



PLANNING DEPARTMENT
Town of Durham
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www.ci.durham.nh.us

M E M O R A N D U M

TO: Applicants for review of a **SITE PLAN**

FROM: Michael Behrendt, Durham Town Planner

DATE: June 2023

SUBJ: **Submission Requirements and Review Process for Formal Applications**

We appreciate your interest in developing property in the Town of Durham and would like to make the application process as simple and pleasant for you as possible. Please review this memorandum carefully and feel free to contact our office with any questions or comments. You can reach Karen Edwards, Administrative Assistant, at (603) 868-8064 or at kedwards@ci.durham.nh.us and Michael Behrendt, Durham Town Planner, at (603) 868-8064 or at mbehrendt@ci.durham.nh.us.

Preliminary discussions and review

Please note. For applicants and agents who are not highly familiar with the review process in Durham it is strongly recommended that you speak with the Town Planner about the submission and review process before preparing an application. Also, please review the Town of Durham Site Plan Regulations and Zoning Ordinance carefully before preparing an application.

Applicants are urged to speak with other Town departments, including the Assessing, Building, Economic Development, Fire, Police, and Public Works Departments, as appropriate, early in the process to learn of any potential issues. See the contact information at the bottom. In particular, *applicants are strongly advised to contact the Public Works Department about drainage issues and to coordinate about water and sewer connections.*

On any significant site plans, a preliminary meeting (conceptual or preferably design review) with the Planning Board prior to engineering the project is strongly recommended. In most cases, the initial site layout will change as a result of the Town's review and you will save time and money if you wait to do the engineering until after this meeting(s) with the board. A separate application form is used for preliminary applications.

Application Package

The applicant must submit all of the following items in order for the application to be accepted as complete and processed as a formal application (*see exception/clarification at the end*):

- 1) Application. Completed application form
- 2) Narrative. Written narrative explaining the proposed project, including any pertinent details
- 3) Small Drawings. Complete set of drawings on 11" x 17" sheets (paper only) – 15 sets folded in half. For large or significant projects one sheet in color showing various elements of the site is required.
- 4) Large Drawings. Complete set of full size drawings on 24" x 36" sheets (paper only) – 3 sets
- 5) Checklist. Complete and submit the checklist. All items specified on the Site Plan checklist must be submitted unless they are not applicable or a waiver is requested and approved.
- 6) Fees. Application fee and fees to cover notices. One check or two separate checks may be used. Checks should be made out to "Town of Durham".
- 7) Abutter's List. Coordinate with Tracey Cutler on preparing the list. All parcels of land which are contiguous to the subject property at any point or which would be contiguous if not for an intervening road or stream must be listed. The list may not be filled out more than 5 days prior to the application deadline. Please note that holders of conservation or preservation easements must also be notified. If there are any, they must be included on the abutter's list. For conditional use applications neighbors within 300 feet must be notified.
- 8) Waivers. Requests for waivers, if any, using the waiver form. The applicant may request waivers from submission requirements and design standards. Waivers are granted by the Planning Board at its discretion. If you believe that obtaining a waiver will improve your project we encourage you to apply for it.
- 9) Drainage Analysis. Submit a written analysis unless not applicable - 2 copies
- 10) Architecture. Architectural elevations are required, when applicable, and must be prepared by a licensed architect. Note that in the five core commercial zoning districts, detailed Architectural Regulations apply. 11" x 17" in color
- 11) Digital version. Include a digital version of all documents in this section via email (preferably) or disk.

If all necessary items are not submitted, such that the application cannot be accepted as

complete, the application will be treated as a preliminary application. However, *at the discretion of the Planning Board*, various items which can be reviewed fairly independently and readily inserted into an engineered plan *may* be submitted later, after plan acceptance, provided they are submitted in a form and timeframe to allow for full review prior to final action. Consult the Planning Department for more information. In addition, particular items – such as the drainage report, for example – may be submitted after the application deadline but prior to the Planning Board meeting and not affect acceptance, *if the timeframe for submittal of those items is approved in advance by the Planning Department*.

Review Process

- 1) **Schedule**. See the schedule of Planning Board meetings and submission deadlines. The submission deadline is 21 days prior to the Planning Board meeting. Applications may be submitted for any meeting except Planning Board workshops.
- 2) **Planning Board meeting**. The applicant or agent must attend all Planning Board meetings at which the project is discussed.
- 3) **Public Hearing**. A public hearing will be held on the application, generally at the meeting immediately following when the application is accepted as complete. The Planning Board may continue the hearing or close it at any time.
- 4) **Site Walk**. The Planning Board may schedule a meeting on site. The site walk is considered a public meeting and the public is welcome to attend. Pertinent elements of the site (such as corners of the building) should be staked by the applicant in advance of the site walk.
- 5) **Technical Review Group**. Agents and/or applicants must attend the Technical Review Group (TRG) meeting when scheduled. These are held on Tuesdays at 10:00 am in Council Chambers, generally on the week prior to the Planning Board meeting where the application is first presented. Follow up meetings are held later as needed. TRG meetings are an opportunity for the applicant to meet with staff and representatives of Town boards to discuss the project. TRG members may provide comments to the Planning Board but the TRG does not vote on any issues nor provide comments as a body.
- 6) **Regulations**. The application must be in compliance with all of the following: the Town of Durham Site Plan Regulations, unless a waiver is obtained; the Town of Durham Zoning Ordinance, unless a variance is obtained; and all other applicable local, state, and federal regulations. Applicants are encouraged to review these documents on line. Hard copies are also available for purchase.
- 7) **Energy Checklist**. The Town has developed a checklist to encourage applicants to systematically consider the energy efficiency of buildings and sites. Completion of the checklist and a meeting with the Building Inspector and a representative of the Durham Energy Committee is required prior to site plan approval.

- 8) **Fees and Improvements.** The application may be subject to the following additional fees and assessments:
- a) A connection fee will be imposed on all projects that tie into the Town's water or sewer system. *We strongly recommend that you speak with the Public Works Department early about the required connection fee.*
 - b) Where utilities, roads, sidewalks, drainage systems, or other infrastructure impacted by the project are substandard the applicant may be required to upgrade these facilities or contribute to an upgrade.
 - c) Payment to any outside consultants whose review is deemed necessary by the Planning Board.
 - d) Reimbursement of any out-of-pocket expenses incurred by the Town in evaluating the project.
 - e) School impact fees will be assessed for residential projects likely to generate students for the Oyster River School District. Information about the impact fees is provided on the Town's website.
 - f) Parking impact fee. A fee of \$1,500 per parking space may be paid in lieu of providing the full number of required parking spaces in the Central Business District.
- 9) **Other Studies.** Additional studies, such as a traffic study (and an analysis using the Town's Traffic Model for large projects) or fiscal impact study, may be required by the Planning Board, when appropriate.
- 10) **Tax Implications.** It is recommended that the applicant contact Jim Rice, Durham Tax Assessor, to learn about any tax implications of your project, *including payment of a change of use tax for property that will come out of the current use program.* You can contact Mr. Rice at (603) 868-8064 or jrice@ci.durham.nh.us
- 11) **Conditions of Approval.** Numerous proposed conditions will be delineated on a draft Notice of Decision presented for consideration by the Planning Board at a final meeting. Such conditions may include, but are not limited to, modifying plans, paying outstanding fees, obtaining state permits, and *placing several sureties/guaranties.* If the applicant does not think any of these conditions are appropriate he/she may certainly point out concerns to the staff and/or Planning Board prior to approval by the board.

Process after Approval

- 1) **Execution.** The project must be built and executed exactly as specified in the approved application package unless modifications are subsequently approved. All of the documentation submitted in the application package will be considered part of the approval unless otherwise updated, revised, or superseded.

- 2) Modifications. If you seek to make changes in the plans after approval, please notify the Planning Department. Modifications/amendments must be approved. We have a fairly quick administrative process for reviewing simple changes.
- 3) Precedent Conditions. On project approvals there are generally a number of conditions precedent– which may include, for example, payment of outstanding fees, modifying plans, and obtaining state permits - which must be met by the applicant prior to issuance of a building permit.
- 4) Construction Meetings. An on-site pre-construction meeting with Town staff must be held prior to any construction or site activity for all projects that involve significant ground disturbance. Regular construction meetings with Town staff may be required during the construction process.
- 5) Inspections. For significant projects, the applicant will need to coordinate with the Durham Public Works Department for periodic on-site inspections.
- 6) Current use. If any portion of the subject property is enrolled in current use, the applicant will need to provide the Durham Assessing Department with a revised Current Use map and any other items needed to comply with RSA 79-A. Note that the land use change tax must be paid for property that comes out of current use. The tax is 10% of the market value of the property at the time that it no longer qualifies for current use designation.
- 7) Appeals. Any party who is aggrieved by the decision of the Planning Board may appeal the decision to Superior Court provided the appeal is filed within 30 calendar days of the board’s decision.

Staff Contacts

Feel free to contact any Town of Durham staff members with any questions or concerns.

- Planning Department 868-8064
Michael Behrendt, Town Planner - mbehrendt@ci.durham.nh.us
Tracey Cutler, Administrative Assistant - tcutler@ci.durham.nh.us
- Assessing Department 868-8064
Jim Rice, Town Assessor – jrice@ci.durham.nh.us
Tracey Cutler, Administrative Assistant - tcutler@ci.durham.nh.us
- Building/Code Enforcement Department 868-8064
Audrey Cline, Code Enforcement Officer - acline@ci.durham.nh.us
Tracey Cutler, Administrative Assistant - tcutler@ci.durham.nh.us
- Fire Department 868-5531
Dave Emanuel, Fire Chief – david.emanuel@unh.edu
Brendan O’Sullivan, Fire Marshal – brendan.osullivan.dfd@unh.edu

- Police Department 868-2324
Rene Kelley, Police Chief – rkelly@ci.durham.nh.us
Dave Holmstock, Deputy Police Chief – dhholmstock@ci.durham.nh.us
- Public Works Department 868-5578
Rich Reine, Director - rreine@ci.durham.nh.us
April Talon, Town Engineer - atalon@ci.durham.nh.us