

# NEW DURHAM ZONING BOARD of ADJUSTMENT

JULY 12, 2022

New Durham Town Hall & ZOOM – 7:00 PM

## AGENDA

<https://us02web.zoom.us/j/85607292838?pwd=T2lYOVdld2R4clZkSkxxU0p4NDNNUT09>

Meeting ID:85607292838 Password: 294192

Or via telephone number: 1-646-558-8656; Meeting ID: 85607292838 Password: 294192

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. Public Hearing of Case #2022-004 an application submitted by Varney Engineering LLC, on behalf for Eugene Dean for property located at Valley Road, Map 257 Lot 1. The applicant is requesting a Special Exception to:**
  - Article VII Section A.1: Special Exceptions. Dimensional Requirements for Town of New Durham.**  
Uses Permitted by Special Exception: Commercial Use
- 3. Public Hearing of Case #2022-005 an application submitted by Hoefle, Phoenix, Gormley and Roberts, PLLC, on behalf of the Dodier Living Trust, Rachel and Erik Dodier, Trustees for property located at 376 South Shore Road, Map 114 Lot 24. 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 XIV Section C.5: Shorefront Conservation Overlay District. Dimensional Requirements;** All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, 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.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

4. **Review and Acceptance of Case #2022-006 an application submitted by Varney Engineering LLC, on behalf of The Mullaney Family 2018 Revocable Trust, Brenda and Michael Mullaney – Trustees, for property located at 32 Elly Point Road, Map 111 Lot 8. The applicants are requesting Variances to:**
- 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
5. **Review and Acceptance of Case #2022-007 an application submitted by Varney Engineering LLC, on behalf of The O'Brien Revocable Trust, Sean and Margaret O'Brien – Trustees, for property located at 324 South Shore Road, Map 113 Lots 38 and 39. 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 add an addition of 587 square feet onto existing cottage.

**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 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 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 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: twenty (20) feet from a property line on a lot less than 80,000 square feet.

**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 XIV Section C.5:** Dimensional Requirements: All development within the Shorefront Conservation Overlay District, whether on conforming or non-conforming lots, 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 XIV Section 7.b:** Nonconforming Structures: Existing structures may be demolished and rebuilt utilizing the same square footage as the original footprint and may include a foundation and two stories of living space. The new footprint square footage cannot increase, however, the dimensions can be reconfigured.

**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.a:** 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: Leach fields: Not less than ten (10) feet from a lot line.

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

- April 12, 2022
- April 28, 2022
- May 2, 2022
- June 16, 2022

**7. Next Meeting: August 9, 2022**

**8. Adjournment**