

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
January 17, 2023, 7:00PM
New Durham Town Hall, New Durham, NH 03855**

PRESENT

Jeff Allard, Planning Board Chair
David Bickford, Planning Board member
Scott Drummey, Planning Board member
Marc DeCoff, Board of Selectmen representative

ALSO PRESENT

Nicole Zoltko, Town Administrator
Linda Callaway, resident/Town Moderator, ZBA member
Terry Jarvis, resident/Zoning Board of Adjustment Chair
Courtney Grinnell,
Mike Gelinis, resident

CALL TO ORDER

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

AGENDA REVIEW

No changes were made.

PUBLIC INPUT

Town Administrator Zoltko introduced Courtney Grinnell.

Ms. Grinnell stated she will be in Town Hall on Tuesdays and Wednesdays; her focus will be working on zoning, land use and working with the community. Town Administrator Zoltko stated Ms. Grinnell will plan to come to the Board sometime in February or March to discuss goals and objectives.

Public Hearing for Petitioned for Repeal of Zoning Ordinance. “Are you in favor of repealing Article XIV Section G Special Exceptions of the New Durham Zoning Ordinances?”

Chair Allard opened the public hearing at 7:07PM. Mr. Drummey read the public notice into the record. He noted the public notice indicated there would be “discussion” but it did not indicate there would be revisions. After discussion, the Board agreed the public notice was adequate as there isn’t going to be any repealing of an ordinance and there is no contradiction to what they are doing with a revision.

The Board reviewed the proposed zoning amendment. Chair Allard stated the Town is permitted to design criteria for special exceptions; he stated there was previous discussion that all the requirements would be restricted to Article XIV and redundancies would be removed.

Ms. Callaway, a Zoning Board of Adjustment member (ZBA), stated over the last year it has been confusing for the Zoning Board and there have been parallel applications that were cumbersome for applicants; she stated there needs to be clarification and streamlining.

This paragraph has become an unfair burden for the Board and applicants.

Ms. Jarvis stated the requirement for special exceptions and variances has been problematic; she explained the path of a special exception doesn't allow for any recourse or modifications for an applicant and suggested only having variances. She stated the State does not define criteria for a special exception however the State sets criteria for variances. Chair Allard stated he would like to see more information on the State law about there being more latitude for variance criteria. It was agreed this issue would be discussed further throughout this year. Ms. Jarvis noted that since the petition warrant article was appropriately received by the Town Clerk, a public meeting will be required for the Planning Board to vote to recommend or not recommend.

Chair Allard closed public input at 7:35PM.

Mr. Drummey motioned to recommend the Petition for Repeal of Zoning Ordinance for Article XIV Section G, Special Exceptions of the New Durham Zoning Ordinances be deleted from the Zoning Ordinances. Mr. DeCoff seconded the motion. Motion passed unanimously.

Continued Public Hearing for warrant article for Merged Wetlands and Water Quality Districts

Chair Allard reopened the public hearing at 7:40PM. Mr. Drummey explained he incorporated all the proposed changes which were discussed over the three previous public hearings. The Board reviewed the edits.

Mike Gelinas, resident, stated there are not going to be any lots on the lake that meet the requirements. He stated if the setbacks are addressed in the table, there wouldn't be an overload to the ZBA; he suggested Table 8 be worked on between the Planning Board and ZBA this coming year.

Ms. Callaway stated if people purchase a property with a structure, they can continue in perpetuity and not necessarily be able to do major renovations or reconstructions.

Chair Allard stated Town Counsel confirmed the definition of "grandfathering" allows a property owner to continue doing what the land has been doing but there is no right to expansion.

Chair Allard closed the public hearing at 7:58PM.

Mr. Drummey motioned to recommend the New Water Quality District Protection Overlay be moved forward to the 2023 Town Warrant. Mr. DeCoff seconded the motion. Motion passed unanimously.

Continued Public Hearing for warrant article for Article VI Section L.4, changes to ADU Regulations.

Chair Allard reopened the public hearing at 8:00PM.

Ms. Callaway asked for clarification on attached versus detached; she stated when it comes to insurance, if there is shared roof, it is considered attached. Chair Allard stated an attached unit is a part of the primary dwelling; detached means it is part of a separate structure. The Board discussed the requirements for each as well as the lot requirements.

Chair Allard closed the public hearing at 8:23PM.

Mr. Drummey motioned to Mr. Drummey motioned to recommend the revisions to Article VI Section L.4, changes to ADU Regulations, be moved forward to the 2023 Town Warrant. Mr. DeCoff seconded the motion. Motion passed unanimously.

APPROVAL OF MINUTES

Meeting of October 18, 2022 – Edits were made. **Mr. DeCoff motioned to approve the minutes as amended. Mr. Drummey seconded the motion. Motion passed unanimously.**

Meeting of November 1, 2022– Edits were made. **Mr. DeCoff motioned to approve the minutes as amended. Mr. Drummey seconded the motion. Motion passed unanimously.**

Meeting of November 15, 2022– Postponed.

Meeting of December 6, 2022– Postponed.

NEXT MEETING

February 7, 2023, 7:00PM, New Durham Town Hall

ADJOURN

Mr. DeCoff motioned to adjourn. Mr. Drummey seconded the motion. Motion passed unanimously.

The meeting was adjourned at 9:20PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary