

**TOWN OF NEW DURHAM
PLANNING BOARD
MEETING
July 21, 2020, 7:00p.m.
at “ZOOM” Virtual
*Approved Final 9-15-2020***

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.

Under the emergency provisions of RSA 91A, this meeting took place electronically via Zoom.

***IN LIGHT OF THE COVID 19 (CORONA VIRUS) SOCIAL DISTANCING ADVICE
MADE BY THE GOVERNOR AND CDC, THE TOWN OF NEW DURHAM NH FOLLOWING A
DECLARATION OF EMERGENCY BY THE PLANNING BOARD CHAIRPERSON, IS
PROVIDING A MEETING PARTICIPATION VIA TELEPHONE CONFERENCE FOR YOUR
SAFETY.***

This meeting is for members and the public to utilize the Zoom platform to prepare for future meetings and public hearings. All members of the Planning Board and Town Administrator have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following. In accordance with Governor’s Executive Order #12, pursuant to RSA 91-A: 2

Attendees log into:

Join Zoom Meeting

<https://us02web.zoom.us/j/86244355739?pwd=UGw4OXZjNGtPTlZmZHZZam0xbndEUT09MeetingID:86244355739Password:967166> Or via telephone number:1-646-558-8656; Meeting ID: 86244355739Password: 967166

Technical difficulties contact Town Administrator Scott Kinmond at skinmond@newdurhamnh.us or by phone a 603-556-1516. Assistance with Zoom application please contact Brian Cauler at 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

CALL TO ORDER

Chair Allard called the meeting to order at 7:05pm.

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. Chair Allard asked Planning Board members to introduce themselves and identify anyone in the room with them as well as any members of the public.

Agenda Review

Chair Allard asked that Mr. Cauler also send agendas to Mr. Drummey in the future.

Mr. Drummey stated he has not completed the Zoning Ordinance update from last year but will get to it soon.

Impact Fee Discussion

Vice Chair Craycraft stated the impact fee report has been received from Mr. Mayberry; the Board needs to review the report and decide where they want to go with the information. Chair Allard suggested someone review the document and come back with a summary. Mr. Bickford stated they need to address it as a Board as a whole. He stated he thinks there is a mistake with the report and is missing baseline information regarding student population. Vice Chair Craycraft explained surplus capacity was calculated into the structure, and that is what the fee goes toward. Mr. Bickford reiterated this is why there needs to be further discussion on this by the whole Board. It was agreed to add this discussion to the August 4 meeting, after the Board members have had a chance to review Mr. Mayberry's report.

Town Administrator Kinmond stated that starting in 2018, impact fees were collected at the time of the building permit application; the Building Inspector assessed the fees and the funds were deposited into an escrow account and held until after a certificate of occupancy was issued. He stated that with changes in Building Inspectors in 2018, he had to have the Building Inspector do follow-up research and now he's having problems collecting as not everyone is getting their certificates of occupancy for various reasons. Town Administrator Kinmond suggested the ordinance needs to be changed to simplify the process and bookkeeping; he suggested the fee should be collected when the certificate of occupancy is issued and there may be the option of placing a lien on properties when fees are unpaid. The Board reviewed the relevant statute and it was determined the ordinance was worded in line with the RSA; the fee should be collected when a certificate of occupancy is issued or at the time of project completion. Ms. Jarvis noted when she went through the application process, there was nothing to indicate there may be impact fees assessed and suggested that being made clear to applicants. Town Administrator Kinmond will follow-up with New Hampshire Municipal Association on assessing liens. Ms. Jarvis asked the Board to let her know of any issues they want the Zoning Board of Adjustment to look at in their procedures in regard to fees. Town Administrator Kinmond stated the Building

Inspector has asked a Planning Board member meet with him to go over things within the Zoning Ordinance that have been problematic for him.

Zoning Board and Planning Board Joint Committee Progress

Chair Allard stated the committee has had two meetings now; their focus has been the issue of rebuilding on waterfront, nonconforming lots. He stated his research has indicated that nonconforming uses that have been changed in the Zoning Ordinance, leave current uses grandfathered, but there is not a right to expand; he stated the goal is to bring more lots into conformity and minimize increasing nonconformity. Chair Allard stated Ms. Richard is going through and identifying all the numerous contradictions within the ordinances and procedures as well as issues caused by redundancy within the ordinances. He stated Mr. Raslavicus is researching on what other towns are doing in regards to rebuilding on waterfront lots. He stated his goal is to come back to the Planning Board at the August workshop meeting with some general recommendations.

Chair Allard stated concerns were raised by PlanLink, regarding the Zoning Board and Planning Board working too close in formulating changes to the Zoning Ordinance. He stated an opinion was received from New Hampshire Municipal Association and Town Counsel regarding this. The definitive answer was that working together is fine. The committee members reviewed the memorandum from Stephen Buckley, Esq. The opinions indicate none of the jury disqualification rules or State RSA would declare a ZBA member disqualified for providing input on ordinance changes. Chair Allard clarified that in the end, the ordinance changes and wordings are drafted by the Planning Board but that doesn't preclude ZBA members to do research work. The Board concurred the ultimate goal with language in the Zoning Ordinance regarding building on nonconforming waterfront properties is to protect the lakes and water sources. The study of septic systems around our water bodies was also discussed, and Chair Allard noted that currently, towns do not have authority to require replacement or repair of septic systems; that is regulated by the State of New Hampshire.

Soil Types Revisions

Chair Allard asked about the status of the contract to revise the soil survey within the current Zoning Ordinance. Town Administrator Kinmond replied an agreement was already signed and thinks it may have already been returned. Chair Allard asked for him to confirm whether the contract was signed yet or not. It was noted the funds were already encumbered last year and available to move forward.

APPROVAL OF MINUTES

Meeting of June 16, 2020 – Edits were made. **Ms. Veisel made a motion to approve the minutes as amended. Mr. Drummey seconded the motion. Roll Call: Vice Chair Craycraft –aye; Mr. Drummey – aye; Ms. Veisel – aye; Mr. Bickford – aye; Chair Allard – aye. Motion passed, 5-0-0.**

Meeting of July 7, 2020 – Edits were made. **Mr. Drummey made a motion to approve the minutes as amended. Ms. Veisel seconded the motion. Roll Call: Vice Chair Craycraft –aye; Mr. Drummey – aye; Ms. Veisel – aye; Mr. Bickford-abstained; Chair Allard – aye. Motion passed, 4-0-1.**

New Durham Planning Board Meeting
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Next Meeting:
August 4, 2020

ADJOURN

Mr. Drummey made a motion to adjourn. Ms. Veisel seconded the motion. Roll Call: Vice Chair Craycraft –aye; Mr. Drummey – aye; Ms. Veisel – aye; Mr. Wessel-aye; Chair Allard – aye. Motion passed, 5-0-0.

The meeting was adjourned at 10:20pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary