



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

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

[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. Modify plans to show black slats in the chain link fencing.
- 6) Parking. Submit details about parking including information to determine the required number of spaces for the net additional square footage and any arrangements for parking on other lots. Return to the Planning Board for review and approval of parking in accordance with Section 10.2.2 of the Site Plan Regulations (approval of off site parking) and/or Section 175-112 regarding the parking impact fee. The Town staff will determine the amount of the parking impact fee if one will be due (subsequent condition below).
- 7) Construction plan. Obtain approval from appropriate Town departments for proposed construction management plan.
- 8) 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.
- 9) 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.
- 10) Utility connection. If required, a utility connect permit application with necessary plans and specifications shall be submitted to DPW.
- 11) Addressing. Clarify the numbering system for the buildings to be approved by the Fire Department.
- 12) Bicycle rack. One upside down U-shaped rack shall be installed in Jenkins Court if approved by the Department of Public Works. Other arrangements for bicycle storage may be made if mutually agreed upon with the Department of Public Works.

- 13) Signature. Signature by the applicant at the bottom acknowledging all terms and conditions of this approval herein.
- 14) DPW Maintenance of drainage structures. Confirmation from the Durham Public Works Department in writing that it will maintain the new concrete drainage filter box.
- 15) Color of rear wall. The applicant will select a color for the wall on the rear of the addition along the alley. The color will be a warm brick, tan, or earth tone. He will submit a sample/image to the Planning Department.
- 16) Roof utilities. Show on the plans where utility structures will be located on the roof of the addition. Include screening of the utility structures so they are not visible from any public way.
- 17) Sidewalk. The applicant shall coordinate with the Town staff to finalize the details of the sidewalk design, including installation of tree wells and trees.
- 18) Construction Guarantee. The applicant shall post an acceptable surety to be approved by the Town Engineer. The surety shall be in an amount sufficient to ensure the completion of all roads, water service, sewage disposal, drainage, erosion control, and other infrastructure/improvements, and shall be effective until work is completed by the applicant. The surety may be released in phases as portions of the secured improvements are finalized. A cash deposit or letter of credit is an acceptable form.
- 19) Rolloff dumpster. Include location and use of a roll off dumpster in the construction management plan.
- 20) Bollards. Show bollards on the plan, as required, to protect proposed gas meter(s) in the alley.
- 21) Construction Management Plan. Prepare a revised/enhanced construction management plan in coordination with the Police and Public Works Departments including a plan for outreach and communication with affected business and property owners. The revised/enhanced plan shall be brought back to the Planning Board for review and approval.
- 22) Final drawings. Revise the drawings as specified herein and submit the following complete sets of final approved drawings 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.

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

- 23) 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

- 24) Parking fee. The applicant shall pay the parking impact fee if applicable.
- 25) Utilities. Installation of all utilities including new sewer line.
- 26) 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.”
- 27) 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.
- 28) Utility Connection Fees. All Utility Connection fees must be paid if applicable.
- 29) 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.
- 30) Maintenance Guarantee. The applicant shall post an acceptable surety to be approved by the Town Engineer (and the Town Business Manager for form and type) to guarantee that all site work is installed in a correct and workmanlike manner. The surety shall be in an amount of two percent of the estimated site improvement costs and shall remain in effect for two years after site improvements are completed. If repairs are subsequently needed and are not satisfactorily installed by the developer, then the surety may be used to complete/install the improvements. A cash deposit or letter of credit is an acceptable form.

Other terms and conditions

- 31) 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.
- 32) 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. The applicant will rehabilitate the existing canopy all around the building as shown on the plans. The canopy will be painted black. The applicant will investigate installing copper as a fascia on the front of the canopy and install it at his option.
- 33) 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.
- 34) 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.
- 35) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 36) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 37) Tax Implications. It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of this project.
- 38) Signage. At such time that signage is prepared for the site, submit designs to the Planning Board for comments in accordance with Section 7.3.3 of the Site Plan Regulations.
- 39) Trash and recycling. The applicant shall implement the trash and recycling plan as discussed with the Department of Public Works and shall arrange to pick up the trash and deliver recycled material to the transfer station as often as necessary.

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

