



TOWN OF DURHAM
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Town Planner's Review
Wednesday, February 23, 2022

- IX. **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.
- I recommend that the board discuss the updated plans and continue the review and public hearing to March 23 (The March 9 meeting is dedicated to Mill Plaza)

Please note the following:

- 1) Earlier review. A revised plan (dated November 30) was discussed at the December 15 meeting. The board held another site walk on January 12. The public hearing scheduled for January 26 was postponed at the applicant's request to this meeting.
- 2) Revised plans. Another set of revised plans (dated February 15) have been submitted. See the last bullet point below specifying the changes in these plans.
- 3) Drainage. The revised drainage plans were sent to Erik Saari, the Town's consultant at Altus Engineering. I expect to receive comments from him shortly.
- 4) Grading. As noted earlier, the board should discuss provisions in the Site Plan Regulations under Article 8. Natural Resource Standards. See General Provisions in Section 8.2.
- 5) DRI. The board should determine if the construction traffic constitutes a Development of Regional Impact. The only element of the project which I believe could reasonably be deemed a development of regional impact is the construction traffic. Riverwoods was deemed a DRI for the construction traffic. If so, we must notify abutting municipalities and the regional planning commission. See information about the Development of Regional Impact at the bottom.
- 6) Profile. See the site profile plan on Sheet C104. The profile extends along the proposed parking lot to Chesley Drive. The southerly end of the parking lot is about 34 feet above Chesley Drive as shown.
- 7) Other images? Which additional images, if any, would help the board in reviewing the project? I understand that Mike Sievert is working on a simulated view of the parking lot from Chesley Drive. It would be helpful to know the difference in elevation

between the end of the parking lot and Faculty Road, relevant to potential impact of lights.

- 8) Buffers. Are the buffers shown on the updated plans for the easterly, southerly, and westerly sides sufficient?
- 9) Deliberations. The board should be able to start deliberations soon. What additional information is needed and which issues should be discussed before deliberations begin?
- 10) Conditional use criteria. Would another preliminary discussion of the conditional use criteria for the revised plan be useful?
- 11) Electric charging. See my email about electric charging stations. Should more be provided than only conduit for one future space?
- 12) Wetland. The applicant should clarify if there is a 75-foot wetland buffer as shown on the bottom of the site. Wetlands less than 3,000 square feet are not included in the overlay district except if they are vernal pools. The wetland below the site as shown is less than 3,000 square feet.
- 13) Snow. I was asked about runoff of snow. Is there a concern with snow that will be piled at the end of the parking lot running off into Chesley Brook? How will the snow be placed there with the guardrail in between? The guardrails are 27" high.
- 14) Lighting. 16 new lights are shown on the plan. The lighting fixtures are 14 feet high. This reduced height could still cause glare on neighboring properties due to the difference in elevation of the finished lot. Strong shields on each light could make a difference.

The maximum foot candles of light shown on the parking lot is 2.9 which is fairly low and seems appropriate for this use.

The eight parking spaces at the bottom of the lot will be facing toward Chesley Drive and the Faculty Road neighborhood. It would be preferable to not include spaces here as more properties are affected by car head lights. Opaque screening will be needed on three sides of the lot to block any headlights. Now only a guardrail is shown.

- 15) Soils. I was asked about the soil scientist. It is Joseph Noel who submitted a soils report. His name and stamp will be included on the final plan set (Sheet E2).
- 16) Changes in revised plans. According to Mike Sievert the changes in these plans include the following:

Existing features Plan:

- Plan was completed and stamped by the licensed land surveyor

Site Plan:

- New lighting layout shown
- Drainage structures updated

- Added fence on easterly boundary
- Updated general notes

Grading, drainage and utility plan

- Finalized drainage design
- Added storm drainage structure table
- Added underground conduit for future car charging station
- Relabeled labeled profile view W-E

Demo Plan – No change

Site Profile Plan – added this new plan to show profile view from upper end of new parking lot to pedestrian path at Chesley

Landscape Plan – Added fence

C501 & 502 – no change

C503 – updated lighting design

C504 – no change

C505 – New drainage plan showing final design details

Review of Developments of Regional Impact

36:54 Purpose.

The purpose of this subdivision is to:

- I. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.
- II. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the municipality having jurisdiction.
- III. Encourage the municipality having jurisdiction to consider the interests of other potentially affected municipalities.

36:55 Definition. –

In this subdivision "development of regional impact" means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- I. Relative size or number of dwelling units as compared with existing stock.
- II. Proximity to the borders of a neighboring community.
- III. **Transportation networks.**
- IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
- V. Proximity to aquifers or surface waters which transcend municipal boundaries.
- VI. Shared facilities such as schools and solid waste disposal facilities.

36:56 Review Required. –

I. A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

II. Each regional planning commission may, with public participation following the public posting of notice of the intent to develop guidelines, including notice published in a newspaper of general circulation in the planning region, develop guidelines to assist the local land use boards in its planning region in their determinations whether or not a development has a potential regional impact. The regional planning commission may update the guidelines as needed and provide them, as voted by the regional planning commissioners, to all municipalities in the planning region.

36:57 Procedure. –

I. Upon determination that a proposed development has a potential regional impact, the local land use board having jurisdiction shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.

II. Not more than 5 business days after reaching a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The local land use board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.

III. At least 14 days prior to public hearing, the local land use board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.

IV. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the regional planning commission and the affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit.