



PLANNING DEPARTMENT  
Town of Durham  
8 Newmarket Road  
Durham, NH 03824-2898  
Phone (603) 868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

RECEIVED  
Town of Durham  
JUL 17 2020

Planning, Assessing  
and Zoning

\$ 370 pd. 7/15  
Check # 4901  
\$ 36 pd. 7/17  
check # 4902

**CONDITIONAL USE APPLICATION**

Date: 7/16/20

**Property information**

Property address/location: 266 NEWMARKET RD DURHAM

Tax map #: \_\_\_\_\_; lot #(s): \_\_\_\_\_; Zoning District: RURAL

**Property owner**

Name (include name of individual): MATTHEW & COLLEEN LAKE

Mailing address: P.O. BOX 875 DURHAM NH 03824

Telephone #: 516 633 1295 Email: MATWLAKE@GMAIL.COM

**Engineer, Surveyor, or Other Professional**

Name (include name of individual): BOUDREAU LAND SURVEYING

Mailing address: 2 BEARFLE LANE NEWMARKET N.H.

Telephone #: 603 659 3468 Email address: SCOTT@BOUDREAU.LS.NET

**Proposed project**

What is the proposed project? DRIVEWAY EXPANSION + ~~UTILITY~~  
~~LINE BURIAL~~

Which provision in the zoning ordinance calls for this conditional use? 175-23(c)

Justification for granting the conditional use: THE LOCATION OF THE DRIVEWAY  
WILL NOT CHANGE SUBSTANTIALLY AND SITE WILL SLIGHTLY  
INCREASE. ~~UTILITY LINE BURIAL AS FOR SAFETY.~~

Have you completed the conditional use checklist? YES

Have you addressed the eight conditional use criteria? YES

## Other Information

Please note the following:

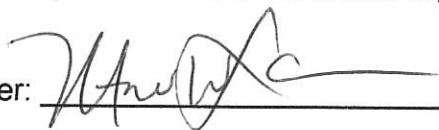
- Coordinate with Michael Behrendt, the Durham Town Planner, at 868-8064 or [mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us) about the process and any additional information that may be needed.
- Coordinate with Karen Edwards, the Planning Department Administrative Assistant, at 868-8064 or [kedwards@ci.durham.nh](mailto:kedwards@ci.durham.nh) about fees and preparing the list of abutters. All property owners within 300 feet of the site will be notified about the application and public hearing.
- Please be sure to attend all meetings of the Planning Board and the Conservation Commission, if the latter will be making a recommendation.
- The Planning Board may schedule a site walk after the first meeting.
- A public hearing will be held on the application. A sign must be placed on the property at least 10 days prior to the hearing.
- The applicant will need to address the eight general conditional use criteria. For conditional uses within the Wetland or Shoreland Overlay Districts additional criteria must be addressed by the applicant.
- For conditional uses within the Wetland or Shoreland Overlay Districts, the application will be presented to the Conservation Commission for a recommendation.
- See Article VII in the Zoning Ordinance for additional information about conditional uses.

## Submission of application

This application must be signed by the property owner(s) *and/or* the agent.

*I (we) attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As agent, I attest that I am duly authorized to act in this capacity.*

Signature of property owner: \_\_\_\_\_



Date: \_\_\_\_\_

7/16/20

Signature of agent: \_\_\_\_\_

Date: \_\_\_\_\_

Lake  
266 Newmarket Rd  
Durham, NH 03824

RE: Letter of Intent

To: Planning Board & Conservation Commission  
From: Matthew & Colleen Lake

We have approval to build an attached garage from the State of NH and the town of Durham as detailed in the attached plans. We are submitting this application for Conditional Use for a slight expansion of our existing driveway which sits within the 100' wetlands setback. ~~We would also like to bury the existing utility line that connects to the house from an existing pole on the property.~~

We also have two pre-existing outbuildings on the property, a barn and detached garage, that were built in the 1970's and are within the wetlands setback. We assume these buildings are grandfathered and do not require a Conditional Use approval but in the event an approval is required we are asking for that to be addressed as well.

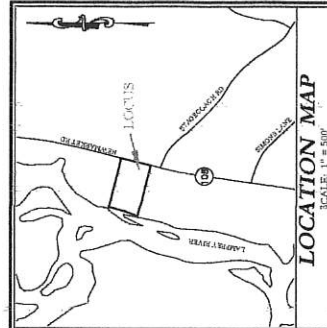
Kind Regards,

Matthew & Colleen Lake

Lake  
266 Newmarket Rd.  
Durham, NH 03824

Criteria Required for Consideration of a Conditional Use Permit.

1. Site suitability: The site is suitable for the proposed use as there is already an existing driveway in place. We are seeking a very slight expansion of the existing driveway surface area. The utility wire to the house is lower than we are comfortable with and want the wire running underground for safety purposes.
2. External impacts: There should be no material external impact given the driveway as it will not substantially change from its current location and size.
3. Character of the site development: The proposed layout and design should not change the character of the site given the limited proposed driveway expansion.
4. Character of the buildings and structures: N/A
5. Preservation of natural, cultural, historic, and scenic resources: The proposed driveway and utility line burial will not have an impact on any of these items.
6. Impact on property values: The improvement of our property as proposed will not cause or contribute to a significant decline in property values of adjacent properties.
7. Availability of Public Services & Facilities: We have our own well and septic system.
8. Fiscal impacts: The proposed driveway expansion and power line burial will have any negative fiscal impact on the Town.



**LOCATION MAP**  
SCALE: 1" = 200'

**NOTES:**

1. REFER TO THE PLAN SHEET FOR THE LOCATION OF THE PROPOSED LOT.
2. TOTAL PARCEL AREA: 102,480 SQ. FT. OR 2.34 AC.
3. ZONE OF RECORD: MATTHEW & COLLEEN LAKE ZONING DISTRICT, DORSET, VT.
4. ZONE: R-1 (RURAL)
5. DEPARTMENTAL REQUIREMENTS:
  - MINIMUM FRONT YARD SETBACK: 10 FT.
  - MINIMUM SIDE YARD SETBACK: 5 FT.
  - MINIMUM REAR YARD SETBACK: 5 FT.
  - MINIMUM LOT AREA: 10,000 SQ. FT.
  - MINIMUM LOT WIDTH: 20 FT.
  - MINIMUM LOT DEPTH: 20 FT.
  - MINIMUM LOT AREA PER ACRE: 43,560 SQ. FT.
  - MINIMUM LOT WIDTH PER ACRE: 208.71 FT.
  - MINIMUM LOT DEPTH PER ACRE: 208.71 FT.
6. THE FRONT OF THIS PLAN IS TO SHOW THE LOCATION OF THE PROPOSED LOT.
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**PLAN REFERENCES:**

1. PLAN TITLED "SUBDIVISION OF MATTHEW & COLLEEN LAKE" PREPARED BY J. DATE & ASSOCIATES, LTD. 10/17/19.

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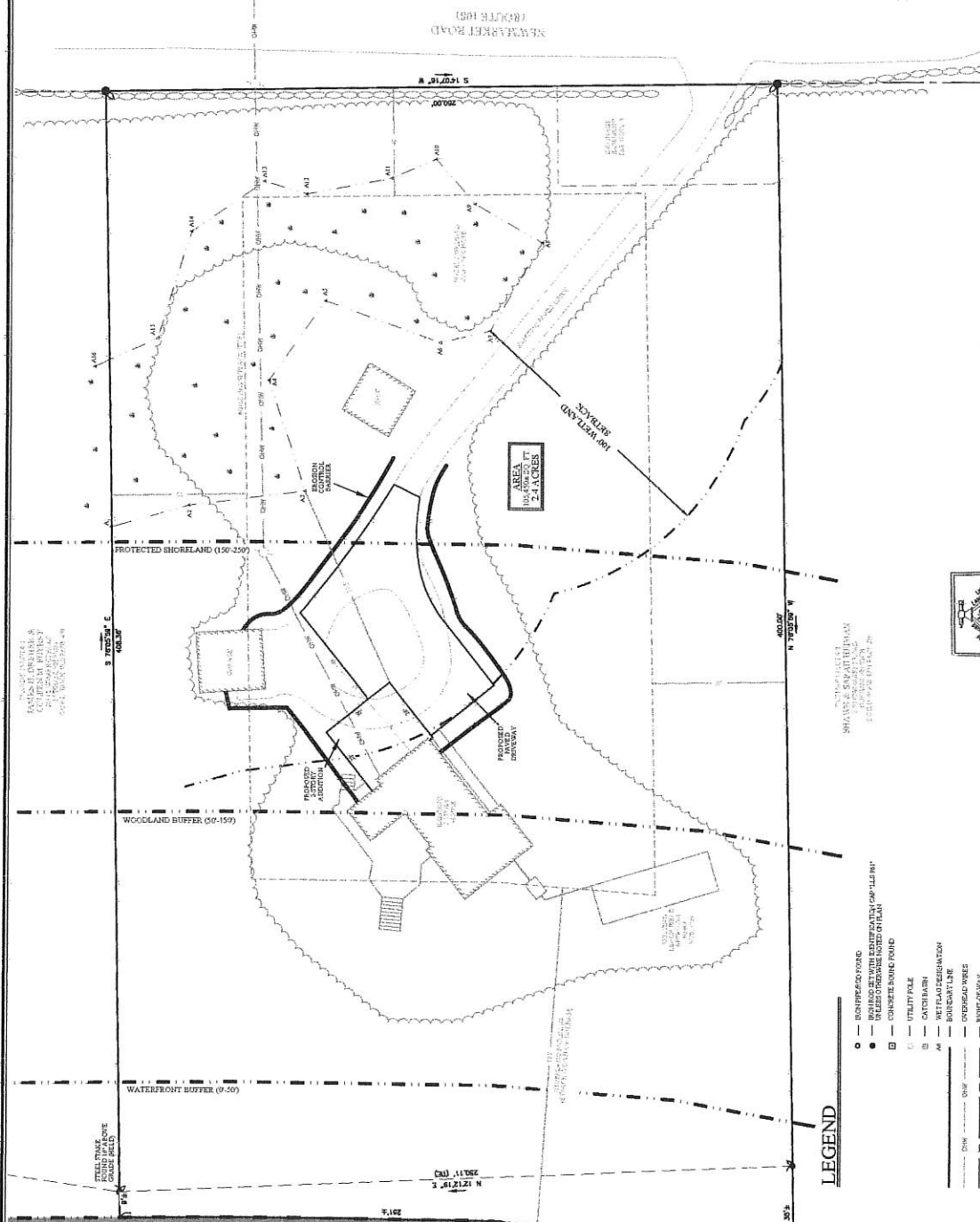
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**SITE PLAN**  
PREPARED FOR  
**MATTHEW & COLLEEN LAKE**  
(TAX MAP # 10742)  
266 NEWMARKET ROAD  
DORSET, VT

**Boutreau Land Surveyors**  
177 N. MAIN ST.  
DORSET, VT 05834  
PHONE: 802.333.1111  
WWW.BOUTREAU.LS.COM

DATE: 10/17/19  
DRAWN BY: JAS  
CHECKED BY: JAS  
SCALE: 1" = 200'



NO.	DATE	ISSUED BY	REVISION	BY
1	10-17-19	JAS	ISSUED	JAS

**LEGEND**

- SOURCE SPRING
- SOURCE SPRING
- CONCRETE FOUNDATION
- UTILITY POLE
- CATCH BASIN
- METEOROLOGICAL
- BOUNDARY LINE
- OVERHEAD WIRE
- RIGHT-OF-WAY
- DELETED WEEDS BOUNDARY - SEE NOTE
- EDGE OF PAVED LOT
- BUILDING SETBACK LINE
- DRAINAGE EASEMENT
- TONE WALL

SCALE: 1" = 200'

DATE: 10/17/19

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Return to:

Matthew Lake and Colleen Lake

266 Newmarket Road

Durham, NH 03824

15 Bear MTN Rd.  
Ridgefield CT 06877

## WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **Gertrude Elizabeth King**, unmarried, of 266 Newmarket Road, Durham, NH 03824, for consideration paid grants to **Matthew Lake** and **Colleen Lake**, Husband and Wife, of 15 Bear Mountain Road, Ridgefield, CT 06877, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain tract or parcel of land with the buildings thereon situate in the Town of Durham, County of Strafford and State of New Hampshire, on the westerly side of the road leading from Durham to Newmarket, bounded and described as follows, to wit:

Beginning at an iron pin set in the ground on the westerly sideline of said road leading from Durham to Newmarket at the southeasterly corner of land now or formerly of Yeager and thence running southerly along the westerly sideline of said road a distance of Two Hundred Fifty (250) feet, more or less, to an iron pin driven in the ground at land now or formerly of Durkee; thence turning at right angles and running approximately Four Hundred (400) feet in a westerly direction to the Lamprey River; thence turning and running northerly along said Lamprey River approximately Two Hundred Fifty (250) feet to land now or formerly of Yeager; thence turning and running easterly along said Yeager land approximately Four Hundred (400) feet to an iron pin driven in the ground at the point of beginning. The northerly and southerly bound lines of the lot herein described are parallel to each other and are at right angles to the easterly bound line running along the westerly sideline of the road leading from Durham to Newmarket.

Meaning and intending to describe and convey the same premises conveyed to Gertrude Elizabeth King by virtue of a deed of Layne Pier, Executrix of the Estate of Phyllis B. Pomerleau dated November 26, 2014 and recorded in the Strafford County Registry of Deeds at Book 4260, Page 43.

I, the grantor, hereby release all rights of homestead in the above described premises.

Executed this 22 day of November, 2019.

Gertrude Elizabeth King  
Gertrude Elizabeth King

State of New Hampshire  
County of STRAFFORD

November 22 2019

Then personally appeared before me on this November 22 2019 the said Gertrude Elizabeth King and acknowledged the foregoing to be his/her/their voluntary act and deed.

Lora M Piatti

Notary Public/Justice of the Peace  
Commission expiration:

