

These minutes were approved at the July 8, 2020 meeting.

DURHAM PLANNING BOARD
Wednesday, May 27, 2020
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT: Paul Rasmussen, Chair (in person)
Barbara Dill, Vice Chair (remotely)
Richard Kelley, Secretary (remotely)
Lorne Parnell
Bill McGowan (arrived remotely at about 7:25 pm)
Jim Bubar (in person)
Mike Lambert, alternate (remotely)
Heather Grant, alternate (remotely)
Sally Tobias, Council Representative to the Planning Board
(in person)

MEMBERS ABSENT: Bill McGowan
Sarah Wrightsman
Jim Lawson, alternate Council Representative to the
Planning Board

I. Call to Order

Chair Rasmussen called the meeting to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen appointed Mr. Lambert for Mr. McGowan, and Ms. Grant for Mr. Parnell.

III. Approval of Agenda

*Jim Bubar MOVED to approve the Agenda as distributed. Councilor Tobias
SECONDED the motion and it PASSED unanimously 6-0 by a roll call vote:*

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Mike Lambert</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

IV. Town Planner's Report

Mr. Behrendt said he had nothing to report other than the site walk at Gerrish Drive today.

V. Reports from Board Members who serve on Other Committees

Councilor Tobias reported on the most recent Council meeting. She said the Council voted in Rene Kelley as the new Police Chief. She said the Council moved on first reading the Zoning amendment for the Durham Business Park.

She said the EDC finalized the formation and membership of the new Housing Committee at its recent meeting on Zoom, and said Sarah Wrightsman would chair this committee. She said the EDC also discussed the various issues downtown businesses were facing in opening up, and how the Town was helping as much as possible with this.

VI. Review of Minutes (old):

Mr. Parnell arrived at 7:07 pm. Mr. Kelley also arrived around this time.

March 11, 2020

Chair Rasmussen MOVED to approve the March 11, 2020 Minutes as presented. Lorne Parnell SECONDED the motion and it PASSED unanimously 5-0-1 by a roll call vote with Richard Kelley and Barbara Dill abstaining

April 15, 2020

Richard Kelley MOVED to approve the April 15, 2020 Minutes as presented. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote.

VII. Public Comments

Matt Komonchak, Thompson Lane, said he realized the Planning Board was in a difficult situation, in unprecedented times when it was very difficult to plan. He said at the last meeting, it was almost comical that the pandemic wasn't mentioned, and said while unemployment was skyrocketing and people were dying, there was no mention of this. He said this was concerning as a citizen.

He said no one expected the Board to predict the future, but said Durham citizens expected them to grapple with reality and consider how it might affect the projects coming under their purview. He said given the uncertainty, it seemed that a lot of the projects they were considering could be postponed and tabled for a short time, until there

was more clarity about the economic future, UNH enrollments, and the health picture in the state and Seacoast. He spoke further, and said continuing the proceedings while a significant population of Durham was excluded from them was doing a disservice to the Town. He said a lot of the wisest, most thoughtful residents were sitting on the sidelines, while decisions were being made on projects that would have implications long into the future.

Joshua Meyrowitz, Chesley Drive said there were a lot of restrictions right now to public participation, noting that people used to fill the room when they were concerned about an issue, but now, one couldn't even see who was at the meeting. He said people couldn't contribute in a meaningful way when they couldn't be seen. He said the faces of the people behind a speaker at a meeting were an important part of a meeting, and said all of this was something to grapple with. He said Zoom meetings equalized everyone, but said the public was muted and made invisible. He noted that at the last meeting, the Board forgot that members of the public had all gathered to comment. He asked how the public could be more involved in meetings.

Chair Rasmussen said if the Board liked, they could talk about this under Other Business.

VIII. Public Hearing - Subdivision off Gerrish Drive. Parcel at 91 Bagdad Road (address). Preliminary design review application for conservation subdivision for houses on 16-acre lot off Gerrish Drive. Marti and Michael Mulhern, property owners. Mike Mr. Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 10, Lot 8-6. Residence B District.

Chair Rasmussen said he would recuse himself because of work he was under a contract with MSJ Engineering. Ms. Dill took over as Chair.

Mr. Sievert was present in the Council Chambers, and noted that this was the design review phase of the process. He said he had resubmitted all of the materials required. He reviewed the existing conditions plan, and noted that new information was added to it concerning topography in the right of way area, and also concerning new wetland mapping.

He showed a site analysis map, which showed the usable and unusable land on the property. He said it also showed the buildable area, based on soils, topographical and other natural resources information. He said they recalculated the density, and said it had gone up slightly because land in Madbury was included. He noted that they had applied the Durham regulations to the land in Madbury. He said about 7.2 acres of the 16 acres was unsuitable.

Mr. Sievert showed the subdivision layout plan, and spoke in some detail on it. He also showed a zoomed in layout, which showed the importance of the common area for the proposed pocket neighborhood design, and said it was a central part of the whole design.

He said at the site walk it was seen that this was a fairly level area, with sloped area beyond. He said they'd gone to 13 units, as show on the plan. He reviewed the mix of single-family homes and duplexes that were proposed.

He next reviewed the 4-step design process and how it had been met.

- Delineation of common areas - He said this common area incorporated unsuitable/unusable areas on the site as well as 40% of usable area. He said the applicants were required to have 10.7 acres of common area, but actually had quite a bit more, and he elaborated on this.
- Siting of buildings - He said they'd walked the site and determined this based on the topography and soils
- Layout of the roads - He said they were trying to get the roads to the outside, and said it worked here, including with the pocket neighborhood design, which provided an additional 2-3 acres of open space instead of larger lots.
- Layout of the lots – He said there wouldn't technically be lots laid out, and said there would be a condominium style of ownership.

Mr. Sievert showed how the Resource Impact and Conservation plan that had been put together laid the subdivision design over the various resource areas. He said it also laid out some of the drainage and how it would be treated before it went into the wetland areas, brooks, and offsite resource areas. He said this plan also showed the wider town road portion that was 500 ft long, and the two driveways, which were 20 ft private roads to the north and south. He noted that these private roads could be narrowed down, resulting in less impervious surface. He said the layout allowed protection of 13 acres of undisturbed land and land under conservation easement out of a total of 16 acres, and said 3 acres would be developed. He said this point was being missed by some.

Mr. Sievert noted the Conservation Open Space plan, which delineated the common land that had been divided into open space and conservation land. He said the open space would be the common land directly around the houses, and said it was further divided into recreation and active residential use areas for gardening and gathering spaces, and then into stormwater areas, roads, and utility areas, all of which would be controlled by the homeowner association. He said another category was the conservation land, which would be undisturbed with the exception of a small walking trail system. He said the conservation land would be owned by an outside entity, as compared to the other open space.

There was discussion that the blue area around the existing house on the property would have its own open space area around it. Mr. Sievert said another option was to subdivide that piece off by itself, and he spoke further on this.

He showed some plan profiles of the roadway. He said the road would hug to the north side of the right of way, and spoke further on this. He said grading was shown in the plan profile, and reviewed this, as well as the culverts to be put in. He said water coming from the subdivision would go through a swale area and through the culvert, and then back into

the wetland, as it did today. He said this design would include a treatment system and also said no additional runoff would be added to the existing quantity of runoff. He spoke further about the road profile, coming further toward the subdivision. He said there would need to be guard rails in places. He also noted the culvert that would allow wildlife to pass through.

Mr. Sievert showed profiles of the two driveways with the cuts and fills that were planned, and said they would be minimal. He provided details on this. He also spoke about stormwater treatment areas that would be incorporated into the design.

He noted that he'd also submitted a plan to show how the subdivision would tie into the existing sewer system. He said the sewer connection was on Sumac Lane, and said a force main from the subdivision could tie into it. He also said this would allow neighbors to tie into the sewer connection in the future. He noted that the septic systems in the area were old and failing. He said the financial piece of this hadn't been worked out at this point, but said the preliminary numbers they'd gotten were reasonable. He spoke further on this.

He showed a map of the watershed area for Gerrish Brook to the crossing at Route 108, and said it contained 970 plus acres. He showed how the applicant's property was the outlet for the watershed. He said the impervious area percentage in the watershed was approximately 3.6%, and said there wasn't a lot of development in it. He said the UNH Stormwater website indicated that an impervious area percentage greater than 10% was where one would see degradation.

He said the total impervious area on the Mulhern lot was 1.3 acres out of 16.7 acres, which was 8.3% of the land. He said 10.7 acres would be untouched. He said the subdivision would raise the impervious area percentage in the watershed from 3.6% to 3.8%. He noted that the Gerrish subdivision contained 3.7 acres of impervious surfaces out of a total of 25 acres, with its Town road and almost 1 acre lots, reflecting the old subdivision style. He said that was 14.6% impervious, and said the new subdivision would have half of that.

He said they were trying to meet the conservation subdivision requirements, and were trying to get to the next phase of the process and would provide more information as part of that.

Mr. Sievert noted the Town regulations and NH DES Alteration of Terrain (AOT) permit requirements that would need to be met concerning wetlands. He said the applicants didn't have an issue with outside reviews at a certain point. He noted that the wetland scientist for the project was doing a functions and values analysis for the wetlands on the site. He also said the stormwater design hadn't been done yet. He said they were trying to work with the abutters, to improve the road design and possibly tie into the existing sewer connection.

Lorne Parnell MOVED to open the Public Hearing. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Barbara Dill</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Andrew Merton, 11 Gerrish Drive, first noted that the first map put up by Mr. Sievert showing usable and unusable area. He said the right of way was colored bright pink, which should probably be a nonstarter.

He then read a prepared statement:

“My name is Andrew Merton. My wife Gail Kelley and I have owned our home at 11 Gerrish Drive for 32 years. During that time we have paid well over \$300,000 in property taxes to the Town of Durham. Given that there are 21 houses in the Gerrish/Ambler subdivision, the total amount of property taxes paid to the town over that period easily exceeds \$6 million. Gail and I have paid our taxes willingly. That money helped put our two children through the Oyster River School system, and has paid for a variety of much appreciated services.

But the idea that a percentage of our tax payments may now help finance the destruction of wetlands adjacent to our home in service of a highly problematic access route to a proposed housing development does not sit well. Yes, the appropriate word here is destruction. I’ll quote here from the minutes of the Conservation Commission meeting held April 27: the project engineer, Michael Mr. Sievert, “...said a total of 9,000 square feet would be impacted by the proposed roadway, including 1500 square feet in the crossing and 7,800 square feet in the right-of-way.”

Commissioner James Bubar “asked about the total square footage of impervious surface proposed for the development, including the right-of-way. Mr. Sievert estimated about 27,000 square feet of impervious surface for the roadway, and another 18,000 square feet for the houses, for a total of just under one acre.” Later in the meeting Commissioner John Nachilly said ...”proposing to fill in 7,000 square feet and forcing the runoff into a fairly narrow culvert before it’s dumped into a stream that’s already impacted is questionable. He said, ‘I’ve been on commissions close to thirty years and this is one of the worst I’ve seen from an access perspective. This is a stream and it’s turning into prime access.’”

So yes, the correct verb for what this project will do to the wetlands is “destroy.” Back in the days of the Vietnam War, the U.S. military used a euphemism for what they were doing when they bombed villages in that country: “We have to destroy them in order to save them.” Many villages were destroyed. There is little record of any of them being saved. That is because “destroy” is an absolute term. You cannot save something once it has been destroyed. I trust that during their deliberations the members of the Planning Board, as well as the town planner and the town attorney, will take care to balance the possible immediate financial benefits of a

new housing development against both the short and long term negative environmental impacts of the project on the Ambler/Gerrish neighborhood, as well as on the town of Durham as a whole.”

John Lewis, Gerrish Drive, said he listened carefully to what Mr. Sievert had said, and said he appreciated that they were at a certain point in the process. He said the 4 steps in the process were described well. He said Mr. Sievert made some interesting points. He also said while Mr. Sievert had said he thought that some others weren't being fact based, he hadn't done the stormwater study, and the wetland study wasn't complete. He said the burden was on Mr. Sievert to satisfy the Conditional Use criteria. He said they were pretty good criteria, including that there couldn't be an adverse impact on the neighborhood, there couldn't be damages to wetlands, and as much as possible they should be restored. He said he wasn't convinced that these criteria were satisfied.

He said he applauded the idea of independent experts being hired with stormwater and hydrological expertise, and said he assumed the applicant would bear the expense of this. He said the Board needed to look at the whole project. He said there had been discussion already about possible alternative routes, and noted that he said at the site walk that the Bagdad Road access, which the Mulherns used, would safely get people out to Route 108. He said there was case law in regard to variances about self-created hardships, and spoke further on this.

Mr. Lewis said in 2018, the Mulherns deeded away their right of way/ rights regarding Bagdad Road, except for their ability to use it personally to get in and out. He spoke further about what had happened concerning this, and said without consulting anyone, the Mulherns deeded it over to a property owner who said he wouldn't cooperate with any of this. He said the Board needed to consider this, and said however that had happened, the deeds and facts spoke for themselves. He said the Bagdad route would be longer, but might have less impact on wetlands, and wouldn't impact the stream and wetlands on the “paper” road. He said 50 years had gone by, and said it was important to look at the whole context now. He spoke further on this and said he looked forward to seeing the more detailed plans.

Mike and Molly White, Ambler Way. Mr. White thanked the Board for visiting the neighborhood today. He first noted that when they walked back today toward the wetland finger, he saw that there were ferns that had sprouted, despite the fact that there had been no rain. He said he was strongly in favor of the sewer connection that was proposed, which would be beneficial to their neighborhood. He noted that they were facing failing septic leach fields, and also said it could help alleviate downstream effects of eutrophication. He asked if anyone could provide details on the financial impacts, positive or negative, that a sewer line would have on the neighborhood.

Gail Kelley, 11 Gerrish Drive said the maps Mr. Sievert had showed on the design of the right of way presupposed that the applicants would get a lot line adjustment from her

and her husband, but said they were not inclined to agree with that at this point. She said at the site walk there was the assumption that this was what the design would be. She also asked where the construction equipment would be parked during construction of the road, and said they weren't inclined to go along with a temporary construction easement at this point either.

Diana Carroll, Canney Road, spoke about the fact that the two areas in the Zoning Ordinance that pertained to this project were Conditional Use and the Wetland Conservation Overlay District. She reviewed the Conditional Use criteria under 175-23, and said concerning site suitability, which included absence of environmental constraints, there were numerous environmental constraints here, including the complete obliteration of the wetlands of the Gerrish extension. She also said the plan showed there would be serious impingement on wetland and wetland buffer areas with the houses and roads.

She said external impacts from the project would include excess water and flooding concerns. Concerning the criterion on preservation of natural, cultural, and historical resources, she said if wetlands were to be destroyed, the wildlife living and depending on them would be affected negatively. She also said if the roads and houses were placed in the wetland or wetland buffer, this would affect aquatic life negatively. She spoke further on this.

She said it wasn't possible to know the full extent of flooding impacts on property values until after the fact. She said the criterion concerning availability of public services and facilities include drainage, and said more information was needed on this. She noted how removal of trees and destruction of wetlands could impact drainage. She also noted the impervious cover proposed, as well as the steadily rising amount of precipitation in the area.

Ms. Carroll next reviewed the Wetland Conservation Overlay provisions as they related to the project, and discussed the Conditional Use criteria in them. She said there were alternatives to using the Gerrish extension, including the Bagdad Road access, which had been set aside, and said that history had to be brought out. She said there was also the access on Route 108. She said that concerning the soil disturbance criterion, it had been said that 100% of the soil would be completely changed. She also noted how the road and house would impact the buffer. She said that in regard to mitigating adverse impacts that the functionality of the existing wetlands couldn't be recreated. Concerning restoration activities that would leave the site as nearly as possible in the existing condition, she said that wasn't the case with what was proposed.

Ms. Carroll said all of this was what the Board's decision should be based on, in working with the Conservation Commission. She thanked them for the site walk and their close attention to the project.

Malcolm Sandberg, Langley Road thanked the Board, and other speakers who'd made important comments. He asked Mr. Behrendt if the project as presented so far conformed with the Zoning Ordinance and Subdivision Regs, and if it was an approvable proposal. Mr. Behrendt said that concerning the conservation subdivision requirements, the proposal did appear to meet the requirements. He said that regarding Conditional Use, that was something the Board would determine. He spoke further on this in response to Mr. Sandberg's questions.

Mr. Sandberg said the cart appeared to be before the horse. He said the applicant should be able to develop a plan that was approvable, and spoke further on this. Mr. Behrendt said the Zoning Ordinance, and the Subdivision regulations laid out the specific requirements, and said they appeared to be met. He said the final review would be done of the formal application. He said the Conditional Use items were unavoidable, and were concerning filling a wetland, and putting a road across a wetland and wetland buffer. He said there was no way around these.

John Carroll, Canney Road said he was on the site walk today, and also attended part of the site walk the Conservation Commission had held. He said he believed that both the Planning Board and the Conservation Commission needed to do a site walk that included the entry point at Bagdad Road. He noted that he'd been focused on the offsite consequences of the project, which included impacts on Madbury. He said the project drained entirely into Madbury before flowing into Gerrish Brook and into Johnsons Creek before returning to Durham.

He said removing all the trees from the Gerrish extension and privately owned land, as well as the impervious surface increases, the 100% removal of wetlands on the Town owned property, along with increases in precipitation added up to greater water flow than had ever been seen coming out of the watershed. He also noted the impacts there would be on Route 108, where tidal waters were expected to rise in the future. He said this turned the project into a development of regional impact. He suggested that an independent watershed hydrologist should be hired by the Town and paid for by the applicant, in addition to hiring an independent wetland scientist. He said the issue of nitrogen loading into Great Bay should also be looked at.

Lorne Parnell MOVED to continue the Public Hearing to the June 10, 2020 meeting. Jim Bubar SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Barbara Dill</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>

Councilor Tobias

Yes

Mr. Sievert asked if there was anything specific the Planning Board would like to see in addition to what had been provided. He said he believed he'd met the requirements for the design review process.

Ms. Dill noted the questions people had asked. Mr. Sievert said he'd already answered questions with what he'd provided. He said more detailed information could be provided as they went into more detail on the design.

Mr. Behrendt said any construction outside of the right of way to realign the road a bit as discussed would have to be approved by Ms. Kelley and Mr. Merton. He also noted that Ms. Kelley had asked about construction equipment storage. Mr. Sievert said it would be stored on the applicant's site, either on the right of way or on a cleared area.

Mr. Parnell asked if Mr. Sievert needed more information before the design review was closed. He also asked why the Board was continuing the public hearing.

Mr. Behrendt said he had suggested to the Planning Board and Conservation Commission that they meet with the Town attorney, since there were a number of issues and questions. He said it would be a joint meeting, on Zoom, and would be a closed meeting intended to educate both boards.

He also suggested that when the design review process was closed, each Board member should provide their thoughts about the project. He said the issue of regional impact could be taken up as well, and said they could also talk then about hiring outside consultants, or could discuss this when they saw the final application. He said one more meeting would probably be needed to accomplish these things.

Mr. Sievert said he'd like the project of regional impact question to be answered by the next meeting. He said he didn't think the project met the standard of being of regional impact. He said he knew the water flowed downhill, but said this could be mitigated. He spoke further on this and said he believe they could meet all the requirements.

Mr. Behrendt noted that the Conditional Use application was only in regard to the proposed filling of wetlands, and activity in the wetland buffer. He said the 8 general Conditional Use criteria weren't applicable here because the Conditional Use wasn't about the whole project.

Mr. Kelley said normally, the Conditional Use application would be presented with the final application, and asked if that was correct. Mr. Behrendt said yes.

Chair Rasmussen returned to the table at 8:45 pm.

Mr. Behrendt left the table.

IX. Public Hearing - Mill Plaza Redevelopment. 7 Mill Road. Continued discussion of fiscal impact study and discussion of stormwater management study. Continued review of application for site plan and conditional use for mixed use redevelopment project and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Ari Pollack, attorney. (Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.

Mr. Taintor joined the meeting remotely. He said there had been several letters about the fiscal impact report, most of which were posted on the website. He said the most recent letter, from Attorney Puffer hadn't been posted yet but had been provided to the Planning Board.

He said he reached out to Mr. Behrendt concerning the development of regional impact issue as it pertained to the Mill Plaza project, and forwarded Mr. Behrendt's comments about this to the Board. He noted that Mr. Behrendt's comments reflected only what took place in regard to this issue while he was assigned to the project.

The public hearing was continued.

Joshua Meyrowitz, Chesley Drive provided a slide presentation entitled: "Planning for a Post Enrollment Cliff" Durham. He noted that birth rates were declining, and said there was a looming demographic storm concerning UNH enrollment. He said Durham had been warned out about this for decades, in regard to student housing. He said in recent years UNH had been struggling with this issue and lowering its standards to keep enrollment up. He noted that China no longer encouraged its students to come here.

He said 2400 new student housing units had been created in Durham since 2008. He noted articles about the enrollment drop that was coming, and said schools with less name recognition and prestige would have a hard time. He noted Mark Huddleston's speech about the decline in his speech as outgoing president of UNH. He said UNH didn't have the power to deal well with the new demographics, given its relatively lower endowment compared to other universities.

Mr. Meyrowitz said the fiscal analysis said enrollment was expected to remain at about 15,000, but he questioned this data, and provided details on this. He also spoke about the possible impacts of the pandemic on enrollment. He noted that higher education spending and student debt in NH were the lowest and highest in the nation, respectively. He said UNH also didn't have a good track record in retaining non-majority students. He said Navitas admissions had dropped by 90% by 2019 because of immigration and visa restrictions, and high tuition costs.

He said student housing around the country was going bust, and noted a 2019 article on this. He said it was likely that there would be thousands fewer students at UNH in a few years. He said local landlords reported 5-10% vacancy rates in the fall of 2019, and said more systematic data on all of this was needed, including speaking to the landlords about this.

Mr. Meyrowitz asked why the Zoning would be ignored and new dormitories would be put in on non-UNH properties, and he noted how Master Plans had warned about this problem. He said he was excited about the 74 Main St project, for a post enrollment cliff Durham, where adults would recolonize the downtown for nonstudent living, eating, etc. He also said if any of the reconfigured student housing units ended up with school age children, this could override any gain from taxes received from a student housing development.

Eric Lund, Faculty Road noted a letter he'd sent that addressed Mr. Fougere's comments at the last meeting on rent data. He said While Mr. Fougere said there were limitations to the data set, this was the data they had, and it showed that median rents had been steadily declining for 3 years, before the COVID crisis. He said the median numbers said there were landlords who had reduced their rents, and he noted that this was in a period when the number of rental units in town had declined because Forest Park was closed.

Bob Russell, Croghan Lane said he didn't hear about municipal service costs like water and sewer for the new apartments as factors that went into the fiscal analysis report. He said new pipes would be needed, and also said there could be a capacity issue, given that there would be 250 students. He spoke further on this, said the issue needed to be studied. He also said the cost of the additional water and sewer to the taxpayers needed to be considered.

Beth Olshansky, Packers Falls Road, said she wondered why Colonial Durham would continue to pursue the project given the enrollment cliff and the overcapacity of student housing. She noted that she'd registered students for elections, and said when she asked them how they liked the newer student housing developments on the edge of Town, many of them said they were ok, but that they wanted to live in Town in the future. She said there was value to having intown student housing, but questioned what happened with the out of town buildings given the enrollment cliff.

She said she'd heard the Board say that there could be a transition to workforce and family housing out there. She said she didn't think this was an easy matter, and noted among other things that there was a bathroom for every bedroom in the apartments. She also said students and families didn't mix very well, so why would they willingly thrust families into underutilized student housing developments. She questioned being able to provide space between families and students in these developments, and said she didn't

think it would be an easy transition. She said they 'd also heard that the assessed value and revenue to the Town went down when families were living in the apartments.

Ms. Olshansky said something else touched on at a recent Planning Board meeting was that once families came into the student housing complexes, this would add to the number of children in the School District. She said the current cost per child was \$17,000-18,000, and said it didn't take much to get to the number of students (34) the fiscal impact analysis said would become a fiscal negative for the Town. She said this needed to be looked at more carefully.

She noted that at the last meeting Councilor Lawson spoke about the value of getting an independent fiscal analysis, and said she agreed that this was needed to look at all the scenarios of what could happen. She said there seemed to be agreement on the Board that this would be worthwhile, but the vote on this failed. She said she hoped in the near future the Board would revisit the discussion on getting an independent impact analysis. She said the pending recession/depression was another reason why parents would be less likely to send their kids to UNH when they could send them to a place like Southern NH University for much less. She said she hoped the Board would look at the big picture, and all of the impacts from the project.

Janet Bernardo, of Horsley Witten spoke about the independent peer review that had been done of the stormwater management plan. She summarized the review process, and the findings in the final document. She said the existing site had an existing large parking lot that didn't have stormwater management. She also said the soil under the lot was silty clay which didn't infiltrate well, and the soil in the area that hadn't been built on yet had a lot of ledge. She noted that she had asked for clarification on the soils.

She reviewed the low impact development techniques included in the stormwater management plan, and said because there was no management there now, the applicant was able to show that with these techniques they would be improving the water quality before it discharged to College Brook.

Ms. Bernardo said the applicant was asked about potential flooding, and was able to explain how if there was a large storm event, there would be no real restrictions beyond College Brook, and the volume of water coming off of the site would not cause problems downstream. She spoke in some detail on this, and on other results of the peer review as outlined in her letter to the Board.

Among other things, she said the applicant had agreed not to put snow on any of the stormwater management areas. She suggested that there should be signage to indicate where snow should not be stored, especially the gravel wetland area. She noted an error on page 9 of her report, and said it should say "The applicant has noted that there will not be large volumes of salt storage.....(should not say snow storage)..

Mr. Kelley asked if the applicant had met the site plan regulations with the stormwater management plan, and Ms. Bernardo said yes. Chair Rasmussen thanked Ms. Bernardo for the work she'd done on the peer review. Mr. Bubar noted that they got a note from Ms. Talon saying she concurred with the findings of the peer review report.

Mr. Persechino thanked Ms. Bernardo for her comments, and said he had no follow up at the moment.

Joshua Meyrowitz, Chesley Drive asked if with the stormwater management that was proposed the situation would be so much better, even with removal of the 17,000 sf of hillside. He noted the extreme flooding downstream that had occurred since the rear hillside was illegally taken out in 2002. He spoke about the videos and photos he'd shown of how College Book expanded into a lake toward Chesley Drive, filling the wetland. He said there was some kind of restriction now, and said he'd lost thousands of dollars because of the flooding. He said he could provide the video and photos to help people better answer that question.

Ms. Bernardo said the applicant was required to not increase the runoff from the site. She said what was proposed probably wouldn't change the amount and velocity of water coming off of the site.

Mr. Meyrowitz said Ms. Talon had assured him years some ago that she would make sure that if the site was redeveloped, the continued damage would no longer occur. He noted the illegal bulldozing that had contributed to the flooding, so Colonial Durham had some responsibility for this even if it wasn't in the current site plan application obligations. He asked Mr. Taintor if he had forwarded the video and photos to those reviewing the stormwater management plan. Mr. Taintor said he didn't recall that he was asked to forward this information, and said he hadn't done this.

Matt Komonchak, Thompson Lane asked the Planning Board to ask Ms. Bernardo if the analysis considered the adjacent Two Merfs parcel and the proposed parking lot there for about 160 spaces. He said it was part of the record that these two parcels were inextricably linked, and he questioned whether the analysis was meaningful if it ignored that crucial part of this project.

Chair Rasmussen said there was no site plan application in front of the Board for the Two Merfs property, and said he couldn't see how it could be said the two were linked given that each project was moving forward at its own pace.

Mr. Komonchak said it was part of the record that this linkage existed, and he provided details on this. He said there might be an incomplete picture of the water course.

Mr. Taintor said when an application was submitted, it would have to meet the same standards that this application needed to meet, and a peer review might be required. He said the two projects were not linked under the Town Zoning, and said no application had been submitted. He said there was no way for either the applicant or Ms. Bernardo to speculate on what the impacts of the project would be.

Mr. Kelley asked Mr. Persechino whether with a project like this that was so close to tidal waters, holding the water for an extended period of time meant they were syncing themselves with upstream peak flow from A lot, and contributing to a larger peak flow.

Mr. Persechino said in large watersheds, one didn't want to detain as much water in the lower watershed, because the timing would be synced with water coming from the upper portion of the watershed, especially in tidal watersheds. But he said in smaller watersheds like this one, the peaks were relatively close together. He said while it was probably true that one could look at releasing water more quickly on the lower watershed than the upper watershed, he didn't think this would be significant enough to impact the overflow stormwater flow rate in College Brook. He also noted that saying Mill Plaza should be allowed to increase runoff would be difficult, and said while they probably could release it a bit more quickly than they were, detaining and decreasing runoff was still a prudent approach.

Mr. Kelley said in other words, by holding the water they were treating it, and even though it was held for a while, because of the small size of the watershed, doing this wouldn't contribute to a detrimental peak runoff that might be coming later.

Mr. Persechino said that was correct, and spoke further about the watershed. He said although Mill Plaza was at the lower portion of it, detaining the water was a prudent approach.

Chair Rasmussen noted that A lot didn't drain to College Brook as has been stated, said it was on top of Pettee Brook. But he said a good portion of UNH did drain into College Brook.

Mr. Russell asked Ms. Bernardo if there was consideration of the effects of the huge retaining wall in the northeast corner, where there was currently a forest, and where there would be a lot more water coming down on impervious surfaces.

Ms. Bernardo said the analysis compared existing conditions with post development conditions, and she provided details on this. She said the applicant did include in this analysis the forested area becoming impervious, how this impacted stormwater flow and how detention and treatment would occur. She said they showed the retaining wall aspect of the design as part of this.

Mr. Russell said he didn't think they'd seen anything on how the retaining wall would be constructed. He said he thought there would be some land behind the wall where there would be flow that wouldn't go into the stormwater management system.

Mr. Persechino showed and discussed the grading plan. He said there would be a ledge cut, or slope, in the area Mr. Russell had spoken about, and said water would be collected in the same stormwater system that would be used for the rest of the site.

Mr. Russell asked about the retaining wall that would be needed along the right border of the property. Mr. Persechino said there might be a retaining wall, ledge cut, etc. there, and said there might be an agreement with the abutter concerning what would be done there. He said it might be the same approach as was being used on the north side. There was discussion. Mr. Russell asked how that fit into the current calculations. He also said this showed that the two projects were inseparable. Mr. Persechino said the Mill Plaza project stood on its own, and said a retaining wall there wouldn't change the calculations.

Mr. Komonchak said when a member of the public mentioned the adjacent parcel or application, the discussion was shut down, but when Mr. Persechino mentioned it everything was fine. He said this wasn't unnoticed by the public.

Chair Rasmussen said the Board had the Horsley Witen peer review analysis and Ms. Talon had concurred with it. He asked if Board members had any further concerns regarding conditional use. No concerns were expressed.

Ms. Grant said she got the impression when the stormwater management plan was presented some weeks ago that it would assist in dealing with the flooding effect by limiting the amount of water coming off the property. She said it was disappointing to learn that this wasn't the case, and spoke further about this.

Chair Rasmussen said it depended on what size storm it was. He said with small storms, the retention and release created a small delay but with a major storm, the system treated the water but didn't slow it down.

Mr. Bubar said it didn't sound like Colonial Durham was the sole contributor to the flooding. He said he had the impression that the development wouldn't increase runoff, and said potentially it would lessen it.

Chair Rasmussen said Colonial Durham was scheduled to provide the traffic impact study on June 10th. He said they hadn't seen the study yet.

Sean McCauley from Colonial Durham said they were still going through discussions with Hannaford on a few items, and expected to have the traffic study read for the end of

June. It was agreed that landscaping for the project would be addressed further at the June 10th meeting.

X. Annual Election of Officers

Lorne Parnell MOVED to retain the current officers of the Planning Board in their current positions. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Barbara Dill</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

XI. Zoning Amendments related to Agriculture. Extensive amendments to the Zoning Ordinance relating to agriculture proposed by the Agricultural Commission.

The discussion on the proposed Zoning amendments was postponed.

XII. Other Business

It was noted that there had been the suggestion under Public Comments to postpone all applications coming in given the current COVID-19 situation. There was some discussion on this. Councilor Tobias said she didn't see this as a realistic, responsible choice. Mr. Parnell said the Planning Board had this discussion a few weeks ago. Councilor Tobias said the Town had already made a decision on this.

XIII. Review of Minutes (new):

April 29, 2020 site walks: (74 Main Street and ATO Fraternity)

Chair Rasmussen MOVED to approve the April 29, 2020 74 Main St. Site walk Minutes as presented. Jim Bubar SECONDED the motion and it PASSED 3-0- 4 with Lorne Parnell, Richard Kelley, Bill McGowan, and Barbara Dill abstaining by a roll call vote:

<i>Barbara Dill</i>	<i>abstaining</i>
<i>Richard Kelley</i>	<i>abstaining</i>
<i>Lorne Parnell</i>	<i>abstaining</i>
<i>Bill McGowan</i>	<i>abstaining</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Chair Rasmussen MOVED to approve the April 29, 2020 ATO Fraternity Site walk Minutes as presented. Jim Bubar SECONDED the motion and it PASSED 3-0- 4 with Lorne Parnell, Richard Kelley, Bill McGowan, and Barbara Dill abstaining by a roll call vote:

<i>Barbara Dill</i>	<i>abstaining</i>
<i>Richard Kelley</i>	<i>abstaining</i>
<i>Lorne Parnell</i>	<i>abstaining</i>
<i>Bill McGowan</i>	<i>abstaining</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Chair Rasmussen said Administrator Selig had sent out some guidance for meetings, and asked Board members of this had been helpful. He said having watched a lot of public comments, he thought it would be good to share this information with members of the public. There was discussion.

XIV. Adjournment

Lorne Parnell MOVED to adjourn the meeting. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Barbara Dill</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Adjournment at 10:18 pm

Victoria Parmele, Minutes taker

Richard Kelley, Secretary