

MINUTES
NEW DURHAM PLANNING BOARD
02 JULY 2013

Vice-Chair Drummey called the meeting to order at 7:00 pm.

Roll Call: Scott Drummey (Vice-Chair), Dot Veisel, Paul Raslavicus, David Swenson (Selectmen's Representative), Craig Groom (Alternate), Cameron Quigley (Alternate); recording secretary Amy Smith. Chair Craycraft arrived at 7:25 pm.

Others Present: Code Enforcement Officer Arthur Capello; Merrymeeting Lake Association President Mark Sullivan.

Vice-Chair Drummey stated Chairman Bob Craycraft will be late to tonight's meeting and designated Mr. Groom to sit in for Mr. Craycraft.

Public Input: There was no public input.

South Shore Road (Map 113 Lot 6) – handout submitted by Paul Raslavicus

Mr. Raslavicus stated he is concerned with the project located at 284 South Shore Road, Map 113 Lot 6, specifically, but is also concerned with lake shore properties in general. Board members reviewed a handout passed out by Mr. Raslavicus enumerating numerous ordinances, regulations and State mandates that could be pertinent to issuance of a permit for 284 South Shore Road. Mr. Raslavicus stated he felt the Town's Zoning Ordinance may not have been adhered to. Code Enforcement Officer Arthur Capello stated he has visited the site on several occasions including pre-demolition, at demolition, and post demolition. Mr. Capello stated he issued the permit and felt the project does conform to State and Town Regulations. Mr. Capello continued to state he would agree with most of what Mr. Raslavicus has said, and would not have issued a permit, if the proposal was for entirely new structures. Mr. Capello explained in this case, however, the structure is being built on the exact same footprint as the pre-existing structure which has a grandfathered status. Mr. Raslavicus pointed out that the old structure was a shed and the new structure is a bunk house. Mr. Capello stated since at least 2005 the tax cards show the property owner has been taxed for a home and a camp. Mr. Raslavicus and Mr. Capello reviewed a septic design plan dated November 1993. Mr. Raslavicus stated this plan shows the structure as a shed. Mr. Capello stated the plan may label the structure as a shed but it also shows that the structure is connected to the septic system. Discussion followed regarding enforcement issues associated with how many people may actually be staying at a residence vs. the number of bedrooms in a residence vs. septic size. Mr. Capello stated he issues Certificates of Occupancy based on the septic system. Ms. Veisel questioned how Mr. Capello monitors the health of a septic system. Mr. Capello stated when he receives a complaint he investigates the situation as

the Health Officer. Vice-Chair Drummey asked what the quality of Merrymeeting Lake is. Merrymeeting Lake Association President Mark Sullivan stated it is one of the cleaner lakes in the State. Mr. Sullivan suggested asking Chair Craycraft for more specific details. Chair Craycraft stated regular water testing is done on the lake and agreed with Mr. Sullivan that Merrymeeting Lake is one of the cleaner lakes in the State. Chair Craycraft gave the Board a brief update on the quality of the water and the presence of algal growth. Chair Craycraft stated the lake is in good shape but the Board should be aware of future threats.

Mr. Raslavicus brought up the question regarding the enforcement of deed restrictions. Mr. Capello stated he cannot and will not enforce deed restrictions as this is a civil matter. Vice-Chair Drummey pointed out that the Board did get an opinion from the Local Government Center which concurs with Mr. Capello's statement that deed restrictions are a civil issue. Mr. Raslavicus stated that this particular subdivision pre-dates the Planning Board so therefore it would have fallen under the jurisdiction of the Board of Selectmen. Mr. Raslavicus stated he felt it is important to find out whether it was the Board of Selectmen who stipulated the deed restrictions or whether the deed restrictions were the idea of the developer.

Mr. Raslavicus stated that even if it is found that this particular lot is in compliance with the Town and State regulations, he believes the Planning Board should work on the bunk house issue to prevent this type of situation in the future.

Mr. Raslavicus made a motion the Planning Board develop criteria for bunk houses clearly defining maximum height, maximum square footage, setbacks, and minimum lot size.

Discussion followed. The Board determined that a motion was not necessary as it is already in the Board's scope to work on the Zoning Ordinance.

Chair Craycraft suggested Mr. Sullivan attend the joint Conservation Commission/ Planning Board meeting scheduled for 30 July 2013. Mr. Sullivan asked the time and place. Ms. Smith stated 7:00 pm at the Town Hall. Vice-Chair Drummey suggested contacting the Fire Department so the community room could be used. Ms. Veisel stated the use of that room usually books quickly and may be unavailable. Vice-Chair Drummey suggested using the Library if the Fire Department community room is already booked. Chair Craycraft stated if both the Fire Department and Library are booked, Ms. Smith could contact the Elementary School.

Mr. Raslavicus left at 8:35pm. Vice-Chair Drummey designated Mr. Groom to sit in for Mr. Raslavicus.

Review of Revised Subdivision Regulations

Board members reviewed the revised Subdivision Regulations. Ms. Smith noted the changes suggested at the 18 June 2013 meeting have been incorporated into the new document. All was found to be in order. The Public Hearing for edits to the Subdivision Regulations will be held 16 July 2013. Chair Craycraft asked if the hearing was recessed until this date at the 18 June 2013 Public Hearing. Ms. Smith stated it was.

Review of Mail

Board members reviewed the mail.

Review of Minutes

Board members reviewed the minutes of 18 June 2013. Mr. Swenson noted that on Page 2, 1st paragraph 'Merry Meeting' should be "Merrymeeting".

Ms. Veisel made a motion to approve the minutes of 18 June 2013 as amended. Mr. Groom seconded the motion. The motion was approved with 4 affirmative votes (Veisel, Drummey, Groom, Swenson) and 1 abstention (Craycraft).

Conditional Use Checklist

Board members reviewed the Subdivision Checklist which was modified to include the headings for a Conditional Use Permit. Board members agreed two separate checklists were needed, the Subdivision Checklist and a second checklist for Conditional Use Permits. Vice-Chair Drummey suggested including the section of the applicable Ordinance to the headings on the Conditional Use Permit Checklist. Board members agreed.

Signatures

Chair Craycraft signed the Conditional Use Permit and associated plans for Graeme Brown which was determined to have met all conditions of approval at the 18 June 2013 meeting. Chair Craycraft also signed the plan for the McKay gravel pit. Ms. Smith noted that at the 4 June 2013 meeting when it was determined all conditions of approval were met for the McKay gravel pit, Chair Craycraft signed the actual Excavation Permit but not the plan.

Other Business

Vice-Chair Drummey asked Ms. Smith to provide Board members with copies of the Land Use Application form.

At 9:25 pm Chair Craycraft made a motion to adjourn. Mr. Groom seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith

Recording Secretary