

Approved at the Planning Board meeting of August 13, 2003

**DURHAM PLANNING BOARD MINUTES
TUESDAY, JULY 23, 2003
TOWN COUNCIL CHAMBERS - DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: David Watt, Chair; Amanda Merrill, Neil Wylie, Rachel Rouillard, Arthur Grant, Richard Ozenich, Alternate; Nick Isaak, Stephen Roberts, Annmarie Harris

MEMBERS ABSENT: Kevin Webb, Alternate

OTHERS PRESENT: Jim Campbell, Planner; John Harwood, Assistant Planner; Barbara Stoddard, Note Taker; and Interested Members of the Public

I. Approval of Agenda

Arthur Grant MOVED to approve the agenda. The motion was SECONDED by Neil Wylie.

Neil Wylie asked that the Board agree to end the meeting by 10:00 p.m. Amanda Merrill stated that she did not believe there was enough time to review the goals of the Planning Board retreat.

Arthur Grant MOVED to remove Item II from the agenda. The motion was SECONDED by Amanda Merrill and passed unanimously.

Chair Watt stated that there is a report from the Planner.

The motion to approve the agenda PASSED unanimously.

II. Report of the Planner

Jim Campbell stated for the public that the Board would be going over some planning issues for discussion. The next meeting will be August 13, 2003.

Mr. Campbell stated that he and Dave Watt completed the film for the zoning rewrite and that it will be ready to air shortly.

There will be no zoning rewrite meeting on July 30, 2003 due to absence of several people.

There will be no rewrite meetings during the month of August. Public hearings will be held during the month of August on the posted regulations on August 11 and 25.

Mr. Campbell stated that he would be sending proposals to the Board regarding grant applications for transportation enhancement, and congestion mitigation and air quality.

John Harwood stated that he spoke with the former Dean of the Whittemore School's Department of Hospitality Management and has made arrangements with Carl Lindblade to review the marketing study for the Fall Line Properties Hotel. Mr. Harwood further stated that while talking with Mr. Desrochers about the project, Mr. Desrochers stated he felt that a medium priced hotel with 67 rooms, no amenities was on target for the needs of the community. Mr. Harwood further stated that Mr. Desrochers estimated that the University sends almost \$5 million of hotel needs outside the community. Mr. Desrochers also said the hotel would complement the needs of the New England Center and help with overflow.

Additional information from Mr. Harwood's report was included in the Board packet.

II. **Open Space** – Discussion with Land Protection Group on what has happened since vote, what lies ahead, and the Planning Board's role.

Duane Hyde, Ed Valena, Theresa Walker and Tony Federer from the Land Protection Group presented a report to the Board. A draft of the report was attached to the Board Packet.

Mr. Hyde stated that this was a volunteer group who's mission is to identify and permanently protect some of the remaining open spaces in Durham that are of significant value to the community and its future. He further stated that the group has been working on some criteria and proposals to bring forward to the Town Council. The group will be meeting with the Town Council on August 4, 2003. They will be talking about the proposals for the role of the Land Protection Working Group, who should be in the "Working Group" and how it should be formed. In addition they will discuss the process required to bring conservation projects to the Council. Mr. Hyde also stated that they would also be talking about the process evaluation criteria as presented in the report to the Council.

Mr. Hyde stated that there are a number of areas in town with good agricultural soils off Routes 108, 155 and 4. Parcels of land will be judged by several criteria including: to protect natural resources (land, drinking water and wildlife habitats); to enhance passive, nature-oriented recreational opportunities; to protect scenic beauty, to build on large corridors of protected lands; and to maximize Town dollars.

Mr. Hyde stated that the Planning Board members could provide feedback to the group regarding information they may hear from the townspeople.

Arthur Grant stated land off Route 155A has been zoned for office research, residential and that the Planning Board and the Zoning Rewrite Committee talked about preserving some of the land for agricultural use. Mr. Hyde stated that he felt that was a good idea and that land the Land Protection Group would not be touching any land that is zoned for office research.

In response to a question from Annmarie Harris, Mr. Hyde stated that Wagon Hill and some of the abutting land to Wagon Hill has been designated as prime agricultural soil.

In response to a statement from Neil Wylie, Mr. Hyde stated that the Planning Board would be acting more as citizens hearing preliminary ideas from people.

In response to a comment from Jim Campbell, Mr. Hyde stated that the Working Group is a group of volunteers and is not a formal committee of the community. The group would like to continue as an unofficial committee. The Group wants to bring projects forward with landowners who are willing to go forward but that it is the Town's decision whether to fund a project or not. Once a landowner is ready to have their name public, the Group would bring it before the Conservation Commission for its endorsement. The Conservation Commission brings it to the Town Council who holds a public hearing and decides whether to approve.

Mr. Hyde stated that he is the representative of the Conservation Commission and that he keeps the Commission informed of what the Group is doing and that all the projects move through the Conservation Commission. Steve Roberts expressed a concern that the Conservation Commission has the statutory responsibility to keep the Town's inventory of protected land. (36-A:2).

Arthur Grant stated that the Planning Board would like to hear from the Group after they have met with the Council.

III. Economic Development – Discussion with Councilor Neil Niman on creation of the Economic Development Committee and the Planning Board's role.

Councilor Niman stated that the Town Council has re-established the Economic Development Committee. The two councilors on the committee are Neil Niman and Patricia Samuels. There are 3 members from the community awaiting approval by the Council. Councilor Niman stated that they are looking for more members of the public to serve on the committee and that they would like to see a member of the Planning Board involved.

Councilor Niman presented the Board with a list of items that constitute the charge of the committee. The list is included with the Board packet. The first

charge to the committee is to “Create an inventory of publicly and privately owned land suitable for economic development.”

Stephen Roberts commented that he was impressed with the web site of the Pease Development Committee and that it may be a good resource.

Rachel Rouillard suggested that the committee consider making contact with the Business and Industry Association.

Amanda Merrill stated that it would be interesting to compare inventories of land suitable for economic development and land inventories of the conservation commission.

Councilor Niman explained that a Tax Increment Financing (TIF) district is a way of stimulating economic development without adversely impacting the tax rate of the town and has been an effective tool for a number of towns in New Hampshire.

Rachel Rouillard suggested that the committee contact Representative Judith Spang regarding development rights.

Councilor Niman further stated that he believes that he sees a part of economic development is not only to increase tax revenues but also to add to the quality of life of residents. He would like to see industry that uses part time workers and could employ university students.

In response to a statement from Rachel Rouillard, Councilor Niman stated that for any development the committee proposes the number one priority will be the impact on taxes.

Chair Watt stated that there has been enormous economic development in the region and that Durham is seeing the growth in housing.

Neil Wylie stated the committee should think about the scale of a project when thinking about the impact on tax rates.

In response to a question from Amanda Merrill, Councilor Niman stated that he felt the most important thing for the committee to begin working on is the inventory of land. The committee needs to also look at the assets that Durham has to offer.

Jim Campbell mentioned the example of Freeport, Maine as an economic development plan that went bad. Councilor Niman stated that the committee is reaching out to every special interest group and hoping to have a member from each group in order to break the historical pattern of talking about ideas but never moving ahead.

In response to a question from Jim Campbell, Councilor Niman stated that they will be looking for representation from UNH.

Arthur Grant stated that Jim Morrison, the former Director of Research at the University would be able to provide historical perspective.

Richard Ozenich stated that the committee needs to be cognizant of the type of labor used by any industry that is brought in. Councilor Niman mentioned the model of Liberty Mutual who takes the best students, gives them part-time jobs and internships, and sometimes offers them full-time jobs after graduations.

Chair Watt stated that the inventory of land and the capital improvement plan would be of most interest to the Planning Board.

After further discussion Stephen Roberts stated that he would like to represent the Planning Board on the Economic Development Committee.

Tony Federer passed out copies of the book Better Not Bigger and said he would donate more copies to the Town. He presented the first copy to Councilor Niman.

Chair Watt called for a 5 minute break.

Chair Watt called the meeting back to order at 9:09 p.m.

IV. Student Housing – Issues and discussion with update from John Harwood.

John Harwood stated that he was approached by Tom Johnson to draft a rental housing ordinance with various goals. The goals were listed on a report that was attached to the Board packet. The goals that are being studied are 1) to create a registry of rental units, 2) eliminate nuisances, 3) involve landlords in process, 4) limit the size of private gatherings, 5) ensure that units are properly maintained and meet codes and standards, and 6) enforce the maximum allowed number of occupants per dwelling unit. He further stated that research has been done across the country of ordinances in university towns.

Mr. Harwood stated that there are 2 types of ordinances. The Code Enforcement Officer enforces one and the other one is enforced through police action. There are several legal questions such as tenants' rights and Mr. Harwood is waiting to hear from the Town Attorney, Walter Mitchell on these matters.

Mr. Harwood stated that an intern found an ordinance from the University of Delaware that has everything in place including the definition of student housing.

There was discussion regarding affordability and definitions of student housing.

Arthur Grant left the meeting at 9:20 p.m.

In response to a question from Annmarie Harris, John Harwood mentioned the requirements related to leases as mentioned in the Dover Ordinance.

V. **Planning Board Rules of Procedure** – Discussion on possible changes.
(9:30 – 10:00 p.m.)

Amanda Merrill stated that she and Jim Campbell would be meeting again to discuss the rules of procedure and that she would like Board members to email comments and input to her.

VI. **Other Business**

- A. New Business:
- B. Old Business:
- C. Next meeting of the Board: **August 11, 2003**

VII. **Approval of Minutes** - May 28, 2003
June 11, 2003
June 25, 2003

Approval of Minutes - June 25, 2003 These minutes were reviewed and approved prior to the presentation of Item II.

Page 2 – last paragraph, change all students to read all hotel guests.

Page 3 – bottom – change name Nancy Lambert to Nancy Sandberg.

Page 3 – strike paragraph beginning Kevin Webb

Page 4 – top paragraph 1st full sentence, remove comma after the word “it”

Page 4 – 3rd paragraph end of 2nd sentence add “when snow is present” after the word walk.

Page 4 – Change name Joy Harvey to Joie Harvey

Page 4 – 5th full paragraph change 1st line to read “...to encourage the Planning Board and the Town Council to help...”

Page 6 – 5th paragraph add “...the dam on the property, Mr. Harwood said that DES...”

Page 6 – 6th paragraph add, “...that in granting this waiver of 4 lots being served by a single driveway, the Board...”

Page 6 – 1st sentence change “police chief if aware” to read “police chief is aware”

Page 6 – next to last line add the word purposes after to read...”marked for 911 purposes.”

Page 6 – prior to motion to approve Item V, add the following: In response to a question from Amanda Merrill, Mr. Crane stated that while Public Service has the authority to remove more than the three trees identified so far, he does not anticipate the number removed being significantly greater than three.

Page 8 – 2nd paragraph change “town register of deeds” to read “county registrar of deeds”

Page 8 – add the following sentence after Items VII and VIII:

Pursuant to a request by the Board on June 11, 2003, Mr. Baker's attorney, Francis Bruton presented the Board with the wetland restoration map and the Board scheduled a public hearing for the project on July 9, 2003.
Page 8 – The adjournment becomes Item IX.

Neil Wylie MOVED to approve the minutes of June 25, 2003 as amended. The motion was SECONDED by Amanda Merrill and PASSED on vote of 7-0-1. Annmarie Harris abstained due to absence.

Approval of Minutes – May 28, 2003

Page 1, change Canney Road to College Road.
Page 2, Item III – 2nd paragraph after motion - attribute statement to Mr. Tanguay, "Mr. Tanguay stated..."
Page 2, Item III, 2nd paragraph, Chair Watt read the minutes of the Faucy site walk
Page 2, 3rd paragraph after motion, Amanda Merrill moved... put a period at end of common driveways.
Page 3 after Thomas Clark and a sentence "There were no further comments from the public."
Page 4, change name to Richard Ozenich not Arthur
Page 6, 2nd paragraph – strike the phrase "need some mitigation"
Page 6, prior to Item VII, add a statement that Amanda Merrill left.

Neil Wylie MOVED to approve the minutes of May 28, 2003 as amended. The motion was SECONDED by Annmarie Harris and PASSED unanimously.

Rachel Rouillard and Amanda Merrill left prior to review of the Minutes of June 11, 2003 as they were not at that meeting.

Approval of Minutes – June 11, 2003

Page numbering needs to be corrected. Reference to page numbers is as shown on the draft minutes.

Page 4, 3rd paragraph, wording to be improved
Page 7, change paragraph beginning Stephen Roberts to "provision note sign off"
Page 7, change re-mediation to "remediation"
Page 8, bottom – strike the line – "would not be concerned to deny without prejudice."

Neil Wylie MOVED to approve the minutes of June 11, 2003 as amended. The motion was SECONDED by Steven Roberts and PASSED unanimously.

VIII. Adjournment

Neil Wylie MOVED to adjourn. The motion was SECONDED by Annmarie Harris and PASSED unanimously.

The meeting was adjourned at 10:14 p.m.

Amanda Merrill, Secretary