

**TOWN OF NEW DURHAM  
ZONING BOARD of ADJUSTMENT  
March 16, 2023, 7:00PM  
*New Durham Town Hall***

**PRESENT**

Terry Jarvis, Chair  
Linda Callaway, Member  
David Bickford, Member

Wendy Anderson, Vice Chair – excused absence  
Bill Meyer, Member - excused absence

**ALSO PRESENT**

None.

**CALL TO ORDER**

Chair Jarvis called the meeting to order at 7:18PM.

Roll call was taken for Board members those present.

**Review and Acceptance of Case #2023-001**

**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 to demolish the existing building and rebuild it further away from the lake.

**And Variances to:**

**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. 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 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.

Chair Jarvis stated when the application was submitted, both a Special Exception and eight Variances were requested; She stated Article XIV was repealed on March 14, 2023, so that request will not be considered.

Chair Jarvis stated a letter dated March 13, 2023, was received from Varney Engineering, LLC, on behalf of the applicant, requesting a continuance to March 31, 2023, as the applicant would like their case heard by a full Board of members.

**Chair Jarvis motioned to grant the request for a continuance for Case #2023-001 to Friday, March 31, 2023, at 9:00AM at New Durham Town Hall. Ms. Callaway seconded the motion. Roll Call Vote: Ms. Callaway – yes; Mr. Bickford -yes; Chair Jarvis – aye. Motion passed, 3-0-0.**

**Rehearing for Case #2022-014**

**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.

Chair Jarvis stated an email dated March 10, 2023, was received from DTC Lawyers, on behalf of the applicant, requesting a continuance to March 31, 2023, as the applicant would like their case heard by a full Board of members.

**Chair Jarvis motioned to continue the request for a rehearing for Case #2022-014 to Friday, March 31, 2023, at 9:00AM at New Durham Town Hall. Ms. Callaway seconded the motion. Roll Call Vote: Ms. Callaway – yes; Mr. Bickford -yes; Chair Jarvis – aye. Motion passed, 3-0-0.**

**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.**

**Applicant 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.

Chair Jarvis stated a letter dated March 13, 2023, was received from Varney Engineering, LLC, on behalf of the applicant, requesting a continuance to March 31, 2023, as the applicant would like their case heard by a full Board of members.

**Chair Jarvis motioned to grant the request for a continuance for Case #2023-003 to Friday, March 31, 2023, at 9:00AM at New Durham Town Hall. Ms. Callaway seconded the motion. Roll Call Vote: Ms. Callaway – yes; Mr. Bickford -yes; Chair Jarvis – aye. Motion passed, 3-0-0.**

#### **APPROVAL OF MINUTES**

February 14, 2023 – Postponed.

#### **NEXT MEETING**

March 31, 2023, 9:00AM, New Durham Town Hall

#### **ADJOURN**

**Mr. Bickford motioned to adjourn. Ms. Callaway seconded the motion. Roll Call Vote: Ms. Callaway – yes; Mr. Bickford -yes; Chair Jarvis – aye. Motion passed, 3-0-0.**

The meeting was adjourned at 7:43PM.

Respectfully Submitted,

*Jennifer Riel*

Jennifer Riel, Recording Secretary