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**Town Planner's Review**  
**Wednesday, December 16, 2020**

- X. **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 January 13 or January 27.

Please note the following:

Parking spaces. The proposal would increase the number of parking spaces for the site by 140 to a total of 183 spaces.

**Process**

- 1) Site walk. The Planning Board held a site walk on December 2. The minutes were forwarded and are on the website.
- 2) Earlier preliminary application. The applicant submitted a preliminary design review application in November 2019. The Planning Board held a site walk and a public hearing on the application. You can see the documents and comments at the Town's website under Planning Board – completed projects – 2020 or at this link: [https://www.ci.durham.nh.us/boc\\_planning/design-review-application-19-21-main-street](https://www.ci.durham.nh.us/boc_planning/design-review-application-19-21-main-street)
- 3) Conditional Use. The proposal is for a parking lot as a principal use (not an accessory use serving only the on-site uses). This is allowed by conditional use. The board may set any appropriate conditions on the proposed use of the parking lot. Potential users should be discussed though understandably that is fluid. I suggest that the board have a preliminary discussion about the eight conditional use criteria, perhaps at the following meeting, in order that potential issues be raised soon rather than during final deliberations. The application addresses the eight criteria.
- 4) Technical Review Group. The applicant met with the TRG on November 10. There was a long discussion. The minutes were forwarded and are on the website.
- 5) Process. With large complex projects we find that it is helpful for the board to conduct its review including taking comments at the public hearing, 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 (There are frequently additional minor items to be changed as precedent conditions).

- 6) Historic District. The front two lots are located in the Durham Historic District. The HDC reviewed the project on December 3 and scheduled a public hearing on the application for January 7. The HDC held a site walk on December 10.

### **Traffic and Circulation**

- 7) Traffic impact. This is a key part of the proposal. All of the access to the lot would be from Main Street near the top of Church Hill. This is a dense area in the heart of the Historic District. A traffic memorandum from Traffic Engineer Steve Pernaw was submitted in July 2020. This review will need to be updated. We will need to look at sight distance carefully. *Should a run on the traffic model be required?*

I would encourage the applicant to speak with the adjacent Durham Community Church to see if it is possible to have a secondary driveway connecting to that property (right behind the Red Tower) to potentially help alleviate traffic in the future in some manner.

- 8) Front entrance. The existing access points on the two front lots will be reconfigured. The proposal includes a boulevard type entrance with a landscaped median and relocating all of the parking areas there to the rear. The Historic District Commission asked that another possible design be submitted using a conventional driveway with the ingress and egress lanes contiguous. The applicant shared a schematic rendering at the HDC's site walk on December 10. There was a sense that a conventional driveway might be more appropriate for the Historic District because it would be narrower and smaller scale and be placed further from the two adjoining historic buildings with more green space in between.

There is a question, however, whether having separate lanes as initially presented is more efficient for traffic flow and for pedestrians crossing on the sidewalk in front of the property.

Brendan O'Sullivan, the acting fire marshal, provided standards fire access which will need to be accommodated. He attended the HDC's site walk and said that having one conventional driveway would actually be better for fire access since the one driveway would be wider than the ingress only driveway.

The goal is to accommodate necessary traffic safety and efficiency, especially given concerns about traffic impacts upon Church Hill, with enhancing the character of the Historic District. This presents a challenge and the HDC and the Planning Board will need to coordinate so that one preferred, or at least acceptable, design emerges.

- 9) Entrance sidewalk and retaining wall. At the HDC site walk we discussed possibly rebuilding the retaining wall alongside the entrance driveway (It is falling apart now). It might make sense to incorporate a retaining wall if one conventional driveway is used. There could be a new sidewalk running through the middle of the green space between

the driveway/retaining wall and the white house. HDC members discussed with the applicant using a brick sidewalk in this section.

- 10) Decorative pavers. The landscaping plan shows a strip of decorative pavers across the entrance (use of stone pavers as used at 18 Main Street diagonally across the street). I recommend a wider strip both to calm traffic and for aesthetic reasons.
- 11) Parking spaces. There are a few compact parking spaces shown. The site meets the requirement for accessible parking spaces. Is the path from these spaces to Main Street readily accessible? The landing area next to the accessible spaces could be reduced to five feet if desired (except for one van space with eight feet). Can one or more electric charging stations be incorporated? One parallel space looks tight to maneuver into.
- 12) Pedestrian access. Is pedestrian access through the site optimal? A cross walk should probably be painted linking the two sidewalks on the westerly side of the site. Can a sidewalk be incorporated into the median on the northerly side of the parking lot to help users reach the rear of the site? The drive aisles are 24 feet wide. Perhaps these could be reduced to 23 feet to widen the median to 13 feet to accommodate a sidewalk in the middle.

## **Utilities**

- 13) Stormwater management. The plan includes underground storage and treatment. Public Works is reviewing the design. Mike Sievert says the chambers are 5 feet high which would facilitate maintenance. Provisions should be included to ensure perpetual maintenance.
- 14) 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. The applicant will probably need to relocate the sewer lines for the adjoining houses at his own expense. There is a wetland south of the site. If the sewer line needs to be relocated within that wetland buffer a conditional use might be needed.
- 15) Snow storage. Removal of snow from the site may be needed in the case of significant snow events. The plan will need to demonstrate that properties downgradient will not be adversely impacted. The applicant said that they will acquire a melting machine to be used on site.

There should be no storage in buffers where there will be new landscaping or existing vegetation being preserved.

- 16) Permeable pavement. Use of permeable pavement should be explored. The maximum impervious surface for the lot/site is 80%. The plans state the surface will be 52.4% impervious. This could help with treatment of stormwater and snow. On the other hand, I have become skeptical of permeable pavement because of the need for perpetual maintenance to avoid pores in the asphalt being filled.

## **Natural and Cultural Resources**

- 17) 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.
- 18) Dog graveyard. Janet Wall told me she believes there was a dog cemetery for the former Onderdonk family behind the small building at the rear. However, the gravestones (The survey form just mentioned the stones) were relocated to Smith Chapel.
- 19) Oyster River LAC. It was pointed out to us that the site lies within the jurisdiction of the Oyster River Local Advisory Committee. The LAC is designated under RSA 483 *The New Hampshire Rivers Management and Protection Program* to help protect designated rivers. I have sent information about the project to the chair of the LAC. The committee can provide *nonbinding comments* about how the project might affect the Oyster River at its option. All sites within ¼ mile of the Oyster River fall under their jurisdiction.

## **Impacts**

- 20) Side setbacks and buffers. The plans will be modified to create a 10 foot setback on the easterly side. Bill Hall, who is an abutter to the northeast, requested a 10 foot setback with a 5-foot grass strip alongside his property and then a 5-foot strip with arborvitae (or comparable) beyond that. Mr. Hall said that he would be satisfied with 4 or 5 foot high plants at installation with appropriate spacing in between to accommodate growth. He said that he does not need a fence to shield headlights. I believe the applicant plans to design this buffer as Mr. Hall requests.

The Site Plan Regulations provide specific standards for buffers between commercial and residential properties including a fair amount of discretion for the Planning Board. If Mr. Hall and the applicant agree to a buffer plan it makes sense to incorporate that plan. Assuming we don't hear anything from the owners of the single family house to the south of Mr. Hall the Planning Board should use its judgment in specifying buffer standards per the regulations. A 10-foot setback/buffer is preferable to the 5-foot setback shown on the current plans since it will better accommodate plantings, root growth, maintenance, and a fence if appropriate. I include the excerpt from the regulations at the bottom.

Should there be any vegetation along the westerly side alongside Mill Plaza, the direct abutter there beyond the front portion of the parcel? A number of white spruce are shown in the current plan wrapping around the southwesterly corner but not along the rest of the westerly side. The retaining wall will extend along most of the westerly side. Residential use is planned for the second and third floor of the building for Mill Plaza proposed along that side. The building would be set back from the lot line variously 20 to 50 feet (It is set at an angle to the lot line). The Zoning Ordinance calls for screening from a *residential use*. Since this is only a proposed use the board can use its judgment about what if anything is appropriate here.

- 21) Landscaping. Other than landscaping serving to buffer the parking lot along the perimeter parking lots located at the rear of sites are exempt from most landscaping requirements (because applicants are encouraged to located parking in the rear).

Robin Mower questioned use of river birch trees at the entrance. Robbi Woodburn noted that snow could weigh down the branches of younger trees, potentially blocking the view for vehicles, so snow would need to be brushed off in those cases. Alternatively single stem birches could be used.

I would encourage addition of vegetation to the rear of the Red Tower alongside the existing angled parking area to visually screen that parking from Main Street.

- 22) Lighting. All lighting must be fully shielded, preferably with use of traditional box type fixtures rather than the contemporary fixture shown which can cause glare. The amount of light for the parking lot and hours when the lighting will be on will be a critical issue in terms of impacts on neighboring properties. I think that the lights should be shorter (the proposed lights are 14, 16, and 18 feet high) and pulled as far as possible from the edges of the parking lot to reduce light trespass.

The lot should be illuminated. The parking lot at 18 Main Street is pretty dark. But low levels of light (Is there ambient light from Mill Plaza and other properties nearby?) should be sufficient. The light level shown is fairly typical (a maximum of 4.7 footcandles) but it can be brought lower (perhaps just changing the 2S4 fixtures to S4).

- 23) 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.

- 24) Retaining wall. The retaining wall will be about 25 feet high as seen on the site walk. The plan is to extend the wall a few feet above the grade of the parking lot to screen for headlights. There will be a 100 foot existing buffer below the wall and additional vegetation planted right below the wall. The wall will be gray and hopefully blend in to

the woods. Robbi Woodburn did not think any kind of ivy was needed to soften the wall. Annmarie Harris asked me about people climbing on the wall. Of course, anybody climbing on the wall would be trespassing. Is this a concern?

- 25) Mill Plaza. Pete Murphy, the developer, has emphasized that this application is entirely independent from the Mill Plaza project. Colonial Durham Associates has spoken with him about leasing spaces on the lot but nothing definitive is in place according to Mr. Murphy. If Mill Plaza were to lease spaces pedestrian connections would need to be established on both sites.
- 26) Noise. Josh Meyrowitz asked at the site walk about noise from vehicles. A strategy should be developed if possible to address noise during construction and for back up beepers for vehicles.

### **Miscellaneous Issues**

- 27) Four Lots. It is likely that the four lots would need to be combined to accommodate the proposal. Lot 1-9 contains a multiunit building and a driveway. Lot 1-10 known as the Red Tower is a multiunit building. Lot 1-15 contains two buildings. The building in front, which is sometimes referred to as the “billiard building” and which appears to be a significant building, would remain. The ranch-type building in the rear would be demolished. Lot 1-16 is vacant except for the parking area that extends onto it. It may be desirable to keep Lot 1-9 as its own lot so that it could be conveyed separately in the future.
- 28) Construction management plan. A demolition plan is provided but a construction management plan will also be needed. How many cubic yards of fill will be needed? How many dump trucks would be brought to the site?
- 29) Management. How will the site be managed? Who will spaces be rented to?
- 30) Blasting. Mike Sievert told the HDC that there should not be any blasting at the site (A member asked due to concern about impact on neighboring buildings) because there will be substantial fill not cuts. One section of the slope will need to be shaved down.
- 31) Cross section. Mike Sievert submitted a longitudinal cross section of the site from Main Street toward the rear of the parcel for the design review application. It would be helpful to see one for this revised application to understand the grade changes from Main Street to the rear of the site.
- 32) Screening. Here is the excerpt from the Site Plan regulations referred to above about Screening

### **Section 5.9 Screening**

- 5.9.1 Where nonresidential uses and/or off-street parking facilities abut a vacant lot in a residential zone or an existing residential use, the perimeter shall be screened to provide physical and visual separation from the residential zone or use.

- 5.9.2 Screening measures composed of trees, shrubs, berms, walls, and/or fences shall be installed to a height of 6 feet, or higher, when appropriate, as specified by the Planning Board. A wall or fence shall be placed on the exterior side of any landscaping unless otherwise approved by the Planning Board. The more attractive finished side of the fence shall face abutters, unless otherwise approved by the Planning Board.
- 5.9.3 When natural vegetation is used, it shall consist of evergreen shrubs and/or trees planted in a line to form a continuous screen that will grow to a minimum height of 6 feet within 3 years. Additional evergreen shrubs/trees may be planted in a second, staggered line to form a screen together with the first line.
- 5.9.4 All sites shall incorporate screening measures to prevent the headlights of vehicles from shining on adjoining residential areas.
- 5.9.6 The Planning Board may stipulate additional buffers due to unusual impacts generated, including odor, noise, glare, dirt, dust, vibration, etc.