

# Minutes

## New Durham Planning Board

### December 18, 2012

Chairperson Scott Drummey called the meeting to order at 7:08 PM.

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

**Excused:** Craig Groom (Alternate)

**Others Present:** Tom Varney, Arthur Capello

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

#### **McKay Excavation Permit Public Hearing (Map 102 lots 5&6)**

David Bickford recused himself from participating in this application because as a Selectman he is called to decide on Town purchases of sand, in which Mr. McKay is often a bidder.

Tom Varney, representing Mr. McKay, showed the Board changes he had made in the plan. At the Board's request he re-oriented the vicinity maps so they lie on the same north-south access as the pit plan. He also reviewed the cost estimate for reclamation to ensure it included labor costs. The 100 per hour cost in the original plan was based on usual costs for a machine and operator, so the labor costs were included in the original plan. He did revise the estimate slightly to make the costs for seed and mulch more accurate.

Board members asked additional questions which were answered by Mr. McKay.

**Dot Veisel moved to accept the application of Charles McKay for a 4-year Excavation Permit for property located on Pine Point Road at Tax Map 102 , Lots 005 & 006 as subject to five conditions:**

- 1. Written notice from abutter David Lineweber that he accepts excavation between 25-75' of his property line;**
- 2. Inclusion of an environmental impact statement indicating that the excavation activities will have no more negative impact on the aquifer than would a single family home;**
- 3. Letters from the Road Agent and the Chief of Police confirming that truck travel on North Shore and Merrymeeting Roads will not affect the rate of deterioration of the roads, and will have no negative impact on the safety of traffic on those roads;**
- 4. Provide a water quality analysis of the brook;**
- 5. Add the beaver dam to the plan, and show 250' setbacks from all water bodies and wet lands;**

**Bob Craycraft seconded. Approved unanimously.**

The Board continued discussion on the merits of the application.

Mr. Raslavicus asked if the pit met the regulation requirement for a visual barrier. Mr. Varney said the hill of sand served that purpose and the Board agreed.

Mr. Raslavicus also asked if test pits had been dug to 694' above sea level which is the six feet below the maximum pit depth of 700' in Phase 2 that is required by the regulations. Mr. Varney noted that test pits had been dug in 2007 to a depth of 16' below the 725' depth that had been reached at that time. This would be 709'. Board members asked if Mr. McKay would agree to a limit of 715' as the deepest excavation level during this 4 year permit. Mr. Varney agreed on behalf of his client.

Some members thought that the sand and gravel excavation may meet the guidelines for use of a woodlot established in the Zoning Ordinance.

The Board discussed the purpose of the reclamation bond at length. They agreed that a person who has conducted business in town for several decades with no financial difficulties needed less stringent bonding requirements than a business person with little or no history in

town. They agreed that a cash bond of \$8500, including the existing \$4100 held by the town, was sufficient. They also agreed that if Mr. McKay wanted to propose a different form of bond and pay the cost of review by Town Counsel, the Board would consider such an option as long as the funds were easily accessible to the Town and did not require legal action.

**Dot Veisel moved to approve a 4 year permit for Mr. Charles McKay to excavate sand and gravel from his pit located on Pine Point Road on Tax Map 102 , Lots 005 & 006 with eight conditions:**

- 1. Completion of all conditions of acceptance of the application as complete;**
- 2. The effective date of the permit as July 21, 2011, the date on which the prior permit expired;**
- 3. No excavation below 710' above sea level;**
- 4. Addition of funds to the existing bond fund for this excavation site that bring the total held by the Town to \$8500;**
- 5. Payment of the Permit fee of \$200, and \$600 for three years of site inspection by the CEO at \$200 per year for 4 site visits;**
- 6. The addition of a written statement to the application that the mound of sand serves as the required visual barrier; and**
- 7. Submission of a landscape plan for the west side of the sand mound.**
- 8. Items 1, 4, 5, 6, & 7 must be completed within 60 days; the landscape plan is subject to approval by the Board and must be completed as soon as feasible in the Spring.**

**Bob Craycraft seconded. Approved unanimously.**

**Design Guidelines.** Paul Raslavicus walked through the significantly revised guidelines with the Board. The length has been reduced from about 50 pages to 7. The new plan is that the Board adopt these as non-binding guidelines. The Board already has the authority to set

requirements beyond those spelled out in regulations. Board members will review the draft and hold further discussion at the next meeting.

**Proposed Amendment to the Zoning Ordinance defining “bunkhouse”.** Board members discussed a draft definition of “bunkhouses and seasonal cottages.” They agreed by consensus to delete any connection between the allowability of bunkhouses and the size of the lot.

**Bob Craycraft moved to schedule the proposed amendment for public hearing on Tuesday, January 8 at 7 pm at the Public Library. Paul Raslavicus seconded. Approved unanimously**

**Proposed Amendment to the Home Occupation Ordinance to Delegate the entire Home Occupation Permit Process to the Code Enforcement Officer.** The ordinance currently requires the Planning Board to comment on the application between a site visit and approval by the CEO.

**Proposed Amendment to the Zoning Ordinance to allow the Planning board to delegate approval of Voluntary Mergers to the Code Enforcement Officer.**

The Board read RSA 674:39a which governs Voluntary Mergers and discovered that it allows the Planning Board to delegate that authority. They decided no amendment to the Zoning Ordinance is needed.

**2013 Budget Status:** David Allen reported that the Board of Selectmen had approved additional funds for the contract services line item which the Board can use for professional services if needed because of the new staffing plan. Based on that action he felt the budget met the needs of the Board in 2013.

He added there had been no action as yet by either the Board of Selectmen or the Budget Committee regarding the Board's request for \$5,000 funding of the Capital Reserve Fund for the Master Plan. Mr. Allen recommended that a representative of the board attend the January 7 Board of Selectmen meeting where the funding will be on the agenda. Chair Scott Drummey said that he would attend.

The Board agreed by consensus to hold the remaining agenda items for the next meeting because of the late hour.

David Bickford moved to adjourn at 10:28 pm. Dot Veisel seconded. Approved unanimously

Respectfully submitted,

David Allen

Land Use Administrative Assistant