

New Durham Planning Board

December 3, 2019

Approved 1-06-2020

NEW DURHAM PLANNING BOARD

New Durham Town Hall

December 3, 2019, 7:00p.m.

Final Approved 1-06-2020

Present

Jeff Allard, Chair

Bob Craycraft, Vice Chair

Scott Drummey

Dorothy Veisel, Board of Selectmen representative

David Wessel

Also Present

Eric C. Mitchell, Mitchell & Associates, Inc.

David Bickford, resident

Duane Hyde

Call to Order

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

Review and Acceptance for Conditional Use Permit

Plan Submitted by Andrew Young and Evan Robinson, Map 256, Lot 030, 236 Valley Road

The Board reviewed the application for completeness.

Mr. Allard noted the Planning Board is without an administrative assistant at this point but confirmed all fees were paid and notices were posted, as far as is known. Mr. Allard noted there is no proposed layout included with the application. It was confirmed the garage would be detached but its not indicated on the map. Mr. Drummey noted there is no plan indicated for an additional parking space or driveway area for the ADU. It was noted a professional drawing is not needed but a more detailed drawing is needed; it is not clearly indicated whether a kitchen will be included in the ADU; it is unclear what the existing features are and what will be added. Mr. Drummey noted the plan goes over the boundaries with the space as the carport is included as living space. Mr. Allard stated they also need something to show that the septic is adequate, or plans to add to the system. Mr. Allard stated they cannot increase any nonconforming aspect and they need a drawing of the appearance and style being consistent with the existing house and structures as well as clarification of whether the ADU will be attached or detached. Mr. Allard suggested continuing the public hearing when the applicant brings in the required additional information. It was agreed to continue the public hearing to the meeting of January 7, 2020.

Mr. Young, stated they were given instructions by the Building Inspector but are now being asked to give additional information. Ms. Veisel recommended they discuss this with the Zoning office and reviewing the Zoning Ordinance to go over some of the

requirements for their particular property. Mr. Allard summarized they need a detailed floor plan, layout of the lot including parking and driveway as well as something showing the outside of the ADU to show it being consistent with the current structures.

Mr. Drummey made a motion to continue the application submitted by Andrew Young and Evan Robinson for the property located at Map 256, Lot 030 to the January 7, 2020 Planning Board meeting. Ms. Veisel seconded the motion. Motion passed, 5-0-0.

Review and Acceptance – Lot Line Adjustment Request

Submitted by Eric C. Mitchell & Associates, Inc. for James and Jennifer Coleman, Map 244, Lot 016, and Map 121, Lot 076, 95 South Road

Mr. Allard noted two waivers are being requested with this request. The Board reviewed the application and Mr. Allard asked if the Board feels adequate information is presented for the waivers being requested and they can waive the requirement for a survey map of the entire Birch Ridge Forest. Mr. Drummey asked if there are any structures within 15' of the conservation land. Mr. Mitchell stated that is correct. It was confirmed all abutters were notified.

Mr. Drummey made a motion to accept the request to waive the requirement for an entire survey map for Map 244, Lot 016, knowing that the relevant land has been surveyed. Ms. Veisel seconded the motion. Motion passed, 5-0-0.

It was noted all abutters for the 1700 acre parcel are not listed on the plot all abutters were notified and the abutters list was reviewed and verified as being identified on the map.

Mr. Drummey made a motion to waive the requirement that all abutters on Map 224, Lot 016, be shown and note that all the relevant abutters on Map 121, Lot 076 are indicated. Ms. Veisel seconded the motion. Motion passed, 5-0-0.

