



**TOWN OF DURHAM**  
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**Town Planner's Project Review**  
**Wednesday, November 13, 2019**

XI. **56 Main Street – New Restaurant.** The site plan for new restaurant, Italian market, and events space was approved on May 22. Doug Clark, applicant. Peter Murphy, property owner. Mike Sievert, MJS Engineering, engineer. Map 2, Lot 14-4. Central Business Zone.

B. **Parking.** Review of proposed off-site parking and parking impact fee.

- I recommend the board approve use of off-site parking spaces as proposed (9 proposed) subject to confirmation of long-term leases or renewable leases with an opportunity for long term lease.

A parking impact fee of \$1,500 per space is required for new development in the Central Business District, as specified below. The fee is applied only to net new space, not conversion of existing space to new uses. The staff will determine the fee due based upon the amount of net new square footage and the use assigned to that square footage based upon the parking table in the Site Plan Regulations. Only a handful of spaces would be required based on the expansion of this site. The applicant can meet part of all of the parking requirement with use of off-site spaces if approved by the Planning Board.

Approval for the site plan for 56 Main Street included this condition:

***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).*

The zoning ordinance states:

***175-112. Central Business District Special Conditions.***

***Exemptions.*** All proposed new development ( including construction of new buildings and additions to existing buildings) may be exempt from the parking requirements for the number of spaces specified in the Site Plan Regulations within the Central Business District, provided that:

1. A one-time parking impact fee (as established in the Master Fee Schedule) is paid by the owner and/or developer for the number of spaces required less the number of on-site spaces provided.

2. *The existing number of required parking spaces is not reduced by any proposed development unless approved as part of a property redevelopment plan by the Planning Board; and*
3. *The Planning Board waives the requirement for the number of parking spaces specified in the Site Plan Regulations, as part of the Site Plan Review based upon pertinent information provided by the applicant, Planning Department and any other interested party and an analysis of the parking demand of the use(s), parking capacity available from municipal parking and the parking capacity of other property owned by the applicant for the use(s). The parking demand of the use(s) may vary from the parking requirements specified in the Site Regulations. The waiver should be granted only if it is demonstrated that adequate parking exists and the impact on municipal parking by the proposed uses(s) will not be materially detrimental to existing uses in the CB District.*

Doug Clark conveyed to me:

Michael,

Due to the amount and location of ledge that we encountered during the excavation we will need to modify our foundation plan and reduce the amount of space that will be a full basement.

Assuming MJS Engineering can maximize the open space we have excavated, the basement will be about 450 sq. ft.

I believe this is 100 sq. ft. smaller than we initially planned.

I believe MJS had calculated we would need 11 spaces with the first plan, so this our current calculation would be one or two spaces less.

1. Peter Murphy and I have agreed to have Clark's Restaurants, LLC lease 4 spaces in his new parking lot on Main Street.
2. I will dedicate 5 spaces of my 15 spaces located at 74 Main Street for the use of my key employees.

Mike Sievert is out of town this week, but I will check with him as soon as he's back to verify our exact needs.

Thanks,

Doug