

**TOWN OF DURHAM**  
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**Town Planner's Project Review**  
**Wednesday, November 20, 2024**

VIII. **9-11 Young Drive Condominium Conversion.** Application under the Subdivision Regulations to create a two-unit condominium. One half of the proposed structure is completed and the other half is planned for construction. Young Drive LLC, property owner, c/o Francis Chase as agent. Map 107, Lot 92. Coe's Corner District.

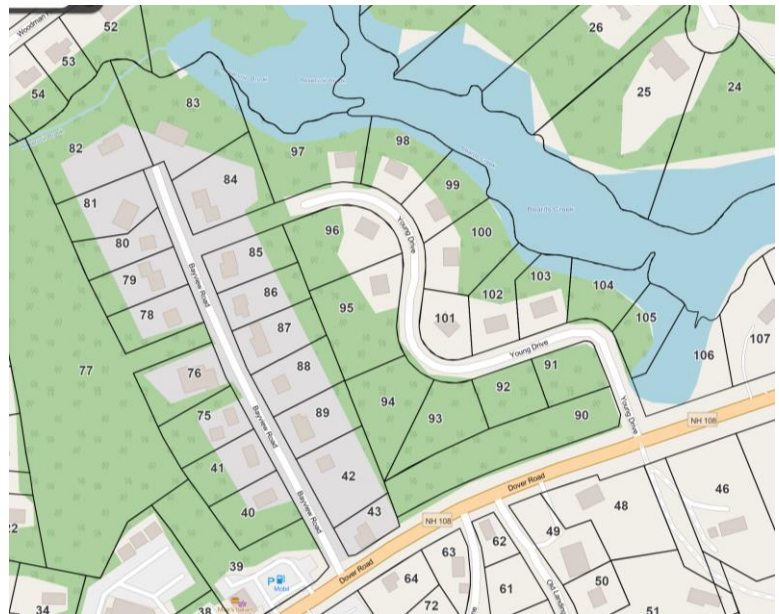
➤ I recommend that the board accept the application as complete and set a public hearing.

Please note the following:

- 1) Application. We have an application to an existing lot to create a two-unit condominium. One half of the building is in place and the applicant plans to build the second half soon.
- 2) Young Drive. There are 15 separate lots on Young Drive. All were owned by Young Drive, LLC. See the GIS below. The owner has steadily converted the sites to separate two-unit condominiums and sold the units over time. Each condominium is entirely separate from the others with its own two-unit association. This review is similar to reviews conducted by the Planning Board for earlier conversions. The condominium documents are similar for each application.
- 3) Documents. The package includes a condominium (subdivision) application form, the declaration which establishes the condominium; the bylaws, included as an appendix, provide for the governance of the condominium, a site plan, and floor plans shown on the site plan. There will be a wall down the middle of each building separating the units. The left and right halves of each lot will be owned jointly under the condominium but will be designated as separate limited common areas (for use only by each unit owner respectively). Each unit owner will have 50% interest in the condominium.
- 4) Town Review. A municipality's review of a condominium conversion is limited. We look for red flags that might run counter to Town ordinances and good public policy such as undue restrictions on parking or access and treatment of utilities. The New Hampshire Attorney General reviews condominium conversions in detail.
- 5) TRG. I will not bring this application to a meeting of the Technical Review Group but have forwarded the information to the TRG for any comments.
- 6) Under construction. The applicant is asking to create the condominium now as they have a buyer for the existing structure. The applicant said that the buyer will close on the unit as

soon as the condominium is approved and recorded. After that conveyance, in the interim before the second unit is built, Young Drive LLC will own the other half of the condominium and need to meet any requirements of the association including payment of any taxes. Both halves will be assessed by the Town accordingly. I am checking with the Town Attorney for considerations given that one of the units is not yet built.

- 7) Tenancy. Note that for all of these structures, there is a restriction (included in Exhibit A) that no undergraduate college student may occupy a unit unless their parent or guardian also resides in the unit. The Town negotiated this restriction a number of years ago as part of an agreement with the owner to remove some original requirements on the subdivision.
- 8) Town ordinances. There is also a provision alerting buyers to the requirement to comply with Town ordinances, on the last page of the Bylaws.
- 9) Duplexes. Coe's Corner does not allow duplexes but the Town Attorney established several years ago that construction of duplexes on the remaining lots is vested.
- 10) Waivers. The applicant filled out a waiver form but no waivers are needed. requirements in the Subdivision Regulations pertinent to conventional subdivisions are not applicable.



**Lot 92. Under construction. Right side to be built:**

