

# MINUTES

## NEW DURHAM PLANNING BOARD

### PUBLIC HEARING

### JANUARY 23, 2007

- 1) **Call to Order.** Chairman Bob Craycraft called the meeting to order at 7:03 PM.
- 2) **Roll Call:** Cathy Orlowicz (Alternate), Bob Craycraft (Chair), David Lindberg, George Gale (Alternate) **Excused:** Ron Gehl (Selectmen's Rep), Mike Clarke. **Unexcused:** Christopher LaPierre
- 3) **Public Input:** Bob Craycraft called for any public input on any items that were not on the agenda. There was none.
- 4) **Amendment 1:** Adopt the New Durham Water Quality Protection Ordinance as Section X of the New Durham Zoning and Land Use Ordinance. This section will establish vegetative, building and septic setbacks from water resources in the Town of New Durham in order to protect the quality of these water resources.

Chair Craycraft opened the Water Quality Protection amendment for public hearing. David Bickford and Michael Gelinis are both in the timber business. They asked a wide range of questions to try to understand how the proposed ordinance would affect their timber operations, including the impact on forestry roads, minimum size of wetlands to be protected under the ordinance, how it relates to state restrictions, and whether cutting timber would be allowed during the winter. Other issues that were raised included the definition of "commercial" forestry, the town's designated forestry representative, the setback that would apply to their existing operations, etc.

Board members said they believed that pre-existing forestry activity would be subject to the 15 foot vegetative buffer, rather than the numbers in Table 1A. They indicated a willingness to work with Gelinis and Bickford to clarify parts of the proposed ordinance, and said they did not want to make the timber operations financially unfeasible. The Board agreed that where 1 or 2 lots are being subdivided off a large tract of land, the remainder lot should not have to meet the new requirements if it continues a forestry or agricultural use that

predated the Water Quality amendment.

Board members also agreed that snowmobiles could be allowed on frozen ground during the winter.

After extensive dialogue about the section specifically governing forestry as an allowable activity, the Board agreed to rewrite the forestry section to eliminate the need for a written forestry plan and use a permit by notification system instead of a permit application system.

Gelinas and Bickford requested time to consider the changes suggested by the Board, read over the ordinance again, and then return to the discussion.

At 8:22 PM Chair Craycraft called a 15 minute recess. He reconvened the meeting at 8:37 PM and suggested taking up the second proposed amendment.

**David Lindberg moved to go on to Amendment #2 and return to the Water Quality Protection Ordinance when members of the public were ready to return. Cathy Orlowicz, sitting for Mike Clarke, seconded. Unanimous with no abstentions. George Gale sitting for Don Voltz.**

- 5) **Amendment 2:** Amend Section VII-H of the Zoning Ordinance to require adequate septic systems for houses in the Shoreland Protection Zone that are being converted to 4 season use.

Chair Craycraft opened the proposed amendment to public hearing at 8:45 PM. A few questions were asked. No concerns were expressed. He closed the public hearing at 8:52 PM.

**David Lindberg moved to add a sentence specifying that existing houses that could not meet the requirements for conversion to 4 season use, could continue to be used on a seasonal basis; to send the proposed amendment to Town Counsel for legal review; and to bring it to second public hearing on February 6, 2007. George Gale seconded. Unanimous with no abstentions.**

The Board returned to discussion of the Water Quality Protection Amendment. Mike Gelinas and David Bickford said they had considerable concern about the requirement for a town permit before cutting. They argued that it would create additional bureaucracy and might easily drag out their timbering time lines. There was much discussion. David Allen asked the citizens and the board if a Permit by Notification system was an option. Both board members and citizens agreed that would be acceptable.

Chairman Craycraft closed the public hearing at 9:15 PM.

**David Lindberg moved to amend the proposed ordinance to use a permit by notification system, to exempt remainder lots greater than 10 acres, and to clarify that the vegetated buffer strip for forestry would be 15'; then to send the revised proposal to Town Counsel for legal review; and then to continue the revised proposal to the February 6, 2007 Planning Board meeting for second public hearing and action. Cathy Orlowicz seconded. Unanimous with no abstentions.**

- 6) **Amendment 3:** Amend Section IV-C of the Zoning Ordinance to allow a duplex to be constructed on a fully conforming lot as long as the total number of bedrooms does not exceed the number of bedrooms that would be allowed for a single family home.

David Lindberg discussed the need for affordable housing for working families and said this proposal was intended to help address that by loosening the requirements for building a duplex.

Chair Craycraft opened the proposal for public hearing at 9:20 PM. Board members raised several questions about whether the proposal would apply in an Open Space Conservation subdivision; what fiscal impact it might have on the town; whether it would increase the amount of short term residency; and how it might affect overall density in Town.

David Allen reported that Town Counsel had suggested that the Board needed to be very careful in establishing looser requirements for duplexes in one part of town than in another. It is perfectly legal to do if there is a clear and reasonable rationale for differentiating one part of town from another. Allen said that Town Counsel had agreed that it might be easier to do as part of an ordinance establishing different zoning districts in town than as a stand alone proposal.

**David Lindberg moved that the Planning Board take the Duplex amendment off the 2007 Town Meeting Agenda and address it when the Board creates a zoning district article. George Gale seconded. Unanimous with no abstentions.**

- 7) **Amendment 4:** Amend the definitions of “dwelling” and “dwelling unit” for clarity

David Allen noted that the effort to clarify definitions was in response to a request from the Zoning Board of Adjustment. The ZBA had a great deal of difficulty interpreting and applying some of the existing definitions when they addressed the question of people parking RVs on their lots for occupancy. Allen said that Town Counsel had no concerns about this proposed amendment.

Chairman Craycraft opened the proposal for public hearing at 9:55 PM. There were no substantive comments or concerns. He closed the public hearing at 9:58 PM.

**George Gale moved that the Planning Board place this amendment on the ballot as presented. Cathy Orlowicz seconded. Unanimous with no abstentions.**

- 8) **Amendment 5:** Amend Section IV-A of the Zoning Ordinance to allow Recreational Vehicles to be on a lot and occupied for up to 180 days a year.

David Lindberg explained that this proposal also resulted from a request by the ZBA that came from the same appeal case as the definitions amendment. He said the Zoning Ordinance as it stands is not clear if temporary occupancy of Recreational Vehicles is allowed on residential lots or not.

This proposal clarifies that question, and establishes a standard of 180 days of non-rental use. Board members expressed strong disagreement about the appropriate length of time it should be allowed. Lindberg and Cathy Orlowicz argued for 180 days. George Gale suggested 30 days would be quite enough. Craycraft leaned toward the shorter amount. He opened the question for public hearing at 10:02 PM. There was extensive and heated discussion amongst Board members. David Allen urged the Board to try to find an acceptable compromise.

**David Lindberg moved to amend the proposal to allow occupancy of a Recreational Vehicle on a town lot for up to 120 days by a non-paying guest; to send the amended proposal to Town Counsel for review; to carefully track the town's experience with the change during the summer of 2007; to schedule the issue for review by the Planning board at its September 2007 business meeting; and to continue the proposal to February 6, 2007 for public hearing and Board action.**

- 9) **New/Old Business**

David Lindberg announced that his term as a member of the Board was expiring and he did not plan to seek re-election. David Allen asked Board members to begin thinking about what might be important to them in establishing zoning districts in town, and to bring their thoughts to the February 6 Board meeting.

- 10) **Minutes**

Cathy Orlowicz moved to continue the minutes of January 9 to the February 6 Board meeting. George Gale seconded. Unanimous with no abstentions.

- 11) **Adjournment**

David Lindberg moved to adjourn at 11:13 PM. George Gale seconded. Unanimous.

Respectfully submitted,

David Allen

Land Use Administrative Assistant