



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

MEMORANDUM

TO: Neil Niman, Chair Durham Zoning Board of Adjustment

FROM: Audrey Cline, Code Administrator, Durham

DATE: April 26, 2026

RE: United Campus Ministry 15 Mill Road

Chair Niman and Board Members,

The building recognized as the Waysmeet Center at 15 Mill has a long and convoluted history since its inception in 1988, when an application was approved by Durham's Planning Board for a Change of Use converting a single-family dwelling with an accessory apartment to a ministry facility to include a parsonage, an apartment, and offices. Consequent to that approval the Zoning Administrator determined that there were two dwelling units, which together would permit up to six (six) residential beds.

Forward to 1999, an application for a Conditional Use Permit was approved by Durham's Planning Board for an 800sf expansion of the building to include a multi-purpose room and accessory spaces such as an ADA bathroom and entry. At that time, the approval codified two residential units, each with three residential beds.

The approval was also conditioned upon the continued use as a religious-based entity. Recently, the organization has transitioned away from a faith-based operation to a community-based operation, which more directly aligns with Durham's definition of Community Center.

Because the existing use of food pantry, community meeting space, offices, and residential does not fit neatly into one Use category permitted in the RA Zone, the applicant is asking for a variance from ARTICLE XII.1 USE AND DIMENSIONAL STANDARDS to allow for the use of a Community Center with appurtenant residential. Should the Board find in favor of this application, I suggest that the breadth of community services and details of residential use as described in the introduction narrative of the application to be conditions of approval.



**TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT**
8 NEWMARKET RD
DURHAM, NH 03824
PHONE: 603/868-8064
www.ci.durham.nh.us

Fees paid 4/17/26

RECEIVED

Town of Durham

APR 17 2026

Planning, Zoning
and Assessing

VARIANCE

Prior to seeking a variance, the property owner must have been denied a building permit by the Building Inspector or denied approval by the Planning Board.

Name of Applicant United Campus Ministry to UNH d/b/a The Waysmeet Center

Address: C/O Shaughnessy Allard, PLLC; Brett W. Allard, Esq; 24 Eastman Ave., Ste C3, Bedford, NH 03110

Phone # (603) 644-4357 Email: brett@salaw-nh.com

Owner of Property Concerned SAME
(If same as above, write "Same")

Address: SAME
(If same as above, write "Same")

Location of Property: 15 Mill Road
(Street & Number)

Tax Map & Lot number 109 - 5

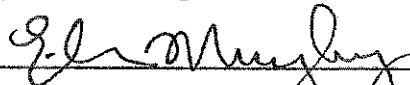
A Variance is requested from Article(s) XII Section(s) 175-53 of the Zoning Ordinance to permit:

An existing community center with appurtenant residential use to remain in the RA District

All applications must include a statement explaining how the applicant meets each of the five (5) statutory requirements for granting a variance, (A) through (E), which are found on page 2. The Zoning Board of Adjustment may consider the variance application incomplete if these five statements have not been addressed. In addition, all applications must be accompanied by adequate plans and exhibits.

Owner Authorization and Signature:

1. I/we do hereby authorize Brett W. Allard, Esq. to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf.
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property on the afternoon prior to the Zoning Board meeting for purposes of reviewing this application.
3. To the best of my/our knowledge the information contained in this application is complete and accurate.

Owner's Signature(s):  Date: 4/14/2026

Owner's Signature(s): _____ Date: _____

PRINTED NAME(S): Eileen Murphy, Executive Director Date: April 14, 2026

PRINTED NAME(S): _____ Date: _____

Introduction

United Campus Ministry to UNH d/b/a The Waysmeet Center (the "Applicant") is the owner of the property situated at 15 Mill Road in the Residence A (RA) District, upon which it operates a food pantry, residential program, community meeting space, and administrative offices. The property was acquired in 1987, and these integrated uses have been continuously operated on-site since 1999. For reference, these uses are each contained to the areas set forth on the enclosed floor plans.

The Applicant is currently transitioning from a campus ministry (United Campus Ministry) to a non-faith-based nonprofit (The Waysmeet Center). In the course of this transition, the Applicant has identified the need to update and formalize certain approvals with the Town to ensure that the existing uses are properly documented and compliant. More specifically, the enclosed Conditional Use Permit ("CUP") dating back to 1999, which was acquired from the Planning Board in connection with construction of the addition for the community meeting space, was conditioned upon ongoing religious use at the site, providing that the "[l]ack of use of the property for Religious Use for one year or more will result in the termination of the Conditional Use Permit" and termination "will result in the property reverting to a conforming permitted use, or the owner entering into the application procedures for a new Conditional Use Permit for a new use no more deleterious, than this use." As a result of the recent transition to a non-faith-based organization, the CUP has lapsed and existing uses now must be brought into zoning compliance. The Applicant submits the within variance application for that purpose.

Given the organization's longstanding history and multipurpose nature of the site, the existing and well-established mixed uses do not fit perfectly into any one particular use category set forth in the zoning ordinance's Section 175-53 Table of Uses. The zoning ordinance defines a "community center", as "[a] building that accommodates recreational, educational, entertainment, and cultural activities." This definition – particularly the educational and cultural components – encompass the organization's food pantry, community meeting space, and administrative office uses on the site, but not the existing residential uses. The organization's residential program consists of eight individual rooms, seven located on the second floor of the building, and one located on the first floor, that are rented to UNH students from throughout the country and around the world on an affordable basis. Leases are for the full academic year (August – May) or for the Summer (June – July). All leases are entered into directly with individual students and the organization does not affiliate with any fraternity, sorority, or similar type congregate housing associations.

The Town has a permissive zoning ordinance, meaning that any use not expressly permitted is generally prohibited. Of course, it is impossible for the legislative body to predict any and all uses – or combination of uses – that may exist, or come to exist, when drafting such ordinances. Since, as discussed above, the unique existing site uses cannot fit squarely into any of the enumerated use categories in the Table of Uses, the Applicant submits the within application for a variance from Section 175-53 to permit the longstanding community center with appurtenant residential uses to continue operating on the property. For the reasons set forth below, the Applicant submits that the five variance criteria are satisfied and requests that the Board grant the variance.

1 & 2. Granting the variance will not be contrary to the public interest and the spirit of the ordinance is observed.

For a variance to be contrary to the public interest, the proposal has to conflict with the ordinance so much that it violates the ordinance's basic zoning objectives. See Farrar v. City of Keene, 158 N.H. 684 (2009). The relevant tests are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens the public health, safety or welfare. Id. Because it is in the public's interest to uphold the spirit of the ordinance, the Supreme Court has held that these two criteria are related. Id. If you meet one test you almost certainly meet the other. Id. As such, the Applicant addresses these two criteria together.

Granting the variance will not alter the essential character of the neighborhood. The existing on-site mixed uses have been in continuous operation for over 25 years. This variance is only requested to permit such continued operation due to the lapse of the prior CUP. No external changes to the property are proposed. As such, the essential character of the neighborhood will not be altered. Indeed, as a result of the longstanding history of the organization, it has become part of the essential character of the area, and the variance is required merely to allow that to persist. Further, there are no current threats to health, safety, or welfare, and nothing is changing, so granting the variance would not trigger any such harm. Accordingly, granting the variance will not be contrary to the public interest and will be consistent with the spirit of the ordinance.

3. Granting the variance will result in substantial justice being done.

The Supreme Court has held that measuring substantial justice requires balancing public and private rights. "Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." Harborside Assocs., L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 515 (2011). There is no injury to the public if the variance is granted. There is no gain to the public if the variance is denied. There is only loss to the Applicant and the public if the variance is denied because both the Applicant and the public would be deprived of a longstanding charitable public service that fills essential public needs and provides affordable housing to students who might not otherwise be able to afford it. Therefore, the balance of the equities weighs in favor of granting the variance. Further, as discussed above and below, the proposal is "appropriate for the area". Granting variances for requests that are appropriate for the area does substantial justice. See U-Haul Co. of New Hampshire & Vermont v. City of Concord, 122 N.H. 910, 913 (1982). Therefore, granting the variance would do substantial justice.

4. Granting the variance will not diminish the value of surrounding properties.

The existing mixed uses on the site have been in continuous operation for over 25 years, and the requested relief is intended solely to allow those established uses to continue following the lapse of the prior CUP. No exterior changes, intensification, or expansion of use is proposed. Because there are no physical modifications or material changes in operation, the surrounding neighborhood will experience no adverse impact. The longstanding presence of the uses have been stable and compatible with the area, and their continuation will not negatively affect neighboring property values.

5. Literal enforcement of the ordinance would result in unnecessary hardship and the proposed use is reasonable.

Unnecessary hardship will be found when the subject property has special conditions or circumstances that distinguish it from other properties in the area and (1) there is no fair and substantial relationship between the purpose of the ordinance and the specific application of the ordinance as applied to the property; and (2) the proposed use is reasonable. See RSA 674:33.

This property and the existing uses thereon are very unique in their environment. The longstanding charitable public services, consisting of a food pantry, residential program, community meeting space, and administrative offices fill essential, unique, and niche public needs. The prior CUP is unusual in that it specifically tied zoning compliance to religious use of the site, which is very uncommon and probably not something that most local land use boards would require today. As such, there is no fair and substantial relationship between the purpose and application of the zoning ordinance's prohibition against the perpetuation of the existing site uses merely because they do not fit squarely into any of the enumerated use categories in the Table of Uses. Existing uses will remain the same, and continue to provide the same public services, regardless of the organization's transition from a campus ministry to a non-faith-based nonprofit. Because the uses and site conditions will remain unchanged, approval of the variance will not create any new impacts or negatively affect the surrounding area.

Accordingly, the purposes that the zoning ordinance seeks to perpetuate – and the harms it seeks to prevent – are not in any way threatened if the variance is granted. Therefore, the Applicant can show unnecessary hardship, and for all of the foregoing reasons, the proposed use is reasonable.

Town of Durham



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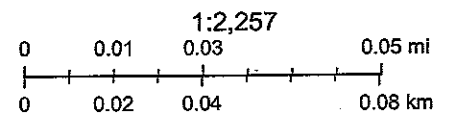
USA Flood Hazard Areas

Wetlands: Data provided by NH GRANIT

 0.2% Annual Chance Flood Hazard

 Swamp Related Wetlands

 1% Annual Chance Flood Hazard



Parcel mapping, using a variety of record information sources, completed by CAI Technologies, Nearmap, Map data © OpenStreetMap contributors.

The Town of Durham shall assume no liability for any errors.



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
603/868-8064 • 603/868-8065
FAX 603/868-8033
www.ci.durham.nh.us

FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Based on the recommendations of the Durham Planning Board, and its own findings, the Town Council herewith approves the Conditional Use Permit for the construction of an 800 square foot addition to the United Campus Ministry building at 15 Mill Road. This project was submitted by Susan Thorne, Durham, NH on behalf of United Campus Ministry, Durham, NH, for the property located at 15 Mill Road, shown on Tax Map 6, Lot 3-20, and located in the Residence A Zoning District. The Town Council approves this application subject to the following Findings of Fact and Conditions of Approval.

FINDINGS OF FACT

1. The applicant has submitted the following documents and plans for an 800 sq.ft. addition in order to better house the existing Ministry programs at 15 Mill Road. This addition will house a common room, handicapped bathroom and storage area plus an accessible entrance to be created, and the addition of a deck or porch. Plans are on file with the Department of Planning and Community Development and are a part of the recommendation for approval of a Conditional Use Permit. Additional documents on file include:
 - A completed application for a Conditional Use Permit, signed by Paul Hubbe, Warden, on November 23, 1998.
 - A memo signed by Mary Westfall of United Campus Ministry authorizing Susan Thorne as the agent, dated November 16, 1998.
 - A description of the proposal and an updated description answering issues raised by Mike Jeffords in his December 9, 1998, staff report.
 - A request to expedite the proposal.
 - A list of requested waivers from Section 7 of the Site Plan Review Regulations.
 - A statement addressing the criteria for Conditional Use Permits as outlined in Section 2-4.11 of the Zoning Ordinance.
 - A site plan of the existing property including a building envelope for the proposed 800 sq.ft. addition.



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REGISTER OF DEEDS
STRAFFORD COUNTY

015671

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2. The applicant has provided adequate evidence to satisfy the criteria contained under Section 2-4.11 of the Zoning Ordinance.
3. The Durham Chief of Police wrote a memorandum dated December 5, 1998 which states that he has no objections to this project.

CONDITIONS OF APPROVAL

1. The United Campus Ministry must abide by the version of the BOCA property maintenance code adopted by the Town, and keep a copy on the premises.
2. The property will be subject to an annual inspection by the Town for property maintenance, health, and life safety codes. The current owner and/or residents shall make all changes to the building determined necessary by the Fire Department and Code Enforcement Officer to bring the building into compliance with the Fire Code, Building Code, and BOCA Property Maintenance Code.
3. All applicable local, state, and federal ordinances, laws, and codes, as amended or superseded, including, but not limited to the following, shall be complied with: Durham Noise Ordinance (Ordinance 92-10), Durham Building Code (Ordinance 91-02), Litter Control Law (RSA 163-B3), BOCA National Property Maintenance Code, NFPA Life Safety Code (Ordinance 90-03), and NFPA Fire Prevention Code (Ordinance 90-04). The existing violation of the NFPA Life Safety Code, as identified by the local fire inspector, shall be corrected and the building shall be sprinkled.
4. This recommendation for approval shall allow for the existing two units to each house up to 3 unrelated individuals each. The balance of the facility, including the new addition, shall be for Religious Use.
5. Six (6) parking spaces shall be maintained on site. The two (2) parking spaces in the detached garage shall be unobstructed and available at all times. The one (1) parking space located within the basement of the main structure shall not be used for vehicular storage unless it meets the approval of the Durham Fire Inspector.
6. Any violation or lack of compliance with the aforementioned conditions shall be grounds for revocation of this Conditional Use Permit as outlined in Section 2-4.8 of the Zoning Ordinance. Section 2-4.8 "Revocation". In the event of a violation of any of the provisions of these regulations or its amendments thereto, or in the event of a failure to comply with any prescribed condition of approval or stipulations placed upon such approval, the Zoning Administrator shall suspend any Conditional Use Permit immediately, notify the Town Council and shall set a date for hearing to

BK2132PG0309

determine if such suspensions shall be lifted or if the Conditional Use Permit shall be revoked. The Town Council shall be the hearing body. In the case of a revocation of a Conditional Use Permit, the determination of the Town Council shall be final..."

7. Lack of use of the property for Religious Use for one year or more will result in the termination of the Conditional Use Permit.
8. Revocation or termination of the Conditional Use Permit will result in the property reverting to a conforming permitted use, or the owner entering into the application procedures for a new Conditional Use Permit for a new use no more deleterious, than this use.
9. The Findings of Fact and Conditions of Approval signed by the Chair of the Town Council shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Town Council Chair's signature on the Findings of Fact and Conditions of Approval.

CONDITIONALLY APPROVED BY THE TOWN COUNCIL AT THE TOWN COUNCIL MEETING OF APRIL 5, 1999:

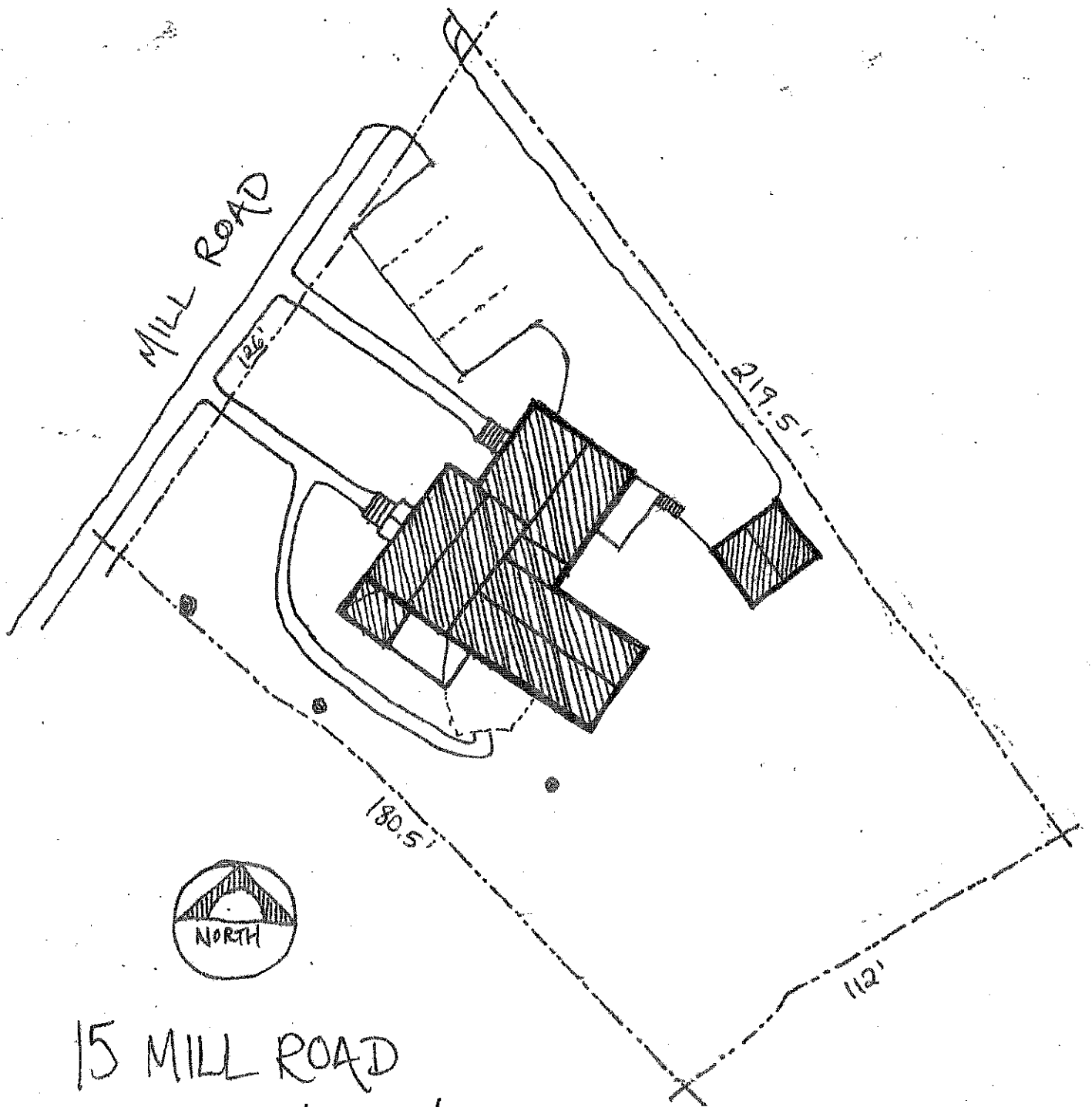


Paul Hubbe, Warden Date
United Campus Ministry



Vi McNeill, Chair Date
Durham Town Council 7/2/99

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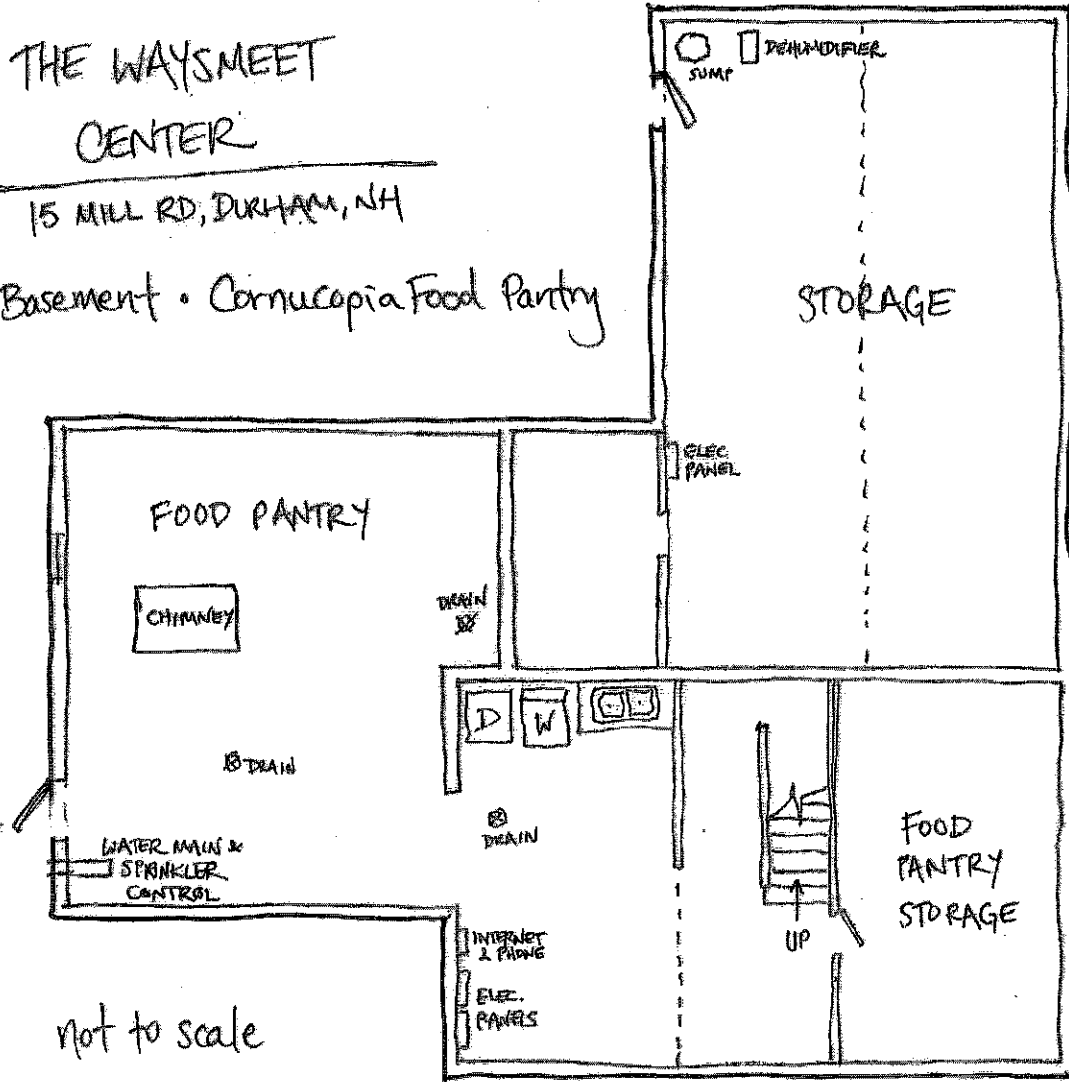


15 MILL ROAD
The Waysmeet Center
SITE PLAN
not to scale

THE WAYSMEET CENTER

15 MILL RD, DURHAM, NH

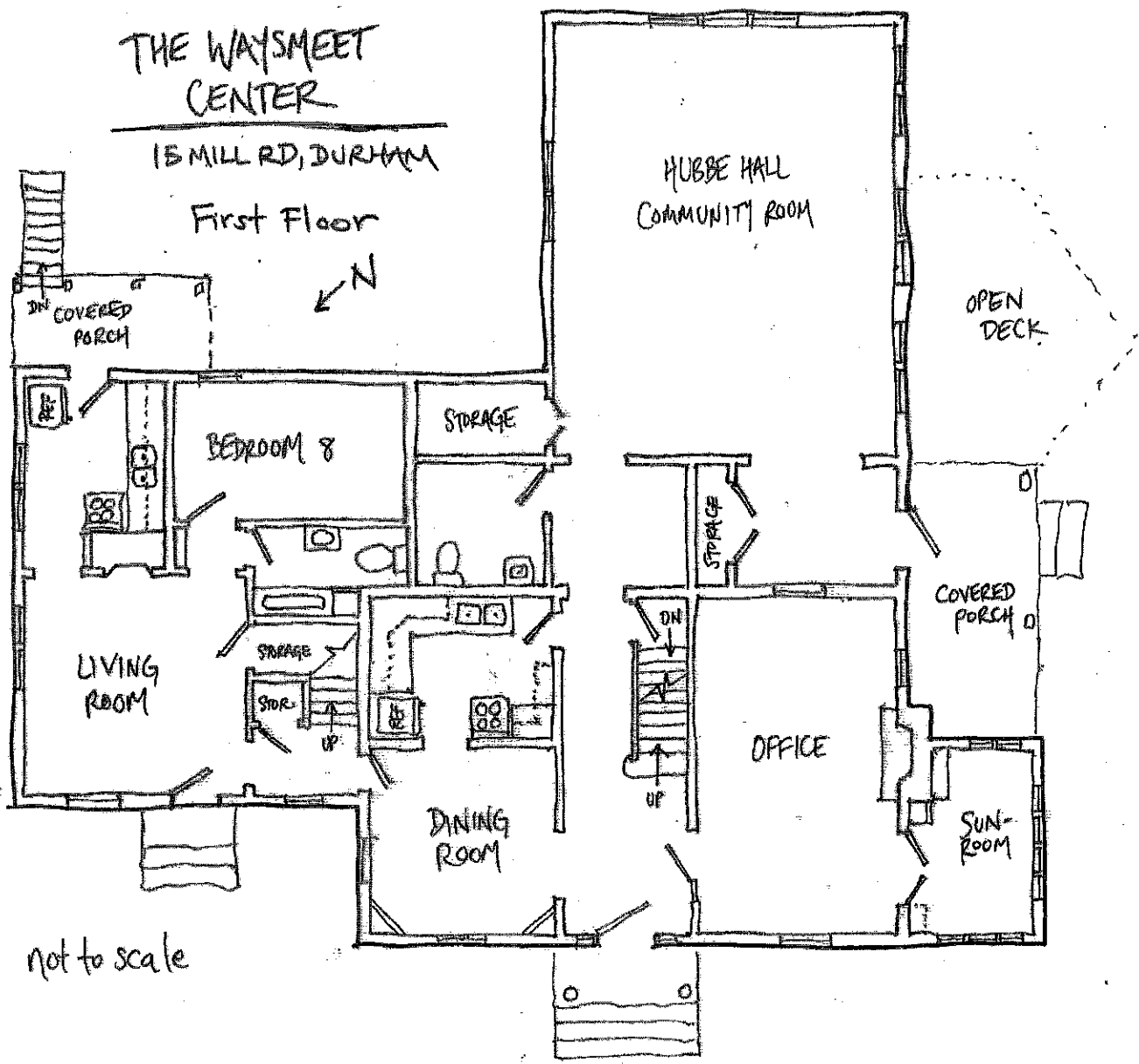
Basement • Cornucopia Food Pantry



THE WAYSMEET CENTER

15 MILL RD, DURHAM

First Floor

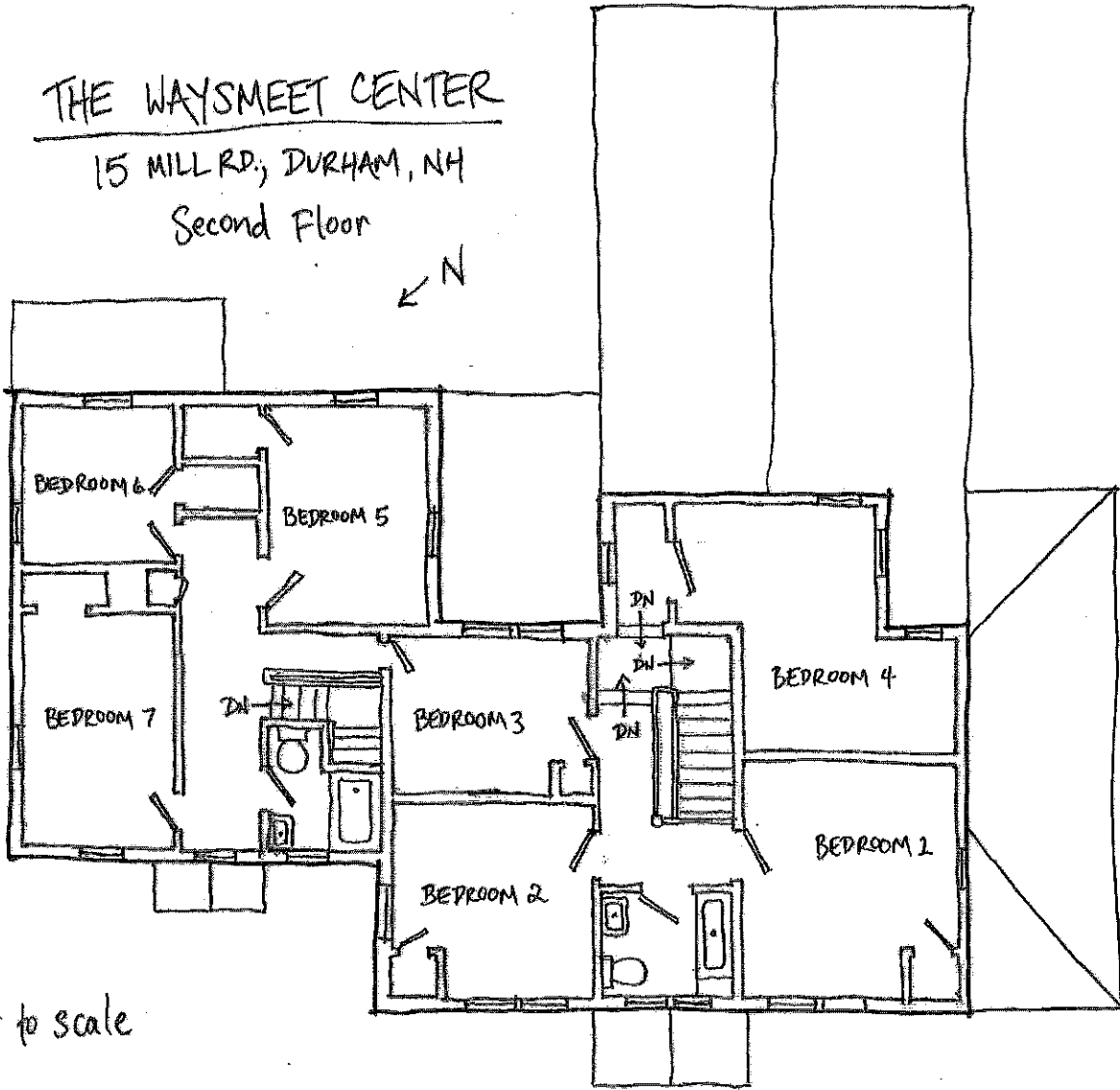


not to scale

THE WAYSMEET CENTER

15 MILL RD., DURHAM, NH

Second Floor



Not to scale

ABUTTER LIST

TAX MAP/LOT	NAME	ADDRESS
106-1	University of New Hampshire	Office of the President, Thompson Hall, Durham, NH 03824
109-102	8 Mill Road LLC	9 Madbury Road, Suite 108, Durham, NH 03824
109-101	Lighthouse Student Ministries	607 Calef Highway, Suite 400, Barrington, NH 03825
109-6	SPM Investments LLC	37 Post Road, North Hampton, NH 03862
109-7	3 Faculty Road LLC	2 Garden Lane, Durham, NH 03824
109-4-1-1	Candia Cheney	13 Mill Road #1, Durham, NH 03824
109-4-1-2	Deborah Penttila	13 Mill Road #2, Durham, NH 03824
109-4-1-3	Cheryl Davis	13 Mill Road #3, Durham, NH 03824
109-4-1-4	Barry & Denise Smith, Trustees of the Barry and Denise Smith Revocable Trust of 2014	84 Durham Point Road, Durham, NH 03824
109-4-2-5	Diane Zirkle, Trustee of the Diane Patricia Zirkle Revocable Trust of 2016	13 Mill Road #5, Durham, NH 03824
109-4-2-6	Steven & Melodye Merrill, Trustees of the Steven & Melodye Merrill Revocable Trust	13 Mill Road #6, Durham, NH 03824
109-4-2-7	Tracy Hutch	13 Mill Road #7, Durham, NH 03824
109-4-2-8	Carola Knox	13 Mill Road #8, Durham, NH 03824
109-4-2-9	John Hart, Trustee of the John L. Hart 2007 Revocable Trust	13 Mill Road #9, Durham, NH 03824
109-4-2-10	Katherine Stryck	20107 Ivan Road, South Chesterfield, VA 23803

ABUTTER LIST

109-4-2-11	Kenneth & Vera Corpron	13 Mill Road #11, Durham, NH 03824
109-4-2-12	Mark & Jean McPeak	13 Mill Road #12, Durham, NH 03824
	United Campus Ministry to UNH d/b/a The Waysmeet Center; C/O Shaughnessy Allard, PLLC; Attn: Brett W. Allard, Esq.	24 Eastman Avenue, Suite C3, Bedford, NH 03110