

NEW DURHAM ZONING BOARD of ADJUSTMENT

AGENDA

NOVEMBER 10, 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

<https://us02web.zoom.us/j/88574336667?pwd=a0xIVE5qU1VMMVM2TW84cURPTEVxUT09>

Meeting ID: 885 7433 6667 Password: 836780

Or via telephone number: 1-646-558-8656; Meeting ID: 885 7433 6667 Password: 836780

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 October 13, 2020.
2. Review and Acceptance of Case # 2020-013 an application submitted by Varney Engineering LLC, on behalf of David and Kara Miller. 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 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(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 (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

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:. 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 118 Lot 040 – 345 Merrymeeting Road. If the application is deemed to be complete a Public Hearing may be held.

3. **Review and Acceptance of Case # 2020-014 an application submitted by Varney Engineering LLC, on behalf of Martin and Jody Wendt.** They are requesting a Special Exception to the following:

Article VII Section A 1(a): Special Exceptions. A. 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.

Table 4. Special Exceptions Summary Use Area of Town Article Reference

Commercial Use (including Minor Commercial Use)	In areas designated “Developable” or “Constrained Developable” on Land Use Suitability Map.	VII.A.1. & VII.B.
Industrial Use	In areas designated “Developable” or “Constrained Developable” on Land Use Suitability Map.	VII.A.2. & VII.B.
Multi-Family Developments	Residential/Recreational/ Agricultural District	VII.A.4. & VII.B.
Conditionally permitted in Town Center Mixed Use District	Mobile Home Parks	In areas designated “Constrained Developable” on Land Use Suitability Map.
VII.A.5. & VII.B.	Camping Areas and Campgrounds	In areas designated “Constrained Developable” on Land Use Suitability Map.
VII.A.6. & VII.B.	Utilities	All Zoning Districts VII.A.7. & VII.B.

1. **Commercial Use (a.)** Commercial uses of land in the Town of New Durham may be permitted as a Special Exception in the areas designated “Developable or Constrained Developable” as shown on the Land Use Suitability Map

The property is located at Map 270 Lot 020 – 398 Berry Road. If the application is deemed to be complete a Public Hearing may be held.

4. **Review and Acceptance of Case # 2020-015 an application submitted by Berry Engineering LLC, on behalf of Saphsencer and Samantha Lessard.** They are requesting variances to the following:

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.

They are requesting a Special Exception to: **Article VII Section A 1 (d): Special Exceptions. Commercial Use Minor Commercial Use** may also be permitted as a Special Exception in all areas of the Town of New Durham where single-family dwellings or duplexes are permitted provided an impact assessment proves to the ZBA the commercial use would have an impact equal to or less than a single-family dwelling.

The property is located at Map 257 Lot 007 – 210 Route 11. If the application is deemed to be complete a Public Hearing may be held.

5. Review of Changes to the ZBA Rules of Procedure.
6. Next Meeting: December 08, 2020
7. Adjournment