

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 15 Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment.

Appeal for Applicant

State of New Hampshire

Strafford, SS

To: Zoning Board of Adjustment, Town of Durham NH 03824

Name of Applicant: FRIENDS FOREVER INC, Stephen Martineau

Address: 312 MYNES AVE #10 PORTSMOUTH NH Phone # 603.433.7607

Owner of Property Concerned: Philip Nouvy
(If same as above, write "Same")

Address: One Morgan Way DURHAM NH
(If same as above, write "Same")

Location of Property: 1 NORWICH WAY, DURHAM MAPLOT=11-23-1
(Street & Number, Subdivision and Lot number)

Description of Property (Give Tax Map number, length of frontage, side and rear lines and other pertinent descriptive information)

MAP= 11-23-1 FRONTAGE: 300 REAR: 300
SIDES: 180

Fill in Section 1, 2, 3 or 4 below as appropriate. Do not fill in more than one section. This application is not acceptable unless all required statements have been made. Additional information may be supplied on separate sheets if the space provided is inadequate.

SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION

Appeal must be filed no later than 30 days from the date of the original decision.

Relating to the interpretation and enforcement of the provision of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: _____
Number _____ Date _____

Article _____ Section _____ of the Zoning Ordinance in question.

SECTION 2: APPLICATION FOR SPECIAL EXCEPTION

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance Article _____ Section _____

SECTION 3: APPLICATION FOR EQUITABLE WAIVER

The undersigned hereby requests an Equitable Waiver of Dimensional Requirements as provided in RSA 674:33-A of the New Hampshire Planning and Land Use Regulations.

Please give a brief description of the situation: _____

SECTION 4: APPLICATION FOR A VARIANCE

STANDARD OF REVIEW: The New Hampshire Legislature has declared that each of the following conditions must be found in order for a variance to be legally granted. Prior to seeking a variance, the property owner must have been DENIED a building permit by the Building Inspector or approval by the Planning Board.

1. No decrease in value of surrounding properties would be suffered;
2. Granting the variance would not be contrary to the public interest;
3. Denial of the variance would result in unnecessary hardship to the owner seeking it;
4. By granting the variance substantial justice would be done;
5. The use must not be contrary to the spirit and intent of the ordinance.

A Variance is requested from Article II Section 175-7 of the Zoning Ordinance to permit 175-55A
XII 175-53B1

* SEE ATTACHED

Facts supporting this request:

1. No decrease in value of surrounding properties would be suffered because:

2. Granting the variance would not be contrary to the public interest because:

Current law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

3(A). Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

and

b. the proposed use is a reasonable one because:

Or

3(B). Owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

4. By granting the variance substantial justice would be done because:

5. The use will not be contrary to the spirit and intent of the ordinance because:

Facts supporting this Variance request

Article II –Section 175-7 :

1. No decrease in value of surrounding properties would be suffered because:

The use of the property will not change; rather there will be an increase in value of surrounding properties, as Friends Forever will be improving the Property at 1 Morgan Way by investing significantly in the structure and landscaping over successive phases.

2. Granting the variance would not be contrary to the public interest because:

The public will benefit by having a prestigious national organization choosing to locate its office in Durham. This will be a positive addition to the town, community and neighborhood with minimal impact in comparison to other “allowed” and “permitted” uses for this specific property’s zoning. Local businesses will also benefit from an associated increase in use of their goods and services. The community will benefit from the volunteer efforts of the youth. Friends Forever will be a proactive member of the community, seeking feedback from neighbors on how to enhance this prominently placed property which is a gateway to the neighborhood.

Current law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

3(A). Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

_____ and

b. the proposed use is a reasonable one because:

Or

Updated 1/1/2010 Updated 1/1/2010

3(B). Owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

If the variance is not granted Friends Forever cannot purchase the property. We require the ability to provide housing for up to 6 weeks per year for our international guests in New Hampshire. Without this ability to temporarily house these children as a group with their adult educators/chaperones, the group would have to be split up and placed in hotels or individual homes and thereby not have the safety, security, and above all characteristic experience of the "Life Raft" concept upon which Friends Forever was founded and upon which our 25+ years of successful programming is predicated.

4. By granting the variance substantial justice would be done because:

This property will be repurposed as the permanent office of Friends Forever and provide the following:

- Stability and continuity to the neighborhood (this will be the home for Friends Forever for many years)
- A dynamic organization that showcases the Durham community
- An opportunity for Friends Forever to focus our energies and resources for the foreseeable future on expanding our program nationally rather than renting a small office in Portsmouth

5. The use will not be contrary to the spirit and intent of the ordinance because:

The property is already zoned both OFFICE, PROFESSIONAL and RESIDENTIAL COASTAL with an approved CARETAKER APARTMENT VARIANCE. The proposed use by Friends Forever is allowed for the OFFICE, PROFESSIONAL, with the proposed Variance asking nothing more than a change from 3 (Three) Unrelated Guests per Residence to 13 (Thirteen) Guests for temporary stays of no more than 14 (Fourteen) days for a total of 6 (Six) weeks annually. This use would have minimal impact, as the visitors/guests will be away at events and activities the majority of the day, and there is an organizational curfew in place (11:00pm). Just as we have been doing for decades at host homes in the Seacoast and elsewhere, the programmatic rules and policies of Friends Forever's will mitigate impact on our neighbors

January 27th, 2014

Application for Hearing for February 11th, 2014 ZBA Meeting
Variance for 1 Morgan Way, Durham, NH

Background:

Friends Forever is an independent 501 (c) 3 non-profit organization based on a grass roots approach to help people from conflict-prone regions of the world build lasting friendships across cultural, religious and political divides. Serving as a liaison between U.S and international communities, Friends Forever allows people of varied backgrounds to participate first-hand in the international peace process. The mission of Friends Forever is to create trust, empathy, and friendship among cultures in conflict by working with international and local youth leaders. Friends Forever was founded in 1986 by Rotarian and Seacoast YMCA director, Bob Raiche. Bob's experience with group work led him to create the ***"Life Raft Formula."*** Since our founding, Friends Forever has applied this simple yet innovative group-work model to more than 1,300 youth around the world. In 2012, Bob was nominated for the Nobel Peace Prize. It was long his dream to have our headquarters established in Durham because of its unique location and reputation as a community that would embrace this program.

While Friends Forever's small office has been located in Portsmouth since its beginning in 1986, our work is spread throughout the US with site locations in Illinois, Maine, New Orleans, Mississippi, Massachusetts and more. Friends Forever works with groups of highly motivated 14-16 year old youth leaders who are selected after a rigorous application process to participate in a yearlong project in their respective native countries, and a foundational element of the program is a 14 day experiential stay in the United States. Each group is comprised of 10 (ten) youth and 2 (two) adult educators/chaperones and a fully trained US Staff Member. The group lives, cooks, volunteers, and engages in their host community as one, 24/7. For both safety and programmatic objectives, they are **never** split up and travel around in a 15 passenger van. Most days begin at 8am and end at 7pm, as the program is based upon sharing new and challenging experiences in the community in which they are based. These include volunteering with students with disabilities, elders, and with underserved populations. Other activities include hikes in the White Mountains, a minimum of five speaking events at Rotary Clubs, and daily trips into Boston, Portland and other areas in the region. In the evening, the group will retire to a single residence in the community, where the boys will sleep in air mattresses in one room, the girls in another, and the adult chaperones in a third. It is in this "living" together that the magic and success of Friends Forever develops, and where these young people evolve from peace thinkers to peace practitioners and example-setters.

Each of these programs is 14 (Fourteen) days in length. The youth fly into Logan Airport and fly out to their international destination (s). They have Guest Visas and are considered Guests/Tourists by the US Government because of the short duration of their stay(s). We currently operate 3 (three) programs annually in New Hampshire, in October, May, and July/August. For the last 27 (twenty seven) years, all of our New Hampshire-based programs have been hosted at homes in New Castle, Alton, Portsmouth, and even in Durham at a single residence home. **The program's success is built upon the meaningful integration of the group into the community and neighborhood in which they are hosted.** Many neighborhoods look forward each year to the return of a new group.

Friends Forever currently operates in a small rental office in Portsmouth. We currently have 4 (four) employees and 2 (two) part time interns. Our office is a standard professional one that does **not** involve retail, clients, or customers. Normal operating hours are daily between 8:00am and 8:00pm (but often all staff is out by 6:00pm) and occasional weekends. We identified the property at 1 Morgan Way as our potential future home due to its unique history and zoning, but ultimately because of its location in Durham along Route 4. We plan to invest significantly in the property, including landscaping and a new roof. Given our mission and ethos, reaching out to all abutters is a natural step for us, as our international and local work is built upon principles of open lines of communication and community-building per se; it literally is what we do. As individuals who own our own homes both in Durham and in other locations around the Seacoast, we understand that "who's moving into the neighborhood" is a normal, common concern, and we therefore invite and encourage any and all residents to contact us with questions and feedback.

This letter is to inform you of the intent of Friends Forever at 31 Raynes Avenue #10, Portsmouth, NH 03801 (603.433.7607/ smartineau@friendsforeverusa.org) to use the structure and property at One Morgan Way, Durham NH (Tax Map 23-1 Zoned RC with Variance issued in 2002 to change to PROFESSIONAL, OFFICE) for our business.

The current building is 3,060 square feet and is on 1.15 acres of property. It has been a Commercial Business (Photography studio) since 2002 and was a church prior to that.

Friends Forever proposes to use the property in the following manner:

- We currently have four employees and two interns.
- Hours of operation for the OFFICE, BUSINESS would be standard 8:00am to 8:00pm Monday thru Friday, with the chance that some weekends will have people in-office as well. We do not expect an increase in traffic from current use
- There are 15 parking spaces
- Access to property is directly off Route 4, with driveway and parking lot whose placement is at the front of the building and therefore accessed well without impact upon the residential part of the neighborhood.
- We are not proposing any structural changes to the property on the outside. There are currently three bathrooms and a full kitchen on site.
- At some point, we may want to plant a hedge (of course working with Town of Durham to determine correct and approved shrubs) around the perimeter of property.
- We intend to replace the existing roof and remove the steeple in the first year of ownership should the latter be found a favorable modification to abutters.
- Continued use of the bottom floor as *OFFICE, BUSINESS – A place of business where activities such as general management, bookkeeping, accounting, telephone sales and telecommunications take place, but where no “walk-in” client nor consumer retail sales of physical products occur. A business office may include data research and development activities, software development, and information transfer and management activities but shall not include the production of physical products for sale or distribution.*
- The property currently has an approved CARETAKER’S APARTMENT CUA for the upper floor from 2013 and this allows for an employee of the Business to live on-site as a full time resident. We would be using the property in this capacity.
- On occasion, we would have Board Meetings at the office, but this would have no impact as we have the 15 space parking right off Route 4.

- Friends Forever works with young leaders from around the world and assigns them to US Host Communities across the United States. We have been located in New Hampshire since our founding in 1986. Our current space is a one-room office where employees do OFFICE, BUSINESS duties as listed above and we have been in that space since 2002. We place groups of youth (10 youth with 2 adult educators) in locations in New England, Illinois, and the Gulf Coast. These trips are all 14 days and under and are based on interaction within the local community and not staying at a "camp" location.
- While we have always had host accommodations available for the groups of youth, Friends Forever would want to have the ability to host a group of youth at the property in case of an unforeseen disruption in accommodations. We currently host 3 groups a year in New Hampshire and normally at different times of the year.
- We are applying for a variance that would change the language

Because of the unique Residential and Commercial Zoning and Variances already approved for this property, as well as its history as both a PROFESSIONAL OFFICE and CHURCH, we believe that our use is an appropriate one for this location. The organization is highly esteemed in the region and its leadership is fully committed to enhancing the community in which it is located, and is enthusiastic about working with the Town of Durham.

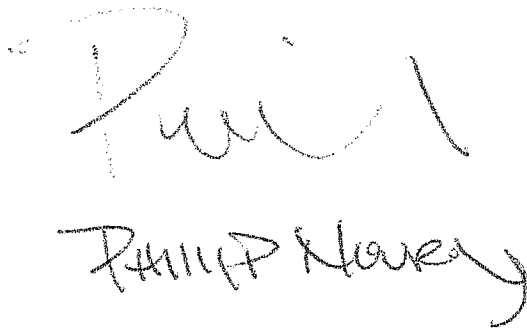
January 27, 2014

Town of Durham
15 Newmarket Road
Durham, NH 03824

RE: Letter giving right to appear before ZBA

To whom it may concern:

"I, Philip Noury, give Friends Forever Inc. the right to appear before the Town of Durham's Zoning Board of Adjustment to apply for a variance to the Caretaker's Apartment and increase unrelated guests from 3 to 13 at 1 Morgan Way, Durham NH. MAP LOT 11-23-1"

A handwritten signature in cursive script, appearing to read "Philip Noury".

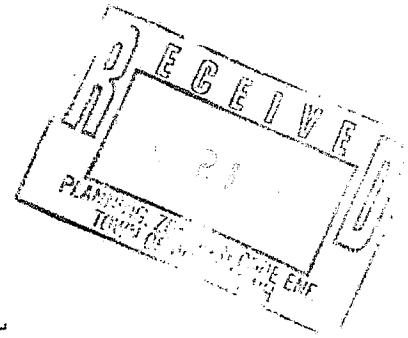


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2003 MAR 12 AM 11:46

TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
603/868-8064 • 603/868-8065
FAX 603/868-8033
www.ci.durham.nh.us

STRAFFORD COUNTY
REGISTRY OF DEEDS



**FINDINGS OF FACT
AND
CONDITIONS OF APPROVAL**

Approval of an Application for Site Plan Review submitted by Phillip Noury, Portsmouth, New Hampshire, to change the current use of a property from religious use to professional offices. The property involved is shown on Tax Map 11, Lot 23-1, is located on 1 Morgan Way and is in the RC Zoning District.

FINDINGS OF FACT

1. The applicant submitted an Application for a Site Plan Review on October 23, 2002.
2. The applicant submitted a Letter of Intent on October 23, 2002.
3. The applicant submitted an uncertified site plan on October 23, 2002, dated October 23, 2002 and last revised on November 4, 2002.
4. The applicant submitted a copy of the deed on October 23, 2002.
5. The applicant submitted a copy of the Sales Agreement on November 4, 2002.
6. The applicant submitted a request for waivers from the Subdivision Regulations on November 4, 2002.
7. The applicant's attorney, Watson, Bosen, Harman, Venci & Lemire, P.A., submitted an amended request for waivers from the Subdivision Regulations on November 13, 2002.

WAIVERS

The applicant requests waivers from Sections 9.02 through 9.06 of the Subdivision Regulations regarding Design Standards. The Planning Board has reviewed the request, and based upon the information provided by the applicant, the Planning Board grants the waivers.

BK2702P60347



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CONDITIONS OF APPROVAL

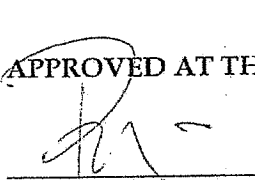
The following conditions shall be met prior to the Signature of approval on the Site Plan. These conditions shall be met within six months of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within six months, the approval may be revoked.

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.
2. No wet chemicals shall be stored or used on the property. Photo processing must be digital.
3. The sign must retain the same dimensions. Refacing is allowed.
4. No external structural alterations may be done to the building except for the removal of the steeple and the cross.
5. The applicant shall supply the Planning Office with a certified, surveyed Site Plan approved by the Director of Planning and Community Development.
6. No expansion of the building is permitted under this approval.

Conditions to be Met Subsequent to the Signature of Approval on the Site Plan:

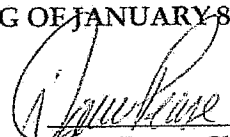
1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within ten (10) days of the Chair's signature on the Plan.

APPROVED AT THE PLANNING BOARD MEETING OF JANUARY 8, 2003:


Phillip Noury

Date

01-30-03


Dave Pease, Chair

Date

1/5/03

Durham Planning Board

BK2702PG0348