

New Durham Planning Board

December 5, 2017

Approved

**NEW DURHAM PLANNING BOARD**

**New Durham Town Hall**

**December 5, 2017, 7:00p.m.**

**Present**

Scott Drummey, Chair

Bob Craycraft, Vice Chair

Rod Doherty, Selectman

Dot Veisel, Member

Freeman Goodrich, Alternate Member

**Excused Absences:**

Jeffrey Allard, Member

**Also Present**

Laura Zuzgo, Administrative Assistant

Chris Edmunds, Camp Maranatha, Representative

John Scruton, Resident

David Bickford, Resident

Paul Raslavicus, Resident

**Call to Order**

Chair Drummey called the meeting to order at 7:00pm.

**Public Input**

Paul Raslavicus, resident, stated he has comments regarding the November 16 meeting discussion on the zoning ordinance.

Chair Drummey appointed Freeman (Rick) Goodrich to sit on the board in place of Jeffrey Allard for this meeting.

**Informal Consultation – Camp Maranatha**

Chris Edmunds, Camp Maranatha, gave an overview of the campground, noting they have been there since 1972. He stated they requested a building permit on the site of a mobile home and there was concern by the Building Inspector as the new permanent structure would not be within the original footprint. The Board reviewed the plans and maps. Mr. Edmunds explained Camp Maranatha is a youth and family camp and the building will help them in continuing to provide that. The Board discussed the impact fees and the purpose for assessing it with building permits and if the property were sold, it would have an impact on the school system at some point. It was clarified the lot is large enough to allow for the structure, which is to be 750 square feet. Mr. Edmunds stated the size of the leach field has been verified and provided copies of the original plan as requested by the Building Inspector. Chair Drummey asked for verification from the State that the current system is adequate. There was further discussion of the proposed

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building plans and the provisions for waiving the impact fee as well as the restrictions imposed if the fee is not paid. After discussion, Mr. Edmunds agreed to withdraw the request to waive the fee. It was also agreed a letter addressing the long term uses of the property would be submitted to the Planning Board before they would make a motion to allow the Building Inspector to move forward with the application.

### **Approval of Minutes**

November 16, 2017 – Edits were made. **Ms. Veisel made a motion to approve the minutes as amended. Mr. Goodrich seconded the motion. Motion passed, 5-0-0.**

### **Mail/Correspondence**

None.

### **New Business**

#### **Ordinances Relative to Street Excavation**

The Board reviewed the ordinances as distributed and edits were discussed. After extensive discussion, the Board agreed it needs to clarify private roadways would be exempt from this ordinance. There was also discussion of the liability for damages to vehicles when a road is under construction as indicated in Paragraph 18.125.

#### **Zoning Ordinance Review & Changes**

Mr. Craycraft stated per the last discussion, it was suggested to make two options for removal of woodlot status. The Board reviewed the draft woodlot ordinance and edits were discussed.

The Board briefly discussed the tiny homes ordinance and Chair Drummey stated he is still doing research.

There was discussion about the watershed overlay district and noted a map is needed. Chair Drummey asked Ms. Zuzgo to contact Strafford Regional to have a map made. The Board discussed the language for the map and the boundary and definitions of the district.

The Board reviewed the RV section being drafted by Mr. Allard. Some edits were suggested. Ms. Zuzgo stated she is still trying to get in touch with the Alton building inspector regarding septic requirements. There was also discussion of requiring permits.

Paul Raslavicus, resident, stated he is aware of fairly extensive cutting in front of homes on the lake of nonconforming lots, and understands there's no wording for protecting the shoreline. Ms. Zuzgo stated the cutting has to be within the buffer and the water is the State's jurisdiction and they will go out and check if there are problems. Mr. Raslavicus suggested editing the wording for a shoreline buffer zone within the shoreline protection ordinance. He also suggested further edits regarding shoreline and water protection, and allowing the Code Enforcement Officer to follow-up, and pointed out some other inconsistencies within the ordinances. There was further discussion of the intents and details of the articles. Please see attached addendum submitted by Paul Raslavicus.

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**Future Meeting**  
December 19, 2017, 7:00pm, Town Hall

**Adjourn**  
**Mr. Craycraft made a motion to adjourn. Selectman Doherty seconded the motion.**  
**Motion passed, 5-0-0.**

The meeting was adjourned at 10:24pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary

The following was submitted by Paul Raslavicus to summarize his comments and was accepted by the Board.

The Chair invited Mr. Raslavicus to make his presentation in respect to our ordinances. In respect to the definition of "obsolescence." He quoted the Merriam-Webster definition of it as "the condition of no longer used or useful; the condition of being obsolete." This fits the use of this word under our "Destroyed properties" paragraph. Other definitions of the word were also discussed (XXI-B).

In order to align our Shorefront Protection Ordinance to that of the State's RSA, Mr. Raslavicus suggested that the Town's Ordinance incorporate (by reference) the language of RSA 483-B:9 in respect to the preservation of trees and vegetative cover in the waterfront and shoreland buffer zones. The reference is already part of our Ordinances but incorrectly only in communal areas. (XIV-c:8).

Mr. Raslavicus further commented on the discrepancies between the Town's actions and the language of RSA in respect to rebuilding of waterfront nonconforming structures. The RSA 483-B:11-IV requires structures which have been voluntarily "demolished and reconstructed", be moved further back from the reference line (the distance being determined by municipal ordinance), or seek a variance in that regard. He also referred to a recent application acted upon by the Planning Board and the ZBA in which case Town Counsel stated that *"the owner needs a variance from the town ordinance for the portion of the building within 75 feet of the shoreland."* The Town's practice has been to allow such new buildings to be built in the nonconforming footprint of the preexisting structure and permit an expansion upwards to the maximum height of 34 feet above the average slope. Besides violating the setback, he opined that the vertical expansion made the structure even more nonconforming, and required a variance or Special Exception from ZBA on both counts.

In concluding he referred to the ordinances of the Town of Alton dealing with nonconforming structures as being up to date and in conformance with the RSA which could be a model for our Town. He proposed that Alton Articles 320-A5, A6 and 320-B be used as models for a redone Article XXI in respect to setback and building height. The downgrading from "requiring a variance" to only "requiring Special Exception" was especially noted and a handout was also provided.

The Chair indicated that these matters will be discussed further.

### **Suggested changes for draft minutes of December 19, 2017**

Page 3 of draft minutes:

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Paragraph that starts with "Ms. Veisel stated.....

3rd sentence revised to read "The Board reviewed and discussed the zoning ordinance for the Town of Alton relative to *nonconforming structures, their replacement-in-kind, expansion in volume, demolition and reconstruction, and setback requirements.* "

Last sentence in the same paragraph "There was further discussion of how *our ordinances dealing with nonconforming properties correlate with, and differ from RSA requirements as expressed in RSA 483-B:11*"