



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898

**AUDREY CLINE**  
Zoning Administrator  
Code Enforcement Officer  
Health Officer

TEL: (603) 868-8064  
acline@ci.durham.nh.us

**Decision or Order of the Building Inspector/Code Enforcement Officer**

*175-12. Administrative Appeals.*

*Any person who believes that the Zoning Administrator has made an error in the interpretation or application of the provisions of this Ordinance, may appeal such determination to the Zoning Board of Adjustment as an administrative appeal under the provisions of Section 175-19. If the Board finds that the Zoning Administrator erred in his/her interpretation of the Ordinance, it shall modify or reverse the decision accordingly.*

*175.19. Powers and Duties*

*B. In exercising the above-mentioned powers, the Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.*

**Applicant:** Richard and Susan Renner

**Date of order:** June 13, 2016

**Deadline for application for appeal:** July 13, 2016

**Decision or Order of the Building Inspector/Code Enforcement Officer:**

The Building Permit for a dwelling on parcel 6-9-6(1) is DENIED. A portion of the proposed septic system is within the Wetland Setback. A Special Exception per 175-29 is necessary for the approval of the building permit.

**ARTICLE XIII WETLAND CONSERVATION OVERLAY DISTRICT**

**175-62. Prohibited Uses in the WCO District.**

*Any use that is not identified as a permitted use in 175-60 or a conditional use in 175-61 shall be a prohibited use. Notwithstanding this limitation, the erection of a structure or septic system on an existing lot within the Wetlands Conservation Overlay District may be permitted by special exception in accordance with the provisions and standards of 175-29.B.*

**ARTICLE IX**

**NONCONFORMANCE**

**175-29. Nonconforming Lots.**

*B. Requirements for Individual Nonconforming Vacant Lots in the WCO and SPO Districts. The erection of a structure or septic system on an existing vacant lot within the Wetlands Conservation District or Shoreland Protection Overlay District may be permitted by special exception if the Zoning Board of Adjustment, after due public notice and public hearing,*

*finds that such exception complies with all other applicable requirements set forth in this Article and with each of the following:*

- 1. The lot upon which the exception is sought was an official lot of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this Article was posted and published in the town.*
- 2. The use for which the exception is sought cannot be carried out on a portion or portions of the lot which are outside the Wetland Conservation Overlay District or Shoreland Protection Overlay District without undue hardship.*
- 3. Due to the provisions of the Wetland Conservation District or Shoreland Protection Overlay District, no reasonable and economically viable use of the lot can be made without the exception.*
- 4. The location and design of the building(s) and all structures shall provide for the maximum setback from the reference line consistent with reasonable use of the property considering the size, shape, slope, and natural conditions of the lot including, but not limited to, soils, flood hazard areas, and wetlands.*
- 5. The design and construction of the proposed septic system will, to the extent practical, be consistent with the purpose and intent of this Article.*
- 6. The proposed septic system will not create a threat to individual or public health, safety and welfare, such as the degradation of ground or surface water, or damage to surrounding properties.*
- 7. All other state, federal and local approvals required for the septic system have been obtained.*
- 8. Where site review is required, prior approval shall be obtained from the Planning Board.*

*At the time of submission of the special exception application to the Zoning Board of Adjustment, the Conservation Commission, the Health Officer, and the Planning Board shall be informed of the application for special exception.*

By Durham's Building Inspector/Code Enforcement Officer:

  
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Audrey Cline CEO