

**TOWN OF NEW DURHAM
PLANNING BOARD WORKSHOP
August 15, 2023, 7:00 PM
New Durham Town Hall, New Durham, NH 03855**

PRESENT

Jeff Allard, Planning Board Chair
Bob Craycraft, Planning Board Vice Chair – via Zoom
Marc DeCoff, Board of Selectmen Representative
Scott Drummey, Planning Board Member
Anne Ross-Raymond, Planning Board Member

ALSO PRESENT

Nicole Zoltko, Town Administrator
Susan Stillwell, Land Use Assistant
Courtney Grugnale, Farmington/New Durham (SRPC) Housing Navigator
Josephine Belville, Whitney Consulting, Town Assessor
Linda Callaway, resident
David Bickford, resident
Walter and Nancy Ahlin, residents
Heather Freeman, resident
Peter & Eileen, residents via Zoom
Paul Raslavicus, resident via Zoom

CALL TO ORDER

Chair Allard called the meeting to order at 7:01 PM. Introductions were made of the Board members present.

AGENDA REVIEW

No changes were made to the agenda.

PUBLIC INPUT

None.

NEW/OLD BUSINESS

The Board discussed the concept of “Grandfathering”. Chair Allard suggested legal advice may be needed; he stated it is his understanding that grandfathering allows anything that is being done legally on a property to continue. He stated he doesn’t believe this concept applies to a foundation, particularly within the Waterfront Overlay District. The Board discussed issues of Grandfathering issues, especially RSA 483-B-I1. Chair Allard noted demolition is allowed but then it needs to be located further back; he stated when the ordinance was revised a few years ago it was the intent of the Planning Board that structures demolished and rebuilt within the

waterfront setback be moved back as far as possible. Ms. Ross-Raymond stated she understands the statute says the Town can be more restrictive but not less. There was also discussion about the Zoning Ordinance Section XIV, C.

Heather Freeman, resident, stated it is her understanding that grandfathering allows residents to tear down a building and rebuild on the foundation, but this may be where the confusion may be and suggested legal counsel redraft the ordinance to meet the goals of the Town.

Linda Callaway, resident, agreed that there is confusion about the interpretation of the ordinance and believes if a house is demolished then it needs to be moved back; she stated square footage also needs to be maintained.

There was discussion about the definition of the footprint, and it was agreed further definition of demolish may be needed. Paragraphs a and c may be conflicting.

Chair Allard suggested the Planning Board and Code Enforcement Officer should meet to discuss the intent of the changes to the Zoning Ordinance annually so both parties understand the changes.

Conditional Use Permits

There was discussion about what exactly triggers the need for a Conditional Use Permit application in New Durham for building within the Waterfront Setback of the Overlay District. The Board discussed the Zoning Ordinance XIV.F. Chair Allard stated this also needs to be discussed with the Building Inspector/Code Enforcement Officer.

There are questions whether a shed on piers vs a shed on a foundation both require a Conditional Use Permit. Town Administrator Zoltko advised the Board to discuss these types of issues with Courtney Grugnale regarding ZO changes as she also has resources through the Strafford Regional Planning Commission and zoning regulations are part of the grant for Ms. Grugnale's position.

Ms. Grugnale asked if the Board is planning to develop regulations regarding short-term rentals. Chair Allard stated they have waited for years for guidance to come from the State of New Hampshire but that has not come that he is aware of. Town Administrator Zoltko stated there are state fire building codes which could be supported in a zoning ordinance and the Building Inspector is working on a presentation for the Board regarding this. Ms. Ross-Raymond explained the reason for permitting rentals because of the effects there can be on surrounding properties. Chair Allard agreed there can be safety concerns that could be addressed with a permitting process.

Chair Allard stated he has concerns about the issuance of Minor Construction Building Permits by the Building Inspector and there was discussion about what this permit allows to be done. Town Administrator Zoltko stated she will ask the Building Inspector for a detailed explanation.

There was discussion whether it needs to be followed by a 'standard' Building Permit to complete construction of a home.

Wood Lot discovery project – Josephine Belleville

Ms. Belleville stated they are looking for definition of Woodlots from the Assessing point of view. She stated the problem is the assessing system does not have all lots designated as woodlots, but the cartographic maps do and presented a list of properties in question. Chair Allard explained the creation of woodlots is still allowed; he explained the criteria for a buildable lot include access to a Class V or better road and at least 300 feet of frontage. He stated the minimum requirements for a woodlot is 50 feet of frontage or deeded access and 10 acres. If not, it's a low value property; many lots have a conditional fraction that affects its value, but fraction is not defined. There was extensive discussion about the benefits to property owners as well as current woodlots. Ms. Belleville requested a list from the Planning Board of the woodlots which have been approved. Chair Allard stated there is no master list of the approvals, but they are working to keep a list going forward. There was also discussion about whether building permits could be issued for woodlots; it was clarified permission can be obtained from the Board of Selectmen, but they are not considered buildable lots. Chair Allard suggested Ms. Belleville look at the requirements for whether a lot is going to be buildable or not, by right; he stated lots also have to be on a Class V road or better to be buildable. If land is on a Class VI or private road, it is not buildable.

Follow up on Structures allowed on Waterfront Property Under 483B.

Ms. Ross-Raymond stated that for properties that are nonconforming, the statute indicates that primary structures must be 50 feet from the reference line; there are also restrictions in regard to fertilizers, etc.; water-related sheds are permitted. She stated there are also minimum standards for what can be cut for trees; there are also guidelines on accessory structures. There was discussion about buildings and structures that are permitted on nonconforming lots; there is still no direct reference found regarding structures. So, the answer seems to be that no structures are allowed without a Variance from the Zoning Board of Adjustment.

Impact fee for Infrastructure

Chair Allard stated there has been input from the public indicating support for shifting the use of impact fees from schools to road maintenance. He stated Bruce Mayberry said it would be difficult to implement as often there aren't enough funds generated to do anything. The Board will follow up to ask him how to do it. The Board agreed to find out how much money is raised from new development; also needs to decide whether impact fees would be split between the school and road maintenance. A large bond just for road construction in order to create an Impact Fee for roads would likely be needed. The Planning Board does have some budget funds for special projects but they will need to encumber funds by the end of the year. There was discussion about the permitted uses of impact fees as well as the process for changing the impact fees and uses. Town Administrator Zoltko stated the Board of Selectmen is working on an engineer management plan with Weston and Sampson and bonds are often needed for road projects.

Policy/Procedures for Third-Party Review of Site Plans – Postponed.

Follow up on July 8, 2023, Determining Direction of New Durham with Residents

Ms. Grugnale stated she has been working on a survey; she stated it was a great turnout with the recent public meeting and there was discussion about having another public meeting.

The Board discussed nominations for representatives on the Development Committee.

MOTION: That the Planning Board form a subcommittee of the Planning Board to study Development in New Durham. It would be called the New Durham Development Committee. Motion by Ms. Ross-Raymond. Second by Mr. DeCoff. Roll Call Vote: Ms. Ross-Raymond-aye; Mr. DeCoff-aye; Mr. Drummey-aye; Mr. Craycraft-aye; Chair Allard-aye. Motion passed 5-0-0.

It was confirmed that the Charter has been approved already.

MOTION: That the Planning Board appoint Jeff Allard be the non-voting liaison for the New Durham Development Committee. Motion by Ms. Ross-Raymond. Second by Mr. DeCoff. Roll Call Vote: Ms. Ross-Raymond-aye; Mr. DeCoff-aye; Mr. Drummey-aye; Mr. Craycraft-aye; Chair Allard-aye. Motion passed 5-0-0.

MOTION: To nominate the following people to be members of the New Durham Development Committee: Cathryn Long, Mark Sullivan, Paul Marker, Paul Perry, Linda Callaway, Stephanie Freeman, Walter Ahlin, Nancy Ahlin. Motion by Chair Allard. Second by Mr. DeCoff. Roll Call Vote: Ms. Ross-Raymond-aye; Mr. DeCoff-aye; Mr. Drummey-aye; Mr. Craycraft-aye; Chair Allard-aye. Motion passed 5-0-0.

APPROVAL OF MINUTES

Meeting of July 18, 2023 – Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. DeCoff. Second by Ms. Ross-Raymond. Roll Call Vote: Ms. Ross-Raymond-aye; Mr. DeCoff-aye; Mr. Drummey-aye; Mr. Craycraft-aye; Chair Allard-aye. Motion passed 5-0-0.**

Meeting of July 26, 2023 (site walks)– Postponed.

Mail & Correspondence – Wetlands Permit App for Map 103, Lot 016, 170 Pine Point Rd

Future Meetings:

Business Meeting – September 5, 2023

Workshop – September 19, 2023

ADJOURN

MOTION: To adjourn the meeting. Motion by Mr. DeCoff. Second by Mr. Drummey. Roll Call Vote: Ms. Ross-Raymond-aye; Mr. DeCoff-aye; Mr. Drummey-aye; Mr. Craycraft-aye; Chair Allard-aye. Motion passed 5-0-0.

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary