

1
2 **DURHAM PLANNING BOARD**
3 **Wednesday, September 23, 2020**
4 **Town Council Chambers 7:00 p.m.**
5 **MINUTES**
6

7 **MEMBERS PRESENT:**

8 Paul Rasmussen, Chair (in person)
9 Lorne Parnell, Vice Chair (in person)
10 Richard Kelley, Secretary (remotely – arrived at 8:23 pm)
11 Bill McGowan (remotely)
12 Jim Bubar (in person)
13 Barbara Dill (remotely)
14 Mike Lambert, alternate (remotely)
15 Heather Grant, alternate (remotely – arrived at)
16 Sally Tobias, Council Representative to the Planning Board
17 (in person)
18 Jim Lawson, alternate Council Representative to the
19 Planning Board (remotely)

20 **I. Call to Order**

21
22 Chair Rasmussen called the meeting to order at 7:00 pm.
23

24 **II. Roll Call and Seating of Alternates**

25
26 The roll call was taken. Chair Rasmussen said Mr. Lambert would sit in for Mr. Kelley
27 until he arrived.

28 *Chair Rasmussen* Yes
29 *Lorne Parnell* Yes
30 *Bill McGowan* Yes
31 *Barbara Dill* Yes
32 *Jim Bubar* Yes
33 *Mike Lambert* Yes
34 *Councilor Tobias* Yes
35

36 **III. Approval of Agenda**

37
38 Chair Rasmussen said he'd like to move the CIP discussion to after the public hearings.
39

40 *Jim Bubar MOVED to approve the Agenda as amended by moving the CIP agenda*
41 *item after the public hearing agenda items. Bill McGowan SECONDED the motion*
42 *and it PASSED unanimously 7-0 by a roll call vote:*

43 *Chair Rasmussen* Yes
44 *Lorne Parnell* Yes

1 **Bill McGowan** *Yes*
2 **Barbara Dill** *Yes*
3 **Jim Bubar** *Yes*
4 **Mike Lambert** *Yes*
5 **Councilor Tobias** *Yes*
6

7 **IV. Town Planner’s Report**
8

9 Mr. Behrendt noted that Sarah Wrightsman was moving to Newmarket, and he wished
10 her all the best. He said there would be one regular Planning Board meeting in October,
11 on October 14th, and also said there would be one meeting in November and December.
12 He said the workshop would be held on October 28th, and said Richard England could
13 perhaps be there to provide a presentation on housing and taxes. Mr. Behrendt also said
14 he would provide a primer on architecture at that meeting.
15

16 Mr. Behrendt said the Town Council would discuss the Zoning amendments concerning
17 agriculture at its meeting on October 5th.
18

19 He said the draft Planned Unit Development Ordinance he’d prepared was sent to UNH
20 so they could think about potential projects at the West Edge, but said this was on hold
21 right now.
22

23 **V. Reports from Board Members who serve on Other Committees**
24

25 Councilor Tobias said at the Council meetings in September, they had to find
26 replacements on the Council and committees for Ken Rotner, who had recently died. She
27 said it was a sad time for the Council, but said Carden Welsh would be stepping in for
28 now to fill the Council position, which should work well. She said another person had
29 stepped forward to fill the position, and said he’d be getting involved in some other
30 boards/committees. She said Councilor Andrew Corrow would fill the Council Pro tem
31 position, and also said Councilor Howland would be the Council rep to the Parks and
32 Recreation Committee. Councilor Tobias said she would fill the Land Stewardship
33 Committee position, and said Councilor Needell would fill Councilor Howland’s spot on
34 the IWMAC.
35

36 Councilor Tobias said the Council granted the extension for the downtown Zoning
37 amendments. She said there was a public hearing on a proposed ordinance that prohibited
38 horses on Town trails, which was then passed by the Council. She said there was
39 discussion on creating an ordinance to ban fireworks in Durham, and said the Council
40 would look at a draft ordinance on this issue and would get community input on it. She
41 also said the emergency mask ordinance was continued for another 60 days.
42

1 Mr. Behrendt said there was a vacancy for a Planning Board rep on the Conservation
2 Commission, which Mr. Bubar had offered to fill if no one else on the Board was
3 interested in doing this. Chair Rasmussen thanked Mr. Bubar for doing this.
4

5 **VI. Public Comments**

6
7 _____ said he'd lived in Durham for 17 years, and had also lived in other parts of the
8 world over those years. He said a lot of people were working from home now, and would
9 continue to do this even after the pandemic was over. He said things could possibly
10 change drastically in Durham, with more people moving here. He said maintaining the
11 culture here, and the small-town feel was important and was what the community wanted.
12 He spoke in some detail about the growth he'd seen in other locations and the impacts
13 from this growth. He said more than ever, it was important to look at the implications of
14 growth for the people who lived in Durham. He said he'd provide a formal letter on his
15 ideas and the information on this issue.
16

17 **VII. Review of Minutes (old):**

18
19 **VIII. Public Hearing - 22 Colony Cove Road– SPOD. Conditional use application** to install
20 two patios within the 125-foot setback from Little Bay in the Shoreland Protection
21 Overlay District. Naithan Couse, property owner. Beth Dermody, Landscape Architect,
22 Allen & Major Associates. Map 12, Lot 25. Residence Coastal District.
23

24 Chair Rasmussen noted the introduction provided at the last meeting. He asked Mr.
25 Behrendt to update the Board. Mr. Behrendt said he and DPW Director Rich Riene met
26 with Mr. Couse and the landscape architect to identify about 6 trees and some scrubby
27 small pines that should be removed. He said Mr. Riene approved their removal, and said
28 there was agreement that this made sense and met the intent of the ordinance.
29

30 Mr. Bubar said two decks were removed within the Shoreland Protection Overlay district,
31 and asked how the land was rehabilitated.
32

33 Mr. Couse said there had been stone there underneath, and said that hadn't changed.
34

35 ***Lorne Parnell MOVED to Open the Public Hearing. Councilor Tobias SECONDED***
36 ***the motion and it PASSED unanimously 7-0 by a roll call vote:***

37 ***Chair Rasmussen Yes***

38 ***Lorne Parnell Yes***

39 ***Bill McGowan Yes***

40 ***Barbara Dill Yes***

41 ***Jim Bubar Yes***

42 ***Mike Lambert Yes***

43 ***Councilor Tobias Yes***
44

1 **Robin Mower, Britton Lane** asked if the application had been through the Conservation
2 Commission review, and said she didn't see any letters from them. Mr. Behrendt said it
3 was presented to them on August 24th and they recommended approval, including
4 sedimentation controls. Ms. Mower said she hoped the Board considered whether a patio
5 was an appropriate use for a conditional use in the shoreland zone under the criteria. Mr.
6 Behrendt noted that the first criterion was about whether there was no alternative location
7 outside the district that was reasonably practical. He said the Commission had considered
8 this in making its recommendation to the Planning Board. Ms. Mower said she thought
9 this was something the Planning Board should take under consideration, noting the death
10 by a thousand cuts issue for shoreland areas.

11
12 Mr. Bubar said the whole property was within the overlay district, but said the two patios
13 would be using pervious pavers, so there was actually an increase in the pervious area as
14 a result of the whole project. Chair Rasmussen said this change from impervious patios to
15 pervious patios was an improvement of the property within the overlay district. Mr.
16 Bubar said he appreciated Robin's concern about protecting the district.

17
18 Chair Rasmussen asked if there were any comments on the application. Councilor Tobias
19 said it was fairly straightforward.

20
21 Chair went through the conditional use criteria and there was discussion:

22	Site suitability for proposed use	criterion is met
23	External impacts...	criterion is met
24	Character of site...	criterion is met
25	Character of building ..	criterion is met
26	Preservation of natural cultural, historic scenic resources	criterion is met
27	Impact on property values..	criterion is met
28	Availability of public services and facilities	criterion is met
29	Fiscal impact...	criterion is met

30
31
32 ***Lorne Parnell MOVED to Close the Public Hearing. Chair Rasmussen SECONDED***
33 ***the motion and it PASSED unanimously 7-0 by a roll call vote:***

34	<i>Chair Rasmussen</i>	<i>Yes</i>
35	<i>Lorne Parnell</i>	<i>Yes</i>
36	<i>Bill McGowan</i>	<i>Yes</i>
37	<i>Barbara Dill</i>	<i>Yes</i>
38	<i>Jim Bubar</i>	<i>Yes</i>
39	<i>Mike Lambert</i>	<i>Yes</i>
40	<i>Councilor Tobias</i>	<i>Yes</i>

41
42 ***Lorne Parnell MOVED to approve a Conditional Use application submitted by Naithan***
43 ***Couse to install two patios within the 125-foot setback from Little Bay in the Shoreland***

1 ***Protection Overlay District, according to the conditions of the Notice of Decision dated***
2 ***Sept. 23, 2020. The property is located at 22 Colony Cove Road, Map 12, Lot 25 in the***
3 ***Residence Coastal District. Jim Bubar SECONDED the motion.***

4 Ms. Dill said she was happy for the Planning Board to take a look at any construction
5 proposed in the Shoreland district, along Great Bay.

6
7 ***The motion PASSED unanimously 7-0 by a roll call vote:***

8 ***Chair Rasmussen Yes***

9 ***Lorne Parnell Yes***

10 ***Bill McGowan Yes***

11 ***Barbara Dill Yes***

12 ***Jim Bubar Yes***

13 ***Mike Lambert Yes***

14 ***Councilor Tobias Yes***

15
16 Chair Rasmussen apologized to Mr. Couse that there needed to be a second meeting on
17 the application.

18
19 **IX. Public Hearing - Mill Plaza Redevelopment.** 7 Mill Road. Continued review of
20 application for site plan and conditional use for mixed use redevelopment project and
21 activity within the wetland and shoreland overlay districts. Colonial Durham Associates,
22 property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Emily
23 Innes and Sharon Ames, Harriman, project designer. Ari Pollack, attorney. (Rick Taintor
24 is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.

25
26 Chair Rasmussen outlined what the agenda item would hopefully accomplish this
27 evening, including continuing the public hearing, presentation by the team, and
28 discussion on the Traffic study. He also said he'd make a comment on the financial
29 impact analysis, because there had been a lot of comment on it. He said there seemed to
30 be some misinformation on it. He said he recalled that at the August 26th meeting, Mr.
31 Rice provided an assessment of the fiscal impact analysis, and the Board agreed that this
32 was sufficient review. He asked if he was in error on this. Mr. Bubar said that was his
33 understanding.

34
35 Councilor Lawson asked if Mr. Rice commented on the impact on real estate values or on
36 the fiscal impact analysis. There was discussion, including about the date Mr. Rice
37 provided his assessment. Chair Rasmussen said he'd table discussion on this and follow
38 up on it offline.

39
40 Chair Rasmussen said he'd like to get to the public hearing before the applicant presented
41 further.

42

1 Ms. Innes noted that the community had been invited to discuss the color palette on Sept.
2 12th, and said Ms. Ames had a short presentation to provide, which would show the
3 proposed changes to the palette as a result of that conversation. Board members agreed
4 that it made sense to hear this before hearing from the public.
5

6 Ms. Ames said colors were obtained from Historic New England, which were appropriate
7 to the downtown district for Durham. She said adjustments were made to reflect public
8 comments that asked for less of a gray tone and were reflective of a green or blue palette.
9 She said materials were resubmitted yesterday to reflect the colors that had been changed,
10 including maintaining the cobblestone color as trim but also using it as siding, She said in
11 lieu of a gray and tan tone, two contrasting bluish colors were provided. She also spoke
12 about the proposed treatment for the architectural concrete for the exterior of the garage.
13 She said the elevations had been revised to reflect that. She said they were trying to
14 emphasize key points in the development, and spoke in further detail on this, showing
15 several slides.
16

17 Chair Rasmussen said the public hearing was open.
18

19 **Tim Horrigan, Faculty Road** provided details on colors of buildings downtown in the
20 past. He said he appreciated the attention to detail on this issue now, but said he wasn't
21 sure if changing the colors would change his mind about the project. He said the design
22 still seemed pedestrian, and spoke further. He said the current Plaza wasn't much to look
23 at, but was successful. He said there wasn't a lot of demand for student apartments,
24 before COVID-19 and now. He spoke about plans to cut down the hillside as part of the
25 project, and also spoke about having to live next to the site during construction. He spoke
26 further and said a project that was more realistic and in scale with the Town was needed.
27

28 **Harry Tobias, Madbury Road** said he was at the September 12th event, and said the
29 colors they had now picked, and the contrast were great. He said people needed to
30 understand that with COVID-19, and the number of students allowed in the same room,
31 the number of student residences needed had grown. He also noted that he and most of
32 the people he worked with were working from home.
33

34 He said the need for commercial space was going down, while the need for residences for
35 students and other people was going up. He said if students moved to Mill Plaza, this
36 could open up other housing for other people who were having a tough time being able to
37 afford to live in this area. He noted that Harmony Homes had needed to build housing so
38 workers there would have a place to live. He said the Board needed to look at how this
39 project would make other things happen, rather than taking a shortsighted look at things
40 and not keeping their eyes open to the possibilities, which would hurt the community as a
41 whole.
42

1 **Robin Mower, Britton Lane** said she was baffled as to why there was no discussion of
2 the two Hannaford letters that were recently received. She said the colors were minutia
3 compared to larger issues. She said it was important to respond to the letters, regarding
4 what they meant regarding the process and if there was some consideration of pausing the
5 whole process, rather than moving ahead as if nothing had happened. She said she would
6 appreciate an answer to that question.

7
8 Chair Rasmussen said he hoped to have time to discuss what items to address and move
9 forward on, later in the meeting. Ms. Mower said she would make comments about the
10 Traffic analysis later.

11
12 **Janice Avisa, Garden Lane** said it was unfortunate that there couldn't be full
13 participation in these hearings, also noting that the Town was doing the best it could. She
14 said this project was too dense, and said she could only imagine the increase in traffic and
15 traffic jams with the increase in density. She said the gargantuan building at the back
16 would be an abuse of Chesley Drive, and said the buildings were out of proportion for
17 downtown Durham. She noted the view of the Riverwoods from Route 4, and said that
18 was proposed for the edge of the Faculty neighborhood. She said the neighbors would
19 have to live with the results of the Mill Plaza development, regardless of what the colors
20 were.

21
22 **Joshua Meyrowitz, Chesley Drive** provided a slide presentation. He said Colonial
23 Durham Associates continued to disrespect the Planning Board and the public concerning
24 proper signage for the project; violated a rule to stop leasing parking spaces at the Plaza;
25 and didn't mention a thing in terms of providing more space for customers in front of
26 Rite Aid. He said the citizens had consistent themes about the history of the site, looking
27 at the facts on the ground, and not wasting time and money when there was no agreement
28 with Hannaford. He reviewed with several slides the timeline of the project review
29 concerning possible offsite parking on the Church Hill lot, and commentary on this by the
30 public and Mr. Taintor. He said the Board should look at the big picture, and said its
31 review of the project should stop, given the Hannaford letter.

32
33 **Andrea Bodo, Newmarket Road** first read a disclaimer. She then read a detailed
34 prepared statement on various aspects of the design for the project. She asked Mr.
35 Taintor if he could explain Portsmouth's architectural review process.

36
37 Chair Rasmussen said he'd like to get the rest of the public comments before addressing
38 that question.

39
40 **Beth Olshansky, Packers Falls Road** noted that she'd gotten together with Ms. Bodo
41 and others who understood the issue of the color for projects. She provided a slide
42 presentation "Applying Color Theory to Choosing Architectural Colors for the Mill Plaza
43 Redevelopment Project". She reviewed the parameters for the project the design team

1 provided. She said the present colors broke up the mass, but didn't reduce it. She said
2 they didn't harmonize and create an aesthetically appealing appearance, and didn't look
3 like part of a unified whole.
4

5 She said the group she worked with looked for 4 colors and a trim color that would work
6 better than the current colors that were proposed. She said within the limited color
7 options from the applicant, the group came to consensus on the best possible color
8 palette. She provided slides on this, and said the group believed that it met the criteria
9 she'd gone over. She said they should also carefully select the brick and appropriate
10 border. She said many of the colors chosen could be seen on the Madbury Commons
11 buildings.
12

13 She spoke about possible color accents for awnings, etc. to really enliven the project. She
14 said white balconies should be black, not white in order to tie in with the window frames.
15 She said the gray band above the awnings should be narrower and black, so it would tie
16 in with the black accents in the project. She said the white arch element surrounding the
17 windows in the tower should be a color chosen from the final palette to make the whole
18 building tie together. She said there was a lot to consider when choosing the colors for
19 such a large, prominent project downtown, and said they hoped Harriman would
20 seriously consider the advice being provided.
21

22 Chair Rasmussen asked Ms. Olshansky to provide the slide presentation for Planning
23 Board members.
24

25 He noted that Mr. Kelley had joined the meeting at 8:23 pm.
26

27 **Katherine Meeking** said some things she wanted to say had been said by Robin Mower
28 and Joshua Meyrowitz. She said she didn't understand the process for approving such a
29 large project, and would appreciate hearing how this worked. She asked why the Board
30 was going into detail about decisions on the architecture and landscaping when there
31 were the parking issues that Hannaford had brought up. She also said that concerning the
32 Conditional Use application to allow student housing in a nonresidential zone, it would
33 seem the Board should vote on that before moving on to the elaborate details.
34

35 She said the Attorney for CDA had said some months ago that the parking issue was a
36 tenant landlord issue so wasn't within the purview of the Town. She questioned whether
37 that was really so. She noted the ripeness law, and read what it was. She questioned why
38 time and money was being spent on the details when they didn't even know whether the
39 core of the project was valid. She said pursuing detailed discussions about the project
40 made it seem that the decision on the project was almost a foregone, inevitable
41 conclusion. She spoke further about this.
42

1 Ms. Meeking said it was important to understand how inputs from residents were
2 incorporated into the final decision She noted various letters that had made salient points,
3 and asked if the Board noted them and reviewed them at a later date. She said if these
4 residents had enough concern for the future, she hoped their letters weren't forgotten over
5 time.

6
7 Chair Rasmussen said the Board went through the details because they couldn't make a
8 decision on the Conditional use without knowing all the details.

9
10 **Harry Tobias** said he agreed with some of the comments from Beth and Andrea. But he
11 said color was subjective, and said he wouldn't necessarily go for some of the colors they
12 picked. He said he didn't think they should have as much input as a professional architect
13 or artist had. He said as long as the architecture was within the design criteria in the
14 architectural regulations, he thought the Board should go with that.

15
16 Chair Rasmussen said Beth had the qualifications to meet that standard.

17
18 **Robin Mower** said she'd submit a letter on the Traffic study. She said the Madbury
19 Commons and Orion project applications included a pedestrian study and an access and
20 circulation study that raised points that were missing in the Mill Plaza traffic impact
21 analysis, specifically concerning pedestrian use. She said the pedestrian aspect of the
22 project had been given short shrift, and said this was a significant enough issue that a
23 peer review of the traffic impact analysis should be considered by the Board.

24
25 She said she greatly appreciated the work done by Andrea and Beth because they had
26 professional expertise and experience in the areas of aesthetics, She said there was a
27 subjective element to this, but said having an education in design and color was
28 important.

29
30 **Beth Olshansky** said she often admired the architecture in downtown Portsmouth and
31 would be interested to hear from Mr. Taintor about how the city had handled the
32 architecture for large downtown projects, - since he'd been the planner there and
33 understood the process. She said she'd also like to hear the Board discuss whether to
34 move forward given the letter received today from Hannaford.

35
36 Chair Rasmussen said there were 3 things for the Board to consider now: whether to get a
37 peer review for the Traffic study; the letter from Hannaford; and whether to hear from
38 Mr. Taintor on Portsmouth's architectural standards. Concerning the latter issue, he said a
39 question was whether the Board wanted to hear from Mr. Taintor, and another was
40 whether he needed some time to prepare that.

41
42 Mr. Kelley said he'd loved to hear about Portsmouth's architecture standards, but perhaps
43 not tonight. He asked if the applicant had addressed the letter from Hannaford. Chair

1 Rasmussen said they hadn't gotten to that point yet. Mr. Kelley said he'd like to hear that
2 before hearing about Portsmouth's architectural standards.

3
4 Mr. Bubar said hearing about Portsmouth could be very educational, but said Durham
5 had its own architectural standards and those were the ones the Board was supposed to
6 ensure compliance with. He said he didn't think hearing about this tonight was
7 appropriate.

8
9 Chair Rasmussen suggested that perhaps Mr. Taintor could join the Board's discussion
10 on architecture at its upcoming workshop. Mr. Taintor said he could be there if the Board
11 wanted him to be part of it.

12
13 Councilor Lawson said there were questions about the process, not the specific standards,
14 and said he hoped some time would be spent on that. Chair Rasmussen said that fit within
15 what could be covered at the Board's workshop.

16
17 Mr. Kelley said those things had value, but said there were more pressing matters. He
18 said the letter from Hannaford was at the top of the list.

19
20 Ms. Dill said she agreed with Mr. Kelley, but also said there should be an architectural
21 review of the architecture itself and the colors. She said it looked like Mr. Taintor had
22 supported that idea as well.

23
24 Mr. Parnell said the issue to be discussed tonight was the architecture, and said the Board
25 should discuss whether it was going to hire an outside architect or not, to be paid for by
26 CDA. Chair Rasmussen said he was in favor of that idea. He asked if now was the best
27 time to have that external person review the design.

28
29 Ms. Innes said based on the original schedule, the team was operating on the assumption
30 that the architectural review would be wrapped up tonight. She said she believed the
31 Board had decided against getting an outside architectural review. Chair Rasmussen said
32 the Board had postponed a decision on getting this review.

33
34 Mr. McCauley said a few months ago, Mr. Kelley asked them to make a presentation on
35 how they met the architectural standards. He said a lengthy presentation was provided on
36 this last month, and said they'd demonstrated how they met the standards. He said 4 color
37 palettes had been offered for consideration and said there had been a fairly exhaustive
38 process with the PB and neighbors. He said at the last meeting, members of the Board
39 seemed to understand the project and the color scheme.

40
41 Chair Rasmussen said the Board was 80% there. He said no one on the Board had a
42 background on this, and said this put them in a position where they weren't the most
43 qualified to make a decision on a project of this scale. He said the project if approved

1 would be in a location where it was one of the most obvious pieces of the downtown. He
2 said getting it to 100% was therefore important to the Board.

3
4 Mr. McCauley said he understood the concerns. He said this was a \$50 million
5 investment in the Town and said they weren't taking this lightly, and had hired the best
6 team available for this process. He said they worked within the color palettes of other
7 buildings in Town, and also said Mill Plaza needed to have its own unique position.

8
9 Councilor Lawson said he recalled three very large projects where there was concern
10 about the color scheme from some citizens. He said in those three situations, the
11 developer was more than willing to work with that group of citizens and incorporate
12 some of their ideas. He said many people would agree that the end result was better for
13 the applicant and Durham than what was originally proposed. He said given that, there
14 might be the greatest success by repeating that process.

15
16 Mr. McCauley said there had been several meetings with people in Town to discuss these
17 things, and their input had not been ignored. He said some of the color palette shown this
18 evening was what the team believed they received input on at the last meeting.

19
20 Councilor Lawson said a group of citizens had come forward and made productive
21 suggestions. He said if the applicant didn't wish to collaborate, that was their decision.
22 There was further discussion. Councilor Lawson said there was further opportunity for
23 collaboration that could have a good result.

24
25 Mr. Lambert said there was a big improvement from the original proposal, and said he
26 thought the applicants were listening.

27
28 Ms. Grant said with the comments this evening, the applicants could take one more step
29 on some more improvements, and said maybe they'd hit it. She said it was a very large
30 project, and said what had been presented by Beth was very thoughtful and it made sense
31 to consider this. She said she assumed the discussion on this topic wouldn't be closed this
32 evening based on the feedback received.

33
34 Mr. McCauley spoke about a possible situation where another examination with a color
35 palette worked for residents, but didn't work for CDA.

36 Councilor Tobias said a peer review would include looking at the colors. She also said
37 she was fine with the color palettes presented previously. She said given the interest
38 expressed by residents, perhaps CDA would be willing to sit down with them. She asked
39 if the applicant would be willing to do this. She said residents really were concerned
40 about the color because they saw it every day.

41
42 Ms. Dill said she participated in one of the groups that had looked at other buildings
43 being built downtown, and said it was an extremely successful process. She said she

1 missed Beth's and Andrea's presentations because her Wi-Fi went out, but said she had
2 great respect for Beth's color expertise. She noted that she said earlier that an architect
3 was needed so they could get somewhere on this. She said Councilor Tobias's suggestion
4 was a good idea.
5

6 **Robin Mower** thanked Chair Rasmussen and Councilor Lawson for their comments. She
7 said just like any other professional, architects had strengths and weaknesses. She said if
8 they were limited to the 20 colors presented, there was constraint. She said having
9 another eye that did have great color expertise would be valuable. She said there were
10 residents who had contributed to making projects in Town so much better. She said it
11 would be an enormous project, physically. She said the meetings that were recently put
12 together that included residents were highly constrained. She urged CDA to take
13 advantage of the cooperative approach on a very controversial project, and said it was to
14 their advantage to do this.
15

16 Chair Rasmussen suggested that the design CDA liked could be put through a peer
17 review, it would come back with a list of potential improvements, and the final decision
18 would be up to the design team on which of them made sense. He said the Board had
19 done this with several other projects in Town, and spoke further.
20

21 **Katherine Meeking** said she understood what Mr. McCauley was saying and said the
22 presentation tonight on the colors was so much better. She asked if they would be open
23 to meeting with a group, and said she didn't think it would take long to refine things
24 more. She noted that she'd participated in such a group in Durham before.
25

26 Mr. McCauley asked if they could be on the agenda for the next meeting in October. He
27 also noted that these meetings were difficult to do on Zoom, and spoke about possibly
28 having an in-person meeting where color palettes could be put out on the table.
29

30 Chair Rasmussen said the color boards were at the Town Hall and could assist at a
31 meeting. Councilor Tobias said members of the committee might all have the colors Beth
32 had presented and could reference them at a Zoom meeting. Chair Rasmussen asked if
33 the peer review would be waived if there was this meeting. Mr. Parnell said the Planning
34 Board should form a committee of people who would be involved with this, and said it
35 would be very useful if Mr. Behrendt could be involved. Chair Rasmussen said this
36 Board appointed committee would work with the design team on final tweaks.
37

38 Mr. McCauley said perhaps this meeting could be held in an outdoor location, and said
39 multiple sample boards could be provided. He said they could also use Beth's color
40 palette and could run it into a simulator as had been done with other colors. He said doing
41 this wasn't inexpensive, but said they wanted to get it right. He said they could report
42 back on the results at the next Planning Board meeting.
43

1 Chair Rasmussen asked if Mr. Behrendt was acceptable as a member of the committee.
2 Mr. McCauley said because of comments to newspapers in the past, he'd have to talk
3 with his principal about that. Chair Rasmussen said this was Mr. Behrendt's area of
4 expertise, which had to do with why he made his earlier comments. Mr. McCauley noted
5 that in the past, the Town had engaged architect Pat Sherman as part of the Mill Plaza
6 study to consult on making the project better.

7
8 Administrator Selig said he'd be pleased to reach out to Pat Sherman. He said she was an
9 excellent architect and had an excellent understanding about Durham. He spoke about her
10 work on the Mill Plaza study. He suggested putting together the group that had worked on
11 many other projects downtown - Madbury Commons, some of the buildings on Main St,
12 etc. He said it was comprised of Barbara Dill, Beth Olshansky, himself, Mr. Behrendt,
13 and Pat Sherman. He said he was confident that Mr. Behrendt, if focused on the
14 architecture and colors in particular would be very professional and would serve the
15 effort well. But he said that was up to the applicant.

16
17 Chair Rasmussen said members of the public interested in being part of this should reach
18 out to Administrator Selig, who would decide who was on the committee. Administrator
19 Selig summarized that it was the Planning Board's desire to form a group to work with
20 the applicant and bring back recommendations to the Board. There was discussion that
21 the Board should form an official subcommittee on this, and Administrator Selig would
22 take the lead on organizing it. Administrator Selig said he'd be happy to help.

23
24 Chair Rasmussen said normally Mr. Behrendt would take the lead on this. He also noted
25 that Mr. Taintor didn't have the background with the past subcommittee, which was why
26 he was asking Administrator Selig to organize it. Administrator Selig said Beth had been
27 a real asset in the past and said they'd see if she was interested. He said it would be good
28 if Harry Tobias was involved and said it should be a small group. Chair Rasmussen said
29 they should find a possible outdoor location for the meeting.

30
31 ***Lorne Parnell MOVED that the Planning Board authorizes the appointment of a***
32 ***subcommittee from the Planning Board for the purpose of architectural review of the***
33 ***Mill Plaza plan. Councilor Tobias SECONDED the motion.***

34
35 Mr. Bubar received confirmation that the discussion on architecture wouldn't just be
36 limited to colors. Councilor Tobias said it would be good to see the colors outside. Mr.
37 Kelley asked how many members would be on the subcommittee and who was
38 appointing them, He suggested a friendly amendment that the subcommittee could have
39 up to 7 members as determined by the Town Administrator and Planning Board Chair.

40
41 ***Lorne MOVED that the Planning Board authorizes the appointment of a***
42 ***subcommittee from the Planning Board for the purpose of architectural review of the***

1 ***Mill Plaza plan. The subcommittee can have up to 7 members as determined by the***
2 ***Town Administrator and the Planning Board Chair.***

3
4 Mr. Bubar confirmed that the subcommittee would have authority just to make
5 recommendations to the Board.

6
7 Mr. McGowan said he'd had reservations in the past about how members of the
8 subcommittee were selected and what the recommendations were. He said as he had in
9 the past, he would vote no on the motion.

10
11 ***Councilor Tobias SECONDED the motion and it PASSED 6-1 by a roll call vote, with***
12 ***Bill McGowan voting against it:***

13 ***Chair Rasmussen Yes***
14 ***Lorne Parnell Yes***
15 ***Richard Kelley Yes***
16 ***Bill McGowan No***
17 ***Barbara Dill Yes***
18 ***Jim Bubar Yes***
19 ***Councilor Tobias Yes***

20
21 **Harry Tobias** said he'd like to be on the committee.

22
23 **Beth Olshansky** said she was pleased CDA was willing to work with a group of citizens,
24 and said she appreciated the positive feedback received tonight. She said she thought the
25 group should be comprised of people who had expertise in the areas being discussed. She
26 said she'd like to see Andrea on it, noting she had worked on the Orion project. She also
27 suggested Katherine Meeking, and said Walter Rous, an architect had joined the group in
28 the past. She said there was a difference between a citizen group, and a citizen group that
29 had some background and expertise.

30
31 Chair Rasmussen said he and Administrator Selig would make the final decision on the
32 makeup of the group.

33
34 **Robin Mower** said her understanding was that this was a formal designation of a
35 committee, so it would be open to the public and there would be Minutes. She agreed that
36 it should be comprised of people with expertise in the field. She said the suggestion about
37 including Pat Sherman was a good one.

38
39 **Harry Tobias** said a citizen board should be made of all citizens, whether their specialty
40 was in art or not. He said while he wasn't an artist, his sister and great grandfather were
41 highly acclaimed artists, and said he could bring in his great grandfather's book that
42 spoke about color.

43

1 Ms. Innes said they had nothing more to present this evening, and said the team
2 appreciated hearing the comments.

3
4 Chair Rasmussen said the Board would address the Traffic study next. Mr. Parnell said
5 he didn't think they could discuss it without considering the Hannaford letter that had
6 concerns about parking. He said the traffic study depended on the parking pattern that
7 was ultimately agreed to by Hannaford and CDA. He said they obviously hadn't come to
8 agreement yet.

9
10 Chair Rasmussen said he'd meant that the Board should discuss the issue of a peer review
11 on the Traffic study. He provided some history on the initial Traffic study done for this
12 project. He said Taintor provided comments on it that included concerns, and said he had
13 similar concerns. He said he still believed that until they knew where the residents were
14 going to park, they couldn't have a true analysis of the traffic. He said the location of the
15 parking would determine how they would get to and from their vehicles.

16
17 He said the revised Traffic study was a worst case scenario response to issues he and Mr.
18 Taintor had brought up, and perhaps reflected CDA thinking that if it passed that test,
19 anything less they provided would be ok. He considered whether Hannaford might have
20 made an assumption that they would have to deal with a worst-case scenario, resulting in
21 the letter.

22
23 Mr. Taintor said that was right. He said he'd raised the issue that the first traffic study
24 said there would be no residential traffic because no parking for resident was proposed.
25 He said the applicant was asked to come back and provide some assumptions of where
26 they would park and the trips that would be generated. He said it wasn't just the
27 residential parking, but also deliveries that had to be incorporated into the traffic study.

28
29 He said the Hannaford letter had understandably misconstrued the traffic study because it
30 wasn't clear. He spoke further on this. He said there was still the question of where
31 residential parking would be provided, or if residents would be expected to find their own
32 parking wherever.

33
34 He said the Hannaford objections kept coming up, but said the Town Attorney had
35 advised the Planning Board that as long as the application met the requirements of the
36 Site plan regulations and Zoning Ordinance, it had to review the application on that basis.
37 He said it would be ideal if the review process could be paused to address the parking
38 issue, but said they were too separate issues. He said the applicant was responsible for
39 presenting a believable, rational solution to the parking problem, and the Board was
40 responsible for reviewing the application before it.

41
42 Mr. Bubar said he wasn't sure that what Hannaford would or wouldn't approve was that
43 pertinent to him, and said it was CDA's problem. He spoke further on this. He also said

1 he'd love to see a signed contract for parking subject to the plan getting approved. He
2 said the Site Plan regulations allowed the applicant to write a check to the Town for a
3 parking fee. He said he didn't know how to do a Traffic study without knowing where
4 the cars were coming from, going to, what the implication was for pedestrians, and the
5 impact on Mill Road, Faculty Road and Mill Pond Road as a result of traffic patterns and
6 congestion. He said there was as tremendous number of unknowns.

7
8 Councilor Lawson said there had been a major project in Town, where it was dependent
9 on a large anchor tenant, - UNH. He said in that instance, the Planning Board never asked
10 the applicant to produce a contract, etc. from the tenant in order to continue to consider
11 the application. He said this current situation was no different than that.

12
13 He also said CDA to date had demonstrated that they could police their parking lot,
14 although he noted that some people disagreed with how the lot was being used. He said if
15 they chose to, they could keep resident students from parking there, depending on how
16 they did enforcement.

17
18 He noted that with the Madbury Commons, Orion, Jenkins Court, etc. projects, the
19 Planning Board didn't require parking for the students, or for the applicant to demonstrate
20 where the students would park. He said it was up to the students to find a place to park,
21 including possibly the West Edge parking lot. He said he was confused about why
22 parking and defining where the students would park was an issue. He also noted that the
23 Board as part of reviewing the application would need to be very specific about parking
24 management.

25
26 Councilor Lawson noted that members of the public were providing comments through
27 the Chat function of Zoom, and questioned receiving them during the discussions. Chair
28 Rasmussen suggested finding a way to disable Chat during meetings.

29
30 Councilor Tobias said the Board was in this process quite a bit at this point. She said if
31 Mill Plaza was still interested in continuing with the review, the Board had a duty to the
32 application. She said they needed to go through the process and get all the information
33 they needed to make a reasonable decision. She said at that point, the tenant issues would
34 be CDA's issue. She spoke about the Madbury Commons project, where there was a
35 landlord/ tenant issue.

36
37 Mr. Parnell said he didn't see how a proper traffic study could be reviewed before CDA
38 determined whether or not they would allow students to bring cars to the site. He said the
39 Board needed to know this or the study was so theoretical as to be useless. He said
40 Hannaford was raising the question and he was as well. He said Madbury Commons had
41 no parking available, so it didn't matter and wasn't an issue, and hadn't been an issue
42 with other large projects. But he said Mill Plaza had a huge parking lot and said students
43 would come in and park there unless it was in the lease that this couldn't happen, He said

1 if that was the case, the Board should be told that, and said it would affect the Traffic
2 study.

3
4 Mr. Kelley said whether the applicant intended to accommodate parking or not was a big
5 piece of information for the Board. He said he'd like to know if CDA's approach going
6 forward was that the resident parking would be located within Mill Plaza, and if not,
7 where the parking would be. He said the Traffic study wasn't complete unless those
8 matters were addressed.

9
10 Chair Rasmussen said that was basically what he'd said too. He said it sounded like the
11 Board wanted to know where the parking would be before the Traffic study was
12 addressed. He asked Mr. Taintor to speak about the independent peer review idea, which
13 could be discussed tonight.

14
15 Mr. Taintor said he sent an email on this, and said there were two separate studies, one
16 which was the peer review of the applicant's traffic study, which a traffic consultant
17 could do. He said the second study was to take projected traffic flows from the
18 development and plug them into the Town's traffic model, including updating the
19 numbers in the model, and coming up with an analysis of what additional traffic flows
20 would do to various the intersections, especially throughout the downtown, and not just
21 limited to intersections CDA's engineers had been asked to assess.

22
23 He said he didn't know how often a peer review had been requested in the past by the
24 Planning Board, and said research was being done on that. He said he could look for
25 other proposals than the one from RSG, if the applicant believed the cost for this was
26 excessive. He said the Board could require the peer review and model run to be paid for
27 by the applicant on large projects with significant likely impacts. He said this was added
28 to the Site Plan regulations in 2014-15, but said no project had come up since then where
29 the Board thought this requirement should be imposed. He said this was discussed with
30 the applicant in 2018, but they didn't know at that time how costly this would be.

31
32 He said on June 17th, the Board did vote to request an independent peer review, to be paid
33 for by the applicant. He said after discussing this they could talk about how to implement
34 that, given the expected cost. He said a second question was whether it was necessary for
35 the applicant to pay for the traffic model. He said he didn't have experience with that
36 aspect of this.

37
38 Mr. Kelley noted that the traffic model was a UNH/Town model.

39
40 Mr. McCauley spoke about the Hannaford letter. He said they had been working with
41 Hannaford and said they had a peer review done of the original traffic study. He said
42 when Mr. Taintor asked for a worst-case scenario, Hannaford received a copy of that
43 report, which included a detailed email. He said they all got the letter from Hannaford

1 today, and said the company thought the applicant did a switch on them without their
2 consent.

3
4 He said the applicant had committed to Hannaford that the parking lot at Mill Plaza
5 would be exclusively for commercial tenants. He said they were in negotiations with
6 neighbors to rent parking spaces, and had also been in discussion with UNH, and some
7 other landowners in Town about developing arrangements that would match up with the
8 lease terms with Hannaford. He said there would be license plate scanners on the
9 entrance to the property and if a tenant license plate showed up, they would get a
10 warning, then the car would be removed, and the third time the lease would be
11 terminated. He said this would be specified in the lease, tenant manual and operating
12 manual the Town would see prior to final approval.

13
14 Mr. McCauley said they were also negotiating with Hannaford about a parking lot
15 management plan that restricted residents from parking on the site. He said they would
16 provide 24 hr on site management of the property, which would include policing the
17 parking lot once the Plaza was closed. He said there would be no overnight parking.

18
19 He said there were currently rental situations, which the Town Administrator weighed in
20 on a few years ago. He said they also allowed people who'd been in restaurants to leave
21 their cars there if they decided they needed to take an Uber home. But he said there
22 would be no rental or overnight parking on the site upon the approval of this project. He
23 said the intent was to enter into long term leasing of parking for residents with other
24 property owners, and said if that happened, there were options to pay the Town a fee in
25 lieu of the parking.

26
27 Mr. Parnell said that provided some clarity, and said he appreciated hearing it now. He
28 said this made it simpler to go forward with looking at the Traffic study.

29
30 Councilor Lawson said if there was the option that an adjoining property could provide
31 parking, this would have to go through the site plan review process. He said if it was
32 thought that the cars would be exiting through the parking lot, a traffic study could be
33 requested on how that impacted traffic. He said while it was hard to predict in the future
34 what CDA decided to do, this would be subject to site plan review and an additional
35 traffic study.

36
37 Mr. Taintor said he expected that the Board would require a traffic study for any large
38 parking lot on the Church Hill property. He said there had been discussion about doing a
39 joint traffic study for both properties, but because the Church Hill proposal didn't move
40 forward it didn't make sense to do that. He said the previous Hannaford letters said there
41 would be no servicing of the residential component of the project by the Mill Road
42 entrance to the site, so it was assumed that cars would come in and out of the Church Hill

1 property to Main St. He noted the reference in the Traffic report to the Main St,
2 driveway.

3
4 He read what he had written to the team, about residential parking and access, and said
5 he too had been surprised to see a scenario with all of the residential trips coming out at
6 the Mill Road entrance. He said he had not been looking for a worst-case scenario, and
7 was looking for a realistic accommodation for parking. Mr. McCauley said he believed
8 that the consultant took this to mean that if the students had to park on the site, a question
9 was how would that happen. He said their terminology was a worst-case scenario. Mr.
10 Taintor said that would mean adding 157 parking spaces to the site, which didn't make
11 sense.

12
13 Mr. Kelley said he'd like to see their best understanding as to what they were proposing
14 for the parking strategy, in terms of how much was residential and how much was
15 commercial, as compared to how much was required. He said that should be incorporated
16 into the Traffic study, and said if this was up in the air, the study might need to be re-
17 amended and peer reviewed down the road.

18
19 Mr. McCauley said that was understood. He said the intent from the beginning was that
20 there would be no residential parking on the site. He said at one time, they planned to put
21 structured parking on the site, but the Board asked them not to do this and this was
22 removed from the plans. He said they were looking for alternative options for the
23 residents, and said this would be part of operating agreements and the leases.

24
25 Chair Rasmussen said he remembered that, and said that was why the most recent traffic
26 study took people by surprise.

27
28 Mr. Bubar said if CDA was successful in leasing 157 spaces on UNH property, that
29 wouldn't be subject to a site plan, but would be taxable. Chair Rasmussen said the
30 location of the parking was important, in terms of whether there would be pedestrian or
31 uber trips to get to their cars. Councilor Lawson said UNH offered parking today to off
32 campus students in the West Edge lot, and said it was very underutilized.

33
34 Mr. McCauley said they'd looked at this, and said Hannaford's preference was to have
35 parking within a short walking distance. He said CDA had regular conversations with
36 their neighbor and other property owners about possible parking, and said they had
37 committed to Hannaford that there would be no student parking on site.

38 Chair Rasmussen summarized that the Board was satisfied with this topic for now.

39
40 Mr. McCauley said that concerning the peer review and traffic model, the cost of the peer
41 review was high. He said the cost of the traffic model was also high, for the addition of
42 space proposed, and he provided details on this.

43

1 Ms. Grant said she was concerned about the pedestrian component, including crossing
2 Mill Road. Mr. McCauley agreed. He said the consultant had spoken about including
3 lighting at the crossing to get drivers' attention.

4
5 Mr. Taintor said this was suggested by Ms. Talon in May of 2018. He said the report was
6 very thin on any analysis of pedestrian movement and safety, and said he'd like to see
7 more depth on this issue. He provided details on this, and said it might be good for
8 someone with "complete streets" experience to add to the study. Mr. McCauley said he'd
9 discuss this with the team.

10
11 Mr. Bubar said on Main St from Madbury Road to Pettee Brook, they should paint the
12 street as a crosswalk, and said he questioned being able to change the behavior of the
13 students. He said they needed to look at what the students would do to the pedestrian
14 traffic pattern in the downtown core.

15
16 Councilor Lawson said compliance of students with crosswalks on Main St had been very
17 good. He spoke about the need for police details to address student traffic flows on Main
18 St, and said residents would be concerned about possible seeing these kinds of pedestrian
19 flows on Mill Road as a result of the development. He said a pedestrian study could
20 perhaps answer some of the questions people had.

21
22 Councilor Tobias said Madbury Commons had no parking for students, and there was a
23 great amount of pedestrian traffic from there. She asked if a pedestrian study was done
24 for that project. She noted that there was no crosswalk there.

25
26 Mr. Parnell said pedestrian traffic was looked at and said it was assumed that students
27 would primarily be going down through the Pettee Brook parking lot, and some changes
28 were made there. He also said a pedestrian study was done for the Orion project, and a
29 concern was whether the sidewalk would be big enough to accommodate the number of
30 students coming down to that area on the weekend. He said he thought pedestrian traffic
31 was the most important part of the traffic aspects of this project, and said it was very
32 important to look at being able to drive up Mill Road, given these flows.

33
34 Chair Rasmussen said this had been a constructive discussion. Mr. Kelley said the
35 outstanding question now was concerning the cost and scope of the peer review. He
36 asked if this revise current traffic study was what they wanted a peer review of or was
37 there a yet to be established study. McCauley said that was a very good question. He said
38 the consultant had misinterpreted Mr. Taintor's questions, and said he'd like to check
39 back with them, and they could then communicate with Mr. Taintor. He said there
40 needed to be an accurate scope of work before nailing down the contract.

41
42 Chair Rasmussen asked about the cost of the model. Mr. McCauley said he had a lot of
43 concerns about that, especially given the amount of new commercial space being added.

1 He said \$1/ft was a pretty big number. Chair Rasmussen noted that pedestrian flows
2 were part of the study, and also said the total square footage for the project was large. He
3 said that was probably the bulk of what needed to be analyzed.
4

5 Mr. Taintor said it wasn't just adding trips from the development into the model, and was
6 also updating all of the volumes in the network to current and future numbers, which was
7 why the cost seemed so large. He agreed that the Board could hold off on the cost issue
8 right now, and said this could be addressed offline. He spoke about the schedule for the
9 remainder of the review process, and said he'd like to get a sense of the process and
10 number of meetings needed going forward. He noted proposed dates he'd put together.
11

12 Mr. McCauley said he didn't remember the Conservation Commission being involved in
13 the review process. Mr. Taintor said the Board had to have the advice of the Commission
14 to grant a Conditional use permit concerning the wetland overlay, under the regulations.
15 Mr. McCauley said his interpretation was that this was optional. He said they agreed with
16 the rest of the schedule, and said they were hoping the review process would be done by
17 the end of the year, but said including the Conservation Commission added about a
18 month to the review process.
19

20 Chair Rasmussen said when the College Brook buffer improvement plan was ready, this
21 should go to the Commission, and then to the Planning Board. Mr. McCauley suggested
22 addressing that before the Traffic study, including attending the next Conservation
23 Commission meeting. He said this could then be spoken about at the next Planning Board
24 meeting after that. Chair Rasmussen said he hoped the findings could be presented at the
25 October 14th meeting. There was further discussion. Mr. McCauley suggested that the
26 schedule could then be finalized at that point.
27

28 Mr. Bubar asked if the stormwater management plan should be looked at by the
29 Conservation Commission and should be considered in their recommendations to the
30 Board. He noted that the parking lot would drain into the wetland. There was discussion.
31 Mr. McCauley said he'd go through this with the engineer tomorrow, and would confirm
32 everything with Mr. Taintor this week. Chair Rasmussen said he and Mr. Taintor could
33 also discuss this.
34

35 Councilor Lawson said he and Councilor Tobias had quite a bit of information to present
36 on the Zoning amendments. He suggested deferring this discussion this evening.
37

38 ***Chair Rasmussen MOVED to continue the discussion, with the goal of hearing back***
39 ***from the architecture committee at the Mill Plaza public hearing at the October 14,***
40 ***2020 meeting. Councilor Tobias SECONDED the motion and it PASSED***
41 ***unanimously 7-0 by a roll call vote:***

42 ***Chair Rasmussen Yes***

43 ***Lorne Parnell Yes***

1 **Richard Kelley** *Yes*
2 **Bill McGowan** *Yes*
3 **Barbara Dill** *Yes*
4 **Jim Bubar** *Yes*
5 **Councilor Tobias** *Yes*

6
7 Mr. Behrendt returned to the table at 10:23 pm.

8
9 Councilor Tobias said she agreed with what Councilor Lawson had said.

10
11 **Chair Rasmussen** *MOVED to reschedule the public hearing on the Zoning*
12 *Amendments initiated by the Town Council to the next meeting on October 14, 2020.*

13
14 There was discussion that the need for a possible extension could be discussed at that
15 time.

16
17 **Jim Bubar** *SECONDED the motion and it PASSED unanimously 7-0 by a roll call*
18 *vote:*

19 **Chair Rasmussen** *Yes*
20 **Lorne Parnell** *Yes*
21 **Richard Kelley** *Yes*
22 **Bill McGowan** *Yes*
23 **Barbara Dill** *Yes*
24 **Jim Bubar** *Yes*
25 **Councilor Tobias** *Yes*

26
27 **Councilor Tobias** *MOVED to take up the CIP after 10:30 pm. Chair Rasmussen*
28 *SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:*

29
30 There was discussion about possibly extending the discussion to another meeting if
31 needed.

32
33 **Chair Rasmussen** *Yes*
34 **Lorne Parnell** *Yes*
35 **Richard Kelley** *No*
36 **Bill McGowan** *No*
37 **Barbara Dill** *Yes*
38 **Jim Bubar** *Yes*
39 **Councilor Tobias** *Yes*

40
41 X. **Capital Improvements Program. Review of draft 2021 CIP** with Todd Selig, Town
42 Administrator, and Gail Jablonski, Business Manager.

43

1 Administrator Selig said most meetings on the CIP and Budget were being done by
2 Zoom, so they were a bit behind where they normally would be. He said there therefore
3 wasn't a fiscal forecast attached yet because all the numbers weren't in yet.

4 He said this was a rough draft, and outlined key projects in it:

- 5 • 66 Main St.
- 6 • West Edge research park, including a PUD.
- 7 • Expansion of Harmony Homes
- 8 • potential hotel downtown at Hetzel, Alexander halls
- 9 • redevelopment of yellow building next to Tin Palace owned by Doug Clark
- 10 • the current single structure story buildings along Main St, whose owners have spoken
11 periodically about redevelopment
- 12 • Mill Plaza development.

13
14 He said the Mill Plaza project was the only pending project. He said the UNH projects
15 were all on hold because of the pandemic. He said included in Budget discussions this
16 year would be the Town potentially purchasing the 66 Main St property from UNH, with
17 the idea of collaborating with a developer to redevelop the site.

18
19 He provided highlights of the CIP:

- 20 • Radio system upgrade – tower - Funds were approved last year, but not enough, so
21 this would be supplemented this year. There would also be an upgrade of all of the
22 equipment in the system. The result would be a very reliable, resilient radio system.
- 23 • New Fire station - envisioned to be a joint facility. Funding to be distributed between
24 UNH, Town and MacGregor. A site on Waterworks Road has been identified. With
25 the pandemic, discussions on this are on hold.
- 26 • Hiring of full time GIS person – funding was provided for this, but the position was
27 on hold this year. They hope to have someone fill this position for next year. The cost
28 for this needs to be reevaluated and determined over the next month.
- 29 • Police Dept – They're looking at purchasing 2 hybrid vehicle(s) this year to replace 2
30 existing vehicles
- 31 • Buyout of Power purchase agreement I for the solar panels for Library, Skating rink,
32 and Police station. The Energy Committee has determined that this makes sense.
- 33 • Buyout of power purchase agreement for solar panels at Gravel pit – This is being
34 considered for the future
- 35 • Road program – The assessment is different than what has been done in the past.
- 36 • DPW Director Rich Riene said Street Scan technology had been obtained to assess
37 the condition of roadways and then prioritize them. He said the program would
38 include a 5 and 10 year plan on treatment of the roadways. He said they were looking
39 at the longevity of repairs, and making sure the base was in good shape, with
40 geotechnical explorations. He said the software could do a full assessment on this,
41 using acoustical and 360 degree imagery that could rank the condition of the
42 roadways, in order to develop a pavement condition index PCI, and then rank the

1 roadways and select particular roads for treatment. He said the 2021 plan included 4
2 roads - Tall pines Road, Kelsey Road, Mathes Cove Road, and Sullivan Falls Road.

3 Chair Rasmussen asked about the disposal cost for solar panels, etc. Administrator
4 Selig said this was being taken into consideration and said all the numbers weren't in
5 hand yet.

- 6 • Oyster River Dam – speculative numbers, because the future of the dam isn't clear.
- 7 • Design and engineering construction effort for updating the Madbury Road sidewalk
8 drainage and design construction for repaving that roadway. There is a corresponding
9 plan to replace the water line on Madbury Road
- 10 • Wastewater treatment plant, phase III – A highly speculative number on this; they are
11 still waiting for the final permit from EPA. Significant money will need to be spent
12 over time once this is clear
- 13 • Renovations to Churchill Ice rink - The project is being rethought at this point
- 14 • 66 Main St purchase. Two appraisals were done, one by a developer and one by
15 UNH. The Town is reviewing updated appraisals being prepared. The Town is
16 considering potentially using funds from the parking fund, and funds in the TIF fund,
17 and or using bonded money from the TIF to acquire the parcel, use it short term as
18 surface parking, and later as part of a redevelopment
- 19 • Purchase of parking lot at Sammy's lot – This is an outdated idea at this point, and is
20 likely to be eliminated from the CIP.

21 There was discussion about the Road Program cost for 2021. Mr. Kelley asked if the
22 program would run around \$450,000 to 500,000 per year.

23 Mr. Riene said he expected that the investment needed would be known over the next
24 60 days, using the program he'd described. He said the roads were in fairly good
25 condition, but said some overlaid roads had some distress so the base condition
26 needed to be looked at.

27 There was discussion that the CIP had been provided to Board members
28 electronically in a PDF.

29 Chair Rasmussen asked if the Board would get more information before providing
30 comments. Administrator Selig said staff would like feedback on projects, including
31 questions to ask in going through the Budget process. Mr. Kelley said he couldn't
32 comment tonight.

33 Chair Rasmussen said the idea of delaying the new Fire station concerned him, but
34 said he wasn't sure what they could do about that.

35 Fire Chief Emmanuel said he appreciated Chair Rasmussen's support. He said UNH
36 had been very noncommittal, due to the lack of resources and the current situation.
37 He said the Department had always taken the approach that there should be a joint
38 facility, and said the location focused on was a UNH property.

1 Chair Rasmussen said he imagined that a separate Fire station for the Town didn't
2 make sense.

3 Administrator Selig said it had been a good partnership and said he wouldn't
4 recommend breaking it. He noted the suggestion from a resident about doing a
5 combination Fire Station/student housing development in the vicinity of Woodman
6 Road and Madbury Road. He said it was an interesting idea, but said there wasn't a
7 great deal of support for additional student housing, especially on the edge of
8 neighborhoods. He said he provided feedback that doing a healthcare facility,
9 affordable housing, etc. might be viable, in combination with a Fire Station. He said
10 he hadn't heard back from the person on this.

11 He said last year, the Town acquired some additional space in the existing General
12 Services building where the Fire station was located. But he said the building didn't
13 meet standards across the board, and noted that there had been repeated flooding, and
14 poor ventilation, storage, etc. He said they were trying to convince UNH to invest
15 more money in the building, including a ventilation system.

16

17 **XI. Public Hearing - Zoning Amendments initiated by Town Council.** Zoning
18 amendments regarding height, stories, uses, and building configuration in the Central
19 Business District; method for determining building height; drive-through facilities; and
20 related changes.
21 Postponed

22

23 **XII. Other Business**

24

25 **XIII. Review of Minutes (new):**
26 August 12, 2020
27 August 26, 2020
28
29 Postponed

30

31 **XIV. Adjournment**

32

33 *Lorne Parnell MOVED to Adjourn the meeting. Richard Kelley SECONDED the*
34 *motion and it PASSED unanimously 7-0 by a roll call vote:*

35 *Chair Rasmussen Yes*

36 *Lorne Parnell Yes*

37 *Richard Kelley No*

38 *Bill McGowan No*

39 *Barbara Dill Yes*

40 *Jim Bubar Yes*

41 *Councilor Tobias Yes*

42

- 1 Adjournment at 11:02 pm
- 2
- 3 Victoria Parmele, Minutes taker