

*These minutes were approved at the June 9, 2020 meeting.*

**ZONING BOARD OF ADJUSTMENT  
Tuesday, April 14, 2020 at 7:00 p.m.  
Town Council Chambers, Town Hall  
8 Newmarket Road, Durham, NH  
MINUTES**

**MEMBERS PRESENT:** Chris Sterndale, Chair (in person)  
Tom Toye (attending remotely)  
Micah Warnock, Secretary (attending remotely)  
Joan Lawson (attending remotely)  
Mark Morong (attending in person)

**OTHERS PRESENT:** Audrey Cline, Code Administrator (attending remotely)

**I. Call to Order**

Chair Sterndale called the meeting to order at 7:00 pm.

**II. Roll Call**

The roll call was taken.

<i>Chris Sterndale</i>	<i>Yes</i>
<i>Tom Toye</i>	<i>Yes</i>
<i>Micah Warnock</i>	<i>Yes</i>
<i>Joan Lawson</i>	<i>Yes</i>
<i>Mark Morong</i>	<i>Yes</i>

**III. Seating of Alternates**

No alternates were seated.

**IV. Approval of Agenda**

Chair Sterndale noted that Items V.A and V.B had been postponed indefinitely at the request of the applicant.

**V. Public Hearings:**

- A. **PUBLIC HEARING** on a petition submitted by Sharon Cuddy Somers, Donahue, Tucker & Ciandella, PLLC, Exeter, NH on behalf of Charles & Trisha Waters, Durham, New Hampshire for an **APPLICATION FOR SPECIAL EXCEPTION** from Article XX, Section 175-109(F)(4), of the Durham Zoning Ordinance to permit an accessory building to be supplied with sewer. The property involved is shown on Tax Map 7, Lot 2-0 is located at 83 Mill Road, and is in the Residence B Zoning District.

This application has been postponed indefinitely at the request of the applicant.

- B. **PUBLIC HEARING** on a petition submitted by Sharon Cuddy Somers, Donahue, Tucker & Ciandella, PLLC, Exeter, NH on behalf of Charles & Trisha Waters, Durham, New Hampshire for an **APPLICATION FOR VARIANCES** from Article XII.1, Section 175-53 of the Durham Zoning Ordinance to permit an accessory apartment in the RB Zoning District and from Article XIII, Section 175-65(F) of the Durham Zoning Ordinance to permit the placement of a septic tank and aeration tank within 125 feet of a wetland. The property involved is shown on Tax Map 7, Lot 2-0 is located at 83 Mill Road, and is in the Residence B Zoning District.

This application has been postponed indefinitely at the request of the applicant.

- C. **PUBLIC HEARING** on a petition submitted by Brandon Lisowski, Durham, New Hampshire for an **APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION** from a February 19, 2020 letter of the Code Enforcement Officer, Audrey Cline, to deny a Home Occupation 2 for a snow removal and light excavation business. The property involved is shown on Tax Map 14, Lot 25-1, is located at 60 Wiswall Road, and is in the Rural Zoning District.

Danielle Lisowski said they'd lived in Durham for 5 years, and said her husband was a full-time fire fighter for the town of Newington, and in the winter he did snow plowing offsite. She said they had a snowplow on their property so technically were operating the business out of their house, but said they didn't have customers or employees on site. She said they'd applied for a home occupation permit and were denied, and were appealing that decision.

Chair Sterndale noted that the Zoning Ordinance had restrictions about where one could store equipment for a business, and said the issue was possible impacts on neighbors.

Ms. Lisowski said there was a garage in the back of the house where the equipment was stored.

Mr. Morong asked if they had a landscaping business in the summer and Ms. Lisowski said yes. Brandon Lisowski said there was a small trailer and skid steer for that business, and said they were parked in the garage or in back of it. Ms. Lisowski said they would

like the Board to know that this was their house, which they kept up properly, and said they were respectful of their neighbors. She said there would just be a few pieces of equipment out back.

Mr. Toye confirmed that the denial wasn't based on an action of a neighbor. Ms. Lisowski said they had applied for a home occupation permit, wanting everything to be on the up and up. She said the neighbors hadn't complained, and noted that she and her husband had gotten compliments about the improvements they'd made to their property since moving in.

Mr. Morong asked about the square footage of the garage, and Ms. Lisowski said it contained about 800 sf.

Ms. Lawson noted that the Lisowski's had applied for the home occupation permit as an LLC, and asked what the business description was. She was told that the business description was snow removal and light excavation.

Ms. Cline said the information the applicants had provided was correct, and said they'd come forward on their own to get the permit. She said in this case, her concern as the Code Officer was not being able to determine if there was after hours noise from the equipment being started up, etc. She noted that snow plowing could happen at all hours of the night. She said there were houses on three sides, and said reading the Zoning language, it looked like she needed to deny the permit application and it would then go to the ZBA.

Mr. Morong said the truck with the snowplow came and went, but was making noise with the snowplow someplace else, and meanwhile neighbors' driveways might be plowed. Ms. Lawson said in terms of any possible noise issues, she saw this situation as no different than someone who worked off hours, driving away at night and coming back in the morning.

Chair Sterndale asked if there were any complaints about this property or enforcement issues, and Ms. Cline said no.

Mr. Morong said he drove by the property and said he couldn't see anything. He spoke further on this.

Mr. Warnock said the snowplow didn't bother him. He asked if the skid steer was left on the trailer. Mr. Lisowski said it depended, and said there would only be a few minutes when it was running. Ms. Lisowski said that was always done during the day.

Mr. Morong noted a well-known contractor as well as a farmer who had a lot of equipment on their properties in that area of Town.

Mr. Toye asked what the Board's role was here. Chair Sterndale said they would potentially be granting the permit and stepping over the decision of the Code Officer. Mr. Toye asked if a topic of discussion was whether the permit was even needed. Chair Sterndale said it could be.

Ms. Cline said technically this was a contractor's yard home business, and said a permit was needed in order to allow this activity. She said if there was just someone doing work on their property, the permit wouldn't be needed. She said if the activity was making noise, then that would be a police enforcement issue.

Mr. Warnock asked what would stop the applicant from increasing the business, with excavators, etc. Ms. Cline said if the permit was issued today and it became a larger endeavor, there would be an enforcement action. Mr. Morong asked what would happen if it was creating impacts on neighbors. Ms. Cline said it would then be outside of the home occupation permit, which required that the use not impact the neighbors with noise, fumes, etc. She noted that the activity would have to be having a significant impact. There was further discussion. Mr. Morong noted his own experience as a contractor, having to abide by the limits of the permit.

Ms. Lisowski assured the Board that they were trying to do the right thing.

Chair Sterndale asked if there were any members of the public who wished to speak. There was no response. Chair Sterndale closed the Public Hearing.

He said Ms. Cline was being strict in her interpretation of the Ordinance, which was fine. He said there was no threat to the neighborhood in terms of noise, odors etc.

Mr. Morong said he didn't see that there was a threat, and said the Laskowski's should have their business.

***Micah Warnock MOVED that the Zoning Board of Adjustment approve a petition submitted by Brandon Lisowski, Durham, New Hampshire for an APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION from a February 19, 2020 letter of the Code Enforcement Officer, Audrey Cline, and to allow a Home Occupation 2 for a snow removal and light excavation business. Mark Morong SECONDED the motion and it PASSED unanimously 5-0 by a roll call vote:***

<b><i>Chris Sterndale</i></b>	<b><i>Yes</i></b>
<b><i>Tom Toye</i></b>	<b><i>Yes</i></b>
<b><i>Micah Warnock</i></b>	<b><i>Yes</i></b>
<b><i>Joan Lawson</i></b>	<b><i>Yes</i></b>
<b><i>Mark Morong</i></b>	<b><i>Yes</i></b>

- C. **PUBLIC HEARING** on a petition submitted by Sharon Cuddy Somers, Donahue, Tucker & Ciandella, PLLC, Exeter, NH, on behalf of Kathleen Morris, Durham, New Hampshire for an **APPLICATION FOR VARIANCE** from Article XX, Section 175-109(G)(1), of the Durham Zoning Ordinance to allow for more than one accessory dwelling unit on a property. The property involved is shown on Tax Map 8, Lot 2-3, is located at 30 Durham Point Road, and is in the Residence C Zoning District.

Attorney Somers said the property contained 3 acres, and said Margot and her five children, 3 of whom were adopted, lived there. She said Kathleen was there every day to help care for the children. She said there were 5 bedrooms, 4 which were in the home and one which was in the pre-existing accessory apartment in the basement.

She said there had been a daycare center in the house, which had ceased operation with no plans to open it again because of concerns about the health of the children. She said there was adequate space to provide for the parking needs of family members, and said the property was served by a well and a septic system with the capacity for 5 bedrooms. She said the septic design would be modified to accommodate 2 more bedrooms. She said 4 of the 5 children had recognized disabilities that required reasonable accommodation for living space, including separate living space for caregivers.

Architect Heather Rivera of Alden Architects provided photos of the property, noting that it was set back from the street and that they wanted to keep the single family feel of the house. She said it contained 5000 square feet, and said 3800 square feet was living space right now. She said they were proposing to add on to the house by five feet, and to also construct a new dwelling with one accessory dwelling unit on the top floor and another one tucked underneath in the basement. She said between the existing dwelling and the new dwelling would be a shared common space for circulation, and said there would be a shared door between the new accessory dwelling units and the main entry to the house. She said it would look like one dwelling unit for one family, which it was.

She showed the site plan, and noted that the house was well within the setback limits. She said the existing parking area and driveway contained more than enough space for 4-5 cars now, including a garage. She said the lot was covered with conifers and deciduous trees, and was set back 100 ft from Durham Point Road. She said the proposed structure would be tucked behind the trees. She said they were well within the impervious surface limits.

Ms. Rivera provided proposed elevations of the expanded house, looking at it from the front and the back, and spoke in detail about the design. She also reviewed the floorplans in some detail. She said the Ordinance said there could be up to a maximum of 850 sf for a unit, and said the basement unit would contain 839 sf and the first floor unit would contain 816 sf.

Attorney Somers reviewed the variance criteria.

Hardship - She said this was an unusual application, and noted that the criteria of hardship spelled out in RSA 674:33 V applied:

“Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that: (a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance; (b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.”

She said in this case, there were family members who were defined as a household, and said 4 of the children had recognized physical disabilities. She said in the interest of privacy, verification on this would be provided to the Town attorney, who would report back on this to the ZBA. She said some of the children had extreme disabilities that required extensive caregiving, and said the units would provide space for caregivers to live there. She said Margot's daughter Samantha and Kathleen would live in the units and provide the necessary services. She also said a family member had some disabilities and couldn't live in a completely independent setting, and said that person would benefit from having a space to have some autonomy but also have services nearby.

Attorney Somers noted RSA 674:33 V (a) concerning whether allowing the additional accessory dwelling units would be in harmony with the intent of the Ordinance. She said accessory dwelling units (ADUs) by their nature were intended to provide flexible living arrangements to assist families in meeting the needs of family members, while still being accessory to the primary single-family dwelling. She said in this case, the design showed that the units would complement the existing single-family dwelling, were within the size requirements, and would blend in with the existing single-family home in terms of operation and appearance. She said the intent was therefore met.

She said the statute also provided that the ZBA was authorized to require that after the need went away, the property would revert to its prior state, and the ADUs would be decommissioned. She said in this instance a trust was proposed, where after the disabled family members no longer resided there, the ADUs would be decommissioned. She noted that a kitchen was the threshold test of a living space unit, and said the cooking facilities would be removed. She said the structure would not be removed. She said there would need to be funds in the trust to allow for the decommissioning. She said other approaches could be explored if needed, and said the methodology decided upon would be presented to the Town attorney.

Attorney Somers said the applicant had provided information on the septic system that was in place now, which was approved by the State in 2008. She said they proposed that a modification to the existing septic system would be made to accommodate 2 more bedrooms. She suggested that there could be condition of approval that these modifications would need to be made before a certificate of occupancy was issued by the Town.

Public Interest – Attorney Somers said the intent of preventing multiple ADUs on a property was intended to prevent a multifamily unit from organically developing. She said the applicant didn't believe what was proposed was contrary to the public interest because it would serve the very narrow interests of this particular family and circumstances, and once the family members were not there anymore, the units would no longer be ADUs. She said the living space involved met the setback and lot coverage requirements, so it wasn't causing additional zoning concerns. She said the property was generally shielded from public view, and said the character of the neighborhood would not change. She said the caregivers would not present health and safety issues.

She noted regarding the issue of the character of the neighborhood being maintained that several letters had noted noise issues with the daycare center that had operated on the property. She said that operation had been discontinued and would not reopen. She also said it would look like one structure, with three ADUs, one of which previously existed, and said this wasn't contrary to the public interest,

Spirit and Intent of the Ordinance – Attorney Somers noted that the test for this criterion was the same as the public interest test, and said this variance criterion was therefore met.

Substantial Justice - Attorney Somers said the variance would benefit the family, making it easier for them to provide care and quality of life for family members, including those with disabilities. She said there would be no harm to the public, and said the concerns of individuals were regarding the daycare center, which was now gone. She also noted the concern expressed by individuals about the lack of privacy because of impacts to the forest, and said the forest was on the Moore's property. She also said construction was a matter of right, but said it didn't create any harm. She said the applicant was willing to discuss with the neighbors the idea of getting an easement so trees could be planted on the Moore's property, if that would make them more comfortable.

Values of surrounding properties are not diminished – Attorney Somers said the new building was well designed and architecturally pleasing, and said it would look like an addition to the house. She said there would be the same number of people there, with the exception of Kathleen who would be living there rather than coming there each day. She said the deed restriction/trust could be a condition of approval.

She noted that the issue had been raised of possible rental of the units. She said there would be one bedroom in each ADU, which would be occupied by only family members. She also said the applicant wanted the Board and neighborhood to know that her concern was the welfare of her children, and she would not want to have a climate where there would be renters on the property with them. She said the concerns of neighbors about renters was therefore misplaced.

Attorney Somers said currently some care services at the property were being provided by an agency, and said with onsite care givers, there would be less coming and going, which would be in keeping with a single-family neighborhood. She also noted that one of the children was hospitalized frequently and said it would be helpful during those times to have Kathleen living onsite to care for the other children.

Mr. Warnock asked if the permit for the daycare facility was no longer valid. Attorney Somers said the state licensing had been relinquished on September 16<sup>th</sup>. Ms. Cline said it had been legally permitted by right in the zone and got annual inspections and was licensed by the state.

Chair Sterndale said the language in RSA 674:33 V said it was ok for the Board to waive the criterion to allow reasonable accommodations. He said they were stretching it to include a caretaker. He said he didn't see anything in the design that looked like providing accommodation by waiving a setback for a ramp, for example, or waiving other dimensional requirements to make it possible for someone with a disability to live there. He said the request was to stretch the statute language to allow additional dwelling units.

Attorney Somers said she didn't believe they were stretching it. She said there would only be one bathroom in each dwelling unit. She said earlier applications of the statute had been applied in a literal sense, for a ramp, etc. She read from the statute, and said in order to have family members, 3 of whom were children reside in the property, there needed to be a caregiver on site all of the time. She said in order to service those needs, it was reasonable to assume that comfortable living space was needed. She said the statute had evolved to reflect the changing needs of society. She said it was entirely possible that multiple members of a family needed extensive caregiving, and said it was reasonable to infer that the statute wanted to recognize and accommodate those needs. She said she didn't think the statute had to be narrowly construed to apply to physical components of the design, and said it could include operational needs, such as 24-hour care.

