



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

## **NOTICE OF DECISION**

**Project Name:** 35 Madbury Road - Site Plan for Parking Improvements  
**Action Taken:** APPROVAL  
**Project Description:** Expansion, reconfiguration, and paving of existing parking area  
**Occupant:** Lambda Chi Alpha Fraternity  
**Engineer:** Mike Sievert, MJS Engineering  
**Property Owner:** Golden Goose Properties, c/o Ken Rubin  
**Map and Lot:** Map 2, Lot 8-11  
**Zoning:** Professional Office District  
**Date of approval:** August 8, 2018

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The application to expand, reconfigure, and pave the existing parking area was approved as shown on the plan prepared by MJS Engineering and revised on July 3, 2018 with the following changes and conditions.

- 1) Abutter. Parking along the northerly boundary of the lot under the proposed plan may not occur until written confirmation is received from Orion UNH LLC, the abutting property owner on Map 2, Lot 8-9, consenting to the parking areas that will be on its property.
- 2) Screening. The four spaces in front of the building shall be visually buffered by a fence or evergreen plantings with a plan to be approved by the Town Planner. If plants are used they shall be evergreen and at least 2-1/2 feet at installation so that a reasonable dense hedge may develop to a height of 3-1/2 feet. If a fence is used it should be 3-1/2 feet +/- in height and made of wood or hardiboard or a comparable material (but not vinyl).
- 3) Site constraints. It is understood that the proposed parking changes may present challenges for the property owner and will require careful oversight but the changes are recognized to be an improvement to the existing conditions and an optimal solution given the constrained site.
- 4) Waivers. Waivers were granted for: 1) allowing more than 30% compact spaces (Section 10.4.2 d); 2) from installing a barrier for the six perpendicular spaces on the right side (Section 10-4.3 a); and 3) allowing a drive aisle less than 24 feet wide (Section 10.4.3 c) and a driveway less than 20 feet wide (Section 10.5.6). These waivers were granted in accordance with Section 5.1.1 b of the Site Plan Regulations recognizing that the site is highly constrained, the existing condition is problematic, and the approved plan is the optimal solution to the parking situation. In addition, expanded parking in the front is

acceptable as the Planning Board determined that restricting parking to the side and rear of the building is not practicable (Site Plan Regulations. Sections 10.4.1 a. and b.)

- 5) Expiration. This site plan approval will become null and void if the proposed work is not substantially commenced by August 8, 2020.
- 6) Execution. The project must be built exactly as specified herein unless changes are approved by the Town.
- 7) Signature. A signature by the applicant below acknowledging all terms and conditions of this approval herein is required prior to commencing any construction activity.
- 8) Perpendicular spaces. The applicant may adjust the proposed arrangement of spaces on the right side of the driveway from 2 parallel and 2 perpendicular spaces to 1 parallel and 3 perpendicular spaces at his option.

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 accepted the application as complete on July 25, 2018; **C)** The Planning Board held a site walk and a public hearing on the application on August 8, 2018; **D)** The applicant met with the Technical Review Group on site on July 3, 2018; **E)** The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application meets all requirements (except where waivers have been granted); and **F)** The Planning Board duly approved the application as stated herein, including the conditional uses. 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.

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Ken Rubin for Golden Goose Properties

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Date

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Paul Rasmussen, Planning Board Chair

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Date