



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

NOTICE OF DECISION

Project Name: 9 Dover Road – Conditional Use
Action Taken: APPROVAL
Project Description: Conditional use to allow the two existing parking areas on site to be leased to people who do not live, work, nor visit businesses on site. Parking as a principal use is allowed by conditional use.
Property Owner: Fred Kell, c/o Tyche Capital Group, LLC
Applicant: Fred Kell, c/o Tyche Capital Group, LLC
Map and Lot: Map 108, Lot 43
Zoning: Courthouse
Date of approval: April 24, 2024

The application is approved as submitted with the following additional terms.

- Parking is restricted to striped parking spaces on the pavement in the parking area on the right/easterly side of the lot. Parking is limited to three parking spaces on the left/westerly side of the lot that are accessed from the driveway off Bayview Road. All vehicles must be parked on paved areas.
- If the stream located behind the parking lot leads directly to the Oyster River through surface stream flow (rather than to a nearby drainage basin serving another development), then applicant shall provide basic stormwater management at the existing drainage pipe from the parking area on the right side. The ground below the pipe shall be dug out to a depth of several feet, sand or other appropriate percolating medium shall be installed, and rip rap shall be placed over the sand to allow for runoff to percolate before reaching the stream below. This design may be altered in accordance with best stormwater management practices with approval from the Town. This installation shall be completed by September 1, 2024. The Town will inspect the site and surrounding area to determine where the stream leads.
- Any expansion of the parking area would require a site plan review and a revised conditional use approval for additional spaces to be leased.

Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Planning Board held a *public hearing* on the application; **C)** The applicant addressed the eight *conditional use criteria* in the application; **D)** The Planning Board found that the eight criteria for *conditional uses* outlined in the Zoning Ordinance section 175-23 C. are adequately addressed; and **E)** The Planning Board duly *approved the application* as stated herein, including the conditional uses. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.