



# MJS ENGINEERING, PC

CIVIL •  
ENVIRONMENTAL •  
CONSULTING ENGINEERING •

5 RAILROAD STREET, P.O. BOX 359, NEWMARKET, NH 03857 PHONE: (603) 659-4979, FAX: 659-4627

E-mail: mjs@mjs-engineering.com

file  
13-009

March 6, 2013

Mr. Michael Behrendt, AICP  
Director of Planning and Development  
Durham Town Hall  
15 Newmarket Road  
Durham, NH 03824

RE: Golden Goose Properties, LLC – 56 Madbury Road Tax Map 3, Lot 1-11  
Site Plan and Conditional Use Applications

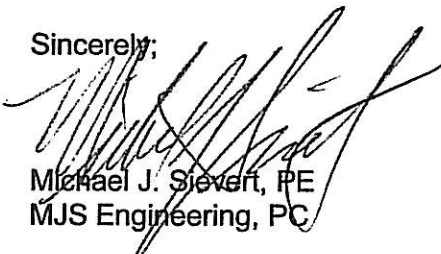
Dear Michael,

Please find enclosed the following information:

1. Application for Site Plan approval w/ Letter of Authorization and checklist
2. Application fees
3. Abutter mailing labels and list
4. Conditional Use Permit application w/Letter of Authorization and checklist
5. 10 Copies of the Letter of Intent to the planning board
6. 10 – 11 x 17 Copies of the Existing Conditions and Site Plan
7. 5 – 24 x 36 copies of the Existing Conditions and Site Plan

Please contact me if you have any questions or need additional information once you have reviewed the applications and supporting documentation.

Sincerely,



Michael J. Sievert, PE  
MJS Engineering, PC



file

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

**APPLICATION FOR CONDITIONAL USE PERMIT**

*This form and all required information per Durham's Zoning Ordinance (Article VII, Section 175-23(C) attached) must be filed at least 20 days before the meeting of the Planning Board with the Planning Staff in person or by mail.*

**Property Location:**

Street Address 56 Madbury Road  
Tax Map # 3 Lot # 1-11 Zone RA

**Owner(s):**

Name Golden Goose Properties, LLC  
Mailing Address 56 Madbury Road  
Durham, NH 03824  
Daytime Phone (603)834-1653 Fax \_\_\_\_\_

If another person or firm will represent this application to the Town, please complete the following (letter of authorization should be included):

Name Michael J. Sievert, P.E. MJS Engineering, P.C.  
Mailing Address P. O. Box 359  
Newmarket, NH 03857  
Daytime Phone (603)659-4979 Fax (603)659-4627

**Abutters:**

Attach a separate sheet listing by Map & Lot number, each owner's name, and mailing address of all abutters within **300 feet** of the property. The list of abutters must include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4(I)(d).

**Name & Address of Licensed Professionals (as applicable):**

Engineer Michael Sievert MJS Engineering, P.C. P.O.Box 359, Newmarket, NH 03857  
Land Surveyor Dave Hislop 34 Old Post Road, Newington, NH 03801  
Architect \_\_\_\_\_  
Soil Scientist \_\_\_\_\_

Proposed Use: Add one unit to existing rooming house

Please prepare and attach a written description of the proposal.  
Length should not exceed three pages.

I certify that all information provided is, to the best of my knowledge true:

Owner's Signature: [Signature] Date 3/6/13



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## **CONDITIONAL USE PERMIT APPLICATION CHECKLIST**

Date:

Name of Applicant: Golden Goose Properties, LLC

Location of Property: 56 Madbury Road

Tax Map and Lot Number: 3/1-11

Name of Plan: Davis Court Apartments

- ☒ a Conditional Use Permit application
- ☒ a letter of intent detailing the proposal
- ☒ a letter of authorization (if applicable)
- ☒ all applicable fees
- ☒ a list of the names and addresses of all the abutters within 300' feet of the subject property, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property
- ☒ Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- ☒ five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

The Plan shall show (only if applicant is not submitting a Site Plan Review or Subdivision Application):

- ☒ Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan
- ☒ names of owners of abutting properties
- ☒ North Arrow and bar scale
- ☒ locus plan sat a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information
- ☒ Surveyed property lines of the parcel showing their bearings;
- ☒ Location and layout of existing and proposed structures and buildings;

WAMBL

- Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
- X   Area of entire parcel in acres and square feet;
- X   Zoning and special district boundaries;
- X   Deed reference and tax map number;
- X   Location width, curbing and paving of access ways, egress ways and streets within the site;
- X   Location and layout of all on-site parking and loading facilities;
- X   Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
- X   Type and location of solid waste disposal facilities;
- n/a  Location, elevation and layout of catch basin and other surface drainage features;
- X   Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
- n/a  Dimensions and area of all property to be dedicated for public use of common ownership;
- n/a  Location of 100 year flood hazard boundaries;
- n/a  Date and permit numbers of all required state and federal permits.
- X   Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
- X   Dimensions, area and minimum setback requirements on all existing and proposed lots;
- n/a  Proposed landscaping plan including size and type of plant material;
- X   Pedestrian walks providing circulation through the site;
- X   Location and size of proposed and existing signs, walls and fences;
- X   Location and type of lighting for outdoor activities; and
- X   Location, widths and purposes of any easements or rights-of-way.
- X   Total on-site square footage of impervious surfaces.

  X   Letter to Planning Board detailing how application meets the criteria for approval set out in Section 175-23(C)

N/A Applicant has met with neighbors to discuss project and concerns.

**Written waivers from these requirements may be requested with specific justification to the requirements of Section 12.02 of the Site Plan Review Regulations for the Town of Durham.**

**The applicant is reminded that they need to place a sign on the property measuring 2'x3' at least ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. The sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered.**



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### APPLICATION FOR SITE PLAN REVIEW

Note: This form and all required information must be filed at least 21 days before the date of the meeting at which it is to be submitted to the Board. Filing is to be done at the Planning Office, Durham Town Office Building or by mail to 15 Newmarket Road, Durham NH 03824.

**1. Name and mailing address of applicant**

Golden Goose Properties, LLC  
56 Madbury Road  
Durham, NH 03824  
Phone Number: (603)834-1653  
Email Address:

**2. Name and mailing address of owner of record if other than applicant**

same  
Phone Number:  
Email Address:

**3. Location of Proposed Project** 56 Madbury Road

Tax Map 3 Lot Number 1-11 Zoning District RA

**4. Name of Proposed Project** Davis Court Apartments

**5. Number of units for which approval is sought** 1

**6. Name, mailing address and telephone number of surveyor and/or agent**

MJS Engineering, P.C. (603)659-4979  
P. O. Box 359 Newmarket, NH 03857  
Phone Number: (603)659-4979  
Email Address: mjs@mjs-engineering.com

**7. Abutters:** Attach a separate sheet listing the Durham Tax Map number, Lot number, name, and mailing address of all abutters, including those across a street, brook or stream. The list of abutters must also include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4(I)(d). Names should be those of current owners as recorded in the tax records five (5) days prior to the submission of this application.

*Note: Names submitted on the Request for Preapplication Review may not be current. No application shall be heard unless all abutters as described herein have been notified.*

8. Items on the attached Site Plan Review Application Submission Checklist

9. Payment of all applicable fees:

submittal fees	\$ 125.00
advertising/posting costs	150.00
abutter notification (each)	7.00 ea (7 x 45. = 315.00)
proposed road (per foot)	
administrative and technical review costs	

TOTAL \$ 590.00

9. The applicant and/or owner or agent\*, certifies that this application is correctly completed with all attachments and requirements, and that any additional costs for engineering or professional services incurred by the Planning Board or the Town of Durham, in the site plan review process of this property, shall be borne by the applicant and/or owner.
10. Within five (5) business days of submitting a formal application, the applicant shall meet with the Director of Planning and Community Development to discuss issues related to completeness and acceptance of the application. If this review discloses that all requirements specified on the Site Plan Application Checklist have not been met, the applicant will be notified in writing what specific items are still needed.
11. Prior to the next regularly scheduled meeting of the Planning Board, the applicant, at the discretion of the Director of Planning and Community Development, shall meet with the appropriate Department Heads of the Town of Durham to discuss the implications the application will have on the various Departments of the town.
12. If this application is determined by the Planning Staff to be complete, it will be placed on the Planning Board agenda on \_\_\_\_\_ for acceptance.

\*If the applicant is an agent of the owner, a separate signed letter from the owner of record is required which clearly states the authority of the agent or representative for this application. If the agent does not have the power of attorney of the owner, all documents shall be signed by the owner.

"I hereby authorize the Durham Planning Board and its agents to access my land for the purpose of reviewing the proposed site plan, performing road inspections and any other inspections deemed necessary by the Board or its agents, to ensure conformance of the on-site improvements with the approved plan and all Town of Durham ordinances and regulations."

Date 3/6/13 Applicant, Owner, or Agent: 



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## SITE PLAN REVIEW APPLICATION CHECKLIST

Date:

Name of Applicant: Golden Goose Properties, LLC

Location of Property: 56 Madbury Road

Tax Map and Lot Number: 3/1-11

Name of Plan: Davis Court Apartments

- ☒ a letter of intent detailing the proposal
- ☒ a list of the names and addresses of all the abutters, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property
- ☒ Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- ☒ five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

The Plan shall show:

- ☒ Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan
- ☒ names of owners of abutting properties
- ☒ North Arrow and bar scale
- ☒ locus plan at a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information
- ☒ Surveyed property lines of the parcel showing their bearings;
- ☒ Location and layout of existing and proposed structures and buildings;
- ☒ Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
- ☒ Area of entire parcel in acres and square feet;
- ☒ Zoning and special district boundaries;
- ☒ Deed reference and tax map number;
- ☒ Location width, curbing and paving of access ways, egress ways and streets within the site;
- ☒ Location and layout of all on-site parking and loading facilities;



- X Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
- X Type and location of solid waste disposal facilities;
- N/A Location, elevation and layout of catch basin and other surface drainage features;
- X Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
- N/A Dimensions and area of all property to be dedicated for public use of common ownership;
- N/A Location of 100 year flood hazard boundaries;
- N/A Date and permit numbers of all required state and federal permits.
- X Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
- X Dimensions, area and minimum setback requirements on all existing and proposed lots;
- N/A Proposed landscaping plan including size and type of plant material;
- X Pedestrian walks providing circulation through the site;
- X Location and size of proposed and existing signs, walls and fences;
- X Location and type of lighting for outdoor activities; and
- X Location, widths and purposes of any easements or rights-of-way.
- X Total on-site square footage of impervious surfaces.
- N/A Streets and Access meet Section 9.02 of the Site Plan Review Regulations for the Town of Durham.
- N/A Storm Water Drainage meets Section 9.03 of the Site Plan Review Regulations for the Town of Durham.
- N/A Water Supply meets Section 9.04 of the Site Plan Review Regulations for the Town of Durham.
- N/A Sewerage meets Section 9.05 of the Site plan Review Regulations for the Town of Durham.
- N/A Non-Municipal Utilities meets Section 9.06 of the Site Plan Review Regulations for the Town of Durham.
- N/A Signs meet Section 9.07 of the Site Plan Review Regulations for the Town of Durham.
- N/A Special Flood Hazard Areas meet Section 9.09 of the Site Plan Review Regulations for the Town of Durham.
- N/A Independent Studies and Investigations meet Section 10 of the Site Plan Review Regulations for the Town of Durham.
- N/A Applicant has met with neighbors to discuss project and concerns.
- X Applicant has reviewed and submitted the "Energy Considerations Checklist" (strongly encouraged, although not required)

Written waivers from these requirements may be requested with specific justification to the requirements of Section 12.02 of the Site Plan Review Regulations for the Town of Durham.



