

**MINUTES
NEW DURHAM PLANNING BOARD
17 MARCH 2015**

Chair Craycraft called the meeting to order at 7:35 pm.

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

Others Present: Town Attorney Justin Richardson, Videographer Corky Mork, Dot Veisel, Greg Anthes, Attorney Ashley Scott, Russell & Patricia Weldon, Evan & Kristen Goldner, Bradford Jones of Jones & Beach Engineering.

Public Input: There was no public input.

Board Membership

Chair Craycraft noted former Alternate Board member Terry Chabot is the newly elected full Board member. Chair Craycraft also noted former Board member Dot Veisel is interested in serving as an Alternate member for one year.

Chair Craycraft made a motion to appoint Dot Veisel as an Alternate member of the Planning Board for a one year term. Mr. Swenson seconded the motion. The motion was unanimously approved. Ms. Veisel took the Oath of Office before the Town Clerk.

PUBLIC HEARING - Russell Weldon - site plan review - change of use - seasonal water ski and activity camp to be rented at the Cove Cottages - 298 & 299 Merrymeeting Road -Tax Map 119 Lots 11 & 32.

Chair Craycraft opened the hearing for Russell Weldon for a site plan review for a change of use for a seasonal water ski and activity camp to be rented at the Cove Cottages located at 298 & 299 Merrymeeting Road, Tax Map 119 Lots 11 & 32. Ms. Smith stated Officer Carrie Blackwood informed her that Conservation Officer Ron Arsenault, who planned on attending the meeting, would not be able to attend as he was called in to assist a lost hiker. Ms. Smith stated Mr. Arsenault spoke with her earlier in the day and informed her what he wanted to discuss. Ms. Smith stated Mr. Arsenault was asked to have it noted that the State boat ramp is not to be used for commercial purposes. Ms. Smith stated Mr. Arsenault believed Mr. Weldon was already aware of this but was asked to give a reminder. Mr. Weldon stated he will abide by whatever the law is but he did not believe this was actually the case. Mr. Weldon stated the State tried to restrict commercial use on Downing's Pond in Alton Bay but lost. Mr. Weldon continued to state the law may have changed and he would abide by the law. Mr. Swenson noted Mr. Weldon has his own boat ramp. Mr. Weldon stated he does have his own boat ramp and also noted when the State closed their boat ramp a few years ago in order to put in a pipe to feed the fish hatchery all the boats used his ramp.

Chair Craycraft noted Engineer Brad Jones submitted the Stormwater Management Operation and Maintenance Manual. Ms. Smith stated she e-mailed a copy of the document to Board members and also had paper copies to pass out. Mr. Swenson asked Chair Craycraft if he is comfortable with the Stormwater Management Operation and Maintenance Manual document. Chair Craycraft stated he is and noted all the necessary elements are covered in the document with the exception of the owner's signature which could be obtained tonight.

Board members reviewed a draft Notice of Decision prepared by Town Attorney Justin Richardson. Chair Craycraft and Vice-Chair Drummey received the document from Atty. Richardson two days in advance of the meeting while the remaining Board members received the document at the consultation with Counsel immediately prior to the meeting. Copies of the document were passed out to the applicant at the meeting. Board members discussed Item 3 of the draft Notice of Decision and Article IX of the 2014 Zoning Ordinance 'Shoreland Conservation Area'. Vice Chair Drummey read the list of permitted uses and the list of prohibited uses found in Article IX. Vice Chair Drummey noted the proposal is not listed as permitted or prohibited. Mr. Swenson asked Mr. Weldon if he is planning on constructing a new dock. Mr. Weldon stated no. Atty. Richardson stated the existing use of the property is pre Article IX and protected under RSA 674:19. Atty. Richardson continued to state if the Board finds that the proposed use is substantially similar and not more nonconforming to the current use then it would be considered a continuation of a nonconforming use. Atty. Richardson stated if the Board finds the proposal is substantially different than the existing use then the proposal is subject to the provisions of Article IX. Board members agreed that the proposal is substantially similar to the existing use. Board members agreed to strike the last sentence of item 3 in the draft Notice of Decision.

(Please see ZBA decision dated 10 February 2015 for the ZBA's full decision)

Board members continued to review the draft Notice of Decision. Ms. Chabot questioned if Water Monkey Camp planned on erecting a sign. Mr. Goldner stated for now he is going to keep the existing Cove Cottages sign. Vice Chair Drummey noted if Mr. Goldner does decide he wants his own sign at some point he will need to meet the regulations for signs found in the Zoning Ordinance.

Mr. Swenson questioned who is responsible for maintaining the crosswalk. Mr. Weldon stated he is. Mr. Swenson suggested adding 'to be installed, maintained and paid for by the applicant in consultation with the Road Agent and Police Chief with approval of the Board of Selectmen' to item 2 of the proposed conditions of approval. Board members agreed.

Mr. Raslavicus suggested adding the prohibition of personal water craft to the conditions of approval and a condition stating the applicant will maintain all appropriate State approvals. Board members agreed

Chair Craycraft made a motion to approve the application for site plan approval for a change of use to allow a seasonal water ski and activity camp to be rented at Cove Cottage Tax Map 119 Lots 11 & 32 located at 298 & 299 Merrymeeting Road subject to the following conditions:

1) Tax Map 119, Lots 11 & 32 shall remain in common ownership. Expansion or alteration of the proposed use to include other lots or uses shall be subject to review and approval as provided by the New Durham Zoning Ordinance.

- 2) The existing crosswalk shall be reconfigured, repainted and maintained in a “zebra pattern” and an advance warning pedestrian crossing sign shall be installed and maintained as recommended by the New Durham Police Chief and shown in the traffic/safety study prepared by Stephen G. Pernaw & Company, Inc dated 7 August 2014 to be installed, maintained and paid for by the applicant in consultation with the Road Agent and Police Chief with approval of the Board of Selectmen.
- 3) An Operation and Maintenance plan will be submitted for the bio-retention system and a certification page signed by the property owner attesting compliance with the Operation and Maintenance Plan.
- 4) The condition and use limitations imposed by the Zoning Board of Adjustment in its decision of January 13, 2015, as amended on February 10, 2015, are incorporated as conditions of approval as if set forth fully herein.
- 5) Personal Water Craft of any size will not be used in conjunction with the operation of this site plan.
- 6) The applicant will maintain appropriate State approvals for the proposed use.

Vice Chair Drummey seconded the motion. The motion was unanimously approved.

Mr. Jones asked Ms. Smith to e-mail him a copy of the conditions of approval so he can add them to the site plan. Vice Chair Drummey suggested adding the Book and Page number of the recorded ZBA decision to item 4 for ease of reference. Mr. Raslavicus asked if the site plan will be recorded at the Registry of Deeds. Ms. Smith stated it will be.

Review of Minutes

Board members reviewed the minutes of 17 February 2015. **Vice Chair Drummey made a motion to approve the minutes of 17 February 2015 as printed. Ms. Chabot seconded the motion. The motion was approved with three affirmative votes (Chabot, Craycraft, Drummey) and two abstentions (Raslavicus, Swenson).**

Board members reviewed the minutes of 3 March 2015. Mr. Swenson suggested on page 3 adding ‘The application was accepted on the basis of the applicant choosing to skip the pre-application process’ to the end of the first paragraph. Chair Craycraft suggested on page 5 adding ‘opened the public input portion of the meeting and’ between the words “Craycraft” and “asked” in the sentence after the second paragraph. Mr. Raslavicus suggested, on page 6, separating the first paragraph into two, ending the first paragraph after “IX.” and beginning the second with “Mr. Raslavicus” also adding the word ‘also’ after “Raslavicus”. **Mr. Raslavicus made a motion to approve the minutes of 3 March 2015 as amended. Mr. Swenson seconded the motion. The motion was unanimously approved.**

Review of Mail

Board members reviewed the mail.

Sign Zoning Ordinance Certification Page

Board members signed the Zoning Ordinance certification page for the 2015 Zoning Ordinance. Ms. Smith stated she would ask the Town Clerk to sign the certification page on 19 March 2015.

Design Review Question

Ms. Smith stated now that the 2015 Zoning Ordinance has passed all Site Plan Review applications require design review. Ms. Smith stated she e-mailed Atty. Justin Richardson to find out if the design review, acceptance, and public hearing can be noticed all in one notice if the applicant chooses to proceed this way. Ms. Smith passed out Atty. Richardson's response which was yes it can be noticed this way if the Board wishes. Board members did not have a problem with this. Mr. Raslavicus reminded everyone that the Site Plan Review Regulations will need to be amended to incorporate the Zoning Ordinance change.

Stormwater Management & Erosion Control/Code Enforcement Officer

Chair Craycraft expressed concern regarding what is and what is not being done by the Code Enforcement Officer (CEO) regarding Stormwater Management. Chair Craycraft noted Ms. Smith received an e-mail from someone regarding issuance of a Permit by Notification which is a designated duty of the CEO. Chair Craycraft stated he looked on the Town's website and did not find a Permit by Notification application. Mr. Raslavicus noted there is almost an absence of contact with the CEO. Mr. Raslavicus noted this is a concern as the CEO is the enforcer of the Town's Regulations and Ordinance. Ms. Smith noted she is getting a number of calls and visits from people who are not getting a response from the CEO so they come to her. Ms. Smith stated while she can empathize with the people there is nothing she can do as issuance of permits, knowledge of building and fire code, and enforcement of regulations are not her jurisdiction. Mr. Swenson stated the Board of Selectmen is aware that there is an issue and is currently working on having an interim Building Inspector/CEO to fill in until a replacement is hired. Board members agreed they would like to have input on the hiring of the Building Inspector/CEO as it is integral that the CEO and Planning Board work together to ensure the Town's Ordinance and Regulations are complied with. The Board, by consensus, designated Vice Chair Scott Drummey to be the Planning Board's designee. Mr. Swenson asked Ms. Smith to send an e-mail to the Town Administrator asking him to put the Planning Board's request on the agenda for the next Selectmen's meeting.

Solar Installations

Ms. Smith passed out packets of information regarding solar installations at the request of Vice Chair Drummey. Vice Chair Drummey asked Board members to review the information as 'homework' for discussion at the next meeting. Vice Chair Drummey stated he would like the Board to explore making zoning and permitting more friendly to roof top solar installation. Ms. Veisel suggested exploring other alternative energy sources such as wind and geothermal as well. Ms. Veisel also questioned what Vice Chair Drummey meant by 'friendly' as she didn't think New Durham was 'unfriendly' to solar installations. Vice Chair Drummey stated incentives.

Miscellaneous

Chair Craycraft reminded members Election of Officers will take place at the next meeting (7 April 2015).

At 9:30 pm Chair Craycraft made a motion to adjourn. Mr. Swenson seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary