



## PLANNING DEPARTMENT

### Town of Durham

8 Newmarket Road

Durham, NH 03824-2898

Phone (603) 868-8064

[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

### *Planning Consultant's Review*

#### **Planning Board Meeting – Wednesday, February 9, 2022**

- X. ***Public Hearing - Mill Plaza Redevelopment***. 7 Mill Road. Continued review of application for site plan and conditional use for mixed use redevelopment project, drive-through facility for bank, and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Emily Innes and Sharon Ames, Harriman, project designer. Ari Pollack, attorney. (Rick Taintor is serving as the Town's Contract Planner.) Central Business District. Map 5, Lot 1-1.
- I recommend that the Board reopen the public hearing; consider new comments from the Conservation Commission, residents, and the applicant; and then decide how to proceed to decisions on the applications. This could include closing the public hearing and moving to deliberations, or continuing the public hearing to the March 9 meeting.

Please note the following:

- 1) Recap of previous meeting: On January 12, 2022, the Planning Board opened the continued public hearing on the revised Site Plan for the Mill Plaza redevelopment project. The applicant's attorney requested that the hearing be closed that evening.

Board members discussed concerns about landscaping quality, long-term maintenance, and whether to require planting details to be provided before a decision or to address them in conditions of approval.

Members also discussed aspects of the proposed management plan including hours of operation and possible requirements for after-hours entrances to the residential units.

During public comment, residents commented on pedestrian circulation (including the elimination of the ramp to Main Street), noise impacts, snow management (and impact on the Brook), landscaping and trees, wetland buffer impacts, and security issues. Several residents requested additional studies and analysis, including a study of pedestrian circulation through the site and input from the Police Chief.

The hearing was continued to the Board's meeting on February 9, 2022.

- 2) The Conservation Commission discussed the revised site plan at its meeting on January 24 and submitted an updated report to the Planning Board on January 26. The

Commission reaffirmed its prior recommendation that the Planning Board not grant the requested Conditional Use Permits under the Wetland Conservation and Shoreland Protection Overlay Districts on the basis that the proposed project does not meet the first required standard for granting each CUP.

- 3) A key procedural question before the Board is whether or not to close the public hearing before moving to deliberations. In some previous projects, including Madbury Commons and Orion, the Board kept the hearing open and allowed the applicant to participate in the deliberations and the drafting of the Notice of Decision. Keeping the hearing open would also permit ongoing participation and input from residents, and would allow the Board to request any additional information that members deem necessary or useful to help them evaluate the project.

Alternatively, if members feel that they have received sufficient information and public input, the Board could close the public hearing at any time and move to deliberations afterward. This would have the effect of closing off any further input from the applicant as well as the public and allow Board members to deliberate, draft conditions, and make decisions without participation by the applicant.

As your consultant, I believe that it would be more efficient and fairer to all concerned to close the public hearing and begin deliberations. The proposed project has changed very little in the last two years; residents have submitted over 340 letters and emails regarding the project since the application was submitted in June 2018; and the Board as a whole has not identified any additional studies or input that it needs to help it make a decision.

- 4) If the Board closes the public hearing on February 9, the following is a potentially feasible timeline for completing the review process.

February 9     Close the public hearing  
                  Agree on the process and timeline going forward  
                  Possibly proceed to deliberations on the CUP standards

March 9        Deliberate on the Conditional Use Permit standards  
                  Note that the Board must deliberate on the standards for each of the four requested Conditional Use Permits. Given the number of standards to discuss (8x4=32 general standards, plus 4x2=8 for the WCOD and SPOD — a total of 40 items), these deliberations may or may not be completed in one meeting.  
                  VOTE on each requested Conditional Use Permit

March 23       If the Board has voted to grant the four Conditional Use Permits,  
                  Deliberate on the Site Plan application  
                  Identify any conditions of approval  
                  Direct planner to prepare a draft Notice of Decision to approve or deny each of the five applications

- April 13      Review draft Notice of Decision  
Direct planner to make any changes
- April 27      Review revised Notice of Decision  
VOTE on the application for Site Plan approval

I believe that this conceptual timeline is a best-case scenario, assuming that the public hearing is closed on February 9, and assuming that the Board can devote the entire meeting each evening to this project. The timeline will likely be extended into the later spring or summer if the hearing is not closed on the 9<sup>th</sup> (because time will have to be set aside for input from the applicant and residents at each meeting), or if other projects need to be dealt with on the scheduled dates.

- 5) I have once again attached my proposed template for discussing the Conditional Use Permit criteria to this report.

Respectfully submitted,

Rick Taintor, AICP  
Community Planning Consultant  
February 3, 2022

## PLANNING BOARD FINDINGS FOR CONDITIONAL USE PERMIT

### A. WETLANDS CONSERVATION OVERLAY DISTRICT (WCOD)

The proposed Mill Plaza Redevelopment project involves uses and activities within a Wetland Conservation Overlay District (WCOD), specifically the 75-foot upland buffer strip adjacent to a wetland associated with College Brook. These uses and activities include the following:

- Modifications to the site entrance from Mill Road;
- Modifications to the primary internal access way along the southwesterly edge of the property, including areas of excavation and fill to recontour the access way and accommodate stormwater flow;
- Construction of a curbed, raised pedestrian walkway between Mill Road and the rear of the site, and a multiuse path continuing to Chesley Drive;
- Installation of underground conduit for electrical services;
- Construction of stormwater facilities including catch basins, manholes, pipes, an underground detention facility, a gravel wetland, and a new outfall into College Brook;
- Construction of a retaining wall between the parking area and the gravel wetland.

The Planning Board finds that each of the above uses and activities require conditional use approval under Section 175-61 of the Zoning Ordinance that was in effect on September 26, 2014.

#### WCOD SPECIFIC CRITERIA

For each of the above uses of land within the WCOD, the Planning Board finds that all of the following standards [**have / have not**] been met:

1. There [**is no / is an**] alternative location on the parcel that is outside of the WCOD that is reasonably practical for the proposed use;

Comments/Rationale:
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2. The amount of soil disturbance [**will / will not**] be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board;

Comments/Rationale:
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3. The location, design, construction, and maintenance of the facilities **[will / will not]** minimize any detrimental impact on the wetland and mitigation activities **[will / will not]** be undertaken to counterbalance any adverse impacts; and

Comments/Rationale:

4. Restoration activities **[will / will not]** leave the site, as nearly as possible, in its existing condition and grade at the time of application for the Conditional Use Permit.

Comments/Rationale:

### WCOD PERFORMANCE STANDARDS

The Planning Board finds that all buildings and structures **[will / will not]** be erected, altered, enlarged or moved and all land within the WCO District **[will / will not]** be used in accordance with the performance standards set forth in Section 175-65 of the Zoning Ordinance, including providing a naturally vegetated buffer strip (175-65(A)) and using best management practices for sedimentation and erosion control (175-65(B)).

Comments/Rationale:

### GENERAL STANDARDS FOR CONDITIONAL USES

The Planning Board finds that the application to allow each of the proposed structures and uses of land within the WCOD **[conforms / does not conform]** to all of the conditional use permit criteria listed in section 175-23(C) of the Zoning ordinance, as follows:

1. Site suitability: The site **[is / is not]** suitable for the proposed uses of land within the WCOD. This includes:
  - a. **[Adequate / inadequate]** vehicular and pedestrian access for the intended uses.

Comments/Rationale:

- b. The **[availability / lack]** of adequate public services to serve the intended uses including emergency services, pedestrian facilities, schools, and other municipal services.

Comments/Rationale:

- c. The **[absence / presence]** of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.

Comments/Rationale:

- d. The **[availability / lack]** of appropriate utilities to serve the intended uses including water, sewage disposal, stormwater disposal, electricity, and similar utilities.

Comments/Rationale:

2. External impacts: The external impacts on abutting properties and the neighborhood of the proposed structures and uses of land within the WCOD – including but not limited to traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare – **[will be no greater / will be greater]** than the impacts of adjacent existing uses or other uses permitted in the zone.

Comments/Rationale:

In addition, the location, nature, design, and height of the structures and appurtenances, their scale with reference to their surroundings, and the nature and intensity of the proposed uses, **[will not / will]** have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

Comments/Rationale:

3. Character of the site development: The layout and design of the proposed structures and uses of land within the WCOD **[will / will not]** be compatible with the established character of the neighborhood and **[will / will not]** mitigate any external impacts of the use on the neighborhood.

This includes, but is not limited to, the amount, location, and screening of off-street parking; the treatment of yards and setbacks; the buffering of adjacent properties; and provisions for vehicular and pedestrian access to and within the site.

Comments/Rationale:

4. Character of the structures: The design of new structures within the WCOD **[will / will not]** be compatible with the established character of the neighborhood. This includes, but is not limited to, the scale, height, and massing of the structures; and the materials and colors proposed to be used.

Comments/Rationale:

5. Preservation of natural, cultural, historic, and scenic resources: The proposed uses of land within the WCOD **[will / will not]** preserve identified natural, cultural, historic, and scenic resources on the site and **[will not / will]** degrade such identified resources on abutting properties. These resources include, but are not limited to, identified wetlands, floodplains, significant wildlife habitat, stone walls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.

Comments/Rationale:

6. Impact on property values: The proposed uses of land within the WCOD **[will not / will]** cause or contribute to a significant decline in property values of adjacent properties.

Comments/Rationale:

7. Availability of public services and facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public and private services, **[are / are not]** approved or assured, to the end that the use **[will / will not]** be capable of proper operation. In addition, these services **[will not / will]** cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.

Comments/Rationale:

8. Fiscal impacts: The proposed uses of land within the WCOD [**will not** / **will**] have a negative fiscal impact on the Town.

Comments/Rationale:

### CONDITIONS OF APPROVAL

The Planning Board finds that the following conditions are necessary to further the objectives of the Zoning Ordinance and the Master Plan, or would otherwise allow the above specific and general approval criteria to be satisfied:

- 1.
- 2.
- 3.
- 4.
- 5.

*[Examples of potential conditions of approval, as listed in Section 175-23(D) of the Zoning Ordinance, are presented on page 17 below.]*



## PLANNING BOARD FINDINGS FOR CONDITIONAL USE PERMIT

### B. SHORELAND PROTECTION OVERLAY DISTRICT (SPOD)

The Planning Board finds that the proposed project involves uses and activities within a Shoreland Protection Overlay District (SPOD), specifically the land on the site within 75 feet of College Brook (per section 175-70 of the Zoning Ordinance), including the following:

- Modifications to the site entrance from Mill Road;
- Modifications to the primary internal access way along the southwesterly edge of the property, including areas of excavation and fill to recontour the access way and accommodate stormwater flow;
- Construction of a curbed, raised pedestrian walkway between Mill Road and the rear of the site, and a multiuse path continuing to Chesley Drive;
- Installation of underground conduit for electrical services;
- Construction of stormwater facilities including catch basins, manholes, pipes, an underground detention facility, a gravel wetland, and a new outfall into College Brook;
- Construction of a retaining wall between the parking area and the gravel wetland.

The Planning Board finds that each of the above uses and activities require conditional use approval under Section 175-72 of the Zoning Ordinance that was in effect on September 26, 2014.

In addition, the Planning Board finds that the project involves uses and activities within the 25-foot shoreland setback from College Brook (per section 175-74(A)(3)), including the following:

- Modifications to the site entrance from Mill Road;
- Modifications to an existing stormwater outfall at the westerly corner of the site, adjacent to the culvert carrying College Brook under Mill Road;
- Construction of a new stormwater outlet at the easterly corner of the site;
- Construction of a small section of retaining wall;
- Bank stabilization and buffer restoration activities.

The Board finds that these uses within the shoreland setback **[are / are not]** set back the maximum practical distance from the reference line of College Brook and therefore **[are / are not]** permissible.

Comments/Rationale:
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## SPOD SPECIFIC CRITERIA

For each of the above uses of land within the SPOD, the Planning Board finds that all of the following standards **[have / have not]** been met:

1. There **[is no / is an]** alternative location on the parcel that is outside of the SPOD that is reasonably practical for the proposed use;

Comments/Rationale:

2. The amount of soil disturbance **[will / will not]** be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board;

Comments/Rationale:

3. The location, design, construction, and maintenance of the facilities **[will / will not]** minimize any detrimental impact on the adjacent shoreland and waterbody as well as downstream waterbodies, and mitigation activities **[will / will not]** be undertaken to counterbalance any adverse impacts; and

Comments/Rationale:

4. Restoration activities **[will / will not]** leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.

Comments/Rationale:

## SPOD PERFORMANCE STANDARDS

The Planning Board finds that all buildings and structures **[will / will not]** be erected, altered, enlarged or moved and all land within the SPO District **[will / will not]** be used in accordance with the performance standards set forth in Section 175-75.1 of the Zoning Ordinance, including providing a natural woodland or naturally vegetated buffer strip (175-75.1(A)) and using best management practices for sedimentation and erosion control (175-75.1(D)).