March 6, 2013

Durham Planning Board  
15 Newmarket Road  
Durham, NH 03824

Dear Chairperson:

I hereby authorize Michael J. Sievert, P.E. of MJS Engineering, P.C. to represent Golden Goose Properties, LLC at the Durham Planning Board for Site Plan and Conditional Use Permit applications. The subject parcel is shown on Tax Map 3 as Lot 1-11 and is located at 56 Madbury Road.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barrett C. Bilotta', with a stylized, flowing script.

Barrett C. Bilotta  
Managing Partner  
Golden Goose Properties, LLC

### LIST OF OWNERS OF ABUTTING PROPERTY

(This includes property directly across the street or streams from the land under consideration. List must also include any and all preparers of plans, studies, etc...)

#### PLEASE PROVIDE NAME & MAILING ADDRESS

<b><u>PROPERTY OWNER:</u></b> 56 Madbury Road MAP 3 LOT 1-11  GOLDEN GOOSE PROPERTIES, LLC 56 MADBURY ROAD DURHAM, NH 03824	<b><u>AGENT/APPLICANT:</u></b>  MJS ENGINEERING, PC P. O. BOX 359 NEWMARKET, NH 03857
MAP 3 LOT 1-1 52 Madbury Road  LOIS JANE DICKERMAN TRUST 52 MADBURY ROAD DURHAM, NH 03824	<b><u>LAND SURVEYOR:</u></b>  DAVE HISLOP 34 OLD POST ROAD NEWINGTON, NH 03801
MAP 3 LOT 1-2 50 Madbury Road  THEODORE S. MULLIGAN REV TRUST 4 ROCKY LANE DURHAM, NH 03824	MAP 3 LOT 1-7 9 Bagdad Road  MARK D. COTE ERIKA S. BLANK 9 BAGDAD ROAD DURHAM, NH 03824
MAP 3 LOTS 1-3 & 1-4 48 Madbury Road 46 Madbury Road ALICE C. GAUDETTE PATRICK J. CRAGIN, JR. P. O. BOX N SANFORD, ME 04073	MAP 3 LOT 1-8 11 Bagdad Road  JUDDIE M. BARRETT TRUST 11 BAGDAD ROAD DURHAM, NH 03824
MAP 3 LOT 1-5 5 Bagdad Road  STEVEN B. SPIELMAN SANDRA C. ROSE 10 FERN WAY MADBURY, NH 03823	MAP 3 LOT 1-9 17 Bagdad Road  DORIS W. PETERSON 17 BAGDAD ROAD DURHAM, NH 03824
MAP 3 LOT 1-6 7 Bagdad Road  LINCOLN D. III & SUSAN M. LYNCH 67 CHESTERFIELD ROAD NORTHBORO, MA 01532	MAP 3 LOT 1-10 19 Bagdad Road  EDWARD & PHYLLIS MACKAY 19 BAGDAD ROAD DURHAM, NH 03824
MAP 3 LOT 2-2 10 Bagdad Road  DEBORAH A. JOHNSON 10 BAGDAD ROAD DURHAM, NH 03824	MAP 3 LOT 2-1 8 Bagdad Road  ELISABETH M. EVORA TRUST 8 BAGDAD ROAD DURHAM, NH 03824

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#### PLEASE PROVIDE NAME & MAILING ADDRESS

<p>MAP 3 LOT 2-3                      16 Bagdad Road</p> <p>PHILIP W. KINCADE, JR. DEBORAH A. WHELAN 16 BAGDAD ROAD DURHAM, NH 03824</p>	<p>MAP 1 LOT 19-2                      21 Bagdad Road</p> <p>ROBERT A. &amp; MARY ANNE L. JAMES 21 BAGDAD ROAD DURHAM, NH 03824</p>
<p>MAP 3 LOT 2-4                      18 Bagdad Road</p> <p>KENNETH A. ROTNER 18 BAGDAD ROAD DURHAM, NH 03824</p>	<p>MAP 1 LOT 19-3                      3 Briarwood Lane</p> <p>DAVID FRANKFURTER ANATH GOLOMB 3 BRIARWOOD LANE DURHAM, NH 03824</p>
<p>MAP 3 LOT 2-5                      20 Bagdad Road</p> <p>CLAIRE T. PICONE-POWELL 20 BAGDAD ROAD DURHAM, NH 03824</p>	<p>MAP 1 LOT 19-5                      1 Briarwood Lane</p> <p>XIAOLIN LI YUEPING XU 1 BRIARWOOD LANE DURHAM, NH 03824</p>
<p>MAP 3 LOT 2-7                      22 Bagdad Road</p> <p>JAMES E. POLLARD REV TRUST 22 BAGDAD ROAD DURHAM, NH 03824</p>	<p>MAP 1 LOT 19-8                      4 Briarwood Lane</p> <p>DORK &amp; EILEEN SAHAGIAN 4 BRIARWOOD LANE DURHAM, NH 03824</p>
<p>MAP 3 LOT 2-12                      26 Dennison Road</p> <p>JUAN J. &amp; MARIA I. ROSSI 26 DENNISON ROAD DURHAM, NH 03824</p>	<p>MAP 1 LOT 19-9                      5 Briarwood Lane</p> <p>KIRK D. &amp; GLORIA A. BRODERS 5 BRIARWOOD LANE DURHAM, NH 03824</p>
<p>MAP 1 LOT 19-1                      23 Bagdad Road</p> <p>CHRISTOPHER D. &amp; TRISHA S. HALL 23 BAGDAD ROAD DURHAM, NH 03824</p>	<p>MAP 1 LOT 20-13                      8 Woodside Drive</p> <p>JOHN T. &amp; MARY L. CAULFIELD 8 WOODSIDE DRIVE DURHAM, NH 03824</p>
<p>MAP 1 LOT 20-15                      74 Madbury Road</p> <p>ROBERT S. &amp; ALISON ADAMCZYK 74 MADBURY ROAD DURHAM, NH 03824</p>	<p>MAP 1 LOT 20-14                      76 Madbury Road</p> <p>WILLIAM R. WOODWARD REV TRUST 76 MADBURY ROAD DURHAM, NH 03824</p>

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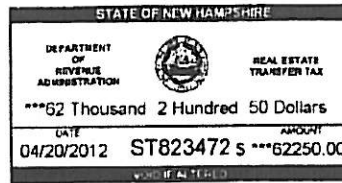
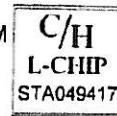
<p>MAP 1 LOT 20-16                      6 Woodside Drive</p> <p>6 WOODSIDE DRIVE, LLC 110 DURHAM POINT ROAD DURHAM, NH 03824</p>	<p>MAP 2 LOT 2-3                      71 Madbury Road</p> <p>SEAN P. McDONNELL JENNY A. SHEEHAN 71 MADBURY ROAD DURHAM, NH 03824</p>
<p>MAP 1 LOT 20-17                      72 Madbury Road</p> <p>PHILIP &amp; MARGUERITE NICOLOFF 72 MADBURY ROAD DURHAM, NH 03824</p>	<p>MAP 2 LOT 2-4                      10 Meadow Road</p> <p>LINDA L. EKDAHL 10 MEADOW ROAD DURHAM, NH 03824</p>
<p>MAP 1 LOT 20-18                      4 Woodside Road</p> <p>KEVIN P. HARTY CHRISTOPHER ROGERS, JR. P. O. BOX 155 FRANCESTOWN, NH 03043</p>	<p>MAP 2 LOT 2-5                      67 Madbury Road</p> <p>JOSHUA L. STANDRIDGE 67 MADBURY ROAD DURHAM, NH 03824</p>
<p>MAP 1 LOT 20-19                      2 Woodside Road</p> <p>DEBRA A. LONERGAN 2 WOODSIDE ROAD DURHAM, NH 03824</p>	<p>MAP 2 LOT 2-6                      8 Meadow Road</p> <p>AMANDA A. MERRILL 8 MEADOW ROAD DURHAM, NH 03824</p>
<p>MAP 1 LOT 20-21                      Davis Court Island MAP 2 LOT 7-1                      49 Madbury Road</p> <p>TOWN OF DURHAM 15 NEWMARKET ROAD DURHAM, NH 03824</p>	<p>MAP 2 LOT 2-7                      6 Meadow Road</p> <p>MATTHEW H. SAVAGE JASMINE M. PROCTOR 6 MEADOW ROAD DURHAM, NH 03824</p>
<p>MAP 2 LOT 2-1                      73 Madbury Road</p> <p>PAUL E. &amp; MARILYN D. DOWNEY 73 MADBURY ROAD DURHAM, NH 03824</p>	<p>MAP 2 LOT 2-7A                      Meadow Road</p> <p>GOOZE FAMILY REV. TRUST 9 MEADOW ROAD DURHAM, NH 03824</p>
<p>MAP 2 LOT 2-10                      57 Madbury Road</p> <p>WAGON HILL PARTNERS, LLC 56 MADBURY ROAD DURHAM, NH 03824</p>	<p>MAP 2 LOT 2-8                      61 Madbury Road</p> <p>HAGSTROM FAMILY IRREV. TRUST 61 MADBURY ROAD DURHAM, NH 03824</p>

**LIST OF OWNERS OF ABUTTING PROPERTY**

(This includes property directly across the street or streams from the land under consideration. **List must also include any and all preparers of plans, studies, etc...**)

**PLEASE PROVIDE NAME & MAILING ADDRESS**

MAP 2 LOT 8-0	47 Madbury Road	
BRANDON J. & AUDRA J. LABELLE 47 MADBURY ROAD DURHAM, NH 03824		
MAP 2 LOT 8-1	4 Madbury Road	
MARIA A. RUSSELL REV. LIVING TRUST 4 MADBURY COURT DURHAM, NH 03824		
MAP 2 LOT 10-4	38 Madbury Road	
HOUSING INITIATIVES OF NE C/O STEWART PROPERTY MGMT. P. O. BOX 10540 BEDFORD, NH 03110-0540		



### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, **Robert A. Watson and JoAnn M. Watson, Trustees of the R.A.W. Revocable Trust of 2003** under Agreement of Trust dated December 1, 2003, of One Briarwood Lane, Durham, County of Strafford County, and State of New Hampshire 03824, and **JoAnn M. Watson and Robert A. Watson, Trustees of the J.M.W. Revocable Trust of 2003** under Agreement of Trust dated December 1, 2003, of One Briarwood Lane, Durham, County of Strafford County, and State of New Hampshire 03824

for consideration paid, hereby grant to **Golden Goose Properties, LLC**, a New Hampshire limited liability company with a principal office address of 225 Coolidge Avenue, Unit 111, Watertown, Massachusetts 02472

with WARRANTY COVENANTS, the following described premises:

A certain tract or parcel of land together with the buildings thereon situate on the easterly sideline of Madbury Road in Durham, Strafford County, New Hampshire, more particularly shown as

**Lot 6** on a plan entitled "Subdivision Plan Prepared for Robert Watson, Durham, N.H." dated March 13, 1986, prepared by Thomas F. Moran Inc. Surveyors and recorded in the Strafford County Registry of Deeds as Plan #34A-16, and being more particularly bounded and described as follows:

Beginning at an iron pin set on the easterly sideline of Madbury Road at land now or formerly of Edmund and Louis Dickerman; thence running along the easterly sideline of Madbury Road N 02° 30' 00" E a distance of 299.38 feet to an iron pin set; thence continuing along Madbury Road N 01° 48' 00" E a distance of 67.22 feet to an iron pin set on the easterly sideline of Madbury Road with the intersection of the southerly sideline of Woodside Drive as shown on said plan; thence running along the southerly sideline of Woodside Drive and Lot 6 the following courses and distances: in a northeasterly direction on a curve to the right with a radius of 20.00' a distance of 30.01 feet to an iron pin set; thence continuing N 87° 47' 00" E a distance of 72.32 feet to an iron pin set; thence turning and running in a southeasterly direction on a curve to the right with a radius of 92.50' a distance of 72.13 feet to an iron pin set; thence running in a northeasterly direction on a curve to the left with a radius of 120.00' a distance of 212.41 feet to an iron pin set; thence running in a northwesterly direction on a curve to the left with a radius of 300.00' a distance of 86.57 feet to an iron pin set at the westerly sideline of Lot 5; thence running along Lot 5 S 37° 51' 11" E a distance of 240.98 feet to an iron pin set at land now or formerly of Stephen Dill & Julia Walsh; thence running along said Dill and Walsh land S 48° 41'

00" W a distance of 109.12 feet to an iron pipe found at land now or formerly of Naomi Thomas; thence running along said Thomas land and in part along a stone wall S 48° 03' 00" W a distance of 80.12 feet to an iron pin set at land now or formerly of Juddie Barrett; thence running along said Barrett land S 49° 59' 00" W a distance of 110.70 feet to an iron pin set at land now or formerly of Walter & Charlotta Collins; thence running along said Collins land S 43° 18' 00" W a distance of 85.77 feet to an iron pipe found; thence continuing along said Collins land the following courses and distances: S 38° 43' 00" E a distance of 20.21 feet to an iron pin set; S 48° 53' 00" W a distance of 57.98 feet to an iron pin set at land now or formerly of Mary Sawyer; thence running along said Sawyer land S 55° 50' 00" W a distance of 49.13 feet to an iron pin set at land now or formerly of Margaret & Emery Booska; thence running along said Booska land S 69° 35' 00" W a distance of 30.88 feet to an iron pipe found at land now or formerly of Paul Berton; thence running along said Berton land N 04° 42' 00" E a distance of 59.25 feet to an iron pipe found bent; thence running N 78° 52' 00" W a distance of 44.97 feet to a monument to be set; thence continuing N 78° 52' 00" W a distance of 14.99 feet to an iron pin set at land now or formerly of Edmund & Louis Dickerman; thence running along said Dickerman land N 87° 22' 00" W a distance of 100.54 feet to an iron pin set at the easterly sideline of Madbury Road and the point of beginning. Containing 3.630 acres, more or less.

The above-described parcel is conveyed subject to an existing sewer easement running in a southerly and southwesterly direction through a portion of Lot 6 as more particularly shown on the above-referenced plan.

Meaning and intending to convey a portion of the premises, being Parcel III, conveyed to the Grantors herein by deed of Robert Watson and JoAnn M. Watson dated March 4, 2004, recorded in the Strafford County Registry of Deeds at Book 2951, Page 748.

Signed this 20<sup>th</sup> of April, 2012.

**R.A.W. REVOCABLE TRUST OF 2003**

Robert A. Watson  
Robert A. Watson, Trustee

JoAnn M. Watson  
JoAnn M. Watson, Trustee

**J.M.W. REVOCABLE TRUST OF 2003**

JoAnn M. Watson  
JoAnn M. Watson, Trustee

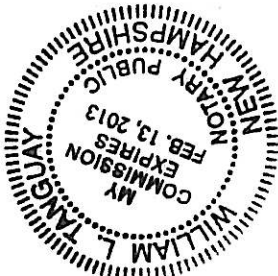
Robert A. Watson  
Robert A. Watson, Trustee



STATE OF NEW HAMPSHIRE

COUNTY OF New Hampshire

On this, the 20 of April, 2012, before me, the undersigned Officer, personally appeared Robert A. Watson and JoAnn M. Watson, Trustees of the R.A.W. Revocable Trust of 2003, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes set forth therein.



William L. Tanguay

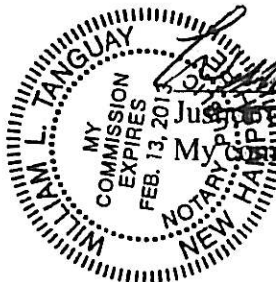
Justice of the Peace/Notary Public

My commission expires: \_\_\_\_\_

STATE OF NEW HAMPSHIRE

COUNTY OF New Hampshire

On this, the 20 of April, 2012, before me, the undersigned Officer, personally appeared JoAnn M. Watson and Robert A. Watson, Trustees of the J.M.W. Revocable Trust of 2003, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same for the purposes set forth therein.



William L. Tanguay

Justice of the Peace/Notary Public

My commission expires: \_\_\_\_\_





0 120'

SCALE: 1"=120'

DATE: MARCH 6, 2013

**150' SITE RADIUS  
56 MADBURY RD.  
DURHAM, NH**





**TOWN OF DURHAM**  
**15 NEWMARKET RD**  
**DURHAM, NH 03824-2898**

**THOMAS F. JOHNSON**  
 Zoning Administrator  
 Code Enforcement Officer  
 Health Officer

TEL: 603/868-8064  
 FAX 603/868-8033  
 tjohnson@ci.durham.nh.us

May 5, 2011

R.A.W. Rev Trust  
 J.M.W. Rev Trust  
 c/o Robert Watson  
 1 Briarwood lane  
 Durham, NH 03824

RE: Zoning Occupancy of Rental Properties  
 Map 3 Lot 1/11/A - 56/58/60 Madbury Road  
 Map 3 Lot 1/11/B - 62/64/66/68 Madbury Road  
 Map 3 Lot 1/11/C - 4 Davis Court  
 Map 3 Lot 1/11/D - 3 Davis Court  
 Map 3 Lot 1/11/E - 2 Davis Court  
 Map 3 Lot 1/11/F - 1 Davis Court

Dear Mr. Watson,

This letter is in response to your letter to me of April 26, 2011 requesting a clarification of your property's legal Zoning occupancy limits; and for the inquiries we have had from a perspective buyer. The two larger structures involved and the development of the property as rooming houses occurred prior to the initial Durham Zoning Ordinance dated March 13, 1934. The development of the 4 smaller units occurred sometime between the 1934 Zoning Ordinance and the April 14, 1952 Zoning Ordinance, approximately 1938. The 1952 Zoning Ordinance no longer allowed rooming houses or multi-unit buildings as per Article IV Section 400 in the Class I Residential District. We have little historical records here in our Town Hall files. The last official Durham action on this property was the Subdivision approved by the Planning Board on May 21, 1986. That approval took the original developed lot of roughly 9.177 acres and 399,748 sq. ft. of lot area and created 6 lots. The Map 3 Lot 1/11(A-F) which the pre-existing non-conforming rooming house rental properties are on, and the 5 new lots created on Briarwood Lane, 4 of which since have been developed into Single Family Dwelling lots, with one remaining .505 acre lot still undeveloped. That Planning Board action grandfathered the current uses, density and new lot area that existed on the property then and that are in question today. I have reviewed and have relied on the current tax cards data, along with the information you have provided, to arrive at figures that I hope are satisfactory to you and your perspective buyer.

Durham's current Zoning Ordinance classifies your property as a Nonconforming use/structures. The current use and configuration of the buildings can continue indefinitely; however, any expansion, reconstruction, additions or alterations may need Planning Board and/or Zoning Board approvals prior to start .

of any work. The present zoning limitations of "3 unrelated" and "habitable floor area" do not apply to these older rooming house structures as they are nonconforming pre-existing apartments and are commonly referred to as grandfathered; however, the current zoning ordinance would apply to any future expansion or reconfiguration of the property. The current zoning ordinance density for these rooming houses/apartments is 1 occupant per 300 sq. ft. in the single dwellings; and 1.5 occupants per 300 sq. ft. in the apartment buildings if expanded; along with required minimum lot area per dwelling unit of 20,000 sq. ft.

I have been employed in Durham for over 9 years and have never had any access to inspect any of the apartments for zoning, building, plumbing, electrical, mechanical, fire or energy code compliance. The Town of Durham does not have a rental housing inspection program, or property maintenance inspection program; and you have always maintained your properties in pristine condition. I also have never had any complaints lodged from tenants to me as the Durham Health Officer about any of your units. I have inspected some re-roofing permits and one or two furnace replacements in those 9 years on your properties.

The New Hampshire State Fire Code and the currently NH adopted 2003 Life Safety Code does have jurisdiction for these existing buildings. The Durham Fire Department has conducted many inspections over the years and you may want to seek their input or analysis on Fire Code compliance. The current NH Life Safety Code would allow 1 person per 200 sq. ft. of floor area and that ratio does apply to pre-existing buildings; therefore this occupancy verification is done using that code's criteria.

We do not have actual floor plans of the property in our files. I have relied on the hand drawn sketches you have provided of all your buildings and the dimensions given to arrive at an occupancy number. These plans and dimensions obviously should be verified by perspective purchasers and consultation with the Durham Fire Department. I have rounded down where a fraction was below .6 and rounded up where it was above .6.

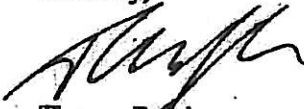
- 1 Davis Ave - Sketch shows 1121.98 sq. ft. / 200 sq. ft. per person = 5.61 occupants or 6.
- 2 Davis Ave - Sketch shows 2073.23 sq. ft. / 200 sq. ft. per person = 10.37 occupants or 10.
- 3 Davis Ave - Sketch shows 1333.72 sq. ft. / 200 sq. ft. per person = 6.67 occupants or 7.
- 4 Davis Ave - Sketch shows 1056.55 sq. ft. / 200 sq. ft. per person = 5.29 occupants or 5.
- 56 Madbury - Apt 1A has 1107.62/200 = 5.53 or 5 occupants.
- 56 Madbury - Apt 1B has 864.12/200 = 4.32 or 4 occupants.
- 56 Madbury - Apt 1C has 478/200 = 2.39 or 2 occupants.
- 56 Madbury - Apt 2A has 1109.65/200 = 5.54 or 5 occupants.
- 56 Madbury - Apt 2B has 920.71/200 = 4.6 or 5 occupants.
- 56 Madbury - Apt 3A has 609.50/200 = 3.04 or 3 occupants.
- 56 Madbury - Apt 3B has 592/200 = 2.96 or 3 occupants.
- 56 Madbury - Apt 3C has 620/200 = 3.1 or 3 occupants.
- 56 Madbury - Basement is unfinished and may have no occupants.
- 58 Madbury - Apt. 1A has 685.28/200 = 3.4 or 3 occupants.
- 58 Madbury - Apt 2A has 529.21/200 = 2.64 or 3 occupants.
- 58 Madbury - Apt 2B has 634.4/200 = 3.17 or 3 occupants.
- 58 Madbury - Basement is unfinished and may have no occupants.
- 60 Madbury - Apt A has 1097.52/200 = 5.48 or 5 occupants.
- 60 Madbury - Apt B has 1026.59/200 = 5.13 or 5 occupants.
- 60 Madbury - Apt C has 883.11/200 = 4.41 or 4 occupants.
- 60 Madbury - Apt D has 308.5/200 = 1.54 or 1 occupant.
- 60 Madbury - Basement is unfinished and may have no occupants.
- 62 Madbury - 2 story Apt has 1318.22/200 = 6.59 or 7 occupants.
- 64 Madbury - 2 story Apt has 813.91/200 = 4.09 or 4 occupants.

64 Madbury – Apt B has  $813.83/200 = 4.06$  or 4 occupants.  
66 Madbury – 2 story Apt has  $818.14/200 = 4.09$  or 4 occupants.  
66 Madbury – 2 story Apt B has  $723.62/200 = 3.61$  or 4 occupants.  
68 Madbury – 2 story Apt has  $1314.92/200 = 6.5$  or 6 occupants.

**Total occupants of all listed apartments above = 111 occupants.**

I hope this helps answer any question you or any perspective buyer may have as to density or uses on the property. If I can be of any further assistance in this matter, please do not hesitate to contact my office. This letter shall also serve as a Town of Durham official Zoning Administrative Decision concerning this property. If you or anyone else has issues with this letter's contents, please be advised you will need to appeal this decision to the Zoning Board of Adjustment within 30 days of the date of this letter as per state RSA 676:5

Sincerely,



Thomas F. Johnson  
Zoning Administrator

CC: Corey Landry, Durham Fire Chief  
Todd Selig, Durham Town Administrator  
Jim Campbell, Durham Town Planner



**TOWN OF DURHAM**  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898

**THOMAS F. JOHNSON**

Zoning Administrator  
Code Enforcement Officer  
Health Officer

TEL: 603/868/8064  
FAX: 603/868-8033  
tjohnson@ci.durham.nh.us

October 12, 2012

Golden Goose Properties  
56 Madbury Road  
Durham, NH 03824

Dear Golden Goose Properties:

In reviewing your application for a building permit, dated October 9, 2012, to convert the basement at 56 Madbury Road into an apartment, I find I must deny your application at this time based on the following: You will need a Conditional Use Permit approved through the Planning Board for the expansion of a nonconforming use as per Article IX, Section 175-28(D). Please speak to our Town Planner, Michael Behrendt, about this process.

Once the Conditional Use Permit application has been approved by the Planning Board, I will need for you to provide me an accurately completed permit application; an IBC and NFPA 101 Code review for a multi-unit building; plumbing, electrical, mechanical and life safety plans; finishes provided on the plan; construction methods and materials; and a site plan of required parking. If you have any questions, please contact me at 868-8064.

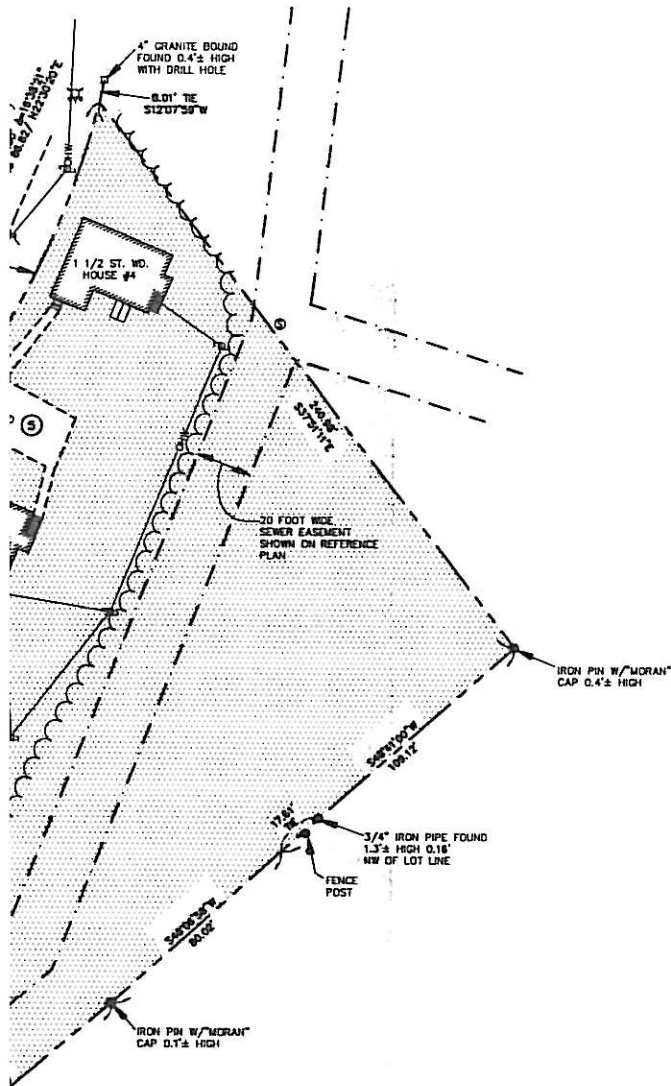
Sincerely,

Thomas F. Johnson  
Zoning Administrator/CEO

ke

cc. Michael Behrendt, Town Planner





#### NOTES:

- TOTAL PARCEL AREA: 3.827 ACRES (158,000 SF)
- OWNERS OF RECORD: TAX MAP 3, LOT 1-11  
GOLDEN GOOSE PROPERTIES, LLC  
56 MADBURY ROAD  
DURHAM, NH 03824  
SCRD BK. 4011 PG. 410
- ZONE: RA (RESIDENCE A)  
DIMENSIONAL REQUIREMENTS (SEE NOTE 1):  

MINIMUM LOT SIZE (SQUARE FEET)	RA
MINIMUM FRONTAGE (FEET)	100
MINIMUM BUILDING SETBACKS	
ROAD (FEET)	30
SIDE (FEET)	10
REAR (FEET)	20
MAXIMUM ROAD SETBACK (FEET)	RA
MAXIMUM HEIGHT (FEET) (SEE NOTE 1)	30/35*
MAX. DWELLING UNITS AT 20,000 S.F./D.U. (D.U.)	GRANDFATHERED FOR 25 UNITS
MAXIMUM IMPERVIOUS SURFACE RATIO (% (S.F.))	33%

DIMENSIONAL REQUIREMENT NOTE:  
1. MAXIMUM BUILDING HEIGHT OF 35' ALLOWED WITH PLANNING BOARD APPROVAL. OTHERWISE, BUILDINGS ARE LIMITED TO 30' HEIGHT.
- THE EXISTING BOUNDARY/SITE DETAILS SHOWN ARE THE RESULTS OF AN ON THE GROUND INSTRUMENT SURVEY COMPLETED BY KNIGHT HILL LAND SURVEYING SERVICES ON AUGUST 9 & 10, 2012.
- IMPERVIOUS SURFACE AREA RATIO CALCULATION:  
EXISTING: 52,750 SF / 158,000 SF = 33%  
PROPOSED: 52,825 SF / 158,000 SF = 33%
- PARKING REQUIREMENTS: RESIDENTIAL USE REQUIRES 1 SPACE/TENANT. PROPOSED BUILDING USE INCLUDES NEW 3-BEDROOM APARTMENT IN 56-60 MADBURY ROAD BUILDING.

EXISTING BUILDING USE	TENANTS	REQUIRED SPACES	PROVIDED SPACES
56-60 MADBURY RD., 82-88 MADBURY RD., HOUSE #1 & HOUSE #2:	77	77	80
HOUSE #3:	6	6	6
HOUSE #4:	5	5	5
PROPOSED BUILDING USE	TENANTS	REQUIRED SPACES	PROVIDED SPACES
56-60 MADBURY RD., 82-88 MADBURY RD., HOUSE #1 & HOUSE #2:	80	80	80
HOUSE #3:	6	6	6
HOUSE #4:	5	5	5

#### PLAN REFERENCE:

- "SUBDIVISION PLAN PREPARED FOR ROBERT WATSON, DURHAM, N.H." BY THOMAS F. MORAN INC., APPROVED BY THE PLANNING BOARD ON AUG. 3, 1988 AND RECORDED AT STRATFORD COUNTY REGISTRY OF DEEDS AS PLAN #34A-16. (SEE ALSO SCRD PLAN #19 POCKET #4 FOLDER #3)

#### LEGEND

PROPERTY LINE	---
EDGE OF PAVEMENT	---
EDGE OF SEWER EASEMENT	---
OVERHEAD ELECTRIC	---
SEWER MANHOLE	⊙
UTILITY POLE	⊙
HYDRANT	⊙
SIGN	⊙
CONIFEROUS TREE	●
DECIDUOUS TREE	○
EXISTING PERVIOUS GROUND SURFACE AREA	▨
IRON PIN OR PIPE (AS-LABELED)	⊙
GRANITE BOUND	⊙
CATCH BASIN	⊙
NUMBER OF PARKING SPACES	⊙

EXISTING CONDITIONS & SITE PLAN

prepared for

GOLDEN GOOSE PROPERTIES, LLC

TAX MAP 3 LOT 1-11  
56 MADBURY ROAD DURHAM, NH

**MJS ENGINEERING, PC**

5 ELIZABETH ST., P.O. BOX 269  
NEWBURY, NH 03257  
Phone: (603) 659-4979, Fax: (603) 659-4427  
E-MAIL: MJS@MJS-ENGINEERING.COM

JOB: 13-009

C1

DATE

REVISIONS

NO.

SEAL

DATE: 3/6/13

SCALE: 1"=30'

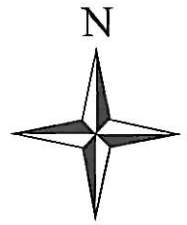
DESIGNED BY: MJS

DRAWN BY: MJS

APPROVED BY: MJS



DWG FILE: 13-009 Cl.dwg





PROPERTY MAP  
**DURHAM**  
NEW HAMPSHIRE

### Legend

-  Adjacent Map Sheets  
 Current Map Sheet

1 inch equals 230 feet

This map was originally produced by  
Strafford Regional Planning  
Commission in October 2004,  
and was updated by the  
Town of Durham in January 2009.

THIS MAP IS FOR  
ASSESSMENT PURPOSES.  
IT IS NOT INTENDED  
FOR LEGAL DESCRIPTION  
OR CONVEYANCE.