



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, March 25, 2020

- XI. **74 Main Street – Mixed-Use Building.** Design review site plan application for new 31,000 square foot five-story mixed use building (at corner of Main Street and Pettee Brook Lane). Douglas Clark, c/o Clark Properties, LLC, owner and applicant. Zachary Smith, c/o Bergmeyer, architect. Map 2, Lot 14-1. Central Business District.
- I recommend that the board set a public hearing for April 15 or April 29. Would a site walk be useful?

Please note the following:

- 1) Design review. This application is a preliminary design review. These typically involve two meetings with a public hearing at the second meeting. Doug Clark submitted a design review application for a different design in September 2018. You can see those documents on the Planning Board website.
- 2) Technical Review Group. The TRG discussed the proposal with the applicant on Tuesday. I will send notes from the meeting shortly. You can also watch the meeting on DCAT.
- 3) Site walk. Would a site walk be helpful? The board held a site walk for the earlier application.
- 4) Conditional use. Mixed use residential is a conditional use.
- 5) Nonresidential occupants. The applicants plans call for a restaurant (Clark's American Bistro) and the Foundation for Civic Leadership on the second floor. They plan to rent office space on the second floor until the organization grows into that space. The Town Assessor will coordinate with the applicant about taxation as the Foundation is a nonprofit organization.
- 6) Residential uses. Zoning for the Central Business District was changed recently. Units may not have more than two bedrooms, there may be no more than three unrelated in a unit, the minimum habitable area for a couple (whether related or not) is 300 square feet per person, and the minimum area for three unrelated is 400 square feet per person. The applicant hopes to rent to a mix of people including millennials and older people.

- 7) Architecture. Development in the Central Business District is subject to the Architectural Regulations. There is an interesting mix of a traditional front along the sides with a modern glass tower at the corner.
- 8) Condominiums. The applicant is considering establishing the building as condominiums. A condominium creation can be reviewed side by side with the site plan. They could then sell individual units in the future if desired.
- 9) Fifth floor. The plan includes a partial fifth floor. The maximum number of floors in the Central Business District is four so a zoning amendment or variance would be needed. Note that several staff and Town Council members have met to discuss possible proposed zoning amendments in the CB District, in general, but this matter is still under review.
- 10) Dimensional standards. The dimensional standards for the Central Business District are: zero front, side, and rear setbacks; 30 foot building height and 50 feet by conditional use; maximum 100% impervious surface.
- 11) Underground parking. The applicant proposes for the basement level parking to extend beyond the property lines on both the Main Street and Pettee Brook Lane sides. This encroachment onto Town land would require approval from the Town Council and granting of an easement. Since there are no required setbacks I don't believe there would be a zoning issue. We believe there are some utility lines in close proximity to the lot lines. This would present a challenge as those lines would need to be relocated at the applicant's expense to maintain a minimum 10 foot distance to the building foundation.
- 12) Park. One excellent aspect of the plan is the possibility of eliminating the off-street parking area presently located in front of this lot and the Aroma Joe's lot, behind the pocket park. Two spaces could be relocated at the Main Street curb and the opening into the parking area would be closed. One or two parking spaces would be lost. The applicant has proposed paying for this work and also upgrading the park in exchange for allowance of underground parking to encroach into Town land. Presently, access to the parking area is taken from Pettee Brook Lane through the private alley on the two lots. That alley would be narrowed to allow for pedestrian access only.
- 13) Parking. While the applicant is adding more parking for the property, any shortfall below the required minimums in the Site Plan Regulations would require payment of the parking impact fee of \$1,500 per space.
- 14) Access. The Public Works Director expressed concern about vehicles exiting the site on Pettee Brook Lane. Presently, most vehicles exit through the alley onto Main Street. We would need to look at sight distance here.
- 15) Ballard Court. The sidewalk in front of the property is actually still a Town street technically, though it does not function as one other than accommodating pedestrian flow. We are looking at asking the Town Council to officially abandon the street. Ownership would likely not change though.

- 16) Banner. The Public Works Director noted that the pole supporting the banner (used regularly by UNH for events) across Pettee Brook Lane is located on the subject lot. The TRG discussed possibly replacing the pole with a bolt on the building to continue to allow for the banners. UNH rents the air rights from the Town for the banner.
- 17) Utility connection fee. The Town Engineer noted at the TRG meeting that there would be a significant utility connection fee for the project and wanted the applicant to be aware of that early on.
- 18) Impact fee. Consistent with other approvals it would be appropriate to waive the \$1,812 impact fee per unit except for any unit where there is a student in the Oyster River Schools.
- 19) Other issues. Other issues such as solid waste, recycling, lighting, landscaping, construction management, snow storage, stormwater management, etc. will be addressed with the formal application.