

NEW DURHAM ZONING BOARD of ADJUSTMENT

APRIL 13, 2021

New Durham Town Hall – 7:00 PM

In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2

Attendees log into: [Join Zoom Meeting](#)

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

Meeting ID: 889 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 . Assistance with Zoom application please contact Robin McClain at ndlanduse@newdurhamnh.us or contact Zoning Board.

Note: 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.

AGENDA

1. Review and Approval of the Minutes of:

- February 9, 2021
- February 18, 2021
- March 3, 2021
- March 11, 2021
- Site Walk March 21, 2021

2. Review of applications for case # 2021 – 008, 2021-009, and 2021-010 to determine completeness. If the applications are determined to be complete a Public Hearing may be held.

3. Continued Public Hearing Case #2021-002 an application submitted by Varney Engineering LLC, on behalf of Kenneth Lance. He is requesting a Special Exception to:
Article VII Section A.1: Special Exceptions. Uses Permitted by Special Exception. The following uses may be allowed by Special Exception through the Zoning Board of Adjustment which requires an application and a public hearing to be held in accordance with RSA 676:7. The conditions and requirements of the Special Exception contained in this Article are in addition to other applicable provisions of this Zoning and Land Use Ordinance. See Table 4 for a summary of uses and conditions which require a Special Exception. Refer to Article XII: Aquifer Protection Overlay District and the Article XIII: Wetland Conservation Overlay District for special exceptions required in those areas. See Table 4 Special Exception Summary for uses and conditions which require a Special Exception
He is requesting a Variance to: **Article VII Section B.3.b: Special Exceptions. General Requirements for Commercial or Industrial Uses Permitted by Special Exception.** Sufficient acreage shall be included to allow the following setbacks: Side and rear setbacks shall be not less than fifty (50) feet from a building or parking lot to the lot line.

The property is located at Map 246 Lot 003 – 213 Middleton Road.

4. Continued Public Hearing of Case #2021-005 an application submitted by Berry Engineering LLC, on behalf of Saphspencer and Samantha Lessard. They are requesting Special Exceptions to:

Article VII Section A.1.b: Special Exceptions. Uses Permitted by Special Exception. Uses Permitted by Special Exception. The following uses may be allowed by Special Exception through the Zoning Board of Adjustment which requires an application and a public hearing to be held in accordance with RSA 676:7. The conditions and requirements of the Special Exception contained in this Article are in addition to other applicable provisions of this Zoning and Land Use Ordinance. See Table 4 for a summary of uses and conditions which require a Special Exception.

Article VII Section A.1.d: Special Exceptions. Uses Permitted by Special Exception. Uses Permitted by Special Exception. The following uses may be allowed by Special Exception through the Zoning Board of Adjustment which requires an application and a public hearing to be held in accordance with RSA 676:7. The conditions and requirements of the Special Exception contained in this Article are in addition to other applicable provisions of this Zoning and Land Use Ordinance. See Table 4 for a summary of uses and conditions which require a Special Exception.

They are requesting Variances to: **Article VI Section C.3.b.iii: 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: less than forty (40) feet from a property line on a one hundred fifty thousand (150,000) square feet lot.

Article XII Section F.2: Aquifer Protection Overlay District. Prohibited Uses. Automobile service stations junk or salvage yards.

Article XV Section C.2.a. Table 8: Water Quality Protection Overlay District. Dimensional Requirements Riparian Buffer Zone Setback Requirements: Riparian areas are generally defined as those areas that influence or are influenced by aquatic systems. For the purposes of Article XV. Water Quality Protection Ordinance, a Riparian Buffer Zone shall be defined as an upland area that is contiguous, and within the buffer setback requirements outlined in Table 8: Buffer Setback Distances in Feet by Resource and Use Category, to a water resource that is considered jurisdictional by the NH Wetland Bureau as defined in RSA 482-A, the boundary of which has been delineated by a Certified Wetland Scientist, and the definition of which shall include vernal pools. a. Table 8: Buffer Setback Distances by Resource and Use Category below identifies the base buffer setback requirements for each identified resource type. Buffer setback distances in Table 8 refer to the total horizontal distance in one direction from a water resource Reference Line. In cases where an area qualifies under more than one resource category, the largest buffer/setback distance shall apply.

The property is located at Map 210 NH Route 11 Lot 257-007-001.

- 5. Continued Public Hearing of Case #2021-007 an application submitted by Changing Seasons Engineering PLLC, on behalf of Marjack Oasis LLC, Thomas O'Neil Representative.** He is requesting Variances to the following:

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.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.e: 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: 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.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.

Article XXI Section G.2.d: 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.

The property is located at Map 111 Lot 027 – 43 Meaders Point Road.

Review and Acceptance of Case #2021-008 an application submitted by Changing Seasons

Engineering PLLC, on behalf of Walter and Carol Shanahan. They 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 Sewage Disposal and Leach field Setbacks a. 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 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.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.

The property is located at Map 108 Lot 027 – Owls Head Point Road. If the application is deemed to be complete a Public Hearing may be held.

6. Review and Acceptance of Case #2021-009 an application submitted by Varney Engineering LLC on behalf of Joseph and Donna Reiss. They 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 XX1 Section G.1.c: 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.

The property is located at Map 105 Lot 005 – 29 Cedergren Road. If the application is deemed to be complete, a Public Hearing may be held.

7. Review and Acceptance of Case #2021-010 and application submitted by Varney Engineering on behalf of The Rollins Family Trust, Stephen and Nancy Rollins, representatives. They are requesting variances to:

Article XIV Section C.1.e: 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.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.

The property is located at Map 101 Lot 007- 24 South Shore Road. If the application is deemed to be complete, a Public Hearing may be held.

8. Next Regular Meeting: May 11, 2021. All materials due by COB 4/19/21.

9. Adjournment