

**NEW DURHAM ZONING BOARD of ADJUSTMENT**

**MARCH 11, 2021**

**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/88996906980?pwd=bUJ5RFJkL2VuY0xSUINFUnlYNEt6dz09>

Meeting ID: 889 9690 6980 Password: 784832

**Or via telephone number:** 1-646-558-8656; Meeting ID: 889 9690 6980 Password: 784832

Technical difficulties contact Land Use Administrative Assistant Robin McClain at [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.

**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 the Minutes of:**

- **February 9, 2021**
- **February 18, 2021**

**2. Continued Review and Acceptance of Case #2021-002 an application submitted by Varney Engineering LLC, on behalf of Kenneth Lance.** He is requesting a Special Exception to:

**Article VII Section A.1: Special Exceptions. 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. See Table 4 Special Exception Summary for uses and conditions which require a Special Exception

He is requesting a Variance to: **Article VII Section B.3.b.: Special Exceptions. General Requirements for Commercial or Industrial Uses Permitted by Special Exception.** Sufficient acreage shall be included to allow the following setbacks: Side and rear setbacks shall be not less than fifty (50) feet from a building or parking lot to the lot line.

The property is located at Map 246 Lot 003 – 213 Middleton Road. If the application is deemed to be complete a Public Hearing may be held.

**3. Review and Acceptance of Case #2021-006 an application submitted by Varney Engineering LLC, on behalf of Stephen and Nancy Rollins.** They are requesting Variances to the following:

**Article VI Section C.3a.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; or.

**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 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 XXI Section G.1.a: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Leach fields:** a. Not less than ten (10) feet from a lot line.

**Article XXI Section G.1.c: Non-Conforming Buildings, Land or Uses. Non-Conforming Setbacks. Leach fields:** a Not less than ten (10) feet from the road frontage property line of any road except with the approval of the road agent.

The property is located at Map 120 Lot 007–24 South Shore Road. If the application is deemed to be complete a Public Hearing may be held.

4. **Review and Acceptance of Case # 2021-007 an application submitted by Changing Seasons Engineering PLLC, on behalf of Marjack Oasis LLC, Thomas O'Neil Representative.** He is requesting a Special Exception to: the following:

**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.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.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: 1. 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 111 Lot 027 – 43 Meaders Point Road. If the application is deemed to be complete a Public Hearing may be held.

5. **Next Meeting: April 13, 2021**

6. **Adjournment**