

Town of New Durham Zoning Board of Adjustment Meeting

May 9, 2023

Approved May 19, 2023

TOWN OF NEW DURHAM
ZONING BOARD of ADJUSTMENT
May 9, 2023, 7:00PM
New Durham Town Hall, New Durham, NH 03855

PRESENT

Terry Jarvis, Chair

Wendy Anderson, Vice Chair

Linda Callaway, Member

David Bickford, Member

Bill Meyer, Member

ALSO PRESENT

Tom Varney, Varney Engineering LLC

John Ratigan, Esq. of DTC Lawyers, PLLC

Eric Maher, Esq. of DTC Lawyers

Deb Randall, Architect

Christine Bonoli-Stohlberg, applicant

Joseph Opolski, applicant

Alison Opolski, applicant

Joshua Thibeault, Varney Engineering LLC

Tony Fallon, Norway Plains Associates

James Whitham

Chris Shields

John Allard

Steve Oles

Paul Raslavicus – via Zoom

I-Pad User – via Zoom

I-Phone User – via Zoom

CALL TO ORDER

Chair Jarvis called the meeting to order at 7:01 PM.

Roll call was taken for Board members present.

Public Hearing, Deliberations and Decision for Case #2023-004

An application submitted by Varney Engineering LLC, on behalf of Joseph and Alison Opolski for property located at 181 North Shore Road, Map 101 Lots 39 and 86.

They are requesting Variances to:

Article VI Section C.3.a.: General Provisions/Use Regulations for Town of New Durham. General Requirements.

a. Sewage Disposal and Leach field Setbacks

- i. 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.
- ii. 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 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.

The applicants wish to add a garage addition to the existing house.

Chair Jarvis stated at the April 11, 2023, meeting, the Board determined the application to be complete; due to the length of the agenda at that meeting, the deliberations for this case were not completed and the Public Hearing was continued to May 9.

Chair Jarvis asked if any member of the Board has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis asked if any member of the public believes a member of the Board has a real or perceived conflict with hearing this case. None was indicated.

Chair Jarvis read the Public Notice into the record.

Chair Jarvis opened the Public Hearing at 7:06PM.

Tom Varney, Varney Engineering, representative for the applicants, stated the applicants are planning a garage addition to the existing house; the house has a full basement; the driveway will be reconfigured to reduce the steep grade, and porous pavers will be used. A new septic system and well will be installed; storm water measures will be installed. A Conditional Use Permit from the New Durham Planning Board will be required for the steep slopes as well as NH DES Shoreline Permit. Mr. Varney stated the property was surveyed and presented photos of the existing property for review by the Board; architect renderings were also presented for the proposed garage. Mr. Varney stated there are adequate trees on the lot; the existing lot size coverage is below 20%. He stated there is a 20-inch culvert for directing stormwater runoff from the road. Mr. Varney stated they are requesting a waiver for the septic tank to be 75 feet to the lake and putting it 125 feet would be too far up the hill. He stated the leach field meets the zoning requirements. Mr. Varney stated the existing building is within the 75-foot setback and is therefore already nonconforming and the garage would be attached, making it more nonconforming. Mr. Varney stated the driveway has a slope of 13.3% and there is a retaining wall.

Chair Jarvis noted the garage is 24 by 26 feet and asked what is going to be in the additional area. Ms. Randall stated it would be expanded living area in the lakeside part of the addition, but there will be no additional bedrooms; the basement would be for storage.

Ms. Callaway asked if the garage will be visible from the lake. Ms. Randall stated it will be back and behind trees and confirmed all the trees along the shore will remain.

Ms. Callaway noted one bedroom is being moved from the house into the garage and asked if there will be utilities such as water and sewer. Ms. Randall stated they are not sure at this time; she confirmed there will be nothing in the upstairs area. There was discussion about how many bedrooms are in the current house.

Chair Jarvis opened the hearing to input from the public. None was indicated.

Chair Jarvis closed the Public Hearing at 7:26PM.

Chair Jarvis stated the members deliberating this case would be Mr. Meyer, Ms. Callaway, Vice Chair Anderson, Mr. Bickford and Chair Jarvis.

Findings of Fact

- Map 101, Lots 08 and 39 are listed on the same deed.
- Lot 39 is 0.47 acres; it has 149.45 feet on the roadside; 104.3 feet on the lake side and on the sides is 159.8 and 183.80 on the sides.
- Lot 39 is in the Shoreline Conservation and the Steep Slope Districts.
- Currently lot size coverage is 17.3%; the proposed is 17.4%, which is within the Ordinance.
- The current building size is 8.4%; the proposed building coverage is 11.6%, which is within the Ordinance.
- The current septic tank is 88 feet from the lake; the proposed septic tank will be 75 feet from the lake.
- The current septic system was approved May 20, 1969, over 50 years ago.
- The current well is in the beach area and will be removed; a new well will be on Lot 8 across the street.
- Both the proposed addition and garage are behind the 75-foot setback.
- The garage will be built on a slab; the proposed addition will have a full foundation.
- The driveway will be relocated; a portion of the driveway will be porous.
- The sheds and the temporary garage will be removed.
- Both the addition and garage will be one story.
- 3,384 square feet of soil will be disturbed.
- There are four parking spaces.
- A drip edge will be installed on the north side of the garage.
- The addition is to have a bedroom; there will be a total of four bedrooms in the house and addition.
- The septic tank will be less than 125 feet from the edge of a public water body and also be less than 75 feet from the abutter's cottage.

Discussion Variance Article VI Section C.3.a.

Granting the variance would/would not be contrary to the public interest:

Mr. Meyer stated it would not be contrary because the septic system will replace an old and inferior system. Ms. Callaway stated she doesn't believe it would be contrary as the septic system is going to be updated; moving it forward helps with other mitigation to protect the lake. Chair Jarvis stated this request is not contrary because an old system, which is more than 50 years old is being replaced and the leach field is also being moved from 103 feet from the lake to well over 300 feet from the lake. Vice Chair Anderson stated it would not be contrary because it will be a new and better functioning system; the location is the only place that makes sense and a better functioning system will keep the lake clean. Mr. Bickford stated it would be in the public interest due to the terrain and it can't be moved further back.

The spirit of the Ordinance would/would not be observed because: Chair Jarvis stated it is observed because a new septic system is replacing one that is way past its life span; she stated there is nothing that can be done about the slopes. Ms. Callaway stated she agrees. Vice Chair Anderson stated the septic tank is 75 feet from abutting wells; it's a little closer to the nearest dwelling, but due to topography it can't be further away. Mr. Bickford stated the spirit is observed because there aren't a lot of choices due to the terrain.

Granting the variance would/would not do substantial justice because:

Vice Chair Anderson stated it would do substantial justice because they are providing a better system to keep the public's health and safety better protected; the applicants get a new well and septic system. Mr. Bickford stated it does substantial justice for reasons previously stated. Mr. Meyer agreed. Ms. Callaway stated the public benefits greatly from this with better protection for the lake.

For the following reasons the values of surrounding properties would/would not be diminished:

Chair Jarvis stated adding a new septic tank is not going to diminish any values. The Board agreed.

Unnecessary Hardship:

Chair Jarvis stated the purpose is to protect the residents and water bodies; to deny the ability to replace a 50-year-old system is an unnecessary hardship and is contrary to the Ordinance. The Board agreed.

The proposed use is reasonable because:

The Board agreed the proposed use is reasonable; the house is currently four bedrooms and will remain four bedrooms; a garage is being added along with parking to be in compliance with Article XIV. Vice Chair Anderson stated the use is residential and to continue to use it as residential, they need a functioning septic system.

MOTION: *Based on the plans dated March 20, 2023, the application signed March 19, 2023, tonight's Public Hearing, the Findings of Fact, and Evidence in the Record I move to grant a*

variance to Article VI Section C.3.a.: General Provisions/Use Regulations for Town of New Durham. General Requirements Sewage Disposal and Leach field Setbacks

- i. 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.*
- ii. 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.*

With the following conditions:

- The applicants shall obtain a Conditional Use Permit for Steep Slopes from the New Durham Planning Board.
- The applicants shall obtain New Hampshire Department of Environmental Services Shoreline Permit and Septic System approval.
- The applicants shall comply with all applicable federal, state, county, and municipal laws.
- The applicants shall receive approval from the New Durham Health Officer for the septic tank in accordance with Ordinance of 2023.
- The applicants shall submit a stormwater plan including how it ties in with the existing house to the Building Inspector before the building permit is issued.
- The applicants shall submit “As-Built” plans to the New Durham Building Inspector at the conclusion of construction before a Certificate of Occupancy is issued.
- There will be a maximum of four bedrooms.

Motion by Chair Jarvis, Seconded by William Meyer.

Motion: To amend the motion to include the following conditions:

- The applicant shall obtain a Conditional Use Permit from the New Durham Planning Board.
- The applicant shall obtain a NH DES Shoreline Permit and NH DES Septic System approval.
- The applicant shall comply with all applicable federal, state, county and municipal laws.
- The applicant shall receive approval from the New Durham Health Officer for the septic tank in accordance with the Ordinance of 2023.
- The applicant shall submit a Storm Water Management Plan showing how it ties in with the existing house to the New Durham Building Inspector before a Building Permit is issued.
- The applicant shall submit “As-Built” Plans to the New Durham Building Inspector for inspection before a Certificate of Occupancy is issued.

Motion by Mr. Bickford. Seconded by Vice Chair Anderson.

Discussion Mr. Meyer stated the removal of the bedroom condition is unnecessary. Chair Jarvis stated over the years, she has been advised to be specific. Mr. Meyer stated the limit of bedrooms is based on the septic system which is approved by the State. Chair Jarvis stated if they add another bedroom, more land space is needed as well as parking. Vice Chair Anderson questioned if they could put a restriction on the number of bedrooms as it is covered under someone else’s responsibility. Chair Jarvis stated per the Ordinance, for every bedroom over four, the minimum lot area shall be increased by 25%. Vice Chair Anderson stated the bedrooms are already limited by zoning.

Roll Call Vote on the Amendment: Mr. Meyer - no; Ms. Callaway - no; Vice Chair Anderson - aye; Mr. Bickford - aye; Chair Jarvis - no. **Amendment fails.**

Roll Call Vote on the Motion: Mr. Meyer - aye; Ms. Callaway - aye; Vice Chair Anderson - aye; Mr. Bickford-aye; Chair Jarvis - aye. **Motion passed, 5-0-0.**

The Variance request was approved for the following reasons:

Board Members concluded granting a variance would be in the Public Interest because:

- The new septic tank replaces an inferior system.
- They are replacing a septic system that is at least 50 years old and the leach field will be well over 300 feet from the lake.
- Although the septic tank will be only 75 feet from the lake, the slopes of the property necessitate the location.
- The new system will provide better protection for the lake than the system built in 1969.

Board Members concluded granting a variance would be in the Spirit of the Ordinance because:

- The spirit of the Ordinance will be observed as they are replacing a system long past its lifetime.

Board Members concluded granting a variance would do Substantial Justice because:

- A better septic system is being provided.
- It would benefit the owners and the public.

Board Members concluded the Value of Surrounding Property would not be diminished because:

- The new septic would not diminish the value of anything. It would likely improve it.
- A new septic tank would improve the value of surrounding property as they are improving an outdated system.
- A new, updated septic would protect the health and safety of the neighbors and the lake.

Board Members concluded the proposed variance is Reasonable because:

- It is a residential property, and they will be able to continue use it with a new septic system.
- It stays within all parameters.
- It will be a 4-bedroom home with an approved septic system.

Discussion - Article XXI Section C.2: Non-Conforming Buildings, Land or Uses.

Granting the variance would/would not be contrary to the public interest:

Chair Jarvis stated she doesn't believe it would be contrary; she stated that technically the property will be more nonconforming; however, a new septic system is being put in and it's improving the property in regard to the stated purpose of the Ordinance. Vice Chair Anderson stated the building is not more nonconforming and the septic tank is not considered part of the structure. Mr. Meyer stated it would not be contrary because it replaces a 50 year old septic system. Ms. Callaway stated it would not be contrary because the overall impact on the lake is

improved. Vice Chair Anderson stated it is only 13 feet closer but balances out with protecting the health, safety, and welfare of everyone. Mr. Bickford stated he agrees with Vice Chair Anderson but he believes the garage and addition makes the house more nonconforming. Chair Jarvis stated she doesn't believe the garage and addition make it more nonconforming, noting these are behind the setback lines and within the impervious coverage limits, within the building envelope.

Motion: *Relative to Case #2023-004, the application stated there would be a nonconforming building being made more nonconforming with an addition. It is the belief of the Zoning Board of Adjustment that the addition does not make the property more nonconforming as it is out of the 75-foot setback, does not go over the 15% building coverage, and it does not go over the 20% impervious lot coverage; however, the septic tank moving closer to the lake is what makes this situation more nonconforming.*

Motion by Chair Jarvis. Seconded by Vice Chair Anderson. **Roll Call Vote:** Mr. Meyer - aye; Ms. Callaway - aye; Vice Chair Anderson - aye; Mr. Bickford - aye; Chair Jarvis - aye. **Motion passed, 5-0-0.**

The spirit of the Ordinance would/would not be observed because:

Vice Chair Anderson stated the spirit is to make sure the protection of the lake is not made worse; she stated having a new septic system is making the situation better while allowing the slight increase in nonconformity. The Board agreed.

Granting the variance would/would not do substantial justice because:

Chair Jarvis stated substantial justice is done to the Town as a new system is replacing an old system; the goal is to protect the lake and even though the tank will be closer to the lake, it won't be a 50-year-old tank. The Board agreed. Vice Chair Anderson stated it allows the applicant to have a septic and continue use of their property and it improves the health, safety, and welfare of the public.

For the following reasons, the values of surrounding properties would/would not be diminished:

The Board agreed values would not be diminished.

Unnecessary Hardship:

The Board agreed the purpose of the Ordinance is to protect the waterbodies, and the tank is being placed as far away from the lake as possible. The Board agreed the proposed use is reasonable.

MOTION: *Based on the plans dated March 20, 2023, the application signed March 19, 2023, tonight's Public Hearing and the Findings of Fact, I move to grant a variance to **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, with the same conditions as the previous motion.

Motion by Chair Jarvis. Seconded by Mr. Meyer. **Roll Call Vote:** Mr. Meyer - aye; Ms. Callaway - aye; Vice Chair Anderson - aye; Mr. Bickford - aye; Chair Jarvis - aye. **Motion passed, 5-0-0.**

The Board took a five-minute recess.

Review and Acceptance of Case #2023-005

An application submitted by John Ratigan, Esq. of DTC Lawyers, PLLC on behalf of Christopher and Elizabeth Shields for property located at 10 South Shore Road, Map 41 Lot 037.

They 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 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. 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.

The applicants wish to add an attached garage to the existing house.

Chair Jarvis asked if any Board member has a real or perceived conflict of interest with hearing this case. Ms. Callaway stated she is currently doing business with the representative from Norway Plains Associates and would step down from hearing this case.

Chair Jarvis asked if anyone in the public has a real or perceived conflict with any members of the board hearing the case. None was indicated.

Chair Jarvis asked if the applicant wants to continue with four members on the Board. It was indicated by Attorney Ratigan that they want to continue.

Chair Jarvis confirmed all fees were paid, abutters notified, and public postings done.

The Board reviewed the application for completeness.

Chair Jarvis outlined items which are incomplete with the application:

- The plans are one-inch equals 10 feet and rules require one-inch equals 20 feet.
- A title block on the plans must include the title and name of the preparer.
- The garage is new development per the regulations so there needs to be four parking spaces or a request for variance to Article XIV, Section C.8.
- Article XIV, Section C.2 requires all buildings to be behind the 75-foot setback.
- The plans indicate the proposed footprint is 1,629 square feet but according to the plans to meet the 15% coverage requirement, it is 1,631 feet.
- The current deck is approximately 12 feet by 15 feet and the proposed is about 35 feet wide; if deck is replaced in kind, there is no problem but there is expansion, so it falls under Article XXI, Section F.
- Legal sized envelopes are required to part of the package; there must be:
 - Two sets of envelopes are required for all professionals associated with the project but only one was received.
 - Two sets are required for property owners but only received one.
 - An envelope is required for the Strafford County Registry of Deeds and none was received.

The Board discussed whether the addition of the garage is considered new development per the Ordinance; it was agreed the garage is new development as there is an increase in living area. The Board agreed four parking spaces would be needed unless a variance is requested and granted.

Chair Jarvis explained the applicant has the option to withdraw the application and resubmit it with the corrections to the issues outlined; she stated if an application is accepted, it must be reviewed and deliberated within 90 days.

Vice Chair Anderson stated she has questions about how the square footage was calculated as she doesn't see any overhangs on the plans, which should be included.

Chair Jarvis stated the plans indicate the total lot size is 10,879 square feet; the current assessing card differs; the 15% requirement is 1,631 feet; the proposed house is 1629 square feet so that leaves two square feet for the garage addition. Attorney Ratigan stated the professional who designed the plans is present and can explain the details. Chair Jarvis stated there can't be discussion of the plans until the Board has determined the application is complete and the Public Hearing is opened; she stated there is no name on the plans from Norway Plains to confirm the individual present is in fact the designer.

The Board agreed the plans presented are misleading; it was noted the house is already under construction and the garage is being added. Chair Jarvis stated requests for necessary variances are missing as well. Vice Chair Anderson stated there is a lack of clarity on what is being proposed, what is existing and what the numbers are. She stated there are many issues with the application.

MOTION: *The application for Case #2023-005 does not provide sufficient information to make a decision and is hereby denied without prejudice.* Motion by Chair Jarvis. Seconded by Mr. Meyer. **Discussion:** Vice Chair Anderson suggested they consult with Town Counsel before proceeding. The Board agreed.

MOTION: *To continue review of the application for Case #2023-005 for the necessary information to allow the Zoning Board of Adjustment to consult with Town Counsel and the review of the application for Case #2023-005 to June 13, 2023, 7:00PM, at the New Durham Town Hall; all materials for that meeting are due by close of business, 4:00 PM, Monday, May 22, 2023.* Motion by Chair Jarvis. Seconded by Vice Chair Anderson. **Roll Call Vote:** Mr. Meyer - aye; Ms. Callaway - aye; Vice Chair Anderson - aye; Mr. Bickford - aye; Chair Jarvis - aye. **Motion passed, 5-0-0.**

Chair Jarvis summarized the information which is needed for the application: the overhangs need to be clarified; the plans need to have specific acreage and square footage; the square footage of the house, addition and garage need to be specified; the title block needs to be complete with the name of the preparer of the plans; plans must be sized to one inch equals 20 feet; the garage is considered new development so a variance is needed for Article XIV, Section C.8; a variance is needed for Article XXI, Section C.2; when the lot coverage is recalculated, a variance may be needed if over 15%; due to the enlargement of the deck, Article XXI, Section F may be applicable; envelopes must be included.

Review and Acceptance of Case #2023-006

An Appeal of the Decision of the New Durham Building Inspector submitted by Eric Maher, Esq. of DTC Lawyers, PLLC on behalf of Christopher and Elizabeth Shields for property located at 10 South Shore Road, Map 41, Lot 037.

The applicants are appealing an order of the Administrative Official, the New Durham Building Inspector, specifically the denial of the building permit renewal request.

Ms. Callaway rejoined the Board.

Chair Jarvis asked if anyone in the public has a real or perceived conflict with any members of the board hearing the case. None was indicated.

Chair Jarvis confirmed all fees were paid, abutters notified, and public postings done.

Chair Jarvis stated she checked the procedural rules for the ZBA and appeals must be filed within 30 days; in the cover letter dated April 12, 2023, it references the administrative decision of the New Durham Building Inspector dated March 16, 2022 which makes it more than 30 days from when the decision was released. She noted the narrative indicates a decision date of March 16, 2022. Atty. Maher noted the actual decision, of which a copy is included with the application, is dated March 16, 2023; he stated the official record is March of this year and the letters contain typos.

The Board reviewed the application for completeness.

Chair Jarvis stated it there is conflicting information and the Board will need to determine which information they will accept. Ms. Callaway stated as long as a correction is submitted, so the file is accurate, they can go forward.

MOTION: *The Board has determined the date actually being appealed is March 16, 2023, as identified on the Decision of the Building Inspector/Code Enforcement Officer; furthermore, the applicants' representative will provide a written letter explaining the errors on the dates within the application.* Motion by Chair Jarvis. Seconded by Ms. Callaway. **Roll Call Vote:** Mr. Meyer - aye; Ms. Callaway - aye; Vice Chair Anderson - aye; Mr. Bickford - aye; Chair Jarvis - aye. **Motion passed, 5-0-0.**

MOTION: *The application for Case #2023-006 is timely and complete.* Motion by Chair Jarvis. Seconded by Mr. Meyer. **Roll Call Vote:** Mr. Meyer - aye; Ms. Callaway - aye; Vice Chair Anderson - aye; Mr. Bickford - aye; Chair Jarvis - aye. **Motion passed, 5-0-0.**

Ms. Callaway noted there is a typo in Exhibit I for the dates that will also need correction.

Chair Jarvis noted the time is now 9:28 PM and no new public hearings are started after 9:30 PM.

MOTION: *The Public Hearing for Case #2023-006 be continued to the next Zoning Board of Adjustment meeting, June 13, 2023, 7:00PM, at the New Durham Town Hall.* **Roll Call Vote:** Mr. Meyer -aye; Ms. Callaway-aye; Vice Chair Anderson-aye; Mr. Bickford-aye; Chair Jarvis-aye. **Motion passed, 5-0-0.**

Review and Acceptance of Case # 2023-007

An application submitted by Thomas W. Varney, PE of Varney Engineering, LLC on behalf of Christine A. Bonoli for property located at 149 Merrymeeting Road, Map 240 Lot 048.

The applicant is requesting Variances to:

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.8: Shorefront Conservation Overlay District Dimensional Requirements: All development with water frontage or with rights of access to water frontage 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 G.1.a: Non-Conforming Buildings, Land or Uses. 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.

The applicant wishes to replace the septic system and allow for two parking spaces.

Chair Jarvis asked if anyone in the public has a real or perceived conflict with any members of the board hearing the case. None was indicated.

Chair Jarvis confirmed all fees were paid, abutters notified, and public postings done.

The Board reviewed the application for completeness.

MOTION: *The application for Case #2023-007 is complete.* Motion by Chair Jarvis. Seconded by Ms. Callaway. **Roll Call Vote:** Mr. Meyer - aye; Ms. Callaway - aye; Vice Chair Anderson - aye; Mr. Bickford - aye; Chair Jarvis - aye. **Motion passed, 5-0-0.**

MOTION: *To continue the Public Hearing and deliberations for Case #2023-007 to June 13, 2023, 7:00PM at the New Durham Town Hall.* Motion by Chair Jarvis. Seconded by Ms. Callaway seconded the motion. **Roll Call Vote:** Mr. Meyer -aye; Ms. Callaway-aye; Vice Chair Anderson-aye; Mr. Bickford-aye; Chair Jarvis-aye. **Motion passed, 5-0-0.**

APPROVAL OF MINUTES – Postponed.

- February 14, 2023
- February 24, 2023
- March 14, 2023
- March 31, 2023
- April 11, 2024

Future Meetings:

May 12, 2023, 1:00 PM, Review and Approve Minutes/Revise Procedures – Town Hall

June 13, 2023, Public Hearings- Town Hall

ADJOURN

Motion: To adjourn. Motion by Mr. Meyer. Seconded by Vice Chair Anderson. **Roll Call Vote:** Ms. Callaway – yes; Mr. Bickford - yes; Mr. Meyer - aye; Vice Chair Anderson - aye; Chair Jarvis – aye. **Motion passed, 5-0-0.**

The meeting was adjourned at 10:00 PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary