



MJS ENGINEERING, P.C.
CIVIL • STRUCTURAL • ENVIRONMENTAL

5 Railroad Street • P.O. Box 359
Newmarket, NH 03857
Phone: (603) 659-4979
Email: mjs@mjs-engineering.com

LETTER OF TRANSMITTAL

TO: Planning Department **DATE** 10/26/18 **PROJECT NO.:** 18-040
Town of Durham TooMerfs, LLC Map 4/Lots
8 Newmarket Road 55 & 38-5
Durham, NH 03824 **Attn:** Karen Edwards

THE FOLLOWING ITEMS ARE: ☒ ENCLOSED ☐ ATTACHED
☐ UNDER A SEPARATE COVER

☐ OFFICE DRAWINGS ☒ BLACKLINES ☐ MYLARS ☐ CD
☐ SPECIFICATIONS ☐ COPY(S) OF LETTER(S)

NUMBER OF

COPIES: DATED: DESCRIPTION:

12	11/29/18	Revised plan sheets: cover, C1 & C2 (11x17)
3	11/29/18	Revised plan sheets: cover, C1 & C2 (Full size)
12	11/29/18	Revised letter of intent
12	11/29/18	Revised CUP Application
12	11/29/18	Revised Site plan Application
2	11/29/18	Revised drainage report

THE ITEMS ARE TRANSMITTED AS CHECKED BELOW:

☒ FOR APPROVAL ☐ APPROVED AS SUBMITTED
☐ RETURNED FOR CORRECTIONS ☐ APPROVED AS NOTED
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REMARKS:

These are the revisions due to the ZBA denial at the 11-13-18

COPY TO: file,

SIGNED: Michael Sievert



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**Letter of Intent – Site Plan and Conditional Use Permit Applications for
Toomerfs, LLC
Located at 18 Main St. and 12 Cowell Dr., Tax Map 4 / Lots 55 & 38-5**

Rev. November 29, 2018

1.0 Project Purpose

The intent of this project is to permit the construction of a new parking lot. The entire parking lot is located on Tax Map 4, Lot 55, with one improved access point from Main St. at the existing entrance of lot 55. The outlet culvert from the proposed rain garden is to be constructed across lot 38-5, to outlet into the ditch line along Cowell Dr. The proposed parking lot is approximately 108' x 120' and will accommodate 36 vehicles. The lot will be paved, landscaped and include stormwater treatment facilities.

2.0 Existing Conditions

The subject parcels are located in two zoning districts. 18 Main St. (lot 55) is in the Church Hill District (CH) and 12 Cowell Dr. (lot 38-5) is located in the Residence A District (RA). The parcels are bordered on the south by Main Street with approximately 140' of frontage, on the north by Cowell Dr. with approximately 146' of frontage, on the west by the US Post Office and a residential student rental property, and on the east by St. George's Episcopal Church and another residential property. The structure at 18 Main St. is currently a 4-unit apartment for student rental with 5 paved parking spaces and 12 gravel parking spaces on the lot. The structure at 12 Cowell Drive is currently a single-family residential house used for student rentals with three parking spaces on a paved driveway. The property is served by municipal water and sewer and overhead utilities from each respective roadway. There are no changes proposed to either structure as part of this proposal.

3.0 Redevelopment Proposal

The proposal is to construct a new parking lot on the rear portion of lot 55. The entire parking lot will be screened by both of the existing buildings on each lot and the existing vegetation in addition to additional vegetation to be planted as part of the landscape plan. The existing paved parking lot will remain and be part of the proposed parking lot but the 12 parking spaces on the gravel area will be incorporated into the new paved parking lot. The existing number of parking spaces on the parcels is 17 on lot 55 and 3 on lot 38-5. There will be no change in parking configuration or number of spaces on lot 38-5. The total number of parking spaces on lot 55 will be 41. The net increase in parking spaces is on lot 55, at 18 Main Street in the Church Hill District is 24.

The parking lot is being constructed in the rear yard area of lot 55 and there will be a minimal removal of existing vegetation for the construction of the parking lot. The parking lot is being designed to match

the existing grade as closely as possible to minimize changes in grade and the design includes stormwater treatment facilities to treat all runoff from the new parking area.

Approvals Being Requested from the Planning Board

The Site Plan Review Regulations and Zoning Regulations will require the following approvals based on the current proposed development scope of work.

1. Planning Board Approvals:

- Site Plan approval for construction of access and parking per RSA 674:43-44 and the Durham Site Plan Review Regulations.
- Site Plan and Conditional Use approval per Site Plan Review Regulation and RSA 674:43-44 and Zoning Regulations pursuant to Article XII.1;175-53; VI, Utility and Transportation Uses, surface parking.

A. Request for Site Plan Approval

In accordance with the site plan review regulations, this submission package includes the Application and Site Plan Review Checklist, and also the following plans are included:

1. Existing Conditions Plan
2. Site Plan
3. Grading, Drainage & Erosion Control Plans
4. Detail Sheets
5. Drainage Report/Stormwater Management Plan (Report)

B. Conditional Use Permit approval;

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

The following outlines 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.

The statements below demonstrate how this development 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 expansion because the use currently exists on the site. This expansion will provide much needed additional parking in a location within walking distance of the downtown district, and will improve the functionality of the property.

(a) The existing access to the site is narrow but the redesign will provide adequate vehicle access by adding a lane for entrance and slightly widening the existing lane for exit only. Pedestrian access is provided throughout the site from sidewalks. The site is directly connected to the downtown via a sidewalk from Main Street.

(b) Adequate emergency services will be provided and improved with the additional entrance lane. Pedestrian access is available to the site and a connection into town currently exists. The site is serviced by municipal water and sewer and will remain unchanged; 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 has an existing recycling system in place.

(c) The environmental constraints on and adjacent to the property are minimal. 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, minimizing removal of vegetation and building mostly within the already cleared area of the lot. The stormwater collection/treatment system is classified by the NHDES as a best management practice incorporating filtration and detention. The stormwater system will collect, treat, and improve the quality of the stormwater runoff and significantly reduce the peak flow discharged from the site. The landscape plan will provide screening and shading.

(d) The site is suitable because of the availability of appropriate utilities to serve the existing and intended use, the central location to the downtown and university and the stormwater system will meet LID standards and provide collection, filtration, some infiltration, and detention.

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:

- The traffic generated by the uses will not cause a negative impact to the surrounding properties or public ways as it currently exists and now there will be organized parking spaces and better access to and from the site. Traffic may increase slightly due to the proposal to add an additional 24 spaces; however, the access is being improved by adding an additional access lane for ingress and separating the egress, this will provide safer access to and from the site by widening and separating the ingress and egress. In addition, a large percentage of the vehicles are parked for an extended period of time and are not being used every day. The proposed parking lot expansion will have minimal impact to abutting properties with respect to noise, odors, vibrations, fumes, and lighting because the use is already in place, the proposed parking area will remain screened, the lighting is LED and minimal to provide safety. Dust will be reduced because the parking lot will be fully paved and trash removal and access will be improved.
- *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 proposed development complies with all of the above requirements because it is being designed within the constraints of the site plan regulations.
 - The parking lot fits within the setbacks, is screened, and is no different than the two parking lots on either adjacent parcel on the east and west. These sites included the US Post Office and the St. George's Episcopal Church.
 - Landscaping and lighting will be better and meet the latest site plan requirements.

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 because:

- The parking lot is similar in size to the parking lots on the adjacent properties.
- The location of the parking lot is not visible from the public way and well screened from adjacent properties.
- Adequate vehicular and pedestrian access to and within the property is provided from existing streets and sidewalks.

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 because:

- The scale, materials, grade and other site amenities conforms to the development standards within the regulations and is similar to other existing structures on and adjacent to the site.

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 because:

- The location of the parking lot is not visible from public ways or adjacent properties. The site grading is designed to minimize grade changes, while preserving viewsheds and the existing vegetation which screens the area from the public way.
- The existing property affords no significant wildlife habitat, is absent of graveyards, wetlands and floodplains, and preserves the designated historic building. The proposal maintains the mature tree lines and stone walls with the proposal to reconstruct the stonewall at the front of the parcel where the new access lane is being constructed to maintain the historic nature and views that the stone wall provides.

6. Impact on property values:

- *The proposed development will not cause or contribute to a significant decline in property values of adjacent properties:* the use of the site will remain unchanged. The addition of a parking lot will provide more organized parking and access and be better managed.

7. Availability of Public Services and Facilities:

- The site is serviced by municipal water and sewer and this will not change with this proposal.
- Solid waste will be stored in the onsite dumpster and collected and disposed via a private waste disposal company.
- Drainage will be controlled on site and released at a reduced rate than existing as documented in the included Drainage Analysis. The quality of the stormwater leaving the site will be improved from the existing condition.
- Electric, telephone, and data utilities will be unchanged with this proposal. Any new electrical lines will be underground for lighting.

- Police and Fire Department review and comment is conducted as part of the application. This site has a central and easily accessible location from the police and fire departments via town roads and access to the site is being improved in addition to organized parking layout.
- The intended use will not cause a demand on any of the municipal services.

8. Fiscal impacts:

- The facility will not have a negative fiscal impact as there are no school age children living on the site, and no municipal facilities used at the site.
- Solid Waste/Recycling will be handled by a private contractor and paid for directly by the property owner.
- Maintenance of the site is the owner's responsibility.

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

Sincerely;

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

Michael J. Sievert PE
MJS Engineering



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: November 29, 2018

Property information

Property address/location: 18 Main Street & 12 Cowell Drive

Tax map #: 4; lot #'s: 55 & 38-5; Zoning District: Church Hill & Residence A

Property owner

Name (include name of individual): TooMerfs, LLC, Peter Murphy

Mailing address: 37 Main Street Unit 10, Durham, NH 03824

Telephone #: 603-868-7332 Email: petermurphy6@comcast.net

Engineer, Surveyor, or Other Professional

Name (include name of individual): MJS Engineering, PC Michael J. Sievert, PE

Mailing address: P.O. Box 359, Newmarket, NH 03857

Telephone #: 603-659-4979 Email address: mjs@mjs-engineering.com

Proposed project

What is the proposed project? Construction of a 36 car parking lot with access from Main Street

Which provision in the zoning ordinance calls for this conditional use? Article XII.1 Use and Dimensional Standards, 175-53 Table of Land Uses; VI:Utility and Transportation Uses

Surface Parking

Justification for granting the conditional use: The proposed project as designed and constructed will meet all of the conditional use criteria

Have you completed the conditional use checklist? yes

Have you addressed the eight conditional use criteria? yes

(over)

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 any additional information that may be needed.
- Coordinate with the Karen Edwards, the Planning Department Administrative Assistant, at 868-8064 or kedwards@ci.durham.nh about preparing the list of abutters. All property owners within 300 feet of the site will be notified of 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 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 additional 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 Durham Zoning Ordinance for additional information about conditional uses.

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: _____

Signature of agent:  _____

Date: _____

Date: 11-29-18



TOWN OF DURHAM
Planning Department
8 Newmarket Road
Durham, NH 03824-2898
Phone (603) 868-8064
www.ci.durham.nh.us

Site Plan Application

Property Information

Property address/location: 18 Main Street & 12 Cowell Drive

Tax map #: 4; Lot #(s): 55 & 38-5; Size of site: 1.02 acres;

Zoning Districts

Zoning District: Church Hill & Residence A; Wetland Overlay District? Yes: ; No: X;

Shoreland Overlay District? Yes: ; No: X; Flood Overlay District? Yes: ; No: X;

Aquifer Overlay District? Yes: ; No: X; Historic District? Yes: ; No: X;

Proposed Project

Name of project (if applicable): N/A

Describe proposal – uses, square footage, parking spaces, floors, number of units, beds, etc.

To construct a 36 car parking lot with access from Main Street

Utility Information

Town water? yes X no ; How far is Town water from the site? at

Town sewer? yes X no ; How far is Town sewer from the site? at

Property Owner

Name (include name of individual): TooMerfs, LLC Peter Murphy

Mailing address: 37 Main Street, Unit 10, Durham, NH 03824

Telephone #: 603-868-7332 Email: petermurphy6@comcast.net

Applicant/Developer (if different from property owner)

Name (include name of individual): SAME

Mailing address:

Telephone #: Email:

(over)

Engineer

Name (include name of individual): Michael J. Sievert, PE MJS Engineering, P.C. _____

Telephone #: 603-659-4979 _____ Email: mjs@mjs-engineering.com _____

Landscape Architect

Name (include name of individual): Robbi Woodburn, ASLA Woodburn & Co. Landscape Architects

Telephone #: 603-659-5949 _____ Email: robbi@woodburnandcompany.com _____

Land Surveyor

Provide name(s) and contact information: Joel Runnals, Norway Plains Associates, Inc. _____

Telephone #: 603-335-3948 _____ Email: jrunnals@norwayplains.com _____

Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner), and/or the agent. If not by the property owner, then a separate statement from the owner authorizing submission of the application with the authorization to enter the property (below) is required.

I(we) hereby submit this Site Plan application to the Town of Durham Planning Board and 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. I(we) understand that any additional costs for review of this application will be borne by the owner/applicant.

Signature of property owner: _____

Date: _____

Signature of applicant/developer: _____

Date: _____

Signature of agent:  _____

Date: 11-29-18 _____

(over)

Authorization to enter property

I(we) hereby authorize members of the Durham Planning Board, Planning Department, and other pertinent Town departments, boards and agencies to enter my/our property for the purpose of evaluating this application including performing any appropriate inspections during the application phase, review phase, post-approval phase, construction phase, and occupancy phase. This authorization applies specifically to those people legitimately involved in evaluating, reviewing, or inspecting this specific application/project. It is understood that these people must use all reasonable care, courtesy, and diligence when entering the property.

Signature of property owner: _____



Date: _____

11/29/19

Signature of property owner: _____

Date: _____