

**NEW DURHAM ZONING BOARD OF ADJUSTMENT**  
***Joint Meeting with the Planning Board***  
**New Durham Town Hall**  
**November 5, 2019, 7:00p.m.**

*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.*

**PRESENT**

Terry Jarvis, Chair  
Wendy Anderson, vice chair  
Stephanie Richard  
Linda Callaway  
Paul Raslavicus  
David Wessel, alternate member – excused absence.

**ALSO PRESENT**

Jeff Allard, Chair of Planning Board  
Bob Craycraft, Vice Chair of Planning Board  
Scott Drummey, Planning Board  
Dorothy Veisel, Board of Selectmen representative to Planning Board  
David Bickford, resident

**CALL TO ORDER**

Ms. Jarvis called the meeting to order at 7:05pm.

**Appointments/Announcements**

Ms. Jarvis stated that on the case of *Curette??? Vs. the New Durham Zoning Board of Adjustment*, the court has found 100% in favor of the Zoning Board of Adjustment. The applicants have the right to appeal within 30 days to go to Supreme Court. Ms. Jarvis stated the Administrative Assistant would be forwarding a copy of the decision to all board members.

**Review of Proposed Changes to the Land Use Suitability Map**

Mr. Allard asked the Zoning Board of Adjustment to review the changes being proposed by the Planning Board to the Land Use Suitability maps. He stated because there was a change in the Land Use Administrative Assistant he doesn't have the final maps but presented draft maps along with the final maps available on the computer for review and discussion. Mr. Allard explained the major changes involved simplifying the definitions and terminology and stated they brought it down to three terms: developable, not developable or developable with constraints (unconstrained developable, constrained developable or not developable). He stated the criteria used for these definitions included steep slopes, setbacks from water, wetlands, aquifers, etc, and usual features that make

land undevelopable. There are individual maps of each of the features. A final overlay with three colors takes into account all the different features along with the definitions of developable, not developable or developable with constraints (unconstrained developable, constrained developable or not developable). Mr. Raslavicus asked if there is an area with developable with variances. Mr. Allard replied those would be developable with constraints and include variances, special exceptions, etc. He noted the individual maps show where the constraint comes from. The Boards reviewed and discussed the various maps. Mr. Drummey noted special exceptions can be received for many of the constraints. Ms. Jarvis asked for explanation how the ZBA would handle explaining a response to a special exception. Mr. Allard stated the Planning Board would be working on developing a matrix later in the meeting for clarification on the criteria for the special exceptions and variances. Various edits were suggested to the maps including looking up the correct location of Widowmaker Farm. Ms. Callaway asked about designation for flood zoning. Mr. Allard replied there is flood zone overlay as well as a separate section in the ordinances that deals with potential flood areas. Mr. Allard noted they also need to have the definitions added to the maps. Ms. Jarvis asked if major roadways would be clearly identifiable. Mr. Allard replied yes, and they will be labeled. Ms. Jarvis asked how the maps would be made accessible. Mr. Allard replied a large copy will be available in Town Hall and electronic copies will be on the website. It was also suggested to have more transparent colors for improved clarity as well as overlay the final map with the tax-assessing map.

#### **Review of Proposed Changes to the Zoning Ordinance**

The Boards reviewed and discussed the proposed definitions and terminology in the ordinances to be consistent with the maps. Mr. Allard summarized the changes discussed and stated the terms to be used include unsuitable for development, suitable for development and constrained developable. The Boards reviewed the edits made to the Zoning Ordinance to reflect the definition changes. It was suggested to include a table of definitions. There was also discussion about the definition of minor commercial use properties and agreed further review of the ordinances will be needed. Mr. Drummey noted there is also a natural resource map which can be used for reference. The Boards also reviewed section 40 for utilities. After discussion, it was agreed no changes would be made. Ms. Anderson made recommendations for tracking changes for easy of use through this process.

Mr. Craycraft joined the meeting at 8:47pm.

#### **Ms. Anderson made a motion to adjourn. Mr. Raslavicus seconded the motion. Motion passed, 5-0-0.**

The meeting was adjourned at 8:54pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary