



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

Town Planner's Project Review
Wednesday, April 24, 2024

VIII. **Public Hearing - 9 Dover Road – Conditional Use.** Conditional Use application for retaining an existing parking lot for parking as a principal use (i.e., for parking that can be rented to people from off site). Fred Kell, c/o Tyche Capital Group, LLC, property owner. Map 108, Lot 43. Courthouse District.

➤ I recommend approval as stated below.

Please note the following:

Conditional use. The application is for a parking lot to be a principal use. This would allow the owner to rent spaces to people who do not live at the property. The Courthouse District allows parking as a principal use by conditional use. The applicant addresses the eight criteria in his application.

Process. The board does not need to accept the application as complete. Abutters will be notified and there will be a public hearing. The application was sent to the Technical Review Group and staff members can share any comments. There won't be a review at a TRG meeting though. Does the board want to conduct a site walk?

Number of units, tenants, and parking spaces. I understand that there are three units in the building with 8 tenants. Audrey Cline advised me that the status of the building is in flux, regarding number of units, number of tenants, and sprinkling of the building but she is working on that issue separate from this application. There are eight striped spaces on the pavement on the right side of the building on Dover Road. There is a driveway on Bayview Road with two parking spaces or more if vehicles are parked behind one another.

Stormwater. Em Friedrichs asked if there are appropriate stormwater improvements to make related to the parking lot. I contacted April Talon, Town Engineer, but she did not have any comments. There is a drain in the parking lot which leads directly to a large PVC pipe that outlets right into a stream. I do not know where the stream leads. I would recommend the applicant dig out the area below the pipe, install sand and rip rap to facilitate some percolation before the stormwater enters the stream.

(over)

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NOTICE OF DECISION

Project Name: 9 Dover Road – Conditional Use
Action Taken: APPROVAL
Project Description: Conditional use to allow the two existing parking areas on site to be leased to people who do not live, work, nor visit businesses on site. Parking as a principal use is allowed by conditional use.
Property Owner: Fred Kell, c/o Tyche Capital Group, LLC
Applicant: Fred Kell, c/o Tyche Capital Group, LLC
Map and Lot: Map 108, Lot 43
Zoning: Courthouse
Date of approval: April 24, 2024

The application is approved as submitted with the following additional terms.

- Parking is restricted to striped parking spaces on the pavement in the parking area on the right/easterly side of the lot. Parking is limited to three parking spaces on the left/westerly side of the lot that are accessed from the driveway off Bayview Road. All vehicles must be parked on paved areas.
- The applicant shall provide basic stormwater management at the existing drainage pipe from the parking area on the right side. The ground below the pipe shall be dug out to a depth of several feet, sand or other appropriate percolating medium shall be installed, and rip rap shall be placed over the sand to allow for runoff to percolate before reaching the stream below. This design may be altered in accordance with best stormwater management practices with approval from the Town. This installation shall be completed by September 1, 2024.
- Any expansion of the parking area would require a site plan review and a revised conditional use approval for additional spaces to be leased.

Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting *documents*, and plans for the project; **B)** The Planning Board held a *public hearing* on the application; **C)** The applicant addressed the eight *conditional use criteria* in the application; **D)** The Planning Board found that the eight criteria for *conditional uses* outlined in the Zoning Ordinance section 175-23 C. are adequately addressed; and **E)** The Planning Board duly *approved the application* as stated herein, including the conditional uses. Substantial records are maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.