

NEW DURHAM ZONING BOARD of ADJUSTMENT

JUNE 16, 2022

New Durham Community Room & ZOOM – 9:00 AM
AGENDA

<https://us02web.zoom.us/j/86324306794?pwd=UEphZVp0MUNKUnVHN2V6ZFJVR0tkUT09>

Meeting ID: 863 2430 6794 Password: 063282

Or via telephone number: 1-646-558-8656; Meeting ID: 863 2430 6794 Password: 063282

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 of ZBA procedures, application and check list for compliance with the Zoning Ordinance amendments.
3. Review and Acceptance of Case #2022-003 an application submitted by Varney Engineering LLC, on behalf for Brenda and Michael Mullaney 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.

4. Review and Acceptance of Case #2022-004 an application submitted by Varney Engineering LLC, on behalf for Eugene Dean for property located at Valley Road, Map 257 Lot 1. 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: Commercial Use

5. Review and Acceptance of Case #2022-005 an application submitted by Hoefle, Phoenix, Gormley and Roberts, PLLC, on behalf of the Dodier Living Trust, Rachel and Erik Dodier, Trustees for property located at 376 South Shore Road, Map 114 Lot 24. The applicant is 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 within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements. Lot Coverage: Buildings shall not cover more that 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.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.

6. 11:30 AM Review and Approval of the Minutes of:

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

7. Next Meeting: July 12, 2022

8. Adjournment