

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

12 OTHERS PRESENT: Audrey Cline, Code Enforcement Officer

I. Call to Order

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

15 II. Roll Call

16 Chair Niman introduced all members of the Board in attendance.

17 III. Approval of Agenda

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

20 IV. Seating of Alternates

21 No alternates were seated.

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

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

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

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

30 VI. Public Meeting:

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

37

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

42

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

46

47 **VII. Other Business**

48 No other business was discussed.

49 **VIII. Adjournment**

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

52 Adjournment at 7:05 pm

53 Daphne Chevalier, Minutes taker