

**New Durham Planning Board
Minutes
May 17, 2016**

Call to Order: Chairman Scott Drummey called the meeting to order at 7:04 pm.

Roll Call: Scott Drummey (Chairman), Bob Craycraft (Vice-Chairman), Dot Veisel, Theresa Chabot, David Swenson (Selectmen's Representative)

Recorder: Mellisa Seamans

Public Comment: None

Release of Woodlot Status (Continued from May 3, 2016 and site walk May 5, 2016)

- Request from property owner to remove parcel (Map 240 Lot 037) on Penny Lane from woodlot status

MOTION: "To approve the May 3 (site walk) meeting minutes as amended" by Ms. Veisel, 2nd Mr. Craycraft. Motion passed 5-0.

Amendment 1 of 3:

Location of ~~an~~a

Amendment 2 of 3:

Location of a proposed house site *observing required setbacks from water if needed*

Amendment 3 of 3:

~~Visible~~ Site features visible

Chairman Drummey said he is puzzled because, during the site walk, the applicant pointed out proposed building location but refuses to indicate that on a plan.

Atty. Hoover said this is a matter of compliance and what was noticed on the site walk is irrelevant.

Atty. Hoover read an excerpt from the August 6, 2002 planning board meeting minutes:

"The remainder of the land, due to lack of a test pit and topography of the building site is to be designated a wood lot for the time being with the understanding that the woodlot designation would be removed at such time that topography and test pitting demonstrated that this lot meets current minimum lot size requirements".

He then read similar language that was noted in the planning board decision at the time. He noted the subdivision plan (recorded at Strafford County Registry of Deeds 12/11/02, Plan #6781) depicts unusually shaped road frontage for this lot and said the planning board must have known this request would eventually come forth.

Atty. Hoover said he is willing to argue this in court if necessary.

Atty. Hoover said the planning board does not have the authority to act as the code officer or building inspector.

Mr. Craycraft said there has been a violation of the Stormwater Management and Control Ordinance. He read page 85, XVII-C #1 and #4 of 'Applicability-Stormwater Management and Erosion Control Ordinance. He also referenced the schematic in Appendix B (page 115).

Atty. Hoover reiterated that all these conditions apply to any lot whether or not it is a woodlot.

Mr. Craycraft pointed to a (DES) violation of the terrain permitting process on other areas of the subdivision.

Atty. Hoover said if his client has violated the regulations it will have to be dealt with but the lot does not need to be kept in woodlot status to enforce regulations.

Mr. Craycraft said that clearly there are steep slopes that need to be mitigated and re-vegetate areas that have been cleared.

Mr. Williams suggested a note be put in the property file indicating that a future builder needs planning board approval rather than that being a condition of this decision.

Mr. Williams said no one mentioned the need for a conditional use permit when he applied for a driveway permit.

Atty. Hoover said that keeping the woodlot status is an impediment on the property title.

Ms. Seamans provided Mr. Williams with a conditional use permit application packet.

MOTION: "Move Map 240 Lot 37 out of Woodlot Status with the following three conditions:

1. The property owner obtain a conditional use permit
2. They comply with all New Durham XVII "Stormwater Management and Erosion Control" ordinance requirements and correct all issues already occurred and all future work will comply with all New Durham ordinances
3. Future builder must get planning board approval of their site plan.

This is made with the understanding that when conditions #1 and #2 are completed a notice of planning board decision will be filed with the Registry, removing woodlot status."

The motion was made by David Swenson, 2nd by Dot Veisel. The motion was approved 5-0.

Approval of Minutes

MOTION: “Approve minutes of May 3 as amended” by Mr. Craycraft, 2nd Ms. Chabot passed 5-0.

Amendment 1 of 2:

(Page 3) ... and that **two or** three ~~or~~ pages will suffice.

Amendment 2 of 2:

(Page 2) ~~Ms. Veisel~~ Selectman Swenson suggested that a condition could...

Mail & Correspondence

NHMA Town and City Magazine was received.

Email from Paul Raslavicus reminded the board of the upcoming June 4 NH OEP Planning Conference in Concord. Registration deadline is May 27.

Other Business

Ms. Veisel asked if the code enforcement officer could attend meetings of the planning board to improve communication and follow-through. Mr. Craycraft said that sometimes public officials think they know more than they do but could benefit from asking for help or additional training. Selectmen Swenson said he will ask if the CEO can attend meetings and do a presentation about the new building permit system.

Master Plan Update

At the June 7 meeting, the board will finalize an advertisement for the June 22 Community Forum. The forum will be held from 7-9 p.m. in the Fire Station Community Room and will focus on the Transportation section of the master plan. New Durham citizens, town officials, and business owners will be encouraged to attend.

Meeting adjourned at 8:29 p.m.