

These minutes were approved at the March 11, 2015 meeting.

DURHAM PLANNING BOARD
Wednesday, October 22, 2014
Community Room, Durham Public Library
7:00 p.m.
MINUTES

MEMBERS PRESENT: Andrew Corrow, Vice Chair
David Williams, Secretary
Richard Kelley (arrived at 7:05 pm)
Julian Smith, Council Representative to the Planning Board
Wayne Lewis, alternate
Linda Tatarczuch, alternate

MEMBERS ABSENT Peter Wolfe, Chair
Lorne Parnell
Bill McGowan
Councilor Kathy Bubar, alternate Council Representative to the Planning Board

I. Call to Order

Vice Chair Corrow served as Chair in place of Chair Wolfe, and called the meeting to order at 7:01 pm.

II. Roll Call

The roll call was taken.

III. Seating of Alternates

Acting Chair Corrow appointed Mr. Lewis in place of Mr. Parnell and Ms. Tatarczuch in place of Mr. McGowan.

IV. Approval of Agenda

Councilor Smith MOVED to approve the Agenda as submitted. David Williams SECONDED the motion, and it PASSED unanimously 5-0.

V. Planners Report -

Mr. Behrendt said he had nothing to report to the Board, given the long agenda.

VI. Public Comments

Beth Olshansky, Packers Falls Road, said there was currently a gaping hole in what had

been a beautiful vista along Mast Road, and said what could now be seen there was a tall wall out of concrete and 2 ½ story row houses. She said she was eager to hear what Peak had to offer concerning remediation of this area.

Mr. Kelley arrived at 7:05 pm.

VII. Public Hearing - Thompson Inn - 90 Bennett Road. Amendment to approved site plan for new parking lot and driveway and conversion of barn for function hall for 10-room inn. Stephen and Lori Lamb, applicant; Rokeh Consulting, Site Designer. Tax Map 14, Lot 34-1. Rural Zoning District.

Steve Lamb noted that per the Planning Board's request at the previous meeting, he went to the ZBA for a variance concerning the existing 100 person limit on events at the Inn, and the ZBA approved this variance. He provided details, as he had at previous Planning Board meetings, on what was proposed concerning renovating the Inn. Among other things, he said the parking and stormwater issues had been addressed.

Mr. Williams asked Mr. Lamb how cars would enter and leave the site. Mr. Lamb said during an event, traffic would come in the main driveway and go up to the parking area in the back. He said traffic would leave the site using the driveway that would be constructed. Mr. Williams said it would be a pretty tight turn when a car exited the site, and also noted that the bend around Bennett Road was sharp. He asked how this would be addressed. Mr. Lamb said there was discussion with the Police Department on this. He said during events, someone would be there to address traffic exiting the site.

At the request of Mr. Kelley, Mr. Lamb provided details on the shuttling of cars that would take place to and from the Inn if needed. He said there would be 47 spaces on the site after the work was done, but said La Roche farm had offered to allow an area there with about 80 spaces to be used. He also said the Durham Boat Club had offered to allow parking there during events if necessary.

Mr. Lamb noted that the first event at the Inn, with 160 people, had recently taken place and went very well. He said it included a tent, and also said neighbors had no issues concerning noise at the event. He noted that the work on the driveway hadn't been done yet, and said the LaRoche field was used for some of the parking. He also said someone directed traffic. He said they learned quite a bit from this event.

Councilor Smith MOVED to open the Public Hearing. Richard Kelley SECONDED the motion and it PASSED unanimously 6-0.

Beth Olshansky, Packers Falls Road, said she had watched the adaptive reuse of this property, which was in her neighborhood, and said it was the kind of project people liked to see in Durham. She said she hoped the Inn would be a success.

Councilor Robin Mower, Faculty Road, said she'd heard other residents echo Ms. Olshansky's sentiments. She also noted that the Lambs had asked neighbors if they'd

been impacted by the recent event, and said she hoped other property owners would be equally considerate.

Councilor Smith MOVED to close the Public Hearing. Linda Tatarczuch SECONDED the motion and it PASSED unanimously 6-0.

Mr. Behrendt noted that he'd sent out an email today suggesting revised language for condition #13, concerning use of a tent at events. Chair Corrow said he didn't have any issues with the revised language for #13. Councilor Smith asked if the applicant agreed with this language, and Mr. Lamb said yes.

Mr. Behrendt said the most recent draft of the Notice of Decision was slightly different than the previous version, and he reviewed the changes to it: inclusion of a condition that there be an erosion and sedimentation control plan that would be approved by the DPW and included with the site plan; a condition that signage for handicap parking would be located next to the function hall; and a condition that a shoreland protection permit would be approved by NHDES.

He said the ZBA granted the applicants a variance last week that specified that the maximum number of people allowed on the site would be restricted by the limits of the septic system and the fire, plumbing and health codes. He also said the condition of approval language concerning stormwater management was per the Town Engineer's request.

Mr. Behrendt said there should be a subsequent condition of approval concerning requirements imposed by the DPW for use of the new exit, which were that only right turns would be allowed, there would be a flag person for events, etc. He said these things were in the driveway permit, and said the language in the condition of approval could say the requirements of the driveway permit as specified by the DPW shall apply. Mr. Kelley noted that some of this was covered in condition #14. Councilor Smith suggested that the language could be included as 14 a. Mr. Lamb said he had no problem with this additional language.

It was noted that the current wording for condition #13 in the draft Notice of Decision would be struck and replaced by the new language Mr. Behrendt had provided.

Councilor Smith MOVED to approve an Amendment to an approved site plan submitted by Stephen and Lori Lamb, for a new parking lot, a driveway and conversion of the barn to a function hall for the 10-room Thompson Inn, located at 90 Bennett Road, Tax Map 14, Lot 34-1 in the Rural Zoning District. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

VIII Public Hearing - 257 Newmarket Road – Two New 3-Unit Buildings. Design Review (preliminary) application for construction of two multi-dwelling buildings with three two-bedroom units each. The site contains an existing student housing building. A variance was granted in 2009 for the additional units. Christopher Meyer and Edward Marquardt, Seacoast OPM of Durham, owner. Matt Silva, coordinator. Tax Map 18, Lot 3-2. Rural

Zoning District.

Matt Silva, the project coordinator, said no changes had been made to the plans since the last meeting, and he reviewed the project again.

Richard. Kelley MOVED to open the Public Hearing. Councilor Smith SECONDED the motion, and it PASSED unanimously 6-0.

Beth Olshansky, Packers Falls Road, said during the design review with the Planning Board two weeks ago, the applicant was requested to provide elevations of the buildings that would be constructed. She said she'd been hoping to see what these buildings would look like, and noted that there had been problems in the past concerning what projects looked like.

Mr. Kelley noted that this was the design review process right now, so nothing presented here was binding.

Mr. Silva said building elevations were submitted, and Mr. Behrendt said a full set of architectural drawings would be submitted with the full application. There was discussion on whether to close the design review process. Mr. Behrendt suggested closing the public hearing, and said his understanding was that the Planning Board was generally satisfied with the layout of the project.

Ms. Tatarczuch said at the last meeting, she had asked what the project would look like since she wasn't at the site walk. Mr. Kelley said at the site walk, there was discussion with the architect that the architectural drawings provided needed some work. Mr. Silva asked for specifics on this so he could pass this on to the architect. Mr. Kelley said more taste was needed, and there was further discussion.

Mr. Behrendt said originally the parking lot was in back with the two buildings at an angle beyond the parking lot. He said at the site walk he had said that there was a better way to lay out the buildings so the parking lot wasn't the most prominent aspect and the buildings weren't at an angle.

Mr. Silva said he could provide a 3 dimensional rendering of the architectural design, and Mr. Kelley said that wouldn't help. He noted the roofs coming off the side of the building as an example of the need for an improved design. Mr. Behrendt suggested that there could be corner boards, base boards, narrower clapboards, a more traditional entrance, wider mullions, etc. He also said the second story needed a steeper pitch, and said the false roof on the side didn't work. He suggested that he could coordinate with the applicant on these things.

Jeff Todd, Newmarket Road, said he was a neighbor. He said when the variance was granted for the applicant's property, as part of this approval trees were supposed to be planted along the border he shared with the applicant. He asked when that would happen.

Mr. Silva said the trees would be planted no later than the spring of 2015. Mr. Behrendt said the conditions included with the variance concerning screening would be incorporated into the Planning Board's decision on the application. He said the trees would need to be planted prior to issuance of the certificate of occupancy, or earlier. Mr. Kelley noted again that this was the design review phase, and said Mr. Todd would have the opportunity to review the formal site plan application regarding the landscaping, lighting, etc.

Councilor Smith asked if the buildings would be visible from Newmarket Road as one went by, given the height of the land and the fact that the buildings would be placed toward the back of the site. There was further discussion.

Councilor Smith MOVED to close the Public Hearing. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

Chair Corrow recommended closing the design review phase. There was discussion.

Councilor Smith MOVED to close the design review. Wayne Lewis SECONDED the motion, and it PASSED unanimously 6-0.

Mr. Silva said the formal application would be presented at the next Planning Board meeting agenda the applicant could get onto.

IX. Public Hearing - Mill Plaza Redevelopment. Design Review for partial redevelopment of Mill Plaza Shopping Center site including 44,110 square feet of new commercial space, with an addition to the existing Durham Marketplace building, two new mixed-use buildings, a separate bank with drive through, 120 residential apartments, and other site changes. Colonial Durham Associates, LP, c/o John Pinto, owner. Joseph Persechino, Tighe & Bond, Design Engineer. Adam Wagner, DeStefano Architects, Architect. Tax Map 5, Lot 1-1. Central Business Zoning District

Chair Corrow asked that members of the public keep their comments to about 3 minutes, given the very long agenda. There was discussion. It was noted that it was likely that the public hearing would be continued.

Sean McCauley of Colonial Durham Associates said the team for this project wanted to have a series of local meetings with various stakeholders in order to look at the design ideas and help the design team develop a plan that worked for everyone.

Architect Adam Wagner of DeStefano Architects said this was the first step in the process, and said the team looked forward to getting feedback from the community on what was proposed.

Mr. Wagner provided a detailed summary concerning the project:

- The Mill Plaza property is a large piece of land (9.85 acres) that is well suited for redevelopment. The buildings are dated, and are not conducive to a village feel.

There is a tremendous opportunity to do something wonderful with this property.

- The Town recognized this in 2008 with the Mill Plaza Study, which was an incredible 18 month effort. The team doesn't intend to disregard that study with the current project, and said they had been poring over it.
- The Mill Plaza Study process involved 3 design teams, each of which came up with a concept for redevelopment. Further research was done on the concepts at the time, and an economic impact study was developed on how each proposal would impact Durham's tax base. Recommendations were developed and a final hybrid version was created that included the best of the components of each concept.
- Some of the things in the hybrid plan are no longer viable or feasible: the Library has been built; the opportunity to cut through to Main Street on what is now the Orion property is gone; and the idea of putting a roundabout at the intersection of Main St. and Madbury Road doesn't make sense from an engineering perspective unless the Post Office is moved, etc.

Mr. Kelley said while putting the Library on the Mill Plaza site was no longer an issue, another use could possibly go there. Mr. Wagner said that was correct, but said a municipal use was no longer warranted on this property. He noted that consideration had earlier been given to putting the new Town Hall there.

Councilor Smith said people were more interested in hearing what was being proposed now, without having to hear why earlier suggestions were no longer relevant.

Mr. Wagner said the team had read a lot of letters from residents, some of which said it was important to take into consideration the tremendous amount of time that was put into the Mill Plaza study. He said it was hard to talk about what was proposed now without discussing this earlier work. He continued his summary.

- The final hybrid concept coming out of the Mill Plaza study included a parking garage with 400 spaces, and there was supposed to be some cost sharing on this with the Town as part of efforts to develop a new Library or Town Hall on the site. The current cost for this would be \$10-12 million, and the financials on this didn't work out now given the density proposed on the site. Because the parking garage isn't in the current plans, more surface area is needed for parking than was included in the hybrid plan. Mr. Wagner explained why a parking garage and grocery shopping were not a good combination.
- The final hybrid plan included a hotel on what was now the Orion property. The connection to Main Street is no longer possible. There is about an 8 ft change in the grade change from Main St to the parking lot below, and a tremendous amount of excavation of granite outcroppings would be needed in order to place a building back there.

Mr. Wagner said the owner of Mill Plaza understood that there was 100% occupancy of Mill Plaza by successful retail businesses. He said in order to do the redevelopment on the property, some of the businesses might be impacted. He noted recent comments about the importance of reaching out to these tenants, but said it had been a bit early to do this when there were some questions on the timeframe. He said the owner of Mill Plaza had met with Hannaford and Rite Aid, and he noted that they had approval rights in any redevelopment project. He also said all of the tenants had now been informed concerning the redevelopment.

Mr. Wagner said a recommendation coming out of the hybrid scheme was that for financial reasons, the Durham Marketplace building needed to stay intact. But he said for some reason, in the final hybrid design the building was to be torn down. He said the owner of Mill Plaza didn't see that this was a viable option.

He spoke next about the proposed design. He said the team had worked through each of the seven recommendations in the Mill Plaza study, and had tried to incorporate them into the current plan. He said one was to work together for success, and noted that the team was here tonight, and had met with the EDC last night. He said there was a lot of work to do, but said they had to start somewhere, and wanted to create a project downtown that everyone could be proud of.

Mr. Wagner said another recommendation was to create a village center with quality design, and said the owner and the design team wanted that as well. He said they'd started to develop the architectural design and would share this.

He said another recommendation was that a project on the site would promote a balanced mix of uses, and he provided details on how this would be accomplished with what was now proposed. He said there would be retail space and potentially office space, specifically medical office space and other similar uses. He noted that Economic Development Director Mary Ellen Humphrey was hearing about technology companies that wanted to tag onto the IOL theme, and he said uses like these would be considered.

Mr. Wagner said the upper floors of the new buildings would contain 120 residential units, and said it was likely but not definite that there would be a mix of 1, 2 and 4 bedroom units. He said they were looking at doing market rate units, so this would be wherever the market went, to families, students, etc. He said the owner wanted a product that had wide flexibility. He said 5 and 6 bedroom units would not be proposed, noting that only students would rent such units.

Councilor Smith asked how many beds were proposed, and Mr. Wagner said this wasn't known yet. Mr. Williams asked what the ceiling was on the number of beds, and Mr. Wagner said there was no number yet. Councilor Smith asked how they had been able to come up with 120 units when the number of beds wasn't known yet.

Mr. Wagner said they were looking at what would be an appropriate density for a

downtown parcel. He noted that he was a board member of Plan NH, and said density was difficult to define. He said the Sierra Club said an appropriate density for an urban setting was 100 units/acre, but he said there weren't going to be 950 units on the Mill Plaza property. He said the Sierra Club said the appropriate density for a suburban area was 10 units/acre, which would mean 95-100 units for this site. He said the Orion development would have about 46 units/acre and the Pauly's Pocket development would have about 30 units per acre.

He said the design team landed on 12 units/acre for the Mill Plaza site, which was a density that was more suitable for a suburban location, but he said it seemed reasonable. Councilor Smith said most people living in Durham didn't consider the downtown to be an urban area, and Mr. Wagner agreed, but said it wasn't really a suburban area either, yet they were close to the suburban numbers. Councilor Smith asked if the Sierra Club had a density for "village", and Mr. Wagner said he would look into this.

Mr. Wagner said the recommendation to include a new Library could be taken off the list. He said another recommendation was that the project would respect the neighborhood, and said the design team was committed to setting up community groups and hearing peoples' concerns. He said another recommendation was to protect College Brook, which was not in the best of health. He said they proposed to pull the asphalt away from the brook and create a larger buffer and management plan that included the appropriate vegetation to protect it.

He said the team proposed to discontinue the paper street that would have connected Mill Plaza to Chesley Drive because they realized this was a hot button issue because residents didn't want traffic to go through there. He said the easement for the street existed on the survey, and said if the Town wanted to give it back to the owner, he was sure the owner would abandon the connection. He said it was important to maintain the pedestrian connection, but said putting vehicles through there didn't make a lot of sense.

Mr. Wagner spoke further about plans to keep the Durham Marketplace building, and to re-clad the exterior using a village architectural style. He said an addition to the building was proposed and said on the first level, there would be an addition to the commercial space, and 3 residential floors above it. He said they wanted to bring the building out to the edge of the sidewalk, with some height, and also said they would take advantage of the existing pocket park that Mill Plaza owned. He said the park could be a much better, activated space that could be used as the front floor for the two floors of residential space. He said this would activate the back of the building and engage it with Main Street.

He said a small single story bank building was proposed on the site, and said one of the existing banks currently at the Plaza could relocate there. He provided details on landscaping changes proposed there.

Mr. Wagner said a big change proposed to the site was the removal of the current second building in the back and the construction of a new building at a right angle to the Durham Marketplace building, noting that the current building faded off into the distance. He said

this new building would be constructed in phase I. He said the front of the building would be totally commercial, and said existing tenants at Mill Plaza could perhaps relocate and possibly expand there. Mr. Kelley asked whether if Rite Aid moved there as part of phase I, Durham Marketplace could possibly expand into the former drugstore space. Mr. Wagner said that was possible.

Mr. Wagner said some commercial space was also proposed at the rear of the site, which would be very specific to whatever the multi-use residential would be, and could include something like a bike shop, coffee shop, etc.

Mr. Wagner said the second building had residential uses on the top floor, and noted that multi-unit housing was a conditional use in this district, but was not allowed on the first floor without a variance. He said it had been recommended that the project fit in with the Zoning Ordinance as much as possible. But he said if there was some flexibility with the Ordinance and residential was allowed on the first floor, they could open things up more on the parking side.

Mr. Wagner next spoke about building C. He said they proposed to excavate the granite outcropping in the back, and include parking on the lower level of the building and two stories of residential above it in a small scale building.

Mr. Kelley asked how many stories there would be above the commercial floor in building B. Mr. Wagner said there would be one floor of commercial and two stories of residential, facing Mill Road. He said along the side, there would be 3 stories of residential above a parking level, and explained that this didn't affect the building height. He said the total height would be 43 to 45 ft, and said the building height could be up to 50 ft in the CB district.

He said there was current 55,337 sf on the site, and said the proposed development would have 75,563 sf of new commercial space, 20,226 sf of which would be new commercial office and retail space.

He said the residential space for 120 units would take up 198,279 sf. He noted that the original financial analysis in the Mill Plaza study in 2007 said the value of residential space would be about \$188/sf, and the value of commercial space would be about \$124/sf, resulting in an estimated assessment increase of \$28.5 million with the current proposal over the current assessment.

Mr. Wagner showed members of the Planning Board and members of the public the architectural elevations and described them in some detail.

Mr. Behrendt said he assumed that a variance would be needed for the 3 floors of residential space, and Mr. Wagner agreed.

Councilor Smith said at the EDC meeting the previous night, Mr. Wagner talked about why new residential space couldn't be built over the existing second building on the site

so that there would be no major disruption to the existing businesses there. Mr. Wagner said this wasn't something the team had considered at this point, but said they could look into doing a structural analysis. He said he thought they would find that the existing building would be significantly torn apart, and noted that the building was never intended to have more floors stacked on top of it. He said he didn't see this as a viable option.

Councilor Smith said recently, UNH discovered that its plan to build a modern pool had to be delayed because a lot of clay was discovered. He said he was around when the first stage of Mill Plaza was developed, and said a bulldozer got lost in the middle of the parking lot. He said there was ledge on the northern part of the Mill Plaza property, but said closer to the Brook, there was a thick layer of marine clay. He suggested that before plans for the huge new building were developed, soil borings should be done to see how much clay would need to be taken out.

Mr. Kelley asked if it would be possible to phase the construction of building B in order to accommodate the businesses, and Mr. Wagner said there were a lot of options on the table. He also said a full geo-tech survey would be done of the site.

Ms. Tatarczuch said she was at the EDC meeting last night, and said while Mr. Wagner had expressed empathy for Durham Marketplace, he didn't seem to have the same empathy for the other businesses. She said this was appalling, and said she agreed with the idea of possibly finding a way to stage the construction of building B so some of these businesses might be salvaged. She said this would give more vitality to the proposed project.

She said the road for the project appeared to go through the protective wetland buffer, and asked if a variance would be needed for this. She also said it seemed that this road would have a phenomenal amount of usage on a daily basis based on the proposed project. She noted that there was no other way to leave the site in an emergency, and said this was an additional concern.

Ms. Tatarczuch said another concern was the proposed triangular shaped building with the courtyard overlooking a parking lot, and said she didn't see that much thought had been put into making this a livable area. She said the original plans for Mill Plaza had a lot of green space, but said most of the green space in the current plan was in the buffer, as well as some small plantings along some of the parking areas and near the bank.

Mr. Wagner said the current drive aisle was in the 75 ft wetland buffer, and said their proposal was to pull the road further away, which should help with the stormwater runoff issue. He also said a traffic analysis would be done, and said discussion right now on traffic was a bit premature. He noted that they were still looking at the densities and uses. Regarding the concern about access, he said there had been discussion that Chesley Drive was a contentious issue, and said the option of using it only for emergency access had been considered. He said this idea hadn't been reviewed yet with the Police department and Fire department, but said it could be a viable option.

Mr. Wagner said a lot of the parking proposed was driven by the Zoning requirements. He said there were currently about 354 spaces, and said they were willing to work with the Town to get relief from the parking requirements. He also said there could potentially be some remote parking to serve the residents living there. Mr. Kelley said the plan said there were 345 spaces now, and the proposed plan added 45-50 more spaces.

Mr. Williams noted that the idea of having stakeholders and being respectful had been presented tonight, along with the idea of creating a more attractive gateway. He asked what would be the 2-3 things the team had in mind to accomplish this. Mr. Wagner said one thing would be building out to the street, noting that right now, Mill Plaza turned its back on Main Street and Mill Road. He said this project should engage the sidewalks, and the park. He said another thing would be to rotate the back building so it wasn't seen at an oblique angle. Councilor Smith said they wouldn't be rotating the building, but would be demolishing it. There was discussion about the use of the word courtyard the previous meeting instead of parking area.

Mr. Behrendt said in an urban, town setting, parking lots were anathema, and were managed carefully and to some degree were minimized, screened, etc. He also said good urban spaces built buildings out to the streets and pathways, and had trees. He said the original Mill Plaza plan had wrestled with the challenges of the existing site, including the needs for parking, and found a way to make it the kind of urban place he had described so it felt pedestrian oriented. He said the overriding sense of this plan was that it was a parking lot. He said there was a long way to go to make this a successful project. He said he thought the 2008 Mill Plaza study plan provided a signpost, and he spoke further on this. He also said the student housing issue needed to be addressed.

Mr. Wagner said he didn't necessarily disagree with what Mr. Behrendt had said, from a fundamental planning standpoint. He noted that the parking problem in nearby communities was sometimes solved with municipal parking garages.

Councilor Smith said 198,000 sf of residential space was proposed, and said if the Town Council changed the minimum square footage allowed for unrelated tenants from 300 sf to 600 sf and each unit was occupied by college students, this would mean that 333 tenants would be allowed. He said if the Council didn't change the Zoning Ordinance and 300 sf was allowed, or if the applicant's attorney prevailed there could be up to 660 beds. He asked what was driving the 198,000 sf number. Mr. Wagner said it was felt that 120 units was an appropriate density for this parcel.

Mr. Williams said making the gateway attractive involved more than making it financially attractive, and asked what were ways to accomplish this. Mr. Wagner noted that the Town's architectural design regulations, which reflected the architectural character of Durham, would be followed.

Councilor Smith MOVED to open the Public Hearing. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

Councilor Robin Mower, Faculty road, read into the public record a letter from a direct abutter, John Hart. She also read a letter she had written.

Nancy Miner said she had worked with Mr. Pinto, the owner of Mill Plaza, and said profit was his motivation. She noted the proposed commercial space on the first floor, and also noted that there was retail space in the Town that wasn't currently being used. She asked if any effort would be made to ensure that there were some interesting retail businesses, and said the commercial space would sit empty if it was too expensive or unattractive.

She said she was probably more qualified than anyone present to discuss the concept of workforce housing in Durham, and noted that there were 3 workforce housing units downtown, 2 of which she had lived in. She said they were lovely apartments, but said they were impossible to live in, in conjunction with the students. She said it wasn't feasible to call the police every night, and said if there were any students living in the proposed development at Mill Plaza, no one else would want to live there.

Mr. Wagner said having a commercial first floor was required by the Zoning Ordinance, and also said he thought the development that was proposed would have a distinct competitive advantage because of Durham Marketplace and Rite Aid. He said there was 100% occupancy at Mill Plaza now, and said it was expected that the new commercial spaces would be highly desirable.

Erin Hale, 74 Mill Road, noted a letter she'd composed with her husband, which 125 other residents had signed. She read her letter into the public record.

Katie Wheeler, Mill Road, said when she and her husband Doug moved to Durham, it was truly a village. She said the proposed development might increase the tax base, but said she feared that it would lower their property values. She said it probably too late for Durham to have a village feel, but said the Town needed a commons. She noted that before Mill Plaza was built, it was a field. She said a town without some kind of park in its center had no heart, and said what was proposed now could hardly be called a village green.

She questioned the idea of including more student residential density downtown, and said this was destroying the Town's character. She said if there must be more housing, it should be affordable and shouldn't be for students. She also said she didn't see how families would want to live near the Town center. But she said Durham couldn't become a giant campus for UNH. She said she loved Durham Marketplace, and said everything possible should be done to protect it. She also said she supported the other businesses in Mill Plaza, and said Durham needed businesses like these that families liked and that not just students supported. She said she hoped there would be some serious remaking of the current plan.

Bruce Campbell said he had signed the letter that was read, and said many of his thoughts were in it. He asked for clarification on the amount of new commercial space

that would be provided with the project, and Mr. Wagner said there would be an increase of 20,226 sf. Mr. Campbell said he was concerned that this project was starting out with only half of the parking that might be needed. Mr. Wagner spoke further on the 20,226 sf number. There was discussion that the amount of parking required in the CB district depended on what the commercial use was, and that the Planning Board could waive the required amount of parking. Project engineer Joe Persechino said the parking numbers were based on the Zoning Ordinance, which was based on the ITE (International Traffic Engineers) standards.

Mr. Kelley said with mixed use, there might not be a demand for parking by different uses at the same time, and said there was often a reduction in parking allowed because of that. Mr. Campbell said hopefully the Planning Board would look carefully at that, and said right now there seemed to be a pretty significant lack of parking spaces proposed with this project. Mr. Behrendt said in the CB district, the requirement was one space per resident. Councilor Smith said if 400 tenants were proposed, he could see that there would be competition for the parking spaces among the various uses proposed.

Barbara Dill, Packers Falls Road, read a letter from **Charlie Forcey, Thompson Lane**. Ms. Dill said she was distressed about mature trees on the site coming down, and said she would like the new development to keep these trees.

Tim Horrigan, Faculty Road, noted that he was a State Representative but was speaking as a citizen. He said the only connection of this current process to the Mill Plaza study process was that the same site was involved. He said the Mill Plaza study paid a lot of attention to how to keep the existing tenants, but said this current plan didn't seem to do this. He said the access way in front of the buildings in Mill Plaza had become a fairly vibrant street because of the businesses there, and he suggested building the new buildings on the other side of the access way. Mr. Horrigan also said the prospect of another project downtown that required major excavation wasn't good. He said this plan needed a lot of work.

Alison Adamczyk, Madbury Road, said she shopped at Durham Marketplace a lot, and said it was difficult to watch young mothers there taking shopping carts back because there were no shopping cart corrals in the parking lot. She also questioned building out the building to the sidewalk along Mill Road, and asked if this could instead be staggered so there could be places outside for people to sit. She suggested the idea of having a second commercial story for the Durham Marketplace building that could be accessed with an escalator, and also said it would be nice to have some community space on the site with some shade.

Beth Olshansky, Packers Falls Road, noted that the current plan used the terms "Durham Village Center", but said residents were pretty disappointed in terms of how the plan was supposed to be a village center. She said the courtyard was really just more parking and pavement. She said the plan indicated that the green space next to the bagel place was supposed to be demolished, and she asked that it remain, stating that it could be an extension of the pocket park the team wanted to enhance. She said she hoped the

mature trees there would remain.

Ms. Olshansky asked if the approximately 20,000 sf of new commercial space would be on top of what there was before the second building on the site now was torn down. Mr. Wagner said this number was the increase based on what was there now and what would be on the site post development. Ms. Olshansky said it sounded like there would be relatively little new commercial space. She said she would like the owner to consider phasing the project, and she provided details on this.

She said given the proposed Zoning amendment to require 600 sf of habitable space per unrelated occupant, it was important to be upfront about who would be living here. She said she had heard that it didn't work well when students and residents lived near each other. She said she found the mix of 1, 2 and 4 bedroom units interesting but problematic, and said 4 bedroom apartments were intended for students.

Ms. Olshansky said 2007 demographic information was quoted at the EDC meeting, but said over 2000 beds of student housing had been added since then, so there was now a glut. She noted two reports that discussed the need for senior housing, including Durham, and specifically in Durham, and said she would like the owner to consider making this an over 55 development. She noted that 20% of such a development could be in a mixed age range, and said if 80% were seniors, the other people who would want to live there would be faculty or graduate students. She said this approach should be considered. She said she was pleased to hear last night that input from the community was welcome, and noted that Durham residents were highly qualified, engaged citizens.

Mr. Wagner said at the EDC meeting, he read from a Town report that said there was an adequate supply of over 55 housing, and said he didn't make a comment that there wasn't enough student housing.

Bill Schoonmaker, Mill Road, said he was part of the AIA effort to do the Mill Plaza Study. He read a letter from the AIA concerning the Mill Plaza study. He said he was heartened to hear Mr. Wagner's statement about honoring the Mill Plaza Study recommendations. He said the pedestrian/bike piece was critical, including creating a positive pedestrian connection from Mill Plaza to Main St, and creating community open spaces for residents who went to the Plaza to enjoy. He also spoke about the importance of protecting College Brook.

Art Guadano, Pine Crest Lane, said he'd served on the AIA committee as part of the Mill Plaza Study, and said this had been a process where there was strong community input. He said one piece of this was the idea of creating a village center with quality design. He said the current site plan was very unimaginative, with a sea of asphalt around the buildings. He said it needed landscaping, a plaza, a courtyard, and pedestrian spaces that created a true walking experience into the rest of the Town. He said the plan needed to be rethought. He said the housing most likely to be there was student housing, and said he was not opposed to this. He also said phased construction would be a critical component of the project.

He noted that there was a Town parking fund that had been accumulating funds resulting from parking that hadn't been provided as part of recent developments. He said there perhaps needed to be some exploration of using those funds to help accommodate a parking garage. He said Mr. Wagner's job was to use his design talents to meet the community's expectations, not just his client's expectations.

Suzy Loder, Oyster River Road, read a letter into the public record. She said she recently moved into the Faculty neighborhood, after living in Durham for 40 years, and said she appreciated having close neighbors and being able to walk to Town. She said the potential this project had for the entire community was great, and said she supported the redevelopment of the Plaza but she said there was no rush. She said she hoped the owner would work with residents to create a win-win situation.

Peter Andersen, Chesley Drive, said he was a direct abutter to Mill Plaza and was also a developer. He asked the Planning Board and the ZBA to be extremely flexible and creative with this unique site. He noted that College Brook could rise quickly to flood stage largely due to runoff upstream from UNH and also from Mill Plaza. He said this problem could be eliminated, and also said there was an opportunity to get rid of the grade changes in the area.

He spoke about a possible design that involved putting a parking garage close to the brook, putting housing on top of that, and installing a cistern below the garage to store stormwater runoff and gradually release it into the brook. He said he hoped to see a wonderful project with a lot more green space, including green roofs. He said perhaps more density could be allowed, and the development could be built along the perimeter of the site, with the green space in the middle.

Chair Corrow said perhaps the applicant might consider reworking the design, and the design review process could be continued. Mr. McCauley said they would like to keep the public hearing open, and would also like to establish a working group that would include Town staff, Planning Board members and stakeholders, who would work cooperatively in order to create a meaningful plan.

Mr. Behrendt said this offer was appreciated. He said creating a working group had been an effective approach for Durham, and might be appropriate in this situation. But he recommended not creating the working group at this point because there was a large difference between where the project was now and the next step. He encouraged the applicant to come back with a revised plan when it was ready, and said if at that point it looked like it was taking some shape, a committee could be formed.

Mr. Kelley said he disagreed. He said he thought the design team needed to consider what it had heard, and should move forward with a stakeholder group now if it wanted to and show them something that reflected what it had heard.

Mr. McCauley asked that the public hearing be kept open and said they would try to

come back to the Planning Board in January. But he said it would be great to have a discussion with stakeholders now.

Ms. Tatarczuch said she disagreed with the idea of creating a committee now. She said some really good points had been made tonight, and said she thought the applicant needed to incorporate some of them and develop some fleshed out drawings. She said there might be a lot of push back at this point if there was a committee.

Mr. McCauley said they wanted to keep the process open, and said they could come back with another plan. Mr. Corrow said that was probably the best approach. Attorney Pollock asked that the Planning Board leave the design review phase open and table it to the applicant's estimated date of return, which was the first meeting in January. Mr. Behrendt said he was hearing that this would not be a public hearing, and no notices would be needed for this.

Break from 9:53-10:03 pm

Mr. Kelley left the meeting during the break.

X. Public Hearing - Historic Resources Master Plan chapter

Councilor Smith MOVED to open the Public Hearing. Wayne Lewis SECONDED the motion, and it PASSED unanimously 5-0.

Councilor Robin Mower, Faculty Road, noted comments she had provided on the chapter, and said while she was not an expert on this topic, she was disappointed in the quality of the chapter. She said she hoped the Planning Board would have a meaningful discussion on whether the Town would be adequately served by the document.

She said the amount of information on the Town's history should be shortened. She also said there were formatting issues, and said there were too many pictures, which weighed down the document. She questioned some of the pictures used, and also said there were things like Zoning Ordinance provisions that didn't belong in the chapter because they were subject to change. She said the chapter should focus on the properties that should be protected, and said the chapter should have a vision of guardianship and stewardship of the Town's historic resources. She said she didn't recommend endorsing the chapter as it now was written.

Janet Mackey, Piscataqua Road, noted a letter she had sent to Mr. Behrendt, the Planning Board and the Town Council. INSERT

Nancy Sandberg noted her letter to the Planning Board and the Town Council concerning the Historic Resources chapter. INSERT She noted that she would be willing to help rewrite the chapter.

Councilor Mower said she was very impressed with some documents she'd found online

from some other towns. She said someone reading this chapter online would get a sense of Durham that she would not like them to have.

Chair Corrow said he wasn't prepared to endorse the chapter this evening, noting the absence of several Planning Board members. He said given the comments, he thought they all might need to go back to the drawing board. He noted the money spent hiring a consultant to do the chapter, and asked what happened.

Mr. Behrendt said some of the writing wasn't good, but said there were some very good things in the chapter. He said a challenge was that there were differing opinions and focuses among those who had worked on the chapter, and noted that those involved with it included the consultant, the MPAC, Strafford Regional Planning Commission, the Historic District Commission, the State Division of Historic Resources, and the Durham Historical Association.

He said the consultant did her best to weigh comments provided on the chapter, many of which conflicted. He also noted that the contract with the consultant ended because there was a limited time frame. He said he could probably try to make some adjustments to the chapter, in consultation with appropriate parties but said he had limited time for this. Councilor Smith said Mr. Behrendt's plate was too full already.

Councilor Mower said Nancy Sandberg and Janet Mackie had more knowledge of the Town than just about anyone else. She said they had many years of understanding and knowledge of many of the Town's historic resources. She said the suggestion to do the chapter was generous, and said if Nancy was willing to do this, bless her heart.

Ms. Tatarczuch said she agreed with Councilor Mower, but said she was also concerned about the idea of the Planning Board endorsing the chapters, and noted that the Board had previously concluded that the word "accept" should be used for now. She said to endorse any chapter at this point would be premature and inappropriate.

Mr. Behrendt said the Planning Board ultimately had to be pleased with the document, and said how to get there was the question. Councilor Smith said he wasn't pleased with the first draft, and wasn't pleased with the chapter now. He said it was too long. Mr. Lewis questioned paying the consulting firm for the work that was done. There was discussion. Mr. Behrendt said he thought the consultant did her work and was paid for what she produced. He said there were some strong opinions about the chapter and said he respected this. He said they had to deal with the fact that it wasn't what the Town wanted, but said a lot of work had gone into the chapter and it contained a lot of good, useful information. He said some adjustments needed to be made to it.

Ms. Mackey said due to the structure and quality of the chapter, she had looked at the VHB site. She said there were 5 well written master plan chapters there, and said they were of a much better quality than what had been provided to Durham.

Councilor Mower said perhaps the Town didn't hire the appropriate individual, and said it

seemed appropriate to speak with VHB about this. Mr. Behrendt said he thought it would be utterly inappropriate to go back to VHB on this. He said he had respect for those who had spoken, but said there was a lot in the chapter that was very good. He said perhaps it was too long, but said numerous people along the way supported aspects of it. He said some of the writing could be corrected.

Mr. Behrendt said he would be happy to work with a subcommittee on the chapter. Mr. Williams said it would be useful to develop a scope of work. He said to the extent that the Historic Resources chapter influenced land use in Durham, this should be explained clearly in the chapter.

Ms. Sandberg noted that said she had volunteered to put together a small committee. She said Janet Mackey was very knowledgeable about Durham's history and was a good writer, but said there should probably be a member of the HDC on the committee. She also said the parameters for working on the chapter would need to be clear. Councilor Mower said the parameters of the Division of Historic Resources would also need to be clear and communicated to whoever worked on the chapter. There was discussion that the Chair of the HDC could appoint someone from that commission to serve on the subcommittee with Ms. Sandberg and Ms. Mackey.

Mr. Williams asked that it be clear to the Planning Board what this committee was being asked to do before the committee worked on the chapter. It was noted that the HDC had already approved the Historic Resources chapter.

Chair Corrow summarized that the committee could do further work on the chapter and then would bring it back to the Planning Board.

- XI. Public Hearing – Site Plan Regulations.** The Durham Site Plan Regulations have been overhauled with a new draft including Part I – General Provisions, Part II – Site Plan Review Process, and Part III – Development Standards.

Postponed to November

- XII. Public Hearing - Edgewood Road and Emerson Road Subdivision.** Subdivision & Boundary Line Adjustment for 4-lot subdivision. Jack Farrell, applicant. County Line Holding, LLC and Mark Morong 1991 Trust, owners. David Vincent, surveyor. Map 1, Lot 15-0.

Postponed to November 5th meeting at the applicant's request

- XIII Pauly's Pockets – 49 Main Street.** Modification of approved site plan for Vehicular and Pedestrian Plan for Lane Closures and updated Construction Management Plan. Commercial on the first floor with 6 residential apartments on the upper 2 floors. Paul Eja, applicant; Mike Sievert, MJS Engineering, engineer. Tax Map 5, Lot 1-2. Central Business Zoning District

Engineer Mike Sievert represented Mr. Eja, and said they were present to get approval of

the traffic and construction management plan, as laid out in T1-T5. He said this included the proposed lane closure plans, which involved a single lane closure of Main Street and a single lane closure of Mill Road. He spoke in some detail on the plan.

Mr. Behrendt said Mr. Sievert had met with the Technical Review Committee concerning the plan, and said there were no concerns with what was proposed.

Ms. Tatarczuch asked whether if an agreement was reached with the owner of Mill Plaza, the applicant would go back to staging the construction at the park area, and would also go back to the rest of the first plan the Planning Board had seen.

Mr. Sievert said yes, and said what was being proposed now was a contingency plan. He said they didn't want to use it, but would do so if necessary. He said the plans depicted possible scenarios, and the signage to go with it. He said the work would take 30-40 days, and said some of this work would be done on half days. He said it wouldn't be done on consecutive days. He said if necessary, the work could begin next week, and said the lane closures would occur mostly at the beginning, for the steel construction, etc. He said lane closures later would be for deliveries related to construction, etc.

Councilor Smith MOVED to approve the application submitted by Paul Eja for modification of an approved site plan for commercial on the first floor and 6 residential apartments on the upper 2 floors, to include a Vehicular and Pedestrian Plan for Lane Closures and updated Construction Management Plan. The property is located at 49 Main Street, Tax Map 5, Lot 1-2 in the Central Business Zoning District. Dave Williams SECONDED the motion, and it PASSED unanimously 5-0.

XIV The Lodges – Mast Road. Plantings and views. Discussion with developer about plantings and views at the Lodges. Approved site plan for 142 unit/460 bed housing development. Peak Campus Development, LLC, c/o Jeff Githens and Jonathon Barge, developer. Tax Map 13, Lots 6-1, 10-0, 3-0 UNH and 4-0 UNH. Office Research Light Industry Zoning District.

Jeff Githens of Peak said he came before the Board when the view shed was initially discussed, so should be here to discuss it now. He provided slides that showed the Peak site from the west when driving along Mast Road, as well as from the south while driving on Mast Road.

Chair Corrow noted that this was not a public hearing and that the hour was late. He said it would be a good idea to have a site walk.

Ms. Tatarczuch noted that she had previously brought up the issue of the safety of the walkway that was constructed as part of this project. She said she'd seen that some of the vegetation along the walkway had been cut back and appreciated this, and also said she hoped there was a commitment to keep the vegetation cut back so it didn't become a kind of tunnel that would be a danger to people walking on the path. Mr. Githens noted that the path was on UNH property, and said he assumed that they shared this opinion. He

said he agreed that the path was in a better state now.

Mr. Githens said Peak was trying to be good neighbor, and was willing to be part of the solution concerning the landscaping. He said having a site walk was a good next step.

Councilor Smith asked how much land there was on the University side of the concrete wall, and how far back it was from the property line is it. Mr. Githens said there was about 27 ft. Councilor Smith said that meant there was room for quite a few trees. Mr. Githens said there was enough space for a second row beyond the trees that had been planted there but said a third row of trees would have to be discussed with UNH because the trees would need to be on their property.

There was discussion that it was likely that additional trees wouldn't be planted until next spring. There was discussion about scheduling a site walk and it was agreed it would be held on November 2nd at 1pm, with further discussion to follow at the November 12th Planning Board meeting. Mr. Githens said he would like to get buy in concerning a landscaping plan before that meeting.

Mr. Behrendt suggested that it would be good to hear from members of the public on the landscaping issue, but said notices wouldn't be needed for this. Ms. Tatarczuch noted that there would be a public hearing anyway at the November 12th meeting, on the additional beds that were proposed. Mr. Behrendt said he didn't think the plantings rose to the level of requiring a public hearing. There was further discussion.

Ms. Olshansky said she would like John Parry to have the opportunity to contribute to the plan, noting that he was a forester so was familiar with tree growth rates, etc. She said the plan provided by Peak looked like a great start. Mr. Githens said Peak could work with Mr. Parry between now and the time of the site walk. He said hopefully he would be able to provide the general shell of a plan on November 12th. Planning Board members agreed with this approach, and said a public hearing wouldn't be needed but public comments could be provided at the meeting.

- XV. The Lodges – Mast Road.** Proposal to increase number of beds from 460 to 514. Amendment to approved site plan for 142 unit/460 bed housing development. Peak Campus Development, LLC, c/o Jeff Githens and Jonathon Barge, developer. Tax Map 13, Lots 6-1, 10-0, 3-0 UNH and 4-0 UNH. Office Research Light Industry Zoning District.

Mr. Githens said phase I included 342 bedrooms at the Lodges, and said all of them had been leased. He said the shuttle service had worked very well, and the pedestrian path was highly used by residents and others. He said they had approval to build 460 beds but hadn't built all of the units yet. He said because the demand was there, Peak had leased most of the two bedroom units to 3 people, and noted that this complied with all of the codes and the site plan. He said they'd been surprised to see how strong the demand was for this arrangement. He noted that 93% of residents had cars. He also said there had been no major incidents at the property since it opened. He said the request now was to

allow a third occupant in a two bedroom unit with the completion of all phases of the development. He said this would increase the number of beds to 514 by allowing a third resident in all of the 2 bedroom units. He said he didn't think all of the units would be leased this way, but said the demand for this kind of situation had been surprising.

Mr. Githens said three residents were allowed in the two bedroom units according to the Zoning Ordinance, which required that they have 600 sf of habitable floor area. He said the two bedroom units had 754 sf of habitable area. He said parking was adequate to support the additional beds based on the current utilization, and he provided details on this. He said there would be no new construction involved.

He noted that Rivers Edge got approval for the same request in 2013. He provided details on the buildings that had ground floor two bedroom apartments, and also showed the two bedroom floor plan and how one of the bedrooms could be changed to allow a second bed. He said the price point to share a bedroom was lower than the price point of no sharing one.

Chair Corrow said the public hearing on this application would be scheduled for November 12th.

Mr. Lewis said a key point was that it was cheaper for students to share a room, and he noted that he'd always had a roommate in college.

It was agreed that the Planning Board would be able to look at a two bedroom unit while at the site walk.

XVI. Other Business

Mr. Behrendt said Exeter Planner Sylvia Van Aulock would hold a workshop on reading site plans on December 5th.

XVII. Review of Minutes

July 9, 2014 postponed

July 23, 2014 postponed

XVIII. Adjournment

Councilor Smith MOVED to adjourn the meeting. Wayne Lewis SECONDED the motion, and it PASSED unanimously 5-0.

Adjournment at approximately 11:25 pm
Victoria Parmele, Minutes taker

Andrew Corrow, Secretary