

These minutes were approved at the January 13, 2021 meeting.

DURHAM PLANNING BOARD
Wednesday, November 18, 2020
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT: Paul Rasmussen, Chair (in person)
Lorne Parnell, Vice Chair (arrived in person at 7:11 pm)
Richard Kelley, Secretary (remotely)
Jim Bubar (in person)
Barbara Dill (remotely)
Mike Lambert, alternate (remotely)
Heather Grant, alternate (remotely)
Guy Johnson, alternate (remotely)
Raymond Philpot (remotely)
Sally Tobias, Council Representative to the Planning Board (in person)
Jim Lawson, Council Representative to the Planning Board (remotely)

MEMBERS ABSENT: Bill McGowan

I. Call to Order

Chair Rasmussen called the meeting to order at 7:00 pm. He said because there wasn't a quorum of Planning Board members in the Council Chambers, he would read the State of Emergency Order.

II. Roll Call and Seating of Alternates

The roll call was taken.

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Mike Lambert</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Guy Johnson</i>	<i>Yes</i>
<i>Ray Philpot</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Ms. Grant was appointed in place of Mr. Parnell, and Mr. Lambert was appointed in place of Mr. McGowan.

III. Approval of Agenda

Jim Bubar MOVED to approve the Agenda as distributed. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 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>Richard Kelley</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 noted that this was the Board's only meeting in November, and said only one meeting was scheduled for December as well. He said the Board might want to consider scheduling another meeting in December, noting the various applications, zoning changes, etc. the Board had in front of it. He suggested some possibilities for scheduling all of these items.

There was discussion. Bubar suggested having another meeting to deal with the 5 new agenda items Mr. Behrendt had noted. Councilor Lawson said the Council preferred that the hearing on the Zoning amendments should take place after the holidays, and said he was confident that the Council would approve an extension for the amendments. Mr. Kelley said given the workload, he supported what Councilor Lawson had said, and said he could make a second meeting in December.

Mr. Parnell joined the meeting at 7:11 pm.

Chair Rasmussen MOVED to un-schedule the December 9, 2020 meeting, and to schedule meetings for December 2, 2020 and December 16, 2020 to better manage the workload. Richard Kelley SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Mike Lambert</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

V. Reports from Board Members who serve on Other Committees

Chair Rasmussen said when Karen Edwards sent out meeting notices, she'd like to get feedback from Board members about whether they'd be attending, and if they were, how they'd be attending – in person or on Zoom.

Chair Rasmussen noted the letter from the Agricultural Commission, which was on tonight's agenda.

Councilor Tobias reviewed issues, etc. discussed at the four Council meetings that had been held since the last Planning Board meeting. She noted among other things the public hearing on the Agriculture Zoning amendments, the public hearing on a new Scenic Roads ordinance to allow cutting of hazardous trees by administrative review, the 2021 Budget, a presentation on the Mill Pond dam feasibility study, and extension of the downtown mask ordinance.

She said Tom Elliot was a new member on the Housing Committee, and said he might be willing to chair the committee. She noted that former Chair Sarah Wrightsman would continue to be an advisor to the committee. She said there was discussion at the meeting about density requirements in residential areas.

She said at the EDC meeting, they discussed challenges downtown businesses were facing because of COVID-19. She noted the video Economic Development Director Christine Souter had put together on this issue about what downtown businesses were learning during this difficult time. She also noted that a Planning Board representative for the committee was still needed.

Mr. Kelley reported on the most recent IWMAC meeting. He said the new contract with Waste Management would begin on November 20th. He also said the composting challenge continued, and said it had generated over a thousand pounds of compost over the past 5 weeks. He said the committee was working on an updated recyclables list. He said the High School sustainability group had grown, and had developed an all-encompassing education platform. He noted that they were looking for some adults to get involved in newsletter editing.

Mr. Bubar said the recent Conservation Commission meeting consisted primarily of talking about the wetland restoration/management plan for the Mill Plaza application. He noted that he attended the meeting remotely but missed much of the meeting because of technical issues. He said the Commission had scheduled a site walk at Mill Plaza on Friday morning.

VI. Public Comments

Beth Olshansky, Packers Falls Road thanked Councilor Lawson for threading a very small needle at the Planning Board workshop in October. She said he came up with a brilliant solution regarding redeveloping underutilized spaces downtown while retaining Durham's small-town character. She said the Master Plan had many visionary statements, but said it was very specific in regard to building height downtown. She recommended that new Planning Board members review the Future Land Use chapter, Downtown and Commercial Core chapter, and Economic Development chapter.

She said these chapters repeated often that the fabric of the downtown would remain 3 stories, with an occasional 4th story under special circumstances. She said she appreciated it that Councilor Lawson took this to heart and figured how to adjust the density so building owners could redevelop their properties and still retain the small-town character, which was important to Durham citizens.

Ms. Olshansky said one area of the downtown she still was concerned about was west of Town and Campus, which was zoned for no more than 4 stories. She said many people were drawn to the community because of its rural, small town character, and said she hoped they could think about how to maintain a Main St that didn't look overly developed and consumed by the University.

She said she was very interested in Mr. England's presentation. She noted that he used the student/teacher ratio as a key factor in determining if there was space for students. But she said it was also important to look at the class size of elementary schools. She provided details on this, and noted that right now the Moharimet School was maxed out in terms of its class sizes.

VII. Review of Minutes (old):

September 23, 2020

Mr. Bubar and Ms. Dill said they'd submitted minor corrections to these Minutes.

Last page, motion should read "...*PASSED 7-0 by a roll call vote.*

***Chair Rasmussen MOVED to approve the September 23, 2020 Minutes as amended.
Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:***

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>

Jim Bubar *Yes*
Richard Kelley *Yes*
Mike Lambert *Yes*
Councilor Tobias *Yes*

VIII. **Downtown Zoning Amendments.** Zoning amendments regarding height, stories, uses, density, and building configuration in the Central Business District; drive-through facilities in various districts; method for determining building height; and related changes. The board will review potential changes to the draft which it developed on October 28.

Chair Rasmussen said if these proposed changes were close to what the Planning Board thought it wanted, he thought it should go to public hearing.

Mr. Bubar asked what a definition was for public space, and if it had to be accessible 24/7. He also asked if it could be essentially free public parking on the first floor of a multi-story building, and if this would be considered to be public space. Mr. Behrendt said the intent of the proposed provision was that the public space would be an open courtyard area, but he said it could also possibly have a roof. He spoke further, and said a parking area would certainly not count as public space. Mr. Bubar said parking would be one of the greatest public amenities in the downtown.

Chair Rasmussen noted that in the CB district, zero setbacks were encouraged. He asked if public space would be allowed to violate that setback requirement. Mr. Behrendt said the CB district and Court House district had maximum setback requirements or a build-to line, to reinforce the street. He spoke further on this. Chair Rasmussen said the intent was that the upper stories of the buildings would line up on the street. There was further discussion.

Richard Kelley MOVED to schedule the Public Hearing on the Downtown Zoning Amendments to January 13, 2021. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

Chair Rasmussen *Yes*
Lorne Parnell *Yes*
Barbara Dill *Yes*
Jim Bubar *Yes*
Richard Kelley *Yes*
Mike Lambert *Yes*
Councilor Tobias *Yes*

Chair Rasmussen said the Planning Board would ask the Town Council for an extension to January 27, 2021.

IX. **Agriculture Zoning Amendments.** The Planning Board initiated a proposed amendment with extensive changes to the zoning ordinance pertaining to agriculture. The Town Council reviewed the amendments and requests that the Planning Board evaluate numerous possible revisions to the draft.

Chair Rasmussen noted that the Planning Board had asked for the Agricultural Commission's thoughts on these recently proposed changes, and said these were provided in a memo. He said they recommended that the proposed definition changes proposed by Robin Mower and Councilor Needell should be accepted. He said the Commission recommended that the Board not accept any of the suggestions from Councilor Welsh.

Mr. Behrendt said the Commission didn't think it was appropriate to add Councilor Welsh's suggestions. He said the Board could discuss whether it wanted to add these changes or not.

Councilor Lawson said he read Walker's memo. He said RSA 672:I was referred to regularly as a justification for not considering these recommendations, and said Mr. Behrendt should contact the Town Attorney about whether the proposed changes were in fact in violation of and contrary to the RSA. He also said the Commission's letter said BMPs minimized the possibility of commercial scale agriculture in residential zones, and also said if issues arose, there were existing town processes to address them. He said he'd like to understand what processes there were.

He said for residential zones, Conditional Use was a way to protect the community and investment in residential property. He said kennels, outdoor recreation uses, and reuse of a single-family home for a non-residential use all needed to go through the Conditional Use process if they were to be located in residential zones. He asked why they wouldn't want the same thing for commercial agricultural operations as a principal use in residential zones. He said more information and analysis was needed on this before the proposal went back to the Town Council. He said without answers to the questions he'd posed, there was a risk that the Council wouldn't approve it. He spoke further on this.

Mr. Behrendt said Ms. Walker said in her memo that the Agricultural Commission believed the changes proposed by Councilor Welsh were inconsistent with the RSA. He said with all due respect for the Commission, he believed that Councilor Welsh's changes would not run afoul of the RSA. He said in his view, the question on the proposed changes was whether the Board thought they were appropriate. But he said he'd be happy to check with the Town Attorney if the Board wished. Mr. Bubar said he agreed with what Mr. Behrendt had said.

Councilor Tobias said the term used in the RSA was “unreasonably limited”, and said she didn’t feel that Councilor Welsh’s suggestions were unreasonable. She said Conditional Use might be an extra step, but said it was needed in order to represent the abutters fairly. Mr. Bubar said the limitation on the number of rabbits was unreasonable, and said he didn’t know what it was based on. He said rabbits weren’t free range, and wouldn’t be seen. He asked for agricultural evidence that there shouldn’t be more than X number of them in a space. He also said if they were going to limit rabbits to 12, he didn’t know how they could feed a family of four. He said for residential agriculture, it was a very restrictive limitation. He noted that he wasn’t overly concerned about commercial agricultural happening in residential districts because there wasn’t enough land available.

Chair Rasmussen said unreasonableness/reasonableness was in the eye of the beholder which was why 7 people on the Planning Board voted. He also said the numbers in the proposed ordinance were based on BMPs, which the RSA demanded be done. He said to undercut those numbers for a nonscientific reason threw into question the entire Table. He said he liked the idea of adding more accessory uses in the RA and RB districts, but said he wouldn’t necessarily eliminate completely the commercial uses. He said BMPs would limit these uses in most lots in these districts, and spoke further on this.

There was further discussion, including about whether to take more time with the recently proposed changes. Chair Rasmussen said he’d like to get the framework of the Agricultural Ordinance in place, and then fine tune it later.

Mr. Kelley said this had been in front of the Planning Board for some time, and said he supported moving things along. He asked whether if a family needed to be able to raise more rabbits, they would have some recourse. Chair Rasmussen said they’d have to show that there was a hardship. There was discussion. Mr. Kelley asked what the next course of action was for the Planning Board. Chair Rasmussen said if the Board accepted just the minor changes that were proposed, he thought they could send the draft back to the Council. But he said if they made more extensive changes, a public hearing would be needed.

Richard Kelley MOVED to accept the changes put forth by Robin Mower, Councilor Needell, and Councilor Welsh, and schedule a Public hearing for December 2, 2020. Lorne Parnell SECONDED the motion.

Mr. Behrendt noted that the Board could revise Councilor Welsh’s propose changes, or could decide not to. He reviewed the changes to the Table of Uses and text that were proposed. Chair Rasmussen said he wasn’t in favor of all of Councilor Welsh’s proposed changes. He noted the proposed change to the minimal area for swine from 3000 sf per animal to 40,000 sf, and said Board didn’t have the expertise to second guess this. He said the original numbers were generated from BMPs. He also said he didn’t agree with some changes to the Table of Uses.

Councilor Lawson asked if they could go to public hearing with the propose changes, and after that decide which if any would be kept, rather than culling them now. Chair Rasmussen agreed with that approach, and he and Councilor Tobias said they were more comfortable making any changes after the hearing.

The motion PASSED 6-1 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>No</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Mike Lambert</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

- X. **Subdivision off Gerrish Drive.** Parcel at 91 Bagdad Road (address). Formal application for conservation subdivision for single family and duplex houses (15 units total) on 16-acre lot off Gerrish Drive including conditional use for wetland crossings. Marti and Michael Mulhern, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 10, Lot 8-6. Residence B District.

Chair Rasmussen said he would recuse himself for the next two agenda items, because he and Mr. Sievert were working together on a project. Mr. Parnell served as chair for the application. He appointed Ms. Grant to replace Chair Rasmussen for the entirety of the review process for this application.

Mr. Sievert said this was the third and final phase of the conservation subdivision application process. He said they weren't quite ready to go for acceptance, noting that at the recent TRG meeting, they discussed some design changes with the DPW. He said they'd incorporated a change in the road design, going from a public road to a private road, and said this would impact the drainage design, etc. He said it had been decided that the development would tie into the municipal sewer instead of having individual septic systems, and said they were discussing with the DPW where the tie in would be located.

He said the applicants would come back for acceptance of the application at the December 16th meeting.

Mr. Sievert reviewed the overall design for the conservation subdivision, and reviewed some changes that had been made as a result of listening to comments made during the first two phases of the application review process.

- Refinements are being made to the design of the Gerrish/Ambler access road, including the wetland crossing. The impact to the wetland will be reduce more. Retaining walls will be included, and the roadway will be made as narrow as possible.

- Even more can be done with this now because it will be a private road. The road will be pushed more to the westerly side. There will be a large, arched culvert.
- The developed area has been tightened up more, including narrowing of the green space, in order to pull the interior roadway in more and get it further off from steep slopes and completely out of the wetland buffer.
 - The interior road will be circular rather than having some dead ends, which will increase accessibility and safety.
 - Of the 16 acres in the parcel, about 11 acres will be open space. The development area will have over 1 acre of open space in the center. Very little of the property is being developed, in getting the houses and accesses in.
 - The landscaping plan includes wetland tolerant plantings for the wetland buffer around the Gerrish access road. There will be a thick, screened buffer in regard to the White property.
 - The area in front of where the houses will be located on the site will be cleared, while maintaining existing vegetation and trees where possible. There will be large, heavy plantings to reestablish the wetland buffer on portions of the site.

Mr. Johnson noted the gravel repositories on the west side of the site, and asked if that was how stormwater management for the entire site was being handled. Mr. Sievert said yes. Mr. Johnson said the original application from October said it was to be an age restricted residential development, and asked what that meant and why this was being done.

Mr. Sievert said the development would be restricted to people age 55 and older because his clients wanted to build this type of development. He also said there was a bonus in terms of the number of units that could be included in this type of project. He said there could be 18 units, and said they proposed to have 15 units. He said there would be 4 duplexes, and 7 single family homes. There was discussion. Mr. Sievert said there wouldn't be as high a density in each of the units as would be the case if this wasn't an age restricted development.

Mr. Johnson asked about the rules concerning housing discrimination based on age. Mr. Behrendt said Durham's Zoning Ordinance allowed a doubling of density for age 55 plus housing, and said whether or not one agreed with this, it had been allowed in the Town for a long time. He said the rationale for this in a lot of communities was the perception that traditional families in single family homes were fiscally problematic. He said some people like Richard England would argue against this.

He said that concerning the question of age discrimination in housing, the federal government had carved out the age 55 plus exception. He said with it, at least one person in the household of such a development needed to be age 55 or older, and said 80% of the occupants of a development needed to meet this requirement. He noted that at Riverwoods, 100% of the occupants were at least 62 years of age. He explained that the federal government required that for age 62 and over housing, 100% of occupants needed to be at least 62, but said that requirement wasn't defined in Durham's Zoning Ordinance.

Mr. Kelley said there were buyers out there who looked to move into communities like this, where they were living with their peers.

Mr. Johnson said he was impressed with the design for the project.

There was discussion that 13 units had been proposed previously. Mr. Sievert said what had allowed them to go to 15 units was pushing the road through and connecting it as a loop, which provided a bit more access without dead ends, and provided more room. He said a drawback of this design was that two of the units were on the outside of the loop, and said they couldn't be fit inside the loop because of site constraints. He explained how they were trying to connect everything.

Mr. Kelley asked if the area of disturbance had been calculated. Mr. Sievert said yes, and said over 100,000 sf would be disturbed and the AOT permit requirements would be triggered. He said this was because of the ownership style, and provided details on this. There was discussion on the disturbance areas for the stormwater management system, etc. Mr. Kelley confirmed that the amount of disturbed area wouldn't be as great as 200,000 sf.

Ms. Dill asked if the building outlines being shown were placeholders or were reasonably accurate. Mr. Sievert said they were reasonably accurate, and weren't just placeholders. He said he'd worked with the applicants and Ms. Woodburn to identify as closely as possible what was wanted. He also said they were looking to see if there could be some better layouts. Ms. Dill asked if the living area square footage for the duplexes and single-family units was comparable. Mr. Sievert provided details on this, and said he'd confirm this information for the next meeting. He said the square footage was in the 1500-2100 sf range. Ms. Dill said smaller was better.

Mr. Johnson asked if this was actually a subdivision plan. Mr. Sievert said there would be condominium ownership. He said there would not be individual lots, and there would be ownership of a space around each unit, with room for decks and plantings. He said the housing units would be built and sold.

Councilor Tobias asked if the buildings could be customized. Mr. Sievert said the design of a single-family home would be pretty much set, and a buyer would be able to choose colors, cabinets, etc. He spoke further on this. He said he didn't believe the idea was to build all of them and then sell them. Ms. Grant said that would extend the timing of construction, which would be more disturbing. There was discussion.

Mr. Johnson said a concern was whether architectural design decisions for every building would be made with this application, or if this would be handled individually. Mr. Sievert said he didn't believe there were architectural design parameters for this zoning district. He said they could show what the houses looked like, but said they weren't looking for approval on this. There was discussion. Mr. Johnson asked if every building would be subject to the zoning for the RB district, and Mr. Sievert said yes.

Councilor Lawson asked what had to be considered in designing the culvert for the wetland crossing. He also asked if the acreage information included the portion in Madbury.

Mr. Sievert said the 15.6 acres included acreage in both towns, and said 2 acres were located in Madbury. He said the total acreage number was used in doing the calculations. Mr. Behrendt noted that the Town Attorney had determined that the acreage in Madbury could be used toward the density requirements.

Mr. Sievert said the culverts were designed for a 50-year flood and said they also looked at handling a 100-year flood. He said the culverts were oversized and provided details on this, noting among other things that they would allow for some wildlife passage for smaller animals. He spoke about the drainage areas that each of the culverts would need to deal with. He said the first culvert on Gerrish Road, with Ambler subdivision houses nearby, would have to deal with a flashier situation in terms of runoff during a storm, as compared to the second culvert, which was surrounded by undeveloped, wooded land. He noted that the drainage report provided details on all of this.

Councilor Lawson said he was hearing that the road wouldn't be designed to be a dam for stormwater runoff in these areas, and that the culverts would allow high flows to pass through.

Mr. Behrendt asked if there would be an architectural template for the buildings. He said the Town did have an interest in the spacing, scale, etc. of the buildings, and spoke further on this. He said given that it was a pocket neighborhood, the buildings would need to be small, with some spacing and some variety within units in terms of the building designs.

Mr. Sievert said they would show a few template styles that buyers could pick, which would each have to fit into a rectangle of space. He said the idea was to have small, cottage style housing.

Mr. Behrendt said with pocket neighborhoods, the standard was that there would be a green in the middle and not a wooded area. He said the green should be planted and landscaped as a common area. He said perhaps that wouldn't work with some ledge outcrop areas, but said most of the area inside should be a green that was cleared, except for specimen trees and special plantings. He said units 6 and 7 were sort of cut off from the rest of the project.

Ms. Woodburn said these two units sat on a rise in the landscape. She also said there were some beautiful trees in that area, and said those living in these units would look through the tree canopy into the green area. There was discussion. Ms. Woodburn said where they could save trees, it was totally appropriate to do that. Mr. Behrendt said the intent of a pocket neighborhood at this close scale was to have an interior green that was largely open and available for residents. He said unless there were grading issues, the wooded area undermined the purpose of the project.

Ms. Woodburn noted that this was a woodsier area of town. She also said they were respecting input received from Planning Board members about having more trees, with some open areas. She said she didn't think the design defeated the concept of a pocket neighborhood, and said there were different landscape experiences within the project. She spoke further on this.

Mr. Sievert said the intent was to have the majority of the area inside of the "kidney" as an open area. But he noted the sloped area Ms. Woodburn had spoken about and said it was appropriate to have some trees there. He also noted the wetland finger area that they weren't going to fill, as well as the rock outcrops on the site that wouldn't lend themselves to being recreational open space. He said the design would meet the essence of the pocket neighborhood concept, and he spoke further on this. He said the wetland finger would probably remain somewhat wet, and said it would likely be under 3000 sf.

Vice Chair Parnell said the Board would revisit this application at the meeting on December 16th. He said he expected that people would want more information on the entrance road and how water would be addressed. He noted that it would be a private road, and smaller than what was proposed now.

Mr. Behrendt said the applicants understood that there was a lot of infrastructure involved, including the entirety of the road, all of the retaining walls, the culverts, drainage basins, and sewer lines. He said most/all of this would be privately owned, by the homeowners' association. He noted that one item still being discussed was whether the sewer line constructed on Gerrish Drive would become part of the Town sewer system, or would be private.

Vice Chair Parnell asked if these issues would be sorted out by December 16th. Mr. Sievert said they would be able to get definitive answers for the design, but said he wasn't sure the ownership piece would be ready. Mr. Behrendt said the application would be substantially complete at that point.

Mr. Behrendt said it would be helpful to be able to share with interested abutters the question about the 3 different access ways. He said according to the Town Attorney, he needed an ok from the Board in order to do this. Mr. Parnell asked Board members if they had a problem with this, and no problems were noted.

- XI. **19-21 Main Street – Parking Lot. Formal application for site plan and conditional use for parking lot on four lots and reconfiguration of the entrance.** Toomerfs, LLC c/o Pete Murphy and Tim Murphy, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 5, Lots 1-9, 1-10, 1-15, and 1-16. Church Hill District.

Vice Chair Parnell served as chair for this application. He said he would appoint Mr. Lambert in place of Chair Rasmussen for the entirety of the application in order to have some continuity. He also asked Mr. Johnson to sit in for Mr. Lambert.

Mr. Sievert said the purpose of the project was to expand parking and enhance the access in and out of the property. He said the spaces in the lot would be rented to students living on and off the site, people living in workforce housing, and employees working downtown.

He reviewed the property involved and said it contained about 3.2 acres and was comprised of 4 lots. He said all of the lots were located in the Church Hill district, and also noted that the 2 lots on Main St were located in the Historic Overlay district. He said there were 5 buildings on the 4 lots and about 45 parking spaces and provided details on this. He said all of the buildings were currently occupied.

Mr. Sievert said all the parking spaces up front would be removed and would become a green area and a boulevard with access to and from Main St. He said the redesign would clean up the traffic mess that was currently there. He said one of the 4 rental unit buildings would be removed. He said the 27 parking spaces currently located on the Red Tower lot would remain pretty much as they were now.

He said there would be 156 new parking spaces, which would be located on the two lots that were not located on Main St. He spoke about the grading for the project, and explained how stormwater runoff would flow toward the parking lot islands and get collected and receive treatment in a large underground storage system with chambers located between the two islands. He said the water would then be discharged into a culvert. He said there would be a large retaining wall at the back of the parking lot because of the slope. He said there would be a 100 ft no disturb, no cut buffer area beyond the retaining wall in the back. He said the only disturbance that would take place in the buffer area would be as part of replacement of a sewer line, which the properties on the applicant's lots and other properties in the area tied into. He provided details on this.

Mr. Sievert showed the landscaping plan and spoke briefly about it. He said a key aspect of it was keeping the islands in the new parking area open for drainage, and planting end caps. He also said there would be heavy plantings around the retaining wall to buffer it. He said the first pass of a lighting plan had been developed, and he spoke briefly about it.

He showed the parking lot design that was proposed now in comparison to previous designs that were shown to the Planning Board. He said the retaining wall in the current design was about 246 ft from Chesley Drive.

He said the in and out accesses off of Main St, would each be 14 ft wide. He also said walkways would go to the rental units and to the parking area, which would be a much

safer situation than was the case now. He noted again that there would be no parking up front anymore, which would make things much safer on Main St.

He showed a rendering of a retaining wall with woods beyond it, which he said would provide an idea of what it would look like to people on Chesley Drive, etc. He said the retaining wall would be 20 ft high, and said it would hide the cars, and their lights. He said there would be a fence on top of the wall.

Mr. Sievert said they'd tried to identify the need for parking downtown because of the projects done downtown in the last several years, and said there had been a net loss of 144 spaces. He said they wanted to go forward with this project regardless of any other project, and said this was one of the reasons. He said they believed there was a need for parking downtown, and said they received calls on a daily basis about this need.

Peter Murphy said 1000-1200 students were brought downtown to the CB district with these developments, and there was a loss of 144 parking spaces. He said there had been some benefits for the Town, but said the traffic situation didn't get better. He said this proposed location for the parking lot abutted the CB district, and conformed to some of the language in the Master Plan. He noted that it was out of the public eye, for someone on Main St.

He said the parking lot would add a net 150 spaces to the site. He said that would bring things back to neutral for the downtown, noting the previous loss of 144 parking spaces there. He said there was a huge demand for safe, convenient parking for students living in the CB district. He said it would be hard for someone not in his shoes to understand the pent-up demand for parking that he heard from students and parents. He said this project was designed to fill the void. He said the goal of bringing the students downtown and having a viable commercial core was achieved, without cars. But he said it went overboard and created this huge demand. He said the students were members of the community.

Mr. Murphy said there wasn't a piece of land comparable to this site that could meet the need for parking, other than the ATO site. He spoke further on this. He said from day one, Toomerfs had said their project and the Mill Plaza project were two independent projects. He said if the Plaza project was approved, they would be glad to speak with them about leasing spaces. But he said he and his partner Tim Murphy would push forward either way.

Mr. Bubar asked why there wasn't a second story for the parking area, and if there were provisions to possibly put one up in the future.

Mr. Murphy said they'd gotten feedback on that idea. He said they looked at the financial feasibility of doing this, and also realized it could be a problem in terms of traffic on

Main St. Mr. Sievert said it was a great idea in terms of the grades on the site, but said the cost was significant, and also said traffic would be a problem. Mr. Murphy also said there would likely be a lot of pushback from residents who didn't want a two-story structure there.

Mr. Johnson asked about possibly putting a second story below grade. Mr. Sievert said the first story would be what was proposed now, and a lower level would be all underground in front but at grade in the back.

Councilor Lawson said 150 spaces didn't pay the debt service on a \$5 million parking deck. He said it shouldn't be discussed anymore.

Mr. Johnson asked if providing pedestrian access down to the Plaza had been considered. Mr. Sievert said it was possible, and said there would need to be an opening in the retaining wall with steps going down, or an access on the end.

Mr. Behrendt said the Board would need to consider whether the traffic model should be run.

Jim Bubar MOVED to accept as complete the application for Site Plan and Conditional Use for a parking lot on four lots, and reconfiguration of the entrance. Mike Lambert SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>No</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Mike Lambert</i>	<i>Yes</i>
<i>Guy Johnson</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Mr. Behrendt said the public hearing was scheduled for December 16, 2020. The Board agreed to have another site walk since the design for the project had changed and there were some new Planning Board members. The site walk was scheduled for 12:00 pm on December 2, 2020. Vice Chair Parnell asked that the site be staked for the site walk.

- XII. **Public Hearing - Mill Plaza Redevelopment.** 7 Mill Road. 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. Emily Innes and Sharon Ames, Harriman, project designer. Ari Pollack, attorney. (Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.

Chair Rasmussen returned to the table. Mr. Behrendt left the table.

Mr. Taintor noted that in addition to addressing the architectural design this evening, the Board had talked about having discussion on fiscal impacts and a possibly doing another site walk.

Chair Rasmussen said right now the Board would discuss the result of the architectural subcommittee meetings.

Ms. Innes said she and Ms. Ames met three times with the subcommittee, and said their comments were incredibly helpful. She notes specifically that Pat Sherman provided excellent comments on architectural details, and that Beth Olshansky came up with a color palette that the subcommittee then worked with. She said an outstanding item was concerning that would be used.

Ms. Ames provided a slide presentation that showed the proposed modifications to the architectural design for Buildings B and C based on recommendations from the subcommittee. She also showed the recommended color palette for the buildings.

She noted emails sent later that said there was interest in seeing an alternate brick, with more texture and more color variation than what was originally proposed. She said several buildings on the UNH campus were constructed with the alternate brick - Royal River full range, including Gregg Hall, the water treatment plant, and the Hamilton Smith Hall addition.

Ms. Dill asked if there was a Royal River narrow range. Ms. Ames said there was a middle range brick that would be a good compromise. Ms. Dill said she liked the brick with more texture, but said the full range aspect was too much. There was further discussion. Ms. Dill said the subcommittee had hoped there was a brick alternative that was redder, and less orange. She suggested that if they all looked at the UNH buildings that were noted, they'd have a better idea about how the alternate brick being discussed would look on the Mill Plaza buildings. Ms. Ames said the brick alternative would be in the same price range as the original brick that was proposed.

Ms. Dill said she wasn't sure where the design team for the project ended up in terms of the colors. Ms. Ames said the Planning Board would have a choice between the original colors the design team had proposed and what the subcommittee proposed. Ms. Innes spoke further on this. Ms. Dill said she wanted to make sure it was understood that the committee had unanimously supported the alternative color scheme.

Ms. Dill noted that the buildings featured as part of the design review process all had pitched roofs, and asked why this was changed. There was discussion. Ms. Ames said with Building B, they were unable to articulate a pitched roof and also meet that 50 ft maximum height requirement. She also said there was feedback from the public about height in regard to Building C as it faced Faculty Road, and said the current roof design helped keep the height down.

Ms. Innes noted that the pitched roof elements were kept on the north and east sides of Building C. Ms. Dill said those sides didn't present to very many people. Ms. Innes said it did present to the residential area.

Chair Rasmussen asked if the Board wanted to discuss the color palette that it preferred. He said the subcommittee had recommended Timberbark, Woodstock brown and Monterey taupe, with cobblestone trim. Ms. Grant said she liked it and said it was an improvement. Mr. Johnson agreed. Mr. Kelley said he supported the subcommittee's recommendation. Chair Rasmussen said he wasn't hearing any counter arguments, and said the Board would therefore accept the recommendation from the subcommittee concerning the color palette.

He asked what Board members thought about the other architectural changes the subcommittee had recommended. There was discussion that a sample of the alternate brick being discussed tonight was in the Council Chambers. Chair Rasmussen said it was very variegated and had too much dark in it. He noted that just sections of the building would be brick and that there would be other colors on the buildings. He said the variegated brick started introducing another color to the palette, which he said he didn't think was the intent of the subcommittee.

Councilor Lawson said the UNH buildings look great. Chair Rasmussen said if there was a narrower variegation range, he thought that would be a nice compromise. Ms. Ames said she'd have some samples of this delivered.

Chair Rasmussen said the Board would hear now from members of the public on the architecture.

Beth Olshansky, Packers Falls Road, thanked Planning Board members for supporting the committee. She also thanked Harriman for being open to supplying them with other brick alternatives. She said she agreed that the alternative brick color seemed heavy. She asked if the Morin extruded bricks on their palette were acceptable options. Ms. Ames said yes, and said that was the range they were selecting from. Ms. Olshansky noted the narrower range for the Royal River and said it would be good to see a sample of that. She also noted the Old Port red range, and Ms. Ames said she had samples of those. Ms. Olshansky asked if it was a bit less orange than the Royal River brick. There was discussion about some other possible options that could be provided. Ms. Olshansky thanked Harriman again for their flexibility in offering some alternative bricks.

Tim Horrigan, Faculty Road said his house was the highest point on Faculty Road, and said the development would be very visible from his house. He said he'd been dubious about the project, and not based on objections to the brick. He said the existing buildings at Mill Plaza had a rather nice brick facing and a good shade of green on the roof. He said he didn't know that the brick or window treatment would change the opinion of many townspeople.

Joshua Meyrowitz, Chesley Drive said he was startled to learn about CDA being silent in regard to the predicted amount of hillside being taken out because of the mass of the proposed building. He said Mr. Taintor said it was not 17,415 sf but was 2.8 times greater than that.

He said the images shown tonight were illusions, and spoke in detail on this. He said these were wildly oversized buildings that were proposed, and said he was concerned that the architectural committee was demoted to be a minor committee. He said he appreciated what they did. He said it was essential to schedule a site walk and see the actual views instead of delusional views. He also asked the Board to demand illustrations.

Matt Komonchak said the meeting reminded him of one a few months ago when they focused on a narrow subject and avoided the elephants in the room. He said the massing and other elements of the project still didn't conform with what the community wanted, and were in opposition to all of the public feedback received for years.

He said that regarding slides 12-14, he grew up in the Faculty neighborhood and lived there until recently. He said the slides bore no resemblance to reality, and asked if they had any scientific basis. He spoke in some detail on this. He said #14 was depressing because it depicted what was a silvery park fantasy land. He said it was disturbing that no questions were asked about the slides. He said they appeared to be artistic renderings that should have no place in this presentation.

Chair Rasmussen said the subcommittee had asked for these renderings, and said he didn't know what the intent was.

Robin Mower, Britton Lane said the Board had been focusing on Buildings B and C and asked if they would also focus on how they would fit with Building A. She said the design standards would appear to be violated by the height discrepancy. She said her understanding was that Hannaford had no interest in having a façade of a second story. She said before accepting any architectural design proposal, the Board should discuss this, in addition to how the design and color of Building A fit with that of Building B and C.

She said she echoed the gist of Josh and Matt's comments on the skewed perspectives provided by some of the slides in the presentation. She said she knew very well the view from Faculty Road and Chesley Drive to the Plaza, and spoke further on this. She said these things should be addressed before the architectural design proposal was accepted by the Board. She said there should be a unified look, which would not simply echo what was seen at UNH.

Deborah Hirsch Mayer said she echoed what Mr. Komonchak and Mr. Horrigan had said about hearing the details on brick, etc., as if this was all a foregone conclusion. She also agreed that it was important to consider how the new buildings would fit with what was already on the Plaza.

Robert Russell, Croghan Lane asked when some of these other issues would be discussed. He said there was still no discussion about the destruction of the forest and blasting behind Building C. He also said a good part of the Plaza and back quadrant and Church Hill were part of a designated Oyster River corridor, and fell under special rules, including AOT requirements. He asked when the Board would discuss this, and when approval by NHDES would happen and fit in with the discussion.

Chair Rasmussen asked Mr. Russell to forward information on that to the Planning Board so they could evaluate it.

Mr. Russell said there were a lot of trees on top of the ledge base in that area, so it was a permeable surface, and would be replaced with an impermeable surface.

Eric Lund, Faculty Road said he was familiar with the Chesley Drive approach to the Plaza, and said the rendering shown had no resemblance to the actual approach.

Robin Mower said it was through the review Mr. Taintor had provided that residents were led to believe there would be discussion on the fiscal impact tonight. She said it would be helpful for residents to get a heads up on what topics would be discussed.

Chair Rasmussen said it might have been discussed tonight if there was time, but said some agenda items went longer than anticipated. Ms. Mower said that seemed to happen a lot with Mill Plaza.

Matt Komonchak noted that he'd asked the applicant to please address the science behind slides 12-14, and said he hoped Mr. Taintor would relay that to the applicant.

Mr. Parnell said the Board hadn't seen a security management plan for how the development would be managed, including how access, behavior, etc., would be controlled. He said the Board should see this sooner rather than later, and said it should include some kind of description of how parking would be enforced, and a sample lease agreement. Councilor Tobias agreed. Councilor Lawson said getting that had been very helpful with other projects.

Ms. Grant said a site walk would be a good idea to help them visualize how the development would look on the lot. She said the best time to do this was when the leaves had fallen. Chair Rasmussen said doing this was a challenge, even with balloons. Mr. Kelley suggested a fire department ladder out there.

There was discussion about what they would want to look at, at a site walk. Mr. Parnell said at a minimum, they should see where the corners of the new building would be, and the area that would be cut into on the hill. He said height was very difficult to see and said perhaps a ladder/tower truck should be used. Councilor Lawson said that was a reasonable request, and said he was sure the Fire Department and the Town Administrator would accommodate that.

Mr. McCauley said it would be good if the Conservation Commission site walk and Planning Board site walk could be combined. He also said the expectation was that with

the subcommittee endorsement, they would be rapping up the architecture, so the sooner the site walk could be done, the better.

Councilor Lawson said doing these site walks separately was completely reasonable, and said he didn't think they needed to accommodate the travel time for Mr. McCauley. He said the Board would need to coordinate with the Fire Department on what would be needed for the site walk.

Chair Rasmussen said he'd like to schedule the site walk for December 16th, the day of the Planning Board meeting, which would allow enough time to coordinate things. Other Board members agreed. Councilor Lawson said he'd coordinate with Mr. Taintor on the Fire Department's involvement. The site walk was scheduled for 12 pm.

Chair Rasmussen asked if the Board could look at the wetland remediation efforts for College Brook at the next meeting. Mr. McCauley said he expected that the Conservation Commission would discuss this on Friday at the site walk, and at their meeting on Monday. He said all of the data had been filed with them. Chair Rasmussen said if the Commission made a decision on Monday, the Planning Board could discuss it at its next meeting. There was discussion on information that had been sent to the Commission and Board on proposed College Brook remediation efforts. Mr. Taintor provided details on this. Mr. McCauley said everything that had been requested had been provided.

XIII. Other Business

2021 Schedule

The Board approved the 2021 Planning Board meeting schedule.

XIV. Review of Minutes (new):

September 9, 2020

Mr. Bubar said he'd provided minor edits to Karen Edwards.
Page 13, line 7, should say "...which included preserving the...."

Lorne Parnell MOVED to approve the September 9, 2020 Minutes as amended. Chair Rasmussen SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Mike Lambert</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

XV. Adjournment

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

Chair Rasmussen Yes

Lorne Parnell Yes

Jim Bubar Yes

Richard Kelley Yes

Mike Lambert Yes

Barbara Dill Yes

Councilor Tobias Yes

Adjournment at 10:57 pm

Victoria Parmele, Minutes taker

Richard Kelley, Secretary