

# MINUTES

## NEW DURHAM CONSERVATION COMMISSION

### MARCH 30, 2010

Chairperson Cathy Allyn called the meeting to order at 7:05 PM.

**Roll Call:** Cathy Allyn (Chairman), Charles Berube (Vice-Chair), Terry Jarvis (Selectmen's Representative), Bill Malay, Paddy McHale, Bob Craycraft (Alternate),

**Others Present:**

**Allard Enforcement:** David Allen shared a copy of a letter from DES to Jeffrey & Elizabeth Allard 363 South Shore Road (Old Map 33-519A) for constructing structures within the protected Shoreland setback without proper permits. They have built a shed on a 20' right of way lot. This issue has been floating around Town for several months. When the Allards originally asked about doing this, Mr. Allen took the question to the ZBA who informally said they had no problem with it.

However, after a permit was issued by the Building Inspector, the neighbors complained to the Town and the state. In further discussion Mr. Allen and Mr. Capello agreed that the issues with Town regulations, i.e. that no structure can be built closer than 15' from the property line. Bill Malay noted that the same issues apply to temporary docks placed on the 20' right of way lots.

The Commission agreed by consensus that the rules should be enforced as they stand—or changed—and that any variances in the entire process should go through the proper channels, i.e. the DES should do its investigation, and the Allards' should file for a variance or the neighbors should challenge the permit with the ZBA.

**Worster Shoreland Permit:** Update on application by Sharon Worster for an application for a Shoreland Permit at 4 Brightwaters Drive in order to build a garage within the state 250' shoreland protection zone. Staff noted that an abutter had contacted the office and said he did not want the proposed change in the right of way on Brightwaters Drive because it would interfere with his access to his home. He asked if the individual property owner had the authority to change the right of way. Mr. Capello noted that it also appeared from the proposal that a section of the proposed garage would be within 75' of the waterline and need a variance from the

ZBA. Commission members agreed that the question of the right of way was a civil matter between the two parties and not matter for the commission; that if a complaint was filed the Building Inspector could not issue a permit until it was resolved; and that the Building Inspector also could not issue a permit until a variance was granted by the ZBA for any construction within the Town's 75' shoreland setback.

**Howland Shoreland Permit:** This is a request to build a foundation under existing house within the same footprint, and to build a 24' x 24' garage on the property at 2 Marsh Hill Road (Old Map 41-6, New Map 118-013). Commission members expressed no concerns with this application.

**LaMonde Permit by Notification:** This is a request to install a seasonal dock on a 20' right of way. The state requires approval by abutters for any installation within 20' of their property line. This is missing in the application. In addition the structure does not meet the town setback requirements of 15' from the property line. The Commission agreed by consensus to notify DES of these concerns in writing.

**Dapkus Dredge and Fill:** Commission members found the drawings for the proposed plan unclear. In particular, they could not see where the new perched beach is planned for, the length of the shoreline that will be dredged, what the specs are for the perched beach, and what is represented by the rectangle jutting into the water at Point C on the Erosion Control plan sketch. The Commission asked Mr. Allen to send these concerns to DES with a copy to Mr. Dapkus.

**5<sup>th</sup> Grade Class:** The fifth grade class at New Durham Elementary school has written the commission seeking assistance in improving the recycling done at the school. Terry Jarvis will check with the School District office regarding district policy, Cathy Allyn will offer assistance to the school staff, and Paddy McHale will connect with Bill McGrew for potential assistance.

**Mission & Outreach:** Cathy Allyn said she was disappointed to hear people advocating against the Conservation Commission at the annual meeting. She would like to see the Commission be more proactive in promoting its contributions to the community. Bob Craycraft emphasized the importance of highlighting what the commission has accomplished. He noted that it is important to be able to access information about the Con Comm from several different places in town and on the website.

Terry Jarvis offered to draft a mission statement. Paddy McHale suggested listing the resources the Commission has available to groups in town. It was suggested that the Handbook for Conservation Commissions might have some helpful information and that New Durham should try to find out from other commissions what they have done that has worked well.

**Class 6 Roads:** There was discussion of the history of ATVs on class 6 roads. In 2003 or 2004 the Board of Selectmen gave permission for OHRVs to use class 6 roads. Members want to get clear about state statutes governing Class 6 roads and OHRVs.

**Minutes of February 23.** Terry moved approval of the minutes of February 23 as presented. Bill Malay seconded. Approved unanimously with no abstentions.

**Adjourn:** Terry Jarvis moved to adjourn, Paddy McHale seconded. Approved unanimously with no abstentions.

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

David Allen  
Land Use Administrative Assistant

Minutes approved as edited on April 27, 2010