

To Town of Durham Zoning Board of Adjustment,

I am writing to oppose, and respectfully request that the Zoning Board deny, the issuance of a variance for 21 Winecellar Road to allow for outdoor activities to support the reuse of an existing agricultural structure. The variance is requested by property owners Chris and Dawn Digiammarino through attorney Sharon Cuddy Somers. If the variance is granted it would allow them to obtain a Conditional Use Permit to convert a 4,320 square foot barn into an events space that would host weddings, parties, concerts, and other events. Below are reasons that the Zoning Board should deny the variance request and Conditional Use Permit using the headings from the town's Board Member Variance Worksheet.

Thank you.

v/r

David Kaiser

24 Sandy Brook Drive

Durham, NH

1. Granting the variance would be contrary to the public interest because:

- a. The activities proposed are not compatible with the quiet residential area of Longmarsh Road, Sandy Brook Drive, Frost Road, Cutts Road and Timberbrook Lane, and the surrounding conservation areas.
- b. There would be a substantial increase in traffic on Longmarsh Road, which is the primary access road for the surrounding neighborhoods.
- c. The proposed use could host events with a large number of people attending for weddings, UNH alumni events, music concerts, UNH student events, etc. In addition to increased traffic safety issues, there would be alcohol related issues and together these would have a substantial impact on the safe and quiet surrounding neighborhoods. Longmarsh Road is often used by bicyclists, runners, walkers, dog-walkers, children playing and on bikes.

2. The spirit of the ordinance would not be observed because:

- a. There would be an increase in traffic and noise substantially altering the quiet residential area. We hear noise from UNH and Route 108 and the event location is closer to our neighborhoods.
- b. The property and the nearby neighborhoods are surrounded by conservation land that provides important wildlife habitat and that is used by many people for recreational purposes including, hiking, wildlife and bird watching, running, snow shoeing, mountain biking, dog walking, hunting. The increased noise from the property could negatively affect wildlife living near or passing through the area by causing species to avoid the Colby Marsh preserve, the new

rabbit habitat created by the town off Longmarsh Road, and the newly purchased Bedard Farm preserve. The increased noise would very much diminish the outdoor experience for the recreational users of the conservation areas.

3. Granting the variance would not do substantial justice because:

a. The proposed uses of the property and the effects on the surrounding residential and conservation areas is not compatible with the current use of the property and neighborhoods and it would not be fair to the hundreds of people living in the nearby safe and quiet neighborhoods.

b. If one property owner is allowed to alter otherwise residential and agricultural use to a commercial use with increased safety and noise issues for the surrounding residential and conservation areas, then what is to stop another property owner or another.

4. For the following reasons, the values of the surrounding properties would be diminished.

The property is not isolated from the nearby neighborhoods and conservation areas. The value of the surrounding properties is based on the desire for people and families to live in these safe and quiet neighborhoods and to enjoy the wildlife and conservation areas right outside our doors. The increased noise from music and other loud and large events, the increased traffic flow from guests and event support vehicles, the effect on nearby conservation areas, and the location of a commercial event operation in our safe and quiet neighborhoods would diminish our property values.

5. Unnecessary Hardship.

There is no unnecessary hardship for the property owners. The property is in a residential area and agricultural area. Property owners were aware of the residential, agricultural, and conservation nature of the areas surrounding the property and can have no reasonable expectation that the property could be converted to a non-compatible commercial use. Therefore, the property owners cannot claim that the town is taking economic value by not issuing the variance and cannot reasonably claim that there is unnecessary hardship.