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Town Planner Recommendations
DURHAM PLANNING BOARD
Wednesday, January 14, 2015

- VIII. ***Public Hearing - Edgewood Road and Emerson Road Subdivision***. 4-lot subdivision & boundary line adjustment. *The applicant is requesting the application be changed to a 2-lot subdivision.* Jack Farrell, applicant. County Line Holdings, LLC and Mark Morong, owners. David Vincent, surveyor. Map 1, Lot 15-0. ***Recommended action: Postponed to January 28.*** The applicant agreed to the postponement due to the full agenda.

➤ The applicant agreed to postpone this to January 28.

- IX. ***Public Hearing - 50 Newmarket Road – Mill Pond Center Property***. Design review (preliminary application) for a 3-lot subdivision. Seacoast Repertory Theatre, property owner; Matt Faginger-Auer for Doucet Survey, Surveyor. Tax Map 6, Lot 9-8. Residence B Zoning District. ***Recommended action:*** Close design review or continue to another meeting if significant issues remain.

➤ See separate write up.

- X. ***Public Hearing - 257 Newmarket Road – Two New 3-Unit Buildings***. 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 – for a maximum of 15 occupants in the existing building and 24 occupants in the new buildings. Christopher Meyer and Edward Marquardt, Seacoast OPM of Durham, owner; Matt Silva, coordinator; Dennis Quintal, engineer; Roscoe Blaisdell, surveyor; Nick Isaak, architect; . Tax Map 18, Lot 3-2. Rural Zoning District. ***Recommended action:*** Discussion and continuation of public hearing.

➤ See separate write up.

- XI. ***Public Hearing - Automobile Service Facility – 3 Dover Road***. Redevelopment of former Cumberland Farms property into facility with 4 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. ***Recommended action:*** Discussion and continuation of public hearing.

➤ See separate write up

XII. **Public Hearing –Mill Plaza Redevelopment.** Design Review (preliminary application) for significant redevelopment of Mill Plaza Shopping Center site including 89,400 square feet of commercial space (existing and new), an addition to the existing Durham Marketplace building, five new buildings, 185,750 square feet of residential space, 442 beds, greenspaces and plazas, and 168 parking spaces (there are 345 existing 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 board discuss the project and hold the public hearing and continue the public hearing to a subsequent meeting. I would recommend against appointing any type of subcommittee to facilitate the design until some larger issues are addressed.

Please note:

- 1) Revised plan. A revised plan has been submitted. It was delivered at the end of the day on Thursday, January 8, so I have not reviewed it in detail. The plan will be posted to the website.
- 2) Design review. The plan is still a design review.
- 3) 600 square footage requirement. The applicant appealed my determination that the 600 square foot requirement for apartments applies. The ZBA is hearing the appeal this Tuesday.
- 4) Dormitories. The applicant sent a letter recently proposing to incorporate dormitories for the residential component (which have a lower habitable square footage requirement). I have informed the applicant that dormitories are not a permitted use in the Central Business District, nor anywhere in the town (except on campus).
- 5) Positive changes. The layout is improved from the prior version. Positive elements include:
 - a) The park along Mill Road
 - b) Other green spaces and plazas
 - c) Buildings visually enclosing the parking lot effectively
 - d) Additional plantings in strategic locations
 - e) Attractive pedestrian way in the middle of the parking lot
 - f) Other pedestrian passageways.
- 6) Concerns. Some of the concerns include the following:
 - a) The primary focus is a large, fairly conventional parking lot
 - b) There should be more greenspace/buffers/landscaping in and around the parking lot to break it up
 - c) The building at the rear of the site placed at an angle is very jarring.
 - d) There is a very large number of beds proposed – 442 beds

- e) The applicant would need to confirm that the residential component would comply with the zoning requirements. There is a minimum habitable area of 600 square feet for apartments for unrelated occupants.
- f) Conformance with other objectives from the Mill Plaza Study

XIII. **The Lodges – Mast Road**. An amendment to the 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. *Recommended action*: Set public hearing for January 28.

- A. A change in the site plan to add trees and landscaping
- B. A change in the site plan to convert 13 parking spaces to 4 spaces and add landscaping
- C. A conditional use to expand a nonconforming use by increasing the number of beds

➤ I recommend the board set the public hearing for January 28

Please note:

- Landscaping plan. Per the board's direction, a landscaping committee met with Peak several times and Jamie Calderwood, their landscape architect, prepared several iterations of a landscaping plan. An updated plan is enclosed.
- The Town's landscaping committee was composed of Todd Selig, John Parry, Beth Olshansky, Mike Lynch, and me.
- Given the challenging constraints of the site, the plan seems to be as effective as practical for buffering the view from the west along Mast Road for people traveling from Lee. Some enhancements in the plan were also made in front of the project right along Mast Road.
- The applicant agreed to remove a strip with 13 parking spaces, add some landscaping there and use the remaining area for 4 parking spaces. Since this would change the site plan in a substantive manner an amendment would be needed for this change.
- If the applicant and the Planning Board agree to the landscaping plan then appropriate assurance should be made somehow that the landscaping will be installed.
- A surety should be placed to ensure maintenance of the landscaping for at least 2 years.
- Adding beds. Todd Selig has convened an ad hoc group to discuss the financial aspects of the proposal to add beds. The group will likely have a recommendation/provide some guidance for the Planning Board by the January 28 meeting.
- Link between landscaping and beds. Peak was very cooperative in modifying the landscaping plan as requested by the committee. However, Peak indicated clearly to me that while they are willing to work with the committee on the landscaping plan, they do not have a way to pay for the plan currently, they would need to have a mechanism to pay for it, and presumably, the additional beds would be the way to pay for it, depending on how many additional beds (if any) are allowed by the Town.
- Parking. The Zoning Ordinance requires a minimum of 1 parking space per occupant in the ORLI zone. Peak presently has slightly more than 1 parking space per occupant. If the number of beds is increased and 9 parking spaces are eliminated (above) then they would have less than 1 parking space per occupant. At its reasonable discretion,

the Planning Board could allow for this as part of the conditional use to expand the nonconforming use under Section 175-23 D. 10. of the Article VII. Conditional Use Permits.

XIV. **Eldercare Facility – Durham Business Park.** Design Review (preliminary application) for an eldercare facility with a total of 116 dwelling units situated in three large buildings and 14 cottage and duplex units. Grant Development, LLC, c/o Eric Chinburg, property owner and developer. Mike Sievert, MJS Engineering, Engineer. Tax Map 11-27-1 through 11-27-7. Durham Business Park Zoning District. Recommended action. Discussion if/as time allows. The public hearing is set for February 11.

- The public hearing is set for February 11. The board will need to appoint somebody to serve on a design review committee (See below).

Please note the following:

- This application is for design review. The applicant was willing to hold the public hearing on February 11 rather than January 28 due to the full agenda on January 28.
- Lifecare facility. The Durham Business Park allows an eldercare facility. The applicant proposes to have a “lifecare facility” as defined under eldercare. Tom Johnson will review their specific proposal to ensure it meets this definition.
- The applicant presented the project to the TRG on January 6.
- I will have a full write up for the February 11 public hearing, outlining the various potential issues.
- Design Guidelines. When the Town conveyed the property to a private owner years ago, the Town executed a private covenant with the owner of the property for Design Guidelines. This is enclosed in the packet and posted on the web. The review panel (or “design committee”) will review the architecture and site design for compliance. This is a private review, independent from the Planning Board’s site plan review, but the applicant must comply with the guidelines, or the Town would enforce the guidelines in court, again, independently from the board’s review. This review should be conducted on parallel with the Planning Board’s review. The Planning Board is not bound by these guidelines but clearly, it would not make sense for the board to approve a project that the review panel did not sign off on.
- Review Panel. The committee is composed of the Town Administrator, Town Planner, one representative from the Town Council (Todd will ask for an appointment on January 12), and one representative from the Planning Board. It would be helpful for the board to appoint a representative on January 14 so that the committee may get started soon.
- Discussion on January 14. The board need not address this item on January 14 if there is not sufficient time. Presumably, at any rate, the primary discussion will occur on February 11 at the public hearing.

XV. Other Business – Discussion of Master Plan status

Members of the Master Plan Advisory Committee were surprised by some of the responses to four chapters that were recently presented to the Planning Board, all of which were endorsed by the MPAC. The Historic Resources Chapter is now being rewritten and there were some strong criticisms of the Community Character, Housing and Demographics, and Land Use (existing) chapters. The MPAC asked me to obtain some clarification from the Planning Board. Does the board think that the MPAC is carrying out its responsibilities in the correct and appropriate manner? Is any clarification of the MPAC's role in order?

The Master Plan Advisory Committee set a deadline of February 20 for the various committees to submit any final proposed changes to their documents. The MPAC will then ask SRPC to prepare final documents by the MPAC meeting on March 19. The ad hoc committee set up by the Planning Board to work on the Historic Resources Chapter has made much progress. I suggest we include this on the agenda on February 11 for the committee to present its draft to the Planning Board. The draft should then be submitted to the MPAC (with or without any changes by the Planning Board) by February 20 in order that SRPC can make any necessary changes.