

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.

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Town of Durham  
JUN 23 2014

**Appeal for Applicant**

State of New Hampshire

Planning, Assessment, and Zoning

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

#364.<sup>00</sup>  
Pd. 6/23  
Check #  
2223

Name of Applicant: Lori and Stephen Lamb

Address: 64 Bennett Road, Durham, NH 03824 Phone # 617-834-6852

Email: llamb30@hotmail.com

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

Address: same  
(If same as above, write "Same")

Location of Property: 90 Bennett Road, Durham, Lot 34-1  
(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) Tax Map 14, 492 frontage on Bennett Road  
Containing 2 structures including historic 10 room inn, formally called the "Highland House" and  
barn. Overlooking the Lamprey River and UNH Thompson Farm fields, with raised forested area  
owned by UNH on western boundary.

**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 XXI \_\_\_\_\_ Section 175-113 \_\_\_\_\_ of the Zoning Ordinance to permit use of offsite parking to supplement available site parking of 30 spaces to fulfill the parking space requirement of 103 parking spaces for a place of assembly at 1 space per 40 square feet of assembly space for a 3900 sq ft. space. (barn (1500 sq ft) + maximum tent size (2400 sq feet)). This is the requirement if both the barn and a tent were utilized as a place of assembly simultaneously, which will be a rare occurrence.

A Variance is also requested from Article XXI Section 175-111 G.5.a. requiring five-foot screening along parking area adjacent to adjoining property boundary.

Facts supporting this request:

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

Variance to XXI 175-113: Offsite parking would eliminate the need for adding unsightly onsite parking. The current proposed parking area is well screened from view from all angles, but any additional parking areas on the property would have to be in public view.

Variance to XXI 175-111: Area adjacent is steeply wooded unbuildable property currently used as a wood lot by UNH and is naturally screened by existing forest.

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

Variance to XXI 175-113: Offsite parking would take place in existing local parking areas and a shuttle would provide low impact transportation for guests, eliminating extra traffic on Bennett Road. Traffic flow during events would allow the shuttle to pass safely in one driveway and exiting the other eliminating the need for unsafe backing. A flagger will be posted on Bennett Road during all events, allowing safe exiting for the shuttle and those traveling on the road. Shuttling guests to local places of accommodation and other locations in town would have a positive economic impact, promoting patronage to local businesses.

Variance to XXI 175-111: Proposed parking area is naturally well screened from all angles of public viewing.

**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(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.**

XXI 175-113: Variances have already been approved for the use of this property as a 10 room inn with owner/operator apartment, use of barn for events for maximum of 100 people, and approval for use of a tent for 18 events annually. Current parking capacity on the property is not adequate if the barn and tent are used for a place of assembly and therefore would limit the reasonable use of the property. We would destroy the ambiance of the property if we consumed it with additional parking areas.

**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:**

XXI 175-111: The parking area is already properly screened from public view by natural vegetation, which is the intent of this ordinance.

and

**b. the proposed use is a reasonable one because:**

XXI 175-111: The abutting property is a unbuildable wood lot owned by UNH and is fully screened by natural vegetation.

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

XXI 175-113: It would allow our business to function at full capacity.

XXI 175-111: The added screening would serve no purpose as the border is already screened by natural woodland.

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

XXI 175-113: We will very rarely need the offsite parking but when needed it will be sufficient for any additional parking required above and beyond the onsite parking. The shuttle will provide safe and efficient transportation to the inn without impacting traffic on Bennett Road and eliminate parking on the street or other undesirable locations.

XXI 175-111: The natural woodland setting already surrounding the parking area provides a screen for the adjacent property as the ordinance intends.



220 Newmarket Rd  
Durham, NH 03824

603-659-7575 phone  
603-659-2548 fax

## Durham Boat Company

To Whom it May Concern:

Lori Lamb and The Thompson Inn have my permission to use the parking lot at Durham Boat Company at 220 Newmarket Rd, Durham, NH as overflow parking for events.

Sincerely,



Coleen Fuerst  
President  
Durham Boat Co.  
cfuerst@durhamboat.com