



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**Wednesday, March 12, 2014**

IX. ***Public Hearing - 10 Mathes Terrace. Site Plan to convert garage to architect's office for Bill Schoonmaker.*** 10 Mathes Terrace, LLC, c/o Andrew Rutter, property owner. Central Business District. Tax Map 2, Lot 12-7.

➤ I recommend approval as shown below.

Please note the following:

- I just noticed that an energy checklist was not submitted. I have put the applicant in contact with the Energy Committee and they are coordinating a review. If they agree to incorporate any additional terms for energy enhancement I will let the board know.
- A parking impact fee will be due under Section 175-1112 A. 1. of the Zoning Ordinance (included as a condition below). I think that \$1,500 is the appropriate fee. In consultation with Tom Johnson, I think the fee should be set based upon the additional square footage for the architectural office being converted from garage/storage space to professional office space. There is insufficient parking overall for the lot but this condition is grandfathered. Andrew Rutter, the dentist who owns the property will be reusing Mr. Schoonmaker's second floor former space as office/storage space for his dental practice. I understand this will space will not be used for seeing patients. Thus, I think the parking demand for this space is reasonably considered to balance out. The parking requirement for a professional office is 1 space per 350 square feet. The requirement for a dental office is 1 space per 250 square feet plus 1 per employee. It seems reasonable to determine the parking requirement for this new user (Dr. Rutter) based on the 350 square foot requirement rather than the dental office requirement, since it will be general office/storage space rather than active dental space. Thus, I would consider it a wash. The payment would be based on the new space created in the garage. I understand that Mr. Schoonmaker is renting the 607 square feet of heated space and not the storage space in the left bay (though there is a door connecting the two spaces). Assuming the left bay is not having a meaningful change of use (garage/storage to garage/storage) the fee should be based on the 607 square feet, which would generate a new, additional parking demand of 2 spaces. I do not believe the conversion of 3 garage spaces to office use should be considered a loss of parking since it is garage parking and according to Mr. Schoonmaker it is not used as active parking to support the dental practice but rather a s storage for antique vehicles. Thus, the new demand for 2 spaces yields a one-time payment of \$1,500 (\$750 per space).
- Utilities. There will not be a new utility customer as Mr. Schoonmaker will tap off the water and sewer lines serving Dr. Rutter. This is a much easier approach than setting up a new customer and meter. Mike Lynch does not think any of the standard conditions about utilities and the guarantees are needed.

- Architecture. I believe that this design complies with the Architectural Regulations. Assuming the board concurs this is reflected in the Findings of Fact.

**\*Draft\***  
**NOTICE OF DECISION**

**Project Name:** Schoonmaker Architect’s Office  
**Address:** 10 Mathes Terrace  
**Applicant:** Bill Schoonmaker, architect  
**Designer:** Bill Schoonmaker  
**Property Owner:** Andrew Rutter  
**Map and Lot:** Map 2, Lot 12-7  
**Zoning:** Central Business District  
**Date of approval:** **March 12, 2014**

**PRECEDENT CONDITIONS**

*[Office use only. Date certified: \_\_\_\_\_; CO signed off \_\_\_\_\_;  
 As-built’s received? \_\_\_\_\_; All surety returned: \_\_\_\_\_]*

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Town Planner. Certification of the plans is required prior to issuance of a building permit or performing any significant site work. Once these precedent conditions are met and the plans are certified the approval is considered final. Note that no precedent conditions involve actual construction (except where otherwise specified). “Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

Please note. If all of the precedent conditions are not met within 6 calendar months to the day of the board’s approval - by September 12, 2014 (or as extended) - the Planning Board’s approval will be considered to have lapsed. Extension(s) may be granted by the Planning Board for reasonable cause. **It is the sole responsibility of the applicant (or his/her agent) to ensure that the precedent conditions are met by this deadline.** See RSA 674:39 on vesting.

**Plan modifications**

1) Plan modifications. Make the following modifications to the plan drawings (Items do not need to be physically constructed as a precedent condition):

- a) Handicap space. Show one handicap parking space for a van including attendant signage (as shown on the separate sheet). The space shall be located in front of the functioning overhead door with striping to the left, unless another location is approved by the Building Official.
- b) Approval block. Add an approval block to read: “Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner  
 \_\_\_\_\_ Date \_\_\_\_\_”

- c) Additional information. Add this note to the plan: “For more information about this site plan, or to see the complete plan set, contact the Town of Durham Planning Department, 15 Newmarket Road, Durham, NH 03824. (603) 868-8064.”

**Other precedent conditions**

- 2) Addressing. Determine an address for the building to be approved by the Fire and Police Departments.
- 3) Utilities. Coordinate how the water and sewer connections will be made with the Department of Public Works, and reflect any changes on the plans.
- 4) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town Planner: a) one large set of mylars; b) one large set of black line drawings; c) one set of 11"x17" drawings; plus d) one electronic version by pdf or CD. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans. *Please note.* If there are significant changes to be made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings. (The primary set of plans was last received March 6, 2014.)
- 5) Signature. Signature by the applicant below acknowledging all terms and conditions of this approval herein.

\_\_\_\_\_  
Bill Schoonmaker

\_\_\_\_\_  
Date

\_\_\_\_\_  
Peter Wolfe, Planning Board Chair or designee

\_\_\_\_\_  
Date

**SUBSEQUENT AND GENERAL TERMS AND CONDITIONS**

All of the conditions below are also attached to this approval.

**Conditions to be met prior to commencing any site work**

- 1) Site work. No significant site work or ground disturbance may be undertaken until:
- a) all of the precedent conditions are met;
  - b) the preconstruction meeting with Town staff has taken place (See below);
  - c) All Utility Connection fees are be paid and approval of Town of Durham Utility Connection is obtained.
- 2) Preconstruction meeting. Contact Michael Behrendt, the Town Planner, at (603) 868-8064 to arrange for the preconstruction meeting.

**Conditions to be met prior to issuance of any certificate of occupancy**

- 3) Parking fee. The applicant shall pay a parking impact fee of \$1,500 per Section 175-112 A. 1. of the zoning ordinance.
- 4) Natural gas. If natural gas will be used, provide a letter of approval from Unitol.
- 5) As-built drawings. One set of full size, one set of 11” x 17”, and one electronic copy of as-built (“record”) drawings of all utilities and any other new infrastructure shall be provided prior to the certificate of occupancy (unless a surety to cover the cost of the as-built drawings is given). The plans shall be stamped and signed by the architect or other party and include the following language or comparable: “This as-built drawing substantially conforms with the final plans approved by the Town of Durham Planning Board and certified by the Planning Department except for the following significant modifications: ....”. If no significant modifications were made simply state “none”. Otherwise, itemize the modifications on the as-built or on an accompanying letter.
- 6) Improvements. All on-site improvements included in this approval shall be completed prior to issuance of a certificate of occupancy unless an acceptable surety is posted.
- 7) Other applicable requirements. All other applicable requirements of this site plan, this Notice of Decision, and other terms and conditions must be satisfied prior to issuance of a certificate of occupancy.

**Other terms and conditions**

- 8) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 9) Energy Code. Building construction shall be in compliance with the energy efficient standards of Chapter 38 of the Town of Durham Code of Ordinances.
- 10) Lighting. Any lighting for the building shall be shielded.  
*[I understand the only proposed lighting is in the soffit at the entrance.]*
- 11) Sprinklers. The building shall have sprinkler systems in accordance with Chapter 68 of the Town Code unless otherwise approved by the Town.
- 12) Minor changes. Minor changes to the approved plans may be approved by the Code Enforcement Officer, Town Engineer, or Town Planner, as appropriate. Staff shall inform the Planning Board of all such approved changes.
- 13) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town as provided in this document (See Minor Changes provision herein).
- 14) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall be determining.

- 15) Fire access. Access into the site for fire apparatus shall be maintained at all times during the construction process. Please contact the Fire Department at 868-5531 with any questions about access requirements.
- 16) Building Code. This approval is for the site plan only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted. Various requirements regarding the building design may be specified at that time. The applicant is strongly encouraged to meet with Building and Fire Officials early to expedite the review process.
- 17) Signage. The Building Official administers the Town of Durham Sign Ordinance. Signage submitted as part of this site plan package is still subject to his review to ensure compliance with the ordinance and other applicable codes, independent from this site plan review.
- 18) Notice of decision. It is the applicant's, site contractor's, and building contractor's responsibility to follow all requirements related to this site plan approval. Please review these plans and the Planning Board Notice of Decision carefully. Contact the Durham Planning Department at (603) 868-8064 with any questions or concerns.
- 19) Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting documents, and plans for the project; **B)** The Planning Board accepted the application as complete on February 26, 2014; **C)** The Planning Board held one public hearing(s) on the application on March 12, 2014; **D)** The applicant revised and updated the plans and other documentation pursuant to comments from the Planning Board, public, and/or Technical Review Group, and other Town boards and committees; **E)** The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application meets all requirements (except where waivers or variances may have been granted); **F)**; **G)** The Planning Board reviewed the design in accordance with the Architectural Standards contained in the Site Plan Regulations; and **H)** This project is not considered to be a Development of Regional Impact; **I)** As a substantive change of use (conversion of garage space to an office use) this proposal is subject to site plan review by the Planning Board; **J)** The parking impact fee is based upon a determination that the insufficient parking on site is grandfathered, the change in the existing space from an architect's office to a dental office balances out in terms of parking demand since the space is proposed for general office use/storage (1 space per 350 sf required) rather than actively serving patients (1 space per 250 sf + required), and the fee should be based only upon the new heated space being used for the architect's office; **K)** the applicant will generate minimal solid waste and it is reasonable for him to simply include that in his home residential waste, rather than requiring use of barrels or a dumpster on site; **L)** No additional site improvements, such as landscaping, are in order; and **M)** The Planning Board duly approved the application as stated herein, including the conditional uses. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.