



TOWN OF DURHAM
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Town Planner's Recommendation
Wednesday, January 13, 2021

- IX. ***Public Hearing - 56-62 Main Street – Condominium Conversion*** Proposed conversion of 56-62 Main Street from four existing condominium units to five condominium units. Doug Clark, applicant. Mike Sievert, MJS Engineering, engineer. Map 2, Lot 14-4A, B, C, and D. Central Business Zone.

➤ I recommend approval as stated below.

The Planning Board accepted the application as complete on December 16 and set the public hearing. The application is an amendment to the existing condominium to add a fifth unit. Condominiums are subject to review by the Planning Board under state law and the subdivision regulations.

Audrey Cline requested a detailed floor plan of the new unit #5 beyond the general plan of the second floor. Doug Clark submitted a hand drawn plan which shows the three dwelling unit with the rooms. Audrey has requested that it be drawn using conventional drafting for recording. We will try to clarify this issue in advance of the meeting.

Regarding the last condition below, there are several outstanding items that must be completed by Doug Clark, mostly for utility work, related to the site plan approval for Ciao Italia Restaurant. Those items must be tied to Unit #1 and to Doug Clark unless other arrangements acceptable to the Town are made. The staff (Todd Selig, Rich Reine, April Talon, Audrey Cline, Christine Soutter, and Michael Behrendt), in role in administering the conditions of approval, approved an extension to address those conditions to June 15, 2022. We are holding a surety to cover the work and can withhold a certificate of occupancy for the basement pending completion of the items.

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NOTICE OF DECISION

Project Name: 56-62 Main Street Condominium Conversion - amendment
Action Taken: APPROVAL
Project Description: Amendment to approved condominium conversion to create a fifth unit.
Address: 56-62 Main Street and Jenkins Court
Property Owner: Doug Clark and Pete Murphy

Applicant: Doug Clark
Engineer: Mike Sievert
Map and Lot: Map 2, Lot 14-4
Zoning: Central Business District
Date of approval: **January 13, 2021**

The condominium conversion to create four units was approved by the Planning Board on July 10, 2019. This amendment to create a fifth unit is approved as presented in all of the condominium documents subject to the following terms and conditions.

- 1) Recording. This notice of decision shall be recorded at the Strafford County Register of Deeds with the amended condominium documents.
- 2) Condominium documents. The condominium documents for the purpose of this approval includes the first floor plan, basement plan, and second floor plan and the site plan developed by MJS Engineering and other documents submitted by the applicant.
- 3) Unit #5 Floor Plan. Provide floor plan for Unit #5 as specified by the Code Administrator.

[I included this condition in the event that we do not clarify the issue in advance of the meeting. See note above.]

- 4) Town Review. This approval is granted pursuant to the Durham Subdivision Regulations. The Town looked for only clear omissions or problems in accordance with those regulations. The Town did not conduct a thorough review of every aspect of the condominium documents as that is the responsibility of the property owner.
- 5) Unit Enlargements. The documents accommodate potential future enlargements for several units. It is understood that any expansion of the building envelopes or other changes subject to site plan review will require approval by the Town of Durham.
- 6) Communication with the Town. The Town will communicate with the association to the association itself, the board of directors, and/or the president, as appropriate.
- 7) Compliance with local law. Regardless of any specific language contained in the condominium documents that might not be consistent with local law, the condominium shall remain in compliance with all applicable local law.
- 8) Outstanding conditions. Outstanding conditions for the site plan review for 56 Main Street related to the establishment of a restaurant on the site (Ciao Italia Restaurant) are tied to the new Unit #1. Doug Clark, as owner of Unit #1 and Ciao Italia Restaurant, is

