

These minutes were approved at the September 14, 2005 meeting.

**DURHAM PLANNING BOARD MINUTES
WEDNESDAY, JULY 27, 2005
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL**

PRESENT MEMBERS: Kevin Webb; Stephen Roberts; Nick Isaak; Richard Ozenich; Arthur Grant; Councilor Gerald Needell

PRESENT ALTERNATES: Bill McGowan; Annmarie Harris, Susan Fuller

MEMBERS ABSENT: Richard Kelley; Alternate Councilor Diana Carroll, Alternate Member Lorne Parnell

OTHERS PRESENT: Town Administrator Todd Selig; Public Works Director Mike Lynch; Town Engineer Bob Levesque; Victoria Parmele, Minutes Taker

I. Call to Order

Board member Kevin Webb said that Chair Kelley could not be present, so he would be serving as Chair for the meeting. He said alternate member Susan Fuller would vote in place of Chair Kelley.

II. Approval of Agenda

Arthur Grant MOVED to approve the Agenda as submitted. The motion was SECONDED by Nick Isaak, and PASSED unanimously 7-0.

III. Report of the Planner

- Mr. Campbell noted that he and planning consultant Mark Eyerman were drafting a response to the Town Council its review of the proposed Zoning changes, especially regarding the soils criteria for usable area. He said the Council would have the first reading on the wetland, shoreland and aquifer overlays at its next meeting.
- He said there is one new application for the August 16 Planning Board meeting, and noted that the Nature Conservancy was the applicant. He explained that the organization would be buying a 21.9 acre parcel that would be split from a 44.3 acre parcel on Dame Road.
- Mr. Campbell said the Town would bring the plans for the Craig Supply parking lot to the Planning Board for discussion under RSA 674:54 (Government Use).
- He said the Town's traffic consultant for the Irving application was on vacation, so it was doubtful he would be at the meeting. He noted that additional information had been received on the traffic issue, and should be discussed.

IV. Public Hearing on an Application for Site Plan Review submitted by the Durham Public Works Department to re-surface the existing parking areas, add new parking areas where buildings use to be, re-use current storm water structures, install parking lot pavement

markings to include numbers for leased parking spaces and re-landscape island that previously existed. The property involved is shown on Tax Map 5, Lot 4-10, is located at 13-15 Newmarket Road and is in the Limited Business Zoning District.

Mr. Webb said the Board held a site walk at this site prior to the Board meeting, noting it was not well attended by members of the public.

Town Engineer Bob Levesque said that after the previous discussion with the Board on the Town's plans for the site, Town staff had reduced it from 14 to 4 items by incorporating issues in the plan that the Board had wanted to see addressed. He provided details on the additional information concerning the proposed parking lot, including surrounding properties, catch basins, and monitoring wells on the site.

He explained that the current parking area contain 23 regular spaces and 2 handicap spaces, and said the proposed plan would provide 44 additional regular parking spaces and 1 handicap space, for a total of 70 parking spaces. He noted that the site plan showed that traffic flow would be the same as it presently is.

Mr. Levesque spoke about the drainage plan, noting that that the primary catch basin is located in the middle of the lot, and met the requirements for a 100-year storm. Drainage off the site would flow under Newmarket Road and down toward the Oyster River, as part of the NHDOT system. He said the runoff rate would not change, and also pointed out that putting some islands in the parking lot would increase the amount of pervious surface on the site.

Mr. Levesque spoke briefly about the utility plan, and provided details of the landscaping plan, which involved a row of growing pear trees in the current island near the Town Hall Building, and trees at the far end of the site to provide screening. Concerning the lighting plan, Mr. Levesque said the DPW had not received the data it needed in order to discuss the plan with the Board.

Mr. Grant asked Mr. Levesque to speak about the monitoring well on the site.

Mr. Levesque said they were monitoring a portion of the site that was the location of the old DPW garage, where there had been some old diesel fuel tanks that had leaked. He said testing of the area was done twice a year for carbon based materials, noting that the Town had been paying for this but now the State had taken this over, and the Town just had to maintain the wells. He said contamination was decreasing over time.

Mr. Grant noted that the catch basins for the site connected to storm drains on Route 108, and asked where the water went from there.

Mr. Levesque said it headed down to the Oyster River, explaining that it was not a direct discharge, but instead flowed to a vegetated swale, and then entered the river.

Mr. Webb noted that the Board had requested that if the Town wanted to have the parking lot available for use when the fall UNH semester began, there should at least be basic lighting for the parking lot, which would be followed up with a long-term lighting plan within a year or so.

Councilor Needell said as he recalled, this had been a suggestion, but there had not been a

consensus on this. He said he felt the Board should vote on whether this was the way to proceed.

Mr. Levesque said Town staff was working on this, but did not yet have the data on how much lighting was needed. He said the poles were on the site, and lights could be mounted on them to make the site safe.

There was discussion that these issues would be addressed as part of the conditions of approval for the site plan.

Administrator Selig said in addition to the Town's idea to rent spaces in the parking lot to students, George York of the Durham Village Garage had expressed an interest in leasing a portion of the parking lot for his business. He said Mr. York would speak before the Board about this idea, and noted that Mr. York would plow this portion of the lot, so would be paying a slightly reduced rate for the parking spaces. He noted a benefit to the Town would be that the spaces would only be used during daytime hours.

Administrator Selig said 14 spaces would be designated for that property, and noted it was important that this parking would not be unsightly and disorderly. He said various details would have to be worked out, and noted there could be impacts from the parking on traffic patterns, striping, etc. He said it would be helpful to get feedback on these things.

Mrs. Harris asked if this would preclude the possibility that at some future time there might be a through road from Schoolhouse Lane at the far end of the property, potentially through to Dover Road at the Durham Village Garage property line. She said this was something she has been interested in.

Administrator Selig noted that a great deal of concern had been expressed about the impact of traffic from the Irving application onto Dover Road. He said the York's had expressed concerns about this, and about the idea of wanting to use some of the parking lot for their customers, noting that many of them were nervous about exiting onto Dover Road. He noted that the current plans for the area did not consider through traffic, but said this could be considered and that he would like to hear feedback from the Board. He said his concern was to maximize revenue from the site, as a transitional use, until the long-term use was determined.

Mrs. Harris asked if the catch basins on the site could be used as hookups for abutting properties. Mrs. Harris said there were 15 inch pipes on Schoolhouse Lane so there would be no more distance to connect to these than to connect to the 15 inch pipe on Newmarket Road. She said alternate catch basins for drainage from Smittys, and alleviating hazardous left turn traffic patterns by having a means to cut through to Schoolhouse Lane were her suggestions.

Mr. Levesque explained that the Smitty's site currently drain to a catch basin on the site, but said the Irving facility would have to slow its rate of storm runoff because it would have more impervious surface, so it is looking at installing a canal system underground in order to be able to retrieve and slowly discharge the water. He said the system was designed for a larger pipe at the far end, so what Mrs. Harris had mentioned would be too small for the Irving site.

Arthur Grant MOVED to open the public hearing. Richard Ozenich SECONDED the

motion and it PASSED unanimously 7-0.

Mr. Webb asked if any members of the public wished to speak for or against the application.

George York, Durham Village Garage, spoke in favor of the proposal and said it would certainly be beneficial to him. He said a concern he had was the amount of traffic on Dover Road between 4:30 and 5:30 pm, and the difficulty customers had pulling out of his property onto the road. He said the parking spaces he would like to rent would be strictly for daytime parking, and would not be used as storage. He also said traffic could be alleviated somewhat if cars could drive out the back of the building instead of onto Dover Road. Mr. York said he could clear the area on occasions if the Town gave him notice concerning this, and also said he would be more than happy to maintain the area.

Councilor Needell asked if Mr. York would have exclusive use of 14 spaces in the lot, which would be accessed from his property, so that customers could leave if they wanted to through the parking lot. He asked if the idea was not to use the lot as a through road.

Mr. York said that was correct, and said he definitely did not want a through road. He said this would alleviate some of the traffic issues, and said if the Town wanted to set up one access out of the lot, he would be fine with that.

Councilor Needell asked if the parking spaces would be fenced-in, and Mr. York said he did not see the need for that.

Mr. Roberts commended Mr. York for coming forward in a cooperative way, and said this was the way to get things done in the community. He also commended Mr. York for his building.

Mrs. Harris asked Mr. York to share his observations, from his vantage point, concerning the proposed changes and conflicts that would result from the proposed Irving Station/coffee shop/convenience store. She said his observations would be very helpful to the Board.

Mr. York said he did not agree with the way the traffic plan for Irving had been set up. He said designing the access like that of Gibbs made for a very dangerous traffic pattern. He provided details on this, and said it was really difficult to get across both lanes of traffic to turn left on Dover Road. He said he had seen many incidents where a car coming from the left waved a car out that was turning left, and the car turning left then got wiped out by a car coming from the right. He said he would rather see Irving set up a pattern so that traffic was exited out the other way.

Mr. Webb thanked Mr. York for his comments.

Bill Hall said the lighting plan needed help and said he hoped the Board would stay on top of this issue. He provided some ideas on what could be done concerning lighting for the site

There being no other persons wishing to speak, Mr. Isaak MOVED to continue the public hearing to the August 24th Planning Board meeting. Councilor Needell SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Webb said the Public Works Department would come back with a lighting plan.

Councilor Needell asked if there were a change in the plans for the parking lot so that there would be no anticipated night-time permit-parking use, if that would change the expectation of the Board in terms of lighting. He also encouraged the Board to consider approving Mr. York's request to rent some of the parking spaces.

Chair Webb said he thought everyone was in agreement that ultimately if this would be a long-term use of the lot, the Board would like to see something consistent with the Irving station.

Mr. Isaak also noted the area could still be a safety hazard if someone were able to hide in the dark in the parking lot.

Mr. Webb said there might need to be some lighting, but not the same intensity.

Mr. Roberts said that with the current poles available, a reasonably limited area and creative use of lighting with the right lumens, they might be able to find an easy way to do the job that was not expensive.

Mr. Lynch asked if the Board would allow the Public Works Department to install some sample lighting so that it could then be reviewed. He said the idea was to start small and then add more lighting if it was needed.

Mr. Roberts suggested that a member of the Police Department be invited to observe the lighting in terms of safety.

Administrator Selig said that if Board members had any more ideas concerning landscaping of the site, Town staff would like to hear them, and to accommodate them to the extent possible.

Mr. Grant said he felt the site needed some distinctive landscaping, especially at the back side of the property. Regarding fencing and landscaping, he suggested that in the interest of economy, they should all see what the results of the first landscape plan looked like when it was done, and then could consider more if needed.

Mr. Roberts said he supported this approach.

Mr. Isaak asked about the possibility that there might be islands on the street.

Administrator Selig said this was certainly possible.

Chair Webb asked if perhaps something could be done with portable barrel type planters to make the parking lot more attractive.

Mrs. Harris said to break up the facade, trees would be great. She suggested landscape architect Robbi Woodburn might be able to come up with something economical for the Town.

Administrator Selig said it has been decided to complete work on the area near the Town Hall building now, and the additional work needed, besides striping, at the back of the site could be done later.

V. Continued Public Hearing on an Application for Site Plan Review submitted by

Courthouse Ventures, LLC, Hampton Falls, New Hampshire to demolish the current motor vehicle service facility and replace it with a retail motor fuel outlet which includes a 2,992 square foot convenience store with an attached 1,100 square foot coffee/donut shop. The property involved is shown on Tax Map 5, Lot 4-2, is located at 2 Dover Road and is in the Limited Business Zoning District.

VI. Continued Public Hearing on an Application for Conditional Use Permit submitted by Courthouse Ventures, LLC, Hampton Falls, New Hampshire to demolish the current motor vehicle service facility and replace it with a retail motor fuel outlet which includes a 2,992 square foot convenience store with an attached 1,100 square foot coffee/donut shop. The property involved is shown on Tax Map 5, Lot 4-2, is located at 2 Dover Road and is in the Limited Business Zoning District.

Frank Montiero, the engineer representing the applicant, noted that at the June 22nd meeting there had been two remaining issues concerning the project - architecture and traffic. He said there had been detailed discussion at that meeting on the proposed architecture of the facility, and that architect Shannon Alther would present an updated plan based on this previous discussion. He noted the applicant had received a letter from NHDOT, and said the applicant's traffic consultant would discuss this. He also said the applicant's attorney was present, in hopes that they could go through the conditional use permit criteria that evening, and close out the hearing if possible.

Mr. Alther summarized the proposed changes to the architectural plan. He first described two options for putting brick on the north side of the building: Option 2, which extended the brick further on the wall, and Option 3, which extended the brick all the way down the side of the building. He demonstrated several views of these two additional options, to show how the building fit with other buildings in the area, and then asked the Board which option it preferred.

Mr. Isaak said Option 3 made the building look more substantial.

Mr. Webb said he found the renderings very helpful, and among other things demonstrated that this side wall would be visible from various perspectives. He also said he agreed that Option 3 was the best.

Planning Board members informally voted that Option 3 was the best design for the brick.

Mr. Alther showed the Board some of the brick styles that could be used, and said he recommended using a wire cut brick, with some tinting of the mortar so it would not contrast as much with the brick color.

Mr. Alther said he had previously designed the canopy with two cupolas, but had now taken them off. He said the Board could decide what it preferred concerning this. He also noted that some additional brackets had been added to give a more solid anchor to the posts.

Mr. Alther informed the Board that the blue band on the canopy had been reduced from 1.5 ft. to about 9 inches in width.

Mr. Roberts said he objected to the elements that represented franchise architecture, which was not permitted in the Courthouse district. He said he thought the blue band and Blue Canoe logo would detract from the antique court house. He noted he had visited an Irving station on Lafayette Road, and found the design there to be appropriate for that location because it was out in the middle of nowhere. But he said he had concern about having that kind of design at the proposed Irving site in Durham. He said he liked the brick that was proposed, but said that the lessons learned in the New England area were that when companies like Irving adopted unique architecture common to the area, they did better than businesses that did not do this.

Mr. Alther said the comments were well noted, and said it could be discussed whether the blue band needed to be there. He said if it had to go, he would propose having a small sign similar to the one on the court house.

Mr. Roberts said the color of the building, and the pump design did not fit with the Ordinance.

Mr. Alther said one of the applicant's goals was to try to design a building that fit with the historic context, but there was a business piece as well.

Councilor Needell said he agreed the Blue Canoe symbol. and the yellow looked out of place with the rest of the building and flew in the face of the Ordinance. He said this was a problem.

Mr. Webb said he agreed. He said the blue band was not a problem for him as long as it was very small, but he said what really stood out was the glaring yellow on the gables. He said this seemed out of place with the character of the rest of the building, and he noted the original proposal was pale yellow clapboards. He asked if there could be a compromise where the applicant came close to a color the Board would prefer.

Mr. Roberts said what struck one was the overwhelming franchise symbol where the coke machines, gas pumps, ice machine, compressed propane; all were advertising signs for franchises.

