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March 25, 2020

Karen Edwards, Administrative Assistant
Durham Planning Board
8 Newmarket Road
Durham NH 03824

Re: Conditional Use Permit Application
Richmond Property Group, LLC, Owner/Applicant
18 Garrison Avenue
Tax Map 2, Lot 12-12

Dear Ms. Edwards and Members of the Planning Board:

On behalf of the Owner and Applicant, Richmond Property Group, LLC (“RPG” or “Applicant”), we are pleased to submit this letter in support of RPG’s Application for Conditional Use Permit (“CUP”) to allow a fraternity house with an associated addition, expanded driveway and improvements in the Wetland Conservation Overlay District (“WCOD”) on the above referenced property. Included with this letter is a copy of the CUP Application and Application Checklist. All other required plans and documents have been provided with the Site Plan Application submitted herewith.

I. Overview of the Property/Project

RPG is the owner of property located at 18 Garrison Avenue (the “Property”) in the in the Central Business (“CB”) Zoning District. The Property is currently improved with a two-story building known as the Elizabeth Demeritt House, with an asphalt parking area to the right (northwest) of the building and a shed and fuel oil tanks to the rear (southwest) of the building. All of the existing improvements, and those proposed by RPG, are located on the northeast portion of the Property closest to Garrison Avenue, an area of the lot that has long been developed and the underlying soils previously excavated, regraded and filled. Exhibit A (GZA Soils Report).

RPG is a non-profit, 501(c)7 organization, created for the purpose of ownership and management of Alpha Tau Omega (“ATO”) fraternity houses. It currently owns and operates ATO

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properties at over 15 other universities across the country. Gamma Theta Corporation (University of New Hampshire ATO Alumni Organization) acquired the Property in 2014 from the University of New Hampshire (“UNH”), which in turn, acquired Gamma Theta’s former location at 66 Main Street, which was not managed by RPG. RPG was transferred ownership of the Property in 2018 by Gamma Theta for development and long-term ownership and management of the property. ATO is currently a non-house recognized fraternity chapter in good standing with UNH. Exhibit B (Silverstein Email). ATO now seeks, through RPG, to become a house chapter via the construction of an addition to the existing building on the Property.

To complete this work, RPG proposes to construct large addition to the right side of the existing building, a smaller addition to the rear of the building and an expanded driveway and parking area to allow additional demarcated off-street parking area with associated landscaping. The proposed additions retain and preserve the existing Elizabeth Demeritt House. The additions will retain the approximate height of the existing structure. However, due to the slope of the lot, the height of the additions (as measured from the rear) will be $\pm 47.7'$ with an overall average building height of $\pm 34.5'$.

RPG will remove the existing impervious driveway and parking area and replace it with a new driveway and parking area using porous pavement. The relocated parking area will be farther away from the side of the building Garrison Avenue to allow space for additional landscaping. The use of porous pavement results an overall reduction of impervious surface on the Property and provides on-site stormwater treatment, which is not currently provided. RPG will also remove the existing shed, adjacent exterior No. 2 fuel oil tanks and old stone retaining wall and foundation located to the rear of the existing parking area, closest to the delineated wetlands. RPG will install a new retaining wall, with a 4' fence, around the parking area that, in addition to supporting the developed portion of the site, will serve to delineate and keep users away from the wetlands and Pettee Brook.

RPG received approval from the Zoning Board of Adjustment on March 17, 2020 to permit parking within the WCOD and between the front line of the proposed building addition and Garrison Avenue. RPG now seeks CUP approval to permit the use of the Property as a fraternity, for building height over 30 feet and to construct the additions, driveway and other improvements within the WCOD.

II. Requests for Conditional Use

1. Article XII.1, Section 175-53 (Table of Uses) – To permit fraternity use in the CB District.
2. Article XII.1, Section 175-54 (Table of Dimensions) – To permit an height of $\pm 34.5'$ (maximum 47.8').
3. Article XIII, Section 175-61.A.1 – To permit a driveway and utilities in the WCOD.
4. Article XIII, Section 175-61.A.3 – To permit a non-residential (institutional) building in a core commercial (CB) zone.
5. Article XIII, Section 175-61.A.4 – To permit accessory structures in the WCOD.

III. Section 175-23.C Conditional Use Criteria***1. Site Suitability:***

The Property is suitable for the proposed use. RPG seeks to use the Property to house the ATO fraternity. It was acquired from UNH for this express purpose and with the understanding that ATO would become a house chapter. The Property is surrounded by other institutional properties, including UNH facilities (Stoke Hall, Paul College of Business and Economics, UNH Entrepreneurship Center, Graduate School of Analytics and Data Science), other fraternity and sorority houses (Alpha Xi Delta Tau, Alpha Chi Omega, Kappa Delta, Sigma Alpha Epsilon, Sigma Beta) and student housing. Thus, it is appropriately located for the proposed ATO fraternity house.

The Property offer sufficient vehicular and pedestrian access due to its proximity to downtown Durham and the UNH campus. Additionally, as part of this site plan approval process, RPG intends to provide significant additional off-street parking, including areas for scooter and bicycle storage. Some environmental constraints are present due to the proximity of Pettee Brook and wetlands to the rear of the Property. However, these constraints are mitigated by concentrating the improvements within the previously disturbed area of the lot, the use of porous pavement to reduce impervious surfaces and provide stormwater treatment and inclusion of the retaining wall with fencing to delineate the house from the wetland area/brook. The Property is served by municipal water and sewer and other public utilities.

2. *External Impacts:*

The proposed fraternity use, additions and other improvements will not result in any external impacts greater than those of adjacent properties. As noted, the Property is surrounded by existing institutional uses, including many other fraternity and sorority houses. Pursuant to the lease terms and ATO requirements, all occupants must adhere to the UNH Code of Conduct.

The proposal improves existing conditions on the Property by retaining and restoring the Elizabeth Demeritt House, creating new code compliant additions and removing the old shed and fuel oil tanks. Further, the proposal moves the parking spaces farther from Garrison Avenue than existing and places much of the parking behind the building, further shielding it from external view. RPG will also add significant landscaping to further mitigate any visual impacts and improve the overall aesthetics of the site. With respect to height, the additions general maintain the approximate height of the existing building, with some distinctions to differentiate it from the original structure, as requested by Town Planning Staff. The primary reason for the height is due to the slope of the Property away from Garrison Avenue. Thus, for the surrounding the height of the building be in line with that of other properties on Garrison Avenue in in the surrounding area.

3. *Character of the Site Development:*

The proposed layout and design of the site is compatible with the surrounding institutional neighborhood. Much of Garrison Avenue and other nearby lots are built out to the street, and in many cases, to Pettee Brook. Likewise, there are a number of surrounding lots with off-street parking directly abutting the street. The proposed design improves these conditions by moving parking away from Garrison Avenue and behind the building and by adding landscaping between the parking area and street (as well as to the Property overall).

4. *Character of the Building and Structures:*

The design of the building additions is likewise compatible with the surrounding area. The proposal retains and restores the existing Elizabeth Demeritt House. The additions are designed to complement the existing structure. They generally maintain the existing height and massing of that structure with appropriate delineation to distinguish the newer construction from the existing historic building, as required by Town architectural guidelines and requested by Planning Staff.

5. *Preservation of Natural, Cultural, Historic, and Scenic Resources:*

The proposed improvements are all within the area of previously disturbed soils. Importantly, the use of porous pavement for the driveway and parking area reduces overall impervious area from existing conditions and provides on-site stormwater treatment. There are no direct impacts to wetlands and all work is kept completely out of the Pettee Brook shoreland setback. Additionally, the inclusion of the retaining wall with a 4' fence further serves to delineate developed area and keep users away from the wetlands and Pettee Brook, thus preserving this resource area.

6. *Impact on Property Values:*

As noted, the proposal will restore the existing building on the Property and add new up to date and code additions. RPG will also move parking farther from Garrison Avenue and behind the building. It will add landscaping along the streetline and throughout the lot. Of note, the ZBA in its March 17, 2020 granting RPG's variance decision related to the parking area unanimously determined that the proposal would not diminish surrounding property values. In light of these factors, the proposed use will clearly not cause or contribute to a significant decline in property values of adjacent properties.

7. *Availability of Public Services and Facilities:*

The Property is located near downtown Durham and in close proximity to the UNH campus. It is served by municipal water and sewer and other public utilities. As part of the design, RPG will install a grease trap to protect the municipal wastewater system. Additionally, as the proposed fraternity use will house UNH students there will be no impact to local schools.

8. *Fiscal Impact:*

There will be no negative fiscal impact to the Town as a result of the proposed use. The proposal will retain and restore a historic structure, add up to date and code additions and add no students to the public schools. If anything, the proposal will serve to increase the assessed value of the Property resulting in an overall positive fiscal impact to the Town.

III. Section 175-61.B WCOD Conditional Use Criteria***1. There is no alternative location on the parcel outside of the WCOD that is reasonably practical for the particular use:***

Nearly all of the Property is within the WCOD's 75-foot wetland buffer. Thus, nothing can reasonable be constructed without impacting the WCOD. RPG has minimized impacts to the WCOD so the extent practicably by maintaining all improvements within the previously disturbed area of the Property located closest to Garrison Avenue and farthest from the wetlands and Pettee Brook. RPG has further mitigated impacts via the use of porous pavement for the driveway and parking area.

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board:

Soil disturbance will be kept to a minimum and within the previously disturbed area of the Property. RPG has balanced the need to minimize soil disturbance against the benefit of removing the existing asphalt and adding new porous pavement to reduce overall impervious surfaces and provide stormwater treatment. Additionally, the proposal maintains significant undeveloped areas on the Property around the wetlands and Pettee Brook, far in exceedance of that for similar nearby properties.

3. The location, design, construction and maintenance of the facilities will minize any detrimental impact on the wetland and mitigation activities will be undertaken to counterbalance any adverse impacts:

As previously discussed, RPG proposes to replace the existing impervious parking area with porous pavement. The use of porous material will reduce overall impervious surfaces on the Property and add stormwater treatment that is not currently in place. Additionally, RPG proposes to maintain the previously undisturbed portions of the Property to preserve the existing floodplain area.

4. Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application of the Conditional Use Permit:

RPG does not proposed any material change to the existing grade of the Property. The proposed improvements are limited to the area of the lot with previously disturbed soils. The undisturbed area closest to the wetlands and Pettee Brook will be maintained and protected by the

addition of the retaining wall and fence. Overall conditions of the Property will be improved by the removal of the impervious parking lot and inclusion of porous pavement to reduce impervious surfaces and provide stormwater treatment.

V. Conclusion

For all of the reasons stated, RPG respectfully requests that the Planning Board grant the requested Conditional Use Permits. We look forward to presenting the application to the Board at its April 15, 2020 meeting.

Respectfully submitted,

RICHMOND PROPERTY GROUP, LTD.

/s/ Kevin M. Baum

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