



36 Secretary Bubar read the above public hearing petition for variance into the record.  
37

38 Mr. Ouellette spoke to the application. The property is on the Newmarket town line; they  
39 have a right of way to access their house from Newmarket but have frontage on  
40 Stagecoach Road, which is their legal address (with a mailing address in Newmarket).  
41 Their house pre-dates the ordinance. His plan is to build a new 3-car garage 10' within  
42 the 50' setback. He explained that his neighbor, Pam Lovejoy, gave him permission to  
43 say that she is in favor of him getting a variance to build within the setback. He believes  
44 the spirit of the ordinance is maintained given the rural nature of the property and the  
45 minimal encroachment into the setback. They currently do not have a garage and there  
46 isn't really any other place to put the garage on the property. (They had to blast into  
47 bedrock for the addition on their home.) The other properties are far away and have  
48 garages, so there would be no diminishment to neighboring properties.  
49

50 Ms. Cline noted that one side of the encroachment is closer to 33' than 40' for the board  
51 to consider if they are noting numbers in their decision.

52 No members of the public spoke to the application.

53 *Chair Niman **MOVED** to **CLOSE** the public hearing. **SECONDED** by Member  
54 Warnock and **PASSED unanimously 5-0-0**. The public hearing closed at 7:13pm.*  
55

56 The board discussed the application and felt, given the unique nature of the property  
57 itself with the house lining up with the proposed garage and the minimal encroachment  
58 of the proposed garage being no greater than any other structure on the property, the  
59 request seems reasonable. They believe literal enforcement of the ordinance would result  
60 in hardship for the applicant.  
61

62 *Member Warnock **MOVED** to **APPROVE a petition** submitted by William Ouellette,  
63 trustee of the Ouellette-Keuffel Family Trust, 40 Stagecoach Road, Durham, New  
64 Hampshire, for an **APPLICATION FOR VARIANCE** in accordance with Article XII.1  
65 Use and Dimensional Standards, Section 175-54 Table of Dimensions; R Zone 50 feet  
66 side setback to provide relief to change the side setback from 50' to 30' based on all five  
67 criteria. **SECONDED** by Member Warzin and **PASSED unanimously 5-0-0**.*  
68

69 Chair Niman informed the applicant the variance is approved and there is a 30-day  
70 appeal period.  
71

72  
73 **B. PUBLIC HEARING on a petition** submitted by Christopher Levesque on behalf of John  
74 Nachilly and Diana Devalk, 260 Packers Falls Road, Durham, New Hampshire, for an  
75 **APPLICATION FOR SPECIAL EXCEPTION** in accordance with Article XX Standards  
76 for Specific Uses, Section 175-109 Compliance Required. B. Accessory Buildings for  
77 Single-Family Use. The following standards apply to buildings that are accessory to  
78 single-family use, not including garages and accessory apartments. 4. The building shall

79            *not be supplied with water, sewerage, or heat unless approved by special exception. The*  
80            *property is shown on Tax Map 224 Lot 47 and is located at 260 Packers Falls Road,*  
81            *Durham, New Hampshire. This property is in the Rural (R) District.*

82            Secretary Bubar read the above public hearing petition for variance into the record. He  
83            stated he knows the applicant but believes he can be unbiased and fair in review of the  
84            application.

85            Mr. Levesque spoke to the application in place of the homeowners, as they could not be  
86            present. He said Ms. Cline noted that they were out of compliance as they didn't seek a  
87            special exception for the plumbing and electricity they were seeking to install in the barn.  
88            She noted there was nothing in the original plans regarding plumbing. The applicants have  
89            a permit with the state to connect the barn to the existing system, which Ms. Cline signed  
90            off on, but wasn't aware that the barn was going to have a bathroom when she did. Mr.  
91            Levesque stated he built the barn and was asked to do additional work for which he  
92            wasn't aware he needed a special exception. He had letters from abutters in support of the  
93            special exception, which he shared with the board. He said the barn is in keeping with the  
94            neighborhood and not directly visible from the main road, with only one nearby house  
95            that has a view of the property. The requested systems are non-commercial and will not  
96            result in additional traffic. The property owner would like to be able to use the barn in the  
97            winter by having it heated and with a bathroom.

98            No members of the public came forward to speak to the application.

99            *Member Warnock **MOVED** to **CLOSE** the public hearing. **SECONDED** by Vice Chair*  
100            *Morong and **PASSED unanimously 5-0-0**. The public hearing closed at 7:30pm.*

101            In discussion, the board noted the application will not be detrimental to the  
102            neighborhood. No additional traffic or health hazards will result from the use of the barn.

103            *Member Warnock **MOVED** to **GRANT the SPECIAL EXCEPTION on a petition***  
104            *submitted by Christopher Levesque on behalf of John Nachilly and Diana Devalk, 260*  
105            *Packers Falls Road, Durham, New Hampshire, in accordance with Article XX Standards*  
106            *for Specific Uses, Section 175-109 Compliance Required. B. Accessory Buildings for*  
107            *Single-Family Use. **SECONDED** by Secretary Bubar and **PASSED unanimously 5-0-0**.*

108            Chair Niman informed the applicant that the special exception is approved and there is a  
109            30-day appeal period.

## 110    **VII. Other Business**

111            No other business was discussed.

## 112    **VIII. Approval of Minutes: March 10, 2026**

113            Ms. Cline noted that the plans that come with a variance as are usually stated in the motion  
114            as part of the approval, but they were not directly stated in the motion from the March 10  
115            meeting. She asked if that was the board's intent. Vice Chair Morong noted that he assumed  
116            that was part of the approval. Ms. Cline stated she asks because there is some concern

117 because only two bedrooms are allowed in this zone as part of an apartment, but the plans  
118 they submitted include five bedrooms. She asked the board if it was their understanding that  
119 this would be one dwelling with five bedrooms or if the applicants need to return to the  
120 board for approval. The board assumed it was one unit with five bedrooms and agreed it was  
121 their intent that the application was approved per the applicant's narrative and drawing  
122 documents.

123 *Member Warnock **MOVED** to **APPROVE** the minutes of March 10, 2026 with Chair*  
124 *Niman's commentary from this meeting to be included in that meeting's minutes as well.*  
125 ***SECONDED** by Member Warzin and **PASSED unanimously 5-0-0.***

126 **IX. Adjournment**

127 *Member Warnock **MOVED** to **ADJOURN** the meeting. **SECONDED** by Secretary Bubar*  
128 *and **PASSED unanimously 5-0-0.***

129 Adjournment at 7:45pm.

130 Respectfully submitted,  
131 Daphne Chevalier, Minutes taker