

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
March 5 2024, 7:00 PM
New Durham Town Hall, New Durham, NH 03855**

PRESENT

Jeff Allard, Planning Board Chair
Bob Craycraft, Planning Board Vice Chair
Scott Drummey, Planning Board Member
Anne Ross-Raymond, Planning Board Member

ALSO PRESENT

Susan Stillwell, Land Use Assistant
Rick Therrien, Building Inspector
Tom Varney, Varney Engineering
Josh Thibeault, Varney Engineering
Melanie Barrett – via Zoom
Richard Pike- via Zoom

CALL TO ORDER

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

AGENDA REVIEW

No changes were made to the agenda.

PUBLIC INPUT

None.

NEW/OLD/OTHER BUSINESS

Public Hearing of PB 2024-002 – Dean – Map 257, Lot 001, 124 Valley Road, an application submitted by T W. Varney, P.E., Varney Engineering, LLC, on behalf of Eugene J. Dean, Manager of Valley Road Storage, LLC.

The applicant is requesting a Site Plan Review and a Conditional Use Permit.

Chair Allard stated the last meeting for this case was for the Board to go through the Conceptual Consultation and Design Review. Tonight is the application phase. The Board reviewed the application for completeness.

MOTION: To accept the application for Case PB 2024-002 – Dean – Map 257, Lot 001, 124 Valley Road, submitted by T W. Varney, P.E., Varney Engineering, LLC, on behalf of

Eugene J. Dean, Manager of Valley Road Storage, LLC. as complete. Motion by Chair Allard. Second by Ms. Ross-Raymond. Motion passed 4-0-0.

Chair Allard opened the public hearing at 7:09 PM.

Mr. Varney stated nothing has changed since the last meeting; the Board reviewed the plans presented, which were previously approved.

Ms. Stillwell confirmed she communicated with Fire Chief Varney who said the building does NOT need to have sprinklers as it is an open walled building. Chair Allard noted the plans were initially for four buildings totaling 24,000 square feet, but it will now be a single 36,000 square foot building, which is an addition of 12,000 square feet.

Chair Allard noted the repair garage is on plan and confirmed it may or may not ever be built. He noted the Board previously discussed the smaller buildings having concrete floors as there would be high volumes of hydraulic fluids in the equipment. He suggested limiting the volume. There was discussion regarding the amount of fluids in various equipment. The Board agreed the repair garage must have a complete concrete pad. Any powered equipment must be stored on a concrete pad. All fluid transfers must be done on a concrete pad. The minimum area of concrete pad shall be 6,000 square feet. Any equipment containing more than ten gallons of fluids to be stored on concrete pad. Any equipment containing ten gallons or less fluids to be stored with drip pans under the equipment to catch any leakage. Drip pans shall have twice the capacity of the equipment fluids it is protecting. The Board reviewed and discussed the locations of wetlands on the property as well as the stormwater management plans.

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

Chair Allard closed the public hearing. The Board discussed potential conditions.

MOTION: To approve the application for case PB 2024-002 – Dean – Map 257, Lot 001, 124 Valley Road, an application submitted by T W. Varney, P.E., Varney Engineering, LLC, on behalf of Eugene J. Dean, Manager of Valley Road Storage, LLC. with the following conditions:

- *Certificate of Completion will be issued by 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 January 9, 2024.*
- *The O&M Plan includes 3 BMPs at a cost of (\$25 + \$10each = \$55). -O&M Maintenance log Shall be turned into the Code Enforcement Officer annually by December 1 along with payment of annual fees as determined above.*
- *Homeowner must sign a covenant to be recorded at the Strafford County Register of Deeds giving the Town the Right to inspect storm water BMPs in the future with the Town's Right to inspect running with the land.*

- *Repair garage (if built) must have a complete concrete pad.*
- *Any powered equipment must be stored on a concrete pad.*
- *All fluid transfers must be done on a concrete pad.*
- *All fluids must be stored in sealed, leak tight containers. Dissimilar fluids never to be mixed.*
- *Minimum area of concrete pad under main building shall be 6,000 sq. ft. Any equipment containing more than ten gallons of fluids shall be stored on the concrete pad.*
- *Any equipment containing ten gallons or less fluids to be stored with drip pans under the equipment to catch any leakage. Drip pans shall have capacity twice that of the equipment fluids it is protecting.*

Motion by Mr. Drummey. Second by Ms. Ross-Raymond. Motion passed 4-0-0.

Conceptual Consultation – Pike, Map 251, Lot 011, 36 Berry Road

The Board reviewed and discussed the plans presented. Chair Allard noted the lot access is on Berry Rd and is only 50-foot right-of-way, but the lot has frontage on Route 11. He stated access from Route 11 would have to be approved by NH DOT and the proposed access is by the right-of-way. It was noted that the lot was created by the New Durham Planning Board in 1986; Mr. Drummey questioned if the lot is grandfathered to the regulations at that time, as a buildable lot. Chair Allard noted grandfathering only means one can continue doing what they are doing with a lot; he stated Town Counsel confirmed a lot must conform to the requirements for a buildable lot today. The Board reviewed records and confirmed the subdivision was approved in 1985. After discussion, the Board agreed that since there is an easement, it is not a problem with the Planning Board to build on the lot but they will need to work out access with the Fire Department.

There is an issue of an existing shed and fence interfering with 50-foot right-of-way between the property owners. If the shed is violating setbacks or built without a permit, the Code Enforcement Officer can demand it be moved or removed. The property owner moved the right-of-way to build the shed and put up the fence. Chair Allard stated this aspect is a legal issue and not in the purview of the Board. Ms. Ross-Raymond suggested the lot be surveyed along with the 50-foot right-of-way.

It was clarified by the Board that the property owners are not allowed to have both existing trailer and new house on same lot. The property owners will need to remedy the right-of-way issue and repair the right-of-way so it can support a Fire Truck and be able to remove the mobile home. It was noted by the Board that there is a possibility of a conditional building permit to allow building to be started while legal issues are being resolved. The Planning Board suggested the property owners discuss this with the Building Inspector.

New RSA 12-K: Cell towers

Ms. Ross-Raymond stated she has explored this issue and found there is a new State RSA; she stated it will try to keep developers from building towers above the tree lines. She noted it appears to override some town's ordinances and the guidelines are confusing. The Board reviewed and discussed the Town's Telecommunication Facility Ordinance. It was agreed there need to be some modifications to the current ordinance.

APPROVAL OF MINUTES

Meeting of January 16, 2024 – Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. Drummey. Second by Mr. Craycraft. Motion passed 4-0-0.**

Meeting of February 20, 2024 – Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. Craycraft. Second by Mr. Drummey. Motion passed 4-0-0.**

Mail/Correspondence: None.

Future Meetings:

New Durham Development Committee – March 6, 2024

New Durham Development Committee – March 20, 2024

Business Meeting – April 2, 2024

ADJOURN

MOTION: To adjourn the meeting. Motion by Mr. Drummey. Second by Mr. Craycraft. Motion passed 4-0-0.

The meeting was adjourned at 9:13 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary