



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

Town Planner's Project Review
Wednesday, May 22, 2019

VIII. **49 Main Street - Window Hoods**. Request for Planning Board modification of site plan approval for removal of decorative hoods over three second floor windows. The window hoods were part of the original architectural design approved by the Planning Board when the building was constructed in 2015. The owner requests their removal due to concerns about ice falling and water penetration. Paul Eja, property owner. Map 5, Lot 1-2. Central Business District.

➤ I recommend that the Planning Board deliberate the request.

Please note the following:

- 1) **New building**. The new building at 49 Main Street was erected in 2015. The site plan for the redevelopment of the property was approved by the Planning Board on July 9, 2014.
- 2) **Architecture Regulations**. The building design was subject to the Town's architectural regulations which still apply (and have not changed since that time). The Planning Board formed a subcommittee to work with the property owner and his team to develop suggested elements of the design that were ultimately approved by the Planning Board.
- 3) **Request to remove hoods**. The approved design included these three window hoods which were installed (See images below – some details shown were later changed). Paul Eja, the building owner, applicant for the original project, and owner of Pauly's Pockets restaurant in the building has submitted a request for a modification to the site plan approval to remove the hoods now. He told me that they are a problem due to ice falling from them and water penetration into the building. Mike Sievert, the engineer for the original site plan, is submitting a letter explaining the problems with the hoods.
- 4) **Modification and public comment**. This item is appropriately treated as a modification by the Planning Board. It would not be appropriate for me to address this issue as an administrative modification, nor do I think this rises to the level of an amendment which requires notices and a public hearing. Nonetheless, a number of residents were involved in helping to recommend the various details on the building to enhance its architectural appeal and others expressed interest in the appearance of this signature building situated at a prominent location in the downtown. Concerned residents can of course speak during public comments and submit emails and letters through our department. If the board thinks appropriate, it could allow residents to speak when this item comes up on the agenda.

- 5) Reasonable discretion. In terms of the architectural standards, I think the standards permit the board to approve the modification if it deems appropriate, so it may use its reasonable discretion in evaluating this request. The building would still conform with the overall intent of the standards should the hoods be removed.
- 6) Considerations. In evaluating the request, the Planning Board will want to consider and weigh:
- The exact nature of the problem with the hoods in terms of ice falling, water penetration, safety concerns, and maintenance expenses;
 - The aesthetic value of the hoods and contribution in terms of the overall architectural character of the building. The hoods were considered a valuable element of the design when approved;
 - Whether there is any reasonable alternative to removing the hoods to address the concerns;
 - Whether there is any alternative design that could be incorporated in place of the hoods;
 - How the windows and brick will be restored if the hoods are removed; and
 - The rights of the property owner who stated several times during the review that he did not like the hoods but accepted them because that was required as part of the approval.

Westerly facade



Westerly façade



Northerly façade



Approved design for northerly façade (some changes were approved later)

