

**MINUTES  
NEW DURHAM PLANNING BOARD  
6 MAY 2014**

Chair Craycraft called the meeting to order at 7:03 pm.

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

**Others Present:** Videographer Vaughn Morgan, Tom Varney, PE, Paul Garland, Chris & Caroline Maynard, Wendy & John Anderson.

**Public Input:** There was no public input.

**PUBLIC HEARING – Revocation of Recorded Subdivision Approval – Kodiak Woods  
Subdivision- Map 239 Lots 001—000 through 001-023 (shown on  
the tax map as Map 239 Lots 63 through 63.24) - Birch Hill Road**

Chair Craycraft opened the Revocation of Recorded Subdivision Approval public hearing for the subdivision known as Kodiak Woods, Tax Map 239 Lots 001—000 through 001-023 (shown on the tax map as Map 239 Lots 63 through 63.24) and located on Birch Hill Road. Chair Craycraft gave a brief history of the subdivision. Chair Craycraft noted there have been several changes in the Zoning Ordinance since the subdivision was approved that would impact the subdivision causing it not to meet the current zoning ordinance. Chair Craycraft noted the owner of the subdivision did request an extension of the 'active and substantial' development timeframe but on 15 January 2014 submitted a letter retracting his extension request.

Chair Craycraft read the three main points of the public hearing notice aloud for members of the audience and the viewing public:

1. Applicant has Failed to Perform Condition of the Approval Within a Reasonable Time Specified in the Approval. RSA 676:4-a, I (c).
2. The time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations. RSA 676:4-a, I (d).
3. The Applicant or successor in interest has failed to provide for the continuation of adequate security until such time as the work secured thereby has been completed. RSA 676:4-a, I (e).

Chair Craycraft noted there were various subcategories in the notice and asked if he should read those aloud as well. Board members did not feel this was necessary.

Ms. Smith informed Board members the certified/return receipt request notice sent to the applicant was returned 'unclaimed'. Ms. Smith stated she sent an e-mail to the Local Government Center (LGC) regarding the fact the applicant did not pick up his certified mail containing the public hearing notice. Ms. Smith then read the response from Atty. Sanderson of LGC. Ms. Smith noted the certified/return receipt requested notices were mailed on 11 April

2014. Ms. Smith stated she checked the USPS website and it shows the letter was available for pickup 12 April 2014 but unclaimed and returned to the New Durham Planning Office on 29 April 2014. Ms. Smith also stated the public hearing notice appeared in the 15 April 2014 edition of Foster's Daily Democrat. Per Atty. Sanderson's suggestion, Ms. Smith stated she obtained the 'Statement of Account' from the Tax Collector showing the address tax bills are sent is the same the certified mail was sent and the taxes have been paid through December 2013(the most current tax bill).

Chair Craycraft asked if there was any public input. There was none. Chair Craycraft closed the public input portion of the public hearing. **Vice-Chair Drummey made a motion to revoke the recorded subdivision known as the Kodiak Woods Subdivision- Map 239 Lots 001—000 through 001-023 (shown on the tax map as Map 239 Lots 63 through 63.24) and located on Birch Hill Road. Ms. Veisel seconded the motion. The motion was unanimously approved.**

Ms. Smith noted per RSA 676:4-a III the notice of revocation can be recorded at the Registry of Deeds 'no sooner' than 30 days from the date of the revocation hearing.

**PUBLIC HEARING – Christopher Maynard - Site Plan Review – automobile sales & inspection facility – Map 251 Lot 1- Rte. 11/Depot Road**

At 7:16 pm Chair Craycraft opened the 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. Present for the hearing was Tom Varney, PE, Christopher and Caroline Maynard, abutter Paul Garland, and members of the public Wendy and John Anderson. Chair Craycraft read a letter from the State Department of Transportation regarding a 'Change in Use' driveway application. Mr. Varney, on behalf of Mr. Maynard, stated the application has been submitted and is pending. Mr. Varney also stated an Environmental Impact Statement was submitted to the Town at the time the Zoning Board application was submitted. Chair Craycraft stated Ms. Smith had e-mailed the document to Board members. Ms. Smith noted the ZBA hearing is 13 May 2014.

Mr. Varney submitted a landscaping plan for the Board's review. Mr. Maynard stated he had gone to Cameron's Home & Garden Center after the last Planning Board meeting and asked them to design a landscaping plan. Board members reviewed the plan.

Board members reviewed the site plan showing the proposed access easement over Mr. Garland's property. Mr. Varney noted the easement is for 25' and the driveway will be 14'. Mr. Varney noted the easement will be defined in the deed and recorded at the Registry of Deeds. Mr. Raslavicus asked what would happen if an additional lot is approved. Mr. Varney stated most likely an access road would be built but this would be something the Planning Board could require in the future.

Mr. Raslavicus stated at least a portion of the property is located within the wellhead protection area of two large wells, one of the wells is the well for the elementary school. Mr. Raslavicus noted the protective radii of the wells is 1300'. Mr. Varney stated the 1300' is advisory. Mr. Varney also stated he has contacted the Department of Environmental Services (DES) and there are 6-8 operations, such as junk/salvage yards, that are prohibited. Mr. Varney stated from the

State's perspective Mr. Maynard's business would be considered minimum impact. Mr. Maynard submitted a letter from Sara Johnson of DES which lists several best management practices recommended for auto repair. Mr. Maynard also stated the New Hampshire Automobile Dealers Association does quarterly inspections of facilities to ensure best management practices are being followed. Chair Craycraft suggested Mr. Maynard submit copies of those reports to the Code Enforcement Officer.

Mr. Raslavicus questioned the permeability of porous pavement in the winter time as it may get blocked with ice and sand. Mr. Raslavicus also stated there is research that shows the material starts to fall apart after 15 years. Mr. Varney stated water filters through the porous pavement so there should not be a problem with ice or sand. Mr. Maynard noted if the pavement needs to be repaired in 15 years then it will be repaired. Vice-Chair Drummey noted that even regular asphalt is likely to need some repair after 15 years. Mr. Raslavicus asked Mr. Maynard about various types of vehicle repairs and whether he would do them at his facility. Mr. Maynard stated he is not advertising his business as a repair facility, however, he would perform minor repairs on vehicles. Mr. Maynard continued to state the inspection station and repair facility would allow him to get the vehicles he is looking to sell ready for sale without having to sub-let inspections and smaller jobs. Mr. Raslavicus asked what Mr. Maynard would be using to wash the vehicles. Mr. Maynard stated a biodegradable detergent.

Chair Craycraft opened the hearing to the public. Wendy Anderson stepped forward and stated she did not feel that a used car lot on porous pavement next to a wetland is a good idea. Ms. Anderson also stated she is a landscape architect and she felt the landscaping plan is inadequate. Ms. Anderson stated the lot in question is the gateway to New Durham and felt it very important for the property to be aesthetically pleasing. Ms. Anderson stated there are currently eleven trees on the property and after the proposal is complete there will only be three. Ms. Anderson also stated she believes shade trees would be a better choice than shrubs. Mr. Maynard stated he is not opposed to more trees, however, he would like to know 'how much is enough'. Ms. Anderson stepped forward with a plan she designed. Mr. Maynard and Board members reviewed Ms. Anderson's plan. Mr. Garland questioned the pollen factor from all those trees onto the vehicles Mr. Maynard has for sale. Ms. Anderson stated she did not think that would be a factor as there already is plenty of pollen from various other trees. There was lengthy discussion regarding landscaping. Mr. Swenson noted 'beauty is in the eye of the beholder' so what one person sees as aesthetically pleasing does not mean it is aesthetically pleasing to someone else. Mr. Maynard stated he is getting 'mixed signals' and asked what the Board wanted him to do. Discussion followed as to whether Mr. Maynard needed to bring back a revised landscaping plan. Mr. Maynard agreed to go back to Cameron's with Ms. Anderson's plan to see if they could come up with a revised plan incorporating Ms. Anderson's suggestions while still remaining in his budget and retaining visibility of the vehicles for sale.

Board members reviewed the items still needed for Mr. Maynard's application: decision from the ZBA, Operation and Maintenance Log, note on the plan stating what the 'Operation & Maintenance Plan' is, driveway easement, revised landscape plan. Ms. Smith noted Mr. Varney did submit an Operation and Maintenance Log. Board members asked Mr. Maynard to submit his revised landscaping plan to Ms. Smith by 16 May 2014 if possible. **Mr. Raslavicus made a motion to recess the 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 until 20 May 2014 at 7 :00 pm at the Town Hall. Vice-Chair Drummey seconded the motion. The motion was unanimously approved.**

#### **PUBLIC HEARING – Site Plan Review Regulations Edit**

At 9:25 pm Chair Craycraft opened the public hearing for the Site Plan Review Regulations edit. Ms. Smith stated she had e-mailed Board members a copy of the document incorporating the 15 April 2014 edits. Ms. Smith also stated she added the correct date to the header, cover, and added ‘Certification’ to the Table of Contents as it was missing from the previous draft. Ms. Smith noted Vice-Chair Drummey corrected the formatting issues making the document much easier to work with. There was no public comment. **Ms. Veisel made a motion the Planning Board approve the Site Plan Review Regulations document as presented at the 6 May 2014 hearing. Vice-Chair Drummey seconded the motion. The motion was unanimously approved.** Board members signed the ‘Certification’ page of the document. Ms. Smith stated she would submit the document to the Town Clerk 8 May 2014. Mr. Swenson thanked Board members for all the hard work they put into editing the document.

#### **Review of Minutes**

Board members reviewed the minutes of 15 April 2014. Mr. Swenson suggested on Page 2, 7<sup>th</sup> line down, deleting the word ‘whether’ and changing the last portion of the sentence to read “...Planning Board’s responsibility to the applicant.” Chair Craycraft suggested on Page 2, 5 lines above the header ‘Meeting Space’ adding “an e-mail” between the words ‘received’ and ‘message’. **Vice-Chair Drummey made a motion to approve the minutes of 15 April 2014 as amended. Ms. Veisel seconded the motion. The motion was unanimously approved.**

Board members reviewed the site walk minutes of 25 April 2014. Chair Craycraft noted second sentence under ‘Site Walk’ the Map and Lot should be Map 250 Lot 138. Mr. Swenson noted the last bullet point, first sentence, “indicted” should be “indicated”. **Vice-Chair Drummey made a motion to approve the site walk minutes of 25 April 2014 as amended. Ms. Veisel seconded the motion. The motion was unanimously approved.**

#### **Contracted Services**

Mr. Swenson informed Board members the Selectmen signed the Purchase Order for Bruce Mayberry in the amount of \$3,500 for the School Impact Fee Update at their 5 May 2014 meeting. Mr. Swenson also stated the Selectmen waived the purchasing policy requirement of obtaining three bids. Mr. Swenson stated since Mr. Mayberry is updating an existing study he prepared it would likely be more expensive for another company to start from scratch.

#### **Miscellaneous**

Ms. Smith stated clerk Laura Zuzgo was doing research for the Town Administrator and came across a typo in the Telecommunications Facility Ordinance. Ms. Smith stated there is a reference to RSA675: I, II in the document but this RSA does not exist. Ms. Smith further stated the RSA’s are listed in Arabic numerals and then the subparagraphs are headed by Roman numerals. The RSA would need to be further researched but it is possible the document should read RSA 675:1, II. Ms. Smith also stated she checked the Town Warrant from 1999, when the Telecommunications Ordinance was voted in by the Townspeople, but it did not specify the

RSA. The question on the ballot was simply, "Are you in favor of adopting a Telecommunications Facility Ordinance as proposed by the Planning Board?" Ms. Smith questioned whether a known typo in an ordinance could be corrected or if a public hearing is required. Ms. Smith also stated the Telecommunications Facility Ordinance is its own document and not part of the Zoning Ordinance so she wasn't sure if it was in the Planning Board's realm or the Selectmen's. Board members asked Ms. Smith to contact the Local Government Center to see if typos in an ordinance could be corrected when found or if a public hearing is required prior to correction.

Board members discussed their practice of conditionally accepting and/or approving applications and whether it would be better to wait until everything required for the application has been completed.

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

Respectfully Submitted,

Amy Smith  
Recording Secretary