She noted the unit that would be occupied by the disabled family member, and said that person was semi-autonomous, but couldn't be quite on their own. She said being able to use the unit necessitated a separate living space. She said the statute allowed certain flexibility to accommodate these evolving situations.



Mr. Morong said he could see that there was a lot of latitude in this. He asked if the disabled children would live in the main house. Attorney Somers said 3 children would live in the main house and said the grandmother would live in the basement unit to service them in the main house. She said the second unit would be occupied by the disabled family member with some autonomy. Mr. Morong asked what the day care area would be used for. Attorney Somers said it was the existing accessory apartment and would be occupied by the daughter there now who assisted with caregiving. Mr. Morong asked for the rationale for having 4 kitchens. Attorney Somers said this was to provide some degree of privacy and comfort, and she spoke in some detail on this.

Ms. Lawson noted the letter from the attorney who was handling Ms. Morris's estate planning and said the first bullet talked about when the ADUs would be decommissioned. She asked what would prohibit the 3 accessory dwelling units from being rented if there was only one grandchild living there at some point. Attorney Somers said the applicant would be amenable to a solution where if that happened, perhaps not all of the units had to be in operation and could be decommissioned. She spoke further on this. Ms. Lawson asked what oversight there would be as to whether any unit was used as a rental property.

Ms. Cline said there was the no more than 3 unrelated regulation that could be enforced if needed.

Mr. Morong asked if the applicant would be amenable to having a condition that they couldn't have rental units or a daycare center before decommissioning occurred. Attorney Somers said that would be acceptable.

Mr. Toye asked whether from a construction/building code standpoint, this would this be considered an apartment occupancy where life safety codes would have to be maintained. Ms. Cline said yes, they would need to meet the multiunit building and fire codes, including having to install a sprinkler. Ms. Rivera said they'd met with the Fire Department, and said the best resolution was probably to have a fire rated separation between the existing building and the new unit, so they were two different structures, which eliminated the need for sprinklering. She said if that wall separation wasn't possible, the entire structure would be sprinklered. There was discussion that there would be one fire door if the fire rated separation was done.

Mr. Toye asked if this was a building that down the road would be unwieldy and unusable by someone else. Chair Sterndale said there was also the question of whether this was essentially an apartment building. He said they were all saying up front that it couldn't be used as this.

Mr. Morong said this was more like a Special Exception application, where when the use was over, it was done. He said with the trust, the property could only have one accessory

apartment at some point in the future, and it was then the owner's issue if the property was sellable. He said financial considerations weren't considered with hardship.

Ms. Cline said if it was sprinklered, this wasn't a hardship to the applicant.

Attorney Somers said when the property was conveyed in the future and the need for the separate dwelling units and kitchens had gone asway, there would be a good deal of living space, and a sprinklered property.

Chair Sterndale asked if the applicant was entirely dependent on the waiver of the hardship criterion. Attorney Somers said yes.

Chair Sterndale opened the public hearing. He said the Board had received letters prior to the meeting from Silvestre, Schaier, Igoe, Culligan, Tock, and Whistler. He asked if there were any members of the public who wished to speak about the application.

**Dale Tock, 3 Pinecrest Lane** said they purchased their home in 1986, and were now retired. He said he had a strong objection to the variance request. He said he wasn't aware that the daycare center had been rescinded. He said he and his wife had a care home when they lived in California and were sensitive to the need. But he said they had a right to have a peaceful living environment. He said the children played outdoors on nice days and screamed loudly and said he and his wife had to go inside at times. He said bringing in other people meant there would be more activity there, and said an environment was being created that was outside of what he and his wife had planned for. He noted that he was legally blind. He said with revocable trusts, there was no safety for the community. He said there were many other options that could be examined and said the owner had over 4 acres nearby with less residents around. He asked the Board to carefully consider the impacts to him and his wife.

**Carol Tock** asked how close the property line was to the stone wall.

**Mary Caldwell, 5 Pinecrest**, said she lived behind the applicant's property, which was very visible through the woods when some trees were removed. She said some of her concerns had been allayed and said one had been that the daycare could expand in the future. She said their main concern had to do with limits on what could be done with the property in the future. She said if this variance was approved, she hoped there would be strong assurances that there wouldn't be a 4-unit apartment building behind them in the future.

**Kevin Culligan, 1 Pinecrest Lane** said he agreed with what Mary Caldwell had said. He said in the future if the property was sold, the concern was what happened to it, and said they needed assurances that it wouldn't end up being a large rental property.

Margot Morris said she had special needs children and intended to care for them at home with her mom in a loving environment. She said they had spoken with their attorney about the fact that the property would never be used in any way other than to care for the family they had. She said she would be happy to work with the neighbors.

Chair Sterndale noted the question regarding the property line and the stone wall. Attorney Somers said she didn't have an answer and suggested that the Tocks could discuss this with the applicant outside of the meeting.

Chair Sterndale said the Board was being asked to approve the variance and defer to Town counsel on trust and verification of disability issues, and on to defer on septic expansion approval. Attorney Somers said there could be a condition of approval on the trust and verification of disability issues, and she provided details on this. She said there could also be a condition that there would be no renters, and no daycare, and that evidence would be provided concerning modifications that would be made to the septic system to accommodate 7 bedrooms. Chair Sterndale said the Board was being asked to put a lot of conditions on an approval.

There was discussion. Mr. Morong asked if it would be reasonable to ask the applicant to pay the Town attorney fees concerning some of the issues involved. He said that concerning objections about how the property was changing, with more noise, and trees being cut down, there wasn't much the Board could do about that. He noted that he had kids living next door to him. He also said that concerning the number of bedrooms, the property owner could build a property that size by right. He said the Board couldn't really take these things into consideration.

Attorney Somers said the applicant was willing to continue the application to the May meeting in order to hear back from the Town attorney about the disability issue. She said the applicant was willing to pay the fee for this. She said that concerning the disability issue, if the Town attorney got involved, this would be an enforcement issue, and attorney fees could be obtained.

Chair Sterndale spoke about wanting the Town attorney to look at several issues that had been raised, to be sure the Board could structure an approval. He asked the Board to talk through the other variance criteria.

Attorney Somers asked that in order to allow the applicant to keep moving forward with a septic design, they would like a conditional approval tonight that would be subject to getting reports back from the Town attorney in May.

***Mark Morong MOVED to Close the Public Hearing. Joan Lawson SECONDED the motion and it PASSED unanimously 5-0 by a roll call vote:***

<b><i>Chris Sterndale</i></b>	<b><i>Yes</i></b>
<b><i>Tom Toye</i></b>	<b><i>Yes</i></b>
<b><i>Micah Warnock</i></b>	<b><i>Yes</i></b>
<b><i>Joan Lawson</i></b>	<b><i>Yes</i></b>
<b><i>Mark Morong</i></b>	<b><i>Yes</i></b>

Ms. Lawson said continuation of the application would allow the Board to get answers before making a decision. She said there were too many unknowns at this point. Mr. Morong and Mr. Warnock agreed. Chair Sterndale said he didn't necessarily disagree with stretching the intention of the statute, but said he'd like to check with the Town attorney on this. Mr. Morong said he did think it was significantly vague that it could be stretched that far.

Mr. Morong said he didn't see that granting the variance would be contrary to the public interest. Chair Sterndale said in terms of preserve the rural character; he didn't see that this design varied dramatically from other properties, although the use perhaps did. Mr. Morong said the design and size fit with what was there. He said the spirit and intent of the Ordinance was also therefore met.

Mr. Morong said regarding the substantial justice criterion, the benefit to the applicant wouldn't be outweighed by harm to the public or an individual. Mr. Toye said this application was specific to the family and its circumstances, so to him, the questions had to be answered around that. He said the lawyer's confirmation that the need was there needed to be verified and said determining if this criterion was met required knowing that.

Mr. Morong said this was a unique situation where there was one family with different needs and living arrangements needs, and said substantial justice would be done without harming the public. There was discussion that if the decision hinged on this being one family, it should this be noted.

There was discussion about whether a caregiver living there in the future might not be related to the family. Ms. Cline said the 3 unrelated rule didn't apply to necessary household help, and said someone providing medical help would be considered necessary household help, so including someone who wasn't related in a variance approval was reasonable. Mr. Toye said if the 3 unrelated rule applied across the entire property. Ms. Cline said yes, and Mr. Toye said that provided protection.

Mr. Morong said the proposed architecture looked more attractive than what was there now, and said he said he didn't see how granting the variance would detract from the values of properties in the neighborhood as long as it didn't turn into an apartment building.

Chair Sterndale said he and Ms. Cline would summarize the issues, and would send this to Town counsel.

Mr. Warnock said he wasn't in favor of the applicant paying the legal fees. Chair Sterndale said the Board could discuss this next month.

***Mark Morong MOVED to continue to May 12, 2020 the petition submitted by Sharon Cuddy Somers, Donahue, Tucker & Ciandella, PLLC, Exeter, NH, on behalf of Kathleen Morris, Durham, New Hampshire for an Application for Variance from Article XX, Section 175-109(G)(1), of the Durham Zoning Ordinance to allow for more than one accessory dwelling unit on a property. The property involved is shown on Tax Map 8, Lot 2-3, is located at 30 Durham Point Road, and is in the Residence C Zoning District. Micah Warnock SECONDED the motion and it PASSED unanimously 5-0 by a roll call vote:***

<b><i>Chris Sterndale</i></b>	<b><i>Yes</i></b>
<b><i>Tom Toye</i></b>	<b><i>Yes</i></b>
<b><i>Micah Warnock</i></b>	<b><i>Yes</i></b>
<b><i>Joan Lawson</i></b>	<b><i>Yes</i></b>
<b><i>Mark Morong</i></b>	<b><i>Yes</i></b>

Attorney Somers said she'd speak with the Town attorney. She said she appreciated the time the Board had spent on this, and said they'd be back in May.

## **VI. Other Business**

## **VII. Approval of Minutes:**

February 11, 2020

***Micah Warnock MOVED to approve the February 11, 2020 Minutes as distributed . Tom Toye SECONDED the motion and it PASSED 4-0-1, by a roll call vote, with Mark Morong abstaining because he wasn't a member of the Board at the time the meeting was held.***

<b><i>Chris Sterndale</i></b>	<b><i>Yes</i></b>
<b><i>Tom Toye</i></b>	<b><i>Yes</i></b>
<b><i>Micah Warnock</i></b>	<b><i>Yes</i></b>
<b><i>Joan Lawson</i></b>	<b><i>Yes</i></b>
<b><i>Mark Morong</i></b>	<b><i>abstained</i></b>

## **VIII. Adjournment**

***Micah Warnock MOVED to Adjourn the meeting. Joan Lawson SECONDED the motion and it PASSED unanimously 5-0 by a roll call vote:***

<b><i>Chris Sterndale</i></b>	<b><i>Yes</i></b>
<b><i>Tom Toye</i></b>	<b><i>Yes</i></b>
<b><i>Micah Warnock</i></b>	<b><i>Yes</i></b>
<b><i>Joan Lawson</i></b>	<b><i>Yes</i></b>
<b><i>Mark Morong</i></b>	<b><i>Yes</i></b>

Adjournment at 8:57 pm

Victoria Parmele, Minutes taker

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Joan Lawson, Secretary