

**MINUTES
NEW DURHAM PLANNING BOARD
1 APRIL 2014**

Chair Craycraft called the meeting to order at 7:05 pm.

Roll Call: Bob Craycraft (Chair), Scott Drummey (Vice-Chair), Paul Raslavicus, Dot Veisel, David Swenson (Selectmen's Representative), Terry Chabot (Alternate), Recording Secretary Amy Smith.

Excused: Craig Groom (Alternate)

Others Present: Videographer Jim Ladd, David Bickford, Code Enforcement Officer Arthur Capello, Atty. Arthur Hoover, Tom Varney, PE, Paul Garland, Chris & Caroline Maynard, Dorothy Beam.

Public Input: Atty. Hoover stepped forward and stated he had a non-case specific comment regarding the Site Plan Review Regulations. Atty. Hoover referred to the last sentence of Article IV of the Site Plan Review Regulations which reads: "The Planning Board shall approve the site plan application before issuance of any building permit, special exception, or variance for the proposed development." Atty. Hoover stated he understands the Board is revising the Site Plan Review Regulations and questioned if this section is being changed. Atty. Hoover stated it did not make any sense to have an applicant go through the expense of drafting plans for a site plan only to find out the Zoning Board would not allow the use in the first place. Code Enforcement Officer Arthur Capello agreed. Vice-Chair Drummey read the revised language the Board had drafted regarding Special Exceptions and Variances. Atty. Hoover and CEO Capello felt the proposed language should be further clarified. Chair Craycraft noted the Site Plan edit is listed on the agenda for later on in the meeting and suggested discussing the wording at that time.

**ACCEPTANCE & PUBLIC HEARING – Penny Williams-release of woodlot status
Map 240 Lot 37 – Penny Lane**

Chair Craycraft opened the Acceptance and Public Hearing for Penny Williams for release of woodlot status for Map 240 Lot 37 located on Penny Lane. Chair Craycraft read a letter from Mrs. Williams authorizing Atty. Arthur Hoover to represent her with respect to her pending application before the Board. Chair Craycraft also read a letter from Atty. Arthur Hoover requesting Mrs. Williams' application for the release of woodlot status of Map 240 Lot 37 be withdrawn without prejudice. **Vice-Chair Drummey made a motion the Planning Board accept the letter submitted by Atty. Hoover, on behalf of Penny Williams, dated 25 March 2014, requesting the application for release of woodlot status for Map 240 Lot 37 be withdrawn without prejudice. Mr. Raslavicus seconded the motion. The motion was unanimously approved.**

Chair Craycraft informed the public the Maynard public hearing is scheduled for 7:30 pm and the Board would proceed with other business until that time.

Contracted Services

Chair Craycraft informed Board members Ms. Smith contacted Bruce Mayberry regarding the update of data for the Impact Fee assessment and stated a contract should be forthcoming. Ms. Smith stated she contacted Elaine Planchet regarding the Zoning Ordinance update and informed Ms. Planchet the Board wants to finish with the Site Plan Review Regulations edit before moving on to the Zoning Ordinance edit.

Review of Minutes

Board members reviewed the minutes of 18 March 2014. **Mr. Swenson made a motion to approve the minutes of 18 March 2014 as printed. Vice-Chair Drummey seconded the motion. The motion was unanimously approved.**

Review of Mail

Board members reviewed the mail.

Training

Chair Craycraft informed Board members of upcoming training/information sessions: A Wetlands Rulemaking information session in Rochester on 10 April 2014 and the Office of Energy and Planning conference in Whitefield on 3 May 2014.

Ms. Chabot informed Board members Strafford Regional Planning Commission has an information session on 'Open Government & Engaging the Public' on 28 April 2014 from 4 – 5:30 pm in Rochester.

Rules of Procedure

Chair Craycraft noted the Board should periodically review its Rules of Procedure and asked Board members to review them.

ACCEPTANCE & PUBLIC HEARING – Christopher Maynard-site plan review- automobile sales and inspection facility- Map 251 Lot 1 – Rte. 11/Depot Road

At 7:30 pm Chair Craycraft opened the Acceptance and Public Hearing for Christopher Maynard for a site plan review for an automobile sales and inspection facility located on the corner of Rte. 11 and Depot Road, Map 251 Lot 1. Board members reviewed the plans and checklist for the application. Chair Craycraft noted the property falls within the Aquifer Protection Overlay District and also within the Town Center Mixed Use District. Chair Craycraft read a memo from Town Attorney Justin Richardson which stated pursuant to State RSA 676:14, when a property falls into more than one district the more stringent regulation always controls. Chair Craycraft noted that since the property falls within the Aquifer Protection Overlay District, the applicant must comply with Article X of the Zoning Ordinance. Chair Craycraft read Article X Section C -

2 which requires a Special Exception from the Zoning Board of Adjustment for commercial use “after and environmental impact study has been completed and the study concludes the commercial use has an impact equal to or less than that of a single family dwelling.” Chair Craycraft stated he also had questions regarding the proposed access to the site which is via easement through another property.

Mr. Raslavicus stated in preparing for tonight’s meeting he had asked Ms. Smith for information on previous action taken by the Board regarding the lot. Mr. Raslavicus stated he noticed the minutes from 2 October 2012, when the boundary line adjustment was approved, listed one of the lots incorrectly. Mr. Raslavicus stated when he informed Ms. Smith she reviewed the file and she noticed the public hearing notice also listed one of the lots incorrectly. Mr. Raslavicus questioned how this affects the current application. Ms. Smith stated she is not sure how the previous Land Use Assistant came up with the incorrect lot number other than a simple mistake. Ms. Smith stated the boundary line adjustment application and the boundary line adjustment plan that has been recorded at the Registry of Deeds lists the correct lot numbers. Ms. Veisel stated she reviewed the abutters list and it appears the correct abutters were notified. Ms. Smith stated the boundary line adjustment application submitted in 2012 did list the correct lot numbers and abutters.

Engineer Tom Varney stepped forward on behalf of Mr. Maynard. Mr. and Mrs. Maynard, and abutters Dorothy Beam and Paul Garland were also in attendance. Mr. Varney stated Mr. Maynard is planning to develop the lot into an automobile sales and inspection facility. Mr. Varney stated a 40’ x 60’ building will be constructed for an office and shop area. Mr. Varney stated the vehicles for sale will be along the Rte. 11 frontage and access to the property will be through the neighboring property by easement. Mr. Varney also noted the parking lot will have porous pavement which will allow rainwater to infiltrate through the soil. Mr. Varney stated a well and septic system will be installed on the property. Mr. Varney briefly explained the lighting and landscaping plan.

Mr. Raslavicus asked Mr. Varney if he had reviewed the ‘Design Guidance Document for Site Planning’. Mr. Varney stated he did and he believes the proposal complies with it. Board members continued to review the application for completeness. Chair Craycraft suggested the Board require an environmental impact study as specified in Article X C-2 of the Zoning Ordinance. Chair Craycraft noted this would be the same study the applicant is required to prepare for the ZBA. Mr. Raslavicus suggested the Board require information on how much automobile waste the project will generate and how the applicant proposes to dispose of it. Mr. Raslavicus also suggested a review of municipal cost and whether or not vehicles sitting along Rte. 11 would increase the need for additional Police attention to that area.

Vice-Chair Drummey asked Mr. Maynard if he has contacted the owner of Map 250 Lot 138 regarding the easement. Mr. Garland stepped forward and stated he is the owner of Map 250 Lot 138 and he is aware of and agrees to the easement. Mr. Maynard stated he wanted to point out his business is automobile sales and he has no intention of becoming a full- fledged auto repair shop. Mr. Maynard also noted he currently sub-lets the inspections and repairs. The existence of the inspection station and shop would allow for more convenience and eliminate some of the sub-letting of repairs. Mr. Maynard stated large jobs like pulling apart transmissions or engines

would not be taking place at his shop. Mr. Raslavicus referred to Article V D-1 of the Zoning Ordinance and asked the applicant what category he felt his proposal fell under. Mr. Varney stated he believed the proposal would fall under the 'General Retail and Business' category. Per Table 2 of the section the proposal requires a conditional use approval.

Ms. Veisel made a motion to accept the application of Christopher Maynard for a site plan review for an automobile sales and inspection facility located at the corner of Rte.11/Depot Road Map 251 Lot 1 as complete contingent upon receipt of an Impact Study that meets the requirements of the Aquifer Protection Overlay District (Article X C-2 of the Zoning Ordinance), road access, and waste disposal. Vice-Chair Drummey seconded the motion. The motion was unanimously approved.

Mr. Maynard stepped forward and explained his landscaping plan. Mr. Maynard stated he plans on keeping the trees that are currently on the property except those that need to be removed for construction. Mr. Maynard also noted he looked at area businesses for guidance. Mr. Maynard stated the building will be facing Rte. 11 with the door on the backside of the building. Mr. Maynard stated there will be an inspection station with a shop area. Mr. Maynard noted there will be a lift to repair vehicles for sale but it will not be a full repair facility. Mr. Maynard also stated there will be a café that serves coffee and snacks for the convenience of the customers. Ms. Veisel asked if he will be storing tires, batteries, and accessories. Mr. Maynard stated he does not store them at his current location and does not plan on storing them here. Ms. Veisel asked the name of the business and the location of signs. Mr. Maynard stated the name of his business is 'Lakes Region Auto Source' and there will be a sign on the building and a sign on Rte. 11. Ms. Veisel asked Mr. Maynard if he bought the vehicles at auction. Mr. Maynard stated he did not buy his vehicles at auction. Ms. Veisel asked how the vehicles would be transported to the site. Mr. Maynard stated they are driven to the site using a dealer plate, brought on a ramp truck or he hires someone to bring them to the site. Ms. Veisel asked Mr. Maynard if he owned a ramp truck and what its capacity is. Mr. Maynard stated he does own a ramp truck and the capacity is two vehicles.

Abutter Dorothy Beam stepped forward and stated no matter how well maintained Mr. Maynard's vehicles may be, vehicles leak fluids. Mrs. Beam stated she is concerned with vehicle fluid leaking into the groundwater and getting into drinking water. Mr. Varney stated the vehicles will be stored on porous pavement and the natural sand will filter out any fluid that may leak from the vehicles.

Audience member David Bickford asked if there would be a restriction on the number of vehicles allowed for sale on the site. Ms. Chabot asked if the applicant's intent is to limit vehicles for sale to 24 as this is the number of parking spaces along Rte. 11 as shown on the plan. Mr. Maynard stated he has between 20 – 25 vehicles for sale at his current location. Ms. Veisel asked Mr. Maynard if he will be selling motorcycles and campers. Mr. Maynard stated he would not only cars, trucks, and SUVs. Ms. Chabot asked the height of the building. Mr. Varney stated he believes it is 28 feet. Ms. Chabot asked if the building would be metal. Mr. Maynard stated the building will be wood construction and may have metal siding. Mr. Maynard stated his building would look similar to the Perillo Granite building in Farmington. Mr. Maynard noted the Perillo Granite building does have a cupola and his building design currently does not.

Lengthy discussion followed regarding landscaping of the property. Mr. Raslavicus noted the Rte. 11/Depot Road entrance is one of the ‘gateways’ to the Town and wanted to be sure it is aesthetically pleasing. **Mr. Raslavicus made a motion the applicant work with a landscape architect to facilitate the refinement of the landscaping features of the project. Chair Craycraft seconded the motion.** Mr. Swenson stated he understood Mr. Raslavicus’ concern and agrees landscaping is important as is making sure the project is tastefully done. Mr. Swenson continued to state he did not think it is the Board’s job to design the project for the applicant. Mr. Maynard suggested going to a local landscaper for their suggestions/advice on tastefully landscaping the site while still maintaining visibility of the vehicles for sale. Ms. Veisel stated she believes Mr. Maynard’s suggestion is in the spirit of the ‘Design Guidance Document’. Board members agreed. **Mr. Raslavicus withdrew his motion.**

Chair Craycraft stated he would like to see a note on the plan stating what the ‘Operation and Maintenance Plan’ is. Chair Craycraft also noted an ‘Operation and Maintenance Log’ should be given to the applicant with a copy for the Planning Board.

Mr. Bickford asked Mr. Maynard if he found the Town’s regulations to be too restrictive and caused him to alter his proposal. Mr. Maynard stated the proposal is exactly what he wants and if he has to move a few shrubs here and there he did not have a problem with that.

Chair Craycraft closed the public comment section of the hearing. Board members agreed to schedule a site walk of the property on 25 April 2014 at 6pm. **Vice-Chair Drummey made a motion to recess the public hearing of Christopher Maynard for a site plan review for an automobile sales and inspection facility located on the corner of Rte. 11 and Depot Road, Map 251 Lot 1 until 6 May 2014 at 7:15 pm at the Library. Ms. Veisel seconded the motion. The motion was unanimously approved.**

Mr. Garland stated he wanted to applaud the Board for wanting to bring business into the Town.

Site Plan Edit

Board members agreed to incorporate Mr. Raslavicus’ highlighted changes and Atty. Hoover’s suggestion into the document. Vice-Chair Drummey will format the document to include the changes. Chair Craycraft asked Ms. Smith to post the formatted document on the website once she receives it from Vice-Chair Drummey.

Woodlot Removal Process

Chair Craycraft asked Ms. Smith to place this item on the agenda for the 15 April 2014 meeting.

Kodiak Woods

Board members reviewed the draft public hearing notice for revocation of recorded subdivision which included Atty. Justin Richardson’s suggestions. Some minor corrections were made. Mr. Swenson suggested condensing the newspaper notice by not including the subsections (lower case letter sections) due to the cost of advertising the notice in its entirety. Board members

agreed. The entire notice will be posted on the website, at the Town Hall interior, Post Office, and on the outside Town Hall bulletin board. Ms. Smith noted the notice she sends to the owner and abutters will also be the entire notice. The notice will also be read in its entirety at the Public Hearing.

Election of Officers

Vice-Chair Drummey made a motion to nominate Bob Craycraft as Chair. Mr. Swenson seconded the motion. Mr. Craycraft noted due to work commitments he has during the summer he would prefer not to be Chair. Mr. Swenson suggested during the months he has work commitments he could delegate the Chair position to the Vice-Chair. Chair Craycraft agreed to serve as Chair again. **The motion passed with four affirmative votes (Drummey, Raslavicus, Swenson, Veisel) and one abstention (Craycraft).**

Ms. Veisel made a motion to nominate Scott Drummey as Vice-Chair. Mr. Raslavicus seconded the motion. The motion was approved with four affirmative votes (Craycraft, Raslavicus, Swenson, Veisel) and one abstention (Drummey).

Vice-Chair Drummey made a motion to nominate Dot Veisel as Secretary. Mr. Swenson seconded the motion. The motion was approved with four affirmative votes (Craycraft, Drummey, Raslavicus, Swenson) and one abstention (Veisel).

At 9:52 pm Mr. Swenson made a motion to adjourn. Vice-Chair Drummey seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary