

DRAFT MINUTES

NEW DURHAM PLANNING BOARD

OCTOBER 2, 2007

Call to Order: Chairperson Cathy Orlowicz called the meeting to order at 7:08 PM.

Roll Call: Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), Peter Rhoades (Selectmen's Representative), Donald Voltz, Ron Gehl (Selectmen's Alternate)

Excused: Paul Raslavicus (Alternate), Duane Armstrong **Unexcused:** Christopher LaPierre (Alternate), George Gale (Alternate), Paul Gelin, Jr. (Alternate)

Others Present: Bruce Pohopek, David Bickford, Mike Gelin

Public Input: Cathy Orlowicz asked if there was any one in the audience who wanted to give public input on an issue that was not on the agenda. There was none.

Kodiak/True Value: Continued Public Hearing on an application submitted by Donald A. Voltz of Lindon Design Associates, for a 24-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.

Don Voltz recused himself to represent the applicant. Cathy Orlowicz recused herself as a legal abutter and passed the chair to Bob Craycraft, Vice-Chair. Peter Rhoades stepped aside as Selectmen's Representative so that Ron Gehl, Selectmen's Alternate who has sat on the entire case, could assume the Selectmen's position.

Ron Gehl noted that he and Bob Craycraft were the only sitting members so there was not a quorum present. Mr. Gehl asked Mr. Voltz if the applicant would be comfortable with staff updating the Board on communications from the applicant. Mr. Voltz agreed.

David Allen shared the contents of a letter he had received from Mr. Brian Crossan, the applicant, requesting that the public hearing be continued to the November business meeting of the Planning Board to allow the applicant additional time to prepare their plan revisions.

Mr. Craycraft said that one thing that the Board needed to do was vote to extend the review period from October 15 to mid November. He said he expected Paul Raslavicus would be present at the October 9 workshop meeting of the board. That would make a quorum for the Kodiak application and allow the Board to vote the extension. Mr. Voltz said the applicant would be comfortable with that approach.

Cathy Orlowicz returned to the Board and resumed the chair. Peter Rhoades resumed as Selectmen's Representative. Don Voltz continued recused to represent the next applicant.

Gelinas: Continued Public Hearing regarding an application submitted by Lindon Design Associates, 291 Main St., Alton, NH on behalf of Mike Gelinas, 30 Ham Road, New Durham, NH for a 2-Lot Subdivision on property located on 30 Ham Road, (Tax Map 13 , Lot 10) in New Durham, New Hampshire.

Cathy Orlowicz reported that the status of the application at the end of the September business meeting was that the Board had accepted the application with some conditions. The Board conducted a site walk on September 8. Bob Craycraft disclosed that the applicant, Michael Gelinas, had stopped by his house over the weekend to talk to Craycraft about an unrelated matter. He said there was no discussion about Mr. Gelinas' application. Chair Orlowicz if any board member or other individual had any concerns about the meeting. Nobody expressed any concern and she moved forward with the hearing.

Don Voltz updated the Board. The applicant had a revised request for waivers that identified the property correctly as 78 acres rather than 81 that had been listed before. He said they had added the tree symbol to the plan, added a place for the soil scientist seal and signature, and added the state subdivision approval number. He said the bounds will be set as soon as the Board approves the application.

Cathy Orlowicz said she did not see that any major questions arose on the site walk. Bob Craycraft said that it had recently occurred to him that when the Board waives the contours, wetlands, or survey for the complete lot that there should be some note or drawn building envelope that limits construction to the area that has actually been completely surveyed and described. Chair Orlowicz asked for public input and there was none.

Bob Craycraft moved to approve the application as submitted on October 2, 2007 conditional upon:

- 1. the plan is stamped and signed by every profession who did work on the plan; and**
- 2. the boundary markers are set and recorded on the plan;**

- 3. a note is added to the plan specifying that any buildings placed on Map 13, Lot 10 will be located within the area shown on the plan as where the High Intensity Soil Survey was conducted.**

Peter Rhoades seconded. Unanimous with no abstentions.

Bruedle: Continued Public Hearing regarding an application submitted by Bruce Pahopek, Pahopek Land Surveyors, 42 Flagg Road, Rochester, NH on behalf of Sandy Breudle, 541 Kings Highway, New Durham for a 2-lot Subdivision on property located on 541 Kings Highway, (Tax Map 19 , Lot 8A) in New Durham, New Hampshire.

Don Voltz returned to the Board. Bruce Pahopek told the Board he had addressed the concerns expressed at the last meeting by labeling the tree line, adding the state septic and subdivision approval numbers. He had also discussed the storm water turnout with Ms. Bruedle who said she would have it fixed immediately. Pahopek said they would be comfortable with the Board making it a condition of approval. Bob Craycraft said he would like the same kind of notation on this application as the previous one that all structures would be built on the fully surveyed part of the lot.

Chair Orlowicz opened the issue to Public Hearing at 7:40 PM. Ron Gehl clarified that the lot is commercial because it has an excavation permit, not because of a zoning waiver or variance. There were no other comments and Ms. Orlowicz closed the Public Hearing at 7:41 PM.

Donald Voltz moved to approve the application as submitted on October 2, 2007 conditional upon:

- 1. adding a note to the plan that gives the NHDES subdivision number and the date of approval;**
- 2. Rebuilding the storm water road runoff on the southeast side of Kings Highway to the satisfaction of the New Durham Road Agent**
- 3. the boundary markers are set and recorded on the plan;**
- 4. a note is added to the plan specifying that any buildings placed on Map 19, Lot 8a will be located within the area shown on the plan with contours delineated lying north of the Gravel Pit haul road**
- 5. a note is added to the plan stating the the approved excavation pit does not extend beyond Map 19, Lot 8a.**

Bob Craycraft seconded. Peter Rhoades abstained because the applicant's representative conducted a survey on his property in 1994. The vote to approve was unanimous.

Recreational Vehicle Zoning Ordinances: Don Voltz questioned whether the term “trailer” in the original Shore Front Protection Ordinance meant recreational trailer. Cathy Orlowicz said she thinks the question is the same as was originally stated by the ZBA: When does a Recreational Vehicle become a dwelling?

Board members agreed they are comfortable with the existing ordinance which allows a person to have a mobile unit as living quarters for a limited period while people are building a house. Ms. Orlowicz asked if Board members wanted to address shore front lots only or the entire town? Don Voltz said if it involves illegally having two dwellings on one property it is a town wide issue. That comes back to the health threat from long term use with inadequate septic disposal.

David Allen offered to draft two or three options for defining when a “Recreational Vehicle” becomes a “dwelling” and what is included under the term “Recreational Vehicle”--or whatever term the board decides to use.

Chair Orlowicz asked for public comment. David Bickford asked if the regulations governing campgrounds might provide any insight on how to deal with the issue.

Conservation Overlay Zoning Ordinances: The Board agreed to schedule work with Julie LaBranche on the Conservation Overlay District on October 21, November 20 and December 11. Phil Auger will meet with the Board on October 30 to discuss forestry issues. David Allen distributed a worksheet for the Conservation Overlay and asked board members to use it as a tool to focus their thinking about which natural resources to address and what kind of constraints to set on development for each resource.

Open Space Zoning Ordinances: Don Voltz said the issue the Board may need to address in regard to the Open Space and Water Quality Zoning Ordinances is the forestry issue that has been raised by Mike Gelin.

Subdivision Regulations: Board members identified

- articulating specific regulations that apply to Lot Line Adjustments,
- revising language for the application process to require preliminary consultation or design review in certain situations as per 676:4.II; and

- Review NHDES model regulations for sections relevant to New Durham's zoning ordinance and master plan as the first issues to address in relation to the subdivision regulations.

Other issues to work on include:

- Ensuring that applicants for major subdivisions provide more information about the natural resources of a property early in the subdivision process;
- developing a wildlife checklist to simplify and standardize wildlife information that is presented to the board;
- depiction of building envelopes on plans, with a provision for adjusting the envelope at a later time if needed;

Planning Board Goals 2008: David Allen noted to the Board that the question of designating the major wetlands in town as “Prime Wetlands” had been discussed earlier and did the Board want it to be one of the 2008 Goals. Cathy Orlowicz said she thought it might be the Conservation Commission that would deal with that and not the Planning Board. David Allen will check this out.

Budget 2008: Chair Orlowicz apologized for not having a draft budget as she had said she would. She has been quite sick this week. She said she would have it for the next Board meeting and noted that the Board had discussed earlier that they should aim for a no increase budget.

Board Meeting Attendance: Board members discussed their concern about some board members or alternates missing several meetings. They agreed by consensus that it was important to be more active in letting all board members know they are expected to be at all meetings unless a real conflict exists and they notify the Chair or staff in advance of the meeting. They also agreed to send a letter to any and all members who have had three or more unexcused absences during 2007 and agreed on the letter drafted by David Allen as appropriate.

New/Old Business: Peter Rhoades told the Board they would be getting a letter shortly from the Board of Selectmen asking for comment on the petition request for the Town to assume several hundred feet of Pine Point Road as town road. Board members were unsure of just what their role should be in the process. Don Voltz hoped the Board would get more data about the number of residents involved and how many have deeded rights to the road and how many do not.

Minutes: Minutes of Gelinas Site Walk and Bruedle site Walk. Bob Craycraft moved

to approve the minutes of the two site walks held on September 8. Don Voltz seconded. Peter Rhoades abstained as he was not present. Unanimous with Rhoades abstaining.

Peter Rhoades moved to approve the September 25 minutes as submitted. Bob Craycraft seconded. Don Voltz abstained as he was not present. Peter Rhoades abstained as he was not present. Unanimous with Rhoades abstaining.

Adjourn: Bob Craycraft moved to adjourn at 9:20 PM. Don Voltz seconded. Unanimous.

Respectfully submitted,

David Allen,
Land Use Administrative Assistant

A video recording of this meeting is on file with the 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.