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Town Planner's Recommendation
Wednesday, November 6, 2013

XI. **Public Hearing - Main Street and Pettee Brook Lane** – Design review for a site plan for major redevelopment of three lots for **Oyster Square**, a mixed-use project with retail, restaurants, office space, UNH Interoperability Laboratory, parking garage, public town square, and student housing (300 beds). Durham Development Associates, LLC/**Sora Development**, c/o Tim Elliott, developer; Glen Tipton, Hord, Coplan, Macht, Architect; Gamma Theta (Alpha Theta Omega), Chittenden Corporation (People's National Bank), Town of Durham (parking lot), property owners. Tax Map 2, Lots 14-2, 14-5, 15-1.

➤ I recommend discussion and continuing design review and public hearing to November 13 or December 4.

Please note the following:

- 1) A conceptual review was held on September 25.
- 2) Updated plans dated October 3 are enclosed and are shown on the Town's website.
- 3) I think the plan/layout is very good with a welcoming frontage on Main Street, a well-designed and generous courtyard, potential for numerous appealing businesses facing Main Street and the courtyard, and steps down to Pettee Brook Lane.

Architecture

- 4) Whoever put together this architectural rendering (Tim Elliott, Glen Tipton?) has abundant creativity. They are treating us to an exhibit of beautifully-rendered 19th and 20th century style buildings. But there should be one, two, or maybe three general styles and themes that integrate better. From my conversation with Tim Elliott, he is aware of this, but he is offering a bit of a smorgasbord for the board to begin its review.
- 5) The rear brick building is a Second Empire/Mansard-style commercial block and is quite attractive. The glass atrium linking the two buildings, however, is too striking.
- 6) The two mill-type buildings with the cupolas are nice bookends to the courtyard, but perhaps should align with the rear building better. Durham has a limited mill history (Have there been any brick mills?). Is there a concern with using this building type here?
- 7) The stone building in the courtyard is evocative of the fine Schwartz law office building on Newmarket Road.
- 8) The glass block for the Interoperability Lab might be too modern and stark for Durham's downtown.
- 9) The structure to the right evokes an early 20th century limestone bank building.

- 10) The green-roofed restaurant jutting into the pedestrian passage is the sort of charming contemporary facility one finds in great municipal parks and revitalized downtowns around the country.
- 11) With any comments from the Planning Board and the public I will get together with Tim and explore some options for better integrating the various styles.

Zoning

- 12) This project is protected against the two recent zoning changes (the 300 square feet of habitable area per student and the current 5 amendments before the Planning Board). However, this current amendments could be beneficial for the project as the commercial space is distributed throughout the buildings, rather than all being placed on the first floor.

Conditional use for nonresidential use. The requirement for nonresidential use, specified in subsection 7. Maximum Height of Mixed Use Buildings, above, may be adjusted by conditional use where the Planning Board determines that: a) devoting the entire floor(s) to nonresidential uses is not practical; b) there is a superior alternative arrangement that will serve the intent of this requirement (Example: on a large, deep, and irregularly-shaped lot with multiple buildings, it is proposed to situate all nonresidential uses on all of the floors of the building located at the front of the lot along the street. This example should not be construed as necessarily meeting this criterion, but is offered for illustrative purposes only); and c) the amount of square footage of the nonresidential use under this alternative arrangement is at least as much as would otherwise be required.

- 13) The Central Business District has a maximum building height of 30 feet though the Planning Board may approve up to 50 feet at its discretion. Height is measured to the point halfway between the eave and the ridge. Up to 4 stories is permitted as long as the entirety of the first floor and the entirety of one other floor are nonresidential.
- 14) A total of 79,000 square feet of commercial is proposed (not including the parking garage). 300 beds are proposed.
- 15) To determine how much commercial would be required we need to know the total square footage for each floor and the square footage used for the parking garage. I understand that a parking garage counts toward this requirement.
- 16) The building is 4 stories on Main Street and 5 stories on Pettee Brook Lane. At Main Street, it is 47 feet to the eave (higher to the midpoint between the eave and ridge per the Zoning Ordinance). At Pettee Brook, it is 58 feet to one eave, and higher to the adjacent eave. Some variances would be needed.

Other Issues

- 17) The applicant continues working with UNH about leasing space and exploring using RSA 79E (which would freeze the tax assessment at the predevelopment level for a certain number of years), which is approved at the discretion of the Town Council.
- 18) The line of parking and driveway at the far right work, under the building should be looked at carefully.
- 19) As we move along, the applicant will submit information about drainage, utilities, trash removal, snow removal, energy use, pavement materials, management of the tenants, etc.
- 20) A traffic/pedestrian/bicycle study will be needed. We will probably want this project to use the traffic model.
- 21) A parking study will be needed.