Eric Mitchell of Eric C. Mitchell & Associates, gave an overview of the property for which they are requesting a lot line adjustment. He stated the lot is currently .2 acres and the piece abutting in the back is the 1700 acre parcel of the Southeast Land Trust. He stated the plan is to take an area of land, indicated as Parcel A on the map presented, which is 1961 square feet back into the lot. He stated the lot line goes right across the back of the Coleman lot and in the agreement with SELT, the line would be adjusted to include several improvements including a shed for the Coleman lot. It was noted the boundary would be moved 20' so the well is on the property and the house would have a 15' setback. The Board reviewed the maps and it was agreed the house and shed are currently nonconforming, and would be less nonconforming with the adjustment. Mr. Drummey suggested straightening the side edge it would give the shed another foot. Mr. Allard suggested requesting the shed be moved to be within the setbacks. Mr. Mitchell stated SELT wants to minimize encroachments and they don't want to just give up land and suggested the line they show, is one agreed upon between the landowner and the

Land Trust. He stated the proposal doesn't make anything more nonconforming and asked the Board to consider the plan as proposed. Ms. Veisel stated its burdensome to require moving a shed. Mr. Wessel noted the Morris property had a shed which was over a boundary line and the parties agreed to a lot line adjustment. Mr. Allard asked if they are allowed to give land under the terms of the lease. Mr. Hyde, SELT, stated yes, and the 1900 square foot area is not considered part of the easement agreement as this adjustment was anticipated. The two lots requests tonight are the only lots that have these agreements, which were made prior to the sale to SELT.

Mr. Allard asked if there are any abutters present who want to comment. Abutters to SELT land were present but none directly to the Coleman lot.

Mr. Wessel to approve the application submitted by Eric C. Mitchell & Associates, Inc. for James and Jennifer Coleman, for a lot line adjustment for the property located at Birch Hill Road, Map 244, Lot 016, and Map 121, Lot 076, 95 South Road. Discussion: The Board discussed and verified the correct map and lot numbers as some papers indicate Map 224 and some Map 244. Ms. Veisel seconded the motion.

Mr. Drummey made an amendment to the motion that Mr. Mitchell correct the plans appropriately regarding map number. Ms. Veisel seconded the amendment. Amendment passed, 5-0-0.

Amended motion passed, 5-0-0.

Mr. Allard noted that he is an abutter to SELT but does not see that as a conflict of interest as he is not an abutter to any of these applications. He asked if the Board objects to his participation. None was indicated.

Review and Acceptance – Lot Line Adjustment Request

Submitted by Eric C. Mitchell & Associates, Inc. for Matthew Lopiano, South Shore Road, Map 229, Lot 002 and 3-09 South Shore Road, Map 113, Lot 069-026

The Board reviewed and discussed the application for a lot line adjustment.

Mr. Allard noted this application also has two waivers that are being requested for the requirement for a survey map of the entire Birch Ridge Forest and the list of abutters. The Board reviewed the application and Mr. Allard asked if the Board feels adequate information is presented for the waivers being requested.

Mr. Drummey made a motion to accept the request to waive the requirement for an entire boundary survey map for South Shore Road, Map 229, Lot 002 and 309 South Shore Road, Map 113, Lot 069-026. Ms. Veisel seconded the motion. Motion passed, 5-0-0.

Ms. Veisel made a motion to waive the requirement that all abutters for South Shore Road, Map 229, Lot 002 and 309 South Shore Road, Map 113, Lot 069-026M be listed on the plot plan. Mr. Drummey seconded the motion. Motion passed, 5-0-0.

Eric Mitchell of Eric C. Mitchell & Associates, gave an overview of the property for which they are requesting a lot line adjustment. He stated the lot has a house on it and is 0.3 acres with the back lot line abutting the SELT property and the proposed plan is to take the area indicated as “A” on the maps, and adjust the lot line so part of the 150 acre lot can be added to the lot. Mr. Mitchell stated the lot was not part of the SELT agreement and the area was excluded from the conservation easement. The area being added is about 9,000 square feet to become .57 acres. Mr. Allard confirmed there would be no non-conformances being added to the lot.

Mr. Drummey made a motion to approve the request for a lot line adjustment submitted by Eric C. Mitchell and Associates for property located at Map 229, Lot 002 and Map 113, Lot 069-26. Mr. Wessel seconded the motion. Motion passed, 5-0-0.

Approval of Minutes

Meeting of October 15, 2019– Edits were made. **Ms. Veisel made a motion to approve the minutes as amended. Mr. Drummey seconded the motion. Motion passed, 3-0-2.** Mr. Craycraft and Mr. Wessell abstained.

Meeting of November 5, 2019 – Edits were made. **Ms. Veisel made a motion to approve the minutes as amended. Mr. Drummey seconded the motion. Motion passed, 3-0-2.** Mr. Craycraft and Mr. Wessell abstained.

Mail and Correspondence

None.

Discussion about Appointment to Planning Board

The Board reviewed an email submitted by David Bickford. Ms. Veisel asked Mr. Allard if Mr. Kendrick was still interested as he had previously expressed an interest, and Mr. Allard stated he is now on numerous boards and committees already.

Mr. Allard asked Mr. Bickford about his background and experience in terms of town planning.

David Bickford, resident, stated he was on the Planning Board for five years and for four years he was on the municipal committee in the State legislature, which handles Planning Board issues. He stated he has followed planning boards since the 1970s. Mr. Bickford stated that philosophically, he is not in support of growing the town. The Board discussed the role and guidelines for the Planning Board; Mr. Allard stated if something is within the scope of state law and the town’s ordinance, they don’t have authority to say no just because they don’t like it. Mr. Drummey stated there have been a couple instances where

there were long discussions about a topic and it wasn't until the final vote that it came out that a member was going to vote no; he stated he wants to see members speak up on issues during the discussion phase. Mr. Allard concurred. Mr. Bickford explained his schedule of when he would be away in February and March. Mr. Allard stated Mr. Bickford's experience seems to be relevant; he asked Mr. Bickford about his time as a Board of Selectmen member, noting there was a lot of controversy during that time and stated he doesn't want that to come to the Planning Board. He stated he understands the board can't be 100% non-political but wants to keep it to a minimum and asked Mr. Bickford if he can serve the board and avoid that type of environment. Mr. Bickford stated he can't say for sure and it depends what issues come up. Mr. Allard suggested Mr. Bickford attend the next meeting and the Board will entertain the idea of a nomination.

Other

Mr. Allard stated Brian Cauler found paperwork regarding the Kenneth and Sandra Dickie property on Ten Rod Road, which was subdivided, and he asked if this was something that needed to be signed and submitted to the Registry of Deeds. It was noted the paperwork was dated July 2019 and revised September 2019. Mr. Craycraft stated the application was reviewed but the Board wanted the building envelope moved near the roadway although the entire lot was not surveyed. The applicants were directed to do so and return to the Board for final approval. The Board reviewed the minutes and application and it was verified the Board signed the original copies. It is unclear whether these were submitted to the Registry of Deeds and will be confirmed with Town Administrator Kinmond or Ms. Zuzgo.

Next Meeting

December 17, 2019, 7:00pm, Public Hearing, New Durham Town Hall

The Board agreed to use the draft maps for the Public Hearing.

Mr. Allard stated Ms. Veisel would like to reopen the discussion about Brian and having him serve as the administrative assistant to the Board. Ms. Veisel stated she has checked in with him in the office and he has done a lot of organizing and brought positive improvements to the office. She stated the only reason he is leaving the position, is due to the requirement for attending the night meetings. She asked if there was some way to work with him on this and suggested talking with Town Administrator Kinmond about it. The Board concurred.

Mr. Craycraft asked about the status of the Town Engineer. Mr. Drummey stated five candidates have been selected from the applicants and they will be moving forward with the interview process.

Adjourn

Mr. Craycraft made a motion to adjourn. Mr. Drummey seconded the motion.

Motion passed, 5-0-0.

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The meeting was adjourned at 9:22pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary