

NEW DURHAM ZONING BOARD of ADJUSTMENT

April 11, 2023

New Durham Town Hall & ZOOM – 7:00 PM

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/89697121497?pwd=bGduZnd1NkRRNi9yQ0NXWWxNaFEzUT09>

Meeting ID: 896 9712 1497 Passcode: 974759 One tap mobile:

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Technical difficulties please contact Land Use Administrative Assistant, Susan Stillwell at 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. **Election of Officers:** Chair, Vice Chair
3. **Deliberations and Decision for Case #2022-014 an application submitted by DTC Lawyers, on behalf of Peter Rhoades, for property located at Bennett Road, Map 264 Lots 16, 17 and 18.** The applicant is seeking a variance to:
Article V Section B.1: Dimensional Requirements for Town of New Durham. B. Dimensional Requirements. The following dimensional requirements shall apply to land within the Town of New Durham. 1. Except as noted below, all lots shall have frontage on a Class V or better road meeting the requirements for road frontage of this ordinance. Any subdivision approval of such a lot or lots must pass a percolation test and have state approval for a septic facility prior to a building permit to be issued.
4. **Review and Acceptance of Case # 2023-003 application submitted by Varney Engineering LLC, on behalf of Matthew LoPiano, for property located at 309 South Shore, Map 113 Lot 26 and 69.** He is requesting 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 XIV Section C.8: Dimensional Requirements All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, shall meet the following requirements. All New Development, as defined in Article III, within this Overlay District, must provide parking for a minimum of four vehicles with dimensions of 9 ft wide by 21 ft long. Parking may be provided on the same lot, or on lots abutting the waterfront property over which the waterfront property owner has an easement.

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.

5. Review and Acceptance of Case # 2023-004 application submitted by Varney Engineering LLC, on behalf of Joseph and Alison Opolski for property located at 181 North Shore Road, Map 101 Lot 39 and 086. They are requesting Variances to:

Article VI Section C.3.a.: General Provisions/Use Regulations for Town of New Durham. General Requirements.

a. Sewage Disposal and Leach field Setbacks

- i. 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.
- ii. 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 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.

The applicants wish to add a garage addition to the existing house. The full application is on file at

6. Review and Approval of the Minutes of:

- February 14, 2023
- February 24, 2023
- March 14, 2023
- March 31, 2023

7. Next Meeting: May 9, 2023

8. Adjournment