

**MINUTES**  
**NEW DURHAM PLANNING BOARD**  
**19 FEBRUARY 2013**

Chairperson Scott Drummey called the meeting to order at 7:04 pm.

Roll Call: Scott Drummey (Chair), Bob Craycraft (Vice-Chair), David Bickford (Selectmen's Representative), Dot Veisel, Paul Raslavicus, Craig Groom (alternate), recording secretary Amy Smith.

**PUBLIC INPUT:** There was no public input.

**REVIEW OF MAIL**

Board members reviewed the mail. Board members reviewed a survey from Land Tech prepared for the Grahn Family Trust which is a survey of existing boundaries and not a subdivision but for informational purposes only. Board members questioned why it came to them. Ms. Smith explained that surveyors are required, per RSA 676:18 IV, to file a copy with the Town's Planning Board prior to recording any plat at the Registry of Deeds. Chair Drummey questioned how long this requirement was in effect. Ms. Smith stated she was not sure of the date but it was well over 10 years.

**REVIEW OF MINUTES**

Board members reviewed the minutes of 6 November 2012. Mr. Raslavicus made a motion to approve the minutes of 6 November 2012 as written. Mr. Craycraft seconded the motion. The motion was unanimously approved.

Board members reviewed the minutes of 13 November 2012. Mr. Raslavicus suggested adding "An informal discussion was held as proper noticing did not take place.", after 'McKay Excavation Permit' on page 1. Also on page 2 add "A formal hearing will take place in the future.", after the last sentence under the heading 'McKay Excavation Permit'. Mr. Raslavicus made a motion to approve the minutes of 13 November as corrected. Ms. Veisel seconded the motion. The motion was unanimously approved.

Board members reviewed the minutes of 18 December 2012. Mr. Raslavicus noted "PUBLIC HEARING Tax Map 102 Lots 5 & 6" should be added to the heading 'McKay Excavation Permit'

on page 1. Ms. Veisel noted second paragraph, 4<sup>th</sup> sentence, under the heading McKay Excavation Permit the word “hour” should be inserted between ‘per’ and ‘cost’. Chair Drummey noted on page 2, third to last paragraph, first sentence the word ‘tests’ should be “test”. Board members agreed the second to last paragraph on page 2 should read “Some members thought that the sand and gravel excavation may meet the guidelines for use of a woodlot established in the Zoning Ordinance.” Mr. Raslavicus noted on page 3, #7 the word ‘east’ should be changed to “west”. Board members agreed the second to last sentence under the heading “Design Guidelines” should be deleted. On Page 4, under the heading “Proposed Amendment to the Zoning Ordinance to allow the Planning Board to delegate approval of Voluntary Mergers to the Code Enforcement Officer” ‘xxx’ should be changed to “RSA 674:39-a.” Mr. Bickford noted on Page 4 under the heading “2013 Budget Status”, first sentence, the word ‘Designated’ should be changed to “Capital”. Mr. Craycraft made a motion to approve the minutes of 18 December 2012 as corrected. Ms. Veisel seconded the motion. The motion was unanimously approved.

Board members reviewed the minutes of 8 January 2013. Mr. Raslavicus noted on page 1, second to last sentence, “for septic tanks” should be inserted between the words ‘setbacks’ and ‘for’. Mr. Raslavicus noted on page 2, #2, first bullet ‘registered’ should be changed to “certified”. Board members agreed to add (letter attached to minutes) after the last sentence under #2. Mr. Groom suggested changing ‘Art’ to “Code Enforcement Officer” in both #3 and #4. Mr. Bickford made a motion to approve the minutes of 8 January 2013 as corrected. Mr. Craycraft seconded the motion. The motion was unanimously approved.

Board members reviewed the minutes of 5 February 2013. Ms. Veisel made a motion to approve the minutes of 5 February 2013 as printed. Mr. Craycraft seconded the motion. The motion was approved with 4 affirmative votes (Veisel, Drummey, Craycraft, Bickford) and 1 abstention (Raslavicus).

## **OLD BUSINESS**

Ms. Smith informed Board members the Town Administrator had given her a mylar that had apparently been sitting in the conference room for some time. The plan was a site plan for William and Donna Vello (Tax Map 120 Lots 25 & 45) dated 18 May 2011. The plan had a sticky note on it reading ‘needs Bob Craycraft’s signature’. Ms. Smith provided Mr. Craycraft with the minutes of 08/3/2010 which listed the Board’s conditions. Mr. Craycraft signed the plan.

## **OTHER BUSINESS**

Ms. Veisel asked Ms. Smith if she could make copies of the checklists for applications to give to members.

Mr. Bickford suggested the Board seek the advice of an engineer if they decide to change the design of cul-de-sacs, as was discussed with the Road Agent, at a previous meeting.

Mr. Raslavicus asked about the Board's budget. Chair Drummey stated he attended the meeting where it was discussed and believes the budget to be adequate but wasn't sure if any changes were made after he left. Ms. Veisel stated she was at the budget public hearing and did not hear of any changes.

Ms. Smith informed Board members a representative from Varney Engineering dropped off information for the Board regarding the McKay excavation permit after the agenda was posted. Mr. Bickford stepped down for the discussion. Chair Drummey asked Ms. Smith if all the Board's requirements were met as per the Board's conditional approval of the application on 18 December 2012. Board members reviewed the 18 December 2012 minutes. Ms. Smith stated, as listed under the 5 conditions of application acceptance:

#4: provide a water quality analysis of the brook and #5: add the beaver dam to the plan, and show the 250' setbacks from all water bodies and wetlands were completed.

#3 was partially complete. There is a letter from the Road Agent but not from the Chief of Police.

#2 an impact study was submitted but the statement 'that the excavation activities will have no more negative impact on the aquifer than a single family home' is not contained in it.

#1 there is a letter written from Mr. Varney to Rose Marie Leinberry, Trustee asking for a letter stating whether she objects or does not object to excavation up to 50 feet of her property but Mr. Varney has not received a response as of yet.

The Excavation Permit approval itself is subject to 8 conditions.

#8 being that items 1,4,5,6,&7 must be completed within 60 days. Chair Drummey noted the 60 days have expired.

#1 has not been met as all the conditions of acceptance have not been met.

#6 a written statement to the application that the mound of sand serves as the required visual barrier and #7 a landscape plan for the west side of the sand mound has not been submitted.

Ms. Smith stated she will check with the bookkeeper to see if the Town has received the funds required in conditions 4 & 5.

Chair Drummey also asked Ms. Smith to find out if the actual active gravel pit is in current use.

The Board discussed a letter drafted by Atty. Richardson addressing the conflict between the Board's conditional approval of the gravel pit on a lot designated as a woodlot. Lengthy discussion followed as to how the Board should proceed to be fair to Mr. McKay and comply with the Zoning Ordinance and whether an extension should be given to Mr. McKay to complete the Board's conditions. Board members made several suggestions to Atty. Richardson's draft letter and asked Ms. Smith to compose a letter to Mr. Varney, as he is Mr.

McKay's agent. Chair Drummey asked Ms. Smith to e-mail him the letter for review and the Board would discuss the revised letter at their next meeting. Mr. Bickford returned to the table.

Mr. Drummey asked Ms. Smith to follow up with the professional planner in Northwood who was paid to review the Town's regulations.

Mr. Raslavicus stated the Board should consider their work plan for 2013. Board members suggested working on: cul-de-sacs, lighting/dark skies, design guidelines, Master Plan, septic issues, impact fee formula, clarification on the removal of woodlot status.

Mr. Bickford noted when a lot is removed from woodlot status a test pit is to be shown.

Mr. Raslavicus stepped down from the table. Chair Drummey designated Mr. Groom to sit in for Mr. Raslavicus.

Mr. Raslavicus, as a member of the public, stated at the time of his conditional approval for the removal of his property from woodlot status all that was stated was that the Board required a visual inspection with no time line given on the inspection. Mr. Raslavicus added that if the Board will require a test pit he does not want to take the lot out of woodlot status. Mr. Bickford made a motion that the Pleasant Point Realty Trust, Map 102, Lot 2, be required to have a test pit done as opposed to just a site review if they would like to have the property removed from a woodlot status. Mr. Craycraft seconded the motion. The motion was unanimously approved. Board members asked Ms. Smith to send a letter to the Trustee notifying her of the Board's decision and stating she has 90 days to comply or she may submit a letter to the Board requesting her application be withdrawn.

Mr. Raslavicus asked if he would be entitled to reimbursement of fees. Chair Drummey asked Ms. Smith to check to see what fees may be reimbursable.

At 9:21 pm Ms. Veisel made a motion to adjourn. Mr. Groom seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith

Recording Secretary