

NEW DURHAM ZONING BOARD OF ADJUSTMENT

New Durham Town Hall

September 11, 2018, 7:00p.m.

Present

Terry Jarvis, Chair

Wendy Anderson, Vice Chair

Joan Martin, Member

Stephanie Richard, Member

Art Hoover, Member

Paul Raslavicus, Alternate Member

Also Present

Laura Zuzgo, Land Use AA

Tom Varney, Engineer Varney Engineering

Michael Narkis, Applicant

Chris Edwards, Applicant

Brenda Edwards, Applicant

Call to Order

Chair Jarvis called the meeting to order at 7:00pm and opened the meeting with a moment of silence in remembrance of September 11, 2001.

Approval of Minutes

Meeting of August 14, 2018 – Edits were made. **Ms. Martin made a motion to approve the minutes as amended. Ms. Anderson seconded the motion. Motion passed, 6-0-0.**

Case #2018-005 Request for Variances to Article XXI, Section G.1.(a), Article VI, Section 3.A, Article XIV, Section C.1 (c), Map 122, Lot 16 and 35.

The Board reviewed the application for completeness as well as the applicable articles. It was noted all necessary documents have been received, all abutters have been notified and the meeting was posted. The Board discussed whether Article XXI, Section G.1 conflicts with Article VI if one of the lots is considered a conforming lot. Mr. Varney noted there are two separate lots to be considered. It was noted that Article VI, Section 3.B as well as Article XXI, Section A, Article XXI, Section C.2, would be needed, therefore making the application incomplete. It was also noted verification is needed from an engineer confirming the needed work can be done and noted a site walk will need to be scheduled. Chair Jarvis stated these items need to be done so the application can be accepted as complete at the next meeting with a public hearing to follow. She also noted it will be a “new use” for the property.

Mr. Varney gave an overview of the proposed plans of the property and explained these variances would allow the applicant to make something work.

Chair Jarvis made a motion to allow the applicant or their agent to file addendum to the application for Case #2018-005 due to identified deficiencies in the application which include the need for request for variances to Article XXI, Section A, Article XXI, Section C.2. It will also be required to have engineering information regarding the road. All information is to be received by the Land Use Assistant by close of business on October 12. Mr. Raslavicus seconded the motion. Motion passed, 6-0-0. Chair Jarvis made a motion that Map 122, Lot 016 is a pre-existing, nonconforming lot. Ms. Richard seconded the motion. Motion passed, 6-0-0.

Chair Jarvis made a motion to postpone the public hearing for Case #2018-005 for property located at Map 122, Lot 016 and 035 to October 23, 2018 at New Durham Town Hall, 7:00pm.

Case #2018-006 – Request for Variances to Article V, Section E, Article V, Section D – Map 240, Lot 006, Camp Maranatha.

Mr. Hoover stated he has a conflict with hearing this case and stepped down from the board. Chair Jarvis appointed Mr. Raslavicus to sit on the board. The Board concurred. No other conflicts were noted. Mr. Hoover left the meeting at 7:42pm.

The Board reviewed a request for waiver dated August 30, 2018 from Varney Engineering.

Ms. Richard made a motion to accept the request for a waiver. Ms. Anderson seconded the motion. Motion passed, 5-0-0.

The Board reviewed the application for completeness. It was noted all necessary documents have been received, all abutters have been notified and the meeting was posted.

Ms. Richard made a motion to accept the application as complete. Ms. Anderson seconded the motion. Motion passed, 5-0-0.

Chair Jarvis opened the public hearing at 8:01pm.

Tom Varney, Varney Engineering, stated the applicants, Camp Maranatha, would like to construct a new house within the existing footprint. He noted the setbacks of the new building would be less than the minimums required by the ordinances and outlined the differences of the proposed new building versus the old and it was noted a conditional use permit was granted by the Planning Board in 2018. Mr. Varney presented plans, pictures and copies of tax maps for review by the Board and noted it is a conforming lot. He noted the septic system is approved by the State of New Hampshire and will remain the same. It was confirmed the lot would still be conforming. Chair Jarvis asked why the building could not be placed to be within the setback requirements. Mr. Varney explained they like the proposed location and the old building was a mobile home so to fit exactly would require a custom home.

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Mr. Edwards, applicant, explained the layout of the current building and the proposed new building with six bedrooms. It was clarified there are two septic tanks on the property currently and Mr. Varney stated the tanks are planned to be upgraded. The Board discussed how the building proposed is even more nonconforming than the old as well as the water body which was determined to be man-made and private. Chair Jarvis asked who is going to occupy the building. The applicant explained it will not be family and will not be a permanent home but will house volunteers at the camp. The Board discussed the special use exception requirements as well as the necessary studies. Mr. Varney suggested it doesn't apply as it is residential. It was noted this is a business although not-for-profit. The Board also discussed the roadways and right-of-ways and Chair Jarvis stated she is concerned about the close proximity of the building to the state road and wants to be sure to protect all parties from liability. It was discussed that the state setbacks should be determined as well. Chair Jarvis suggested the possibility of waivers of liability and will ask Town Counsel. There was discussion that the property operates as a campground and would have a different set of ordinances however Chair Jarvis stated the Town classifies it as a business and noted the permanence of the structures on the property. The Board members agreed it is not a campground.

Chair Jarvis made a motion to continue the public hearing for Case #2018-006 to October 23, 2018, 7:00pm at New Durham Town Hall. Ms. Richard seconded the motion. Motion passed, 5-0-0.

Proposed 2019 Budget

Chair Jarvis noted the expenditures are only through August and there will be more upcoming cases and expenses through the end of the year. The Board reviewed and discussed the 2018 budget along with the 2019 proposed budget. Chair Jarvis recommended increasing the training budget amount.

Chair Jarvis made a motion to approve the 2019 Zoning Board of Adjustment budget in the amount of \$1,351 and the subaccounts to be funded as presented on the handout. Ms. Anderson seconded the motion. Motion passed, 5-0-0.

Future Meeting

October 23, 2018, 7:00pm, New Durham Town Hall

November 13, 2018, 7:00pm, New Durham Town Hall

Adjourn

Mr. Raslavicus made a motion to adjourn. Ms. Martin seconded the motion. Motion passed, 5-0-0.

The meeting was adjourned at 9:31pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary

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Approved*