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Town Planner's Project Review
Wednesday, August 26, 2020

VIII. **Alpha Tau Omega Fraternity – Amendment to Plans**. 18 Garrison Avenue. Amendment for proposed changes to approved site plan and approved conditional uses establish a fraternity, exceed 30 feet in height, and place structures in the wetland buffer. Proposed changes include demolition of the former Elizabeth DeMeritt House, change in design for the new building, and various site changes. Richmond Property Group, c/o Sarah Layton, owner. Bruce Scamman, Emanuel Engineering. Isaac Schlosser, Krittenbrink Architecture. Map 2, Lot 12-12. Central Business District. **Recommended action**: Discuss and set public hearing for September 9.

➤ I recommend that the board schedule a public hearing for September 9

Please note the following:

- 1) **Revisions**. The main changes from the approved plan involve the new building and building footprint and the area immediately around the building foundation.
- 2) **Amendment**. The appropriate process for the requested changes is an amendment, for both the site plan approval and the conditional use approvals. The changes are not so extensive that a new application is needed, nor are they small enough to warrant a modification (where neither notices nor hearing is involved). An amendment involves notices to abutters (within 300 feet since it involves a conditional use) and a public hearing. A new sign should be posted for the hearing for the conditional uses and, I believe, a vote of five members would be needed on the conditional uses. If the amendments are approved I think it simplest to rewrite the Notice of Decision accordingly.
- 3) **Changes**. Bruce Scamman, design engineer, lists the changes in a memo – List of Site Changes.
- 4) **Documents**. The following documents are included: the list of site changes, the approved site plan, the revised site plan, a plan overlaying the approved and the proposed building footprints, the floor plans, and the updated architectural renderings (dated August 20).
- 5) **Staff comments**. I sent the updated documents to the Technical Review Group and await comments back. If staff thinks it helpful we could discuss the revisions at the TRG meeting on September 1.
- 6) **Architecture**. The architect, the owner, and I have spent considerable time discussing the building design and the project has gone through several iterations since the applicant

decided to revise the plans. I think the current design is very attractive and meets the Architectural Regulations (with some very small adjustments that I will offer to the applicant shortly). We also need more information about materials and some details and will need all four elevations. We appreciate the applicant's and the architect's patience and willingness to work with the Town to create a beautiful building.

- 7) DeMeritt House. The approved plan would have preserved the Elizabeth DeMeritt House. The house would be demolished under the revised plans. I believe that it would be desirable to preserve the structure due to its harmonious scale and character, its being designed by eminent UNH architect Eric Huddleston, and the history of the building and of Elizabeth DeMeritt. Unfortunately, the bids for the construction were much higher than anticipated by the applicant, because of complexities with renovating an older building and meshing it with a new addition. The structure is not in a historic district so the Town cannot prevent its demolition. Audrey Cline and I discussed this issue at length with the applicant but they were clear that the original design was no longer workable for them.
- 8) The Durham Heritage Commission discussed the revised proposal on August 6. Members commented on the historic and architectural significance of the existing building and the commission voted unanimously to state its support for the preservation of the Elizabeth Demeritt House.
- 9) Conditional Uses. The Planning Board approved several conditional uses: a) to establish a fraternity; b) for building height to exceed 30 feet; and c) for construction within the 75 foot wetland buffer – driveways, utilities, fencing, retaining wall, sidewalks, building addition, and accessory structures (See below). I believe the conditional use approved for the fraternity should still apply as the change does not appear to impact that consideration. The applicant will give us information about the height of the new building to determine if another conditional use for height is needed. The maximum height in the Central Business District is 30 feet but the height can go to 50 feet by conditional use.
- 10) WCOD conditional use. The change in the plans affecting the wetland conservation overlay district is not significant. The part of the plan with the most impact on the wetlands is the parking lot and there are only a few very minor changes there (in the area on the plans situated southerly of the vertical granite curb VGC along the sidewalk behind the building). There are some changes in the building footprint and adjacent paved areas that are different in the revised plans. I think the appropriate process for the Planning Board is to determine if the 8 general criteria and 4 specific WCOD criteria still apply. I have asked the applicant for a narrative addressing this issue. They do not need to provide new criteria though they could revise them if desired. The revised plans are being presented to the Conservation Commission on August 24. I am asking the commission to determine if the 4 specific criteria still apply given the changes to the site.
- 11) Waivers. Six waivers were granted. I will review these to see if they are still pertinent. The waiver for the four foot foundation planting strip is no longer needed. A waiver is probably needed from the 10 foot wide buffer along the road right of way (a portion is reduced to 9.5 feet).

- 12) Other plan sheets. Various plan sheets will need to be revised accordingly including grading & drainage and paving & curbing,
- 13) Construction plan. A revised construction sequencing plan will be needed.
- 14) Landscaping. We will need a revised landscaping plan. If little of substance is changing this could be submitted as a precedent condition.
- 15) Lighting. The lighting plan should be revised in accordance with the changes. Police Chief Rene Kelley suggested that the rear outdoor patio be illuminated. If little of substance is changing this could be submitted as a precedent condition.
- 16) Outdoor areas. A front deck is proposed as depicted in the railing on the elevation. This needs to be added to the site plan. The approved plan shows a full width porch on the addition. Chief Kelley asked about the rear patio being a location for students to have parties. We have had some further discussion among staff and the applicant. The patio may well be used by students for that purpose (as well as the front deck) but it may also be used for others, such as visiting alumni. It is probably good planning to accommodate students' inevitable desire to have parties in a good location. This may be a good location since it is outdoors, at the rear, and pretty far from residential neighborhoods.

Jamie Silverstein, Director of Fraternity and Sorority Life at UNH said: "To my knowledge ATO will be a completely dry facility [with] no parties or substances. If they were to have an event with substances it would need to be approved through the University and the Housing Corporation and HQ. The new house will not be able to host events with substances per the national HQ guidelines when they build new properties. This was also one of the reasons they were permitted to come back."

- 17) Parking fee. The parking fee included in the notice of decision was based on the square footage of the addition. We will recalculate the fee.
- 18) Miscellaneous. We should clarify if there is access to the roof over the front porch. It is probably better to not have access there. It should be shown clearly where the 15 bicycle racks are going. One handicap space was moved closer to the front. This is desirable to have one space near the front and the back. The applicant will need to show Audrey Cline the route for wheelchairs into the building. The drainage line in the parking lot on the new plans is actually part of the existing plans (shown on a different sheet). The applicant should clarify with the Town Engineer if any changes to stormwater management are involved. The details for the new steps on three sides of the building should be provided.