

These minutes were approved at the January 24, 2018 meeting.

DURHAM PLANNING BOARD
Wednesday, July 12, 2017
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT: Paul Rasmussen, Chair
Barbara Dill, Vice Chair
Bob Brown, Secretary
Bill McGowan
Andrew Corrow
Councilor Jim Lawson, Council Representative to the
Planning Board
Nathaniel Morneault, alternate
Councilor Carden Welsh, alternate Council
Representative to the Planning Board (arrived later)

MEMBERS ABSENT Lorne Parnell
Wayne Lewis

I. Call to Order

Chair Rasmussen called the meeting to order at 7:03 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen appointed Mr. Morneault as a regular member in place of Mr. Parnell.

III. Town Planner's Report

Mr. Behrendt said he had nothing to report.

IV. Reports from Board Members who serve on Other Committees

Mr. Brown said the Future Land Use Subcommittee continued to reach out to as many residents as possible, and said some posters as well as the Town's Facebook page were being used to do this. Ms. Dill said the purpose of the signs was for people to tell the Planning Board what they would like to see Durham be like in 10 years. Mr. Brown also said members of the subcommittee would be at the "Music by the Bay" event as well as at some other venues.

Councilor Lawson said at its recent meeting, the Town Council had a review and discussion about the Mill Plaza preliminary design in closed session.

V. Public Comments

Peter Murphy said he wanted to thank the Planning Board and the Town Council for the way they had discussed and deliberated some weeks back on the proposed Zoning change to eliminate mixed use multi-unit buildings in the Central Business District as a conditional use. He said he appreciated the whole process, and the fact that there had been a thoughtful, respectful debate on the issues involved.

VI. Review of Minutes (old):

VII. Public Hearing - Riverwoods CCRC – Conversion of Barn to Market Center. Site plan and conditional use, related to the Riverwoods CCRC to convert the existing barn and a portion of the existing house on the adjacent lot to a marketing center, reconfigure parking, and make other site changes. Conditional use for utilities, pavement, and minor structures in wetland buffer. Applicant - The RiverWoods Group, c/o Justine Vogel, CEO. Property owner – Land Options LLC. Engineer – Jeff Clifford, Altus Engineering. Architect - Alyssa Murphy, Manypenny Murphy Architecture. Attorney – Sharon Cuddy Somers, DT&C. Map 11, Lot 8-0. Office Research District.

Councilor Lawson MOVED to open the Public Hearing. Bob Brown SECONDED the motion and it PASSED unanimously 6-0.

Attorney Somers introduced the team. She said they were there to seek approval for the site plan application and Conditional Use permit application. She said Mr. Clifford would go through the revisions submitted since they were before the Board on June 14th. She said they had gone to the Technical Review Committee, received comments, and had incorporated them into the revised plans.

She also said they'd met with the HDC/Heritage Commission about the design elements of the barn, and said she'd met with DPW Director Mike Lynch about what the recycling program would be comprised of. She noted that a variance had been received on Tuesday to allow an ADA compliant walkway between the barn and the house to be located within the 100 ft setback from Route 108.

Engineer Jeff Clifford described the existing conditions, noting that the property contained 2.25 acres, and that there was a narrow wetland with some slope that drained north to south through the center of the property. He said the proposal was to renovate the barn to provide office space

He said there was a non-functioning culvert at the driveway connecting to Stone Quarry Drive that would be replaced with a deeper culvert. He provided details on the proposed access using the existing driveway. He also noted the existing parking and then described the proposed parking area. He said the parking lot would have a pavement overlay

installed, and said the lot would be restriped with 18 angled spaces that met Town standards. He noted that about 800 sf of existing paving would be taken away.

He said impervious coverage was being reduced by about 390 ft by the removal of a portion of the pavement between the barn and house, explaining that grass would be planted where the pavement was removed. He said they would build an elevated walkway with stairs and an ADA ramp to connect the barn to an existing porch and door on the north side of the house. He said the pavement under the walkway would be replaced with crushed stone.

Mr. Clifford noted changes that had been made to the plans since the last meeting. He said they'd added the overhead utility lines; a bike rack location that he noted could go anywhere; and minor revisions to the walkway. He said a landing and step had now been included in the plans. He also said the ADA parking space had been relocated, and he provided details on this.

He said a business sign was added, and said the existing business sign in the right of way would be coming out. He said a Do-Not-Enter sign was added. He said a light fixture was added to the parking area, and said it would be the same fixture that would be used at the Riverwoods CCRC facility. He said there was a lighting plan. He said a loading zone area was provided, as were snow storage areas.

He reviewed updates to the Plan Notes concerning the recycling plan, and emails with NHDOT about the driveway permit that had been filed related to the proposed change in the use of the site. He said they hadn't heard back on them yet.

