

From: [Michael Behrendt](#)
To: [Tracey Cutler](#)
Subject: FW: Zoning Amendments - Definitions *
Date: Tuesday, December 12, 2023 10:08:47 AM

Tracey,

For the website and to leave on the board's tables tomorrow. Thanks.

Michael Behrendt

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From: Mike Hoffman <mhoffman33@comcast.net>
Sent: Monday, December 11, 2023 9:47 PM
To: Michael Behrendt <mbehrendt@ci.durham.nh.us>
Subject: RE: Zoning Amendments - Definitions *

Thanks Michael, here what I came up with....

1. Perhaps SHED should be better defined to differentiate it from an ACCESSORY STRUCTURE as there is not a clear dividing line. What is 'small' in one mind might be large in the mind of an abutter. The International Residential Code (and State Building Code) uses the size of one story, less than 200 square feet and not used for human habitation as definition for an accessory building small enough to not require a building permit. Perhaps that's a reasonable definition.
2. Under APARTMENT definition... [““Apartment” includes accessory apartments and condominiums.”](#) Condominium in many minds is a form of ownership, not a building use. There are many office condominiums and even other types of condominium ownership arrangements.
3. The definition of [“DWELLING UNIT – One \(1\) or more rooms arranged, designed or used for residential purposes for one \(1\) household and containing independent sanitary and cooking facilities. The presence of cooking and sanitary facilities conclusively establishes the intent to use the space for residential purposes”](#) especially the second sentence problematic. [“The presence of cooking and sanitary facilities conclusively establishes the intent to use the space for residential purposes”](#) would literally mean every restaurant would be conclusively seen as a dwelling unit. We might share the Life Safety Code Definition of [“One or more](#)

rooms arraigned for complete, independent housekeeping purposes with space for eating, living and sleeping; facilities for cooking and provisions for sanitation.”

4. The term Cellar is used in FLOOR AREA, but is not defined. Some basements/cellars are finished space and even open to the public (Libby’s, Dimond Library and the MUB are examples, but could be a finished basement in a single family dwelling) Even some attics are converted to finished space. [FLOOR AREA, GROSS – The sum of the areas of all floors of a building as measured from the exterior dimensions, but not including cellars, attics, porches, garages or areas occupied by heating and ventilating equipment.](#)
5. It is surprising septic systems would be considered structures for the purposes of zoning setback requirements. (Septic systems already have a 10’ property line setback by NH DES regulations) We have a few 50’ setback requirements, which will mean a few more applications to the ZBA. Also, some towns are now considering permanently installed generators as structures for the purpose of setbacks. This makes good sense in that most self-test for 15 minutes every week and some are relatively loud.
6. Under the sign definitions, [“Neon Sign - Any light sign using exposed neon tubes for illumination or display.”](#) Should be amended to include LED signs as Neon signs have largely been replaced by LED signs having very similar appearance.
7. OMG, FINALLY! We’re dropping the outdated requirement to post Public Notices in a Newspaper of general circulation! Nice!

Mike Hoffman

From: [Michael Behrendt](#)

Sent: Wednesday, December 6, 2023 5:18 PM

Subject: Zoning Amendments - Definitions *

To the Agricultural Commission, Conservation Commission, Historic District Commission, and Technical Review Group,

The Planning Board is now conducting a multi-year review of the Durham Zoning Ordinance. The board is going through the ordinance article by article and making long-overdue changes to bring it up to date.

After the Planning Board completes its review of each article, the board will

hold a public hearing. It will then make any final changes and forward its recommended amendment on to the Town Council for consideration. The council will ultimately adopt each amendment if and when the council believes it is appropriate to do so.

Please see the attachment showing the board's proposed changes *to date* for **Article II. Definitions**. A number of the changes may be pertinent to the work of your board or your department. Definitions can have more of an impact than one might think since how a term is defined can determine, for example, whether a particular proposal is allowed or not. Please let me know of any comments (or questions) and I will share them with the board.

This is a work in process and you will have more opportunities to review changes later when the finished draft is presented for a public hearing.

Thank you.

Michael Behrendt

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