

These minutes were approved at the June 23, 2021 meeting.

DURHAM PLANNING BOARD
Wednesday, March 24, 2021
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT: Paul Rasmussen, Chair (in person)
Lorne Parnell, Vice Chair (in person)
Richard Kelley, Secretary (arrived at 7:41 p.m. remotely)
James Bubar (remotely)
Barbara Dill (remotely)
Bill McGowan (arrived at 7:05 p.m. remotely)
Heather Grant, alternate (in person)
Raymond Philpot, alternate
Sally Tobias, Council Representative to the Planning Board
(in person)

MEMBERS ABSENT: Chuck Hotchkiss, Council Representative to the Planning Board

I. Call to Order

Chair Rasmussen called the meeting to order at 7:00 pm. Raymond Philpot was seated for Richard Kelley until he arrives to the meeting. Heather Grant was seated for Bill McGowan until he arrives to the meeting.

II. Roll Call and Seating of Alternates

The roll call was taken.

III. Approval of Agenda

Lorne Parnell MOVED to approve the Agenda as submitted. The motion PASSED unanimously.

IV. Town Planner's Report

Town Planner, Michael Behrendt, mentioned that the Yates Electric public hearing has been postponed until the April 14th meeting. He also mentioned that there was a good site walk today at that site.

V. Reports from Board Members who serve on Other Committees

Councilor Tobias reported on the last Town Council meeting. The new Council met and welcomed new member Chuck Hotchkiss. He has stepped up to be the Planning Board representative. She mentioned that they had been presented with their yearly updated from Durham's Legislative Representatives. They had a first reading on the Central Business Zoning amendments and anticipate having the public hearing on April 19.

Ms. Grant reported on the last Economic Development Committee meeting. They had Molly Donovan from UNH Cooperative Extension speak about their programs. The Economic Development Committee approved the Housing Committee Charter.

Mr. Bubar reported on the last Conservation Commission meeting. Michael Behrendt had emailed the Commission's recommendations on the Gerrish Drive Subdivision. They also recognized Ellen Snyder for her service to the Town.

VI. Public Comments

There were no public comments.

VII. Review of Minutes (old): There were no old minutes

VIII. Michael Lambert was recognized for his service as a Planning Board member

IX. Public Hearing - 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. Presentation of peer review for drainage studies. Marti and Michael Mulhern, property owners. Mike Sievert, Horizons Engineering. Robbi Woodburn, Landscape Architect. Map 10, Lot 8-6. Residence B District.

Chair Rasmussen recused himself and Vice Chair Parnell took over the meeting.

Michael Behrendt gave a detailed update on the Conservation Commission's recommendations.

Mike Sievert, Horizons Engineering, stated that he doesn't have any other changes from what was submitted in February.

Vice Chair Parnell stated that he would like Mr. Sievert to address the wetland buffer issue of the Conservation Commission.

Mr. Sievert stated that the fill in this wetland finger is for road construction. He explained all of the design specifications of this road and suggested some changes he could make.

Vice Chair Parnell re-opened the public hearing.

John Lewis mentioned that he did listen to the Conservation Commission meeting and he highlighted some other things brought up at that meeting.

Gail Kelley mentioned that she, too, watched the Conservation Commission meeting and watched them struggle with going through the criteria. She feels that the site designation is incorrect. She summarized the previous lot line adjustment and issues with the access road. She mentioned that she and John Lewis were concerned about flooding on their properties.

John Carroll stated that he felt that the Bagdad Road entrance needed to be studied.

Diana Carroll also spoke about the Bagdad Road entrance.

Richard Kelley arrived. He asked that the alternate seated in place of him remain until after this agenda item was completed.

Vice Chair Parnell stated that they would continue the Public Hearing for this application to April 28.

Vice Chair Parnell stated that he would like to go through the four conditional use criteria with regards to all three wetland areas.

Area A: Wetland Closest to Gerrish Drive:

1. No alternative location outside the WCOD that is reasonable practical for the proposed use. Mr. Kelley asked if they should speak to the Bagdad Road access issue. He said outside of that issue, he thinks they've done everything they can to minimize the impact to that area. Mr. Bubar said that the problem is that the Bagdad Road entrance does go through the WCOD. Councilor Tobias agrees with the Conservation Commission that there is no alternative location. Ms. Dill asked how the Planning Board could take the position that the Bagdad Road access would be better when they haven't been provided a study on it. Vice Chair Parnell does not think that the Bagdad Road access is an alternative location because it does go through the WCOD.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Agree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities. Mr. Bubar commented that it was a smaller road than a public road which lessened the wetland impact. Mr. Kelley asked if the roadway widths issue had been resolved. Mr. Behrendt mentioned that the applicant will need a waiver for the 20-foot pavement and 3-foot shoulders. Mr. Kelley asked if the Planning Board was comfortable granting a waiver for a 2-foot shoulder.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Agree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

3. The location, design, construction and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts. Vice Chair Parnell states that this is an area where they will want to put in a condition for the maintenance of the facilities. Mr. Bubar stated that the storm water management system appears to be adequate, but the mitigation activities do not seem to mitigate the wetland impact. There was discussion on the mitigation activities and New Hampshire's requirements.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Agree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

4. Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the CUP. Mr. Behrendt explained that this means that the restoration activities, to the extent practical, will leave the site to its existing condition.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Agree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

Area B: Wetland Over the Steep Ravine:

1. No alternative location outside the WCOD that is reasonable practical for the proposed use.

Councilor Tobias – Agree
Vice Chair Parnell – Agree
Ms. Grant – Agree
Mr. Bubar – Agree
Mr. McGowan – Agree
Ms. Dill – Agree
Mr. Philpot – Agree

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities.

Councilor Tobias – Agree
Vice Chair Parnell – Agree
Ms. Grant – Agree
Mr. Bubar – Agree
Mr. McGowan – Agree
Ms. Dill – Agree
Mr. Philpot – Agree

3. The location, design, construction and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts.

Councilor Tobias – Agree
Vice Chair Parnell – Agree
Ms. Grant – Agree
Mr. Bubar – Agree
Mr. McGowan – Agree
Ms. Dill – Agree
Mr. Philpot – Agree

4. Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the CUP.

Councilor Tobias – Agree
Vice Chair Parnell – Agree
Ms. Grant – Agree
Mr. Bubar – Agree
Mr. McGowan – Agree
Ms. Dill – Agree
Mr. Philpot – Agree

Area C: Wetland Crossing that the Loop Road Makes:

Mr. Bubar would like to hear April Talon's or Richard Reine's response to the alterations to the roadway which was presented by Mr. Sievert. Vice Chair Parnell stated that given that comment he didn't feel that the Board was ready to go through the four criteria at this time. Mr. Bubar stated that they could make a discussion on the road but not on the fill. He asked how much of the fill is really necessary to support the road. Mr. Behrendt stated that the Board could require less fill. Vice Chair Parnell asked if they could go through the criteria with the condition that any changes would have to be approved by Public Works.

1. No alternative location outside the WCOD that is reasonable practical for the proposed use. Vice Chair Parnell stated that this was in regards to the crossing of the wetland finger.

Councilor Tobias – Agree
Vice Chair Parnell – Agree
Ms. Grant – Agree
Mr. Bubar – Agree
Mr. McGowan – Agree
Ms. Dill – Agree
Mr. Philpot – Agree

There was discussion on the metal culvert proposed and whether a concrete box culvert would be better.

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities. Vice Chair Parnell stated he would agree with this with the condition that the Durham Public Works Department review it.

Councilor Tobias – Agree
Vice Chair Parnell – Agree
Ms. Grant – Agree
Mr. Bubar – Disagree
Mr. McGowan – Agree
Ms. Dill – Agree
Mr. Philpot – Agree

3. The location, design, construction and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts.

Councilor Tobias – Agree
Vice Chair Parnell – Agree
Ms. Grant – Agree
Mr. Bubar – Disagree
Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

4. Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the CUP.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Disagree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

Area D: Activities Within the Wetland Buffer:

1. No alternative location outside the WCOD that is reasonable practical for the proposed use.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Agree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Agree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

3. The location, design, construction and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts. Mr. Bubar feels that this is an area that the Board should put in some management practices.

Councilor Tobias – Agree

Vice Chair Parnell – Agree

Ms. Grant – Agree

Mr. Bubar – Agree

Mr. McGowan – Agree

Ms. Dill – Agree

Mr. Philpot – Agree

Mr. Behrendt stated that the applicant would like to ask the Board whether they have some level of confidence on this project before she spends money on some outstanding things. He asked if there were general concerns that the Board had at this time. Vice Chair Parnell stated he is not prepared to answer that at this time. Mr. Bubar stated that he is uncomfortable with the right-of-way access.

- X. *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 shore land overlay districts. Colonial Durham Associates, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Emily Innes and Sharon Ames, Harriman, project designer. (Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.**

Chair Rasmussen stated that the Traffic Study Review came back. There was additional information that was needed, and the contractor is scheduled to meet with the applicant on that next week. He stated that there is a new site plan before the Board tonight.

Chair Rasmussen appointed Mr. Kelley as a voting member on this application.

Joe Persechino, Tighe & Bond, stated that the Planner's Review had a good list of the changes made to the plan. Mr. Bubar asked if Mr. Persechino disagreed with anything in the Planner's Review. Mr. Persechino said no. There was no further discussion on the plan changes. Mr. Persechino then gave a presentation on the changes with regard to the wetland buffer. There was discussion about the proposed parking and the parking requirements.

Public Hearing:

Lea Macheras spoke to the impact she has seen due to the increase in student housing in Durham.

Eric Lund spoke to the parking proposed and the buffer.

Robin Mower spoke to the proposed commercial space and parking. She further spoke on the setback from College Brook and the wetland buffer.

Joshua Meyrowitz spoke to several issues.

Beth Olshansky spoke to the parking requirements and the wetland buffer.

Dennis Meadows stated that there is a larger picture being overlooked. The decision on the Plaza will impact Durham for the next 50 years. He presented a Power Point on issues of parking, walkability and the buffer.

Carol Birch spoke to the desire for something that would benefit the community.

Mr. Bubar discussed the situation with the storm drain system in the area. He feels that there are others that could be responsible for the problems.

There was discussion of the parking spaces proposed and whether they could be reduced. There was also discussion about possible charging stations.

Mr. Taintor mentioned that the time-line has changed, and he would update it for the next meeting.

Chair Rasmussen asked if the Board was open to have another special meeting sometime soon. Mr. Taintor suggested possibly getting another meeting in May. Chair Rasmussen asked Mr. Behrendt to reserve May 19 as a special meeting for the Planning Board.

Chair Rasmussen stated that the Mill Plaza Public Hearing is continued to April 28.

- XI. 74 Main Street – Design Review** Related site changes are also proposed for the adjacent lot to the east at 72 Main Street, Map 2, Lot 14-1. 74 Main Street - preliminary site plan and conditional use application for demolition of current woodframe building and construction of a 5-story mixed-use building with commercial use, 15 residential units, and 13 shared parking spaces. Doug Clark, applicant. Mike Sievert, Horizons Engineering. Map 2, Lot 14-1-1. Central Business Zone.

Doug Clark introduced the project. He feels that there is a need in Durham for adult housing.

Mike Sievert, Horizons Engineering, reviewed the site plan for the project.

Zachary Smith, Bergmeyer Architects, reviewed the architectural plans for the project and answered some questions from the Board members.

Chair Rasmussen MOVED to set the Public Hearing on April 14. Lorne Parnell SECONDED the motion and it PASSED unanimously.

- XII. Public Hearing - Yates Electric – New Building**. 88A Dover Road (behind Police Station). Site plan for new 1,800 square foot storage building/garage and driveway. Coyote Court, LLC, c/o William and Nancy Yates, owner. Bob Scholefield, applicant. Map 11, Lot 4-2. ***THIS REVIEW AND THE PUBLIC HEARING ARE POSTPONED TO APRIL 14.***

- XIII. Review of Minutes** (new): No new minutes

- XIII. Adjournment**

Lorne Parnell MOVED to adjourn the meeting. Councilor Tobias SECONDED the motion and it PASSED unanimously

Adjournment at 10:48 pm

Karen Edwards, Minutes taker

Richard Kelley, Secretary