



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**Wednesday, July 10, 2019**

- X. ***Public Hearing - 56-62 Main Street – Condominium Conversion*** Proposed conversion of 56-62 Main Street into four condominium units. Doug Clark, applicant. Peter Murphy, property owner. Mike Sievert, MJS Engineering, engineer. Map 2, Lot 14-4. Central Business Zone.
- I recommend approval as stated below subject to a satisfactory public hearing and review by the Planning Board.

Please note the following:

- There is a discrepancy in the unit boundaries and the common area between the site plan and floor plan that needs to be clarified.
- Each of the four units has a 25% vote. Should there be a way out of a 50-50 deadlock?
- Should the color hash marks designating each unit be shown over the entire unit?
- Grandfathering status. Audrey Cline raised a question whether the grandfathered status of the dwelling units, such as regarding the allowed number of residents, would still apply with a condominium conversion. I believe that they would unless the nature of the conversion somehow specifically undercuts the grandfathered status. I am checking with the Town Attorney for clarification.

**\*Draft\***

**NOTICE OF DECISION**

**Project Name:** 56-62 Main Street Condominium Conversion  
**Action Taken:** APPROVAL  
**Project Description:** Conversion of existing buildings on Main Street and Jenkins Court to four condominium units  
**Address:** 56-62 Main Street and Jenkins Court  
**Property Owner:** Pete Murphy  
**Applicant:** Doug Clark and Pete Murphy  
**Engineer:** Mike Sievert

**Map and Lot:** Map 2, Lot 14-4  
**Zoning:** Central Business District  
**Date of approval:** July 10, 2019

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The condominium conversion is approved as presented in all of the condominium documents subject to the following terms and conditions.

- 1) Recording. This notice of decision shall be recorded at the Strafford County Register of Deeds with the condominium documents.
- 2) Condominium documents. The condominium documents for the purpose of this approval includes the first floor plan, basement plan, and second floor plan and the site plan developed by MJS Engineering ; the Articles of Agreement; Exhibit A – Legal Description; Declaration of Condominium (*clarify whether this is Exhibit B or not*); Exhibit C – Bylaws; and Exhibit D – Condominium Rules.
- 3) Town Review. This approval is granted pursuant to the Durham Subdivision Regulations. The Town looked for only clear omissions or problems in accordance with those regulations. The Town did not conduct a thorough review of every aspect of the condominium documents as that is the responsibility of the property owner.
- 4) Communication with the Town. The Town will communicate with the association to the association itself, the board of directors, and/or the president, as appropriate.
- 5) Compliance with local law. Regardless of any specific language contained in the condominium documents that might not be consistent with local law, the condominium shall remain in compliance with all applicable local law.
- 6) Changes to documents. The following changes shall be made to the documents and the revised documents shall be submitted to the Planning Department for review prior to recording. (Note that the designation of Unit 3 and Unit 4 in the June 19, 2019 letter of intent is reversed.)
  - a) Modify the first floor plan and site plan, as needed, to clarify discrepancy in boundaries of unit #1, unit #3, and the common area in between.
  - b) Add clear language in appropriate places that all requirements of the Town of Durham’s Zoning Ordinance and other applicable local law shall apply. Where there is any inconsistency between the provisions of any of the condominium documents and Town requirements, the Town requirements shall prevail.
  - c) Exhibit D. 7. B. and Declaration 3-800 B. Add notes that leasing to a maximum of four occupants is subject to conformance to Town zoning requirements.

Findings of fact. a) The applicant submitted an application and supporting documents including a site plan, floor plans, declaration, and bylaws for the conversion; b) The Planning Board held a public hearing on the application on July 10, 2019; c) The Planning Board and Town staff reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Subdivision Regulations, and other applicable law and found that the application meets all requirements; d) The Planning Board duly approved the application as stated herein.

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Signature of applicant

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date

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Printed name of applicant

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Signature of Planning Board Chair

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date

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Printed name of Planning Board Chair