

**TOWN OF NEW DURHAM
ZONING BOARD of ADJUSTMENT
November 21, 2022, 10:00AM
New Durham Community Room**

PRESENT

Terry Jarvis, Chair
Wendy Anderson, Vice Chair
Linda Callaway, Member
David Bickford, Member
Bill Meyer, Member

ALSO PRESENT

Robin McClain, Land Use Assistant
Tom Varney, Varney Engineering, LLC
Josh Thibault, Varney Engineering, LLC
Tom Minkler, applicant
Deb Randall, Architect – via Zoom
Paula Mason, applicant – via Zoom

CALL TO ORDER

Chair Jarvis called the meeting to order at 10:00AM.

Roll call was taken for the Board members present.

Chair Jarvis introduced Bill Meyer, an applicant for membership on the Board.

Mr. Meyer stated his professional background was as a civil engineer in construction and gave a summary of his experience and interest in participating on the Board.

Motion: *To appoint Bill Meyer as a member of the Zoning Board of Adjustment with a term to expire at the March 2023 elections.* Motion by Chair Jarvis. Seconded by Vice Chair Anderson.

Roll Call Vote: Mr. Bickford - aye; Ms. Callaway - aye; Vice Chair Anderson – aye; Chair Jarvis – aye. **Motion passed, 4-0-0.**

PUBLIC HEARING– Case #2022-011

Application submitted by Varney Engineering LLC, on behalf of the Paula J. Mason Revocable Trust, Paula J. Mason – Trustee, for property located at 354 Merrymeeting Road, Map 118 Lot 11.

The 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 VI Section C.3.a: General requirements: Sewage Disposal and Leach field Setbacks

a. 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, ii. 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: General requirements: Sewage Disposal and Leach field Setbacks

b. 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; ii. less than thirty (30) feet from a property line on an eighty thousand (80,000) square feet to one hundred fifty thousand (150,000) square feet lot; or, iii. less than forty (40) feet from a property line on a one hundred fifty thousand (150,000) square feet lot.

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 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 read the Public Notice into the record. She stated the application was reviewed and accepted on November 10, 2022.

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 has a real or perceived conflict with any member of the Board. None was indicated.

Chair Jarvis stated this application is not subject to the requirements of having to have made material changes. At a 2019 meeting of the ZBA variances had been approved and had expired.

Chair Jarvis opened the public hearing at 10:14AM.

Mr. Varney stated the lot is 50ft wide and 100ft long; approval was granted by the Zoning Board of Adjustment in 2019 to replace the existing cottage, a small addition was approved at the back

of the cottage; the crawl space is to be replaced with a full foundation; the driveway will be relocated and a new septic and well will be installed. A Conditional Use Permit was approved by the Planning Board in August 2019. The ZBA decision expired June 24, 2021; the NH DES permit received in 2019 is still good. Storm water measures will be installed; the land was surveyed in 2019. Mr. Varney stated the house will be within the buildable envelope and there will be no encroachment on the front setback. He stated the cottage would be replaced with a house the same size, but the dimensions would be squared off. There will be an encroachment of four-square feet with the deck. The driveway will be widened to allow more room for parking; the deck will be drive-under, and the house will have a full foundation. Mr. Varney stated the patio would be porous to catch runoff; there will be gutters on the roof with a down spout that goes to a dry well and catch basin. The current building size coverage is 16.4%; the proposed is 20.3%. The lot size coverage is 22.6% and the proposed is 22.8%.

Chair Jarvis noted the special exception application was not received.

Ms. Callaway asked about the current foundation. Mr. Varney stated it is a crawl space; the proposed foundation will be poured concrete.

Chair Jarvis asked if a new Conditional Use Permit will be required. Mr. Bickford stated if it is going to be a different proposal, it would be needed. Chair Jarvis stated she doesn't see any difference or changes to the plan from 2019. Ms. Randall confirmed nothing has changed to the proposed structure since the plans of 2019.

Chair Jarvis noted there are only three parking spaces.

Ms. Callaway noted the shoreline permit of 2019 is valid until October 22, 2024, but one of the conditions is that no more than 25.7% of the lot can be covered by impervious surfaces without further approval from NH DES.

Ms. Randall explained the proposed house will be two bedrooms; the expansion includes an addition off the back, within the building envelope and a second floor will be added. She confirmed the side setbacks will be met.

Mr. Meyer noted the existing square footage is 794; he asked what the square footage is on the proposed cottage. Ms. Randall stated the proposed is 974 sq ft. Mr. Varney noted the size of the addition is 12x14ft. The current plan showed incorrect dimensions of the addition.

Chair Jarvis opened the public hearing to members of the public. None was indicated.

Chair Jarvis closed the public hearing at 10:37AM.

Chair Jarvis stated the Board members hearing and deliberating the case would be Vice-Chair Anderson, Ms. Callaway, Mr. Bickford and Chair Jarvis.

Findings of Fact

- The current impervious surface is 23.6%; the proposed is 26.8%.
- The current building size is 16.4%; the proposed is 20.3%.

- The building from the property line is currently 10 feet, 3 inches and will remain the same.
- The distance of the current septic tank from the water is unknown; the proposed is 107ft.
- The distance of the current septic system from wells is unknown; the proposed will be respectively 24, 26 and 25ft from the abutters houses.
- The current septic system from a dwelling is unknown; the proposed is 22, 66 and 70 ft. the three abutters houses.
- There is no information on the distance of the septic system from wetlands. No wetlands are seen on the plans.
- The distance of the current leach bed from the lake is unknown; the proposed is 175ft.
- The distance of the current leach bed from the abutters house is unknown but the proposed will be 20ft.
- The distance of the current leach bed from the abutters house is unknown; the proposed is 32ft and 72ft respectively.
- The proposal is to tear down the existing cottage and rebuild on the footprint with an addition to the rear.
- The current house is 794 sq ft; the proposed is 974 sq ft.
- The current house has 50 ft. in the front and 100 ft on the property sidelines.
- The current house has a dirt basement which will be replaced with a full basement.
- The entire house is behind the 75ft shoreline setback.
- About 50% of the addition in the rear is behind the 150ft shoreline setback.
- There will be two bedrooms.
- There will be a new NH DES approved septic system installed.
- A new well will replace a well currently shared with a neighbor.
- A Conditional Use Permit was received in 2019 due to steep slopes but a new Conditional Use Permit may be required.
- The NH DES Shoreline Permit will need to be updated due to an increase in impervious surface.
- The patio under the deck on the lake side will be pervious.
- A Special Exception will be needed.
- The patio on the side of the house will be porous.

Discussion -Variance - Article V Section D

Granting the variance would/would not be contrary to the public interest: Chair Jarvis stated it would not be contrary because it's a very narrow lot; the lot is only 50ft wide in the front and the rear. Mr. Bickford stated the building is being replaced in kind, in the same location and agrees it's not contrary to the public interest. Vice Chair Anderson stated its not contrary because the new building is being rebuilt on the same footprint; the existing house already intrudes on the side setbacks of a very narrow lot. Ms. Callaway stated she understands it's on the same foundation however it is being expanded in the back; she stated if they went back 12ft for that one area, they should try to get it to fit entirely within the setbacks. She stated it's a smaller lot so requires a smaller building, and they could cut 5 to 7 ft off each side of the building and believes it is contrary to the public interest. Chair Jarvis stated the building will remain at the same

setbacks; she stated the trade-off is the significant improvements to the protections for the lake. Vice Chair Anderson stated they could do it on exactly the same footprint. Ms. Callaway stated it's not building on the same footprint because of the addition.

The spirit of the ordinance would/would not be observed because: Chair Jarvis stated the house could be built exactly where it is now, with the same side setbacks but the fact a new septic system and leach field are being installed, in the big picture, will improve the lake and is a goal of the ordinance. Vice Chair Anderson stated a goal of the ordinance is to also avoid crowding and it does feel more crowded than replacing with an exact same house, particularly with the second story. Mr. Bickford stated the ordinance doesn't address going up another floor or that upward expansion is a problem. Vice Chair Anderson stated the upward expansion can affect the feeling of being more crowded. Ms. Callaway stated it's disingenuous to say the building is being put on the same footprint because the addition in the back is attached. Vice Chair Anderson stated doing a full foundation is an entirely different thing than the crawlspace as it's creating something new and not really just a cottage being replaced in-kind. She stated it is creating something more substantial within the side setbacks where it's already crowded.

Granting the variance would/would not do substantial justice because: Mr. Bickford stated he believes substantial justice is being done. Ms. Callaway stated they will be getting a better house but it would give more justice to the property owners than the Town and neighbors. Vice Chair Anderson agreed.

For the following reasons the values of surrounding properties would/would not be diminished: Mr. Bickford stated the values would not be diminished. Vice Chair Anderson stated she doesn't see any reason why values would be diminished. The Board agreed.

Unnecessary Hardship: Ms. Callaway stated she doesn't believe it would be an unnecessary hardship as there are other options. Mr. Bickford agreed it could be reconfigured. Vice Chair Anderson stated there is an opportunity to improve the residence in a similar way as far as style and square footage; the property is narrow but it is still buildable.

Motioned: *Based on plans dated September 16, 2022, application signed September 16, 2022 and today's public hearing, to grant the request for a variance 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.*

With the following conditions:

- Updated NH DES Shoreline Permit shall be submitted.
 - A new Conditional Use Permit is needed, if required by the New Durham Planning Board.
- Motion by Chair Jarvis. Seconded by Vice Chair Anderson.

Motion: *To amend the conditions to include:*

- Receive a corrected plan with the dimensions of the addition.

Motion by Vice Chair Anderson. Seconded by Chair Jarvis. **Roll Call Vote:** Mr. Bickford - aye; Ms. Calloway - aye; Vice Chair Anderson – aye; Chair Jarvis – aye. **Amendment passed, 4-0-0.**

Amended motion: Roll Call Vote: Mr. Bickford - aye; Ms. Callaway - no; Vice Chair Anderson – no; Chair Jarvis – aye. **Motion failed, 2-2-0.**

Discussion – Variances to Article VI Section C.3.a: and b

Granting the variance would/would not be contrary to the public interest: Vice Chair Anderson stated it is not contrary, but she is concerned how close the septic is to their well and it would be better to not be near any wells. Ms. Callaway stated she is concerned as well about how close the septic is to the house; she noted there are steep slopes and perhaps it can't be moved further.

The spirit of the ordinance would/would not be observed because: Chair Jarvis stated she is concerned about the septic tank being close to the wells, but it may not be able to be moved further away; she stated there is an attempt to meet the ordinance with the new well and new septic system. Vice Chair Anderson agreed. Mr. Bickford agreed it is being observed with a new system and agrees relief should be granted.

Granting the variance would/would not do substantial justice because: Ms. Callaway stated substantial justice is being done as there will be an updated septic system. Chair Jarvis stated it would, as it will be an updated system. Vice Chair Anderson stated she agrees; the public gets a system safer for the lake, and the owners get to use their property for a residence.

For the following reasons the values of surrounding properties would/would not be diminished: Chair Jarvis stated the value would not be diminished. Vice Chair Anderson stated the existing septic system is unknown and could be affecting neighbor's wells therefore a new system would be better for neighboring property values. The Board agreed.

Unnecessary Hardship: Vice Chair Anderson stated to deny the ability to have a septic system would be a hardship and it is needed to continue using the property. Ms. Callaway stated it would be a hardship to deny the variance. The Board agreed.

The Board agreed that the proposed use is reasonable.

Motion: *Based on plans dated September 16, 2022, application signed September 16, 2022 and today's public hearing, to grant the request for variances to:*

Article VI Section C.3.a: General requirements: Sewage Disposal and Leach field Setbacks
a. 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, ii. 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: General requirements: Sewage Disposal and Leach field Setbacks
b. 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; ii. less than thirty (30) feet from a property line on an eighty thousand (80,000) square feet to one hundred fifty thousand (150,000) square feet lot;

or, iii. less than forty (40) feet from a property line on a one hundred fifty thousand (150,000) square feet lot.

With the following conditions:

- Updated NH DES Shoreline Permit shall be submitted.
- A new Conditional Use Permit is needed, if required by the New Durham Planning Board.

Motion by Chair Jarvis. Seconded by Mr. Bickford. **Roll Call Vote:** Mr. Bickford - aye; Ms. Callaway – aye; Vice Chair Anderson – aye; Chair Jarvis – aye. **Motion passed, 4-0-0.**

Discussion – Variances to Article XIV, Section C.5

Granting the variance would/would not be contrary to the public interest: Vice Chair Anderson stated it would be contrary. because the lot is small and they are expanding the building coverage from 16.4% to 20.3%. Ms. Callaway stated it is not in the public interest as the structure is already encroaching and they are going over more. The Board agreed.

The spirit of the ordinance would/would not be observed because: Vice Chair Anderson stated it is not being observed; the existing cottage is already a fair size for the lot and the proposal is to increase the size. Ms. Callaway stated it is not being observed, as the proportions and atmosphere are being changed with the crowding. Mr. Bickford agreed.

Granting the variance would/would not do substantial justice because: Ms. Callaway stated she doesn't believe substantial justice is being done, as the applicant is getting more than the public. Vice Chair Anderson stated the applicant doesn't lose anything, but the public does not gain.

For the following reasons the values of surrounding properties would/would not be diminished: Chair Jarvis stated she doesn't believe values will be diminished. The Board agreed.

Unnecessary Hardship: Mr. Bickford stated he doesn't see any advantage to the public; he stated he doesn't see a burden to the applicant. Ms. Callaway stated there is not a hardship, and the property can be utilized; denying this configuration would not prevent them from using the property. Vice Chair Anderson stated although the property is small, there is still the opportunity to have a new building on it that fits better with the requirements.

Chair Motion: *Based on plans dated September 16, 2022, application signed September 16, 2022 and today's public hearing, to grant the request for a variance to:*

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.

With the following conditions:

- Updated NH DES Shoreline Permit shall be submitted.
- A new Conditional Use Permit is needed, if required by the New Durham Planning Board.

Motion by Chair Jarvis. Seconded by Mr. Bickford. **Roll Call Vote:** Mr. Bickford - no; Ms. Callaway - no; Vice Chair Anderson – no; Chair Jarvis – no. **Motion failed, 0-4-0.**

Discussion – Variances to Article XIV Section C.8

Granting the variance would/would not be contrary to the public interest: Chair Jarvis stated it is not contrary and doesn't believe there is sufficient space to even have four spaces. Mr. Bickford stated he is opposed to not having appropriate spaces. Ms. Callaway stated the parking should take precedence over putting other things on the property. Vice Chair Anderson stated it would be contrary, because they are starting from scratch and could include it in the proposal; she stated it is a busy place along the road and having the spaces on the lot is necessary for public safety.

The spirit of the ordinance would/would not be observed because: Vice Chair Anderson stated it would not be met because the intention is to ensure safety of the public and because it is being rebuilt, there is an opportunity to get the parking off the street. Ms. Callaway stated it is not being observed as the purpose is to get vehicles off the public road and there hasn't been any real change in these plans from the existing conditions. Mr. Bickford agreed.

Granting the variance would/would not do substantial justice because: Mr. Bickford stated it would not do substantial justice. Ms. Callaway agreed and stated the Town does not gain anything from this. Vice Chair Anderson stated even though it may not be desirable, there is opportunity and space to put parking on the property. Chair Jarvis agreed, noting it is a very dangerous part of Merrymeeting Road and cars need to be off the road.

For the following reasons the values of surrounding properties would/would not be diminished: Chair Jarvis stated the value would not be diminished. The Board agreed.

Unnecessary Hardship: Chair Jarvis stated there is a definite relationship between the ordinance and the safety of the public. Vice Chair Anderson stated there won't be a hardship if the variance is denied; she stated the parking spaces are required for safety reasons. Ms. Callaway and Mr. Bickford agreed.

Motion: *Based on plans dated September 16, 2022, application signed September 16, 2022 and today's public hearing, to grant the request for a variance to:*

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.

With the following conditions:

- Updated NH DES Shoreline Permit shall be submitted.
- A new Conditional Use Permit is needed, if required by the New Durham Planning Board.

Motion by Chair Jarvis. Seconded by Mr. Bickford. **Roll Call Vote:** Mr. Bickford - no; Ms. Callaway - no; Vice Chair Anderson – no; Chair Jarvis – no. **Motion failed, 0-4-0.**

Mr. Varney stated they do not want to continue with the remaining variance request for Article XXI, Section C.2.

PUBLIC HEARING– Case #2022-012

Application submitted by Varney Engineering LLC, on behalf of the Thomas and Heather Minkler for property located at 89 North Shore Road, Map 108 Lot 74.

The applicants 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 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.

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.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.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 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 F: Non-Conforming Buildings, Land or Uses. Decks, Stairs, and Walkways. For any building less than seventy-five (75) feet from the reference line, no alteration, addition, or new building shall extend the structure closer to the references line. All stairs and walkways within seventy-five (70) feet of the reference line shall not exceed four (4) feet in width.

Chair Jarvis stated the application was reviewed and accepted at the meeting of November 10, 2022.

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 has a real or perceived conflict with any member of the Board. None was indicated.

Chair Jarvis read the case and Public Notice into the record.

Chair Jarvis opened the public hearing at 12:22PM.

Mr. Varney stated the applicants are proposing a 6ft. addition on the roadside of the cottage, converting some deck area for a porch and replacing deck stairs to a small deck; the increase in building area is 300 sq ft. Storm water measures will be installed to infiltrate rain and reduce runoff into the lake. A Conditional Use Permit will be required from the New Durham Planning Board.

Mr. Varney stated the land was surveyed and plans drawn for the changes to the building. He stated the lot is a little bigger than the average lot on Merrymeeting Lake; there are slopes of 20% going down to the lake. There is an existing deck on the side and steep stairs off the deck to the ground; walkways go down to the water, and there is a shed near the shoreline. The property has a state-approved septic system. Mr. Varney stated the shoreline is being eroded by runoff; this is contributed to by the patios and walkways. The proposal is to add a 6 foot addition to the building as an entrance and more living space. The deck would be made into a porch, which means adding just a roof to the existing structure; the steps would be removed, and a landing created. The encroachment added would be 60 sq ft. Mr. Varney explained the runoff, which comes from across the road, would be intercepted with a catch basin dry well; there will be a porous patio and rain gutters to catch and infiltrate rain from the roof. He stated the building will not be torn down; there are four spaces for parking. He stated the lot size coverage will increase from 21.4% to 22.3%; the building size is under 15% and will remain under 15%. Mr. Varney stated the tree cover will remain the same; the current steps are made of concrete blocks and will be replaced.

Mr. Bickford suggested the proposed landing be integrated with the deck to reduce some of the space. It was confirmed the driveway is asphalt pavement. Mr. Bickford suggested reducing that to mitigate some of the coverage increase. Mr. Varney explained it is too steep. Vice Chair Anderson asked how the addition will be constructed. Ms. Randall stated it will be on a frost wall, half of it will be a covered porch over the entry door and the other half is main floor living with no basement and one story with a low shed roof. Vice Chair Anderson asked how the building size was calculated. Ms. Randall stated it includes the porch roof, front addition and the deck on the lake side as more coverage; she stated on the lake side, there is an existing stairwell, but that is not calculated in and noted the new deck will not be any closer to the lake than the current deck.

Ms. Randall stated she would like the chance to discuss any concerns before the Board goes into deliberation.

Mr. Bickford stated he doesn't see any effort to mitigate the lot coverage overage. Ms. Callaway stated there is a deck, shed, patio and now the proposed addition; she stated adding on the extra porch and deck within the setback doesn't sit well with her.

Chair Jarvis noted the additional deck is 60 sq ft; she asked what percentage of the impervious coverage does that equal. Ms. Randall stated it would be 0.3%; she stated they could reduce the impervious coverage although the buildings are not part of that. The Board agreed it's the coverage in the 20% that is too much.

Mr. Minkler stated the stairs are at an extremely steep angle; he stated the proposed plans would change the angle to a shorter and safer way down.

Chair Jarvis asked if any members of the Board believe a Site Walk is necessary. It was agreed it is not.

Vice Chair Anderson asked if the existing deck will be at the same level as the deck which will become the porch. Ms. Randall stated the existing deck across the lakeside has a 7in step into it and it comes around to the proposed screen porch, so there is a change of about 7in. The porch will be higher than the deck. Ms. Randall confirmed the new deck won't go any closer to the side setback or the lake.

Chair Jarvis opened the public hearing to members of the public. None was indicated.

Chair Jarvis closed the public hearing at 12:54PM.

Chair Jarvis stated the Board members hearing and deliberating the case would be Chair Jarvis, Vice-Chair Anderson, Mr. Bickford, and Ms. Callaway.

Findings of Fact

- The lot has 100 ft on the road, 99 ft on the lake; sides are 171 ft and 184 ft; the total size is 17,571 sq ft.
- The current impervious surface is 21.4%; the proposed is 22.3%.
- The building size is 12.7% going to 14.4%, which is within the ordinance.
- The building setback remains at 61.5 ft.
- The septic is currently 115 ft and it will be 121 ft from the lake.
- The leach field to the lake is 140.3 ft and going to 143 ft.
- The septic to the neighbor is approximately 60 ft and would be going to 80 ft.
- The addition on the roadside of the house is completely out of the 75 ft setback.
- The deck that is becoming the porch is behind the 75 ft setback.
- The current deck will have a 60 sq ft addition which is within the 75 ft setback and accounts for 0.3% of impervious surface.
- The proposed new deck on the lakeside and new stairs are to replace existing stairs which the applicant feels are unsafe because they are steep and unstable.
- The current stairs are made of patio block; the replacement stairs will be pervious.
- Shoreline and septic approvals are needed from NH DES.
- A Conditional Use Permit is required from the New Durham Planning Board.

- The septic is being replaced and the leach field moved back as the current system is over 20 years old.
- Storm water management measures are going to be added because of the steepness of the property and there is erosion on the lakeside.

Ms. Callaway stated it is nearly 1:00PM and she needs to leave.

Chair Jarvis asked the applicant if they want to continue with three members or continue the public hearing. Mr. Varney stated they did not want to continue.

Motion: *To continue the public hearing to December 13, 2022 at 7:00PM at New Durham Town Hall.* Motion by Chair Jarvis. Seconded by Vice Chair Anderson.

Discussion: Chair Jarvis stated this item would be first on the agenda.

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

Ms. Randall stated she has some items for discussion that will be pertinent to all cases. It was agreed to schedule a discussion on the agenda of a future meeting date, to be determined.

ADJOURN

Motion: *To adjourn.* Motion by Ms. Callaway. Seconded by Mr. Meyer.

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

The meeting was adjourned at 1:08PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary