

*New Durham Zoning Board of Adjustment  
May 14, 2019  
Approved*

**NEW DURHAM ZONING BOARD OF ADJUSTMENT  
New Durham Town Hall  
May 14, 2019, 7:00p.m.**

**Present**

Terry Jarvis, Chair  
Wendy Anderson, Vice Chair  
Art Hoover  
Paul Raslavicus  
Linda Callaway

**Excused Absence**

Stephanie Richard, Member  
David Wessel, Alternate Member

**Also Present**

Laura Zuzgo, Administrative Assistant  
Tom Varney, Varney Engineering LLC  
Lea Simard, Abutter to Mason  
Paula Mason, Applicant  
Brad Jones, Jones and Beach Engineering Inc  
Madeline Grandin, Applicant  
Chris Shorette, Abutter to Grandin  
Carolyn Ranieri, Abutter to Grandin  
Wes Whittier, Alton resident, for Grandin  
Karen Dapkus, for Grandin  
John LaRochelle, for Grandin  
Scott Lawler, PE Norway Plains  
Catherine Orlowicz, ZBF Committee  
Sherly Cullimore, ZBF Committee  
Paul Michaud, Abutter ZBF

Tom Meyer, Resident  
John Simard, Abutter to Mason  
Brian Mason, Applicant  
Dave Grandin, Applicant  
Karen Shorette, Abutter to Grandin  
Mario Ranieri, Abutter to Grandin  
Mark Ranieri, Abutter to Grandin  
Dave Shagoury, Abutter to Grandin  
Mike Dapkus, for Grandin  
Lynn LaRochelle for Grandin  
Scott Drummey, ZBF Committee  
Tatiana Cicuto, ZBF Committee

**Call to Order**

Chair Jarvis called the meeting to order at 7:00 pm.

**Agenda Review**

The Approval of Minutes was moved to the end of the meeting.

**Review and Acceptance of Case # 2019-001-** Jones And Beach Engineering Inc.,  
representing David and Julie Grandin, are requesting variances from:

Article V Section 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:

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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;

Article XXI Sections C.1: 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;

Article XXI Section G.2. (b) : Non-Conforming Setbacks-The following setbacks are required for Non-Conforming buildings, land and uses addressed by this Article II. Buildings:

b. 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.

The property is located at Map 110 Lot 022–383 Merrymeeting Road

If the application is found to be complete, a public hearing may be held.

Mr. Hoover stated he would like to disclose that he has a possible conflict of interest as he has worked with Brad Jones who installed a system for him last fall as well as other projects. The applicants and abutters did not object to Mr. Hoover sitting on the case.

The Board reviewed the application for completeness. It was noted that no abutters list was included. The Board discussed the proposed plans for the property and how the variances being requested apply to the property.

**Chair Jarvis made a motion that the application for Case #2019-001, for Map 110, Lot 022 is incomplete as variances have not been requested to Article XIV, Section C.1.b and Article XXI, Section C.2. Ms. Anderson seconded the motion.**

Discussion: It was noted an abutters list needs to be included as well. **Motion passed, 4-0-1.** Mr. Hoover abstained.

It was agreed with Mr. Jones that the public hearing would be scheduled for the July 9 meeting and additional information will be needed by June 26. Mr. Raslavicus stated he would like more information on the structure referenced as a “bunkhouse” which is being proposed to be removed, and verification of it being a legal structure. Chair Jarvis stated it doesn’t affect what they are looking at; Ms. Anderson stated the building is still going to be square footage removed whether it was legal or not and would have been something to be looked at by the Code Enforcement Officer.

**Review and Acceptance of Case # 2019-002**

Thomas Varney, Varney Engineering LLC, representing the Paula J. Mason Revocable Trust, Paula J. Mason, Trustee is requesting variances from:

Article V Section D 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 General Requirements:

3.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.

3.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 C Dimensional Requirements:

1. Development with Waterfront Access

e. 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 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:

2. Such expansion does not make any existing lot, structure, or use more nonconforming within the terms of this Ordinance.

Article XXI Section G Non-Conforming Setbacks The following setbacks are required for Non-Conforming buildings, land and uses addressed by this Article

2. Buildings:

b. 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.

c. The total square footage of all buildings shall not exceed more than fifteen (15) percent of the area of a lot.

d. 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 Map118 Lot 011, 354 Merrymeeting Road.

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If the application is deemed to be complete a Public Hearing may be held.

Chair Jarvis asked if any member of the Board has any real or perceived conflicts with hearing this case.

Mr. Raslavicus stated he has worked with Mr. Varney on a professional project but does not feel it would be a conflict of interest. No conflicts were indicated by the applicant or abutters.

The Board reviewed the application for completeness.

**Chair Jarvis made a motion that the application for Case# 2019-002 is incomplete as a variance is required for Article XXI, G.2.E. Ms. Anderson seconded the motion. Motion passed, 4-0-1.** Mr. Raslavicus abstained.

The application may be resubmitted for the June 11 meeting.

**Review and Acceptance of Case # 2019-003-**The Zechariah Boodey Farmstead Committee, Catherine Orlowicz, Chair, with written permission from the New Durham Board of Selectmen, is requesting a Special Exception to allow a commercial use in a residential area as authorized by Article VII Section A and B. The property is located at 29 Stockbridge Corner Road, Map 251, Lot 021.

If the application is deemed to be complete, a Public Hearing may be held.

Chair Jarvis disclosed she has worked as a volunteer for the Boodey Farmstead Committee. No conflict by the Board, applicant or public was indicated.

The Board reviewed the application for completeness.

**Chair Jarvis made a motion to grant the Zechariah Boodey Farmstead Committee's waiver request from the Administrative Appeal fee in the amount of \$25; waiver from the fees listed on the Town of New Durham fee schedule; notice to abutters and waiver of fees for Special Exemption for two applications for a total of \$50 for Special Exemptions. Mr. Hoover seconded the motion.**

Discussion: Mr. Raslavicus questioned whether the Board has the right to waive these fees. Chair Jarvis explained the ZBA Procedures allows for the Board to waive application fees. It was confirmed all the abutters were notified and the fees for posting were paid by the Committee. The request is for waiver of administrative-related fees.

**Motion passed, 5-0-0.**

**Chair Jarvis made a motion to accept the application for Case # 2019-003 as complete. Ms. Anderson seconded the motion. Motion passed, 5-0-0.**

Chair Jarvis opened the public hearing at 8:07pm. It was confirmed all abutters were notified and the meeting was publicly posted.

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Cathy Orlowicz, chair of Zechariah Boodey Farmstead Committee, introduced Scott Lawler of Norway Plains Associates, Inc., representing the committee for the engineering portion of the project. She also gave an overview of the preservation of the historic buildings including a house and barn reconstruction project to be used as a function hall/museum house and a place for the community to gather. Ms. Orlowicz explained the research conducted which showed that combination projects as a farmstead seems to be a more viable proposal and stated they also did market research for holding functions and found there is a need for a place like this in the area. She explained they hope it will bring some business to the area and outlined the special exceptions they are requesting for commercial use in a residential/agricultural area as well as an aquifer protection area.

Chair Jarvis stated if the special exception is granted, she wants to add in the conditions of the three letters from Road Agent, Police Department and Fire Department.

The Board reviewed and discussed the proposed plans. Mr. Raslavicus asked about the kitchen plans. Ms. Orlowicz explained it is going to be a carry-in, carry-out situation with very specific details of use within the use contract for vendors and renters. She states tables and chairs will also be the responsibility of users and the site is approved for 134 occupants. Mr. Lawler explained the storm water management plan and system designed for handling water runoff as well as the septic system. He stated they are also working on the signage with the Police Department. Ms. Orlowicz explained there is a fee schedule which would help cover the costs of part time help to oversee and be on-site during an event. Ms. Anderson asked about the impact on the Town Forest. Ms. Orlowicz explained the open land areas and the proposed location of the buildings and the trees to be cut are not considered part of the Town Forest.

Chair Jarvis closed the public hearing at 8:35pm.

Chair Jarvis stated the Board members who would be deliberating the case would be Ms. Callaway, Mr. Hoover, Ms. Anderson, Mr. Raslavicus and Chair Jarvis.

**Mr. Hoover made a motion to approve the application for a special exemption. Chair Jarvis seconded the motion.**

**Chair Jarvis made an amendment that this includes Article VII, Section A and Article XII, Section E of the Zoning Ordinances. Ms. Anderson seconded the motion. Amendment passed, 5-0-0.**

**Amended Motion passed, 5-0-0.**

Mr. Hoover left the meeting at 8:45pm.

**Approval of Minutes**

Meeting of April 9, 2019 – Edits were made. **Ms. Callaway made a motion to approve the minutes as amended. Ms. Anderson seconded the motion. Motion passed, 4-0-0.**

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**Next Meeting**

Tuesday, June 11, 2019, 7:00pm.

**Adjourn**

**Ms. Anderson made a motion to adjourn. Chair Jarvis seconded the motion. Motion passed, 4-0-0.**

The meeting was adjourned at 9:12pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary