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Town Planner's Project Review
Wednesday, July 13, 2016

VIII. **Public Hearing - 2 Brook Way – Café and Performance Area**. Design Review (preliminary) application for the development of a café inside an existing student apartment building and an outdoor performance area. Paul Berton, Fall Line Properties, LLC, property owner; Mike Sievert, MJS Engineering, engineer. Professional Office District. Map 2, Lot 9-4. *Recommended action*: Continue or close design review/public hearing as appropriate.

- I recommend that, after the public hearing, the board determine whether or not to continue the design review application, and if so, whether or not to continue the public hearing.

Please note the following:

- 1) Design review. This is a preliminary review. After the public hearing the Planning Board can determine if it is worth continuing the design review, and if so, whether the public hearing should remain open. The board or the applicant can close the design review at any time. Again, the purpose of the design review is to raise significant concerns and, if possible, address them to the extent that the general plan seems workable. Once the design review is closed the applicant will fully engineer the plan and submit a formal application at his leisure.
- 2) Planning Board comments. At such time as the design review is closed, it would be beneficial for each board member to share their general perspective on the proposed project.
- 3) Variiances. As stated earlier, variiances would be needed for:
 - a) the outdoor performance area,
 - b) the café,
 - c) the amount of parking, and
 - d) the side setback for the stage.

If and when the applicant prepares a detailed application, he should meet with Audrey Cline, Zoning Administrator, and me to clarify exactly which variiances would be needed. It would be appropriate for the applicant to seek variiances prior to submission of a formal application.

- 4) Variance Criteria. Here are the criteria for variiances (All five must be met):
 - a) The variance will not be contrary to the public interest;

- b) The spirit of the ordinance is observed;
 - c) Substantial justice is done;
 - d) The values of surrounding properties are not diminished; and
 - e) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
- 5) ZBA. Whenever the design review is closed, at its option, the Planning Board could provide input to the ZBA should the applicant apply for variances.
 - 6) Impact on UNH. There was discussion at the site walk about potential impacts on UNH including residents of Stoke Hall and occupants of the Peter Paul Business College, in particular regarding the service of alcohol (The applicant proposes to serve beer and wine only), hours for performances, types of performances, and having sound amplification. *If the ZBA, in its consideration of a variance request, and/or Planning Board, in its consideration of a site plan application, were especially concerned about these issues would the applicant be interested in moving forward without serving alcohol and without having amplification?*
 - 7) Site walk. A site walk was held on June 22, at 4:00 p.m. The minutes have been distributed and will be posted on line.
 - 8) Brook Way. Brook Way is a University road. It appears that the deed would cover this expanded use but the applicant should confirm this prior to submitting a formal application.
 - 9) Parking, access, circulation. The Planning Board has discussed parking, access, and circulation for vehicles to some extent. If/when a formal application is submitted these details would need to be addressed in detail.
 - 10) Access, circulation, and seating. The Planning Board has discussed access, circulation and seating for pedestrians to some extent. If/when a formal application is submitted these details would need to be addressed in detail.
 - 11) Operations. There has been some discussion about hours of operation, seasonal schedule, types of performances, noise, amplification, serving of alcohol, having a tent, capacity, etc.. Is it worth continuing these discussions or leaving them for the formal application?
 - 12) Sound. The applicant proposes to include amplification. The applicant says that the Bose Company is performing a sound analysis. Would it be worthwhile to have this provided during the design review phase?
 - 13) Police Comments. The Police Chief has issued his comments on the preliminary proposal.
 - 14) Other issues. Of course, myriad other issues would be addressed as part of a formal site plan application including stormwater management, construction management, landscaping, lighting, trash, truck deliveries, architectural design, snow removal, fire access, other site details, street furniture, fencing, grading, utilities, etc.