

MINUTES

NEW DURHAM PLANNING BOARD

MARCH 16, 2010

Vice Chair Bob Craycraft called the meeting to order at 7:03 PM.

Roll Call: Bob Craycraft (Vice-Chair), Dot Veisel, David Bickford (Selectman's Representative), Paul Raslavicus, Scott Drummey, Jeff Kratovil (Alternate). Vice Chair Craycraft noted that Scott Drummey had been sworn in as an elected member of the Board.

Others Present: Arthur Capello, Peter Pijoan

Public Input: Vice-Chair Bob Craycraft asked if there was any public input. Building Inspector and Code Enforcement Officer Arthur Capello asked the Board its interpretation of the impact of changes made in the Town's sign ordinance at Town Meeting. The new language says, "The Planning Board may permit a commercial lot in active use on Route 11 a single sign that does not exceed 64 square feet in size." Mr. Capello said he reads this section to relate to a business sign for the business on the commercial lot. He does not think it applies to a real estate sign for the property. Guidelines for real estate signs are dealt with in a separate section from business signs in the ordinance. Board members agreed by consensus.

Minutes of March 2, 2010. Board members made the following corrections to the draft minutes:

Page 2, last sentence on the page: should read "his reading of RSA 673:5 was that the wording "**673:5 Terms of Local Land Use Board Members:**

"1. (a) Except as provided in subparagraph (b), the term of any ex officio member serving on a local land use board shall coincide with the term for that other office; except that the term of the administrative official appointed by the mayor shall terminate with the term of office of the mayor appointing the official, and that the term of the administrative official appointed by the town council, board of selectmen, or village district commissioners shall be for one year," meant that the Board of Selectman's Representative should have a one year term only.

“Mr. Drummey stated that when he quoted the law at “Candidates Night, Thurs. Feb. 18th...”

Page 3, 3rd paragraph, 4th line: should read “Planning Board Rules of Procedure in Section V.B....”

Page 4: Strike the paragraph that begins, “He believes this paragraph relates to legislative activity of the Board...” Replace it with the following paragraph:

“He believes this paragraph explicitly relates to legislative activity of the Board as well as to quasi-judicial activity, and, therefore prohibits a member's participation in any discussion involving his specific property. He stated that since in his opinion there have been several instances of violation of this provision of the Rules of Procedure during this past year by one of the members of the Board, and since the majority of the Planning Board members have not seen fit to follow the Rule, perhaps they would like to delete it from the Rules of Procedure. He expressed his support for the rule as written.”

Page 4: Next paragraph: Strike the words, “Chair Orlowicz stated...” and replace with the following:

“Chair Orlowicz stated that this matter should be discussed at the next meeting of the Board. She further said that since”

Page 5, second paragraph under **Excavation Regulations**: edit to read as follows:

“David Bickford said he purchased a property about 26 years ago that the Town had taken for gravel from prior to his ownership. He emphasized that he never sold gravel to the Town. The lot could at some point be re-opened for excavation. In order to avoid the appearance of a conflict of interest due to the atmosphere he will recuse himself from deliberations on the Excavation Regulations.”

Scott Drummey moved to approve the minutes of March 2 as amended. Paul Raslavicus seconded. Approved unanimously with no abstentions.

Election of Officers: Bob Craycraft said that the Planning Board practice for several years has been to wait until the first business meeting in April to elect officers. David Bickford said that since his status on the Board was not yet clear, he would prefer to wait. **Paul Raslavicus moved to table the election of officers to the April 6 meeting. Scott Drummey seconded. Approved unanimously with no abstentions.**

Fleming Voluntary Merger: David Allen noted that the RSA regarding voluntary mergers requires the Planning Board to approve the action if everything is in order. At the request of Board members he confirmed that both lots are owned by Mr. Robert Fleming. Mr. Craycraft noted that prior to the merger both lots had residences on them. He wondered if one had been removed. Nobody knew the answer to that question. Since the Board cannot merge two lots with residences, Acting Chair Craycraft continued the issue to the April 6 meeting.

Rules of Procedure: Paul Raslavicus moved to replace the existing Section XVIII.A with the following wording:

“Within the limits of funding made available for its use by the Town Meeting and in accordance with RSA 673:16, the Board of Selectmen and/or its designee, with the concurrence of the Planning Board, may employ and establish supervisory responsibility for such staff personnel as it may require to aid the Board in its work. Planning Board Concurrence shall be by a majority vote of the members present at any regular or special meeting at which a quorum has been established. The Planning Board may also contract with planners, engineers, architects, and other consultants for such services as it may require.”

Dot Veisel seconded. Approved unanimously with no abstentions.

Acting Chair Craycraft read all of the proposed amendments as required in the Rules of Procedure for Amendment. A final vote can be taken at the next Board meeting.

Excavation Regulations: The Board had a working session on the Excavation Regulations. David Allen suggested that the Board choose one of the three ordinances they had reviewed (Alexandria, Ossipee, and Salisbury) as the base document to work from. Paul Raslavicus wondered if it is necessary to include the language about abandoned excavation pits because there are none in town. Paul Raslavicus reviewed points he had made in a memo to the Board. Dot noted that her draft of a checklist had come primarily from the Alexandria regulations. She added it would be important to clarify what paperwork would be required of exempt pits. Paul Raslavicus asked if anyone knew what a “pit agreement” was.

Paul Raslavicus offered to prepare a draft of regulations based on the Alexandria regulations and to get it to Board members in advance of the next meeting. The Board agreed by consensus that this be the next step.

Bob Craycraft noted that it would be important to integrate these new regulations with the Alteration of Terrain regulations. Jeff Kratovil said it might be important to

require applicants to provide baseline information about the quality of nearby water, so the Planning Board could have it for later comparison if needed.

The Board agreed to continue working on the regulations at its April 6 meeting.

Stormwater Regulations: There was brief discussion about these regulations. One board member remembered that Jen Viarengo had questioned having the water quality measures in the ordinance and the board had agreed to add them to the regulations. That needs to be done.

Ms. Morell: David Allen reported to the Board on a request from Ms. Morell for amendment of the Minutes of January 3, 2006. The minutes contain comments from a member of the public that reflect negatively on her professional skills. She has been told by potential employers that they have not considered her for employment after "Googling" her name and finding these comments. Mr. Allen said he had consulted with Town Counsel, John Teague, who advised that the minutes be taken off the Town website until the Board could reach consensus on how to deal with it.

Board members discussed the question at length. Some expressed concern about starting a precedent of editing minutes some years after the fact. Others felt it was a form of censorship that they did not want to be involved in. One pointed out that the comments were made by a member of the public, not a member of the board, and wondered how the Board could be liable for another person's words. The Board by consensus declined to make any change to the minutes.

Paul Raslavicus moved to adjourn at 10:07 PM. Scott Drummey seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Minutes approved as amended on April 6, 2010

Town of New Durham