

These minutes were approved at the January 9, 2024 meeting.

**ZONING BOARD OF ADJUSTMENT
Tuesday, December 12, 2023, at 7:00 p.m.
Town Council Chambers, Town Hall
8 Newmarket Road, Durham, NH
MINUTES**

MEMBERS PRESENT: Micah Warnock, Chair
Neil Niman, Vice Chair
Mark Morong, Secretary
James Bubar
Kevin Lemieux
Leslie Schwartz, alternate
Joe Warzin, alternate

OTHERS PRESENT: Audrey Cline, Zoning Administrator

I. Call to Order

Chair Warnock called the meeting to order at 6:59 pm.

II. Roll Call

Chair Warnock introduced all members of the Board in attendance.

III. Approval of Agenda

No amendments were requested; agenda moved forward as approved.

IV. Seating of Alternates

As all members of the Board were present, no alternates were seated.

V. Public Hearings:

Chair Warnock read the procedures for public hearing.

- A. *PUBLIC HEARING on a petition submitted by Liza Mockeridge and Cynthia Gruden, Durham, New Hampshire, for an APPLICATION FOR SPECIAL EXCEPTION in accordance with Article XX, Section 175-109(M)(2) of the Durham Zoning Ordinance to have a short-term rental within the residence. The property involved is shown on Tax Map 113, Lot 119, located at 2 Foss Farm Road, and is in Residence B Zoning District.*

Secretary Morong read the above petition into the record.

Liza Mockeridge explained the previous owners of her property rented the apartment in the lower level. She has not rented the space since she has lived there, but now that her son has moved to college, she would like to be able to rent out the space on a short-term basis. She explained there would be no changes to the home. There would be no more

than two people renting the one-bedroom apartment and only one car would be allowed for the renter. She will be living in the residence while renting the lower-level apartment.

Member Bubar asked if the property was in a conservation neighborhood. Secretary Morong stated the neighborhood was there before there were conservation subdivisions. Ms. Cline confirmed the property in question is a legal two-family residence. The applicant stated she has already had the apartment inspected by the fire department. Member Bubar asked how Article XIX might apply to this application.

Mr. Gorkem Ozer and his wife of 9 Foss Farm Road rose to speak in opposition. He shared his concerns about the potential for increased crime in the neighborhood with a short-term rental. He is also concerned about the negative impact on affordable housing in the neighborhood. Finally, he is concerned about environmental impacts from an increase in trash and noise.

Vice Chair Niman MOVED to close the public hearing. SECONDED by Secretary Morong and PASSED unanimously 5-0-0. The public hearing closed at 7:17 pm.

The board discussed the application. Secretary Morong is not concerned about an increase in crime given the owner will be living on the property. Vice Chair Niman noted the property in question is the first one as you enter the neighborhood, which would make any impact to the neighborhood negligible.

MOTION by Vice Chair Niman to APPROVE the APPLICATION FOR SPECIAL EXCEPTION in accordance with Article XX, Section 175-109(M)(2) of the Durham Zoning Ordinance to have a short-term rental within the residence. The property involved is shown on Tax Map 113, Lot 119, located at 2 Foss Farm Road, and is in Residence B Zoning District. SECONDED by Member Lemieux and PASSED unanimously by roll call vote 5-0-0: Lemieux–aye, Morong–aye, Niman–aye, Bubar–aye, Warnock–aye.

Chair Warnock stated there is a thirty-day appeal process.

VI. Other Business

No other business was discussed.

VII. Approval of Minutes: November 14, 2023

Vice Chair Niman MOVED to adopt the minutes of November 14, 2023 as presented, SECONDED by Member Bubar, and PASSED unanimously 5-0-0.

VIII. Adjournment

Secretary Morong MOVED to adjourn the meeting, SECONDED by Vice Chair Niman, and PASSED unanimously 5-0-0.

Adjournment at 7:24 pm
Daphne Chevalier, Minutes taker