



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

## **NOTICE OF DECISION**

**Project Name:** 269 Durham Point Road – driveway, walkways, and utilities  
**Project Description:** Conditional use in Shoreland Protection Overlay District  
**Applicant:** Robert and Brenda Ryan  
**Property Owner:** Robert and Brenda Ryan  
**Surveyor:** McEneaney Survey Associates, Inc.  
**Map and Lot:** Map 20, Lot 16-2  
**Zoning:** Residence Coastal  
**Date of approval:** July 27, 2016

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Planning Board approved the conditional use for the driveway, walkways, and utilities for the subject lot as follows:

- 1) Application. The application is approved based upon the information and drawing presented in the application.
- 2) Conditions. All components of the application, as presented, apply to this approval, unless reasonable deemed irrelevant by the Town.
- 3) State permit. A permit will be needed from NHDES as the lot is subject to the NH Shoreland Protection Act (RSA 483B), unless NHDES determines that the permit is not required.
- 4) Findings of fact. As part of this review and approval the Durham Planning Board finds the following:
  - a) The applicant submitted an application, supporting documents, and plans for the project;
  - b) The Planning Board held a site walk and a public hearing on July 27, 2016.
  - c) Conditional Use. Driveways, walkways, and utilities are allowed in the Shoreland Protection Overlay District by conditional use.
  - d) Criteria. The Planning Board voted to approve the conditional use after a finding that the eight standard conditional use criteria and the four conditional use criteria in the Shoreland Protection Overlay District as listed in Section 175-72 are met.

- e) A variance was issued on September 13, 2005 to allow for a single family house within the shoreland setback and other reduced setbacks from the Zoning Ordinance, including the placement of the septic system.
- f) Independent from this application, RSA 674:41 applies to issuance of a building permit on this private road.
- g) This is a nonconforming lot by virtue of street frontage but it may still be developed for a single family house pursuant to Section 175-29. Nonconforming Lots. The proposal complies with the requirements of that section.
- h) Direct abutters on both sides of the subject lot sent emails to the Town stating their support for the proposed house plans.
- i) Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.