

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

Chair Craycraft called the meeting to order at 7:06 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: Videographers Jim Ladd and Vaughn Morgan.

Public Input: There was no public input.

Mr. Swenson requested ‘Planning Board Responsibility to the Applicant’ be added to the agenda. Chair Craycraft agreed to discuss the topic under ‘Other Business’.

Public Hearing - Site Plan Review Regulations Edit

Chair Craycraft opened the Public Hearing on the Site Plan Review Regulations edit. Board members reviewed the draft document. Vice-Chair Drummey noted the document still had some formatting issues. A few additional edits were made and typos were noted for correction. Chair Craycraft asked if there was any public input. There was none. At 7:55 pm Chair Craycraft closed the public input portion of the public hearing.

Board members discussed how proposed site plan review and subdivision regulation changes affect pending applications. Board members asked Ms. Smith to check with the Local Government Center to see which set of regulations an applicant is required to adhere to. **Vice-Chair Drummey made a motion to recess the public hearing for the Site Plan Review Regulations Edit until 6 May 2014 at 8 pm at the New Durham Library. Mr. Swenson seconded the motion. The motion was unanimously approved.**

Review of Minutes

Board members reviewed the minutes of 1 April 2014. Chair Craycraft suggested on Page 1, under the Penny Williams Acceptance and Public Hearing paragraph, 4th line down, changing the word “next” to “also”. **Vice-Chair Drummey made a motion to approve the 1 April 2014 minutes as amended. Ms. Veisel seconded the motion. The motion was unanimously approved.**

Review of Mail

There was no mail.

Planning Board Responsibility to the Applicant

Mr. Swenson asked under what process, circumstance or scenario does the Code Enforcement Officer have veto power over a Planning Board action. Vice-Chair Drummey stated if the Board approves a plan that in any way violates building, health, fire, or safety codes or anything that

falls under his jurisdiction. Mr. Raslavicus stated he felt that if anyone had an issue with a Planning Board decision they should appeal that decision to the ZBA. Mr. Raslavicus asked how the Planning Board can appeal decisions made by the Code Enforcement Officer (CEO) if the Board is not in receipt of them. Mr. Swenson noted the Board did recently receive a letter from the CEO and referred to a 5 April 2014 letter from CEO Arthur Capello to Atty. Arthur Hoover on behalf of Russell Weldon. Lengthy discussion followed on the clarity of the letter from the CEO and the Planning Board's responsibility to the applicant. Mr. Swenson stated the issue is not authority over the CEO but making the process clear to the applicant. Ms. Chabot stated she thought the 5 April 2014 letter from CEO Arthur Capello to Atty. Arthur Hoover on behalf of Russell Weldon was confusing. Ms. Smith pointed out the application before the Planning Board has been withdrawn therefore there is no applicant. Chair Craycraft agreed and stated he did not think it was the Planning Board's place to act on the CEO's 5 April 2014 letter as there is currently no application before the Board. Discussion continued. Ms. Veisel suggested discussion with the Code Enforcement Officer may help clarify the matter for the Board. Mr. Swenson stated he thinks discussion with the CEO is a good idea but didn't feel the Board should delay in sending its own letter to the former applicant until the Board could meet with the CEO. **Mr. Raslavicus made a motion the Planning Board send a letter to the former applicant and his representative to clarify the Code Enforcement Officer's letter of 5 April 2014 stating the Planning Board may or may not agree with the Code Enforcement Officer's interpretation in his 5 April 2014 letter, however, the former applicant is still under the obligation to follow Zoning Ordinance Article VIII 'Special Exceptions'. Vice-Chair Drummey seconded the motion for discussion purposes.** Chair Craycraft stated he was uncomfortable with the Board sending a letter to the former applicant. Vice-Chair Drummey suggested holding off on mailing the letter until it was discussed with the CEO. Vice-Chair Drummey stated he is willing to meet with the CEO on Thursday when Mr. Capello is in the office. Mr. Swenson agreed dialogue with the CEO is important but did not think the letter should wait. Ms. Smith stated she is not in on Wednesdays so the earliest the letter would go out would be Thursday. Vice-Chair Drummey stated he had just received an e-mail message from Mr. Capello and informed Board members Mr. Capello would not be in on Thursday as he has a meeting to attend. **The motion was approved with three affirmative votes (Raslavicus, Swenson, Veisel) and two negative votes (Craycraft, Drummey).** Board members agreed to have Ms. Smith forward a copy of the letter to Chair Craycraft and an affirmative voter for review prior to sending the letter out to Mr. Weldon and Atty. Hoover.

Meeting Space

Ms. Smith asked Board members if they would consider holding both the first Tuesday of the month and third Tuesday of the month meetings at the Town Hall as opposed to holding the first meeting at the Library and the second (third Tuesday) at the Town Hall. Ms. Veisel asked if any other Boards used the meeting room on Tuesday nights. Ms. Smith stated not on the first Tuesday of the month. Board members agreed to hold both meetings at the Town Hall unless it is expected to be a very large meeting and in that case the meeting would be held at a larger venue. Ms. Smith noted since public hearings have already been scheduled for the 6 May 2014 meeting at the Library the change in meeting location would need to begin until 3 June 2014.

Bruce Mayberry Contract

Chair Craycraft stated Ms. Smith had e-mailed Board members a copy of the Bruce Mayberry contract for the School Impact Fee Update. Mr. Swenson asked if the contract that had been e-mailed to Board members had changed. Ms. Smith stated it had not. Ms. Smith noted that a purchase order will need to be signed by the Board of Selectmen as well per the Town's purchasing policy. **Vice-Chair Drummey made a motion to approve the Services Agreement with Bruce Mayberry for the School Impact Fee Update. Mr. Swenson seconded the motion. The motion was unanimously approved.** Chair Craycraft, Vice-Chair Drummey, and Ms. Veisel (Secretary) signed the contract. Mr. Swenson asked Ms. Smith to give a copy of the contract to the Town Administrator, with the Purchase Order, once the contract is signed by Mr. Mayberry.

Rules of Procedure

Chair Craycraft asked Board members to review the Rules of Procedure for discussion at the 20 May 2014 meeting. Mr. Raslavicus requested Ms. Smith send Board members a reminder e-mail on 12 May 2014.

Board Objectives

Chair Craycraft asked Board members to think about the Board's objectives for the year and asked Ms. Smith to put 'Board Objectives' on the agenda for 20 May 2014. Mr. Raslavicus suggested increased communication with the Code Enforcement Officer.

Woodlot Removal Process

Chair Craycraft stated the Board should come up with clear requirements for removing a lot from woodlot status. Chair Craycraft asked Ms. Smith to put 'Woodlot Removal Process' on the agenda for 20 May 2014.

Miscellaneous

Chair Craycraft updated Board members on a Wetlands Rulemaking seminar he attended on 10 April 2014. Mr. Raslavicus updated Board members on a Court case he is involved in regarding deed restrictions, as his lot is part of the original subdivision. Mr. Raslavicus stated he had public Court documents pertaining to the case if anyone is interested. Chair Craycraft reminded Board members the Maynard site walk is scheduled for 25 April 2014 at 6 pm at the site.

At 9:50 pm Vice-Chair Drummey made a motion to adjourn. Mr. Raslavicus seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary