

Draft Minutes

New Durham Planning Board

September 4, 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 Scott Drummey called the meeting to order at 7:06 PM.

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

Excused Absence: Craig Groom **Unexcused Absence:**

Others Present: Arthur Hoover, Arthur Capello (Building Inspector), Peter Pijoan (videographer), David Allen (staff)

Public Input: Chair Scott Drummey asked if there was any public input. There was none.

Hoover for McKay: Board and staff were confused over which application was under review. Mr. Hoover clarified he wanted a conceptual consultation with the Board regarding property owned by Charles McKay (Map 119, Lot 007) and property owned by his wife Nancy McKay (Map 119, Lot 008). Mr. Russell Weldon owns parcel 119, lot 019 that abuts Map 119, lot 008. He wishes to purchase 119-008 and merge it with 119-019.

David Bickford said he would have needed to step down as an abutter had it been Mr. Hoover's property in question, but given the clarification he is not an abutter and may sit on the case. Dot Veisel said she felt she should step down because she is involved in a legal dispute in which Mr. Hoover is representing her opponent. Mr. Hoover said he was convinced she could act impartially on this question, and wants her not to step down. Bob Craycraft said he thought that was a bad precedent. Paul Raslavicus

expressed some concern similar to Mr. Craycraft. Other Board members had no objection to her sitting on the case. Ms. Veisel said she would continue to sit.

Mr. Hoover said that looking at the current tax maps, there is nothing to prevent the merger. In fact, in 1992 the Planning Board approved a Boundary Line Adjustment between 119-008 and 119-007. On the plot plan for the BLA, it says the BLA is done with the understanding that the lots (008 and 007) will be merged. The same language is written into the deeds.

No merger action is recorded with the Town or with the Strafford County Registry of Deeds. The properties have never been put in the same name. The tax maps have never shown the properties as merged.

Mr. Hoover said he wanted to be sure that there could be no future question about the validity of the proposed merger between Mr. Weldon and Mr. McKay. He asked the Board if there was a way that the Planning Board could issue a statement confirming that the merger never took place. No Board member was clear on their authority in this situation, nor was staff.

Board members indicated a need to consult with Town Counsel in this situation. Bob Craycraft said he thought this consultation was unique to the history of this particular property and did not involve a general issue of the law. For that reason, he questioned who would pay the legal fees. Mr. Hoover said that if Town Counsel stated that the applicant should pay, he was willing to approach his client to pay the costs. David Allen suggested that the applicant make estimated payment in advance and the funds placed in escrow before incurring the legal costs. The Board agreed to this by consensus.

The Board discussed how it could avoid such problems in the future. Scott Drummey suggested the Planning Board require the submission of deeds and any necessary related papers confirming the merger in the future.

Site Plan Design Guidelines: Paul Raslavicus walked through the proposed design guideline from the working group. There was a consensus of board members that many parts of the proposal were too prescriptive, repetitive, vague, or long. Board members also agreed that it was necessary to keep guidelines related to a design component in the same place as requirements, and it would be helpful to separate the guidelines in a graphic manner that clearly separated requirements and guidelines.

Paul Raslavicus agreed to work with the planning group to try to make these changes.

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Date

Page 2 of 4

Bunkhouses: Arthur Capello (Building Inspector and Code Enforcement Officer) was present at the request of the Board to discuss the issue of bunkhouses, especially on lakefront properties. Several Board members have mentioned concern about the impact and the definition over the last few months.

David Allen asked about the impact of bunkhouses on population density. Mr. Capello said it was minimal because there are only a handful in the town and they are used only briefly during the summer.

A couple of Board members asked about the septic impact. Mr. Capello said all bedrooms in bunkhouses had to be counted with house bedrooms in order to determine the septic needs of the lots. In many of the bunkhouse cases, DES has issued a permit for a second septic system. Bob Craycraft and Scott Drummey expressed concern about two septic systems on a single small lot. Arthur Capello said the lots with two septic systems are larger than average lake lots, ranging from one-half to one acre. Smaller lots are not able to get second septic systems and as a result do not have bunkhouses on them.

Bob Craycraft said that existing town requirements require additional space on a lot to have more than four bedrooms and said that it would make a non-conforming lot more non-conforming to allow a lot to have five bedrooms between the house and the bunkhouse. Scott Drummey said he favored relating the size of a bunkhouse to the size of the lot. Mr. Capello suggested that with or without bunkhouses families would fill their houses and lots with children and grandchildren during the summer and that would be a very difficult thing to control for or enforce.

Chair Drummey closed the discussion by saying he felt that a minimum the board should make a definition in the Zoning Ordinance for a bunkhouse, and his recommendation would be prohibiting a kitchen as part of the definition. Other options to consider including setting time and size limits on a bunkhouse.

New/Old Business:

- Paul Raslavicus said he would like the Board to revisit the question of the maximum height of a building when a property owner is rebuilding on the footprint of an existing foundation. Arthur Capello asked to be included on the discussion.
- David Allen distributed the current Master Plan, reformatted for commenting on the Town's progress in meeting each objective. He added that he would resend his email assigning portions to each Board member.

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Date

Page 3 of 4

- David Bickford asked for guidance to pass on to the Board of Selectmen regarding when it is appropriate to grant a citizen request for a streetlight and when not.
- Scott Drummey reported that he was taking a class with Steve Whitman, the author of an article on “permaculture” planning that Mr. Allen had distributed to the Board. Mr. Whitman told him that he would be happy to do a presentation to the Board at no cost. The board agreed by consensus to invite him to do a presentation that would advertised and open to the community.
- The Board tried to determine its schedule for November and December to avoid holidays and found it difficult to do. They asked Mr. Allen and Mr. Drummey to try to work out a schedule and bring it to the next meeting.

Minutes: David Bickford move to accept the minutes of August 21 as corrected by the Board. Dot Veisel seconded. Approved unanimously.

Bob Craycraft moved to accept the minutes of May 15, including Paul Raslavicus comments as an addendum not voted upon by the Board, and with corrections made by the Board. Scott Drummey seconded. Dot Veisel abstained, as she was not present at the meeting. Approved 4-0.

Bob Craycraft moved to adjourn at 10:02 PM. Paul Raslavicus seconded. Approved unanimously.

Respectfully submitted,

David Allen
Land Use Administrative Assistant

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Date

Page 4 of 4