



35 Courtney Vaughan of Donahue, Tucker, & Ciandella spoke on behalf of Torrington  
36 Properties. They are asking for a variance to be able to move forward with their original  
37 5-bedroom plan, as they believe it is the best use for the space in Durham. The space has  
38 been vacant for about 6 years. She noted the plans were previously approved by the  
39 board. Jeff Gannon from Torrington Properties spoke to the petition to state that at least  
40 half of their properties are 2-bedroom units.

41 *Chair Niman **MOVED** to **OPEN** the public hearing. **SECONDED** by Member Warnock,*  
42 *and **PASSED unanimously 5-0-0.** The public hearing opened at 7:08pm.*

43 Chair Niman invited members of the public to speak. No members of the public spoke on  
44 the application.

45 *Chair Niman **MOVED** to **CLOSE** the public hearing. **SECONDED** by Vice Chair*  
46 *Morong, and **PASSED unanimously 5-0-0.** The public hearing closed at 7:08pm.*

47 The board believed they approved the 5-bedroom variance at a previous meeting. The  
48 property already existed prior to the ordinance and doesn't lend itself to multiple units.  
49 The location is not a good location for business space, and there isn't sufficient parking,  
50 which has created a hardship for the owners. Member Warnock believes a five-bedroom  
51 unit would ultimately increase the cost of rentals in the area.

52 *Chair Niman **MOVED** to **APPROVE** the **APPLICATION FOR VARIANCE** in*  
53 *accordance with Article XII Base Zoning Districts, Section 175-42 Central Business-1*  
54 *District (CB-1) and Central Business-2 District (CB-2) C. Development Standards in the*  
55 *Central Business District. 8. Number of bedrooms. The property is shown on Tax Map*  
56 *108, Lot 14, located at 31 Main Street, **SECONDED** by Member Warzin, and **PASSED***  
57 ***4-0-1**, with Member Warnock abstaining.*

58 Chair Niman thanked the applicant for sending the requested information to the board  
59 after the previous meeting and noted a 30-day appeal period.

60 *B. **PUBLIC HEARING** on a petition submitted by Tor Harris on behalf of Ryan Family Rev*  
61 *Trust of 2024, 321 Dame Road, Durham, New Hampshire, for an **APPLICATION FOR***  
62 ***VARIANCE** in accordance with Article XX Standards for Specific Uses, Section 175-109*  
63 *Compliance Required. J. Porkchop Subdivision and Table 4-1. Requirements for Optional*  
64 *Porkchop Subdivisions. The applicant is seeking relief for one of the lots not meeting the*  
65 *minimum requirement of 50 feet of road frontage. The property is shown on Tax Map 224*  
66 *Lot 47, located at 321 Dame Road and is in the Rural (R) zoning district.*

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

68 Tor Harris spoke on behalf of his in-laws who own the property. They would like for  
69 their two daughters each to have a lot to build a home on the property. The build location  
70 away from the wetlands is in the back of the lot and maintains the historic nature of the  
71 property. They thought it would be preferable to porkchop off the existing driveway so  
72 as not to change the character of the lot from the road.

73 Ms. Cline clarified the variance request is for them to have no frontage where 50' is  
74 required.

75 *Chair Niman **MOVED** to **OPEN** the public hearing. **SECONDED** by Vice Chair*  
76 *Morong, and **PASSED unanimously 5-0-0**. The public hearing opened at 7:22pm*

77 Chair Niman invited members of the public to speak. No members of the public spoke on  
78 the application.

79 *Chair Niman **MOVED** to **CLOSE** the public hearing. **SECONDED** by Member*  
80 *Warnock, and **PASSED unanimously 5-0-0**. The public hearing closed at 7:22pm.*

81 Member Warnock expressed concern about this creating a landlocked property and feels  
82 an easement would need to be created. Ms. Cline said the subdivision will go before the  
83 planning board and the issue of an easement will be addressed there. Member Warnock  
84 doesn't see how a hardship exists given the applicant could still create a subdivision with  
85 the 50' requirements. Chair Niman spoke favorably about the plan to preserve the stone  
86 walls and minimize impact to the natural areas. Member Warnock argued that they could  
87 do what they want with or without the variance for the porkchop driveway.

88 *Chair Niman **MOVED** to **REOPEN** the public hearing. **SECONDED** by Vice Chair*  
89 *Morong, and **PASSED unanimously 5-0-0**. The public hearing reopened at 7:30pm.*

90 Mr. Harris spoke to the hardship criteria, stating that increasing the acreage of the  
91 property to create the frontage would create a financial hardship on what he could afford  
92 to build. He said the value of the existing pastoral character would be diminished if they  
93 are required to put another driveway through the field, as would the potential for  
94 equestrian and farm use in the future. He said the goal is to have a deeded easement.

95 *Chair Niman **MOVED** to **CLOSE** the public hearing. **SECONDED** by Vice Chair*  
96 *Morong, and **PASSED unanimously 5-0-0**. The public hearing closed at 7:33pm.*

97 Member Warnock expressed concerns about the potential legal ramifications and costs to  
98 the town without legal access to the road. Vice Chair Morong said he isn't certain the  
99 board can consider the applicant's financial cost as hardship. Chair Niman said the  
100 proposal is in line with the public interest and maintaining the spirit of the ordinance by  
101 not cutting up the property and instead building something for the family. He believes  
102 the surrounding properties would be enhanced. Member Bubar said it is much less  
103 expensive to branch off an existing driveway than to build a second driveway with a  
104 stream crossing. Chair Niman noted the impact to the pastoral nature of the lot and  
105 equestrian uses if the variance is denied. Ms. Cline noted that the hardship criterion  
106 could be addressed if the full weight of the ordinance doesn't apply to this particular part  
107 of the property. Secretary Bubar stated he doesn't believe the variance is needed given  
108 the ordinance requires two lots must share a driveway.

109 *Vice Chair Morong **MOVED** to **APPROVE** the **APPLICATION FOR VARIANCE** in*  
110 *accordance with Article XX Standards for Specific Uses, Section 175-109 Compliance*  
111 *Required. J. Porkchop Subdivision and Table 4-1. Requirements for Optional Porkchop*  
112 *Subdivisions. The applicant is seeking relief for one of the lots not meeting the minimum*  
113 *requirement of 50 feet of road frontage. The property is shown on Tax Map 224 Lot 47,*  
114 *located at 321 Dame Road and is in the Rural (R) zoning district. **SECONDED** by*  
115 *Member Bubar, and **PASSED 4-1-0**, with Member Warnock voting in opposition.*

116 Chair Niman informed the applicant there is a 30-day appeal period.

117

118 C. **PUBLIC HEARING** on a petition submitted by 121 Tech Owner LLC, Massachusetts, for  
119 an **APPLICATION FOR VARIANCE** in accordance with Article XIII Wetland  
120 Conservation Overlay District, Section 175-62. Prohibited Uses in the WCOD. Any use  
121 that is not identified as a permitted use in Section 175-60 or a conditional use in Section  
122 175-61 shall be a prohibited use. The property is shown on Tax Map 204 Lots 1 & 2,  
123 located at 121 Technology Drive and is in the Office Research Light Industry (ORLI)  
124 district.

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

126 Shawn Smith with RJ Kelly Co LLC spoke on behalf of the owner. He introduced Eli  
127 Lano, Equ, of Bernstein Shur; Brandon Kelly of RJ Kelly Co; and Bridget Souza, Civil  
128 Engineer with Keach-Nordstrom. The applicants are proposing two buildings shown in  
129 their slides. They plan to build to the west of the existing building. The buildings will  
130 include additional space for mixed tenant uses and loading docks. Mr. Smith stated the  
131 Shoreland Protection District will not be impacted with this design. Mr. Lano spoke to the  
132 criteria, stating the proposal is in line with the character of the neighborhood. He stated  
133 the truck court on the property contributes to maintaining public safety and the project  
134 was designed to have as minimal as possible an impact on the wetlands.

135 Ms. Souza noted they have not yet had a wildlife study completed. She said curb systems  
136 will direct water to one of 4 management ponds. They will complete a photometric plan  
137 and will look to place shields on lighting fixtures that would direct the light toward the  
138 property and will do whatever the state requires as part of their permitting process. Mr.  
139 Lano stated the applicant has no intention of making more parking spaces than what is  
140 presented in their plan.

141 Chair Niman **MOVED** to **OPEN** the public hearing. **SECONDED** by Vice Chair  
142 Morong, and **PASSED unanimously 5-0-0**. The public hearing opened at 8:23pm.

143 Chair Niman invited members of the public to speak. No members of the public spoke on  
144 the application.

145 Chair Niman **MOVED** to **CLOSE** the public hearing. **SECONDED** by Vice Chair  
146 Morong, and **PASSED unanimously 5-0-0**. The public hearing closed at 8:24pm.

147 Member Warnock said based on the engineering plans, there shouldn't be any issues  
148 with water management. Chair Niman said the proposal is not contrary to the public  
149 interest, as the applicants are being good stewards by mitigating impacts on the wetlands.

150 Member Warnock **MOVED** to **APPROVE APPLICATION FOR VARIANCE** in  
151 accordance with Article XIII Wetland Conservation Overlay District, Section 175-62.  
152 Prohibited Uses in the WCOD. Any use that is not identified as a permitted use in  
153 Section 175-60 or a conditional use in Section 175-61 shall be a prohibited use. The  
154 property is shown on Tax Map 204 Lots 1 & 2, located at 121 Technology Drive and is  
155 in the Office Research Light Industry (ORLI) district limited to the plans on record,

156           **SECONDED** by Member Warzin, and **PASSED 5-0-0**.

157           Chair Niman said there is a 30-day appeal period.

158           D. **PUBLIC HEARING** on a petition submitted by Eileen Murphy, Durham, New  
159           Hampshire, for an **APPLICATION FOR VARIANCE** in accordance with Article XII.1  
160           Use and Dimensional Standards, Section 175-53. Category of Uses – to allow for a  
161           community center with appurtenant residential. The property is shown on Tax Map 109  
162           Lot 5, located at 15 Mill Road and is in Residence A (RA) district.

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

164           Chair Niman shared that Member Warzin volunteers at the Waysmeet Center and he has  
165           donated to the center over the years. Secretary Bubar said he has donated extra vegetables  
166           from his garden. Chair Niman did not think these were reasons to recuse themselves but  
167           wanted to share that information in full disclosure.

168           Attorney Brett Allard represented Eileen Murphy. He said the organization is in the  
169           process of transitioning from a faith-based organization to a secular organization. The  
170           previous conditional use permit approved by the planning board included a requirement  
171           that the organization stay religious in nature. Since they are transitioning away from the  
172           conditional use, they are requesting a variance to allow things to continue how they have  
173           been, as a community center use with a pertinent residential component to it, just not as a  
174           religious organization. Chair Niman asked if the applicant would be amenable to  
175           including the following uses as conditions of approval: food pantry, residential program,  
176           community meeting space, and administrative offices. The applicants agreed to those  
177           conditions.

178           Chair Niman **MOVED** to **OPEN** the public hearing. **SECONDED** by Member Warnock,  
179           and **PASSED unanimously 5-0-0**. The public hearing opened at 8:43pm.

180           Chair Niman invited members of the public to speak.

181           Candia Cheney, Mill Road, is an abutter to the Waysmeet Center. While she is in support  
182           of the community center, she has had some issues their neighbors, which they are  
183           working to resolve with Ms. Murphy. She expressed concerns about increasing the  
184           residential use at the center, operating hours, and parking for potential uses like a  
185           daycare center.

186           Ms. Cline said the town cannot restrict the number of people in a unit to fewer than 2  
187           people per bedroom, nor can they restrict the total number of people in the building. The  
188           property already has 8 bedrooms and has a sprinkler system.

189           Mr. Allard stated there is no plan for a daycare center, nor are they proposing to change  
190           anything from what they are already doing. Ms. Murphy clarified that currently there is  
191           one person per bedroom. She said she would have no problem with a condition of  
192           approval limiting the number of bedrooms to 8 with no more than 2 people per bedroom.  
193           She also shared they have meditation one evening a month as well as community  
194           dinners. Some groups borrow the space until 8:30pm. There is a metered UNH lot across  
195           the street for parking.

196 Sheryl Davis, Brookside Commons Mill Road, lives across from Waysmeet. She  
197 expressed concern about a letter she received from Ms. Murphy that indicated they may  
198 house non-students in the future and wondered if Waysmeet was going to turn into a  
199 boarding house. She expressed concerns about not being able to access parking at her  
200 home because guests of the Waysmeet Center had blocked her access.

201 Ms. Murphy shared that she communicated with those who have experienced problems  
202 in the past and wants a dialogue with those folks to work together on solutions. Mr.  
203 Ballard stated if they wanted to make the property into a boarding house, they would  
204 need to review the ordinances to see what uses are allowed, and if a proposed use is not  
205 allowed, they would need to request a variance.

206 Steven Merrill, Brookside Commons, Mill Rd, and president of board at the condo  
207 association, shared he has been working with Ms. Murphy on solutions, including  
208 possible fencing (for example from vegetation).

209 *Member Warnock **MOVED** to **CLOSE** the public hearing. **SECONDED** by Member*  
210 *Warzin, and **PASSED unanimously 5-0-0**. The public hearing closed at 9:07pm.*

211 Vice Chair Morong stated it would be a hardship to deny the variance, especially to the  
212 students who have a financial need.

213 *Chair Niman **MOVED** to **APPROVE** the **APPLICATION FOR VARIANCE** in*  
214 *accordance with Article XII.1 Use and Dimensional Standards, Section 175-53.*  
215 *Category of Uses – to allow for a community center with residential that operates a food*  
216 *pantry, residential program, community meeting space, administrative offices, and any*  
217 *other activities traditionally associated with a community center. The property is shown*  
218 *on Tax Map 109 Lot 5, located at 15 Mill Road and is in Residence A (RA) district.*  
219 ***SECONDED** by Member Warnock, and **PASSED 5-0-0**.*

220 Chair Niman informed the applicant there is a 30-day appeal period.

221

222 *E. **PUBLIC HEARING** on a petition submitted by Andrea Chan, 30 Bagdad Road, Durham,*  
223 *New Hampshire, for an **APPLICATION FOR VARIANCE** in accordance with Article*  
224 *XII.1 Use and Dimensional Standards, Section 175-54. Table of Dimensions. Minimum*  
225 *setback from side property lines in the RA district is ten (10) feet. The property is shown*  
226 *on Tax Map 104 Lot 76, located at 30 Bagdad Road and is in Residence A (RA) district.*

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

228 Ms. Chan is requesting a variance to build an addition that will require a 5' setback. The  
229 variance is needed because strict compliance would impact design and cost of the  
230 addition. She stated it is not contrary to the public interest, as there will be no increase in  
231 density or use. She is asking for a variance equal to the 5' setback approved in 1996. She  
232 stated substantial justice will be met by allowing her to bring her property more in line  
233 with the neighborhood. She also noted the neighboring lot is non-conforming. The  
234 addition will improve the values of homes in the neighborhood.

235 Neil Madison, no address given, said there is a significant grade difference, so putting  
236 the garage in a different location would require the use of more fill.

237 Ms. Chan explained the turning radius would be difficult if they put the garage in a  
238 different location.

239 Chair Niman asked if any other members of the public wanted to speak on the  
240 application. No members of the public spoke on the application.

241 Ken Lynch, abutter on Bagdad Rd, joined the meeting online to state he has no issue  
242 with allowing a variance for the 4.8' as was approved back in the 1990s.

243 Ms. Cline noted only one of the two diagrams submitted should be referenced in the  
244 decision and entered as part of the file.

245 *Vice Chair Warnock **MOVED** to **CLOSE** the public hearing. **SECONDED** by Member*  
246 *Warzin, and **PASSED unanimously 5-0-0**. The public hearing closed at 9:48pm.*

247 Vice Chair Morong noted the garage proposed is a pretty standard sized garage.

248 *Member Warnock **MOVED** to **APPROVE** the **APPLICATION FOR VARIANCE** in*  
249 *accordance with Article XII.1 Use and Dimensional Standards, Section 175-54. Table of*  
250 *Dimensions. Minimum setback from side property lines in the RA district is ten (10) feet*  
251 *to give relief for setback to allow the 4.8' setback for an addition and a 6.3' setback for*  
252 *the side setbacks of the site plan where they show the proposed addition and garage*  
253 *dated 4/27/2026. The property is shown on Tax Map 104 Lot 76, located at 30 Bagdad*  
254 *Road and is in Residence A (RA) district. **SECONDED** by Member Bubar.*

255 Member Warnock reviewed the criteria to explain why the approval aligns with the five  
256 criteria for approval. He stated the variance is not contrary to public interest, as the  
257 applicants are trying to protect themselves and the public by creating some screening for  
258 privacy. They are making an older house more functional and values in the neighborhood  
259 would not be diminished. Chair Niman noted there are special conditions to the property,  
260 which existed long before the zoning ordinance, and trying to move the garage would  
261 either harm the function of the garage or existing spaces of the property. He also noted  
262 the impacted abutter is in favor of the application.

263 *The **MOTION PASSED unanimously, 5-0-0**.*

264 Chair Niman stated there is a 30-day appeal period.

265

## 266 **VII. Other Business**

267 No other business was discussed.

## 268 **VIII. Approval of Minutes: April 14, 2026**

269 *Chair Niman **MOVED** to **APPROVE** the minutes of April 14, 2026 as submitted.*  
270 ***SECONDED** by Member Warnock, and **PASSED unanimously 5-0-0**.*

271 **IX. Adjournment**

272 *Member Warnock **MOVED** to **ADJOURN** the meeting. **SECONDED** by Vice Chair*  
273 *Morong, and **PASSED** unanimously 5-0-0.*

274 Adjournment at 9:54 pm

275 Respectfully submitted,  
276 Daphne Chevalier, Minutes taker