

These minutes were approved at the April 27, 2022 meeting.

TOWN OF DURHAM
DURHAM PLANNING BOARD
Wednesday February 23, 2022
Town Council Chambers, Durham Town Hall
7:00 pm

MEMBERS PRESENT: Paul Rasmussen (Chair), Lorne Parnell (Vice-Chair), Heather Grant, James Bubar, Sally Tobias (Council Rep), Ellie Lonske (Alternate), Chuck Hotchkiss (Alternate Council Rep), Nicholas Germain (Alternate), Barbara Dill (Alternate)

MEMBERS ABSENT: William McGowan; Richard Kelley (may arrive late)

ALSO PRESENT: Town Planner Michael Berendt

I. Call to Order

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

II. Roll Call and Seating of Alternates

Chair Rasmussen took roll call and seated Ellie Lonske for Bill McGowan, seated Nicholas Germain for Richard Kelley.

III. Approval of Agenda

One modification: Public Hearing for 74 Main Street – Mixed-Use Building postponed to March 23, 2022 per applicant's request.

Vice-Chair Parnell MOVED to approve the Agenda as stated; SECONDED by Ms. Grant; APPROVED by a vote of 7-0, Motion carries.

IV. Town Planner's Report

Michael Behrendt stated that Emily Friedrichs was approved by the Town Council as a new Planning Board Alternate. Special speaker Doug Tallamy to be at Conservation Commission meeting on Monday to discuss how landscaping can enhance natural plant and animal ecology; next Board meeting March 9, 2022 with Mill Plaza only item on agenda.

V. Reports from Board Members who serve on Other Committees

Reporting from Conservation Commission: Mr. Bubar reiterated that a special meeting will be held at the Monday meeting. The Conservation Commission met a week ago and only topic was the Dam on Oyster River and the Commission reaffirmed their stance that it should be removed.

Reporting from Town Council: Councilor Tobias said the Council met Monday and Conservation Commission read their statement; Historic District will be at next meeting. Emily Friedrichs was approved as Alternate to the Planning Board; presentation from Anton Bekkerman, UNH Director

of Agriculture Experiment Station; Public Hearing with Durham Conservation Commission for Pike Property which was approved.

VI. Public Comments

VII. Review of Minutes (old): Site Walk Minutes of January 12, 2022

Vice-Chair Parnell MOVED to approve the Site Walk minutes of January 12, 2022 for 19-21 Parking Lot; SECONDED by Ms. Lonske; APPROVED by a vote of 7-0, Motion carries.

VIII. Public Hearing - 4 Old Landing Road – Expansion of Multi-Unit Residence. 4 Old Landing Road. Site plan and conditional use to add two 4-bedroom apartments in the attic to existing house with eight 2-bedroom units. Mark Henderson, property owner. Nick Isaak, architect. Map 5, Lot 6-1. Courthouse District. Recommended action: Final action.

Chair Rasmussen said the Site Walk was held this afternoon. Mark Henderson said the Site Walk was very informative and Town Planner Michael Behrendt sent a list of conditions and he will guide me through the Building Permit and final approval process of anything left outstanding.

Chair Rasmussen MOVED to open the Public Hearing for 4 Old Landing Road – Expansion of Multi-Unit Residence; SECONDED by Vice-Chair Parnell; APPROVED by a vote of 7-0, Motion carries.

Chair Rasmussen opened the Public Hearing for 4 Old Landing Road at 7:09 pm.

Wes Smith said he owns property at 22 Dover Road and just got the notice and had some questions. He said parking is a big issue on Old Landing Road and asked the number of spaces for this project. Chair Rasmussen said there is sufficient parking already on the lot to satisfy new housing; Mr. Behrendt said Zoning requires 20 spaces and there are 24. Mr. Smith asked about sprinklers, access for Fire Department on the narrow road, and number of students. Chair Rasmussen said there will be sprinklers on all floors and street width is not being changed; Mr. Behrendt said 8 individuals are already in building plus 16 making 24.

Vice-Chair Parnell MOVED to close the Public Hearing for 4 Old Landing Road – Expansion of Multi-Unit Residence; SECONDED by Ms. Grant; APPROVED by a vote of 7-0, Motion carries.

Mr. Behrendt said they may want to leave the Public Hearing open if they have any questions for Mr. Henderson. ***Vice-Chair Parnell cancelled his motion.***

Mr. Behrendt asked the Board if they want anything on shared parking in the Notice of Decision to avoid principal use questions in future. Mr. Bubar said it should be clear this is accessory use parking and *not* rental parking for people offsite. Mr. Behrendt said parking there is on private

property, not on a public way, and parking on street or other side of the road will be towed or ticketed by law.

Councilor Tobias asked how the Board wants to address one abutter not getting notification. The Board discussed the issue and decided to move forward.

Mr. Smith asked for more clarification on the parking and Mr. Bubar said the 24 spots belong with 4 Old Landing Road and 9 spots with the other building totaling 33. Mr. Henderson said there is room to expand parking if needed. Mr. Behrendt asked Mr. Henderson if he would be willing to have four 2-bedroom units instead of two 4-bedroom units, and Mr. Henderson said that makes it difficult to fit in common spaces.

Vice-Chair Parnell MOVED to close the Public Hearing for 4 Old Landing Road – Expansion of Multi-Unit Residence; SECONDED by Ms. Grant; APPROVED by a vote of 7-0, Motion carries.

Chair Rasmussen closed the Public Hearing for 4 Old Landing Road at 7:32 pm.

Chair Rasmussen asked Mr. Behrendt if all application and notice requirements were met including submission of Conditional Use application; Mr. Behrendt said they were.

Review of Conditional Use Criteria

Site Suitability: Site is suitable for proposed use and includes adequate vehicular and pedestrian access, adequate public services to serve intended use, absence of environmental constraints, availability of utilities to serve intended use, including water, sewer, Stormwater, and electricity. Chair Rasmussen asked the Board if there were any concerns here. Mr. Bubar said utilities are there, but the applicant may need to expand them for sprinkler system and upgrades to sewer, otherwise fine.

External Impacts on adjacent properties no greater than existing or other uses permitted in the Zone, scale and reference to surroundings, building height, no adverse effect on surrounding environment. Ms. Grant said there were no concerns and it will be a better building in the end; Mr. Bubar said it is improved by removal of the bike shed and fixing the dumpster area.

Character of Site Development: Proposed layout and design shall not be incompatible with established character of neighborhood and mitigate any external impacts. Chair Rasmussen said the building is existing and will only get a few dormers and is in character with the neighborhood.

Character of Buildings & Structure: Modifications of existing buildings on site not incompatible with character of neighborhood.

Preservation of Natural/Cultural/Historic/Scenic Resources: Not applicable.

Impact on Property Values: Board agreed there are none.

Availability of Public Services and Facilities: Board agreed they are adequate; modification improving Fire Protection, no DPW concerns.

Fiscal Impact: No negative fiscal impact on the Town.

Mr. Behrendt said one vote on everything includes the CU criteria and all 8 are met. Chair Rasmussen asked about the checklist of project evaluations of Oyster River Watershed; Mr. Behrendt said the checklist is probably for the Oyster River Advisory Committee, but there are no changes to the site in any way.

Vice-Chair Parnell MOVED to approve the Site Plan and CU to add two 4-bedroom apartments in an attic to an existing house with eight 2-bedroom units at 4 Old Landing Road, Mark Henderson, property owner, Nick Isaak, architect, in Map 5, Lot 6-1 in Courthouse District, and include in that the notice of decision with precedent conditions and subsequent conditions included in the Notice of Decision prepared this date as modified with shared parking; SECONDED by Mr. Bubar; APPROVED by a vote of 7-0, Motion carries.

- IX. ***Public Hearing - Pike Property – 2-Lot Subdivision.*** 275 and 279 Packers Falls Road. Lot line adjustment between two existing lots and 2-lot subdivision of larger existing lot. It is proposed that the resultant 36-acre lot would be conveyed to the Town of Durham and a conservation easement would be held by the Southeast Land Trust (SELT). The site is located just east of Thompson Forest. Duane Hyde c/o SELT, applicant. Pike Family Trust, property owner. Map 14, Lots 10-2 and 10-3. Rural District. Recommended action: Final action.

Daniel O'Lone, Berry Survey & Engineering Project Manager, said the stapled set handed out to the Board is for the Subdivision for the Conservation Commission, and the single for the lot-line division; he said he was unable to attend the Site Walk. Waivers for the lot-line division are for wetlands and water features; waivers for the subdivision are for wetlands, water features, and ledge/rock outcroppings for the entire site.

Chair Rasmussen said given that the subdivision piece is going into Conservation, it makes sense for the Board to approve the waivers. Mr. Bubar said this piece of land is too important to the water supply for the Town.

Mr. Bubar MOVED to open the Public Hearing for Pike Property – 2-Lot Subdivision; SECONDED by Ms. Lonske; APPROVED by a vote of 7-0, Motion carries.

Chair Rasmussen opened the Public Hearing for Pike Property – 2-Lot subdivision at 7:46 pm.

Beth Olshansky of Packers Falls Road said she was wholeheartedly in support of this project for all reasons stated, and for its value in protecting the Town's water.

William Hall said since it was pointed out this is of great value in protecting our water, there are submissions right now for sourcing water and he hoped Mr. Behrendt would secure this property as a possible location for the accommodation of a well.

Eric Lund of 31 Faculty Road spoke in support of this application and of the importance in protecting the Town drinking water source. He said approving this application would be in the best interest of the Town.

Chair Rasmussen said there are caveats with some of the funding as to what can be done with this land, and asked Mr. Duane Hyde if a well would be possible. Mr. Hyde said yes, one of his funding sources for conservation of property is the State's Drinking Water & Ground Water Trust Fund which would require that the easement allow for water infrastructure improvements on the property, like a well or wellhead.

Mr. Germain asked if SELT would have a hand in helping the Town go through the process of putting a well on this property. Mr. Hyde said the State would be involved in review of materials where the well could be located but the actual work is the Town's responsibility. Mr. Behrendt said there is a condition that if the owner of the large parcel wanted to build a driveway, it would be located in that strip and said it might be useful to allow it to straddle the two lines. He asked Mr. Hyde if that was still an issue, and Mr. Hyde said the buyer was satisfied with conditions as written.

Chair Rasmussen MOVED to close the Public Hearing for Pike Property – 2-Lot Subdivision; SECONDED by Ms. Grant; APPROVED by a vote of 7-0, Motion carries.

Chair Rasmussen closed the Public Hearing for Pike Property – 2-Lot subdivision at 7:53 pm.

Chair Rasmussen MOVED to approve the Pike Property – 2-Lot Subdivision, 275 and 279 Packers Falls Road, lot line adjustment between two existing lots and 2-lot subdivision of larger existing lot, and that the resultant 36-acre lot be conveyed to the Town of Durham and a conservation easement to be held by the Southeast Land Trust (SELT) per Notice of Decision dated February 23, 2022, and including the waivers; SECONDED by Ms. Grant; APPROVED by a vote of 7-0, Motion carries.

- X. ***Public Hearing – Eversource Tree Cutting.*** Application from Eversource to remove 150+/- dead, decaying, and hazardous trees and trim others on the four scenic roads – Bay Road, Bennett Road, Durham Point Road, and Packers Falls Road. Bob Berner, arborist with Eversource, applicant. Terry Cooper, Asplundh Tree Expert, contractor. *Recommended action:* Take final action or continue the review to another meeting.

Arborist Bob Berner of Eversource said they seek approval from the Planning Board for trimming trees and brush along 4 scenic roads designated by the Town; work is necessary to assure safe and reliable electric service to our customers; clearances for trees and brush remain the same. Plan is to remove 145 failure-prone trees, list provided to the Town; Public Works Director wants review of removals on a case-by-case basis with each tree. All property owners impacted by the work will be contacted 45 days prior to work beginning. Contractor for the project is Asplundh Tree Expert and work is expected to start in the second or third quarter of 2022.

Vice-Chair Parnell asked about the review policy with property owners for tree removal. Mr. Berner said for tree removal we first go before the Planning Board for approval, then speak to each property owner and discuss removal with their right to refuse. Ms. Dill said she noticed in the list of trees that some may be on private property and others without addresses. Mr. Berner said all trees were tagged with ribbons; if no address, pole numbers are listed.

Mr. Behrendt said Rich Reine and Public Works Department looked at each of the trees proposed to be removed and concur with the assessment. He asked Mr. Berner, as overseer of the project, what oversights and guidelines are provided to contractors. Mr. Berner said he is on the jobsite at least once per week reviewing work completed and making any corrections with crews on site, and there is a fulltime Asplundh foreman assigned to this project.

Vice-Chair Parnell asked what responsibility Eversource has for removing the material after the tree is taken down. Mr. Berner said all brush is chipped up, and prior to tree removal they speak with each property owner on whether to leave the wood or haul it away; otherwise they get rid of it all.

Vice-Chair Parnell MOVED to open the Public Hearing for Eversource Tree Cutting; SECONDED by Ms. Lonske; APPROVED by a vote of 7-0, Motion carries.

Chair Rasmussen opened the Public Hearing for Eversource Tree Cutting at 8:05 pm.

William Hall said he has observed the tortured process of removing dead trees in Durham for many years and said the Town was about 20 years behind cutting trees on scenic roads, and said the Planning Board needs to make sure there are no problems getting this job done.

Vice-Chair Parnell MOVED to close the Public Hearing for Eversource Tree Cutting; SECONDED by Mr. Germain; APPROVED by a vote of 7-0, Motion carries.

Chair Rasmussen closed the Public Hearing for Eversource Tree Cutting at 8:08 pm.

Vice-Chair Parnell MOVED to approve the application from Eversource to remove 145 dead, decaying, and hazardous trees and trim others on the 4 scenic roads: Bay Road, Bennett Road, Durham Point Road, and Packers Falls Road as presented in this application

and consistent with the Town's policy; SECONDED by Mr. Germain; APPROVED by a vote of 7-0, Motion carries.

- XI. Public Hearing - 74 Main Street – Mixed-Use Building.** Formal site plan and conditional use application for demolition of current wood frame building and construction of a 4-story mixed-use building with nonresidential uses, 12 residential units, and 13 parking spaces. Doug Clark, applicant. Jerry Pucillo, consultant with Centergreen, representing Foundation for Civic Leadership/Democracy House, a potential partner in project. Mike Sievert, Horizons Engineering. Zach Smith, Bergmeyer Architects. Map 2, Lot 14-1-1. Central Business Zone. Recommended action: Hold public hearing and continue review to another meeting.

****POSTPONED TO MARCH 23 AT THE APPLICANT'S REQUEST***

- XII. Public Hearing - 19-21 Main Street – Parking Lot.** Formal site plan and conditional use application for parking lot as principal use on four lots and reconfiguration of the entrance. Toomerfs, LLC c/o Pete Murphy and Tim Murphy, 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: Hold public hearing and continue review to another meeting.

Chair Rasmussen recused himself, passed the gavel to Mr. Parnell, and left the table at 8:10 pm.

Vice-Chair Parnell appointed Barbara Dill to replace Paul Rasmussen for this item.

Mike Sievert introduced Monica Kieser and Tim Phoenix from Hoefle Phoenix Gormley & Roberts and provided a quick update of additional plans put together with information on article 8 in the regulations, an updated Survey Plan with easement and additional notes added on, finalized and stamped by licensed land surveyors.

Mr. Sievert said not much changed with the Site Plan except ADA parking spaces moved to upper parking lot due to slope with new changed design of access road, now over 8%; gained 2 parking spaces as a result for a total of 150 spaces with a net gain of 107 spaces. All additional buffers were identified, with increased buffer in the east and on west end. Grading Plan changes are almost all underground with drainage system; design found to be adequate by Town Engineer.

Mr. Sievert showed a Profile Plan down the second westerly lane as well as an easterly lane through the parking lot relative to existing grade before and after construction, with less fill on east side and more fill on west side. Mr. Bubar asked exactly how much fill there will be with this plan, and Mr. Sievert said within 12,000 cubic yards. Mr. Sievert showed a profile view of a cross-sectional slice of the W-E section showing existing and proposed grade with fill on each side; west side is high (8 ft) and east side is low (3 ft).

