

NEW DURHAM ZONING BOARD of ADJUSTMENT

MAY 24, 2022

New Durham Town Hall & ZOOM – 7:00 PM

AGENDA

<https://us02web.zoom.us/j/86291686874?pwd=U3JCVDByZ0VMSThOUis1SXJrZEVGdz09>

Meeting ID: 862 9168 6874 Password: 039349

Or via telephone number: 1-646-558-8656; Meeting ID: 862 9168 6874 Password: 039349

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. **Review and Acceptance of Case #2022-003 an application submitted by Varney Engineering LLC, on behalf for Brenda Mullaney and Michael Holt for property located at 32 Elly Point Road, Map 111 Lot 8. The applicant is requesting a Special Exception to:**

Article XIV Section G: Deviations from the requirements of this Article may be permitted by Special Exception. Such a Special Exception is required in addition to any other relief which may be required herein, such as a Conditional Use Permit. Special Exceptions granted under this Article for one or two family homes shall be exempt from the requirements of Article VII. Other uses listed in Table 4. in Article VII must comply with the requirements of Article VII. The Zoning Board of Adjustment shall grant a Special Exception if all of the following requirements are met: 1. The proposed use must otherwise be allowed in this Shorefront Conservation Overlay District. 2. The proposed use will not reduce water quality in the adjacent water body measured by methods such as increased stormwater runoff and increased phosphorus and nitrogen runoff. 3. The structure is proposed to be moved as far back from the reference line as possible. 4. Property values in the district will not be reduced. 5. The use will not place excessive or undue burden on Town services and facilities. 6. The proposed use or structure is consistent with the spirit of this Article as described in paragraph XIV.A.1 above. The applicants are seeking to demolish existing cottage and construct a new cottage in a slightly different location.

And Variances to:

Article V Section E: Dimensional Requirements for Town of New Durham. E. 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.i: 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 one hundred twenty-five (125) feet from the edge of a public water body; or

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.8: Dimensional Requirements All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements. All New Development, as defined in Article III, within this Overlay District, must provide parking for a minimum of four vehicles with dimensions of 9 ft wide by 21 ft long. Parking may be provided on the same lot, or on lots abutting the waterfront property over which the waterfront property owner has an easement

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.

3. 9:30 PM Review and Approval of the Minutes of:

- April 12, 2022
- April 28, 2022
- May 2, 2022

4. Review of ZBA procedures, application and check list for compliance with the Zoning Ordinance amendments.

5. Next Meeting: June 14, 2022

6. Adjournment