

**From:** [Michael Behrendt](#)  
**To:** [Tracey Cutler](#)  
**Subject:** FW: Dover Road #81 - email from Town Planner  
**Date:** Wednesday, November 8, 2023 3:45:52 PM  
**Attachments:** [81 Dover Rd Concerns.pdf](#)

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Tracey,

Please also print my email below for the tables and post my email to the website.

## Michael Behrendt

Durham Town Planner  
8 Newmarket Road  
Durham, NH 03824  
(603) 868-8064

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**From:** Michael Behrendt <mbehrendt@ci.durham.nh.us>  
**Sent:** Wednesday, November 8, 2023 3:43 PM  
**Subject:** Dover Road #81 - letter of concern from Leoni Meijer \*

To the Planning Board (cc to applicant and Ms. Meijer)

I have reviewed the attached letter. Since the conditional use application is presented for prospective approval this evening I want to respond to the concerns raised by Ms. Meijer, now, ahead of the meeting.

### Community Center designation.

As I explained to the board earlier, when we receive an application for a use that does not fit easily into a listed category in the table of uses, we analyze the proposal and designate it as the closest use. When there is uncertainty, Todd Selig, Town Administrator; Audrey Cline, Zoning Administrator; and I get together to discuss this. After considering numerous possibilities we determined that community center is the closest designation, that best captures the character of the proposed activity. A side benefit of this determination is that a community center is allowed by conditional use, allowing the Planning Board to deliberate the proposal carefully for compliance with the 8 criteria, in contrast to a permitted use which does not involve such an analysis. There is some additional logic in this designation given the numerous other more intensive uses allowed in the Office Research zone by right or by conditional use.

Here are some other allowed uses in the Office Research District:

*Permitted by right:* Senior Care Facility, Nursing Home, Indoor Recreation Facility, Outdoor playing fields, Office, Research Facility, Light Manufacturing.

*Allowed by conditional use:* Senior housing, Preschool, Church, Outdoor Recreation Facility, Conference Center, Hotel, Warehouse, Wholesale Sales.

### Site plan.

As I explained earlier submission of a site plan should not be necessary to evaluate this conditional use application. There is a good deal of information before the board to make this determination

with the fact of the existing developed site and the extensive information about the organization submitted by the applicant. A site plan should be required with a conditional use application when there are big questions that could determine if the conditional use is appropriate, including where a proposed building will be located. The only significant change to the site anticipated is adding parking.

There are issues that will need to be addressed and so a site plan review will be necessary, regarding parking, screening, hours of operation, waste management, etc. If there are significant issues where there is uncertainty whether or not they can be adequately addressed with a site plan, then that information should be presented now. For example, there are limited mitigations that an applicant can do regarding traffic. If it was expected there could be a significant traffic problem then the applicant should prepare a traffic study now. But given the large amount of background traffic on Route 108, a state road, and the small increment to be added by this site, it does not seem reasonable to require a traffic study.

Note that the Planning Board has more leeway in approving a conditional use than a site plan. For example, if the Planning Board determined that a portion of the lot should not be used in order to meet the conditional use criteria, then it could impose that requirement as part of a conditional use approval. On the other hand, it would be quite difficult to impose such a condition on a site plan.

#### Traffic.

Based upon the information provided by the applicant it is not expected that the use will have a negative impact on traffic. The applicant may have difficulty making left turns out of the site at certain times but that will be their burden. The applicant will need approval from NHDOT for the change in use. It is conceivable, but very unlikely, that NHDOT would require some improvement such as building a right turn slip lane into the site.

#### Parking.

The Planning Board can talk about parking at the site walk today. How many additional spaces would likely be needed? Can these be readily accommodated on site with an expansion of the parking area?

#### Stormwater.

Stormwater is readily engineered, whether a simple or complex plan is needed. The main change is adding parking spaces. I see no reason that this can't be adequately addressed under the site plan.

#### Septic system.

The applicant will need to address the septic system with NHDES. Again, it should be possible to engineer whatever type of system is needed. Some systems cost more than others and the applicant will need to be prepared to meet NHDES requirements. There is a leach field now. The lot is 1.2 acres.

### Screening.

The site plan regulations require screening between this nonresidential use and the adjacent single-family house. As part of the site plan review the Planning Board will look very carefully at this issue. The board may require installation of fencing, additional landscaping, or other methods to screen the property.

The Meijer house is quite close to the side lot line. The applicant has stated that most of the activities will occur inside the barn (or the house). Fortunately, most of the outdoor space is on the far side of the house from the Meijer property. This side yard is a fair distance from the property on the southerly side, which also is an owned-occupied single family house.

### Property Values.

Conditional use criterion 6 requires that the proposed use “not cause or contribute to a significant decline in property values.” Keep in mind that the area is zoned Office Research, the property is situated on a state road, the property is now for sale and it could be purchased for other possibly intensive uses allowed by right (or by conditional use).

Potential changes in the future. If there is concern about the applicant expanding the buildings on the site or about a future owner being less diligent than one would expect the applicant to be, the conditional use ordinance requires that if the use is changed or the building(s) are expanded in the future a new conditional use would be needed.

### **Michael Behrendt**

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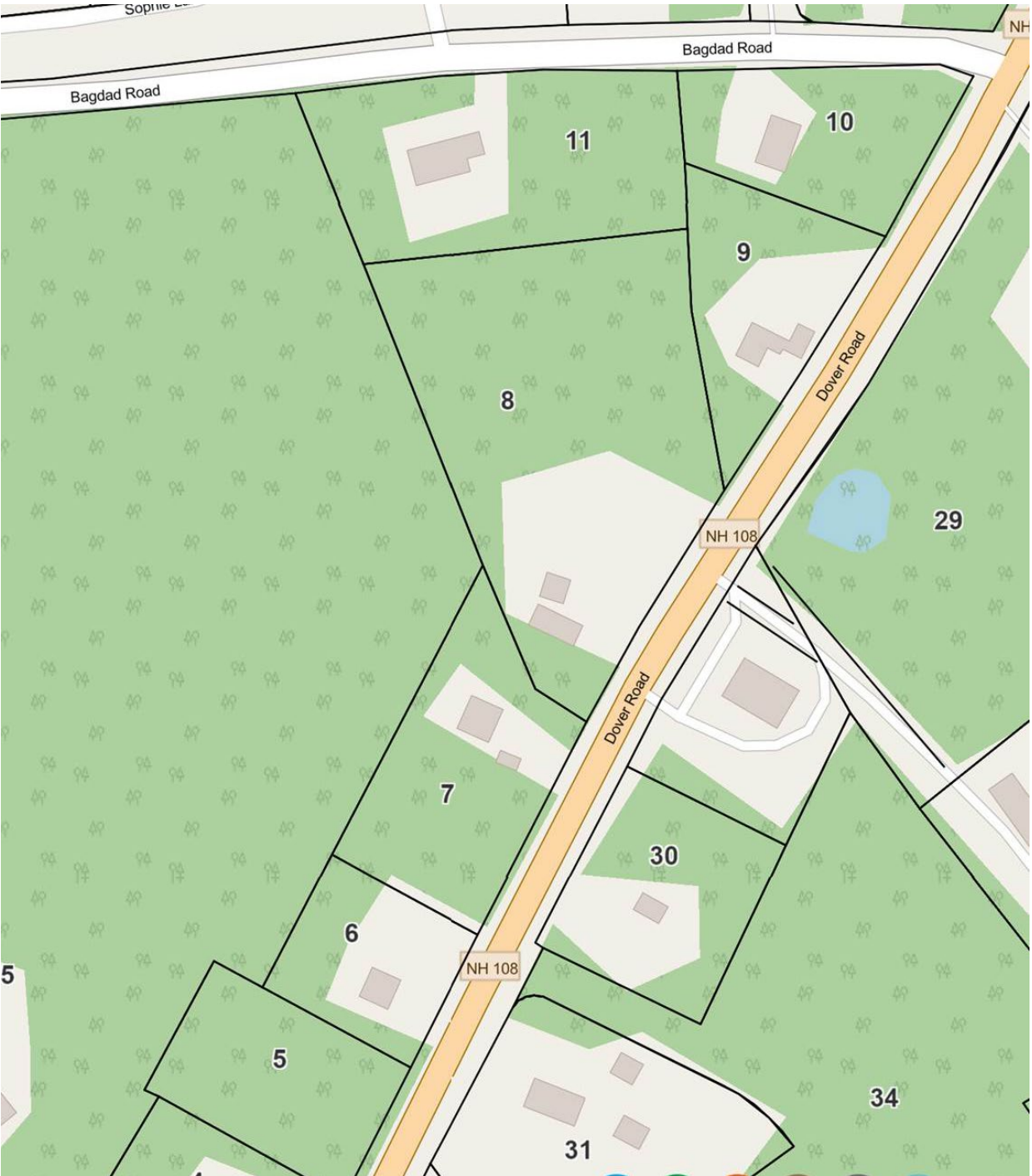
**From:** Michael Behrendt

**Sent:** Wednesday, November 8, 2023 2:22 PM

**Subject:** Dover Road #81 - letter of concern from Leoni Meijer \*

To the Planning Board,

Please see the attached letter from Leoni Meijer. Ms. Meijer lives next to the subject site at 85 Dover Road, Map 209, Lot 8 as shown here.



**Michael Behrendt**

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**From:** Leo M <[leo.meijer@hotmail.com](mailto:leo.meijer@hotmail.com)>  
**Sent:** Wednesday, November 8, 2023 10:14 AM  
**To:** Michael Behrendt <[mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us)>

**Subject:** Letter of Concern 81 Dover Rd

You don't often get email from [leo.meijer@hotmail.com](mailto:leo.meijer@hotmail.com). [Learn why this is important](#)

Dear Mr. Behrendt and members of the Durham Planning Board,

Please see my letter attached re. 81 Dover Rd.

Kind regards,

Ms. Leo Meijer