

MINUTES
NEW DURHAM PLANNING BOARD &
CONSERVATION COMMISSION
JOINT MEETING
JANUARY 30, 2007

Chairman Bob Craycraft called the joint meeting of the New Durham Planning Board and the New Durham Conservation Commission to order at 7:05 PM.

Roll Call: Planning Board: Bob Craycraft (Chair), Cathy Orlowicz (Alternate), George Gale (Alternate), David Lindberg, Mike Clarke. Conservation Commission: Susan Randall, Charles Berube, Dennis Gagne (Chair), Bill Malay, Peter Rhoades (Selectmen's Rep). **Excused Absences:** Ron Gehl (Selectmen's Representative) **Unexcused Absences:** Donald Voltz (Vice Chair), Christopher LaPierre, Alternate. **Others Present:** Mike Gelinis, David Bickford,

Water Quality Protection Ordinance. Staff David Allen shared the feedback he had received from Town Counsel. Atty. John Teague said that he had reread the entire ordinance carefully, in part in response to questions that Mike Gelinis had raised. Teague said it appeared that the Board was not clear about the extent to which it wanted to insist on establishing buffers, and to what extent it wanted to back off. He felt the ordinance in its current state had internal inconsistencies that would make it hard to enforce, and a likely target of legal action.

Allen reported that Teague had suggested two basic options: 1. Hold off on the ordinance until 2008 town meeting and use the time to clean it up; or 2. Limit the ordinance to new subdivisions and do not address lots of record unless they become subject to subdivision.

Bob Craycraft asked Mike Gelinis to share his concerns and observations. Gelinis said his biggest concern was that he could lose timbering rights on as much as one third of his timber property. He also felt there were several parts of the ordinance that were unclear. George Gale said he thought the way the proposed ordinance was written someone like Mr. Gelinis could not cut a good timber tree until it was diseased, dead and no longer valuable. Mike Clarke suggested taking out the sections regarding forestry and agriculture. There was extensive discussion on the impact the ordinance might have on forestry. Charles Bridges asked if the Town had the

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authority to regulate forestry.

David Lindberg suggested the Board should make the ordinance only about lots being subdivided and hold off on all other aspects. This way it would not affect forestry. He said it would be too difficult to sort out the complexities at this point in the process and he did not want the Town to end up in court. Dennis Gagne said he thought the original intent was for the ordinance to apply only to subdivisions. Allen said that in order for the ordinance to focus only on subdivisions it would be necessary to take out Page 5, the first 2 paragraphs on Page 6, and Page 10. Then it would be necessary to clean up the wording in some places to be in line with the subdivision only intent.

Cathy Orłowicz asked whether the ordinance would apply to all lots in a subdivision, or would a remainder lot bigger than 10 acres be exempt. There was consensus to exempt large remainder lots.

George Gale moved to delegate to the Planning Board chair and the Land Use Administrative Assistant the authority to revise the draft ordinance to apply only to lots of less than 10 acres created by subdivision, to edit the wording for clarity and cohesiveness after eliminating sections, to send the revised draft to Town Counsel for review, and to schedule the revised ordinance for Public Hearing and Planning Board action on February 6, 2007. Dennis Gagne seconded. Unanimous with no abstentions.

David Lindberg moved to adjourn the meeting at 8:20 PM. George Gale seconded. Unanimous.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

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.