



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

**Town Planner's Review**  
**Wednesday, August 10, 2022**

- XI. **Public Hearing - 74 Main Street – Mixed-Use Building.** Site plan and conditional use application for demolition of current wood frame building and construction of a 4-story mixed-use building with nonresidential uses, 12 residential units, and 5 parking spaces. Doug Clark and Jerry Pucillo of Foundation for Civic Leadership/Democracy House, applicants. Mike Sievert, Horizons Engineering. Zach Smith, Winter-Holben Architects. Map 106, Lot 59. Central Business Zone.
- I recommend that the board review all of the issues and continue the review and public hearing to August 24.

Here are various remaining issues for the project. Many of these are minor issues and many should be addressed as precedent or subsequent conditions. If all is in order we can shoot for final action at the next meeting on August 24. There are enough site plan items that it would be appropriate for the applicant to submit one revised set of plans prior to August 10, by August 17 if possible. Most of the items appear to be fairly simple modifications to the current plans. Other changes can be made as precedent conditions. It is also possible to have some items brought back to the Planning Board, where significant, for review as a precedent condition.

**Process**

- 1) **Conditional uses.** Several conditional uses are needed including for the mixed use, for the height to exceed 30 feet (up to 60 feet is allowed by conditional use).
- 2) **Waivers.** A number of waivers are needed as outlined below.
- 3) **TRG.** The applicant has met with the Technical Review Group several times including on August 2 for the most recent plans. I have not heard of any concerns from the Fire, Police, and Building departments. Public Works and Mike Sievert are still discussing various issues.
- 4) **LAC.** The site is not within the jurisdiction of the Oyster River Local Advisory Committee.

**General site issues**

- 5) **Side lot line.** The space along the side lot line, along the side easement will be paved in asphalt.

- 6) Traffic sign. A left turn only should be added at the exit.
- 7) Transformer. A fence should screen the transformer.

### **Building/Architecture**

- 8) Standards. I think the building design complies with the Town's architectural standards. It is a handsome and intriguing building the way it combines traditional design at the rear and modern design in front. Contemporary design that is respectful of context is not discouraged. I think the architect has done a good job meeting the specifications of the regulations. See sections on general principles, siting, scale, proportion, windows, materials, etc.

Done- Thank You

- 9) Entrance. The entrance must be prominent and easy to locate. There will be lights under the canopy. Perhaps some additional special treatment around the entrance would be in order.

We have agree to do this- does it need to be done for approval ?

- 10) Windows. Windows should be added to the blank wall on the easterly side as discussed earlier.

We have agree to do this- does it need to be done for approval ? I believe they are on the new elevations

- 11) Elevations. I asked the architect to send color renderings with material specifications for each of the four elevations. The main materials are fiber cement (like Hardiboard) and metal.

Done

- 12) Height. The height can go as high as 60 feet with the conditional use (not 50 as I mentioned earlier).

We comply with this requirement form the best of my knowledge

- 13) Floorplans. Clarification on floorplans for second and third floors is needed. Access into some of the units is unclear. What is the final count on number of units and bedrooms? All units will be one and two bedroom

Units are identified on the plans, I have not asked the architects to correct these access to unit issues until I am clear we are going to get approval on the cantilever etc That said, I will see if I can get some indication verbally on our approach here

- 14) Roof deck. How will the outdoor space on the 5<sup>th</sup> floor be managed? I believe there will be a roof deck about 1,500 square feet in size.

Programming on the roof deck will be managed by Democracy House and will respect any sated guidelines of the Town of Durahm as it relates to roof deck spaces should they exist in the downtown.

- 15) Programmable space. It would be helpful to have more information about how programmable spaces will be used in the basement and on the first and fourth floors.  
**At this time the programmable spaces will mirror the FF&E plans attached. In essence, programming for meetings and events will be organized for the basement, more shared office spaces will be available on the fourth floor as well as a large assembly space. The first floor is intended to have a café with a socially conscious facing mission and the balance of the space is yet to be determined but it is intended to provide for more casual meeting spaces and or pop up type events furthering the goals of the Foundation.**
- 16) Utilities. No roof mounted utilities are shown. If added they should be screened.  
**We agree**
- 17) Habitable area. The minimum habitable floor area for unrelated households in the units, where there is more than one occupant is 300 square feet per person if there are two occupants and 400 square feet per household with more than two people.  
**We comply with this requirement**
- 18) Accessibility. The architect stated that none of the units need be handicap accessible accessible units  
**Correct although the applicant tis willing to reconsider making one of the units handicapped accessible**

### Utilities

- 19) Recycling. A recycling plan is needed. The applicant should coordinate with IWMAC and/or Public Works.  
**We are prepared to do that once our building tenancy has been determined based on leases etc., in order to have a plan that reflects the use of the building**
- 20) Dumpster. The Gangwers have not consented to the applicant doing any work on their property. It would be helpful though if the applicant could turn the dumpster and enclosure on the Gangwer property 90 degrees.  
**Out of the control of the applicant**
- 21) Stormwater. According to Mike Sievert, the applicant is not increasing the peak nor volume of stormwater from the lot. Porous pavers are being used.  
**We have fully documented this and this issues is resolved to the best of our knowledge**
- 22) Natural gas. Show the natural gas line and connection if it is planned for use.  
**Will show on plan**
- 23) Energy checklist. The applicant needs to submit the checklist and meet with the chair of the Energy Committee and Building Official.  
**We are prepared to do this. What is the process ? and is it needed prior to approval?**

24) Electric lines. The electric lines and connections to the new building and building on the Gangwer lot need to be shown. A waiver will probably be needed to retain lines above ground.

These utilities are indicated on the plans as presented to the Planning Board. The electrical lines above ground are all on private property so questioning the need for a waiver?

25) Lighting. No lighting is proposed for the site other than lighting on the building and under the canopy. There is a good deal of existing lighting around this location. Cut sheets will be needed for the lights.

Cut sheets will be issues for approval as part of our construction permit set if not sooner.

26) Geothermal. The applicant has not yet decided for certain whether to use geothermal wells. If so, detailed information will be needed later.

Agreed

27) Sewer. Public Works required that a video be provided showing the condition of the sewer because construction vehicles are proposed to be placed over the sewer. I believe the video has been provided. **CORECT** Public Works will need to review the condition of the sewer. Mike Sievert is still working on some details of the sewer. He said the line under the porous pavers **WILL** ~~may or may not~~ include a sleeve.

28) Water. The water line runs right in front of the building. It is possible the applicant would need to relocate that line. There might be ledge there which would complicate matters.

There is a plan for this and it is identified on the submitted plans. This water line services the abutter's property and we have agreed to do what is necessary to keep there water service intact during and after construction

### **Parking**

29) Parking impact fee. The fee of \$1,500 will be assessed for the number of vehicles required for the project minus the number provided. The Planning Board needs to grant a *waiver* on the number required as specific in the regulations. Ideally, there would be one space designated for each residential unit, on site or elsewhere walkable distance from the site.

We have agree to this

30) Spaces. Parking spaces are regular sized; earlier ones were compact

Is this a concern? Parking issues are being resolved with a plan to only have a loading zone behind the building and no on site parking except for one parking space for the Abutting property per agreement. The building will not have any parking associated with it.

- 31) Median. Regarding the parking median at the back of the site near Pettee Brook Lane, we discussed using sloped granite curbing and possibly pulling the median back a few feet to accommodate trucks entering the site.  
**Agreed and on the plans submitted**
- 32) Main Street. The plan includes significant changes: removing the Town's parking area in front of the site, adding spaces on Main Street, and adding a loading zone on Main Street.  
**The applicant has agreed to do this and has been told this will act, in some way to be determined, as compensation for "renting the staging area on Pettee Brook street during the construction phase"**
- 33) Loading zone. We would probably use the same provisions for the loading zone as those in front of The Juicery. That location is an active loading zone from 9:00 AM until 4:00 PM. It is then a legal parking spot until 1:00 AM when no overnight parking is in enforced.  
**Town decision, not in control of the applicant**
- 34) Accessible space. One accessible space is needed. The site is sloped too much to allow for a space on site. We discussed possibly adding one in front on Main Street. The regulations require one on-site space that is van accessible. A *waiver* would be in order if the applicant can comply with ADA. The Code Administrator is looking at this.  
**See number 30 above**
- 35) Bank parking. The applicant is talking with the bank nearby to see if parking can be rented from their site.  
**This is correct**
- 36) Gangwer parking. I believe a provision in the deeds calls for the applicant to provide one space on their site for use by the Gangwer lot.  
**This is correct see number 30 above**

### **Gangwer property**

- 37) Easement. Show easement on the plans as best interpreted. I understand the applicant has hired Doucet Survey to show the easement. The Town does not enforce or interpret private easements.  
**This is correct. The survey work was finished and confirmed that the easement line is correct as shown on the drawings submitted to the Planning Board.**
- 38) Existing conditions. The site plan should show existing conditions on Aroma Joes lot with the proposed plan on the subject lot.  
**I believe this is on the plans submitted to the Planning Board**
- 39) Gangwer lot. The applicant cannot do any work on the Gangwer lot without approval from the Gangwer family.  
**Not an issue for the Planning Board- between the butters only**

- 40) Plans. The plans should be adjusted so that it is clear the Gangwer lot is not part of the project. For example the number of parking spaces proposed in the table should include only those on the subject lot.

**The latest plans were specifically done to reflect this condition and they were presented to the Planning Board**

### **Public land and infrastructure**

- 41) Shoring. Shoring is shown on Town land. We will need to clarify what kind of Town approval would be needed and if an easement or license from the Town is needed. It would be helpful to have a detail showing exactly what the shoring will be. The shoring at the side of the building will need to be on the subject lot and not extend onto the Gangwer lot.

**The applicant is still discussing this with the DPW Director and the Town manager however it should be stated that the applicant will not impeded the Town's future ability to provide Town infrastructure in the Town's easements.**

- 42) Town infrastructure. Many elements in the Town's infrastructure will be rebuilt/replaced/relocated upon completion including sidewalks, utilities, light poles, a parking meter, and other elements.

**Agreed and indicated on the plans submitted to the Town**

- 43) New park. Notably, the applicant will remove the Town's parking area in front of the site and reclaim the area as grass to be part of the park. The Town will likely enhance this area in the future.

**Applicant has agree to perform this work**

- 44) Easement. Some temporary construction easement from the Town may be needed (shown at upper right on Sheet C101)

??

- 45) Restoration. A restoration plan is needed for activity on Town land.

**The plans submitted to the Planning Board indicate the post construction restoration and in most cases improvement to Town owned land. A budget will be developed post approval and prior to the issuance of a building permit to give the Town a basis for a surety bond for this work**

- 46) Surety. A surety approved by Public Works will be needed for all activity on Town land.

**See number 45 above**

- 47) Pettee Brook lot. The applicant will use the Pettee Brook lot for construction staging. Afterward the applicant will reclaim and repave the site.

**Agreed**

- 48) Construction. All of the improvements on Town land will be performed by the applicant (or a party designated by Public Works) at the applicant's expense.

The applicant will do the work with separate construction teams managed by the Martini Northern Construction firm and will be presented to the Town for approval. The public bidding process will not apply to any of this work

### **Operational and service issues**

- 49) Pavers. Vacuuming and treatment of porous pavers will be needed including signage directing treatment of the pavers.

The applicant will work with the Town on this and will look to previous town precedent for this such as the UNH agreements for their pavers

- 50) Snow storage. Snow will need to be removed from the site for any significant snow event.

The applicant needs more information here and will work with the Town to develop an acceptable plan, if one is required. It is unclear what jurisdiction the Town has in this regard?

- 51) Addressing. I recommend the site be addressed at 76 Main Street rather than 74. The applicant is considering this. It is okay with the Fire Department. I think 76 Main is better for branding than 74 Main but it is up to the applicant. A system will be needed for addressing the commercial and residential units.

The applicant appreciated the sentiment here however will take it under advisement

- 52) Fire. The fire department has no concerns. Fires will be fought from Pettee Brook rather than on site. Brendan. Fight fire from Pettee Brook

Correct

- 53) Emergency service. There is adequate space for police and ambulance vehicles to enter the site and drive in the side area if desired.

Correct

### **Miscellaneous issues**

- 54) Banner. The banner across Pettee Brook is attached to a pole on the subject lot located where the building will go. I will contact UNH for their thoughts on this.

The applicant has stated it preference to not have this banner attached to its building but will cooperate with the Town on a solution here

- 55) Demolition. The existing building should not be demolished until after the preconstruction meeting is held and all precedent conditions are met.

Agreed

- 56) Bike spaces. A *waiver* will be needed for the number of bike spaces.

If the number of spaces shown on the recent plans to the Planning Board do not meet this test then the applicant is willing to consider more or request a waiver.

57) Impact fees. A *waiver* from school impact fees will likely be needed. The impact fee per unit in a multiunit building is \$1,812. The applicant can request a full or partial waiver. Once the applicant provides information about their expected occupancy the board can evaluate this. It is likely there would be few if any school age children occupying this building, and extremely unlikely they would occupy the one-bedroom units.

The applicant will be requesting a waiver here

58) Construction management plan. Public Works may need additional information and details.

**Public works should state where our construction management plan is deficient.**

**The applicant will then comply since ,in our opinion, we have presented multiple revisions to the plan and consider it complete**

59) Signage. Is any signage on site proposed?

The applicant is currently only contemplating building signage. The applicant will approach the town in the future if other signage is desired

60) Tax issues. The Town will work with the applicant about taxation/a PILOT for the nonprofit portion of the building.

Correct

61) Dates. Update the revision dates on the plan sheets

OK

Does the board have any other concerns?