

**TOWN OF NEW DURHAM  
PLANNING BOARD MEETING  
October 18, 2022, 7:00PM  
New Durham Town Hall, New Durham, NH 03855**

**PRESENT**

Jeff Allard, Planning Board Chair  
Bob Craycraft, Planning Board Vice Chair – via Zoom  
David Bickford, Planning Board member  
Scott Drummey, Planning Board member  
Marc DeCoff, Board of Selectmen representative

**ALSO PRESENT**

Robin McClain, Land Use Administrative Assistant  
Josh Thibault, Varney Engineering, LLC  
Tom Varney, Varney Engineering, LLC  
Eugene Dean, applicant -via Zoom  
Don Roberts, Realtor  
Dot Veisel, Property Owner  
Scott Lacroix, Building Inspect  
Will Cardinal, Road Agent  
Peter Varney, Fire Chief  
Fred Quimby, resident – via Zoom  
Jen Czysz, Strafford Regional Planning Commission  
Kyle Pimental, Strafford Regional Planning Commission  
Mike Gelinas, Resident  
Bob Troendle, Property owner  
Judy Purrington, Resident  
Matt Murphy, Resident

**CALL TO ORDER**

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

**AGENDA REVIEW**

Mr. Bickford added discussion of changes to Article XIV.

**PUBLIC INPUT**

None.

***Continued review of application for Site Plan Review for outdoor and indoor storage of equipment, submitted by Varney Engineering LLC, on behalf of Eugene Dean, for property located at Route 11, Map 257 Lot 1.***

Chair Allard reopened the Public Hearing; he stated the hearing was continued from October 4 as there were concerns by the Board about storage of hydraulic fluids in the equipment on the property.

Westin and Sampson reviewed the proposal, and it was their recommendations to either pave the area where the equipment would be parked, or to drain all fluids before storage. Mr. Varney stated he discussed these options with the applicant, and they feel that neither suggestion is feasible. Mr. Dean stated the labor and expense for draining the fluids on an annual basis makes it cost prohibitive; he stated putting down concrete for 24,000 square feet of flooring would also be cost prohibitive. Mr. Dean stated they have a long history of storing the equipment on dirt and have never had any issues with contamination; he stated the costs for the proposed recommendations are not feasible. He stated he does not have the exact costs but it would be in the ballpark of \$60,000 to \$80,000 plus additional excavation costs.

Mr. Bickford asked if the Board has the authority to require any of these proposals; he stated he is not in favor of allowing the proposed use without any protections for the aquifer. Chair Allard stated the Board has the authority to enforce state and local requirements, Weston and Sampsons' recommendations are based on state requirements for junk yards. Mr. DeCoff stated the Town doesn't enforce those type of regulations, noting the Town's highway equipment is not stored on concrete nor are the fluids drained for storage. Vice Chair Craycraft stated he is concerned about this being on the aquifer and there isn't much soil in the area to contain spills and is not in favor of allowing the use without some sort of containment measures. Chair Allard stated he doesn't believe they have to follow with the recommendations by the Zoning Board. Mr. Varney stated the plans presented to the Zoning Board did not have any containment measures. The Board reviewed the plans; it was noted the storage shop will have a concrete slab.

Chair Allard asked if a metal pan could be placed under the equipment to catch any liquids which may leak over the winter. Mr. Dean stated something could be placed under the equipment as a containment area around the central tanks.

Mr. Bickford stated he doesn't agree with that compromise; he stated the engineers gave two recommendations and wants to follow those.

Vice Chair Craycraft stated he would prefer to go with the preliminary recommendations of the engineers but if they review the containment option and agree, then he would be comfortable going forward.

Mr. Drummey stated the likelihood of the tanks bursting and draining out is unlikely, with it being more likely that it would be smaller leaks. Mr. DeCoff stated he agrees and is in favor of allowing some sort of drip pan. Chair Allard suggested having the proposal reviewed again by Weston and Sampson which would require a continuation of the Public Hearing or making a conditional approval. Mr. Bickford stated he wants input from the engineers before any approval.

**Mr. DeCoff motioned to have Chair Allard consult with Weston and Sampson engineers to review the plans and advise whether drip pans will satisfy the need to protect the aquifer and continue the Public Hearing to November 1, 2022. Vice Chair Craycraft seconded the motion. Motion passed, 5-0-0.**

***Discussion of changes relative to Minor Commercial Development***

Mr. Lacroix explained that the current requirement for Minor Commercial Development is an impact equivalent to that of a three-bedroom home. The proposed change would be to increase that requirement and the recommendation is based on the impact of proposed commercial development. The summary of the responses of a survey which was conducted at the September election, was reviewed by the Board. Chief Varney explained the benefits to the Town with room and meals tax for restaurants. Mr. Lacroix stated they need structure within the ordinances in order to attract the type of businesses that residents want to see. Chair Allard noted there is nothing in the ordinance that states minor commercial development is not allowed but there is the restriction that it can't have the impact of more than a three-bedroom home. He stated the survey taken on election day may have been biased as the turnout was largely Republican voters. Chair Allard noted the Town has a vast amount of natural resources and perhaps they could look into supporting more recreation type business. He questioned the goal of the Technical Review Committee, nothing there is no statute authorizing this committee to do town planning and objects them to doing so as appears to be the case right now, per the committee minutes. He suggested forming a committee which can discuss the issue of commercial development. Mr. Varney stated they would also need to take into consideration the infrastructure. Town Administrator Zoltko explained a grant was received by the Town which will provide a temporary position for a Town Planner who will look at the regulations and also work with Strafford Regional Planning Commission and advised they hold off a bit before making too many decisions as this will be within the scope of the Planner who has more expertise in this area. Town Administrator Zoltko explained the hesitations she has observed, by the public, due to a lack of clear regulations. Mr. Lacroix stated there is also hesitation from people with going before the boards due to time and costs.

***Septic System Inventory Update***

Mr. Quimby stated the inventory project was approved by the Board of Selectmen however the project was not done last year due to legislation being presented in the State of NH. He explained this would have required septic system reports to the Health Officer whenever a shorefront property changes ownership, however the legislation did not pass. Mr. Quimby stated that it is now essential to do the inventory. He stated the inventory will allow the Code Enforcement Officer/Health Officer to take a look at more properties in question and have the authority to request the owner to do a test of the system. He explained there would also be options for obtaining EPA grant funds for systems which need to be replaced and is not income-based. Mr. DeCoff suggested implementing an ordinance similar to the proposed legislation. Mr. Bickford stated if there is reason to believe there is a failure, the Health Officer always has the right to inspect. Chair Allard stated the lake is suffering and they need to do something.

***Continued Discussion with Strafford Regional Planning Commission – Accessory Dwelling Units (ADUs)***

The Board reviewed the proposed changes drafted by SRPC, including a definition for accessory dwelling units. It was noted the definition follows the State of NH regulations and is modeled after definitions used by other communities. The Board discussed edits.

The Board agreed the document is ready for a public hearing.

**Mr. Drummey motioned to move the recommended proposed changes to the Zoning Ordinance for accessory dwelling units to a public hearing on November 15, 21022. Vice Chair Craycraft seconded the motion. Motion passed, 5-0-0.**

***Proposed Changes to Wetland and Water Quality Overlay Districts***

Chair Allard reopened the Public Hearing which was continued from the September 20, 2022 meeting. He stated the objective is to simplify the regulations by merging the two districts; he stated the work was done under a grant in conjunction with Strafford Regional Planning Commission with a focus on buffers around water bodies. The Board reviewed the proposed changes. Chair Allard noted most of the changes have to do with setbacks.

Matt Murphy, resident, stated he is a member of the Water Quality Committee and believes the setbacks are too large. Chair Allard explained how the two sections were merged and changes were made based on recommendations from SRPC and studies of the Great Bay Estuary. He explained the recommendations were based on scientific evidence and research conducted by SRPC. Chair Allard stated there needs to be reasons for any recommended changes brought forward from the public. Mr. Murphy stated many houses in Town do not meet these requirements and the changes will make it very hard to build anywhere in Town and it will impact development. There was discussion about the specific edits made and extensive discussion about the impact of the changes on properties, specifically many of the recreational trails throughout Town. The Board agreed to accept additional input from Mr. Gelinas for review and discussion at the continued Public Hearing.

**Mr. DeCoff motioned to continue the public hearing of the Proposed Changes to Wetland and Water Quality Overlay Districts to November 15, 2022 at 7:00PM. Mr. Drummey seconded the motion. Motion passed, 5-0-0.**

**ADJOURN**

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

The meeting was adjourned at 10:33PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary