

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

DRAFT DRAFT DRAFT

WATER RESOURCE PROTECTION SUBCOMMITTEE OF THE DURHAM PLANNING BOARD
WEDNESDAY JANUARY 27, 2010
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:30 A.M.

Members Present: Jamie Houle, Robin Mower, Dwight Baldwin, Dave Cedarholm, Jim Campbell, Brian Gallagher, Stephen Roberts, Richard Kelley (via teleconference)

Members Not Present: None

1) Call the meeting to order and acknowledge absentees

The meeting was called to order at 7:40 am, noting that Richard Kelly was joining the meeting via teleconference.

2) Approval of Minutes - September 27 and December 22, 2009

Robin Mower MOVED to adopt the September 27th and December 22nd minutes as amended. This was SECONDED by Jamie Houle and APPROVED unanimously.

3) Stormwater project Presentation

David Cedarholm reminded the members that Richard Kelley, Jamie Houle and he have been working on reviewing site plan review regulations from the Town of Newington, which were adopted in December. He said they had met and made suggested edits, rearrangements and inserted some comments to these regulations. Mr. Cedarholm said the primary intent was to organize the document in such a way that a check list could be made for the Planning Board and an applicant could look at it and see what they needed to supply to the Planning Board. He said this should allow the applicant to prepare a comprehensive storm water management plan that includes site plan details, analysis and calculations, erosion control plan and a maintenance plan all as one bound document submitted to the Planning Board. He explained that they took what was in Newington's regulations and created a check list so an applicant can go through the checklist and review what they need to include to submit an application to the Planning Board – the Planning Board can do the same as they receive the application. He said he attempted to retain most everything that was in Newington's regulations and inserted some comments in areas that raised concerns, as has Richard Kelley. He said Jamie Houle has responded to the comments.

1
2 The members discussed the definition section, including the definition of development being any
3 construction alteration or improvement that disturbs more than 20,000 sq ft or more than 10,000
4 sq ft for sites that drain into a federally listed impaired water body.

5
6 The members discussed the need to have storm water management plans from all commercial
7 developments and redevelopments. There was a discussion regarding the types of commercial
8 development in Durham usually being multi-dwelling residential developments and the need to
9 include these in the regulations. David Cedarholm and Richard Kelley noted that they felt the
10 5000 sq ft trigger point for needing to submit a storm water management plan was on the low
11 side. They felt 10,000 sq ft would include the majority of commercial projects being proposed in
12 Durham.

13
14 There was discussion that the Planning Board has the right to waive the requirement of a storm
15 water management plan for any project. It was noted that the Planning Board sometimes
16 struggles with granting exemptions if there are no clear criteria for granting them.

17
18 Richard Kelley raised the concern that a trigger of 5,000 sq ft will inhibit redevelopment in
19 Durham's commercial corridors and put pressure for that development to occur elsewhere. He
20 said he felt with these regulations an engineer would need to be hired to model the system and
21 the Planning Board would be required to get an outside technical consultant at the developers
22 expense. He said if we are looking to apply these regulations to a 5000 sq ft improvement the
23 cost of meeting these regulations is going to far exceed the cost of the 5000 sq ft improvements.
24 Richard Kelley suggested it would have been interesting to see the Mill Plaza redevelopment
25 project move forward under the conditional use permit to see what they were willing to do to
26 improve the site. Jamie Houle noted that their proposal would have exceeded any requirement
27 for compliance from this regulation – the work that they proposed exceeded what these
28 regulations would have required them to do. He said he understands the fear of losing
29 development and the need to be realistic but he feels the regulations a realistic.

30 Jamie Houle noted that the Planning Board would not be required to get technical assistance but
31 it would be their discretion to request such assistance. He noted it is within the Planning Boards
32 power now to request such assistance. The members discussed the problem of developers not
33 wishing to undertake projects downtown if additional measures are required of them. The
34 members discussed other small towns that have instituted progressive approaches to storm water
35 management such as New Durham, Farmington and Rochester. Jamie Houle noted that the MS4
36 permit requires the town to go through regulations and review them to facilitate green
37 infrastructure. The members had a lengthy discussion regarding the sq ft required to trigger
38 these regulations. At question was whether it should be 5,000; 10,000; or 20,000 sq ft.

39
40 Jamie Houle noted that the Town of Durham already has the requirements being discussed in that
41 developers need to get the Town Engineers approval for adequate drainage designs. He said this
42 document is an attempt to codify these regulations. Jim Campbell said it is important to have
43 these written out because it provides guidance as to what will be required. Richard Kelley
44 suggested having the document reviewed by local developers and engineers to get their
45 comments. The members stressed that it is important to make it known that these items were
46 required before because of the need to get the approval of the Town Engineer for drainage

1 designs, but were not specifically stated in regulations, in writing into regulations all will know
2 what is required.

3
4 The members discussed currently proposed projects and recently approved projects and how
5 these regulations would have affected these projects. It was noted that all of the projects would
6 have passed these regulations (mainly because the Town Engineer had reviewed all applications
7 for appropriate storm water management).

8
9 David Cedarholm noted that there are two issues being discussed: 1) what projects require site
10 plan review and 2) what projects require storm water management plans.
11 david will tweak the document more for review at next meeting with 10,000 as threshold figure
12

13 After lengthy discussion it was decided that a threshold of 10,000 sq ft would be used. All
14 members will review the document, submit any suggestions or changes. David Cedarholm will
15 forward an edited version of the document to all members before the next meeting for their
16 review and discussion with a goal of approving a document to be presented to the Planning
17 Board.

18
19 Robin Mower will draft an introduction for the regulations to the Planning Board, Jim Campbell
20 will review the draft. The point will be made in the introduction that these regulations are not
21 new, but are an attempt to put on paper what has been the procedure and will in the end require
22 less time of the Town Engineer.

23 24 **4. Schedule Next Meeting**

25
26 The subcommittee will meet on Friday February 5th at 7:30 am in the Durham Town Hall
27 Council Chambers.

28 29 **5. Adjourn**

30
31 *Robin Mower MOVED to adjourn. This was SECONDED by David Cedarholm and*
32 *APPROVED unanimously.*
33
34
35
36
37
38
39
40
41 .
42

43 Respectfully submitted by,

44
45 Sue Lucius, secretary to the Water Resource Protection Subcommittee of the Durham Planning
46 Board.