Mr. Clifford said the team felt all the requirements had been met.

Councilor Lawson noted the Planners Report, and asked if the Fire Department was ok with the proposed aisle width. Mr. Behrendt said they didn't raise any concerns, but said he hadn't gotten their final signoff on the plans. Councilor Lawson suggested that in the NOD, Riverwoods should accommodate any pavement marking relative to fire lane and access that the Fire Department thought was necessary.

Councilor Lawson asked if the proposed snow storage area was outside of the wetland buffer. Mr. Clifford said one was outside the buffer. He said another was within the buffer but said it was located in a heavily vegetated area so could provide some filtering. There was discussion. Mr. Behrendt said he didn't know what alternative the applicant had, and said a snow storage area wasn't a structure and was part of their operations. There was discussion about possible salt use. Mr. Behrendt suggested that there could be a condition that salt use would be minimized. He also said perhaps snow storage related to the parking was grandfathered, because the area was already paved.

Councilor Lawson suggested that the snow storage area that was outside the buffer should be called the primary storage area, and the snow storage area within the buffer could be called a secondary storage area. He spoke against the idea of saying anything in the conditions of approval concerning the use of salt, because people would be walking to their cars in that parking lot.

Mr. Corrow noted that Mr. Behrendt had indicated that the applicant wasn't planning to provide sprinklers in the building, and he asked if the Fire Department had provided comments on this. Mr. Behrendt said he believed it wasn't a requirement, but said he would get confirmation on this. Councilor Lawson said the sprinkler ordinance ended on Dover Road in terms of requiring sprinklers.

Ms. Dill asked if the architect could provide an indication of what the proposed color of the barn was. Ms. Murphy said it was a custom paint color that was designed to match Riverwoods Durham colors. She said it was a grayish green color, and said it was lighter than what appeared in the plans. She explained that the brown color at the south gable end would be from barn boards from the interior of the barn that were being taken out, and she provided details on this. She said the decks would not be made of the barn boards, and would be made of a synthetic material, but said the posts and top rails would be made of wood that would match the existing barn board.

Councilor Lawson asked Ms. Murphy if the stone foundation would be maintained as depicted in the elevations. Ms. Murphy said no, explaining that it had been noted that on the east/back side there was an existing concrete wall that the rubble foundation sat on. She said it would be maintained as a combination of rubble and concrete.

Ms. Dill asked about the panels under the windows, and said there was an example that looked like metal roofing. Ms. Murphy said there had been discussion about using barn board, or corrugated metal, or ship-lapped wood that would be rotated in the same plane as the siding. Ms. Dill said the panels was the one thing she hadn't cared for, no matter what material was used. But she said as shown now, pushed back, they didn't seem to intrude, and said they could grow on her after a while.

Chair Rasmussen asked members of the public wishing to speak to come forward.

Robin Mower, Faculty Road asked if the lights for the parking lot could be dimmed when the center wasn't in use, and noted that many communities asked for this for commercial projects. She also asked if the Conservation Commission should perhaps be consulted about snow storage within the wetland conservation area. There was discussion. Mr. Behrendt said a solution had been proposed, to have a primary storage area, which would be outside of the wetland buffer. Mr. Clifford said that area was at the north end of the driveway so was quite workable for snow plows.

Ms. Mower said she'd never seen a barn near that color, and asked how it would coordinate with the red in the existing house. She also noted a letter she'd sent, and she read it into the public record.

She said many in the community welcomed the idea of RiverWoods opening a branch in Durham, at least in part because friends now lived there and because most people had positive attitudes toward the original Exeter location. But she said the devil was in the details, and one detail was the proposed redesign of the barn, which would be used for five years for the intended purpose, but then the screen dimmed.

Ms. Mower said RiverWoods proposed to make changes to a visually prominent, if not important, historic building along one of Durham's gateways. She said it would be establishing a nonprofit operation in what might be an institutional-size new building on the site, with a significant reduction in vegetative buffer, and radically altering the visual approach to Durham. She said Riverwoods would not be paying property taxes, and she said it remained to be seen whether Durham residents would choose to move to the facility. She said a Payment In lieu of Taxes also remained to be worked out, so one might ask, "How would the community benefit?"

Ms. Mower noted that the Heritage Commission held a related public hearing on July 6, and said while the Commission had no decision-making authority over the project, it did have both specialized expertise and standing in the community. Regarding the vertical panels beneath the windows, she said she concurred with the comments submitted to the Commission by email from Nancy Sandberg and others. She said Ms. Sandberg said the latest designs for the north and south elevations were too high and out of proportion to the original window and door openings.

