

These minutes were approved at the February 24, 2021 meeting.

DURHAM PLANNING BOARD
Wednesday, January 13, 2021
Town Council Chambers 7:00 p.m.
MINUTES

MEMBERS PRESENT:

Paul Rasmussen, Chair (in person)
Lorne Parnell, Vice Chair (in person)
Richard Kelley, Secretary (remotely)
Bill McGowan (remotely)
Jim Bubar (remotely)
Barbara Dill (remotely)
Heather Grant, alternate (remotely)
Guy Johnson, alternate (in person)
Raymond Philpot (remotely)
Sally Tobias, Council Representative to the Planning Board
(in person)
Jim Lawson, Council Representative to the Planning Board
(remotely)

MEMBERS ABSENT:

Mike Lambert, 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	Yes
Lorne Parnell	Yes
Richard Kelley	Yes
Bill McGowan	Yes
Barbara Dill	Yes
Jim Bubar	Yes
Heather Grant	Yes
Guy Johnson	Yes
Ray Philpot	Yes
Councilor Tobias	Yes
Councilor Lawson	Yes

III. Approval of Agenda

Chair Rasmussen said under Other Business, he'd like the Board to discuss scheduling some other meetings in February due to the amount of business before them.

Chair Rasmussen MOVED to approve the Agenda as amended. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

IV. Town Planner's Report

Mr. Behrendt noted the Gerrish site walk today. He said the HDC approved the 19 Main St. parking lot proposal last week under their limited purview, having to do with the two front lots and their physical aspects, and not about the traffic, etc. He said they approved a particular driveway entrance design, and said if there was a difference between the HDC approval and the Planning Board's decision, the two approaches would have to be reconciled.

He reviewed the agenda items for the January 27th meeting. He said if there was time, the Board could discuss the Climate Action chapter of the Master Plan, which Kyle Pimental, a planner for Strafford Regional Planning Commission was working on. He said Mr. Pimental would be at the meeting. He said a question was whether the Planning Board wanted to adopt this or not. Ms. Dill asked if there was a plan to bring this chapter to the Energy Committee. Mr. Behrendt said yes, and said it would go to various Town boards for input.

V. Reports from Board Members who serve on Other Committees

Councilor Tobias reviewed items addressed at the December 21st Town Council meeting, including moving the public hearing on the agriculture Zoning amendments to February 1st. She said at this week's Council meeting, there was a brief report from UNH Student Senate Rep Katrina Wilson that staggered move-ins would begin on January 27th. She said there was a public hearing on the Mill Pond dam issue - stabilization vs removal, and said they heard from many residents. She said the Council decided to hold further discussion on it at a meeting in February.

Chair Rasmussen said at the most recent Agricultural Commission meeting, they discussed various communications that had occurred with state officials concerning the

proposed Agriculture ordinance. He said Councilor Burton would report on this at the next Council meeting. He said it was an interesting discussion, and said the primary concerns were about whether zoning was the right place for animal welfare regulations. He spoke further on this. He said there was also discussion at the meeting on how to use the farm survey data that had been obtained.

Ms. Dill said at the Energy Committee meeting last week, Councilor Lawson and Councilor Welsh were there to discuss the Solar ordinance. She said it was on the Town Council's agenda last night, but they ran out of time so it would probably be on the next agenda. She said the Energy Commission was very happy with the current ordinance draft.

Mr. Bubar said the Conservation Commission had held two meetings since the last Planning Board meeting. He said the first meeting was mostly a presentation and discussion on the Mill Pond dam. He said the Commission voted that they strongly believed that removing it was the best decision, and said this advice was provided to the Council.

He said the second meeting was mostly on the Conditional Use application aspect of the Mill Plaza project. He said the Commission decided that the buffer should be completely protected to the 75 ft limit, with two exceptions: the entrance at Mill Road where safe access/egress by large trucks was needed, and at the southeastern corner by Chesley Drive, where a gravel drainage filtration area was proposed. He said other than those two exceptions, everything needed to be removed from the buffer, and it needed to be restored.

Mr. Kelley noted that Doug Bullen, Assistant Director of Operations for the Transfer Station, was retiring. He said he'd been a real asset to the Town, and a credit to his profession. He also said Mr. Bullen had been an incredible member of the IWMAC.

Chair Rasmussen noted that Heather would be taking the Planning Board Rep seat on the EDC.

VI. Public Comments

There were no public comments.

VII. Review of Minutes (old):

October 28, 2020

Lorne Parnell MOVED to approve the October 28, 2020 Minutes as presented. Chair Rasmussen SECONDED the motion and it PASSED 6-0-1 by a roll call vote:

Chair Rasmussen Yes

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>abstained</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

November 18, 2020

Lorne Parnell MOVED to approve the November 18, 2020 Minutes as presented. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

December 2, 2020 Site Walk

Chair Rasmussen MOVED to approve the December 2, 2020 Site Walk Minutes as presented. Councilor Tobias SECONDED the motion and it PASSED 5-0-2 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>abstained</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>abstained</i>
<i>Councilor Tobias</i>	<i>Yes</i>

VIII. Public Hearing - Downtown Zoning Amendments. Zoning amendments regarding height, stories, uses, density, and building configuration in the Central Business District; drive-through facilities in various districts; method for determining building height; and related changes. New changes discussed by the board on October 28 are incorporated.

Chair Rasmussen MOVED to Open the Public Hearing. Lorne SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>

Bill McGowan *Yes*

Barbara Dill *Yes*

Jim Bubar *Yes*

Councilor Tobias *Yes*

Beth Olshansky, Packers Falls Road first read some of the goals/conclusions from the Economic Development chapter of the Master Plan. She thanked Councilor Lawson for taking these goals to heart, and said it was like threading a needle. She said she was grateful to him for a solution that would allow them to retain small town character while stimulating redevelopment. She noted a late breaking friendly amendment regarding 5 story buildings west of Town and Campus, and said she was still mulling this over, noting her concern about a 3-story building next to a 5-story building. She spoke about how this could be done at 66 Main St while maintaining small town character.

Ms. Olshansky said the original 10 ft setback was inadequate, and said she wondered if the 20 ft proposed setback was deep enough. She said she liked it that it would be along the front as well as along the side, and spoke further about this. She said having a deeper setback could create an opportunity for a penthouse terrace with a garden, outdoor seating, etc. She said she'd like the Board to think a bit more about what the setback should be.

She noted the letter from Tom Elliot/the EDC, and said throughout the Economic Development chapter of the Master Plan, there was a lot of language that reiterated two and three stories, with an occasional four stories.

She noted the recommendation in the Master Plan about having wider sidewalks. She said as undeveloped areas on Main St were redeveloped, wider sidewalks would allow for more outdoor seating, and would secure public space without having to trade it for retail space. She said she hoped the Planning Board would consider this in the future.

Ms. Olshansky said she didn't think drive-thrus belonged along the gateways to Durham or in the core downtown. She noted the mistake that had been made with the Lodges project concerning a gateway to Durham. She said part of what made Durham special was the gateways to the Town that were mostly natural, and said she hoped they would be retained. She noted that Warren Daniel had said at an EDC meeting that he'd fought drive-thrus for 29 years because of the chilling effect they had on downtown businesses. She said she hoped they all would focus on revitalizing the downtown and making the gateways more or less pristine. She said drive thrus in the commercial core didn't go with having a walkable, pedestrian friendly downtown, with the exception of a pharmacy that might be allowed by Conditional Use, depending on the location.

Joshua Meyrowitz, Chesley Drive thanked Ms. Olshansky for following this issue so closely, and also said he appreciated Councilor Lawson's responsiveness to comments

that had been received. He said he approved of the building height change, but said he was concerned about what a public hearing was supposed to be, and said dozens of neighbors who would be concerned about these Zoning changes weren't able to engage for various reasons right now.

He said if there was anything in the Zoning proposal that could be applied to Mill Plaza, it was important not to open up something they wouldn't want to see downtown.

He said the comparisons made to buildings in other towns were for towns that had much larger downtowns than Durham's downtown. He also noted that there had been discussion in the past about whether there was some other place in Town to do these things, in order to maintain Durham's small-town feel. He said he'd like to see this Zoning change, which could reshape Durham forever, held off until others could speak out about it.

Chair Rasmussen asked the Board what they thought about Mr. Meyrowitz's request. He noted that the proposed Zoning changes had been posted, and that there had been multiple public discussions about them.

Councilor Tobias said there were a lot of emails from people about the Mill Pond dam, and a lot of people on Zoom when it was on the agenda for the recent Council meeting. She said she didn't necessarily agree that people were challenged in terms of being able to participate, and said she saw no reason to postpone the Zoning change.

Councilor Lawson thanked the Planning Board for the thought that had gone into the proposed ordinance, and said it was responsive to community input. He said the impact of building height was of great concern, especially where a 5th story could be accommodated and how it would impact the downtown. He said making it a Conditional Use, and establishing setbacks for the 5th story had mitigated things. But he said he questioned a 10 ft setback and hoped the Planning Board would consider a 20 ft setback. He suggested getting more community input about this.

He said that concerning Mr. Meyrowitz's comments, it felt like there was a reasonable process, and said there had been an intentional effort not to rush things. He also said all the meetings were available on DCAT live, or after the fact. He said hours had been spent by Board members reviewing the comments being provided. He noted that recently there were 90 people on Zoom for the Council's discussion on the Mill Pond dam, and said those who wanted to be heard were able to be heard. He questioned stopping things or moving slow until COVID was over.

Ms. Dill said she was torn about this. . She said so many things were taking people's attention right now, and said she didn't know if people were paying attention to the Zoning proposal. She said if they didn't have to rush this, perhaps they would get more

input. She said she liked going slow on this because it had huge implications for the downtown.

Doug Clark said the review process had gone on for a fair amount of time already. He said the more delay there was, the less opportunity there was for developers to understand the design options that would be available. He said Conditional Use provided the opportunity to be case specific, and noted that the lots downtown varied considerably, with some fronting on Main St., and others set back 100 ft or more.

He said they shouldn't write an ordinance that was so restrictive that it didn't allow for a creative design, and he questioned the setbacks being discussed, noting among other things that they wouldn't allow something like a clock tower. He also said some of the lots were so small that a large setback for a top floor would result in a small room that wouldn't make sense.

Chair Rasmussen said if there wasn't going to be a decision on the Zoning proposal tonight, he didn't want to spend a lot of time on it. He asked the Board what it wanted to do.

Councilor Lawson recommended continuing the public hearing to another meeting because there were valid ideas on the table that should be addressed. He said he couldn't recommend to the Town Council yet going to first reading. He said it was important that with a Zoning proposal, the Council should go at its pace and at the at the community's pace, and not at a developer's pace.

Mr. Behrendt said the 20 ft setback proposed by Councilor Lawson would have a limited scope, and he spoke further on this. He said if the Board wanted to incorporate this into the draft ordinance, the draft would need to be revised for the hearing. Chair Rasmussen said that would require review, discussion, and deliberation. Councilor Lawson said if the Board moved it forward as is, it was likely to come back to the Planning Board. There was further detailed discussion on how to proceed.

Chair Rasmussen MOVED to continue the Public Hearing to February 10th, and the Town Planner will introduce the changes for the 20 ft setback to the draft Ordinance. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call a vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Chair Rasmussen recused himself for agenda item IX, and left the table. Mr. Parnell took over as chair.

IX. Public Hearing - 56-62 Main Street – Condominium Conversion. Proposed conversion of 56- 62 Main Street from four existing condominium units to five condominium units. Doug Clark, applicant. Mike Sievert, MJS Engineering, engineer. Map 2, Lot 14-4A, B, C, and D. Central Business Zone.

Mr. Clark said if he'd been smarter, he would have done this initially. He said he needed flexibility now, and would make one condominium on the second floor into two condominiums.

Mr. Parnell noted that Mr. Behrendt had said Code Officer Audrey Cline had requested a detailed floor plan. Mr. Behrendt said it was submitted today.

There was discussion about condition of approval #8 – “Outstanding conditions for the site plan review for 56 Main Street related to the establishment of a restaurant on the site (Ciao Italia Restaurant) are tied to the new Unit #1.”

Councilor Tobias MOVED to Open the Public Hearing. Richard Kelley SECONDED the motion and it PASSED unanimously 6-0 by a roll call vote:

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

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

Bill McGowan MOVED to Close the Public Hearing. Councilor Tobias SECONDED the motion and it PASSED unanimously 6-0 by a roll call vote:

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Mr. Kelley asked if the applicant had any issues with any of the provisions in the Notice of Decision. Mr. Clark said he didn't have any issues with it, from what he had read. Mr. Sievert said he was good with it.

Richard Kelley MOVED to approve the application submitted by Doug Clark to convert 56-62 Main Street from four existing condominium units to five condominium units. The property is located at 56-62 Main Street, Map 2, Lot 14-4A, B, C, and D in the Central Business Zoning District. Jim Bubar SECONDED the motion and it PASSED unanimously 6-0 by a roll call vote:

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

- X. Public Hearing - 190 Piscataqua Road Lot Line Adjustment.** Lot line adjustment between 190 Piscataqua Road, Map 12, Lot 7, owned by Thomas Daly c/o Daly Rev. Trust and 194 Piscataqua Road, Map 12, Lot 6-2, owned by John Leland. Eric Buck, Terrain Planning and Design, agent. The purpose is to provide 190 Piscataqua Road with frontage on Route 4 to allow for direct access in place of an existing easement across other lots. Residence Coastal District.

Chair Rasmussen returned to the table.

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

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

There were no members who came forward to speak.

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

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

The applicants both said they'd read the Notice of Decision and understood it. Mr. Behrendt said there were no issues to address.

Mr. Bubar said when this was last discussed, Mr. Kelley asked about joint utility easements over the current driveway, and if they would continue to exist so service wouldn't be cut off. Mr. Buck said he could doublecheck this. Mr. Leland said the utility easement for the power had been there since the 1930's, and said they didn't expect that the service provided to the properties involved would change. He spoke further on this.

Mr. Bubar noted that Mr. Behrendt had asked what would happen to the old road, and the response was that it would be allowed to re-naturalize. He asked what the road surface was now, and what re-naturalization meant. Mr. Leland said it was a gravel road, and ran through the woods so if people weren't driving on it, it would grow in. Mr. Daly said a minor portion of the driveway turning eastward to meet up with Mr. Leland's property wouldn't be used anymore. Mr. Leland said about 30 ft of the current driveway would no longer be a driveway.

Lorne Parnell MOVED to approve an application submitted for a Lot line adjustment between 190 Piscataqua Road, Map 12, Lot 7, owned by Thomas Daly c/o Daly Rev. Trust and 194 Piscataqua Road, Map 12, Lot 6-2, owned by John Leland. The property is located in the Residence Coastal District. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Chair Rasmussen said he would recuse himself for the next 2 applications, and noted that he was an applicant for the second item, and was working with Mr. Sievert on that application.

- XI. Public Hearing - Subdivision off Gerrish Drive. Parcel at 91 Bagdad Road (address).** Formal application for conservation subdivision for single family and duplex houses (15 units total) on 16-acre lot off Gerrish Drive including conditional use for wetland crossings. Marti and Michael Mulhern, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 10, Lot 8-6. Residence B District.

Mr. Parnell said he'd like Mr. Sievert to provide more details this evening on the road construction and stormwater treatment.

Mr. Sievert said Attorney Somers would first provide an explanation concerning the alternate access issue, and said he would then follow up and go into more design details. Attorney Somers said she would address whether there was an alternative access location outside the Wetland Conservation Overlay (WCO) district that would be practical for the proposed use. She said she'd address this from a strictly legal standpoint. She noted that the possibility of using Bagdad Road instead of Gerrish Way had been discussed. She said Bagdad Road was in the WCO district, and wasn't in fact an access that would be practical for use in the project. She said the Mulherns' legal interest was solely in an easement, not a fee interest, and said she did not believe that easement could be successfully used to force the primary access to occur there. She reviewed chronological conveyance information in detail, and noted the materials she'd provided to the Board on this.

She said the Imbries were rightful owners of the land underneath the access easements, and said the purpose of the access easement shared by the Mulherns and the Nieves was to get to their respective premises. She said she'd enclosed a driveway agreement between the three parties. She said everything together in the various documents indicated an intent of the three parties to share the usage of the driveway to service them, and them alone.

Attorney Somers noted that the Town Attorney's opinion indicated that there would be some kind of legal right to utilize the access easement to get to the portion of the Mulhern property to be developed. She said she agreed with this to a point, but said she disagreed in that she didn't think the Town Attorney went far enough. She said under NH law, a right of way easement scope could be altered, but that change could only be up to a certain point, couldn't overburden the original intent of the easement, and had to be reasonable.

She said she believed that for the Bagdad Road access scenario, the Mulherns would need to ask the Imbries if the easement could be altered to allow access for the 15 units. She said Mr. Imbrie was on record that he wouldn't do that. She said that would necessitate filing a court proceeding, and an injunctive relief request, and said she didn't believe such an action would be successful. She also said the cost would run into the thousands for the Mulherns and the Imbries. She spoke in further detail on this. She said she believed there was no alternative access, and that the access and application that were proposed were what the Planning Board should be focusing on.

Mr. Johnson asked Attorney Somers to contrast this situation with the proposed access. Attorney Somers said the current proposal used Gerrish Road and said the Town Council had granted authority to use that access.

Mr. Bubar asked what the status of the easement was prior to the lot line adjustment. Attorney Somers said when the large parcel was originally conveyed to the Mulherns, it contained an error, and conveyed the fee interest for the land under the right of way. She said later on as part of the lot line adjustment, it came to light that they only owned the right of way, not the fee interest. She said a correction therefore needed to be made.

Mr. Bubar said during the lot line adjustment hearings, it was stated that it looked like a land locked parcel of land was being created. Mr. Behrendt said there was no nonconformity created or increase in nonconformity with the lot line adjustment. There was further discussion on the chronology concerning the fee interest and easement access.

Mr. Kelley asked several questions about this. He also asked when the client's house was constructed. Attorney Somers said it was constructed after they acquired the parcel in 2013. Mr. Kelley said if they had decided then to put that same house on the other side of the Imbrie property, a question was whether the access easement existed past the Imbries' property. Attorney Somers said she didn't think it would, and spoke further on this.

Mr. Kelley asked if the 2013 plan included the land for the proposed development. Attorney Somers said the Mulherns acquired two pieces of land. She said there was the large piece that was acquired in 2005 and the smaller piece acquired in 2013, and said the right of way for the smaller piece was intended to serve just that smaller property.

Mr. Bubar said based on the print Mr. Sievert had put up, the rectangle for the driveway looked to be twice as long as was needed for a driveway. He asked what the point of this was. Mr. Sievert provided details on the properties involved, and the lot line revision in recent years, and said that was why the easement looked like this. There was further discussion.

Mr. Sievert spoke about why the access from Route 108 to the applicants' parcel, which was located outside the WCO district wasn't suitable. He said the area involved had a 30-33% slope, when the Town required a slope that was no greater than 8%. He said putting a road in there would require tunneling, which was unreasonable. He said there was therefore no other reasonable access than the Gerrish Drive access.

He also said that in addition to the legal reasons for not using the Bagdad Road access, it was within the WCO district, and explained how the wetlands would be impacted in putting the access there. He said the road involved would be over 1200 ft long, compared to the 480 ft length of the Gerrish Road access, and said in addition to wetland impacts to one of the highest value wetlands on the Mulhern property, there would be an additional \$200,000 cost to construct the access from Bagdad Road. He said the wetlands that would

be impacted with the Gerrish Road access were lower value, more linear shaped wetlands.

Mr. Sievert discussed the design for Gerrish Road. He said it would be 26 ft wide for about 480 ft, with 20 ft of pavement and 3 ft gravel shoulders. He said there would be a precast block retaining wall, to keep the fill in tight to minimize wetland impacts. He said the height of the wall would be about 3 ft, and said there would be guard rails. He also said there would be a 5 ft wide by 2 ft high boxed culvert to handle storm events, including 100-year storms.

He spoke about the road design further in, noting a wetland crossing where there would be a box culvert with 4 sides, set in the ground. He said there would be an arch pipe that would be 9 ft wide and 6 ft high at the center of the arch. He said it had no bottom to it, and would remain natural. He said there would be headwalls on each side, and fill, and said this would create a large culvert/small bridge.

He spoke further about the road design, and the drainage system that would address runoff from the road. He said the proposed gravel wetlands were the best treatment system that could be put in for the project, and said they would take out 90-95% of solids, as well as nitrogen and phosphorus. He said this stormwater system design was being used because of the shallow water table, and because it was being constructed within the buffer. He provided additional details about the stormwater treatment system. He noted among other things that the stormwater would be treated before being released into the wetland system.

Mr. Sievert said the Ambler Gerrish subdivision had no stormwater treatment, and said runoff eventually went directly into the wetlands. He said this project met the conservation subdivision requirements, noting that 4 acres out of the 16-acre parcel would be developed and 12 acres would be conservation land, where the only activity allowed would be walking trails.

He said there would be a two-way loop road, and said it would be 20 ft wide, with 18 ft of pavement. He said there was discussion about whether this would be adequate. He noted the proposed fire hydrant locations, and said the pavement there would be widened in order to provide better access.

He said municipal water on Gerrish Road would be extended and connected to the houses in the new development. He also said each unit would have a septic tank and a pump chamber, and said each pump would pump out to a main line, which would tie into a force main that went along the road and up Gerrish Road and to a manhole.

Wetland scientist Mark West spoke in some detail about the evaluation he'd done of the wetlands on the site. He explained that for each wetland, there were 14 functions and

values that were assessed. He said wetland 1 had some water quality renovation functions, but said there was a stream system that flowed through, so it didn't hold the water for a period of time. He said it trapped sediment, and also said the stream that flowed through it could overflow into the wetland on either side during storm events, which somewhat protected the stream channel from erosion.

Mr. West said wetland 2 had a larger, perennial stream, and a 400-acre watershed that extended to Madbury. He noted that a lot of the watershed was undeveloped. He said the stream system had more functions than wetland 1 because it had floodplain for flood storage, fisheries habitat, etc.

He said wetlands 3a/3b were the highest functioning wetland systems. He said there was 4 acres that was mostly intact except for the western edge, where there were houses on Ambler Way. He said this wetland system was relatively intact undisturbed, and had no crossings on it now. He spoke about a 4th low functioning wetland system.

He said the stormwater management system that would service the development would include manmade wetlands to help protect water quality. But he said there would be impacts on the wetland buffer, especially adjacent to the stormwater system. He said a lot of wetland 3a was left in a non-disturbed state, so was protected pretty well by the buffers and open space area. He said the area along the roadway to the north, once the wetland was crossed was intact. He said the steep slope would be left intact, which would protect the wetland.

He spoke about the three planned wetland crossings, and said there would be a about 6000 sf of impact to wetland 1, with about a quarter of this coming from road impacts. But he said the stream would continue to flow.

Mr. Bubar asked if the analysis of the buffer zone values was available. Mr. West said there were fully forested buffers adjacent to wetland 3a, as compared to other buffers. He said the goal was to minimize impacts to buffers as much as possible, which would help protect the wetlands. He provided details on how the design had taken this into consideration. He said the wetland would be impacted by the development, but said they were trying to minimize this.

Mr. Kelley asked about the pros and cons of going into a wetland buffer to construct a gravel wetland, and if when it was complete, it functioned as a buffer, but did treat the stormwater.

Mr. West said it was a tradeoff, and spoke in detail about efforts made to minimize impacts and retain the function of the buffer as much as possible. He said once the impact areas had been tweaked further in the design, they would do a follow up analysis.

Mr. Kelley noted that the function of a wetland buffer was also to provide habitat. Mr. West said that was correct, and said the entire site was forested, and contained wildlife habitat. He said anything that was done there would impact this. He said the open space area on the site was the mitigation for the loss of habitat. Mr. Kelley asked if the gravel wetlands would become habitat. Mr. West said yes, for bird species that used more open land than forest.

Mr. Kelley asked if there were other benefits from wetland buffers besides water quality and habitat protection. Mr. West said there was the scenic value they provided, but said the functional values were more important than scenic values. He noted that the wetlands contained stream systems that were sloping, so they didn't provide much flood storage.

Mr. Sievert said a perfect example of how a gravel wetland system worked was at Harmony Home on Route 4. He said they were large and were working well, and were located right next to significant wetland on the property.

Mr. Parnell asked about additional information that would be coming forward on the wetlands. Mr. West said based on the meeting with the Conservation Commission, and the fact that Mr. Sievert was still fine tuning the buffer zone and wetland impacts with the design, there would be follow up information for the Conditional Use permit. Mr. Sievert said this information should be available by the end of next week.

Mr. Parnell asked what the Board thought about getting third party advice on the stormwater system for the project. Mr. Behrendt said given the scale and complexity of the project, the DPW had asked for this. Board members agreed this would be a good idea. Mr. Parnell said they needed to know if the proposed stormwater system would work properly or could be improved upon.

Councilor Tobias MOVED to request that the Town Planner investigate the hiring of a third party to review the stormwater management plan. Richard Kelley SECONDED the motion.

Mr. Behrendt said the third-party analysis would review the stormwater management plan for its conformance with Durham's stormwater regulations as well as MS4 requirements. He spoke further on this.

The motion PASSED unanimously 6-0 by a roll call vote.

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Mr. Sievert described the sewer system design, as he'd done at a previous meeting. Mr. Parnell asked if this design was beyond the discussion stage. Mr. Sievert said he was beyond the discussion stage and said he didn't understand why the Town wouldn't want to accept a tie in with the Town sewer system, and avoid large septic systems out in this location.

He said he showed Mr. Reine and Ms. Talon a similar system in Dover, and said they weren't against it and were on board with tying into the Town sewer line. He said there were some questions about ownership of the sewer line, and said the applicants wouldn't want to own the portion on Gerrish Drive because it was a Town road. He noted that the design would give residents along Gerrish Drive an opportunity to tie into it if they wished.

Mr. Behrendt asked if there would always be enough pressure to push the effluent, even if no one on Gerrish Drive tied into the system. Mr. Sievert said yes, and said each individual pump would have enough pressure to do this. He spoke about the different pumps working at the same time, and maintenance of the right pressure in the system. He showed a schematic of a typical system on a property, which had one chamber that contained a filtration cartridge. He explained that for this project, there would be a second chamber that contained the filtration cartridge.

Mr. Parnell appointed Ms. Grant in place of Chair Rasmussen for this application.

Jim Bubar MOVED to Open the Public Hearing. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Bill Hall, Smith Park Lane said he heard at a previous meeting that Town staff advocated that the road be private and only 16 ft wide. He spoke in detail about why this wasn't a good idea. He said he was adamant that there should be a two-lane road and that it be a public road that the Town would maintain. He said he was glad that the Planning Board had said it would be 20 ft, and said there should be 3-4 ft of gravel on each side of it.

Gail Kelly, Gerrish Drive noted that she'd taught legal writing. She said regarding Attorney Somers' opinion on the ownership of the easement, it was standard practice that no one owned the road, and said it was jointly owned. She said she agreed with the Town

attorney. She spoke in detail about the history of the easement/right of way, and said it was commonly/jointly owned and there was no single ownership of it until now, when the interest in the road was relinquished to the Mulherns, who then conveyed it to Mr. Imbrie. She also noted that because of a missing comma in the last paragraph of the road contract, it could be construed that the Mulherns still owned the easement. She said she agreed with the Town Attorney that there was legal access from that right of way.

Andrew Merton, Gerrish Drive said Mr. Sievert had said that of the three accesses, the proposed access would have the least environmental impact. But he said just because it was the least didn't mean it was acceptable. He cited 5 provisions from the Zoning Ordinance that he said were problematic.

Conservation subdivision:

#4 create continuous open spaces. He said at the Gerrish extension, the wetland was the open space, and said obliterating it with a road would cut off the only linking open space between the two subdivision.

#5 minimize impact on neighboring properties and natural environment. He said it wasn't minimal, and said there would be an intersection of 5 outlets, 3 roads, and 3 driveways that were all coming out at the same place at what was essentially a blind intersection. He said there were also broader impacts.

Conditional Use criteria:

External impacts. He said the road and guard rails would be 6 ft above the surrounding ground level, and said this would obliterate the wetland.

Preservation of natural, cultural, and historic resources. He said there was a scenic, mature tree line that would be removed with this project, and he also spoke about wildlife habitat that existed there for various species.

Impact on property values. He said he was very concerned about this, and noted that when he put his property on the market briefly 5 years ago, a realtor was concerned in seeing the right of way on a plot plan, and said if a road was built there, the value of his property would be diminished. He spoke further on this and said the proposed road wasn't much of a selling point. He said ponding water from the retaining wall also wouldn't be a selling point.

Wetland Conservation Overlay district provisions:

Mr. Merton read them, and said preserving all of the things discussed there was problematic with this proposed project. He noted the 4 Conditional Use criteria that had to be met with a project.

No alternative location. He said this was a questionable issue.

soil disturbance will be minimized. He said this was relative, and said the minimal disturbance would still be a lot of cubic ft of soil.

Minimize impact on wetland, and mitigation. He said the wetland would be obliterated, and said this couldn't be mitigated.

Restoration activities. He said that wasn't going to happen.

Kim Sweetman, Ambler Way noted the discussion this evening about alternative access, and said Mr. Sievert had cited increased cost as a reason for not using the Bagdad Road access. She asked if the Planning Board took that reason into account in their decision making. She said Mr. Sievert also said the amount of conservation land created with the project shouldn't get lost in the discussion, but she said something else that shouldn't get lost was that this was a private for-profit development, which wasn't being constructed for the public good.

She asked if the disruption from the sewer line construction was a 2 week or 2-month project. She also asked what the guard rail design looked like. Mr. Sievert said the full sewer line construction would take about a month. He said the section along Gerrish Drive would probably take about two weeks.

John Carroll, Canney Road said humans couldn't replicate the complexity of nature with engineering plans, and said the upper Gerrish watershed that extended all the way to Canney Road was evidence of this complexity. He spoke in some detail on this, and said the flow involved in the watershed was a mixture of numerous small springs coming from multiple directions, and road runoff. He said he'd done scholarly research on federal and state wetlands policy and science, and knew that if they were to further consider the Gerrish access, an independent wetland ecologist and independent hydrologist needed to be hired to study the character and dynamics of this watershed, over 4 seasons. He said even with that knowledge, they couldn't legally destroy this wetland, given Town and state regulations. He spoke further.

Mr. Carroll said another option that was doable and legal was the Bagdad entrance, and said much less study would be needed with it, and there would be far less wetland impact. He said the Planning Board and Conservation Commission could in good conscience consider that option. He said the right of way there was easy to use, clear to navigate, was fairly level, crossed only one small, inconsequential wetland, and would serve the entire development. He said it was time for a site walk to follow this access, as he'd done recently. He said that would be far wiser than spending more time on the Gerrish access. He spoke further.

Joshua Meyrowitz, Chesley Drive said he'd learned more about the project recently, including from the Conservation Commissions' discussion on it. He said the neighbors objected to the access through a large wetland that was publicly owned, and said given that it was subject to Conditional Use, that aspect of the project should be resolved first. He said he'd also like the issues regarding the accesses to be resolved. He said 100 yr. floods were now basically annual events, which related to several projects in Town. He said Mr. Carroll had noted that Mr. Sievert wanted to go through a Town owned wetland, which made it even more urgent to see if there was an alternative route. He

spoke further, and said he hoped there would be a site walk of the possible alternative route.

John Lewis, Gerrish Drive said he agreed with Attorney Somers that this could be a litigation that could be expensive, with various deeds involved. He said what the term “premises” meant could be significant, and he spoke further on this. He said there might also be a litigation if this project was approved, using the Gerrish right of way. He said if the project proceeded, and given how complex the engineering for the project was, if it went wrong, who would deal with that.

He said it was difficult to understand how the Planning Board could approve this application without addressing the Town road issue. He said the project was originally designed so it would be a Town road, but the Town was fine with others taking the risk to achieve remedies if something went wrong. He said he didn’t think that was right.

Mr. Lewis said if it was agreed that independent experts needed to weigh in, there might need to be an extension of the application so this wasn’t rushed. He said he thought he heard Mr. Sievert say that as the flow of water was substantial in the spring, it went off into the wetlands that now existed, and that there might be a culvert to orient the flow in a safer way into the wetlands. He said Mr. Sievert said to the Conservation Commission that they wouldn’t need to worry about that too much because drainage reports indicated that even with a 100 yr. storm, the flow would be fine and would work.

He said with an impermeable road that was fairly elevated and took up much of the wetlands, a question was how much risk they were willing to take. He said if it didn’t work, it could be devastating for properties like his. He said it was important to have independent experts here, and he spoke further on this. He said it was important to be humble about what nature did.

Michael White, Ambler Way said the sewer system would be a net positive for the neighborhood, and said he’d like to hear how and when people with existing systems could tie into it. He also said there was an existing playset within the right of way, and said he’d like to hear the Planning Board’s recommendation about whether it needed to be removed before the start of the project, so he could get a heads up on this.

Diana Carroll, Canney Road thanked the Planning Board for agreeing that independent experts should be involved. She asked that the conservation community, including members of the Conservation Commission be asked for possible recommendations on who to hire for this.

Mr. Parnell recommended that the public hearing be continued until February 10th.

Councilor Tobias MOVED to continue the Public Hearing to February 10, 2021. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Heather Grant</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

- XII. 5 Glassford Lane – Bank Stabilization Plan.** Permitted Use B application to stabilize shore of Pettee Brook with boulder revetment for existing single-family house. Paul and Lucinda Rasmussen, property owner. Mike Sievert, MJS Engineering, engineer. Map 4, Lot 38-15. Recommended action: Final action

Mr. Parnell said Mr. Johnson would sit in for Mr. Rasmussen.

Mr. Rasmussen said the property was next to Pettee Brook, and said he purchased it last year and planned to move in this year. He said the stream bank was eroding, and said this was approaching the house. He said they were trying to keep the house and stream separate, and to reclaim the lost shoreline there. He said it was a multi-phase project and was tricky from an engineering viewpoint. He said photos showed cracks in the foundation.

He said the plans showed that along this area of Pettee Brook, there were large boulders. He said some had moved and had been lost, which was the cause of the erosion. He said new rocks would be laid, fill would be replaced, and there would be plantings to hold the fill in place. He said proper erosion control measures would be used.

Mr. Behrendt said there were 3 criteria to be met for this application: that appropriate erosion control measures would be used; that disturbed areas would be restored; and that the activity would be conducted in a way that minimized impacts on the shoreline. He said he and Mr. Reine visited the site and saw no concerns. Mr. Rasmussen said the Conservation Commission granted its approval.

Mr. Rasmussen said a temporary retaining wall would be put in place to direct Pettee Brook away from the shoreline, so the work could be done. He said there would be a footing for the rocks to sit on, and said there would be fill put in behind that. He said the project would be done in three segments in order to minimize disturbance. Mr. Sievert provided details on the work to be done. He also noted that new gutters would be put on the house to divert roof runoff that was causing some of the erosion.

Mr. Kelley asked when construction would happen. Mr. Sievert said an application would be submitted to NHDES for a minimum impact wetland permit. He said they hoped to get the project going in the spring, prior to potential high flow times. He said they'd like to get it done this winter if the permit was obtained from NHDES.

Mr. Kelley asked about the diversion, and whether a 24-inch pipe would be sufficient. Mr. Sievert said he ran the numbers on this, and said it wouldn't be sufficient if there was a 100-year storm, but said they would plan not to do the work at such a time. He said the diversion pipe would be adequate for the small flow there, and said they might not need it. He said it would be on the plan and would be permitted if needed. Mr. Kelley said it wasn't clear from looking at the sections in the plan how far below the existing grade the stones were being set. Mr. Sievert said it would be 9-12 inches below the stream, and he explained in further detail what would be involved with the construction.

Mr. Parnell asked if this application was ready for approval. And Mr. Behrendt said yes.

Councilor Tobias MOVED to approve a Permitted Use B application submitted by Paul and Lucinda Rasmussen to stabilize the shore of Pettee Brook with boulder revetment for an existing single-family house. The property is located at 5 Glassford Lane, Map 4, Lot 38-15. Jim Bubar SECONDED the motion.

Mr. Kelley asked if the applicant and engineer had reviewed the Notice of Decision and the requirements in it. Mr. Rasmussen and Mr. Sievert said yes.

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

<i>Lorne Parnell</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Guy Johnson</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

- XIII. 19-21 Main Street – Parking Lot. Preliminary discussion about conditional use criteria related to the project** and discussion with Steve Mr. Pernaw, traffic engineer who prepared traffic report. Formal application for site plan and conditional use for parking lot on four lots and reconfiguration of the entrance. Toomerfs, LLC c/o Pete Murphy and Tim Murphy, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 5, Lots 1-9, 1-10, 1-15, and 1-16. Church Hill District. Recommended action: Discussion about conditional use criteria, traffic impacts, and extension for Planning Board action.

Mr. Parnell said since this wasn't a public hearing, he'd like to have discussion with Mr. Pernaw about the traffic issues. He asked Mr. Pernaw to go through the traffic study and his conclusions.

Mr. Pernaw said when they revised the memo in November, they failed to put in the updated analysis and table. He said they would have to revise the report and add the new information, and suggested that a new report could be issued this week. He also said Mr. Sievert had changed the plan in terms of the number of parking spaces, and said that would be changed in the report as well.

He reviewed the existing conditions, and said intersection counts were done in the morning and evening peak periods, 8-9 am, and 4:30-5:30 pm. He said they also did counts on a Saturday from 11:30-12:30 pm. He said the site driveway didn't carry a very heavy traffic volume, of vehicles coming and going from the 43 spaces on the lot. He said the majority of cars traveled to and from the west on Main St. He said the highest volume time was weekday afternoons.

Mr. Pernaw said they also did a parking demand study, over a 24-hr. period, He said there were vacant stalls during the day, but said the lot was overparked in the evening during the week. He said on Saturday, students left town and there were vacant spaces. He noted that 18 Main St. was also overparked during the week and under parked on Saturday.

He said they did a trip generation estimate for the driveway, and said at the pm peak hour, there were 21 trips. He said this was expected to go to 88 trips with the expansion.

He reviewed additional data provided in the report. He said the bad news was that delays encountered exiting the site driveway during the pm peak hour would be long because of through traffic on Main St at that time. He said the delays would increase compared to the existing situation. He said the good news from the capacity analysis was that the hourly capacity for departures exceeded hourly demand, so the driveway would continue to operate below capacity through 2031.

He said the queuing/stacking expected at the driveway was 3 vehicles, which was relatively short.

He said that regarding possible traffic control devices, having a single departure lane operating under stop sign control was recommended.

Mr. Parnell asked if the study assumed that the new lot would be used the same way as the existing lot, by students who were permanent residents, and so it didn't include hourly parking. Mr. Pernaw said yes, and said he was told that this would be an expansion of a student parking lot.

Mr. Lawson said the report said for left turning traffic into the site in 2031, the queuing was less than one car, and Level of Service (LOS) B, so he concluded that the impact of the parking lot on traffic downtown would be minimal. Mr. Pernaw said it would be LOS B at the pm peak hour, and at other hours would probably go to a LOS A. Councilor Lawson asked if that demonstrated that the parking lot had minimal impact on traffic flow through the downtown.

Mr. Pernaw said yes. He said it increased the volume of traffic, but said the intersection wouldn't affect the traffic flow on Main St. He said traffic flow was random, varying from day to day, and hour to hour. He noted the NHDOT data in the report that demonstrated this. He said there was an impact from the expanded parking lot, but said it wouldn't be any greater, or different than what was experienced in a random manner from day to day, and hour to hour now.

Mr. Kelley asked if the analysis understood how far back the queue from the traffic signal on Rte. 108 would extend, and if it would extend past the project driveway at the peak hour. Mr. Pernaw said the analysis only looked at the site driveway intersection. But he said that was a legitimate question, and said he could provide a paragraph on this in the updated report if he could get the data for it.

Mr. Bubar said a parking lot wasn't a destination, but said a lot of people who would be parking there were already here and were parking someplace else downtown. He asked if there was any way to analyze this and the traffic flows downtown now, as compared to after as a result of the expanded parking lot.

Mr. Pernaw said it was hard to get at data like that. He said more people would drive to the parking lot and park there as opposed to someplace else downtown, so there would be an impact. But he questioned whether this would really add to the traffic downtown.

Mr. Kelley asked if trip generation for a parking lot was based on ITE, or on the 24-hr. count that was performed. Mr. Pernaw said it was based on the 24-hr. count, and on peak hour intersection volume numbers. He said ITE didn't have a rate for a parking lot. Mr. Kelley asked if there was an ITE for student housing. Mr. Pernaw said yes, if additional student housing was being built on a site. Mr. Kelley asked Mr. Pernaw if there were uses of the parking lot that would affect his findings. Mr. Pernaw said the analysis was based on the future parking lot being fully utilized. He said if the parking lot was used for something other than student housing, it would have completely different patterns. He said the 24-hr. survey indicated that vehicles stayed in the lot for many hours.

Mr. Kelley asked if there were uses that would be detrimental to the operation of the driveway intersection and adjacent roadway network. Mr. Pernaw said if this parking lot provided parking for McDonalds, this would be totally different than student housing. He said he could only report on what would happen if it was used for student housing.

Mr. Behrendt said the toughest situation was the left turns out of the site on a weekday afternoon at the peak hour. He said it was projected that there would be 30 left turns going out with a lot of traffic going by, and asked what it would be like at that driveway in 10 years, in terms of efficiency and safety.

Mr. Pernaw said the numbers would go up slightly in 10 years. He said what would be noticeable would be trying to get out when 1500 cars were going back and forth. He said there would be long delays, of over a minute on average. But he said the stacking would only be 2-3 cars because the number of departures would be low over the hour. He said there would be long delays turning left, but less so turning right. He said it wouldn't be much different than what was experienced at other driveways that intersected Main St. He said concerning safety, the sight distance was good at the intersection.

Ms. Grant said the report assumed that the parking lot would be used 100% by students, but said anyone would be able to contract to park there, including employees. She asked if this should be considered in an analysis.

Mr. Pernaw said if the applicant provided him with numbers on this, he could re-do the analysis. He also said employee parking meant low turnover. Ms. Grant said it would affect the two peaks. There was further discussion.

Councilor Tobias said the worst-case scenario was the left turn out of the driveway going into Town. Mr. Pernaw spoke further on this.

Mr. Parnell asked if the Board thought they had enough information in the traffic study, or if more information was needed. He also asked if they thought a third-party analysis was needed.

Mr. Kelley said he'd be interested in understanding how the parking lot affected the adjacent signalized intersection, as well as how the intersection affected the parking lot.

Mr. Parnell said the stacking from the stop sign at the Post Office should also be looked at.

Mr. Kelley also asked Mr. Pernaw what he thought about signs and pavement markings on the road that advised motorists not to block the box.

Mr. Pernaw said he could try to get some information on the effect of queuing from the traffic signal and the stop sign. He said determining the effect the driveway would have on the traffic signal would require new traffic counts at the signal. But he said the additional traffic being sent in that direction in 2030 wouldn't be that much, so wouldn't have a big impact on the Level of Service at the traffic signal.

He said concerning the use of pavement markings, if queuing was an issue, extending past the driveway, this could be considered. He said it was a reasonable thing to do if and when queuing affected the driveway.

Mr. Parnell said the Board had given Mr. Pernaw some extra work to do, and said this could be reviewed at the next meeting. He said at that time the Board could discuss possible third-party reviews that were needed.

The Board agreed to discuss the Conditional Use aspect of the project at the February 24th meeting.

XIV. Other Business

Chair Rasmussen said given the various projects before the Board right now, he wanted them to consider some possible additional dates to meet. He spoke about dedicating specific meetings to older projects in order to finalize them. He asked Board members to think about this, and said he'd send out these dates to them.

XV. Review of Minutes (new):

No new minutes

XVI. Adjournment

Bill McGowan MOVED to adjourn the meeting. Councilor Tobias SECONDED the motion and it PASSED unanimously 7-0 by a roll call vote:

<i>Chair Rasmussen</i>	<i>Yes</i>
<i>Lorne Parnell</i>	<i>Yes</i>
<i>Bill McGowan</i>	<i>Yes</i>
<i>Richard Kelley</i>	<i>Yes</i>
<i>Barbara Dill</i>	<i>Yes</i>
<i>Jim Bubar</i>	<i>Yes</i>
<i>Councilor Tobias</i>	<i>Yes</i>

Adjournment at 11:19 pm

Victoria Parmele, Minutes taker

Richard Kelley, Secretary