

5 Railroad Street, Newmarket, NH 03857 • Ph 603-659-4979 • Fax 603-659-4627 • www.horizonsengineering.com

March 30, 2023

Town of Durham
Planning Board
8 Newmarket Rd.
Durham, NH 03824

Re: Conditional Use Application for Clark Properties, LLC - Located at 74 Main Street Tax Map 106 / Lot 59

Dear Chair Rasmussen and Board Members;

In accordance with the Conditional Use regulations, any changes to the plans require a new conditional use approval. This application is for an amendment to the approved site plan and conditional use to add additional area to the basement and first floor and reduce the upper floors on the easterly side. Please refer to the original supplemental information in the original CU application attached hereto, for compliance with the 8 criteria under Article VII, Section 175-23.C.

If you need additional information, please do not hesitate to contact me.

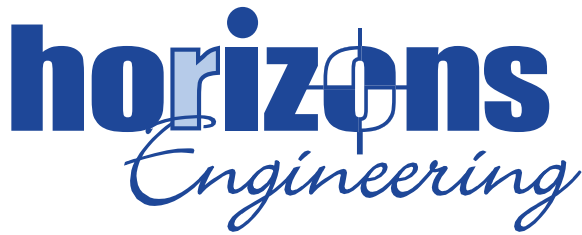
Sincerely,

A handwritten signature in black ink that reads "Michael J. Sievert". The signature is written in a cursive, flowing style.

Michael J. Sievert PE
VP President Structural

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November 15, 2021

Conditional Use Application for
Clark Properties, LLC - Located at 74 Main Street
Tax Map 2 / Lots 14-1-1

Conditional Use Permit approval;

In accordance with the conditional use regulations, this submission package includes the CUP Application along with Site Plan Application, plans and supporting documentation.

The comments below, outline how this project complies with the provisions of the general conditions for a Conditional Use Permit contained within Article VII, Section 175-23.C of the Town of Durham Zoning Ordinance. The numbering below coincides with the applicable section.

This project complies with the CUP criterion. The plans incorporate best management practices for the construction and thereby satisfy the CUP criterion.

175-23.C

1. Site Suitability:

The property is suitable for the proposed redevelopment because a commercial use with surface parking currently exists on the site and the proposed use is allowed as a conditional use with. The redevelopment will provide new office and retail space on Main Street along with high quality residential units in the downtown area. This is a prime site for redevelopment.

(a) *Adequate vehicular and pedestrian access for the intended use. The current access to and from the site will remain the same. An ally way through the site will be removed for pedestrian use, and the Town park will be enlarged providing additional pedestrian space and green space within the downtown area. Traffic congestion to and from the site will be improved.*

(b) *The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools and other municipal services. Adequate emergency services are currently provided and access will remain unchanged. The site is serviced by municipal water and sewer, and natural gas. These services will be upgraded, including some offsite improvements; the schools will not be impacted by this development; solid waste will be handled onsite with disposal by a private waste company via the dumpster and the owner will have a recycling system in place.*

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(c) *The absence of environmental constraints (floodplains, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.* There are no environmental constraints on this property. The site is not within the floodplain, has no wetlands, nor steep slopes. However, the development proposal incorporates a balanced environmental design approach by minimizing grading changes and increasing vegetation in the park on Main Street. The stormwater system will collect, treat, and improve the quality of the stormwater runoff and reduce the peak flow discharged from the site.

(d) *The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.* The site is suitable because of the availability of appropriate utilities to serve the existing and intended use.

2. External Impacts:

The external impacts of the proposed use on the abutting properties and the neighborhood will be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include but not be limited to traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

- The building addition will not cause an adverse impact to abutting properties to a greater extent than any other existing uses in the neighborhood. This property is currently developed and was subdivided from the parent parcel with another building for this intended re-development. This addition will not produce any additional odors, noise, vibrations, or fumes that do not currently exist in the neighborhood. Vehicle traffic exists today, and this expansion will provide some on-site parking and existing off site parking will be utilized similar to other downtown businesses. The exterior lighting is minimized by using shields to direct light downward, and the lighting design meets the site plan requirements. Dust will be reduced because the parking lot will be fully paved and trash removal and access will remain unchanged.

The location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use will have no adverse effect on the surrounding environment and will not discourage the appropriate and orderly development and use of the land and buildings in the neighborhood because:

- The location, nature, design, and height of the new building meets the intent of the re-development regulations within the Central Business District. This design meets appropriate and orderly development because it meets the design intent required by the site plan and zoning regulations.

3. Character of the site development:

The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include but not be limited to, the relationship of the building to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

- The design is not incompatible with the neighborhood because of the existing conditions and the zoning regulations for this zone. The design maintains adequate setbacks with respect to its relationship streets, and adjacent buildings. There is

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currently well-established pedestrian and vehicle access. The pedestrian access is being improved.

4. Character of the buildings and structures:

The design of any new buildings or structures and the modifications of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.

- The character of the proposed building will be compatible with the scale, height and massing of other buildings in the area. The functionality will meet the intent and use for new retail, office space and residential units within the downtown walkable to other businesses and the University. This design meets the requirements to make it very compatible with the character of the neighborhood. The main entrance to the building will be at the street corner along the park.

5. Preservation of natural, cultural, historic, and scenic resources:

The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sires, scenic views, and viewsheds.

- There are no wetlands, floodplains, significant wildlife, cemeteries or graveyards on the site; therefore, this design does not have a negative impact on these natural or cultural resources.

6. Impact on property values:

The proposed development will not cause or contribute to a significant decline in property values of adjacent properties.

- There will be no impact to property values of adjacent properties.

7. Availability of Public Services and Facilities:

Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection and schools..

- The redevelopment of the site is either providing for appropriate utilities or making improvements to the existing utilities to make the operation of the site adequate. The redevelopment will not cause excessive demand on the services.

8. Fiscal impacts:

The proposed use will not have a negative fiscal impact on the Town unless the planning board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.

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- There will be no negative fiscal impact to the Town. This facility pays its fair share of taxes as required by law.

If you have any questions or need additional information, please do not hesitate to contact me.

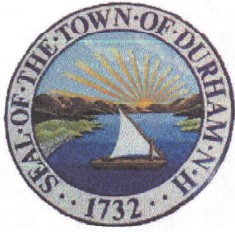
Sincerely;

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Michael J. Sievert PE
MJS Engineering

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PLANNING DEPARTMENT
Town of Durham
8 Newmarket Road
Durham, NH 03824-2898
Phone (603) 868-8064
www.ci.durham.nh.us

CONDITIONAL USE APPLICATION

Date: 03-23-2023

Property information

Property address/location: 74 Main Street _____

Tax map #: 106 _____; lot #'(s): 59 _____; Zoning District: C B _____

Property owner

Name (include name of individual): Clark Properties, LLC _____

Mailing address: 28 Cedar Point Road Durham, NH 03824 _____

Telephone #: 603-312-3643 _____ Email: clarkdouglas66@gmail.com _____

Engineer, Surveyor, or Other Professional

Name (include name of individual): Michael J. Sievert _____

Mailing address: 5 Railroad Street Newmarket, NH 03867 _____

Telephone #: 603-659-4979 _____ Email address: msievert@horizonsengineering.com _____

Proposed project

Activity within the WCOD ____; Activity within the SPOD ____; Other proposal or activity X ____

What is the proposed project? The original project is a mixed use commercial/residential 4 story building. This application is for an amendment to the original approval on 9-26-22. _____

Which provision in the zoning ordinance calls for this conditional use? Art. XII. 1, 175-53 Table of land uses VII commercial & Ind. Mixed use with Residential _____

Justification for granting the conditional use: The project has been previously approved and this application is for a minor amendment that has no change to the original approval of the conditional use application. _____

Have you completed the conditional use checklist? yes _____

Other Information

Please note the following:

- Coordinate with Michael Behrendt, the Durham Town Planner, at 868-8064 or mbehrendt@ci.durham.nh.us about the process and other information that may be needed.
- Coordinate with Andrea Novotney, Planning Department Administrative Assistant, at 868-8064 or anovotney@ci.durham.nh.us about fees and preparing the abutters list. All property owners within 300 feet of the site will be notified about the application and public hearing.
- Please be sure to attend all meetings of the Planning Board and the Conservation Commission, if the latter will be making a recommendation.
- The Planning Board may schedule a site walk after the first meeting.
- A public hearing will be held on the application. A sign must be placed on the property by the applicant at least 10 days prior to the hearing.
- The applicant will need to address the eight general conditional use criteria. For conditional uses within the Wetland or Shoreland Overlay Districts four additional specific criteria must be addressed by the applicant.
- For conditional uses within the Wetland or Shoreland Overlay Districts, the application will be presented to the Conservation Commission for a recommendation.
- See Article VII in the Zoning Ordinance for additional information about conditional uses.
- We encourage you to check with the New Hampshire Division of Environmental Services to see if any state permits are needed prior to spending money on any Town applications.

Submission of application

This application must be signed by the property owner(s) *and/or* the agent.

I (we) attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As agent, I attest that I am duly authorized to act in this capacity.

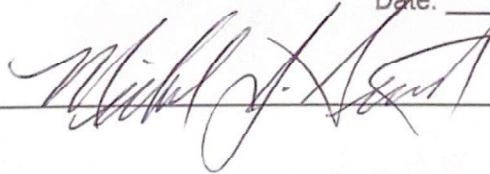
Signature of property owner: _____



Date: _____

3-30-2023

Signature of agent: _____



Date: _____

3/30/23