



TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT
8 NEWMARKET RD
DURHAM, NH 03824
PHONE: 603/868-8064
www.ci.durham.nh.us

SPECIAL EXCEPTION

Name of Applicant Charles & Trisha Waters, Trustees of the Charles Waters II and Trisha Ann Waters 2000 Revocable Trust

Address: 83 Mill Road, Durham, NH 03824

Phone # 415-944-0045

Email: fourh2os@outlook.com

Owner of Property Concerned same

(If same as above, write "Same")

Address: same

(If same as above, write "Same")

Location of Property: 83 Mill Road

(Street & Number)

Tax Map & Lot Number Map 7, Lot 2

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance: Article: XX Section: 175-109, F

to supply sewer to an accessory building

EXPIRATION PERIOD FOR SPECIAL EXCEPTIONS:

Any Special Exceptions granted shall be valid if exercised within **2 years** from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

CHARLES & TRISHA WATERS, 83 MILL ROAD

CRITERIA FOR SPECIAL EXCEPTION
TO SUPPLY SEWER TO AN ACCESSORY BUILDING (BARN)
ARTICLE XX, SECTION 175-109.F

1. The use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.

The proposed sewer system will not be detrimental to the neighborhood since it will simply dispose of grey water coming from the sink in the barn. The barn is used solely as a workshop and, in the upstairs, for storage. The proposed sewer service contains no undue variance from other uses in the neighborhood nor is there any aspect of the sewer service which creates any obvious and adverse violation of the character or appearance of the neighborhood.

2. The use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B of this chapter.

The proposed sewer service for grey water from a workshop sink will not be injurious or noxious to the neighborhood.

3. The use will not be contrary to the public health, safety and welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal or similar adverse causes or conditions.

Supplying the accessory building (barn) sewer for disposal of grey water from a workshop sink is not contrary to any public health, safety or welfare needs. Further it removes the possibility of unsanitary or unhealthful waste disposal. Due to the nature of the proposal, there are no traffic congestion or hazard issues nor does the proposal contain any undue risk to life.



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: Charles and Trisha Waters II Rev Trust, 83 Mill Road, Durham NH 03824

Location: 83 Mill Road Map& Lot 7/2

Date of order: January 8, 2020

Deadline for application for appeal: February 10, 2020

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

Your building permit application # 20-11 dated January 9, 2020, is DENIED due to noncompliance with:

Durham Zoning Ordinance 175-53. Table of Land Uses.

An accessory apartment is not a permitted use in the RB Zone.

Durham Zoning Ordinance Article XIII Wetland Conservation Overlay District

175-65. Performance Standards in the WCOD.

F. Septic Setbacks

Any new septic system, leach field, or other sewage disposal system shall be set back 125 feet from the reference line of the wetland

By Durham Building Inspector/Code Enforcement Officer:

Audrey Cline CEO