

**MINUTES
NEW DURHAM PLANNING BOARD
4 MARCH 2014**

Chair Craycraft called the meeting to order at 7:10 pm and designated Mr. Groom to sit in as a voting member. Chair Craycraft noted Mr. Groom was sitting in for Ms. Veisel and he could not designate an Alternate member to sit in for Mr. Swenson as Mr. Swenson is the Selectmen's Representative to the Planning Board.

Roll Call: Bob Craycraft (Chair), Scott Drummey (Vice-Chair), Paul Raslavicus, Craig Groom (Alternate), Terry Chabot (Alternate), Recording Secretary Amy Smith.

Excused: Dot Veisel, David Swenson (Selectmen's Representative)

Others Present: Videographer Jim Ladd, Debra Jelley, Atty. Jennifer Hoover (representing Russ Weldon), Jan & Dan Bell, Don & Pat Roques, Tom & Tammy Hutchinson, Jim & Sue Jagielski, Brenda Conery.

Public Input: Chair Craycraft asked the audience if there was anything not on the agenda they wished to bring up. There was not.

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

Chair Craycraft asked if there was anyone present for the Williams hearing. Abutter Debra Jelley was present. Chair Craycraft stated since there was no one present who represented the applicant they would discuss the application later on in the meeting in the hopes the applicant or her representative arrive.

Review of Minutes

Board members reviewed the minutes of 4 February 2014. Ms. Smith noted she omitted David Swenson under 'Roll Call'. Mr. Groom suggested identifying who the Attorneys represent under 'Others Present', Chair Craycraft suggested, on Page 7, second line from the top, adding the words 'as complete' after the word "accepted". **Vice-Chair Drummey made a motion to approve the minutes of 4 February 2014 as amended. Mr. Groom seconded the motion. The motion was unanimously approved.**

Review of Mail

Board members reviewed the mail.

Proposed Golf Course – Town of Middleton

Vice-Chair Drummey updated the Board and audience members on the proposed golf course in the Town of Middleton. Vice-Chair Drummey stated he attended two meetings regarding the proposal. One was held by the Strafford Regional Planning Commission and the other meeting was held by the Town of Middleton Planning Board. Vice-Chair Drummey stated very few questions were asked regarding the proposal. Vice-Chair Drummey continued to state he asked about increased traffic on New Durham Road and was told by the developer he didn't think people would use a 'rough, dirt road' to get to the golf course. Vice-Chair Drummey stated there were also questions about water quality and the developer stated this would be taken care of with the BMPs. Vice-Chair Drummey noted the Town of Middleton has continued the public hearing on the project.

Contracted Services

Chair Craycraft noted the Planning Board's 2014 budget includes funds for third party consultants, Bruce Mayberry to update data for the Impact Fee assessment and Elaine Planchet to update the Zoning Ordinance for conciseness and consistency. Chair Craycraft suggested the Board get going on these projects once they find out whether the budget is approved at Town Meeting. Chair Craycraft also noted there is a question on the ballot regarding tuitioning Middleton students into the Governor Wentworth School District, which if passed, could affect Mr. Mayberry's calculations. Vice-Chair Drummey suggested holding off on the Zoning Ordinance update until after the Site Plan Review Regulations update has been completed.

ACCEPTANCE & PUBLIC HEARING – Russell Weldon- site plan review – seasonal water ski and activity camp to be rented at Cove Cottages – Map 119 Lots 11 & 32 – 298 Merrymeeting Road

At 7:30 pm Chair Craycraft opened the acceptance and public hearing for Russell Weldon for a site plan review for a seasonal water ski and activity camp to be rented at Cove Cottages Map 119 Lots 11 & 32 located at 298 Merrymeeting Road. Chair Craycraft read a letter from Atty. Arthur Hoover, on behalf of Mr. Weldon, requesting the application be withdrawn without prejudice. Chair Craycraft asked if there was anyone present who was representing Mr. Weldon. Atty. Jennifer Hoover stepped forward and stated both Atty. Arthur Hoover and Atty. Cronin who represent Mr. Weldon are on vacation and she was asked to fill in to be sure the withdrawal request was read into the record. Chair Craycraft noted the withdrawal request specifies Map 119 Lot 11 but the application is for both lots 11 & 32. Chair Craycraft asked Atty. Jennifer Hoover if the letter of withdrawal is for both lots. Atty. Jennifer Hoover stated it is. Mr. Raslavicus requested a letter which included both lots. Ms. Smith suggested having Atty. Jennifer Hoover add 'Lot 32' to the original letter and initial the change. Atty. Jennifer Hoover stated she was authorized to make that change. The withdrawal request was changed to include Lot 32, as well as, lot 11.

Mr. Raslavicus suggested the Board send thank you letters to those who wrote to the Board, both in favor of and opposed to the project, and to also include a reminder that the State has

jurisdiction over the Lake not the Planning Board. Vice-Chair Drummey stated the Board appreciates public comment on this application or any other Planning Board matter but did not feel letters were necessary. Vice-Chair Drummey also noted that Mr. Raslavicus' statement regarding the Board's appreciation of public comment will be both on video and in the minutes.

Mr. Raslavicus questioned if the current application is withdrawn, will the plan go back to that which was submitted on 15 October 2013 when the relocation of the meetinghouse was approved. Chair Craycraft stated that is correct. Abutter Tammy Hutchinson asked if abutters will be notified if Mr. Weldon submits another application. Chair Craycraft stated direct abutters would receive a certified letter notifying of the hearing and the hearing notice also goes into a newspaper of general circulation (Foster's) and is posted on the Town website. Jan Bell questioned if Mr. Weldon could resubmit the same application. Chair Craycraft stated he could submit the same application or he could change aspects of the application, the decision is up to the applicant. **Vice-Chair Drummey made a motion the Planning Board accept the letter submitted by Atty. Hoover on behalf of Russell Weldon, dated 26 February 2014, requesting the site plan review application for Map 119 Lots 11 & 32 for a seasonal water ski and activity camp to be rented at Cove Cottages be withdrawn without prejudice. Mr. Groom seconded the motion. The motion was unanimously approved.**

**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 asked if there was anyone present representing the applicant. There was not. Ms. Smith noted she left the Town Hall to set up at the Library at 6:40 pm and as of that time she had not received anything from the applicant or the applicant's representative requesting another recess or any indication they would not be present. Vice-Chair Drummey asked Ms. Smith if she notified Mr. Zuzgo (the applicant's representative) of tonight's hearing. Ms. Smith stated she did and also noted Mr. Zuzgo was the one that requested the recess from 4 February 2014 to 4 March 2014. Chair Craycraft suggested reviewing the application as there are items he felt were missing. Board members reviewed a chart prepared by Chair Craycraft listing items to be addressed. Ms. Smith noted she had e-mailed the chart to Mr. Zuzgo when she informed him she received his request to recess the 4 February 2014 hearing. Board members asked Ms. Smith to re-send the chart and inform Mr. Zuzgo his responses are due 27 March 2014 in anticipation of the 1 April 2014 meeting. **Vice-Chair Drummey made a motion to recess the Acceptance and Public Hearing for Penny Williams for release of woodlot status for Map 240 Lot 37 located on Penny Lane until 1 April 2014 at 7:15 pm. Mr. Groom seconded the motion. The motion was unanimously approved.**

Kodiak Woods

Board members reviewed an opinion from Local Government Center regarding the procedure for revocation of subdivisions. Chair Craycraft noted there are elements in the Zoning Ordinance that have changed that would impact Kodiak Woods. Vice-Chair Drummey noted even if the Zoning Ordinance were exactly the same as it was when Kodiak Woods was approved the Board

still has the right to revoke the subdivision pursuant to RSA 676:4-a I (c) as the applicant failed to perform a condition of approval. Board members asked Ms. Smith to draft a notice of public hearing for revocation of subdivision for Kodiak Woods for review at the 18 March 2014 meeting.

Site Plan Review Regulations Edit

Board members continued to review the draft document prepared by Elaine Planchet with some suggestions made by Mr. Raslavicus. Edits were made. Board members reviewed the revised Lighting document prepared by Mr. Groom and Mr. Raslavicus, some edits were made. Board members agreed to incorporate the Lighting document into the Site Plan Review Regulations under Section X. Board members asked Ms. Smith to make the changes and have a clean copy for the 18 March 2014 meeting with an anticipated public hearing date of 15 April 2014. Ms. Smith stated she would make the edits. Ms. Smith asked if the Board wished her to send the document to Ms. Planchet after the edits have been made for proper formatting. Board members asked Ms. Smith to try and resolve the formatting issues and if she had too much difficulty she could forward the document to Vice-Chair Drummey to see if he could resolve the formatting issues.

At 9:25 pm Vice-Chair Drummey made a motion to enter into non-public session pursuant to RSA 91 A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, and (c) to discuss matters, which if discussed in public, would likely adversely affect the reputation of another person. Mr. Groom seconded the motion. A roll call vote was taken: Craycraft-Aye, Drummey-Aye, Groom-Aye, Raslavicus-Aye.

At 10:25 pm Vice-Chair Drummey made a motion to exit non-public session. Mr. Raslavicus seconded the motion. The motion was unanimously approved.

During non-public session the Board discussed a police report from 2010 regarding an incident that took place at a camp in New Durham. Board members also discussed the compensation of Ms. Smith.

Chair Craycraft made a motion the Planning Board Chair draft a letter to the Board of Selectmen regarding Ms. Smith's compensation. Mr. Raslavicus seconded the motion. The motion was unanimously approved.

At 10:27 pm Vice-Chair Drummey made a motion to adjourn. Mr. Groom seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary