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Town Planner Recommendations
DURHAM PLANNING BOARD
Wednesday, February 11, 2015

VIII. **49 Main Street – Pauly’s Pockets**. Review of architectural designs for approved site plan for a three-story mixed-use building. Commercial on the first floor with 6 residential apartments on the upper 2 floors. Paul Eja, proprietor of Pauly’s Pockets, applicant; Michael Sievert, MJS Engineering, engineer; Clint Forrest, building designer; Shannon Alther, TMS Architects, architect. Tax Map 5, Lot 1-2. Central Business Zoning District. Recommended action: Approval of designs and details.

➤ See separate write up

IX. **Historic Resources Master Plan Chapter**. Review of new chapter prepared by Historic Resources Committee appointed by the Planning Board.

➤ I recommend that the Planning Board make any appropriate comments and send the draft to the Master Plan Advisory Committee for review.

Please note the following:

- 1) See the updated draft documents in the packets. This includes the chapter, the appendix, a building list to be inserted into the chapter, and a set of images to be inserted into the chapter.
- 2) An earlier draft was prepared by a consultant, Vanasse Hangen Brustlin. It was reviewed by the HDC and MPAC and came to the Planning Board for a public hearing. There were some highly critical comments. The board thus set up a committee to review the draft chapter.
- 3) The committee was composed of Janet Mackie and Nancy Sandberg of the Durham Historical Association, Andrea Bodo and Chip Noon of the Historic District Commission, and Linda Tatarczuch of the Planning Board.
- 4) At its first meeting the committee thought it best to rewrite the chapter from scratch. The committee presented this proposal to the Planning Board and the board authorized the committee to prepare a draft as it sees fit.
- 5) The committee and I have met a number of times and revised the draft each time. The bulk of the writing and work was done by Janet Mackie, who has spent a great deal of time working on this.

- 6) After the Planning Board makes its comments, the draft will be turned over to the MPAC in order for SRPC, our consultant, to reformat the chapter, insert photos and maps, and make other changes, as appropriate.
 - 7) The chapter will be reviewed by the MPAC and once it is endorsed by the MPAC it will come back to the Planning Board. The board can then hold a public hearing and if all is in order, the board can endorse/okay the chapter.
 - 8) At this point, we are asking for general comments from the board as the draft will come back later for further review.
 - 9) The updated chapter is being presented to the HDC on February 5.
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X. ***Public Hearing - Great Bay Animal Hospital - Boundary Line Adjustment***. Application to adjust the lot lines between 2 existing lots to place the house on its own lot and the kennel, veterinary hospital, and dog day care facility on one lot. Dr. James McKiernan, Great Bay Animal Hospital, property owner and applicant; Kevin McEneaney, Surveyor. Map 6, Lots 11-7 and 11-8. Residence C Zoning District.

➤ See separate writeup.

XI. ***Public Hearing - 10 Pettee Brook – Sign Master Plan***. Application for a sign master plan for the mixed-use building. Dennis Kostis, Ionian Properties, property owner and applicant; Sundance Sign Company, designer. Map 2, Lot 12-11. Central Business Zoning District.

➤ I sent comments to the applicant and am waiting for a response.

Please note the following:

- 1) Tenants. It would be helpful to have a breakdown on the commercial space and the number of likely tenants. How many sign panels are desired?
- 2) Projecting signs. How many projecting signs are desired, if any, and where would they be on the front of the building? A front elevation showing the locations is needed.
- 3) Spacing. The wall sign could be better centered in the space next to the window.
- 4) Sample. The applicant should bring a material sample to the meeting, including the proposed color(s) and finish. The sign should have a matt finish.
- 5) Illumination. Will the sign(s) be illuminated at all? If so, how?
- 6) Template? How does the board wish to handle design on the individual signs? Presumably, the sign panels on the wall sign will have the same colors. What flexibility will there be within that for typefaces, logos, other design elements? How will this be handled on projecting sign(s)

- 7) Colors. I would recommend the colors blend better with the building. I think the blue and gold are attractive colors but they do not seem to blend with the gray, white, brick colors of the building. I suggest that the applicant bring in another option(s) for the board to review.
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XII. **Public Hearing - 50 Newmarket Road – Mill Pond Center Property**. Design review (preliminary application) for a 2-lot subdivision. *Note that the application has changed from a 3-lot to a 2-lot subdivision. Seacoast Repertory Theatre, property owner; Matt Faginger-Auer for Doucet Survey, Surveyor. Tax Map 6, Lot 9-8. Residence B Zoning District.

- I recommend the board provide any comments and close the design review, unless substantial concerns remain which should be addressed under design review. I think the two main concerns are: 1) Are there any significant red flags at this point with the subdivision? 2) Do the proposed improvements to the private road seem generally acceptable?

Please note the following:

- 1) See my Planner Recommendations for the January 14, 2015 meeting for more background.
- 2) 2 lots. Due to the quality of the test pits the applicant reduced the project from a 3-lot to a 2-lot subdivision. Now only 1 new lot is being proposed at the front of the property.
- 3) Courtesy Letters. We sent a courtesy letter to abutters letting them know that the proposal is now for a 2-lot rather than 3-lot subdivision.
- 4) The new lot would contain 2.461 acres and be L-shaped.
- 5) Historic District. The prospective location for the house shown on the plat lies within the Durham Historic District, which is measured 250 feet from the centerline of Newmarket Road. The house could possibly be placed further into the lot, into the L-section, which would lie beyond the Historic District.
- 6) Smith Tavern. The house at the rear is the former Smith Tavern, a historic structure. Information on the property is posted on the website under this subdivision.
- 7) Buffers. The new house should be appropriately buffered. Which parts of the lot would be the best location? For the formal application it would be helpful to show the tree cover for this purpose. It may be appropriate to plant additional buffers along the existing tree line along Newmarket Road and at the rear of the new lots.
- 8) Variances granted. Three variances have been granted for the property:
 - a) To allow for a mixed use residential/art center/theater/community center provided: 1) there be no more than 9 residents in the main house, 2) there be a live-in, full-time property manager in the apartment of the main house; 3) all living space on the property be limited to non-rental, nonprofit use only; and 4) that the Planning Board focus on mitigating abutter concerns during the site plan process.

- b) For a sandwich board sign
 - c) For a freestanding sign
- 9) Variances. At some point, it should be determined whether the uses allowed by variance should be preserved. I think the Planning Board can stipulate that the uses be abandoned, if appropriate, given that an additional lot is being created on a private road that does not meet standard conditions (though the concern is less now that there is only 1 new lot instead of 2). On the other hand, some citizens have expressed hope that the Mill Pond Center, in some form, might be resurrected. The barn is not in good condition and considerable expenditure would be needed for it to house public uses again.
- 10) Mill Pond Center. Beth Olshansky said, "...Given that hundreds of families have benefitted over the years from children and adults taking, dance, music, theatre, and art lessons there, this request is one that should be seriously vetted. Additionally, if the Mill Pond Center property owners have not been successful in selling the property now with its associated permissions, it seems doubtful that a prospective buyer would want to purchase a large facility (with a studio and theatre in it) and not be able to utilize the property to generate some revenue. The future of these historic buildings may well be jeopardized by a decision to limit the use of the property to residential only."
- 11) Barn. Regarding the barn, John Powers, Deputy Fire Chief said, "It must be made abundantly clear during these proceedings that the existing barn structure was ordered to be vacated after a fire on January 31, 2013. Power was removed from the building and provisions were put in place to allow the fire alarm and sprinkler systems were disabled. Several fire and life safety code violations were cited within this building; items that must be remedied before the fire department will authorize the building's re-occupancy. This is not to say that the fire department is opposed to the future use of the barn for some of the similar past-uses, however it must be understood that the building may not be used or occupied until it meets at least the state's minimum fire and life safety requirements as verified by the fire department. Any proposed use or change of use must be reviewed by the fire department for code compliance prior to occupancy and/or use, including storage uses. So long as all interested parties involved understand and acknowledge this, the fire department is not opposed to the proposed subdivision as discussed during our TRG meetings."
- 12) Regarding the barn, the applicant said, "Yes, currently the barn is all cleaned out, closed down, turned off, and not being used for anything (except for some costumes still left on the uppermost floor that is currently being moved out by the Rep)."
- 13) Electric lines. The electric lines for the existing house will probably need to be relocated to the private road. It probably makes sense to keep them above ground, in which case a waiver would be needed.
- 14) Private road/ROW. The shared driveway/private road is shown as a separate parcel/right of way. This was needed for the 3-lot subdivision because the middle lot

mew the frontage requirement with the private road. This is not necessary for a 2-lot subdivision as both lots meet the frontage requirements on Route 108. Perhaps the road should simply be part of 1 of the lots. If so, which lot? And which lot (or should it be both?) should be responsible for maintenance? Should the rear lot have a “flagpole” extending down to Route 108?

- 15) *** Design of road. Again, it was the sense of the TRG at its meeting on December 2 that an appropriate design for the road would be to maintain the existing pavement, which is about 12 feet wide but to add 4 feet of shoulder on each side from Newmarket Road to the second driveway access. This would provide for a 20 foot passage, including shoulders, which is required by the Fire Department. Is this acceptable to the board? The pavement seems to be in pretty good shape. A waiver would be needed from the Road Regulations which stipulate a 20 foot wide paved road. Given that this is an existing driveway, a private road, and serving only 2 lots, I think a waiver is appropriate. It does not seem that any realignment of the road is in order.
- 16) Design Review. Once the design review is closed there is no need to set another date as the applicant would bring in a formal application when they are ready.

XIII. **Public Hearing - 257 Newmarket Road – Two New 3-Unit Buildings**. Application for construction of two multi-dwelling buildings with three two-bedroom units each. The site contains an existing student housing building. A variance was granted in 2009 for the additional units – for a maximum of 15 occupants in the existing building and 24 occupants in the new buildings. Christopher Meyer and Edward Marquardt, Seacoast OPM of Durham, owner; Matt Silva, coordinator; Dennis Quintal, engineer; Roscoe Blaisdell, surveyor; Nick Isaak, architect; . Tax Map 18, Lot 3-2. Rural Zoning District.
Recommended action: Continue to February 25 or March 11.

- See separate write up.

XIV. **Public Hearing - Eldercare Facility – Durham Business Park**. Design Review (preliminary application) for an eldercare facility with a total of 116 dwelling units situated in three large buildings and 14 cottage and duplex units. Grant Development, LLC, c/o Eric Chinburg, property owner and developer. Mike Sievert, MJS Engineering, Engineer. Tax Map 11-27-1 through 11-27-7. Durham Business Park Zoning District.
Recommended action. Continue design review and public hearing to March 11

- See separate write up.

XV. **Public Hearing – Site Plan Regulations**. The Durham Site Plan Regulations have been overhauled with a new draft including Part I – General Provisions, Part II – Site Plan Review Process, and Part III – Development Standards.

- I recommend discussion be postponed. Peter Wolfe thought this made sense given the full agenda. The board might wish to close the public hearing shortly. This might

allow for a simpler review. Of course, the public hearing would be reopened once the draft is ready to present again to the public.

- A. Part I – The board okayed this part earlier
 - B. Part II - Review and finalize proposed changes
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XVI. Other Business – Discussion of density in Housing and Demographics Master Plan Chapter.

Beth Olshansky raised a concern with a recommendation in the draft chapter about reducing lot sizes in all residential zones. Peter Wolfe asked that this be added to the agenda. Of course, if the Planning Board wishes to make any changes to the draft it can make those changes and forward any appropriate comments to the MPAC and SRPC. See separate items in the packets.