

**TOWN OF NEW DURHAM
PLANNING BOARD MEETING
November 21, 2023, 7:00 PM
New Durham Town Hall, New Durham, NH 03855**

PRESENT

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

Jeff Allard, Planning Board Chair- excused absence

ALSO PRESENT

Susan Stillwell, Land Use Assistant
David Bickford, resident

CALL TO ORDER

Vice Chair Craycraft called the meeting to order at 7:08 PM. Introductions were made of the Board members present.

AGENDA REVIEW

No changes were made to the agenda.

NEW/OLD BUSINESS

Continue discussion regarding proposed language changes to Zoning Ordinances on demolition and rebuilding of nonconforming waterfront properties.

Wednesday, December 13, 2023, is the last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the March 12, 2024, town meeting. [RSA 675:4; 40:13, VII]. The Board reviewed and discussed proposed edits within the Zoning Ordinance. The concern is the definition of “demolish” in terms of the foundation specifically. Some Board members said demolished automatically includes the foundation. Others say, if the existing foundation meets the code, the new construction may be built in place on the existing foundation. Mr. DeCoff suggested they let voters decide. Mr. Bickford made comments regarding whether a foundation can be grandfathered. Ms. Ross-Raymond stated there isn’t technically grandfathering for foundations when within the Shoreline Conservation District.

Discussion regarding the establishment of Zoning requirements for shipping containers (see the Building Inspector’s letter to the Planning Board from October 17, 2023, Meeting). The Code Enforcement Officer submitted a letter regarding this issue in response to inquiries to his office from the public. The Board agreed residential setbacks should be followed; they also discussed the different aspects including taxability. Mr. Bickford stated the containers are an

impermeable surface so that should be considered, particularly with shorefront properties and nonconforming lots. Mr. Craycraft suggested details be added to the definitions for impermeable surfaces; they will also need to get specifics on the appropriate description of the items and type of containers in question. Mr. DeCoff will research the issue further and report back to the Board at the next meeting.

Clarification of 75-foot setback for wetlands, Zoning Ordinance Section XIII.B.2 – size of wetlands (1 acre)

Mr. Craycraft stated Terry Jarvis brought this up and it was noted there needs to be language from the 2022 Zoning Ordinance, Section XIII.F Special Provisions, put back in to the Zoning Ordinance. Mr. DeCoff stated the issue came up with regard to the Meetinghouse. Mr. Craycraft explained two ordinances were merged but they pulled out the setback for septic systems to wetlands; he will research this issue further.

Septic Tank Setbacks – Letter from Building Inspector on November 14, 2023

The Board reviewed and discussed a letter from the Code Enforcement Officer. The Town should allow septic tank setbacks to be 75 feet and 50 feet if the tank has a sealant coating or is made of plastic, and all piping is sealed. See ZO VI. C. 3. and Table 8. The Board discussed the relevant ordinances and agreed the Town Engineer should review the recommendations.

MOTION: To have the Land Use Administrative Assistant send the Code Enforcement Officer letter dated November 14, 2023, regarding septic tanks to the Town Engineer for review. Motion by Mr. DeCoff. Second by Mr. Drummey. Roll Call Vote: Mr. DeCoff-aye; Ms. Ross-Raymond-aye; Mr. Drummey-aye; Mr. Craycraft-aye. Motion passed 4-0-0.

Capital Improvement Planning Committee

The Board discussed whether the Planning Board wants to continue to lead the CIP process or recommend that the voters authorize the Board of Selectmen to manage the process. There was a discussion as to whether a warrant article would make it legal. Mr. Drummey stated historically, it has always been a Planning Board document and after creation by the Committee, the Board would make minor changes. It was noted they need to check the state law that created the CIP from the Planning Board. Changing it would require a Warrant Article per RSA 675:5-7. Mr. Craycraft stated a lot goes into the CIP report and it is his opinion that it is really out of the scope of the Planning Board. Ms. Ross-Raymond stated she needs to research it more to really understand the process; she stated she is not opposed but she isn't ready to make a decision either way.

By consensus, the Board agreed to recommend that the Board of Selectmen support a Warrant Article to release the Planning Board from the control of the CIP process and have the Board of Selectmen appoint members; the process would be to have the report go to the BOS after the Capital Improvement Committee for approval.

Review of CIP Committee Report

The Board reviewed the report and discussion was tabled to the next meeting.

Bruce Mayberry's Impact Fee Report of 2017 for Infrastructure

Mr. Craycraft stated he discussed this with Ms. Stillwell and they don't have a 2017 report; a 2020 study report was distributed for review. He stated he researched impact fees for other towns and found that impact fees were collected for numerous projects. The Board discussed school expenses and possibilities for road impact fees. There was also discussion about the historical use of the impact fees by the Board of Selectmen; it was noted it is often used to reduce the tax rate. No decision was made.

APPROVAL OF MINUTES

Meeting of November 7, 2023- Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. DeCoff. Second by Ms. Ross-Raymond. Roll Call Vote: Mr. DeCoff-aye; Ms. Ross-Raymond-aye; Mr. Drummey-aye; Mr. Craycraft-aye. Motion passed 4-0-0.**

November 10, 2023, Site Walk for PB 2023-008 – Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. DeCoff. Second by Ms. Ross-Raymond. Roll Call Vote: Mr. DeCoff-aye; Ms. Ross-Raymond-aye; Mr. Drummey-aye; Mr. Craycraft-aye. Motion passed 4-0-0.**

Mail & Correspondence

The Board reviewed an email from Jon LaMontagne regarding the survey for property line adjustment will, hopefully, be done by April 2024.

The Board reviewed the BMP Maintenance Log letter to property owners on the Lake, which was received from the Building Inspector.

FUTURE MEETINGS

Business Meeting – December 5, 2023

Workshop – December 19, 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 9:24 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary