

**MINUTES**  
**NEW DURHAM PLANNING BOARD**  
**18 JUNE 2013**

Vice-Chair Drummey called the meeting to order at 7:08 pm.

**Roll Call:** Scott Drummey (Vice-Chair), Dot Veisel, David Swenson (Selectmen's Representative), Craig Groom (Alternate), recording secretary Amy Smith.

**Excused Absence:** Bob Craycraft, Paul Raslavicus, Cameron Quigley (Alternate)

**Others Present:** David Bickford; Code Enforcement Officer Arthur Capello (from approximately 7:30 pm to 7:45 pm).

Vice-Chair Drummey stated Chair Craycraft would not be attending tonight's meeting and he would be acting as Chair. Vice-Chair Drummey designated Mr. Groom to sit in for Mr. Raslavicus.

**Public Input:** Ms. Veisel informed Board members and the viewing public that a 'Celebration of Life' is being planned for Barbara Hunter who recently passed away. Ms. Veisel stated the event is scheduled for 31 July 2013 from 4 pm – 6pm at the Belknap Mill in Laconia. Ms. Veisel also stated that if anyone is interested in helping out they can contact her (Ms. Veisel) or Cathy Allyn.

**Public Hearing: Edits to Subdivision Regulations**

Vice-Chair Drummey opened the public hearing on proposed edits to the Subdivision Regulations. Board members reviewed the most recent draft of the Subdivision Regulations document which included the suggestions made at the 4 June 2013 meeting. Mr. Groom suggested, on page 29, to eliminate the 'Zoning Reference' in Table 1 as this causes extra edits as every time a new section is added or deleted to the Zoning Ordinance the Subdivision Regulations will need to be amended to include the appropriate Article and Section number. Mr. Swenson suggested keeping the Article number so readers will have some idea where to look in the Zoning Ordinance but delete the Sections as these are more likely to change and need to be renumbered/re-lettered. Board members agreed. Ms. Smith reviewed the 4 June 2013 minutes which list the suggested changes and noted these changes had been made. Vice-Chair Drummey noted on page 44 the graphics for Attachment 2, the 'Removal of Woodlot Designation', need to be corrected.

Audience member David Bickford questioned why the dimensional requirements for lots (frontage, lot size, setbacks) are not in the Subdivision Regulations. Vice-Chair Drummey stated those requirements are found in the Zoning Ordinance. Mr. Bickford stated he knew that but suggested the Board consider also listing them in the Subdivision Regulations. Mr. Groom

suggested the Planning Board review deeds to see if there are deed restrictions on the property. Mr. Bickford stated he did not believe the Planning Board had the authority to enforce deed restrictions. Vice-Chair Drummey stated he thought that deeds were sometimes submitted with the application. Ms. Smith stated she checks the deed for a submitted application to ensure the person applying is the legal owner of the property and has a right to apply. Ms. Smith continued to state she does not check the deed for any type of protective covenants as she thought violations of covenants were a civil matter. Vice-Chair Drummey agreed. Vice-Chair Drummey stated he believes violations of covenants are a civil issue but added the Board has put restrictions on deeds. Code Enforcement Officer Arthur Capello stated he believes the Board may have required restrictions listed on a Site Plan but not the deed as the Board does not create deeds. Mr. Capello stated if a restriction is shown on a Site Plan he can enforce it, however, he can not enforce deed restrictions. Mr. Capello gave the Board an example using Merry Meeting Lake Association. Mr. Capello stated Merry Meeting Lake Association has a restriction on the height of buildings and he often gets calls from people questioning the height of a structure being built. Mr. Capello stated he issues permits based on the Town's Regulations and if an applicant complies with the Town's Regulations he must issue a permit. Mr. Capello stated he has no authority to deny a permit because it doesn't comply with a deed restriction, that would be a civil issue and not a Town issue. Mr. Groom asked Mr. Capello if he would grant a permit for something if he saw in the deed that it was restricted. Mr. Capello stated he would issue a permit provided it meets all the Town's regulations. Mr. Groom stated this concerns him and suggested the Planning Board or Zoning Board be stewards of the deeds. Mr. Capello stated he didn't believe they could. Vice-Chair Drummey suggested asking the Local Government Center for their opinion. Vice-Chair Drummey requested Ms. Smith contact the LGC and be sure to inform them the Planning Board does require deed restrictions to be shown on the plat.

On Page 21, number 2, Ms. Smith suggested changing 1 copy of 11x17 to 8 copies so all Board members and Alternates can have their own copy to review. Board members discussed reformatting page 21. Many suggestions were made but not finalized. On Page 25, Section 9.06 – 1 A, Board members agreed to delete 'unless the proposed home site meets current zoning requirements relative to frontage and lot size and the owner has Planning Board approval under New Durham Zoning and Land Use Ordinance.' as the removal of a woodlot designation is discussed in Section 9.06 -1 B. Vice-Chair Drummey asked Ms. Smith to make a note to remind the Board that a change to the Zoning Ordinance would also be necessary.

**Ms. Veisel made a motion to recess the Public Hearing on Edits to the Subdivision Regulations until 16 July 2013 at 7:00 pm. Mr. Groom seconded the motion. The motion was unanimously approved.**

Vice-Chair Drummey asked Ms. Smith to attempt a reformatting of page 21 and the Board would review the changes at their 2 July 2013 meeting.

### **Master Plan Discussion**

Ms. Veisel passed out copies of the current 'Community Well-Being' section of the Master Plan, a handout listing policies and implementation strategies, and her rough draft of the revised 'Community Well-Being' section of the Master Plan. Ms. Veisel noted this is a work in progress. Board members reviewed Ms. Veisel's draft. Ms. Veisel stated she has met with the Boodey

House Committee, Meeting House Committee, and the Historical Society and will be meeting with the Parks & Recreation Committee. Ms. Veisel noted in order to talk about a community's well being you have to know the community.

Mr. Swenson stated he felt the community profile is important but didn't believe it should be contained in the Introduction. Mr. Swenson also stated he liked the conciseness of Ms. Veisel's draft. Mr. Groom complimented Ms. Veisel on her work. Vice-Chair Drummey agreed stating Ms. Veisel did a great job and the format she used was a good example to follow.

Ms. Veisel reminded Board members that she would be working with Town Historian, Cathy Orlowicz, on the 'Historical & Cultural Resources' section. Ms. Veisel noted the next Historical Society meeting is scheduled for 8 August 2013.

Board members agreed to postpone the 'Vision' section until 16 July 2013.

### **Review of Mail**

Board members reviewed the mail.

### **Review of Minutes**

Board members reviewed the minutes.

**Ms. Veisel made a motion to approve the minutes of 4 June 2013 as printed. Mr. Groom seconded the motion. The motion was approved with 3 affirmative votes (Groom, Drummey, Veisel) and 1 abstention (Swenson - who was not present at the 4 June 2013 meeting.)**

### **Workforce Housing**

Vice-Chair Drummey asked Ms. Smith to put the Workforce Housing study prepared by Bruce Mayberry on the agenda for 20 August 2013. Audience member David Bickford asked how much the study cost. Ms. Smith stated \$1,000.00.

### **Graeme Brown**

Ms. Smith stated Mr. Turner, Graeme Brown's agent, submitted a Maintenance Log. Board members reviewed the Maintenance Log. This item was the only outstanding item listed in Mr. Brown's conditional approval for a conditional use permit at his hearing on 4 June 2013. Board members agreed to wait and have Chair Craycraft sign the conditional use Notice of Decision letter and plan.

### **Conditional Use Permit Checklist**

Ms. Smith passed out copies of the modified subdivision checklist with the revised headings as discussed at the 4 June 2013 meeting.

**Site Plan Contract – Elaine Planchet**

Ms. Smith stated she has been in contact with Elaine Planchet regarding the contract for editing the Site Plan Review Regulations. Ms. Smith stated Ms. Planchet does have a contract signed by former Land Use Assistant David Allen. Ms. Planchet mailed Ms. Smith a copy of the contract as neither the Bookkeeper or the Planning Office had a copy of the contract. Board members reviewed the correspondence from Ms. Planchet, as well as, the contract signed by David Allen dated 19 December 2012. Vice-Chair Drummey stated he did not remember the Board authorizing Mr. Allen to enter the contract but there is in fact a contract. Ms. Veisel stated the Board is fortunate that they are pleased with Ms. Planchet's work on the Subdivision Regulations edit.

**At 9:32 pm Mr. Groom made a motion to adjourn. Ms. Veisel seconded the motion. The motion was unanimously approved.**

Respectfully submitted,

Amy Smith  
Recording Secretary