



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

RECEIVED
Town of Durham
MAR 17 2014
Planning, Assessing
and Zoning

APPLICATION FOR CONDITIONAL USE PERMIT

This form and all required information per Durham's Zoning Ordinance (Article VII, Section 175-23(C) attached) must be filed at least 20 days before the meeting of the Planning Board with the Planning Staff in person or by mail.

Property Location:

Street Address 10 MATHES TERRACE
Tax Map # 2 Lot # 12-7 Zone CB

Owner(s):

Name 10 MATHES TERRACE, LLC
Mailing Address 10 MATHES TERRACE
DURHAM, N.H. 03824
Daytime Phone 603.868.5129 Fax _____

If another person or firm will represent this application to the Town, please complete the following (letter of authorization should be included):

Name WILLIAM B. SCHOONMAKER
Mailing Address 10 MATHES TERRACE
DURHAM, NH 03824
Daytime Phone 603.868.1848 Fax _____

Abutters:

Attach a separate sheet listing by Map & Lot number, each owner's name, and mailing address of all abutters within **300 feet** of the property. The list of abutters must include any holders of conservation, preservation, or agricultural preservation restrictions in accordance with RSA 676:4(I)(d).

Name & Address of Licensed Professionals (as applicable):

Engineer _____
Land Surveyor _____
Architect WILLIAM B. SCHOONMAKER, AIA
Soil Scientist _____

Proposed Use: CONVERSION OF A GARAGE INTO OFFICE SPACE

**Please prepare and attach a written description of the proposal.
Length should not exceed three pages.**

I certify that all information provided is, to the best of my knowledge true:

Owner's Signature: [Signature] Date 3/16/14



RECEIVED
Town of Durham
MAR 17 2014
Planning, Assessing
and Zoning

14 March 14

Peter Wolf, Chair
Durham Planning Board
14 Newmarket Road
Durham, NH 03824

Re: Conditional Use Permit
10 Mathes Terrace

Dear Mr. Wolf and Board Members,

This letter intends to respond to the eight criteria required for consideration of a Conditional Use Permit as well as the four criteria specific to the Shoreland Protection Overlay District and the Wetland Conservation Overlay District.

Criteria Required for Consideration of a Conditional Use Permit. A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following conditional use permit criteria:

1. **Site suitability:** The site is suitable for the proposed use. This includes:
 - a. Adequate vehicular and pedestrian access for the intended use.
 - b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
 - c. The absence of environmental constraints (floodplain, steep slope, etc.).
 - d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, storm water disposal, electricity, and similar utilities.
 - a.) The proposed use is for a one-person office space to be located in an existing structure on Mathes Terrace which is located off of Madbury Road. The site is adjacent to the Pette Brook parking lot and there is adequate vehicular and pedestrian access to this location.
 - b.) Although Mathes Terrace is not a town road, it does provide adequate space at this time for public and emergency services.
 - c.) The existing structure is located approximately 4' above the 100 year floodplain and there are no steep slopes associated with this project.

d.) Appropriate utilities are already available at the site but will need to be brought to the existing structure.

2. **External impacts:** The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

The proposed use already exists in the neighborhood. This proposal is for the relocation of the office space to the new structure. It is not anticipated that there will be any increase in the external impacts of this use due to its relocation.

3. **Character of the site development:** The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

There will be virtually no change to the character of the site due to this change of use. The connections of the utilities to the existing structure will be executed to impact the site as minimally as possible and the site will be returned to its pre-development condition. New aspects of the site development will be the installation of two 4" bollards in front of the new entry to the structure and the pavement striping of an ADA compliant parking space.

4. **Character of the buildings and structures:** The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.

The modifications to the existing structure will be non-existent on the north and south elevations. On the west elevation, the four existing windows will be replaced by windows that are identical in style and slightly taller. In addition, a 48" x 16" one-sided sign will be affixed to the west elevation. On the east elevation, the four existing overhead garage doors will be removed. The most southern door will be replaced with a functioning overhead door designed to look like a pair of bi-parting outward opening carriage doors. The northern most bay will become the office entry with a craftsman-style passage door flanked by two clad double hung, divided light windows. The two middle bays will have dummy doors intended to replicate the southern door (bi-parting outward opening carriage doors). An existing bracket mounted two-sided sign will be relocated to the east elevation near the new entry.

5. **Preservation of natural, cultural, historic, and scenic resources:** The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified

wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.

The proposed project will preserve the existing garage and significantly prolong its life. The garage is a compatible part of a lovely quiet neighborhood of four-square structures that has seen careful and thoughtful improvements over the years. This project will add to this trend and strengthen the heritage of the neighborhood.

6. **Impact on property values:** The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.

The rehabilitation and improvement of the structure will not cause or contribute to any decline in property values of adjacent properties.

7. **Availability of Public Services & Facilities:** Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.

Since this is simply the relocation of an existing use and since there is no expectation that the use will increase to any significant degree, there will not be any excessive demand on municipal services.

8. **Fiscal impacts:** The proposed use will not have a negative fiscal impact on the Town unless the Planning Board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning Board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.

Since this is the relocation of an existing use, there should be no negative fiscal impact on the Town.

The following will address the four criteria for the Wetland Conservation and Shoreland Protection Overlay Districts:

1. **There is no alternative location on the parcel that is outside of the WCO or SPO Districts that is feasible for the proposed use:**

The site is too small to construct a structure that would fall outside of the WCO and SPO. The minimal impact approach is to re-use the existing structure.

2. **The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board;**

The only soil disturbance anticipated will be to bring the existing utilities to the garage, install the two bollards and modify a portion of the existing plank floor for the installation of the pavers at the entry. This latter item of work should not involve any soil modification (but you never know).

3. The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland, the adjacent shoreland and waterbody as well as downstream waterbodies and mitigation activities will be undertaken to counterbalance any adverse impacts;

Both the construction of the project and future maintenance of the structure will be undertaken to minimize all detrimental impacts and will be undertaken in concert with the local authorities having jurisdiction.

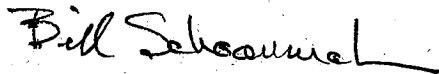
4. Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the Conditional Use Permit.

The work contemplated will involve removing existing pavement, trenching for the utilities and then repaving the trenches. All sincere efforts will be made to leave the site, as nearly as possible, in its existing condition and grade at the time of application for this Conditional Use Permit.

I hope this letter adequately addresses the Conditional Use Criteria and that the Planning Board can grant an approval of the requested Conditional Use Permit.

Thank you for your time and consideration.

Sincerely,



William B. Schoonmaker, AIA
Schoonmaker Architects

cc: Andrew Rutter, DDS
(10 Mathes Terrace, LLC.)

John Parry
Conservation Commission, Chair