

D-R-A-F-T

**DURHAM PLANNING BOARD
WEDNESDAY, OCTOBER 25, 2006
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 PM**

MEMBERS PRESENT: Chair Richard Kelley; Arthur Grant; Stephen Roberts; Richard Ozenich; Councilor Jerry Needell; Bill McGowan

ALTERNATES PRESENT: Susan Fuller; Annmarie Harris; Lorne Parnell

MEMBERS ABSENT: Councilor Diana Carroll

OTHERS PRESENT: Town Planner Jim Campbell

I. Call to Order

II. Approval of Agenda

Chair Kelley noted that the owner of Incognito, a clothing store, had made a request for a Technical Review of his application.

Mr. Campbell explained that the owner wanted to move his current business in Durham to where Curves was currently located. He said Mr. Johnson considered it a change of use because the property would be going from a personal services use to a retail use. He said this should be addressed under Agenda Item VI B. New Business.

Chair Kelley said that under VI B. New Business, there would also be a recommendation to the Council for an appointment of a full time member to the Planning Board to replace Kevin Webb, who recently resigned from the Board. He said a Vice Chair would also have to be elected.

Steve Roberts MOVED to accept the Agenda as amended. The motion was SECONDED by Arthur Grant and PASSED unanimously 7-0.

Chair Kelley said alternate Lorne Parnell would be a voting member that evening, given the current vacancy on the Board.

III. Report of the Planner

- Mr. Campbell said the RFP for purchase and development of the Durham Business Park had been sent out to 5 companies, and had also been advertised.

- He said the Economic Development Committee would be meeting the following day, with discussion planned on tax incremental finance districts (TIF's). He said Don Jutton of Municipal Resources, Inc. would be present to participate in this discussion.
- He said there had been a good turnout for the Oct 18th public hearing for the CMAQ Main Street Enhancement project, and said the Board could discuss this project later at the meeting.
- He said a work session was planned for the October 30th Town Council meeting, on creating a vibrant downtown. He said it should be a candid discussion, and urged Planning Board members to watch the meeting.
- He said he would be attending a State of the Estuaries conference on Friday.
- He said applicant Joe Caldarola had requested a continuance concerning his application. He said the time limit expired on October 27th, so the Board would have to request an extension. He said if this wasn't granted, the Board could request an 80-day extension from the Town Council.

IV. Continued Public Hearing on a Site Plan Application submitted by Joseph Caldarola, Portsmouth, New Hampshire for the building of 21 multi-family units of elderly housing. The property involved is shown on Tax Map 10, Lot 7-0, is located at the corner of Bagdad Road and Canney Road and is in the Residential B Zoning District.

Arthur Grant MOVED to continue the public hearing on a Site Plan Application submitted by Joseph Caldarola, Portsmouth, NH for the building of 21 multi-family units of elderly housing until November 8, 2006, and that the Board request that Mr. Caldarola grant an extension on the deadline of his application. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

V. Design Review on a Site Plan Application and Subdivision Application submitted by Cuthartes Private Investments, Boston, MA, on behalf of Stonemark Management Co. Inc., Stratham, NH, to build an age-restricted condominium development. The property involved is shown on Tax Map 1, Lot 6-8, is located at 97-99 Madbury Road and is in the Residential A Zoning District.

Developer Jack Farrell provided some details on the previous subdivision plan for the property, which he said had run into a lot of problems. He said the biggest concerns about the proposal had been related to traffic on residential streets, access issues, and loss of open space. He said there had been a lot of new thinking and planning concerning the property, in order to come up with a solution that would address those issues. Mr. Farrell said the lawsuit concerning the previous application was presently on hold, and said it would be released upon approval of a plan that was acceptable.

He said that as part of the current process, there had been a series of neighborhood meetings to go over these ideas and to develop specifics. He said their landscape architect had also met

directly with specific abutters, and said there would be more of these meetings. He said they had also met with the various Town departments concerning the development.

He said the property that was the subject of the proposal had a total of 16.87 acres, and said access to the site was provided from Madbury Road, an arterial road. He provided details on the existing conditions on the property. He said the interior portion of the property, which was entirely undeveloped, contained 11.84 acres, 2.53 acres of which had been identified as having unsuitable soils. He said this area contained a mixture of woodlands and overgrown field areas, and said there were some well-used walking trails through the property.

Mr. Farrell noted that this area connected to the conservation areas of adjacent subdivisions, resulting in an unusually large contiguous area of undeveloped property in the midst of an otherwise developed area of Town. He said as part of the proposal, this area would be preserved as open space.

He said the Madbury Road frontage area of the property contained 5.03 acres, which presently contained a number of older residential buildings that had historically been used as student rentals; a large two-story office building; and parking areas. He said the remainder of this portion of the property was largely wooded. He said all of the 5.03 acres contained upland soils, which met Durham's standards for usable area, for development density purposes.

Mr. Farrell said the plan for the site provided for a conservation subdivision approach, with clustering of 78 one and two bedroom units in a single structure. He said all the units would be sold as condominiums, and would be restricted as to occupancy, so that on one under age 55 would be allowed. He said the multi-unit building would be three stories high, and would require the vote of the Planning Board to allow a 35 ft building height, as permitted in the Ordinance.

He said roadway access to the site would be through a private road constructed to Town standards, and said all efforts were being made to preserve existing vegetation and stone walls, and to locate the drive as close to where the present driveway was located. He said parking would be largely accommodated in enclosed parking located beneath the building. He said water and sewer would be provided from existing mains on Madbury Road.

Mr. Farrell said the design was in part the result of a marketing analysis. He said both subdivision and site plan review applications would be submitted, and he provided preliminary details on this. He also said there would be a deed restriction on the open space to further protect the property, and provided details.

He described the site and surrounding area, noting that there was currently an attractive viewscape from Madbury road, so the driveway location for the development would remain, as much as possible, as it currently was. He said the trees on the property would be incorporated into the landscape plan, which would help guide their preservation, and he noted that they would work with the neighbors on this.

He said the open space land would be owned by the condo association, and said both the deed restrictions and the condo restrictions would address protection of the open space.

Chair Kelley said the applicants had done their homework in reaching out to the neighbors, and working with Town departments. He said some of the information provided so far was not clear, and said he looked forward to seeing the formal plans.

Developer Dave Garvey said as of this point, discussions concerning some aspects of the design were ongoing. He noted there had been discussions with Town Engineer David Cedarholm on modeling regarding sewer and water.

Mr. Campbell said Public Works Director Mike Lynch had said there was concern about the water pressure in that area, and Mr. Garvey said their engineer was concerned about that as well.

Ms. Harris received information that there would be 105 parking spaces located underground in the garage, and a total of 125 spaces. Mr. Farrell said this underground parking area would have sprinklers, ventilation, etc, so would be a full-blown parking garage.

Chair Kelley asked if drains would be installed in the slab, and if the water would be collected and treated prior to release.

Mr. Farrell said whatever the state requirements were concerning collection and treatment would be followed.

Ms. Fuller said it looked like the building would be serviced by an elevator. She also asked for more detail on the units themselves.

Councilor Needell noted that the applicants were asking for an extra height allowance for the buildings, and there was discussion as to how this would be addressed.

Mr. McGowan asked if the project would be staged, or instead would be built all at once, and Mr. Farrell described how the project could be phased to some degree. Mr. McGowan asked if it had been determined if there was demand for 55 plus housing, and Mr. Farrell said studies that had been done indicated there was such a demand.

Mr. Farrell said the parking garage would have to be done in one piece, and also said the utilities, stormwater treatment facilities, and other site work would be completed in the first phase. But he said construction of the buildings could be phased after this.

Chair Kelley asked if there was a construction management team, and Mr. Farrell said Pilot Construction was involved in the current design meetings, and most likely would construct the development.

Chair Kelley asked if it was thought there was enough room on the site for the staging of the construction, and Mr. Farrell said it was recognized it was a tight site, but was felt this was possible.

Mr. Grant noted that the road for the development would be constructed to Durham's road specifications, but would remain a private road. He said there had been some controversy regarding private roads, in that residents living on these roads were complaining because they

didn't receive municipal services. He asked why, if the road was going to be built to Town standards, why the developers would want to keep it private road.

Mr. Farrell said their thought was that the Town would feel it would be better for the road to be privately maintained. He also said this road would be more like a driveway to the buildings. He said it was not certain they would want to encourage public access, and said this would not be a through road. He said although the concerns of residents on private roads was understood, it might be particularly difficult in this instance to have a public road. He said with the nature of this development, the people living there would expect that there would be a private road.

Mr. Ozenich said he assumed that from Madbury Road, one would not be able to see the development.

Mr. Farrell said the development would be about 500 ft. back, and said the goal was that it would be difficult to see. He said he didn't think one would be able to see it at all from Fairchild Drive, noting that they were taking extraordinary steps to preserve the trees in that area as much as possible.

Councilor Needell noted that because this was a multiunit dwelling, trash pickup would not be provided by the Town anyway.

Mr. Farrell said trash pickup would be handled in the basement, and would be picked up by a private contractor. There was discussion of other services that would not be provided by the Town, including recycling. Chair Kelley said the applicants would be well advised to incorporate recycling into their plans.

Mr. Roberts said he welcomed this type of development, and said he assumed that fire retardant construction would be done.

Mr. Farrell said the buildings would be built according to the fire standards in place, and noted that the first floor would be concrete and steel. He said the entire building would be sprinkled, and also said a booster pump might be required in order to have enough sustained water pressure.

Mr. Roberts said regarding fire safety that vegetation needed to be kept a reasonable distance from the buildings. He also said that the architectural integrity of the buildings should be such that they could stand on their own.

Mr. Farrell said he would welcome the Board's thoughts on this during the hearing phase.

Ms. Harris said she hoped there were plans to mitigate the visual impacts of the development.

Mr. Farrell said they were taking extraordinary steps to address this, including surveying heights of surrounding properties, and analyzing the landscaping on abutting properties. But he noted that they might not be able to satisfy everyone.

Ms. Harris noted that 9 parking spaces were planned for an area that faced abutters.

Mr. Farrell said the abutters were interested in the idea of a high fence being put up to block car lights, which would also prevent pedestrian traffic. He said he would continue to get input like this from the neighbors.

Chair Kelley asked if there were one or two lots involved in this development.

Mr. Farrell said there was one lot. He said the Town Council and the Town's counsel had described it as such, and said the developers had proceeded based on this.

Chair Kelley said the Board would like to see all the deeds on the property, also noting there was a reference to restrictions on the parcel in some of the paperwork that had been provided so far, which he would like to learn more.

Mr. Farrell said his legal counsel would be available to answer questions on this.

Councilor Needell said in treating this site as one lot, he would like to know if the impervious surface ratio limitation applied to the entire property. There was discussion about this. Councilor Needell also said that based on the soils, 28 single-family homes would be allowed on this site. He asked if the impervious coverage for that would be substantially different than it would be for the planned multiunit development.

Mr. Farrell said he thought it would be a lot higher. He provided details, and said it was felt that one of the benefits of doing a multiunit development was to be able to afford to conserve more open space on the property.

Mr. Roberts said this was a pretty confined area for 78 elderly units.

Mr. Farrell said the buildings' major focus would be on the open space, for views, and to get people out and to enjoy walking the trails. He also noted that a considerable amount of community space had been designed inside the building, and that the units themselves would be quite large. He said he therefore didn't think that crowding would be a problem.

Mr. Roberts noted the sentiments about using Madbury Road as a major thoroughfare, and asked if the developers had any idea of the impacts of the development on that road.

Mr. Farrell said a traffic study was being done, and said the results would be provided during the application period. He said he felt access through Madbury Road was preferable to access through Fairchild Drive, and said there would be a full presentation on this. He also said that while single-family homes supposedly generated 10 vehicle trips per day, these units were more like to generate 2 ½ trips per day.

Chair Kelley asked if there was discussion with the Town Engineer or Public Works Director regarding having a scoping session for the traffic study, and there was discussion about this. Chair Kelly said he hoped there would be discussion on not just where the driveway met Madbury Road, but on other intersections in the area.

Chair Kelley asked what the first floor elevation was, and was told it would be 105-107 ft. There was discussion about the retaining wall that would be used, and Chair Kelley said he hoped there would be a railing for the higher portion of the retaining wall.

Mr. Farrell said this had been discussed with Mr. Johnson and Mr. Campbell, and said the idea was to terrace that area to make it look more natural. There was discussion about the drop in elevation in this area.

Mr. Parnell asked what the construction time would be, and Mr. Farrell said it would be approximately one year for the whole project, if sales warranted.

There was discussion that the units in the development would be considered higher end residences.

Mr. Campbell recommended that the applicants double-check the figures in their plans. He also noted that the Fire Department had concerns about access available around the building. He asked if anything had been done with the design to improve access, and Mr. Farrell said it would be refined a bit to meet the State regulations.

Mr. Campbell then provided details on how the application process would most likely proceed over the next two months.

Chair Kelley said it appeared that the applicants were in the process of addressing concerns expressed by various entities. He said one of his concerns was the staging area, and how that would proceed.

Mr. Farrell said Mr. Johnson had also expressed concern about this, and suggested that the final site plan should include the location for construction trailers, a sales office, and stockpile areas, so there would be no question that everyone had had a chance to review this and so there would be no questions about this later on.

Chair Kelley said given the garage to be constructed on the site, he anticipated that in terms of earthwork to be done, things wouldn't balance out. He said it would therefore be good to know how much material would be taken off site, the specific truck routes that would be used, and that there would be a commitment to use those routes. He noted that construction related truck traffic on Madbury Road had become an issue in recent years.

Mr. Farrell noted that there would be some blasting on the site.

Mr. Campbell said the developers had submitted an engineering drainage report, which was currently being reviewed. There was brief discussion about this.

Chair Kelley asked if some of the application submissions could be done electronically, and Mr. Farrell said he thought this could be done.

Councilor Needell explained for members of the public that the project would undergo both conservation subdivision and site plan review. He said the project would be presented for

acceptance by the Planning Board on November 8th, and he said there would be no public input at that point unless it pertained to the completeness of the application.

Chair Kelley said he like the idea of extending the public hearing over several meetings, and Mr. Farrell said they would be happy to do that as well.

VI. Other Business

A. Old Business:

1. Discussion with Town Attorney on Condominium Conveyance and Building Development as Subdivisions

Chair Kelley said the public portion of the meeting would be suspended in order to have a discussion on this issue with the Town Attorney.

After this discussion had ended, the Board reconvened in public session.

Arthur Grant MOVED to move up the request for Technical Review of the Incognito application. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

B. New Business:

The owner of Incognito, Marc Pageau, said he had done well with his clothing store, and would like to expand it at the existing Curves building. He said right now he had about 400 sf of space, and said the Curves building had about 1500 sf of space. He said he would offer the same goods, - designer clothing, that he offered at his present location.

Mr. Campbell explained that Code Administrator Johnson had said that because of the change of use from personal services to retail at this location, site plan approval was needed. There was discussion about this.

Arthur Grant MOVED to refer to the Technical Review Committee the application before the Planning Board. Richard Ozenich SECONDED the motion.

Councilor Needell asked if the interpretation the Board was being given was that if there was any change of use of a property, this required site plan review. There was discussion about this.

The motion PASSED unanimously 7-0.

2. Zoning Re-write Scheduling

Mr. Campbell updated the Board on progress concerning Zoning rewrite matters. He said the public hearing regarding the proposed changes to the Historic District Ordinance, as well as proposed changes to the Zoning Ordinance concerning timber harvesting and forestry, were set for the November 8th Planning Board meeting.

He also said work was currently being done on the excavation, parking and lighting provisions, and on the Davis and Goss re-zoning requests.

It was agreed that the next Zoning Rewrite meeting would be held on November 15th.

Continued Discussion under New Business

There was discussion that the Board needed to make a recommendation to the Town Council that an alternate member should be moved up to become a regular member, and that the Town should advertise the remaining alternate position.

Councilor Needell said the Board should make it clear how many alternates it would like to have. There was discussion that having three (3) alternates (four (4) including Councilor Carroll) seemed to work. It was agreed that one alternate position should be advertised.

Chair Kelley said the alternate with the most seniority on the Board, Susan Fuller, would like to continue serving as an alternate.

Chair Kelley MOVED to appoint Lorne Parnell as a regular Planning Board member and to advertise for one alternate position. Arthur Grant SECONDED the motion, and it PASSED unanimously 7-0.

Arthur Grant MOVED to nominate Bill McGowan as Vice Chair of the Planning Board. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

VII. Next meeting of the Board: November 8, 2006 (Only meeting in November)

IX. Approval of Minutes

August 9, 2006

Page 3 first line, the word “diameter” should be “circumference”.

Page 5, 4th paragraph, should read “...5 inches...”

Page 9, half way down the page, should read “Councilor Needell said from the roof of Christiansen Hall...”

Arthur Grant MOVED to approve the August 9, 2006 Minutes as amended. Councilor Needell SECONDED the motion, and it PASSED unanimously 7-0.

August 23, 2006

Page 3, 1st full paragraph, should read “...family member Ebherhardt Hoene...”

Page 5, under Item 14, should read “further back from the back of the parapet”

Page 10, 3rd paragraph, should read “Ruben Hull...”

Arthur Grant MOVED to approve the August 23, 2006 Minutes as amended. Lorne Parnell SECONDED the motion, and it PASSED unanimously 7-0.

September 13, 2006

Page 16, the motion on that page should read “...to send the proposed changes back to the Zoning Rewrite Committee...”

Arthur Grant MOVED to approve the September 13, 2006 Minutes as amended. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

September 27, 2006

Heading of Minutes should read Wednesday, September 27, 2006

Page 3, paragraph top of page should read “..to start integrating a number of different functions.”

Page 11, 3rd paragraph under Planning section should read “..the work done with the \$30,000 might dispel...”

Page 14, 3rd paragraph, should read “..proper site distance if the vegetation was...”

10th paragraph, should read “..use of their fields by ORYA because this would save money.”

He noted that the University.....”

Arthur Grant MOVED to approve the September 27, 2006 Minutes as amended. The motion was SECONDED by Richard Ozenich, and PASSED unanimously 7-0.

VIII. Adjournment

Arthur Grant MOVED to adjourn. The motion was SECONDED by Richard Ozenich, and PASSED unanimously 7-0.

Adjournment at 10:30 pm.

Victoria Parmele, Minutes taker

W. Arthur Grant, Planning Board Secretary