

**MINUTES  
NEW DURHAM PLANNING BOARD  
20 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), Amy Smith Recording Secretary.

**Others Present:** Videographer Vaughn Morgan, Tom Varney, PE, Chris Maynard.

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

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

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 and Chris Maynard. Board members reviewed revised plans prepared by Mr. Varney. Ms. Smith noted the revised plans show the 50' wide access easement, a note about the Operation & Maintenance Manual, and a note regarding a professional engineer inspecting the installation of the porous pavement/infiltration bed. Ms. Smith also noted Atty. Arthur Hoover submitted a draft Easement Deed for the Board's review. Ms. Smith stated Exhibit A of the deed refers to a 25' wide access easement as Atty. Hoover was working off the original Site Plan. Ms. Smith stated Atty. Hoover would correct the deed to reflect the 50' width. Ms. Smith also stated the Easement Deed refers to page 2 of the Site Plan and therefore page 2 should be recorded at the Registry of Deeds. Ms. Smith noted a signature block should be added to page 2 of the plan set. Chair Craycraft suggested changing the generic note on the plan regarding the 'proposed stormwater management plan with operation manual' to include the title of the specific 'Operation & Maintenance Manual and Logs' document Mr. Maynard signed.

Chair Craycraft stated Mr. Maynard still needs a Special Exception from the Zoning Board of Adjustment. Chair Craycraft noted the ZBA hearing was scheduled for 13 May 2014 but there was not a full Board (5 members) for the hearing. Mr. Maynard requested his ZBA hearing be recessed until the next ZBA meeting in the hopes of having a full Board. Ms. Smith noted Mr. Maynard's ZBA hearing was recessed until 10 June 2014 at 7 pm.

Mr. Raslavicus stated he thought Mr. Maynard's revised landscape plan was an improvement over the previous plan but felt more landscaping should be done. Mr. Raslavicus suggested adding four trees to the 'tongue' of the property, moving the proposed flowering pear out of the snow removal area, adding a planter island after the 9<sup>th</sup> parking space along Rte. 11 going toward Depot Road, and removing the parking space above the number '5' of '536' as shown on the site plan and adding plants. Mr. Raslavicus also questioned the dumpster. Mr. Maynard stated the dumpster would not be open on the front and would have a gate. Vice-Chair Drummey stated

this needed to be corrected on the plan as the plan shows the dumpster enclosure to be three sided.

Board members discussed Mr. Raslavicus' additional landscaping concerns. Vice-Chair Drummey suggested moving the snow pile to the northwest corner of the parking lot and leaving the proposed pear tree where it is. Mr. Raslavicus referred to Article V- E-2-f of the Zoning Ordinance where maintenance and upkeep of landscaping is discussed. Mr. Raslavicus suggested recording Mr. Maynard's landscaping plan at the Registry of Deeds. Ms. Smith stated she wasn't sure that the Registry would accept the landscaping plan as submitted. Vice-Chair Drummey stated he did not think the landscaping plan needed to be recorded at the Registry of Deeds. Vice-Chair Drummey suggested Mr. Maynard add a note to the landscaping plan regarding his intent to maintain the trees/plantings but noting the plantings may be replaced with a similar type of plant, for example a flowering pear tree may be replaced with a crab apple tree but not with a shrub. Mr. Maynard asked if an irrigation system was required. Board members agreed it was not. Vice-Chair Drummey suggested Mr. Maynard make sure to water the plantings the first year so they don't die. Board members were polled on how they felt about the revised landscaping plan and whether Mr. Raslavicus' suggestions should be incorporated. Board members only agreed the snow pile should be moved and the flowering pear kept where it is, have a gate on the dumpster, and add a planter island after the 9<sup>th</sup> parking space along Rte. 11 going toward Depot Road.

Board members discussed the proposed building. Mr. Maynard stated the building will look similar to the Baptist Church but not white. Ms. Chabot questioned the location and size of the garage door where cars would come in for inspection. Mr. Maynard explained the doors and other aspects of the proposed building. Vice-Chair Drummey suggested adding an appropriately sized cupola to the building if the intent was to make it look like a barn. Mr. Raslavicus asked if the driveway will be paved. Mr. Maynard stated it would be. Mr. Raslavicus asked if the portion of the access way constructed for Mr. Maynard's business would allow for future expansion to other potential businesses. Mr. Varney stated it would. Mr. Raslavicus asked if there would be lighting along the access way. Vice-Chair Drummey noted Mr. Maynard didn't own the access way, he had an easement from Mr. Garland. Board members suggested Mr. Maynard add a light, on his property, along the side of his driveway.

Mr. Raslavicus questioned the repair part of the business. Mr. Maynard stated he is not advertising his business as a vehicle repair business and noted his main focus is vehicle sales. Mr. Maynard stated the inspection station and repair facility would be used mainly for the vehicles he sells. Mr. Swenson asked Mr. Maynard if auto sales and related direct service to support those sales on vehicles purchased from him describes the business. Mr. Maynard stated it did but clarified the business would cater to his customers. Mr. Maynard stated if a customer who purchased a vehicle from him needed minor repair work on another vehicle they owned that they did not purchase from him he would still consider that person his customer and would perform the minor repair work on their vehicle. Ms. Chabot and Ms. Veisel asked about the State inspection station aspect of the business. Mr. Maynard stated the inspection station part of the business is open to the public and if someone, who did not purchase a vehicle from him, needed something minor like a wiper blade or a light bulb he would replace it for them. Mr. Raslavicus asked Mr. Maynard about business expansion. Mr. Maynard stated at this point he

has no intentions of changing the business from what is currently proposed, however, if he did decide to change or expand the business he would come back before the Planning Board. Mr. Raslavicus suggested adding this language to the conditions of approval.

Chair Craycraft asked Mr. Maynard the maximum number of vehicles he planned on having. Mr. Maynard stated 25 not including employee or customer vehicles. Chair Craycraft noted it should be included in the conditions of approval that the vehicles will all be parked on the porous pavement. Chair Craycraft also stated the Ordinance allows for a bond for inspection fees. Chair Craycraft stated he is not stating that he thinks a bond is necessary in this case but wanted Board members to think about it so it is not thrown at Mr. Maynard last minute. Vice-Chair Drummey stated he did not believe a bond was necessary as there are no on-going inspections required by the Town for this proposal. Ms. Veisel agreed.

Chair Craycraft opened the hearing to the public. There was no public present other than Mr. Maynard, Mr. Varney, and videographer Vaughn Morgan. Chair Craycraft closed the public input portion of the hearing. **Vice Chair Drummey 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 17 June 2014 at 7 pm at the Town Hall. Ms. Veisel seconded the motion. The motion was unanimously approved.**

#### **Sheila Marston – Guidance/preliminary consultation – yoga business – Map 250 Lot 149**

Ms. Smith stated Ms. Marston called her on Monday and stated she wished to cancel her appointment with the Planning Board as she had changed her mind.

#### **Review of Minutes**

Board members reviewed the minutes of 6 May 2014. Chair Craycraft suggested on Page 2, 1<sup>st</sup> paragraph, 4<sup>th</sup> line down adding ‘Daily Democrat’ after the word “Foster’s” and in the last sentence of the paragraph adding ‘through December 2013 (the most current tax bill).’ after the word “paid”. **Vice-Chair Drummey made a motion to approve the minutes of 6 May 2014 as amended. Mr. Raslavicus seconded the motion. The motion was unanimously approved.**

#### **Follow-Up**

Vice-Chair Drummey asked Ms. Smith if she had heard back from the Local Government Center regarding the typo in the Telecommunications Facility Ordinance. Ms. Smith stated she had and the document has been corrected. Ms. Smith stated the Attorney’s opinion was if you could find documentation of how the ordinance/regulation should read then you can correct it as you are not changing anything you are simply correcting the language to how it should have read to begin with. The opinion further stated if you cannot find the proper documentation as to how the ordinance/regulation should read then a public hearing should be held as you should not assume you know what the correction is and you don’t want to change what the people actually voted on. Ms. Smith stated in this case she found the November 1998 Planning Board minutes which

contained the Telecommunications Facility Ordinance language so she could confirm what the correction was.

### **Review of Mail**

Board members reviewed the mail.

### **Charrette**

Board members discussed an e-mail regarding the Plan New Hampshire Community Design Charrette application. Board members felt the concept was interesting. Ms. Chabot noted there is a minimum financial commitment of \$5,000. Vice-Chair Drummey read the application requirements. Mr. Swenson stated the idea is worthwhile but did not think the Board would be able to get all the aspects of the application together prior to the due date and suggested it is something the Board looks into for 2015.

### **Board Objectives**

Board members discussed their objectives for 2014. The Zoning Ordinance update, Master Plan revision, and looking into the Charrette program for 2015 were agreed as items to be worked on. Chair Craycraft asked Ms. Smith to contact professional planner Elaine Planchet regarding a contract for the Zoning Ordinance update. Ms. Planchet had given the Board an estimate for the Zoning Ordinance edit in 2013 for budgeting purposes but no contract had been drafted. Vice-Chair Drummey agreed to assist with formatting issues if any are encountered. Chair Craycraft suggested those Board members who were working on sections of the Master Plan review what has been done so far.

Mr. Raslavicus questioned Board members if they wanted him to pursue looking into a ridgeline regulation. Vice-Chair Drummey stated he felt enforcement of a ridgeline regulation would be an issue. Ms. Veisel suggested limiting the ridgeline regulation to around Merrymeeting Lake as it is such an important natural resource. Ms. Chabot asked if a regulation could be limited to a specific area. Mr. Raslavicus stated it could as an overlay district. Vice-Chair Drummey stated he still felt there would be an enforcement issue. Board members discussed the possibility of an educational type regulation as opposed to a requirement and felt it was worthwhile to pursue. Mr. Raslavicus stated he wasn't sure he could draft an educational regulation. Vice-Chair Drummey suggested looking at other Town's that have a regulation and changing 'shalls' to recommendations.

### **Rules of Procedure**

Vice-Chair Drummey stated he reviewed the document and there are some typos and minor corrections but he felt the document as a whole was fine. Board members agreed to make a list of suggested changes they have and Ms. Smith could edit the document.

### **Woodlot Removal Process**

Board members agreed a woodlot removal process needs to be established in order to ensure that a lot is in fact buildable and meets all the requirements for a buildable lot before it is allowed to be taken out of woodlot status. Board members also discussed the possibility of eliminating the creation of woodlots in the future.

### **Chairmanship**

Chair Craycraft stated when he was elected Chair in April he pointed out the summer months were his busy season at work and he would need to delegate the Chairmanship to the Vice-Chair. Chair Craycraft asked Vice-Chair Drummey if he could Chair the June, July, and August meetings. Vice-Chair Drummey agreed.

**At 10:02 pm Vice-Chair Drummey made a motion to adjourn. Ms. Veisel seconded the motion. The motion was unanimously approved.**

Respectfully submitted,

Amy Smith  
Recording Secretary