

MINUTES

PLANNING BOARD

JANUARY 4, 2011

Chair Paul Raslavicus called the meeting to order at 7:03 PM.

Roll call: Paul Raslavicus chair, Bob Craycraft vice chair, David Bickford selectmen's representative, Dot Veisel. Excused: Scott Drummey, Jeff Kratovil, Alternate

Others present: Courtney Atkinson, Janet Atkinson, Don Holm, Gail Holm, and Arthur Capello

Atkinson: Courtney Atkinson presented his application for a conditional use permit to allow the disturbance of 4000 sq. ft. of slopes greater than 15%. The purpose of the application is to build a garage that goes into a hillside. The plan also shows a new patio next to the house but this patio will not be constructed at this time. The plan also shows a space of 3 to 4 feet all the way around the garage with a retaining wall. Mr. Atkinson has changed the plan so that there will be no retaining wall in the back of the garage but the sand fill will come right up to the back of the garage.

The first floor of the garage will be used for parking and the second floor will be kept open as a play area for grandchildren when they visit

Bob Craycraft moved to approve a steep slopes and storm water management conditional use permit for Courtney Atkinson to build a garage at 330 B Kings Hwy. Tax Map 210 Lot 21, conditional upon Mr. Atkinson providing revised plans to the code enforcement officer and making no more disturbance than is shown on the plan. Dot Veisel seconded. Approved unanimously with no abstentions.

Hetner: Matthew Moore presented plans requesting a storm water and steep slopes conditional use permit for Raymond and Sandy Hetner, 261 South Shore Rd., Tax Map 109 Lot 007. The plan involves the disturbance of more than 4,000 sq. ft. of steep slopes greater than 30% and an additional 2000 sq. ft. of steep slopes between 15 and 30%. Board members questioned Mr. Moore extensively about the proposed location of the house and garage. They asked why the location selected for the house and the garage was on the steepest slopes. They ask why location of the current cabin was not feasible and why the flat space near the top of the driveway was not feasible. Mr. Moore said the space near the top of the driveway was not feasible because the road agent had said that the driveway could not be moved because there is so little visibility from the road. He said the location of the current cabin is much closer to the lake and they are trying to get as far back as possible from the lake.

Paul Raslavicus quoted the zoning ordinance as saying that the board can allow construction to take place on slopes greater than 30% if there is no other location on the lot with less steep slopes. Since such locations do exist, he questioned the Board's authority to allow a conditional use permit.

Board members also asked how much impervious surface there would be on the lot at the completion of the project. Mr. Moore had not calculated those numbers.

The board decided they wanted the benefit of additional expertise and will ask the town engineer to review the site and the plan to see if there are any other options for location of the house and the garage and to confirm that the storm water management BMPs are adequate. They asked Mr. Moore to bring an explanation why the proposed siting of the house and garage is better than each of three less steep locations.

Paul Raslavicus called a recess at 8:30 PM the board reconvened at 8:38 PM

Subdivision regulations: Chair Raslavicus opened the regulations for public comment but no members of the public were present. Paul Raslavicus and Bob Craycraft offered a few corrections that were grammatical and non-substantive in nature.

Dot Veisel moved to approve the amendments to the subdivision regulations with the corrections made at the January 4 meeting, Bob Craycraft seconded the motion. It was approved unanimously with no abstentions.

Design review: No members of the public were present to comment. **Dot Veisel moved to recommend and place on the Town Warrant adoption of amendments to Article III that require all subdivision applications that exceed certain thresholds to participate in the Design Review process before submitting a formal application.**

She noted that this requirement currently applies to all Open Space Conservation Subdivision applications. It allows the Planning Board to give feedback and direction to the applicant before he/she invests large sums of money in engineering and survey plans. This would not affect one- or two-lot subdivisions.

Bob Craycraft seconded. Approved unanimously with no abstentions.

Storm water management: No members of the public were present to comment. Bob Craycraft described these amendments as housekeeping amendments that will bring the entire zoning ordinance into conformance with the storm water management ordinance that was passed at 2010 town meeting. They are minor and non-substantive edits or changes that are involved.

Dot Veisel moved to recommend and place on the Town Warrant "housekeeping" amendments to Articles VI (Water Quality Protection), IX (Shorefront Conservation Area), XII (Conservation Focus Area), and XIII (Steep Slopes) of the New Durham Zoning Ordinance that bring standards and reference materials regarding stormwater practices into conformity with Article XI, the Stormwater Management

Ordinance, that was adopted by the Town at 2010 Town Meeting. Bob Craycraft seconded. Approved unanimously with no abstentions.

Capital Improvement Plan: Board members noticed a sentence on page 8 that was incomplete. David Bickford said he thought the sentence was supposed to conclude with the words "road surface management system". **Bob Craycraft moved to approve the revised CIP with the edits provided by David Bickford. Dot Veisel seconded. Approved unanimously with no abstentions.**

Minutes: The board reviewed the draft minutes of the December 21, 2010 board meeting. Paul Raslavicus proposed several edits that provided additional information about the discussion with Mr. McNeill regarding the Kodiak subdivision. Bob Craycraft also suggested minor changes. **Mr. Craycraft moved that the board approve the December 21 minutes as amended at this meeting. Dot Veisel seconded. Approved unanimously with no abstentions.**

Kodiak: David Allen presented amendments to the April 1, 2008 notice of decision regarding the Kodiak subdivision based on the Board's discussion on December 21. He indicated he had drafted this in consultation with Bart Meyer the town's attorney. Board members made a few non-substantive changes to clarify sections of the document. **Bob Craycraft moved to approve the notice of decision, as amended at this meeting and send it to the applicant and his attorney. Dot Veisel seconded. Approved unanimously with no abstentions.**

Bob Craycraft moved to adjourn at 10:14 PM dot Veisel seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen,
Land Use Administrative Assistant

Minutes approved as amended on February 1, 2011