

These minutes were approved at the February 3, 2003 meeting.

**DURHAM PLANNING BOARD MINUTES
THURSDAY, JANUARY 2, 2003
TOWN COUNCIL CHAMBERS – DURHAM TOWN HALL**

MEMBERS PRESENT: *David Pease, Chair; David Watt, Vice Chair; Amanda Merrill, Secretary; Rachel Rouillard; Suzanne Loder; Neil Wylie; Arthur Grant, Town Council; Annmarie Harris, Town Council Alternate*

MEMBERS ABSENT: *Julian Smith, Alternate; Nick Issak, Alternate*

OTHERS PRESENT: *Jim Campbell, Planner; Tom Johnson, Code Enforcement Officer; Interested members of the public*

I. Approval of the agenda

Neil Wylie MOVED to approve the agenda. The motion was SECONDED by Vice Chair Watt.

Rachel Rouillard MOVED to amend the agenda to include a deliberation on the posting for a public hearing of the Zoning Re-write draft of 175-165 regarding the conservation subdivision regulations, the residential zoning district provisions and the definitions relating to the conservation subdivision regulations. The motion was SECONDED by Arthur Grant and was unanimously APPROVED.

The agenda was unanimously APPROVED by the Board.

II. Discussion on whether a minor subdivision that was approved by the Town of Lee should go before the Technical Review Committee

Tom Dunham, the applicant, stated he owned 52 acres of land with 12 being in Lee and the rest in Durham and that he wanted to subdivide a lot on the property to build a house that he would live in. He stated the house would be in Lee and that the septic tank was in Durham. Mr. Dunham stated his property had 267 feet of frontage and that the requirement in Durham was 300 but that the Town requirement was off set by State law.

Tom Johnson stated that the septic system is a structure and that the applicant should go to the Zoning Board to waive the frontage requirement.

Neil Wylie MOVED to send the matter to the Technical Review Committee. The motion was SECONDED by Amanda Merrill and was unanimously APPROVED.

III. Discussion on changes done to the landscaping plan of Durham Evangelical Church

Peter Smith, an applicant, stated the former Code Enforcement Officer, Bill Edney, approved a second modified site plan from the church in 1999 and it should be upheld.

Annmarie Harris stated that before the 1999 plan the church and Town had made a verbal agreement regarding the landscape.

Chair Pease stated the items before the Board did not show the verbal agreement.

Annmarie Harris stated that the 1999 site plan was incorporated into the verbal agreement.

Tom Johnson stated the changes to the site plan were significant and that there have been changes to the landscaping, shed, fencing, BBQ pit and a decrease from 190 plants to 90. He stated the changes required Planning Board action and if the applicant thought differently the applicant could appeal the Zoning Administrator's decision through the Zoning Board of Adjustment.

In response to a question from Chair Pease, Tom Johnson stated he did not have the authority to permit the volume of changes made to the property but that they could be approved through the Technical Review Committee.

John Wiswall, an applicant, stated the church has paid \$35,000 to complete the landscaping and that it would be a hardship for the church if it had to change it. He stated the church was unaware that the former Code Enforcement Officer should not have approved the landscaping changes.

Neil Wylie stated the Zoning Board would have to decide if the Code Enforcement Officer was right or wrong and if the applicant was turned down by the Zoning Board he could submit an amended site plan to the Planning Board.

Chair Pease stated there was nothing the Planning Board could do at this time.

IV. Deliberation on the posting for public hearing changes to the Zoning Ordinance

Rachel Rouillard MOVED to post on or before Monday, January 6, 2003 for a Wednesday, January 29, 2003 public hearing on Section 175-165 of the proposed Zoning Ordinance that covers conservation subdivision regulations, residential zoning district provisions and definitions relating to the conservation subdivision regulations. The motion was SECONDED by Amanda Merrill.

Vice Chair Watt stated the posting of the hearing should be put off until the hearing could include the dimensions table.

Arthur Grant stated the Board needed to see the public's reaction to the changes.

Arthur Grant CALLED the motion to question and was unanimously APPROVED.

The motion was APPROVED with a vote of 7-0-1 (Vice Chair Watt abstaining.)

Vice Chair Watt stated the Zoning Re-write Committee's consultant will give a presentation before the hearing on the Zoning Ordinance changes.

Tom Johnson invited Planning Board members to the Tuesday, January 14, 2003 Zoning Board of Adjustment meeting for a presentation regarding shoreline protection from a State Shoreland Outreach Coordinator

Arthur Grant MOVED to adjourn the meeting. The motion was SECONDED by Vice Chair Watt and was unanimously APPROVED.

Amanda Merrill, Secretary