Mrs. Harris said she had assumed there would not be these symbols on the site, noting they weren't included in the design that was presented. She asked Mr. Alther to speak about this.

Mr. Alther said there were a couple of options which he outlined for the Board.

Mr. Roberts said this would still be franchise architecture, and said this kind of thing would not be allowed in other historic districts in the region.

Mr. Montiero noted how far the design had come from where it had started.

Mr. Roberts said the applicant had showed the Board the worse-case scenario in the beginning, and said although the design was getting better, to him it was still not what the Ordinance envisioned. He said one lesson of New Hampshire development was that if the developer respected the Town, the business would do better than if commercial elements were pushed upon an historic site.

Mr. Montiero said the applicant wasn't trying to push anything on the Town. He said at the

last meeting, there wasn't a consensus on some of the design details. He said he understood Mr. Robert's concerns, but said he would like a consensus of the Board on these design elements.

Mr. Roberts also noted that at the Portsmouth Irving, all the mechanicals had been put on the ground behind the building, not on the roof. He noted that Mr. Montiero had discussed how the mechanicals could all be put on the ground.

Mr. Montiero said the plan was to put the mechanicals on the ground and on the roof. He explained that the HVAC on the ground created a problem with maintenance because of dust, and said the applicant would prefer to put on the roof so it would operate better. He provided additional details on this, but said if was a strong concern, they could discuss screening for this equipment.

Mrs. Harris asked if it was possible from an operational perspective to put these mechanical on the ground, noting there were places where this was done.

Mr. Montiero said it was true this could be done, but he again said it was a maintenance issue.

Mr. Webb said he would like the Board to focus on the color and franchise architecture issues first, and said the Board could come back to the issue of the HVAC condensers later.

Councilor Needell said the applicant's willingness to change to the matching color was a step in the right direction. He said it wasn't clear what the Irving symbols were, but avoiding concerns regarding franchise architecture was in the applicant's best interest, because otherwise it would be a stumbling point. He said he did not see the importance of the blue band.

Mr. Alther said the applicant had tried to work with the Board's comments. He said the design had come a long way, and asked the Board to keep in mind that this was after all a business.

Mr. Webb summarized that the key architecture issues were still the cupola, the blue band on the canopy and other elements perceived to be franchise architecture, and the mechanicals on the roof.

Arthur Grant MOVED to open the public hearing. The motion was SECONDED by Stephen Roberts.

Mr. Campbell asked for clarification as to whether the public hearing would address design as well as traffic issues, and Mr. Webb said it would include whatever members of the public wished to speak about.

The motion PASSED unanimously.

Phyllis Heilbronner, 51 Mill Pond Road said she thought that even with all the effort that had been put into the architecture for the project, the cart was being put before the horse. She said the real issue was safety, and said that she knew, on a daily basis from crossing Route 108, the danger of crossing that road. She said this would not change until one could change the driving habits of young people with cell phones driving on that road.

She said when she attempted to cross the road on foot, almost daily, drivers would not yield to pedestrians, and said the proposed use would only add to this existing problem. She noted that if a car did stop for a pedestrian, the car behind it would often nearly crash into it. She stated again that the real issue before the Board was not the striping on the canopy, it was public safety.

Henry Smith, 28 Woodman Road said he would read some excerpts from a letter from resident Gwendolyn Howard. (See summary of this letter later in the Minutes). Mr. Smith said he seconded what Ms. Heilbronner had said, and he spoke about the reality of a pedestrian unfriendly society. He noted he himself had almost been hit while walking in a crosswalk at UNH a few years back by a driver not paying attention. He also said that 5 _ years ago, he was hit by a truck coming around the corner, across from the post office, and said it was a very close call. He said there was very intensive traffic in these areas, and said he was glad this very serious issue was being addressed.

George York, 8 Dover Road, said he was very happy about the hotel being built, noting it was a large structure, but the colors chosen were very forgiving to the eye. He said he was excited about the idea of using more brick on the Irving building, and said from his standpoint, it was not unreasonable to mirror the buildings around it. He said he would not want to see the bright yellow color on a building that close to the courthouse or his own building, and noted that even Gibbs was a neutral color. He said he did not think a more neutral color on the Irving building would affect the business.

Beth Olshansky, Packers Falls Road, said she appreciated the work done by the Irving people to try to accommodate the Board. She said that because the building was being sandwiched between two historic brick buildings, it was important that it fit with them. She said she objected to the plan to put some equipment on the roof, and also said she thought the business would do much better in Durham if there was a simple, historic looking building without franchise architecture. She said people in Town felt strongly about this kind of thing. She said she thought the building should be all brick, and said the blue and yellow really stood out.

Ms. Olshansky said it was her understanding that one would be able to see the gas pumps from Newmarket Road, and it would be nice if shrubs could be planted to block some of this. She also said she was concerned about the "space age" gas pumps, especially because they would be located at the edge of the Historic District. She said she hoped Irving could find something else, because they were totally incongruous with the overall design being created. She noted the business was not a permitted use, but rather a conditional use, and said these kinds of aesthetics, for the gateway to the community, were important. She said she did not think the Board should compromise on this, noting that the applicant had done a lot, but could still do more.

She also said she agreed that the cart was coming before the horse in terms of aesthetic versus safety concerns. She referred to an accident she had almost had, and said left hand turns out of the site would be extremely dangerous. She also said making a left hand turn into the site would be extremely dangerous, noting she drove from Dover to Durham a lot. She said if one wanted to turn into the site, the car behind did not know where the turn was being made. She said that without a designated lane for turning, it would be hard to avoid accidents. She also said she agreed with Gwendolyn Howard that it wasn't known how the

hotel would affect the amount of traffic.

Ms. Olshansky said she had estimated that the traffic into the site would be increasing by approximately 10 times, compared to the present volume, and said she had serious concerns about allowing left hand turns, when drivers were on their cell phones and were not paying attention.

She said she had gone to a recent NHDOT hearing, and had spoken with the gentleman who had approved the Irving traffic application. She said she had shared her concerns about the traffic with him, and asked how the application could have been approved. She said he had told her that as a matter of policy, NHDOT did not reject applications. She said the fact that the application was approved therefore did not mean that this was a good idea. She said she had asked him what would happen there, and said he had said he hoped people would not take left hand turns. She provided additional details of her discussion with the person from NHDOT, and then urged the Board again to consider these safety concerns.

Mrs. Harris asked Ms. Olshansky if she had any suggestions as to how the left hand dilemma could be solved.

Ms. Olshansky said left turns in and out shouldn't be allowed, and said perhaps there could be an island if the road was wide enough. She said it was up to the developer to decide if this would be commercially viable or not, but said the Board had to look out for public safety. She said a lot of people were concerned about this issue.

Chair Webb said if left turns weren't allowed, people would make their own routes. There was discussion about this.

Councilor Needell noted this had come up at a previous meeting. He said this was a telling point, and might be indicating there was significant overuse of the site. He said he thought this raised the issue to a higher level, and indicated a fundamental concern about the whole project.

Ms. Olshansky said what this said was that if left turns were eliminated, it would cause other strange driving behavior. She asked what this was really saying about the site.

Bill Hall said the public comments on crosswalk issues were appropriate, and he described various close calls he too had had as a pedestrian in Downtown Durham. But he said this issue had nothing to do with Irving. He said there was a signalized intersection between Irving and the crosswalk, and if Irving were built, this would cut down on the number of people crossing the street.

Mr. Hall described some problems with the present signalized intersection, and said it was not done the way the State said it would be done. But he said he did not think there was a problem with left hand turns, because a person wanting to turn left could wait for a gap in traffic.

Julian Smith, Packers Falls Road spoke about the design and franchise issue, and noted that advertising for franchises was everywhere. He also said that if Durham had had a planning board when the courthouse building was built, a brick building would have been frowned upon. He provided some history on the building, noting it had originally been a

commercial building that was later turned into a courthouse.

Mr. Smith said it was smart of Mr. Mitchell to call his enterprise Courthouse Ventures, because he thought some of the people pulling in and out of the business would be having a courthouse adventure. He said he hoped that somewhere in the conditional use stipulations - there would be an understanding that if it was clear accidents were happening because of this venture as a result of problems with making turns, some changes could be made to the ingress and egress to the site. He suggested going with the current plan, but allowing some "wobble room" if the dire predictions came true.

George York said the rear of the building faced his building, and provided details on why he thought it might make more sense to put the HVAC equipment on the roof rather than on the ground behind the building. He noted a concern he had was that there would be more noise if the equipment were on the ground.

Bill Hall said he did not think people would be able to see down the alley way from the street, to see the HVAC condensers.

Mr. Grant said because so many concerns had been expressed about traffic safety, the Board should hear from Mr. Pernaw, especially concerning the letter from NHDOT.

Chair Webb said he would first like to read letters from members of the public, and said the Board could then continue the hearing, and then discuss traffic issues with Mr. Pernaw and other representatives of the applicant.

Letter from Richard England: Mr. England said that as a resident of Durham and an economist who studied local economic development, he would like to express his opposition to the proposal to build an Irving station and convenience store on the Smitty' site. He noted that Route 108 was the only north-south road on this side of Great Bay serving the Seacoast, and also said it would be nearly impossible to widen this road in years to come. He said a steady increase in the daily volume of traffic through Durham on Route 108 could be anticipated, along with an increase in traffic congestion, and asked why the Town would want to permit a business generating a lot of customer traffic at an intersection that was already highly congested during peak times of day.

Letter from Christina Dolcino: Ms. Dolcino said she was concerned about allowing this development in an already hectic intersection. She said that on several occasions, she had to wait nervously while trying to turn left into Cumberland Farms as other traffic negotiated around her, trying to get into Dunkin Donuts or continue to Dover on Route 108. She said she was also concerned about the walking traffic she anticipated would increase as a result of the hotel, questioning the safety of pedestrian crossings. Ms. Dolcino said she did not think this part of "gasoline alley" was long enough to accommodate another entrance that promoted frequent in and out traffic flow, which in turn promoted unsafe driving practices as drivers worked to get onto Route 108.

Letter from Gwendolyn Howard: Ms. Howard said she supported in concept the idea of locating a new gas station on the property, but said she had concerns about the traffic on Route 108, pedestrian safety, and the late night noise associated with the proposal. She said the Board needed to think very carefully about allowing any additional left in and out turns onto either Dover Road or Newmarket Road. She said the traffic studies done on these

routes typically represented peak periods, and said it was important to take a step back and be more realistic about the traffic people saw in Durham, and not base decisions on faulty traffic studies.

She provided details about traffic turning left onto Newmarket Road at the traffic light, at all hours of the day, and said better enforcement of the turning lane in this location was needed to maintain safe travel for all. She also said she had noticed an increasing number of large donut delivery trucks parked on Route 108 delivering to Gibbs during the morning commute time, from 7:00-8:30 am. She said this caused a very dangerous situation as cars turned left in and out of Gibbs and Cumberland Farms. She asked whether this would be allowed when there was another donut/convenience store across the street.

Ms. Howard noted that between August and May, Durham had a very high percentage of young, inexperienced drivers, many of who enjoyed donuts and coffee on their way to and from campus. She said they frequently took chances entering and exiting properties, and asked if these same drivers would now have more opportunities to make poor judgments and potentially dangerous driving errors.

She said that given the fact that there would be the opportunity to observe the results of the hotel traffic, it would be prudent to proceed with caution, and wait for a period of at least a year before approving any additional left in or left out turns onto the legs of Route 108. She noted that with this new business, people would have access to gas and donuts coming from both directions.

Ms. Howard said that town oversight and attentive planning had improved the student noise issues for residential neighbors bordering the Gasoline Alley area, but she said there was still noise from commercial establishments. She described details of noise problems at both Gibbs and Cumberland Farms in the past few years, and why in some ways this kind of noise was more difficult to remedy. She said that as the Planning Board considered this and other commercial applications, she hoped some consideration would be given--during the approval, permit and oversight process--to placing limitations on the hours of operation and owner-responsibility for adhering to Durham's noise ordinances.

Mr. Grant said he would like to keep the public hearing open, so members of the public would be able to comment on Mr. Pernaw's comments after he spoke.

Chair Webb and other Board members agreed this was the best way to proceed. Chair Webb asked Mr. Pernaw to summarize his most recent response to the Town's traffic consultant, Donald Rhodes, regarding left turn arrival movement at driveway C. He noted that Mr. Rhodes could not be present at the meeting.

Mr. Pernaw said he had talked to Mr. Rhodes after receiving his June 8th memo. He said what Mr. Rhodes was looking for was data to back up the traffic analysis, and Mr. Pernaw provided him with this information. He also said he had received a letter from NHDOT approving the access configuration shown on the current site plan.

He said he and Mr. Rhodes had talked about left turns, and said he had asked him if he had a better idea. He said Mr. Rhodes did not, but had asked whether left turns on Newmarket Road had been considered. Mr. Pernaw said he told him he did not think this was a good idea, and said the left turn access point he had come up with was the preferred location. He

noted that NHDOT and the Traffic Bureau also said they preferred full access with left turns in and out on Dover Road, rather than on Newmarket Road.

Mr. Pernaw reviewed the access plan for the site and then went through the memorandum to Norway Plains. He said the reason to put full access at Driveway C was that it was the furthest from the intersection so there was separation of conflict areas. He said a concern about Newmarket Road was the potential for spillback into the signalized intersection, which was bad - from a traffic engineering standpoint, and said it was better to have the spillback that would occur from Driveway C.

He said another important reason Dover Road was the preferred location for the full access driveway was that the left turn lane at the intersection on Newmarket Road operated close to capacity during peak periods, and he questioned why one would want to add to the demand there. He said allowing the turn at Driveway C, on the other hand, would actually provide some relief at the traffic signal.

Mr. Pernaw said at peak hours - there would be 38 left hand turns into the site, which was relatively low, and he noted this was low because there were other opportunities to get gas on the other side of the road. He said with convenient store businesses, there was primarily right in and out traffic. He said this was the predominant pattern people used, and said he would not be surprised if there were fewer turns during this period.

Chair Webb said he had raised the issue that the numbers used in Mr. Pernaw's traffic analysis did not reflect the fact that people would choose the most convenient place to turn into, so in fact were conservative.

Mr. Pernaw noted a comment from Mr. Rhodes that the delay for left hand turns was 20 seconds. He said this looked at the intersection in isolation, not with a nearby traffic signal, and said he had provided Mr. Rhodes with a better estimate, of around 6.3 seconds of waiting time, which took into account the phasing of the signal.

He said Mr. Rhodes had asked him to describe the advantages and disadvantages of prohibiting left turns on Newmarket Road. He said he had provided details on the disadvantages, including the accidents that could result. He said a right-in right-out configuration on Newmarket Road, reinforced by the island, minimized conflict points, and said by prohibiting left turns there, they were shifted to the best driveway location, on Dover Road.

He said the disadvantage of prohibiting left turns on Newmarket Road was that this increased left-turn volume at the signal, which was close to capacity. But he said the increase in volume would be minimal.

Mr. Pernaw noted Mr. Rhodes' comment that having the full access driveway on Dover Road would mean that people would have to drive more vehicle miles to head to Newmarket from Dover Road than if the driveway was on Newmarket Road. But he said on balance, weighing the advantages and disadvantages, he had developed his recommendations, which NHDOT agreed with.

Mr. Pernaw noted that the competition on the other side of the street had two full access driveways, while Irving would only have one. He also noted the Irving site would be a much larger area for handling traffic.

In response to comments heard that evening, Mr. Pernaw said as a traffic engineer, safety was paramount. He said that was why he had eliminated full access from all but one driveway. He noted that NHDOT agreed completely with them. He said he had come up with the best plan for the site, and had convinced the applicant of this.

He said he had heard a lot of horror stories about traffic on these roads, and said he did not doubt this. But he said this business would rely heavily on traffic already going by the site, and said the net increase before and after development would be less than 1%. He said he understood there were problems on these roads, but said this would not be impacted by the project. He said people would not go there if this was inconvenient, and said this site would pick up right in and out traffic, and would also result in fewer left turns in and out of Gibbs. He provided data on this, and said the same thing would happen across the street at peak periods.

Mr. Pernaw said he cautioned against over-regulating traffic movement, and provided additional details of the options the current design would provide. He also noted that the potential increase in traffic due to the hotel had been incorporated into his analysis.

Mr. Roberts thanked Mr. Pernaw for his thorough presentation.

Councilor Needell thanked Mr. Pernaw for his comments. He spoke about the likelihood that this site would provide an alternative to people turning left into Gibbs, so the situation was self-regulating. But he said the important question was not just whether this was the best-possible application, but whether it was a good application, and was something the Board could live with.

Mr. Pernaw said it was good, was the right way to lie out the site, and employed all the standard access management techniques available.

Councilor Needell noted the Board did not have to approve this, and if left turns could be eliminated completely and how that would fit in. He also questioned how convinced he could be that this was a realistic approach if the Board agreed the situation would be self-regulating. He said the fundamental question was whether this use should be allowed on this problematic corner.

Mr. Pernaw said he represented private developers, and Towns. He said without fail, he heard the doom and gloom scenarios, but then when he went back to the site months later, things were fine. He said the reason why this would work was because it relied on pass-by traffic. He said another use, such as office use, would generate sharp peaks during commuter periods, and was the worst use one would want at the intersection. He said he thought the access management plan would work well, and would in fact help the corridor by presenting services on both sides of the road.

Mrs. Harris said the original building layout Mr. Pernaw had to work with was the buildings, with 4 access points, was based on the Zoning Ordinance which was in transition. She asked if Mr. Pernaw had been given the option of designing a traffic plan for a design where the building was perpendicular at the back of the lot, and whether a driveway between Durham Village Garage and the Smitty's property all the way back to Schoolhouse Lane would make sense. She said with this design, traffic could come into the site even further from the traffic signal, and then would have the option to come out

Schoolhouse Lane and either turn left or right onto Newmarket Road. She said this was a previous plan that was originally given to the Town Council.

Mr. Pernaw said he could not comment on a plan he hadn't been given.

Mrs. Harris said someone had asked if the traffic plan Mr. Pernaw had developed was the best plan. She said the only thing he or NHDOT could respond to was the one the developer offered as a configuration.

Chair Webb said he wasn't clear where this discussion was going.

Mrs. Harris said it wasn't a done deal until it was done, and said the hotel project came to the Board with a different configuration than it now had. She noted she had brought up this before, and said she would ask Mr. Campbell to talk to NHDOT about doing some brainstorming. She said there were still alternatives.

Chair Webb asked Mr. Pernaw to comment on Ms. Olshansky's remarks about her discussion with an NHDOT official. He also asked if the NHDOT officials who reviewed the traffic plan were familiar with the site and the area it was located in.

Mr. Pernaw said they knew the area well since they worked right down the street.

Chair Webb asked for an explanation of what the various approvals from NHDOT actually meant.

Mr. Pernaw provided details on this, and said the final NHDOT would be looking at the detailed engineering plans. He said the driveway plan had been accepted as presented.

Mr. Campbell said District 6 got comments from three separate bureaus, and took those comments into consideration before making a final decision. He also said the memo from the Bureau of Traffic indicated 18 things the applicant must do, and place on the plan, in order to get an approval.

Ms. Olshansky said she liked the idea that this use would reduce left-hand turns out of Gibbs and Cumberland Farms. She said if the applicant really believed this was a right turn business in and out, and would happen on both sides of road, she did not understand why there was all the fuss about having full access. She asked why not put in some kind of barriers to make traffic flow safer on both sides of the road, and said she still felt the left hand turns were problematic.

She said as she understood it, there was another phase beyond concept approval. She also asked if there were concerns about left turns on Newmarket Road, why would these turns be any safer on Dover Road.

Mr. Pernaw said concept approval meant NHDOT agreed with the whole layout. He said the next review would look at the engineering of the site, and would include many things that did not apply to traffic.

Mr. Roberts referred to Henry Smith's comments that if there were any traffic access issues after the store opened, things could be adjusted later. He said it seemed to him that correcting this later might not be the end of the world, and asked Mr. Pernaw if he saw changes to the access plan as time went on.

Mr. Pernaw said he did not expect this, and said those kinds of things generally did not happen.

Chair Webb noted there were some architectural issues that were still left to be resolved.

He asked what other Board members thought about the cupola on the canopy.

Mr. Isaak said he felt putting a cupola on the canopy attracted attention to it, when it should be downplayed as much as possible. He also said he felt the cupolas were too decorative, noting they did not serve any function on the canopy so there was no historical context for them.

Chair Webb said he preferred that there be no cupolas.

Mr. Alther noted the applicant would prefer this as well.

Board members agreed that the cupola on the main building would remain, and also was needed because of the vent. There was discussion about this. Board members agreed there should be no cupolas on the canopy.

Chair Webb asked Board members how they felt about the placement of the mechanicals for the building.

There was discussion about how the HVAC equipment could be moved, or at least disguised.

Mr. Alther suggested that the balustrade disguising the HVAC equipment provided a nice break to the black roof.

Mrs. Harris said a design that looked more like a balcony would be good.

Ms. Fuller asked what color the cupola and the fence would be.

Mr. Alther provided details on this.

Ms. Fuller asked if it would be possible to make the fence look more like a widow's walk, with some spires at the corners which would match the spires of the cupola.

There was discussion about this.

Councilor Needell said he wasn't concerned about the aesthetics of this, and was more concerned about the noise issue, and what impact the HVAC equipment would have on the roof as compared to being on the ground.

Mr. Alther provide details on this

Chair Webb said while there might be some minor decorative enhancements concerning this issue, it was time to move onto the more difficult issue, the franchise architecture.

Mr. Alther said the applicant would be willing to go with a softer yellow, and Board members agreed with this. There was then discussion on the blue canoe sign.

Ms. Fuller asked if would be a high sheen plastic sign.

Mr. Alther said was a metal panel, He said the applicant wanted to keep the same shape and size, but said he could find out if the sign could be made out of wood. He said there

would still be some sheen because they would use high gloss paint for its durability.

Mr. Grant asked if the Zoning Ordinance allowed the Blue Canoe sign on the building and was told it did.

Mr. Roberts said the architectural drawings showed no other signs, but he said the Irving station in Portsmouth on Lafayette Road had many signs. He also noted the pumps had signs on them.

There was discussion about the advertisements on the pumps, and the pump design itself.

Chair Webb asked the Board to discuss the issue of the blue band.

There were detailed comments by Board members on the blue band. Ms. Fuller said she did not object to it since it was so narrow. But she said if people were against this, another option was to go to an all white band and to allow the applicant to put the Blue canoe symbol on wood.

Mr. Isaak preferred an all white band, but did not mind the narrow blue band now. But he asked about the shiny material that would be used for it.

Mr. Alther said with the customized size of the band, it would no longer be metal, and would be painted instead.

Mr. Ozenich said he had seen several Irving stations in the area, and none were alike. He said he liked the white band.

Walter Eutize, corporate real estate developer for the Irving Oil Company, said the company was a corporate citizen, and would be part of the community. He said what one would see in Durham was vastly different from what one would see elsewhere, because it was a university town, and its historic character was part of the Town's attractiveness. He said other stores fit the locations they were in, and said the stores were not "cookie cutter" designs and never would be. He pointed out that an outside architect had been hired to redo this one store.

Mr. Roberts said he had spoken to a member of the Newmarket Planning Board who had said what a good citizen Irving was, once it built the store. He said this person recommended getting Irving to do the things the Board wanted before Irving built the store.

Mr. Eutize explained that only full-service stores would change over to Blue Canoe. He said they were trying to change one store a week, and were behind schedule. He said for any other proposed location, he would probably have walked away rather than change the concept. He said he understood the concept the Board wanted, noting the historic town he himself lived in, in Virginia.

He said part of Irving's obligation was to be the best corporate citizen it could be, and to give the Town as much as it could. He said part of the Town's responsibility was to understand that Irving was running a business, and was making a substantial investment in this project. He said the blue band was important.

Chair Webb thanked Mr. Eutize for his perspective, and said it was important to hear.

There was additional detailed discussion about whether there should be a blue band, and it was determined that 5 Board members had no objection to the blue, while 4 were in favor of a white band. It was agreed the blue would be UNH blue.

Arthur Grant MOVED to continue the public hearing until August 10th. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Grant requested that Mr. Campbell provide the Town Administrator and Police Chief with a copy of Ms. Howard's letter, concerning the parking of large trucks on Route 108/Dover Road. He noted that a member of the Board had also reported this, along with the resulting backup of traffic.

It was agreed that the other Agenda items would not be heard that evening.

VII. Adjournment

Arthur Grant MOVED to adjourn the meeting. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

Adjournment at 10:10 pm

W. Arthur Grant, Secretary