

MINUTES

NEW DURHAM PLANNING BOARD

APRIL 3, 2007

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Chairman Bob Craycraft called the meeting to order at 7:02 PM.

Roll Call: Ron Gehl (Selectmen's Alternate) (sitting on Kodiak only for continuity), Peter Rhoades (Selectmen's Representative) (sitting on all items except Kodiak), Bob Craycraft (Chair), Cathy Orlowicz, Donald Voltz (Vice-Chair), George Gale (Alternate) **Excused Absence:** Mike Clarke **Unexcused Absence:** Christopher LaPierre

Others Present:

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

Kodiak Open Space Subdivision: Acceptance and Public Hearing on an application submitted by Donald A. Voltz of Lindon Design Associates, for a 27-lot Open Space Subdivision on behalf of applicant True Value Land and Homes, LLC, of Rochester, NH, for property located on Birch Hill Road (Tax Map 16, Lot #22) in New Durham. A public hearing may be held if the application is accepted as complete.

Donald Voltz stepped down in order to assist in presenting the application. Cathy Orlowicz stepped down as an abutter. Chair Craycraft asked Alternate George Gale to sit for Donald Voltz. Peter Rhoades announced that Ron Gehl, the alternate Selectmen's Representative, would sit on all hearings of this application, in order to maintain continuity with his hearing of the conceptual and design review discussions held in 2006.

Chair Craycraft noted to the applicant that only three board members were sitting and asked if they wanted to wait for a fuller complement. Attorney Malcolm McNeill, representing the applicant, said they wanted to go forward.

Craycraft asked the applicant to give a brief summary of their application and to walk the Board through the Town's subdivision checklist and how the applicant had met the criteria on the list.

Mr. McNeill said they had submitted their materials about 2 months ago and hoped that the Planning Board would be ready to accept the application as complete at this

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meeting. He noted that the applicant had made several presentations in 2006 in the conceptual and design review phases of application, and therefore the Board was quite familiar with the application. He listed the additional materials the applicant had submitted with this formal application that had not been available to the Board in the past. And beginning of 65 day clock

Donald Voltz went through the items in the application. Most criteria on the checklist were deemed acceptable by the Board. Questions were raised about x items:

1. Written Waiver Request. Voltz noted that the Board had agreed to grant a waiver to the 1000' maximum cul de sac length during the design review phase. Chair Craycraft said that votes taken during the conceptual and design review phases were non-binding, and it would be necessary to take formal action during this binding stage of the process;
2. Vicinity map. Craycraft requested that the vicinity map show the wetlands and deer wintering areas on abutting properties with information from existing sources;
3. Yield Plan. Chair Craycraft requested a revised yield plan. Attorney McNeill said the applicants were relying on the August 6 vote of the Board to accept the yield plan presented at that time. Ron Gehl said the question did not relate to the completeness of the application and should be taken up later;
4. Don Voltz said he was unsure how the Board wanted the lot numbering to be done. Mr. Craycraft suggested the applicants discuss that question with the Town's assessor;
5. Ron Gehl noted that DES septic regulations require that the plats show a space for the septic system that is the greater of 4000' sq. or twice the area of the proposed system.
6. Bob Craycraft indicated there would need to be a mechanism to ensure payment of 3rd party review costs for engineering and environmental review. Mr. McNeill indicated the applicants expected to pay for reasonable 3rd party costs and would be willing to put estimated costs into an escrow account. The Town will get estimates and inform Mr. McNeill who will then provide a check.
7. Craycraft asked if the size of the application and the school district issues warranted notice of regional impact. Ron Gehl said he thought not, but it would be appropriate to ask the Governor Wentworth School District to see if they would want an opportunity to review.

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Ron Gehl moved to accept the application as complete with the following conditions:

- 1. Applicant submits a written request for waivers;**
- 2. Applicant adds wetlands on abutting lots to the vicinity map;**
- 3. Applicant clears lot number plan with Town Assessor;**
- 4. Land allocation shown for septic leach fields is changed to be the greater of 4000 sq ft or double the design area for each lot;**
- 5. Applicant establishes an escrow fund with the Town equal to the estimated cost of 3rd party review; and**
- 6. Planning Board may request additional information if needed.**

George Gale, sitting for Donald Voltz, seconded. Unanimous with no abstentions.

Acting Chair Bob Craycraft opened the application for Public Hearing at 8:03 PM, beginning with abutters.

Lee Newman whose property abuts the applicant lot to the south asked if he could gain access to his lot via the right of way linkage proposed from Kodiak Road to his lot. Don Voltz said he could make that request once it became a Town Road. Malcolm McNeill said the Planning Board might want to consider the potential negative impact of such a right of way on open space and wildlife.

No other abutters asked to comment. David Bickford said he believed it was important for the Town to have the option of making the roads through roads in the future; otherwise they would still effectively be private roads.

Steven Libbey identified himself as an abutter in Coburn Woods. He asked how the number of lots allowed on the site had been calculated. He said he understood when the Open Space Conservation Subdivision Ordinance was proposed to Town voters that the number of lots could not exceed the number that would be possible on the same lot with a traditional subdivision design. It looked to him as if the proposal showed more lots than would be possible with a traditional design. Ron Gehl and Bob Craycraft said that was why they wanted a review of the Yield Plan, because they also thought the number of proposed lots might be too high. Malcolm McNeill said the applicants understood the need for a Yield Plan.

Don Voltz asked Board members what markings they would like on the site when they do a site walk. Members asked for the center line of the roads, the front corners of each lot, and the line between the lots and the wetlands or open spaces.

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Acting Chair Craycraft closed the Public Hearing at 8:16 PM.

Ron Gehl moved to schedule a site walk for 8 AM, Saturday, April 7. George Gale seconded. Unanimous with no abstentions. The Chair noted that site walks are open to the public.

Ron Gehl moved the following:

- to submit all relevant application materials to CMA Engineers and West Environmental for 3rd party review;
- to obtain from CMA Engineers and West Environmental a scope of work and cost estimate that can be shared with the applicant;
- to establish an escrow account to hold funds to cover the anticipated costs of third party review;
- to obtain payment from the applicant equal to the anticipated costs of third party review; and
- to continue the Public Hearing until May 1, 2007.

George Gale seconded. Unanimous with no abstentions.

Ron Gehl excused himself from the meeting as Acting Selectman's Representative. Peter Rhoades joined the Board as Selectman's Representative. Don Voltz returned to the Board. Cathy Orlowicz returned to the Board.

Dwight Jones Home Occupancy

Bob Craycraft recused himself from sitting on Mr. Jones' application because he worked on Mr. Jones' campaign.

Vice-Chair Donald Voltz became Acting chair. He asked George Gale to sit for Bob Craycraft.

Acting Chair Donald Voltz asked Dwight Jones to present his application. Jones explained his plans to sell police supplies, guns and ammunition. He noted that he will not sell black powder and will not have any on site. He said most of his business would be Internet sales. He told the Board the site will have an automatic electric alarm system and that two (2) New Hampshire State Patrol officers and the Town Police Department will have a key to the building so they can respond to an alarm in Mr. Jones' absence. He also said that his business sign will be removable and will only be in place when he is on the premises.

Don Voltz asked if any abutters had responded to his notification. Jones reported that none had.

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Don Voltz opened the issue to Public Hearing at 8:39 PM. There were no comments. Mr. Voltz closed the Public Hearing at 8:40 PM.

George Gale, sitting for Bob Craycraft, moved to approve the application and forward it to the Building Inspector for site inspection and final approval. Peter Rhoades seconded. The vote was unanimous with Bob Craycraft recused, and with George Gale sitting for Bob Craycraft.

Greg Kelly Home Occupation:

Bob Craycraft returned to the Board and resumed chairing the meeting. He asked Greg Kelly to present his application. Kelly explained that he had started a business a few months ago selling and consulting on alternative energy equipment for homes and small businesses. His primary products to start with are solar heating coils and electrical generating windmills. He had rented space in a building on Route 11 but had not had enough business to justify the rental cost. So he was changing to operate the business out of his home.

The business would utilize a small office space in the basement and use the garage for storage of materials and inventory. He plans to conduct his business by appointment, generally between 8 AM and 6 PM. He expects only one or two customers a day in the immediate future. He plans to put out a 16" x 40" sign which is within the size limits set by ordinance.

David Lindberg, Building Inspector, told the Board that installing a windmill would not require a building permit. Permitting applies only to "structures" and "buildings". Kelly told the Board they should consider a regulatory ordinance for "generating appliances", including windmills. Peter Rhoades asked Kelly if he planned to install a windmill on his property. Kelly said he would eventually, but not now.

Mr. Lindberg asked if the applicant could designate the square footage of the office space and the storage area separately. Kelly said the office in the finished basement was 12' x 12' = 144 sq. ft. and the storage area in the garage was 24' x 28' = 672 sq. ft. for a total of 816 square feet.

Mr. Kelly reported that he had notified the Fire Chief and Police Chief of his plans and asked if they had any concerns and he had had no response. He said he had no plans to add any additional outdoor lighting.

Chair Craycraft opened the application for Public Hearing at 8:55 PM. There was no comment. Public Hearing was closed at 8:56 PM.

Donald Voltz moved to approve the application and forward it to the Building Inspector with the following revisions:

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- Hours of operation will be from 8 am – 6 pm, Monday-Saturday;
- All inventory will be stored outside; none outside;
- There will be a 16” x 40” sign
- There will be no additional external lighting;
- Sketch will be amended to show the lower garage dimensions at 24' x 28', and the office/finished basement dimensions at 12' x 12.

The Building Inspector will carry out a site inspection and extend final approval. George Gale seconded. The vote was unanimous with George Gale sitting for Mike Clarke.

New/Old Business:

Chair Craycraft noted the Board had a full agenda for its April 17 workshop with Bruce Mayberry at 7 PM regarding impact fees, and Julie LaBranche at 8 PM regarding zoning districts. The Board agreed to meet at 6:30 PM in order to hold elections for officers before the guest speakers arrive.

Don Voltz moved to table the minutes until April 17. George Gale seconded. Unanimous with no abstentions.

Don Voltz moved to adjourn at 9:05 PM. Cathy Orlowicz seconded. Unanimous with no abstentions.

Respectfully submitted, David Allen, Recording Secretary