



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**56 Madbury Road**  
**Wednesday, April 10, 2013**

**VII. Public Hearing on an Application for Site Plan Review and Conditional Use Permit. 56 Madbury Road.** Creation of an additional 3-bedroom apartment within the basement of an apartment building. **Golden Goose Properties LLC** c/o Barrett Billotta (applicant), Mike Sievert, MJS Engineering (engineer). Tax Map 3, Lot 1-11A, Residence A Zoning District.  
**Recommended action:** Final action

➤ I am making this recommendation prior to the site walk. *If the applicant adequately addresses the question of parking and the Planning Board sees fit to approve this application,* I recommend approval as follows, making any additions or deletions that the Planning Board sees fit to make based on the site walk, public hearing, and deliberations.

Note that the applicant is permitted to have up to 111 occupants on the site per a zoning determination from Tom Johnson, based upon the established history of the site. The current zoning does not permit multifamily but the applicant is grandfathered for 111 occupants. It is our understanding that the number of occupants now is less than 111 occupants (101 occupants). As a condition below it will need to be confirmed that the number now and with the new apartment will not exceed that number. This application is coming to the Planning Board because adding a dwelling unit to a multifamily site requires site plan review. Plus, expanding the nonconforming use (multifamily) requires a conditional use.

I understand that Golden Goose has offered to provide 24 hour oversight of the property. The Planning Board should confirm this and clarify what type of oversight will be provided. This should then be incorporated as a condition, as shown below.

It is not clear to me yet whether or not the parking requirements are met. The applicant can explain the situation to the board.

**DRAFT**  
**NOTICE OF DECISION**  
**Approval of one additional apartment**

Address:	<b><u>56 Madbury Road</u></b>
Project:	<b>Site Plan and Conditional Use to create an additional basement apartment in existing space</b>
Applicant:	Golden Goose Properties LLC
Property Owner:	Golden Goose Properties LLC
Engineer:	Mike Sievert, MJSs Engineering
Map and Lot:	Map 3, Lot 1-11A

Zoning: Residence A  
Date of approval: **April 10, 2013**

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The application is approved with the following terms and conditions:

- 1) The application is approved as submitted in the documentation provided by the applicant as part of the application, except for any changes/clarifications herein.
- 2) Pursuant to the letter of May 5, 2011 from Tom Johnson, Code Enforcement Officer, the maximum permitted number of occupants for this entire site is 111.
- 3) Provide professionally drawn, to scale, floor plans of all buildings on the site (or other documentation acceptable to the Building Official) to the Building Official so that the total number of current occupants/occupancy can be verified.
- 4) The application shall remain in compliance with the Zoning Ordinance, Conditional Use Permits section of the Zoning Ordinance, and the Building Code.
- 5) No additional square footage may be created for dwelling units without another conditional use (and in compliance with other zoning requirements).
- 6) The applicant shall provide 24-hour, 7-day oversight of this property.

*[This should be clarified.]*

- 7) Findings of fact. This approval is based upon the following findings of fact: a) The application meets the eight conditional use criteria as presented by the applicant in the application; b) A conditional use is required as this application constitutes an expansion of a nonconforming use – multifamily in the Residence A zone, which does not otherwise permit multifamily; c) The application has been reviewed by the Technical Review Group, including the Deputy Fire Chief and Building Official; d) No changes are proposed to the site other except for interior modifications to the space to create the apartment and a new enclosed exterior staircase; e) The May 5, 2011 letter from Tom Johnson, Code Enforcement Officer establishes the maximum number of permitted occupants of this site, under zoning, at 111.