craycraft and Ron Gehl indicated they were about in the middle: some towns had more, some less.

Dennis Nayland asked what the impact would be on the town. Ron Gehl reported that the Board had done an exercise applying the proposed guidelines to 10-12 subdivisions that had come before the Board in the last couple of years. There were some situations in which it would have been necessary to change the layout of some of the

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lots, and only 1 situation in which it might have reduced the number of lots that could be created.

Cathy Orłowicz asked if the requirement that the ordinance not apply to lots over 10 acres also was true for Open Space Conservation subdivisions. David Allen pointed out that Section B requires the entirety of an Open Space subdivision to meet the setbacks and gives the Planning Board the same authority to adjust setbacks as it currently has to adjust lot size and frontage requirements in an Open Space subdivision.

David Lindberg answered a question about the basis for the setback amounts by pointing out that some were based on similar setbacks in the Shoreland Protection Act. Chair Craycraft closed the public hearing at 8:26 PM.

**Lindberg moved to continue action on Amendment #1 to the end of the discussion on amendments so the Board could have precise wording of the edits that had been suggested for clarity or grammar. Ron Gehl seconded. Unanimous with no abstentions. George Gale sitting for Donald Voltz.**

**Zoning Amendment #2, Conversion of Seasonal Housing:** David Lindberg explained the origin and purpose of the proposed amendment.. Chairman Craycraft opened the issue to public hearing at 8:37 PM after there was no Board input.

Fred Booth asked if the terms of the ordinance would be affected one way or another by property covenants. Lindberg pointed out that the Town cannot take any action to enforce a property covenant.

Bob Craycraft closed the public hearing at 8:45 PM. **David Lindberg moved to amend the proposed Amendment by striking the words “Town of new Durham”, replacing the term “Water Safety and ....” with the term “New Hampshire Department of Environmental Services”, and making the last sentence a stand alone bullet #4; and moved to place the amended proposed amendment on the 2007 Town Meeting Official Ballot. George Gale, sitting for Donald Voltz, seconded. Approved 4-1 with no abstentions. George Gale, David Lindberg, Bob Craycraft and Cathy Orłowicz voted yes. Mike Clarke voted no.**

**Amendment #3, Recreational Vehicles:** David Lindberg explained that this proposal resulted from a request from the ZBA for clarification in the status of Recreational Vehicles. Bob Craycraft opened the issue to public hearing at 8:57 PM.

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There was extensive questioning and discussion. Bill McGrew and Mike Hoffman both spoke as members of the ZBA. They appreciated the Planning Board effort to clarify the issue and felt the proposal was a step in the right direction, but they questioned whether 120 days was too much. Others asked how the Planning Board had come up with 120 days. Lindberg explained it was a compromise between some board members who wanted more, and some who wanted less.

Dan Bell complained that the proposed amendment gave people the option of adding an untaxed bedrooms. Fred Booth said it conflicted with the other efforts to protect the quality of the water in town. Mike Clarke said he was afraid it would encourage people to come to town to park for 120 days.

Several members of the public said they thought the proposal needed more work and offered to help with the process. Ron Gehl wondered why the concern about gray water being dumped on the ground had not gone to the Town Health Officer.

Craycraft closed the public hearing at 9:38 PM. **David Lindberg moved to table the recommendation and continue work to get a clear and acceptable amendment to bring to the 2008 Town Meeting. Mike Clarke seconded. Unanimous with no abstentions.**

**Amendment # 4, definitions.** David Allen explained that this proposal was also in response to the ZBA request for clarification. They had found the definitions of “dwelling” and “dwelling unit” to be unclear.

Craycraft opened the issue for public hearing at 9:50 PM. There were a few questions related to understanding the proposal. He closed the public hearing at 9:55 PM.

Bob Craycraft suggested editing the proposed amendment to specifically state the amended definitions were in Section XII of the Zoning Ordinance. Agreed by the board without objection.

**David Lindberg moved to place the amendment as edited on the 2007 Town Meeting Official ballot. George Gale seconded. Unanimous with no abstentions.**

**Amendment #1.** Chairman Craycraft returned the Board to the first amendment, the Water Quality Protection Ordinance. David Allen identified x edits the board had agreed to: 1. strike the word “all” from the first sentence on page 2; 2.

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**Ron Gehl moved to place Amendment #1 on the ballot as edited. George Gale seconded. Approved 4-1 with no abstentions. George Gale, David Lindberg, Bob Craycraft and Cathy Orlowicz voted yes. Mike Clarke voted no.**

**Official Ballot Wording:** The Board reviewed the draft official ballot wording. They agreed to strike the proposed Amendment #3 from the ballot, and to change #4 to #3. They also added the reference to Article XII definitions as was done for Amendment #4.

**Ron Gehl moved to approve the official ballot wording as amended. George Gale seconded. Approved 4-1 with no abstentions. George Gale, David Lindberg, Bob Craycraft and Cathy Orlowicz voted yes. Mike Clarke voted no.**

**New/Old Business:** David Allen told the board that Mark Fuller, Road Agent, had requested clarification about whether the driveways on the Aversa subdivision (2004) could be moved to a safer layout on the property. The Board reviewed the subdivision application and plats and agreed that a change could be made as long as the change met the conditions of approval, including Ron Gehl moved that the Board authorize the Chair to give an advisory opinion to the Road Agent that a new driveway that met the conditions of approval of the Aversa subdivision, including 300' site distance in both directions, would be in line with the terms of subdivision approval. George Gale seconded. Mike Clarke abstained as a member of the Town Highway Department. Unanimous.

Mike Clark moved to continue consideration of the minutes to the February 20 Planning Board workshop session. George Gale seconded. Unanimous

George Gale moved that the board adjourn at 10:17 PM. Cathy Orlowicz seconded. Unanimous.

Respectfully submitted,

David Allen, Recording Secretary