

NEW DURHAM ZONING BOARD of ADJUSTMENT

May 9, 2023, 2023

New Durham Town Hall & ZOOM – 7:00 PM

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/87896514733?pwd=ZTITVCthLzVEazU1WDNnM0plVmU2UT09>

Meeting ID: 878 9651 4733

Passcode: 905292

One tap mobile

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+13017158592,,87896514733#,,,,*905292# US (Washington DC)

Technical difficulties please contact Land Use Administrative Assistant, Susan Stillwell 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. Public Hearing, Deliberations and Decision for Case #2023-004 an application submitted by Varney Engineering LLC, on behalf of Joseph and Alison Opolski for property located at 181 North Shore Road, Map 101 Lot 39 and 086. They are requesting Variances to:

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

General Requirements.

a. Sewage Disposal and Leach field Setbacks

- i. 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.
- ii. 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 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.

The applicants wish to add a garage addition to the existing house.

3. Review and Acceptance of Case # 2023-005 an application submitted by John Ratigan, Esq. of DTC Lawyers, PLLC on behalf of Christopher and Elizabeth Shields for property located at 10 South Shore Road, Map 41 Lot 037. They are requesting 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 XIV Section C.5: Shorefront Conservation Overlay District Dimensional Requirements: 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. 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.

The applicants wish to add an attached garage to the existing house.

4. Review and Acceptance of Case # 2023-006 an Appeal of the Decision of the New Durham Building Inspector submitted by Eric Maher, Esq. of DTC Lawyers, PLLC on behalf of Christopher and Elizabeth Shields for property located at 10 South Shore Road, Map 41 Lot 037.

5. Review and Acceptance of Case # 2023-007 an application submitted by Thomas W. Warney, PE of Varney Engineering, LLC on behalf of Christine A. Bonoli for property located at 149 Merrymeeting Road, Map 240 Lot 048. The applicant is requesting Variances to:

Article VI Section C.3.b (i): General Provisions/Use Regulations for Town of New Durham.

General Requirements. Sewage Disposal and Leach field Setbacks. 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.

Article XIV Section C.8: Shorefront Conservation Overlay District Dimensional Requirements:

All development with water frontage or with rights of access to water frontage 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 G.1.a: Non-Conforming Buildings, Land or Uses. The following setbacks are required for non-Conforming buildings, land and uses addressed by this Article. Leach fields: Not less than ten (10) feet from a lot line.

The applicant wishes to replace the septic system and allow for two parking spaces.

6. Review and Approval of the Minutes of:

- February 14, 2023
- February 24, 2023
- March 14, 2023
- March 31, 2023
- April 11, 2024

7. Next Meeting: June 13, 2023

8. Adjournment