

NEW DURHAM ZONING BOARD OF ADJUSTMENT
SPECIAL EXCEPTION in the SHOREFRONT CONSERVATION OVERLAY
DISTRICT APPLICATION

Case No. _____

Date Filed _____

Name of Applicant: _____

Applicant's Street Address with town and state: _____

Mailing Address (If different) _____

Preferred Telephone Number _____ Email _____

Property Owner: _____
(If same as Applicant, write same)

Street Address of property: _____

Map _____ Lot _____

Property Description to include frontage of lot; side and rear lines of lot; slopes and natural features of lot etc.: _____

Check all Overlay Districts that Cover Any Part of the Property:

- ☐ Aquifer Protection Overlay
- ☐ Conservation Focus Area District
- ☐ Shore Front Conservation Area
- ☐ Steep Slopes Conservation District
- ☐ Water Quality Protection
- ☐ Wetlands Conservation Overlay

Town of New Durham

ZBA Shorefront Conservation Overlay Special Exception Application

Approved: 10-14-2025

Page 1 of 7

**INSTRUCTIONS FOR INDIVIDUALS APPEALING TO THE
ZONING BOARD OF ADJUSTMENT for a**

SPECIAL EXCEPTION in the SHOREFRONT CONSERVATION OVERLAY DISTRICT

Applicants must be familiar with the latest revision of the New Durham Zoning Ordinance and the Procedural Rules for the Town of New Durham Zoning Board of Adjustment. Applicants should be familiar with New Hampshire Statutes RSA Chapters 672 – 677.

ALL APPLICANTS

- Speak with the Land Use Administrative Assistant to determine if a review by the Planning Board should be completed prior to appealing to the Zoning Board of Adjustment.
- Ensure all requirements are met by using the appropriate checklist.
- Be sure the application is signed by **ALL** property owners.
- Deliver completed application, attachments, and fees (checks payable to Town of New Durham) to the Land Use office at the Town Hall at least 21 days before the next scheduled ZBA meeting.
- If additional materials are submitted by the applicant or their representative after the deadline, the ZBA may decide to continue the case to a later date.
- A Public Hearing will be scheduled within 45 days of receiving a completed application.
- Any party affected by a decision has the right to appeal such decision by requesting a rehearing.

SPECIAL EXCEPTION in the SHOREFRONT CONSERVATION OVERLAY DISTRICT

A Special Exception will be granted if the Applicant shows that the proposal meets all of the conditions specified in Article XIV Section G.

REQUESTING A REHEARING

A motion for rehearing may be in the form of a letter to the Zoning Board of Adjustment and must set forth the reason the decision is believed to be unlawful or unreasonable. The motion must be made within 30 days of the decision being filed and available for public inspection.

The Zoning Board of Adjustment may grant a requested rehearing if it believes good reason is stated in the motion for rehearing. A case will not be reopened on the same set of facts unless an injustice would be created by not doing so. A rehearing must be requested prior to appealing to the courts. Rehearings follow the same Rules of Procedure as initial hearings.

Usual Costs

Administrative Fee	\$200.00
Appeal from Administrative Decision Application Fee	\$150.00
Public Notice in Newspaper	\$150.00 to \$300.00
Public Notice to ALL Abutters, Applicant(s), Applicant(s) Representative, Identified Professionals Involved with the Property and Holders of Easements via Certified Mail:	\$15.44 per Public Notice.
ZBA Decision sent to Applicant(s), Applicant(s) Representative and Strafford County Registry of Deeds via Certified Mail:	\$15.44 per Notice

Strafford County Registry of Deeds Registration of Notice of Decision:

1 to 2 Variances: \$16.78	3-4 Variances: \$24.78	5 Variances: \$27.78
6 to 7 Variances: \$37.07	8 Variances: \$45.07	9-10 Variances: \$53.07
11 or more variances add \$4 per page plus postage.		

Town of New Durham

ZBA Shorefront Conservation Overlay Special Exception Application

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**APPLICATION FOR A SPECIAL EXCEPTION
in the SHOREFRONT CONSERVATION OVERLAY DISTRICT**

A Special Exception is requested in accordance with Article XIV Section G of the Zoning Ordinance.

Provide a full description of the proposed use showing justification for the Special Exception.

Facts supporting this request:

1. The proposed use must be allowed in the Shorefront Conservation Overlay District as evidenced by:

2. The proposed use will not reduce water quality in the adjacent water bodies as evidenced by:

3. The proposed use will not increase stormwater runoff, phosphorus and nitrogen levels as evidenced by:

4. The proposed structure is moved back as far from the reference line as possible as evidenced by:

5. The proposed use will not place excessive or undue burden on Town services and facilities as evidenced by:

6. The proposed use or structure is consistent with the spirit of Article XIV as described in Article XIV. A. 1. as evidenced by:

CERTIFICATION of APPLICATION and AGREEMENT TO PAY ALL COSTS

I/We, the undersigned Applicant(s), hereby certify that the information contained within this Special Exception in the Shorefront Conservation Overlay District Application is complete and accurate. I/We agree to pay, in full, all costs incurred by the Town of New Durham for engineering and/or other professional services deemed necessary by the ZBA to obtain third party review and consultation during the review process.

Signature of Applicant(s) or Agent: _____

Printed Name of Applicant(s) or Agent _____

Date: _____

AUTHORIZATION to ENTER SUBJECT PROPERTY

I/We, and my successors, hereby authorize members of the New Durham Zoning Board of Adjustment, Building Inspector and or Code Enforcement Officer to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Applicant(s): _____

Printed Name of Applicant(s): _____

Date: _____

AUTHORIZATION to SERVE AS APPLICANT(S) REPRESENTATIVE

I/We _____ give

_____ permission to serve as our agent and to represent us before the New Durham Zoning Board of Adjustment in reference to the attached application. Our agent may present our case and answer any questions for the Board or the public.

Signature of Applicant(s): _____

Printed Name of Applicant(s): _____

Date: _____

Town of New Durham

ZBA Shorefront Conservation Overlay Special Exception Application

Approved: 10-14-2025

PUBLIC NOTICE LIST

Please list all abutters on this form. List names and mailing address of all abutters or the holders of conservation, preservation or agricultural easements (pursuant to RSA 676:7). Include street numbers, street names and zip codes; Tax Map and Lot numbers (taken from the town tax records). This list is to be submitted with the application.

Include abutters across the street, brook or stream on any lot line.

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Map _____ Lot _____

Add additional pages if needed.

Town of New Durham

ZBA Shorefront Conservation Overlay Special Exception Application

Approved: 10-14-2025

Page 5 of 7

Application Check List for a Special Exception in the Shorefront Conservation Overlay District

- ☐ Application is on a form prescribed by the Board;
- ☐ The complete application submitted at least 21 days before the next meeting of the Board;
- ☐ A completed form that is signed and dated by the applicant (s) or their representative(s);
- ☐ Land Use Assistant or other town employee or official shall record the date of receipt;
- ☐ A form signed by all property owners authorizing the representative(s) to act on their behalf if an applicant's representative(s) signs the application;
- ☐ All required payments
- ☐ A copy of the current Assessing Card;
- ☐ Current deed;
- ☐ A list of all abutters adjacent to the land or property, directly across the street or stream from the land or property under considerations including Map, Lot and mailing addresses;
- ☐ A list of any holder of a conservation, preservation, or agricultural preservation restriction as defined in RSA 477:45 and their mailing address;
- ☐ Full size (minimum 22 inches by 34 inches) existing and proposed site plans with a bar scale of one (1) inch = 10 feet;
- ☐ Reduced sized (11 inches by 17 inches) site plans;
- ☐ Existing and proposed plans shall contain, at a minimum:
 - Locus Map with north arrow;
 - All buildings on the subject property and adjacent properties;
 - Property lines;
 - Title Block containing:
 - Map and Lot;
 - Preparer of the plans;
 - Title of the preparer of the plans;
 - Date the plans were originally prepared; and
 - Dates of all plan revisions.
 - Water reference lines including but not limited to 50, 75 and 125 feet;
 - Rights of Way and easements to include dimensions;
 - Wells and water systems;
 - Building envelope;
 - Location of wells and septic systems on adjacent properties;
 - Amount of road frontage, in feet;
 - Amount of water frontage, in feet, if applicable;
 - Setbacks:
 - Building: sides, front, rear and water;
 - Septic (50, 75 125 and 300 feet), side, front, rear and water;
 - Well radius;
 - Shoreland (50, 75, 125 and 300 feet); and
 - Graveyards.
 - Building outlines, their overhangs, rooflines, and related structures (ex. decks and their material(s) which may impact permeability/impermeability) to include dimensions;
 - Hardscape and its material;
 - Driveways;
 - Walkways;
 - Patios;
 - Roadways;
 - Walls; and
 - Fences.

Town of New Durham

ZBA Shorefront Conservation Overlay Special Exception Application

Approved: 10-14-2025

- Water Bodies and Wetlands;
- Drainage ways and related structures;
- Waterfront Buffer as defined in RSA 483-B:8
- Tree line and individual large and or important site trees showing the changes in vegetative surfaces and resulting runoff;
- General vegetation areas and groundcovers;
- Contours;
- Septic tank, lines and leach field to include dimensions;
- Well;
- All utilities, to include telephone, cable, fiber, conduit, etc., regardless of being underground, above ground or overhead;
- Table of existing versus proposed:
 - Setbacks (front, rear, sides, water bodies, streams, septic system, etc.);
 - Lot coverage (buildings, impervious surface); and
 - Building Height. (See Article V Section G and Article XIV Section C.4.)
- Legend;
- Parking at least 9 feet wide by 21 feet long for at least four vehicles if the property is in the Shorefront Conservation Overlay District;
- Photographs of the property and all buildings on the property;
- Building and floor plans to include dimensions of any new structures, if applicable;
- Building elevations from all sides, if applicable;
- The results of an engineering study showing:
 - The proposed use will not reduce water quality in adjacent water bodies;
 - Current stormwater runoff, phosphorus and nitrogen levels in adjacent water bodies;
 - Stormwater runoff, phosphorus and nitrogen levels after completion of the proposed project; and
 - The proposed use will not place excessive or undue burden on Town services and facilities.
- One original application package for the official file and a sufficient number of additional packages so all elected and alternate members of the Board and the Building Inspector have a complete application package.
- Legal size (no. 10) envelopes with a return address of New Durham ZBA, PO Box 207, New Durham, NH 03855 and certified mail documents as pictured in Appendix A addressed to:
 - All abutters, as defined by RSA 672:3;
 - Any holder of a conservation, preservation, or agricultural preservation restriction as defined in RSA 477:45;
 - Identified professionals involved with the property (two envelopes and Certified Mail with Return Receipt addressed for each professional);
 - Two envelopes and Certified Mail with Return Receipt addressed to all property owners (multiple envelopes for each property owner if not at the same mailing address); and
 - One envelope and Certified Mail with Return Receipt documents for Strafford County Register of Deeds.
- Any other materials the applicant feels are relevant to their request, such as other supporting documents which may contain pertinent property details/history; and
- Sufficient copies of all materials submitted for each ZBA member and alternate member (currently 8).
- An electronic copy of all materials submitted sent to the LUAA.

Town of New Durham

ZBA Shorefront Conservation Overlay Special Exception Application

Approved: 10-14-2025

Page 7 of 7