



TOWN OF DURHAM
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Property Referenced:
Tax Map 6, Lot 9-8

ZONING BOARD OF ADJUSTMENT

RE: PUBLIC HEARING on a petition submitted by the Seacoast Repertory Theatre, Portsmouth, New Hampshire on behalf of Federal Savings Bank, Dover, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-53 of the Zoning Ordinance to change the use of a property from single family land use with accessory buildings to commercial land use of art center/theater/dormitory/community center. The property involved is shown on Tax Map 6, Lot 9-8, is located at 50 Newmarket Road, and is in the Residence B Zoning District.

DECISION OF THE BOARD

After review of the pertinent sections of the Zoning Ordinance of the Town of Durham, and after full consideration of the evidence submitted by the Seacoast Repertory Theatre, and testimony given at a Public Hearing on July 14, 2009, a motion was made and seconded:

that the Zoning Board of Adjustment approve the petition submitted by the Seacoast Repertory Theatre, Portsmouth, New Hampshire on behalf of Federal Savings Bank, Dover, New Hampshire for an APPLICATION FOR VARIANCE from Article XII, Section 175-53 of the Zoning Ordinance to change the use of a property from single family land use with accessory buildings to mixed-land use of residential/art center/theater/community center with the following conditions: 1. The maximum number of residents in the main house shall be nine, 2. A live-in, onsite, full-time property manager shall reside in the apartment of the main house, 3. All living space on the property shall be limited to non-rental, nonprofit use only, including the two apartments in the barn, and 4. The Zoning Board of Adjustment requests that the Planning Board focus on mitigating all abutters' concerns during the Site Plan Review process.

The motion PASSED on a vote of 5-0-0 and the application for variance was granted.

7/17/09
Date

Jay Gooze
Jay Gooze, Chair
Durham Zoning Board of Adjustment

NOTE: Any person affected by this decision has the right to appeal this decision. If you wish to appeal, you must act within thirty (30) calendar days from the date of the hearing. The necessary first step before any appeal may be taken to the courts is to apply to the Zoning Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds upon which you will base your appeal. See New Hampshire Statutes, RSA Chapter 677, for details.

Any questions should be directed to Tom Johnson, Zoning Administrator/Code Enforcement Officer.

