

Russel Realty LLC  
14 Cedar Point Road  
Durham, NH 03824

April 7, 2019

The Zoning Board of Adjustment  
8 Newmarket Road  
Durham, NH 03824

To the Durham Zoning Board of Adjustment

REQUEST FOR REHEARING OF KIMBERLEY LARIS  
228 Piscataqua Road, Durham, Tax Map 12-2-5

The ZBA made the correct decision on the denial of subdivision of Lot 12-2-5. I stand by my letters of April 3, 2019 and November 4, 2018.

Not that it should make any difference but I would refute many of her claims but I won't waste your time with responses; however, I would like to defend myself from her direct accusations.

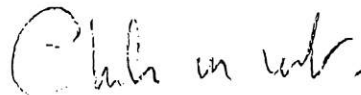
I am a manager and President of Russel Realty LLC and have no financial interest in the company. Russel Realty owns Lot 2-1-23 which consists of 0.35 acres both sides of Cedar Point Road. There is a two bedroom house at 16 Cedar Point and an ancillary one bedroom dwelling at 15.

My "property litigation hobby" must be rather boring as I have never been to court, been sued or sued anyone.

The survey was filed at Strafford County of Deeds to correct the taxable acreage of lot 2-1-27 (12 Cedar Point Road) per Jim Rice's instruction to me.

Once again, if Ms Laris wanted a smaller property to maintain, she should have purchased a smaller property.

Yours sincerely,



Charles M Hart, Manager

Russel Realty llc  
14 Cedar Point Road  
Durham, NH 03824

Feb 10, 2019

The Zoning Board of Adjustment  
8 Newmarket Road  
Durham, NH 03824

To the Durham Zoning Board of Adjustment

Re APPLICATION OF KIMBERLEY LARIS  
228 Piscataqua Road, Durham, Tax Map 12-2-5

As in our letter of Nov 4, 2018 we stated that we would be against any subdivision of this property. First of all, there is a purpose for zoning and it should be respected. Prior to purchasing a property, it is up to the purchaser to do their due diligence and understand the implications of their purchase. To petition the ZBA to divide a non conforming lot and turn it into two nonconforming lots defeats the purpose of the zoning regulations. In this application, the motive seems to be more credible than the prior application where the applicant stated the reason for the subdivision was to gain relief from falling trees and invasive species.

The plan of division of the property does not appear to be logical. The new lot would be defined as a quadrangle and the existing lot would turn into a 13 sided polygon. The potential building area, the area shaded in blue, is not reasonable for a house. What the board is being asked to do is to create a lot which requires at least three variances, a special exception for the septic and an approval for a special exception for a well. While on the subject of the well, the applicant claims that the water comes from the Bellamy. In the summer the Bellamy often goes dry and the tidal waters of the Bellamy are the same as Little Bay so the salinity would be virtually the same. The Cedar Point area does not need any more pressure on the aquifer.

In the application Ms. Laris discusses the Cedar Point Community. She is fortunate that she is not subject to the land tax assessment for living on Cedar Point Road. Her land assessment alone is \$107,600 or \$39,200 per acre, vs Lot 1-20-A at \$116,500 or \$896,000 per acre (on north side of Cedar Point) vs Lot 1-17 at \$288,200 or \$2,217,000 per acre (on the Little Bay side of Cedar Point

Road. I realize that these are extremes but the land taxes are significantly higher on Cedar Point Road. The lot sizes on Cedar Point Road were established many years ago prior to current regulations. Houses are being upgraded and modern septic systems installed. With lot widths as narrow as 50', setbacks of 50' variances are required as houses already exist on these properties.

Subdivision of property is almost always for financial gain. Do all the requested variances and special exceptions have to be approved before the subdivision is authorized?

We continue to feel that the subdivision of lot 12-2-5, 228 Piscataqua Rd., would be detrimental to the community and would not set a good precedent. Thank you for serving the community in a very necessary and difficult role.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Charles M Hart". The signature is written in a cursive style with a large initial "C".

Charles M Hart  
President

Russel Realty llc  
14 Cedar Point Road  
Durham, NH 03824

Nov 4, 2018

The Zoning Board of Adjustment  
8 Newmarket Road  
Durham, NH 03824

To the Durham Zoning Board of Adjustment

Re Appeal from Kimberly Laris, 228 Piscataqua Rd.  
Durham, NH 03824 Tax Map 12-2-5

We would be against any subdivision of this property for several reasons. First of all, there is a purpose for zoning and it should be respected. Prior to purchasing a property, it is up to the purchaser to do their due diligence and understand the implications of their purchase. To apply for a variance to subdivide a property because of a preponderance of falling trees and invasive plants and vines is absurd. These conditions are not unique to this property and existed prior to the purchase.

Ms. Laris states that the entrance to this subdivided property would be off Cedar Point Road. The only possible entrance is through what is shown as a Right of Way on the Durham Tax Map between lots 12-1-23 and 12-1-20A, namely 15 and 17 Cedar Point Road. The town of Durham has no records of this property actually being a ROW. Research must be done to see the property between 15 and 17 Cedar Point Road is an actual ROW and, if so, what are the restrictions and obligations that come with it. Amongst other things, it would appear that this piece of property contains wetlands and would not be wide enough at Cedar Point Road to build a permissible driveway anyway.

Item 1 states that there would be no decrease in value of surrounding properties. The values of 15 and 17 Cedar Point Road would certainly be reduced if a driveway were to replace the green area that separates the houses at the current time.

There is already a severe water shortage of water on Cedar Point and many wells are being contaminated by salt water intrusion. This is even more evident during periods of drought. Drilling a new well and installing another septic system will not help the situation. If a subdivision variance were granted,

**what is to stop another property owner with weed problems from subdividing their lots?**

Ms. Laris purchased the property knowing that there were zoning regulations so we see no reason to grant a variance for a subdivision. The traffic noise from Route 4 has already increased from her removal of trees, vines and shrubs.

We feel that the subdivision of lot 12-2-5, 228 Piscataqua Rd., would be detrimental to the community.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Charles M Hart". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Charles M Hart  
President