

**NEW DURHAM ZONING BOARD of ADJUSTMENT**  
**AUGUST 12, 2021**  
**New Durham Town Hall & ZOOM – 7:15 PM**  
**AGENDA**

<https://us02web.zoom.us/j/86580522611?pwd=Wk1NbC9LMWVhdHlsOXV5YjJYUnhiUT09>

Meeting ID: 865 8052 2611 Password: 770698

**Or via telephone number:** 1-646-558-8656; Meeting ID: 865 8052 2611 Password: 770698

Technical difficulties contact Land Use Administrative Assistant Robin McClain at [ndlanduse@newdurhamnh.us](mailto:ndlanduse@newdurhamnh.us) . Assistance with Zoom application please contact Robin McClain at [ndlanduse@newdurhamnh.us](mailto: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. Continued Public Hearing of Case #2021-017 an 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. less than one hundred twenty five (125) feet from the edge of a public water body; or, less than seventy five (75) feet from any well, or from a dwelling other than to which it is appurtenant.
- 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: twenty (20) feet from a property line on a lot less than 80,000 square feet;
- 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.

**3. Increasing newspaper fees**

**4. 9:30 PM Review and Approval of the Minutes of:**

- July 13, 2021
- July 15, 2021
- August 10, 2021

**5. Next Meeting: September 14, 2021**

**6. Adjournment**