



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

XI. **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 plans and decide how to proceed from here.

Please note the following:

- 1) **Revised plans**. The plans were fully revised on February 15. The applicant has made some additional revisions and additions in plans submitted Friday morning regarding snow storage, landscaping, and construction. The plans and a letter from Mike Sievert are included in the packets.
- 2) **Grading**. \*\*\*As noted earlier, the board should fully discuss at this meeting on March 23 provisions in the Site Plan Regulations under Article 8. Natural Resource Standards. See General Provisions in Section 8.2.
- 3) **DRI**. \*\*\* The board will need to vote on March 23 whether the project is considered a Development of Regional Impact (DRI) by nature of potential significant impacts of construction traffic on neighboring communities. See information about the Development of Regional Impact at the bottom.
- 4) **Views of the Site** \*\*\* I emailed to the board all of the views that we have received of the site from various vantage points including profiles and details of the guardrail and lights. What additional views would the board like to see? Are the two views shown from Chesley Drive sufficient? The applicant showed a rendering of the lights at nighttime which we do not have. That should be provided.
- 5) **Buffers and scale of the project**. \*\*\*Are the buffers shown on the updated plans for the easterly, southerly, and westerly sides sufficient? Does the overall scale of the project and potential impacts – traffic, lighting, general activity, stormwater, etc. - seem appropriate under the conditional use criteria and site plan requirements?
- 6) **Relative elevations**. It would be helpful to have various spot elevations to help assess potential impacts, especially from lights (See below): of the parking lot, Chesley Drive below the site, houses of abutters, Faculty Road, proposed residential units at Mill Plaza.

- 7) Restrictions for Parking Spaces. As part of the conditional use review the board can set any restrictions for use of the parking spaces that are not accessory to the site: who they serve, whether they serve off site residents or downtown businesses, whether they are rented by the hour, day, month, or year, etc. There was some discussion about this earlier.
- 8) Drainage. We received comments back from Erik Saari, the Town's consultant at Altus Engineering for the stormwater plans.
- 9) Electric charging. See my email about electric charging stations. Should more be provided than only conduit for one future space?
- 10) Deliberations. The board should be able to start deliberations soon. What additional information is needed and which issues should be discussed before deliberations begin? How would the board like to handle the public hearing process once deliberations begin?
- 11) Conditional use criteria. Would another preliminary discussion of the conditional use criteria for the revised plan be useful?
- 12) Lighting. The new lights could be effective as the light is recessed in the fixture; however, the fixture is flared outward. They are the same lights now used at Emery Farm, but those lights appear to be lower than what is proposed. An analysis showing the angle of the light in the fixture and the line to neighboring properties would be helpful to determine if the lights themselves would be visible due to the height of the fixtures. Special provisions must be made for strong shields on each light should the site cause glare after construction. If approved the lights should have an accommodation built in for shields which the board could then require afterward. Is the fencing and vegetation sufficient to mitigate car lights?

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.

## **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.