

# DRAFT MINUTES

## NEW DURHAM PLANNING BOARD

### MARCH 20, 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 7:10 PM.

As the first order of business Mr. Craycraft noted that Cathy Orlowicz had been elected by the voters to fill a vacant 3 year term on the Board. Ms. Orlowicz suggested that the Board invite Paul Raslavicus, the other candidate on the ballot, to replace her as an alternate. She reported she had suggested that to him and that he said he would consider. David Allen said he had spoken to Mr. Raslavicus that day and Raslavicus had said he would be open to an appointment. Craycraft also noted that the Board of Selectmen had appointed Peter Rhoades as its representative, replacing Ron Gehl.

**Roll Call:** Peter Rhoades (Selectmen's Representative), Bob Craycraft (Chair), Cathy Orlowicz, Donald Voltz (Vice-Chair), George Gale (Alternate), Mike Clarke

**Others Present:**

**Public Input:** Chair Craycraft asked if there was public input on any issues that were not on the agenda. There was none.

**Ricky Rines, Lot Line Adjustment:** Acceptance and Public Hearing regarding an Application to be submitted by Paul Zuzgo on behalf of the owners Ricky & Diane Rines, P.O. Box 17, New Durham, NH, for a voluntary lot line adjustment between Map 9, Lot 77 and Map 9, Lot 78 on Main Street. The Lot Line Adjustment will convey 5,552 square feet from Lot 78 to Lot 77.

Mike Clarke stated that he would recuse himself because in the past he has done work for Mr. Rines.

Mr. Zuzgo summarized the application. Chair Craycraft walked the Board through the lot line adjustment checklist. **Donald Voltz moved to accept the application as complete conditional upon:**

1. **Receipt of a written request for waivers;**

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2. **Addition of a note to the plat stating there are no cemeteries;**
3. **Elimination of the words “Old Route 11” from the description of Main Street;**
4. **Indication of the width of the road on the plat;**
5. **Indication on the plat that the new lot line is no greater than 15' from the nearest corner of the house on Lot 78;**
6. **Cleaning the spots on the plat where line graphics make the text hard to read;**
7. **Addition of pole numbers on the utility poles for the overhead wiring.**

**George Gale seconded. Unanimous.**

Paul Zuzgo explained that Mr. Rines is planning to sell Lot 77 with the house and he wants to enlarge the lot on which the house sits to increase the ease of sale. He pointed out that Lot 77 will increase in size from .41 to .54 acres, making it less non-conforming. Lot 78 is slightly larger than 6 acres.

Chair Craycraft opened the issue for public hearing at 7:30 PM. Paul Darby asked if the lot line adjustment would make either lot more usable for any non-residential purposes. Paul Zuzgo said the only thing he was aware of is that it would make it possible to park a Recreational Vehicle in the rear of the house without driving on the other lot. That has not been an issue in the past because Mr. Rines owns both lots.

David Bickford said he thought the plan was a good idea, and it would enhance Lot 77 with no negative impact on Lot 78. Bickford noted that the plan indicated that Mr. Zuzgo would be setting two pins on the boundary line between the Rines property and his own. He asked that Mr. Zuzgo show him where the pins are at the time he places them. Mr. Zuzgo agreed.

There being no other public comment, Bob Craycraft closed the public hearing at 7:37 PM.

**Donald Voltz moved to approve the application conditional upon:**

1. **Receipt of a written request for waivers;**
2. **Addition of a note to the plat stating there are no cemeteries;**
3. **Elimination of the words “Old Route 11” from the description of Main Street;**
4. **Indication of the width of the road on the plat;**

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5. **Indication on the plat that the new lot line is no greater than 15' from the nearest corner of the house on Lot 78;**
6. **Cleaning the spots on the plat where line graphics make the text hard to read;**
7. **Addition of pole numbers on the utility poles for the overhead wiring.**

**Cathy Orlowicz seconded. Unanimous with Mike Clarke abstaining, George Gale sitting for Mr. Clarke.**

**Conceptual Hearing on an application by Dwight Jones, 320 Kings Highway, Map 25, Lot A17 for a Home Occupation Permit to operate a gun and ammunition shop at his home.**

Mr. Jones clarified that his primary purpose will be to sell Police supplies and that he will sell minimal amounts of ammunition. He will not sell, nor will he have on the premises, any black powder.

Mike Clarke noted that the applicant should have letters of approval from both the Chief of Police and the Fire Chief. Jones noted that he had spoken with Chief Bernier who had no problems with the plan, and he would get letters from both.