Comments/Rationale:

## GENERAL STANDARDS FOR CONDITIONAL USES

The Planning Board finds that the application to allow each of the proposed structures and uses of land within the SPOD **[conforms / does not conform]** to all of the approval criteria listed in section 175-23(C) of the Zoning Ordinance (except for specific criteria that are deemed by the Planning Board to be not pertinent to the application), as follows:

1. Site suitability: The site **[is / is not]** suitable for the proposed uses of land within the SPOD. This includes:
  - a. **[Adequate / inadequate]** vehicular and pedestrian access for the intended uses.
  - b. The **[availability / lack]** of adequate public services to serve the intended uses including emergency services, pedestrian facilities, schools, and other municipal services.
  - c. The **[absence / presence]** of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.
  - d. The **[availability / lack]** of appropriate utilities to serve the intended uses including water, sewage disposal, stormwater disposal, electricity, and similar utilities.

Comments/Rationale:

2. External impacts: The external impacts on abutting properties and the neighborhood of the proposed structures and uses of land within the SPOD – including but not limited to traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare – **[will be no greater / will be greater]** than the impacts of adjacent existing uses or other uses permitted in the zone.

Comments/Rationale:

In addition, the location, nature, design, and height of the structures and appurtenances, their scale with reference to their surroundings, and the nature and intensity of the proposed uses, **[will not / will]** have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

Comments/Rationale:

3. Character of the site development: The layout and design of the proposed structures and uses of land within the SPOD **[will / will not]** be compatible with the established character of the neighborhood and **[will / will not]** mitigate any external impacts on the neighborhood. This includes, but is not limited to, the amount, location, and screening of off-street parking; the treatment of yards and setbacks; the buffering of adjacent properties; and provisions for vehicular and pedestrian access to and within the site.

Comments/Rationale:

4. Character of the structures: The design of new structures within the SPOD **[will / will not]** be compatible with the established character of the neighborhood. This includes, but is not limited to, the scale, height, and massing of the structures; and the materials and colors proposed to be used.

Comments/Rationale:

5. Preservation of natural, cultural, historic, and scenic resources: The proposed uses of land within the SPOD **[will / will not]** preserve identified natural, cultural, historic, and scenic resources on the site and **[will not / will]** degrade such identified resources on abutting properties. Such resources include, but are not limited to, identified wetlands, floodplains, significant wildlife habitat, stone walls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.

Comments/Rationale:

6. Impact on property values: The proposed uses of land within the SPOD **[will not / will]** cause or contribute to a significant decline in property values of adjacent properties.

Comments/Rationale:

7. Availability of public services and facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public and private services, **[are / are not]** approved or assured, to the end that the use **[will / will not]** be capable of proper operation. In addition, these services **[will not / will]** cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.

Comments/Rationale:

8. Fiscal impacts: The proposed uses of land within the SPOD **[will not / will]** have a negative fiscal impact on the Town.

Comments/Rationale:

## CONDITIONS OF APPROVAL

The Planning Board finds that the following conditions are necessary to further the objectives of the Zoning Ordinance and the Master Plan, or would otherwise allow the above specific and general approval criteria to be satisfied:

- 1.
- 2.
- 3.
- 4.
- 5.

*[Examples of potential conditions of approval, as listed in Section 175-23(D) of the Zoning Ordinance, are presented on page 17 below.]*

## PLANNING BOARD FINDINGS FOR CONDITIONAL USE PERMIT

### C. MIXED USE WITH RESIDENTIAL AND PARKING

The proposed Mill Plaza Redevelopment project includes the construction of a mixed-use building with retail and office uses on the first two floors and multiunit residences on the third and fourth floors, and a second mixed-use building with retail, office and parking uses on the first floor and multiunit residents on the second and third floor.

#### APPLICABLE ZONING PROVISIONS

The Zoning Ordinance that was in effect on September 26, 2014, allowed three types of “Mixed Use” development in the Central Business (CB) district by conditional use permit:

- Mixed Use with residential (office/retail down, multiunit residential up)
- Mixed Use with parking (parking and office/retail)
- Mixed Use with parking (parking and office)

The Planning Board finds that the proposed four-story building containing two floors of retail/office and two floors of multiunit residential is “Mixed Use with residential” according to the Ordinance; and that the proposed three-story building with parking and nonresidential on the ground floor and multiunit residential on the upper floors blends the “Mixed Use with residential” use with the two “Mixed Use with parking” uses; and therefore that both buildings are Mixed Use buildings which the Board may allow by conditional use permit if it finds that the proposal conforms to all required conditional use permit criteria.

#### GENERAL STANDARDS FOR CONDITIONAL USES

The Planning Board finds that the application to allow two Mixed Use buildings as part of the Mill Plaza Redevelopment project **[conforms / does not conform]** to all of the conditional use permit approval criteria listed in section 175-23(C) of the Zoning Ordinance (except for specific criteria that are deemed by the Planning Board to be not pertinent to the application), as follows:

1. Site suitability: The site **[is / is not]** suitable for the proposed use. This includes:
  - a. **[Adequate / inadequate]** vehicular and pedestrian access for the intended use.
  - b. The **[availability / lack]** of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
  - c. The **[absence / presence]** of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.
  - d. The **[availability / lack]** of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.

Comments/Rationale:
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2. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood **[will be no greater / will be greater]** than the impacts of adjacent existing uses or other uses permitted in the zone. These impacts include but are not limited to traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

Comments/Rationale:

In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, **[will not / will]** have an adverse effect on the surrounding environment and **[will not / will]** discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

Comments/Rationale:

3. Character of the site development: The proposed layout and design of the site **[will / will not]** be compatible with the established character of the neighborhood and **[will / will not]** mitigate any external impacts of the use on the neighborhood. This includes, but is not limited to, the relationship of the buildings to the street; the amount, location, and screening of off-street parking; the treatment of yards and setbacks; the buffering of adjacent properties; and provisions for vehicular and pedestrian access to and within the site.

Comments/Rationale:

4. Character of the buildings and structures: The design of the new buildings and structures and the modification of the existing building on the site **[will / will not]** be compatible with the established character of the neighborhood. This includes, but is not limited to, the scale, height, and massing of the buildings and structures; the roof lines; the architectural treatments of the front elevations; the locations of the principal entrances, and the materials and colors proposed to be used.

Comments/Rationale:

5. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, **[will / will not]** preserve identified natural, cultural,

historic, and scenic resources on the site and **[will not / will]** degrade such identified resources on abutting properties. These resources include, but are not limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.

Comments/Rationale:

6. Impact on property values: The proposed use **[will not / will]** cause or contribute to a significant decline in property values of adjacent properties.

Comments/Rationale:

7. Availability of public services and facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public and private services, **[are / are not]** approved or assured, to the end that the use **[will / will not]** be capable of proper operation. In addition, these services **[will not / will]** cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.

Comments/Rationale:

8. Fiscal impacts: The proposed use **[will not / will]** have a negative fiscal impact on the Town.

Comments/Rationale:

## CONDITIONS OF APPROVAL

The Planning Board finds that the following conditions are necessary to further the objectives of the Zoning Ordinance and the Master Plan, or will otherwise allow the required approval criteria to be satisfied:

- 1.
- 2.
- 3.



## PLANNING BOARD FINDINGS FOR CONDITIONAL USE PERMIT

### D. DRIVE-THROUGH FACILITY ACCESSORY TO A FINANCIAL INSTITUTION

The proposed Mill Plaza Redevelopment project includes a drive-through facility to serve a bank use, comprising both a drive-up window and an automated teller machine (ATM).

#### APPLICABLE ZONING PROVISION

The Zoning Ordinance that was in effect on September 26, 2014, allowed “Drive through facility accessory to a financial institution” in the Central Business (CB) district by conditional use permit. The Ordinance defined “drive through facility” as “A service facility [...] that is intended to enable the customer to transact business with a person located within a structure or a machine without exiting the motor vehicle.”

The Planning Board finds that the proposed drive through facility, including both a window and an ATM, may be allowed by conditional use permit if the Board finds that the proposal conforms to all required conditional use permit criteria.

#### GENERAL STANDARDS FOR CONDITIONAL USES

The Planning Board finds that the application to allow an accessory drive-through facility within the Mill Plaza Redevelopment **[conforms / does not conform]** to all of the conditional use permit criteria listed in section 175-23(C) of the Zoning Ordinance (except for specific criteria that are deemed by the Planning Board to be not pertinent to the application), as follows::

1. Site suitability: The site **[is / is not]** suitable for the proposed use. This includes:
  - a. **[Adequate / inadequate]** vehicular and pedestrian access for the intended use.
  - b. The **[availability / lack]** of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
  - c. The **[absence / presence]** of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.
  - d. The **[availability / lack]** of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.

Comments/Rationale:
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2. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood **[will be no greater / will be greater]** than the impacts of adjacent existing uses or other uses permitted in the zone. These impacts include but are not limited to traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, **[will not / will]**

have an adverse effect on the surrounding environment and **[will not / will]** discourage the appropriate and orderly development and use of land and buildings in the neighborhood.

Comments/Rationale:

3. Character of the site development: The proposed layout and design of the site **[will / will not]** be compatible with the established character of the neighborhood and **[will / will not]** mitigate any external impacts of the use on the neighborhood. This includes, but is not limited to, the relationship of the buildings to the street; the amount, location, and screening of off-street parking; the treatment of yards and setbacks; the buffering of adjacent properties; and provisions for vehicular and pedestrian access to and within the site.

Comments/Rationale:

4. Character of the buildings and structures: The design of the new buildings and structures and the modification of the existing building on the site **[will / will not]** be compatible with the established character of the neighborhood. This includes, but is not limited to, the scale, height, and massing of the buildings and structures; the roof lines; the architectural treatments of the front elevations; the locations of the principal entrances, and the materials and colors proposed to be used.

Comments/Rationale:

5. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, **[will / will not]** preserve identified natural, cultural, historic, and scenic resources on the site and **[will not / will]** degrade such identified resources on abutting properties. These resources include, but are not limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.

Comments/Rationale:

6. Impact on property values: The proposed use **[will not / will]** cause or contribute to a significant decline in property values of adjacent properties.

Comments/Rationale:

7. Availability of public services and facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public and private services, **[are / are not]** approved or assured, to the end that the use **[will / will not]** be capable of proper operation. In addition, these services **[will not / will]** cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.

Comments/Rationale:

8. Fiscal impacts: The proposed use **[will not / will]** have a negative fiscal impact on the Town.

Comments/Rationale:

## CONDITIONS OF APPROVAL

The Planning Board finds that the following conditions are necessary to further the objectives of the Zoning Ordinance and the Master Plan, or would otherwise allow the above criteria to be satisfied:

- 1.
- 2.
- 3.
- 4.
- 5.

*[Examples of potential conditions of approval, as listed in Section 175-23(D) of the Zoning Ordinance, are presented on page 17 below.]*

## **EXAMPLES OF CONDITIONS OF APPROVAL**

(From Section 175-23(D) of the Zoning Ordinance)

1. Front, side, and rear setbacks in excess of the minimum requirements of the Ordinance.
2. Screening of the premises from the street or adjacent property in excess of any minimum requirements of the Ordinance.
3. Landscaping in excess of any minimum requirements of the Ordinance.
4. Modification of the exterior features of buildings or other structures.
5. Limitations on the size of buildings and other structures more stringent than the minimum or maximum requirements of the Ordinance.
6. Footprint or lot coverage less than the allowed maximum of the Ordinance.
7. Limitations on the number of occupants and methods and times of operation.
8. Grading of the premises for proper drainage.
9. Regulation of design of access drives, sidewalks, crosswalks, and other traffic features.
10. Off-street parking and loading spaces in excess of, or less than, the minimum requirements of the Ordinance.
11. Other performance standards as appropriate.