

ZONING BOARD OF ADJUSTMENT
Thursday, Jan 29, 2026 at 7:00 p.m.
Town Council Chambers, Town Hall
8 Newmarket Road, Durham, NH
MINUTES

MEMBERS PRESENT: Neil Niman, Chair

Micah Warnock, Vice Chair

Kevin Lemieux, Secretary

Mark Morong

James Bubar

OTHERS PRESENT: Audrey Cline, Code Enforcement Officer

I. Call to Order

Chair Niman called the meeting to order at 7:00 pm.

II. Roll Call

Chair Niman introduced all members of the Board in attendance.

III. Approval of Agenda

*Member Morong **MOVED** to **APPROVE** the agenda as presented. **SECONDED** by
Member Bubar, and **PASSED unanimously 5-0-0.***

IV. Seating of Alternates

No alternates were seated.

V. Approval of Minutes: July 8, 2025 and December 9, 2025

*Chair Niman **MOVED** to **APPROVE** the minutes of July 8, 2025 as presented. **SECONDED**
by Vice Chair Warnock, and **PASSED unanimously 5-0-0.***

Regarding the minutes from the December 9, 2025 meeting, Chair Niman noted that the minutes state Member Morong said “longer than” instead of “wider than.” Member Morong said that may have been what he said and he may have misspoke.

*Vice Chair Warnock **MOVED** to **APPROVE** the minutes of December 9, 2025 as written.
SECONDED by Member Lemieux, and **PASSED unanimously 5-0-0.***

VI. Public Meeting:

Consideration of a Motion for Rehearing filed by Tim Collins on behalf of property owner Almerindo Graziano, 361 Durham Point Road, Durham, New Hampshire. The applicant is requesting a rehearing of the ZBA decision made on December 9, 2025. The Board will consider whether a rehearing is warranted and if granted, a new hearing will be scheduled and publicly noticed.

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Secretary Lemieux read the above into the record. Chair Niman stated it is his understanding that the request for a rehearing was submitted after the 30-day deadline. The town received the request on January 8, 2026 at 5:16pm after business hours. The statute is clear that there is a 30-day deadline which ends when the town offices close.

*Member Bubar **MOVED** that given the late filing, the Zoning Board of Adjustment **DOES NOT HAVE THE AUTHORITY** to consider the request. **SECONDED** by Vice Chair Warnock. **PASSED unanimously 5-0-0.***

VII. Other Business

No other business was discussed.

VIII. Adjournment

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

Adjournment at 7:05 pm
Daphne Chevalier, Minutes taker