

NEW DURHAM ZONING BOARD of ADJUSTMENT

APRIL 12, 2022

New Durham Town Hall & ZOOM – 7:00 PM
AGENDA

<https://us02web.zoom.us/j/85607292838?pwd=T2lYOVdTd2R4clZkSkxxU0p4NDNNUT09>

Meeting ID:85607292838 Password: 294192

Or via telephone number: 1-646-558-8656; Meeting ID: 85607292838 Password: 294192

Technical difficulties contact Land Use Administrative Assistant Robin McClain at ndlanduse@newdurhamnh.us . Assistance with Zoom application please contact Robin McClain at ndlanduse@newdurhamnh.us or contact Zoning Board.

Disclaimer: If technology fails, the meeting physically occurring will continue at the location above. Town of New Durham offers no security assurances to those connecting via PC to a third-party software and hardware not configured or controlled by our IT Service provider.

1. **Call to Order**
2. **Appointment of Chair and Vice Chair to the Board**
3. **Withdrawal of Case #2022-001 an application submitted by Varney Engineering LLC, on behalf for Kenneth Lance of 213 Middleton Road, Map 246 Lot 3. The applicant is requesting a Special Exception to:**

Article VII Section A.1: Special Exceptions. Dimensional Requirements for Town of New Durham. Uses Permitted by Special Exception. He wishes to increase the hours of operation at the Brewery and Restaurant.
4. **Continued Public Hearing of Case #2022-002, an application submitted by Changing Seasons Engineering PLLC, on behalf of Joseph & Mary Patry and Robert & Gevry Fontaine of 224 Kings Highway, Map 209 Lot 2. They are requesting Variances to:**

Article V Section B.1: Dimensional Requirements for Town of New Durham. The following dimensional requirements shall apply to land within the Town of New Durham. Except as noted below, all lots shall have frontage on a Class V or better road meeting the requirements for road frontage of this ordinance. Any subdivision approval of such a lot or lots must pass a percolation test and have state approval for a septic facility prior to a building permit to be issued.

Article V Section C: Dimensional Requirements for Town of New Durham. Road Frontage. The minimum road frontage on a road built to Town Standards and approved by the Planning Board shall be based on lot size and specified in Table 2.

Article V Section D: 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 VI Section C.3.a.i: General Provisions/Use Regulations for Town of New Durham. General Requirements. 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

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.e: Shorefront Conservation Overlay District. Dimensional Requirements 1. Development with Waterfront Access: All development with water frontage or with rights of access to water frontage shall meet the following requirements. Lot Coverage: Buildings shall not cover more than 15% of the area of a lot. No more than a total of 20% of the lot area, including buildings, shall be covered by impervious surfaces.

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.1.b: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. The following setbacks are required for non-Conforming buildings, land and uses addressed by this Article. 1. Leach fields: Not less than seventy-five (75) feet from open surface water or hydric A wetlands or fifty (50) feet from hydric B wetlands.

Article XXI Section G.2.d: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Buildings: The total square footage of all buildings shall not exceed more than fifteen (15) percent of the area of a lot.

5. **Review of ZBA procedures, application and check list for compliance with the Zoning Ordinance amendments.**
6. **9:30 PM Review and Approval of the Minutes of:**
 - December 14, 2021
 - March 10, 2022
7. **Next Meeting: May 10, 2022**
8. **Adjournment**