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Town of Durham

Please send this form with Plot Plan and List of Abutters to the Town of Durham, 15  
Newmarket Rd., Durham, NH 03824, Attn: Zoning Board of Adjustment. AUG 22 2013

**Appeal for Applicant**

Planning, Assessing,  
Zoning & Code Enforcement  
Strafford, SS

State of New Hampshire

To: Zoning Board of Adjustment, Town of Durham NH 03824

Name of Applicant: Penny R Wright

Address: 32 Route 156, Nottingham, NH 03290 Phone # 603-679-1455

Owner of Property Concerned: Teeri Living Trust, Robert & Gale Teeri, Trustees  
(If same as above, write "Same")

Address: 7007 Hardwood Ridge Road, Carrabasset Valle, ME 04947  
(If same as above, write "Same")

Location of Property: 66 Piscataqua Road, Durham, NH 03824  
(Street & Number, Subdivision and Lot number)

Description of Property (Give Tax Map number, length of frontage, side and rear lines  
and other pertinent descriptive information) Tax Map 11 Lot 28-1

Frontage 226.00' East Side 209.74' Rear 271.96' West Side 180.70'

Fill in Section 1, 2, 3 or 4 below as appropriate. Do not fill in more than one section.  
This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on separate sheets if the space provided is  
inadequate.

**SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION**

Appeal must be filed no later than 30 days from the date of the original decision.

Relating to the interpretation and enforcement of the provision of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: \_\_\_\_\_  
Number \_\_\_\_\_ Date \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance in question.

\$ 256.<sup>00</sup>  
pd. 8/22  
Clement  
1238

## **SECTION 2: APPLICATION FOR SPECIAL EXCEPTION**

Description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance Article \_\_\_\_\_ Section \_\_\_\_\_

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## **SECTION 3: APPLICATION FOR EQUITABLE WAIVER**

The undersigned hereby requests an Equitable Waiver of Dimensional Requirements as provided in RSA 674:33-A of the New Hampshire Planning and Land Use Regulations.

Please give a brief description of the situation: \_\_\_\_\_

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## **SECTION 4: APPLICATION FOR A VARIANCE**

**STANDARD OF REVIEW:** The New Hampshire Legislature has declared that each of the following conditions must be found in order for a variance to be legally granted. Prior to seeking a variance, the property owner must have been DENIED a building permit by the Building Inspector or approval by the Planning Board.

1. No decrease in value of surrounding properties would be suffered;
2. Granting the variance would not be contrary to the public interest;
3. Denial of the variance would result in unnecessary hardship to the owner seeking it;
4. By granting the variance substantial justice would be done;
5. The use must not be contrary to the spirit and intent of the ordinance.

A Variance is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance to permit \_\_\_\_\_ See Attached: \_\_\_\_\_

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Teeri Living Trust

Robert & Gale Teeri, Trustees

Site: 66 Piscataqua Road

**DURHAM ZONING VARIANCES REQUESTED:** ZONE – RC. RESIDENCE C

\*Article XII, Section 175-54: Request EDA setback to front property line reduced from 40' to 30'.

Request EDA setback to side property line reduced from 50' to 30.9'.

\*Article XIII, Section 175-59(A)(2): Request tank be placed within 100' tidal buffer. (tank – 62.42')

\*Article XIII, Section 175-65(F): Request tank & EDA be placed within 125' of wet reference line.

(tank – 62.42', EDA – 104.95')

\*Article XIV, Section 175-74(A1 & B1): Request tank and EDA be placed within 125' shoreland setback.

(tank – 62.42', EDA – 104.95')

\*Article XV, Section 175-79: Septic has been designed to minimize and/or eliminate flood waters infiltration.

Note: 1) To protect from flooding, tank to be watertight with gasketed risers & screw down covers.

2) Tank to be tied down and/or ballasted.

\*Article XXIV, Section 175-139: Proposed tank and EDA are less than 125' from Johnson Creek.

Note: 1) Using innovative technology (aeration pretreatment tank) to overcome difficulties of lot.

2) To protect from flooding, tank to be watertight with gasketed risers & screw down covers.

3) Tank to be tied down and/or ballasted.

Facts supporting this request:

1. No decrease in value of surrounding properties would be suffered because:  
Replacing a failed septic protects property values and the  
public health.

2. Granting the variance would not be contrary to the public interest because:  
It protects the public health.

Current law requires the existence of unnecessary hardship for the granting of any variance, whether that is for a use not allowed in a particular zone or a deviation from a dimensional requirement.

3(A). Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- a. no fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

The existing grandfathered lot location & configuration has no  
area that meets current regs and allows for the tank to be  
hooked to existing plumbing that exists building from under  
cellar floor.

and

- b. the proposed use is a reasonable one because:

It allows the existing failed septic to be replaced by a septic  
that more closely meets current standards, has a sealed tank, &  
pretreats effluent before discharging into an EDA that is  
farther from HOTL.

Or

3(B). Owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

To allow for a septic to replace the existing failed septic.

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4. By granting the variance substantial justice would be done because:  
It protects the public health.

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5. The use will not be contrary to the spirit and intent of the ordinance because:  
There is no other better option to replace the existing failed  
septic.

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