



**TOWN OF DURHAM**  
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***Town Planner Recommendations***  
**DURHAM PLANNING BOARD**  
**Wednesday, June 10, 2015**

VIII. **Review of Minutes** January 28, 2015, February 11, 2015, February 25, 2015

The Planning Board set a new policy for minutes at a recent meeting. Whenever the minutes are not reviewed at a specific meeting, they will be placed at the beginning of the following meeting.

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IX. ***Public Hearing - Edgewood Road and Emerson Road Subdivision***. 4-lot subdivision and boundary line adjustment and conditional use for a wetland crossing, a road widening, and construction of a shared driveway in the Wetland Conservation Overlay District. Jack Farrell, applicant. County Line Holdings, LLC and Mark Morong 1991 Trust, owners. David Vincent, surveyor. Map 1, Lot 15-0. Residence A Zoning District.

See separate writeup.

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X. ***Public Hearing –Mill Plaza Redevelopment***. Design Review (preliminary application) for significant redevelopment of Mill Plaza Shopping Center site including commercial space (existing and new), an addition to the existing Durham Marketplace building, new buildings, 442 beds in new residential buildings, greenspaces and plazas, and change in the layout and number of parking spaces. Colonial Durham Associates, LP, c/o John Pinto, owner. Sean McCauley, representative. Joseph Persechino, Tighe & Bond, Design Engineer. Adam Wagner, DeStefano Architects, Architect. Tax Map 5, Lot 1-1. Central Business Zoning District.

- I recommend that the design review application be tabled with the following conditions:
- 1) The design review application is hereby tabled and the public hearing is closed.
  - 2) If the application is not otherwise continued or extended by the Planning Board, the design review application will automatically end/be closed 30 days after the exhaustion of all appeals by the applicant (including appeals to the ZBA or court);

- 3) The applicant may bring the design review application back to the Planning Board for any meeting of the board, prior to the expiration stated above. A request in writing (including email) to bring an application back to the board shall state the specific meeting at which the applicant wishes to be heard, and shall be submitted at least three weeks prior to that meeting.
- 4) New notices for the application and a new public hearing shall be sent and paid for by the applicant. Pursuant to the Planning Board Rules of Procedure, the application shall be presented at the first meeting and the public hearing shall be held on the next available meeting after that.

Ari Pollack, Attorney for the applicant conveyed this to me the following via email:

Colonial Durham, through my office, will attend next week's meeting to provide the PB with an update on the status of the litigation. As you know, the case has been filed and was served on the Town, but otherwise remains in its initial stages and is pending before the Superior Court. We will be asking the PB for an additional postponement, duration to be determined, as the litigation remains unresolved and the timetable for the Court's resolution of the case is likewise uncertain.

-Ari  
Ari B. Pollack, Esq.

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- XI. **River's Edge Apartments – Amendment and Conditional use to combine apartments.** 277 Main Street. Application regarding an approved site plan for a 48-unit multi-dwelling project with 114 occupants/beds. An amendment to the approval for all two-bedroom units and a conditional use – required to expand a nonconforming use - to consolidate two pairs of two-bedroom dwelling units into two four-bedroom dwelling units. Ralph Pavone c/o Rivers Edge LLC, property owner. Tax Map 9, Lot 8-2. Office Research/Light Industry Zoning District. *Recommended action:* Discussion and setting a public hearing for June 24

See separate writeup.

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- XII. **15 Madbury Road – Conversion of porch.** A conditional use to expand a nonconforming use –slightly enlarging and closing in a glassed-in porch. *Residence, single family* is not permitted in the Central Business District. GP Madbury 15, LLC, c/o Ken Rubin and Fred Kell, property owner; Mike Sievert, MJS Engineering, Design Engineer. Central Business District. Tax Map 2, Lot 12-5. *Recommended action:* Discussion and setting a public hearing for June 24.

See separate writeup

- XIII. **The Lodges – Amendments and Conditional Use to add Beds and Landscaping.** 259 Mast Road. Application for amendments and conditional use to add 26 beds and landscaping and make other changes to the approved site plan for a 142 unit/460 bed housing development. A conditional use is needed to expand *residence, multi-unit*, a nonconforming use. Peak Campus Development, LLC, c/o Jonathon Barge and Jeff Githens, developer. Tax Map 13, Lot 6-1. Office Research Light Industry Zoning District. Recommended action: Discussion and setting a public hearing for June 24

See separate writeup.

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- XIV. **Recreation Chapter of the Master Plan.** The draft has been revised pursuant to Planning Board direction on May 27 (The public hearing has been closed).

➤ I recommend endorsement of the revised draft if it is acceptable.

Please note the following:

- The MPAC endorsed a draft and forwarded it to the Planning Board.
  - The Planning Board held a public hearing on the draft on May 13. There were numerous comments made at the public hearing, notably debating proposals to add infrastructure to Wagon Hill Farm. The public hearing was then closed.
  - The Planning Board discussed the draft on May 27 and requested that the following changes be made:
    - Changes recommended by Robin Mower in a marked up document (mostly corrections and clarifications);
    - Changes recommended by Kyle Pimental, SRPC planner, regarding typographical errors, grammar, and language about the Courthouse.
    - Five items recommended for deletion by Dennis Meadows.
  - Kyle Pimental has made the above changes. The revised document is in the packet and posted to the Town website (dated 6-1-15).
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(over)

- XV. **Automobile Service Facility – 3 Dover Road.** Redevelopment of former Cumberland Farms property into facility with 3 service bays, an office and 12 parking spaces. James Mitchell, Tropic Star Development, applicant; Cumberland Farms, property owner; Barry Gier and Wayne Morrill, Jones & Beach, Design Engineers. Map 4, Lot 49. Courthouse Zoning District.

***\*APPLICATION WITHDRAWN BY APPLICANT***

No action is needed by the Planning Board. See the letter included in the packet and on the website. Lorne Parnell suggested that the board add a discussion of the application and the letter from the applicant to a future Planning Board agenda.

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- XVI. **Election of Vice Chair and Secretary.** The new chair was elected on May 27.

I checked with the Town Attorney and alternates may not be elected as officers.

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**XVII. Other Business**

Richard Kelley, Planning Board member, requests a hiatus from the Planning Board for several months due to professional and personal commitments.