

**NEW DURHAM ZONING BOARD of ADJUSTMENT**  
**SEPTEMBER 14, 2021**  
**New Durham Town Hall & ZOOM – 7:00 PM**  
**AGENDA**

<https://us02web.zoom.us/j/88996906980?pwd=bUJ5RFJkL2VuY0xSUINFUnlYNEt6dz09>

Meeting ID: 8899 9690 6980 Password: 784832

**Or via telephone number:** 1-646-558-8656; Meeting ID: 889 9690 6980 Password: 784832

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. Review and Acceptance of Case #2021-020 an application submitted by North and South Construction, on behalf for Erik Dodier of 376 South Shore Road, Map 114 Lot 024. The applicants are requesting variances 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.
  - 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 XXI Section G.2.b: Non-Conforming Buildings, Land or Uses.** Non-conforming setback: 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. Review and Acceptance of Case #2021-021 an application submitted by Varney Engineering, on behalf for Kenneth Lance of 213 Middleton Road, Map 246 Lot 003. The applicants are requesting a special exception to:**

**Article VII Section A.1:** Special Exceptions. Dimensional Requirements for Town of New Durham. Uses Permitted by Special Exception. He wishes to add outdoor seating at the Brewery and Restaurant when it was prohibited by the ZBA.

**4. Review and Acceptance of Case #2021-022 an application submitted by Varney Engineering, on behalf for Kelli and James Beauparlant of 323 Merrymeeting Road, Map 118 Lot 46. 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.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.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 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.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. Review and Acceptance of Case #2021-023 an application submitted by Jones and Beach Engineers, on behalf for John and Lynne LaRoche of 153 South Shore Road, Map 121 Lot 70. The applicants are requesting variances to:**

**Article XIV Section C.1.e:** Shorefront Conservation Overlay District. Dimensional Requirements 1. 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 G.1.a:** Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Leach fields: a. Not less than ten (10) feet from a lot line.

**Article XXI Section G.2.c:** Non-Conforming Buildings, Land or Uses. 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

**Article XXI Section G.2.d:** Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Buildings: The total square footage of all buildings shall not exceed more than fifteen (15) percent of the area of a lot.

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

- July 15,2021
- August 10, 2021
- August 12, 2021

**7. Next Meeting: October 12, 2021**

**8. Adjournment**