



TOWN OF DURHAM
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ZONING BOARD OF ADJUSTMENT

Property Referenced:
Tax Map 18, Lot 3-2

RE: PUBLIC RE-HEARING on an August 11, 2009, Zoning Board of Adjustment denial of a petition submitted by Stan Pasay, Pasay Properties LLC, Newfields, New Hampshire for an APPLICATION FOR VARIANCES from Article IX, Section 175-28(D), Article XII, Section 175-53 and Section 175-54 of the Zoning Ordinance to build two additional 3-unit apartment buildings on a non-conforming lot where there is currently a 5-unit building. The property involved is shown on Tax Map 18, Lot 3-2, is located at 257 Newmarket Road, and is in the Rural Zoning District.

DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by Stan Pasay, Pasay Properties LLC, and testimony given at a Public Hearing on November 10, 2009, a motion was made and seconded:

that the Zoning Board of Adjustment approve the petition submitted by Stan Pasay, Pasay Properties LLC, Newfields, New Hampshire for an APPLICATION FOR VARIANCES from Article IX, Section 175-28(D), Article XII, Section 175-53 and Section 175-54 of the Zoning Ordinance to build two additional 3-unit apartment buildings on a non-conforming lot where there is currently a 5-unit building with the following conditions:

1. There will be a visual screen to effectively block the parking lot and cars, to preserve rural character as much as possible.
2. The existing building will be limited to 15 occupants and each new building will be limited to 12 occupants, to be verified each semester by the property owner granting the Code Enforcement Officer access on short notice.
3. Visual buffering between the applicant and the abutter must be agreed upon by both the applicant and the abutter. If no agreement can be reached, the Planning Board will define the buffering.
4. The Planning Board will address property management to provide adequate security.
5. The ZBA directs the Planning Board to pay particular attention to directional lighting to minimize light pollution on the abutter

The motion PASSED on a vote of 3-2 and the application for variances was granted upon rehearing.

11/13/09
Date

Jay B. Gooze
Jay Gooze, Chair
Durham Zoning Board of Adjustment

NOTE: Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

Any questions should be directed to Tom Johnson, Zoning Administrator/Code Enforcement Officer.

