

**TOWN OF NEW DURHAM  
PLANNING BOARD MEETING  
December 20, 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  
Mike Gelinis, resident  
Terry Jarvis, resident – via Zoom

**CALL TO ORDER**

Chair Allard called the meeting to order at 7:01PM.

**AGENDA REVIEW**

No changes were made.

**PUBLIC INPUT**

None.

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

Chair Allard reopened the public hearing at 7:03PM.

The Board reviewed the proposed changes for the articles. Chair Allard noted the recommendations for the changes came from the Water Quality Committee.

Mr. Gelinis stated there is a problem with the recommendations and explained scenarios where it would cause problems with septic system sizes because of the soil types and setbacks. The Board discussed the affects this change would have on properties, particularly those in the Shoreline Conservation district. Mr. Gelinis stated there have been court cases where ordinances were deemed too restrictive. Mr. Bickford suggested Weston and Sampson might have recommendations. Chair Allard stated they already worked with Strafford Regional Planning Commission and its clear there is no solid answer with what is going to be the best direction but doesn't want to delay getting the ordinances in place. Mr. Gelinis stated the State has setbacks in place, but these proposed changes are much more strict and he doesn't think voters are going to be in favor of going too extreme.

Terry Jarvis, resident, via Zoom, asked what rivers will be designated as “perennial.” Chair Allard explained it would include Merrymeeting, Ela, Cocheco rivers and lakes and ponds less than 10 acres. Ms. Jarvis stated she is concerned many properties in Town which won’t be able to meet the ordinances.

Mr. Drummey stated these numbers are the most strict in the State and agrees it will cause problems with properties not meeting the requirements.

Mr. Bickford stated the setbacks need to be more rational; he stated he does not know what those should be and suggested tabling this to next year.

Vice Chair Craycraft suggested continuing to work on this over the year as there are already some ordinances and buffers in place and to leave it as it is.

Ms. Jarvis explained its not unusual for there to be ZBA cases where the depth of lots that are 100 to 125 feet deep so increasing the distance of the septic system is often impossible due to size and steepness of the lots; she stated what is being proposed is too restrictive. Chair Allard stated if the setback is 125 feet from a large body of water, they should not have a lesser distance for smaller water bodies. Mr. Gelinas stated the setbacks need to be soil based as science shows that is what affects the infiltration levels. Ms. Jarvis stated the district boundaries are pretty clear in the ordinances. Chair Allard suggested keeping Table 8 and the exemption for properties built prior to 2007. The Board agreed to revisit this next year.

**Mr. DeCoff motioned to keep Table 8 in the Water Quality Protection Overlay ordinance and to add back the exemption for properties created prior to 2007. Vice Chair Craycraft seconded the motion. Motion passed unanimously.**

**Motioned to continue the public hearing for warrant article for Merged Wetlands and Water Quality Districts to January 3, 2023, 7:00PM at Town Hall. Mr. DeCoff seconded the motion. Motion passed unanimously.**

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

Chair Allard opened the public hearing at 8:26 PM.

The Board reviewed and discussed the comments received from the Water Quality Committee. Mr. Gelinas stated the main concern is regarding substandard lots. He suggested there needs to be lot size criteria or a requirement for a storm water plan from an engineer; he stated ultimately they need to protect the lake. He stated he does not believe there should be more than 4 bedrooms on a 60,000 square foot lot; he suggested in the Shorefront Conservation District, it should be a requirement that the ADU be attached to help avoid short term rentals. The Board discussed whether ADUs could be prohibited on certain lots, particularly nonconforming and waterfront. It was agreed to ask Town Counsel. Chair Allard stated the State did not discriminate but wherever homes are allowed, attached ADUs have to be allowed. The Board discussed how changes could be made to allow detached ADUs.

The Board reviewed and discussed the definitions for detached, attached, and standalone accessory dwelling units. It was agreed to keep the original definitions.

**Mr. DeCoff motioned to maintain the original definitions. Mr. Drummey seconded the motion. Motion passed unanimously.**

Chair Allard summarized that as it is written now, attached and detached ADUs are allowed on nonconforming lots; stand alone ADUs are not permitted or with an accessory structure.

Chair Allard suggested changing the ordinance for the Shorefront Conservation District, only attached are allowed. It was noted there also needs to be a requirement added for an additional parking space per bedroom.

Chair Allard stated he met with the Zoning Board of Adjustment and they have concerns about variances for Article XIV; he explained variances and then Special Exceptions are needed but that can be conflicting; he stated he agreed to work through the ordinance for necessary changes for the shorefront in Article XIV and only have Special Exception. He stated he will not be able to make those changes in time for March so the default will be to remove Special Exceptions and only have variances until further changes can be made.

**Mr. DeCoff motioned to continue the public hearing for ADU Regulations to January 3, 2023, 7:00PM at Town Hall. Vice Chair Craycraft seconded the motion. Motion passed unanimously.**

Chair Allard left the meeting at 9:45PM.

### **APPROVAL OF MINUTES**

Meeting of October 18, 2022 – Postponed.

Meeting of November 1, 2022– –Postponed.

Meeting of November 15, 2022– Postponed.

Meeting of December 6, 2022– Postponed.

### **ADJOURN**

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

The meeting was adjourned at 9:50 PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary