

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
November 1, 2022, 7:00PM
New Durham Town Hall, New Durham, NH 03855**

Join Meeting:

<https://us02web.zoom.us/j/81801356357?pwd=dndnZnpTQStOeVlGT25MRGloREJvdz09>

Meeting ID: 81801356357 Passcode: 551829

Or via telephone number: 1-646-558-8656; Meeting ID: 898 5110 3167 Passcode: 715184

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 Administrative Assistant
Josh Thibault, Varney Engineering, LLC
Tom Varney, Varney Engineering, LLC
Eugene Dean, applicant – via Zoom
Christine Hughes, Realtor
Jeff Hertel, Applicant
Randy Walker, Attorney
Bob Troedle, Property Owner
Victor Pickarski, resident
Deborah Randall, architect – via Zoom
Dot Veisel, Property Owner– via Zoom

CALL TO ORDER

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

AGENDA REVIEW

No changes were made.

PUBLIC INPUT

None.

III. Continued Design Review of application for Planned Subdivision for The Hertel Family Trust, Van Hertel, trustee, for property located on Meaderboro Road, Map 270 Lot 17.

Chair Allard reopened the Public Hearing. He stated since the last meeting, a Site Walk was done. Mr. Drummey stated they looked at the lot, reviewed department head approvals; it was noted that the driveway areas were level enough and there were no surprises; lots of nice views although there are some wetlands but there is plenty of room for house lots on the roadside. Mr. Drummey noted there were some steep slopes but plenty of buildable area. It was noted that building further back on some lots would require crossing the wetlands. Mr. Bickford stated it's a nice area for building near the road. Chair Allard stated the subdivision ordinance requires that the open space design be included unless it is proven to not be feasible; he stated there was discussion about putting in a road and asked if it would be needed. Mr. Drummey stated there could be conservation easements. Mr. DeCoff stated they can encourage it but they can't enforce the road. Chair Allard stated he wants to be sure they follow the ordinance. The Board reviewed and discussed the requirements. Mr. Craycraft stated there are certain threshold triggers and the ordinance considers the most extreme instances; he stated on this parcel there are agricultural soils, some slopes around the exterior but after seeing it, it seems like it's not an optimal situation to have the Open Space Conservation Subdivision.

Mr. Bickford motioned to not require open space conservation subdivision design by the application for this subdivision for The Hertel Family Trust, Van Hertel, trustee, for property located on Meaderboro Road, Map 270 Lot 17. Mr. DeCoff seconded the motion.

Discussion: Mr. Craycraft stated he isn't going to vote, although he agrees with the motion, however a site review is not binding. Mr. Bickford rescinded his motion.

Mr. Bickford motioned to not require an Open Space Conservation Subdivision design by the application for this subdivision for The Hertel Family Trust, Van Hertel, trustee, for property located on Meaderboro Road, Map 270 Lot 17, for the plan currently presented. Mr. DeCoff seconded the motion. Motion passed, 5-0-0.

Mr. Thibault stated per the last meeting, lots one and seven did not have adequate road frontage but that has been changed; he stated the acreage was lowered to meet the requirements. He stated a letter was submitted from the soil scientist. Mr. Thibault stated he discussed the electricity easement concern and the property owners do not want to do anything further until the lots are sold and ready to be built on.

Mr. Craycraft confirmed the wetlands were delineated on the maps; he stated there are significant uplands indicated as well. He stated the natural resources inventory is also complete. Chair Allard noted the recommendations indicate that if there are trees removed, that it be done outside of particular wildlife nesting areas. He asked Mr. Thibault to review the plans and make sure

they are outside the building envelopes. Mr. Craycraft noted the stormwater management and erosion control ordinance limits the amount of disturbance and due to the steep slopes, these need to be considered for the building envelopes.

Mr. Drummey motioned to close the Design Review Phase for the subdivision application for The Hertel Family Trust, Van Hertel, trustee, for property located on Meaderboro Road, Map 270 Lot 17. Mr. DeCoff seconded the motion. Motion passed, 5-0-0.

IV. Continued Public Hearing of application for a Conditional Use Permit within the Shorefront Conservation Area, submitted by Varney Engineering, LLC, on behalf of Timothy and Lori Roukey, located at 6 Marsh Hill Road, Map 118 Lot 15

Chair Allard reopened the Public Hearing. He stated it was continued due to needing to clarify the need for potential variances and for the Board to do a Site Walk. Mr. Drummey stated the Board met at the site; it is a very small, tight, lot and there seems to be a boundary dispute/mixed use along the boundary. He stated the well is in the right-of-way and needs to be further investigated.

Chair Allard stated the side setbacks are within the setbacks; he referenced the grandfathering definitions and noted its well addressed in instances where there is a change of use or expansion which removes a property from being grandfathered. He stated this includes expansion upward and outward; he stated there is an expansion being proposed as the rebuild is not on the exact same footprint and therefore not grandfathered and referenced information from New Hampshire Municipal Association. Chair Allard noted the Zoning Board of Adjustment approved variances for the septic tank being less than 75' from the well; a leach field being less than 20' from a property line but nothing about setbacks.

Deborah Randall, architect, stated the structure is being moved, and the foundation is being moved 13' further from the road which will allow additional parking on the lot. She stated the Building Inspector indicated to her that he would forward his recommendations for variances but that would be a Zoning Board issue, not Planning; she stated the grandfathering issue would also be handled by the ZBA. Chair Allard stated the Planning Board cannot vote to approve something that does not conform to the Zoning Ordinance. Chair Allard referenced the Building Inspector's letter; he indicates that the ZBA variances were appropriate. Chair Allard stated the Conditional Use Permit must meet zoning requirements. Mr. Varney stated the proposed addition is in the back, in the area where it can be built without a variance within the building envelope. He stated the building is not being made more nonconforming; he stated this was reviewed by the Building Inspector and they went before the ZBA for the variances suggested. Chair Allard noted the footprint is being expanded and slightly reconfigured; he stated his concern is not being within the 300' of the shoreline but the fact that it is being expanded so grandfathering doesn't apply. Mr. Varney stated they are within the same setbacks. Ms. Randall stated it is not going to be a demolition, but only a portion is being completely removed and replaced. Chair Allard noted any expansion removes the grandfathering, which is almost 300 square feet. Mr. DeCoff noted the

building coverage is being reduced from 26.9 to 26.6%. Ms. Randall stated there is a portion of the foundation which could possibly remain, but they don't know yet; she stated it should be comparable to raise the house and renovate the cottage or to leave the foundation. Mr. Varney stated the intent is to keep the building the same size and location then add to the back, which is all within the buildable area; he stated he doesn't see how it is nonconforming.

Mr. Craycraft stated the change could be slight and additional variances may be needed; he suggested discussing this further with the Building Inspector to ensure minor issues are cleared up before going further with the Conditional Use permit.

Mr. Varney outlined the erosion control measures which will be utilizing include hay bales and silt socks; he stated these will be inspected by the Building Inspector. Chair Allard noted most of the area being distributed will be within the steep slopes.

Mr. Varney stated a new well will be installed on their property; the well in the right of way will remain owned by the Town; a new septic system will be installed as well.

Mr. Drummey motioned to approve the Conditional Use Permit within the Shorefront Conservation Area, submitted by Varney Engineering, LLC, on behalf of Timothy and Lori Roukey, located at 6 Marsh Hill Road, Map 118 Lot 15 with the following conditions:

- **A new well be drilled on the applicant's property or the applicant receive an easement from the Town's legislative body.**
- **Inspection and BMP fees need to be paid totaling \$45.**
- **Property owner must submit an annual maintenance log to the Building Inspector annually by December.**
- **The owner will sign a covenant to be recorded at the Strafford Registry of Deeds giving the Town the right to inspect storm water BMPs in the future with the Town's right running with the land.**
- **Owner must submit a signed copy of the Maintenance Manual.**
- **Property owner is to keep records of inspections of at least the most recent five years.**

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

V. Continued review of application for Site Plan Review and CUP 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 Public Hearing was continued in order to have Weston and Sampson review the plans and see if there are other measures which could be proposed for managing fluids and protecting the aquifer.

Chair Allard stated five options were provided by Weston and Sampson which includes drip pans under potential leaking areas, maintenance shed could be constructed with concrete floor and drain fluids, pour a concrete floor in one pole barn for higher risk equipment or concrete floors in all the pole barns.

Mr. Dean stated the drip pans are a viable option; he stated he will have to look into the concrete floor for one of the barns and then determine which equipment would go in that barn but for a majority of the equipment the fluid is in the tank during storage. He stated the expense is what hinders him from doing it on all the buildings. Each building will have roughly 10 to 11 rides stored per building; some have hydraulic fluids and some that do not. It was confirmed the level of the land would be built up about 1 foot; there is sand and gravel on site that will be regraded. Mr. Dean stated they plan to have someone check on everything at least once a month through the storage season; they will also have to be there plowing the snow.

Mr. Drummey motioned to approve the Site Plan Review and Conditional Use Permit 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, with the following conditions:

- **As recommend by the Town Engineer: all equipment with large fluid levels will be stored in a building with a concrete floor.**
- **All equipment with small fluid levels will be store with drip pans.**
- **Monthly inspections to occur by applicant or employee.**
- **Inspection and BMP fees need to be paid totaling \$55.**
- **Property owner must submit an annual maintenance log to the Building Inspector annually by December.**
- **The owner will sign a covenant to be recorded at the Strafford Registry of Deeds giving the Town the right to inspect storm water BMPs in the future with the Town's right running with the land.**
- **Owner must submit a signed copy of the Maintenance Manual.**
- **Property owner is to keep records of inspections of at least the most recent five years.**

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

APPROVAL OF MINUTES

Meeting of September 20, 2022 – Edits were made. **Mr. DeCoff motioned to approve the minutes as amended. Mr. Craycraft seconded the motion. Motion passed unanimously.**

Site Walk of September 12, 2022 – Edits were made. **Mr. DeCoff motioned to approve the minutes as amended. Mr. Bickford seconded the motion. Motion passed unanimously.**

Meeting of October 4, 2022– Edits were made. **Mr. DeCoff motioned to approve the minutes as amended. Mr. Craycraft seconded the motion. Motion passed unanimously.**

ADJOURN

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

The meeting was adjourned at 9:40PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary