

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

Chair Drummey called the meeting to order at 7:07 pm.

Roll Call: Scott Drummey (Chair), Bob Craycraft (Vice Chair), Terry Chabot, Dot Veisel, Recording Secretary Amy Smith.

Excused: Greg Anthes

Others Present: Videographer Corky Mork, Paul Raslavicus, Brad Jones, Charlie McKay, Ralph Galante.

Public Input: Paul Raslavicus stated he is concerned with the apparent lack of communication between the Code Enforcement Officer (CEO) and the Planning Board. Mr. Raslavicus also stated he thought the new CEO was going to have office hours on Tuesday evenings to coincide with Planning Board meetings but he does not. Mr. Raslavicus stated he is concerned about the legality of the business known as East Central Arms located on Depot Road. Mr. Raslavicus read an e-mail he sent to Code Enforcement Officer Joe Asbury on 6 July 2015. Mr. Raslavicus expressed concern that the Planning Board did not issue a conditional use permit for the business and also concern with the size and type of the advertising signs.

Ms. Smith read a memo from interim CEO Dennis Roseberry, dated 31 March 2015, stating there is no “change in use” and therefore the business is allowed. Mr. Roseberry noted the applicant would still need to pull permits for any changes to the structure and for signage. Ms. Smith also noted the property was previously approved for “Retail Sporting Good Sales” and had an approved site plan showing hours of operation and parking for the business. Ms. Smith stated it was her understanding that provided the new owner did not want to increase hours of operation, parking spaces, or other aspects of the approved site plan they did not need to come before the Planning Board. Ms. Smith stated the CEO should certainly follow up on the signs to ensure they conform to the Zoning Ordinance.

Mr. Raslavicus stated he was unable to stay for the McKay public hearing but he did have a comment regarding public safety both from truck traffic from the gravel pit and vehicular traffic in general. Mr. Raslavicus suggested the Town Highway Department install two traffic convex mirrors. One at the junction of North Shore Road and Owls Head Road, just west of 151 North Shore Road and the second mirror around 21 North Shore Road. Mr. Raslavicus stated he believes the placement of the mirror at Owls Head and North Shore to be more important than the second location but feels both would improve public safety.

Chair Drummey asked Ms. Smith to draft a letter to Road Agent Mike Clarke and Board of Selectmen Chair Dave Bickford regarding the mirror suggestion. Chair Drummey asked Ms. Smith to forward the letter to him first prior to sending it to Mr. Clarke and Mr. Bickford. Chair Drummey also asked Ms. Smith to put East Central Arms on the 21 July 2015 agenda.

**Acceptance & Public Hearing - Charles & Nancy McKay-Excavation Permit Renewal-
Pine Point Road - Tax Map 102 Lots 5 & 6.**

Chair Drummey opened the Acceptance & Public Hearing for Charles & Nancy McKay for an Excavation Permit Renewal for property located on Pine Point Road, Tax Map 102 Lots 5 & 6. Present for the hearing was Engineer Brad Jones, Charlie McKay, and abutter Ralph Galante. Mr. Jones stepped forward and submitted plans for the Board's review. Mr. Jones noted the pit has been in operation for 35 years and Mr. McKay is currently before the Board for his permit renewal. Mr. Jones stated the project has its Alteration of Terrain (AOT) permit from the State. Mr. Jones also noted he contacted the Town's Road Agent and Police Chief for letters regarding the permit application. Ms. Smith read a letter from Road Agent Mike Clarke, dated 18 June 2015, stating he does not have an issue with the project assuming the pit continues to operate as it has in the past. Ms. Smith stated the Police Department is currently short staffed so she does not have a letter from the Police Department, however, she spoke with Chief Bernier and he stated he did not have an issue with the project.

Chair Drummey asked Mr. Jones when the Alteration of Terrain permit expires. Mr. Jones stated AOT permits do not expire but the applicant is required to inform DES, in writing, on the status of the project every two years and must submit an updated plan of the project every six years. Mr. Jones submitted a copy of the AOT permit for the file.

Ms. Smith noted per the March 2015 quarterly bank statement the amount of the McKay reclamation bond is \$8,522.27. Vice Chair Craycraft stated last summer the Board approved an Excavation Permit for Green Oak Realty Development on Kings Highway. Vice Chair Craycraft continued to state to ensure a level playing field, he felt it appropriate that Mr. McKay provide a detailed rationale for the reclamation amount as this was required for Greek Oak. Board members agreed. Ms. Smith gave Mr. Jones a copy of the reclamation documentation submitted with the Green Oak Realty Development project.

Vice Chair Craycraft made a motion to accept the application of Charles & Nancy McKay for an Excavation Permit Renewal for property located at Pine Point Road, Tax Map 102 Lots 5 & 6 as complete. Ms. Chabot seconded the motion. The motion was unanimously approved.

Chair Drummey opened the public input portion of the hearing. Chair Drummey asked Mr. Galante if he had any comments regarding the application. Mr. Galante stated he did not.

Chair Drummey suggested a site walk of the pit as there are Board members who have not seen it before. Board members felt this was a good idea. A site walk of the property was scheduled for 13 July 2015 at 7 pm at the site.

Mr. Jones explained the project for the Board. Board members reviewed the plans. Mr. Jones highlighted the berm around the rear perimeter of the pit, the pine tree plantings, and the stockpiles of loam and till which will be used for reclamation. Mr. Jones also noted Pine Point Road shall continue to be graded with a crown to direct stormwater into the stabilized swale

system. Chair Drummey asked Mr. McKay when he expected the pit to be exhausted. Mr. McKay stated 30 - 40 years.

Board members discussed when to recess the hearing. Mr. Jones stated he had a conflict on 4 August 2015 and asked if the hearing could be recessed until 18 August 2015. Board members did not have a problem with this. Mr. McKay asked if this would affect the operation of his pit as his current permit expires in July. Ms. Smith noted the current excavation permit expires on 21 July 2015. Ms. Smith noted since the permit about to expire was given by the Planning Board she does not see why they could not extend it until the 18 August 2015 date.

Vice Chair Craycraft made a motion to extend the excavation permit for Charles McKay for property located at Pine Point Road, Tax Map 102 Lots 5 & 6 until 18 August 2015. Ms. Veisel seconded the motion. The motion was unanimously approved.

Vice Chair Craycraft made a motion to recess the Public Hearing for Charles & Nancy McKay for an Excavation Permit Renewal for property located at Pine Point Road, Tax Map 102 Lots 5 & 6 until 18 August 2015 at 7 pm at the Town Hall. Ms. Chabot seconded the motion. The motion was unanimously approved.

Review of Minutes

Board members reviewed the minutes of 16 June 2015.

Ms. Veisel made a motion to approve the minutes of 16 June 2015 as printed. Ms. Chabot seconded the motion. The motion was approved with three affirmative votes (Chabot, Drummey, Veisel) and one abstention (Craycraft).

Board members reviewed the minutes of the 27 June 2015 site walk.

Ms. Chabot made a motion to approve the site walk minutes of 27 June 2015 as printed. Ms. Veisel seconded the motion. The motion was unanimously approved.

Review of Mail

Board members reviewed the mail.

Map 109 Lot 026 - 69 North Shore Road

Vice Chair Craycraft stated a resident expressed concern regarding cutting of trees at 69 North Shore Road at the 3 June 2015 Conservation Commission meeting. Vice Chair Craycraft stated the owner of 69 North Shore Road had been before the Planning Board last year for a stormwater management conditional use permit. Vice Chair Craycraft stated he and CEO Asbury visited the property in question. Vice Chair Craycraft continued to state the project is still in the early stages but based on his observation the work being done seems to be within the limits approved by the Planning Board. Vice Chair Craycraft also noted that there were tree stumps on the property but it did not appear that the trees were cut this year. Vice Chair Craycraft stated review of the

application and plan submitted to the State for the Shoreland permit shows mature trees in the picture, however, the plan does not have a legend so it is unclear on the plan what the 'star figures' are representing. Vice Chair Craycraft stated he thinks it is important that trees are included in the plan legend. Board members agreed. Chair Drummey asked Ms. Smith to review the plan for the pending Corcoran application to see if the legend has a designation for trees/shrubs. Chair Drummey asked Ms. Smith to contact the applicant's engineer if it does not and ask him to put in on the plan.

At 8:05 pm Vice Chair Craycraft made a motion to adjourn. Ms. Veisel seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary