

**From:** [Michael Behrendt](#)  
**Subject:** Tideline - containers - email from applicant  
**Date:** Thursday, September 8, 2022 4:38:36 PM

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To the HDC and Planning Board,  
Please see the email from Scott Letourneau below in response to a concern about allowing the proposed container as part of the food truck court.

### Michael Behrendt

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**From:** Scott Letourneau <[sletomd@gmail.com](mailto:sletomd@gmail.com)>  
**Sent:** Tuesday, September 6, 2022 7:58 PM  
**To:** Michael Behrendt <[mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us)>  
**Subject:** Re: Tideline - containers \*

Hello Michael.

...You were correct that the container does not meet the definition of a 'structure' per the zoning ordinance definitions. It is not affixed to the ground any more than a truck or trailer, and it can be disconnected from the utilities and moved from the site in under an hour.

And, no, the unit is not and was never a trash container. There is no reason to believe that it would rust or deteriorate any more than a truck or trailer would. Not that the Town or any resident can dictate so, but we already have included "aesthetic maintenance" language in our lease agreement with food unit operators. As an aside, the HDC has numerous examples of lack of aesthetic maintenance that they have little to no ability to enforce. We are 99.9% sure that the Three Chimneys Inn and all of the other abutters would support the pizza container, but they simply do not have a say any more than I would on their signage, landscaping, patio furniture, or anything else.

We have not asked for blanket permission to bring in any and all storage container food units. It is absolutely *not* a slippery slope. We have already said that we are comfortable with having this be a one-time consideration. We are focused on this one particular food vendor because he is local, a

successful seasoned professional, and has worked through the last two New Hampshire winters and knows what it takes to do that. We have supplied pictures of this particular food unit. It is unobtrusive, painted a solid dark color, and has been within sight of the Dean's office at one of the most prestigious private schools in the country for two years. It is difficult to see how anyone could say that this unit is unattractive in comparison to the trucks and trailers.

We are very aware that as a first-of-its-kind business in this area, all eyes will be on the final result. And as residents and supporters of the Historic District, we are extremely sensitive to the look of this project. We are going above and beyond in many areas to make this project as high-quality and as visually appealing as possible. For example, no food truck court (generic term) that we studied in Oregon has underground propane supplying each unit. Instead, there were 6-8 above ground tanks cluttering the visual appeal. Other breweries and food courts use trash cans strung together with yellow nylon rope to mark off certain areas; we will not. And there are numerous examples of food trucks and trailers who expressed interest that we had to pass over because we felt their graphics, logos, and signage would not be a good fit from a visual appeal standpoint. I would hope that Town officials, the HDC, and the Planning Board would take into account our history of adding to the value and visual appeal of the area vs detracting from it.

"Food Truck Courts" all over the US have a mix of push carts, trailers, trucks, converted campers, containers, and more...people get really creative with them. We can supply more info if that would help. The term "food truck court" is actually somewhat inaccurate and should be seen as a more generic term, given the variety of unit types that are around. They are also called "mobile food units" but no one would say "mobile food unit court."

Ruling out a storage container unit feels like an overreach and will certainly restrict our ability to have the highest possibility of success, given that any business needs options in the future to succeed.

**We would ask the Town to be as business-friendly as possible in this most liberal of commercial zones, bordering an Irving station and with full support to this point of all bordering properties and the vast majority of the entire community. We feel that having this container vs a trailer at one of our spots will in no way negatively impact any resident, nor the historic**

**district. These are not permanent structures and are all likely to rotate over time.**

Respectfully,

-Scott and Karen