

DRAFT MINUTES

NEW DURHAM

PLANNING BOARD

JULY 10, 2007

Chairperson Cathy Orlowicz called the meeting to order at 7:01 PM.

Roll Call: Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), Don Voltz, Ron Gehl) Selectmen's Alternate, George Gale (Alternate), Paul Raslavicus (Alternate), Peter Rhoades (Selectmen's Representative)—8:09 PM.

Others Present: Skip Fadden, Cherine Swett, Anthony Esposito, Bryan Berlind

Public Input: Chair Cathy Orlowicz asked if there was any public input. Skip Fadden asked what the status was on getting a copy of Ms. Orlowicz' audio tape for the section of the June 5 meeting that was not captured on the video taping because Mr. Fadden ran out of tape. There was disagreement about whether Ms. Orlowicz' audio tape should be considered personal or public. Chair Orlowicz said she was working on getting it copied but would not let her personal tape out of her own hands for fear of losing it.

Kodiak Subdivision: Chair Orlowicz announced she would recuse herself as a legal abutter and turn the chair over to Vice-Chair bob Craycraft. Don Voltz said he would recuse himself as representative of the applicant.

Vice Chair Craycraft asked George Gale to sit for Don Voltz. He read a letter from Attorney Malcolm McNeill requesting that the Kodiak application be continued to August 7. George Gale noted that the continuation may necessitate an additional extension of time for the Planning Board review of the application. **Gale moved to continue the application to August 7, 2007. Peter Rhoades seconded.**

Unanimous. Vice chair Craycraft returned the chair to Cathy Orlowicz.

Home Occupation Application. Acceptance and Public Hearing on an Application for a Home Occupation Permit submitted by Anthony Esposito, 165 Old Bay Road

(Tax Map 7, Lot 8e). He is asking to operate a business doing custom archery work set up and tuning, and Winchester Rifle restoration.

Chair Orlowicz asked if any board members had any conflicts of interest that would cause them to recuse themselves from the application. None did. She asked Mr. Esposito to describe his request.

Mr. Esposito explained that he had been doing restoration of old Winchester Rifles, and custom tuning and set up of bows as a hobby and wanted to begin charging a fee for his work and operating as a part time business. He described the complexity, precision, uniqueness, and time consuming nature of the work that he does.

Peter Rhoades asked if he would be selling any ammunition. Esposito explained that he would be providing service only, and not selling any products. He would be testing bows on his own property and has plenty of space to do that. He would be testing rifles at the Farmington Game Club range, not on his own property.

Bob Craycraft asked what kind of lighting he would have. Mr. Esposito noted that he already had outdoor lighting and would not need more. He pointed out that his work would be by appointment only.

Cathy Orlowicz opened the issue for public input at 7:24 PM. There were no comments. She closed the public input at 7:25 PM.

Bob Craycraft moved approval of the request for a home occupation permit. Don Voltz seconded. Passed unanimously without abstention.

Canine Day Care and Kenneling Service: Acceptance and Public Hearing on a Site Plan application submitted by James & Cherine Swett, PO Box 14, New Durham NH 03855 for property located at 10 Main Street (Tax Map 9, Lot 70) in New Durham. They are requesting Site Plan approval for a Canine Day Care and Kenneling service.

David Allen noted that as a request to establish a commercial operation the applicant first asked the Zoning Board of Adjustment for a variance. The ZBA granted the variance on May 9, 2007.

Bryan Berlind of Land Tech Surveying represented the applicant. He gave the Board a written request for a waiver from the requirement for He then walked the Board through the balance of the site plan checklist. Don Voltz noted that the applicant would need a waiver from the requirement to show wetlands, and for xxxx. Mr. Berlind hand wrote the additional requests on the letter requesting waivers.

Don Voltz moved to accept the request for waivers as amended with handwritten additions. Peter Rhoades seconded. Approved unanimously with no abstentions. Mr. Voltz then moved to accept the application as complete. Peter Rhoades seconded. Approved unanimously with no abstentions.

Bryan Berling then presented the application to the Board. Peter Rhoades asked what sort of lighting would be on the site. Berling said that there is 1 light currently, and the applicant is proposing a second light that would be at the top of the door to the barn where the dogs would be housed, and it would be pointed downward. Cathy Orłowicz asked if there was identified handicapped parking. Berlin said they would add that to the plan. Don Voltz asked that they include handicapped access to the parts of the barn building that would be used by customers. Ms. Swett agreed.

Don Voltz asked how many dogs would be onsite for overnight kenneling at anyone time. Ms. Swett said a maximum of five (5) and noted that the service would be for existing doggie day care customers and would not be promoted separately. She also noted that no business of any kind would be conducted in the house, only the barn.

Bob Craycraft asked her to describe the procedures for dog waste management. She said that the dogs would always have staff with them when they were outside, and solid waste would be scooped immediately and placed in galvanized garbage cans in the barn that are fitted with a plastic bag liner. These bags would be picked up at least twice a week by a certified waste hauler and taken to a landfill site.

Ms. Swett said the plans for fencing had been changed since the plan was submitted and 8' high stockade fencing would be installed on all sides of the dog play areas that were adjacent to and facing the property lines. She said she had decided to do this to protect the dogs from distraction and from any potential disturbance.

Mr. Berling explained the aquifer impact statement that had been prepared for the site plan at the request of the Zoning Board of Adjustment. The statement suggested that in the unlikely event of any browning of the grass occurring because of high usage and/or drought it could be remedied by watering the grass. Bob Craycraft asked if the applicant planned to water in such a situation and she said yes.

Chair Orłowicz opened the application for public input at 8:20 PM. Mary McHale, owner of Foxtale bookstore said she was excited to have another business open in the downtown area. She said the back door of her store faces toward the Swett property and she was never bothered by the 5 dogs currently living with the Swetts. Mike Gelin said he was very familiar with the property from working on the snowmobile trail that crosses the back of the property. He assured the Board there were no concerns with negative impact on wetlands. David Bickford expressed

concern that the stockade fences could stop breezes and the dogs could get too hot on hot days. Ms. Swett pointed out that on hot days the dogs would be inside the barn enjoying their custom air conditioning.

Don Voltz moved to approve the application with the following conditions:

1. A note is added to the plan limiting overnight kenneling to a maximum of 5 dogs at any one time;
2. A note is added to the plan limiting all retail sales to the barn;
3. The number of employees on site at any one time will not exceed four;
4. One parking space will meet dimensional and signage requirements for handicapped parking;
5. Access to the barn will meet Americans With Disabilities Act requirements and is shown as such on the plan;
6. The plan is amended to show 8' stockade fence (for the protection of dogs and the minimization of impact) on the outside perimeter of all dog play areas;
7. The exiting gravel driveway will have one car turn around near the designated parking area and a "turn out" half way down the drive allowing two cars to pass safely; and
8. The applicant meets all conditions approved by the New Durham Zoning Board of Adjustment, as recorded in the ZBA minutes of April 11, 2007.

Bob Craycraft seconded. Approved unanimously with no abstentions.

Minutes: Don Voltz moved approval of the May 1, 2007 minutes as amended. Bob Craycraft seconded. Approved unanimously with no abstentions.

Bob Craycraft moved approval of the June 5, 2007 minutes as corrected. Don Voltz seconded. Peter Rhoades abstained as he was not present for the full meeting. Approved unanimously.

Don Voltz moved approval of the June 19, 2007 minutes as amended. Peter Rhoades seconded. Approved unanimously with no abstentions.

Chair Orlowicz recessed the meeting at 9:08 PM.

Member Vacancy: Ms. Orlowicz reconvened the meeting at 9:20 PM. Bob Craycraft moved to appoint George Gale to fill the vacant member position on the Board. Peter Rhoades seconded.

Don Voltz objected that according to the Planning Board Rules of Procedure only a person voting with the winning side could move reconsideration. Peter Rhoades read

a letter from Town Counsel John Teague addressed to Town Administrator April Whittaker. Mr. Teague said that appointment to fill a board vacancy was a new issue at each meeting and was not a motion for reconsideration. Mr. Teague also stated in the letter that if the issue went to Court as happened a couple of years ago in Pittsfield he was confident the court would appoint a 6 year active alternate to the Board. Don Voltz said he thought this latter point was no longer relevant because there were now 3 alternates on the Planning Board.

The vote was as follows: Voltz: no; Craycraft: yes; Rhoades: yes; Orlowicz: no.
Motion failed.

Special Meeting: George Gale said that the proposal made a few days earlier by Bob Craycraft to have a meeting focused on working out differences in the Board was a good idea. Others agreed. David Allen suggested the meeting would be more productive with a neutral third party facilitator or mediator. The board agreed and by consensus asked Mr. Allen to bring one or more options to the July 17 meeting.

Legal Correspondence: George Gale asked that any legal correspondence be shared promptly with the Board. There was inconclusive conversation. Chair Orlowicz tabled the discussion to such time as the Board has a third party facilitator or mediator.

Alternate Gelinis: Peter Rhoades conducted the swearing in of Paul Gelinis, Jr. as an alternate.

Recording of Meetings: David Allen delivered a letter from Town Administrator April Whittaker to Chair Orlowicz. The letter asked that she make her tape of the June 5 meeting available so a copy of the last 30 minutes of the meeting could be appended to the video tape which ran out at that point in the meeting. Ms. Orlowicz read the letter into the record and said she would discuss it with Ms. Whittaker.

Alternate to CIP Subcommittee: Bob Craycraft reported that he had missed the first two meetings of the CIP Subcommittee because of prior commitments. Cathy Orlowicz suggested the Planning Board should designate an alternate. She volunteered to serve in that role. Members Craycraft and Voltz objected. She withdrew and asked Mr. Gelinis if he would serve. Mr. Gelinis declined. Don Voltz moved to appoint George Gale as alternate. Cathy Orlowicz seconded. Unanimous with no abstentions.

Next Meeting: The Board agreed to start the July 17 meeting at 6:30 PM and to allot a maximum of 20 minutes each to Mike Gelinis to address concerns about the Water Quality Protection Ordinance; and Bob Snow and other to address concerns about the parking of recreational vehicles. The balance of the meeting will be devoted to work on the Impact Fee ordinance as planned.

Adjourn: Don Voltz moved to adjourn at 10:11 PM. Peter Rhoades seconded.
Unanimous.

Respectfully submitted,

David Allen

DRAFT !!!