

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
December 5, 2023, 7:00 PM
New Durham Town Hall, New Durham, NH 03855**

PRESENT

Jeff Allard, Planning Board Chair
Bob Craycraft, Planning Board Vice Chair
Marc DeCoff, Board of Selectmen Representative – via Zoom
Scott Drummey, Planning Board Member
Anne Ross-Raymond, Planning Board Member

ALSO PRESENT

Susan Stillwell, Land Use Assistant
Josh Thibeault, Varney Engineering, LLC
Tom Varney, Varney Engineering, LLC
Christina & Shane Bourgeois, conceptual consultation
Mike Donovan, Coldwell Banker – conceptual consultation
Dawn V. – via Zoom
Mike Breault – via Zoom
Tom Travers - via Zoom
Dot Veisel, resident – via Zoom
Greg - via Zoom
John – via Zoom
Dave Bickford, resident- via Zoom

CALL TO ORDER

Chair Allard called the meeting to order at 7:00 PM. Introductions were made of the Board members present.

AGENDA REVIEW

No changes were made to the agenda.

NEW/OLD BUSINESS

Continuation of PB 2023-008 – Brault-DeMarino – Map 108, Lot 022/031 North Shore Road - Conditional Use Permit within Shorefront Conservation Area & Steep Slopes Conservation District

Chair Allard reopened the public hearing; he stated a Site Walk was done. Mr. Drummey gave a summary of the Site Walk done on November 10, 2023.

Mr. Varney, representative for the applicant, stated a Shoreline Permit will be needed because the lot is 250 feet within the shoreline.

MOTION: To approve the Conditional Use Permit within the Shorefront Conservation Area & Steep Slopes Conservation District for Brault-DeMarino – Map 108, Lot 022/031 North Shore Road with the Following Conditions:

- 1). The homeowner must sign a covenant to be recorded at the Strafford County Registry of Deeds giving the Town the Right to inspect stormwater BMPs in the future with the Town's Right to inspect running with the land.**
- 2) Certificate of Completion will be issued by the Building Inspector after the Design Engineer affirms that the Stormwater/Drainage Plan for the Conditional Use Permit is Built as Designed according to Engineered Drawing dated October 16, 2023.**
- 3) Installation of porous pavers must be overseen by a NH licensed Engineer**
- 4) Original O&M Plan to be submitted to the Land Use Assistant**
- 5) The O&M Plan includes 4 BMPs at a cost of (\$25 + \$ 10 each = \$65). The O&M Maintenance log shall be turned in to the Code Enforcement Officer annually by December 1.**
- 6) NH DES Shoreland Permit is still needed.**
- 7) Follow the DES requirement that construction fence be installed around trees that will be saved and kept natural during construction.**
- 8) The driveway is to be pitched into the hill toward the riprap to catch runoff.**

Motion by Mr. Drummey. Second by Mr. Craycraft. Roll Call Vote: Ms. Ross-Raymond-aye; Mr. DeCoff-aye; Mr. Drummey-aye; Mr. Craycraft-aye; Chair Allard-aye. Motion passed 5-0-0.

Shane Bourgeois, Conceptual Consultation regarding Map 257, Lot 054, Valley Road

Mr. Bourgeois stated he purchased this 24-acre lot in woodlot status (90 ft Class V road frontage) and wants to take it out of that status so he can build a home on the lot. He confirmed he knew the status when he purchased the lot. Chair Allard explained the purpose of woodlot status for distant lots. He stated the State of New Hampshire, as well as the Town, have requirements for lots to be considered buildable and outlined the lot requirements for a buildable lot within the Zoning Ordinance. Mr. Bourgeois stated he wants to put in a private road to create road frontage; he met with and was advised by the Fire Chief and Building Inspector. The Board reviewed the letter from the Fire Chief. The Board clarified that a private road does not avoid the requirements of road frontage and the Board of Selectmen cannot approve road access via a private road. Chair Allard suggested a variance would be needed from the Zoning Board of Adjustment. Mr. Bourgeois will be building a logging road to access the lot.

Conceptual Consultation regarding Map 102, Lot 014 and 015

Mike Donovan, representative for the property owners, Jack and Josephine Crickett. He stated both lots are vacant; lot 14 is lakefront. Mr. Donovan presented maps for the respective lots. He stated the current owners want to sell the lots but potential buyers want to know if the lots are buildable. The lots have frontage on Pine Point Road which is a private road. The lots were approved by the New Durham Planning Board in a subdivision in the early 1980s. The applicants believe a Right-of-Way exists on Pine Point Road for these lots for access to North Shore Road. The Planning Board does not analyze deeds so cannot decide whether the lots have access to North Shore Road. The Board discussed the responsibility for the maintenance of the private road. Ms. Ross-Raymond stated it is maintained by the McKays, who own it, and it is a problem; there is no formal agreement. She explained there is a homeowner's association for Pine Point Road. The Board suggested discussing this further with the Town Administrator and the Board of Selectmen to determine if a building permit can be obtained for a Class VI or private road.

Continue discussion regarding proposed language changes to Zoning Ordinances on demolition and rebuilding of nonconforming waterfront properties.

The Board reviewed and discussed edits to the Shorefront Conservation Overlay District. Chair Allard confirmed the proposed changes have been reviewed by Town Counsel as well as legal counsel at the New Hampshire Municipal Association. There was further discussion about grandfathering and rebuilding. Additional edits were made and will be sent to Town Counsel.

Discussion regarding the establishment of Zoning requirements for shipping containers (see Building Inspector's letter to the Planning Board from October 17, 2023, Meeting)

The Board discussed whether shipping containers being used as storage units would be taxable and whether setbacks would still need to be met. There was also discussion about whether containers could be permanent. The Board agreed to table further discussion to next year.

Clarification of 75-foot setback for wetlands, Section XIII.B.2 – size of wetlands (1 acre)

The Board discussed the request for clarification presented by Ms. Jarvis at the last meeting. Mr. Craycraft explained two ordinances were combined last year, with a part of the old ordinance being lost so it needs to be put back it. He will come up with language and placement for review and discussion at the next workshop meeting on December 19.

Septic Tank Setbacks – Letter from Building Inspector on November 14, 2023 – Weston and Sampson Report

The Board reviewed and discussed the proposal to separate the setbacks for the septic tank and leach field with the ordinance. A response was received from the Town Engineers Weston and Sampson, and recommended the Town follow the NH Department of Environmental Services standards. The Board discussed edits and agreed to move forward with making the suggested changes.

MOTION: To approve the changes to Article XIV, Shorefront Conservation Overlay District and to move the article to a public hearing on December 19, 2023, 7:00 PM, at Town Hall. Motion by Ms. Ross-Raymond. Second by Mr. Craycraft. Roll Call Vote: Ms. Ross-Raymond-aye; Mr. DeCoff-aye; Mr. Drummey-aye; Mr. Craycraft-aye; Chair Allard-aye. Motion passed 5-0-0.

Capital Improvement Planning Committee

The Board discussed whether the Planning Board should continue to manage and review the report created by the Capital Improvement Committee process or recommend that the voters authorize the Board of Selectmen to manage the process. A warrant article would make it legal. The Board discussed the relevant RSA and state-mandated responsibilities as well as records for warrant articles from 1988 and 2005, which voters approved to have the Planning Board approve and recommend CIP projects. There was also discussion of how the CIP committee is formed. It was the consensus of the Board to keep it as is.

Review of CIP Committee Report

Bruce Mayberry's Impact Fee Report of 2017 for Infrastructure

BMP Maintenance Log Letter to Property Owners on the Lake from Building Inspector – Consequences of non-compliance

The Board reviewed a letter from the Building Inspector as well as a copy of the letter which was sent to property owners. There is no record of BMPs but they are working on updating a spreadsheet that was started a few years ago for Conditional Use Permits that were issued.

Solar Ordinances and Cell Towers discussion for 2024 – Postponed.

APPROVAL OF MINUTES

November 21, 2023- Postponed.

Mail & Correspondence:

November 22, 2023, Letter from Building Inspector
November 30, 2023, Letter from ZBA
October 26, 2023, Letter from NHMA re: Changes to Plans

FUTURE MEETINGS

Workshop – December 19, 2023
Business Meeting – January 2, 2024

ADJOURN

**MOTION: To adjourn the meeting. Motion by Mr. DeCoff. Second by Mr. Craycraft.
Motion passed 5-0-0.**

The meeting was adjourned at 10:45 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary