



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

***Town Planner's Recommendation***  
**Wednesday, February 23, 2022**

VIII. ***Public Hearing - 4 Old Landing Road – Expansion of Multi-Unit Residence.*** 4 Old Landing Road. Site plan and conditional use to add two 4-bedroom apartments in the attic to existing house with eight 2-bedroom units. Mark Henderson, property owner. Nick Isaak, architect. Map 5, Lot 6-1. Courthouse District.

➤ I recommend approval as stated below.

Note that this application is a conditional use and a site plan so the board will need to review the eight conditional use criteria for expansion of a nonconforming use.

The Planning Board is holding a site walk on February 23 at 3:00 pm. Any issues that arise at the site walk or the public hearing may be incorporated into this notice as appropriate.

**\*Draft\***

**NOTICE OF DECISION**

**Project Name:** 4 Old Landing Road – Expansion of Apartment  
**Action Taken:** APPROVAL  
**Project Description:** Site plan and conditional use for expansion of existing apartment into attic space with two 4-bedroom units  
**Property Owner:** Mark Henderson  
**Architect:** Nick Isaac  
**Map and Lot:** Map 5, Lot6-1  
**Zoning:** Courthouse  
**Date of approval:** February 23, 2022

*[Office use only. Date certified: \_\_\_\_\_ ; CO signed off \_\_\_\_\_ ; All surety returned: \_\_\_\_\_]*

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

**PRECEDENT CONDITIONS**

All of the conditions below must be met by the applicant prior to issuance of a building permit. If all of the precedent conditions are not met within one year to the day of the

board's approval - by February 23, 2022 (or as extended) - the Planning Board's approval will be considered to have lapsed. Extension(s) may be granted by the Planning Board for reasonable cause.

- 1) Addresses. Obtain addresses for the new units to be approved by the Fire and Police Departments and submit to the Planning Department.
- 2) Water and sewer. Submit plan showing the water line and sewer line as required by the Town Engineer. Make any changes or improvements to the water line and sewer line as required by the Town Engineer.

Obtain any additional approvals from Public Works for the water and sewer, including a utility connection permit or modification as required.

- 3) Energy checklist. The applicant shall meet with a representative of the Durham Energy Committee and the Building Official for a nonbinding discussion about the energy checklist.
- 4) Architectural elevations. Revise the architectural drawings in coordination with the Town Planner, pursuant to the Durham Architectural Regulations and provide final drawings. The applicant is encouraged to consider removal of the existing siding on the building. The revised drawings will be shared with the Planning Board.
- 5) Recording. This notice of decision must be recorded at the Registry of Deeds.
- 6) Signature. Signature by the applicant at the bottom acknowledging all terms and conditions of this approval herein.

### **SUBSEQUENT CONDITIONS AND GENERAL TERMS**

All of the conditions below are also attached to this approval.

- 7) Sprinklers. The building must have a sprinkler system if so determined by the Durham Fire Department. The sprinklers may be installed according to any timeframe approved by the Fire Department.
- 8) Bike shed. The applicant is encouraged, but not required, to remove the bike shed.
- 9) Bike storage. Bicycle storage must be provided on site if the shed is removed. The applicant shall meet with the Town Planner prior to issuance of a certificate of occupancy to show how bicycle storage will be provided in a convenient manner. It is preferred but not required that both indoor and outdoor storage be provided.
- 10) Survey. If a survey of the property is completed in the future, please provide a copy to the Planning Department.

- 11) Dumpster. The applicant may install a better base and enclosure for the existing dumpster at his option.
- 12) Recycling. Prior to the certificate of occupancy, the applicant shall meet with a representative of Public Works or the Integrated Waste Management Advisory Committee for a nonbinding discussion about recycling. At this time, the applicant provides containers for the residents, collects it three times each week, and has it taken away by an outside vendor.
- 13) Execution. The project must be executed as specified in the approved application package unless changes are approved by the Town.

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 February 9, 2022; **C)** The applicant met with the Technical Review Group on February 1, 2022; **D)** The Planning Board held a site walk on February 23, 2022; **E)** The Planning Board held a *public hearing* on the application on February 23, 2022; and **F)** The Planning Board reviewed the application in accordance with the Durham Zoning Ordinance and the Durham Site Plan Regulations, and found that the application *meets all requirements*; **G)** the Planning Board found that the eight criteria for *conditional uses* outlined in the Zoning Ordinance section 175-23 C. are adequately addressed in the applicant’s application for a conditional use; **H)** The Planning Board and Town Planner reviewed the design in accordance with the *Architectural Standards* contained in the Site Plan Regulations; and **I)** 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.

Signature(s). As the applicant I accept and acknowledge all of the terms and conditions of this approval herein.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of applicant

\_\_\_\_\_  
Signature of Planning Board Chair

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of Planning Board Chair