

**Planning Board Meeting
February 12, 2014-----7 pm
Durham Town Office**

1. Chairman Tomm opened the meeting at 7:00 pm.

2. Chairman Tomm stated a quorum was met with three regular members and one associate member.

Members present: Jill Toher, Todd Beaulieu, Ann Torregrossa, and Associate member Mindy Woerter.

- Chairman Tomm appointed Mindy Woerter to participate as a regular member for this meeting with full voting rights.

Secretary: Deborah Larrabee

Officials: Dan Feeney-Codes Official
Shawn Bennett-Road Commissioner

Public: none

3. Pledge to Flag

4. Amendments to the agenda:

5.

6.

- Shawn Bennett Road Commissioner is at another meeting and will present later in the meeting.
- Meeting two times a month starting in March.
- Chairman Tomm's discussion with John Maloney.

5. Acceptance of Minutes: January 8, 2014

The Board reviewed the minutes.

J. Toher moved to accept minutes of January 8, 2014 as presented. Second M. Woerter. 4-yes 0-no 0-abstain

6. Informational Exchange: None

7. Continuing Business:

- **Election of Officers:**

J. Toher nominates Joe Tomm for Chairman. Second A.

Torregrossa. 3- yes 0-no 1-abstain (J. Tomm) Joe Tomm Accepts Chairman.

J. Tomm nominates Jill Toher for Vice-Chairman. Second A. Torregrossa.

3-yes 0- no 1-abstain (J. Toher). Jill Toher accepts Vice-Chairman.

8. **New Business: None**

9. **Other Business:**

• **Chairman Tomm:**

1. John Maloney will send Janet update on the contract with AVCOG for the year 2014. Chairman Tomm will have the agreement for the March meeting.
2. John Maloney for AVCOG will meet with the Planning Board on March 19th for Ordinance review and questions.
3. J. Maloney will be reviewing:
 - Red Lined Land Use Ordinance with the changes incorporating Aquifer Protection Ordinance made by the Planning Board. The Ordinance itself needs a lot of work. Will be sent to John Maloney.

*** Suggested need to review other ordinances that could be incorporated into the Land Use Ordinance. Suggest that the new Driveway and Entrance Ordinance be incorporated when completed.*

- The Draft Driveway and Entrance Ordinance.
 - Discuss questions and comments.
4. Regular Planning Board meetings will be March 5th, April 2nd and May 7th. At these regular meetings if there are no applications, work on the ordinances will continue.
J. Toher recommends that the second meetings be a Workshop.
 5. **Chairman Tomm moves to accelerate it schedules of meetings to add a second meeting on March 19th, April 16th & May 21st. Second J. Toher.**
5-yes 0-no 0-abstain The workshops will be from 7 pm to 9 pm. Maybe start at 6:30 pm.

J. Maloney may be available for telephone conference at these workshops.

Need to confirm the times J. Maloney is

Budget allows for these three extra meeting.

6. The next ordinance to be reviewed is the **Subdivision Ordinance**.
7. Chairman Tomm to ask if AVCOG dues paid for the year covers some of the Ordinance work to help defray the costs.
8. **Back Lot Ordinance:** Chairman Tomm explained that at a Public Hearing in 2013 questions arose on the Back Lot Ordinance. The questions asked were:
 - 1) Section 6.A.1.f. – There was a question as to whether we considered changing the wording of the mandatory 5 Acres requirement vice using the right of way as part of the 5 Acre requirement.

Answer: The definition of Backlot indicates that you do not have any road frontage, thus the right of way is required to gain access to the road. If you were to have road frontage your lot would not be in compliance with the Backlot Ordinance and would be classified as a Non-conforming lot, according to our current ordinances.

- 2) Section 6.B.1. - Should read “A street plan showing the private way shall be prepared by a Professional Engineer.” is what AVCOG had

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recommended, but the Red line to cross out "by a registered land surveyor" was not made. It was noted that a Land surveyor is not registered to provide such data to the town for this purpose. The Planning Board agrees. This was a typographical error made by AVCOG and not caught during the multiple review processes.

3) Section 7. – Non Conforming Lots – This paragraph was challenged due to the wording used by AVCOG in it's description of a "Backlot of record" Our review shows that this wording could be clearer, but the Boards judgment is that this is sufficient as written by AVCOG and that it's meaning would be undisputed by the legal system. It should be noted that the Backlot Ordinance was already reviewed with this wording by Town Council, Curt Webber in 2012 before submittal to the Selectman in 2013. The intent is there.

People questioning the ordinance are ok with the ordinance now. The two people who questioned the ordinance have had opportunity to bring new wording and have not done so.

This ordinance will now go back to the Selectmen for their approval. Then to a Public Hearing. Then to Town Meeting for approval.

Driveway and entrance draft ordinance:
Shawn Bennett Road Commissioner

The Durham Fire Chief has given his input into the draft Driveway and Entrance Ordinance.

Curt Webber the Town Attorney has reviewed the Driveway and Entrance Ordinance and sent his recommendations and grammar corrections.

This ordinance will now go to John Maloney at A.V.C.O.G. first then to Selectmen then to Curt Webber Town Attorney.

The Board, Codes Official and Road Commissioner discussed the draft Driveway and Entrance Ordinance. There was diverse discussion on the draft ordinance as summarized below.

- Existing driveways are grandfathered. Unless major work is done and involves the entrance and town right of way.
- What does Substantially Reconstructed mean? Needs a definition. Who determines what Substantially Reconstructed is?

Including the whole driveway is questionable unless it affects the geometry of the driveway: IE ditches, culverts and town right of way.

- How much jurisdiction does the Town have? Other than the town right of way that is in our ordinances.
- In our ordinances the part that has been done so far as driveways is to tell the contractor that driveways will be constructed so that lights of

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vehicles entering or leaving will not shine in the neighbors windows.

No driveway shall be directly across from each other.

- Wording taken from our existing ordinances needs to be worded exactly as is in the ordinance. Include reference from what ordinance the wording was taken from. Wording cannot deviate for legal reasons.
- Requiring a new permit: Burden that is being put on the resident if doing work to an existing driveway. How many feet from the center of the road is town right of way?
- Safety concerns: Driveways 800' or more turn-outs midway of the driveway. Diagram to show what turn-out should look like. Width of driveway. What about existing driveways?
- Shawn's draft ordinance matches Site distances and distances for larger vehicles in the Ordinances for Land Use and Subdivision.
- Determination of a new driveway. Site distance portion from the Land Use and Subdivision Ordinance.

Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits. For entrances where more than 30% of the traffic is expected to be larger vehicles, use the right hand column.*

The Board agreed that the yellow hi-lighted wording needs to remain in this ordinance as written in our Land Use and Subdivision Ordinance.

- Permits shall be obtained from the Road Commissioner and submitted to the Codes Official for E-911 purposes and all other permits.
- Fee for the permit will be set by the Board of Selectman.
- Enforcement part was recommended by Town Attorney Curtis Webber.

Road Commissioner recommends bringing this ordinance to Town Meeting 2015.

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Road Commissioner stated he has two more Ordinances for the Planning Board to look at:

Excavations in the Right of Way

Ensures restoration of the edges of road. Horizontal borings are included
Utility location

The Town already has policy for the Utility placement: The CMP request goes to the Board of Selectmen to approve the pole. Then the Board in turn gives to the Road Commissioner for review.

Chairman Tomm stated the Board would be working on Land Use and Subdivision. J. Toher recommended finishing the draft Driveway and Entrance Ordinance first.

Chairman Tomm stated he expected the Road Commissioner to be at the March 5th meeting. Road Commissioner will provide definition of Substantially Reconstructed.

Chairman Tomm and J. Toher will work with the Secretary on the draft Ordinance.

Chairman Tomm stated he would get the Back Lot Ordinance to the Selectmen for the 25th of February. Along with the ordinance will be the answers to the questions from the 2013 Public Hearing.

Next meeting is March 5th at 7 pm.

Adjournment

A. Torregrossa moves to adjourn at 9:50 pm. Second T. Beaulieu.

4-yes 0-no 0-abstain

Deborah Larrabee, Secretary

Date