

These minutes were approved at the August 14, 2019 meeting.

DURHAM PLANNING BOARD
Wednesday, June 12, 2019
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT: Paul Rasmussen, Chair
Barbara Dill, Vice Chair
Richard Kelley, Secretary
Lorne Parnell
Bill McGowan
James Bubar
Michael Lambert, alternate
Sally Tobias, alternate Council Representative to the Planning Board

MEMBERS ABSENT Carden Welsh, Council Representative to the Planning Board
Sarah Wrightsman, alternate

I. Call to Order

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

II. Roll Call and Seating of Alternates

Mr. Behrendt said Mr. Lambert would sit in for Mr. Kelley until he arrived, and said Councilor Tobias would sit in for Councilor Welsh.

III. Approval of Agenda

After discussion about Mr. Bubar's suggestion to amend the agenda to move Eversource's presentation if possible before the Public Comments section, the Board agreed to leave the agenda as it was.

Jim Bubar MOVED to approve the Agenda as submitted. Lorne Parnell SECONDED the motion.

Mr. Behrendt recommended that the Board allow questions and comments under agenda Items X.A and X.B.

The motion PASSED unanimously 7-0.

Mr. Kelley arrived at 7:07 pm.

IV. Town Planner's Report

Mr. Behrendt said he had nothing to report.

V. Reports from Board Members who serve on Other Committees

Councilor Tobias said most of the recent Town Council meeting was on the proposed tree cutting/trimming by Eversource. She also said Chair Marple reported on the recommendations that the Winter Celebration committee had come up with, and she spoke briefly on these recommendations. Ms. Dill asked if the committee wanted to hear from the public on this, and Councilor Tobias said yes.

VI. Public Comments

VII. 72 Piscataqua Road – Resubdivision of 2 existing lots. Resubdivision/lot line adjustment of 2 lots, one with frontage on Route 4/Piscataqua Road and one with frontage on Riverview Road. Donna Vittands, property owner. Paul Dobberstein, Ambit Engineering, Surveyor. Map 11, Lots 29 and 31-15. Residence Coastal District.

Mr. Dobberstein said there were currently two lots, one of which had frontage on Riverview Road as well as an interesting configuration and some environmental constraints. He said the other lot had an existing house on it, and said the applicant had lived there but now wanted to build a new house on the other lot. He said the proposed lot line reconfiguration would allow the existing house to maintain waterfront access, while keeping as much land as possible with the remaining lot that the applicant would live on.

He said the existing house lot (lot 29-0) would contain approximately 5.3 acres and 173 ft feet of frontage on Piscataqua Road. He said lot 31-15 would contain approximately 13 acres and would have 596 ft of frontage on that road as well as about 160 ft of frontage on Riverview Road. He said they were using the porkchop subdivision provisions with what was proposed, and said the lots met the lot size requirements in these provisions. He provided details on this. He also said test pits had been done, and said two of them had been submitted to NHDES.

Mr. Dobberstein said access to both properties would be via the existing driveway, and said lot 29-0 would have an access easement. He said there had been discussion with NHDOT concerning the shared driveway, and said since it would serve two residences the existing driveway permit needed to be altered. He said NHDOT wanted to see the easement language, and also wanted to make sure there was a safe sight distance. He said there shouldn't be any issues concerning this.

He said a waiver was being requested from having to put electric utilities underground, explaining that in order to do this, a new pole would need to be installed on the opposite side of Route 4.

Mr. Kelley asked if consideration was given to providing an easement on a portion of the existing house lot where the driveway flared out, so access to the new house would occur and create a Y. Mr. Dobberstein said they could look at that, and explained that the thought had been that because of the existing turnaround circle, that area would be exclusive to the house. Mr. Kelley said the applicant might be well served to explore opportunities for her to gain access to her house. Mr. Dobbertstein said they were exploring this, and as part of that wanted to get feedback tonight.

Chair Rasmussen asked if there was a reason why the property line wasn't put where the utility easement was. Mr. Dobberstein said the applicant would like to retain that part of the property. There was discussion that the applicant's house would be located on the southerly portion of her property. Mr. Dobberstein said service to the existing house was underground, and said there would be discussion with Eversource about the best way to get service to the applicant's new house. There was discussion about this, and Mr. Dobberstein noted that he didn't want to create a full blown plan on the utilities before speaking with the Planning Board this evening.

There was discussion about the test pits and the proposed septic system. Mr. Dobberstein said there would probably have to be a pump system. Mr. Kelley asked if NHDES would approve it, and Mr. Dobberstein said yes. There was discussion about the fact that septic approval wasn't required in order for the Board to approve the application, but it would be good to know what NHDES was thinking.

Richard. Kelley MOVED to accept an application submitted by Donna Vittands for the Re-subdivision/lot line adjustment of 2 lots, and to schedule a public hearing for July 10, 2010. The property is located at 72 Piscataqua Road, Map 11, Lots 29-0 and 31-15, in the Residence Coastal District. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.

Chair Rasmussen MOVED to hold a site walk at 72 Piscataqua Road at 9:00 am on June 21st. Richard Kelley SECONDED the motion and it PASSED unanimously 7-0.

Mr. Lambert recused himself for agenda Item VIII.

VIII. 3 Foss Farm Road – 2 lot subdivision. Subdivision of lot located at juncture of Foss Farm Road and Orchard Drive. Patricia Cotter and Michael Lambert, property owners. Adam Fogg, Atlantic Survey, surveyor. Mike Sievert, MJS Engineering, engineer. Map 6, Lot 1-6. Residence B Zone.

Paul Blanc of MJS Engineering said the lot had 84,532 sf and would be subdivided into a lot with 40,000 sf and a second lot that would have 44,532 sf. He said that second lot would have 39,927 sf of buildable area, which was 0.01% less than the 40,000 sf minimum that was required. He noted the letter from Code Officer Audrey Cline

concerning this, which said because the nonconformity was less than 0.01%, she didn't think a variance was needed.

Mr. Blanc said a Special Exception would be needed regarding the proposed septic system, which didn't meet the setback requirement but did meet the state setback requirement. There was discussion with Mr. Blanc about whether NHDES approval for the septic system would be in hand by the time the public hearing was held.

Mr. Kelley noted the issue of whether the water line would service both parcels. Applicant Mike Lambert said the Town's Water Dept. had been to the property, and decided that the best thing to do was to have a separate feed for each property. He said a new service would come off of Foss Farm Road, and spoke further on this. He said in order to do this, an easement would be needed across one of the properties.

There was discussion that NHDES approval would be needed for both the subdivision and the septic system. There was also discussion on what the Planning Board would be approving. Mr. Behrendt said because the leachfield was on Lot 1, and the accessory dwelling unit in the barn, which would become the principal dwelling unit, was on Lot 2, that dwelling unit would be allowed to use the existing leachfield on Lot 1 for some period if the Planning Board approved the subdivision application. He said an easement would be needed in order to accomplish this.

He said as part of this, the Planning Board would want to require that the applicant put in a new leachfield on Lot 2 within a certain time period. He said without an arrangement like this, the new leachfield would need to be built prior to subdivision approval. He said with what he was recommending, there should be a precedent condition of approval for the septic design.

Mr. Lambert noted that there had been a residence at the barn that was built before he was born, but it never made it on the books. He said it was currently unoccupied.

Mr. Kelley said this sounded like a reasonable approach, but said sale of the property shouldn't occur until the new leachfield was put in, because there otherwise could be a septic loading issue. There was further discussion.

It was noted that there was separate electric service to the barn.

There was discussion about Ms. Cline's determination that a variance wasn't needed concerning the buildable area on the 44,532 sf lot because the nonconformity was less than 0.01%, because the gross lot size exceeded 40,000 sf, and given the various environmental constraints on the property

Mr. Behrendt said he didn't see a problem with accepting the application, even though there were some issues to be resolved. He noted that the acceptance would be subject to receiving a Special Exception from the ZBA.

Mr. Lambert said he understood this and was ok with it.

Richard Kelley MOVED to accept an application submitted by Patricia Cotter and Michael Lambert for a 2 lot subdivision at 3 Foss Farm Road, Map 6, Lot 1-6 in the Residence B Zoning District, and to schedule a public hearing for July 10, 2019. Bill McGowan SECONDED the motion and it PASSED unanimously 6-0.

A site walk was scheduled for Friday, June 21 at 10:30 am or earlier, immediately following the 72 Piscataqua Road site walk.

- IX. Public Hearing - 56 Main Street – New Restaurant. *Review of revised construction management plan** including plan for outreach to property and business owners on Jenkins Court and Pettee Brook Lane. The site plan was approved on May 22 but the approval included a condition for satisfactory review of a revised construction management plan by the Planning Board. Doug Clark, applicant. Peter Murphy, property owner. Mike Sievert, MJS Engineering, engineer. Map 2, Lot 14-4. Central Business Zone.

Mr. Lambert returned to the table.

Paul Blanc, MJS Engineering noted the construction management plan that had been provided. He said there was a meeting on May 30th with the Code Administrator, the Fire Chief, the Police Chief, Planning Board members, Mr. Clark, Mr. Sievert and himself to hash out the final plan. He provided some details about the construction sequence that was laid out in the plan.

Mr. Kelley asked for more of an outline of what would occur and when, and what the conditions would be like. He also asked if local businesses has been engaged concerning all of this.

Mr. Clark said there would be meetings with each property owner, where the details of this plan would be provided to them. He said he'd already talked to many of the business owners.

Councilor Tobias said she and Economic Development Director Christine Souter had , hand delivered the notice of the public hearing to every business that would be affected, and didn't run into anyone with significant issues. She said they could continue to reach out to them. (She later noted that she'd done this as part of her role with Celebrate Durham)

Mr. Clark reviewed the schedule of work to be done:

- Exterior demolition: July 1 – July 3
- Addition construction: July 8 – Aug 9
- Utility construction: July 15 – Aug 14
 - Sewer Main: July 15 – July 26
 - Services: July 29 – Aug 2
 - Drainage structures: Aug 5 – Aug 7
- Site construction: Aug 8 – Aug 16

- Complete building Construction: July 8 – Nov 30

He said his team was hoping to do interior demolition work the last week of June, and said one dumpster would be needed for this. He said by July 1st, they planned to start knocking down the storage building, which would take 3 days and involve dump trucks. He also spoke about the excavation work that would be done to prepare for putting in the foundation, and the need to store the heavy equipment that would do this work on Jenkins Court.

He reviewed the work to be done between July 15 and August 14th, which included the trench for the sewer line that would be dug the length of Jenkins Court and across Pettee Brook Lane. He said during that time there would be no vehicle access to Jenkins Court but said there would be pedestrian access. He also said the loading area for the mail business would be moved to Main St. during this time.

There was discussion with Mr. Clark and the MJS engineers about where the dumpster should be located during demolition and other aspects of construction. There was discussion about the interior demolition that would occur. Mr. Parnell said closing the principal sidewalk on Main St during this time would be very disruptive, and said the applicant should try to avoid this by bringing demolition material out back, etc. He noted Ms. Cline's note on this concerning problems if people had to cross Main St. because they couldn't stay on that sidewalk as they were walking downtown.

Mr. Bubar asked about verifying that there was no asbestos in the building materials to be removed. Mr. Clark said the construction manager would be responsible for that, and said some holes had been dug and nothing had been found so far. Mr. Bubar said it would be good to see the report on that. There was further discussion.

Mr. Kelley noted that sheet C3 of the plan discussed access to residential units, and asked for details on this. There was discussion about the idea of having a flagger in charge of pedestrian traffic control in the work zone.

Lorne Parnell MOVED to open the Public Hearing. Richard Kelley SECONDED the motion and it PASSED unanimously 7-0.

Tom Christie, Slania Enterprises, said he owned 3 buildings on Jenkins Court. He said he first became aware of what was proposed on June 8th, and said it was important to follow through on the outreach to business owners nearby. He said he had a number of questions and comments.

He first asked where the current sewer went, and Chair Rasmussen said it went behind the Thai restaurant. Mr. Christie asked why this existing sewer line couldn't be used instead of putting a new sewer line on Jenkins Court. He noted that when work was done on his buildings, the road was never closed, and said a two week closure now sounded like a lot of time.

He said he had some questions about the dumpster location and spoke further on this. He also said he was familiar with asbestos issues, and said demolition couldn't be done without knowing ahead of time about the asbestos in the building.

He noted concerning the idea of having a flagger to direct pedestrians that it was very difficult to get insurance for this because there was too much potential liability. He said he'd be happy to share information on this with the applicant. He said it was important that the temporary pedestrian passageway would be ADA accessible.

Mr. Christie said he thought they would hit ledge, and said 12 Jenkins Court sat directly on ledge. He suggested that if hammering was to be done, a structural evaluation should be done by a neutral party before and after the work was done.

He noted that his property went 10.9 ft out into Jenkins Court, almost to the midway point, and said he wasn't sure if the easements were accurately shown on the drawing.

He asked what motivation and possible penalties there would be to ensure that the proposed schedule was met, noting the potential ledge and asbestos issues.

He suggested that Jenkins Court would need to be repaved after the work was done. He said the road was currently two inches above the grade it was supposed to be at, which affected water drainage on his property. He asked that that consideration be given to not raising the elevation of the road more, or to lowering it.

Mr. Christie said he had some concerns about the work to be done, noting that someone had recently done a boring in the alleyway and then just left it that way. He also said he had concerns about deliveries and trash removal from the restaurant. He said he wasn't against the restaurant, and said if he'd found out earlier about the application, he could have put these concerns forward so they could be addressed.

Jay Michael, owner of two nearby properties on Main St. said he was in favor of the project. But he said he was concerned about the Main St. Mailing and Copy business in one of his properties being impacted during construction, and was also concerned about possible impacts on trash removal for the Breaking New Grounds business, which required accessing Jenkins Court. He said he thought there should be a flagger for the duration of the project, and said this would be reassuring to the public. He said his experience was that ledge would be a problem, so there was the potential for the road to be closed longer than what was proposed.

Mr. Parnell said he didn't see anything in the plan about blasting. He said if it was likely that there would be hammering in what was a close space, following the standards for blasting should be required, and building foundations in the area should be looked at before and after.

Mr. Clark said it wasn't his idea to put the sewer line in on Jenkins Court. He said he'd planned to use the existing line, but was told by the Town that he needed to do it, and that it was the best solution for him and future projects in the area. He also noted that when

the Town put in a new water line under Jenkins Court, it left the old one. He said the old line was more than 10 ft away from the new one, and said there was a good possibility that the old line could be taken out and the sewer line could be put in its place. He said this would mean no hammering or blasting would be needed, and there would be a shorter time frame.

Mr. Kelley said there were still a lot of unknowns, including in regard to the sewer line. He said if it couldn't be put where the old water line was, it wasn't known how long the road would have to be opened up for trench construction. Mr. Clark said if they hit ledge, it could go as long as two weeks. Mr. Kelley said additional borings were warranted so it would be known how long the road might have to be closed.

Mr. Kelley said the construction management plan needed to address deliveries to businesses along the street. He also noted that once the sewer was in, there was nothing to prevent backing into Jenkins Court for deliveries.

Mr. Clark said he didn't believe that the sewer line was his problem, but said he would do his part, and said this was a joint public private partnership.

Mr. Parnell asked if it was really necessary to close the road during construction of the sewer line, and if instead there could be a bypass. There was discussion.

Chair Rasmussen said trash pickup was a concern for him. The MJS engineers suggested that the road could be left open earlier in the morning to allow for trash pickup and deliveries, recognizing the needs of businesses along that corridor. They also said there could be work restrictions during certain hours to allow for deliveries.

Mr. Kelley noted sheet C 4, and said it did look like Mr. Christie's property line might be going out into the street. He asked that this be verified, and also said it appeared that the sewer line was well outside that property line.

Chair Rasmussen said it sounded like the construction management plan wasn't quite there yet in terms of meeting the needs of the Town. He said the Board needed to see a proposal on how trash pickup and critical deliveries would be handled, and how the issue of residents walking through the work zone would be addressed. He also said the Board needed to see more details on the hammering/blasting issue. It was noted that there had been discussion that the applicant should site the blasting standards that were in the site plan regulations.

Mr. Kelley referred to sheet C.3, and asked if the turning radius for a fire truck had been looked at. He said if not, it should be looked into. There was further discussion on this. Mr. Clark said the dump truck would only be located on Jenkins Court temporarily, and said loading and storage during construction would be located on Main St., and on the section of Jenkins Court shown in green on the sheet.

There was discussion about extending the notification to 48 hrs. for when the sidewalk would be closed, and it was suggested that this notification should go to all of the businesses that would be impacted.

Mr. Bubar noted item #17 in the draft Notice of Decision: “The applicant shall coordinate with the Town staff to finalize the details of the sidewalk design, including installation of tree wells and trees.” He asked who had maintenance responsibility for the trees. Mr. Behrendt said the Town did, and Mr. Bubar said that should be made clear.

There was discussion on item #6 in the Notice of Decision concerning determination of the required number of parking spaces. It was noted that a restaurant was a commercial use, and was not considered to be a change of use. Mr. Behrendt said the applicant would need to come back to the Planning Board at some point to address the parking issue, including whether the parking fee would need to be paid for not providing parking, or if offsite parking would be used.

Mr. Clark said his understanding was that he still needed to provide a more detailed plan for handling and deliveries and pickup for each of the businesses ; needed to show how access to residences would be addressed during the Main St. portion of the project; needed to extend notification to 48 hrs. concerning when the sidewalk would be closed; and needed to cite the hammering standards in the plan. He said he thought he could provide this, and said he didn’t think there needed to be another meeting, and that these could be conditions of approval. He said he wanted to get the work done in the summer, not the fall.

Mr. Behrendt outlined what the conditions should be:

- coordinate with businesses on a detailed plan for trash and deliveries
- clarify the plan for allowing residents, etc. to move through the work zone
- add section to construction management plan on hammering/blasting
- Provide 48 hrs. notice prior to change of any access restrictions
- provide ADA compliant pedestrian access on Jenkins Court to all businesses, and identified this on the plan

Mr. Kelley said he could be on board for the front end of this, and noted that full closure of Jenkins Court wouldn’t occur until July 15th and the Planning Board would meet on July 10th. He suggested that an approval should say the construction management plan met the requirements up to full closure of the roadway. Chair Rasmussen agreed.

Mr. Clark said the road closure, etc. was the part of the project he didn’t want to do. He said he didn’t want to pay for it.

Mr. Kelley said the construction plan needed some work, and said the Board would like to see an update prior to allowing full closure of Jenkins Court.

The Board agreed to leave the public hearing open and to get final details on the full closure at the meeting on July 10th. Chair Rasmussen said the Board was effectively

approving the construction management plan through July 10th. There was further discussion on this. Mr. Clark said the one thing on the list that needed to be done now was concerning allowing safe access on Main St. through the work zone.

Mr. Behrendt said there were also a number of precedent conditions to be met. He said one of them was that the applicant would need to come back to the Planning Board concerning how parking would be addressed, and said perhaps this could be done at the July 10th meeting. He said the construction management plan would be modified to include the 5 items that had been noted. He also said if the other precedent conditions were met, construction could start.

Mr. Kelley said there should be a #6 that said the plan needed to include a contact list of business and other property owners.

Richard Kelley MOVED to approve the Construction Management Plan as submitted tonight, with the subsequent 6 items addressed for work including and up to July 10, 2019, but excluding full closure of Jenkins Court. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.

Chair Rasmussen said the Board would review the 6 items at the July 10th meeting, and said the public would be able to provide input on them.

X. Eversource Energy – Distribution Line Upgrade.

- A. Courtesy presentation by Eversource about overall project. The following roads will be affected: Colony Cove Road, Cutts Road, Durham Point Road, Frost Drive, Langley Road, Longmarsh Road, Mathes Cove Road, Sandy Brook Drive, Sunnyside Drive, Winecellar Road, and several private drives off these roads. Recommended action: No action needed.

Lauren Cote, Eversource Public Outreach Specialist said the presentation to the Town Council last week and the messaging concerning it needed improvement. She said since then they'd heard the various comments, and said while safety and reliability were Eversource's highest priorities, they wanted to acknowledge the scenic aspect of Durham Point Road and the desire to maintain as much of the canopy as possible.

She briefly reviewed the changes Eversource proposed to their plans, noting specifically that they had reduced the proposed amount of tree clearing, and that the 8 ft box standard for tree trimming would not be utilized. She said this represented a desire to work with the Town in good faith.

Mike Busby, Eversource Design Manager, explained again where the gap in 3 phase service currently existed on Durham Point Road, starting just past the Transfer station and going to 300 Durham Point Road. He said 167 poles would be replaced, and 10 would be put in at new locations. He said 70 new poles were planned for Durham Point Road. He said some of the existing poles there were over 50 years old and also explained

that larger poles were needed to meet safety codes. He said they would also be replacing guys and anchors for the poles.

Eversource arborist Ian Farley said the team had put a lot of work into this project, and said he hoped they'd have a chance to show that. He said based on the feedback that had been received, they went back out and reassessed the entire project. He said they'd originally proposed 137 tree removals, and said they'd gone down to 48 tree removals.

He said each tree had been carefully examined several times. He spoke about trees that were in decline and the various reasons for this. He said in such trees, there were possible weak points, and said during storm events there was the potential that a large section of such a tree would split off, which could cause an outage. He explained that there were some trees along the road where almost 100% of the branch growth was toward the conductor, which would be difficult to trim. He also noted trees that were dead or almost dead, and said removing them benefited the reliability of the electric system, and also prevented them from landing on vehicles, etc.

He said at the Town Council meeting, he and other members of the team were made aware that the major emphasis on Durham Point Road was the canopy over the road. He said they'd now taken into account retaining the canopy in the proposed work plan. He said they planned to evaluate vegetation within 8 ft of the spacer cable, which was how much would grow in within 4 years for some trees, noting that this depended on the species. He said with healthy trees, they proposed to remove just the branches that would ensure reliability while retaining the rest of the canopy.

He said the Eversource team had discussed that if the Planning Board allowed trimming to go forward, a sample of their trimming on an area with a defined canopy could be observed and assessed, so people would see what they planned to do.

He said he and the arborist from Asplundh would be present two days a week to oversee the project. He said a specialized crew would be doing the work, and said there would be a methodical, delicate approach to trimming. He noted that their reputations were on the line. He also said progress reports and plans for the next week's work could be provided to the Planning Board and the Town, and said the Planning Board would have the opportunity to provide feedback. He said Eversource was committed to doing the right thing now and in the future. He said they'd listened to the community, considered the feedback and recommendations they got at the Town Council meeting, which allowed them to look at the project from a different perspective.

Mr. Kelley thanked Eversource for listening to community concerns and making great strides concerning the project. He said having follow up meetings was a great idea, and suggested that photos pre and post cutting of the canopies could be provided as well. Mr. Farley agreed that this could be provided. There was discussion that the crew would be working for 6-8 weeks. Mr. Farley said if things were running smoothly, perhaps another crew could be brought on.

- C. Installation of New Poles in WCOD and SPOD. Request to install 13 new poles in the Wetland Conservation and Shoreland Preservation Overlay Districts in various locations off Durham Point, Longmarsh, and Winecellar Roads. Reviewed as Permitted Use B. William McCloy, Normandeau Associates, wetland scientist and agent for Eversource.

Bill McCloy provided details on the evaluation that was done, and noted that the permit for the work was submitted and the Conservation Commission recommended approval of the application on May 20th. He said the evaluation determined that there needed to be 13 replacement poles that would be located in the wetland conservation district, and said 2 of these poles were also located within the shoreland protection overlay. He said all of the replacement poles would be located in upland locations, close to the roadway. He said there were 8 instances where replacement anchors were required to be in the wetland itself. He said erosion and sedimentation controls and other BMPs would be put in place to minimize impacts to the wetland and wetland buffer.

There was discussion about the preservatives used in the poles to prolong their life. Mr. Bubar asked if the Public Utilities Commission and NHDES were satisfied about using the treated poles in the wetland buffer area. Mr. Busby said there was a low dosage of arsenic, which was less than the amount of arsenic naturally occurring in the environment. He said most utilities used the same poles and the same treatment. Mr. Bubar asked if Eversource used poles in NH that were made of composite material. Mr. Busby said there were a few, and provided details on this. Ms. Cote noted that the Planning Board had been provided with a statement from the EPA on this.

- B. Public Hearing – Cutting of Trees on Durham Point Road. Review of proposal to trim and remove trees along Durham Point Road, a designated scenic road, in accordance with RSA 231:158. Approval by the Planning Board is required for cutting any tree within the Town right of way with a diameter of 4-3/4 inches or greater. Ian Farley, Arborist with Eversource. William Burleigh, Asplundh, contractor. Recommended action: Possible final action.

Lorne Parnell MOVED to open the Public Hearing. Jim Bubar SECONDED the motion and it PASSED unanimously 7-0.

Dian Chen, Oyster River Road noted tree #5, and asked how much of it would be trimmed. Mr. Farley said that tree was proposed to be removed, because it was a white pine with multi-leaders, in close proximity to a line.

Frank Craft, 350 Durham Point Road, asked how the trees to come down were marked. Mr. Farley said they were clearly marked with a ribbon, and it was noted that the list of trees to be removed was on the Town website.

Malcolm Sandberg, Langley Road, said he'd asked Eversource several times what happened when a property owner or the Town denied a request to remove a tree, and said he'd learned that Eversource would have to engineer around it. He said the actual issue of concern was that a clearing 16 ft by 25 ft would create an aerial vegetation free corridor

for each pole, and said there was no doubt that the proposal to open the existing canopy in this way would alter the scenic character of the road.

He said it was the extreme change in height and the vegetation free corridor that would destroy it, and said the Planning Board should restrict this to what had been done for fifty years, which had resulted in no objections from the Planning Board and property owners. He said there could be improved reliability of service while also maintaining the scenic character of the road. He said the Board should deny the application, knowing that Eversource would return with a plan that maintained the scenic character of the road.

Chair Rasmussen said he believed he'd heard that Eversource would not be using an open sky approach. Mr. Farley said that was correct. He said Eversource wasn't trying to create a blank space, and was comfortable with having vegetation within that zone.

Linda Rhodes, Durham Point Road, asked if there would be oversight 4 years from now, when the trees would need to be trimmed again. She said what was proposed now was an expensive, labor intensive approach, and asked if there was a clear understanding that this approach would still be required in the future.

Chair Rasmussen said last year the Planning Board had put in place standards for tree cutting on scenic roads, and said the Board would need to enforce those standards. Mr. Farley said when Eversource staff came back in 4 years, they'd have to appear before the Planning Board to discuss proposed maintenance work for scenic roads.

Rich Hallett, Colony Cove Road, said he was concerned that with increased pole height, this would poke holes in the tree tunnels and let in more light. He noted that he was a forest ecologist, and said he'd found some invasive species on Colony Cove Road. He said he was concerned that by impacting tree canopies, this would create a beachhead for invasive species, which would impact the scenic character of the road.

Mr. Farley said Eversource had determined that there was no intention to remove brush in the understory, which was done on most other projects, so natural competition against invasives would be maintained.

Regis Miller, 283 Durham Point Road read a statement from Alan Bennett, which said the proposal by Eversource was another effort to destroy one of the few remaining scenic byways in their area.

Mr. Farley said at the site walk, there was a productive conversation about retaining tree canopies, and said Eversource intended to preserve the natural and historic feel of Durham Point Road.

Ray Belles, Dear Meadow Road, said he opposed the plan, and said he thought they all were being presented with a false choice of trimming or not having reliable electricity. He said he was skeptical, given the Seacoast Reliability Project. He said he appreciated the intention to be extremely careful, but said 3 phase power wasn't necessary, and said

he was concerned about losing the heritage of Durham Point Road. He said there was a better solution.

Betsy Sandberg, 49 Durham Point Road said she shared the skepticism. She said the scenic view on Durham Point Road was the road itself and she spoke in detail on this. She asked the Planning Board to vote no until a suitable proposal was made.

Dick Gsottschneider, 280 Durham Point Road, said he hadn't lost his power more than 5 times, and said they didn't need these poles for reliability. He said the poles were put in first, before the discussion on the trimming, and he suggested that the poles should be cut down to 35 ft. He said he was opposed to the project, and asked the Planning Board not to approve it.

Mr. Kelley left the meeting at about 10:03 pm.

Gail Kelley, Gerrish Drive said she'd lived in Durham for more than 60 years. She asked why burying the lines along Durham Point Road wasn't considered, and said if it was because of the expense, it was also expensive to trim the trees every 4 years.

Chair Rasmussen asked if burying the lines was considered. Mr. Busby said the Town would have to pay for this if the lines were put underground. He said the cost was at least 10 times the cost of overhead lines, and said Eversource couldn't ask the rest of the ratepayers to bear the cost of putting the lines underground.

Ann Zwart said she lived off of Colony Cove Road. She spoke in detail about the various projects where Durham residents had worked hard to protect and preserve the character of the Town. She described the scenic character of Durham Point Road, and spoke in detail on what the work proposed by Eversource would do to it. She noted the scenic road provisions passed in the 1970s, and asked the Planning Board to uphold them and not turn Durham Point Road into a high voltage roadway.

James Ehlen, Deer Meadow Road asked who benefited from this project, and said no one out there other than Jackson's Lab needed 3 phase power. He also said Eversource benefited, because by putting in new poles they increased their rate base and got a return on this. He said the customers wouldn't benefit. He asked what else Eversource would do to improve the reliability of power in rural areas like his. Mr. Busby provided details on this, including how 3 phase power would be part of the improvements. Mr. Ehlen asked why 3 phase power couldn't be put on the existing poles, and Mr. Busby said it was a safety issue.

Chair Rasmussen said the Board would postpone its workshop scheduled for June 26th, and would continue this public hearing at that time.

Mr. Ehlen asked if Eversource had installed any poles in the wetland area. Mr. Behrendt said his understanding was that they had not. He noted the separate application before the Planning Board concerning placement of poles within the wetland buffer. Mr. Ehlen

and other members of the public asked for more information from Eversource concerning the poles being put in.

Lorne Parnell MOVED to continue the Public Hearing to June 26 2019. Mr. Bubar SECONDED the motion

Mr. Parnell said the poles had nothing to do with the Planning Board.

The motion PASSED unanimously 5-0.

Mr. Lambert, who had left the table at about 10:20 pm, returned to the table at 10:25 pm.

The Board agreed that they would reschedule the workshop that had been planned for the June 26th meeting.

XI. Other Business

XII. Review of Minutes (new):

56 Main Street Site Walk Minutes;

January 30, 2019

March 13, 2019

March 27, 2019

April 10, 2019

(Approval of all of these Minutes was postponed.)

XIII. Adjournment

Councilor Tobias MOVED to adjourn the meeting. Jim Bubar SECONDED the motion and it PASSED unanimously 6-0.

Adjournment at 10:25 pm

Victoria Parmele Minutes taker

Richard Kelley, Secretary