

These minutes were approved at the March 27, 2019 meeting.

DURHAM PLANNING BOARD
Wednesday, November 14, 2018
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT: Paul Rasmussen, Chair
Barbara Dill, Vice Chair
Bill McGowan (arrived at 8:03 pm)
James Bubar
Lorne Parnell
Michael Lambert, alternate
Nathaniel Morneault, alternate
Carden Welsh, Council Representative to the Planning Board
Sally Tobias, alternate Council Representative to the Planning Board

MEMBERS ABSENT

I. Call to Order

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

II. Roll Call and Seating of Alternates

Chair Rasmussen seated Mr. Morneault as a regular member for the meeting. He also said Mr. Lambert would be seated as a regular member in place of Mr. McGowan until his arrival.

III. Approval of Agenda

Lorne Parnell MOVED to approve the Agenda as submitted. Nate Morneault SECONDED the motion and it PASSED unanimously 7-0.

IV. Town Planner's Report

Mr. Behrendt noted that agenda Item #9 concerning the parking lot didn't receive a variance last night that was needed in regard to that site plan application, so the agenda item tonight would be a preliminary review of the project.

V. Reports from Board Members who serve on Other Committees

Councilor Welsh said at its most recent meeting, the Town Council agreed to put stop signs at the Edgewood Road/Davis Ave. intersection. He said the Council also discussed

the possibility of appealing the Seacoast Reliability Project to the Supreme Court if the SEC approved the project.

Ms. Dill said the Energy Committee discussed its goals for 2019 at its recent meeting. She also noted the solar tour that was coming up this weekend.

Mr. Bubar said the Agricultural Commission had a rooftop gardening workshop coming up at the Library.

VI. **Public Comments**

Sam Flanders, Glasford Lane, said he'd found out about the proposed parking lot downtown yesterday. He said he had provided a petition concerning this.

Mr. Behrendt noted that this project was at the conceptual design stage at this point, so it was ok for the Planning Board to accept public comments on it during Public Comments. He explained that unless the recent variance denial was appealed successfully, Cowell Drive could not be used as the access road to the parking lot.

Mr. Flanders said he believed the driveway was actually a public access road, and said the Town should have notified everyone in the neighborhood about the proposed project, not just the abutters.

Heather Haudenschild, Glassford Lane said there were many children living in that small neighborhood area, and said the proposed parking lot would create a lot of traffic, and would completely change their way of life there. She said they were all devastated that this was even being discussed.

Robin Mower, Britton Lane, noted the Planning Board's recently revised procedures concerning public hearings. She said while she was sympathetic about the issue of being better able to manage meetings, she was against having a sign-up sheet, which she said could be intimidating and could preclude spontaneity. She also noted that the Town Council had a 5 minute time limit for each public comment under Public Comments, but didn't limit the length of comments at public hearings.

She said the sign-up sheet and time limit would preclude the Planning Board and the community from getting important information. She said agenda setting might be part of the problem, and asked the Board to consider the approach used in Portsmouth, which she explained to the Board. She also said public hearings should never start after 9:30. She noted comments made about some people possibly gaming the system, and said the comments seemed disrespectful.

Beth Olshansky, Packers Falls Road asked the Planning Board to reconsider the idea of having a sign-up sheet. She said for members of the public, a lot of learning went on at public hearings, and said she often chose to speak later on because she found it helpful to hear comments from others first. She noted that members of the public sometimes had

expertise on particular issues. She said she hadn't realized there was a problem with the way the Planning Board had conducted hearings for the last few decades, and said this new element constrained the free flow of ideas. She said she wasn't opposed to a 5 minute time limit, but said when experts on a particular issue spoke, the public would benefit from hearing them. She suggested that a time limit could be used sometimes at the request of the Chair.

Chair Rasmussen said the Board hadn't agreed about having a time limit, but did agree on having a sign-up sheet. Mr. Bubar said the Board had said that people who arrived late would still have the ability to speak even if they hadn't signed in. Councilor Tobias said it wasn't the Board's intent to limit the free flow of speech.

Ms. Olshansky suggested having a show of hands instead of a sign-up sheet. Chair Rasmussen said the Board would try having a sign-up sheet, and would then review how well it worked.

Joshua Meyrowitz, Chesley Drive said he'd watched a lot of Planning Board meetings, and said they had a nice flow. He said having a show of hands would provide an initial indication of how many people might be speaking at a public hearing. He said there was something intimidating about a sign-up sheet, and spoke further on this. He also provided an email with his comments concerning a previous meeting.

Barbara Dill MOVED that at the next meeting, the Planning Board will reconsider its decision to have a trial sign-up sheet. Lorne Parnell SECONDED the motion, and it PASSED 7-0.

VII. Review of Minutes (old):

VIII. Public Hearing - Mill Plaza Redevelopment. 7 Mill Road. 1) Site plan review and 2) Conditional Use for mixed use and activity within the wetland and shoreland overlay districts. Colonial Durham Assoc., LP, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Steve Cecil and Emily Innes, Harriman, site planner. Ari Pollack, attorney. (Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.

Mr. Bubar said he wasn't sure whether the Board was supposed to approach the application with an informal discussion, or something else.

Mr. Taintor said the plan the Planning Board got last week was a conceptual site plan, but said the Board was still in the midst of the site plan review process, and the public hearing was still open. He said the plan provided wasn't meant to be conceptual, and was meant to show some changes that had been made.

Chair Rasmussen said the applicant would address the various recent letters, and said the public hearing would then continue.

Attorney Pollack and Mr. McCauley spoke before the Board. Attorney Pollack said in June, the final application was submitted, and was found to be complete. He said at that time, there was discussion about the schedule of meetings and topics concerning the application. He said prior to that, representatives from Hannaford sent a letter to the Planning Board that expressed the contractual right to review/approve the redevelopment plans, and also expressed concerns about the preliminary plan.

He said since then, the team had been in discussion with Hannaford about how they could support the plan. He said the team provided a revised plan to Hannaford in response to their chief concern about the issue of the sufficiency of parking, and said this plan was provided to the Planning Board as well. He said it was a platform for tonight's discussion.

He noted the letter today to the team and the Planning Board that Hannaford didn't approve of the plan that had been submitted, including the revisions. He said this had put the team in an impossible position, and he recommended against having the Board review the plan this evening.

Attorney Pollack said it had always been the hope to conduct the discussions with Hannaford in private. He said the team needed more time to resolve the issues so they could move forward with the project that worked for them and Hannaford. He said there would need to be discussion about Hannaford's concerns about parking, including the misconception that parking would be rented to offsite properties.

He said Hannaford's suggestions didn't work for the project, and were against the settlement agreement. He spoke about trying to strike a balance, but said in the meantime the team didn't want to waste the Planning Board's time. He spoke further on this, and said it looked like the team's time would be better spent speaking with Hannaford, trying to get consensus, and then coming back to the Board. He asked for a postponement until February 6th, and thanked the Board for its patience.

Ms. Dill first said she respected the need to have private negotiations. She then asked what would happen if there came a place where the tenants' requirements were contrary to some of Durham's regulations. There was discussion.

Mr. Bubar said he appreciated Colonial Durham's situation. He asked how they were going to convince the Board that the old and new parking should continue to be allowed in the wetland area.

Attorney Pollack said the parking was an existing nonconforming condition, which would be made conforming with the site plan. He noted how the Zoning Ordinance spoke about making things more conforming, and said there would be less overall impervious coverage with what was proposed. It was agreed that there could be discussion about this in February.

Lorne Parnell MOVED to continue the Public Hearing to a date following an agreement being reached between Colonial Durham and Hannaford. Jim Bubar SECONDED the motion and it PASSED unanimously 7-0.

Chair Rasmussen noted that there had been an open public hearing. Mr. Parnell said the intent of his motion was that the hearing would continue at that future date. There was discussion that abutters would be re-notified about the hearing when it was set.

- IX. 18 Main Street Parking Lot.** 18 Main Street and 12 Cowell Drive. Site plan for proposed 40-space parking lot to be built behind existing 4-unit building. Primary access would be through a separate lot with a single family house fronting on Cowell Drive. Toomerfs, LLC c/o Peter Murphy, property owner. Mike Sievert, MJS Engineering, engineer. Robbi Woodburn, landscape architect. 18 Main Street - Map 4, Lot 55 – Church Hill District. 12 Cowell Drive – Map 4, Lot 38-5 – Residence A District.

Mr. Sievert explained to the Board that the ZBA had denied a variance related to the project last night. He said the applicant respected that, and heard what the neighborhood was saying. He said they went back to the drawing board and eliminated access to the proposed parking area from Cowell Drive, and instead proposed to access it from Main Street, where the frontage of the parcel was. He said the parking area wouldn't change much as a result of this.

He noted on the plan the proposed new access off of Main St. He said the existing access off of Main St. was narrow and somewhat steep, and said the proposed second access would be better, with right in right out flow, and much better access for traffic coming from the east and the west. He said another option was to widen the existing access off of Main St. to 20 ft, but said there was a light pole and a stone wall that would be involved. He said the proposed access wouldn't be close to the house, and he spoke further on the design. He said they were trying to be sensitive to the Historic District and not do a wide entrance.

Mr. Sievert said they'd like to hear comments from the Board now on the new access proposed, and said they could provide more detail on the parking area later. He spoke briefly about the existing conditions of the site beyond the existing access road from Main St, and noted that the topography was low at Main St, came up to a high point on the property and then gradually sloped to the back of the property.

Ms. Dill said her impression was that there was an existing problem with runoff, and asked if there were plans to mitigate that. Mr. Sievert said they would be putting in a full stormwater treatment facility for the parking area. He said the parking lot was designed to slope down and slightly to the right, and said runoff would be collected in a treatment swale, and through a detention pond. He said there would be some infiltration on the property, and said what was proposed would exceed the Town's requirements. Ms. Dill asked if it would be possible to use permeable pavement. Mr. Sievert said the soils on the site were silty and also said there was some ledge, so it wasn't an ideal location for permeable pavement.

Mr. Bubar asked if people who lived at the Red Tower apartment would park there. Mr. Sievert said surface parking was an allowed use in the district, and said parking not generated from the property itself was considered to be a conditional use. He said the applicant was going for conditional use so the parking area would be open to others than just the people living on the site. Mr. Bubar asked how the people living at Red Tower would cross Main St. to get to the parking area. He spoke about possibly striping the whole business area as a crosswalk. Mr. Sievert said it would be a parking lot for students living nearby, noting rental properties Mr. Murphy owned in the downtown.

Councilor Welsh said it seemed like there would be a lot of pavement, and said in order for the application to get approved, there had to be a really good way to handle the runoff issues. Mr. Sievert said there would be, and said he'd already done the engineering on this. He said it exceeded the design that had been developed when Cowell Drive was the proposed access. He noted that with the new design, there would be more area in the back now, which could be utilized for stormwater treatment if needed.

There was discussion on the proposed forked entryways, and about the idea that traffic going west and east would both be able to turn into the site. Mr. Sievert said cars turned left into the site now, and also said there was an oddly configured right turn in. He said the second access that was proposed would solve that problem. He said it perhaps could be set up as a right in, right out only access.

Chair Rasmussen said with 40 parking spaces proposed, on the hill, he was concerned about having the left hand turn coming out, and less so about the left hand turn coming in. Mr. Sievert said there would be minimal left hand turns coming out, and also said there could be a sign to prohibit this. He said there would be left hand turns into the site from Main St. He said this lot wouldn't generate as much traffic as other lots downtown that saw peak traffic flows in the morning and evening, because people would be parking there on more of a long term basis.

Councilor Welsh said he thought there would be quite a few left hand turns out of the site, and said this was something to discuss with the Police Department. Mr. Sievert said he hadn't discussed the current plan yet with the Fire Department and Police Department, but noted that the use of the existing entrance off of Main St. was included in the previous plan, which they had seen at a TRG meeting. Councilor Welsh asked Mr. Sievert to double check this plan with the TRG and Mr. Sievert agreed to do this. There was further discussion about whether the Fire Department and Police Department would like this plan.

- X. Hotel – Hetzel and Alexander.** Main Street and Mill Road on UNH Campus. Conceptual site plan on 1.35 acres. The hotel would incorporate the existing Hetzel Hall (the north, east, and west facades would be retained and restored) and a new addition (Alexander Hall would be demolished). Existing surface parking to the south would be used and a one level parking deck might be added. Elliott Sidewalk Communities LLC,

Sparks, Maryland, c/o Tim Elliott, applicant. University of New Hampshire, c/o David May, property owner. Map 13, Lot 7-3UNH. Residence A District.

Attorney Sean O'Connell represented the applicant, and noted that a variance was received to allow the hotel use in the RA district. He said the situation was unique in that UNH property was involved. He noted that UNH would continue to own the property, but it would be subject to a long term lease. He spoke briefly about what was proposed with the project.

Mr. McGowan arrived at 8:03 pm.

Mr. Elliott first spoke about other projects he'd done around the country, and said none of the buildings looked the same. He said he believe heritage and history were everything, and spoke about the importance of proper scale in small university towns, as well as commerce and culture. He said a university town wasn't just supposed to have an academic culture, and he spoke about the importance of bringing the workforce downtown, having residential living there and having retail, all of which added activity to the street.

He said Durham deserved to have a full service hotel, with a spa, pool, bar, restaurant, conference facilities. He spoke about the importance of preserving Hetzel Hall, but noted that it was going to be costly to gut the building before redeveloping it, as opposed to tearing it down and starting from scratch on the site.

He said every town needed a living room where residents could celebrate, and said he envisioned 66 Main St property as the place for this. He described how Main St. could be activated with a plaza that connected with the hotel across the street, and augmented existing retail downtown with more options for students, professors, staff and the entire community. He said this would put Durham on the map beyond its academic culture. He said Madbury Commons had done a marvelous job of providing connectivity to Pettee Brook. He said now a direct pedestrian link was needed to allow an entire walk through to Main St.

Architect Michael Wynn Stanley noted that he had expertise in university planning, in a way that provided economic benefits and quality of life in university towns like Durham. He said his first design for the hotel was too elongated, and said a better plan after put the addition up against Hetzel Hall. He spoke in some detail about the issue of where the entrance to the hotel should be, and said historically speaking it wasn't appropriate to put it on Main St.

He noted that Hetzel Hall didn't lend itself easily to being a hotel, and said the decision was made to pull the addition up against it, which allowed them to put in a circular driveway off of Mill Road that went into a courtyard. He said this would provide a gracious entrance to the hotel, and said the courtyard would be a signature piece of the development. He said the hotel lobby would have a view of the courtyard, so the courtyard would be a unifying factor. He said the entrance in front would be maintained,

and said there would be a restaurant there that was focused on Main St. He spoke in some detail about the plans for the hotel rooms.

Ms. Dill asked if the dining area would be indoor or outdoor space. Mr. Stanley said it would be outdoor space, and spoke further on this.

Mr. Bubar asked if the existing road between the two dorms would be eliminated. Mr. Stanley said yes. Councilor Welsh noted that the Hetzel ceilings were low. Mr. Stanley said they would work with what they had, and said he was confident that the building would function properly.

Mr. Elliot noted that the structural engineer for the project had said that they couldn't make Alexander Hall work because of its low ceilings and other structural problems, so it would be better to demolish it.

Councilor Welsh asked about the idea of a second deck for parking. Mr. Elliot said the plan was to put 126 parking spaces on a single level.

Mr. Stanley described plans to retain the stairs at the north end of Hetzel, and connect that area with Main St. Mr. Elliot noted the long sidewalk from the MUP to Mill Plaza, and described design ideas for the area of the property beyond the sidewalk. He said there should be discussion on making it a space that defined Durham.

There was discussion about the fact that Hetzel Hall had 5 stories, including the basement, and said the renovation of the building would match that height. Mr. Bubar asked what the implication of a 5 story building was to the Planning Board. Mr. Behrendt said the Fire Department would need to weigh in on this, and said there might be some building code implications. He said a variance would be needed concerning the height, and perhaps other things needed to flesh out the design. He noted that the Architectural Regulations didn't apply here, but said there would still will be discussion on architectural factors such as scale, etc.

It was noted that there were a number of buildings on the UNH campus that were higher than Hetzel Hall. Mr. Stanley said Mr. Elliot didn't want to build a building that was out of scale, and draft renderings and modeling would be provided. Mr. Behrendt said with this historic building and the addition, it would be important to make the addition look right. He said it shouldn't mimic Hetzel but also shouldn't be a dramatic new building. Mr. Stanley said he completely agreed, and said UNH had some good new buildings that accomplished this.

Mr. Behrendt asked what was proposed to get people from Mill Plaza to the MUB. Mr. Stanley spoke about the public space aspect of the hotel, and said they wanted to see people walking through the property. He spoke further about his vision for this.

Mr. Behrendt said the plan was currently at the conceptual stage, and spoke about the Board having a design review process and then seeing a formal application by February-March. He noted that the variance(s) would be needed before this.

Councilor Welsh asked what the time frame was. Mr. Elliot said there would be two different projects, with the hotel project first. He said that application would be submitted first, and said the goal was to open the hotel by the end of July 2020.

Councilor Welsh Carden asked if these were to be seen as separate projects or as one project. Mr. Elliot said they were stand-alone projects if necessary, but said they spoke to each other. He said there would be two different LLC ownerships.

Mr. Lambert said it was great that Mr. Elliot was back with this project, and said he was glad that he had persevered.

- XI. **66 Main Street Mixed-Use Project.** 66 Main Street. Conceptual site plan on 1.18 acres. Mixed-use project with two separate buildings and central promenade linking Main Street to Pettee Brook Lane. Restaurant, retail stores, office space, residential, and garage parking. Elliott Sidewalk Communities LLC, Sparks, Maryland, c/o Tim Elliott, applicant. University of New Hampshire, c/o David May, property owner. Map 2, Lot 14-2UNH. May also include Town parking lot behind on Pettee Brook Lane. Central Business District.

Mr. Stanley said the University needed a good mixed use development that would provide amenities for students, faculty and others, as well as public space that was critically important to make a project work. He said he'd studied Durham and its street grid, and said Jenkin's Court had gotten them to thinking about how to deal with the 66 Main parcel. He described a design where there would be a road from the property over to Pettee Brook Lane, and said the buildings would be organized in relation to it. He said the road wouldn't be drivable, and said there would be a set of stairs as part of the pedestrian access that would be provided.

He spoke about the retail space proposed, and said parking would be underground because there wasn't enough room on the site for surface parking. He said because the site changed so much in grade, cars would come in off of Pettee Brook Lane into the underground garage. He said it would have 126 spaces, and said there would be an elevator. He spoke further, and also described the proposed entrance on Main Street, which would include good public space for the students and the Town.

Mr. Elliot said the proposed building would have a New England feel, and would be broken up so it wouldn't be a monolithic structure. He said he was thinking about having a vertical, iconic element, and noted the existing stone wall, which would be maintained. But he said they'd want the plaza to be at grade, and spoke about having a restaurant there with outdoor seating at the street level.

Councilor Welsh said he didn't see how the project would work financially, and spoke further on this. Mr. Elliot said the pro-formas showed lower margins, and said it was likely he'd come to the Town for TIF funding for the public plaza and possible assistance from the parking fund. There was discussion about options for more stories in order to provide more density. Mr. Elliot said there couldn't be a 4 story building that towered

over Main St, and said if 4 stories was proposed, the building would be set back from the street. He said he'd examine all of this as he moved forward. He said this application would come a few months after the hotel application. There was discussion about how parking was a big issue for the project.

Mr. Morneau asked for details on the proposed residential space in the building. Mr. Elliot said there would be one and two bedroom apartments, but said he couldn't do 600 sf per occupant because the rent for a two bedroom, 1,200 sf apartment would be off the charts. Mr. Parnell noted the proposed Zoning changes for the district, and said Mr. Elliot said they would help him greatly.

Chair Rasmussen asked whether the square footage of the two buildings proposed on the 66 Main St property would be combined, with the Zoning changes that were proposed. Mr. Behrendt said the existing Zoning Ordinance allowed some flexibility on this, and said with the proposed Zoning changes there would be even greater flexibility. He noted that he hadn't done a full Zoning review of the project yet. He said once the Zoning changes were done, he'd look at that.

Mr. Elliot said he wasn't sure that putting a 4 story building next to the Town and Campus building was the way to go, from a massing perspective. There was discussion that 4 stories was allowed on the property. Mr. Elliot said he wanted to avoid the canyon effect.

Chair Rasmussen asked about accessibility on the Pettee Brook side, and Mr. Elliot said there would be an elevator.

XII. Other Business

XIII. Review of Minutes (new): None

XIV. Adjournment

Bill McGowan MOVED to adjourn the meeting. Nate Morneau SECONDED the motion and it PASSED unanimously 7-0.

Victoria Parmele, Minutes taker

James Bubar, Secretary