



**TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT**

8 NEWMARKET RD
DURHAM, NH 03824
PHONE: 603/868-8064
www.ci.durham.nh.us

RECEIVED
Town of Durham
FEB 15 2022

Planning, Assessing
and Zoning

\$ 352 pd.
2/15
Check#
8552

VARIANCE

Prior to seeking a variance, the property owner must have been denied a building permit by the Building Inspector or denied an approval by the Planning Board.

Name of Applicant ELLEN & BRUCE BATES

Address: 10 CEDAR PT RD DURHAM NH

Phone # 603 7674949 Email: ebates@officeinteriorsltd.com

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

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

Location of Property: 10 CEDAR PT RD DURHAM
(Street & Number)

Tax Map & Lot number 12-2-13

A Variance is requested from Article(s) _____ Section(s) _____ of the Zoning Ordinance to permit:

All applications must include a statement explaining how the applicant meets each of the five (5) statutory requirements for granting a variance, (A) through (E), which are found on page 2. The Zoning Board of Adjustment may consider the variance application incomplete if these five statements have not been addressed. In addition all applications must be accompanied by adequate plans and exhibits.

Owner Authorization and Signature:

1. I/we do hereby authorize _____ to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf.
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property on the afternoon prior to the Zoning Board meeting for purposes of reviewing this application.
3. To the best of my/our knowledge the information contained in this application is complete and accurate.

Owner's Signature(s): Ellen Bates Date: 2/10/22

Date: _____

Owner Authorization and Signature:

1. I/we do hereby authorize Ellen Bates to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf.
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property on the afternoon prior to the Zoning Board meeting for purposes of reviewing this application.
3. To the best of my/our knowledge the information contained in this application is complete and accurate.

Owner's Signature(s): Ellen Bates
Date: 3/3/22

Owner's Signature(s): Bruce Bates (et)
Date: 3/3/22

RSA 674:33 Powers of the Zoning Board of Adjustment:

I(a) The zoning board of adjustment shall have the power to:

- (1) Hear and decide appeals if it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and
- (2) Authorize, upon appeal in specific cases, a **variance** from the terms of the zoning ordinance if:
 - (A) **The variance will not be contrary to the public interest;**
 - (B) **The spirit of the ordinance is observed;**
 - (C) **Substantial justice is done;**
 - (D) **The values of surrounding properties are not diminished; and**
 - (E) **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

(b)(1) For purposes of this subparagraph I(a)(2)(E), "**unnecessary hardship**" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish 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.

(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

EXPIRATION PERIOD FOR VARIANCES

Any Variances granted shall be valid if exercised within **2 years** from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

**Statement explaining how the applicant meets
statutory requirements for granting a variance:**

I. Facts

A. Bruce Bates' is disabled due to his February 3, 2021 stroke.

Bruce and Ellen Bates have lived at 10 Cedar Point Road, Durham, New Hampshire (the "Home") for 53 years, starting in 1968. On March 10, 2022, Bruce will turn 83. Just over a year ago, on February 3, 2021, Bruce suffered a significant stroke at Home. After treatment by Durham Fire Department Paramedics and McGregor Memorial EMS, Bruce was hospitalized at Portsmouth Hospital and later transferred to Northeast Rehabilitation Hospital. Bruce has since returned Home, but continues to engage in physical therapy.

As a result of his stroke, Bruce is permanently disabled. As a matter of law, his stroke has caused lasting impairments and his limitations continue. His impairments have existed for 12 months and/or are expected to exist into the future. By way of example, and not limitation, Bruce's ability to speak or write has been severely impaired. He has pronounced issues with controlling or coordinating movements with at least two extremities (arms or legs). As a result, he is disabled as a matter of law.

Upon request, Bruce and Ellen will provide documentation from one or more of Bruce's medical providers including, but not limited to David Yarian, M.D, of Great Works Family Practice in South Berwick Maine to confirm Bruce's impairments and disability. Ellen will also testify as to Bruce's medical disability at a hearing on this requested variance.

B. Bruce needs an emergency generator to safely live at his residence.

Due to Bruce's disability, his capacity to care for himself and ability to move are dramatically reduced. Ellen's ability to move and care for Bruce is limited. As a result, Bruce receives daily care from in-home medical providers. If there is a power outage, there would be a loss of heat at Bruce and Ellen's residence. The majority of the residence relies on a furnace and propane heater for heating; both of which require electricity to operate.

In the event of a storm of any type that might result in the loss of power, Ellen would be unable to get Bruce out of the house and into a car. A loss of power would also mean no heat. As a result, no power for any extended period of time could mean loss of life.

To ensure that their home would be able to operate the furnace and/or propane heater during a prolonged power outage, Bruce and Ellen intend to install an emergency generator at their home. Consequently, Bruce and Ellen contracted Philbrick's Generators, of Madbury New Hampshire, to install a Briggs & Stratton 12 kW1 Fortress Standby Generator Model No. 040608. *See* Exhibit A. (Brochure).

The Emergency Generator is only intended for emergency use (when there is a power outage on Cedar Point). Notable specifications include

1. The Emergency Generator is propane powered to take advantage of propane service at the House. The hookup is on the Northwest side of the house.
2. The Emergency Generator must be placed 5 feet away from any windows or openings and it must sit minimum 10 feet away from the propane tank. The tank location also must follow placement rules which would make placement of the generator at any other side of the House dangerous and impermissible. *See Exhibit B (Philbrick's Generator's Map).*
3. Sound Level (dBA) at 7 Meters (or 22.9 feet away): Low Idle Mode - 64 No Load – 69; which is more quiet than a gasoline powered emergency generator and does not create petroleum odors.
4. The Emergency Generator has a muffler that dampens its noise as well.
5. The Emergency Generator exercises weekly but for one rotation only, meaning the engine turns over once and stops. The generator tests itself for 45 minutes twice a year, April 1 and September 1.
6. The Emergency Generator sits inside an enclosure.

C. A variance is necessary to permit the installation of the emergency generator at Bruce's residence.

Earlier this year, Ellen and Bruce applied for an electrical permit to install the Emergency Generator at the Home. *See Exhibit C (Copy of Electrical Permit Application, dated December 31, 2021)* The Town of Durham's Zoning Administrator, Code Enforcement Officer, and Health Officer, Audrey Cline issued an order stating in part,

“Electrical Permit Application number 22-1, for property located at 10 Cedar Point Road, is DENIED as the proposal does not meet the requirements of the Durham Zoning Ordinances below: ARTICLE XII.1 175-54 Table of Dimensions, side setback required in the RC Zone is 50'.”

See Exhibit D (Copy of Order, dated February 16, 2022). Subsequently, Town staff advised Ellen and Bruce to seek a variance.

The location of the Emergency Generator would be adjacent to the House, on the side of the House near the location where the House is serviced by oil and propane. The setback is 50' from the property line with 8 Cedar Point Road and the generator would be installed 5 feet from the House.

Three other features of the property are of note. First, the House itself is in the setback being approximately 31 feet from the property line with 8 Cedar Point Road, having been built in 1803 and pre-dating the current Durham's Zoning Ordinance by 187 years. Second, the adjacent property, 8 Cedar Point Road, has extensive privacy vegetation (in the form of shrubs and trees) and an 18 foot privacy fence erected in connection with a construction project at 8 Cedar Point Road in 2008 by the Cedar Point Trust (Evelyn Sidmore, Trustee). *See* Exhibits E (Photos of area between 8 Cedar Point Road and 10 Cedar Point Road); Exhibit F (Cedar Point Lot Plan). Third, neither the Northeast, nor Northwest sides of the House have sufficient space for the generator. In sum, other than the setback, the proposed location is the best location for the generator, in particular given the location requirements and current access to propane on this side of the Southwest side of the House

II. Variance Factors

With respect to the criteria for the variance sought, Ellen and Bruce address each of the statutory factors identified by the Town of Durham on this application as follows:

A. The requested variance is not contrary to the public interest.

The requested variance is consistent with the public interest. There is a strong public interest in people being allowed to stay in their homes for as long as practicable and as independently as practicable. This reduces burdens on our healthcare system and increases the quality of life for those people. Here, Bruce has lived in the House for more than fifty years and wants to do so into the future. The requested variance will permit Bruce to do so.

The public interest favors installation of an emergency generator at the proposed location. The installation of the emergency generator will make Bruce's home more robust and habitable during New Hampshire's sometimes challenging winters. The utilities will all be located on one side of the House; with the propane service and the emergency generator, utilizing the propane service, located nearby without unnecessary extension of propane service to another side of the House. Likewise, the tank location also must follow placement rules which would make placement of the generator at any other side of the House dangerous and impermissible.

The public interest favors the installation of the emergency generator because it will reduce the strain on emergency services during power outages. As discussed above, a power outage in winter would mean that the heating system Bruce's home will not work. This, combined with Ellen's inability to move Bruce out of the home by herself, means that Bruce would require the assistance of emergency services to relocate him to a safe place until power can be restored to his home. The emergency generator will only be used when there are power outages. At times of power outages, emergency services are under strain. Reducing that strain, by permitting the installation of the emergency generator, is consistent with the public interest.

B. The requested variance is consistent with the spirit of the ordinance.

The requested variance seeks to permit the installation of the emergency generator within the setback required by ARTICLE XII.1 175-54 Table of Dimensions, side setback required in the RC Zone is 50'. The purpose of the Residence Coastal District ("RC") is "to protect the water quality of the community's principal surface waters and to preserve the rural character and scenic beauty of these coastal areas including the view of the shore as seen from the water." The requested variance allows an emergency generator for an elderly man who has suffered a disabling stroke and recognizes the unique character of Cedar Point, the House, the homeowner, and the neighbor's privacy vegetation and fence. The proposed placement of the emergency generator, while within the setback set by ARTICLE XII.1 175-54, maintains "the rural character and scenic beauty of these coastal areas including the view of the shore as seen from the water." As a result, the spirit of Durham's Zoning ordinance is observed.

C. Substantial justice is done by granting the requested variance.

Under New Hampshire law, one measure of the substantial justice prong is to ask whether the proposed variance is consistent with the area's present use. In this case, the House predates the Zoning Ordinance; oil and propane service are on this side of the House, The setback is 50' from the property line and the generator would be installed 5 feet from the House. Likewise, the House itself is in the setback by being approximately 31 feet from the property line with 8 Cedar Point Road As a result, the requested variance is consistent with the area's present use and substantial justice is done by granting the requested variance.

D. The values of surrounding properties are not diminished by granting the requested variance.

As noted above, the House itself is in the setback by being approximately 31 feet from the property line with 8 Cedar Point Road having been built in 1803 and pre-dating Durham's current Zoning Ordinance by 187 years. The adjacent property, 8 Cedar Point Road, has extensive privacy vegetation (in the form of shrubs and trees) and a privacy fence erected in connection a construction project at 8 Cedar Point Road around 2006. Likewise, this is an emergency generator that will only be used when power is out.

Historically, power outages are of short duration, meaning that any noise generated by future use of the Emergency Generator would be short lived and minimal. The Emergency Generator's sound level is low on those few occasions when it would be in use. The manufacturer reports that the Sound Level (dBA) at 7 Meters (or 22.9 feet away): Low Idle Mode - 64 No Load - 69; which is quieter than a comparable gasoline powered emergency generator and does not create petroleum odors. The Emergency Generator has a muffler that dampens the noise as well. The Emergency Generator exercises weekly but for one rotation only, meaning the engine turns over once and stops. The generator tests itself for 45 minutes twice a year, April 1 and September 1. Lastly, the Emergency Generator sits inside an enclosure which further minimizes its noise output and minimizes any visual impact that it would otherwise have.

E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to Bruce.

Because Bruce is legally disabled, the applicable standard for a variance, including the unnecessary hardship prong, is Article VIII, Section 175-25, C; *see also* RSA 674:33, V.

Section 175-25, C (Accommodation of Persons with a Recognized Physical Disability) provides, in part, that “[t]he Zoning Board of Adjustment may grant a variance from the dimensional standards of this ordinance without finding a hardship 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: 1. Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

As discussed above, Bruce has a recognized physical disability as a result of his stroke. Granting the requested variance will allow him to continue to safely live at his home and is consistent with general purpose and intent of the zoning ordinance. It is consistent with the general purpose and intent of the zoning ordinance in that it permits Bruce to continue to live at his home and to do so safely.

In this case, it is a reasonable accommodation for the requested variance to be granted when Bruce has lived at the House for 53 years, since 1968. Despite suffering a debilitating stroke, whose effect will be with him for the remainder of his life, Bruce wants to live in the House in the future. The Emergency Generator will be able to service the House and provide power during a power outage and reduce the strain on Durham’s Public Safety Resources during a time when there would be a power outage in the community. As a result, this variance is a necessity to allow a person or persons with a recognized physical disability to reside in the house and is in harmony with the general purpose and intent of the zoning ordinance.

For all of the above reasons, the requested variance should be granted.

Exhibit A

12kW¹ Fortress™ Standby Generator



FORTRESS™ The Smart Choice

Introducing our dealer exclusive line. Available at your local Briggs & Stratton Dealer with these great features:

6 YEAR **10** YEAR
Parts • Labor • Travel
Limited Warranty⁴



New Upgraded Control System

- New AVR optimizes generator performance with tighter voltage control
- LCD display that displays multi-line text and graphics
- Default exercise cycle setting of 16 seconds
- Low speed exercise available to save fuel and reduce noise
- Monitors cold temperatures to avoid moisture buildup in engine oil
- Cleaner power with improved frequency regulation
- More efficient alternator capable of starting most 5-ton air conditioners

Designed for Easy Installation & Maintenance

- Approved for installation as close as 18" to a building²
- Removable roof and side panels provide better service access to the engine and alternator
- Controller, battery charger, and AVR can be replaced separately
- Cold weather kit included
- External on/off switch located on back of enclosure

Commercial Vanguard® Engine

- Easy conversion between natural gas (NG) and liquid propane vapor (LPV) during installation
- Advanced debris management keeping engine clean and cool for enhanced durability and performance
- Dynamically balanced crankshaft minimizes engine noise and vibration

Charging System

- Independent battery charger
- Optimizes battery life with a 3-stage battery charger (bulk, absorption, and float stage)

Corrosion Resistant Enclosure & Base

- Made with automotive grade galvanized steel to resist rust
- Powder-coated paint for years of protection against chips and abrasions
- Certified to withstand hurricane-force winds up to 175mph⁵

Briggs & Stratton® Full Synthetic Generator Oil

- Shields the engine from low temperature sludge buildup and high temperature deposits
- Reduces engine wear, scoring and abrasion

Compatible with Symphony® II Power Management System

- Customizable to your home's needs
- Automatically balances the power of your home's electrical load including high wattage items like air conditioning units and electric ovens
- Offers whole house power with a more affordable home generator
- Compatible transfer switches and modules sold separately

Generator Set Rating

Model	Enclosure Type	Voltage	Phase ³	Hz	Circuit Breaker Amps	Liquid Propane Vapor		Natural Gas		Limited Warranty ⁴
						LPV kW ¹	LPV Amps	NG kW ¹	NG Amps	Parts, Labor, Travel
040608	Steel	120/240	1	60	60	12	50	10.8	45	10 Year
040591	Steel	120/240	1	60	60	12	50	10.8	45	6 Year

¹ This generator is certified in accordance with UL (Underwriters Laboratories) 2200 (stationary engine generator assemblies) and CSA (Canadian Standards Association) standard C22.2 No. 100-14 (motors and generators).

² The installation manual contains specific instructions related to generator placement in addition to NFPA 37, including the requirement that carbon monoxide detectors be installed and maintained in your home.

³ Single phase units are rated at 1.0 power factor and three phase units are rated at 0.8 power factor.

⁴ See operator's manual or BRIGGSandSTRATTON.com for complete warranty details.

⁵ Up to 175 mph, when installed in accordance with the installation manual.



12kW¹ Fortress™ Standby Generator

Engine Specifications

Engine	
Engine Brand	Vanguard
Engine Speed (RPM)	3600
Engine Fuel	Liquid Propane Vapor (LPV) or Natural Gas (NG)
Engine Cylinder Configuration	OHV
Number of Cylinders	2
Displacement (L / Ci)	0.627 / 38.26
Compression Ratio	8.3:1
Governor Type	Electronic
Frequency Regulation	+/- 0.3 Hz (0.5%)
Valves	OHV with Hardened Seats
Ignition System	Fixed Timing Magnatron® Electric Ignition
Starter Motor Rating Voltage	12 Volt
Battery Required	12 Volt, Group BCI 26 or 51, 540 CCA Minimum
High Temperature Switch	Included
Dura-Bore Cast Iron Cylinder Sleeve	Included

Lubrication

Oil Capacity (L / qt)	1.3 / 1.37
Low Pressure Switch	Included
Lubrication System	Full Pressure
Oil	Briggs & Stratton 5W30 Full Synthetic

Alternator Specs

Manufacturer	Mecc Alte
Type	Self-Excited, 4-Lead
Voltage Regulator	Automatic
Insulation	Class H
Peak Motor Starting kVA	37

Controller Features

Generator Sensing	Single phase voltage monitoring
LCD Display	Displays multi-line text and graphics
Fault Display	Provides up to 39 detailed fault codes
Exercise Cycle	Six exercise length options Default: Start and run for 16 seconds; Abort exercise below 40° F (internal temperature)

Operations

Fuel Consumption²

	Full Load	1/2 Load	No Load
BTU / hr	NG - 172,000 LPV - 209,000	NG - 117,000 LPV - 155,000	NG - 66,000 LPV - 57,000
ft³ / hr	NG - 171.6 LPV - 83.3	NG - 116.9 LPV - 61.8	NG - 66 LPV - 22.6
m³ / hr	NG - 4.87 LPV - 2.37	NG - 3.31 LPV - 1.76	NG - 1.87 LPV - 0.65
g / hr	LPV - 2.26	LPV - 1.68	LPV - 0.62

Sound Rating At 7 Meters

Low Idle Mode	64 dBA ⁴
No Load	69 dBA ⁴



Parts • Labor • Travel
Limited
Warranty³

Unlike some other standby generator manufacturers, our warranty covers **parts, labor AND travel for the full length of the warranty** with no start-up costs!

¹ This generator is certified in accordance with UL (Underwriters Laboratories) 2200 (stationary engine generator assemblies) and CSA (Canadian Standards Association) standard C22.2 No. 100-14 (motors and generators).

² Fuel consumption rates are estimated based on normal operating conditions at 1/2 load. Generator operation may be greatly affected by elevation and the cycling operation of multiple electrical appliances – fuel flow rates may vary depending on these factors.

³ See operator's manual or BRIGGSandSTRATTON.com for complete warranty details.

⁴ Lowest no-load measurement per ISO 3744. Sound level measurement at other locations around generator may be different depending upon installation configuration.



Additional Information

Operations

Engine Warm Up (sec)	20 seconds after all settable delays
Engine Cool Down (min)	5
Response Time (sec)	Immediate after engine warm up

Weight and Dimensions

Assembled Weight (lbs / kg)	361 / 164
Overall Dimensions (in / mm)	28 x 26.1 x 37.2 / 711 x 663 x 945
Packaged Weight (lbs / kg)	423 / 192
Packaged Dimensions (in / mm)	39 x 33.5 x 45 / 991 x 851 x 1143

Enclosure Material	Galvanneal Steel with Corrosion Resistant Paint
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Available Transfer Switches

071100	100 Amp
071150	150 Amp
071200	200 Amp
071071	Symphony® II 100 Amp
071070	Symphony® II 150 Amp
071068	Symphony® II 200 Amp
071057	Symphony® II Dual 200 Amp

Certifications

- CARB Compliant***

- FCC Part 15 Class B / CAN ICES - 003 (B)**

- cUL Listed to CSA 22.2 No. 100-14**

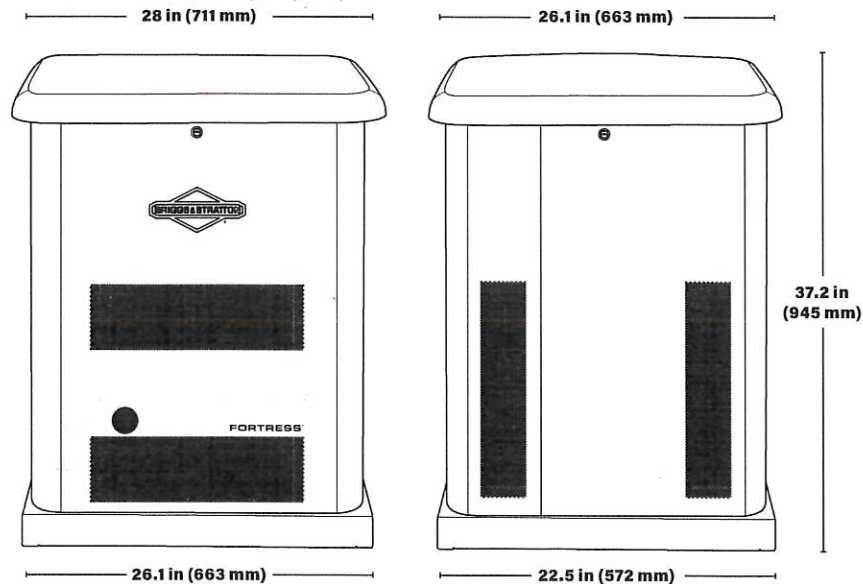
- UL 2200 Listed**

- EPA Certified Fuel System**

- Complies with NFPA 37 4.1.4.1.2**

Available Accessories

Maintenance Kit	6035
E-Stop Kit	6491
Power Management Low Voltage Module	071052, 071053
Power Management High Voltage Module	071051
Generator Status LED Kit	6535
Battery Warmer	6578
InfoHub Universal	6574



* CARB does not regulate emergency standby generators outputting less than 50 HP. Only the EPA standards apply.

¹ This generator is certified in accordance with UL (Underwriters Laboratories) 2200 (stationary engine generator assemblies) and CSA (Canadian Standards Association) standard C22.2 No. 100-14 (motors and generators).



12kW¹ Fortress™ Standby Generator



Support every step of the way

Need help? Visit powernow.com

Complete the web form and a local dealer will contact you to answer questions on our generators, transfer switches and accessories.

¹This generator is certified in accordance with UL (Underwriters Laboratories) 2200 (stationary engine generator assemblies) and CSA (Canadian Standards Association) standard C22.2 No. 100-14 (motors and generators).

Briggs & Stratton has a policy of continuous product improvement and reserves the right to modify its specifications at any time and without prior notice.

Not for Prime Power or use where standby systems are legally required, for serious life safety or health hazards, or where lack of power hampers rescue of fire-fighting operations.

BS1152 - 9/19

BRIGGS & STRATTON CORPORATION
POST OFFICE BOX 702
MILWAUKEE, WI 53201 USA

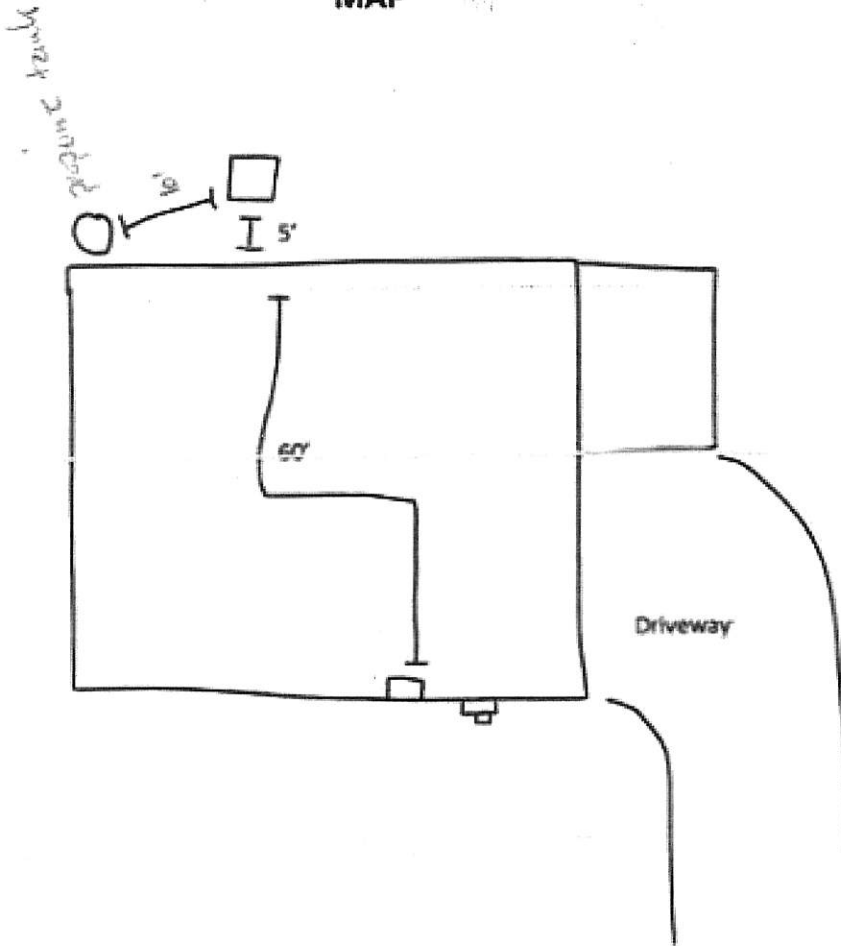
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YOU.POWERED.

Exhibit B

MAP



NAME:

Ellen Bates

ADDRESS:

10 Cedar Point Road
Durham NH 03824

BILLING ADDRESS:

PHONE #:

(603) 767-4949

EMAIL:

ebates@officeinteriorsltd.com

GENERATOR INFO:

12kw B&S
100AMP WHOLE HOUSE TS

ELECTRICIAN NOTES:

GAS NOTES:

SPECIAL NOTES:

PHILBRICK'S
GENERATORS

302 Knox Marsh Road
Madbury, NH 03823
603-778-1372 or 603-494-0329

Exhibit C

TOWN OF DURHAM ELECTRICAL PERMIT APPLICATION

Property Location 10 Cedar Drive rd. Date 12/23/21
 Property Owner's Name Ellen Bates
 Electrician's Name Mike Dangle
 Company Name Dangle Electric
 Company Address 371 Colef Hwy. Bunnington NH 03825
 Master Electrician # 14 25411 Cell Phone # 603 978-8219 Building Permit # _____
 (Journeyman must have letter from Master Electrician to pull permit.)

Use: (circle one) Residential Business Industrial Other _____
 Wiring Method: (circle one) NM AC MC Conduit Other _____
 Type of Installation: (circle one) New Addition Alteration Luminaire Retrofit Repair Other _____

Services, Panels, and/ or Disconnects	Qty
100	
200	
400	
800	
1000	
1200	
1600	
Meters	
Motors	
Air Compressor/Condenser	
Electric Heat	
Heat Pump	
Pre-Mfgd/Temp Site Trlr	
Modular Homes	
Fire Pump	
Temp Service (\$10 fee)	
Illuminated Sign	
Above Ground Pool/Hot Tub	
In Ground Pool	

Devices	Qty
Receptacles	
Switches	
Motion Sensor	
Other	

Transformers	Qty
Up to 25 KVA	
25 KVA & Over	

Fixtures	Qty
Incandescent	
LED	
Fluorescent	
Neon	
Smoke Detector/CO (See Info on back)	
Extl/Emergency Lts	
Exh/Paddle Fan	

Equipment	Qty		Qty
Range/Cooktop		Washer	
Wall Oven		Dryer	
Microwave		Boiler Gas/Oil	
Dishwasher		Furnace Gas/Oil	
Disposal		A/C Unit	
HW Heater		Door Openers	
Refrigerator/Freezer		Sump Pump	

Generators & Transfer Switches	Qty	PV Solar System	Qty
Up to 10 KVA		Roof Mount	
10 KVA to 75 KVA	1	Ground Mount	
Over 75 KVA		Tracker System	
Transfer Switches	1	PV Panels	
		Mounting Rail	
		Inverters	
		Disconnects	
		Combiner Boxes	
		Meters	

Estimated Cost of Construction: \$ 9,285.00
 Fee Amount: \$ 149.00 Check # _____ Cash _____

Description of Work: Install of 12kw B.S generator
7 wiring of ramp whole house T/S.

Applicant certifies that all information given is correct and that he/she will comply with the current NEC Building Code and Energy Code along with any other applicable State or Town Ordinances.

Mike Dangle
 Signature of Applicant

Signature of Permit Clerk

*Mailed 12/23/21
 CK # 608*

TOWN OF DURHAM PLUMBING/MECHANICAL/FIRE PERMIT APPLICATION

Property Location 10 Cedar Point rd. Date 12/25/21
 Property Owner's Name Ellen Bates
 Contractor's Name Philbrick's Generators - Joshua Couch
 Company Name 312 Kinn Marsh rd Madbury NH 03823
 Company Address Philbrick's Generators
 Master Plumber/Gas License # 91191132 Cell Phone # 603-778-1373 Building Permit # _____
 Use: (circle one) Residential Commercial Other

Plumbing	Qty	Mechanical HVAC	Qty	Mechanical Other	Qty
Bath Tub/Tub Shower		Air Conditioner Units		Indirect Hot Water Tank	
Shower		Forced Air Systems		Conversion Burner	
Water Closet/Flush Tank		Mini-split system		Refrigeration Units	
Water Closet/Flushometer		Floor Furnaces		Chimney Liner	
Urinal		Wall Heaters		Range	
Lavatory		Unit Heaters		Range Hood	
Kitchen Sink		Electric Water Heater		Comm. Kitchen Hood System	
Hand Wash Sink				Clothes Dryer	
Service/Mop Sink				Air Handling	
Water Distribution System					
Clothes Washer					
Hose Faucet					
Drinking Fountain					
Dishwasher					
Backflow Preventer					
Building Sewer Connection					
Floor Sink					
Floor Drain					
Roof Drain					
Garbage Grinder/Commercial					
Grease Interceptor					
Pump or Ejector					
Lawn Irrigation If Connected To Potable Water Supply					

Gas/Oil/Wood Burning	Qty
Oil Tank	
Oil Burner	
LP Tank	
LP Appliance	
NG Appliance	
LP/NG Piping Only	
Wood Stove	
Generator	1

Wells	Qty
Private Well - Water	
Private Well - Geothermal	

Fee Calculation (See 2 nd Page)	
Cost of Construction:	\$ 1,180.00
Blgd. Department Fee:	\$ 75.00 25.00 5.00
Fire Department Fee:	\$ 25.00
Total Fee:	\$ 1,280.00
Check # _____	
Cash _____	

Description of Work Including Appliance, Make & Serial # if applicable: Install of 17kw generator + gas piping.

Applicant certifies that all information given is correct and that he/she will comply with the current Plumbing, Mechanical, Fire and Energy Codes along with any other applicable state or Town Ordinances.



 Signature of Applicant

 Signature of Permit Clerk

Exhibit D



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898

AUDREY CLINE
Zoning Administrator
Code Enforcement Officer
Health Officer

TEL: (603) 868-8064
acline@ci.durham.nh.us

Decision or Order of the Building Inspector/Code Enforcement Officer

175-12. Administrative Appeals.

Any person who believes that the Zoning Administrator has made an error in the interpretation or application of the provisions of this Ordinance, may appeal such determination to the Zoning Board of Adjustment as an administrative appeal under the provisions of Section 175-19. If the Board finds that the Zoning Administrator erred in his/her interpretation of the Ordinance, it shall modify or reverse the decision accordingly.

175.19. Powers and Duties

B. In exercising the above-mentioned powers, the Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

Applicant:

BATES REV TRUST, BRUCE H
BATES REV TRUST, ELLEN F
P.O. BOX 686
DURHAM, NH 03824

Date of order: February 16, 2022

Deadline for application for appeal: March 16, 2022

Decision or Order of the Building Inspector/Code Enforcement Officer:

Electrical Permit Application number 22-1₂ for property located at 10 Cedar Point Road, is DENIED as the proposal does not meet the requirements of the Durham Zoning Ordinances below:

ARTICLE XII.1

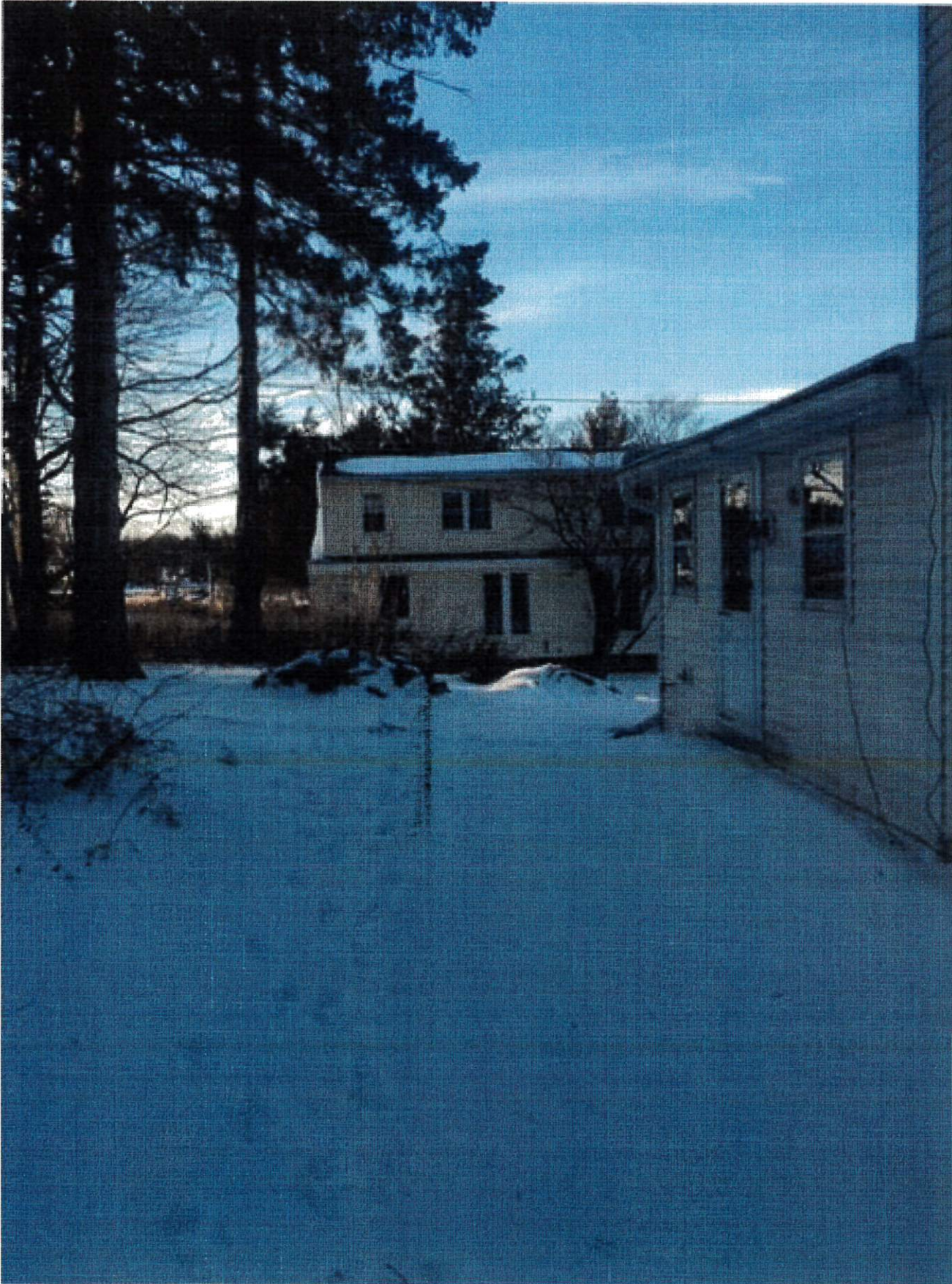
175-54 Table of Dimensions, side setback required in the RC Zone is 50'

By Durham's Building Inspector/Code Enforcement Officer:

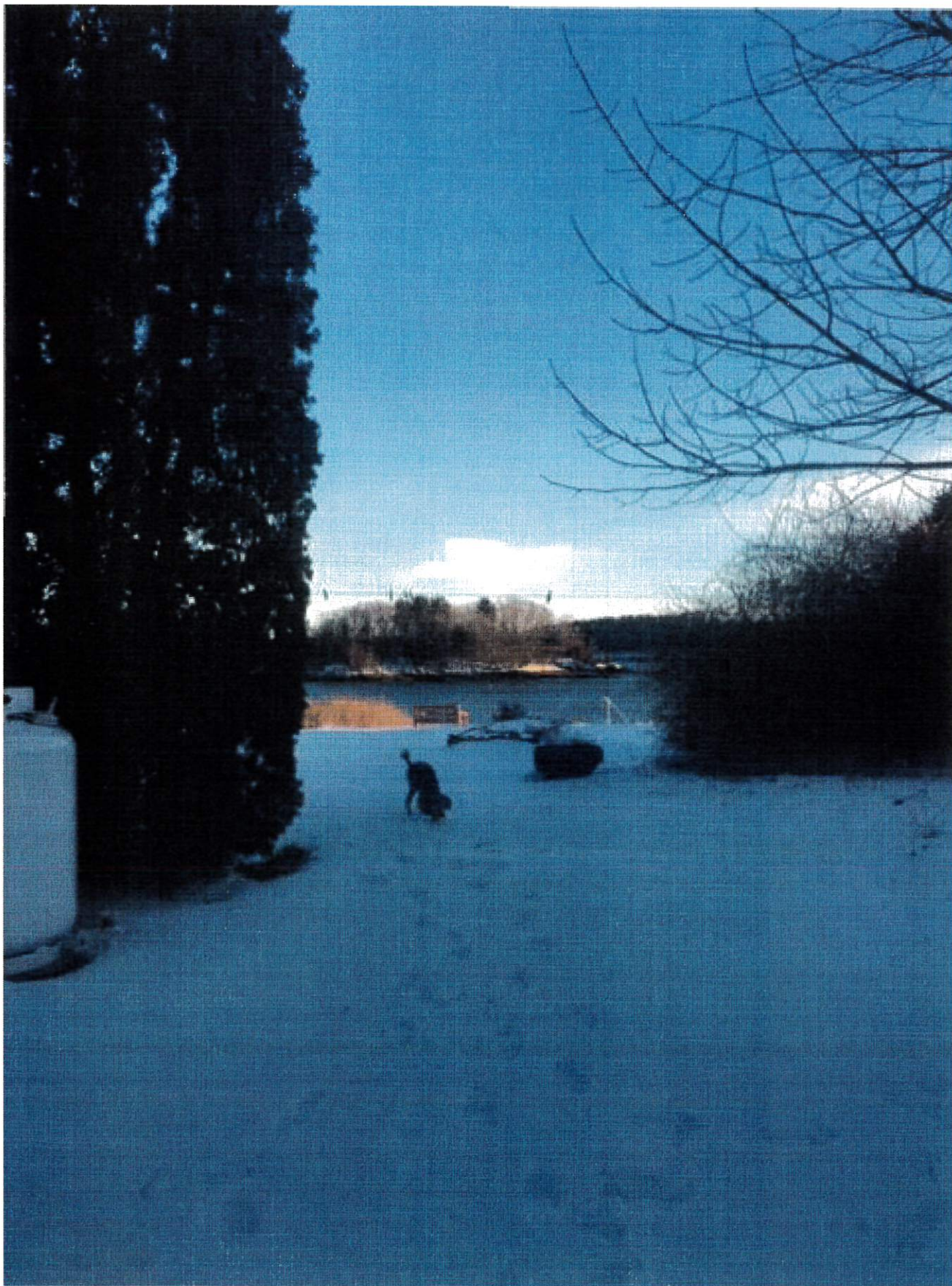


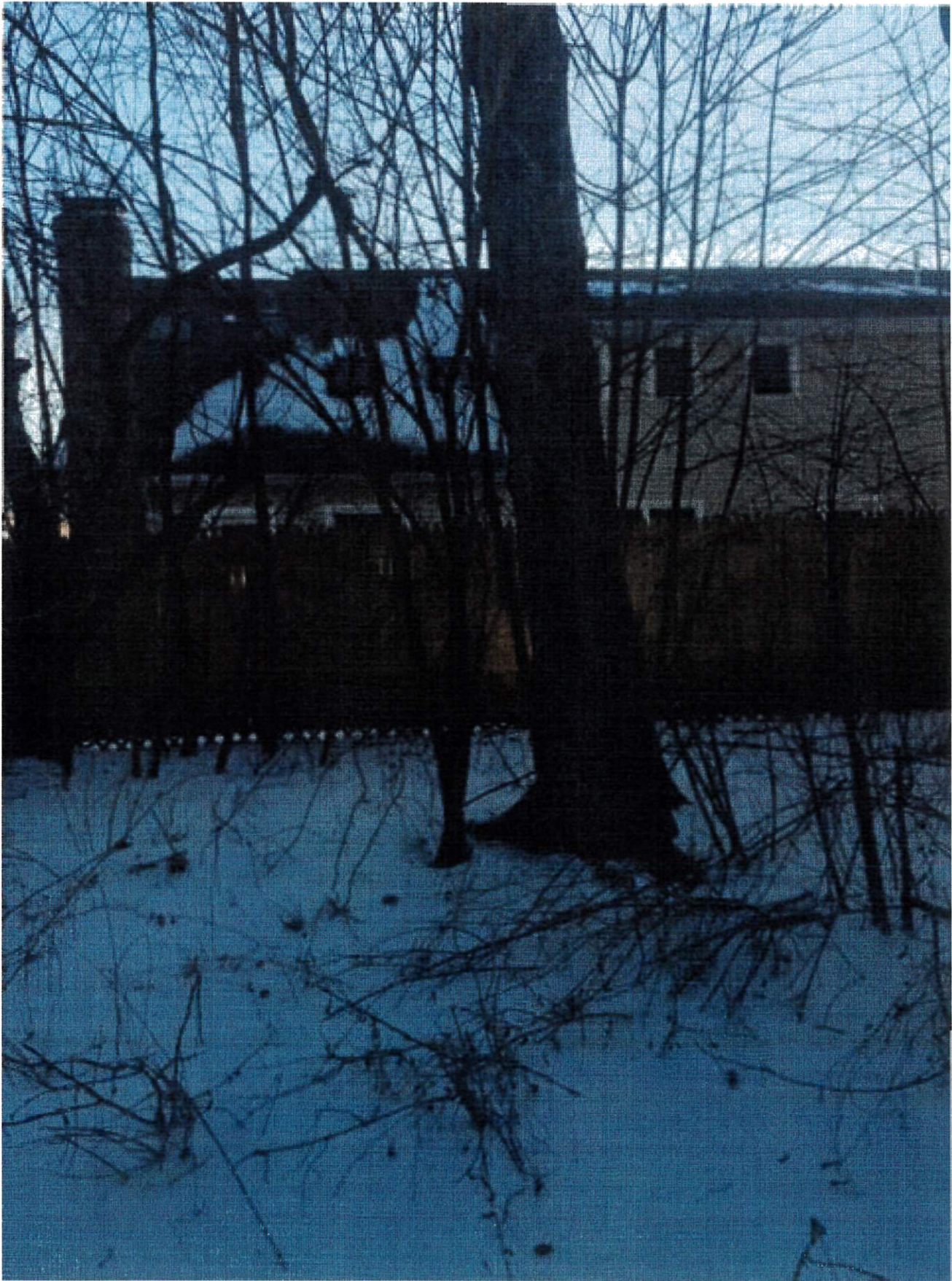
Audrey Cline CEO

Exhibit E









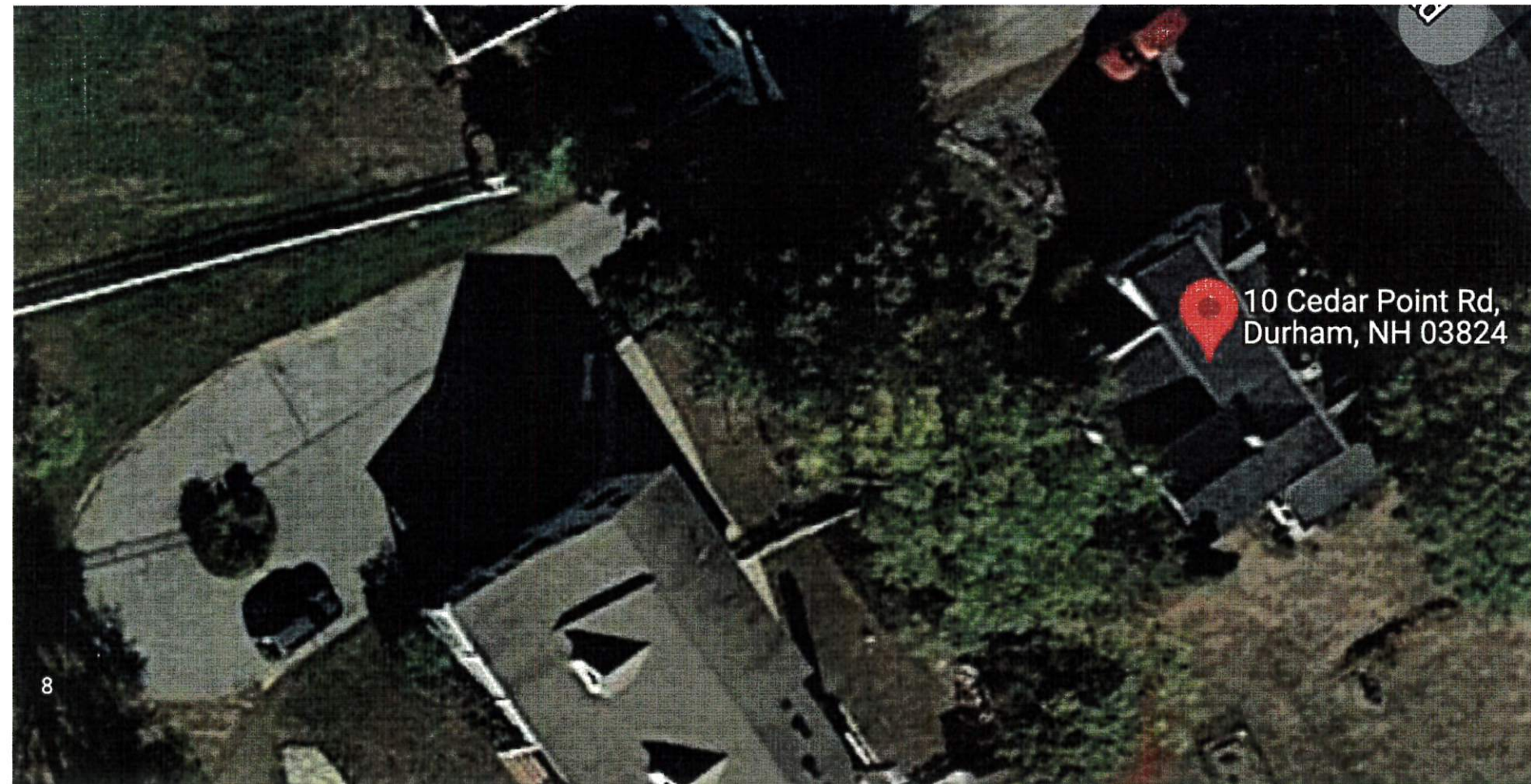


Exhibit F

DR. BY G.L.D. DATE AUG 19

SCALE 1" = 40'

G. L. DAVIS & ASSOCI.
CIVIL ENGINEERS
15 FISHER STREET
DOVER, NEW HAMPSHIRE



CEEDAR POINT LOT
PHILIP R. SIDMORE
DURHAM NEW HAMPSHIRE

GREAT DAY

PISCATAQUA-BRIDGE ROAD
SEE PLAN IN BOOK 23 PG. 41-1796

521' 43" E AND 1796 PLAN
232.2'

768/447 (627/10)

HAROLD R. KNIGHT
(512/300)

N 6° 58' W



RIGHT OF WAY
N 77° 55' E
70.0'

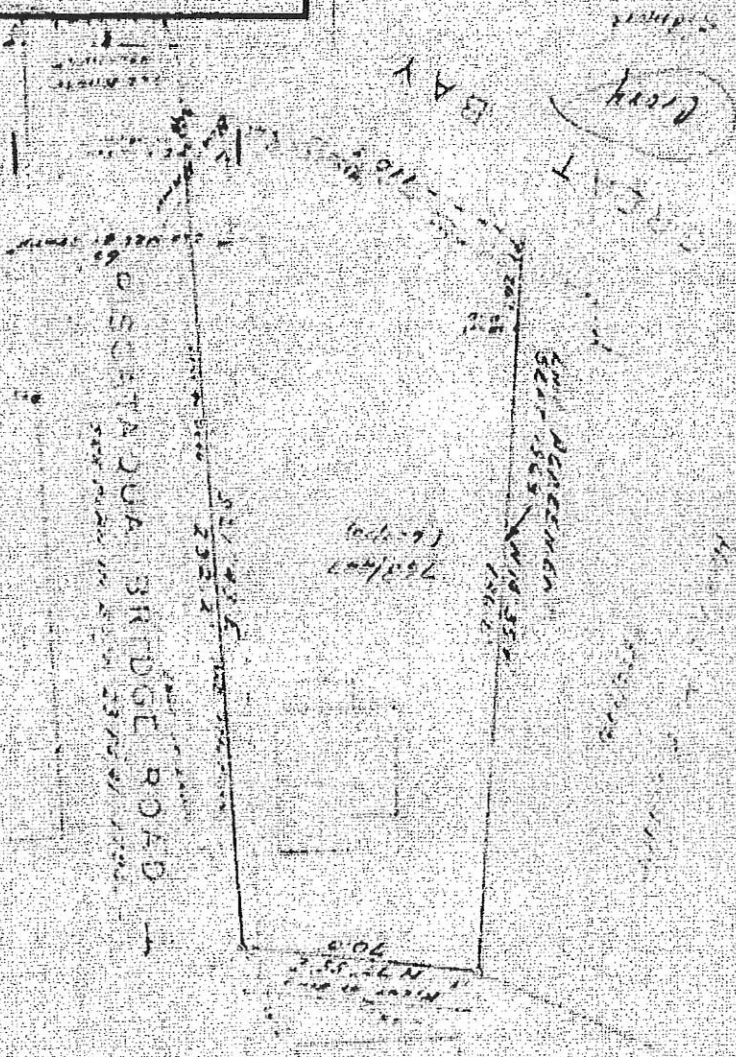


CE. NO.	PLC. NO. 123-06
DATE	SEPT. 1968
SCALE	1" = 40' FT.
G. L. DAVIS & ASSOCIATES CIVIL ENGINEERS 19 FISHER STREET DOVER, NEW HAMPSHIRE	
CEDAR POINT LOT PHILIP R. SIDMORE DURHAM, NEW HAMPSHIRE	



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MISC. AT A QUAY K.V. - CEDAR PT



SEAL BECKMAN