

Draft Minutes

New Durham Planning Board

January 3, 2012

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

Chairperson Bob Craycraft called the meeting to order at 7:09 PM.

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

Others Present: Ron Gehl, Mary McHale (videographer)

Public Input: Chair Bob Craycraft asked if there was any public input. There was none.

Turner Subdivision: Dot Veisel recused herself as a legal abutter. Chair Craycraft asked Craig Groom to sit in her place on this application.

David Allen reported that the Zoning Board of Adjustment had approved four variances for this subdivision proposal at their December 14 meeting. He described the variances which are spelled out in the decision below.

Ron Gehl represented Mr. Turner. He described the proposal as a subdivision based on the already existing division of the lot into two separate uses, one residential, the other commercial. The lot line dividing the two sections has been drawn to most accurately reflect the division of uses and the rather unusual shape of the uplands area.

Board members asked a number of questions:

Q: Is the riparian setback shown on the plat? A: No, but it will be added.

Q: Which part of the lot is in the 100 year flood zone? A: Shown on plat. There was extensive discussion on the proximity of the area used for business to the flood zone. Ultimately the board decided by consensus that a new site plan for the business area

should be required, either before approval of the subdivision or before expansion or change of use.

Q: Does the existing state driveway permit allow it to be used as access to two separate lots? A: Applicant believes it does and documentation will be provided to the Board.

Paul Raslavicus moved to accept the application of Les Turner for the subdivision of Map 257-007 into two legal nonconforming lots as complete, conditioned on

- 1. the receipt of written documentation from the New Hampshire Department of Transportation that the driveway connecting to Route 11 can be used to access both lots;**
- 2. Displaying the 75' riparian buffer on the final plat with a note that it must be included in all deeds;**
- 3. A note on the plat stating there are additional conditions in the Notice of Decision.**

Scott Drummey seconded. Approved unanimously.

There was an extensive discussion on whether a new site plan should be required at this time for the new commercial lot. Paul Raslavicus stated that the requirement in the site plan regulations requiring "....." covered this situation because the commercial site would now be on a different size and smaller lot. Others felt that the site plan requirement would only be triggered by an increase in size of the business, or a change to another business use.

Scott Drummey moved that no new site plan would be required as a condition of Board action on the subdivision application. Craig Groom seconded. Approved 3-2.

Scott Drummey moved that the Board give conditional approval to the application of Les Turnery, 80 Tash Road, for the subdivision of Map 257-007, 210 Route 11, into two legal non-conforming lots. The Planning Board's approval is based on the December 14, 2011 approval by the Zoning Board of Adjustment of four variances as follows:

1. Variance to Article ... to allow lot 7 to be created with 3,386 square feet less than the required 60,000 square feet;
2. Variance to Article to count 11,000 square feet of upland...towards the size requirements of lots 7 and 7.1;
3. Variance to Articleto allow the siting of a septic system within the 20' setback from Route 11; and
4. Variance to Article xxx to allow.....

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

C:\Documents And Settings\David\My Documents\5. Operations\5.1.4. Board Meetings\5.1.4.1.Planningboard\2012\1Q\Pb.2012.0103.Dmin.Doc

Date

Page 2 of 5

Final approval is subject to the following conditions:

Conditions Precedent

1. The applicant provides written documentation from the New Hampshire Department of Transportation that the driveway connecting to Route 11 can be used to access both lots;
2. The applicant places monuments according to Article xxxx at all points where the lot line intersects with the 75' riparian buffer zone;
3. The 75' riparian buffer is recorded on the final plat with a note that it must be included in all deeds;
4. Deeds for both lots are written to include the 75' riparian buffer zone;
5. This decision document is reviewed by the Planning Board for scrivener's errors.
6. Final plat is stamped and signed by all professionals involved in the project

Conditions Subsequent

1. The owner of Lot 257-007 will ensure there is sanitary disposal facilities on site during all parts of the year when the business is in operation;
2. No further building permits will be issued on either lot within the 75' riparian buffer zone;
3. A new site plan shall be required for Map 257-007 before any expansion of existing use, or any change in the type of use.

Craig Groom seconded. Approved 3-2.

Checklists: David Bickford asked if there were checklists for lot mergers and boundary line adjustments. David Allen said there were not. He added that the Board could use the subdivision checklist as a starting point and select those items they felt were relevant to a merger or boundary line adjustment.

Chair Craycraft asked that the checklists be on the agenda for the next meeting. He said the board should also revisit the question of new site plans during subdivision and see if it wants to change the regulations.

Stormwater Management and Erosion Control Ordinance: Chair Craycraft noted the changes that were being proposed to the ordinance and suggested they were clarifying in nature and did not involve any substantive change to the requirements.

He opened the question for public comment at 9:08 PM. There was no public comment. He closed public comment at 9:09 PM.

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

C:\Documents And Settings\David\My Documents\5. Operations\5.1.4. Board Meetings\5.1.4.1.Planningboard\2012\1Q\Pb.2012.0103.Dmin.Doc

Date

Page 3 of 5

Scott Drummey moved to place the amendments to the Stormwater Management and Erosion Control Ordinance on the warrant article for Town Meeting 2012. Dot Veisel seconded. Approved unanimously.

Town Center Mixed Use District: Bob Craycraft temporarily passed the chair to Scott Drummey in order to attend to some other business. Mr. Drummey pointed out that this amendment would expand the zone eastward to Tash Road and he read the proposed boundaries of the expanded district.

Acting Chair Drummey opened the question for public comment at 9:17 PM. Ron Gehl asked why the north side of Route 11 was being excluded from the district. Board members replied that the area is mostly marsh and wetlands. Mr. Drummey closed the public comment at 9:26 PM.

Paul Raslavicus noted that the ordinance prohibited dumps from the district and the Town dump is currently located in the district. Bob Craycraft noted that the current dump is a use at the time the ordinance will take effect, so it will be grandfathered as a legal non-conforming use.

A couple of Board members found one section of text a little unclear and agreed on better language.

Bob Craycraft moved to place the amendments to the Town Center Mixed Use District, as clarified, on the warrant article for Town Meeting 2012. Dot Veisel seconded. Approved unanimously.

Red Oak Status: Paul Raslavicus has questioned whether proper written notice was given to Red Oak Ridge, LLC of the Board's action to end the design review period. David Allen presented the Board a timeline of events related to sending a letter on the subject to Mr. Malcolm McNeill, attorney for the Red Oak Ridge, LLC application. He also reported on a conversation with Town Counsel Bart Mayer on the subject. Mr. Mayer stated he believed that as long as Mr. Allen could remember sending the letter, there would be no liability for the town. He pointed out that the same RSA 676:4 requires that a complete application be submitted within 12 months of the end of design review. Allowing a failure by the Town to give written notice to trump the 12 month requirement would potentially allow the vesting created by submission of a design review proposal to continue indefinitely.

Stormwater Management and Erosion Control Regulations. The Board has worked for several months on these regulations. They reviewed a draft of the regulations showing all changes made in the last four months and proposed a few minor edits.

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

C:\Documents And Settings\David\My Documents\5. Operations\5.1.4. Board Meetings\5.1.4.1.Planningboard\2012\1Q\Pb.2012.0103.Dmin.Doc

Date

Page 4 of 5

Scott Drummey moved to schedule the Stormwater Management and Erosion Control regulations for public hearing. Paul Raslavicus seconded. Approved unanimously.

Minutes: Scott Drummey moved to accept the minutes of December 21, 2011 as edited. Dot Veisel seconded. Approved unanimously.

Scott Drummey moved to adjourn at 10:10 pm. Approved unanimously.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

Draft!

(Please note: These are draft minutes prepared by staff from notes taken at the meeting. They have not been reviewed by the Board for accuracy, and should not be relied upon for accuracy. Reviewed, corrected, and approved minutes will be available at Town Hall and on the Town's website following the next scheduled Board meeting.)

C:\Documents And Settings\David\My Documents\5. Operations\5.1.4. Board Meetings\5.1.4.1.Planningboard\2012\1Q\Pb.2012.0103.Dmin.Doc

Date

Page 5 of 5