

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
October 6, 2020, 7:00p.m.
Virtual Meeting, New Durham, NH 03855
Final Approved 11-5-2020**

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

Under the emergency provisions of RSA 91A, this meeting took place electronically via Zoom.

*IN LIGHT OF THE COVID 19 (CORONA VIRUS) SOCIAL DISTANCING
ADVICE MADE BY THE GOVERNOR AND CDC, THE TOWN OF NEW DURHAM NH
FOLLOWING A DECLARATION OF EMERGENCY BY THE PLANNING BOARD
CHAIRPERSON, IS PROVIDING A MEETING PARTICIPATION VIA TELEPHONE
CONFERENCE FOR YOUR SAFETY.*

This meeting is for members and the public to utilize the Zoom platform to prepare for future meetings and public hearings. All members of the Planning Board and Town Administrator have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following. In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2

Join Zoom Meeting

<https://us02web.zoom.us/j/89031890935?pwd=eWZ5emdvL3Z0cXE4OStlOGFXVnA4dz09>

Meeting ID: 890 3189 0935 Password: 238372

Or via telephone number: 1-646-558-8656;

Meeting ID: 890 3189 0935 Password: 238372

Technical difficulties contact Town Administrator Scott Kinmond at skinmond@newdurhamnh.us or by phone a 603-556-1516. Assistance with Zoom application please contact Brian Cauler at ndlanduse@newdurhamnh.us or contact Planning Board.

Note: Town of New Durham offers no security assurances to those connecting via PC to a third party software and hardware not configured or controlled by our IT Service provider.

PRESENT

Jeff Allard, Chair – via Zoom

Bob Craycraft, Vice Chair – via Zoom

Dorothy Veisel, Board of Selectmen representative – via Zoom

David Bickford, member– via Zoom

EXCUSED ABSENCES

ALSO PRESENT

Scott Kinmond, Town Administrator – via Zoom

Eric Mitchell, Mitchell & Associates, Inc. – via Zoom

Tom Varney, Varney Engineering, LLC – via Zoom

Martin Wendt, applicant – via Zoom

Judy Wendt, applicant – via Zoom

Hal Sanborn, abutter – via Zoom

Greg Kelley, abutter – via Zoom

CALL TO ORDER

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

Chair Allard confirmed the meeting was posted appropriately with access numbers. He stated that in the event the public is unable to access the meeting, it would be adjourned and rescheduled. Chair Allard stated all motions would be voted on by roll call. Chair Allard asked Planning Board members to introduce themselves and identify anyone in the room with them, as well as applicants, applicants' representatives and members of the public.

AGENDA REVIEW

No changes were made.

PUBLIC COMMENT

None.

Review of Site Plan Application submitted by Varney Engineering LLC on behalf of Martin and Judy Wendt, Map- 270 Lot-020

The Board reviewed the application for completeness. Chair Allard stated this application is for a change of use; the property had been a dog kennel and the application is for a dog grooming business. Mr. Craycraft stated it seems to be more of a Site Plan review than a Change of Use. The Board concurred. It was noted the plans will still need a Special Exception from the Zoning Board of Adjustment. It was discussed if this is a home business. The Board concurred with proceeding with a Site Plan Review followed by referral to the ZBA for Special Exception.

It was confirmed all fees have been paid; abutters were notified. It was noted there is a power line easement which is indicated on the plans. Mr. Craycraft noted there is not a storm water management plan included. Mr. Varney was unable to confirm it was completed.

Mr. Craycraft made a motion to accept the application for the Site Plan submitted by Varney Engineering LLC on behalf of Martin and Judy Wendt, Map- 270 Lot-020, as complete. Ms. Veisel seconded the motion. Roll Call: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.

Tom Varney, Varney Engineering, LLC, stated the applicants purchased the property to operate it as a dog care facility; the property had been previously used as a kennel. The building has enclosed stalls for up to 28 dogs; the proposed use is for daycare, boarding and grooming of dogs. A gravel driveway area will be added; storm water measures will be installed and the building will have no dwelling unit. A septic system was installed in 1984. Mr. Varney presented maps of the area along with a copy of a recent survey for review by the Board. Mr. Varney stated there would be drip edge on the roof to catch rain runoff; there will also be catch basins along with a drywell to catch runoff from the driveway. He also presented a layout of the building and kennels. It was confirmed there is no expansion to the existing building. Mr. Varney stated he has not done a storm water study.

Ms. Veisel asked if there is any provision for the waste water from washing and grooming dogs. Mr. Varney stated there is an existing septic and a drainage system in the floor with a drywell. He stated they are required by the State of New Hampshire to use environmentally friendly and biodegradable washing products and noted the State of NH will monitor. It was noted when the kennel was built, the septic was designed for that purpose.

Mr. Allard asked if three parking spaces will be adequate. It was noted there is a larger gravel area which could be used for overflow parking. Mr. Allard suggested two more spaces be added to be adequate. The applicants agreed. Mr. Bickford noted there is an ordinance which requires driveways on the same property be located 500' apart and with it being commercial property, they should consider the traffic pattern with permanent driveways. Mr. Varney stated the distance between the driveways is undetermined but should be about 30'. Town Administrator Kinmond clarified 500' of road frontage is needed to have two driveway cuts. The driveway regulations were reviewed and discussed. Mr. Varney stated the property has 1100' of road frontage on Berry Road. It was noted the structure is about 150' from the water body on the property.

Chair Allard stated he would like some sort of DES review of the septic system to ensure it's adequate for the facility; add two parking spaces in front and overflow; and a Special Exception from the Zoning Board of Adjustment is needed for the Planning Board approval to be final.

Mr. Craycraft stated he would like to know the manure management plan and ensure contaminated water is being properly infiltrated. Mr. Wendt stated they will be managing that through removal and composting.

Chair Allard asked if it would be a huge hardship for the applicants if they delay approval until the November meeting as they need to go before the ZBA as well. Mr. Varney stated it would be fine with him and allow him time to make the adjustments to the plans. Mr. Wendt stated if they can't open before Thanksgiving, it would then be the first of the year.

Ms. Veisel made a motion to continue the public hearing for the Site Plan submitted by Varney Engineering LLC on behalf of Martin and Judy Wendt, Map- 270 Lot-020 to October 20, 2020. Mr. Bickford seconded the motion. Roll Call: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.

Two members of the Public had been mislead during the Public Hearing, and were recognized as abutters and allowed to speak.

Hal Sanborn, abutter, stated he would like to raise concern about the composting plans for manure; he stated it is located uphill from his property and wants to be sure it is addressed in the storm water plan, with the possibility of it needing to be treated as medical waste due to COVID. It was confirmed there is not a residence on Mr. Sanborn's lot at this time. Mr. Sanborn stated he is also concerned about noise abatement. Chair Allard stated there is a noise ordinance.

Greg Kelley, abutter, stated he is also concerned about the noise as his house is about 150' from the property.

Chair Allard stated the public hearing has already been closed and continued to another date; he stated he will forward these concerns to Mr. Varney and Mr. Wendt, but there will be no further discussion until the next Public Hearing.

Review of Boundary Line Application submitted by Eric C. Mitchell & Associates Inc. on behalf of Timothy R. Collins Trust, Map 109-002 and 222-001.

The Board reviewed the application for completeness. Chair Allard noted there are no maps presented showing what is being proposed. Mr. Mitchell explained Map 109-002 is going to be changed from 27 acres to become 16 acres; Map 222-001 is currently 60 acres and will become 70 acres.

It was confirmed abutters were notified; fees were paid and the public hearing was posted.

Mr. Mitchell confirmed no new lot is being created; the line is being moved to make one lot smaller and one lot larger.

The Board reviewed and discussed the waivers.

Mr. Bickford asked how this falls under the subdivision regulations. Mr. Mitchell stated the ownership of each lot is in trusts and two different owners. He stated there are two separate applications with each name on it; Timothy Collins is the trustee for each.

Mr. Bickford made a motion to waive the requirements showing existing conditions, overlay districts and undeveloped lot information. Mr. Craycraft seconded the motion.

Discussion: Ms. Veisel asked if these lots have been determined to be buildable. Mr. Craycraft stated they should know for sure; he noted these are on a Class VI road but they can't make the lots less nonconforming. The Board discussed whether a land owner can move boundary lines even if there is no connection to a road. It was clarified this is not a subdivision. Mr. Mitchell stated there is no proposal for developing the lots; they are changing the lines between the two lots and if future development is done, they would have to come back for additional approvals.

Roll Call: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.

Mr. Craycraft made a motion to accept the Boundary Line Application submitted by Eric C. Mitchell & Associates Inc. on behalf of Timothy R. Collins Trust, Map 109-002 and 222-001. Ms. Veisel seconded the motion. Roll Call: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.

Eric C. Mitchell, of Mitchell & Associates Inc. on behalf of Timothy R. Collins Trust, stated both parcels are on Chesley Road, a Class VI road; he stated Map 109, lot 002 is currently 27.9 acres and has 1792' of road frontage. Moving the lot line will leave this lot with 16.79 acres and 1857' road frontage. Map 222, lot 001 would go from 60 acres to 73.8 acres and is being donated to South East Land Trust (SELT) for conservation purposes. After the lot line adjustment the road frontage would be 3,032'.

It was noted the deeded access across the abutting property goes away if that property is conveyed. The parcels are approximately 600' from the nearest Class V road but after the adjustment, the parcel being retained by the Collins would be more than that. About 500 acres are being donated to SELT.

Mr. Bickford noted a driveway permit was granted for this property under the previous owner.

Chair Allard opened the public hearing to input from abutters. None was indicated.

Chair Allard closed the public hearing.

Mr. Craycraft made a motion to approve the Boundary Lot Line Adjustment submitted by Eric C. Mitchell & Associates Inc. on behalf of Timothy R. Collins Trust, Map 109-002 and 222-001, as proposed. Ms. Veisel seconded the motion. Roll Call: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.

Planning Board discussion on Board of Selectmen authorized fees, fines, and penalties

Ms. Veisel stated the Board of Selectmen would like the Planning Board to review the fee structure to ensure costs are being covered by fees collected. Town Administrator Kinmond stated the Building Inspector has determined the costs for mechanical permitting are below the market for municipalities and doesn't cover his costs. He stated they would like to hold a Public Hearing on these fees on October 26. Chair Allard agreed the fees are too low but doesn't see them being able to review and prepare recommendations by October 26. The Land Use Assistant will forward the current fee structure along with the Building Inspector's recommendations to the Planning Board for review.

2021 Budget Final Town Budget Request

The Board reviewed the proposed Planning Board budget request. Town Administrator Kinmond noted the Board of Selectman has already approved the proposed budget.

Chair Allard stated he believes the Town suffers without professional Planner services; he asked if they should ask the Board of Selectmen to have the services of a professional Planner one day a week. He stated they could use help regarding zoning and ordinances, potentially improving efficiency and productivity of the Board.

Ms. Veisel stated she agrees it's an important discussion to have; the constraint is the budget this year and next year. She stated they are looking at adding support for various departments including finance, Town Administrator, ZBA, etc.

Mr. Bickford stated legal and engineering services are important as well.

Mr. Craycraft stated he sees the value in having a Planner and it's important to be proactive. Town Administrator Kinmond stated ideally it would be good to find another town to share a Planner with. Chair Allard and Town Administrator Kinmond will further discuss the topic of a Planner.

Letter from Merrymeeting Watershed Management Committee to New Durham Board of Selectmen

Chair Allard stated he reviewed the letter from Fred Quimby to the Board of Selectmen and would like to ask the Board to setup a process for mapping septic systems in Town. This would include all systems and installation date. There is a committee which was formed by the legislature in Concord which is looking at the regulations of septic systems and a big issue is towns not being able to regulate failing septic systems. Chair Allard stated Mr. Quimby's plan is to pursue a grant.

APPROVAL OF MINUTES

Meeting of August 4, 2020– Edits were made. **Mrs. Veisel made a motion to approve the minutes as amended. Mr. Craycraft seconded the motion. Roll Call: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.**

Next Meeting

October 20, 2020, 7:00pm.

ADJOURN

Ms. Veisel made a motion to adjourn. Mr. Craycraft seconded the motion. Roll Call: Ms. Veisel – aye; Mr. Bickford – aye; Vice-Chair Craycraft – aye; Chair Allard – aye. Motion passed, 4-0-0.

The meeting was adjourned at 10:07pm.

Respectfully Submitted,

Jennifer L. Riel

Jennifer Riel, Recording Secretary