

DRAFT MINUTES

NEW DURHAM PLANNING BOARD

DECEMBER 4, 2007

Chairperson Cathy Orlowicz called the meeting to order at 7:02 PM.

Roll Call: Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), Don Voltz, Peter Rhoades (Selectmen's Representative), Ron Gehl (Selectmen's Alternate) (at 8:30 PM), Paddy McHale (Alternate). **Excused Absence:** Paul Raslavicus (Alternate)

Unexcused Absence: Christopher LaPierre (Alternate), George Gale (Alternate)

Others Present: Bill Malay, John & Jan Michaud, Mary McHale, David Bickford, Barb Enderson, Anne Zamzow, Elizabeth Kuzia, Stan Kuzia

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

Kodiak Woods: Request from the Attorney for True Value Land and Homes, LLC of Rochester, NH to continue the Public Hearing for the 23-lot Open Space Subdivision Application for Map 16, Lot 22 to January 8, 2008 and extend the period for Board action on the application to January 15, 2008.

Cathy Orlowicz and Don Voltz stepped down due to conflicts. Ms. Orlowicz passed the Chair to Bob Craycraft. Mr. Craycraft noted the Board had received a letter from Atty. Malcolm McNeill, on behalf of the applicant, requesting continuation of the application to the January Board meeting and extension of the action deadline to January 15, 2008. At this time there was not a quorum to act on the request so Mr. Craycraft returned the chair to Cathy Orlowicz. Ms. Orlowicz and Mr. Voltz returned to the Board.

Peter Rhoades asked permission of the Board to take up the **New/Old Business item related to Board membership** and the election of Paddy McHale as an alternate at this time. The Board agreed by consensus. Peter Rhoades asked Paddy McHale how he became interested in being on the Planning Board. McHale said he had served on the Capital Improvements Subcommittee of the Planning Board and had learned from that process about the town budget. He said he wanted to help the town look to the future. Rhoades asked him if he would be willing to attend a class to learn more about how Planning Boards function. He said he would.

Bob Craycraft noted that Mr. McHale had been before the Planning Board at the previous meeting and at that meeting he told the board that he did not have any personal or business involvement that might create a conflict of interest situation on an application or policy issue.

Mr. Craycraft moved to appoint Paddy McHale as an alternate on the New Durham Planning Board with his term ending in March, 2010. Peter Rhoades seconded. The vote was unanimous with no abstentions.

Peter Rhoades conducted the swearing in of Mr. McHale. Mr. McHale joined the board table.

Public Input: Chair Orlowicz open the floor for public input related to other issues than those on the agenda, and noted that Mr. Stan Kuzia had approached her for an opportunity to speak. Mr. Kuzia read a letter he had prepared to the Planning Board which questioned several points the Board had made in its recommendations to the Board of Selectmen regarding the question of the Town assuming ownership of 300 yards of road on the McKay gravel pit property. He gave a copy of his letter and a letter received from Mr. McKay to the board.

Ms. Orlowicz asked if there was any other public input. There was none.

Anne Zamzow Home Occupation Permit. Anne Zamzow explained her proposal establish The Getaway at Cattail Corner as an educational center with retail & mail order sales and occasional overnight accommodations at 19 Depot Road (Tax Map 9, Lots 73 & 74). She will do the project together with her sister, Barbara Enderson.

She described the educational part as classes in sewing, quilting, and other subjects with about 4-6 participants. Some of the class work would involve continuing work on projects. Classes would be offered mornings, afternoons and evenings, but not every day. The operating hours would vary from day to day with the class schedule. Retail sales would be for the benefit of current and prior class participants and there is no plan for regular retail hours. Likewise, the overnight accommodations would be for class participants and would not be advertised to the general public.

Peter Rhoades asked if there would be food preparation on site. Barbara Enderson replied that all food would be purchased ready made from outside vendors. In response to a question from Mr. Rhoades regarding parking Ms. Enderson said they could easily accommodate 3 cars parking in the driveway. Any overflow could be in the yard and there would be no parking needed on Depot Road.

Cathy Orlowicz read through other requirements in the Home Occupation Ordinance and board members had no other concerns. The application packet includes the design of a single sign that will be placed near the side entrance facing the driveway. It will be approximately 3' x 2'. Ms. Zamzow asked if they could put

12" numbers on the garage to show the address more clearly. Ms. Orlowicz said the board had no authority on that question.