Mr. Sievert said existing condition on this site is concave, with nothing changed on existing conditions for whole site. He showed a picture of the site over the forest and a profile view to Chesley Drive, a profile showing grade from Chesley Path at about elevation 24 ft with back of parking lot at 56 ft (32 ft below). A new plan was added for sewer design showing more detail in drainage changes underground; sewer will be replaced on the east side of the parking lot edge and tie back into existing manholes; still proposing all new sewer.

Mr. Bubar said the new sewer line will be right under landscaping. Mr. Sievert said there will be significant planting along the easterly slope to fill in and screen nearby properties, large trees in the middle parking island, which was widened significantly, and also around the ADA parking lot. A cedar stockade fence was added along the easterly property line as a better screen for property.

Vice-Chair Parnell said one of Mr. Sievert's earlier plans showed a fair amount of planting on that slope, but nothing is shown there now. Mr. Sievert said he discussed with Landscape Architect Robbi Woodburn whether to plant trees on that slope or low vegetation, and because of snow storage chose to not plant trees there. He said there is also a 27 inches high wooden guardrail, and they are now talking about adding a fence on southerly boundary of parking lot right behind the guardrail.

Ms. Grant said the Landscaping Plan still has the Woodland buffer below, and Mr. Sievert said it will stay natural with a small retaining wall to catch the steeper slope. Mr. Bubar asked about the lighting. Mr. Sievert said the Lighting Plan has significantly changed; they went to a frosted lens, more recessed, and added more lights; the light intensity is much lower throughout the parking lot with maximum intensity of 2.9 footcandles; original plan had 5.2 footcandles and lights were mounted higher. Lights will be mounted on wooden poles with 14 ft from lamp to ground. Mr. Bubar asked if the lights will be motion-activated, and Mr. Sievert said they are talking about a lower setting until activated.

Vice-Chair Parnell asked if the drainage system includes any treatment to the water. Mr. Sievert said yes, there is a large 20 ft wide swale collecting water and running to 2 separate basins, upper and lower. All water goes into the system and removes contaminants in first flush off pavement in smaller storms; overflow pipe for 20-50 year storm connects to a basin (one for each), which go through the system, and meet up to outlet on the slope.

Vice-Chair Parnell said his problem with the current design is with snow being piled up outside this treatment system and being pitched over the guardrail and going down the hill with no treatment at all. Mr. Sievert agreed he is not treating the snowmelt and said no one treats snow. Mr. Bubar said the salt running through the parking lot into the treatment system is not actually removed, and Mr. Sievert said salt cannot be removed, He said he chose the SnowPro system which uses the minimum amount of salt needed to keep it safe.

Ms. Lonske asked about the 12,000 cubic yards of fill and felt it was important for the Board to visualize how much fill will be used. Mr. Sievert said they will be using 16-yard trucks, with 1-2 trucks/hour, and said the fill is 20% less than original. He said truck traffic will not come into Town but run Route 4 to Route 108 and turn around. Ms. Dill agreed with Ellie's request to revisit this and include the route as well as number of trucks, cubic feet, etc. to help the Board get a visual. Mr. Behrendt said he calculated 24 times the dimensions of this room, and Ms. Grant said the construction plan is needed with number of trucks. Mr. Sievert agreed to redo the plan.

Ms. Grant asked if the snow is part of the maintenance plan that would go along with the storm system. Mr. Sievert said the requirements are a Stormwater Maintenance Plan, a Landscape Maintenance Plan, and snow removal. Mr. Bubar said he is concerned about the snow being put over the bank and causing erosion to the embankment, and asked what steps are being taken to make sure this embankment does not slide all the way down the hill into undefined wetlands.

Mr. Sievert said Mr. Bubar is asking about compliance with Article 8, natural resources, flood plains, steep slopes, wetlands, etc.; Mr. Bubar said also excessive fill. Mr. Sievert said they are not impacting wetlands or floodplains and the extent of steep slope being impacted is clearly shown. Mr. Bubar asked if there is a site plan or work plan that supports that was mandated, and Mr. Sievert said it would have to be a constructed slope to hold up the parking lot and said it is a natural steep slope. He said the bowl shape is a benefit and makes for an easier construction site.

Mr. Sievert said all fills will be placed in 8-12-inch lifts of material and compacted to a certain maximum density and said everything is coming *into* the site. He said there is an erosion control system on the top left corner and everything slopes to that point; the end of the lot will be built up with constructed fill material, lined with jute matting strapped to the slope, and grass seed which encloses the soil until vegetation grows up with roots; all standards of NHDOT/AOT/DPW.

Vice-Chair Parnell said putting snow on that would increase erosion possibilities. Mr. Sievert said the plan meets the regulations because of the benefits. Mr. Bubar said Section 8 is not designed to make construction easier but to protect our natural resources. Mr. Sievert gave examples of steep slopes on adjacent properties. Mr. Hotchkiss addressed Mr. Behrendt and asked if the fact that those examples were accessory parking weighed into the Board's deliberations and said this parking lot has no relationship to any sort of adjoining use.

Mr. Behrendt said Mr. Bubar is referring to Article 8 in Site Plan Regulations re natural resources which the Board should weigh in on, and said it is reasonable to look at other projects and what was acceptable for those. Mr. Hotchkiss asked why we need the parking lot there, and said new people are not being added to the site and there is no justification for additional parking for people living there. Mr. Sievert showed the whole parking lot over an aerial view of the land, and photos taken from Chesley of the parking lot. Ms. Lonske said all those trees will have been cut down, and Mr. Sievert said all trees in first 200 ft will be intact.

Vice-Chair Parnell MOVED to reopen the Public Hearing for 19-21 Main Street – Parking Lot; SECONDED by Mr. Germain; APPROVED by a vote of 7-0, Motion carries.

Vice-Chair Parnell reopened the Public Hearing for 19-21 Main Street – Parking Lot at 9:13 pm.

Tim Phoenix, counsel for the applicant, said there is a lot of fill here which would be the same for any other commercial use. Regarding lighting, 8 footcandles is the maximum permitted in Church Hill and 4 footcandles is maximum for neighboring residential; at 2.9 footcandles we are significantly below. Regarding steep slopes, the Ordinance does not give the purpose of looking at steep slopes; we are creating steep slopes and the ones there are not that deep.

William Hall said he is in favor of the project as an abutter as parking lots hold better than almost any alternative, and do not make noise. He felt a parking lot the most inoffensive way to use that property with the least impact on the neighborhood.

Eric Lund of 31 Faculty Road said he sent a letter detailing his objections to Ms. Kieser's memo statement that alternative uses would require as much fill. He said Zoning in Church Hill requires parking to be behind the building, and on a slope like that both horizontal and vertical scale matter. He said the cross-section of the parking lot shows two 18-ft perpendicular parking areas on either side of a 20-ft island, 2-way driveway with 12-ft lanes, and another row of 18-ft parking. He pointed out that faculty housing is also part of the neighborhood.

Joshua Meyrowitz said there was some misrepresentation in the plans showing 20 parking spaces (length) when there are actually 28 on the Site Plan; claims of 25% less fill from various sources and a 10% reduction in impervious surface; 938 truck-loads with 1-2 trucks/hour, 10 trucks/day; 15,000 cubic yards of total fill which is not a decrease. He said the Board needs to hold the applicant to account for all discrepancies, and said the entire site is a steep slope that is to be preserved per our regulations, a 42-ft drop in elevation and next to homes; the parking lot provides "at-grade" parking in the front but not in the back with the grade to be elevated by 18.5 ft. He said forests continue to be lost to new development and this plan is clearly against promoting a conservation ethic. He said external impact on adjacent properties in the neighborhood is far beyond any existing/permitted uses in the Zone and he asked the Planning Board to be cautious and check all claims.

Kyle Urso said he is legally appointed by his mother of 5 Smith Park Lane, and at the last meeting quoted numerous deeds that have existed between proposed and abutting properties, and all spoke of rights of way of Urso Property over Toomer's property. Tim Murphy stated on December 15th he knew of the right-of-way and intended to honor it; yet this plan still shows parking spaces curving and snow storage in the right-of-way. He said the Town of Durham Site Plan Regulations state that locations and purposes of any easements or rights of way are to be included on the plan of the site, but this plan does not show the site-plan regulated location of the right-of-way that all agree exists. He stated that we (the Ursos) *do not* intend to relinquish our deeded rights of way.

Vice-Chair Parnell said he did not think the Planning Board would address this issue which is between Mr. Urso and other property owners.

Greg Lund said he does not live near the parking lot but supports his fellow citizens in Durham that would suffer from this parking lot put in their backyard. He described his experience in snow removal for large commercial sites and said they use 5-6 times more salt than on a normal parking lot. Vice-Chair Parnell said we are talking about a normal, impervious, asphalt parking lot here. Mr. Lund recommended they make sure they have a plan if snow is going to be dumped over the fence.

Beth Olshansky of Packers Falls Road said this project is so hugely out of scale it seems absurd. She said the project does not meet CU criteria and she hoped the Planning Board will take a serious look at the scale and mass of the entire project.

Kay Morgan of 16 Valentine Hill Road mentioned the relocation of the sewer line and said there is a wetland south of the site and she was concerned about bulldozing between the parking lot and neighborhood which will be wrecked in the process. She said salt melting off the back of the lot is concerning, there is no salt in the area now, and the environmental damage from this plan overall is significant. She hoped the Planning Board would consider that.

Mr. Sievert said the sewer line being replaced on the east side of the lot is already within the cleared area and would be replaced in the same channel eliminating just a few trees; the line will tie back into the sewer manhole already existing there. Mr. Hall said there has been trouble with that red clay line for years, and it is imperative for environmental purposes to replace the entire sewer. Mr. Bubar asked who the owner was, and Mr. Hall said he was the owner of the sewer on his property.

Tim Murphy (Owner) said he does not understand Mr. Meyrowitz's view of the site from his second-floor bedroom and showed pictures of the site using Google Maps. He also said someone needs to look into Site Plan Regulations and determine whether the fact that there are scattered areas of steep grade allows the Planning Board to reject, and said grading is not prohibited under CU criteria. He said they need to ask if the Site Plan implicates approval under CU, and if the Site Plan says what Robin Mower and Mill Plaza activists say that it says.

Mr. Meyrowitz responded to Mr. Murphy that he took the photo from his bedroom window today and said Google Earth shots are super wide-angle and increase the distance between foreground and background.

Deborah Hirsch Mayer said she echoes what Beth Olshansky said and urged the Planning Board not to accept this proposal. She said the Board needs to answer questions about discrepancies raised by Josh Meyrowitz from plans to reality.

Tim Phoenix, Counsel for applicant, said some comments they are aware of and have addressed, and some information is new. They have not had the opportunity to study it.

Vice-Chair Parnell said they will not close the Public Hearing as agenda says it will be continued to the next meeting. He said the Board is getting to the stage where we should be prepared to close the Public Hearing and begin deliberations and said final Public Comment will be taken at the next meeting.

Mr. Behrendt said when closing the Public Hearing on a complex project the Board needs to keep in mind that at some point they will direct me to give a draft notice of approval or denial and I will bring that draft to review; but all parties should be allowed to comment on that which may require re-noticing.

Vice-Chair Parnell continued the Public Hearing for 19-21 Main Street – Parking Lot to March 23, 2022 and relinquished the chair at 10:00 pm.

XIII. Other Business

XIV. Review of Minutes (new): January 26, 2022

Chair Rasmussen said he had two things, and said he recalled Councilor Lawson's discussion of Solar Ordinance being basically in future terms. On Page 2, line 23 should say "will be initiated"; Page 3, line 42 should be "30 kW" not 50 MW. Mr. Bubar said on Page 2, line 35 he does not understand what an "over-large system" is.

The Board agreed to postpone acceptance of January 26, 2022 minutes.

XV. Adjournment

Vice-Chair Parnell MOVED to adjourn the meeting; SECONDED by Ms. Grant; APPROVED 7-0, motion carries.

Chair Rasmussen adjourned the meeting at 10:05 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board

Richard Kelley, Secretary