



TOWN OF DURHAM
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Zoning Administrator
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ZONING BOARD OF ADJUSTMENT
Tuesday, November 13, 2018 at 7:00 p.m.
Town Council Chambers, Town Hall
8 Newmarket Road, Durham, NH
Agenda

- I. Call to Order
- II. Roll Call
- III. Seating of Alternates
- IV. Approval of Agenda
- V. Public Hearings:

A. **CONTINUED PUBLIC HEARING** on a petition submitted by Kimberley Laris, Portsmouth, New Hampshire for an **APPLICATION FOR VARIANCE** from Article XII, Section 175-54 of the Durham Zoning Ordinance to subdivide a piece of property into two lots where each lot is less than the required minimum lot size of 150,000 square feet and has less than the minimum frontage of 300 feet. The property involved is shown on Tax Map 12, Lot 2-5, is located at 228 Piscataqua Road, and is in the Residence C Zoning District. **THE APPLICANT HAS REQUESTED THAT THIS APPLICATION BE POSTPONED UNTIL DECEMBER 11, 2018.**

B. **CONTINUED PUBLIC HEARING** on a petition submitted by J.U. Family Trust, Durham, New Hampshire for an **APPLICATION FOR VARIANCE** from Article XII.1, Section 175-54 of the Durham Zoning Ordinance to construct a deck on the house within the sideyard and rearyard setbacks. The property involved is shown on Tax Map 12, Lot 1-18, is located at 23 Cedar Point Road, and is in the Residence C Zoning District.

C. **CONTINUED PUBLIC HEARING** on a petition submitted by Clark Properties LLC, Middleton, New Hampshire on behalf of Town & Campus, Inc., Madbury, New Hampshire for an **APPLICATION FOR VARIANCES** from Article II, Section 175-7 and Article XII.1, Sections 175-54 and 175-56 of the Durham Zoning Ordinance to allow for a mixed use on the 2nd floor and residential use on the 4th floor of a commercial building, to allow for a 66:33 split between residential and commercial space, to allow for reduction in the density requirement from 1,200 square feet to 600 square feet, and to allow for the minimal habitable floor area per occupant in an unrelated household from 600 square feet to 300 square feet. The property involved is shown on Tax Map 2, Lot 14-1, is located at 74 Main Street, and is in the Central Business Zoning District.

(Over)

D. **PUBLIC HEARING** on a petition submitted by MJS Engineering, P.C., Newmarket, New Hampshire, on behalf of the Alpha Sigma House Corp. of Kappa Delta Sorority, Durham, New Hampshire for an **APPLICATION FOR A VARIANCE** from Article II, Section 175-7 of the Durham Zoning Ordinance to permit the existing lower level of a sorority to be defined as a basement rather than a story to allow for the existing building to be expanded to include a third floor. The property involved is shown on Tax Map 2, Lot 12-2, is located at 25 Madbury Road, and is in the Central Business Zoning District.

E. **PUBLIC HEARING** on a petition submitted by Durbin Law, Portsmouth, New Hampshire, on behalf of the ARNE LLC, Hooksett, New Hampshire for an **APPLICATION FOR SPECIAL EXCEPTION** as specified in Article XII.1, Section 175-56(F) Durham Zoning Ordinance to construct a septic system & leach field within the 30-foot front yard setback. The property involved is shown on Tax Map 17, Lot 13-2, is located at 221 Packers Falls Road, and is in the Rural Zoning District.

F. **PUBLIC HEARING** on a petition submitted by Durbin Law, Portsmouth, New Hampshire, on behalf of the ARNE LLC, Hooksett, New Hampshire for an **APPLICATION FOR A VARIANCE** from Article XII.1, Section 175-54 of the Durham Zoning Ordinance to permit the creation of a lot which is less than the 150,000 square-foot minimum. The property involved is shown on Tax Map 17, Lot 13-2, is located at 221 Packers Falls Road, and is in the Rural Zoning District.

G. **PUBLIC HEARING** on a petition submitted by MJS Engineering, P.C., Newmarket, New Hampshire, on behalf of the Toomerfs, LLC, Durham, New Hampshire for an **APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION** from an October 25, 2018 letter from Zoning Administrator, Audrey Cline. The properties involved are shown on Tax Map 4, Lots 38-5 & 55-0, are located at 12 Cowell Drive and 18 Main Street respectively, and are in the Residence A and Church Hill Zoning Districts.

H. **PUBLIC HEARING** on a petition submitted by MJS Engineering, P.C., Newmarket, New Hampshire, on behalf of the Toomerfs, LLC, Durham, New Hampshire for an **APPLICATION FOR A VARIANCE** from Article XII.1, Section 175-53III(3) of the Durham Zoning Ordinance to permit a driveway on Lot 38-5 as an accessory use to access a surface parking lot on Lot 55-0. The properties involved are shown on Tax Map 4, Lots 38-5 & 55-0, are located at 12 Cowell Drive and 18 Main Street respectively, and are in the Residence A and Church Hill Zoning Districts.

VI. Other Business:

VII. Approval of Minutes – October 9, 2018

VIII. Adjournment

Please note:

- 1) Public hearings. The public is invited to attend all meetings of the Zoning Board of Adjustment. *The public is welcome to speak at all public hearings.* For other items the public may speak only at the discretion of the chair/board.
- 2) Other information. Files on the items above are available for review in the Planning Office from 8:00 a.m. to 4:30 p.m., Monday through Friday.
- 3) Contacting us. Contact the Planning and Building Department with questions or comments about the items above or any planning-related matters. Call (603) 868-8064 or email kedwards@ci.durham.nh.us (Karen Edwards, Administrative Assistant) or acline@ci.durham.nh.us (Audrey Cline, CEO/Zoning Administrator).
- 4) Communication aids. Please provide the Town 48-hours notice if special communication aids are needed.
- 5) Meeting dates. Meeting dates are subject to change. Contact the Planning and Zoning office about meetings. The next Zoning Board of Adjustment meeting is **December 11, 2018.**