Chair Orlowicz asked if there was any public comment. Mary McHale spoke in favor of the application and said she had talked with others in town who are quite excited about the proposal. There was no other public comment.

Chair Orlowicz asked Paddy McHale to sit for the absent Duane Armstrong.

Bob Craycraft moved to recommend to the Building Inspector that a permit be issued, conditional upon the following:

1. **Successful site visit;**
2. **Confirmation from Town Counsel that the proposal meets the terms of the Home Occupation Ordinance;**
3. **No food preparation is conducted on the premises;**
4. **Overnight accommodations are intermittent and not advertised to the general public.**

Peter Rhoades seconded. Motion was unanimously approved with no abstentions.

Sandy Bruedle Subdivision: Acceptance and Public Hearing regarding a revised application by Bruce Pahopek, Pahopek Land Surveyors, 42 Flagg Road, Rochester, NH on behalf of Sandy Bruedle, 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. This revision moves the lot line between the 2 lots to a different location than in the original approved application.

Chair Orlowicz noted that the subdivision had been previously approved by the Board but not yet filed with the Register of Deeds. The applicants wanted to make a change to the lot line. She also pointed out the application had been properly and timely noticed to abutters and the general public.

Jason Pahopek explained that the potential buyer asked for some additional space on the lot and the owners are agreeable to that. He said the change adds 7396 square feet to lot 8B and reduces the remainder lot 8A by the same amount.

Chair Orlowicz asked for public comment and there was none.

Bob Craycraft moved to approve the revised application subject to the applicant meeting the following conditions:

1. **All conditions identified in the preliminary subdivision approval of October 2, 2007;**
2. **The proposed well site on Map 19, Lot 8A is revised so the entire protective radius of the well is situated on Map 19, Lot 8A;**

3. The title of the subdivision plat is "Subdivision Plan of Land".
4. All revisions are listed and dated in the Revision Date box on the plat.

Peter Rhoades seconded. Unanimous with no abstentions.

Recreational Vehicles: Public Hearing on Proposed Amendment to the Shore Front Protection Article of the New Durham Zoning and Land Use Ordinance regarding the parking and use of Recreational Vehicles. The Planning Board may modify the proposal or place it on the ballot for Town Meeting 2008. Copies of the proposed Amendment are available at Town Hall, or by following the links at the town website, www.newdurhamnh.us.

Chair Orlowicz explained that this agenda item was noticed as a public hearing on a proposed change to the town Zoning Ordinance. She described the changes the board was proposing. There was no additional board comment. Chair Orlowicz asked for public comment.

John Michaud, 232 South Shore Drive, told the board that he is the owner of a travel trailer. He asked if the board was attempting to legislate a single incident. Chair Orlowicz explained that the Planning Board was responding to a request from the Zoning Board of Adjustment. She said the Board had been very careful not to do that, and had heard considerable public input on the issue. She noted that the board had found that some of the concerns raised by members of the public (e.g. noise and greywater) were already addressed in existing ordinance.

Jan Abbott Michaud, also of 232 South Shore Drive asked where the figure of 6 nights a month had come from. Don Voltz explained the discussions the board had had over the last few weeks trying to come to a number that is simple to understand, allows for reasonable use and prevents the use of recreational vehicles as a second residence.

There being no other comment, Chair Orlowicz closed the public hearing at 8:14 PM. Peter Rhoades read a letter submitted by Paul Raslavicus, alternate, who is out of the country traveling. Rhoades asked the Board to consider Mr. Raslavicus' concern about parking too close to the lot line. After discussion, the board agreed by consensus not to address the lot line question in the ordinance. Rhoades also asked how the proposal might be affected by recent changes in the state Shore Land Protection Act. David Allen said that he and Town Administrator April Whittaker were scheduled to attend a seminar explaining the new law on Wednesday, December 12.

Bob Craycraft moved to continue the Public Hearing until December 18 so the Board can learn if any recent changes in the Shore land Protection law might impact this proposal. Peter Rhoades seconded. Unanimous with no

abstentions.

Kodiak: Chair Orlowicz noted that with the seating of Paddy McHale at the meeting the board now had a quorum for the Kodiak application. She and Don Voltz again recused themselves and Bob Craycraft assumed the chair. He asked Paddy McHale to sit for Duane Armstrong. The he explained to Mr. McHale the background and nature of the applicant's request to continue the public hearing and extend the deadline.

Paddy McHale moved to continue the Kodiak application until the January 2008 regular business meeting of the Board, and to extend the deadline for completion of Board action to January 15, 2008, at the request of the applicant. Peter Rhoades seconded. Unanimous with no abstentions.

James O'Reilly Subdivision: Conceptual discussion on a possible subdivision of 76 acres at 41 Copple Crown Road (Tax Map 27, Lot 6)

Corey Colwell of MSC spoke representing Mr. James O'Neill, the owner. Mr. O'Neill owns 76 acres which he plans to subdivide "in a nice way". Mr. Colwell showed board members a colored plat showing existing conditions on the site, and he walked the board through the natural features. He noted an open ridge on the north of the property that has quite attractive views and said this area would be particularly attractive for house sites. He said Mr. O'Reilly strongly preferred to do a conventional subdivision plan because his conversations with others led him to believe the market would be much stronger for a conventional plan than a conservation subdivision.

Mr. Colwell also showed a rough conventional subdivision plan. It involves building a U-shaped road that enters the property at the location of the current driveway and exits at a point towards the north end of the property. At that location Copple Crown road is a class 6 road and Mr. Colwell said the applicant is willing to improve the road to town specifications, and would be seeking approval to do that.

Ron Gehl said that it was very appropriate for the applicant to initiate a conceptual discussion. He also noted that the Planning Board could not act on a subdivision plan until a formal request was made to the Board of Selectmen regarding the change in status of Copple Crown road and the BOS acted on that request.

Bob Craycraft asked if the applicant had done any on site natural resource and wildlife assessment or any assessment of the potential impact on municipal services. Cathy Orlowicz said she needed to know much more about the site before she would be able to respond to the plan.

Mr. Colwell said his understanding from the Board's discussion was that Mr. O'Neill should conduct a natural resource assessment and should initiate discussion with the

Board of Selectmen regarding the use and possible change in status of Copple Crown Road. Chair Orlowicz agreed.

Open Space Conservation Subdivision Ordinance: Board work session on amendments to the Open Space Conservation Subdivision Article of the New Durham Zoning and Land Use Ordinance.

Staff David Allen told the Board he had prepared 3 separate sets of changes to the Open Space Conservation Subdivision Article in order to facilitate board action. He distributed the first set of changes and said these were all changes the Board had discussed previously and had tentatively agreed to support. Board members reviewed Mr. Allen's draft. After brief discussion they agreed by consensus that these changes should go on the ballot for 2008 Town Meeting.

Allen then distributed a draft showing two additional changes to the ordinance. One would set an absolute maximum length of 1500' for a cul de sac and establish criteria for increasing the length over 1000'. The second would clarify that applicants must go through both the conceptual discussion and design review phases, in order, before submitting a formal application.

The Board agreed by consensus on the change to the application process.

There was considerable discussion regarding the cul de sac length. Cathy Orlowicz wondered if there might be a situation at some point where a cul de sac longer than 1500' would be beneficial. Bob Craycraft said that CMA Engineers had researched cul de sac lengths for the Kodiak subdivision discussion and had reported that almost all literature on cul de sacs suggests a maximum length, and the recommendations range from 1000' to 1500' maximum. The Board agreed to continue discussion on the cul de sac issue at the next meeting.

The third proposal related to the formula for calculating the maximum number of lots for a conservation subdivision. Bob Craycraft had submitted a different formula at an earlier meeting and asked the Board to adopt it in place of the existing formula. Don Voltz said he thought Mr. Craycraft's proposal would underestimate the appropriate number of lots, and he said the existing formula probably overestimates the number. He suggested taking out the existing formula without replacing it, so that applicant's would need to prepare a conventional plan as a basis for determining the "yield". The board reached consensus to do that. Bob Craycraft added that criteria for a yield plan could be added to the subdivision regulations.

Minutes: A quorum of participants in the McKay Site walk was not present so no action was taken on those minutes.

Don Voltz moved to accept the minutes of November 13 as amended. Bob Craycraft seconded. Paddy McHale abstained. Unanimous.

Cathy Orłowicz noted that the Board's curfew was upon them and it was too late to take up the minutes of November 20.

Adjourn: Bob Craycraft moved to adjourn the meeting at 10:07 PM. Paddy McHale seconded. Unanimous.

Respectfully submitted,

David Allen
Land Use Administrative Assistant