

NEW DURHAM ZONING BOARD of ADJUSTMENT
AUGUST 10, 2021
New Durham Town Hall – 7:00 PM
AGENDA

1. **Call to Order**

2. **Review and acceptance of Case #2021-017 and application submitted by Varney Engineering, on behalf for Joseph and Donna Reiss of 29 Cedergren Road, Map 105 Lot 005. The applicants are requesting variances to:**
 - Article XIV Section C.1.e: Dimensional Requirements.** 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.2.d: Non-Conforming Setbacks.** Buildings: No more than a total of twenty (20) per cent of the lot area shall be covered by all impervious surfaces.

3. **Review and acceptance of Case #2021-018 and application submitted by Varney Engineering, on behalf for Kevin and Keesha Dube of Pine Point Road, Map 103 Lot 014. The applicants are requesting a variance to:**
 - Article V Section E: Dimension 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.

4. **Review and acceptance of Case #2021-017 and application submitted by Varney Engineering, on behalf for Michael and Tracey Fillion of 128 South Shore Road, Map 122 Lot 019. The applicants 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 VI Section C.3.a: General Provisions/Use Regulations for Town of New Durham. General Requirements.** Sewage Disposal and Leach field Setbacks. No privy, cesspool, septic tank, or sewage disposal area shall be constructed or reconstructed.

Article VI Section C.3.b: 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:

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 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: 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.a: Non-Conforming Buildings, Land or Uses. Non-conforming setback: Leach fields: Not less than ten (10) feet from a lot line.

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.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.

5. **Request for Rehearing for Case #2021-015 Walter and Carol Shanahan for the property located at Owls Head Point Road, Map 108 Lot 47**

6. **9:30 PM Review and Approval of the Minutes of:**

- April 22, 2021
- Site walk April 29, 202

- May 11, 2021
- June 8, 2021
- June 17,2021
- July 13, 2021
- July 15,2021

7. Next Meeting: September 14, 2021

8. Adjournment