

**TOWN OF NEW DURHAM
PLANNING BOARD and ZONING BOARD OF ADJUSTMENT
JOINT MEETING**

**December 15, 2020, 7:00p.m.
Virtual Meeting, New Durham, NH 03855**

Approved Final 12-22-2020

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

Under the emergency provisions of RSA 91A, this meeting took place electronically via Zoom.

IN LIGHT OF THE COVID 19 (CORONA VIRUS) SOCIAL DISTANCING ADVICE MADE BY THE GOVERNOR AND CDC, THE TOWN OF NEW DURHAM NH FOLLOWING A DECLARATION OF EMERGENCY BY THE PLANNING BOARD CHAIRPERSON, IS PROVIDING A MEETING PARTICIPATION VIA TELEPHONE CONFERENCE FOR YOUR SAFETY.

This meeting is for members and the public to utilize the Zoom platform to prepare for future meetings and public hearings. All members of the Planning and Zoning Board and Town Administrator have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following. In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2

*In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2
Join Zoom Meeting*

<https://us02web.zoom.us/j/89507787468?pwd=U3VjN1NRa0JTVUZMMEE4eWhzbXV1dz09>

Meeting ID: 895 0778 7468 Password: 550074 Workshop Zoom Link
Or via telephone number: 1-646-558-8656 Meeting ID: 895 0778 7468 Password: 550074

PRESENT

Bob Craycraft, Vice Chair of Planning Board – via Zoom
Scott Drummey, Planning Board member – via Zoom
Dorothy Veisel, Planning Board Board of Selectmen representative – via Zoom
David Bickford, Planning Board member– via Zoom
Terry Jarvis, Chair of Zoning Board of Adjustment – via Zoom
Wendy Anderson, Vice Chair of Zoning Board of Adjustment – via Zoom
Stephanie Richard, Zoning Board of Adjustment – via Zoom
Linda Callaway, Zoning Board of Adjustment – via Zoom
Paul Raslavicus, Zoning Board of Adjustment – via Zoom

EXCUSED ABSENCE

Jeff Allard, Chair of Planning Board

ALSO PRESENT

Scott Kinmond, Town Administrator – via Zoom
Brad Jones, Jones and Beach Engineering Inc. – via Zoom
Charles McKay, applicant – via Zoom
John Crickett – abutter – via Zoom
Julann Santos – interested party – via Zoom

CALL TO ORDER

Chair Jarvis called the Zoning Board of Adjustment meeting to order at 7:10pm.

Vice Chair Craycraft called the Planning Board meeting to order at 7:10pm. He stated Chair Allard has an excused absence.

Chair Jarvis stated that due to the State of Emergency declared by Governor Sununu and pursuant to Executive Order #12, the Town is authorized to meet electronically. She stated there is no physical location to observe this meeting. However, in accordance with the Order, it was confirmed that they are providing public access to the meeting by telephone, with additional access possibilities by video (Zoom); all members of the Zoning Board of Adjustment, Planning Board and Town Administrator have the ability to communicate contemporaneously during this meeting; the public has access to contemporaneously listen and participate via links posted on the agenda. Chair Jarvis confirmed the meeting was posted appropriately with access numbers. She stated in the event the public is unable to access the meeting, it would be adjourned and rescheduled. Chair Jarvis stated in the event they need to go into non-public session, a separate phone number will be used for the Board members and they will then reenter nonpublic session. Chair Jarvis stated all motions would be taken by roll call; roll call attendance was taken for those participating in the Zoom meeting.

AGENDA REVIEW

No changes were made.

PUBLIC COMMENT

Mr. Raslavicus suggested a moment of silence for Chair Allard due to the personal tragedy he is experiencing. The Boards concurred.

Finalize proposed alternatives for regulation of building in the SCOD discuss the proposed Zoning Ordinance changes relative to building in the Shorefront Conservation

Chair Jarvis stated the ZBA had many cases which involved tearing down and renovations in the shoreline conservation district, many involving 10 or more requests for variances; she stated the Planning Board was asked to look at the ordinances and see if there was some way to reduce these. A subcommittee of Planning and ZBA board members looked at the issues and came up

with recommended changes and edits. The Board reviewed and discussed the proposed Zoning Ordinance changes. Mr. Drummey stated he wants to be sure the goals of the ZBA are being met with these changes and doesn't want to create opportunity for more variance requests. There was discussion of the items for which the ZBA is able to grant Special Exceptions. Mr. Raslavicus noted everything dealing with shorefront lots is addressed in the shoreline protection section and other sections may not be applicable to the shorefront lots. There was discussion on how finished height and elevations would be defined within the ordinance and edits were made to the draft. There was also discussion on the parking requirements for accessory dwelling units.

ADJOURN

Chair Jarvis made a motion to adjourn. Vice Chair Anderson seconded the motion. Roll Call Vote: Ms. Callaway – aye; Ms. Richard – aye; Mr. Raslavicus – aye; Vice Chair Anderson – aye; Chair Jarvis – aye. Motion passed, 5-0-0.

The ZBA meeting was adjourned at 8:33pm.

Review of Excavation Permit Application submitted by Jones and Beach Engineering Inc. on behalf of Charles and Nancy McKay on Pine Point Road, Tax Map 102 Lot 5, and Tax Map 102 Lot 6

The Board reviewed the application for completeness. Vice Chair Craycraft confirmed all abutters were notified and fees have been paid. It was noted a memo has been received from the Police Department but there was no memo received from the Highway Department yet.

Mr. Bickford made a motion to accept the application Excavation Permit Application submitted by Jones and Beach Engineering Inc. on behalf of Charles and Nancy McKay on Pine Point Road, Tax Map 102, Lot 5, and Tax Map 102, Lot 6, as complete. Mr. Drummey seconded the motion. Roll Call Vote: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Mr. Drummey – aye. Motion passed, 4-0-0.

Mr. Bickford noted when this case came before Board of Selectmen years ago, he was asked to step down from hearing the gravel pit certification review process as a conflict of interest was viewed as a purchaser of materials from the gravel pit. Ms. Veisel stated she believes she can listen to this case and make a decision with an open mind but will step down at Mr. Cricket's request.

No other conflicts of interest were indicated by members of the board or the applicant.

Brad Jones, Jones and Beach Engineering, LLC, stated they would like to renew the gravel excavation permit and have provided the board with an updated survey of the property. He stated it is two separate lots, 10 and 14 acres respectively. The pit was first in operation in 1986 and has been in operation since. Mr. Jones stated they also did a topographical survey with GPS. He stated 18,300 yards of material has been excavated since 2016; that information is sent to the State of New Hampshire and is being taxed. Mr. Jones stated the McKays currently have a \$16,750 bond in place and a reclamation cost estimate breakdown was submitted for review by

the board. He stated the area being excavated remains the same. The Board reviewed and discussed the elevations which would be excavated to remain above the water table.

Vice Chair Craycraft noted an abutter letter was received from the executor of the estate of Josephine Crickett on December 10, 2020. He stated the letter indicates opposition to the gravel pit, noting a Special Exception should be required but he hasn't been able to locate it. Mr. Jones stated the pit has been in operation over 30 years, nothing has changed and he doesn't know the details of a Special Exception. Mr. Bickford stated this is an old gravel pit and was probably started before those types of approval are required and suggested they may need to go through that process now. Vice Chair Craycraft confirmed a Special Exception is required for a gravel pit to be established currently..

Mr. Jones outlined the proposed pit reclamation plans for reseeding and re-vegetating.

Vice Chair Craycraft opened the public hearing to input from abutters and the public.

John Cricket, abutter, stated he has two lots abutting and believes one is unbuildable and devalued because of the pit; he stated the extension of the gravel pit is where homes are located on Pine Point Road. Mr. Cricket stated he is opposed to the proposed plans. Mr. Cricket also stated the two lots on which the gravel pit is located are designated as Woodlots. He would like to know when it was originally approved and whether it went through the Zoning Board.

The Board reviewed the files available on this property and the gravel pit.

It was the consensus of the Board to continue this hearing until the next meeting to obtain further information and guidance from Town Counsel so they can finalize this case formally in the records. The Board is seeking guidance related to mining on a woodlot and the issuance of a special exception for the gravel pit. The Board also wants the Town Engineer to review the reclamation bond figure.

Vice Chair Craycraft closed the public input session of the hearing.

Mr. Bickford made a motion to continue the public hearing for Excavation Permit Application submitted by Jones and Beach Engineering Inc. on behalf of Charles and Nancy McKay on Pine Point Road, Tax Map 102, Lot 5, and Tax Map 102, Lot 6, to January 19, 2021. Mr. Drummey seconded the motion. Roll Call Vote: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Mr. Drummey – aye. Motion passed, 4-0-0.

New/Old/Other Business **Zoning Amendments**

The Board discussed meeting to review the zoning ordinance amendments and the public hearing timeline; the purpose of the meeting will be for the Board to review and finalize the amendments. Town Administrator Kinmond stated the public posting for the January 11, 2021 hearing is required by December 30.

Mr. Drummey made a motion to hold a meeting December 22, 2020. Ms. Veisel seconded the motion. Roll Call Vote: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Mr. Drummey – aye. Motion passed, 4-0-0.

APPROVAL OF MINUTES

Meeting of December 1, 2020 – Postponed.

FUTURE MEETINGS

December 22, 2020, 7:00pm

January 5, 2021, 7:00pm

Mr. Drummey made a motion to adjourn. Mr. Bickford seconded the motion. Roll Call Vote: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Mr. Drummey – aye. Motion passed, 4-0-0.

The meeting was adjourned at 10:00pm.

Respectfully Submitted,

Jennifer L. Riel

Jennifer Riel, Recording Secretary