

MINUTES
NEW DURHAM PLANNING BOARD
20 AUGUST 2013

Vice-Chair Drummey called the meeting to order at 7:08 pm and stated he would be running the meeting as Chair Craycraft was unable to attend.

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

Excused Absences: Bob Craycraft, Cameron Quigley

Others present: Videographer Jim Ladd

Public Input: There was no public input.

Vice-Chair Drummey designated Mr. Groom to sit in as a voting member.

Lighting/Dark Skies Discussion

Ms. Smith passed out several handouts, submitted by Dr. Raslavicus, regarding preserving dark skies and model lighting ordinances. Mr. Groom passed out the Town of Hopkington's 'Outdoor Lighting Ordinance'. Board members reviewed the documents. Dr. Raslavicus stated the model ordinance found in the 'Preserving Dark Skies' handout is an older document and does not take into consideration newer technology in lighting. Mr. Groom stated he felt the Town of Hopkington's Ordinance is a good 'boiler plate' document that could be tailored to fit New Durham's needs.

Dr. Raslavicus questioned if the proposal could be a regulation as opposed to an ordinance. Dr. Raslavicus noted as technology changes, it would be easier to amend a regulation to keep it current. Discussion followed. Vice-Chair Drummey stated he wasn't sure why some rules were ordinances and others regulations. Ms. Veisel questioned if it were a matter of enforcement. Dr. Raslavicus stated he didn't think so, as both ordinances and regulations can be enforced. Dr. Raslavicus noted one difference is that waivers from a Planning Board regulation could be given by the Planning Board and waivers from the Zoning Ordinance were granted by the Zoning Board of Adjustment. Vice-Chair Drummey stated, he felt, a regulation would be easier to implement and amend as technology advanced. Mr. Swenson stated he felt that the regulation vs. ordinance question is an interesting point that he would like to further research.

Board members again reviewed the documents. Mr. Groom stated he could combine aspects of the Town of Hopkington's Lighting Ordinance with the information Dr. Raslavicus passed out to try and make a concise document specific to New Durham. Board members agreed this was a good idea. Ms. Veisel suggested taking population density into consideration and noted the needs of residents on the Lake are not the same as for the residents who live on the back of the Ridge. Vice-Chair Drummey suggested looking into the enforcement aspect, as well as, exemptions for pre-existing conditions. Board members agreed to discuss the issue again on 1 October 2013.

Review of Mail

Board members reviewed the mail, including a Wetlands Permit application from John and Holly Babcock.

Map 209 Lot 046

Ms. Smith stated she was asked by the Selectmen to get the opinions of the Planning Board and Conservation Commission regarding a 54 acre parcel of land on Shaw's Pond as to whether they thought it should be retained by the Town as conservation land. Mr. Swenson stated the parcel is currently owned by the Town due to non-payment of taxes. Mr. Swenson stated the Board of Selectmen had received an offer from an individual who wished to purchase the property but the Selectmen determined the amount offered was below market value. Mr. Groom asked if the former owner of the property could redeem it. Mr. Swenson stated he believed that timeframe has lapsed. Board members reviewed the information handed out by Ms. Smith.

Ms. Veisel stated, speaking as a member of the Parks and Recreation Commission, she advocates the Town keep the property. Ms. Veisel stated, she believes, the property would have a high recreation value for Townspeople who could use it for many things such as snowmobiling, horseback riding, fishing, and launching kayaks. Ms. Veisel noted there are currently no Town Recreation facilities in that part of New Durham. Dr. Raslavicus also agreed the property should be held in conservation but suggested instead of the Town retaining ownership, maybe an organization like Moose Mountain Regional Greenways may be interested in it.

Ms. Smith noted there is a question as to whether the lot is actually buildable due to lack of road frontage and potential woodlot status.

Dr. Raslavicus made a motion to send a memo to the Board of Selectmen stating it is the sense of the Planning Board that the property in question, Map 209 Lot 046, should be preserved as conservation property for the use of Town residents and other stakeholders. This can be accomplished by either the Town retaining title or the Town being amenable to

a local, non-profit organization purchasing the property from the Town with specific deed restrictions limiting the property to conservation use. Ms. Veisel seconded the motion. The motion passed with four affirmative votes (Veisel, Raslavicus, Groom, Drummey) and one abstention (Swenson).

Review of Minutes

Board members reviewed the minutes of 6 August 2013.

Ms. Veisel made a motion to approve the minutes of 6 August 2013 as printed. Mr. Groom seconded the motion. The motion was unanimously approved.

Master Plan – Mission Statement

Mr. Swenson stated at the 6 August 2013 meeting the Board discussed the Vision Statement and Mission Statement of the Master Plan. Mr. Swenson continued to state he would like to propose a slight change to the Mission Statement discussed at the 6 August 2013 meeting so it correlates with the Vision Statement.

Mr. Swenson made a motion to revise the Mission Statement of the Master Plan to state: “New Durham is a leading New Hampshire town focused on encouraging individuality and excellence, leveraging its resources, and balancing the interests of all stakeholders through managed growth, fiscal responsibility, and stewardship of our natural resources and environment.” Dr. Raslavicus seconded the motion. The motion was unanimously approved.

Kodiak Woods

Ms. Smith stated Chair Craycraft asked her to e-mail and handout hard copies of the 15 November 2011 Final Notice of Decision for the Kodiak Woods subdivision, minutes of 15 November 2011, and the 1 April 2008 Notice of Decision to members. Ms. Smith stated, she believes, in May 2013 Mr. Brian Crossan contacted her via e-mail requesting information on asking the Board for an extension to the ‘active and substantial development’ timeframe for the subdivision. Ms. Smith noted when her computer crashed all e-mails were lost so she is going by memory. Ms. Smith continued to state she contacted Chair Craycraft with Mr. Crossan’s question. Chair Craycraft thought that since the timeframe for ‘active and substantial development’ was stipulated in the Notice of Decision made at a public hearing, another public hearing would need to be held. Chair Craycraft asked Ms. Smith to confirm this with the Local Government Center. Ms. Smith stated the LGC confirmed what Chair Craycraft had thought. Ms. Smith further stated she had e-mailed Mr. Crossan informing him a full public hearing with newspaper notification and notice to abutters would need to be held in order for the Board to

decide on his request. Ms. Smith stated, to date, she has not received the official request. Dr. Raslavicus asked where the two year timeframe was specified. Ms. Smith stated in the 15 November 2011 Notice of Decision #11 (b) and in the minutes of 15 November 2011, page 2, first paragraph under 'Kodiak 22-Lot Subdivision'. Ms. Smith noted the '22-lot' is a typo that never was corrected, the subdivision is actually 23 lots. Dr. Raslavicus stated he did not think the Board was required to hold a public hearing on the request. Mr. Swenson stated if Mr. Crossan submits his request by 15 November 2013, he believes, the Board should hold a public hearing. Other Board members agreed.

2014 Budget

Ms. Smith stated she had received an e-mail from the Town Administrator asking whether she would be presenting the budgets for the Land Use Boards or would the Chairmen of the various Boards be presenting the budget. Ms. Smith stated she did not have a problem presenting the budget but she needed the Board's input on a budget to present. Ms. Smith passed out the Board's 2010, 2011, and 2012 budget, as well as, the 2013 budget with expenditures through 9 July 2013. Board members briefly reviewed the budget. Ms. Smith stated, in her opinion, the 'Advertising' and 'Registry' lines needed to be increased. Ms. Smith also noted the 'Software License' item could be eliminated as this was something the former Land Use Assistant had contracted for that the Town no longer uses.

Mr. Drummey made a motion that Ms. Smith contact Chair Craycraft by e-mail suggesting a three person sub-committee be formed consisting of Ms. Smith, Chair Craycraft, and Vice-Chair Drummey for the purpose of producing the Planning Board's 2014 budget. The budget will be created within the next 30 days and be brought back to the full Board for approval. Dr. Raslavicus seconded the motion. The motion was unanimously approved.

Flight Deck – Map 261 Lot 004

Dr. Raslavicus stated several months ago he brought to the Board's attention possible violations to the sign ordinance and the presence of a truck rental business at the Flight Deck gas station located on Route 11. Dr. Raslavicus stated the Board had asked the Code Enforcement Officer to look into it. Dr. Raslavicus stated, to his knowledge, nothing has been done regarding the signs. As far as the truck rental business is concerned, the Board was told that the former Land Use Assistant told the owner of the Flight Deck that the truck rental business would be considered 'a natural progression' of the business so he would not need to come back before the Board. Dr. Raslavicus stated the former Land Use Assistant did not have the authority to make that decision and felt the owner did need to come before the Planning Board. Discussion followed. Board members asked Ms. Smith to send a memo to the Code Enforcement Officer requesting a statement of determination regarding the Flight Deck.

Master Plan – ‘Historic and Cultural Resources’ Section

Ms. Veisel passed out a revised copy of the ‘Historic and Cultural Resources’ section of the Master Plan for the Board’s review. Ms. Veisel noted that the document was still a work in progress. Vice-Chair Drummey asked about the creation of a ‘Historic District’. Discussion followed. Ms. Veisel asked Vice-Chair Drummey to write something up and she would present it to the sub-committee.

At 8:43 pm Dr. Raslavicus made a motion to adjourn. Mr. Swenson seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary