



TOWN OF DURHAM
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Town Planner's Project Review
Wednesday, October 25, 2023

- X. **81 Dover Road – Community Center**. Conditional use application from Arts in Reach to establish a community center for arts programming. The nonresidential program serves youth 11 to 18 in school, after school, during school vacations, on weekends, and during the summer. The existing single-family house and barn will be converted for this purpose. Jennifer Minicucci, Executive Director, applicant. Todd Cain, property owner. Tax Map 209, Lot 7. Office Research District.
- I recommend the board schedule the public hearing for November 8. Does the board want to schedule a site walk?

Please note the following:

- 1) **Application**. The applicant has provided detailed information about Arts in Reach and their plans for the site and numerous photographs of the site with the application.
- 2) **Conditional use**. This application is for conditional use. A community center is allowed in the OR zone by conditional use. There is no need to accept the application as complete. The applicant will submit a separate site plan application later. Generally, when a site plan is involved, the applicant submits the conditional use and site plan applications together. This is because: a) it is more efficient to review the two applications together since they are related; b) the applicant saves a little on notice fees; and c) often the site plan design is needed to evaluate the conditional use application (e.g., does the proposed location of the building have an undue adverse impact on abutters?).
- 3) **Site plan**. In this case, I don't think that a site plan is needed to evaluate the conditional use. The house and barn are existing, no new structures are proposed, and there are not extensive site changes needed. A site plan will be needed for additional parking, drainage, for handling waste and recycling, for lighting and landscaping if appropriate, screening from abutter(s), NHDOT approval, and possibly other items. But these items should all be workable such that they would not affect consideration of the conditional use. On the other hand, if there is additional information that is needed now, such as any analysis of traffic impacts, then that should be provided now because impact on traffic cannot necessarily be readily addressed with a site plan.
- 4) **Applicant's timeframe**. As I understand, the applicant is hoping to make an offer on the property soon. They do not wish to make an offer until/unless they obtain the

conditional use as this is the most uncertain part of the permitting process (including site plan review and building permit review). If they receive a conditional use they will make an offer and then submit the site plan after that. There is extensive work to be done on the barn but they have met with Audrey Cline and Brendan O'Sullivan, Fire Marshal, and have a good understanding of what is required. The applicant will correct this information if I have any of it wrong. Of course, none of this is the Planning Board's problem but if we can be responsive to applicant's constraints without affecting the character of the review then we try to do that.

- 5) Utilities. The site is served by on-site well and septic. The applicant has a NHDES approval for a new septic system to serve a 4-bedroom house. They will need approval from NHDES for the proposed use, which may generate more or less than a 4-bedroom house.
- 6) Traffic impact. I don't believe there would be a significant adverse impact to traffic. See the email that I sent from the applicant addressing trips to the site. This is a state road with a high capacity and any increase here, compared to the old single family use, would be quite nominal relative to the overall amount of traffic. The most recent counts that we have for this section of NH 108 is from 2015. The total average weekday 24 hour count, including both directions, was 4,990 vehicles. It is likely considerably higher now.
- 7) Conditions. If the board does approve the conditional use then it can include any appropriate conditions including obtaining site plan approval, obtaining approval from NHDOT, providing any necessary screening to abutting single family houses, setting appropriate conditions on the operation of the program as part of site plan review (such as hours, outdoor activities, etc.), etc.
- 8) Community Center. We have classified the proposed use as a community center. Under Section 17-8 of the Zoning Ordinance, it is the responsibility of the Zoning Administrator to interpret the ordinance. Todd Selig is the Zoning Administrator but he delegates that responsibility to Audrey Cline on a day to day basis. Where there is any significant question about something under zoning Audrey, Todd, and I confer. After evaluating half dozen possibly classifications we agreed that community center is the most appropriate, not an exact match but the best one among the various categories.
- 9) TRG. I shared the information with the Technical Review Group but have not heard of concerns from any staff members.
- 10) State approval. The applicant said they will not need any new approvals or licensing from the state to establish Arts in Reach at this new location.
- 11) Other information or concerns. Is there any other information that the board would like for the applicant to provide to help evaluate the conditional use application?