David Allen asked for a clarification of Planning Board procedure on Home Occupation Permits. Board members said their usual procedure was to take a formal vote of approval on the application after a site review by the Building Inspector. It is referred to as a Conceptual Hearing because it is scheduled for a workshop meeting. Allen said he would write up procedures for clarity.

Cathy Orlowicz noted that other Home Occupation applicants had been asked to give additional detail on the size of the parking area and how it intersects the road; and on their plans for signage. Jones said the sign would be small and removable and would be taken down when he was not present at the shop.

David Lindberg, speaking as Building Inspector, asked for a hand sketch with dimensions. He requested a scale of 1" = 20', and the plan should show the distances between road and buildings and other structures such as the septic tank and field. Mr. Jones said he would provide those items and Craycraft said the Board would continue the application to the April 3 Business meeting.

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Chair Craycraft noted that in the absence of the applicant, the Board would not review the Home Occupation Permit Application of Greg Kelly. Mr. Kelly plans to open an alternative energy supply store in his home on Ridge Road. He will be installing a windmill as demonstration and for his own electrical generation.

David Lindberg asked for the Board's direction on a code interpretation issue. Johnson's Restaurant wants to build an office above the garage and meat store they are currently renovating. They had originally planned to build the office in the basement but it proved to damp and moldy. Did the Board agree with him that this was within the footprint the Board had already approved and did not require further approval. The Board agreed.

Lindberg reported that he too had received an inquiry about a windmill, this one on the north shore of Merrymeeting Lake. He asked for the Board's interpretation of whether the applicant could install a windmill that would exceed 35' in height. The Board reviewed the Zoning Ordinance. They decided it was clear that any structure within 300' of a lake or great pond was limited to 35' tall, and the applicant on Merrymeeting Lake would need to seek a variance from the ZBA. The Board was unable to clarify the standards for a conforming lot that is outside the Shoreland Zone. They asked Mr. Lindberg and Mr. Allen to check historical records to ensure that the current language in the Zoning Ordinance is accurate.

**Mission:** David Allen shared a draft mission statement for the Planning Board based on discussions at the last two meetings. Since it was the first time seeing it, Board members asked to consider it and then discuss it at the next workshop meeting.

**Vision:** Allen reviewed the process to date. He took the concepts that had been discussed at the last meeting and put in new language. Don Voltz said he like the clarity and simplicity of bulleted concepts. Board members asked to consider the draft and discuss it, too, at the next workshop meeting.

**Zoning Districts:** Board members talked about the process for developing the zoning district ordinance. David Lindberg and Don Voltz asked for maps that included roads, parcel layout, major topography, and dwelling locations. They agreed it would be helpful if the SRPC staff could bring information and examples of successful and unsuccessful zoning efforts from other towns.

**Subdivision Regulations:** Allen described two concepts he was formulating for the regulations. The first would designate two types of application process: expedited

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and comprehensive. The other would be for the Planning Board to give developers of large lots some parameters before the developer began designing the subdivision so the developer would better know the “ground rules” in advance. Board members asked him to bring options about how these two ideas might work.

**CIP Subcommittee:** Bob Craycraft asked for a volunteer from the PB to sit on the CIP subcommittee. Allen asked the Board to consider what guidance it would want to give that person as to how to represent the Planning Board on the subcommittee.

**Zoning Ordinance Conflict:** Craycraft noted that there was some inconsistency in the town Zoning Regulations as to road specifications in conservation subdivisions and noted that he had asked the Local Government Center legal staff for guidance. They pointed to the statutory requirement that the more stringent requirements should trump in case of a conflict..

Board members asked for copies of the finalized driveway regulations and water quality ordinance. Cathy Orlowicz asked staff to check if any gravel excavation permits were coming up for renewal.

**Election of Officers:** The Board began discussion of the election of officers. At 9:17 PM Chairman Craycraft called a 5 minute recess. After the recess **Mike Clarke moved to extend the time allotted in the Planning Board Rules of Procedure for holding the election of officers so that all members of the Board can be present and voting; and schedule the election for Tuesday, April 17 at the regular monthly workshop meeting at 7 PM. Bob Craycraft seconded. Unanimous.**

**Minutes:** Mike Clarke moved to accept the minutes of March 6 as corrected, conditional on review by Ron Gehl who was present on the 6<sup>th</sup> as the Selectmen's Representative. Cathy Orlowicz seconded. Unanimous.

Respectfully submitted,

David Allen, Recording Secretary

*Approved May 1, 2007*