



TOWN OF DURHAM
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Town Planner's Review
Wednesday, April 14, 2021

- IX. **Public Hearing - 74 Main Street – Design Review** Preliminary site plan and conditional use application for demolition of current wood frame building and construction of a 5-story mixed-use building with commercial use, 15 residential units, and 13 shared parking spaces. Doug Clark, applicant. Mike Sievert, Horizons Engineering. Map 2, Lot 14-1-1. Central Business Zone.
- I recommend that the board hold the public hearing, close the design review, and tentatively schedule the first formal review for April 28.

Please note the following:

- 1) **Formal application.** After this review the design review application can be closed (unless the Planning Board and the applicant wish to continue it). The applicant can then submit an application form for the formal application. There is probably not much more that needs to be submitted for the application to be complete. Since the design review is in the works, the three week deadline for applications does not apply.
- 2) **Project description.** See my Town Planner's Review of March 24 which lays out the various issues.
- 3) **Staff meeting.** The Town staff met with Doug Clark; Mike Sievert; and Jerry Pucillo, consultant to the Foundation for Civil Leadership on April 5. We discussed numerous issues that I cover below.
- 4) **Revised plans.** The applicant told the staff that they may revise the plans to eliminate the fifth story - due to large increases in construction costs and likely setbacks for a fifth story included in the current zoning amendments (Scheduled for a public hearing and possible adoption on April 19). If the plans are revised we will need new architectural elevations and floor plans. The number of residential units might be reduced from 15.
- 5) **Adjacent Lot 14-1.** The project affects the adjacent lot 14-1 situated to the east and owned by Town and Campus, LLC c/o the Gangwer family. I encourage the applicant to coordinate closely with this property owner for the work that will be conducted on Lot 14-1, the cross easements for access and parking, and the proposed removal of four parking spaces on the Town's land adjacent to the park which is probably used by some tenants on Lot 14-1. From a planning perspective, removal of those spaces along with

the curb cut on Main Street and difficult access through the subject lot to reach those spaces, and expansion of the Town's park there will be an excellent improvement.

- 6) Taxation. The staff discussed tax treatment of the building at our meeting on Monday. Mr. Pucillo will provide more information about their expectations soon. At this point they expect the residential units to be taxable and likely the first floor planned to contain a café or some kind of food service. For parts of the building owned and operated by a nonprofit charitable organization that is registered in New Hampshire, the owner may enter into a payment in lieu of taxes (PILOT) agreement.
- 7) Applicant. Doug Clark told the staff that he plans to convey the property to the Foundation for Civic Leadership soon, in which case FCL would be the owner and applicant.
- 8) Condominiums. The applicant told the staff they would likely have two separate master condominiums: one for the 15 or so residential units with each unit as a separate condominium and one for the nonresidential space. It is unclear at this time if all of the nonresidential space would be one condominium or separate ones. The applicant said they would not expect to sell the residential units separately at this time. The applicant said there would be a management company so if a complaint arose about tenants in one condominium unit, the complaint could be directed to the management company rather than an individual owner if the unit were to be sold separately.
- 9) Ballard Park. The staff discussed with the applicant several things related to the park: 1) expansion of the park by eliminating the 4 parking spaces, closing off the curb cut on Main Street, and adding a few new parallel spaces on Main Street; 2) who would pay for these improvements; 3) whether the park would be redesigned and what the role of the Town would be; 4) the applicant using a portion of the park for construction staging; and 5) possible use of a portion of the park (above or below ground) for stormwater for the development (such as adding a rain garden).
- 10) Parking. The details for parking will need to be finalized: exact number of spaces on site and on the adjacent Lot 14-1, cross easements for the parking spaces, allocation of parking, and arrangements to lease parking spaces off site. The applicant has stated an interest in renting the residential units to a broader range of occupants than traditionally seen downtown. Expanding diversity here is very desirable. As such, we strongly encourage the applicant to provide one parking space for each unit.
- 11) 66 Main Street. The staff spoke with the applicant about their using 66 Main Street for construction staging and possible terms for its use. The Town is currently in negotiations with UNH to purchase the property, now a vacant lot (between People's United Bank and Town and Campus).
- 12) Construction Timeframe. The applicant said construction will take 12-14 months.