

# MINUTES

## NEW DURHAM

### ZONING BOARD OF ADJUSTMENT

#### SEPTEMBER 5, 2007

Vice-Chairperson Larry Prelli called the meeting to order at 7:15 PM.

**Roll Call:** Larry Prelli (Vice-Chair), Bill McGrew, Mike Hoffman, Helen Wellman (Alternate), Wendy Anderson. **Excused:** Terry Jarvis (Chair)

**Others Present:** Doug Perkins, Ronald Bjork, Liudmila Bjork, Daniel Nebesky

**Mark Jarvis:** Vice-Chair Prelli acknowledge the death of Mark Jarvis, husband of Chairperson Terry Jarvis.

**Ronald & Liudmila Bjork:** Acceptance and Public Hearing regarding an application by Ron Bjork, 160 Merrymeeting Road for a variance to the Town of New Durham Zoning Ordinance, Article VIII:D.2 on property located on 160 Merrymeeting Road, (Tax Map 17 , Lot 23 ) in New Durham, New Hampshire. Mr. Bjork is requesting the variance so that he can add two additions to his house totaling 105 square feet. The entire house is located within the 75' Shore Front Protection setback from the Merrymeeting River. At the closest corner, the house is 20' from the River. Both additions are on the side of the house that is furthest away from the River.

Acting Chair Larry Prelli asked Helen Wellman to sit for Theresa Jarvis who was excused. Mr. Bjork explained that he had purchased the house several years ago and lived quite adequately as a bachelor. With his recent marriage, the house was too small and lacking in some specific amenities such as kitchen cabinets, kitchen counter space, and a clothes closet. Bill McGrew commented that this seemed to be a reasonable request.

He applied for a building permit and the Building Inspector told him he would need to get a variance from the ZBA because the house was within the Shore Front Protection Zone. Mike Hoffman asked if he would need a waiver from the NH DES also from the state Shore Land Protection Law. Mr. Bjork noted correspondence in the record saying that Merrymeeting River is not a protected waterway by the State. Mr. Hoffman said that he read the Town ordinance to apply to new homes only, not

additions. David Allen said the ordinance had always been interpreted as applying to any increase in the house dimensions that happens within the protected Zone.

Bill McGrew asked if the addition would exceed the allowable impermeable surface on the lot. Mr. Bjork said it would not. The Board concluded that the request for a closet in the bedroom and space for kitchen cabinets was a reasonable request.

**Bill McGrew moved to grant a variance to the Town of New Durham Zoning Ordinance, Article VIII:D.2 so that Mr. Ronald Bjork can add two additions to his house at 160 Merrymeeting Road (Tax Map 17, Lot 23) as shown on the submitted application materials.**

**Helen Wellman seconded. Unanimous.**

**Ellen Brock:** Acceptance and Public Hearing regarding an application by Daniel Nebesky, 24 Chamberlain Way, New Durham on behalf of Elaine Brock, P.O. Box 211, New Durham for a Special Exception to allow the building of a driveway crossing poorly drained soil on property located on Quaker Road, (Tax Map 5 , Lot 39 ) in New Durham, New Hampshire.

Dan Nebesky explained that there is no way of accessing the middle uplands on the lot without crossing some part of a wetlands complex. The location proposed crosses “poorly drained” soils, not “very poorly drained” soils. Poorly drained soils are significantly less sensitive. The proposed driveway will cross the poorly drained soils at their narrowest point.

Wendy Anderson said that from her reading of the plans the crossing spot also crosses a small ridge so water will tend to flow away from the driveway in both directions instead of through the culvert. She said it looked like the best location to her.

Dan Nebesky said the culvert will be installed according to best management guidelines. Ms. Anderson asked if the house could be built closer to the road on the first uplands. Mr. Nebesky said the owner chose her site as having the most privacy and best location, and least chance of water problems for the house.

**Helen Wellman moved to grant a special exception to Ellen Brock to construct a driveway across poorly drained soils at her property on Quaker Road (Tax Map 5, Lot 39) on the condition that the wetlands crossing, including the culvert, is installed according to plans submitted to the Town of New Durham Planning and Zoning Boards, and consistent with best management practices. The driveway is needed in order to use the uplands as a house site.**

**Bill McGrew seconded. Unanimous.**

**Minutes:** Bill McGrew moved to approve the Minutes of July 11, 2007 as amended.  
Mike Hoffman seconded. Unanimous.

The meeting was adjourned at 8:15 PM.

Respectfully submitted,

David Allen

Minutes approved November 14, 2007

Town of New Durham