



TOWN OF DURHAM
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DURHAM, NH 03824-2898

AUDREY CLINE
Zoning Administrator
Code Enforcement Officer
Health Officer

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June 21, 2016

RE: Café and Performing Arts Center – Brook Way, Tax Map 2/Lots 9-4
Michael Sievert, MJS Engineering representing Fall Line Properties, LLC

Please find my comments below based on the submittal of a Letter of Intent and proposed site plan dated May 4, 2016.

- A variance would be needed for the outdoor performing arts center.
The proposed use would not fall under the definition of “theater” per Durham’s definition “*A building or part of a building devoted to showing motion pictures or dramatic, musical or live performances*” because the outdoor performing arts center is not within a building.
- A variance would be needed for the café (restaurant). A restaurant is not an allowed use in the Professional Office District.
- A variance would be needed for the location of the stage which is shown up to the side lot line. The minimum side setback in the Professional Office District is 15 feet. The stage is considered a structure and is subject to the setback requirements.

The above comments are based on the submitted site plan and narrative. There appear to be a number of related issues that have not been defined to the degree that a meaningful response can be given, such as occupant load of the café and performing arts center which drives the parking requirements, the location of additional screening, fencing/gates, ramps/walkways and weather protection that might constitute structures for setback purposes.

Sincerely,

Audrey Cline CBO
Code Enforcement Officer