

These minutes were approved at the Tuesday, November 13, 2002 meeting.

**DURHAM PLANNING BOARD MINUTES  
WEDNESDAY, OCTOBER 23, 2002  
DURHAM TOWN HALL-TOWN COUNCIL CHAMBERS**

***PRESENT:***

*David Pease, Chair; Suzanne Loder (arrived at 7:13); Neil Wylie; Amanda Merrill, Secretary (arrived at 9:45); David Watt, Vice Chair; Julian Smith, Alternate; Arthur Grant, Town Council; Annmarie Harris, Town Council Alternate; Rachel Rouillard*

***OTHERS PRESENT:***

*Jim Campbell, Planner; Todd Selig, Town Administrator; Paul Beaudoin, Business Manager; Mike Lynch, Public Works Director; Interested members of the public*

***MINUTE TAKER:***

*Michael Bornstein*

***Chair Pease called the meeting to order at 7:03 P.M.***

I. Approval of Agenda

***Arthur Grant MOVED to approve the agenda. The motion was SECONDED by Suzanne Loder.***

Chair Pease suggested deciding on the postponements of agenda items V. and VI. before discussing the draft Capital Improvement Plan.

***Arthur Grant MOVED to defer agenda items V., a public hearing concerning property off of Fairchild Drive, and VI., acceptance consideration concerning property on Newmarket Road, until the November 13, 2002 meeting. The motion was SECONDED by Rachel Rouillard.***

Neil Wylie stated he had received calls from citizens who had not seen the time schedule on the agenda concerning item V. He had told the citizens there would most likely not be any discussion of item V. until after 8:00 P.M. Mr. Wylie stated he would be voting against the motion based on the information he had given to citizens.

Chair Pease stated the public hearing could not be postponed without a vote of the Board, but the acceptance consideration could be.

Jim Campbell stated that while the applicant had asked that the public hearing be postponed, Mr. Garvey still wanted to have an opportunity to show the Board an update on the application subdivision.

In response to a question from Mr. Campbell, Arthur Grant stated he would not entertain in his motion the opportunity for the applicant to speak about the application.

***The motion FAILED on a vote of 3-3 (Neil Wylie, Chair Pease and Julian Smith voting against.)***

Chair Pease stated Julian Smith was a voting member until Suzanne Loder and Amanda Merrill arrived.

***Neil Wylie MOVED the agenda be approved as printed. The motion was SECONDED by David Watt and was APPROVED with a vote of 5-1 (Arthur Grant voting against.)***

***Suzanne Loder arrived at the meeting at 7:13 P.M.***

## II. Report of the Planner

Jim Campbell reported on the following:

Amanda Merrill was attending a law lecture on planning issues.

There was still an opportunity for Board members to attend the Concord 20/20 series. There is one on November 6, 2002 and another on November 18, 2002. The next law lecture will be next week and any Board member can be registered to attend. Just let Mr. Campbell know.

The Office of State Planning Conference will be on November 16, 2002. Registration must be returned to the Planning Office by this Friday.

The Board will be looking at three new applications for next month's meeting.

## III. Approval of minutes

The following changes were made to the September 25, 2002 minutes:

Page 5, 6<sup>th</sup> paragraph with the line that begins "Bill Tanguay" the words "an attorney" should be added.

Page 7, 5<sup>th</sup> paragraph with the line that begins "Joshua Maurowitz" the word "Maurowitz" was changed to "Meyrowitz."

Page 8, 1<sup>st</sup> paragraph with the line that begins “she does not” the word “believed” was changed to “believe.”

Page 10, 13<sup>th</sup> paragraph with the line that begins “Administrator Selig gave” the word “and” was changed to “an.”

Page 11, 3<sup>rd</sup> paragraph with the line that begins “Arthur Grant noted” the word “only” was added to the end of the sentence.

***Neil Wylie MOVED to approve the minutes as amended. The motion was SECONDED by David Watt and was unanimously approved.***

The following changes were made to the October 9, 2002 minutes:

Page 1, 8<sup>th</sup> paragraph with the line that begins “Chair Pease stated” the word “to” was changed to “at.”

Page 2, 3<sup>rd</sup> paragraph with the line that begins “Mr. Campbell stated” the word “foundation” was changed to “UNH Foundation.”

Page 2, 10<sup>th</sup> paragraph with the line that begins “Paul Beaudoin stated” the word “nonpersonal” was changed to “non-personnel.”

Page 3, 1<sup>st</sup> paragraph with the line that begins “Paul Beaudoin stated the word “Town” was changed to “library.”

Page 3, 13<sup>th</sup> paragraph with the line that begins “Mr. Beaudoin stated” the word “money” was changed to “the estimated cost.”

Page 5, 3<sup>rd</sup> paragraph with the line that begins “The Town has not had many sales” the words “of similar properties” was added. In the same paragraph the sentence that began “but that a \$700,000 purchase of the property” was removed.

Page 5, 5<sup>th</sup> paragraph with the line that begins “Administrator Selig stated” the word “condition” was changed to “conditioning.”

Page 6, 7<sup>th</sup> paragraph the line that begins “Mr. Selig stated” was removed.

Page 7, 6<sup>th</sup> paragraph with the line that begins “Mr. Selig stated” the word “compensate” was changed to “otherwise offset”

Page 7, 7<sup>th</sup> paragraph with the line that begins “The \$2.5 million bond” the words “number was chosen due to if land was to be bought the tax rate” were removed to have the sentence read “The \$2.5 million bond would increase the tax rate by under \$1.

Page 7, 9<sup>th</sup> paragraph with the line that begins “Rachel Rouillard stated” the words “to have” were inserted.

Page 8, 9<sup>th</sup> paragraph with the line that begins “Julian Smith stated” the words “used by charitable organizations and other spaces rented to people who park there” were inserted and the words “to organizations” were removed.

Page 8, 8<sup>th</sup> paragraph with the line that begins “Mr. Harwood wrote” the word “limitations” was removed and the words “wrote to” were changed to “address.”

Page 8, 10<sup>th</sup> paragraph with the line that begins “Mr. Smith stated” the word “currently” was changed to “subsequently.”

Page 9, 10<sup>th</sup> paragraph with the line that begins “Julian Smith stated” the words “for customers or employees” were added to the end of the sentence.

Page 11, 2<sup>nd</sup> paragraph with the line that begins “David Garvey stated” the words “paying the cost of” were inserted.

Page 12, 3<sup>rd</sup> paragraph with the line that begins “if Council approval” the words “and all of the conditions of approval will be extended” were changed to “to request the conditions of approval be extended.”

***Suzanne Loder MOVED to approve the minutes as amended. The motion was SECONDED by Rachel Rouillard and was unanimously APPROVED.***

#### IV. Discussion of 2002 Capital Improvement Plan

The Board began a discussion about the proposed \$9 million UNH swimming pool, as listed on the CIP.

David Watt stated he believed for planning purposes it was reasonable to put money aside for the pool, assuming the item would come up in 2007.

Julian Smith stated several weeks ago he had written an analysis of the CIP showing a number of mistakes. He stated there was some staff work that should have been done on the CIP before it went public.

In response to a question from Julian Smith, Chair Pease stated the process for the CIP is an evolving one. The CIP has improved with each year he has seen it but it still has some way to go. Chair Pease stated the Town Charter makes the CIP the responsibility of staff while state statute makes it the responsibility of the Board. He did not believe the Board had the resources to make a CIP on its own.

In response to a question from Julian Smith, Paul Beaudoin stated the CIP was a working document and the Town's intention was to present it to the Board to catch mistakes and to help to get it ready to submit to Town Councilors.

In response to a question from Rachel Rouillard, Administrator Selig stated that when preparing the CIP, letters are sent to all departments that may have projects to bring forward and to provide input. Mr. Selig stated the final decision to fund the CIP is made by the Town Council after a public hearing process.

Administrator Selig stated in the early stages, the CIP is reviewed as a planning document to help prioritize projects the Town must address. He and Paul Beaudoin have not yet finalized the priorities but it must be done by Friday to be ready for the Town Council meeting on November 4, 2002.

The Board recommended leaving the pool as it was in the CIP.

The Board began a discussion on the dredging of Mill Pond.

In response to a question from Neil Wylie, Paul Beaudoin stated a little more than half of the pond will be dredged to maintain a channel flow of water.

Julian Smith stated some parts of Mill Pond are inaccessible.

Administrator Selig stated Bill Skinner of the Conservation Commission has helped to oversee the project and worked to get the National Guard or Reserves to help with the work. The Commission has held a meeting with the landowners that may be affected by the dredging. The Public Works Department will be overseeing the rest of the project. Administrator Selig stated it was still unclear how much of the pond would be dredged but the more that is done, the more stringent the permit process will be.

Chair Pease stated by having the National Guard or Reserves help on the project, the Town is able to save money.

The Board decided to leave the dredging of Mill Pond as it was on the CIP.

The Board began a discussion on the Northwest and Southeast transportation linkage. It would cost \$100,000 to be done in 2008.

Jim Campbell stated the 2000 Master Plan called for a study to see if a Northern and Southern connector should be built. The Plan called for the Town to seek funding and if it could not find the funds, the Town should pay for the study itself. He has put the study into the State's long-range plan through the Technical Advisory Committee of the Metropolitan Planning Organization.

In response to a question from Rachel Rouillard, Jim Campbell stated UNH is opposed to contributing money to the project or taking part in it.

The Board recommended moving the project up as fast as reasonably possible.

The Board began a discussion on bike lanes and sidewalks listed in the CIP plan to cost \$483,600 and to be completed in 2006.

Jim Campbell stated the Town applied for two State Transportation Enhancement grants but the projects were not chosen. The project will be reviewed again by the Planning Office and Public Works and the office will apply for the grant again in the next two years.

Neil Wylie stated that if the Town does anything on Madbury Road some traffic calming measures should be taken.

Jim Campbell stated the reason why the Town keeps getting denied for the Mast Road Bike Lane grant is that a section of the project is in Lee and each year Lee has stated it does not want to be involved, as it would be mostly people from Durham using the bike lanes. Mr. Campbell will be discussing with the State ways to pay for the Lee section.

The Board decided to leave the bike lanes and sidewalks in the CIP as listed.

The Board began to discuss the Route 4 and Route 108 interchange that is projected to begin in 2011 and to cost \$150,000. The project is listed in the State's 10 year plan.

Jim Campbell stated the project is to improve the off ramps from Route 4 to Route 108.

The Board recommended leaving the project as it was in the CIP.

The Board began discussing the Woodridge Tennis Courts rehabilitation to begin next year at a cost of \$125,000.

Jim Campbell stated the project would resurface the courts.

David Pease stated the project could slip another year if hard choices needed to be made.

The Board recommended leaving the project in the CIP as listed.

The Board began discussion on new athletic fields, one each to be started in 2004, 2005, and 2006 at a tentative cost of \$100,000 each.

Administrator Selig stated the Town is still deciding on a location for the fields. The gravel pit was discussed but the pit does not have good soil. Part of the agreement with the proposed Powerspan project in the Town Business Park was taking the soil from the park and transporting it to the gravel pit, but the plan didn't work out. Public Works had evaluated if the Town could locate the fields to the Business Park and found it could. The Town will be exploring this option.

Annmarie Harris stated the Town would have to consider transportation costs if any soil was removed and brought someplace else. She asked if the spoils from the dredging of the Mill Pond could be appropriate material to be used as soil at the gravel pit.

Ms. Harris stated people could use their bikes to get to the gravel pit on Packers Falls Road but that they could not use their bikes to get to the Business Park on Route 4 due to the traffic.

Chair Pease stated he believed the Town was in a capacity crunch when it came to fields.

The Board recommended moving the project up.

Paul Beaudoin stated the Town is waiting to hear if it will be receiving an Office of Emergency Management grant that would fund a generator for the Police Department and Public Works.

Chair Pease stated the cost estimate of the project was high and that a 12 KVA standby generator could be installed for half the cost or less.

Chair Pease stated that the cistern program should be done in a timely manner as it would be a shame to have someone lose their home due to a cistern not having been installed. He stated many homes in Town are not well protected due to the unavailability of water for firefighting.

Arthur Grant stated the Fire Department wants the zoning regulations to be changed to require cisterns in any upcoming residential developments of three or more units.

Chair Pease stated that did not help currently built unprotected developments.

The Board began discussion on replacement of the Fire Station to be conducted in 2007 and 2010 at a cost of \$300,000 and \$250,000.

Paul Beaudoin stated the years listed on the CIP were place holders as the Town and UNH are still up in the air as to what will happen to the current location of the Fire Department. The Town is in discussions with UNH to request an extension of the current lease which expires in 2009.

Mr. Beaudoin stated if the Town did not receive an extension, it would like some money set aside for the project.

Annmari Harris stated it has been difficult for the Town to find appropriate land to purchase and that UNH had the best land suitable for a Fire Station. If an extension was not granted, UNH could make land available for use.

***Annmari MOVED the discussion of the CIP be extended ten minutes and asked what items still needed to be addressed. The motion was SECONDED by Neil Wylie and was unanimously APPROVED.***

Mike Lynch gave an overview of the Packers Falls Bridge project, Crommets Creek Bridge project, Wiswall Bridge project, the Road Program, the Sidewalk Reconstruction project and the Main Street Rehabilitation project.

The Board stated its feedback on those items was positive.

Neil Wylie suggested the Oyster River Cooperative School District could submit its CIP plan before the Town Council acts on its own CIP plan. He stated if the Town could get a sense of where the schools are in their CIP plans, some Town items could be shifted a year earlier or later to avoid getting a large increase in both the school and Town taxes.

- V. Public Hearing on an Application for Subdivision submitted by David M. Garvey, Garvey & Co. Ltd., Durham, New Hampshire and Stonemark Management Co. Inc., Stratham, New Hampshire on behalf of Calibogue Ltd., Hilton Head Island, South Carolina, to create 14 new residential lots. The property involved is shown on Tax Map 1, Lot 6-8, is located off of Fairchild Drive and is in the Residence A Zoning District

***Annmari MOVED to postpone the public hearing until November 13, 2002. The motion was SECONDED by Julian Smith.***

Jim Campbell stated the applicant had requested the postponement but still wanted an opportunity to show the Board what he has done to complete the application and what still needs to be done.

Arthur Grant stated he did not wish for the application process to drag on and that in fairness to the abutters, the application should be addressed at the meeting for which it was rescheduled.

Chair Pease stated a boundary line adjustment may be applied for that will make changes to the application that are beyond what the Board accepted. The Board had to decide if there is a new plan to accept, one to amend, or if the Board is still working from the same application it had received from the applicant.



Neil Wylie stated if the application had substantial changes, a new application would be in order.

Suzanne Loder stated on other applications the Board has noted to the abutters that an acceptance hearing and public hearing can take place at the same meeting if the Board chose to do so.

Annmarie Harris stated the Planner should be able to figure out on the Board's behalf if they should be looking at a new or an amended application.

Chair Pease stated the Board did not have a request to amend the application.

Jim Campbell stated the application could be amended and he wanted the Board to hear what the applicant had done to show that the application will be amended. He stated applications have been amended after a public hearing had been opened.

Arthur Grant stated the application was incomplete.

***Arthur Grant MOVED to request the applicant come back to the Board with a newly completed application. The motion was SECONDED by Annmarie Harris.***

Chair Pease stated the Board first had to act on the motion to postpone the public hearing.

Jim Campbell stated that what the Board was still waiting for from the applicant was an additional parcel of land, not contiguous with the parcel proposed for development, but was part of Lot 6-8 portion, to be surveyed and for a traffic study to be completed. These items are still not in and that is why the postponement is being requested. Mr. Campbell stated the Board should not hold a public hearing without these items.

Neil Wylie stated the Board should agree to postpone the hearing and see if it receives a new or an amended application to consider. Mr. Wylie stated the applicant must make a proposal to the Board before it can act.

***Arthur Grant WITHDREW his motion to postpone. Julian Smith WITHDREW his SECOND to the that motion.***

***Neil Wylie MOVED to table the application until the Board had enough information available to take it from the table and consider it. The motion was SECONDED by Arthur Grant.***

***Annmarie Harris CALLED the motion to question. The Board APPROVED to vote on the motion without discussion by a vote of 5-1 (Chair Pease voting against.)***

***The Board APPROVED the original motion 5-1 (Chair Pease voting against.)***

Chair Pease stated he was unsure if the Board procedurally could place a matter on the table when it concerned a public hearing. He stated the applicant and the public have a right to know when the public hearing will be held.

Rachel Rouillard stated that during the Board's conceptual plan discussion of the application, it was stated the plan should use the proposed conservation subdivision design. She stated it was a good opportunity for the developers, neighborhood and the Board to discuss the design as the Board is in the process of developing conservation subdivision guidelines that will be a part of the new Zoning Ordinance.

Neil Wylie stated the reason he moved to table the public hearing instead of postponing it was that he was not sure what the Board was postponing. It did not make sense to him to postpone the hearing on the application with the knowledge it was likely to be changed. Mr. Wylie stated he believed placing the matter on the table would allow for some time for the application to be completed and then considered.

- VI. Acceptance Consideration on an Application Subdivision submitted by Timothy and Jennifer L. Powers, Durham, New Hampshire, to create 2 lots from 1 lot. The property involved is shown on Tax Map 18, Lot 3-2, is located on 257 Newmarket Road and is in the Rural Zoning District.

***Arthur Grant MOVED to postpone the acceptance consideration until November 13, 2002, as proposed on the agenda. The motion was SECONDED by Neil Wylie and was unanimously APPROVED.***

- VII. Acceptance Consideration of an Application for Subdivision submitted by Zara O. Chapin, Durham, New Hampshire on behalf of the Zara O. Chapin Revocable Trust, to create 2 lots from 1 lot. The property involved is shown on Tax Map 5, Lot 5-4, is located on 14 Schoolhouse Lane and is in the Limited Business Zoning District.

Jim Campbell stated he could not find any connections from the water main to the house on the application. Mr. Campbell read a letter from the applicant stating she was working with the Department of Public Works concerning the sewer and water locations.

Mr. Campbell stated there is a 10,000 square foot minimum lot size and no density requirements within the Limited Business Zoning District but there were no other guidelines concerning square footage for additional dwelling units. He stated the applicant was currently using the lot in a nonconforming way as there were four apartments in the building. Mr. Campbell discussed the matter with the Code Enforcement Officer and came to the conclusion that as long as a person makes a lot that conforms to lot size requirements, the person could keep the nonconforming use.

Neil Wylie stated it appeared that by approving the application, the Board would be making a nonconforming use more nonconforming and he was not sure that was legal. He stated the application makes the nonconforming use more nonconforming in that its use would be compressed as the size of the land would shrink.

Brady Chapin, representing Zara Chapin, stated he believed what could be done within the 10,000 square feet in the Limited Business Zone was broad as it allowed for not only a duplex but six bed and breakfast units and there was no limit on elderly housing.

Annmarie Harris stated the four units were being used as student housing and were not bed and breakfast units or elderly housing.

Suzanne Loder read from the Zoning Ordinance concerning what was allowed in the Limited Business Zoning District.

Chair Pease stated the Board does not have the authority to allow a nonconforming use to become more nonconforming and that was an issue for the Zoning Board. He stated he did not see a clear indication that the use would become more nonconforming as the application did not make a new violation and did not change the existing violation.

Jim Campbell stated he would work with the applicant to figure out how the application needed to be changed.

Rachel Rouillard stated she was conflicted as she believed the Limited Business Zoning District should be intensely used and did not want to send the message that density in the zone of the level that is being considered in the application was inappropriate but at the same time she believed it may make a nonconforming lot use more nonconforming

***David Watt MOVED to not accept the application. The motion was SECONDED by Neil Wylie and was APPROVED 5-1 (Chair Pease voting against.)***

Chair Pease called a five minute recess at 9:37 P.M.

Chair Pease reconvened the meeting at 9:42 P.M.

Amanda Merrill joined the meeting at 9:45 P.M.

VIII. Acceptance Consideration of an Application for Subdivision submitted by Jones & Beach Engineers, Inc., Stratham, New Hampshire on behalf of J.R. Collier Corporation, c/o Sophia Collier, Portsmouth, New Hampshire, for a 25 lot subdivision. The property is located on Packers Falls Road, is shown on Tax Map 17, Lots 39-0, 39-1, 39-3 through 39-6 and 39-8 through 39-20 and is located in the Rural Zoning District.

Malcolm McNeill, attorney for the applicant, stated the application was filed on October 2, 2002. The civil engineering for the plan has been completed. Testing has been done on the site, including revisiting with the State all issues having to do with wetlands. Mr. McNeill stated he was informed on October 23, 2002 that the application was complete.

Mr. McNeill stated the plan was a 25-lot subdivision on 106 acres with 25 single family dwellings. Mr. McNeill stated he believed there were no zoning variances or waivers required.

Mr. McNeill stated on October 7, 2002, the Town Council reaffirmed the Board's approval of a previous PUD and a CUP for the property with a 4-2 vote and by a 3-3 vote, thus the Town Council did not reverse the Board's recommendation for approval of the previous conditional use permit for a 17-lot subdivision on the property. The appeals process for these matters will end on October 28, 2002. He stated the applicant would be going forth with the 17-lot PUD and CUP project unless prevented by an appeal of the existing approvals for these.

Jim Campbell stated he believed the Board could accept the application and schedule a site walk and public hearing.

Arthur Grant stated there was a court injunction on the property relating to the Aquifer Protection District boundary line adjustment and the applicant, in the 17-lot subdivision plan, granted conservation easements on the property. Unless the injunction goes away, the boundary line would remain an issue. He was not sure what would happen to the easements but if they were not withdrawn there would not be enough space on the property. Mr. Grant stated the Town Council was told by Malcolm McNeill that the injunction would be lifted if the CUP concerning the 17-lot subdivision proceeded. Mr. Grant stated he did not know how the Board could consider the application with these legal issues up in the air and he recommended that the Board seek legal guidance from the Town attorney.

Malcolm McNeil stated the litigation was an appeal of an aquifer case and the applicant was not relying on the outcome of the appeal. He stated the aquifer did not apply to the plan and that if the Board did not accept the plan, it needed to give reasons why.

Arthur Grant stated he saw no need to rush into the project as the Board was not close to finishing its re-writing of the zoning ordinances. He stated the Town was eight days away from a decision concerning the CUP that promises important conservation measures. He stated the Board should wait to decide on the project until the applicant decides how to proceed on the CUP and PUD approval.

Chair Pease stated if the application was approved and conditions of approval were written, one of them would be to withdraw the previous subdivision application as the Board would not approve two plans for the same property at the same time.

Jim Campbell stated he had spoken to the Town attorney who believed an applicant can have two applications in front of the Board at the same time but would have to choose which application it wished to proceed with. Mr. Campbell stated he did not ask the attorney about the ramifications court injunction.

In response to a question from Rachel Rouillard, Chair Pease stated he believed an applicant had the right to propose to the Board any use for their property, as long as it complied with Town law and was complete.

In response to a question from Julian Smith, Chair Pease stated it was his opinion that if the Board wished to make a rule against multiple applications, the Board should do it using a rule making process and not case-by-case.

***Neil Wylie MOVED to accept the application. The motion was SECONDED by Rachel Rouillard.***

Chair Pease stated while the boundary line is being challenged, he did not believe the Board could not take applications until the case was settled. He did not see the risk for the Town or the Board by accepting the application.

***The motion was APPROVED with a vote of 5-2 (Arthur Grant and Suzanne Loder voting against.)***

IX. Other Business

New Business:

- A. Discussion of potential changes to Planning Board Rules of Procedure, Subdivision Regulations and Site Plan regulations to reflect acceptances of applications on only the first meeting of the month.

Neil Wylie stated he spoke with the former Chair of the Planning Board in Madbury. He stated Madbury had adopted this as a regulation and that it has been helpful.

***Arthur Grant MOVED to adopt item 3A concerning the regulation changes. The motion was SECONDED by Rachel Rouillard.***

In response to a question from Jim Campbell, Chair Pease stated the Board needed to schedule a public hearing on the matter before changing the regulations.

***Arthur Grant AMENDED his motion to include scheduling a public hearing for the next meeting. The amended motion was SECONDED by Rachel Rouillard.***

In response to a question from Amanda Merrill, Arthur Grant stated he believed the proposed changes in the regulations would help the Board, as it has been getting into contentious public hearings on applications, forcing the Board to push applications ahead and not giving them the attention they need.

Chair Pease stated the proposed regulations would help to clean up the agenda as it would allow for more separation between acceptance hearings and public hearings, which have innately different characteristics that may be confusing for the public.

***The motion was unanimously APPROVED.***

***Neil Wylie MOVED to adopt item 5.2 concerning the regulation changes and to schedule a public hearing on the matter for the next meeting. The motion was SECONDED by Arthur Grant and was unanimously APPROVED.***

B. Election of a new Vice Chair.

***Amanda Merrill NOMINATED David Watt to become the Vice Chair.***

***Neil Wylie MOVED to close nominations and a unanimous vote be taken. The motion was SECONDED by Suzanne Loder and was unanimously APPROVED.***

***Neil Wylie NOMINATED Amanda Merrill to become secretary of the Board. The nomination was SECONDED by Suzanne Loder and was unanimously APPROVED.***

Old Business:

C. Consideration of Notice of Denial for Mill Plaza Parking Site Plan.

Chair Pease recused himself from the discussion at 10:29 P.M. and left the meeting. David Watt became Chair Pro Tem.

Chair Pro Tem Watt read the Findings of Fact and notice of Decision of Denial.

Mr. Watt stated the dates on the Findings of Fact needed to be reviewed. The date the plan was last revised was not on the Findings of Fact and the findings stated the application was submitted on September 12, 2002 but was prepared by American Engineering on September 14, 2002.

The following changes were made to the Findings of Fact and Notice of Decision of Denial:

The word “building” in the Findings of Fact was changed to “buildings.”

In the Notice of Denial the word “Your” in the first sentence was changed to “You.”

In the second paragraph the words “the motion to disapprove the applications stated that” were deleted.

The word “stream” in the last paragraph was changed to “College Brook.”

Jim Campbell and David Watt will change the last paragraph to number the reasons for denial and concerns about the buffer will be added as a reason for denial.

***Amanda Merrill MOVED to APPROVE the Findings of Fact and Notice of Decision of Denial as amended. The motion was SECONDED by Rachel Rouillard and was unanimously APPROVED.***

Jim Campbell stated the Board did not schedule a public hearing for agenda item VIII.

The Board decided the scheduling of the site walk will be discussed at its next meeting and the public hearing will take place at the December 11, 2002 meeting.

In response to a question from Amanda Merrill, Jim Campbell stated at the next meeting the Board will be discussing the matter of adopting a form of parliamentary procedure.

Neil Wylie stated the Board discusses New Business first at its meetings but should discuss Old Business first.

***Neil Wylie MOVED to ADJOURN the meeting. The motion was SECONDED by Amanda Merrill and was unanimously APPROVED.***

***The meeting ADJOURNED at 10:45 P.M.***

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Amanda Merrill, Secretary