She noted Mr. Behrendt's comments at the Heritage Commission public hearing, that the panels below all of the windows was a design element that created a vertical sense for all of the windows, and disrupted the great traditional proportion of the barn and the sense of the barn. She said Mr. Behrendt had urged Riverwoods to eliminate the panels and just extend the clapboards across.

Ms. Mower also noted that Heritage Commission Chair Peter Stanhope said the panels had been strongly objected to by people who felt they did not fit the character of a New England barn. But he said that as a member of the Heritage Commission and having heard from members of the public, there was strong concern about those panels as just being a distraction to the gateway and to the character of a New England barn. He noted the Master Plan Land Use Forum held this year, and said it revealed that many residents regarded the Town's gateways, natural resources and agricultural heritage as assets.

Ms. Mower said Nancy Sandberg's letter to the Heritage Commission revealed her expertise as a local historian. She noted that among other things it said that the old farm

and barn were an important part of the gateway into historic Durham, and that she hoped a goal of the Heritage Commission was preserving these buildings while adaptively reusing the property as a marketing center.

Ms. Mower said Peter Stanhope stated at the Heritage Commission's public hearing that "Compromise sometimes is the road to success..." She said in that spirit, she recommended that the Planning Board consider positively those proposed architectural changes to the barn that were critical to modern functions, but ask that the applicant omit unnecessary modernization such as the vertical window ornamentation, and revisit Nancy Sandberg's recommendations regarding proportions.

Councilor Lawson said from reading the Planners Report and reviewing the Zoning Ordinance, he'd concluded that the Planning Board had no purview over the color of the barn or the vertical panels. He said they could ask the applicant to listen to feedback on these features, but could not demand a change. Mr. Behrendt said that was correct.

Councilor Lawson said his understanding was also that the Planning Board could not base its decision on the fact that the applicant was a 501(c)(3) nonprofit organization, and had to base that decision on the application. Mr. Behrendt said that was correct.

Andrea Bodo, Newmarket Road, noted that she was Vice Chair of the HDC/Heritage Commission but was speaking on her own. She said the section of Durham the barn was located in was established in the 17th century, and said it was a cow barn and was part of a very historic farm at the time. She said in the 19th-20th centuries it went from being a cow barn to a hen barn, and she spoke about how the barns in Town had horizontal lines, not vertical lines. She suggested that there should be wider doors and windows on the barn, and said there should be more transoms used. She also said historically barns in Durham were gray, red, brown or yellow in color.

Beth Olshansky, Packers Falls Road said the Future Land Use Committee had recently acknowledged the tremendous amount of passion Durham residents had for the Town's gateways. She said she was thrilled to see the barn being reused, and said adaptive re-use was exactly the way the Town wanted to do this. But she said she was concerned about some of the modern elements included in the design, stating that it clashed with the historic use and the neighboring New England style house.

She said she found the vertical panels to be the most troublesome design element. She said she hoped the architect would be sensitive to Durham citizens and their desire to preserve the gateways and the Town's agricultural heritage. She said Riverwoods would have everything to gain and nothing to lose by removing some of the more modern elements.

Ms. Olshansky said she was surprised to see the driveway cut because she thought NHDOT liked to prevent extra cuts. She said when she had used that building before, it was safer to use Stone Quarry Drive and asked what the reason was for it. It was noted that there was an existing driveway cut, and Ms. Olshansky withdrew her comment.

Attorney Somers said she wanted to provide some context for the Board, and said Riverwoods was going a long way toward saving the barn. She noted that it was in rough condition, and said if there was site plan approval, Riverwoods would be putting a lot of money into renovating and sustaining it. She said that should be recognized by the Board. She also said Ms. Murphy had extensive experience in barn renovations, and knew what she was talking about. She said she was very sensitive to historic preservation.

Attorney Somers said Riverwoods had engaged with the staff, discussed suggestions they had, and had made changes based on comments where this was appropriate for their interests and for a good final product. She also said Riverwoods was in very good shape to get approval, and was on a tight time schedule. She said if the Planning Board didn't grant conditional approval of the application this evening, she urged them to do so at the next meeting. She said the building needed to be up and running by the fall.

Councilor Welsh asked what compromises had been made.

Ms. Murphy said this was a 19th century barn, not a 17th century barn, and said there was no evidence of previous windows. She explained that the windows were placed where they were in the design because there were 45 angle braces as part of the timber frame structure that limited the openings, and they didn't want to change the structure. She spoke in detail on the window changes from the past iteration. She said the existing openings on the gable ends were used elsewhere on the barn, based on comments. In addition, she said the two boarded up windows on either side of the door were retained, with the existing trim, although noting that the trim had been replaced.

She also explained that a design intention was to bring up the head of the gable end to align it with the windows on the side. She provided details on this, and explained why it was decided not to bring the gable end up.

Ms. Murphy said they'd heard that people were concerned about wanting to perceive the barn horizontally, and had explained elements that were included to emphasize this. She said she wanted to be sensitive to the character of the barn, and peoples' comments on it. But she said she also wanted to apply the Secretary of the Interior standards in a way that was recommended, which was to make changes legible as changes, and not to try to represent them as something that was original. She said the only two things they hadn't changed was the panels under the windows, which weren't original, and the color of the barn.

Mr. Clifford said with computers, color control was hard, and said the actual color planned for the barn was a lighter green-gray. Ms. Murphy noted that the NH Preservation Alliance had said paint was the most mutable thing. She said Riverwoods would own the property for 5 years but after that the owner could paint it something different. She also said the vertical panels could conceivably be covered over with siding in the future. She said the house would also likely be repainted, so there would not be a red and green combination.

Councilor Lawson noted that there had been a suggestion that the outside lighting be turned off after hours. He said there was lot of light pollution in Durham, and asked if Riverwoods could work to accommodate this issue. Mr. Clifford said the team was just starting to talk about those kinds of things for the lighting, for both projects, and said there was so much more lighting control possible these days. Councilor Lawson said this seemed to be very doable and Mr. Clifford agreed. Councilor Welsh asked if the light would be dark sky compliant, and was told it would be.

Chair Rasmussen noted that the draft Notice of Decision wasn't ready. Mr. Behrendt said a number of changes had been made to the plan, but said due to when it came in there wasn't time to get comments back from staff. He said he didn't see any red flags at this point, and just needed sign off from staff. He said he would have the draft NOD ready for the July 26th meeting.

Councilor Lawson MOVED to close the Public Hearing. Nate Morenault SECONDED the motion and it PASSED unanimously 7-0.

Mr. Behrendt said comments had been received from the Conservation Commission. There was discussion about not having comments back from NHDOT. Mr. Behrendt said he didn't expect that NHDOT would have a problem with this use, and use of the existing access.

There was discussion that the Planning Board didn't have purview over signs unless there was a sign master plan for a proposed project. Mr. Behrendt said the Board should at least know what the design plan was for signs so it could provide comments. There was discussion about whether recycling was an issue for the Board to pay attention to for this proposed use.

VIII. Public Hearing – Amendments to the Planning Board's Rules of Procedure. Various amendments to the Rules of Procedure are proposed. Recommended action: Adoption.

Mr. Behrendt noted that Robin Mower had provided some comments, and recommended that the Planning Board go through the document page by page. He noted that Ms. Mower's comments were included as suggestions in the current draft. Chair Rasmussen agreed, but suggested getting any other public comments before this.

Mr. Brown said he thought it was unfair to the Planning Board that the comments were received at 4:30 this afternoon. He said he'd looked through the document 3 days ago, and was now not sure looking at the draft again tonight would be sufficient.

Councilor Lawson said he had the same frustration, but said the comments were easy enough to find in the document. There was further discussion, and Ms. Dill noted that Ms. Mower had apologized for the situation.

Chair Rasmussen said the form the comments arrived in had been an issue, but said they were still valid public comments.

There was discussion that the goal this evening was to adopt the Rules of Procedure.

Councilor Mower MOVED to open the Public Hearing. Andy Corrow SECONDED the motion and it PASSED unanimously 7-0.

Robin Mower, Faculty Road apologized again for the lateness of her comments. She said she would be glad to speak with the Board about the suggestions she'd made.

Mr. Behrendt thanked Ms. Mower for providing her comments. He said the Rules of Procedure was a legal document, and said it helped if they were well written, and it was helpful that a citizen had cared enough to do this. He noted that ordinarily the Board didn't get comments until the public hearing, and said in this instance they had gotten the comments a few hours in advance. He said if the information received by the Board was too much to absorb at a meeting, it always had the option to continue things to another meeting.

The Board went through the document page by page, and through detailed discussion decided on which of Ms. Mower's suggestions to incorporate into the final version of the Rules of Procedure. Mr. Behrendt said he'd bring back a final version of the document at the next meeting.

IX. Other Business:

X. Review of Minutes (new):

April 5, 2017

Page 6 , line 34 should say "Mr. Morneault"

Page 9, line 30, should say "...that the special Planning Board meeting..."

Councilor Lawson MOVED to approve the April 5, 2017 Minutes as amended. Bob Brown SECONDED the motion and it PASSED unanimously 7-0.

XI. Adjournment

Bob Brown MOVED to adjourn the meeting. Andy Corrow SECONDED the motion and it PASSED unanimously 7-0.

Adjournment at 9:27 pm

Victoria Parmele, Minutes taker

Bob Brown, Secretary