

# Minutes

## New Durham Planning Board

### 7/5/2011

Chairperson Bob Craycraft called the meeting to order at 7:02 PM.

**Roll Call:** Bob Craycraft (Chair), Dot Veisel, David Bickford (Selectman's Representative), Scott Drummey (Vice-Chair), Paul Raslavicus

**Others Present:** Craig Groom, Chris Berry, Fred Hertel

**Public Input:** Chair Bob Craycraft asked if there was any public input. Paul Raslavicus introduced Craig Groom, 163 North Shore Road, who has indicated interest in serving as an alternate member of the Planning Board. Mr. Groom has lived on the lake for several years and is an active Fedex pilot. His schedule would not allow him to attend all meetings but he thinks he could make at least one and sometimes two per month.

**Hertel Subdivision:** Chris Berry summarized the applicant's meeting of all conditions precedent established by the Conditional Approval Decision of 11/2 2010.

Status of Conditions Precedent on Hertel Subdivision	
Condition	Status Reported to Board
1. All boundary marker monuments indicated on the plan shall be in place;	Completed
2. Lots are to be designated 8, 8.1, and 8.2.	Completed
3. The subdivision plan must show a right of way from the end of the driveway on lot 8 to the lot line of lot 8.2. There shall be a note on the plan referencing the right of way, and it must be written into the deed for lot 8 and lot 8.2.	Right of way shown. Deeds not written until sale of lot

<b>Status of Conditions Precedent on Hertel Subdivision</b>	
<b>Condition</b>	<b>Status Reported to Board</b>
4. The following buffers and setbacks shall be observed in perpetuity: 35' with no cutting from perennial streams, i.e. the Merrymeeting River: 75' from any buildings, 100' from a Septic system, and 50' from any other kind of impermeable surface.	Shown on plan
5. Any part of the vegetated buffer that is located on these lots must be marked with a monument at the lot lines, and posted notices at intervals of approximately 25'. Any part of a driveway within 50' of the Merrymeeting River or the wetlands shall be constructed of pervious materials.	Posted notices installed. About 12 Lot Line Monuments Misunderstood and not completed. Lot line monuments will be completed and revised plat will be submitted. Board agreed to move these to a condition subsequent and asked that they be completed in 60 days and shown on a monumentation plan submitted to office. This plan should include the language from the ordinance regarding these monuments. Return to Board not required.
6. Add a note to the plan stating that driveway and building locations are specified in the conditional use permit available from the Town of New Durham. These conditional use permits expire at the time of any change in Town regulations that would affect their location, within two months of the sale of the land; or at the request of the landowner and the approval of the Planning Board.	Completed
7. Add a note to the plan that the landowner is responsible for the installation and maintenance of all required Stormwater Management BMP's before the issuance of a building permit.	Completed
8. Installation of the stone berm level spreader	Plan states "will be done according to the conditional use permit."
9. All conditions precedent shall be met no later than 120 days from the date of conditional approval by the New Durham Planning Board; and	Extended to 6/22/2011. Revised timeline met.
10. The applicant will return to the New Durham Planning Board with evidence of completion of all conditions precedent prior to final approval by the Board and filing of the plan with the Strafford County Registry.	Done on 7/5/2011 except for misunderstanding on Lot Line Monuments.
11. Failure to meet any of these conditions shall constitute abandonment of the subdivision by the applicant and the Board may vote to deny final approval.	Completed.

Mr. Berry noted that the applicant had received a driveway permit from the New Hampshire DOT allowing for three driveways. Only two are shown on the plan because only two will be used for the subdivision as it stands. However, one of the lots could be re-subdivided into two lots and the third driveway permit would serve that lot.

David Bickford expressed concern about the use of the term "in perpetuity" to describe some of the conditions. Chris Berry said his client was comfortable with the term. Scott Drummey said he had seen it frequently in other situations.

**Scott Drummey moved to shift the requirement for monuments at the intersection of setback buffers and the lot line to a condition subsequent; to add the language from Article VI, Section K to the monumentation mylar, to accept all conditions precedent as met; to grant the stormwater management conditional use permit according to the plans submitted; and to grant final approval to the 3-lot major subdivision by Van Hertel on property located at 80 Merrymeeting Road, (Tax Map 243, Lot 008). Paul Raslavicus seconded. Approved unanimously.**

Mr. Raslavicus noted that the state driveway permit requires that the driveway be paved 25' from the edge of Merrymeeting Road, and that Town regulations require the surface to be permeable. He asked if that could cause some conflict. Bob Craycraft noted that it should not because the state requirement for 25' of pavement can be met with permeable pavement.

**Stormwater Management:** The Board discussed the latest draft of the Stormwater Regulations. Mr. Allen noted that Jennifer Viarengo had been on vacation and was unavailable to answer the questions directed to her.

Board members commented that the application form needs to include all information necessary to making a decision. Paul Raslavicus pointed out that Appendix B, which shows permit categories by slope and size of disturbance for new subdivisions, does not reflect the revised text of the ordinance. Board members felt that it should ask for information from applicants and say the board will determine the need for a permit based on the information provided. No additional fieldwork is required because slopes can be calculated based on the 2' topographic contours already required.

David Bickford asked that the regulations state specifically that the town must make a certain level of notification to the property owner before taking responsibility for the cleanup and generating costs for the property owners.

The remaining questions with the draft regulations require information from Appledore Engineering. Mr. Allen will email her with those questions.

**Potential Changes to the Zoning Ordinance:** Mr. Allen noted that at the last Planning Board meeting some board members had indicated an interest in having the 75' setback from the water apply to non-conforming lots as well as conforming lots. Although they agreed at the previous meeting that this would not be possible on many non-conforming lots, they also felt it important to push structures as far back from the lake as possible. At this meeting, Board members questioned the need for such a change, and one asked why not leave the issue with the ZBA to sort out. Chair Craycraft suggested that Mr. Allen ask the ZBA for their input on this issue. Mr. Allen agreed to do so.

**Dark Skies:** Mr. Allen summarized the results of the survey taken at the last meeting regarding dark skies. There was a clear consensus that the Board should take some action, and an equally clear consensus that the Board wanted to do it in a way that does not compromise the security of families who use lighting for that purpose. Paul Raslavicus suggested looking at some model ordinances and some from other towns. He also added that the issue of light brightness, measured as "lumens" or "candlepower" was complex and poorly understood, and the board may need professional expertise to understand it enough to write an ordinance.

**Mixed Use Town Center District:** Mr. Allen also summarized the results from the questionnaire regarding the expansion of the Town Center mixed-use district. There was strong consensus to extend it to include the section of Old Bay Road from Brackett Road to Tash Road, then Tash Road, and then Route 11 from Tash Road to Depot Road. Other options showed more diversity of opinion, and more undecided opinions.

Mr. Allen suggested working on the three sections with consensus, then holding other options until 2012. The Board agreed to this approach. Mr. Allen will draft edits to the Zoning Ordinance to accomplish this.

**New/Old Business:** Mr. Raslavicus asked if the Board would agree that meeting notices should be posted on the Town website, and that any change in meeting location be posted at the posted location at the time of the meeting. The Board discussed state and local posting requirements. Mr. Allen will clarify state requirements with the Local Government Center. All agreed to both suggested changes. Mr. Raslavicus suggested the Board should formalize this by changing the Rules of Procedure and the Subdivision Regulations. The Board agreed to work on the language at the July 19 workshop and aim for a public hearing in August.

**Registry of Deeds:** Mr. Allen reported that the Registry of Deeds would no longer keep paper copies of plans.

**Minutes:** Board members made several edits to the minutes of June 21. They noted that the last paragraph under the heading of the Edwards subdivision should have a new heading, and suggested "Tracking System." The minutes should report that the last action regarding the Edwards subdivision was a motion by Dot Veisel, seconded by Scott Drummey, to continue the public hearing on the Edwards application to August 16 at 7 PM at the Town Hall.

Bob Craycraft clarified that on in the first paragraph starting on page 3 he referred to a "lengthy" cul de sac and that in the same sentence insert the words "the applicant" before the words "to get comments from the Chief of Police and the Fire Chief."

Paul Raslavicus asked that a sentence be added to the first paragraph regarding public comment on the Edwards subdivision noting that he had expressed concern that the application was not complete. Board members also noted several spelling errors, and incomplete lot references regarding the Edwards subdivision. They also noted that in the Public Input section of the June 21 meeting Mr. Clarke had quoted Mr. Christian Smith as referring to the previous road agent and not to Mr. Clarke.

**Scott Drummey moved to approve the minutes of June 21 as amended and as further clarified with Mike Clarke regarding his comments. Dot Veisel seconded. Paul Raslavicus abstained as he had been recused for much of the June 21 meeting. Approved 4-0.**

Chair Craycraft thanked Craig Groom for his interest in serving on the Board and noted that the Planning Board has a policy of waiting two weeks before acting on any nomination. Mr. Craycraft said the Board would take it up at its next meeting.

**Scott Drummey moved to adjourn at 10:15 PM. Dot Veisel seconded. Approved unanimously.**

Respectfully submitted

David Allen, Land Use Administrative Assistant