

*New Durham Planning Board  
January 2, 2019  
Approved*

**NEW DURHAM PLANNING BOARD  
New Durham Town Hall  
January 2, 2019, 7:00p.m.**

**Present**

Jeff Allard, Chair  
Bob Craycraft, Vice Chair  
Scott Drummey  
Freeman Goodrich

**Excused Absence:**

Dot Veisel, Board of Selectmen representative  
David Wessell, Alternate Member

**Also Present**

Laura Zuzgo, Administrative Assistant	David Bickford, Resident
Jon Hotchkiss, Middleton Selectman	Fred Quimby, Resident
Edward Brannan, Middleton Highway Foreman	
Laura Parker, Middleton Secretary	

**Call to Order**

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

**Agenda Review**

No changes were made to the agenda.

**Application for Boundary Line Adjustment – Town of Middleton Map 219, Lot 012**

Chair Allard noted the Town of Middleton requested they waive the application fee. Ms. Zuzgo explained they usually waive the fee but collect monies for the abutter notifications and newspaper posting. The Board concurred.

The Board reviewed the application for completeness along with the relative maps.

**Mr. Craycraft made a motion to accept the application for Map 219, Lot 012 as complete. Mr. Goodrich seconded the motion. Motion passed, 4-0-0.**

It was noted the application is to allow the Town of Middleton to give 12' of land to the abutters, Josh and Sarah Morgan, Map 218, Lot 001 to accommodate utilities and driveway to allow these to be on their property and no longer the Town of Middleton's.

Edward Brannan, Town of Middleton Highway Foreman, explained that when the property was originally developed, somehow the driveway ended up placed right over the property pin and the underground electrical was placed further past the pin. He explained surveys were done and the issue was discovered and the Town of Middleton feels it's in the best interest of both the Town and the abutter to move the property line. The Board

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reviewed and discussed the maps. Mr. Craycraft noted the lot has limited road frontage and the applicant went to the ZBA and was granted a variance to the road frontage requirement.

Chair Allard closed the public hearing.

**Mr. Drummey made a motion to approve the lot line adjustment between Map 219, 012 and Map 218, Lot 001 as proposed. Mr. Craycraft seconded the motion. Motion passed, 4-0-0.**

Chair Allard stated there have been four public hearings with a fifth scheduled, for the four proposed zoning and ordinance changes. He stated the last public hearing is for the waterbody setbacks and definitions.

**Public Hearing – Zoning Ordinance Change to Article VI, Section M - Implement Lighting Requirements Consistent with the Dark Skies**

Chair Allard opened the public hearing 7:20pm. He outlined the changes proposed, noting they looked at language from various sources, including the State of NH and noted the changes being proposed are adopted from the language recommendations from the State and Town of Swanzey. The preamble and ordinance was reviewed and discussed. No comments or edits were received by legal counsel. Mr. Bickford stated he is concerned about the language regarding the dark skies. The Board noted there were already complaints last year about lighting and necessitated the need to address the issue this year. There is also concern about having ordinances that are not being enforced. Ms. Zuzgo explained having the ordinances clarified helps the Building Inspector/ Code Enforcement Officer in doing his job. The Board reviewed and discussed proper lighting for patriotic flags and discussed how these align with the ordinance. Additional edits were made to the proposed ordinance.

Chair Allard closed the public hearing on Article VI, Section M, Lighting Requirements at 7:49pm.

**Mr. Craycraft made a motion to hold a second public hearing for Article VI, Section M, Lighting Requirements, proposed ordinance addition to the January 15, 2019 meeting. Mr. Drummey seconded the motion. Motion passed, 4-0-0.**

**Public Hearing – Zoning Ordinance Change to Article VI, Section N – Waste Disposal**

Chair Allard stated there have been problems with trash cans not being properly secured and the proposed ZO change will address the issue to help the Code Enforcement Officer with clarification. The Board reviewed and discussed the preamble and proposed ordinance changes. Edits were made to specify the intent in regards to household waste. Further edits regarding co-mingling of various items was also discussed and added.

Chair Allard closed the public hearing at 8:36pm.

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**Mr. Craycraft made a motion to hold a second public hearing for Article VI, Section N, Waste Disposal, proposed ordinance amendments to the January 15, 2019 meeting. Mr. Drummey seconded the motion. Motion passed, 4-0-0.**

**Public Hearing – Zoning Ordinance Change to Fire and Building Codes**

Chair Allard opened the public hearing at 8:39pm. He explained the purpose of this change is to enforce the fire and building codes; it currently requires the Building Inspector to go to Superior Court with legal counsel present; if these are added to the Zoning Ordinance, the Building Inspector can take cases to the district court without legal counsel. This was a recommendation by Legal Counsel and there are no changes to the codes but they are being moved to be included in the Zoning Ordinance. Further edits were reviewed and discussed.

Chair Allard closed the public hearing at 9:07pm

**Mr. Craycraft made a motion to move the Article VI, Section O, Building Standards, to the 2019 Town Warrant Article. Mr. Drummey seconded the motion. Motion passed, 4-0-0.**

**Public Hearing – Zoning Ordinance Change for Water Body Setbacks- Article V, Section E, Table 3**

Chair Allard opened the public hearing at 9:08pm. He stated the origin of this change was from notification by the Building Inspector that there is a conflict in the definition of waterbody and flood hazard setbacks so clarification is needed. The Board discussed the various types of waterbodies which need to be specified or exempted. The Board concluded that the proposed changes are complex and require additional discussion.

Chair Allard closed the hearing at 9:42pm.

**Mr. Drummey made a motion to remove Article V, Section E, Table 3, Water Body Setbacks, from the 2019 Town Warrant Article. Mr. Goodrich seconded the motion. Motion passed, 4-0-0.**

**Approval of Minutes**

Postponed.

The Board discussed meeting with Marcia Moreno-Benz of SCRP and holding both second hearings for ZO changes at their January 15 meeting.

**Adjourn**

**Mr. Goodrich made a motion to adjourn. Mr. Craycraft seconded the motion. Motion passed, 4-0-0.**

The meeting was adjourned at 9:50 pm.

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Respectfully Submitted,

Jennifer Riel, Recording Secretary