

This set of minutes was approved at the July 23, 2003 meeting.

**DURHAM PLANNING BOARD
WEDNESDAY, MAY 28, 2003
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: David Watt, Chair; Rachel Rouillard, Annmarie Harris, Town Council; W. Arthur Grant, Town Council; Neil Wylie; Kevin Webb, alternate, Richard Ozenich, alternate, Steven Roberts, Amanda Merrill, Nicholas Isaak

MEMBERS ABSENT: None

OTHERS PRESENT: Jim Campbell, Town Planner; John Harwood, Assistant Planner; Interested Members of the Public

MINUTE TAKER: Barbara Stoddard

Chair David Watt called the meeting to order at 7:05 P.M.

I. Approval of Agenda

Arthur Grant MOVED to APPROVE the agenda. The motion was SECONDED by Amanda Merrill and PASSED unanimously.

II. Report of the Planner

Jim Campbell reported that he met with Doug Bencks on May 12, 2003. The items they discussed included the intersection of Canney Road and Main Street, Mast Road Extension, the Incinerator Plant, and Chiller Plant near Philbrook Hall. The University will be contacting abutters regarding Mast Road Extension.

Mr. Campbell and Malcolm Sandberg, Town Council Chair, met with the Department of Transportation, UNH, and the Transportation Consultant about several issues including the northern connector. An email will be going to the Board summarizing the meeting.

Mike Lynch, Bob Levesque, and Jim Campbell met with GZA, Inc., the University Office of State Planning, and NHDES to discuss the Craig Supply property. GZA will be drilling wells this summer to monitor the flows.

Mr. Campbell provided updates on the following bills before the NH legislature: HB 761, sponsored by Judith Spang, regarding subdivision land use; HB 365 on governmental land use; and HB 474 regarding alternates on town boards.

John Harwood, Assistant Planner presented a written report to the Board. He thanked the Board for completing the Faucy Site Walk. He further stated that he had a meeting with Patsy Collins regarding her proposal for a conservation subdivision.

- III. **Public Hearing on an Application for a Conservation Subdivision** submitted by Ann N. Faucy, Durham, New Hampshire to create 7 lots from 1 lot. The property involved is shown on Tax Map 10, Lot 7-0, is located off of Bagdad Road and Canney Road and is in the Residence B Zoning District.

Chair Watt read the minutes of the Site Walk Faucy Property for the public record.

Amanda Merrill MOVED to open the public hearing. The motion was SECONDED by Neil Wylie and PASSED unanimously.

Speaking in support of the applicant was Bill Tanguay. Mr. Tanguay thanked the Board for its patience with developments in the project. They recognized the need for further drainage studies, which have still not been completed. The wetlands have been remapped and will be submitted to the Board.

The plan is straightforward. The lots satisfy the necessary size, set back requirements have been met, there are no new roads required, and the plan complies with conservation requirements. Mr. Tanguay stated that the plan could be approved at this stage subject to drainage assessment.

In response to comments and questions from the Board, Mr. Tanguay stated that the buildable area of lot 10-7-1 has been changed. He further stated that the open space is contiguous and that the number of driveway cuts on Bagdad Road is limited to 3 due to common driveways between the 8 lots.

The following people spoke in opposition to the application.

Angelique Day, 89 Bagdad Road, stated that she had some concerns that her well would be protected. She also stated a concern about the children that walk to school on Bagdad Road, that they would still have room so that they were not walking on the pavement.

In response to a question from Mr. Grant, Mr. Tanguay stated the easement on Bagdad Road would be to the stone wall. Bob Levesque estimated there was up

to 5 ft. between the stone wall and the edge of the road and that 5 ft. is required for sidewalk width.

Eric Weinrick, engineer representing abutter Pam Bradley, spoke about his concerns with the amount of wetlands. He encouraged the Board to hire an independent soil scientist to look at the wetland mapping on the project.

Thomas Clarke, 6 Ambler Way, was concerned with the drainage on his property. He also stated the need for sidewalks on Bagdad Road due to children walking to and from school.

Arthur Grant MOVED that the amended application, with the understanding of the applicant's representatives, be accepted by the Board as of May 28, 2003 and that the 65-day deadline for decision commence May 28, 2003. The motion was SECONDED by Richard Ozenich and FAILED by vote of 1-6-0 with Arthur Grant voting in favor.

Amanda Merrill MOVED to deny the application without prejudice or penalty. The motion was SECONDED by Rachel Rouillard and PASSED unanimously.

Neil Wylie MOVED to close the public Hearing. The motion was SECONDED by Arthur Grant and passed unanimously.

Chair Watt read the conditions of denial and findings of fact regarding the application for Conservation Subdivision submitted by Ann N. Faucy, Durham, New Hampshire to create 7 lots from 1 lot. The property involved is shown on Tax Map 10, Lot 7-0, is located off of Bagdad Road and Canney Road and is in the Residence B Zoning District.

Arthur Grant submitted non-substantive changes to John Harwood. Nicholas Isaak suggested that the statement "...without additional fees except for the reimbursement of advertisement..." be added to Item 5. Neil Wylie stated that the statement "although notice was given the applicant was not represented at the site walk..." should be added to Item 1 after the first sentence.

Arthur Grant MOVED that the Board authorize John Harwood, Assistant Planner and David Watt, Chair of the Planning Board to revise the Findings of Fact and Statement of Denial as amended. The motion was SECONDED by Neil Wylie and PASSED unanimously.

- IV. **Public Hearing Presentation by the University of New Hampshire** on a proposed 18'x30' storage barn with an attached, covered 6'x30' open space. The barn will be located at the Browne Center on Dame Road. **(8:10 p.m.)**

Arthur Grant MOVED to open the public hearing. The motion was SECONDED by Neil Wylie and PASSED unanimously.

Doug Bencks, University Architect and Director of Campus Planning presented information regarding the proposed storage barn. The purpose of the facility is to accommodate equipment and apparatus that are used for outdoor education programs held at the Browne Center. The storage barn will enable storage at one site.

In response to questions from Neil Wylie about rotating the building in order to have more setback, Pam McPhee, Director of the Browne Center, stated that some mature trees would have to be taken down if that were done.

In response to concerns about expansion, Pam McPhee stated that the proposed unit has a huge storage capacity.

There was no one to speak in opposition to the proposal.

Arthur Grant MOVED to close the public hearing. The motion was SECONDED by Neil Wylie and PASSED unanimously.

Jim Campbell stated that according to statute the Board has 30-days to give the applicant any comments in writing and asked for suggestions from the Board. Neil Wylie stated that he felt the report should include the fact that if this were not a university/governmental project it would not be acceptable under the regulations of the town to encroach that close to the property line. Stephen Roberts suggested that the comment be added that the land adjacent to the setback was held in conservation land and is not a residence.

- V. **Continued Deliberations on an Application for Site Plan Review** submitted by Smithfield Construction, Portsmouth, New Hampshire for 14 units of elderly housing on the seven lots on Perley Lane. The property is shown on Tax Map 1, Lots 16-22 through 16-28, is located on Perley Lane, and is in the RA Zoning District. **(8:27 p.m.)**

Arthur Ozenich recused himself.

Jim Campbell stated that revisions have been made to the Findings of Fact and Conditions of Approval for this application. In addition the board received reports from the Conservation Commission and the DES Inspection report. Mr. Campbell also stated that the applicant has supplied information on the elevations of Unit #2 and footings of the bridge.

Mr. Campbell stated that post signature condition (30 A.) discusses the footings and engineering to be done at the time of construction must be approved by the Durham and the State Public Works Department. The Board has also received

amendments to the Fitts Farm Master Association, which includes ownership and maintenance of the culvert.

The applicant has submitted a request for a continuance of deliberations until June 11, 2003 with an extension until June 12, 2003 for the board to make decision. The request for continuance is for the applicant to make the changes in regards to the Conservation Commission's report.

After discussion regarding soil borings, Mr. Campbell suggested that the Board could make a pre-signature condition that the borings be done and accepted by the Town Engineer and the Department of Public Works.

Further discussion was held regarding the conservation commission's report and recommendations. It was also suggested to invite a member of the Commission to the meeting on June 11, 2003.

The Town Engineer discussed the issue of dry wells with the Board and the applicant. The applicant would be establishing a maintenance procedure every 2 years.

Arthur Grant thanked the Conservation Commission for its thorough report. He also read from the report for the benefit of the public. Mr. Grant stated that this sentence shows that the Commission believes that if all recommendations are adhered to then the environmental impacts to surface waters and wetlands will be minimal.

Arthur Grant MOVED to continue deliberations on the Application until June 11, 2003. The motion was SECONDED by Rachel Rouillard and PASSED unanimously.

Richard Ozenich returned to the Table at 9:05 p.m.

Chair Watt stated that he had to leave the meeting and that Vice Chair Roberts would recall the meeting after a 5-minute recess.

- VI. **Discussion on an Amendment to an Application for Subdivisions** submitted by Peter M. Ejarque on behalf of the Peter M. Ejarque Revocable Trust, Durham, New Hampshire to create 4 lots from 1 lot. The property involved is shown on Tax Map 1, Lot 9-27, is located off of Hampshire Avenue and is in the Residence A Zoning District. **(9:13 p.m.)**

Vice Chair Roberts called the meeting back to order at 9:13 p.m.

Neil Wylie and Kevin Webb both recused themselves from this discussion. Vice Chair Roberts named Richard Ozenich as the voting member for this discussion.

Speaking for the application was Peter Ejarque. Mr. Ejarque stated that he has owned the property for 28 years. He wishes to now make the property a family compound.

John Harwood stated that the application was originally submitted as a standard subdivision, which was accepted on January 8, 2003. Due to the new Zoning Ordinance, the Board instructed the applicant to redesign the plat to conform to the new requirements of the new conservation subdivision ordinance. Mr. Ejarque has made the changes needed to conform to the new regulations and is requesting acceptance for his amended application. Mr. Harwood stated that the requirements in the new ordinance have been satisfied. Town Engineer Bob Levesque stated that pump stations will have to be installed and that this will need some mitigation but that overall drainage would be minimal.

Rachel Rouillard MOVED to accept the amendment to an Application for Subdivision submitted by Peter M. Ejarque. The motion was SECONDED by Richard Ozenich and PASSED Unanimously.

The Public Hearing on the application was set for June 11, 2003 and a site walk was scheduled for Tuesday, June 10, 2003 at 8:00 a.m.

Neil Wylie and Kevin Webb returned to the table.

VII. Conceptual Consultation on a Conservation Subdivision submitted by Patsy Collins, So. Newfane, Vermont, to create a conservation subdivision for elderly housing. The property involved is shown on Tax Map 1, Lot 15-0, is located between Route 4 and Edgewood Road and is in the Residential A Zoning District. **(9:36 p.m.)**

John Harwood stated that he had met with the applicant to review the conservation subdivision regulations and that he explained the suggested four-step design process to her. He stated that Ms. Collins wished to meet with the Board early in the process to get their thoughts and ideas on the development of the property.

Patsy Collins gave an overview of the project. She also included a written report that was available for the Board. It is her intent to build a conservation subdivision of homes for seniors (55+). She stated that there are 14.2 acres on the property. This is a heavily wooded parcel of land and that selective cutting of trees would be done in order to leave the most attractive lots.

In response to a question from Mr. Roberts, Ms. Collins stated that she felt it would be natural to conserve land along Route 4.

The board directed Ms. Collins to return after she has further developed the plans.

VIII. Other Business

A. New Business: Discussion with Bob Levesque on Stormwater II

Bob Levesque stated that the Management Plan includes the following.

- Public education and outreach
- Public Involvement and participation
- Illicit discharge detection and elimination
- Pollution prevention/good housekeeping
- Construction site runoff controls
- Post construction runoff controls

B. Old Business:

Rachel Rouillard will represent the Durham Planning Board at the trial in the case RE: Stonemark Management Co., Inc. v. Town of Durham on August 5, 2003.

C. Next meeting of the Board: **June 11, 2003**

IX. Approval of Minutes – No Minutes

X. Adjournment

Neil Wylie MOVED to adjourn the meeting. The motion was SECONDED by Nicholas Isaak and PASSED unanimously.

The meeting was adjourned at 10:30 p.m.

Amanda Merrill, Secretary