



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**Wednesday, May 22, 2019**

- VII. ***Public Hearing - 56 Main Street – New Restaurant***. Site plan application for exterior changes to building, minor site changes, and one-story addition on Jenkins Court to accommodate a new restaurant with wine bar and events space and an office. Doug Clark, applicant. Peter Murphy, property owner. Mike Sievert, MJS Engineering, engineer. Thomas House, THA Architects, architect. Map 2, Lot 14-4. Central Business District.
- I recommend approval is all is in order. Otherwise the review should be continued to June 12.

Please note the following:

- Site plans. We received the site plan on Thursday early afternoon. I have forwarded it to staff and asked for their comments. I present this draft Notice of Decision, below, if the Planning Board thinks that all is in order for approval. I have asked for signoffs from staff by this Monday, May 20, if possible.
- Exterior door. Note that a door in the kitchen has been added to provide direct access to the alley.
- Canopy. It should be clarified if any changes are proposed for the canopy as part of this application.
- Bicycle rack. It is recommended that the applicant install a bicycle rack in the alley – an upside down U-shaped rack. I added this as a precedent condition below.

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

**Project Name:** 56-60 Main Street restaurant  
**Action Taken:** APPROVAL  
**Project Description:** Conversion of first floor and basement to restaurant with Italian market, wine bar, and events space; expansion of rear first floor on Jenkins Court, and minor site changes

**Property Owner:** Pete Murphy  
**Applicant:** Doug Clark  
**Engineer:** Mike Sievert, MJS Engineering  
**Architect:** Thomas House, THA Architects  
**Map and Lot:** Map 2, Lot 14-4  
**Zoning:** Central Business District  
**Date of approval:** **May 22, 2019**

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## **SITE PLAN**

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

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

### **PRECEDENT CONDITIONS**

All of the conditions below must be met by 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 conditions precedent are met and the plans are certified the approval is considered final.

Please note. If all of the precedent conditions are not met within one year to the day of the board’s approval - by May 22, 2020 (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. No changes to the plans that were reviewed and approved by the Planning Board on May 22, 2019 may be made except for the specific required changes that follow.

- 1) Department signoffs. Obtain signoffs from Building, Fire, Police, and Public Works Departments. If significant changes are called for the changes shall be brought to the Planning Board for review. Conducting a preliminary code review with the architect and Building Official is recommended.
- 2) Sewer line. Coordinate on any outstanding details for the sewer and process for installation with Public Works.
- 3) Natural gas. Provide a letter of approval from Unitil.
- 4) Architectural details. Submit final details to the Town Planner for materials and colors for changes to the windows, storefronts, brick, and rear wall. Windows are to be clear glass and not tinted. The rear clapboards shall be wood, cement fiberboard, cellular

PVC or comparable per the architectural regulations. The applicant will match the existing brick to the extent possible.

- 5) Dumpster fence. Submit elevation drawing for chain link fencing to be approved by the Town Planner.
- 6) Parking impact fee. Determine in coordination with the Town Planner whether or not a parking fee will be required in accordance with Section 175-112. If so, determine the amount which must be paid prior to the certificate of occupancy.
- 7) Construction plan. Obtain approval from appropriate Town departments for proposed construction management plan.
- 8) Recycling Plan. Submit written recycling plan for approval to Public Works for the new uses. (We understand that the Town will pick up recycling on the normal Friday commercial collection route.)
- 9) Lighting. No additional lighting is proposed now except possibly for lights under the canopy. Any new lights shall be fully shielded with cut sheets provided to the Town Planner for review.
- 10) Energy Checklist. Complete the pertinent parts of the energy checklist and meet with the Building Official and a representative of the Energy Committee. Compliance with items on the checklist is only recommended and not required.
- 11) Utility connection. If required, a utility connect permit application with necessary plans and specifications shall be submitted to DPW.
- 12) Addressing. Clarify the numbering system for the buildings to be approved by the Fire and Police Departments.
- 13) Bicycle rack. One upside down U-shaped rack shall be installed in the alley. Specify the location to the Town Planner.
- 14) Final drawings. If any changes are made, 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 black line drawings (plus a second set if the applicant wants a signed set); b) one set of 11"x17" drawings; plus c) one electronic version by pdf. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans.
- 15) Signature. Signature by the applicant at the bottom acknowledging all terms and conditions of this approval herein.

## **SUBSEQUENT CONDITIONS AND GENERAL TERMS**

All of the conditions below are also attached to this approval. All work shall be completed and all required conditions shall be met prior to issuance of a certificate of occupancy unless otherwise specified or a surety acceptable to the Town is posted.

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

- 16) Site work. No significant site work (including any significant clearing of the site) or ground disturbance may be undertaken until:
  - a) all of the conditions precedent are met;
  - b) the preconstruction meeting with Town staff has taken place (Contact Michael Behrendt, Town Planner, to arrange for the meeting);
  - c) all appropriate erosion and sedimentation control structures are in place.

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

- 17) Parking fee. The applicant shall pay the parking impact fee if applicable.
- 18) Utilities. Installation of all utilities including new sewer line.
- 19) Improvements. All pertinent on-site and off-site improvements shown on the approved site plan shall be properly completed prior to issuance of a certificate of occupancy, unless appropriate surety is placed with the Planning Department.”
- 20) 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 buildings, structures, infrastructure, utilities, drainage structures, and other pertinent elements 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 Engineer or Surveyor.
- 21) Utility Connection Fees. All Utility Connection fees must be paid if applicable.
- 22) 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**

- 23) 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.

- 24) Scope of work. This project includes only the scope of work described in the plans and application. No other changes are proposed to the building. No changes are proposed to the existing canopy.
- 25) Floor plans. Floor plans were provided for general information only. The applicant is not required to follow the plans exactly but may make appropriate changes consistent with the intent of the application and approval. However, the applicant shall not change the floor plans without confirming with the Town Planner that the changes are consistent with the intent of the application and approval.
- 26) Changes to plans and conditions. In the event that significant changes are to be made to the plans due to the code review and other reviews or in the course of addressing conditions, the applicant shall return to the Planning Board for approval of the changes.
- 27) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 28) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 29) Tax Implications. It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of this project.

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 May 8, 2019 and held a *site walk* on May 10, 2019 ; **C)** The Planning Board held a *public hearing* on the application on May 22, 2019; **D)** The applicant revised and *updated the plans* and other documentation several times pursuant to comments from the Planning Board, public, and staff; **E)** The Planning Board reviewed the application in accordance with the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application *meets all requirements*; **F)** The Town Planner reviewed the design in accordance with the *Architectural Standards* contained in the Site Plan Regulations; and **G)** This project is not considered to be a Development of Regional Impact; and **h)** The Planning Board duly *approved the application* as stated herein. 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.

Signature(s). As the applicant(s), I/we accept and acknowledge all of the terms and conditions of this approval herein.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of applicant

\_\_\_\_\_  
Signature of Planning Board Chair

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of Planning Board Chair