

These minutes were approved at the February 11, 2004 meeting.

**DURHAM PLANNING BOARD
WEDNESDAY, JANUARY 14, 2004
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: David Watt, Chair; Stephen Roberts, Vice Chair; Arthur Grant; Neil Wylie; Nick Isaak; Kevin Webb, Rachel Rouillard, Annmarie Harris

MEMBERS ABSENT: Amanda Merrill, Richard Ozenich

OTHERS PRESENT: Jim Campbell, Town Planner; Victoria Parmele, Minute Taker, members of the public

I. Call to Order

Chair Watt called the meeting to order.

II. Approval of Agenda

Councilor Grant MOVED to approve the Agenda. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

III. Approval of Minutes

October 22, 2003

Page 3, 2nd paragraph, change spelling of Masxon to "Maxson". Insert the words "and noted" before "Omnipoint's figures were somewhat conservative."

Page 4, 3rd paragraph, 3rd sentence, replace the word *presented* with "present".

Page 5, 3rd paragraph from bottom - close quote.

Page 7, 3rd paragraph should read "Ms. Zompa said she was not aware of the University having other antennas."

Page 8, 3rd paragraph from bottom, change spelling of *there* to "their"

Page 10, 3rd paragraph from bottom, 3rd sentence, remove the word "get". Also note that Kevin Webb recused himself from discussion on Item #VII relating to consultation by Stonemark

Page 11, 4th paragraph, 2nd sentence, replace the words *over Stubb Rd.* to read "over the stub of land."

Page 12 Top of page beginning with Councilor Grant, replace the words *estimation of* to read "estimated price of".

Page 12, 2nd full paragraph, end of the 1st sentence, delete “..so there would be some disturbances to the wetland from that.”

Page 16, 3rd paragraph beginning with Councilor Grant, insert the word “economic” in front of the word *development*.

Councilor Grant MOVED to approve the October 22, 2003 minutes as amended. The motion was SECONDED by Rachel Rouillard, and PASSED unanimously.

November 12, 2003

Page 3 4th paragraph from bottom should read “..that as he had done at previous hearings on this application, he would recuse himself

Page 4 2nd paragraph from top - should read “sight” distance

Also, 6th paragraph should read “Kevin Webb asked for clarification as to how the..”

Page 5, should include paragraph at beginning of Item V “Chair Watt opened the discussion on this item.

Page 6 4th paragraph -should include “Chair Watt noted that no member of the public wished to speak.”

Page 8 3rd paragraph – 2nd line should read “..and the Town had no jurisdiction over it.”

Page 9, 5th full paragraph, should read: Chair Watt asked if this was an opportunity..”

Page 11, 6th paragraph from bottom, should read “...and this would be illegal based on the Town’s present road regulations.” Also, 4th paragraph from bottom should read “Nick Isaak said in looking at the setbacks...”

Kevin Webb MOVED to approve the November 12, 2003 minutes as amended. The motion was SECONDED by Councilor Grant, and PASSED unanimously.

IV. Report of the Planner

Jim Campbell told Board members he had met with Doug Bencks of UNH on January 5th, and they had discussed several issues. He noted he had provided Board members with a separate memorandum outlining the issues that were discussed.

He noted that the Planning Board had held a public hearing on the latest draft of the Zoning Ordinance on January 7th, and an updated draft, including appropriate changes, would be presented to the Board on January 21st. He said that the Board would deliberate on these changes on that date, and would set the public hearing date of February 4th on these latest changes. Mr. Campbell outlined the rest of the Board’s schedule for February, and also noted there would not be a Planning Board meeting on March 10th because that was the day of the Informational Town Meeting.

Mr. Campbell explained to Board members there would be a public hearing on Feb 5th, 7:00 pm at the Oyster River Middle School cafeteria concerning the reclassification application for the Spruce Hole Aquifer and the Lee Well. He said the hearing was being conducted by the NH Department of Environmental Services. Mr. Campbell said the

maps in the application, as well as information on what the reclassification would accomplish, were available in his office. He said the snow date for the hearing would be February 6th.

Neil Wylie asked Mr. Campbell to provide background information on the reclassification.

Mr. Campbell explained that the Town had applied for and received grant money for this and was working with the American Groundwater Trust, a private non-profit group, on the reclassification. He said that getting the reclassification would allow the Town, every three years, to do site visits of businesses and homes in the area that were potential contamination sites. He said the program's intent was to monitor activities on these sites and to educate citizens about what they should and shouldn't be doing, and did not involve placing any further restrictions on these activities.

Mr. Campbell said there had been a false start concerning the hotel project public hearing at the January 5th Town Council meeting because two Council members had been asked to recuse themselves, and this matter was not settled before the meeting. He said the public hearing had been re-scheduled for February 16th. Mr. Campbell thanked Board members who had attended the January 5th meeting and asked them and all Planning Board members to try to attend the February 16th meeting.

Mr. Campbell said he was following some legislative bills and would report on these to the Board at some point. He also said these bills were a possible topic for the Board's upcoming planning meeting, and also noted that there were a few bills that related to the Zoning rewrite process. He spoke briefly about one bill that said local ordinances could not be more restrictive than the State concerning wetland setbacks, and noted State statute didn't really have wetland setbacks.

- V. Deliberation on a Site Plan Application** submitted by Omnipoint Holdings Inc., East Providence, Rhode Island. The application is for a Personal Wireless Service Facility located on the University of New Hampshire Water Tank. The property is shown on Tax Map 2, located off of Edgewood Road, and is within the Residence A Zoning District.

Chair Watt read the Findings of Fact, Waivers, and Conditions of Approval for the site plan application.

Councilor Grant said the second Condition of Approval should read “..that when the installation and maintenance is performed on the facility, ..”

Kevin Webb agreed, and said that same sentence should read “....the New England Center parking lot on Strafford Avenue and not Edgewood Road”. He also said the following sentence should be added: “Omnipoint Holdings, LLC and its affiliates and agents shall at no point enter the subject property via the driveway to Edgewood Road.” He said he wanted to make it abundantly clear that this was one of the overriding concerns.

Mr. Webb also noted that some of the information listed in the Findings of Fact looked like comments that were provided by the applicant, when they were actually submitted by abutters. He suggested these comments should be separated out from the applicant's submissions. Mr. Webb also noted that the Findings of Fact should read "The applicant and his representatives have submitted the following documents..."

Mr. Roberts said that a Condition of Approval should be included concerning the maximum allowable noise level at the property line.

Board members agreed that the word "shall" should replace "will" throughout all of the documents.

Mr. Webb said Condition of Approval #4 should read "The applicant shall provide a security for removal of the facility, in the form of a bond."

Mr. Roberts said there should be a Condition of Approval stating the maximum allowable noise level observed at the property line. Board members discussed whether this was already covered, under the noise regulations.

Councilor Harris suggested there could be a sentence stating that the maximum allowable noise level must be in compliance with the Zoning Ordinance.

Mr. Campbell noted that the noise considerations were a post approval condition.

Kevin Webb noted that the Zoning Ordinance had provisions for periodic inspections of facilities by Town officials, so this didn't need to be repeated in the Conditions of Approval.

Mr. Campbell agreed there were such provisions, and also said there was an agreement letter about this in the application file.

Chair Watt asked if there was agreement about the changes suggested by Mr. Webb concerning the Findings of Fact, and Conditions of Approval to be met prior to approval of the Site Plan.

The Board discussed, and agreed upon, the most appropriate way to present the Findings of Fact information.

There was clarification that the noise level measured by Broadcast Signal Lab was below what was required in the noise ordinance, and Mr. Roberts recommended that this level should be the required maximum noise level, not what was in the ordinance. There was additional discussion about how to handle the noise level measurement.

Mr. Webb said that as reported by Omnipoint in the noise study in its application, Durham's noise regulations allowed a maximum of 58 db(A) in the A zone, and that a

reading taken at a distance of 50 feet by Hudson Design group, LLC, August 4, 2003 measured 37.8 db(A). He noted that this value was assuming no attenuation at the site from fences, trees, etc.

Councilor Grant recommended referencing that study in the Findings of Fact so that if there was a noise problem it could be referred to.

Mr. Webb said the document should note that the noise study was done at the Planning Board's request. It was agreed that the 37.8 db(A) measurement should be included.

Board members agreed that the noise issue was an important concern of the abutters.

Neil Wylie MOVED to approve the Findings of Fact and Conditions of Approval, as amended. The motion was SECONDED by Kevin Webb.

Councilor Grant said he would vote against the motion, and read the following statement:

“I wish to record my reason for this negative vote. RSA 674:54 establishes the process, reiterated in our zoning ordinance, under which the University of New Hampshire is required to participate in land-use matters involving the University and coming before this Board.

A key sentence in the State Statute provides, and I quote: “A representative of the government entity (meaning, in this case, the University) shall be available to present the plans, specifications, and construction schedule, and to provide explanations.”

Mr. Chairman, this Board requested at a public hearing, and our request is part of the public record, that a University representative appear before this Board to provide vital information and to answer important questions relating to this application.

Additionally, our Planning Director transmitted this Board's request by letter to the University. The appropriate University representatives refused our request.

The University's reluctance to participate fully and openly in the hearing process has denied us an exchange of information that I feel is crucial to my making an informed decision on this matter. I will therefore vote “no” on this application.”

Councilor Grant emphasized that his negative vote on the application related to the University's lack of participation, not to T-Mobile. He said the Board could have obtained more information if the University had been present. He also noted that the Town Council had recently agreed to sign a lease agreement with Verizon Wireless to construct a wireless telecommunications facility on the Foss Farm Water Tank. He said the contract provided that the cellular company would pay a rental fee totaling \$877,000, over 25 years, noting that the Town held the right-of-way from UNH on this property, and that the cellular company would be using this right of way to reach the Foss Farm tank. He said that in accordance with current agreements with UNH, the Town would share the rental fees on a 50/50 basis with the University.

Councilor Grant noted that in the present Omnipoint Application, the Edgewood water tank that is owned by the University, located on University property, but reached by a right-of-way owned by the Town and leased to the University in exchange for other land that the Town used. He said that if the Town was going to share its revenues from its water tank on a 50/50 basis, the University should therefore share its revenues with the Town for the Edgewood water tank.

Councilor Grant told Board members that he had asked Administrator Selig to begin immediate negotiations with the University on this application, to get the UNH to share the revenues from having the antennas on the Edgewood water tank.

Mr. Webb said he had similar concerns as those expressed by Councilor Grant, but they did not rise to the level of causing him to turn down the application.

Mr. Roberts said he shared Councilor Grant's concerns, and noted the University's actions were not fair to the neighbors, and not fair to the Town.

Ms. Rouillard said she agreed with Mr. Webb's comments and appreciated Mr. Grant's comments. She said it was discouraging to see ongoing issues with the University, and even more discouraging that this history came to the table and got in the way of negotiations with applicants who were caught in the middle. She said her concern was not great enough to vote no on the application.

Mr. Wylie said his reservations also were not great enough to cause him to vote no, but said he would be interested to know if the University would entertain any cost sharing regarding the facility. He also asked if the Verizon facility required site plan review consideration before the Board.

Mr. Campbell said it did, and the Council vote was only an agreement to sign the contract.

Nick Isaak said he had the same reservations about the University as other Board members, but would still vote to approve the application.

Chair Watt said he would vote to approve the application, but said that Mr. Braun's response was arrogant, and non-responsive, and had made the application process much more difficult than it needed to be.

The motion PASSED 6-2, with Councilor Grant and Stephen Roberts voting against it.

- VI. Acceptance Consideration of an Application for Boundary Line Adjustment** submitted by Gary D. Usher & Alison M. Sollee, Durham, New Hampshire and Jeffrey M. & Annette Kolter, Durham, New Hampshire to change the boundary line between two properties. The properties involved are shown on Tax Map 21, Lot 71-0 and Lot 72-0, are located at 65 and 67 Canney Road and are in the Residence A Zoning District.

Kevin McEneaney represented the applicant. He said the two lots in question were part of a minor subdivision approved in 1997. He explained that some time after the lots were approved, construction on both began. He said that during construction, some landscaping was put in for lot 71 consisting of stonewall areas, an electrical transformer, and a row of bushes. He said that visually, the property line appeared to be the tree line that existed, and the people who put in the landscaping thought it was the property line.

He said that when the survey work was done, it was found that the landscaping was encroaching onto the abutting property. He noted that the transfer of the property took place 9 months back with the understanding that there was an easement for the use of the land that had been encroached upon, and also with the understanding that there would be a lot line adjustment so that all of the landscaping would be on lot 71. He said approximately 10,000 sq ft of land would be transferred to lot 71, which would solve the encroachment problem, and would meet all zoning requirements.

Mr. Wylie asked the applicant if there was any significance to the fact that the lot line adjustment would wind up creating a 100-foot section of frontage abutting the Town of Madbury.

The applicant said that was purely coincidental.

Councilor Grant asked if both the property owners were the applicants, and was told that they were.

Councilor Harris noted that there were lines for utility easements that continued on to an area beyond the Canney Farm subdivision, and discussed these with the applicant.

Chair Watt asked if the application was complete and Mr. Campbell said it would be if the Board accepted the waiver requests.

Mr. Webb noted a transformer shown on the Lot Line Adjustment Plan and got clarification from the applicant concerning this. The applicant said the transformer was installed for Lot 65, and noted there would be underground utilities.

Mr. Campbell listed the waivers that had been requested, based on the newly posted subdivision regulations.

Chair Watt explained that the Board could accept and approve the application the same evening, no public hearing was required, no site walk was required and notice to abutters was not required.

Neil Wylie MOVED to accept the Application for Boundary Line Adjustment submitted by Gary D. Usher & Alison M. Sollee, Durham, New Hampshire and Jeffrey M. & Annette Kolter, Durham, New Hampshire to change the boundary line between two properties. The motion was SECONDED by Stephen Roberts and PASSED unanimously.

Chair Watt read the Findings of Fact and Conditions of Approval for the Application.

Mr. Campbell noted that Condition #3 could be removed because it had already been taken care of.

Chair Watt asked if Board members had any amendments to the Findings of Fact and Conditions of Approval. There were none.

Mr. Webb said acceptance consideration could be taken out, since the application had already been accepted. He also requested that Mr. Campbell double-check the Section and Article numbers quoted from the subdivision regulations to make sure they reflected the most recent posted version of the subdivision regulations.

Councilor Grant MOVED to approve the Findings of Fact and Conditions of Approval for the Application for Boundary Line Adjustment submitted by Gary D. Usher & Alison M. Sollee, Durham, New Hampshire and Jeffrey M. & Annette Kolter, Durham, New Hampshire to change the boundary line between two properties. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

VII. Conceptual Consultation on an Application for Conservation Subdivision submitted by Spruce Wood Retirement Trust, Dover, New Hampshire, on behalf of Douglas & William Worthen, Springfield, Virginia. The property involved is shown on Tax Map 13, Lot 14-2, is located at Mill Road and Packers Falls Road and is in the Residential B Zoning District.

Jack Farrell, Trustee of the Spruce Wood Retirement Trust, said he was there that evening with Doug and Pam Worthen, the owners, of the property, and Eric Weinrieb of Altus Engineering.

Mr. Farrell explained that the purpose of the discussion this evening was to look at a project that is a continuation of the Spruce Wood Retirement Community on the 124 acre parcel, using a conservation subdivision design that conformed with the Town's new Conservation Subdivision Ordinance. He said some of the basic ideas would continue – age restricted, ownership would be in the condos concept. He said the basic building layouts were not finalized yet but were expected to be fairly similar to what was already there.

Mr. Farrell said this is a conceptual consultation and said it was a particularly good development to use as conservation subdivision because it had a lot of good elements for such a development - valuable, well-identified conservation areas, sensitive areas along the river, and good buildable area left over. He described a map of the various areas that had been identified: site opportunity areas (buildable areas); primary conservation areas (wetlands and floodplains); and secondary conservation areas (setbacks from primary conservation areas, and aquifer).

He said a medium intensity soil survey had been done, and a HISS map was in the process of being done. He said it was a win/win situation because the development could support the total density allowed by the ordinance, based on the usable area, and what would be left over was the aquifer district, which is an important visual element and also an important water resource.

Mr. Farrell said they were proposing public streets; with private streets also; community water supply and septic systems clustered in suitable areas. He said there were no plans for any through or connecting roads, but they would hope to utilize a secondary road of egress – the secondary road for the inn, which cut through the aquifer district, explaining they would like to leave it as it is (as an emergency road) and create a loop in the interior.

Mr. Farrell said there were still a lot of decisions to be made, and he hoped they could have a collaborative discussion, as they had had in the past.

Mr. Wylie asked if the Fire Department could use the secondary road as an emergency secondary access to the property.

Mr. Farrell said the gate would have to be removed and a small section would have to be added to the road.

Mr. Campbell noted a 60 ft right-of-way had been indicated on an earlier map of the property, and Mr. Farrell said it had been a vestige of a previous idea, and was not relevant anymore.

Kevin Webb described the significance of the Spruce Hole area, and the importance of keeping development away from it.

Mr. Farrell noted it was a couple of hundred feet from the property line and was the heart of the aquifer district. He explained that significant investigation, including soil borings, had been done earlier in the development to determine the line between the aquifer soils and soils draining to the river. He said he was sure there would be need to study that further for the proposed development.

Rachel Rouillard asked how wide the useable area on the narrow portion on the left portion of the property was, and asked if he had considered allowing a wildlife corridor to connect the wetland and Spruce Hole natural area. Mr. Farrell said they could further define this as they went along, and would expect significant clustering to accommodate those kinds of concerns.

Mr. Weinrieb said they had done a boundary and topographic survey, wetlands delineations, steep slopes. He also said the HISS map has been completed but had not been put onto the plans yet, but would be on next set of plans. He went through useable area calculations with Board members for determining the maximum allowable number

of units. He said that of 124.10 acres, 98.92 acres would be usable, and based on the requirement of 40,000 sq. ft of usable area per unit, 107 units would be possible.

He said wells would be drilled later, and the intent was to have a community water supply. He also said he was looking for guidance and clarification concerning what the Board was looking for in terms of vegetative cover. He spoke about the plans for the roads, noting there would be two areas of wetland fill that would be needed, in areas where there would be the least impact.

There was discussion about the roadway within the secondary conservation area. It was noted that roads could be built in that area, and Mr. Weinrieb said they were looking at the shortest road, that could also be less impervious overall.

Mr. Webb said they were proposing that the whole development, potentially 265 senior housing units, could access Mill Road at a single point.

Mr. Farrell noted the secondary, gated road was maintained year-round, and all that was missing was the pavement. He said the theory was to maintain it as gravel road, year round, to have two completed separated road accesses, and it could be used as a walking trail and for emergencies. He said this had seemed to make sense before, and seemed to make sense now. He said what they didn't want was for people to decide it was a good bypass to take, and increase traffic through the development.

Mr. Webb noted again that he had concerns about the proximity of the development to Spruce Hole.

Jack Farrell said a reason the project was opportune was that Spruce Hole and the water resources were there, and this project would allowed them to protect both of them.

Mr. Wylie said the project begged for a traffic study, noting the developer had already improved roads in the area for traffic for the existing houses in the development.

Chair Watt asked what type of vegetation was found in the site opportunity area. Mr. Weinrieb said it was generally forested, with some wetlands and open fields. There was discussion about an old water line shown on the maps and Mr. Farrell said there was a trail there that would be used for access, thus minimizing land disturbance. Councilor Harris tried to locate the Spruce Hole bog on one of the maps, and Mr. Farrell said he would locate it for the next step of the process.

Chair Watt noted that their new conservation subdivision process required an applicant to list the significant natural features and how the design would seek to preserve them. He noted that the open fields there provided wonderful views, and said they shouldn't be filled up with buildings.

Mr. Weinrieb said that if the houses were kept in the forest areas, homes would have views out into the fields. He also noted that the community septic systems could be placed in/toward these open areas.

Mr. Roberts asked if all the units would be sold at market rate, and if there was any opportunity to bring in subsidized housing. Mr. Farrell said the condominiums would not be subsidized, and said he did not know of any funding opportunities available for this.

In answer to a question from Mr. Grant about a cul-de-sac Mr. Farrell had spoken about, Mr. Farrell said he was speaking about cul-de-sacs in general, and the concept of one entrance, which he said he knew had been a controversial issue, because there were places where it had caused some problems.

Mr. Roberts asked whether, with hundreds of units, one access would be enough to provide safety.

Mr. Farrell said that was why they had the secondary access, and it was a matter of whether they could agree that that was adequate, and beneficial to keep closed. He said it could easily be paved and opened, or another road could be created, but there would be issues of additional runoff in the aquifer area.

Chair Watt said the traffic study should look into these issues.

Mr. Wylie spoke about sidewalks in the existing development, explaining his point was that residents had the opportunity to stay off the streets and this reduced potential conflict between pedestrians and automobiles.

It was clarified that the sidewalks didn't go all the way to Mill Road.

Mr. Campbell asked if the road issue had existed with the original application, with only one entrance on Mill Road and a secondary emergency entrance, and if it was discussed at that time. He said this was an important issue for the Board to come to grips with, as the project moved forward.

Mr. Farrell provided history on this, and then said that there were various possibilities. He said one was to have an access going north, but this would mean people would be able to cut through the development.

There was discussion about the length and number of units that were planned on what Councilor Grant called the only real cul-de-sac on the plans.

Mr. Campbell said that if the developer wanted to keep the length and number of dwelling units they had indicated for this cul-de-sac, they would need waivers for this.

Mr. Farrell said they wanted to find out what people thought was reasonable.

Councilor Grant said he would prefer to see greater density on the right portion of the property, and preserve the left portion for open space or something other than a cul-de-sac with a lot of units on it.

Mr. Weinrieb said what he was hearing was that Councilor Grant wanted more density to the right, elimination of the cul-de-sac, and loading up of that area with the septic systems (although not in the conservation area – the site opportunity area). There was discussion that this area drained toward the wetland.

Councilor Grant said the cost of doing the cul-de-sac on the left portion of the property would require putting in quite a few units to recover that investment.

Mr. Farrell said that was important, but noted that when so much land was being set aside for protection, the land that was left was dear, and they had to make it work.

Mr. Wylie suggested another road design so there would not be a cul-de-sac.

Mr. Farrell explained the rationale for the previous road plan, some of it based on soils.

Mr. Roberts said he was concerned about conservation subdivisions, from a marketing perspective. He questioned whether people would like to live clustered together, isolated in the woods.

Mr. Weinrieb explained that some people liked having private space, while also living in closer proximity to others, for safety and a sense of community.

Councilor Harris said they also liked having easy access to natural areas beyond their own immediate space.

Councilor Grant repeated his concern about cul-de-sacs, noting that the Board had had recent problems concerning them.

Councilor Harris agreed, and noted that this project would be setting a precedent.

Councilor Grant asked about the proposed housing development in the central portion of the property, near the inn.

Mr. Farrell said they had considered putting the units in very large buildings, with 24–50 units per building, like the inn, which would create a series of mini-inns. But he said they were afraid that would be going too far, and he was not confident about that market.

Mr. Roberts said a couple of bad experiences could change a market, noting that Durham had experienced changes in both directions (i.e. putting houses closer together, further apart, and now closer together again).

Mr. Farrell noted that the Spruce Hole aquifer acreage was ironically prime building land.

Neil Wylie noted that this secondary conservation land was beautiful land worth protecting, and would be protected into the future if this project went through.

Mr. Farrell said this was why it was worth trying to figure out how to get the number of sites allowed by the zoning elsewhere, even though it might be a stretch here and there.

Chair Watt said it would be brilliant if the cul-de-sac in the northern area could be eliminated altogether. He also said there was a pocket of site opportunity area, down near Mill Road, and wondered to what extent it was accessible or usable.

Mr. Farrell and Mr. Weinrieb said they had not explored that second area, and it might be that in order to achieve density they would need to put some units there, although he said he understood the sensitivity to Mill Road.

Chair Watt said the cul-de-sac in the north would require a lot of investment and impact for not that many new units, and said leaving it open would enhance the viewscales there, and there was potential for walking trails. He noted that the area down toward Mill Road was already compromised, in a sense. He said he realized it was a balancing act, but the area should be considered.

Mr. Weinrieb spoke about access issues concerning this area.

Mr. Farrell noted that open space land within the existing development could possibly be swapped with other land, and then converted to buildable land. He said the condominium documents were written to allow this.

Jim Campbell noted that this would require a change to the conditional use permit associated with the subdivision's master plan.

Mr. Roberts noted that the open space Mr. Farrell had said could be traded was closer to the people who were already living there, and it would be a shame to make the open space further removed from those houses. He said they had probably struck as good a compromise as they could, and whether they would need a cul-de-sac, and how long it would be, could be considered.

Rachel Rouillard spoke about the wetlands crossing, and said it was especially important to think about it because it was coming off of the Oyster River. She also said it would be good to eliminate the whole cul-de-sac except for the bottom portion.

Ms. Rouillard also spoke about innovative models for elderly housing across the country. She said that with the Bard's new regulations, this property, with all kinds of unique features, provided a great opportunity to develop an innovative design, that included clustering and densities. She said that such a design, if done at a human scale and based on good design principles (for plantings, walking paths, orientation of the units, etc.) would be extremely livable and desirable. She noted that there were numerous studies on

conservation subdivisions that had found that they were being appraised at a higher and higher rates, as compared to traditional developments.

Mr. Roberts said he doubted this.

Mr. Campbell asked what the water lines were for. Mr. Farrell gave the history of this, described it as an 18 ft. gravel road, and said it would make a great walking trail now.

Mr. Campbell said there were some waiver requests for the conceptual consultation, and listed these. He also noted that what they meant by vegetative cover, in the new subdivision regulations, was fairly general – deciduous forests, evergreens, fields, specimen trees, farmland, stone walls, orchards, etc.

Mr. Weinrieb asked about the site inventory information that was required, and it was clarified that they also needed to provide information beyond the site.

There was discussion on this, and it was agreed that the applicant could obtain information on surrounding properties from various published sources.

Mr. Farrell said it was not clear to him when the first stage of the conservation subdivision process ended and the second phase began. He asked, if they gathered and presented additional information, such as HISS maps, etc., would that be enough to move on to the next phase.

Mr. Campbell said there were only a few items needed, and even with design review, this was still a preliminary phase.

Mr. Farrell said he wanted to go through this process so they were completing the steps in a way in which everyone would be comfortable.

Mr. Wylie said the next time they came in, they would have additional information, and some adjustments to their plan would have been made based on this. He said he would then like to see a discussion on specifics concerning placement of houses, roads, etc. that integrated information from the previous discussion.

Jim said that the language in design review covered this, and said there would be a natural progression beyond the development envisioned in the first design.

Mr. Farrell noted there was a lot of overlap between phases.

Chair Watt said traffic considerations would have a significant impact on design considerations. He said he realized it was too early to do a traffic study, yet that kind of information would be useful at this point.

Mr. Weinrieb noted that in the interest of saving trees, it would be a good idea to consolidate their information onto one full size set of plans. There was discussion on this,

and several Board members agreed it would be good to have one full size copy of the plans for each Planning Board member.

Mr. Campbell said they would talk about this and come up with the best solution.

Kevin Webb also questioned whether it was necessary to deliver extra copies to department heads at the preliminary stage.

Councilor Harris thanked the applicant for fulfilling the requirements.

Rachel Rouillard suggested looking at the Seaside retirement community and other innovative projects, in terms of scale and layout.

Nick Isaak said he was familiar with this and other examples of retirement communities that were similar to what Ms. Rouillard was talking about, and said he would provide information on this to Mr. Farrell and the Board.

VIII. Other Business

A. Old Business: None

B. New Business:

1. Request for extension to complete Conditions of Approval for Fall Line Properties

Councilor Grant MOVED to allow a 180-day extension to complete the Conditions of Approval for Fall Line Properties.

It was clarified that Town Council approval was one of the Conditions of Approval.

The motion was SECONDED by Neil Wylie, and PASSED unanimously.

2. Discussion on setting a date and choosing possible topics for a Planning Meeting

Topics suggested for the meeting:

It was agreed that the conservation subdivision before the Board was a good case study on this topic, so a formal discussion at the meeting was not necessary at this time.

Jim Campbell said he could provide a legislative update on some important bills that related to their work, especially those dealing with wetlands, and affordable housing

Councilor Grant recommended that Mr. Campbell look at the last retreat minutes, and pick out topics that were worth pursuing.

Mr. Campbell noted he was focusing more on his education campaign effort concerning understanding the Planning Board and its processes. He said he could use some input on this.

Mr. Roberts noted that the economic development subcommittee agenda should interface more with the Planning Board, and the quarterly meeting would be a good time to talk about this.

Mr. Campbell said he wanted to talk to the Board about some grants that were available.

Chair Watt said an important topic for discussion was whether there was a better way to do the Master Plan, instead of having a “Manhattan project” every 10 years. He said the planning should be done on a more continuous basis, and the zoning ordinance should be amended accordingly. He noted that something he took away from the last retreat was that revising the zoning ordinance was a two-step process, and required having a working planning document that was approved and up-to-date.

Mr. Campbell said it was worthwhile to talk about the process, but not the specifics, at this point.

Rachel Rouillard suggested there could be a shorter-term, 5-year update process.

Kevin Webb said it had been suggested that Mr. Campbell was overworked, and needed more staff. He noted that some of the neighborhoods had felt compelled to pay significant funds to protect themselves from development interests, and said this might not have been necessary if there was more planning staff. He said this was a Town Council issue, but suggested someone could come to the planning meeting to discuss this.

Mr. Roberts noted that during an earlier update, there was discussion of doing a more integrated approach of updating the Master Plan and Zoning Ordinance. Chair Watt suggested that perhaps a chapter of the Master Plan, or a subject in the plan, could be considered each year. Mr. Roberts said that when they were considering cluster development, the connection between the Master Plan and the Zoning Ordinance was made.

Councilor Grant told Board members that the Town Council had approved the Perley Lane subdivision, and noted a letter from Bob Levesque, the Town Engineer concerning the Town’s water supply concerns. He said the recommendation was made that it was a good time to defer issuing hookups until a review/update of the previous water study was done.

Councilor Grant said his understanding was that the Planning Director would be advised to tell new applicants that Town water was not available, and no new permits would be issued until the study was completed. He suggested this was an issue that the Board should stay very close to, because it would fundamentally impact planning issues.

Mr. Wylie asked if there was a timeline for completion of the study. There was discussion on this, and Councilor Grant said the feeling was that it would take approximately 6 months.

C. Next meeting of the Board: **January 21, 2004**

IX. Approval of Minutes

December 10, 2003

Page 3 – delete the words “PLEASE CHECK THIS”. Sentence was fine as it was.
Page 4 – 6th paragraph, delete “THE TAPE HAD PROBLEMS HERE”. Paragraph was ok as it was. Also, 8th paragraph, should be Deb Zompa Couch
Page 5- 1st and 4th paragraphs, insert Deb Zompa Couch
Page 5- 4th paragraph from bottom delete “NOT SURE WHICH TOWER.....” Also add to that paragraph – “..would go on the monopole on Durham Point Road, and this was written..” Also page, 5, 2nd paragraph from bottom, should read “..asked if anyone wanted to rebut these comments..”
Page 5, 4th paragraph, should read “Fred Jervis..”
Page 12, 2nd paragraph from bottom, should read “Kreines Report”
Page 13, 3rd paragraph, should read “Nick Isaak ..., had increased the number of antennas..” Also, 5th paragraph should read “Kreines Report”; also, bottom of page should say “siting”, not “sighting”.

Rachel Rouillard MOVED to approve the minutes as amended. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

X. Adjournment

Councilor Grant MOVED to adjourn the meeting. The motion was SECONDED by Kevin Webb, and PASSED unanimously.

Amanda Merrill, Secretary