

**MINUTES
NEW DURHAM PLANNING BOARD
7 APRIL 2015**

Chair Craycraft called the meeting to order at 7:03 pm.

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

Others Present: Videographer Corky Mork, David Swenson, Cindy Balcius, Rob Carty, Mrs. Freeman, Chris LaPierre, Scott Champagne.

Public Input: There was no public input.

Cindy Balcius- Question Storm Water Management

Soil Scientist Cindy Balcius stepped forward and stated she is working on a project for Mrs. Freeman for property located at 181 Berry Road. Ms. Balcius introduced Mrs. Freeman and architect Rob Carty. Ms. Balcius stated the parcel is 29 acres and Mrs. Freeman would like to remove the pool and patio area and replace it with a garden and she would like to construct an addition. Ms. Balcius passed out a sketch of the proposal for the Board's review. Ms. Balcius noted all proposed disturbance is on a slope of less than 15%. Ms. Balcius stated from her reading of the Ordinance and Regulations a Permit by Notification (PBN) issued by the Building Inspector would be required but due to the recent transition in the Building Inspector/Code Enforcement Officer (CEO) position she has had difficulty obtaining one. Chair Craycraft stated he checked the Town's website and the PBN form is not posted online nor can the interim CEO locate one. Chair Craycraft referred Ms. Balcius to Article IV B -2 of the Stormwater Management and Erosion Control Regulations (page 9). Chair Craycraft stated Ms. Balcius needs to show the CEO that the project meets items (a - h) of Article IV B-2 of the Stormwater Management and Erosion Control Regulations and he should be able to issue a permit. Ms. Balcius asked if the sketch she submitted to the Board for review would meet the criteria listed in (g). Chair Craycraft stated it would.

Review of Minutes

Board members reviewed the minutes of 17 March 2015. Mr. Raslavicus noted on page 2, first full paragraph, second sentence there is a typo and the number '4' should be a '3'. Mr. Raslavicus also suggested adding "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." after the first sentence of the first full paragraph on page 2. Also at the end of the first full paragraph on page 2 adding "(Please see the ZBA decision dated 10 February 2015 for the ZBA's full decision)". There was a lengthy discussion about dialogue that took place at the 17 March 2015 meeting that was not included in the minutes. Ms. Smith noted per State Statute the minutes do not need to include verbatim language of what everyone said, simply, who was present, a brief description of the topic and motions that were made.

Vice Chair Drummey made a motion to approve the minutes of 17 March 2015 as amended. Ms. Chabot seconded the motion. The motion was approved with four affirmative votes (Chabot, Craycraft, Drummey, Raslavicus) and one abstention (Anthes).

Copple Crown Village District - Question Water Pumping Station

Chris LaPierre representing the Copple Crown Village District (CCVD) stepped forward. Mr. LaPierre stated CCVD was issued an administrative order by the State of New Hampshire Department of Environmental Services to move the booster station for their water supply system from underground to aboveground. Mr. LaPierre stated the Engineer for the project contacted former Building Inspector/CEO Arthur Capello about the project and was told they did not need a site plan because the proposal is for a utility. Mr. LaPierre noted the project is complete and a 13 x 11 pump shed was constructed. Mr. LaPierre continued to state prior to the power company hooking up power they required an electrical inspection. Mr. LaPierre stated the interim CEO was contacted about the electrical inspection and he noted in the Town of Farmington (where he is CEO) an amended site plan would be required. Mr. Swenson asked Mr. LaPierre if he is all set as far as the electrical inspection is concerned. Mr. LaPierre stated he is. Board members reviewed Article V A of the Site Plan Review Regulations, "Applicability" (page 12). Article V A - 2 states site plan review is required for "a non-residential site or structure". Board members were not sure if the pump shed qualified or not. Board members asked Ms. Smith to ask the Town Attorney. Board members also asked Ms. Smith to ask him if municipalities were required to apply for building permits. Ms. Smith stated she would e-mail the question to the Town Attorney and let Mr. LaPierre know his response.

Election of Officers

Mr. Craycraft made a motion to nominate Scott Drummey as Chair. Mr. Anthes seconded the motion. The motion was approved with four affirmative votes (Anthes, Craycraft, Chabot, Raslavicus) and one abstention (Drummey).

Mr. Drummey made a motion to nominate Bob Craycraft as Vice Chair. Ms. Chabot seconded the motion. The motion was approved with four affirmative votes (Anthes, Chabot, Drummey, Raslavicus) and one abstention (Craycraft).

Mr. Drummey made a motion to nominate Terry Chabot as Secretary. Mr. Anthes seconded the motion. The motion was approved with four affirmative votes (Anthes, Craycraft, Drummey, Raslavicus) and one abstention (Chabot).

Rules of Procedure

Mr. Raslavicus noted the Rules of Procedure need to be updated to address the Selectmen's appointment of their member to the Planning Board and to specify Election of Officers takes place during the first meeting in April. Ms. Smith noted she found a reference to the Board meeting at the Library that should also be changed. Vice Chair Craycraft noted update of the Rules of Procedure is one of the 2015 goals. Ms. Smith added Rules of Procedure update to the agenda for discussion at the 21 April 2015 meeting.

Maps

Ms. Smith noted she contacted Chris Scheiner of Strafford Regional Planning Commission (SRPC) regarding updating the maps. Ms. Smith noted back in September 2014 when the Board was preparing their budget she received an estimate from SRPC regarding the map update. Ms. Smith noted the maps that would need to be updated/generated are: 1973 Strafford County Soil Survey (this is the current soil survey map), Land Use Suitability Map, Ground Water Suitability Map, Potential Aquifers by Soil Type, Soil Conditions Map (Hydric Soils). Ms. Smith stated she expects the Board will receive a contract from SRPC in the near future.

Land Use Computer

Ms. Smith stated she is not sure when but at some point the Town Office computers will be changed to 'thin clients'. Ms. Smith stated she wishes to retain her own full computer and not be forced to switch to a 'thin client'. Ms. Smith stated she has software and devices that are connected to her computer that she wishes to retain. Ms. Smith also stated when the server was having issues those employees that saved to the server could not access their computers but she could as she works directly off her computer not the server. Ms. Smith noted since the internet goes through the server she was not able to access e-mail or internet when the server was down but she could do the bulk of her work. Ms. Smith noted she periodically saves her work to the server. Mr. Swenson asked Ms. Smith if she informed Town Administrator Bourgeois of her desire to retain the full computer and not switch to a 'thin client'. Ms. Smith stated she did on numerous occasions. Ms. Smith continued to state her simply requesting something of the Town Administrator does not have the same impact as a formal action of the Planning Board and that is why she brought the issue to the Board. Board members agreed Ms. Smith should retain a fully functioning computer.

Chair Drummey made a motion the Planning Board recommend to the Town Administrator that the Land Use Office retain a fully functioning computer (not a thin client) with software to be installed to initiate automatic backups to the Town's server. Vice Chair Craycraft seconded the motion. The motion was unanimously approved.

2015 Goals

Board members made a list of their 2015 Goals:

- Rules of Procedure Edit
- Map Update
- Master Plan
- Zoning Ordinance amendment re: maps
- Revisit Impact Fees (if time permits)
- Introduction of permaculture concept to Town regulations
- solar installation
- update site plan and subdivision regs to conform to Zoning Ordinance change regarding design review

Solar Installations

Ms. Smith passed out copies of RSA 477:49-51 which discuss Solar Skyspace Easements at the request of Chair Drummey. Board members reviewed the document. Chair Drummey stated he would like to introduce the concept of solar installations to the regulations and make the concept more appealing to developers. Chair Drummey stated there does need to be a differentiation between residential solar use and solar gardens which would be commercial. Chair Drummey also suggested implementing incentives to encourage solar installations. Discussion followed. Mr. Swenson suggested demonstrating a clear cost/benefit ratio. Mr. Swenson also suggested seeing what New Hampshire has for associations. Wind and geothermal were briefly discussed. Ms. Veisel noted Kingswood High School uses geothermal. Chair Drummey asked whether the Board wished to form a subcommittee or work on solar installation as a whole. Ms. Chabot suggested the entire Board work on it for now. Vice Chair Craycraft agreed.

Town Owned (Tax Deeded) Property

Mr. Anthes passed out a memo from Ron Gehl, Chair of the Conservation Commission and copies of tax maps showing the tax deeded property. Mr. Anthes stated at his first Selectmen's meeting, 23 March 2015, he requested a hold on the sale of the tax deeded properties until he had time to review them. Mr. Anthes stated he knows from attending previous Planning Board meetings the Planning Board was not in favor of selling all the tax deeded properties. Vice Chair Craycraft reviewed the Planning Board minutes from the 2 September 2014 meeting when the tax deeded properties were discussed. Chair Drummey noted the majority of the lots in Copple Crown are not buildable and should not be sold as individual lots. Vice Chair Craycraft suggested the Copple Crown lots be used for stormwater management to help with the drainage of the road. Vice Chair Craycraft also stated the lots are non-conforming and contain steep slopes and streams which the Board would want to direct development away from if they were to start from scratch. Vice Chair Craycraft also stated he did not think the Copple Crown lots should be put back on the open market. Mr. Anthes asked Board members if their opinion regarding the tax deeded lots as found in the minutes of 2 September 2014 is still the same. Board members agreed it is.

Water Monkey Camp Decision

Mr. Raslavicus stated he started to bring this topic up under 'Review of Minutes' but it is more appropriate as its own topic. Mr. Raslavicus stated he is concerned about the Water Monkey Camp decision. Mr. Raslavicus noted in the Impact Statement submitted by the applicant it states "The New Hampshire Supreme Court has unequivocally held that whether a use is appropriate for a particular property is a question of zoning, not site plan review and, therefore, the Planning Board exceeds its jurisdiction to the extent it delves into that question." Mr. Raslavicus stated the applicant applied for and received a variance to Article IV from the ZBA but it was the Planning Board that made the decision regarding the applicability of Article IX. Mr. Raslavicus noted he wants to make sure the procedure was done correctly and asked Board members if they wanted to submit concerns to the Board of Selectmen. Chair Drummey noted Town Counsel Justin Richardson attended all the proceedings and if there were any procedural errors Atty. Richardson would have notified the Board.

Member Resignation

Mr. Raslavicus informed Board members that the statement he is about to make has nothing at all to do with the Water Monkey case and is for personal reasons. Mr. Raslavicus read a statement announcing his retirement effective immediately. Mr. Raslavicus thanked Chair Drummey and Ms. Smith for their work on the Zoning Ordinance edit. Mr. Raslavicus stated he enjoyed working with the various Board members and serving on the Planning Board but due to personal reasons he no longer has the time necessary to commit to the Board.

Board members thanked Mr. Raslavicus for his years of service. Mr. Swenson stated the contributions Mr. Raslavicus made to the Board were enormous and he will be missed. Board members agreed. Ms. Chabot noted she learned a lot from Mr. Raslavicus. Mr. Raslavicus asked Ms. Smith if she could continue e-mailing him agendas. Ms. Smith stated she would.

At 10:04 pm Mr. Raslavicus made a motion to adjourn. Mr. Anthes seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary