

MINUTES
NEW DURHAM PLANNING BOARD
4 JUNE 2013

Chairperson Craycraft called the meeting to order at 7:01pm.

Roll Call: Bob Craycraft (Chair), Scott Drummey (Vice-Chair), Dot Veisel, Paul Raslavicus, Cameron Quigley (Alternate), Craig Groom (Alternate), recording secretary Amy Smith.

Excused Absence: David Swenson (Selectmen's Representative)

Others Present: Charles McKay, Paul Zuzgo, Paul Turner

Public Input: There was no public input.

Public Hearing: Acceptance and Public Hearing of an application submitted by Paul Zuzgo on behalf of Susan Drady for a stormwater conditional use permit to allow the disturbance of 2613 square feet in order to replace an existing wood retaining wall with a stone retaining wall on property located at 228 Pine Point Road (Tax Map 102, Lot 11).

Mr. Zuzgo stepped forward and introduced himself. Mr. Zuzgo stated the disturbance will be temporary and is needed to get the machinery down to where the existing retaining wall is. Mr. Zuzgo noted he will be applying to the State for a Shoreland Permit once he receives Planning Board approval. Board members reviewed the plan. Mr. Raslavicus noted the North arrow and signature block were missing from the plan. Chair Craycraft questioned if the 'Reference Line Elevation' shown on the plan is the mean elevation of Merrymeeting Lake. Mr. Zuzgo stated it is. Mr. Raslavicus questioned the number listed - 639 feet. Mr. Zuzgo stated that was an error and he would correct it. Board members also noted that the slope class should be made clearer and color coded. Mr. Groom noted that the impervious surface has been slightly increased by 2 tenths of a percent. Chair Craycraft stated this increase would trigger a ZBA application. Mr. Zuzgo stated the property is currently over the 20% maximum for impervious surfaces. Chair Craycraft stated the current impervious surface is still being increased even though it is by a small amount. Chair Craycraft suggested the Board discuss this issue further once the application is considered complete.

Ms. Veisel made a motion to accept the application submitted by Paul Zuzgo on behalf of Susan Drady for a stormwater conditional use permit to allow the disturbance of 2613 square feet in order to replace an existing wood retaining wall with a stone retaining wall on property located at 228 Pine Point Road (Tax Map 102, Lot 11) as complete subject to the following conditions: 1) Add a signature block; 2) add a North arrow; 3) clarify and color code the slope class; 4) correct the reference line elevation. Mr. Drummey seconded the motion. The motion was unanimously approved.

Mr. Zuzgo stated replacing the retaining wall is a safety issue as the current wooden wall is ready to fall down. Mr. Zuzgo also stated the proposed stone wall will be 4' high. Mr. Zuzgo noted the steps will be replaced in kind. Board members discussed the impervious surface issue again. Chair Craycraft suggested converting part of the walkway to a pervious surface if Mr. Zuzgo didn't want to have to go to the ZBA. There was discussion as to whether a dry stacked stone wall is truly impervious as water can still get in between the stones. Mr. Groom noted that if the percentage of impervious surface is rounded there is no mathematical increase in impervious surface. The majority of Board members agreed that the application would not need to go before the ZBA for an increase in impervious surface as the slight increase could be considered a rounding error. Mr. Zuzgo informed Board members the disturbed area will be re-seeded and re-vegetated once the project is complete.

Ms. Veisel made a motion to approve the application submitted by Paul Zuzgo on behalf of Susan Drady for a stormwater conditional use permit to allow the disturbance of 2613 square feet in order to replace an existing wood retaining wall with a stone retaining wall on property located at 228 Pine Point Road (Tax Map 102, Lot 11) with the conditions that the disturbed land will be re-seeded, re-vegetated, and returned to its natural state once the project is completed and that the 4 conditions noted in the motion to accept the application are completed prior to final approval. Mr. Drummey seconded the motion. The motion was approved with 3 affirmative votes (Veisel, Drummey, Raslavicus) and 1 negative vote (Craycraft).

Mr. Raslavicus suggested putting a time limit on how long applicants have to complete conditions of approval.

Public Hearing: Acceptance and Public Hearing of an application submitted by Paul Turner on behalf of Graeme Brown for a stormwater conditional use permit to allow the disturbance of 1990 square feet in order to construct a two bedroom cottage on property located at 286 Kings Highway (Tax Map 209, Lot 13).

Present for the hearing was Paul Turner. Chair Craycraft gave Board members and the audience an update on the site walk of Mr. Brown's property that took place on 16 May 2013. Board members reviewed the revised plan. Ms. Smith read the 7 conditions of application acceptance that were listed in the 7 May 2013 minutes. The 7 conditions had been met. Chair Craycraft stated an operation & maintenance log is usually submitted along with the application materials. Chair Craycraft further stated that for this application it should be simple as it is only necessary for the drip edge. Chair Craycraft showed Mr. Turner an example of an operation & maintenance log. Chair Craycraft read a waiver request dated 15 April 2013 requesting a waiver to Section VII and Section VIII of the Stormwater Management & Erosion Control Regulations. Chair Craycraft also read Article XIV Section J of the Zoning Ordinance. **Mr. Drummey made a motion to accept the waiver request submitted by Paul Turner to Section VII and Section VIII of the Stormwater Management & Erosion Control Regulations. Ms. Veisel seconded the motion. The motion was unanimously approved.**

Mr. Drummey made a motion to approve the application submitted by Paul Turner on behalf of Graeme Brown for a stormwater conditional use permit to allow the disturbance of 1990 square feet in order to construct a two bedroom cottage on property located at 286 Kings Highway (Tax Map 209, Lot 13) with the condition that an Operation &

Maintenance Log be submitted no later than 1 July 2013. Ms. Veisel seconded the motion. The motion was unanimously approved.

McKay Gravel Pit

Ms. Smith informed Board members that Mr. McKay had submitted the bond money and has now completed the items listed in the 18 December 2012 minutes for his conditional approval. Ms. Smith also passed out copies of the map submitted with Mr. McKay's Current Use application which Board members requested at the 21 May 2013 meeting. The map has a note on it which states '10 acres, Pit work area not in Current Use'. Mr. Drummey asked Mr. McKay if he would be encroaching into the Current Use area with Phase 2 of the gravel pit. Mr. McKay stated he would not. All was found to be in order. Chair Craycraft signed the Excavation Permit which has an expiration date of 21 July 2015.

Review of Minutes

Board members reviewed the minutes. Mr. Raslavicus suggested on Page 1, under the heading 'Master Plan Discussion', 4th paragraph, last sentence changing 'proposing' to "the Board consider" and changing 'large acreage' to "5 plus acre". Mr. Drummey suggested on Page 2, second to last paragraph, still under the heading 'Master Plan Discussion' changing 'May 28, 2013' to "28 May 2013". **Mr. Raslavicus made a motion to approve the minutes of 21 May 2013 as corrected. Mr. Drummey seconded the motion. The motion was unanimously approved.**

Review of Mail

Board members reviewed the mail.

Chair Craycraft asked Ms. Smith to inform the Code Enforcement Officer that the State DES has closed its enforcement file on the Babb gravel pit and ask him to check to see if he is satisfied with its condition.

Workforce Housing

Ms. Smith passed out the report prepared by Bruce Mayberry regarding Workforce Housing. Chair Craycraft suggested the Board review it and discuss it at a later meeting. Chair Craycraft noted that according to Mr. Mayberry's calculations the Town of New Durham has over 80% of homes that would be considered affordable as per the Workforce Housing regulation. Chair Craycraft did state Mr. Mayberry suggested looking at the Town's Multifamily Development regulations.

Revised Subdivision Regulations

Board members reviewed the draft of the revised Subdivision Regulations prepared by Elaine Planchet. On Page 7, #7, Board members agreed to remove the word "form" after the word

“application”. On Page 12, #2, change “Land Use Administrative Assistant” to “Land Use Clerk”. Mr. Raslavicus noted that on Page 21, #7, Page 29, #1, and Page 30, #3, there is reference to the Site Plan Review Regulations. Board members asked Ms. Smith to check the Site Plan Review Regulations to see if these requirements are found in them as well. Mr. Raslavicus also suggested that Table 1 found on Page 29 should include ‘Town Center/Mixed Use’ and under ‘When Required’ it should read “Development in this area”. Board members agreed. Ms. Smith informed Board members that the Public Hearing for the Subdivision Regulation edit has been posted and will be held on 18 June 2013.

Conditional Use Checklist

Chair Craycraft asked Ms. Smith to change the headings of the current subdivision checklist to correlate with the 5 categories which would trigger a conditional use permit: 1) Water Quality Protection, 2) Open Space Conservation, 3) Steep Slope Conservation, 4) Stormwater Management, 5) Town Center/Mixed Use. Chair Craycraft stated Ms. Smith will pass out the modified checklist when it is prepared and Board members can review it as homework to be discussed at the July business meeting.

Site Plan Review Regulations-Elaine Planchet Invoice

Ms. Smith stated an invoice from 24 December 2012 from Ms. Planchet shows an itemization of \$500.00 for Subdivision Regulations Edit and \$250.00 for “Edit of New Durham Site Plan Regulations: Contract Signature”. The Town Administrator authorized payment on 09 January 2013. Ms. Smith stated she has found no record of a contract between the Town of New Durham and Ms. Planchet regarding an edit of the Site Plan Review Regulations. Board members did not remember authorizing a contract for an edit of the Site Plan Review Regulations only the Subdivision Regulations. Board members asked Ms. Smith to check with Ms. Planchet to see if she had a contract, which may have been drafted by the former Land Use Assistant.

Board members reviewed information prepared by Mr. Raslavicus regarding potential changes to the Site Plan Review Regulations. Board members agreed to have Ms. Planchet work on the first suggestion. The first part of suggested change 2 was found to already be in the current regulation. Wording was added to Section VII D, # 25 to refer to the Design Guidance Document. Change 3-Section VIII add ‘ B- Revocation of Approval’. Also add a ‘C-Scattered or Premature Development’ if this is applicable to Site Plan Review, if it is give reference to the corresponding RSA . The Board decided not to work on Change 4 at this time. Change 5A – Section IX add a new item ‘B-Buildings’ which refers to Appendix B the ‘Design Guidance Document’. Change 5B – Section IX add a number 4 dealing with ‘Maintenance’ to current Section J ‘Landscaping’.

Gosciminski

Ms. Smith stated the Assessing Clerk, Laura Zuzgo, was doing some filing and found a Notice of Decision for Jeff Gosciminski dated 6 July 2010 that was never signed. There were also several

plans in the file which were also not signed. Ms. Smith stated she went on the Registry of Deeds website to see if anything had been recorded. Nothing regarding the case was recorded. Ms. Smith stated she had two questions one for this case specifically and one in general. Ms. Smith questioned if she should just stick the minutes of the 6 July 2010 meeting in the file which would show that the action took place or should the 2010 letter of decision be signed. Ms. Smith also stated she was not sure if the Registry would accept a document that was almost 3 years old. Ms. Smith also questioned if the document was signed what date would be used, the date the document was actually signed or 6 July 2010 when the action took place. Ms. Smith asked in general, at what point is there a cut off, for example if Ms. Zuzgo were to find an unsigned document from 2007 should that be signed. Discussion followed. Chair Craycraft suggested Ms. Smith insert a copy of the minutes of the 6 July 2010 meeting in Mr. Gosciminski's file and also to ask the Local Government Center what should be done in this type of situation.

Other Business

Mr. Raslavicus brought up a potential violation on South Shore Road Map 113 Lot 6. Chair Craycraft asked Ms. Smith to send an e-mail to the Code Enforcement Officer asking him to check into it and also to send a copy to the Conservation Commission.

Chair Craycraft informed Board members he may not be able to attend the 18 June 2013 meeting.

At 9:55 pm Mr. Drummey made a motion to adjourn. Mr. Raslavicus seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith

Recording Secretary