

These minutes were approved at the May 27, 2020 meeting.

DURHAM PLANNING BOARD
Wednesday, March 11, 2020
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT: Paul Rasmussen, Chair
Lorne Parnell
Bill McGowan
Jim Bubar
Heather Grant, alternate
Mike Lambert, alternate
Sally Tobias, alternate Council Representative to the
Planning Board

MEMBERS ABSENT Barbara Dill, Vice Chair
Richard Kelley, Secretary
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

The roll call was taken. Chair Rasmussen said Ms. Grant would sit in for Ms. Dill, Mr. Lambert would sit in for Mr. Kelley, and Councilor Tobias would serve as the regular Council Rep to the Board.

III. Approval of Agenda

Jim Bubar MOVED to approve the Agenda as submitted. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0.

IV. Town Planner's Report

Mr. Behrendt reviewed items on the agenda for the next meeting. He said the Board would meet on April 15th and April 29th because of Passover. He said May 13th was the Board's annual meeting, and said they would elect officers at that meeting. Chair Rasmussen said when Ms. Talon came to the next meeting, this would be a good time for Board members to ask her questions on stormwater issues, her role in site plan reviews, etc.

V. Reports from Board Members who serve on Other Committees

Councilor Tobias said at the most recent Council meeting, the Council gave a hearty goodbye to Carden Welsh. She also said there was a presentation by Arron Sturgis on the assessments he'd done of the Courthouse/Old Town Hall and the house at Wagon Hill.

Mr. McGowan reviewed items covered at the most recent HDC meeting, including a preliminary application for a new garage, and proposed amendments to the Historic District ordinance. He said there was also discussion about the fact that Wagon Hill Farm had been

placed on the state Registry of Historic Places, and said there would be signage to make note of this on the property.

VI. Public Comments

There were no public comments.

VII. Review of Minutes (old):

VIII. 253 Durham Point Road – Solar Array. Conditional use for freestanding solar array serving a single-family house located in the Wetland Conservation Overlay District. Bonnie Brown, property owner. Erik Pickhardt, Go Solar, contractor. Map 12, Lot 15. Residence Coastal District.

Mr. Pickhardt said there was a note from an abutter indicating that this was an acceptable application, and he provided it to the Board. He explained that what was proposed was a low standing, 20 panel ballasted ground mounted solar array. He said they would not be digging the footings into the ground, and explained that they were pre-cast and were what were known as “ballast-blocks,” which were designed to sit on top of the surface of the ground to minimize soil disturbance. Mr. McGowan asked how many footings would be used and was told there would be 4.

It was noted that a silt-fence would be placed between the solar ground-mount and the wetland, in order to further minimize any potential silt runoff. Mr. Pickhardt said the array would be located about 40 ft from the wetland itself.

Mr. Behrendt said he didn’t see that there was anything missing from the application.

The Board agreed that there should be a site walk at 3 pm, the afternoon of the March 25th Planning Board meeting. There was discussion that the area could be flagged prior to the site walk.

Chair Rasmussen MOVED to schedule the Public Hearing on a Conditional Use application for a freestanding solar array serving a single family house located in the Wetland Conservation Overlay district for March 25, 2020, and to schedule a site walk at 3 pm on the same day. Jim Bubar SECONDED the motion and it PASSED unanimously 7-0.

IX. Public Hearing - Historic District Amendments. Review of draft amendments to Article XVII. Durham Historic Overlay District of the Zoning Ordinance pertaining to purview and procedures of the HDC. Proposed by the Historic District Commission.

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

There were no members of the public who came forward to speak.

There was discussion about the fact that the definition of structure in the Historic District ordinance was different than the definition of structure in the general Zoning Ordinance. Mr. Behrendt said the HD ordinance definition didn’t mention driveways, parking lots or sidewalks, but did have the words “..including but not limited to..”. He said the general definition included more things.

He said the intent in the HD ordinance was that a structure was a building, and said the idea was that if a building straddled the Historic District boundary, it made sense to review the whole building. He said he didn't see that this was a problem. He noted that Chair Rasmussen had spoken about unintended consequences of using the word structure in the ordinance, which could include a fence, stone wall, etc. He said it would be reasonable to review a building that extended 10 feet beyond the district line, but said it would be unreasonable to review a fence, or a stonewall that might extend hundreds of feet beyond the district line. He said the word structure should therefore be changed to building in the draft ordinance.

Mr. McGowan said the HDC discussed this with Mr. Behrendt at its recent meeting, and said after a lot of discussion, the vote was 5-2 to replace structure with building.

Mr. Behrendt also noted the proposed change under B. Delineation of the District. "The HOD is defined as that area made up of the lots listed below.... **Except as otherwise specified, the precise location, on the ground, of the historic district boundary will remain in place and not be affected simply by a change in the location of any lot line as a result of a future subdivision, lot line adjustment, or lot merger.**

He said if the Board agreed with these two proposed changes, there needed to be another public hearing. Chair Rasmussen said that regarding the wording change in B. Delineation of the District, the intent was to ensure that they didn't unintentionally change the Historic District boundary. He noted the relevance of this issue to the 18 Main St. application, where one of the lots was within the Historic District. Mr. Behrendt said if the Historic District boundary line was to be moved, this should only be by a Zoning amendment. There was discussion that if a building was expanded outside of the Historic District, it would still fall under the purview of the HDC.

Mr. Behrendt said these changes would make things clearer in the HD ordinance. The Board had no issues with the proposed changes.

Jim Bubar MOVED to close the Public Hearing. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0.

Bill McGowan MOVED to schedule a Public Hearing on the draft Historic District Amendments for the March 25, 2020 meeting. Jim Bubar SECONDED the motion and it PASSED unanimously 7-0.

- X. Public Hearing - Alpha Tau Omega Fraternity Site Plan.** 18 Garrison Avenue (formerly UNH's Elizabeth DeMeritt House). Preliminary design review application for site plan and conditional use to establish fraternity, expand building, and further develop the site including additional parking. Richmond Property Group, owner. Bruce Scamman, Emanuel Engineering. Isaac Schlosser and Shawn Lorg, Krittenbrink Architecture. Map 2, Lot 12-12. Central Business District.

Mr. Scamman spoke before the Board, and provided some details on the past usage of the Elizabeth DeMerritt house. He said most recently it was offices and was then traded to ATO from the University, which in exchange got the ATO property on Main St. He described the existing site conditions, and the surrounding area. He said the lawn was all

fill, and went down to Pettee Brook. He showed an overlay of where the new parking lot and building would be located.

He said the proposal was to convert the house into a fraternity, which was an institutional use. He said there would be a small expansion of the building in the rear, and said there would be a larger addition to the side of the existing building, over the existing parking lot. He said they would put in a new parking lot that would contain porous pavement, and said there was discussion about this with Ms. Talon, who was in favor of that approach. He said stormwater currently flowed from the site into the wetland, and said as part of this project the stormwater would be treated and then infiltrated into the ground. He said retaining walls were proposed to help protect the wetland by keeping vehicles and people out of them. He showed the retaining wall on the plan, and said there would be a guard rail and fence so people couldn't go over the wall.

He noted that two variances would be needed for the parking lot, and also said parking in front of the building required a variance. He said a CU permit would be needed for the proposed fraternity use, and also said a Conditional Use permit was needed for impacts of various structures that were proposed within the 75 ft wetland buffer, and for parking in front of the building. In addition, he said a Conditional Use permit would be needed for the height that was proposed. He said there were buildings all around that were much taller than what was proposed.

Mr. Scamman said there was a revision to the plan since the last meeting when the application was reviewed, and explained that the parking had been pulled further back from the road. He said more greenspace was needed between the front parking space and the edge of the road, and said by turning the building, that additional greenspace could be provided. He said in doing this, there would be a minimum of 15 ft from the road to the parking area, as compared to 5-7 ft from the road that was previously proposed. He said this allowed room for an extra parking space, and a dumpster pad, so they could still have 30 parking spaces. He said they'd like to hear the Board's opinions about the proposed design changes.

Chair Rasmussen said the parallel parking spot next to the dumpster would be tight. There was discussion about possible locations for bike racks. Mr. Scamman said this hadn't been finalized yet. There was discussion about the parking proposed in this latest design compared to previous designs.

Mr. Bubar said the handicap ramp was a distance from the handicap parking. Mr. Scamman said there would be an accessible entrance in the back as well. He spoke further about the handicap accessibility that was proposed.

Mr. Bubar asked how roof runoff would be handled. Mr. Scamman said it would be put into the porous pavement, directly from the roof and through gutters and downspouts that would distribute it under the parking lot.

Mr. Bubar asked about landscaping that was proposed. He said a concern was how the building would be maintained if the landscaping was up against the building. There was discussion.

Mr. Bubar noted the proposed 2000 gallon grease trap that would be located off the edge of the building. Mr. Scammon said it was for the commercial kitchen that would be in the building. He explained that new sewer lines would run to an existing manhole, and said one of the lines would come from the grease trap. He explained how the grease settled out in the trap and the water flowed on from there. He noted that he'd met with DPW staff about this.

Mr. Behrendt said a key thing to look at when the formal application came back was the various Conditional Uses that were required. He also noted the variance applications in regard to the project that were coming before the ZBA. Mr. Parnell said the existing building was completely within the buffer, so the whole project was in it. Mr. Scammon said his understanding was that the building didn't technically need a variance, but a Conditional Use permit was needed for the portion of the new building that would be in the wetland buffer.

Ms. Grant said a chain link fence was indicated in sketch #3, which didn't seem appropriate. **Sarah Leighton, Richmond Property Group's facility**, said they wouldn't do a chain link fence.

Chair Rasmussen said some of the buildings nearby such as the Paul Building were quite high, but some weren't, and said it would be helpful to know the elevations of the various surrounding buildings. He also said the applicant should work with Mr. Behrendt on some of the architectural elements. Mr. Scammon said absolutely. He noted that the building would be two stories and a basement, so would look similar to the lower buildings nearby. Chair Rasmussen said having the elevations would help satisfy any questions about height.

Chair Rasmussen said based on past experience, the Board would also be interested in looking at the House rules for the fraternity.

Ms. Leighton said what was put in the leases reflected RPG's rules, and said these would be provided to the Board.

There was discussion about the porous pavement that was proposed. Mr. Scammon said he'd used porous pavement in designs for 9 years, and worked closely with Rob Roseen, who usually provided oversight over installations he was involved with to make sure things were done correctly.

Councilor Tobias MOVED to Open the Public Hearing. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0.

There were no members of the public who came forward to speak.

Lorne Parnell MOVED to Close the Public Hearing. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0.

Mr. Behrendt said the applicants would submit a formal application when they were ready.

Chair Rasmussen noted that Mr. Taintor wasn't at the meeting yet, so the Board would review the Minutes.

XIII. Review of Minutes (new):

February 12, 2020

Mr. Bubar said he'd sent Karen Edwards some minor corrections.

Chair Rasmussen MOVED to accept the February 12, 2020 Minutes as amended with the minor corrections sent to Karen Edwards. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0.

The Board stood in recess from 7:50 to 8:00 pm.

XI. Public Hearing - Mill Plaza Redevelopment. 7 Mill Road. Continued review of formal application for site plan and conditional use for mixed use redevelopment project and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Ari Pollack, attorney. (Mr. Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.

Chair Rasmussen said the Board left off at the February 12th meeting with discussion on stormwater management and landscaping, and said the public hearing on this was continued. He said the Town Engineer had now provided her report on the project.

Mr. Persechino said he'd gotten informal questions from Ms. Talon but hadn't seen the final written document. Mr. Taintor said it was on the website. Chair Rasmussen said there were several questions from Ms. Talon regarding the retaining wall along the brook. He said it would be best for Mr. Persechino to review them before the Board discussed them with the applicant.

Attorney Pollack said they'd hoped to supply the traffic report in advance of this meeting, but weren't able to coordinate that with the tenant, so it wasn't ready for this evening. He said they were back to complete the stormwater and landscaping discussion tonight, and would discuss traffic at the April meeting. He requested that that discussion be tabled until then.

Chair Rasmussen said the Board would take more public comments on stormwater and landscaping issues this evening.

Catherine Meeking, Orchard Drive, said she was there to address the landscaping. She read a prepared statement. She asked the Board to look at #3 from Mr. Taintor's recent memo as to how the landscaping in the site plan wasn't in compliance with the design standards. She suggested a row of canopy trees instead of shrubs to mask the view into the parking lot as well as to provide much needed shade. She said the redevelopment of Mill Plaza provided an opportunity to address the shade issue on the site.

She said perennials were a poor choice along a wall in the plan, and suggested a row of mature trees instead so there would be shade as well as visual interest in the winter

months. She provided two photos, to show how trees would provide a much better visual. Chair Rasmussen said the photos could be posted online as well.

Ms. Meeking said the site plan had rows of parking, and said if one row was taken out and made into an interior island with trees and a path, this would help block the view of the housing at the back of the site, and would also create an appealing visual from Mill Road. She said eliminating the small medians that were proposed could allow parking there instead.

She said given the scale of the site and the fact that the development would be predominantly buildings and a parking lot, the current landscaping design was inadequate. She said landscaping was essential and shouldn't be considered an afterthought. She said investing in creative landscaping could make the project a win-win.

John Hart, 13 Mill Road, said he was a close abutter, and noted his extensive background in forestry and ecological landscape design and management. He said he wasn't happy with the landscaping plan that had been presented, and said the amount and quality of the plantings proposed were woefully inadequate. He also said the asphalt encroachments were to him illegal, sustainable treatment of runoff was minimal, and proposed restoration of wetlands and setbacks was largely absent.

He spoke about the poor treatment of the natural systems on and near the site over the past decades, and said the applicants had proven themselves to be bad actors. He spoke in some detail on this, and showed photos of dead trees along the edge of the parking lot. He said some of these trees were hazards, and also noted the extensive amount of invasive plants there, including oriental bittersweet, Japanese knotweed, and multiflora rose. He said there was also a lot of poison ivy. He said there were some pathetic trees in the parking lot that were either dead or dying, and he provided details on this. He noted that he'd had students at UNH who'd critiqued the problems with these trees and their poor management.

He said he hoped the Board would hold the owners to account this time, to make sure they abided by the site plan regulations, did proper planting of the trees in high volume soils, used well adapted tree species and provided healthy arrangements of the trees such as what one would find in the native forest so they would thrive. He said the applicant should also be required to maintain their investment, with a plant maintenance guarantee for the first three years at least.

Matt Komonchak, Thompson Lane said he echoed what the previous speakers had said. He said the current landscape plan was pretty abysmal, as was the applicant's track record in regard to environmental stewardship in the Plaza. He said he reviewed Ms. Talon's comments concerning snow removal, and that she said College Brook was compromised and that snow shall be removed from the site as needed and shall not be pushed up against the brook. He asked if Ms. Talon had special authority to determine how snow would be removed from the site on a private parcel, or if someone else decided.

Mr. Parnell said he thought Ms. Talon was saying that there was a plan for where the snow would be stored on the site, that the snow left there wouldn't be pushed against the brook, and that if there wasn't enough room for it on the site, it would be removed.

Chair Rasmussen said this issue was addressed at the last meeting, and said there was discussion that snow would be removed if there was too much on the site. There was discussion that the Board would determine how snow would be handled, and Mr. Taintor noted that the Board could require a snow removal plan.

Mr. Komonchak said there were a slew of dead trees on the edge of site because snow and salt had been pushed there over the years. He said an issue was what the consequence was if the applicant failed to adhere to the snow removal plan.

Chair Rasmussen said that would be up to the enforcement officer. Mr. Parnell said if the applicant didn't adhere to the conditions of approval, there could be enforcement.

Mr. Komonchak said there was zero interest currently in the environmental stewardship of the Plaza, including not repairing curbing that would otherwise stop the flow of runoff into the brook. He said something could have been done to help the health of the brook considerably.

He noted that he'd asked previously if this was a new application or not, and said he was arguing that it should be considered a new application because of the connection with the Toomerfs parcel. He said he was told the matter had been settled, but then Mr. Kelley requested further opinion from the Town attorney, and there was also Mr. Welsh's perspective on this. He asked where things stood, and if the Board was still trying to decide on this.

Chair Rasmussen said it had been decided that it was a continuing application. Mr. Komonchak said he'd never seen the matter decided at a Planning Board meeting. Chair Rasmussen said it was in the letters with the Town attorney. Mr. Komonchak said even at the last meeting, it was clear that nothing had been decided. He said if there was no formality on this adhered to, the public had a more difficult time figuring out what had been decided. Chair Rasmussen said on the website, there should be the back and forth between Administrator Selig, the Town attorney, and others, and the conclusion that this was not a new application and was separate from the Toomerfs application. Mr. Komonchak said it would be a lot better if the Board made the decision here rather than in an email with the Town attorney.

Mr. Taintor said his interpretation was that the Board had voted to accept the revised application, so the vote on this issue had already been taken. He said they would have to go back and say they had changed their minds in order to change that.

On another issue, Mr. Komonchak said Mr. Taintor had told the Board that it should do its job without considering the settlement agreement, and that the Town attorney would determine if the project was in compliance with the agreement. He said the agreement itself invoked the Planning Board throughout, and asked how Mr. Taintor's interpretation came about.

Mr. Taintor said he wasn't a lawyer so he was not giving legal advice, but it was his understanding that the settlement agreement said the Town shall refrain from imposing the more strict density requirement that was adopted, as long as the Planning Board proceeded with its normal review of the application. He said the agreement required that the applicant abide by the Planning Board's decision as long as the Board didn't try to get around the settlement agreement and try to impose a stricter density requirement. He said his understanding was that the Board was supposed to process this as a regular application subject to the Zoning Ordinance in effect in 2014-2015, and if there was any question about whether the application complied with the settlement agreement, this was a matter for the Town Council to address. He said that was his understanding of the boundaries of the agreement.

Mr. Komonchak said the Town Administrator's fingerprints were all over this application, and asked if it was appropriate for him to be instructing the Planning Board, etc. at this point. Mr. Taintor said he personally had no special knowledge about the settlement agreement, so it ultimately had to go back to the Town Administrator, who had signed the agreement and had the most direct knowledge about it. Mr. Komonchak said it was extremely unhelpful the way the Town Administrator had communicated about this, and he provided some specifics on this. He suggested that the less interference from him on this, the better they all would be.

Joshua Meyrowitz, Chesley Drive noted that he was an abutter. He said at the last meeting, this was the first time the Board had seen certain information. He provided specifics on this, and said he'd like to get all of this on the record, in a motion, after the Board had looked at the various letters and emails from the attorneys, etc.

He thanked the Board for their endurance and thanked them for pressing Colonial Durham to adhere to the site plan regulations concerning landscaping, wetland setbacks, the buffer from College Brook, etc. But he said having studied the history of the Plaza, he hoped the Board would help residents get more of what they wanted in the project. He used an analogy to describe management of the Plaza site over time and the Town's relationship with Colonial Durham during this time. He said the residents needed the Board to clean things up and bring the site into full compliance.

Concerning comments Mr. Persechino had made about a proposed decrease in impervious areas with the project, Mr. Meyrowitz said not mentioned was that the only green, currently landscaped part of the Plaza site would be covered with part of a multi-story building at the pedestrian entrance to the neighborhood. He asked for numbers on the amount of square footage that would be involved. He also said the 100 year floods planned for in the stormwater design happened now every 1 to 30 years, and asked for a higher level stormwater design. He spoke further about the role the Planning Board played in the review process. He referenced Attorney Pollack's comments about not paying attention to the parking lot application. He also said the Planning Board had to ask for the landscaping that was required by the site plan regulations, and he asked the Board not repeat the pattern residents had seen over the years.

Mr. Bubar said as a quasi-judicial board, the Board should deal with evidence. There was discussion about the various emails that had been sent around in recent weeks. Mr.

Meyrowitz summarized some of this discussion. Mr. Taintor read from the most recent email from Administrator Selig. There was further discussion between Mr. Taintor and Mr. Meyrowitz.

Mr. Meyrowitz said the Planning Board had the power through Conditional Use to give residents the kind of development they wanted, including extra landscaping, buffers, and a change in the scale of the buildings. Chair Rasmussen said it would be nice for the Board to have the time to get to that. Mr. Meyrowitz asked again for a vote. Councilor Tobias said she didn't think the Board could vote as requested. She also said what Mr. Meyrowitz had brought up concerning the site plan would be part of the review process before a decision was made.

Mr. Meyrowitz asked whether if Colonial Durham said it did the plan in coordination with Toomerfs, this would that change the Board's perspective. He said this was stated at a previous meeting. Councilor Tobias noted that Toomerfs hadn't submitted a formal plan yet.

Attorney Pollack said he disagreed with Mr. Meyrowitz's summation of prior comments and statements he (Attorney Pollack) had made to the Board. He asked that since the majority of an email with today's date from the Town Administrator was read, it should be part of the record of the Planning Board for this application.

Bob Russell, Faculty neighborhood, said according to Section 175-22, B.3 of the Site Plan regulations, a sign measuring 2 ft by 3 ft shall be placed on the property and remain there. He said he hadn't seen that sign at Mill Plaza. He asked who was responsible for enforcing that and there was discussion.

Attorney Pollack said the sign was placed on the site in advance of the January 2020 meeting, and said he'd find out if it was still there.

Chair Rasmussen said it would be replaced. There was further discussion.

Mr. Russell said when the hearing was continued, he thought the sign should be updated.

Mr. Taintor said the rules for public notices were that the initial hearing needed to be noticed, and then as long as the application was continued to a date certain, the original notice was considered to be adequate

Robin Mower, Britton Lane provided a detailed slide presentation entitled *Concerns and Requests*, and also provided a detailed verbal commentary as part of this. She said she'd provide a letter that contained more detail on what she was covering, especially concerning stormwater management.

Chair Rasmussen asked Ms. Mower why she'd indicated in her presentation that she thought Ms. Talon's report was insufficient. Ms. Mower asked Chair Rasmussen if he saw details in the report that she didn't see. She said Ms. Talon called the stormwater management plan a robust plan, and provided no details on addressing the requirements of the EPA permits. She said it was important to get someone to review the plan with specific stormwater expertise, and said her understanding was that Ms. Talon was a generalist engineer. She said stormwater issues required at least the equivalent level of

concern as traffic issues did, so it would be appropriate for someone with specific experience concerning stormwater management to take a look at the plan.

Bill Hall, Smith Park Lane said nitrogen and phosphorous came from fields, not parking lots, and he noted the UNH hayfield and its impacts on College Brook, the Oyster River and Great Bay. He said there were 600 acres of roof drains and parking lot drains that drained into that brook as compared to the runoff from the Mill Plaza site. He also spoke about tidal impacts on the watershed, as compared to the small impacts from the Oyster River and its tributaries. He said he didn't know how much of the runoff in the watershed was infiltrated compared to what ended up in the Oyster River and Great Bay. He spoke in further detail, and said the problems came largely from the incoming tide.

Ms. Mower said she agreed that a main source of phosphorus in the watershed was agriculture, but said it could also be found in other forms. She said this situation wasn't as simple as they may have heard, and said it was another reason why a stormwater expert should look into it.

Mr. Hall said they wouldn't be able to measure the phosphorous coming off of the parking lot, and said there was no comparison between this and an acre or two of agricultural fields

Mr. Meyrowitz asked if it was known what the square footage was of the hillside that would be blasted away for building 2. Chair Rasmussen said he hadn't seen those numbers yet.

Attorney Pollack said they'd been listening concerning the comments on stormwater and landscaping. He suggested that the applicant's team meet with Mr. Taintor to go through the precise items in his review from last month regarding meeting the the site plan regulations, rather than taking time at the public meeting, as a precursor to the public meeting.

Mr. Parnell said the Board had discussed these issues at the meeting in February. Attorney Pollack said the team had some thoughts on how to address the items that were discussed, but hadn't made specific changes to the plan yet. Mr. Parnell said they should be presented to the Planning Board in a form that could be discussed, and said it wasn't just the Planner's views that should be considered, and was also the comments from the Planning Board about how the parking lot was designed. He said he'd thought the applicant would be providing some new information this evening.

Attorney Pollack said there wasn't a specific proposal to replace the existing landscaping plan, but said the team had some thoughts on how to compromise on some of those items. He said there would ultimately be some waivers being requested. He said given the hour, he was suggesting that the initial conversation could perhaps be with Mr. Taintor. Mr. McGowan said he agreed concerning the lateness of the hour and the process suggested. Chair Rasmussen said he also agreed with this.

Mr. Bubar said he'd like the facts on stormwater when it hit the property as compared to when it left the property. Chair Rasmussen noted that the applicant didn't own both sides of the brook. He also said the landscaped yards there provided phosphorus to the brook.

Attorney Pollack asked what information they were looking for. Mr. Bubar said it would be appropriate to discuss this with Ms. Talon, and spoke further on this. Chair Rasmussen said this was something they should consult with Ms. Talon on. He also suggested measuring runoff at 3 points on the site.

Ms. Mower said UNH Professor Bill McDowell and his students had been measuring College Brook for several years, and said a question was whether any of this data would be useful to the Board. She spoke further and said perhaps Colonial Durham and Ms. Talon would like to touch base with Professor McDowell.

Chair Rasmussen asked if there were other issues concerning landscaping and stormwater that the Board would like to raise this evening. There were no further questions and comments. He also said the conversation on these issues would continue next month.

Mr. Hall provided some history on the pollution in the Oyster River watershed. He said the water should be tested in a number of places, and said phosphorous didn't come from parking lots.

Chair Rasmussen MOVED to continue the Public Hearing to the April 15, 2020 meeting. Jim Bubar SECONDED the motion and it PASSED unanimously 7-0.

XII. Other Business

XIV. Adjournment

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

Adjournment at 9:56 pm

Victoria Parmele, Minutes taker

Richard Kelley, Secretary