

NEW DURHAM ZONING BOARD of ADJUSTMENT

JULY 13, 2021

New Durham Town Hall – 7:00 PM

AGENDA

1. Call to Order

- 2. Review and Acceptance of Case # 2021-013 an application submitted by North & South Construction, on behalf of Erik Dodier.** They are requesting variances to the following:
Article XIV Section C.1.b: Shorefront Conservation Overlay District. Dimensional Requirements. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Building Setback: Except for water related structures (see below), all buildings shall be set back a minimum of seventy-five (75) feet from the normal high water level.
Article XXI Section G.2.b: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Buildings: No new building, except for water related structures, shall be located in a flood hazard area, or less than seventy feet (75) feet from any water body or river course.

The property is located at Map 114 Lot 024 – 376 South Shore Road.

- 3. Review and Acceptance of Case # 2021-014 an application submitted by Varney Engineering, on behalf of Kevin and Keesha Dube.** They are requesting variances to the following:
Article VI Section C.3.a: General Provisions/Use Regulations for Town of New Durham. General Requirements: Sewage Disposal and Leach field Setbacks. Sewage Disposal and Leach field Setbacks a. No privy, cesspool, septic tank, or sewage disposal area shall be constructed or reconstructed: less than one hundred twenty five (125) feet from the edge of a public water body; or, less than seventy five (75) feet from any well, or from a dwelling other than to which it is appurtenant.
Article VI Section C.3.b: General Provisions/Use Regulations for Town of New Durham. General Requirements: No part of a leach field shall be located less than: twenty (20) feet from a property line on a lot less than 80,000 square feet; less than thirty (30) feet from a property line on an eighty thousand (80,000) square feet to one hundred fifty thousand (150,000) square feet lot; or, less than forty (40) feet from a property line on a one hundred fifty thousand (150,000) square feet lot.
Article XIV Section C.1.b: Shorefront Conservation Overlay District. Dimensional Requirements. Building Setback: Except for water related structures (see below), all buildings shall be set back a minimum of seventy-five (75) feet from the normal high water level.
Article XIV Section C.1.c: Shorefront Conservation Overlay District. Dimensional Requirements. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Leach Field Setback: Any leach field shall be set back a minimum of 125 feet from the normal high water level. The Planning Board may require greater setback where more than one dwelling unit uses common sewage disposal facilities.
Article XXI Section C.1: New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses. All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building

may be altered and expanded provided: They conform to Non-Conforming Setback and height requirements below.

Article XXI Section C.2: New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses. All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided: Such expansion does not make any existing lot, structure, or use more non-conforming within the terms of this Ordinance.

Article XXI Section G.2.b: Non-Conforming Buildings, Land or Uses. Non-conforming setback: No new building, except for water related structures, shall be located in a flood hazard area, or less than seventy feet (75) feet from any water body or river course.

The property is located at Pine Point Road, Map 103 Lot 014.

- 4. Review and Acceptance of Case # 2021-015 an application submitted by Changing Seasons Engineering PLLC, on behalf of Walter and Carol Shanahan.** They are requesting variances to the following:

Article V Section D: Dimensional Requirements for Town of New Durham. Setbacks. No new building shall be less than twenty (20) feet from the road frontage property line of any road or fifteen (15) feet from the property line of an abutter.

Article V Section E: Dimensional Requirements for Town of New Durham. Flood Hazard Area and Water Body Setbacks. No new buildings, except for water-related structures, shall be located in a flood hazard area, or less than seventy-five (75) feet from any water body or river.

Article VI Section C.3.a.ii: General Provisions/Use Regulations for Town of New Durham. General Requirements. No privy, cesspool, septic tank, or sewage disposal area shall be constructed or reconstructed less than seventy five (75) feet from any well, or from a dwelling other than to which it is appurtenant.

Article XIV Section C.1.b: Shorefront Conservation Overlay District. Dimensional Requirements. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements: Building Setback: Except for water related structures (see below), all buildings shall be set back a minimum of seventy-five (75) feet from the normal high water level.

Article XXI Section C.1: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided: 1. They conform to Non-Conforming Setback and height requirements below; and,

Article XXI Section C.2: Non-Conforming Buildings, Land or Uses. New Buildings and Structures; Alteration and Expansion of Existing Non-Conforming Uses. All non-conforming property may be used for new construction of buildings and/or structures (including septic and leach fields) and any non-conforming building may be altered and expanded provided. Such expansion does not make any existing lot, structure, or use more non-conforming within the terms of this Ordinance.

Article XXI Section G.2.b: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Buildings: No new building, except for water related structures, shall be located in a flood hazard area, or less than seventy feet (75) feet from any water body or river course.

Article XXI Section G.2.e: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Buildings: No new building shall be less than fifteen (15) feet from the property line of an abutter or less than thirty (30) feet from an abutter's building.

The property is located at Owls Head Point Road – Map 108 Lot 047

5. Review and Acceptance of Case # 2021-016 an application submitted by Varney Engineering LLC, on behalf of BJW Enterprises, represented by Mike Wawrzekiewicz. They are requesting special exceptions for the following:

Article VII Section A.1: Special Exceptions. Uses Permitted by Special Exception. The following uses may be allowed by Special Exception through the Zoning Board of Adjustment which requires an application and a public hearing to be held in accordance with RSA 676:7. The conditions and requirements of the Special Exception contained in this Article are in addition to other applicable provisions of this Zoning and Land Use Ordinance. See Table 4 for a summary of uses and conditions which require a Special Exception. Refer to Article XII: Aquifer Protection Overlay District and the Article XIII: Wetland Conservation Overlay District for special exceptions required in those areas. Commercial Use
The property is located at 30 Depot Road – Map 250 Lot 138.

6. Review and Approval of the Minutes of:

- April 22, 2021
- Site walk April 29, 2021
- May 11, 2021
- June 8, 2021
- June 17, 2021

**7. Next Meeting: July 15, 2021-Special meeting if needed
August 10, 2021**

8. Adjournment