



**TOWN OF DURHAM**  
15 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064 603/868-8065  
FAX 603/868-8033  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

***Town Planner Recommendations***  
**DURHAM PLANNING BOARD**  
**Wednesday, October 9, 2013**

**V. Town Planner's Report**

Note that we usually have Molly Donovan, chair of the Master Plan Advisory Committee update the board on the first meeting of each month about the progress of the master plan. We don't have anything significant to report since the last update so Molly will not be speaking to the board. The Agricultural Resources Chapter will be presented to the Planning Board at the October 23 (at this Planning Board workshop, if appropriate) or November 6 meeting. The MPAC will be reviewing first drafts of the Natural Resources and Recreation Chapters in the coming weeks.

---

- VII. **118 Piscataqua Road.** Application for Condominium Conversion and Site Plan for a **4-unit condominium for seniors.** Submitted by **Alexander Bakman;** MSC Engineers, Engineer/Surveyor; Scott Hogan, attorney. Tax Map 11, Lot 24-4, Residence C Zoning District. Recommended action: Acceptance as complete and setting the public hearing for November 6.

➤ I recommend acceptance as complete and setting the public hearing for November 6.

Please note the following:

- This application was presented on June 12, 2013 but was not accepted as complete
  - The applicant has since submitted condominium documents, architectural elevations and floor plan, an energy checklist, the NHDES permit for the dock expansion, and an updated site plan. All are enclosed except for the condominium documents, which I will email out in case anybody is interested.
  - There was a question whether the location of the garages and parking spaces conformed with zoning. Tom Johnson, Zoning Administrator, determined that the garages are okay but the parking spaces must be relocated outside of any setback areas. Their new location is shown on the updated site plan.
  - The application can be accepted as complete though a few minor items will need to be submitted – a cross section for the path and a plan to remove the Japanese Knotweed.
  - The side elevations of the architectural plans do not incorporate side views of the garages. This adjustment should be made.
-

VIII. **Great Bay Kennel Dog Day Care Facility** - Request for **Extension** of Conditions of Approval and CUP.

- I recommend approval of the extension.

Please note the following:

- The site plan and CUP were approved by the Planning Board on April 24, 2013 with a six month deadline of October 10 (It should have stated October 24) to meet precedent conditions.
- This is the first request for an extension. It is for another six months with a deadline of April 24, 2014.
- Only a few of the precedent conditions have been met (HDC approval for the fence and reimbursement of the fee for Tom Ballestero).
- While this project was controversial, consideration of extensions should be handled in the customary fashion. Generally, Planning Boards, and the Durham Planning Board as far as I know, approve one or two extensions perfunctorily, as long as nothing has changed significantly (a new ordinance or substantial change in the site or neighborhood) that should substantively argue against the extension.
- I am emailing the Notice of Decision and site plan as attachments in case anybody is interested in seeing them.

---

IX. **Public Hearing - 18 & 22 Colony Cove Road**. Formal application for **Boundary Line Adjustment** submitted by **Kathleen Lohnes** to change the boundary between two lots and to clarify the boundaries of an old subdivision. Tax Map 12, Lots 25 & 26. Residential Coastal Zoning District. **Recommended action:** Final action.

See the enclosed write-up.

---

X. **Public Hearing** (continued) - **15 Madbury Road and 8 Mathes Terrace**. Design review for site plan application for redevelopment of two residential lots for a three-story **mixed-use student housing development**. Submitted by **Kostis Enterprises LLC and Theodore Finnegan**; David Garvey, agent; Michael Sievert, MJS Engineering, engineer; Robin Wunderlich, designer. Tax Map 2, Lots 12-5 and 12-6. Central Business Zoning District. **(The applicant has requested that this application be postponed.)**

- The applicant has requested a postponement. They did not indicate a date. The project should be postponed to a specific date or new notices would need to be sent when the design review comes back in.

---

XI. **Public Hearing - 25 Madbury Road** – Formal site plan application for the **addition of 8 parking spaces** and associated drainage improvements. Alpha Sigma House Corp. of **Kappa Delta Sorority**, applicant; Michael Sievert, MJS Engineering, engineer; Robbi Woodburn, Woodburn & Co., landscape architect; Scott Hogan, attorney. Tax Map 2, Lot 12-2. Central Business Zoning District.

- Close public hearing and continue to November 6

Please note the following:

- This application is not ready for final action yet as new drawings were just submitted so I have not had a chance to review them carefully. I am waiting to hear from the Town Engineer about the revised drainage plan.
  - We will see what issues arise from the site walk on Friday, October 4 and the public hearing.
- 

XII. **Public Hearing - 25-35 Main Street.** Formal site plan application to redevelop three lots into a **mixed-use student housing development.** The proposal involves rehabilitating the houses at 25 and 35 Main Street, demolishing the houses at 27 and 29 Main Street, demolishing or relocating the barn in the rear, erecting two new houses fronting on Main Street, erecting two large new buildings, one in the rear and one fronting on Main Street. **Orion Student Housing**, Bill Fideli and Philip Wills, applicant; Allen and Major, engineer; Lisa DeStefano and Adam Wagner, DeStefano Architects, architect; Tim Phoenix, attorney. Tax Map 5, Lots 1-6, 1-7, and 1-8, Central Business Zoning District.

➤ I recommend keeping the public hearing open and continuing to November 6.

Please note the following:

- The project was accepted as complete on September 25 (with the parking lot proposed for Mill Pond Road to be treated separately from the main application).
  - A site walk is being held on Friday, October 4.
  - The applicant is meeting with the Economic Development Committee on October 15 to discuss the location, amount, and type of nonresidential uses.
  - A key issue to continue the discussion about is parking, mainly for customers of the businesses.
- 

XIII. **49 Main Street.** Conceptual consultation for redevelopment of a commercial site with a **three-story mixed-use building.** Submitted by **Paul Eja, proprietor of Pauly's Pockets;** Michael Sievert, MJS Engineering (engineer). Tax Map 5, Lot 1-2. Central Business Zoning District. Recommended action: Brief presentation and set design review (and public hearing) for November 6.

➤ I recommend that the applicant give a brief presentation and then design review is set for November 6.

Please note the following:

- The Site Plan Regulations do not set a deadline for conceptual applications so they can be submitted any time prior to the Friday before the meeting so they can be placed on the agenda.
- Note that there are two types of preliminary applications: a) conceptual consultation where there are no public notices and no public hearing and only an informal discussion about the project; and b) design review where public notices are sent and a public hearing is held. State law requires only that notices be sent alerting the public. It is Durham Planning Board policy to also hold a public hearing. Design review applications must be submitted at the three week deadline.

- Because conceptual consultation applications are submitted close to the meeting they will generally not go to the TRG so I have no significant staff input at this point.
- A significant issue, however, is the applicant's desire to build the new building around the existing building. This raises architectural, site, and construction concerns.
- The design review can be set for November 6. Does the board want to set the public hearing for November 6 or later (November 13)?