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Town Planner's Review
Wednesday, May 11, 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 project and continue the review to an upcoming meeting.

Please note the following:

1) **Current plans.** The most recent site plan is dated March 17. Various other documents are shown on the Town's website for the project: Inside Town Hall - boards and commissions – Planning Board – current projects – Main Street #19. Numerous letters from citizens are shown at the bottom of the page under Web Links.

2) **Grading.** As noted earlier, the board needs to discuss this issue at the meeting. Here are excerpts in the Site Plan Regulations under Article 8. Natural Resource Standards:

8.2.1 Buildings, parking areas, travel ways, and other site elements shall be located and designed in such a manner as to preserve natural resources and maintain natural topography to the extent practicable. Extensive grading and filling shall be avoided.

8.2.3 Development shall follow the natural contours of the landscape to the extent practicable to minimize grading.

3) **Views of the Site** I emailed to the board on March 15 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 if any? Are the two views shown from Chesley Drive sufficient? It would be helpful to have a prospective view from the Urso property. The applicant showed a rendering of the lights at nighttime which we do not have.

It would be helpful to have one theoretical rendering showing the layers of the parking lot from below (base grade, 6-foot retaining wall, height of slope, finish grade, guardrail, lights, etc.)

4) **Relative elevations.** It would be helpful to have various spot elevations to help assess potential impacts, especially from lights: of the parking lot, Chesley Drive below the site, houses of abutters, Faculty Road, proposed residential units at Mill Plaza.

- 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) **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.
- 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) **Traffic Analysis.** Eric Lund stated in an email from April 15 that if the Mill Plaza project does not move forward that would call into question the level of demand of the parking lot by students. The traffic study is based on the assumption that most users of the lot will be students, therefore involving little turnover of spaces during peak times. The Planning Board could set parameters for the operation of the parking lot (hourly, weekly, encouraging use for downtown businesses, etc.) as part of its consideration of the conditional use for a principal use parking lot (but I do not believe for the actual users of the lot). Is any re-examination of the traffic study in order based on who the likely users will be?
- 9) **Drainage.** We received comments back from Erik Saari, the Town’s consultant at Altus Engineering for the stormwater plans. Mike Sievert did not have any objections to these comments and will incorporate changes per the comments. Even if these are all technical revised plans should be submitted prior to final action given the number of comments.
- 10) **Planting Plan for Slope.** We need information about slope stabilization and the planting mix below the parking lot. I don’t believe we have this.
- 11) **Fill for Slope.** The applicant provided updated information on the fill in their March 17 memo. There will be a net amount of fill of 13,702 cubic yards requiring 857 truck trips (for the fill only). We should also have a description of the type of fill to be used (I don’t believe we have that information).
- 12) **Electric charging.** Should more be provided than only conduit for one future space?
- 13) **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 the proposed 14-foot-high lights are taller than those. 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. Placing the lights on timers was discussed though one wonders whether turning the lights on and off would be more intrusive. 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. A guardrail but no fence is shown there. A six foot high fence is shown along the Urso property boundary along with numerous evergreen plantings.

- 14) Retaining Wall. Details for the 6-foot retaining wall will need to be submitted.
- 15) Access Easements. I don't believe that anything needs to be done now on the drawings regarding the private access easements, but any final set of plans should include precise language clarifying the nature of the easements.
- 16) Conditional use criteria. Would another preliminary discussion of the conditional use criteria for the revised plan be useful?
- 17) Deliberations. The board should be able to start deliberations soon. What additional information is needed, and which issues should be discussed before deliberations begin? Once the board is ready to begin, I recommend adjourning the public hearing for one or more meetings to a specific date. At that date the hearing would be open again for final public comments.

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.