



TOWN OF DURHAM
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NOTICE OF DECISION

Project Name: 9 Madbury Road Conditional Use
Action Taken: APPROVAL
Project Description: Conditional use to convert the existing fourth floor commercial use to a multi-unit residential use. A new conditional use is required to significantly alter a project that is allowed by conditional use (mixed-use with residential)
Property Owner: Matt Crape, c/o 9 Madbury Road, LLC
Agent: Liz Shepard, property manager
Map and Lot: Map 106, Lot 39
Zoning: Central Business District
Date of approval: April 23, 2025

The conditional use is approved with the following conditions:

- 1) The current zoning ordinance does not allow more than two bedrooms in multi-unit dwellings in the Central Business District. This approval for the change to residential use on the fourth floor is for units that do not have more than two bedrooms. However, if the applicant seeks and obtains a variance to allow for units with more than two bedrooms on the fourth floor, such an allowance is included in this approval such that the applicant would not need a new conditional use for those units.
- 2) School impact fees are established with this approval for the new residential dwelling units on the fourth floor. A fee of \$1,812 shall be paid for each new dwelling unit prior to the issuance of a certificate of occupancy for that dwelling unit.

The Central Business District does not allow dwelling units with more than two bedrooms in a mixed-use with residential building. This conditional use is approved accordingly. However, the applicant retains the option of seeking a variance for units on the fourth floor with more than two bedrooms. This approval herein includes uses of larger units should be the applicant obtain such a variance.

Findings of fact. A) The applicant submitted an application and supporting documents; B) The Planning Board held a public hearing on the application; C) The Planning Board

reviewed the application in accordance with the conditional use criteria; D) The applicant applied for a waiver from the school impact fees for the new dwelling units but the waiver request was not approved. E) No site plan review is needed because no changes are being made to the site and the building is not being expanded. The proposal is not a change of use because there are existing residences in the structure. The parking impact fee is not charged for an existing building. F) The Planning Board found that the conditional use criteria were met and duly approved the application.