

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

**PRESENT**

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

**ALSO PRESENT**

Susan Stillwell, Land Use Assistant  
Terry Jarvis, resident – via Zoom David  
Bickford, resident

**CALL TO ORDER**

Chair Allard called the meeting to order at 7:00 PM. Introductions were made of the Board members present.

**AGENDA REVIEW**

No changes were made to the agenda.

**PUBLIC INPUT**

Ms. Jarvis asked about the Board enforcing the 75-foot setback for wetlands, Section XIII.B.2, noting there is nothing in the ordinance about the setback for the septic. She suggested that when Article XIII had significant overhauling, the setback distance was inadvertently left out. Chair Allard noted the setback is indicated in Table 8; it references wetlands but is not specific on the size of the wetland. Mr. Craycraft stated Article XIII merged two sections, noting it applies to new subdivisions and also clarified that if there is conflict within the ordinances, the more strict is applied. Mr. Drummey noted the soils types also needs to be considered and that is addressed within the ordinance. There was further discussion about the interpretation and application of the ordinances as well as discussion how the ordinance is applied to lots with wetlands smaller than one acre.

***NEW/OLD BUSINESS***

***Discuss proposed language changes to Zoning Ordinances on demolition and rebuilding of nonconforming waterfront properties.***

The Board reviewed proposed edits to Article XIV. Ms. Jarvis has some documents that may contradict the ideas of grandfathering and she will share with the Board.

***Response from NHMA Regarding ‘Grandfathering’ foundations***

Chair Allard stated he reached out to the New Hampshire Municipal Association with questions regarding grandfathering. The Board discussed the advice received from the New Hampshire Municipal Association legal counsel says that if structure is demolished, the foundation must be moved as far back as practicable. Chair Allard noted that per the New Hampshire Municipal Association, there is NO grandfathering of foundations in NH law. Mr. DeCoff suggested more ground is going to be disturbed when the entire foundation needs to be moved back. There was also discussion about the changes to articles XIV and VII last year. The Board reviewed proposed edits for clarification within the ordinances regarding setbacks and grandfathering. Chair Allard confirmed Town Counsel has reviewed the ordinances, there is no state law and believes the guidance is clear on this issue. Ms. Jarvis made comments regarding enforcement of anything within 250’ of water bodies, the Waterfront Protection, being under the purview of the NH DES Commissioner. Mr. Drummey stated per RSA 483:B, the more stringent restrictions apply.

The Board extensively discussed proposed changes to the zoning ordinance.

***Bruce Mayberry’s Impact Fee Report of 2017 for Infrastructure*** Tabled.

***Review and Approve 2024 Advisory Capital Improvement Program***

Mr. Drummy gave an overview of the Report for the Board, noting important parts of the report including purchased by the Highway Department, projects for the Meetinghouse and the Boodey Farmstead. There was also discussion about the proposed public safety building and uses of the existing Town Hall and fire department. Chair Allard suggested they take time to review and to table the approval of the Report for the next meeting.

**Other**

Chair Allard stated a letter was received today from the Building Inspector regarding installation of shipping container; he advised the Board consider developing ordinances and regulations. Mr. DeCoff stated it’s not a permanent structure. The Board discussed the issue, whether it should be regulated and agreed to discuss further at the November workshop meeting.

Chair Allard stated the first meeting of the New Durham Development Committee is next Tuesday; the meeting will be open to members of the Board and the public. The Board discussed the formation of the committee; it was agreed this is an advisory committee. There was discussion about the roles and responsibilities of the Planning Board in regard to capital planning.

**APPROVAL OF MINUTES**

Meeting of October 3, 2023- Postponed.

**FUTURE MEETINGS:**

New Durham Development Committee – October 24, 2023, 5:30-7:30

Business Meeting – November 7, 2023

Workshop - November 21, 2023

**ADJOURN**

**MOTION: To adjourn the meeting. Motion by Mr. Drummey. Second by Mr. DeCoff.**

**Motion passed 4-0-0.**

The meeting was adjourned at 10:12 PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary