



TOWN OF DURHAM
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NOTICE OF APPROVAL
Approval of one additional apartment

Address: **56 Madbury Road**
Project: **Site Plan and Conditional Use to create an additional basement apartment in existing space**
Applicant: Golden Goose Properties LLC
Property Owner: Golden Goose Properties LLC
Engineer: Mike Sievert, MJS Engineering
Map and Lot: Map 3, Lot 1-11A
Zoning: Residence A
Date of approval: **April 10, 2013**

The application is approved with the following terms and conditions:

- 1) The application is approved as submitted in the documentation provided by the applicant as part of the application., except for any changes/clarifications herein.
- 2) Pursuant to the letter of May 5, 2011 from Tom Johnson, Code Enforcement Officer, the maximum permitted number of occupants for this entire site is 111.
- 3) Provide professionally drawn, to scale, floor plans of all buildings on the site (or other documentation acceptable to the Building Official) to the Building Official so that the total number of current occupants/occupancy can be verified.
- 4) The application shall remain in compliance with the Zoning Ordinance, Conditional Use Permits section of the Zoning Ordinance, and the Building Code.
- 5) No additional square footage may be created for dwelling units without another conditional use (and in compliance with other zoning requirements).
- 6) **Property and Security Management Plan.** A property and security management plan shall be submitted to the Planning Department for approval by the Town Planner in consultation with the Police, Fire, and Code Enforcement Departments. The plan may be modified by the owner in the future with the approval of these four departments. The plan shall include the following:
 - a) night time security for the site from Thursday night through Saturday night, from 9:00 p.m. to 3:00 a.m. (the following morning);

- b) acknowledgement that if problems persist on the property, as reasonably determined by the Police Chief, full time security will be provided 7 days a week from 8:00 p.m. to 6:00 a.m. until the problems are rectified, as reasonably determined by the Police Chief;
 - c) contact information for a primary contact person, who can resolve security or other issues and be reached 24 hours a day/7 days a week;
 - d) contact information for a secondary contact person who can address these concerns if the primary contact person is not available;
 - e) assurance that all information will be updated with the Police, Fire, and Code Enforcements, as needed; and
 - f) signature and title of the party responsible for the plan and date
- 7) Findings of fact. This approval is based upon the following findings of fact: a) The application meets the eight conditional use criteria as presented by the applicant in the application; b) A conditional use is required as this application constitutes an expansion of a nonconforming use – multifamily in the Residence A zone, which does not otherwise permit multifamily; c) The application has been reviewed by the Technical Review Group, including the Deputy Fire Chief and Building Official; d) No changes are proposed to the site other except for interior modifications to the space to create the apartment and a new enclosed exterior staircase; e) The May 5, 2011 letter from Tom Johnson, Code Enforcement Officer establishes the maximum number of permitted occupants of this site, under zoning, at 111; and f) A waiver was granted under subsection 12.02 of the Site Plan Regulations to not require topographic information be submitted.