

NEW DURHAM ZONING BOARD of ADJUSTMENT AGENDA

July 14, 2020

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](#)

Join Zoom Meeting

<https://us02web.zoom.us/j/89623772148?pwd=Z2kvdGpVbTRybTlIN0VHeWlvSjJzZ09>

Meeting ID: 896 2377 2148 Password: 306684

Or via telephone number: 1-646-558-8656; Meeting ID: 896 2377 2148 Password: 306684

Technical difficulties contact Town Administrator Scott Kinmond at skinmond@newdurhamnh.us or by phone at 603-556-1516. Assistance with Zoom application please contact Brian Cauler 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 Minutes of April 14, 2020 and June 9, 2020 and June 16, 2020.**
2. **Review and Acceptance of Case # 2020-009 an application submitted by Ameelia Martin Brock of Samyn D’Ella Architects , on behalf of Beverly Grappone.** They are requesting variances to: the following:

Article V Section E: Dimensional 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 XV Section C. 2 (a): 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. 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.

Surface Water and Wetlands Resource	Buffer Strip	Buildings	Septic	Impermeable
Perennial Streams & Rivers	35'	75'	100'	50'

Lakes & Ponds < 10 Acres	25'	75'	100'	50'
Wetlands	25'	75'	75'	50'
Vernal Pools	50'	75'	75'	50'
Seasonal or Intermittent Streams	25'	50'	75'	50'
Wetland and Surface Waters of Local Significance	75'	100'	125'	75'
Wetlands Contiguous to Lakes & Ponds > 10 Acres	50'	100'	100'	75'
Where Buffer Strip = see Article XV.F.1 Buildings = Buildings and Structures Setback Septic = Septic systems Setback Impermeable = Impermeable Surfaces Setback (see Article XV. F.2.)				

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 103 Lot 021 – 180 Pine Point Road. If the application is deemed to be complete a Public Hearing may be held.

- Review and Acceptance of Case # 2020-010 an application submitted by Varney Engineering LLC, on behalf of .** They are requesting variances to: the following:

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 G 2 (c): 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.

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.

Article V Section E: Dimensional 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 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 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: 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 VI Section C 3 (a) i: 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: i. 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. Sewage Disposal and Leach field Setbacks 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 VI Section C 3 (b) i: 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: i. twenty (20) feet from a property line on a lot less than 80,000 square feet;

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.

The property is located at Map 118 Lot 040 – 345 Merrymeeting Road. If the application is deemed to be complete a Public Hearing may be held.

4. Next Meeting: August 11, 2020
5. Adjournment