

# NEW DURHAM ZONING BOARD of ADJUSTMENT

SEPTEMBER 12, 2022

New Durham Community Room & ZOOM – 9:00 AM

## AGENDA

<https://us02web.zoom.us/j/81734910571?pwd=ZTVISVRBT1F2V3F1VGpqbUwZ24ydz09>

Meeting ID: 817 3491 0571 Password: 800851 **Or via telephone number:** 1-646-558-8656;

Meeting ID: 817 3491 0571 Password: 800851

Technical difficulties contact Land Use Administrative Assistant Robin McClain at <mailto:skinmond@newdurhamnh.us> [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. Review and Acceptance of Case #2022-010 an application submitted by Varney Engineering LLC, on behalf of Mark and Donna Houston, for property located at 22 South Shore Road, Map 120 Lot 6. The applicants are 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 rebuild within the same footprint.

### And Variances to:

**Article V Section D:** Dimensional Requirements for Town of New Durham: Setbacks. No new building shall be less than twenty (20) feet from the road frontage property line of any road or fifteen (15) feet from the property line of an abutter.

**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.

**Article XIV Section C.2:** Dimensional Requirements All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements: Building Setback: Except for water related structures, all buildings shall be set back a minimum of seventy-five feet from the reference line.

**Article XIV Section C.3:** Dimensional Requirements All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements: Leach Field Setback: Any leach field shall be set back a minimum of 125 feet from the reference line. 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 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.

### **3. FY 23 ZBA Budget Review**

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

- June 16, 2022
- July 12, 2022
- July 14, 2022
- August 9, 2022

### **5. Next Meeting: October 11, 2022**

### **6. Adjournment**