

DRAFT

Durham Planning Board Minutes
Wednesday October 26, 2011
Durham Town Hall - Council Chambers
7:00P.M.

MEMBERS PRESENT: Chair Lorne Parnell; Vice Chair Peter Wolfe; Richard Ozenich; Richard Kelley; Bill McGowan (arrived at 7:32 pm); Town Council representative Jay Gooze; Wayne Lewis; alternate Andy Corrow; alternate Town Council representative Julian Smith

MEMBERS ABSENT:

I. Call to Order

Chair Parnell called the meeting to order at 7:02 pm.

II. Approval of Agenda

Peter Wolfe MOVED to approve the Agenda. Richard Ozenich SECONDED the motion.

Councilor Smith asked that a motion be made to add a discussion on the UNH wind tunnel issue under Old Business.

Councilor Gooze MOVED to amend the motion by adding a discussion on the UNH wind tunnel issue under Old Business. Andrew Corrow SECONDED the motion and it PASSED unanimously 6-0.

Peter Wolfe MOVED to approve the Agenda as amended. Councilor Gooze SECONDED the motion, and it PASSED unanimously 6-0.

III. Planner's Report

Mr. Campbell said he would provide a memo to the Board on his recent meeting with University planner Doug Bencks.

He noted that the Planning Board needed to elect a new secretary, and also needed to appoint a representative to the Economic Development Committee (EDC).

He said the Traffic Safety Committee (TSC) met on October 19th, and discussed the traffic pattern changes that had been made. He said this pattern would be continued until February, and would then be re-evaluated after seeing how things went in the first part of the winter. He said the Committee also discussed the speed tables that had been installed in Town, and he noted

plans to install some on Coe Drive. He said the TSC had discussed possibly having three speed tables there, while the Safe Routes to School committee wanted two.

Mr. Campbell said the TSC discussed the intersection of Main St and Madbury Road, and the possible redevelopment project in the vicinity of that intersection. He noted that a project for Mark Henderson's property was approved some years ago, and that later on, there was the charrette and the development of the strategic plan. He said this plan included reconfiguring the intersection, and he described the possible approaches to this that were discussed. He said Mr. Henderson wanted to speak with the Planning Board about all of this before moving forward with a possible project.

Mr. Campbell said he spoke with the TSC about the issue of the lighting of the crosswalk on Park Court. He said DPW Director Mike Lynch said the lights had been changed to LED lighting. Mr. Campbell said Planning Board members and other members of the community should provide feedback on whether this was an improvement, and if there was anything else that could be done to make the area safer.

Mr. Campbell noted that planning consultant Beth Della Valle was at the EDC meeting on Monday, and he said the discussed the planned updates for the economic development and commercial core chapters of the Master Plan. He said the Planning Board would discuss that as well, at the current meeting, and would continue the discussion into November.

He said the following evening, consultant Roger Hawk would present a slide presentation on different possible designs for buildings in Town. He said members of the public would be asked to choose the building designs they preferred, and said the data obtained would be discussed by the Board as it moved forward with its work on design standards. He said he was trying to put the presentation online so other residents would have an opportunity to voice their building design preferences.

Chair Parnell asked Mr. Lewis to sit in as a voting member for Mr. McGowan.

IV. Elect a New Secretary to Replace Susan Fuller. Appoint a New Representative to the Economic Development Committee to Replace Susan Fuller

Mr. Corrow volunteered to serve as the secretary of the Planning Board.

Richard Kelley MOVED to appoint Andy Corrow as Planning Board secretary. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

There was discussion on the appointment to the Economic Development Committee. Councilor Gooze said didn't think he or Councilor Smith should serve as the Planning Board representative to the EDC. He noted that Councilor Lawson was the Council rep on the EDC.

Mr. Corrow said he would think about whether he could possibly take this on.

IV. Approval of Minutes – August 24, 2011

Page 4, line 15, should read “every occasion”

Page 5, line 37, should read “Police Chief David Kurz”

Page 10, line 20, should say Madbury (spelled incorrectly throughout Minutes); line 23 should read “...and proposed a P to replace an X”; line 38, should say “...what had been a part of the RA district, the P in the Table of Uses...”; line 43, should read “...which were the Sakowski office, ...”

Page 11, spelling of Madbury; lines 5 and 10, should be “single family residences”

Page 12, spelling of Madbury; line 34, should read “...district, no members of the public spoke.”

Page 15, line 14, needs period after Wagon Hill.

Richard Kelley MOVED to approve the August 24, 2011 Minutes as amended. Wayne Lewis SECONDED the motion, and it PASSED 5-0-2, with Richard Ozenich and Peter Wolfe abstaining because of their absence from the meeting.

- VI. **Continued Public Hearing on an Application for Site Plan Review** submitted by MJS Engineering, PC, Newmarket, New Hampshire on behalf of Great Bay Kennel, Durham, New Hampshire to replace the existing canine daycare building with a new building that includes an indoor and outdoor play area, office and a one-bedroom apartment on the second floor. The property involved is shown on Tax Map 6, Lot 11-7, is located at 27 & 35 Newmarket Road, and is in the Residential C Zoning District.

It was noted that the applicant had asked to continue the public hearing to the November 9th Planning Board meeting. Chair Parnell asked if the applicant would be ready by the November 9th meeting and Mr. Campbell said yes. He said the Historic District Commission had approved what was now proposed, and he also noted that there would be a boundary line adjustment application involved.

Chair Parnell determined that there weren't any members of the public present now to speak on the application.

Richard Kelley MOVED at the request of the applicant, to continue the Public Hearing on the Great Bay Kennel application to November 9th, 2011. Councilor Gooze SECONDED the motion, and it PASSED unanimously 7-0.

- VII. **Discussion with the Energy Committee on the Draft Energy Checklist**

Mr. Campbell noted that the Board saw the first draft of the checklist in January of 2011, and said the committee was also at the quarterly planning meeting with it in March.

Energy Committee members Councilor Robin Mower, Chris Skoglund, and Brian Goetz were present to discuss the checklist with the Board. Councilor Mower reviewed the purpose of the checklist, in order to put the discussion with the Board in context. She said the checklist had most recently been revised to make it more user friendly, and to prioritize what elements were thought to be most important. She then read through the various sections of the checklist.

She said the committee would like to know if there were any comments or recommendations from the Board. She noted one comment already received concerning the way the checklist spoke about window systems, and said the committee was open to suggestions concerning better wording.

Mr. Wolfe suggested rewording the checklist item to say “window systems that reduce energy usage” which he said was broader than the current wording.

Councilor Mower asked if this would be clear enough to someone filling out the checklist.

Mr. Wolfe said there were other window technologies out there besides window shading, which the checklist referred to, which reduced solar penetration in the summer and kept heat in in the winter.

Mr. Skoglund said it was completely appropriate to focus on the outcome and not the technology. He said the wording “window shading” addressed the amount of light coming in from the outside, and said “window systems” might be too broad. He suggested the wording “window systems that affect light”. There was further discussion about how exactly to word this.

Mr. Kelley asked if someone filling out the checklist would be limited to checking only one box in Part I, concerning LEED certification, etc.

Councilor Mower said it was likely that someone would only check one, for cost reasons. There was further discussion, and Councilor Mower noted that a person using more than one certification system would probably be more than happy to check them all off because this would be looked on favorably by the Planning Board.

Councilor Smith said under Transportation, Accessibility, Connectivity, there was reference to pedestrian and bicycle accommodations, but nothing having to do with access to public transit. He noted that the Town had a transit loop.

Councilor Mower said there had been discussion about this on the Energy Committee, but the concern was that those doing a development didn't have control over that access. But she said if the Planning Board would like to see it in the checklist, the committee would be happy to include it.

Councilor Smith said this issue related to the tricky issue of lot size. He noted that there were corridors in Town, including Packers Falls Road and Mill Road, which passed between several communities. He said there were similar road systems on the other side of Route 108. He said one energy-saving system in the community would be to allow smaller lot sizes in places where there was access to public transit. He noted that Mr. Skoglund had a house on a one acre lot, in a district where the minimum buildable area was now 150,000 sf. He congratulated him for having an energy intensive lot.

Councilor Mower said the question was whether the Planning Board would like to see something regarding public transportation in the checklist. She also said she believed that the Newmarket subdivision regulations required that developments connect to existing sidewalks and/or be positioned closer to existing bus stops.

Mr. Goetz said a question was how far afield to go from site specific issues with the checklist. He said the committee had chosen for now to address things on site like the use and storage of bicycles.

Mr. McGowan arrived at 7:32 pm.

Mr. Campbell noted that a low percentage of people who filled out the Master Plan survey said they wanted transit connections to outlying areas. He said it was kind of shocking to see this, but made sense. He said a question was how to bridge that gap, and to encourage people to take the bus downtown to go shopping instead of driving their cars.

Councilor Mower said she believed they were at a point in society where things were going to change. She said if they were building structures that would last for years, they needed to make it possible for people in the future to do something fairly easily. She said it was important to do this upfront rather than having to go back and retrofit later. She said they should make it easy for people to make that choice.

She said they lived in a part of the country that wasn't oriented to public transportation. But she said there were places where this was a normal part of life, regardless of a person's socioeconomic situation. She said the population of the Seacoast area was forecasted to grow considerably. She said people backed up on Route 4 and at the toll booths on the interstates would probably welcome public transportation at some point.

Mr. Kelley said Durham was suited pretty well with public transportation, compared to a lot of other towns in the area. He said there were options for people to utilize it.

He said the checklist was very thorough and very clear. He received clarification on the question marks on the most recent draft. There was discussion on whether these were needed or not.

Chair Parnell asked how the committee saw this checklist fitting into the schedule that the Planning Board had to follow with the application review process.

Mr. Goetz said the committee had discussed this issue. He said the checklist was intended more to get people to think about the life cycle costs of a facility. He said doing this up front might not be addressing a code issue, but if it was built in from the beginning, it could benefit the property owner many years down the road.

Mr. Kelley said when applicants were in front of the Planning Board with a site plan review application, their building systems professionals weren't even under contract yet. He said perhaps the checklist should therefore be provided to building permit applicants as well.

Councilor Mower said the committee had listened to what the Planning Board had to say about this the last time it was discussed, but had wanted to get the checklist done with Planning Board input before turning to that. But she said she agreed that there should be something comparable for people who didn't come to the Planning Board for site plan review.

Chair Parnell asked how the committee saw the Planning Board utilizing the checklist. He asked Energy committee members if they saw this as something that the Board would discuss with applicants, in terms of issues for them to think about concerning their development.

Mr. Wolfe said he believed that the thinking was that when someone got an application for site plan review, this checklist should go with it. He said these were the issues that should be discussed with the project engineer, and that the Planning Board would legitimately look at when the application was presented to the Board.

He noted the apartment building that was constructed near the Channel 11 facility, where the checklist elements were used informally. He said the project had worked out well, and said a goal was get to more projects like that.

Mr. Wolfe said hopefully the use of the checklist could be tracked over a few years, to see if there was an impact. He said the work done so far was the first step of that process, in seeing how the checklist worked for site plans. He said applicants for site plan approval had to come in and talk about these things.

Chair Parnell said applicants hadn't necessarily made decisions on these things yet when they came before the Planning Board. There was discussion that decisions had been made on site issues but not necessarily building issues when an applicant came before the Planning Board.

Mr. Wolfe asked how best in the review process the checklist could be utilized.

Mr. Kelley said he wasn't against having it in front of the Planning Board, but said to get the low hanging fruit, the checklist should be tied to the building permit. He noted that it could have been of real value to him when he applied for a building permit.

Mr. Skoglund said he saw this as something to put in front of applicants before they started planning, so they could do so with it in mind. He said advanced builders thought about these energy issues all the time. He said the Energy Committee was trying to get everybody else to integrate this kind of thinking from the beginning.

Mr. Wolfe said if the checklist had existed, the applicants for the recent commercial projects downtown would have looked at it, and the Planning Board would have looked at it as well. He also said Capstone would have looked at it for its application.

Mr. Kelley said he wasn't arguing against including it with site plan applications, but said he didn't see why it wouldn't be handed out with building permit applications as well.

Councilor Gooze asked where in the site plan review process an applicant would come up with the actual numbers that were asked about in the checklist, such as R values.

Chair Parnell said some applicants would have this information, but some wouldn't be at that stage yet. He said this checklist in that instance would become more of a discussion document up front than something for an applicant to check off.

Mr. Skogland said the committee suggested that the checklist go out with the application for site plan review, and when the applicant first came before the Board, the Board could suggest that the applicant make use of it. He said at the next stage of the process, an applicant should have done some planning, and this was when the Board could start to dig deeper. He noted that it would still not be a requirement that the things on the checklist would be done.

Chair Parnell asked what the Board was supposed to do if they got to that point, and none of the things in the checklist had been incorporated into the project.

Mr. Skoglund said the Board could ask why.

Mr. Goetz said while an applicant might not have a builder on board, he would have to be considering the various water, sewer, and electric utilities for the project, so would get into efficiency issues. He said if the applicant also starting running numbers concerning the building construction with an architect/builder, he could see that there could be savings there too.

Mr. Kelley said the Board got a variety of applicants. He said some came in with a fiscal plan, and anticipated what their profit would be. He said there were others that were strictly seat of the pants applications, and their only concern was getting site plan approval. He said he wouldn't want anyone to expect the Board to push an applicant to answer questions he wasn't ready to answer or wouldn't be able to answer period because he wasn't going to be hiring an architect or engineer for his project.

David Seitz noted that he was a new member of the Energy Committee. He said he had gotten the same feeling in looking at the checklist that Board members had spoken about. He said he had come to see the checklist as a living, iterative document. He said it wasn't something to fill out before going on to the next step, but instead was something that was appropriate to use at different points in the process. He also said the checklist could be used to provide data, but was also an educational tool. He noted how useful it would have been for his work on his own house if he'd had it at that time.

Mr. Lewis suggested that the specific R value be included in terms of exceeding the code, if this number was known. There was discussion.

It was agreed that the checklist would say to refer to Chapter 38 of the Town Code. Councilor Mower suggested that there could also be a space for the applicant to fill in what their proposed R value was.

There was discussion that there could be some explanation of some of the techniques, etc. that were included in the checklist, such as rain gardens.

Councilor Smith said he wished he'd had this checklist in the early 1970's when he built his current house. He said he would certainly use something like this when he retrofitted his house.

Board members agreed that the checklist should be included with applications for building permits.

Councilor Mower asked them if they thought this particular form would be adequate for everyone. There was discussion about what the heading should say, and also that Parts II and III wouldn't be applicable for a property owner who wasn't going through site plan review.

It was agreed that there should be an option in the checklist to check "Not applicable" for a particular item or a section of the checklist that didn't apply. Planning Board members and Energy Committee members also agreed that using one form for all occasions made sense.

Chair Parnell said he thought this should be accompanied with a cover letter that explained that these were not mandatory standards.

Councilor Mower said the purpose language in the checklist was already explicit that it wasn't mandating any of the things in the checklist.

Chair Parnell said he thought the checklist would be misinterpreted if it went out as is, without a cover letter.

Mr. Campbell suggested that there could be a paragraph in the building permit application itself that explained the checklist. He agreed to provide some wording on this to the Energy Committee.

Mr. Kelley said the name of the checklist needed to stand out more.

There was discussion about whether the Planning Board needed to see the final product. It was agreed that Councilor Mower would send it to the Board, and would know they were fine with it if she didn't hear back from them.

IX. Discussion on Rezoning of Beech Hill Area from Rural to ORLI

Mr. Campbell explained that this request was from a property owner in the Beech Hill area. He noted that the 2000 Master Plan had called for this Zoning change, and said the property owner would like to see this change for future planning purposes. He said there had been discussion with the property owner's representative concerning this request, and noted that he was present at the meeting.

There was discussion about the Zoning map. It was noted that north of Route 155 was the Rural district, and that this wouldn't change with the Zoning district change that was proposed. Mr. Campbell said that was what the 200 Master Plan had called for.

Mr. Kelley said it appeared that there were 7-8 parcels involved, or portions of them, noting that some of them fell into neighboring communities.

Mr. Campbell said there were 3-4 parcels involved, owned by the Cutter family.

There was further discussion on what and how much land was involved in the Zoning change proposal.

Chair Parnell noted that there had previously been a heated discussion about keeping this area in the Rural district.

Mr. Campbell said there was also a Zoning change request from a property owner north of Route 155, but said this change wasn't made. He also spoke about the fact that the Master Plan had called for the rezoning of this area now in question to ORLI. He said after hearing from members of the public, the Planning Board decided not to make this change. But he said at the time, the Board put a caveat on its decision that if it needed to take another look at the zoning there, it would do so.

Mr. Kelley said he wasn't prepared to make a decision on this now. He said there should be a site walk, and also said the Board should get information on what the area in Lee was zoned as. He also noted a letter from Councilor Mower with some good suggestions about talking to the EDC and the Conservation Commission about the proposed Zoning change. He said if a public hearing was scheduled, abutting landowners should be notified.

Councilor Gooze suggested that the site walk should be done when the foliage was gone, in terms of considering views, etc. There was discussion.

Councilor Smith said he assumed that a reason the landowner wanted to rezone this land was that the ORLI district allowed more density than the Rural district, especially in terms of the area needed per structure. He asked whether if the property was rezoned, there was a plan to pave a portion of Beech Hill Road. He also asked how this would connect to the eventual extension of Technology drive to meet Beech Hill Road. He said there were some larger issues involved having to do with the future planning of this whole area.

Mr. Campbell said without even changing the Zoning, anyone wanted to do anything up there would have to deal with these issues. He noted that Beech Hill Road was a Class VI road.

Councilor Smith said rezoning the area would make it more economically feasible to develop this property to the east of the Moore property.

Mr. Campbell said it opened it up for density purposes, and for commercial purposes.

Councilor Smith said it would be useful for future discussion on the Zoning proposal to have Durham tax maps for the parcels involved, as well as tax maps for Madbury so the Board could see if these parcels extended from Beech Hill Road to Route 155. He said it wasn't clear which of these roads access would be provided off of.

Chair Parnell noted that at this stage, there wasn't an application.

Mr. Campbell said he hadn't planned to do any of what Councilor Smith had suggested if the Board wasn't interested in discussing the idea further. But he said he could get this information if the Board wanted it.

Mr. Wolfe asked what the benefit was to the Town of allowing this rezoning.

Mr. Campbell said it would open up another area for commercial activity.

Mr. Wolfe said they didn't see a big influx of requests for that activity, and Mr. Campbell said that was because it wasn't zoned for this.

Mr. Ozenich said he thought the Town had talked about bringing water and sewer up to Beech Hill, and Mr. Kelley said they had seen this in the Capital Improvement Program (CIP) years ago.

Mr. Wolfe asked if development out there would be a benefit to the Town in the long run.

Mr. Campbell said one could say yes or no concerning this. He said it depended on what the use was, what the economic impact would be, and what the environmental impact would be.

Mr. Kelley said it had to be determined what the associated costs would be in terms of infrastructure improvements, environmental degradation, etc. He said he was willing to pursue this matter simply because of what the Master Plan said for this area. But he noted that if the Master Plan changed three months later, his interest would change as well.

Mr. Wolfe said he wasn't on the Board in 2006. He said he gathered that the Board had decided not to follow the Master Plan at that time, in not changing this area from Rural to ORLI. He asked why they were having this discussion now.

Mr. Campbell said in 2006, abutters came to the meeting and said they didn't want the Zoning change. But he said the option to make the change in the future was still left open.

There was discussion that any development up there would mean that Beech Hill Road would have to be upgraded.

Councilor Gooze said it was a big deal in Town when the Zoning change was proposed in 2006. He said he wasn't at the public hearing, but heard about it. He said he was a little uncomfortable about changing the zoning, but realized that times changed. But he said he thought there would be the same situation as before.

Mr. Campbell said last time, there weren't many people speaking in favor of the Zoning change. But he said it might be different now.

Mr. Wolfe asked what the Board would hear now that it didn't hear in 2006, and Mr. Campbell said the Board might hear from people that times had changed, their taxes had gone up, and they therefore wanted more land for development.

Mr. Wolfe asked if that was the argument in 2006 and Mr. Campbell said no. He said the Board was implementing the Master Plan recommendations, and residents showed up and said they didn't want that.

Mr. Ozenich said he thought they should open this up and look at the idea.

Mr. Corrow said it would be beneficial to discuss this.

Mr. McGowan said the Board should take a look at the proposal.

Mr. Wolfe said he didn't mind looking at it, but said it didn't commit the Board to opening it up.

Mr. Kelley said he'd like to see the Minutes from 2006 on this issue.

Councilor Smith said a member of the public had suggested that the Board should look at the ZBA Minutes as well. There was discussion on which ZBA minutes were being referred to.

After further discussion, Board members agreed to gather information, do a site walk, but not to schedule a public hearing yet. The site walk was scheduled for November 5th at 8 am.

Break from 8:25 to 8:30 pm

VIII. Presentation by Kyle Pimental, Regional Planner, Strafford Regional Planning Commission, on the Fluvial Erosion Hazard Assessments completed this summer on the Lamprey and Cocheco River's.

What is Fluvial Erosion?

- Fluvial Erosion is the wearing away of river beds and banks by action of water. Most prevalent at very high flows and in loosely consolidated soil and surface materials.
- Erosion that occurs during storm or flood events can cause collapse of stream banks or catastrophic relocation of river channels, resulting in the destruction of houses, buildings, roads, and river crossings. (Suncook River in Epsom as example of catastrophic relocation of river channel.)
- Risk increases as land development produces more stormwater runoff during storm events. Results in higher flows, with more power to erode the landscape.
- Flood and erosion related damages costs for the NH October 2005 and April 2007 storm events was \$75.6 million. Represents the State's highest natural hazard risk.
- Increase in paid losses from National Flood Insurance Program for Strafford County from \$239,000 to \$2.2 million from 2005 to 2011. Rockingham County jumped from \$5.6 million to \$16.1 million during that time period.

The Statewide Fluvial Erosion Program has become a high priority:

- After the 2005-2007 major storm events New Hampshire experienced, a number of state agencies felt it was important to assess the vulnerability of rivers to potential future erosion events.
- Developed field assessment tools for delineating the susceptibility of stream reaches to future erosive events.
- Field staff maps the extent of the floodplain susceptible to fluvial erosion by conducting a Fluvial Geomorphic Assessment. This information is used for hazard mitigation and watershed planning.

A fluvial geomorphic assessment is the gathering of site specific measurements of a river channel and its floodplain dimensions, sediment transport capacity, flow volume, and vegetation type and cover.

- These assessments document locations where active erosion is taking place and where other channel disturbance is evident.
- When geology and land use information is combined with the field assessment of a river's present condition, zones depicting the sensitivity to potential erosion can be delineated on maps. From this data, the fluvial erosion hazard for specific river segments is calculated.

The primary reason the Lamprey River was chosen in 2011 for study was its location in a high-population area. It was important to collect data that identifies areas adjacent to the channel that are most vulnerable to future erosion through natural processes. The State of New Hampshire (Departments of Safety and Environmental Services) is partnering with the Lamprey River Local Advisory Committee and the Lamprey River Watershed Association to conduct a geomorphic assessment that will identify areas most at risk, and to develop a long-term watershed plan. This is part of a larger project to assess not only the Lamprey River, but also its major tributaries (Little, North, North Branch, and Piscassic).

The entire river other than the tidal portion of the Lamprey River was assessed by the US Geological Survey. Mr. Kelley questioned the value of establishing a fluvial hazard zone in the woods of Deerfield compared to one in downtown Epping. Mr. Pimental said the SRPC did public outreach. He said anyone in Durham who had a parcel along the river received a letter that field work was being done, and got a fact sheet on fluvial erosion and what they, as a property owner could do. He said this was part of a long term initiative to develop a watershed management plan.

He said some of the fieldwork that SRPC did this summer was to look at culverts that weren't on the main tributaries. He said they were hoping to fill in some of the gaps in data. He said they hoped to do this for all eighteen communities in the SRPC. He said Durham's work was already done, and said this information on culverts should be available.

The final delineated FEH zones will be given to Strafford Regional Planning Commission and made available to interested communities.

- NH Geological Survey will maintain the database and provide data upon request.

- Shapefiles will be available, which will be provided to SRPC to prepare maps for communities and other interested parties.
- No large report will be created, because of funding limitations. Shane Shickey is available to answer questions when the data becomes available. He is the fluvial geomorphology specialist, and is available to talk to town officials on the delineations that have been done
- NH Geological Survey will provide expert interpretation of the results upon request (written, verbal, or through meeting presentations).
- Possible funding to develop a Watershed Management Plan.

What are the financial benefits? Use this information as a tool when preparing to make decisions.

- Reduce the cost of repair and replacement of roads and transportation infrastructure
- Reduce the cost of repair and replacement of building and facilities infrastructure
- Improve emergency response access, cost and maintenance
- Reduce the loss of business revenue due to closings
- Reduce property value impacts
- Reduce loss of recreation and tourist base
- Decrease environmental and quality of life impacts

Fluvial Erosion Hazards & Hazard Mitigation Planning:

- Develop and identify community goals and objectives (repair costs, infrastructure loss, emergency vehicles)
- Identify areas of high risk for fluvial erosion. Before, the 100 year flood zone was used. With this new information, there may be infrastructure in the new zone that wasn't in the 100 year flood zone. May allow identification of culverts at greatest risk.
- Identify vulnerable populations/properties/facilities
- Plan for emergency response routes
- Emergency preparedness (municipal, residential, business)
- Pre-Disaster Mitigation fund eligibility
- Project identification, finance and engineering
- Public awareness

Municipal Considerations:

- Updates to Master Plan
- Local Regulations
- Zoning Ordinances
- Land preservation/prioritization of critical resources
- River corridor management
- Quality of life through protection of public resources

Other Mitigation Strategies:

- Plant an area of native vegetation
- Allow natural regeneration of riparian areas
- Improve stormwater management
- Remove structures and other impervious surfaces that don't need to be there
- Restore floodplain function, stabilize land and soil

These fluvial hazard erosion zones aren't the 100 year flood zone. They are based on the valley of the river and the potential for erosion. They extend further than the 100 year flood zone. FEMA is doing a huge study, called Risk Map, which includes Durham. This will result in new flood plain maps for coastal NH towns.

Developing a Fluvial Erosion Hazard Ordinance - Identify FEH Zones to minimize future fluvial erosion and flood impacts thus saving lives, property, and infrastructure.

Goals:

- Identify highest risk areas
- Limit development for the purpose of protecting public and private property, and public safety and welfare.
- Implement development requirements/standards that recognize a stream's natural evolution and range of stable conditions.
- No precedent for this yet in NH, but there is a model ordinance available for NH. Bennington, VT has such an ordinance.

Objectives:

- Guide and encourage measures and improvements that provide increased property and infrastructure protection.
- Site design to maintain or restore the hydrologic and geomorphic functions and economic values of the river systems.

Mr. Pimental showed the Board some pictures of the aftermath of Hurricane Irene in Vermont, which showed the power that rivers could have. He said there was nothing to say that this couldn't happen in NH.

He said when the information became available, it was hoped that Durham would use it as a planning tool, and would call upon the SRPC and Mr. Shickey for assistance in working with it.

Councilor Smith asked if there was pressure in the community to restore the Suncook River to its old channel, or if the State had said the river had made its choice.

Mr. Pimental said the State was going to say the river had made its choice. He said they were looking to do some rehabilitation, but not to try to move the river back. There was discussion that there was some pressure from property owners who'd had frontage on the river to move it back to where it was.

Mr. Kelley asked when the mapping results would be available.

Mr. Pimental estimated that the complete data set would be available in the fall of 2012.

Councilor Gooze said it would be good to have this information and work it into the Master Plan.

Chair Parnell asked if the Oyster River would be included at some point.

Mr. Pimental said he hoped so. He said right now, the State was looking at all the State's designated rivers. He said he could look into when the Oyster River would be done.

X. Discussion on Rezoning the Professional Office (PO) District to remove some parcels from the District

Councilor Gooze said he would recuse himself for this conversation.

Mr. Campbell said the request to make this original Zoning change was received from an abutter to the Professional Office district. He said there were then two parcels included in the PO district in 2006, one of which was the former Dimambro property that the Town now owned and the new Library would be on, and the other which was the Kimball lot. He noted that the Kimballs had received approval for a mixed use project on that property a few years ago, but didn't go forward with it. He said The Kimballs had since that time come back concerning some conditional uses for their single family residence.

He said the future land use map indicated that these parcels were not originally included in the PO district. He said at the time they were added to the PO district, the Dimambro property was two separate lots, and actually didn't touch Strafford Ave as had been thought. He said the request now was to put the Dimambro property and Kimball property back into the RA district.

Chair Parnell asked why the Planning Board was getting this request.

Mr. Campbell noted that the abutter had spelled this out in their letter to the Planning Board. He said the Dimambro parcel, which now contained both of the original lots, was split into two zones. He said the back portion didn't have frontage on Strafford Ave, and said it was also part of what the Town was doing with the Library portion. He said the person making the Zoning request also felt that the Dimambro parcel would be a good buffer between the Professional Office district and the RA district.

He said the Kimball property now had two renovated single family homes on it as a result of a conditional use application. He said it was therefore thought that now was a good time to change it and the entire Dimambro parcel back to the RA zone, since neither one reflected the goals of the Professional Office district.

Chair Parnell said there was a note from Mr. Kimball, which said he did not want the zoning change.

Mr. Campbell briefly reviewed the letter.

There was discussion about the lots involved.

Mr. Wolfe asked why these two parcels had been included in the Professional Office district.

Mr. Campbell said in the process of updating the Zoning, there was a request from Mr. Kimball to make the change to his property, and he said the Dimambro property was included because it was next door. He said this had made sense because the Dimambro property was two lots. He said the back portion was included in the PO district and the front portion wasn't. There was discussion that the back portion had been thought to be on Strafford Ave. but turned out to be landlocked.

Councilor Smith MOVED that given that the 2000 Master Plan for the downtown and commercial core specifically excluded the parcels in question, the Planning Board begin a Planning Board initiated Zoning change. Richard Kelley SECONDED the motion.

Mr. Wolfe determined that this Zoning change would not affect the Library property. Mr. Campbell said it was a governmental facility, which pretty much was allowed in all zones.

Councilor Smith said the only property affected in a meaningful way was the Kimball parcel, which now had two single family residences on it.

Chair Parnell noted that Mr. Kimball was opposed to the Zoning change.

Councilor Smith said he realized this, and didn't blame him for being opposed to the change. He said the Board needed to have an opportunity to hear from Mr. Kimball and to hear from abutters who would be affected positively by this proposed Zoning change.

The motion PASSED unanimously 7-0.

The Board agreed that a site walk wasn't needed since they had been at the site several times.

Chair Parnell asked if a Zoning proposal from an abutter was an appropriate way for this to come to the Planning Board, and Mr. Campbell said yes.

Councilor Smith MOVED to set the public hearing for November 9th, 2011. Richard Kelley SECONDED the motion, and it PASSED 6-1, with Peter Wolfe voting against it.

Mr. Wolfe said he voted against the motion because he wouldn't be able to be at the meeting on that date.

XI. Discussion on updating the Commercial Core Chapter of the Master Plan

Mr. Campbell said he and Ms. Della Valle would like some guidance from the Planning Board on how to update this chapter. He noted that questions had come up again recently in terms of whether the commercial core was divided up into too many zones, and whether some of these zones should be combined. He said these kinds of directions were needed in order to draft some language that would then be discussed by the Board.

Councilor Gooze said he had been thinking about what people had been saying about there being a hodgepodge of zones in the commercial core. He said there seemed to be agreement on the Planning Board and the EDC about protecting residential districts next to the core. He said an easier way to approach this whole thing might be to have one commercial core zone, with protections for the edges.

He also said they were sort of doing this backward, in working on Zoning changes and then working on the Master Plan. But he said if they were serious about the B Dennis Plan and what

they were doing with the Zoning Ordinance, it seemed simpler to have an all-purpose zone with the same design standards.

Mr. Kelley asked how zones could be eliminated that were called for in the Master Plan.

Councilor Gooze said they were discussing the Master Plan update now, so this was an appropriate time to discuss this. He said a Zoning proposal could come out of that.

Mr. Kelley said he shared Councilor Gooze's concern about the small districts in the commercial core.

Mr. Campbell said the Strategic plan called for combining these zones. He said this was one of the future things the Board was going to have Ms. Della Valle look at.

Councilor Gooze said it was good to have the Master Plan say this, if such a Zoning change was going to be proposed.

Mr. Campbell said incorporating a good portion of the Strategic plan into this Master Plan chapter would help with this.

Mr. Kelley said it was loud and clear that the idea of mixed use in the courthouse district was not viewed favorably by those who lived around it. He said if they were looking to see re-development through this area, it almost had to be allowed, as a kind of catalyst.

Councilor Gooze said the key thing would be for the Board to develop the kinds of protections that could put people adjacent to a proposed development at ease. He said he would want to walk through these districts. He said the approach he was recommending would make the Zoning much cleaner.

Mr. Wolfe said part of this was what they wanted the Town to look like. He agreed that there was language for each of the commercial core districts that was similar. He said a question was what they wanted the stretch coming in from Route 108 from the Court House district and up Church Hill to look like. He asked if they as a Town wanted it to look more commercial and built up, or wanted to spread it out further along Route 108. He said he thought this was the first decision the Board should make.

Councilor Gooze said what he envisioned was that the uses would be permitted, but performance and design standards would make the use look good along the corridor coming into to Town. He said there could still be a MacDonalds, but it would look like a New England MacDonalds.

Mr. Kelley said what concerned him was the uses that generated traffic volumes. He said the roads going through the commercial core were also well traveled regional corridors. He said as they saw development occur, going down to Coes Corner, they needed to be sensitive to whether uses generated a lot of trips in and out of driveways onto the roadways, and should avoid that. He said that created a nuisance for cars and pedestrians as well.

Mr. Wolfe said if they spread out the downtown, a question was whether or not that would defeat the objective of having more vitality downtown

Councilor Gooze said this was saying that the Central Business District should be the commercial core.

Mr. Kelley asked about looking at portions of Church Hill and portions of RA. He noted the road that came off of Route 108 and terminated at the landings, and said a question was whether one could envision over the long term that this could be another portion of the downtown.

He noted that said when the Irving gas station came in, people sent letters in and he said in these letters were a lot of suggestions about what uses would have been better there. He said the waterfront was under-utilized and under-developed. He said some people might say that's the way it should be, but noted that at one time, this area was the center of commerce in Durham.

Councilor Smith said there had also been workforce housing there.

Mr. Kelley said there was a downtown that struggled with the idea of servicing residents or the college students. He said it would be nice to have artists shops, restaurants, pedestrian walkways along the water, etc., which got away from the student catering business. He said if they were talking about expanding the commercial core, this would be an area that could be a destination and not a pass through.

Mr. Campbell said he liked the idea of creating an arts district.

Mr. Kelley said it might work having the artist shops below and apartments above this, so there could be mixed use.

Councilor Gooze spoke again about creating one commercial core district, having design standards so all the buildings looked good, and making sure that the edges of the zone protected residential areas nearby. He said he thought that was what they were shooting for with the commercial core.

Mr. Wolfe questioned this. He said the focus of the B Dennis study was to build up the Central Business district area, and said focusing on the area Mr. Kelley had spoken about would dilute this.

Mr. Campbell said the B Dennis strategic plan had that area built up.

Councilor Gooze said he was only talking about consolidating the current commercial core zones.

Mr. Campbell said the commercial core Master Plan chapter included a map of the downtown commercial core that included the CBD, PO, Church Hill, Courthouse, and Coes Corner districts. But he said when the districts were broken out in the Master Plan, the Route 108 area to the Madbury town line was also considered to be part of the commercial core. He said he didn't think it should be, but said how far the district should go down Route 108 was the question. He

noted that the inclusion of the Coe's Corner district in the commercial core had been questioned by Ms. Della Valle.

Mr. Kelley asked why the Central Business district extended up Garrison Road. He said the University owned most of it, and much of the rest of it was student rentals. He said he had thought that when the previous rezoning was done, the Board went the wrong way and didn't really do anything at all for the CBD. He said perhaps it should have come into what was the Church Hill district.

Mr. Campbell said that was a natural progression for it. He also said the University and the Town were trying to make the point that the Planning Board need to think about what it wanted to see in terms of where the commercial district could be expanded. He noted that the particular zoning designations didn't really matter concerning University property anyway.

Mr. Kelley said the University had made a significant investment in the Garrison Road area that wasn't going away. He said he could see some of the buildings around the corner going away, but asked what the University's plans were for them in its master plan.

Mr. Campbell noted that the University was updating its master plan right now, and was evaluating these things. He said they had always wanted to move the police station.

Mr. Wolfe said once they moved up Church Hill and developed there, access wouldn't be great in that area.

Mr. Kelley agreed, and said what would be needed if this area was developed further was to create a feeder road and develop other streets. He said there were a variety of options back there.

Chair Parnell said the way the CBD had been developed, it was really an extension of the University. He said if they wanted to have a commercial district that wasn't so University centered, it would make sense to move east of where they were now, using the riverside, etc. He said it would have a very different feel to it, and said despite the fact that it would be on a main arterial, there would be flow through traffic that would be very positive for a lot of uses.

Councilor Gooze noted that there was a lot of discussion about what would be happening to the area where the Town Hall was.

Mr. Kelley said that could anchor development in this area, with shared streets, pedestrian level lighting, and denser, smaller buildings and shops that created a grid through this area.

Councilor Smith spoke about the idea of rezoning the area where the New England Center was, which was now the RA district, to PO or CBD. He said the latter would make more sense, and said this could provide an impetus for the University to sell the NE Center or develop it. It was noted that the Kimball property was across the road, and Councilor Smith said the Board would have to be careful not to do anything that would spoil that property.

Mr. Wolfe said the Board should walk the Church Hill area to see if there was any possibility for development there.

Councilor Smith said there was significant possibility for development of the Kyreages properties, which were the Red Tower and the white building next to it, and the land going down to the Plaza. There was discussion.

Councilor Gooze said there should be something in the updated Master Plan about infill in the CBD. He noted that Durham House of Pizza and Youngs said at a recent EDC meeting that they had tried some things a number of years ago and were turned down. He said infill was needed in locations like this, but not with student housing. He said there was a lot of student housing now, and said they were trying to get other uses. He also said student housing put a lot of pressure on the center of Town.

Mr. Kelley said at the same time, student housing was the impetus to create more business to serve those people. But he said he thought there should be other tenants, such as elderly housing, and workforce housing.

Councilor Gooze said with the Business School coming in and perhaps other development as well near the downtown, businesses that would serve those places should be encouraged.

Mr. Kelley said the Town had tried to work out a deal for a hotel to be constructed in the downtown, which would have been incredible. He said the UNH President had also discussed the idea of moving its performing arts center closer to Town.

Councilor Gooze said there also might be an opportunity with the recent ATO house changes.

There was discussion about what the Master Plan update could say about this. Mr. Kelley said it could say that currently Durham was underserved in terms of hotel and meeting space. He said the question was whether they would want it in Town or out by the interchange. He said the Town would be better off if these uses were in Town, and said maybe this needed to be in the Master Plan.

Mr. Campbell spoke about the process of updating the commercial core chapter. He said he and Ms. Della Valle would draft it, and the Planning Board would then work with it.

Councilor Gooze asked what the time line was, and also asked if it was possible to put this on the Town web page. Mr. Campbell said he would check on this.

Chair Parnell asked Mr. Campbell what he would like from the Board at this point.

Mr. Campbell said there was an opportunity the following week to speak further about these issues. He said what he had heard from Planning Board members this evening was:

- Combine commercial core zones into an all-purpose zone, while making sure there is protection for residential areas
- Look at the corridor and what it should look like in 5-10 years

- Consider specific uses and how much traffic they will generate, especially the strip along Route 108
- Do Infill and build up
- How far to go with the commercial core
- More use of the waterfront
- Other uses than student housing
- Hotel, meeting space

Mr. Wolfe said he gathered from what Councilor Gooze said that if a commercial use looked nice, he was happy with it. He asked how the rest of the Board felt about this. He said it would eliminate a lot of the uses in the Table of Uses.

Councilor Gooze said there would also be performance standards needed, so there wouldn't be something like a doggie day care next to a residence.

Councilor Smith said the devil would be in the details if they combined some of the commercial core districts. He said there were some things permitted in some of the districts and excluded in others, for good reasons.

Mr. Wolfe said performance standards wouldn't help with this, and asked if other Board members were comfortable with this approach.

Councilor Gooze said there weren't a lot of prohibited uses in what Ms. Della Valle had proposed. He said he was pretty comfortable with this, if there were the right protections. He said some adjustments would be needed further out in the corridor.

But he said this was a good question to ask, because Mr. Campbell needed guidance from the whole Board.

In answer to comments from Mr. Kelley that what Councilor Gooze had said was much like having a form based code, Councilor Gooze said he was looking to remove most but not all of the Table of Uses for the commercial core, and to have performance standards. He said he was essentially taking all the things that Ms. Della Valle had put in for the various commercial core zones, concerning designs standards, etc., and saying this could be combined.

Councilor Smith said he would pass for the time being, in terms of how he would approach this, because he was mulling something over.

Mr. Corrow said he wasn't sure. He said it seemed simple to say if it looked good, it was good, but said he kind of liked it the way it was now.

Mr. Ozenich said it might look good, but said when it came time for a public hearing, watch out.

Mr. Kelley said he was intrigued by the idea. He said the Planning Board was limited in terms of imagining uses that might work for the area. He said there were people out there with great ideas, and the Board didn't know what they were.

Chair Parnell said he agreed with what Mr. Kelley had said, but he said the history in Durham was that people wanted a fair amount of input into what was going on. He said to suddenly say that wouldn't happen, that things would be opened up and that as long as a use had a pretty face that was ok, would be a difficult step to push through.

Mr. Campbell said after the charrette, there was a lot of talk about having form based codes. He said the Planning Board decided against it, and there was also discussion by the Council and concern expressed about uses. He said since he'd worked in Durham, the use was considered first and everything else came second.

He said the Planning Board would have to do a lot of work to get over that barrier. He said if the Planning Board wanted to put it in the commercial core chapter that the idea of a form based code for the commercial core was going to be looked at, it should be committed to this.

Councilor Gooze said what had been presented to the Board was a hybrid, which he liked, and said he wasn't looking to have a form based code. He said not every use should be permitted, and he spoke further on this. He said a hybrid approach would have to be done right, and said there would have to be input from the public.

Mr. Ozenich said form followed function.

Mr. McGowan said the approach had potential and should be looked at, but said they didn't want to oversimplify it, because there were already complexities in Durham to begin with. He said the question was how to keep things in balance.

Mr. Lewis said doing away with some of the zones sounded nice but said it would be very hard to push this kind of change in Durham. He said he thought there would be people testifying for days and days at the public hearing not to make the change.

Chair Parnell noted that the University influenced everything, and said it made Durham a different kind of town.

Councilor Gooze said he wasn't sure that if there were the right protections for residences, people in the commercial core would be concerned about the uses. He said he thought the biggest part of what people would express concerns about was the need for protection of residences.

There was discussion about bars and rental properties as a commercial uses, and that this could be limited. Councilor Gooze also said that even with a form based code, gas stations weren't allowed on every corner.

Mr. Campbell asked Board members to look at the commercial core Master Plan chapter again, for the meeting the following week.

XII. Other Business

A. Old Business:

Councilor Smith said he and Councilor Carroll would be meeting the following day with University Vice President Paul Chamberlin and Joe Klewicki, who was the Dean of the College of Engineering when the wind tunnel was proposed. He said it would be useful if the Planning Board provided a few sentences reacting to the difference between what was proposed by the University at its presentation before the Board in May of 2009 and what was actually built. He noted the memo he had provided to the Board on this.

He said a facility of 21,500 sf was proposed, and what was actually built was a building of 4694 sf, which was less than 25% of the proposed size. He said this meant that they didn't build the proposed containment structure around the wind tunnel. He said the Board had been told by the University Planner that noise wouldn't be heard outside the building, which was what he believed. He quoted from the Planning Board meeting where the discussion on the wind tunnel took place.

Councilor Smith said he was suggesting that since the containment wasn't built, the question was whether the Board wanted the University to send someone back to tell them why they decided not to do this. He noted a State RSA that required universities to consult with town planning boards. He said the Board had taken what the University had told it in good faith, and had been let down. He said the University needed to be encouraged to explain what happened, and what they would do to mitigate some of the noise.

Mr. Kelley asked Councilor Smith if he was certain that the sound mitigation was lost when the footprint was decreased.

Councilor Smith said he was fairly certain of that. He noted how far away the sound could be heard in Town, and said the wind tunnel was blasting noise in several directions. He provided details on this, and said there was a growing awareness of it in Town. He said the University needed to do something, and said among other things, it needed to schedule a full test run, and announce it a week ahead of time so people could be alerted to stand outside and listen to it.

Councilor Gooze said Administrator Selig and Council members would be addressing this situation, but said he wasn't sure what the Planning Board could do about it.

Chair Parnell said the University was supposed to give the Planning Board information, and the Board was supposed to ask questions about things like noise. He said as would be the case if an applicant got an approval and then did something else, he said thought it would be appropriate to have Doug Bencks or someone else come back to the Board and explain why they didn't do what they said they were going to do.

He said perhaps the appropriate way to approach this was to have Mr. Campbell contact Mr. Bencks and ask him to come speak with the Planning Board.

Councilor Smith spoke further on the situation, and among other things noted that this was the largest facility of its kind in the world.

Councilor Gooze MOVED that Mr. Campbell send a letter to University Planner Doug Bencks stating that the Planning Board needs information on the wind tunnel situation. Richard Kelley SECONDED the motion.

There was further discussion about what the correct dimensions of the wind tunnel structure were. It was noted that whatever the correct calculation was, the footprint was less than what had been proposed, and the wind tunnel was causing problems. Councilor Smith recalculated that the footprint was 7,600 sf. He said he'd measured the building himself, and said it was one third the size of the original building that was proposed.

Mr. Ozenich said he knew from his experience in the printing industry that fans were inherently noisy, and said he didn't know how all of the noise could be absorbed. There was further discussion.

Councilor Smith said it could turn out that nothing could be done about the situation other than to build the containment structure, which would be very expensive.

Mr. Campbell read how the wind tunnel had been described to the Planning Board when the University came before it.

The motion PASSED unanimously 7-0.

B. New Business:

Mr. Kelley said the previous evening was the first official meeting of the expanded Lamprey River Advisory Committee, now that the upper reaches of the river had been included in the NH Rivers Management and Protection Program. He said they got caught up with coming up with a new name, and said he'd be surprised if he'd be on that committee a year from now.

Mr. Ozenich said there was no mention of screens on windows in the energy checklist. He also said the new structure being constructed on Pettee Brook Lane was defining the whole area.

Councilor Gooze said he didn't even notice Holloway Commons anymore.

Councilor Gooze noted the conservation subdivision project that Jack Farrell had presented to the Board for design review, and asked if this should also go to the Conservation Commission.

Mr. Campbell said Mr. Farrell had done the first two phases of the review process, and in between went to the Conservation Commission. He said it wasn't clear in the subdivision regulations if there were time constraints concerning this process. He noted that quite a bit of time had passed between the time it went to the Conservation Commission and the time the Planning Board saw the design review phase, so the Commission had some concerns about this. He said a question was whether the Board wanted to tighten up and simplify the language in the subdivisions concerning this.

He said when the applicant went for the formal application, the Planning Board would need to send the Conservation Commission a copy of the application. He explained that the applicant was supposed to discuss the secondary conservation area with the Commission.

Mr. Kelley left the meeting at 10:17 pm.

Mr. McGowan left the meeting at 10:18 pm.

C. Next meeting of the Board: **November 2, 2011**

XIII. Approval of Minutes – September 14, 2011

Page 1, line 9, should say Richard Kelley arrived at 7:16. Line 22, should say Richard Ozenich MOVED to appoint the agenda, and Peter Wolfe SECONDED the motion.

Page 3, line 34, should say “walkability”

Page 13, line 10, remove the extra words “for an” from the motion.

line 40 should read “Adam said he believed that...”

Page 20, line 20, should say Mr. Lynch, and not Mr. Sievert

Page 24, line 42, should say Mr. Lynch, and not Mr. Sievert

Page 26, line 25, correct spelling is Niemi

Page 27, line 27, should read “He said he didn’t have a problem with what they had now, and noted that he had seen some properties around him turn over to family housing. He said if they stayed vigilant with ordinances, these properties on smaller lots would be sold to families. He said he did not think the community wanted what Councilor Smith was talking about.”

Peter Wolfe MOVED to approve the September 14, 2011 Minutes. Richard Ozenich SECONDED the motion, and it PASSED unanimously 5-0.

XIV. Adjournment

Peter Wolfe MOVED to adjourn the meeting. Councilor Gooze SECONDED the motion, and it PASSED unanimously 5-0.

Adjournment at 10:23 pm

Victoria Parmele, Minutes taker