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Town Planner's Review
Wednesday, January 27, 2021

- IX. **Public Hearing - 19-21 Main Street – Parking Lot**. 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.
- I recommend that the board discuss the project and continue the public hearing to February 10 or February 24.

Please note the following:

- 1) Conditional use criteria. It would be useful to discuss the conditional use criteria. See my notes at the bottom of this review. The board did not have time for this discussion as intended at the January 13 meeting. The board could continue the public hearing to a February date and then have this discussion only among board members, with no other input from the applicant or public, if desired. Related to this topic and to the discussion in Process, below, it might be helpful for board members to also share their overall view of the project at this point: *What concerns do board members have? Are there general changes that should be considered? Is the proposed scale of the project appropriate?*
- 2) Process. With large complex projects we find that it is helpful for the board to conduct its review and then to provide a set of suggested revisions to the plans for each pertinent issue. The applicant then submits one revised set of plans for the final deliberations. Does this process make sense for this project? If so, the board should spend some time discussing each pertinent element of the plans: Is it acceptable as presented? Should the element be modified? If so, how? Is more information needed? *It might be helpful to schedule a special meeting with only this project on the agenda.*
- 3) Traffic impact. The Planning Board spoke with Steve Pernaw, the traffic engineer, in depth at the January 13 meeting. Related to traffic impacts and construction is the number of dump trucks that will come to the site. *Is more information needed? Should the traffic report be reviewed by an independent consultant? Should a run on the traffic model be required?*
- 4) Front entrance. The Historic District Commission approved the project, i.e. those limited elements of the project subject to HDC review. This includes the physical features of the front two lots. The HDC approved a revised entrance design. The

Planning Board will conduct its own review of the proposed entrance and other features of the site. If the board approves or prefers a different design, then the board and HDC will need to reconcile the two approaches in some manner.

- 5) Stormwater management. *Rich Reine, Public Works Director, recommends that an outside party review the drainage plans.* He conveyed the following in an email: “Both April and I have reviewed the proposed plan and stormwater management report as well as attended the technical session and PB site walk. I’ve spoken to Michael Behrendt and advised him that Durham Public Works would advise the Planning Board utilize 3rd party engineering services for the stormwater management review portion of the project (and any others they deem necessary). We would support this effort and provide guidance and direction to the reviewer as needed.”
- 6) Tree Cover and Natural Resources. There have been numerous concerns expressed about removing much of the existing tree cover on this parcel. The application will need to meet the specific requirements of the Site Plan Regulations relating to landscaping, screening, stormwater management, protection of trees identified to be preserved during construction, and preservation of significant natural resources and the conditional use requirements in zoning. There is also a maximum impervious surface ratio in the zoning table. See Article 8 - Natural Resource Standards in the Site Plan Regulations and criterion 5 under the Conditional Use requirements. There is no specific requirement in the regulations or ordinance for preservation of existing tree stands and tree cover beyond what is discussed there. See the Forest Assessment for the project written by Charles Moreno, consulting forester, which provides a useful overview of the wooded area.
- 7) Side setbacks and buffers. Are the side setbacks and proposed buffers appropriate?
- 8) Visibility. We will need more information to see how visible the parking lot would be from neighboring residences. The landscaping plan includes significant evergreen plantings around the periphery of the lot. The lot must be screened from neighboring residential properties. What additional information or renderings would be helpful to see how the parking lot will be visible from neighboring properties? Annmarie Harris, a resident of the Faculty Road neighborhood, asked at the site walk about viewing the property from Chesley Drive. However, the board determined to hold the walk on the subject lot.
- 9) Sewer. The existing sewer line will be relocated on the lot. Mike Sievert is discussing with Public Works whether any improvements to sewer would be needed beyond the property where the sewer joins the line in Chesley Drive.
- 10) Snow storage. The applicant said they would provide a machine for melting snow. More information is needed about how this would work.

Conditional use discussion. For large complex projects that are allowed by conditional use, we have seen that it can be beneficial to talk about the conditional use criteria early so that they are not reviewed for the first time during final deliberations. If there are potential

issues related to the criteria this early discussion will give the applicant an opportunity to address them prior to final deliberations.

****It would be helpful if every Planning Board member, including alternates, could review the eight criteria below and be prepared to share comments at the meeting.*** The board could discuss the criteria in general, overall, or discuss each one individually. Either way, *the comments should be fairly general and it is understood that concerns expressed by members are subject to change as the plan may evolve further.*

The application is to create a parking lot as a principal use, meaning that it could be used by any party (unless the board included any limitations as part of the conditional use). This use is allowed by conditional use. A parking lot that exclusively serves the users of a building on site is an accessory use and is allowed by right.

Here are the eight criteria. All of them must be met for the granting of a conditional use.

175-23. Approval Criteria.

...C. ***Criteria Required for Consideration of a Conditional Use Permit.*** A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following conditional use permit criteria (except for specific criteria that are deemed by the Planning Board to be not pertinent to the application):

1. **Site suitability:** The site is suitable for the proposed use. This includes:
 - a. Adequate vehicular and pedestrian access for the intended use.
 - b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, schools, and other municipal services.
 - c. The absence of environmental constraints (floodplain, steep slope, etc.) or development of a plan to substantially mitigate the impacts of those constraints.
 - d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater disposal, electricity, and similar utilities.
2. **External impacts:** The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be 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, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.
3. **Character of the site development:** The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but

not be limited to, the relationship of the building 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.

4. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, the architectural treatment of the front or street elevation, the location of the principal entrance, and the material and colors proposed to be used.
5. Preservation of natural, cultural, historic, and scenic resources: The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat, stonewalls, mature tree lines, cemeteries, graveyards, designated historic buildings or sites, scenic views, and viewsheds.
6. Impact on property values: The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.
7. Availability of Public Services & Facilities: Adequate and lawful facilities or arrangements for sewage disposal, solid waste disposal, water supply, utilities, drainage, and other necessary public or private services, are approved or assured, to the end that the use will be capable of proper operation. In addition, it must be determined that these services will not cause excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police protection, fire protection, and schools.
8. Fiscal impacts: The proposed use will not have a negative fiscal impact on the Town unless the Planning Board determines that there are other positive community impacts that off-set the negative fiscal aspects of the proposed use. The Planning Board's decision shall be based upon an analysis of the fiscal impact of the project on the town. The Planning Board may commission, at the applicant's expense, an independent analysis of the fiscal impact of the project on the town.