



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898

**AUDREY CLINE**  
Zoning Administrator  
Code Enforcement Officer  
Health Officer

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June 12, 2019

*RE: Minor nonconformity with meeting minimum required usable lot size.*

Dear Mr. Lambert and Ms. Cotter:

In response to your letter requesting administrative approval for a minor non-conformity with required usable area of a proposed lot, I make the following findings:

- 1.) The subdivision plan of Tax Map 6, Lot 6, is prepared by MJS Engineering with a revision date of 6/12/19.
- 2.) The subdivision plan divides an existing conforming lot into two lots.
- 3.) One lot has exactly 40,000sf and continues to be in conformance with the regulations.
- 4.) The second lot has 44,532sf, which is 4,532sf larger than the minimum lot size required. Of the 44,532sf, the ordinance requires that 4605s.f. (about 1%) of poorly drained soils be removed from the usable lot size calculation.
- 5.) Once the poorly drained soil area is subtracted, the lot does not meet the calculated minimum usable size by 73sf. As a percentage of the overall lot size, the 73sf nonconformity is less than .01% of the parcel.
- 6.) The poorly drained soils removed from the lot area are within the waterway of the Oyster River.
- 7.) The particular location and size of the poorly drained soils that are removed from the calculated lot size do not have any impact on the actual usable area of the parcel.

Due to the de-minimis nature of the nonconformity, and with sensitivity to the value of the time and effort of both the property owner and the Zoning Board of Adjustment calendar, I am administratively approving this small deviation from the calculated minimum lot size without further process.

Audrey Cline CBO  
Code Enforcement Officer