



**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 Recommendation***  
**Wednesday, July 27, 2022**

- X. **Public Hearing - 15 Newmarket Road – Tideline Public House.** Site plan application to create a tap room (serving beer and wine), store and food truck court with 8 food trucks, covered pavilions, a landscaped community gathering space, and other site changes behind the old Durham Town Offices. Scott and Karen Letourneau, applicants. Mike Sievert, Horizons Engineering. Map 108, Lot 69.
- I recommend approval as stated below. Please see the provision regarding required waivers.

**\*Draft\***  
**NOTICE OF DECISION**

**Project Name:** Tideline Public House  
**Action Taken:** APPROVAL  
**Project Description:** Site plan for food truck court and tap room, restaurant, and retail shop in the main building  
**Address:** 15 Newmarket Road  
**Property Owner:** Scott and Karen Letourneau.  
**Engineer:** Mike Sievert, Horizons Engineering  
**Map and Lot:** Map 108, Lot 69  
**Zoning:** Courthouse  
**Date of approval:** July 27, 2022

[Office use only. Date certified: \_\_\_\_\_; CO signed off \_\_\_\_\_;  
 As-built's received? \_\_\_\_\_; All surety returned: \_\_\_\_\_]

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

**PRECEDENT CONDITIONS**

All of the conditions below must be met by the applicant prior to the plans being certified by the Town Planner. Certification of the plans is required prior to issuance of a building permit

or performing any significant site work. Once these precedent conditions are met and the plans are certified the approval is considered final.

Please note. If all of the precedent conditions are not met within one year to the day of the board's approval - by July 27, 2023 (or as extended) - the Planning Board's approval will be considered to have lapsed. Extension(s) may be granted by the Planning Board for reasonable cause. It is the sole responsibility of the applicant (or his/her agent) to ensure that the precedent conditions are met by this deadline. See RSA 674:39 on vesting. No changes to the plans that were reviewed and approved by the Planning Board on July 27, 2022 may be made except for the specific required modifications that follow.

**Plan Modifications.** Make the following modifications to the plan set:

- 1) **Planters.** Finalize the arrangement of the planters along Schoolhouse Lane. Sixteen are shown now. There must be at least 6 to demarcate the edge of the parking lot. Include information about the size and general design of the planters.
- 2) **Easements.** Add references to the plan for the proposed parking easement and easement for Schoolhouse Lane encroachment to be finalized with the Town.
- 3) **Sheet C102.** Change name of sheet to "Utilities and Services Plan."
- 4) **Buffer.** Include evergreen plantings at the westerly corner to buffer the view from Newmarket Road toward the food trucks.
- 5) **Approval block.** Add the approval block on each page of drawings to read: "Final Approval by Durham Planning Board. Certified by Michael Behrendt, Town Planner \_\_\_\_\_ Date \_\_\_\_\_"

**Notes on Plans.** Add the following notes on the plans:

- 6) **Construction hours.** "All outside construction activity related to the development of this site is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. Saturday".
- 7) **Additional information.** "For more information about this site plan, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064."
- 8) **Notice of decision.** "It is the responsibility of the applicant, site contractor, and building contractor to follow all requirements related to this site plan approval. Please review these plans and the Planning Board Notice of Decision carefully. Contact the Durham Planning Department at (603) 868-8064 with any questions or concerns."
- 9) **Blasting.** "Blasting and on-site chipping (of stone) is restricted to the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday."

**Construction Management.** Include all of the following information/statements in the Construction Management Plan:

- 10) Provide a construction and sequencing schedule.
- 11) Show the laydown and delivery area to be used.
- 12) Show where construction zone signs will be posted, if appropriate.
- 13) “The applicant/contractor shall hold weekly meetings with the Town Engineer and other appropriate Town departments or as needed to discuss the construction process and the schedule for the upcoming week.”

**Other Precedent conditions**

- 14) Parking Easement. Finalize the easement/license with the Town of Durham for use of the Town’s parking spaces along the westerly corner of the lot, accessed now from Newmarket Road. The Town may consider allowing use of Town Hall for parking in off hours at its option. The easement must be recorded, if required, prior to the certificate of occupancy. The Town Council authorized the Town Administrator to execute an agreement with the applicant for the parking easement on April 4, 2022.
- 15) Street Easement. Finalize the easement/license with the Town of Durham to maintain the existing encroachment of the parking lot into the Schoolhouse Lane right of way. The easement/license must be recorded, if required, prior to the certificate of occupancy.
- 16) Public Works. Obtain final signoff from Public Works on the plans.
- 17) Drainage. Submit a maintenance plan for the drainage structures.
- 18) Recycling plan. Submit a recycling plan in consultation with Public Works/IWMAC.
- 19) Construction management plan. The applicant shall submit a construction management plan to be approved by Public Works.
- 20) Dumpster location. Obtain written/email consent from the owner of Map 108, Lot 66 for the proposed placement of the dumpster (According to the applicant George York has consented to the placement). The owner of Map 108, Lot 70 has consented to the placement. If Three Chimneys Inn agrees to use of a shared dumpster provide a copy of the agreement and adjust the plan accordingly. Adjust the parking space and parking count on the plan if one space will be used for the dumpster.
- 21) Dumpster access. Clarify how trucks will access the dumpster location and adjust the plan as needed in consultation with Public Works.

- 22) Snow storage. Obtain approval from Town Administrator for snow storage in spaces reserved for the Town. If approval is not granted then identify another appropriate location on site to be approved by Public Works or add a prominent note to the plan that snow shall be removed from the site as needed.
- 23) Composting. The applicant shall provide a plan for composting. The Town relies upon the good faith of the applicant to adhere to the plan as much as practical.
- 24) NHDES Sewer Connection Permit. The applicant shall submit a wastewater connection permit application to the New Hampshire Department of Environmental Service Wastewater Engineering Bureau, and submit a copy of the approval to the Planning Department if there will be over 5,000 gallons of waste generated per day.
- 25) Utility connection. A utility connect permit application with necessary plans and specifications shall be submitted to DPW for review by the Town in accordance with the Durham Water and Wastewater ordinances.
- 26) Electric service approval. Obtain written confirmation from Eversource Energy that the plans for electric service to and on the site are acceptable.
- 27) Construction Guarantee. The applicant shall post an acceptable surety to ensure that the site will be reclaimed if it is abandoned for some reason. A cash deposit or letter of credit is an acceptable form.
- 28) HDC plans. Include all plans, building elevations, signage, and details approved by the Historic District Commission into the set of final drawings.
- 29) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town Planner: a) one large set of black line drawings (plus a second set if the applicant wants a signed set); b) one set of 11"x17" drawings; plus c) one electronic version by pdf. Each individual sheet in every set of drawings must be stamped and signed by the engineer responsible for the plans
- 30) Signature. Signature by the applicant at the bottom acknowledging all terms and conditions of this approval herein.

### **SUBSEQUENT CONDITIONS AND GENERAL TERMS**

All of the conditions below are also attached to this approval. All work shall be completed and all required conditions shall be met prior to issuance of a certificate of occupancy unless otherwise specified or a surety acceptable to the Town is posted.

#### **Conditions to be met prior to commencing site work**

- 31) Site work. No significant site work (including any significant clearing of the site) or ground disturbance may be undertaken until:

- a) all of the precedent conditions are met;
- b) the preconstruction meeting with Town staff has taken place (Contact Michael Behrendt, Town Planner, to arrange for the meeting);

**Conditions to be met prior to issuance of any certificate of occupancy**

- 32) Easements. The easements must be recorded at the Strafford County Registry of Deeds.
- 33) Liquor license. A liquor license from the New Hampshire Liquor Commission shall be submitted if any alcohol will be served.
- 34) As-built drawings. One set of full size, one set of 11” x 17”, and one electronic copy of as-built drawings of all structures, utilities, drainage structures, parking areas, and other pertinent elements shall be provided prior to the certificate of occupancy (unless a surety to cover the cost of the as-built drawings is given). The plans shall be stamped and signed by the Engineer or Surveyor.
- 35) Improvements. All improvements included in this approval essential to the operation of the site shall be completed prior to issuance of a certificate of occupancy unless an acceptable surety is posted.
- 36) Other applicable requirements. All other applicable requirements of this site plan, this Notice of Decision, and other terms and conditions must be satisfied prior to issuance of a certificate of occupancy.

**Other terms and conditions**

- 37) Historic District Commission. The application to the HDC was approved as submitted on July 7, 2022. All pertinent parts of the HDC application shall be incorporated into the final plan set. For details specified in the application equivalent components may be used if there is no significant difference from the original detail pursuant to the Historic District ordinance. The fence behind the retaining wall will be installed at the option of the applicant. See narrative from applicant “HDC meeting re: 15 Newmarket Road/Tideline Public House.”
- 38) Fire department. The buildings and site shall be in compliance with all specifications from the Durham Fire Department. It is understood that the main building will need to be sprinkled.
- 39) Lighting. The bulbs for the string lights are miniature lights about 3” long. The fixed lights will be a warm light with a Kelvin temperature of K3000 or K2700 or comparable. The fixed lights shall be angled downward as shown in the HDC narrative so that the bulb is not visible when looking straight on.

- 40) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 41) Uses. The applicant may use the main building for the proposed uses, any uses that are permitted by right in the zoning ordinance, and the two hotel suites for which a variance was granted without any further site plan review, unless the building footprint or square footage is expanded.
- 42) Food truck signs. See description in narrative to the HDC. The operators of the food trucks may use their regular sign affixed to the food truck. No other sign may be used by the individual food trucks other than one sandwich board measuring not more than 6 square feet. No review is needed for either sign.
- 43) Signage. The sign plan was approved by the Historic District Commission.
- 44) Hours of operation. There is no limitation on the hours of operation for activity occurring inside the building provided the hours conform with other applicable law.  
From Memorial Day through to Labor Day:
- The outdoor food trucks shall stop serving at 10:00 p.m.
  - Food and alcohol from inside the main building shall not be served for consumption outside the main building after 10:00 p.m.
  - Outdoor entertainment shall cease at 10:00 p.m. on Thursday through Sunday and 9:00 p.m. on Monday through Wednesday.
- From Labor Day through to Memorial Day:
- The outdoor food trucks shall stop serving at 9:00 p.m.
  - Food and alcohol from inside the main building shall not be served for consumption outside the main building after 9:00 p.m.
  - Outdoor entertainment shall cease at 9:00 p.m. on Thursday through Sunday and 8:00 p.m. on Monday through Wednesday.
- 45) Noise. The site shall remain in compliance with the Noise Ordinance, Chapter 85 of the Town Code. If there are outside speakers they shall be used only for low key ambient music.
- 46) Fire pits. Approval from the Fire Department will be needed for any fire pits.
- 47) Waste management. The waste management plan shall include single-stream recycling. The property owner's waste management hauler's name, account number, and phone number shall be provided to the Durham Building Official/Health Officer (DHO) so that the DHO can call and order an emergency pick up if necessary. The DHO is authorized to request this service at the applicant's expense should it be deemed necessary. The DHO is authorized to contact the waste management hauler only after first contacting the property owner and allowing the property owner to order a pick up.

- 48) Inspections. All inspection/observation services for the installation of water, wastewater, stormwater management, porous pavement, and other infrastructure shall be performed by authorized representatives of the Town of Durham as stipulated by the Durham Department of Public Works. The Developer shall reimburse the Town for all associated inspection/observation costs.”
- 49) Parking lot maintenance. The use of sodium-chloride-based materials/salt for winter road maintenance shall be the minimum necessary for roadway safety.
- 50) Fire access. Access into the site for fire apparatus shall be maintained at all times during the construction process. Please contact the Fire Department at 868-5531 with any questions about access requirements.
- 51) Building Code. This approval is for the site plan only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted. The applicant is strongly encouraged to meet with Building and Fire Officials early to expedite the review process.
- 52) Development of Regional Impact. The project is not a development of regional impact.
- 53) Pear trees. The applicant will use their best efforts to preserve the existing pear trees in the median. The applicant shall replace any tree that dies or any tree which they determine is in poor condition with another appropriate ornamental tree.
- 54) Minor changes. Changes to the approved plans may be approved as described in the Planning Board’s Rules of Procedures, including minor changes which may be approved by the Town Planner.
- 55) Weekend clean ups. The applicant is strongly encouraged (in accordance with Chapter 118 of the Durham Town Code) to inspect and to clean up the site, as needed, on Friday, Saturday, and Sunday mornings.
- 56) Approval. All of the documentation submitted in the application package by the applicant is part of this approval. In the case of conflicting information between documents, the most recent documentation and this notice herein shall be determining.
- 57) Energy Conservation. The applicant is encouraged, but not required, to adhere to the items marked in the Energy Considerations Checklist. The applicant is encouraged to meet with the Energy Committee at any time for other suggestions on enhancing sustainability.
- 58) Variances. Variances were granted on July 12, 2022 for signage larger than the 6 square feet allowed in the Historic District and for the creation of two hotel suites in the main building.

- 59) Parking on Schoolhouse Lane. Note that the Town of Durham may change the configuration of parking on Schoolhouse Lane in the future pursuant to recommendations from the Durham Traffic Safety Committee, possibly in the near future after reassessing the situation on Schoolhouse Lane once Tideline opens. The plan could involve removing existing spaces and adding new spaces on the northerly side where space permits. The Town would notify property owners along Schoolhouse Lane prior to making changes. (The applicant provided suggested changes in an email to the Town Planner dated July 7, 2022.) The Town may make other changes affecting Schoolhouse Lane as well.
- 60) Waivers. The following waivers were applied for and granted:
- Section 10.1 allowing for 36 parking spaces on site where 61 spaces is required
  - Section 9.4.2 (b) locating the dumpster 20 feet from the property line (See pertinent precedent condition about obtaining consent from two neighbors).
  - Section 11.3.3 (g) allowing for storage of 16 bicycles where storage for 21 is required

These waivers were granted upon a finding that specific circumstances relative to the site plan or the conditions of the land in the site plan indicate that the waiver will properly carry out the spirit and intent of these regulations.

- 61) Tax Implications. It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of this project. You can contact Mr. Rice at (603) 868-8064 or [jrice@ci.durham.nh.us](mailto:jrice@ci.durham.nh.us)

Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Planning Board accepted the application as *complete*; **C)** The Planning Board held several continuous *public hearing(s)* on the application and a site walk; **D)** The applicant revised and *updated the plans* and other documentation numerous times pursuant to comments from the Planning Board, public, and Technical Review Group, and other Town boards and committees; **E)** The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application *meets all requirements* (except where waivers or variances were granted); **F)** This project is not considered to be a Development of Regional Impact; **G)** The Historic District Commission approved the application; and **H)** The Planning Board duly *approved the application* as stated herein. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.



