

**MINUTES
NEW DURHAM PLANNING BOARD
18 AUGUST 2015**

Chair Drummey called the meeting to order at 7:02 pm.

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

Others Present: Videographer Corky Mork, Code Enforcement Officer Joe Asbury, John Crickett, Brad Jones, Charlie McKay, David Swenson.

Public Input: There was no public input.

**Public Hearing - Charles & Nancy McKay-Excavation Permit Renewal-
Pine Point Road - Tax Map 102 Lots 5 & 6.
(Recessed from 7 July 2015)**

Chair Drummey opened the public hearing for Charles and 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 and Charlie McKay. Chair Drummey noted a site walk of the property was done on 13 July 2015. Chair Drummey asked Planning Board members who attended the site walk if they had any issues with what they saw on the site walk. There were no issues. Board members reviewed the minutes from 7 July 2015. Chair Drummey noted the outstanding items were the payment of the application fees (\$150.00 for the remaining three years of the excavation permit [the first year was paid for at the time of application submission] and \$800 for monitoring by the Code Enforcement Officer - 4 times/year at \$50.00/inspection for four years) and a revised calculation for the reclamation bond. Chair Drummey stated the reclamation figure needs to be based on what it would cost the Town to reclaim the pit if they had to and not the cost for Mr. McKay to do it himself. Mr. Jones stated the pit is unique as the stockpile of loam is located in the center of the pit and there are not a lot of drainage or slope issues. Mr. Jones stated approximately 4,000 yards of material would need to be pushed with a bull dozer and then the area would need to be seeded. Mr. McKay stated he would charge \$2.00 - \$2.50 per yard to push the material. Mr. Jones stated \$3,000 for seeding. Board members agreed Mr. McKay will need to bring his current reclamation bond with the Town up to \$13,000. Ms. Smith stated the Town does not have an actual 'bond'. Mr. McKay submitted a check (in 2013) to the Town to bring the amount held for reclamation of the pit to \$8,500. The Finance Officer deposited the check into an interest bearing account. Board members discussed whether the remaining balance should be in the form of a bond or a check deposited into that account to bring it up to \$13,000. Mr. McKay asked if he could bond the entire \$13,000 and therefore get his \$8,500 and accumulated interest back. Chair Drummey suggested Ms. Smith contact Town Attorney Justin Richardson to see if it is better for the Town to have a bond, cash, or a combination of both. Board members agreed this was a good idea.

Chair Drummey opened the hearing for public input. There was none.

Ms. Veisel made a motion to approve the application of Charles and Nancy McKay for an excavation permit renewal for property located on Pine Point Road, tax map 102 Lots 5 & 6 subject to the following conditions: 1) The payment of all application fees, 2) A bond or suitable guarantee acceptable to the Town Attorney in the amount of \$13,000 for the purpose of reclamation. Mr. Anthes seconded the motion. The motion was unanimously approved.

Chair Drummey made a motion to extend the excavation permit for Charles McKay for property located on Pine Point Road, tax map 102 Lots 5 & 6 until 18 September 2015. Ms. Veisel seconded the motion. The motion was unanimously approved.

Review of Minutes

Board members reviewed the minutes of 4 August 2015.

Vice Chair Craycraft made a motion to approve the minutes of 4 August 2015 as printed. Ms. Veisel seconded the motion. The motion was unanimously approved.

Review of Mail

Board members reviewed the mail.

Map 250 Lot 111 - 13 Birch Hill Road

Mr. Anthes stated the Town has been contacted by someone who is interested in purchasing Town owned/tax deeded property located at 13 Birch Hill Road. Mr. Anthes noted the Town took over the property in 2013 and it consists of .40 acres with a trailer and small shed on the property. Ms. Veisel stated she had heard, but does not know it to be fact, that there is black mold in the trailer and suggested the Health Officer/Code Enforcement Officer look into it. CEO Joe Asbury stated he would. Chair Drummey also suggested checking on the status of the septic system. Ms. Veisel questioned if the sale of the property would be open to the public. Mr. Swenson explained how the previous round of sales of tax deeded property was handled and noted it was a different scenario as those particular lots were made available only to abutters with the understanding they would combine the tax deeded lot they purchased with their own lot. Mr. Swenson also noted the Selectmen would have Town Counsel review the procedure before anything was sold. Ms. Chabot clarified that what Mr. Anthes is looking for is whether or not the Planning Board has any objections to the sale of this specific tax deeded property. Mr. Anthes stated this is correct and also noted he was going to ask the opinion of the Conservation Commission as well. It was the consensus of the Board that they do not have a problem with the sale of Map 250 Lot 111 provided the legal process is followed and there is no liability to the Town.

Private Roads

Ms. Chabot asked what the procedure is to make a private road into an accepted and maintained Town road. Ms. Smith stated she believed the road would need to be upgraded to Class V

standards and then voted on at Town Meeting. Ms. Smith stated she is not sure if the procedure has changed. Chair Drummey stated the best person to talk to would be Road Agent Mike Clarke.

At 8:02 pm Ms. Veisel made a motion to adjourn. Mr. Anthes seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary