

These minutes were approved at the April 5, 2017 meeting.

DURHAM PLANNING BOARD
Wednesday, February 8, 2017
Town Council Chambers
7:00 p.m.
MINUTES

MEMBERS PRESENT: Andrew Corrow, Chair
Lorne Parnell
Paul Rasmussen
Barbara Dill
Bob Brown
Councilor Jim Lawson, Council Representative to the Planning Board
Nathaniel Morneault, alternate
Councilor Alan Bennett, alternate Council Representative to the Planning Board

MEMBERS ABSENT Bill McGowan, Vice Chair
Wayne Lewis, alternate

I. Call to Order

Chair Corrow called the meeting to order at 7:00 pm.

II. Roll Call

The roll call was taken.

III. Seating of Alternates

Chair Corrow said Mr. Morneault would sit in as a regular member in the absence of Mr. McGowan.

IV. Approval of Agenda

Bob Brown MOVED to approve the Agenda as submitted. Councilor Lawson SECONDED the motion and it PASSED unanimously 7-0.

V. Town Planner's Report

Mr. Behrendt said the Office of Energy and Planning annual conference would take place on April 29th. He noted the recent meeting between Young Drive LLC and residents of the neighborhoods surrounding the Young Drive property, and said there had been a good discussion.

He said 4 people from Dartmouth College visited Durham recently to tour the Orion and Madbury Commons developments, and were very impressed with them. He noted that most of the student housing in Hanover was on campus, and said they were looking to do a joint venture with a private developer on a Dartmouth property.

He said in the wake of the Superbowl victory, people and especially UNH students poured into the downtown, but said there were only a few minor incidents.

He said the 2016 Town Report was complete.

Mr. Behrendt said the first reading on the proposed revisions to the Zoning Ordinance concerning accessory dwelling units would take place at the Council meeting next Monday. He also noted that Strafford Regional Planning Commission had been approved to work with the Town on the Future Land Use chapter of the Master Plan.

VI. Reports from Board Members who serve on Other Committees

Mr. Brown said the Master Plan Land Use Committee met last week, and said there was a tentative venue for the forum for the Future Land Use chapter. He said there was also discussion on how to get input for the chapter from other committees in Durham.

Mr. Rasmussen said the Addressing subcommittee held its initial meeting, and said one of the things coming out of it was consideration of how to address projects coming before the Planning Board that involved street numbering.

VII. Public Comments

There were no public comments.

VIII. Review of Minutes (old):

IX. 28 Colony Cove Road - Dock. Permitted use for repair/replacement of existing dock serving a single-family residence on Little Bay. Rich Edmonds, Great American Properties, LLC, property owner. Steve Riker, Ambit Engineering, agent. Map 12, Lot 24-2. Residence Coastal District.

Paul Dobberstein of Ambit Engineering said the proposed project would repair and replace the last 15 ft of pier of the dock, would remove and reset the piles, and would replace the 3 ft by 20 ft wooden gangway with an aluminum gangway of the same size. He said the float would stay the same. He said they would reach the dock to do the work at low tide, and said no erosion control would be needed because the mudflats would be dry when the piles were driven. He noted that a wetland permit was required. He said Mr. Riker would attend the Conservation Commission meeting and would get signoff from the Commission. He said Riverside and Pickering Marine would do the work.

Mr. Dobberstein addressed the Conditional Use criteria and how they were met.

1. There is no alternative location on the parcel that is outside of the WCO District that is feasible for the proposed use - He said the project would include the removal and replacement of 4 pilings, the minimum necessary to support the repair/replacement of the fixed pier as described above. He said the fixed pier was previously constructed to minimize impacts and soil disturbance by utilizing the minimum number of pilings/footings necessary to build the docking structure. He said the pilings would be placed every 15 feet.
2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board – He said the previously constructed dock was specifically located and designed to provide recreational boating access to Little Bay, while minimizing and avoiding impacts to the adjacent tidal resource to the greatest extent practicable. He said the existing height of the fixed pier prevented complete shading underneath the structure, and the proposed project maintained the height of the pier. He said the proposed aluminum gangway and the existing float were designed and constructed to be temporary structures, allowing them to be removed during the off-season.
3. The location, design, construction and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts. - He said the previously constructed dock was specifically located and designed to provide recreational boating access to Little Bay, while minimizing and avoiding impacts to the adjacent tidal resource to the greatest extent practicable. He said the existing height of the fixed pier prevented complete shading underneath the structure, and the proposed project maintained the height of the pier. He noted again that the proposed aluminum gangway and the existing float were designed and constructed to be temporary structures, allowing them to be removed during the off-season. He said the proposed docking structure would have no adverse impacts on the adjacent tidal resource, and said the work would be performed at low tide, from the water via a crane barge, push boat, and work skiff, to minimize any sedimentation within the tidal wetland resource.
4. Restoration activities will leave the site, as nearly possible in its pre-existing condition and grade at the time of application for Permitted Uses. – He said maintenance and replacement of the existing dock required very minimal disturbance as construction would involve the removal and replacement of 4 pilings. He said the pilings would be driven by a barge crane from the water side of the structure, eliminating construction disturbance on the land side of the dock. He said there was no change of grade for the maintenance and replacement of the structure.

It was noted that the wetland permit hadn't been received yet. Councilor Lawson asked if the Planning Board could approve the application tonight conditional upon the applicant getting the wetland permit. Mr. Behrendt said this was appropriate, given that this was a very straightforward application, and that waiting a month would cause a delay.

Councilor Lawson MOVED to approve the application submitted by Great American Properties, LLC for repair and replacement of the existing dock serving a single-family residence on Little Bay, as presented this evening, and pending a positive review by the

Conservation Commission and receipt of the DES permit. The property is located at 28 Colony Cover Road, Map 12, Lot 24-2, in the Residence Coastal District. Bob Brown SECONDED the motion and it PASSED unanimously 7-0.

- X. Zoning Amendments – Elderly and Multi-Unit.** Consideration of Town Council-initiated zoning amendments.
- A. **Public Hearing - Mixed Use with Elderly Housing.** Add a new definition for Mixed Use with Elderly Housing (office/retail down, elderly housing up), allow as a conditional use in the Central Business District, and add references to this use in Section 175-41 Central Business District and Section 175-53 B. General Use Regulations.
- B. **Public Hearing - Mixed Use with Residential.** Change Mixed Use with Residential (office/retail down, multiunit residential up) from conditional use to not permitted in the Central Business
- C. **Habitable Floor Area for Apartments.** Prospective amendment, for discussion, to be offered by the Planning Board in place of proposed change to Mixed Use with Residential in B., above. In Article II. Definitions, in Table II-1. Dwelling Density by Type under definition for Household, reduce Maximum number of occupants in unrelated household per 300 square feet of habitable floor area for Apartment from 0.5 to 0.25 (thereby increasing the minimum area per occupant in an unrelated apartment from 600 to 1,200 square feet). This change would not affect family households, single or two-family dwellings, accessory apartments, elderly housing, nor apartments in the ORLI and MUDOR zones.

Mr. Parnell said no vote had been taken by the Planning Board on item X. C. He said he wasn't in agreement with it, and said he didn't think the Board should be doing this unless a vote was taken on it.

There was discussion that the Planning Board did discuss going from 0.5 to 0.25 or to 0.30. Chair Corrow said this option was for discussion tonight, and said Board members could choose to not bring this proposal forward, or could set a public hearing for it to be heard at the next meeting. He said there had been consultation about it with the Town Attorney, who among other things had recommended discussing this idea further and not setting a public hearing yet.

Mr. Parnell said this was being put in as a replacement for Item X. B, and noted that he wasn't in complete agreement with B as now presented. He said that should be discussed first.

Chair Corrow said he was against B as well. He said with C, the habitable square footage per occupant would move up to 1200 sf, but it wouldn't mean that certain types of residential uses wouldn't be eliminated.

Councilor Lawson said he'd heard varied opinions on option C. He said if the Planning Board decided not to recommend it, he recommended that the Board should take the time to very clearly document why it was not recommending it to the Council. He also said some additional information could be provided from the Town Council to address some of the concerns that had

been raised, and he asked if the Planning Board wanted to make time available for that. He noted that the Town Council had unanimously recommended the original Zoning change that was proposed.

Chair Corrow said given the unanimous vote of the Council, and if the information provided would be beneficial, he thought the Board should review this information.

Councilor Lawson said he didn't want to stifle ideas coming forward from the Planning Board. He also noted that data available to the Planning Board from past studies indicated that both 1200 sf and 900 sf per occupant made multiunit apartments with unrelated occupants economically unviable.

There was discussion on how to proceed, and Mr. Behrendt provided details on the options. He said the Board could continue the entire discussion to the next meeting. He said they could then schedule a hearing on C, or could kill it or modify it, and decide what to do with A and B. He said working with C would require a public hearing, just as if they were starting over. There was discussion about whether to get the information from the Council first, and then have a discussion on all of this.

Chair Corrow asked if Planning Board members would like to address option C.

Mr. Rasmussen said he thought going with 0.25 was overkill, and said he wasn't sure what was a good number.

Councilor Lawson said apartments in the range of 400-700 sf were viable in the market, and said moving much beyond 600 sf became economically unviable for multiunit apartments with unrelated occupants.

Mr. Parnell said it would be better to prevent residential development period than putting in a square footage number that wasn't viable. He said developers couldn't build apartments and say only married people could live there. He also said they wouldn't build 1200 sf apartments, hoping professionals would live there.

Councilor Lawson noted that the square footage requirement was only applicable to multiunit unrelated individuals.

Mr. Parnell said according to C, every apartment would have to be 1200 sf. He said he thought that what the people who owned property in Town had said made sense. He said Pauly's was a prime example of what they all wanted to see happen downtown, but said if any of what was proposed here was done, that kind of development would stop.

He said he thought they should go with the existing 600 sf. requirement, which took away the problem of high density development with students. He noted the trend of millennials who wanted to live in urban areas, and said if this Zoning change was passed, that option would be taken away. He said there must be a lot of young people who wouldn't mind living in downtown

Durham. He said he thought the larger square footage requirement would be the end of development downtown, and said he didn't think B or C should be done.

Councilor Lawson said eliminating B would eliminate millennials, but said C would allow apartments for millennials including young professionals, and said it seemed to be an interesting option. He also said C would allow apartments for families. He asked that the Planning Board document for the Council what it wanted.

Mr. Morneault said he was in agreement with C.

Chair Corrow said he thought additional information was needed from the Council, and said the Board could possibly continue the discussion on C to a future meeting.

Mr. Rasmussen said the main reason Board members were against B was that it contradicted the Master Plan, and said it would be helpful to send that back to the Council. Councilor Lawson said some on the Council would strongly disagree. There was further discussion on this.

Mr. Parnell said the 600 sf requirement had stopped student housing. He said he didn't see what was wrong with having a small number of 600 sf apartments downtown. Councilor Lawson said that would come at the cost of other things in the Master Plan, such as office space. There was further discussion.

Ms. Dill asked whether when the Council came up with this Zoning change, it had heard from the business owners. Councilor Lawson said the first opportunity for that was when the proposal came to the Planning Board. Ms. Dill asked whether when Council members had put the Zoning change together, they'd thought about the business owners. Councilor Lawson said he believed they were considered.

Councilor Bennett said he was surprised at the response from the business owners, including the legal challenges.

Councilor Lawson noted the question from Mr. Parnell about why this Zoning change was necessary when there was the 600 sf requirement and the Conditional Use process. He said a question was whether this should be reconsidered, based on what had been experienced since then, and the potential impact this requirement had on other types of housing.

Chair Corrow noted that members of the public could address A and B tonight as part of the public hearing.

Attorney Justin Pasay, Donahue, Tucker, Ciandella, said he represented downtown property owners Ken Young, Roger Hayden, the Petrovitsis family and Jay Michael. He noted the letter he'd provided and said he would review its central tenets, which applied to A and B but also to the issue inside of C.

He said his clients were some of the oldest, most loyal businesses downtown, and said the proposed Zoning amendments would devalue their properties. He noted the letter from appraiser

Brian White concerning this. He said the proposed amendments were unnecessary and unfair, were not in accord with the Master Plan, and also constituted a taking.

He said the proposed amendments were premature, and said while there was a lot of data on student housing, there was no data on whether the market would support senior housing downtown. He said elderly housing would not be attractive or feasible in downtown Durham because of the infrastructure necessary for senior living. He said if this Zoning change was envisioned as a mechanism to encourage senior living downtown, an alternative approach was to make mixed use elderly housing a permitted use, and said if the market supported that, it would be built.

Attorney Pasay said the Master Plan and State statutes anticipated ways to incentivize the kinds of development towns wanted, and said he didn't feel this had been explored. He quoted from the Master Plan concerning the idea of incentivizing senior housing and making it a permitted use. He also noted how the Master Plan discussed approaches such as the use of RSA 79-E, which encouraged the type of development the Town wanted without inflicting hardship on businesses.

He said workforce housing wasn't just for families, and was for millennials, some one of whom frequently needed roommates in order to be able to afford living in town. He said to the extent that the Master Plan encouraged diversity, the proposed amendments would hinder the opportunity to diversify the downtown.

Attorney Pasay said the property owners he represented strongly believed that the proposed Zoning amendments, including C, were an unconstitutional taking and arbitrary, and would inflict significant harm, including impacts on property values. He said there were a lot of other ways the Town could accomplish its goals, so this proposal was arbitrary. He said a vote to not recommend the proposed Zoning amendments would be consistent with the Master Plan, and would acknowledge the dedication of these business owners to the community.

Kenny Young, owner of Young's Restaurant, 48 Main Street, said it hurt him to hear the comments made about property owners hanging their hats on student housing. He said he planned to continue to own his building, and said when he was 70, he would decide where to go from there. He said he'd looked at doing a new building several years ago, realized his business would be cut at least 50% during construction, and considered who would pay the mortgage while the building was being built. He said he and his family had put their lives into this property, and said what was proposed would diminish their retirement.

Jay Michael, owner of 50-54 Main Street said he'd heard a lot about the Master Plan, and noted that it was based on smart growth policies. He said he didn't feel the Town had followed some of the smart growth principles, such as making development decisions predictable, fair and cost effective. He said the required square footage of living space in downtown Durham had not been and still wasn't predicable, and he asked how people could make plans for the future based on this. He encouraged community and stakeholder collaboration, and said the Council hadn't asked the business owners for their input.

He said he'd heard a piece on NHPR about community planning that would help keep young working people in NH. He asked who would keep track of what constituted a family. He also spoke about economic factors that were impacting downtown businesses.

Chair Corrow recommended continuing the discussion to the next meeting, and continuing the hearing for A and B. He said Councilor Lawson would provide the Planning Board with additional information to consider, and said they could then determine whether or not the Board wanted to bring option C forward.

Councilor Lawson suggested that the public hearing should be continued to the March 8th meeting. He also said he'd ask the Chair of the Town Council to include on the agenda for the Council's next meeting an update on feedback received on the proposed Zoning changes, and consideration of the idea of putting together additional information for the Planning Board.

XI. Public Hearing - Young Drive Redevelopment. Design review (preliminary) application for the redevelopment of Young Drive into a senior housing project (55 years of age +). Young Drive, LLC, owner. Francis Chase, agent. Eric Metz, consultant. Dennis Quintal, engineer. Gary Lowe/Ned Adams, Lowe Associates, architect. Jeff Brown, attorney. Map 4, Lots 42-2 through 42-14, Lots 42-16 & 17, Lot 47-0. Coe's Corner Zone.

Attorney Brown noted that Eric Metz would provide a brief synopsis of items addressed last evening with members of the Planning Board subcommittee and abutters on Beard's Creek and Bayview Road. He said the applicant would ask this evening that the design review process be closed so they could then move forward with specific items that needed to be addressed with the ZBA. He said depending on the outcome of that, the applicant would return with a formal application.

He said the team had approached the Town with a vision for the property, which was looked upon favorably, but he said the devil was in the details. He said there was the current design review process because there were a lot of aspects of the project that had to be considered. He said it had been a team effort to narrow down the variances that were needed, and said what was presented originally was not what was being presented tonight. He provided examples of this, and said they were now at the stage where they needed to move on, and determine if some specific variances would be granted. He said they believed this development would benefit the Town.

Mr. Metz thanked the Planning Board subcommittee and neighbors for collaborating with the design team, and said the design had evolved quite a bit. He noted that there was a clear request that access to Bayview Road not be considered, and said an interior circulation design was therefore created to accommodate fire trucks, etc. in a way that made sense for the Town and that improved the site plan.

He said Building D, which would have contained 20 units and would have been located on the side close to Bayview Road and Dover Road, had been replaced by some town homes, whose architecture was still to be developed. He said there had been positive feedback from the community on this.

Mr. Metz said Buildings A, B and C were now located outside of the 75 ft setback, so didn't need variances. He said in exchange for this, some parking spaces had been taken away. He also said a 2000 sf club house had been added at the entrance of Young Drive, and would be designed to be a focal point that was in keeping with the architectural style of the community. He said it would be a community space that would benefit residents. He said Buildings A B and C would remain 4 story buildings to make the project economically viable, given the cost of various features including elevators, underground parking, etc.

He said lighting for the buildings and the site would be designed to avoid what had happened with the nearby hotel some years back. He said the team had also looked at how development of the site could improve the quality and productivity of the wetlands along Dover Road and between Bayview Road and the site. He said the subcommittee had challenged the design team to show what the site would look like at the worst times of the year, and said five views into the site were created. He noted the balloons that were put up, which showed clearly where the tops of the buildings would be. He said the team had listened to community concerns.

Chair Corrow said he, Councilor Lawson and Mr. Behrendt were on the subcommittee. It was noted that the Conservation Commission had looked at the current plan, and some Commission members were at the recent site walk.

Councilor Bennett said he'd lived in a community on a main street where there was ongoing construction of a project, and said this became an economic disaster for homeowners in the area. He asked if the road infrastructure for the Young Drive project would all be completed at once, on a clean site and if there would be erosion control, even if some of the buildings weren't going to be built yet. He also said the community building should be built concurrently with the first residential building, and in addition said that if one building was built at a time, construction debris should not remain on the site.

Chair Corrow said the Board would have the opportunity to address these kinds of things when it got the formal application. Mr. Brown asked if there was a sense of how long it would take for the whole project to be built. Mr. Metz said before that question could be answered, they needed to know what they had to work with. Councilor Lawson said these were very important issues, but said he thought they could be worked through in reviewing the application, and by putting teeth into the conditions of approval.

Kevan Carpenter, 20 Bayview Road, thanked the Planning Board and Young Drive LLC for asking for the neighbors' input. He said this project was a great opportunity to see positive change there, but said the devil was in the details. He said he supported the idea of a 55 plus project, but said the concern was its scale because of the size of the proposed buildings. He said it was quite evident that this would be a significant change for residents of Bayview Road, some of it positive. He said he thought more could be done to bring the project to an appropriate scale for this part of the community.

He said 4 story buildings set so close to Bayview Road would affect property values, and also noted that Building C had now been pushed 50 ft closer to his property line than the existing

house. He said if Building C was pushed closer to Building B and further away from Bayview Road, this would provide a greater barrier and protection. He said 260 beds was too dense, and said he hoped a project could move forward that was truly an improvement for the neighborhood.

Karen Sayers, 6 Bayview Road, said she supported changing the Young Drive property to a 55 and older development, and also said she was grateful for the adjustments made to the design based on feedback. She said her concerns were still the scope of the overall plan, the proposed density and the resulting impact on the carrying capacity of the land itself. She said it seemed that the project would impact the sewer line in the area, and she also spoke about the number of cars that would be added to local roads. In addition, she said impacts resulting from construction taking place over several years were not welcome.

Jen Pribble, 8 Bayview Road, said she supported a 55 plus project, and appreciated the recent meeting with Young Drive LLC and the changes to the plan. She said she'd like to request a feasibility plan. She also said the applicants might not need to go to the ZBA, and said it was important to follow the established regulations for the property. She spoke about the need for a traffic study, especially given the traffic light at Main Street. She said it was also important that the applicants be encouraged to make lighting choices that went beyond the regulatory requirements, given that 4 story buildings that would be involved. She said she liked the scale of the town home units, and the fact that the building footprints of buildings A, B and C were now out of the wetland setbacks.

Kevin O'Connell, 16 Bayview Road, noted that view #4 that had been provided was the view he and his neighbors would have of the property. He said this view was not aesthetically pleasing because the buildings were too big, and said this would have a negative impact on his property values while increasing the applicants' wealth. He said it would be incompatible with the established character of the neighborhood. He said the Town's regulations should be followed, which would mean there could be a maximum of 3 stories. He also said there should be a forest of trees as a buffer to preserve his view.

Jessie McKone, 35 Dover Road, said she appreciated the 55 and older approach to the proposed development, and the dialogue with the neighbors. She said she appreciated what had been done to keep the 3 large buildings out of the wetland setback, but said it appeared that the clubhouse was within the setback. She encouraged the applicants to pay close attention to what was in the Zoning Ordinance concerning building height and setbacks.

Bob Mair, 3 Beards Landing, said he'd lived at this location for 28 years and planned to stay there. He said the proposed buildings were hugely disproportionate for the neighborhood. He noted visual #5 and said he didn't think this was acceptable. He said he agreed that a 55 plus development on the site would be good, but said the buildings should be 2-3 stories, in line with town houses.

Beth Olshansky, Packers Falls Road, noted that some of the people on the Planning Board were pretty new to Durham, and she spoke about the importance of institutional memory concerning other projects that had come before the Planning Board over the last several years. She said with the Lodges project, the assumption was that a lot of the trees would remain, and

that people wouldn't see the massive buildings. But she said they could now be seen along a Town gateway, which ruined the view, and said it would be 30 years before those buildings would be concealed. She said the proposed project on Young Drive was out of scale. She also said a lot more trees would be cut than people realized, and said it was important to be careful about this. She also said she hoped this development would be held to the Town's Zoning requirements.

Carl Starr, 4 Beards Landing, said he agreed with most of what he'd heard this evening about the project. He said the buildings were large and said he hoped the variance for 4 stories wasn't approved. He said view #5 was like standing in his back yard, and said the view would be of something that looked like a very large hotel building. He said he couldn't imagine that this wouldn't reduce the value of his property and others, and asked the Planning Board to keep that in mind. He also asked the Board to require that the vegetative buffer between Beards Creek and the development stay in place.

Kristen Carpenter, 20 Bayview Road said she didn't understand the need for a variance on the height, and didn't believe that this height was needed in order to make the project economically viable. She noted that when she and her husband bought their property, they planted pine trees to buffer them from Young Drive. She said those trees now covered a portion of the Young Drive view, and said they would now need a wall of trees as protection between them and what hopefully would be a 2-3 story development.

Scott Snyder, 6 Beards Landing, said view #5 was from his backyard. He said the proposed structures were too large for the site to support, and said while he agreed with the idea of the project, it needed to be scaled back in a way that was equitable for everyone, not just the developer.

Glendowlyn Howard, 5 Bayview Road said the proposed project was still too dense, and said a variance for the height shouldn't be allowed. She noted that she was an abutter to the Hotel NH/Holiday Inn property, and she spoke about the lighting impacts on her property from the ambient lighting from that building. She said that would be an issue with the Young Drive project as well, and said the daytime views that were provided didn't show what a mass of lighting from the three buildings would look like at night. She said if the buildings came down a story or two, the impacts from this as well as the overall density would be significantly reduced.

Diana Carroll, Canney Road, said she'd wondered why the project was so large, and had come to realize that these buildings weren't designed in NH. She said no one looked at the land first, to see what kind of complex for 55 and older people would fit in. She said what was proposed didn't fit the land or the Town's Zoning Ordinance, so something was wrong and needed to be corrected.

Barbara Flynn, 4 Beards Landing said when she first heard about a proposed redevelopment of the property with senior housing, she thought it would be something like Fitts Farm. She said when she saw the plan, she was surprised that it would be considered for this site. She said these kinds of buildings didn't exist anywhere else in Durham, and said this project didn't fit. She said she'd prefer duplexes with students to this plan.

Robin Mower, Faculty Road, said she was mindful of how the designs of many of the large projects in Durham had evolved. She said she wondered if it would be useful to ask the Planning Board and the developers to look at the layouts and styles of some of the other elderly housing developments in the area.

Mr. Rasmussen said Durham had several over 55 communities, and none of them looked like what the applicants proposed. He said the Town also had an extremely negative history with 4 story buildings. He said that look didn't belong in the Coe's Corner district, and said he didn't believe the project would pass muster as a Conditional Use.

Councilor Lawson said he wasn't sure that what Mr. Rasmussen had said about 4 story buildings was the general view of the community. He also said he was pretty sure that Young Drive wouldn't be developed with 55 and older townhouses such as those at Fitts Farm. He noted that the property was purchased with a grandfathered student housing use allowed, and said what was proposed was a much better use than the grandfathered use and other permitted uses for the district. He said he was very sensitive to the Bayview neighborhood, which bordered on the commercial core, and he encouraged the developer to be sensitive to it. He said he didn't think that with the economic realities of this area, Mr. Rasmussen's vision of a 55 and older development could be built.

He said he had a high degree of confidence that concerns could be addressed as part of the Conditional Use process, which meant that improvements to the landscaping wouldn't be small trees and would include what the abutters needed. He said this and other kinds of concerns such as lighting could be addressed.

Councilor Lawson said the issue of impacts on property values had to be considered in light of the grandfathered uses and other permitted uses. He said the project had changed over time in some meaningful ways, but would require some variances. He said the applicant should go forward to get them, and should then come back to the Planning Board so the real review work could be done.

Chair Corrow said he appreciated the improvements that had been made to the design, including the replacement of Building B with the town homes, and the community center, but said he was still concerned about the height. He said the Planning Board wanted to ensure under the Conditional Use process that all of the issues that could be problems for the residential neighborhoods were addressed. He noted that as part of conditional use, the Board could require a fiscal impact analysis, and said that would probably be prudent.

Councilor Lawson said there could be a condition of approval that the 55 and older status would have to be maintained in perpetuity. He said he thought it would be very important to do this, in order to assure everyone that the use of the land wouldn't change in the future. Attorney Brown said if the condition expired, the use would expire. Councilor Lawson said a future Planning Board could change this, so the current Board would look to the developer to ensure that this didn't happen by incorporating something into the deed.

Ms. Dill said she loved the idea of a 55 and older project as a way to develop the land, but said she believed that 4 story buildings were too tall. She said if there were some way to make the project profitable with one less story, that would make all the difference. She said she didn't like the 4 story buildings in Durham, and wouldn't like them particularly in this setting. She said the impact on neighbors from this didn't seem fair.

Chair Corrow spoke about how phasing of the project could be extremely disruptive to the neighborhoods.

Mr. Parnell noted that in the past, the Planning Board had sometimes provided comments to the ZBA on a proposed project it would be seeing. He said enough had been said about the benefits of the project, but said he wasn't sure there was any reason to go beyond the 30-35 ft height allowed by the Zoning Ordinance. He said the applicant should be looking seriously at something that would make this a much better project.

Mr. Brown said he supported senior housing at the site, and said it was good that the neighbors had been engaged and adjustments had been made to the design. He said that process needed to continue in order to get a plan that would work for all parties.

Attorney Brown asked that the Board close the design review process, and said the applicant would be going to the ZBA.

Chair Corrow said the design review process was now closed. He said the plans provided to the ZBA should be clear enough so that the Zoning issues involved were clear.

XII. Other Business:

XIII. Review of Minutes (new):

November 9, 2016

Page 5, line 13 should say "...Durham Laundercenter"

Page 11, line 25, should read "...with Knox Box access..."

Councilor Lawson MOVED to approve the November 9, 2016 Minutes as amended. Bob Brown SECONDED the motion and it PASSED unanimously 7-0.

XIV. Adjournment

Councilor Lawson MOVED to adjourn the meeting. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.

Adjournment at 9:46 pm

Victoria Parmele, Minutes taker

Paul Rasmussen, Secretary