

June 16, 2020

Approved 7-21-2020

**TOWN OF NEW DURHAM  
JOINT PLANNING BOARD & ZONING BOARD MEETING  
June 16, 2020, 7:00 PM  
at “ZOOM” Virtual  
Final Approved 7-21-2020**

*DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.*

*In accordance with Governor’s Executive Order #12, pursuant to RSA 91-A: 2*

*Attendees log into:*

<https://us02web.zoom.us/j/89984475022?pwd=OG5iS0d6dVpITWtrUzlBaGFoaGp2QT0>  
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*Meeting ID: 899 8447 5022 Password: 354132*

*Or via telephone number:*

*1-646-558-8656; Meeting ID: 899 8447 5022 Password: 354132*

*Technical difficulties contact Town Administrator Scott Kinmond at*

[skinmond@newdurhamnh.us](mailto:skinmond@newdurhamnh.us) *or by phone at*

*603-556-1516. Assistance with Zoom application please contact Brian Cauler 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, Chair – via Zoom

Bob Craycraft, Vice Chair – via Zoom

Scott Drummey – via Zoom

Dorothy Veisel, Board of Selectmen representative – via Zoom

David Bickford– via Zoom

**ALSO PRESENT**

Scott Kinmond, Town Administrator – via Zoom

Terry Jarvis, Chair of Zoning Board of Adjustment – via Zoom

Wendy Anderson, Vice Chair of Zoning Board of Adjustment – via Zoom

Stephanie Richard, Zoning Board of Adjustment – via Zoom

Linda Callaway, Zoning Board of Adjustment – via Zoom

Paul Raslavicus, Zoning Board of Adjustment – via Zoom

**CALL TO ORDER**

Chair Allard called the meeting to order at 7:04pm.

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Chair Allard confirmed the meeting was posted appropriately with access numbers. He stated that in the event the public is unable to access the meeting, it would be adjourned and rescheduled. Chair Allard stated all motions would be taken by roll call; roll call attendance was taken for this participating in the Zoom meeting. Chair Allard asked all members present to introduce themselves and identify anyone in the room with them.

The meeting of the Zoning Board of Adjustment was called to order at 7:07pm. Chair Jarvis asked Zoning Board members to introduce themselves and identify anyone in the room with them.

Chair Jarvis stated she would like to request the Planning Board to review the Zoning Ordinance in regards to Article XXI, F, as the ZBA recently had a case come before them in which if they had been 49'11" from the water, they could have put up a deck but if the deck is between 50 and 75' from the water, a variance is required. Chair Jarvis stated she would like the Planning Board to review the ordinance to avoid any inequities. Chair Allard stated they have a list of zoning ordinances to consider and would have Mr. Cauler add it to the list.

#### **Rebuilding on Non-Conforming Properties**

Chair Allard stated they have continual requests for variances, conditional use permits and building permits on properties around the lake which were all built as camps, mostly prior to the 1970s. Many are now being expanded and renovated so it raises the question of how to regulate these. Chair Allard suggested outlining the specific issues that need solutions. He stated he is concerned anytime a house is demolished and rebuilt on a non-conforming lot without coming before the Planning Board for reasons including whether they are utilizing proper silt fencing and management of water runoff; he is also concerned with the overall design plans on the property and how much water is sheeting off the property, into the lake. He stated Mr. Varney uses some beneficial calculations for determining phosphate runoff levels for old versus new site designs. Chair Allard stated his other topic is whether NH State RSA can be specifically incorporated into the ordinances, particularly the 50' buffer for waterfront. He suggested conditional use permits should be required in more instances.

Chair Jarvis stated she has concerns about the number of nonconforming septic disposal systems around the lake and resulting runoff.

Ms. Veisel asked what type of lots the conditional use permits would be attached to; Chair Allard replied he was thinking it would be required for any instance where a current structure is to be demolished and rebuilt, within the New Durham Shoreline Overlay District. Mr. Bickford asked what type of structures. Chair Allard stated he was thinking homes/dwellings, not sheds and is concerned about sizes and expansion. He stated he would propose that if there is a rebuild, a conditional use permit would be required along with a storm water management plan. Ms. Veisel asked if they would require a reduction of impervious surfaces and best management practices. Chair Jarvis stated there could be a huge increase in work load for the ZBA in requests for variances if they don't decrease the runoff by enough of the percentage. She suggested the impervious

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surfaces be more stringent for shorefront, nonconforming lots. Mr. Drummey discussed what triggers the need for a stormwater management plan; he suggested adding that when the area disturbed is more than 2000 square feet, a storm water management plan is required.

Chair Jarvis asked when the need for a stormwater management plan and a conditional use is triggered; Chair Allard replied that anything under section C.1. must meet the requirements of section 17.

Mr. Raslavicus noted many lots are bare land in the first 50'; he stated there is a requirement in the Shoreline Conservation Overlay District, which outlines specific characteristics for communal waterfront and woodland buffer zones. Chair Jarvis questioned when the date of this was as any changes made, may not be enforceable. Mr. Drummey stated Town Administrator Kinmond suggested that all building permits in the shoreline overlay district have a storm water management plan but doesn't think that would be appropriate for all applications. Chair Jarvis asked if there are protections in place for when heavy equipment is being used. Mr. Drummey noted there are different requirements for disturbances. Ms. Richard stated they want to be careful to not encourage people to build more to avoid the reporting and planning. Ms. Anderson stated that when they are talking about stormwater management, they need to be sure to encourage innovative ways to reduce the impact on the lake; she stated even small impacts can have an effect on the lake. There was discussion of a 2000 square feet minimum disturbance will require compliance with section XVII.

Chair Jarvis noted they also need to have a discussion about "footprints." Mr. Raslavicus concurred, noting he finds it disturbing that the term is not even in the ordinance. He noted there is already an article which addresses the waterfront buffer zone. Chair Allard asked if it would be a benefit to the residents to recapitulate state law in the ordinances and encourage the Code Enforcement Officer to enforce the laws. Mr. Drummey suggested a statement that any state law is still in effect and they could then enforce locally. Chair Jarvis questioned how it would be handled if an ordinance appears to conflict with an RSA. Chair Allard summarized the suggested changes and reiterated the concerns voiced by the Boards.

Mr. Raslavicus stated he would be concerned about a 75' building setback as that would be impossible for some lots and suggested a gradient of home size between 50' and 75'; he also suggested to use the word "restoration". Ms. Veisel suggested a septic system could also limit bedrooms. Chair Jarvis explained many times a house will remain three bedrooms but it goes from one to two stories.

Chair Jarvis asked if there are any ordinances the Planning Board feels an individual should not be able to request a variance. She also noted within the ZBA Procedures there are two items which do not allow a request for waiver. Ms. Veisel stated the role of the Legislative Body is to accept and establish the ordinance, but the spirit of the law is to allow for mitigating circumstances, which is the role of the ZBA. She doesn't want to have instances where there are no exceptions unless well justified and very minimal in

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application.

Chair Allard suggested wording that a building should be located as close to the 75' setback as possible, which he understands is not always possible. He suggested forming a small team to meet separately from the boards, review the ordinances along with the RSAs and come back with more specific suggestions. Chair Jarvis stated it would need to be posted and done in a public meeting as a meeting of a subcommittee of the ZBA and Planning Board. There was further discussion of the makeup of the subcommittee. Town Administrator Kinmond recommended calling this a subcommittee and limiting the composition to two members of each board, along with properly posting the meeting with an agenda. Mr. Raslavicus confirmed the purpose of this committee would be to review, discuss and make recommendations.

The Zoning Board of Adjustment meeting was adjourned at 9:22pm

**APPROVAL OF MINUTES**

Meeting of May 19, 2020– Postponed.

Meeting of June 2, 2020– Postponed.

**NEXT MEETING**

July 7, 2020

**ADJOURN**

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

**Call Vote: Vice Chair Craycraft – aye; Mr. Drummey –aye; Ms. Veisel – aye; Mr. Bickford– aye; Chair Allard – ave. Motion passed, 5-0-0.**

The Planning Board meeting was adjourned at 9:25pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary