

**MINUTES
NEW DURHAM PLANNING BOARD
19 AUGUST 2014**

Acting Chair Drummey called the meeting to order at 7:22 pm.

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

Acting Chair Drummey informed the public that the Board was meeting at the Library due to an emergency situation at the Town Hall. Acting Chair Drummey also noted Mr. Raslavicus returned to his home as he forgot something for the meeting and would be returning shortly. Mr. Swenson clarified that the emergency situation at the Town Hall was lack of running water.

Public Input: There was no public input.

Proposed Daycare - Depot Road

Mr. Craycraft stated he received a phone call at home from Mr. Newman regarding a proposed daycare in the building space between the Post Office and hair salon on Depot Road. Mr. Craycraft noted due to the transition in Code Enforcement Officers there was some confusion and Mr. Newman contacted him hoping for clarification as paperwork was needed so Mr. Newman could submit it to the State of New Hampshire for the State permits. Mr. Craycraft stated he informed Mr. Newman that daycares are allowed in the 'Town Center/Mixed Use' district per the Zoning Ordinance but suggested Mr. Newman come before the Board for a conceptual consultation. Mr. Craycraft stated he asked Ms. Smith to put the item on the agenda. Ms. Smith stated she received a phone call from Mr. Newman, after the agenda had been posted stating he had met with the Code Enforcement Officer and everything had been straightened out.

Town Owned (Tax Deeded) Property

Mr. Swenson stated the Board of Selectmen is looking for input from the Conservation Commission and Planning Board regarding Town owned property. Board members noted many of the lots are nonconforming lots in the Copple Crown District. Ms. Chabot suggested finding out if abutters to the Town owned properties were interested in purchasing the lots in order to make their own lots more conforming. Mr. Craycraft cautioned on selling some of the lots as they are not only nonconforming due to size and frontage but many lots in that area are on steep slopes and may not be buildable. Mr. Swenson stated the Town would not be guaranteeing the lots are buildable and it would be up to the investor to perform their own due diligence prior to making an investment.

Vice-Chair Drummey asked Ms. Smith if she could highlight the lots in question on the tax maps and e-mail them to Board members. Ms. Smith stated she would. Ms. Chabot offered to assist. Ms. Chabot suggested a 'field trip' to Copple Crown as she was unfamiliar with the area and thought it would be helpful to see the terrain of the actual lots and not just their location on tax maps. Acting Chair Drummey asked Ms. Smith to put Town owned property on the agenda for 2 September 2014.

Mr. Raslavicus arrived at 7:50 pm.

Capital Improvement Plan

Ms. Veisel stated the Capital Improvement Plan (CIP) Committee wanted to decrease the Master Plan line to zero. Ms. Veisel stated she asked the Committee to hold off on taking action until she had spoken with the Planning Board. Ms. Veisel noted there is approximately \$8,000 currently in the Master Plan Capital Reserve Fund. Discussion followed. Acting Chair Drummey suggested reducing the line to \$500 this year. Ms. Veisel stated she would share this information with the CIP Committee.

Follow Up - Anderson Conditional Use Permit - Map 113 Lot 35

Mr. Raslavicus stated he reviewed RSA 483-B:11 IV which states “Under Paragraph I, and except as otherwise prohibited by law or applicable municipal ordinance, primary nonconforming structures may be entirely demolished and reconstructed, with continued encroachment into the waterfront buffer, provided the replacement structure is located farther back from the reference line than the preexisting nonconforming structure.” Mr. Raslavicus further stated he is glad he voted in the negative on the application as it appears to be in violation of State statute (5 August 2014 meeting). Ms. Chabot referred to RSA 483 B:11 I which states “Except as otherwise prohibited by law or applicable municipal ordinance, primary nonconforming structures located within the protected shoreland may be repaired, replaced in kind, reconstructed in place, altered or expanded. Repair, replacement-in-kind, or reconstruction in place may alter or remodel the interior design or existing foundation of the non-conforming structure, but shall result in no expansion or relocation of the existing footprint within the waterfront buffer.” Ms. Chabot noted the Anderson’s are not getting any closer to the water with their proposal than they already are with the existing structure.

Both Acting Chair Drummey and Mr. Swenson noted under RSA 483-B:11 IV no distance is specified and therefore a person could relocate the replacement structure fractions of an inch further back than the preexisting structure and still comply with that section of the RSA. Ms. Smith noted the Andersons received a State Shoreland permit for the project and doubted the State could cite the Planning Board for violation of an RSA when they in fact found the project in compliance and issued a permit for it. Board members, excluding Mr. Raslavicus who voted against the motion to approve, did not think they approved the Anderson Conditional Use permit in error.

Zoning Ordinance Edit

Board members reviewed the draft edit of the first half of the Zoning Ordinance prepared by professional editor Elaine Planchet. Acting Chair Drummey asked Board members if they had any major issues with Ms. Planchet’s draft. They did not. Acting Chair Drummey noted time is of the essence and asked Board members to not get bogged down. Board members reviewed pages 1 through 10 of Ms. Planchet’s draft and made various additions, deletions and corrections.

Review of Minutes

Board members reviewed the minutes of 5 August 2014. **Mr. Craycraft made a motion to approve the minutes of 5 August 2014 as printed. Mr. Raslavicus seconded the motion. The motion was approved with four affirmative votes (Swenson, Craycraft, Raslavicus, Drummey) and one abstention (Veisel).**

Review of Mail

Board members reviewed the mail including a State Shoreland Permit application from Dorothy Nolan.

At 10:15 pm Mr. Swenson made a motion to adjourn. Ms. Veisel seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary