



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

Letter of Intent – Site Plan and Conditional Use Permit Applications for
Toomerfs, LLC
Located at 19 - 21 Main St., Tax Map 5 / Lots 1-9, 1-10, 1-15, 1-16

October 28, 2020

1.0 Project Purpose

The intent of this project is to permit the construction of a new boulevard entrance to greatly improve the access to and from the subject property and construct a new surface parking lot on the southerly portion of the parcel, which is currently undeveloped. The goal is to improve the current access, reconfigure the existing parking layout, enhance the esthetics of the property and expand the parking capacity. The intended use of the expanded parking lot will be for rental purposes. Parking rental opportunities will be for students, both on and off site, workforce housing occupants and employees of downtown business.

2.0 Existing Conditions

The subject property consists of four parcels. The total area of the four parcels is 3.2 Acres. The area of each parcel is shown on the existing conditions plan. The parcels are currently owned by Toomerfs, LLC and are all located in the Church Hill District (CH). Two of the parcels lots 1-9 & 1-10 are also within the Historic overlay district. The subject property has 226.26' of frontage on Main Street, on the north side of the property, it is bordered on the south by residential properties on Chesely Drive, on the west by a residential student rental property, and the Durham Market Place, and on the east by the Durham Community Church and two other residential properties. Three of the four parcels that make up the subject property lots (1-9,1-10, 1-15), are currently developed with four separate residential structures occupied as student housing. The fourth and largest parcel (lot 1-16) has some existing parking spaces located on the northeasterly corner but is mostly vacant wooded land. The remainder of the existing parking is located on parcels 1-10 and 1-15. There are currently 43 parking spaces located on the property. The property is served by municipal water and sewer and overhead utilities from Main Street. The existing sewer for three of the four buildings ties into a service line flowing from back of the "Red Tower" building south through the lot to the municipal sewer system on Chesely Dr. There is evidence that the two houses on the easterly boundary off the Smith Park Lane, also tie into this sewer service. One of the four structures located on lot 1-15, will be removed to accommodate the construction of the new parking lot.

3.0 Redevelopment Proposal

The proposal is to construct a new boulevard entrance. The existing 14 parking spaces adjacent to the existing access driveways will be removed along with the two driveways. The driveway is redesigned as a new two-lane entrance with a vegetated median. This will correct and enhance the existing ingress and egress to provide a safe access to the property for the expanded parking lot. This proposed design will also bring the property more in compliance with the site and Historic District Regulations by moving the parking spaces to the rear of the parcel behind the existing buildings. This design will also enhance the visual esthetics of the overall parcel from Main Street. The remainder of the existing parking will remain largely unchanged, relative to their location, but will be restriped to improve the parking lot efficiency. The entire new parking lot will be screened from Main Street by the existing buildings on each lot. In addition, the parking lot has been designed to maintain a 100' undisturbed buffer to the south. There will be new vegetation planted on the east property line for screening of the adjacent properties. The landscape plan shows the additional plantings as proposed. The existing number of parking spaces will be reduced from 43 spaces to 27 spaces. The new parking lot will have a total of 156 parking spaces. The total number of parking spaces on the property will be 183 spaces for a net increase of 140 spaces.

The stormwater system is being designed under the proposed parking lot and incorporated into the large fill area being constructed to raise the parking area. The parking lot is designed with a slope of 3% from north to south, and a 2% slope on the southerly end from south to north, directing all the surface water from the impervious surfaces to the pervious islands. Catch basins are proposed at the southerly ends of the islands to collect all the surface water and direct it into the underground treatment, storage and infiltration system. The system is designed using the Contech Stormwater chambers. The drainage system has been designed to meet the Town's stormwater requirements. Lighting and landscaping is proposed as part of the design and the existing overhead utilities will be reconstructed underground.

4.0 Two Principal Uses Allowed

As previously determined from the application for site plan and conditional use permits at 18 Main Street, the regulations allow for two principal uses and, for that reason, a Conditional Use Permit Application process is required. Durham's Zoning Ordinance Section 175-34, B specifically addresses this very issue:

175-34 Special Provisions.

B. Lots with Multiple Uses. When a lot contains more than one principal use, each use shall comply with all applicable requirements of this chapter except as other specifically provided.

The definitions of "principal use" and "accessory use" are not ambiguous with this Zoning declared authorization for two principal uses on one lot. Compliance with all requirements of the chapter requires a review of the Section 175-53 Table of Uses. Within the Church Hill District, under Category of Uses, Section IX, "Uses Accessory to Any Allowed Use," "surface parking" is specifically permitted in the Church Hill Zone. Admittedly, the proposed expansion provides spaces in excess of that which would be purely accessory. Thus, examination of the Category of Use columns Section VI "Utility and

Transportation Uses,” shows that “surface parking” is allowed as a Conditional Use, subject to the requirements of the Conditional Use permitting process for which the Applicant has applied (and meets the criteria). Additionally, the Historic District Overlay requires the Application be submitted to the Historic District Commission for review and determination of appropriateness.

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.
2. Historic District Approval:
 - Review of a Certificate of Approval

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 and the use is allowed as a primary, accessory or by conditional use. This expansion will provide much needed additional parking in a location within walking distance of the downtown district, will improve the functionality of this property and other rental and commercial properties owned by the developer and others.

(a) Adequate vehicular and pedestrian access for the intended use. This currently exists to and from the site. The existing accesses to the site are narrow with parking adjacent to the driveway but, they have been in place for many years providing ingress and egress to the site without any major traffic issues. The redesign will provide adequate vehicle access by adding a boulevard entrance with widened lanes and a defined entrance and exit. This will not only improve access for existing and proposed use but will also improve the emergency vehicle access to the site. A town sidewalk exists along the front of the property and a new sidewalk will be connected to the Town sidewalk to provide a pedestrian connection into the site.

(b) The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools and other municipal services. Adequate emergency services can be provided, and access will be improved with the construction of the new boulevard entrance. 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 absence of environmental constraints (floodplains, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints. There are no environmental constraints on this property. The site is not within the floodplain, it has only one small wetland pocket which will not be impacted, nor does it have steep slopes. The development proposal incorporates a balanced environmental design approach by filling the area to incorporate the stormwater system into the fill material and take advantage of the treatment and infiltration properties of the fill, the development is behind the existing structures as required by the regulations. The landscape plan will provide shading and screening along with the 100' undisturbed buffer of native vegetation.

(d) The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities. 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 make this location ideal for the proposed parking use. The

stormwater system will meet LID standards and provide collection, filtration, 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. This shall included but not be limited to traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

- This parking lot will not cause an adverse impact to abutting properties to a greater extent than any other existing uses in the neighborhood. This property is surrounded by parking lots, student housing, churches and other commercial uses. This parking lot will not produce any additional odors, noise, vibrations, or fumes that does not currently exist in the neighborhood. Vehicle traffic exists there today and this parking lot will not significantly increase the traffic because a large percentage of the vehicles are parked for an extended period of time and are not being used every day. This is proven in the traffic study. The exterior lighting is minimized by using shields to direct light into the site and downward, and the lighting design meets the site plan requirements. Dust will not be an issue because the parking lot will be fully paved, 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 location and scale of the parking lot is equal to or better than similar parking uses of surrounding properties. This parking lot is positioned behind the buildings and properly screened to a much greater extent than other parking lots in the neighborhood. In addition, the nature and intensity of the use will be equal to or in some cases less intensive than other parking lots in the neighborhood. This design meets appropriate and orderly development because it meets the design intent required by the site plan regulations.

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. This shall included but not be limited to, the relationship of the building to the street, the amount, location, and screening of off street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

- The design is not incompatible with the neighborhood because the access is being improved and the location of the parking spaces is being improved to better meet the regulations. This parking lot is equal to or better than other existing parking lots with respect to its relationship to the existing buildings, streets, screening and buffers. This parking lot is designed to the rear of all the buildings and is properly

screened to a greater extent than other parking lots on adjacent properties in the neighborhood. There is currently well-established pedestrian access and vehicle access is being improved with significant improvement to aesthetics and protection of historic resources.

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. This shall include but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.

- The parking lot defined as a structure, is designed to the correct scale with respect to the size of the parcel and the size of other parking lots on various parcels within the neighborhood. This design meets the requirements including the main entrance, to make it very compatible with the character of the neighborhood, when compared with other similar parking lot uses in the neighborhood.

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. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sires, scenic views, and viewsheds.

- This parking lot is specifically designed to preserve all of these resources that exist to the greatest extent possible. There is one small wetland pocket on the site and it is not being impacted, and a well vegetated buffer will remain in place, there are no floodplains, significant wildlife, cemeteries or graveyards on the site, therefore this design does not have a negative impact on natural or cultural resources. Secondly, this design protects the stonewalls along the property lines with adjacent properties, maintains a 100' no disturbed wooded buffer and the design does not alter the historic building as the parking lot is not visible from the public way because it is designed to the rear of the buildings and below the grade of Main Street.

6. Impact on property values:

The proposed development will not cause or contribute to a significant decline in property values of adjacent properties.

- The property value of the subject property was not diminished by the fact that there are several other parking lots of various sizes in and adjacent to this parcel.

7. Availability of Public Services and Facilities:

Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be

determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection and schools..

- The only public services required for this parking lot project are solid waste disposal, drainage and electric utilities. Waste disposal is provided by a private contractor and paid for by the owner, recycling is provided by the town. The design incorporates a new LID stormwater practice and electrical utilities are available and will be reconstructed underground. This parking lot will not increase demand on any municipal services as the owner is responsible for the operation and maintenance.

8. *Fiscal impacts:*

The proposed use will not have a negative fiscal impact on the Town unless the planning board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.

- The parking lot is privately owned; therefore, the construction and maintenance will be borne by the owner. There are no negative fiscal impacts to the town because there are no costs to the schools, or the town. As a matter of fact, private parking lots will decrease the demand for constructing municipal parking lots and reduce the amount of vehicles parking in the downtown area.

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

Sincerely;

A handwritten signature in cursive script that reads "Michael J. Sievert".

Michael J. Sievert PE
MJS Engineering