

DRAFT MINUTES

NEW DURHAM PLANNING BOARD

OCTOBER 16 , 2007

Chairperson Cathy Orlowicz called the meeting to order at PM.

Roll Call: Cathy Orlowicz (Chair), Don Voltz, Peter Rhoades (Selectmen's Representative). **Excused Absence:** Bob Craycraft (Vice-Chair), Paul Raslavicus (Alternate) **Unexcused Absence:** Christopher LaPierre, (Alternate); Duane Armstrong, George Gale (Alternate), Paul Gelinis, Jr. (Alternate)

Others Present: David Bickford, Mike Gelinis, Brian Walker

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

Impact Fee Ordinance: David Allen reported that he had talked by phone with Town Counsel, John Teague. Mr. Teague reviewed the draft Impact Fee Ordinance and also asked another attorney in the office who has worked with several towns on similar ordinances to review it. They found no concerns with the ordinance as drafted.

Mr. Teague cautioned that there is no case law related to the legally effective date of an Impact Fee and at what point an applicant is bound by it. In particular it is not at all clear that the publication of the authorizing ordinance without a methodology is enough to lock future applicants in to the fee.

Don Voltz moved to approve the Impact Fee Ordinance for public hearing and to schedule the hearing within 120 days of Town Meeting, and specifically for November 20, 2007. Peter Rhoades seconded. Unanimous with no abstentions.

Subdivision Regulations: David Allen presented draft language that would

- clarify that both Design Review applications and Full Applications are due 21 days before the meeting at which they will first be heard;
- require applicants to submit envelopes for abutter notices that are fully addressed and have fully prepared certified mail notices;
- update language regarding "pre-application phase" to be in line with current

statutory language; and

- o Identify those items on the subdivision application checklist that are relevant for a lot line adjustment.

Don Voltz the \$5 abutter fee would be dropped if the applicants prepare the envelopes. Mr. Allen noted that in Barnstead the abutter fee is \$3 and the applicant prepares the mailing materials. Some adjustments were proposed for the subdivision application checklist. Allen will make the revisions and prepare clean copies for board action in the near future.

Recreational Vehicles: David Allen shared suggestions from the ZBA with the Board. Don Voltz said he felt the really pressing need was to address the issue for the Shore Front Protection Zone. Brian Walker pleaded with the Board to understand that the vast majority of Motor Home owners are law abiding and respectful citizens and they should not be penalized because of a few problem owners. He referred the Board to several web sites and other resources for additional information.

Don Voltz suggested the following language for the Shore Front ordinance:

Article VIII:C.3. Multi-family houses.

Article VIII:C.4. Recreational vehicles may be stored on a lot if:

- a) they are fully licensed and ready for highway use;
- b) They are used for sleeping accommodations for guests of the lot owner or lessee for a maximum period of two consecutive days or four total days per month, whichever is greater.

He also suggested that the definition of Recreational Vehicle that is currently in the flood zone ordinance be brought into the Zoning Ordinance. It reads as follows:

Article XIII:ai. Recreational Vehicle: a vehicle which is:

- a) built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable ;
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

There was general agreement on the proposal and quite a bit of conversation about some of the details. David Allen passed on a comment from Building Inspector David Lindberg suggesting that the square footage should be 500 so it is in line with the definition of dwelling unit.

The Board will continue discussion at a later meeting.

Forestry and Open Space Subdivision. David Allen shared draft language that would incorporate some of the concepts that Mike Gelinis has been speaking about to provide more protection for forestry and agriculture. The Board agreed by consensus that these changes were appropriate.

Mike Gelinis approved of the recommendations and said they still did not address one of his key concerns. He feels very strongly that the Open Space Ordinance should allow the option for a private individual or corporation to be the owner of the protected open space and the one responsible for managing it to meet the protections of the easement. There was extensive discussion on this point. Cathy Orlowicz said that the Open Space Conservation Subdivision was a kind of a bargain in which the owner got to put houses on smaller lots and in return turned over a major part of the land for public purposes. She was not sure that private ownership would be in keeping with that bargain. No decision was reached.

Pine Point Road: Peter Rhoades noted that the Selectmen were looking for a recommendation from the Planning Board regarding Pine Point Road. There was extensive discussion about the information the board would need to make recommendations. Board members suggested they should look at the pros and cons of the request for town takeover, and consider the benefits and costs in relation to the town's master plan goals. The Board agreed to schedule a public hearing on the issue soon.

Don Voltz moved to adjourn at 9:59 PM. Peter Rhoades seconded. Unanimous.

Respectfully submitted,

David Allen
Land Use Administrative Assistant