



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**Wednesday, April 22, 2015**

XII. **Orion – Work on Sundays.** 25-35 Main Street. Modification to allow exterior construction work on Sundays for approved site plan for redevelopment of site into a mixed-use student housing project. Orion Student Housing, c/o Bill Fideli and Philip Wills, applicant. Tax Map 5, Lots 1-6, 1-7, and 1-8, Central Business District. ***Recommended action:*** Approval if and as appropriate.

➤ I recommend approval as stated on the next page

Please note the following:

1) See the attached request to allow for Sunday hours. I think this request (with any appropriate conditions) is reasonable, given the terrible winter conditions that we have dealt with, and the importance of the project being completed on time.

2) The construction hours in the site plan approval are limited as follows:

**Construction hours.** “All outside construction activity related to the development of this site shall be restricted to the following hours:

- Mobilization (workers on site): 6:00 a.m. to 6:00 p.m. Monday through Thursday  
6:00 a.m. to 5:00 p.m. Friday  
9:00 a.m. to 6:00 p.m. Saturday

- General construction activities, machinery operation, drilling, and truck loading and hauling: 7:00 a.m. to 6:00 p.m. Monday through Thursday  
7:00 a.m. to 5:00 p.m. Friday  
9:00 a.m. to 6:00 p.m. Saturday

- Blasting, chipping of stone, and use of hoe or rock hammers: 9:00 a.m. to 4:00 p.m. Monday through Friday

- There shall be no operation on the day of the Memorial Day Parade nor on the day of the Spring UNH Graduation.

3) The Planning Board recently approved a similar modification for Madbury Commons. I included comparable proposed conditions below.

4) I will ask the staff for comments and forward them when I receive them.

**\*DRAFT\***  
**NOTICE OF MODIFICATION**

**Project Name:** Orion  
**Project Description:** Modification to approved site plan to allow exterior construction work on Sundays.  
**Address:** 25, 27, 29, 35 Main Street  
**Applicant:** Orion Student Housing  
**Property Owner:** Orion Student Housing  
**Map and Lot:** Map 5, Lot 1-6, 1-7, and 1-8  
**Zoning:** Central Business District  
**Date of approval:** Planning Board approval – April 22, 2015

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The applicant's request for a modification to allow exterior construction on Sunday is approved as submitted with the following conditions/clarifications:

- 1) Exterior construction may take place on any Sunday up through and including August 30, 2015.  
  
*[The following was part of the Madbury Commons approval. Should this be included? - "with the following limitation: exterior construction may take place on only 4 Sundays after May 31, 2015. For each of those 4 Sundays, the applicant shall notify the Durham Police Department by the Friday prior to the Sunday when they will be working."]*
- 2) The applicant will not work on the weekend of May 17 when the UNH graduation is taking place.
- 3) Exterior construction is restricted to the following hours: 9:00 a.m. and 4:00 p.m.
- 4) The applicant shall notify both the Durham Public Works and Police Departments at least 48 hours in advance when exterior construction will take place for any Sunday.
- 5) Loud construction equipment shall not be used, except where given approval of the Police Department with at least 48-hours notice.
- 6) Exterior construction activities shall not occur on any Sunday graduation day or any Sunday with other peak activities as specified by the Durham Police Department.
- 7) All workers must park on the site. *[Is this appropriate here?]*
- 8) The applicant shall coordinate carefully with the Durham Police, Public Works, Building, and Planning Departments, as appropriate, to ensure minimal disruption to the neighbors and the community.