



Town of New Durham Planning Board

NOTICE OF DECISION

You are hereby notified that the New Durham Planning Board considered a Land Use Application submitted by Jones & Beach Engineers, Inc. for a site plan review to allow a change of use on Tax Map 119 Lots 11 & 32 located at 298 & 299 Merrymeeting Road in New Durham, New Hampshire, on behalf of Russell Weldon as owner. The intent of the application is to allow a seasonal water ski and activity camp at the Cove Cottages.

On March 17, 2015, the Board voted to **approve** the application and plans entitled Site Plan "The Cove Cottages" Rental Plan to "Water Monkey Camp" Tax Map 119 Lots 11 & 32 298 & 299 Merrymeeting Road, New Durham, N.H. 03855 based on the following findings:

1. The existing and proposed uses are a non-conforming use under Article IV of the 2014 New Durham Zoning Ordinance, Residential-Recreational Agricultural District.
2. On January 13, 2015, the New Durham Zoning Board of Adjustment granted a variance from Article IV subject to conditions that define and limit the proposed use.
3. The existing and proposed uses are under Article IX of the 2014 New Durham Zoning Ordinance, Shoreland Conservation Area. The proposed use will reduce the number of occupants from a total of 44 persons to a total of 30 persons, including staff and campers. The use limitations proposed by the owner and imposed by the Zoning Board of Adjustment as condition will further reduce impacts to the Shoreland Conservation Area. The Planning Board finds that the proposed use is an alteration to a substantially similar use that is less non-conforming for the purposes of Article IX of the Zoning Ordinance.
4. The owner represented that Map 119 Lots 11 and Lot 32 will remain under common ownership and will not be expanded to include other lots or uses that would increase the uses within the Shoreland Conservation Area or result in additional Residential Development with Waterfront Access within the meaning of Article IX.
5. The proposed use complies with Article IX (H), Alteration of Existing Uses. The proposed use is not a conversion to year-round use.
6. Article XVII of the 2014 Zoning Ordinance provides for continuation and alteration of non-conforming uses provided that any alteration does not make such non-conforming use more non-conforming. The proposed alteration of use will result in a use that is less non-conforming for the purposes of Article XVII.
7. The proposed use, subject to the conditions herein and those imposed by the New Durham Zoning Board of Adjustment, complies with the Site Plan Regulations, Article X.



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8. Further findings and deliberations are set forth in the minutes of the Planning Board of March 3 and March 17, 2015.

Based on the evidence presented, the New Durham Planning Board took the following action:

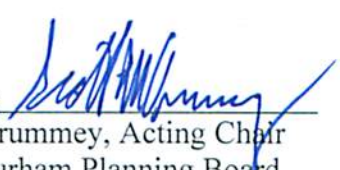
Robert Craycraft made a motion to **approve** the application for site plan approval for a change of use to allow a seasonal water ski and activity camp to be rented at Cove Cottage Tax Map 119 Lots 11 & 32 located at 298 & 299 Merrymeeting Road subject to the following conditions:

- 1) Tax Map 119, Lots 11 & 32 shall remain in common ownership. Expansion or alteration of the proposed use to include other lots or uses shall be subject to review and approval as provided by the New Durham Zoning Ordinance.
- 2) The existing crosswalk shall be reconfigured, repainted and maintained in a "zebra pattern" and an advance warning pedestrian crossing sign shall be installed and maintained as recommended by the New Durham Police Chief and shown in the traffic/safety study prepared by Stephen G. Pernaw & Company, Inc dated 7 August 2014 to be installed, maintained and paid for by the applicant in consultation with the Road Agent and Police Chief with approval of the Board of Selectmen.
- 3) An Operation and Maintenance plan will be submitted for the bio-retention system and a certification page signed by the property owner attesting compliance with the Operation and Maintenance Plan.
- 4) The condition and use limitations imposed by the Zoning Board of Adjustment in its decision of January 13, 2015, as amended on February 10, 2015, are incorporated as conditions of approval as if set forth fully herein.
- 5) Personal Water Craft of any size will not be used in conjunction with the operation of this site plan.
- 6) The applicant will maintain appropriate State approvals for the proposed use.

Scott Drummey seconded the motion.

The motion was approved by a vote of 5 to 0.

Signed:


Scott Drummey, Acting Chair
New Durham Planning Board

Date:

23 March 2015