



**TOWN OF DURHAM**  
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**Town Planner's Project Review**  
**Wednesday, November 29, 2017**

- X. **Public Hearing - 5-7 Jenkins Court and 60 Main Street.** Preliminary (design review) application for redevelopment of 5-7 Jenkins Court into 3-story building with retail, office, residential, and parking garage & addition of roof deck and third floor to 60 Main Street (Town and Campus Building). 60 Main R.E. LLC, c/o Pete Murphy, property owner. Mike Sievert, MJS Engineering, design engineer. Nick Isaak, architect. Map 2, Lot 14-4. Central Business District. **Recommended action:** Provide comments and close design review.
- I recommend the board provide comments and then close the design review.

Please note the following. The issues discussed below are different from those in my November 8 report. Please see that report as well.

- 1) **Site walk.** A site walk is being held the same day as the meeting, on Wednesday, November 29, at 3:00 pm. The public is welcome to attend.
- 2) **Design review.** Given the relatively small size of this project and the fairly straightforward design, it makes sense to close the design review on November 29, unless there are particular issues that the board and applicant think worth discussing further at this stage.
- 3) **Zoning.** The preliminary application appears to comply with the zoning ordinance with the exception of any items discussed below.
- 4) **Current residential units.** We will need to clarify the number of allowed dwelling units and residents. As part of the formal review, we will need a detailed breakdown of the number of existing residential units, square footage, and historical number of residents. A floor plan would be helpful as well. It can then be determined how many additional units would be allowed. The Central Business District requires 1,200 square feet of lot area per dwelling unit. The lot is 14,219 square feet which thus allows for 11.85 units. There are 6 existing units and the applicant proposes to add 6 new units. Generally, fractions/decimals are rounded down so we will look at this. There was a question of the actual lot size which will be confirmed.

- 5) Habitable area per resident. 600 square feet of habitable area (as defined in the ordinance) is required per resident. The existing units are grandfathered and likely contain less than that. A question was raised at the last Planning Board meeting whether this project should be considered an expansion of a nonconforming use, which is allowed by conditional use. That treatment could allow for additional units to have less than 600 square feet per occupant. I do not believe that would be the proper approach as the existing situation is not so much a use as a site condition. The intent of the allowance for expansion of a nonconforming use is, for example, to permit a business located in a residential zone to grow, as may be appropriate. Plus, requiring the new units to conform with the current standard is a simple, straightforward approach. If the applicant proposes to change some of the existing units or combine them with new units we will need to evaluate the proposal.
- 6) Proposed residential units. The applicant suggested having 800 or 1,000 square foot units. If he rented to families or related households (his preference) there would be no limit on the number of occupants in a unit but if he rented to a student he would then have only 1 occupant. This issue could be examined further now or addressed with the formal application.
- 7) Mixed use with residential. The proposed use is allowed as a conditional use in the Central Business District. The proposal meets the required disposition for uses (except for the parking garage, below) – commercial on the first floor, office/commercial on the second floor, and residential on the third floor. Parking no longer counts as being “nonresidential” in the recent zoning amendments but it may still be allowed in accordance with 175-42 B. 8. The Planning Board was receptive to this approach in the discussion on November 8.
- 8) Height. The maximum permitted height in the CB zone is 30 feet. 50 feet is allowed by conditional use. Note that no building on this lot may exceed 3 stories in accordance with 175-42 B. 9 affecting the CB zone.
- 9) Parking. The impact fee will be required for parking that is not provided based upon the expanded square footage. The fee is \$1,500 per space. This will be determined as part of the formal review.
- 10) Site issues. The various site issues will be addressed with the formal application, including lighting, management of waste, construction plan, signage, stormwater management, provision of utilities, addressing, bicycle facilities, etc. If any issues are expected to be problematic it would be useful to discuss them now.
- 11) Solid waste. How is trash handled now?