

**TOWN OF NEW DURHAM  
PLANNING BOARD MEETING**

**April 19, 2022, 7:00PM**

**APPROVED May 3, 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.*

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**PRESENT**

Jeff Allard, Planning Board Chair

Bob Craycraft, Planning Board Vice Chair

Marc DeCoff, Board of Selectmen representative

David Bickford, Planning Board member Scott

Drummey, Planning Board member

**ALSO PRESENT**

Robin McClain, Land Use Assistant

Jen Czysz, Strafford Regional Planning Commission

Don Blackden, resident

**CALL TO ORDER**

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

**AGENDA REVIEW**

No changes were made to the agenda.

Mr. Bickford stated an issue came up with the Zoning Board of Adjustment regarding nonconforming lots and lots which don't have the minimum frontage; he stated there were discussions by the ZBA about variances for this and he anticipates it becoming a problem with the nonconforming lots. Mr. Allard suggested adding further discussion at the next meeting.

## Election of Officers

**Mr. DeCoff made a motion to keep all the same officers for the Planning Board. Mr. Drummey seconded the motion. Motion passed, 4-0-1.**

## PUBLIC INPUT

None.

### *Continued discussions with members of the Strafford Regional Planning Commission to review PREPA Grant progress on waterfront properties*

The Board reviewed the proposed grant paperwork. Ms. Czysz stated an extension was requested and granted and then gave an overview of the grant process. She stated the deadline will be September 1 which will allow time for recording and she offered to get the Accessory Dwelling Unit topic discussion started as well for grant funds.

Chair Allard noted the most extensive changes were made to the water quality protection overlay district. Edits were reviewed. Chair Allard stated he wants to be sure the buffer zones and areas being regulated are well defined. Mr. DeCoff asked if the buffer zone has to be recorded on the deeds.

Ms. Czysz explained it's an environmental overlay and will bring a more concrete definition to the next meeting; she explained wetlands must have a scientist delineate the borders so it's not something that can be addressed in the ordinance. Chair Allard asked if it can be defined by the size of the waterbody. Mr. Drummey suggested referencing the RSA. There was discussion about when a property needs to have the wetland buffers included in the deed. Ms. Czysz noted they look at the zoning ordinances and factor that in as well. There was further discussion of the district boundaries. Ms. Czysz suggested making the buffer zone consistent in size. Chair Allard asked if this should apply to all rivers and streams in New Durham or just wetlands; he noted the rivers and streams are already regulated under the Shoreline Conservation Overlay District. It was noted this will apply to areas less than 10 acres, including rivers and streams. Chair Allard stated he wants it to be managed properly but not overly restrictive. Ms. Czysz suggested they adopt the changes and see how it goes but if problems arise with development, then they can look at it again and make revisions to maximize the environmental protections and reduce the variance requests. Mr. Drummey suggested removing Cocheco, Merrymeeting and Ela rivers as the wetlands are already included and the riverbanks are covered in the Shoreline district.

The Board discussed the setback distances for wetlands. The Board agreed the setbacks outlined in the tables she presented are reasonable. There was discussion about the definition of buildings and structures. Chair Allard stated attached decks have been considered by the Planning Board as part of the impervious surface but that has been challenged unless the ordinance is more explicit. Ms. Czysz noted the State of New Hampshire considers attached decks as impervious with the shoreline permits.

The Board agreed to forward any additional comments to Ms. Czysz by April 28 for discussion at the next meeting. Chair Allard asked Ms. Czysz to look into whether the aquifers are indicated on the soil maps as it is important for them to know where those are located. Ms. Czysz stated they can do the re-write recommendations for Accessory Dwelling Unit but they need to discuss the guidelines. Chair Allard stated one issue is how they handle nonconforming lots which have plenty of space to allow ADUs; the other issue is attached versus detached as neither seem to be well defined. Mr. Drummey stated there have also been issues of the sizes being proposed. Ms. Czysz stated she will come up with a scope of work as well as do some research for further discussion at the next meeting.

***Continued discussion on wood lot status***

Chair Allard gave a history of the establishment of the woodlot status; he explained these lots were allowed with the intention of using the land for timber; the minimum road frontage was reduced to 50' and can be on Class VI roads. No buildings or camps are allowed on these lots. Chair Allard stated these lots are now being sold and the status may not be disclosed until someone comes for a building permit. He explained in 2018 the Board discussed the issue, and it was agreed at that time that no new wood lots would be created; in 2019 there was a meeting where that was struck from the wording. Ms. McClain stated she researched the meeting minutes and video; there were a lot of concerns from people at the public hearing, so the Board tabled further discussion to the following year and would look further at the discontinuation of wood lots and how to remove lots from that status.

Chair Allard stated advice was received from Town Counsel regarding woodlots which indicate there are a number of clauses and statements which indicate that no new woodlots can be created, but she can't tell for sure. Ms. McClain noted the Board agreed in 2019 to strike "from 1983 to 2018" in the definition of woodlots however it is still in the ordinance.

The Board discussed whether the current zoning ordinance allows the creation of a new wood lot. Mr. Drummey stated it is unclear and they need to define it more clearly. Mr. Bickford stated the warrant article was not clear what was being repealed; he stated it is his understanding that the article allowed wood lots to be taken out of that status. Vice Chair Craycraft stated he believes the intent with the warrant articles was to get rid of wood lots but overall the ordinance is unclear.

Chair Allard asked the Board if they want to allow new wood lots to be created. Mr. Drummey stated the ordinance should be amended to allow the creation of new wood lots under certain circumstances; he stated there are lots in town with no frontage so they shouldn't eliminate the ability to create woodlots.

The Board concurred that there is nothing in the current ordinance which prohibits the creation of wood lots or allows the Board to deny a request for a creation of a wood lot. Chair Allard suggested revising the ordinance to specifically allow the creation and to require it be put into the deed and the Board agreed. The Board also agreed to review this with Town Counsel to ensure

the Town has the authority to approve new woodlots and amend the zoning ordinance to reflect that.

Don Blackden, resident, stated he is going to move forward with submitting an application for a wood lot on the minor subdivision of his property. Chair Allard outlined the process for accepting the waivers and reviewing the application.

***Discussion with Scott Lacroix the Building Inspector and Chief Varney***– Tabled.

***Continued review of soil table revisions*** – Tabled.

***Review of Impervious Surface Criteria and table on application***– Tabled.

***Discussion and possible appointments to fill the vacancies for two representatives for the Strafford Regional Planning Commission and CIP***

**Chair Allard made a motion to appoint Mr. Drummey as the representative of the Planning Board to the Capital Improvement Planning Commission. Mr. Bickford seconded the motion. Motion passed, 4-0-0.**

**Mr. Drummey made a motion to appoint Mr. Allard as the New Durham Planning Board representative to the Strafford Regional Planning Commission. Mr. Bickford seconded the motion. Motion passed, 4-0-0.**

#### **APPROVAL OF MINUTES**

Meeting of April 4, 2022 – Edits were made. **Mr. Bickford made a motion to approve the minutes as amended. Mr. Drummey seconded the motion. Motion passed, 3-0-1.**

#### **ADJOURN**

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

The meeting was adjourned at 10:00PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary