

**From:** [Michael Behrendt](#)  
**To:** [Matt Komonchak](#)  
**Subject:** RE: Opposition to Amendment to Approved Site Plan at #15 Newmarket Road - 3rd Party Pick up & Delivery After Business Hours  
**Date:** Tuesday, December 12, 2023 9:50:08 AM

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Hello Matt (cc to Planning Board),

Thank you for your response. We forwarded your original email to the board and I am copying the board here as well.

I very much disagree with your position but I respect your opinion and appreciate your sharing it with us. As I said, applicants have the right to request changes in the conditions of early approvals. If there is a good reason to change a condition subsequently and there will not be material adverse impacts then the Planning Board is usually receptive to those requests, as it should be. It is hard for me to imagine that a handful of individual cars picking up food at this site would create material adverse impacts but we will see.

### **Michael Behrendt**

Durham Town Planner  
8 Newmarket Road  
Durham, NH 03824  
(603) 868-8064

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**From:** Matt Komonchak <matt.komonchak@gmail.com>  
**Sent:** Monday, December 11, 2023 11:01 PM  
**To:** Michael Behrendt <mbehrendt@ci.durham.nh.us>  
**Subject:** Re: Opposition to Amendment to Approved Site Plan at #15 Newmarket Road - 3rd Party Pick up & Delivery After Business Hours

Hi Michael, I hope you are well.

Tideline is in fact asking to extend its hours of operation from the originally agreed upon 10pm, to four hours later, or 2am. That is precisely what we are talking about. The food trucks are a key part of its business operation. Food trucks now close at 10pm and under the amendment they would operate much later for half of the year.

I think you have to ask yourselves whether a business that billed itself as a good neighbor to residents and used the 10pm restriction as a marketing ploy during the original site plan discussions should be allowed to do an about-face less than a year later.

The extended hours will generate additional traffic and noise, but the real problem will be damage to the Planning Board's credibility, due its lack of consistency and backbone. The townspeople signed up for one kind of business and, by allowing the amendment, you will facilitate another. By your logic, next year they can apply for yet another modification and the following year another, until the original siteplan is but an afterthought.

Please share this response with the members of the Planning Board.

Thank you,

Matt

On Dec 11, 2023, at 2:42 PM, Michael Behrendt  
<[mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us)> wrote:

Hi Matt,

Any request is reviewed on its own merits and any property owner or business has the right to request a change from the original conditions. The board would not change an original condition except for good cause. If Tidelines asked to expand their regular operation to 2:00 am I would be very surprised if the Planning Board were receptive to such a suggestion. Do you really think there would be adverse impacts if Tideline were allowed to use door dash after

10:00 pm? What would those impacts be and upon whom?

**Michael Behrendt**

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**From:** Matt Komonchak <[matt.komonchak@gmail.com](mailto:matt.komonchak@gmail.com)>

**Sent:** Monday, December 11, 2023 12:56 PM

**To:** Michael Behrendt <[mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us)>

**Subject:** Re: Opposition to Amendment to Approved Site Plan at #15 Newmarket Road - 3rd Party Pick up & Delivery After Business Hours

Yes, I am, thank you. I read the application and am well aware of that fact.

If you grant this amendment, one year from now the applicant may ask for normal commercial operation between 10pm and 2am and you will grant that too based on similar logic.

On Mon, Dec 11, 2023 at 12:00 PM Michael Behrendt <[mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us)> wrote:

Hi Matt,

I just want to make sure you know that the request is only for third party delivery. Door dash or whoever is making the delivery would pull into the parking lot and pick up food from the food truck and then deliver it somewhere off site. There would be no on site activity outside after 10:00 pm other than those individuals walking up to the food trucks to pick up the order.

**Michael Behrendt**

Durham Town Planner  
8 Newmarket Road

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**From:** Tracey Cutler <[tcutler@ci.durham.nh.us](mailto:tcutler@ci.durham.nh.us)>  
**Sent:** Monday, December 11, 2023 10:15 AM  
**To:** Paul Rasmussen <[pnrasmus@gmail.com](mailto:pnrasmus@gmail.com)>  
**Cc:** Matt Komonchak <[matt.komonchak@gmail.com](mailto:matt.komonchak@gmail.com)>  
**Subject:** FW: Opposition to Amendment to Approved Site Plan at #15 Newmarket Road - 3rd Party Pick up & Delivery After Business Hours

Good Morning

Please see an email below from Matt Komonchak in reference to the upcoming agenda item concerning 15 Newmarket Road (Tideline Properties).

Thanks,  
Tracey

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**From:** Matt Komonchak <[matt.komonchak@gmail.com](mailto:matt.komonchak@gmail.com)>  
**Sent:** Sunday, December 10, 2023 10:51 PM  
**To:** Tracey Cutler <[tcutler@ci.durham.nh.us](mailto:tcutler@ci.durham.nh.us)>  
**Subject:** Opposition to Amendment to Approved Site Plan at #15 Newmarket Road - 3rd Party Pick up & Delivery After Business Hours

Hi Tracey, could you please forward the following comments to the Planning Board members?

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Dear Members of the Durham Planning Board,

I am writing to ask you to deny the request to allow the food trucks

at Tideline Public House to operate past the hour of 10pm. The previous understanding between the town and Tideline's owner was that these businesses would not operate after 10pm and you came to this agreement for a reason: to mitigate the negative impacts of these businesses would have late at night and in the early morning hours, including traffic. It was also quite foreseeable that business volume would slow from October to March (half of the year) when the original site plan was approved.

Granting this request would undermine the Planning Board's credibility before the townspeople and erode trust in your procedures and decision-making. Please uphold the approved site plan with these business owners and reject the proposed amendment.

Thanks and regards,

Matthew Komonchak  
1 Thompson Lane

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It's gonna be a glorious day!  
I feel my luck could change