

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
November 15, 2022, 7:00PM
New Durham Town Hall, New Durham, NH 03855**

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
Peter Varney, Fire Chief
Mike Gelinas, resident
Paul Raslavicus, resident
Dot Veisel, resident
Don Blackden, resident – via Zoom
Terry Jarvis, resident – via Zoom

CALL TO ORDER

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

AGENDA REVIEW

No changes were made.

PUBLIC INPUT

None.

Chair Allard stated the Board has been receiving a lot of applications and suggested having the Town Planner review and triage the applications to ensure completeness before being reviewed by the Board; in the meantime, a member of the Board could do a quick review to improve the efficiency of the Board's process. Mr. Drummey suggested the Building Inspector. Mr. Bickford suggested checking with New Hampshire Municipal Association to ensure that is appropriate; he noted the technical review committee was supposed to be part of the process. The Board agreed that applications would be reviewed by a member of the Board prior to the public hearing to ensure completeness.

Chair Allard stated he has been doing research as to whether only the Building Inspector can determine if variances are needed; he noted there is an RSA for an appeal process that allows the Board to request an appeal to settle administrative issues.

II. Discussion with TRC members pertaining to amendment change to Article VII.1.d.

The Board reviewed the impact assessment regarding minor commercial developments which Fire Chief Varney stated would not have an impact equal to or less than a single-family home. It was noted that the definition is based on the septic capacity which would be up to 4 bedrooms for a single-family home. Mr. Bickford noted a multifamily home can have up to 6 units or 12 bedrooms per building. Mr. DeCoff noted this is only permitted at this time in the mixed-use district. A Conditional Use Permit or Special Exception are currently required. Mr. Craycraft suggested there are going to be some areas where they want to limit the development. Chair Allard stated he is not opposed to regulating commercial development, but he wants to make it an objective for 2023 and make sure everything follows the Master Plan and decide what kind of businesses they want to be friendly towards.

Fire Chief Varney presented copies of the Space Needs Study for review by the Board; he explained it looked at the fire department, police department, highway department, Town Hall and library. He stated it also looked at various sites throughout Town to accommodate a public safety facility. Chair Allard noted his only suggestion is that the architectural requirements are considered regarding future costs. Fire Chief Varney stated the proposal will be going to a warrant article.

III. Continued Public Hearing for warrant article for Merged Wetlands and Water Quality Districts

Chair Allard reopened the public hearing at 7:56PM. The Board reviewed the proposed changes in the warrant article.

Mr. Gelinas presented questions for review by the Board regarding restricting construction in environmentally sensitive wetland areas and disallowing certain soils from being considered in lot sizes. He stated it is saying buffer area is not counted toward the lot size. Chair Allard stated that is not the intention; the Board reviewed and discussed the intent. The Board agreed that poorly drained soils would not be included in the lot size calculations.

Mr. Gelinas stated the Town does not have any prime wetlands so the terminology shouldn't be included until wetlands are designated as such. Mr. Craycraft explained there is a procedure for designating prime wetlands and a study was done that helps determine if an area qualifies. The Board agreed to remove prime wetlands.

Mr. Gelinas explained the impact on hiking trails with the changes to the ordinances; he also explained the low impact on the area when making trails. He recommended an additional paragraph to be added specifically regarding hiking, walking, and biking; he explained the process for creating the trails, noting the only maintenance is typically mowing and brush trimming. There was discussion of the use of ATVs on the trails during the winter. Mr. Gelinas suggested using specific terminology for snowmobiles only; he explained ATVs cannot be used on the trails by State law. Mr. Gelinas stated he does not think there should be a requirement to

hire a forester prior to cutting down trees; he stated it's an added cost and doesn't see a need. The Board agreed to remove the requirement for a forester for this section.

The Board discussed how to protect wetlands through regulations. Chair Allard noted the recommendations from Stafford Regional Planning Commission who developed their recommendations on scientific research and rationale. Mr. Blackden asked how the setbacks compare to surrounding towns; he stated he wants to see consistency, but these recommendations are outside the State's recommendations. Chair Allard noted these setbacks are larger than in surrounding towns; he also explained the expertise provided by SRPC. Mr. Craycraft explained how the studies are done.

Mr. Raslavicus stated there are some lots in the shorefront that do not meet the State setbacks but going forward they should have the minimum of the State setbacks throughout the regulations.

Mr. Gelinas suggested removing the applicability table as it is too strict; he stated the Town has a lot of conservation land and believes a lot of land will be taken out of usability with it being too extreme; he stated it will be a huge burden for the ZBA as well. He stated they want to protect the water quality but not with too much restriction on residents.

Mr. Bickford suggested this article is not ready to move forward; he stated based on the input received, they need to make sure the changes are made right. Chair Allard agreed with suspending this, noting they will need specific recommendations for what changes should be made. Mr. Drummey noted there is a resource document that shows the wetland buffers of all towns throughout the State. Mr. DeCoff stated the buffers will be determined by what voters approve.

Mr. DeCoff motioned to continue the public hearing to the next workshop meeting, the warrant article for Merged Wetlands and Water Quality Districts. Mr. Craycraft seconded. Motion passed unanimously.

IV. Continued Public Hearing for warrant article for Article VI Section L.4, changes to ADU Regulations

Chair Allard reopened the public hearing at 9:44PM. The Board reviewed the changes made since the last meeting. He explained State law requires that accessory dwelling units be allowed anywhere single-family homes are permitted; however, the Town can place regulations on it. It was clarified that stand alone ADUs do not have to be permitted.

Mr. Gelinas stated he has concerns about lots being too small and causing more pollution of the lake. He suggested no lot smaller than 60,000 square feet should be allowed an ADU due to the septic bedroom size. Chair Allard stated that would be contrary to State law; he stated ADUs must be allowed with special exception or conditional use permit; the requirements can be beyond those of a single-family home. It was clarified that it does not matter how many bedrooms there are; the size of the house is limited by setbacks and septic requirements. Mr. Raslavicus stated additional buildings should not be added to a non-conforming lot. Mr. Drummey stated that is already addressed in the ordinance for nonconforming lots. The Board

discussed whether ADUs within the shorefront conservation district would be restricted to attached only. The Board agreed for any construction in the shorefront conservation district, a storm water management plan should be required; edits were made to the amendment. The Board agreed to include detached as a separate accessory structure but those will not be allowed on non-conforming lots. Mr. Drummey and Mr. DeCoff and Chair Allard agree to allow standalone ADUs if the lot is large enough and the septic is adequate.

Mr. DeCoff motioned to continue the public hearing to the next workshop meeting. Mr. Bickford seconded the motion. Motion passed unanimously.

Next Meeting: December 6, 2022

ADJOURN

Mr. Drummey motioned to adjourn. Mr. Bickford seconded the motion. Motion passed unanimously.

The meeting was adjourned at 11:00PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary