

**TOWN OF NEW DURHAM  
PLANNING BOARD MEETING**

**August 16, 2022, 7:00PM**

**New Durham Town Hall, New Durham, NH 03855**

**APPROVED October 4, 2022**

**PRESENT**

Jeff Allard, Planning Board Chair

Bob Craycraft, Planning Board Vice Chair

David Bickford, Planning Board member

Scott Drummey, Planning Board member

Marc DeCoff, Board of Selectmen representative

**ALSO PRESENT**

Robin McClain, Land Use Assistant

Tom Varney, Varney Engineering, LLC

Kyle Pimental, Strafford Regional Planning Commission

Mark Davie, Strafford Regional Planning Commission

Josh Thibeault, Varney Engineering, LLC

Matthew C. Lopiano, applicant

Scott Lacroix, Building Inspector

Terry Jarvis, resident – via Zoom

**CALL TO ORDER**

Chair Allard called the meeting to order at 7:00PM.

**AGENDA REVIEW**

No changes were made to the agenda.

**PUBLIC INPUT**

None.

***Continued Review of Shoreland Conditional Use Permit application submitted by Varney Engineering LLC, on behalf of Matthew C. Lopiano, Map 113 Lot 69, on 309 South Shore Road***

Chair Allard asked Mr. Varney if he has met with Weston and Sampson to finalize the Stormwater Management Plan. He stated there is also an issue with the septic system with the Town Engineer. Mr. Varney stated the septic is outside the well radius so it shouldn't be a problem. Chair Allard stated per the regulations cited by the Town Engineer, the infiltration bed is proposed to sit in front of the home but his calculations show that either it needs to be larger or a greater depth of gravel. Mr. Varney stated the larger area is not feasible; he explained the size fits and made some alterations but those haven't been reviewed by the Town Engineer. He stated

the regulations cited by the Town Engineer is also incorrect and explained it doesn't apply to this lot. Chair Allard stated in the past the Board has required an inspection of the porous pavers; he asked Mr. Varney if he is able to do so or whether it would be up to the Building Inspector. Mr. Varney stated it would be done by an engineer. It was noted that in the past inspections have been performed by the Code Enforcement Officer but agreed by the Board that it will be the responsibility of the landowner to hire an engineer to complete the inspection with the report submitted to the Town. Chair Allard noted it will also be the responsibility of the Town to help ensure the Building Inspector receives the maintenance logs.

Chair Allard stated that with the work involved with this case, Weston and Sampson exceeded their proposed budget; he stated the total over is about \$1500.

Chair Allard closed the public hearing. He noted they are still waiting for input from the Town Engineer on the infiltration bed and whether it is going to be correct.

**Mr. Drummey motioned to approve the request for a Conditional Use Permit for application submitted by Varney Engineering LLC, on behalf of Matthew C. Lopiano, Map 113 Lot 69, on 309 South Shore Road, with the following conditions:**

- 1. The homeowner must submit an inspection log annually to the Building Inspector by December of each year.**
- 2. Inspection and Best Management Practices fees totaling \$70 must be paid.**
- 3. The homeowner must sign a covenant to be recorded at the Strafford County Registry of Deeds to allow the Town to inspect storm water BMPs.**
- 4. Homeowner must submit a signed copy of the Maintenance Manual based on the updated Manual Logs submitted August 13, 2022.**
- 5. The homeowner must keep the records of inspections for the most recent five years.**
- 6. The Town Engineer approve the updated post-construction plan and stormwater plan as well as construction plan as referenced in letter of July 13, 2022.**
- 7. The Code Enforcement Officer must receive confirmation that Weston and Sampson and Tom Varney agree on the specification of the infiltration system prior to issuing a Building Permit.**

**Mr. DeCoff seconded the motion. Motion passed, 5-0-0.**

***Continued discussions with members of the Strafford Regional Planning Commission to finalize proposed changes to ADU Regulations***

Mr. Pimental, Strafford Regional Planning Commission, presented the finalized recommendations. It was confirmed this is the final chapter of the work to be done on this. Chair Allard asked Mr. Lacroix whether the minimum 500 square feet size comes from the International Building Code. Mr. Lacroix stated that is correct but the Board can amend parts of the code within the Town. He stated different parts of the code can be modified within the ordinances. Chair Allard suggested not having a minimum size but rather to have size requirements for the different rooms such as the bathroom, etc. He asked Mr. Lacroix if the

minimum size of ADUs is decreased, is he aware of valid objections. Mr. Lacroix stated everything has its pros and cons that the Board needs to consider. He also explained that modulars are built to different codes and they can't enforce the Town's codes on those buildings. The Board discussed whether to continue to allow stand-alone ADUs. Mr. Bickford stated that becomes a second home on a single family lot. Chair Allard questioned what the difference is when additional living space has been added. The Board discussed the size and issues with stand-alone ADUs. Mr. Pimental stated most communities do put size restrictions; he stated the most common is between 350 to 950 of square feet range but there are often clauses that the ADU can't be larger than the principal home.

The Board reviewed and discussed the recommendations presented by Strafford Regional Planning Commission. It was noted the issue of attached or detached needs to be resolved. Mr. DeCoff and Mr. Drummey stated they agree with keeping the stand-alone ADUs. Vice Chair Craycraft stated he doesn't agree with allowing stand-alone ADUs. Mr. Bickford stated to have it detached is far from the intent of the Planning Board when these ordinances were started. Mr. Pimental suggested it could be more complicated but they could consider having different regulations for attached and detached. Chair Allard stated he doesn't see a problem with a stand-alone ADU if it's on a conforming lot; regardless of whether its attached or detached, there are added bedrooms, bathroom and a kitchen.

Chair Allard proposed that they allow attached and detached, with stand-alone allowed on conforming lots. It was agreed there would be regulations within the Shorefront Conservation District. The Board discussed the details of the regulations. Mr. Pimental explained their recommendations were to make the details general but make it clear the ADU is to be subordinate to the primary structure. The Board discussed the issue of short term rentals with ADUs. Mr. Pimental suggested they would need to address short term rentals in another ordinance. It was noted that public hearings will be required as numerous changes are being proposed.

Terry Jarvis, resident, suggested the Board look into parking regulations along Main Street; she stated she has had problems with being blocked in her driveway. The Board agreed this would be an issue to be handled with the Police Department.

#### ***Plan to review Article XIV together with ZBA***

Ms. Jarvis stated she believes a meeting is necessary between the Planning Board with the Zoning Board of Adjustment as the ZBA references the ordinances frequently. Chair Allard asked Ms. McClain to check on available dates.

#### ***Discussion of 2023 Warrant Article***

Chair Allard asked Ms. McClain to have the updated spreadsheet ready for review at the next meeting. The Board discussed the items which would need to have warrant articles drafted; the Board agreed to begin working on those soon and being the process for public hearings. It was also noted that the final draft for the combined overlay districts need to go for legal review.

## **Other**

Mr. Bickford stated the Town of Middleton will have a building moratorium ending October 2nd; he explained that because of it, there is no building going on currently in Middleton. He stated there are also issues with multi-unit and rental properties; the Board agreed New Durham's ordinances address those. The Board discussed the Master Plan which is due to be updated in 2025 and whether it addresses the zoning for multi-units. Chair Allard noted the ordinances are pretty good but there are aspects which aren't specifically addressed such as the definition of major and minor subdivisions.

## **APPROVAL OF MINUTES**

Meeting of August 2, 2022 – Postponed.

### **Next Meeting:**

September 6 , 2022, 7:00PM.

## **ADJOURN**

**Mr. Drummey made a motion to adjourn. Mr. DeCoff seconded the motion. Motion passed, 5-0-0.**

The meeting was adjourned at 10:35PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary