

Town of New Durham Planning Board Meeting

April 5, 2022

Approved April 5, 2022

**TOWN OF NEW DURHAM  
PLANNING BOARD MEETING**

**March 15, 2022, 7:00PM**

**New Durham Town Hall, New Durham, NH 03855**

**APPROVED April 5, 2022**

*Join Zoom Meeting*

*<https://us02web.zoom.us/j/81457678349?pwd=MTJLTDLwVE1UeU5kSzdwRlRoYzZwZz09>*

*Meeting ID: 81457678349 Passcode: 246807*

*Or via telephone number: 1-646-558-8656; Meeting ID: 81457678349 Passcode:246807*

*Technical difficulties or For Assistance with Zoom application please contact Land Use  
Administrative Assistant Robin McClain at [ndlanduse@newdurhamnh.us](mailto: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, Planning Board Chair

Bob Craycraft, Planning Board Vice Chair

Dorothy Veisel, Board of Selectmen representative

David Bickford, Planning Board member Scott

Drummey, Planning Board member

**ALSO PRESENT**

Robin McClain, Land Use Assistant

Erin Bajger, representing Shanahans

Steve Badger, representing Shanahans

Paul Varney, Fire Chief

Stephanie Richard, Changing Seasons PLLC

Sarah Barley, abutter – via Zoom

Carol Shanahan, Applicant – via Zoom

Tim Shanahan, Applicant – via Zoom

Nancy Bodwell, abutter – via Zoom

Don Blackden, for consultation – via Zoom

Nichole Zoltko, Town Administrator – via Zoom

Terry Jarvis, resident – via Zoom

Adam Doiron, consultant- Certified Soil Scientist – via Zoom

## **CALL TO ORDER**

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

## **PUBLIC INPUT**

Peter Varney, Fire Chief, stated the Town has done well putting land in conservation but it removes properties from the tax rolls; he explained the Space Needs Study indicated the Fire Station needs to be renovated or replaced and suggested while they are putting land in conservation, they also need to be looking to replace the lost revenue. Mr. Varney stated restaurants are a good revenue source as the rooms and meals taxes come back to the Town. Chair Allard stated he hopes the Board can work on developing more commercial use ordinances; he stated there is no language other than minor commercial development at this time. He stated he hopes they can start studying commercial development in Town this year as well.

## **AGENDA REVIEW**

No changes were made to the agenda.

### ***Review of soil table revisions with Adam Doiron***

Chair Allard stated there were two major goals with the soil revisions, one being to update the soil table in the ordinance to reflect current terminology. Mr. Doiron outlined recommended changes in terms of the soil table and the ordinance. The Board reviewed the recommended changes. Mr. Doiron stated the standards which are being used currently, have changed since the tables were originally created.

Chair Allard asked if the number of designated soil types was decreased. Mr. Doiron stated there were entries in the current table which are not allowed so they were removed.

Chair Allard stated there are some issues about maps such as whether there should be copies at Town Hall, whether new maps are needed and suggested discussing this further at the next meeting.

### ***Continued review of Stormwater Conditional Use Permit application submitted by Changing Seasons Engineering PLLC on behalf of Walter and Carol Shanahan, Map 108 Lot 47, on Owls Head Point Road***

Chair Allard reopened the public hearing at 7:55PM. He stated at the last hearing, there was question whether the decks and stairs would be calculated in the 15% of total building coverage. He stated the issue was forwarded to Town Counsel for review and input; the response was that decks and stair ways do not fall into the definition of a building however historically the Board has interpreted decks and stairs for lot coverage purposes. Chair Allard stated there is no definition from the State either so its up to the Board to interpret the meaning of the ordinance.

Ms. Richard stated during her time on the Zoning Board, decks were always considered impervious.

Chair Allard suggested in the future, to have a table inserted in the land use application for the impervious surface including the percentages associated with the building.

Terry Jarvis, resident, stated it would be important moving forward, to make sure any definition of “building” is in line with national building code and fire code, as a deck is not considered to be a “structure” so she doesn’t want to see an ordinance include “deck” as a structure when it is not defined in national and international codes. Ms. Jarvis stated the way towns interpret ordinances is not always the same as the state and national codes and suggested the Building Inspector and Fire Chief are consulted.

Ms. Richard stated she updated the inspection maintenance form. The Board reviewed the form and plans presented.

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

Chair Allard closed the public hearing.

**Vice Chair Craycraft made a motion to approve the Stormwater Conditional Use Permit application submitted by Changing Seasons Engineering PLLC on behalf of Walter and Carol Shanahan, Map 108 Lot 47, on Owls Head Point Road with the following conditions:**

- **Three BMP inspection fees totaling \$90 need to be paid;**
- **Homeowners are to submit an annual inspection log by December of each year;**
- **The applicant shall sign a covenant to be recorded at the Strafford Country Registry of Deeds, giving the Town the right to inspect the BMPs in the future with the Town’s right running with the land;**
- **The owner must submit a signed copy of the updated maintenance logs to be submitted to the Board by March 15, 2022;**
- **The homeowner is to keep maintenance records for at least the most recent five years;**
- **Said location of the well will need a well radius easement from the adjacent lot;**
- **All conditions of the New Durham Zoning Board of Adjustment’s Notice of Decision dated July 13, 2021.**

**Mr. Drummey seconded the motion. Motion passed, 5-0-0.**

Ms. Jarvis stated the ZBA requires certain documents be submitted to the Building Inspector, such as sanitation reports, stormwater requirements, etc., and asked if it would be appropriate to request all the information be submitted in December. The Board agreed that December is the deadline so all such materials should be submitted at that time.

Chair Allard stated there has been an ongoing issue of information being sent over to the

Building Inspector and no standard tracking of information received nor follow up on conditions. He suggested they look into some sort of system for tracking. Town Administrator Zoltko stated Ms. McClain developed a spreadsheet for tracking cases and conditions and this was shared with the boards last year. Chair Allard asked that Ms. McClain maintain the spreadsheet; Ms. McClain confirmed she has been including cases through 2021 and has continued thru this year. Town Administrator Zoltko stated they also need to determine where fees will come from for implementing this process. She suggested they consider ways to remind homeowners as well to ensure they follow through with the conditions. There was discussion of the fees and fines but its unclear whether the ZBA has the authority to impose fines. The Board agreed to discuss this further at the next meeting.

### **Wood Lot Discussion**

Chair Allard stated as the ordinance reads currently lots can only be taken out of woodlot status but question was raised whether there needs to be language to put lots into woodlot status. Mr. Blackden stated he is researching the zoning ordinances and regulations and it appears it all changed in 2018 at Town Meeting based on a warrant article but when he looks at the start of the amendment when the Planning Board started discussing the drafting of the amendment. He stated he doesn't see any basis within the final amendment to prohibit woodlot status and the record indicates the creation of woodlots would continue. Mr. Blackden provided links to the meetings and minutes where the drafting of the language was discussed. Mr. Bickford explained the reason for originally developing woodlots of keeping large standing lots open; he agreed it wasn't in the warrant that repeal was in the amendment. Chair Allard stated his recollection of the intent at that time was to inhibit the ability to create new woodlots but would go back and review the video recordings. Mr. Drummey stated they didn't eliminate woodlots but they removed the ability to create woodlots. Mr. Blackden suggested the warrant article is inconsistent with the ordinance. The Board agreed to look into it and discuss further. Chair Allard stated more research needs to be done before going to Town Counsel.

The Board discussed having the Building Inspector attend meetings and Chair Allard asked Ms. McClain to follow up with him.

### **APPROVAL OF MINUTES**

Meeting of February 1, 2022 – Edits were made. **Ms. Veisel made a motion to approve the minutes as amended. Vice Chair Craycraft seconded the motion. Motion passed, 5-0-0.**

Meeting of February 15, 2022 – Edits were made. **Mr. Drummey made a motion to approve the minutes as amended. Vice Chair Craycraft seconded the motion. Motion passed, 4-0-1.** Ms. Veisel abstained.

Meeting of March 1, 2022 – Postponed.

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### **FUTURE MEETINGS**

April 5, 2022, 7:00PM

April 19, 2022, 7:00PM

### **ADJOURN**

**Mr. Drummey made a motion to adjourn. Vice Chair Craycraft seconded the motion.**

**Motion passed, 5-0-0.**

The meeting was adjourned at 10:30PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary