

D-R-A-F-T

**DURHAM BOARD PLANNING BOARD
ZONING ORDINANCE PUBLIC HEARING
WEDNESDAY, FEBRUARY 27, 2004
TOWN COUNCIL CHAMBERS - DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: Chair Watt, Stephen Roberts, Nick Isaak, Neil Wylie, Amanda Merrill, Rachel Rouillard, Richard Ozenich, Councilor Arthur Grant, Councilor Annmarie Harris

MEMBERS ABSENT: Kevin Webb

OTHERS PRESENT: Jack Farrell, Developer for Spruce Wood Retirement Trust; Eric Weinrieb, Altus Engineer

MINUTES PREPARED BY: Victoria Parmele

I. Call to Order

Chair Watt called the meeting to order at 7:00 pm

II. Approval of Agenda

Amanda Merrill MOVED to approve the agenda. The motion was SECONDED by Nick Isaak and PASSED unanimously.

III. Report of the Planner

Jim Campbell said there was a meeting on Feb 17th concerning the Craig Supply site with UNH, NHDES, and the Office of Energy and Planning. He said they had received a report on the last monitoring well installed in the parking lot behind NH Hall, and it indicated nothing new on the contamination plume. He said Town Engineer Bob Levesque had said this was probably a good thing, indicating the contamination was contained to its present location. Mr. Campbell also said he had not heard anything yet about the Brownfields grant application.

Jim Campbell said NHDES had held the February 5th Public Hearing on the aquifer reclassification applications for Spruce Hole and the Lee well, and said approximately 15 people were present, most of them from Lee because more properties there are affected by the reclassification. He said it appeared from the comments at the meeting that the application would not be denied, and said he would keep Board members up-to-date on this matter.

Mr. Campbell said he had met with Doug Bencks, Campus Planner for UNH, and they discussed the following issues:

- aquifer reclassification

- Lamprey River and Oyster River protection initiatives
- plans for the new police station, which are on hold again
- The Craig Supply site
- The “round-about” issue. He noted that UNH would soon be going to the Traffic and Safety Committee with a plan on this
- GIS initiatives underway
- the Transportation Policy Committee

Mr. Campbell said he had attended a meeting on the Wiswall Dam in late January. He explained that there had been discussion over the last three years about possibly removing the dam or simply installing a fish ladder on it. He said the first choice of New Hampshire Fish and Game would have been removal of the dam because this would be the best approach for the ecosystem. However, he said the working group had concluded it would be very challenging to remove the dam, and had therefore looked at two alternatives: 1) building a fish ladder along the side of the current dam; or 2) creating a bypass channel.

He said it appeared that the bypass channel was the option the New Hampshire Fish and Game would choose, and noted there would be a presentation on this to the Town Council in the near future. Annmarie Harris noted that the studies that had been done had provided a significant amount of water resources data.

Mr. Campbell said there had been no word on when the Town Council would be taking up the draft Zoning Ordinance.

He said he had begun researching and writing the State Planning and Research grant for the northern and southern connector feasibility study, and said the grant would be limited to \$50,000 with a 20% match. He noted, however, that the Town could match as much as it wanted, and said his sense was that the study would cost more than \$50,000. Mr. Campbell also explained that the Town could request that the match be provided by the State, since some of the work would involve Route 4, which was a State highway.

Mr. Campbell said that on March 1st, he would be attending a NHDOT presentation on Transportation Enhancement Grants. He noted two Durham projects were in the running, and said one was for the next phase of Main Street from the railroad bridge to the Route 4 Interchange, a project that was ranked #3 in Strafford County. He said this work involved resurfacing, construction of sidewalks and some intersection work at Mast Road and would also involve one off-road trail. He said the second grant was for the downtown sidewalks project and would basically involve filling in some gaps where sidewalks hadn't been constructed before. He said this project was ranked #7 and that he was not confident the Town would get the grant, noting this was the third application for it.

Mr. Campbell noted that the March 10, 2004 Planning Board meeting would not be held because of the Informational Town Meeting. He said the next regular meeting would be held on March 24th and would include the application for the Verizon Cellular facility on the Foss Farm Water Tank and two public hearings for governmental uses; one for UNH on the cogeneration plant; and the other for NH Fish and Game for rehabilitation of the barn on a property that they had been deeded from the Nature Conservancy.

He also noted a “punch list” in Board members’ packets of public comments received during the Public hearings regarding the subdivision regulations, along with suggested changes based on those comments. He asked Board members who had comments on this information to get them to him by Friday as preparation so that the regulations could be reviewed and approved along with the Zoning Ordinance by the Town Council.

Stephen Roberts noted that several major transportation routing proposals were included in Mr. Campbell’s report, and requested that the Board have an opportunity, as an agenda item, to review maps on these proposals, so it could better consider what these proposals might mean in terms of planning.

Mr. Campbell said he would provide this information in the packets for the next meeting.

IV. Design Review on an Application for Conservation subdivision submitted by Spruce Wood Retirement Trust, Dover, New Hampshire, on behalf of Douglas & William Worthen, Springfield, Virginia. The property involved is shown on Tax Map 13, Lot 14-2, is located at Mill Road and Packers Falls road and is in the Residential B Zoning District.

Mr. Campbell explained that this was the second preliminary design meeting, noting that the first meeting was held on January 14th. He said the applicant had made some changes to the design, based on that discussion. He said he did not expect the Board would complete the design phase review that evening, and would like to carry it on to the next meeting, noting the applicant would most likely agree with this. Mr. Campbell said he had already received some comments from Town Engineer Bob Levesque, as well as from the Fire Department regarding some of their concerns about the preliminary design.

Mr. Roberts asked if there could be a preliminary discussion with the Conservation Commission, given the sensitive environmental area at Spruce Hole.

Mr. Campbell agreed that would be a good idea, noting he had spoken with Dwight Baldwin about the application, and said the Conservation Commission had received the whole packet of information. He said he would invite them to the next Board meeting.

Jack Farrell said there had been a number of suggestions made by the Board at the previous meeting about the first design. He said additional information had been made available since the last meeting, most importantly the HISS mapping that allowed density calculations to be done, so the layout for the development could be worked out more precisely. He said the development had been redesigned based on this additional information.

He said the more significant changes had to do with road layout, noting he had listened to the Board’s concerns about cul-de-sacs and dead ends, and had created a layout that was more conforming and efficient. He noted the changes were internal, and maintained a single, regular open access, while retaining the emergency road for secondary access. He said he appreciated the input so far, and appreciated that it would take some time to work out the various issues relating to the project.

Mr. Weinrieb said the site constraints plan had been updated based on HISS mapping information, identifying development areas, secondary conservation areas, and primary

conservation areas. He demonstrated on the map how the layout had been changed based on previous input, noting the well had been generally sited within the aquifer. He also showed the septic system locations based on the setback requirements. He pointed out that test pit log information had been included on the map, indicating whether each had received a pass or fail grade.

Mr. Weinrieb went over the lot density calculations, which had been updated based on the HISS information. He provided acreages of all the different land areas on the site that were considered unsuitable for development, and said that subtracting all of this acreage from 124.1 acres, left 84.82 acres, which allowed 92 units.

Rachel Rouillard asked how they had configured the buildings on the right portion of the parcel, where the loop was, given the number of units they were trying to put on the site. She also asked if they had considered using a grid layout in that area so they could get all the buildings on that one portion of the lot.

Mr. Weinrieb said they had used tracing paper, drew in the constraints, and then developed various possible designs.

Mr. Farrell said that if they did as Ms. Rouillard was suggesting, they would probably have to cut every tree on that area. He noted that the top of the knoll at the center of loop was wooded, and that the design intended that there be a wooded area on the edge of the parcels there. He also noted that there would be septic system problems with the configuration she was suggesting.

Mr. Weinrieb said another issue was that they had looked at the contours, and had tried not to build roads crossing the contours, and instead tried to work along the contours.

Ms. Rouillard said it was great that the developer had moved the crossing based on feedback from the Board, but said the location of the crossing in the second design would choke off and suffocate the important wetland complex there.

Mr. Weinrieb said they understood that they could not change the hydraulic conditions of the Oyster River in that area. He said they might design one large arch culvert or a series of culverts, but would definitely not be filling the wetland, and said they would have a better idea on this when they did the full design, including stormwater calculations.

Mr. Farrell said the road was cutting across the wetland, but would not be cutting it off, noting they could not do that. He also said that compared to other places to cross, the present design was one of the narrower options.

Chair Watt asked if the Board members could see the previous design, so they could see how it had changed. Mr. Weinrieb provided this information for the Board.

There was discussion about why the design had changed. Mr. Weinrieb said one reason was the length of the cul-de-sac, and the other was the concern about the flow of the site.

Ms. Rouillard said she preferred that the cross road was closer to the bottom portion of the parcel, - the way it had been in the previous design.

Councilor Grant asked if her concerns had to do with the impacts on the wetland at the new location of the cross road.

Ms. Rouillard said that was the main reason, noting that even though the water flow would not be blocked, it still would interrupt the passage of creatures great and small into a wetland system that was very critical, along the Oyster River. She also said the meadow area was especially important habitat, and said it was painful to consider the impacts on those areas. She said the flow would be better in the second design for the people living there, but not necessarily for the creatures.

Mr. Farrell said when primary and secondary areas were subtracted out, what was left as developable was all there was. He said what offset dramatically the legitimate concerns expressed by Ms. Rouillard was that designing the development this way would mean that the green areas in the aquifer area would be preserved and off the table forever.

Stephen Roberts said his concern was that the aquifer area shown showed a natural contour interval shaping down into the proposed development, preventing any discharge from the developed area from reaching the aquifer. But he said that as one moved toward the cul-de-sac, the contours changed and at the cul-de-sac itself, the drainage flowed off the property line and the larger roundabout showed a direct drainage into the conservation area.

Mr. Weinrieb said they had not fully considered and designed the drainage elements yet, but had considered some of the issues. He said they would be to creating some kind of surface drainage system and swale so surface waters would flow into a stormwater treatment area. He gave other details of stormwater management planned for that portion of the parcel, and said the idea was to have a number of smaller detention ponds to treat stormwater.

Mr. Farrell said the details of how the stormwater would be handled had been reviewed, but were still concepts and had not been solved yet. He said it was important to hear these concerns, but didn't expect to be able to answer them all at that point.

Councilor Grant asked if there was data on the Spruce Hole aquifer that indicated the direction of groundwater flow and surface water flow in that area.

Mr. Weinrieb said surface water hit the crown at the top of the hole, and the development would not be discharging in that direction at all. He said groundwater data on the aquifer had been developed by Tom Ballistero of UNH.

Mr. Farrell said there was a lot of data, and they would also expect there would be a full hydrological review of that data as part of the current project.

Councilor Grant said he was concerned with septic system wastewater relative to the aquifer. There was additional discussion about this.

Mr. Farrell noted that it would be easier to develop the site if the sewer were there. He said if the Board wanted them to go down that road, and would support that investigation, they would like to pursue this.

Neil Wylie said the original concept 5-6 years ago was to have town water and sewer in this area, but there had been no support at the town level for taking that action.

Mr. Farrell said the bigger issue at that time concerning the sewer was uncertainty about what was down the street, and that it had been a bit early to take advantage of infrastructure improvements about to be made. He suggested the approach of running a limited sewer connection to service the proposed development.

Jim Campbell said that one of Mr. Levesque's concerns was that the septic systems for the development would be very close to a current water source as well as a potential future water source. He said he shared these concerns.

Mr. Wylie said he didn't know if there would be support at the Town level for extending the sewer there.

Mr. Farrell said it was not a matter of cost, because installing the septic systems for the development would probably be as expensive as constructing the sewer hookup.

There was discussion among the Board members, the Town planner and the developer about the logistics of how the sewer hookup could be achieved.

Ms. Rouillard said if the sewer were something that was actually feasible, it would be appropriate to have the conversation concerning this parcel. She noted the recent conversation concerning the questions about the Town's water capacity, and said they didn't want to be short-sighted, and potentially damage the water supply.

Mr. Farrell said that given the history and uncertainty about the sewer issue, he had wanted input from the Board that it was worthwhile to pursue it.

Nick Isaak noted that extending the sewer line out to the development would probably also encourage more development along the sewer line.

Jim Campbell said that UNH was looking to put some housing out in that area, so it would probably be good for the Town to say UNH should be on the water and sewer systems. He also pointed out that the Master Plan had recommended extending water and sewer out to that general area.

Councilor Grant said the sewer line could also pick up some other areas out there that were already having problems with septic systems. Councilor Harris noted that Foss Farm, as well, had problems with septic systems.

Jim Campbell noted that some of those systems had reached the end of their life expectancy, and it would be a good idea for sewer to be extended there.

Councilor Grant suggested it would be reasonable and appropriate to ask the Town Council for an appropriation for a technical expert to investigate the sewer issue.

Mr. Wylie said the sewer was a good idea, and he would support it, but said he was not confident that in a time frame a developer could envision that the Town Council could reach a decision for or against extending the sewer, or where to extend it.

Nick Isaak said the University might already have studied part of this issue.

Richard Ozenich said that if the Board felt pursuing the sewer was the way to go, they should do this.

Mr. Farrell noted again that the cost of extending the sewer would probably be similar to the cost of installation of the septic systems, but emphasized that they could only support extension of the sewer to the development. He said it would be good to know what the cost would be for a pressure line from a pump station that served just the development, taking the shortest route in the most suitable soils.

Mr. Wylie asked Councilors Grant and Harris what time frame would be necessary to gather evidence the Town Council would need in order to make a decision on this.

Councilor Grant said the only decision was for the Board to ask the Council if it would be willing to finance a feasibility study with two options: a limited sewer line for the development and a sewer extension that others could utilize. He said he would hope there would be an answer within a month. There was discussion on how much such a study would cost.

Mr. Isaak asked if there were a sewer line for the development, if this would affect the density of the development. It was clarified that this would not affect the density, but could affect the placement of buildings on the parcel. Mr. Weinrieb said it would mean among other things that the buildings could be placed further into the woods, so they would be less visible from Mast Road.

Chair Watt said the issues to consider were the technical feasibility of the sewer, how much it would cost and how it would be financed. He noted the beneficiaries of extension of the sewer would be UNH and Spruce Woods.

Councilor Grant said he assumed that a restriction could be imposed that there could be no attachments until the impact fee ordinance was in place, and Chair Watt said he agreed.

Neil Wylie suggested they could ask the Town Council if, should it prove feasible, they would support an extension of sewer service to serve this area.

Annmarie Harris said there would have to be significant rationales to answer the pros and the cons that would be expressed by the Council.

Rachel Rouillard said there were really two proposals: a limited sewer line for the development, and a sewer extension that others could utilize.

Mr. Farrell said the larger question was controversial and could take a long time to answer. He said the smaller question could be answered with the help of town staff, and involved the issue of

a pumping station somewhere behind the field house, and substandard pipes out there. He said there was also some question about who owned which lines.

There was discussion about easements the development had for the sewer line, and Mr. Farrell explained that it was not a recorded easement, but instead was an agreement to allow an easement at such time as was necessary. He said it ran through Amber Acres.

Chair Watt said the idea was worth pursuing, and Jim Campbell said he would talk with Bob Levesque about the cost of a feasibility study, to UNH to see if they had actually done anything yet, and to Paul Beaudoin to see if there was any money for the study. Mr. Campbell said he was interested in looking at both the smaller and the larger sewer questions.

Mr. Farrell said it was important that this not take too long.

Richard Ozenich asked if they could get some idea what the layout would be if the development had a sewer line. Mr. Weinrieb said all he could say at that point was that they would simply take out the leach fields.

Mr. Farrell noted that if there was a sewer line, some of the aquifer could be built upon. There was discussion about the aquifer as a water supply for the Town.

Jim Campbell asked if the sidewalks and trail systems for the development would be similar to those in the previous development.

Mr. Farrell said that for the previous development, they had planned to have sidewalks everywhere, but some were actually eliminated in order to encourage walking within the compound.

Mr. Weinrieb noted that in the previous development, the sidewalks were set far back from the road, so that there was a long expanse of lawn between the road and the sidewalk. He said that to him, this took away the rural feel of the road, although it was safer. He suggested natural vegetation should be planted instead of grass or trees in order to maintain the rural feel, and also suggested that the distance between the road and sidewalk could be decreased.

Mr. Farrell said they were open to suggestions on this design issue.

Mr. Campbell noted that the wetland impact in the present design represented an increased of approximately 1,400 sq. ft. compared to the previous design, and asked why. It was clarified that this was because there was a wider wetland crossing in the second design, and Mr. Weinrieb noted that the impact would still be less than 10,000 sq. ft. He suggested an arch culvert could be used for the wetland crossing

Mr. Wylie asked what the total wetlands impact was, as a percentage of the parcel and Mr. Weinrieb said it was less than a tenth of one percent.

Mr. Campbell said Mr. Levesque had some concerns about the stormwater utilities, and suggested Mr. Farrell and Mr. Weinrieb meet with Mr. Levesque on this before going much

further with their design. He also noted that because of the new EPA stormwater rules about land disturbance of more than an acre, they would need the required permits.

Mr. Farrell addressed road issues related to the development, noting that traffic people and planners frequently had differing perspectives on road issues for subdivisions.

Jim Campbell said that the applicant would be requesting a waiver on road width, since the road regulations require 24 ft. with 4 ft. shoulders, and they would like a 22 ft. wide road with 2 ft. shoulders. He acknowledged there could be resistance concerning this from the Public Works Department because they liked wider roads. But he said that if the smaller dimensions were something the Board would entertain, it would be good for the applicant to know at that point.

Mr. Wylie asked where parking would be allowed. Told that it would not be permitted on roads, he said that made a difference. He also asked if there would be sidewalks.

Jim Campbell said the Fire Department was also concerned about reduction in the width of the road, and said that if this were to be done, no parking should be allowed on the road.

Mr. Farrell noted the previous development provided special accommodations for excess parking, and also noted roads had a 20 mph area speed limit.

Chair Watt noted the importance of speed bumps and other traffic calming techniques.

Eric Weinrieb said that as they made the road narrower and more winding, this also slowed traffic.

Mr. Campbell received clarification that the roads for the development would be public roads.

Mr. Wylie noted that having the sidewalks back from the road made sense so that plowing would not cover the sidewalks with snow.

Mr. Campbell asked if water for hydrants and sprinklers would be coming from the well.

Mr. Weinrieb said the new well system would have a similar design as was already in place for the previous development, would be used for fire protection as well as domestic water use, and would include sprinklers.

Mr. Campbell received clarification that the new well would be in the aquifer district.

Mr. Weinrieb said the flow calculations indicated 300 gallons would be used per day, per unit, which worked out to 27,000 gallons per day of demand on the aquifer for the well. He said in reality, a unit would probably only use about 100 gallons a day, representing less than 10,000 gallons per day of demand.

Mr. Campbell said the Fire Department had expressed concern about the length of the road in terms of response times needed to get to the back part of the development. He said they had asked if any consideration had been given to run a road out to Mast Road. There was discussion about the response time issue.

Mr. Campbell asked if there was some idea of the cost of the project, noting that for plans over a certain amount of money, the Fire Department billed the applicant. There was additional discussion about this, and also about the elderly housing aspect of the project.

Most Board members agreed that they liked the roadway design. Mr. Roberts noted, as a bicyclist, that narrowing the roads made them more dangerous. He said he was concerned about the narrower width combined with the length of the access into the development.

Mr. Weinrieb said he too was a bicyclist, and that in a rural development like this it would not be very often that two cars and a bicyclist would be passing each other at the same time. Ms. Harris noted that at 20 mph, the bicyclist could drive on the road, and could go as fast as the car on the road.

Mr. Farrell said the previous development had an entrance road of 24 ft. with 4 ft shoulders, and was clearly overdone.

Chair Watt asked if there were any additional comments about the general design of the development.

Mr. Campbell said he wanted to make sure the Board was comfortable that the road through the development was not going to be considered a cu-de-sac because it made a big loop and entered Sawmill Road.

Mr. Farrell said with the existing design, they had all the benefits of having the complete loop, but also had the road going out the bottom of the development available in an emergency. He said this design did not encourage through traffic and allowed minimal disruption of the area, noting a reason the road had been turned into an emergency road was because the bulk of it was in the aquifer district, and the desire was to keep it unpaved to allow infiltration.

Mr. Wylie asked if emergency personnel had access to the road, and was told they did. He said he was comfortable with the road design as long as the other feasible entrance was maintained, and said he agreed the road should not be paved if at all possible.

Mr. Campbell said the applicant could move forward with the road design of 22 ft. width, 2 ft. shoulders, but should be prepared to discuss this with the Public Works Department. He also recommended that more detailed stormwater information be provided at the next session.

Mr. Roberts said he disagreed with the proposed road design, saying that it was not good design practice. He suggested that the Public Works Department should provide comments on the design, and then the Board could decide.

Ms. Harris asked if the back entrance to Packers Falls Road was well maintained year round, and was told that it was.

Mr. Campbell asked about the common open space ownership/stewardship plan, noting discussion of this was generally part of the design phase.

Mr. Wylie said the stewardship plan should include specific details on protection of the property for the long term.

Mr. Farrell said his experience with common open space was that this detail was spelled out carefully.

Mr. Roberts asked if it was appropriate that preliminary design review comments from the Board not be complete until they had gotten input from the Conservation Commission. There was discussion on this.

Mr. Farrell said he would be happy to make a presentation at the Conservation Commission meeting the following day, where the proposed subdivision was supposed to be discussed.

It was agreed that there would probably be another preliminary design discussion on the application at the March 24th Planning Board meeting, and that perhaps there would be information concerning the sewer issue at that point.

V. Other business

A. Old Business

B. New Business

C. Next meeting of Board - March 24, 2004

VI. Approval of Minutes

January 28, 2004

Page 2, 2nd paragraph, should read “Zoning Enforcement Administrator instead of “Code Administrator”

Same page, bottom paragraph, should read “asked what the teeth were” in the draft ordinance.

Also same paragraph, should read “was a great preventative measure”.

Page 4, 1st paragraph, should read “was definitely a problem with coli form, for various reasons, including domestic animals. Spelling of coli form should also be corrected at end of same paragraph.

Page 9, 1st paragraph, should read “Councilor Grant pointed out that putting a hold on water permits..”

Page 14, bottom paragraph, should read “He also noted that an Implementation section was suggested by State Regulations.

Councilor Grant MOVED to approve the minutes as amended. The motion was SECONDED by Rachel Rouillard, and PASSED unanimously.

February 4, 2004

Page 1, 2nd bullet from bottom of page, should read “The Table of Uses for Residential Districts and the Office Research District..”

Page 4, 2nd paragraph, should read “High Intensity Soil Surveys..”

Page 7, 1st full paragraph, should read, after this paragraph, “No other members of the public spoke.

Page 8, 2nd paragraph from bottom, should read “..no one had ever urged that....” Also, same paragraph, should read “...Selectwoman Sundberg...”

Page 9, 1st paragraph from bottom, should read “...this would probably not increase density because of...”

Stephen Roberts MOVED to approve the minutes as amended. The motion was SECONDED by Neil Wylie, and PASSED unanimously.

VII. Adjournment

Neil Wylie MOVED to adjourn the meeting. The motion was SECONDED by Councilor Grant, and PASSED unanimously.

The meeting ADJOURNED at 8:45 pm

Amanda Merrill, Secretary