

DRAFT

**WEDNESDAY, APRIL 28, 2004
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.
DURHAM PLANNING BOARD MINUTES**

MEMBERS PRESENT: David Watt, Chair; Stephen Roberts, Vice Chair; Arthur Grant; Nick Isaak; Amanda Merrill; Kevin Webb; Rachel Rouillard; Richard Ozenich

MEMBERS ABSENT: Annmarie Harris

OTHERS PRESENT: Interested members of the public

I. Call to Order

II. Approval of Agenda

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

III. Report of the Planner

Chair Watt noted that Town Planner Jim Campbell was attending a conference in Washington, D.C., and reviewed the following items that Mr. Campbell had included in his Report:

- Site walk planned for May 5, 2004 at 8 am regarding the trimming and removal of brush and trees along Durham Point Road and Bay Road.
- Quarterly Planning Board meeting to be held on May 26, 2004. Mr. Campbell listed topics he had in mind for the meeting, including scenic roads, the Economic Development Committee, design guidelines for the Business Park, and an update from Tom Johnson on building codes. He also noted that the NH Planners Association' spring conference would be dealing with the topic of Low Impact Development, and said he might work something into the agenda on this topic.
- Continuation of public hearing on the Zoning Ordinance
- Submission of the SPR Grant to NH DOT for the Northwest/Southeast Transportation Linkage Study
- Final draft of the USNH Campus Master Plan, which was recently presented to the Board of Trustees. Mr. Campbell said in his report that as soon as he heard what the reaction of

the Board was to the plan, he would let the Planning Board know, and would also get a copy of the plan to them.

- Appointment of Richard Ozenich and Kevin Webb as regular members of the Planning Board, and appointment of Richard Kelly to fill the remaining year of Rachel Rouillard's term. Mr. Campbell noted that two alternate positions had not yet been filled.
- Findings of Fact and Conditions of Approval for the Verizon Site Plan Review Application. Mr. Campbell said in his report that he had incorporated comments from the Board, as well as from his memorandum in those documents.

Ms. Merrill presented certificates of appreciation to Chair Watt, Rachel Rouillard and Neil Wylie (not present), who were stepping down from the Planning Board.

IV. Deliberation on a Site Plan Application submitted by Verizon Wireless, Westborough, Massachusetts. The application is for a Personal Wireless Service Facility located on the Foss Farm Water Tank. The property is shown on Tax Map 6 Lot 1-18 and is within the Residence B Zoning District.

Chair Watt explained that when the Findings of Fact and Conditions of Approval were not lengthy, the procedure was for the Chair to read through them, and edits/modifications could be suggested during this process.

Mr. Roberts said he had a few amendments to propose, but said he didn't see any impediments to approving the application.

Findings of Fact

Mr. Roberts suggested the following changes:

- Include visual rendering of sound enclosure for generator
- Item 7 – strike Sound Assessment, and replace with Noise Impact Evaluation
- Include the fact that the applicant did provide an approval from James P. Cowan of Acentech certified by INCE (Institute of Noise Control Engineering of USA), which the Board considered to meet the requirements or ordinance. (Mr. Roberts said Item 16, Section 9.12 was therefore not needed)

Mr. Webb said it was not appropriate to strike Item 16 from the Findings of Fact because this Item reflected what actually happened. Board members agreed that Item 16 should remain, and the best place to deal with this was under the Waivers section.

- Item 20- date should be changed to April 8, 2004

Mr. Webb noted the following:

- The date when the application was accepted for consideration, March 24th, 2004, needed to be included

- He also said it should be noted in the Findings of Fact that the Broadcast Signal Lab report and the Acentech report were each submitted at the request of the Planning Board.

Discussion on Waiver language:

- Note 7.02 (D) (4)(d) as a waiver that was requested but was deemed to be unnecessary due to the applicant fulfilling the requirement
- Waiver from Section 9.12 was determined not to be needed because the Acentech report fulfilled the requirements of Section 9.12

Conditions of Approval

Chair Watt read through the Conditions of Approval that had been developed in relation to the application. The following amendments were suggested:

- Councilor Grant said the word “emergency” should be included before the word generator.
- Mr. Webb noted that the spill containment plan should be approved in some way. It was agreed that the Code Enforcement Officer should review this. There was discussion about the spill containment that Verizon planned for the site.
- The engineer from Verizon said the beveled containment for the fuel tank had been determined not to be a good way to go. He said that a double walled container, where a 200 gallon fuel tank was contained within a 280 gallon box, was determined to be the best type of containment on the site. He also noted that this system would be electronically monitored, in case a spill occurred. It was agreed that the drawing of the containment vessel should be listed in the Findings of Fact. Chair Watt said the Condition of Approval on this should remain as it was.

Councilor Grant asked if the terms of the lease agreement would be included in the Conditions of Approval document. Mr. Webb noted that Item 12 under the Findings of Fact covered this.

Conditions to be met Subsequent to the Signature of Approval on the Subdivision Plan:

- Ms. Merrill asked how often the generator was tested, and there was discussion about where wording on testing should be placed since it was an ongoing procedure. It was agreed that it should be put in the Conditions of Approval to be met Subsequent to the Signature of Approval. It was also agreed that the wording should say weekly startup testing, and that the hours of operation should be Tuesday-Thursday, between 9-3 pm.
- Ms. Merrill said Item 2 should say “The water tank shall be inspected....”

- Mr. Webb noted that the water tank issue had been raised by Bob Levesque, the Town Engineer. Mr. Webb suggested that Item 2 should be more explicit about what the consequences were if the water tank failed the inspection. He suggested Item 2 should say "...shall meet the approval of the Town Engineer."
- It was agreed that wording under Item 3 should say the "...noise measurement report.....shall be submitted to the Code Enforcement Officer."

Councilor Grant MOVED to approve the Findings of Fact and Conditions of Approval for a Personal Wireless Service Facility located on the Foss Farm Water Tank as amended. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

Chair Watt said he would write up the notes on the Findings of Fact and Conditions of Approval, and would submit them to Mr. Campbell.

V. Other Business

- A. Old Business: **Site Walk for PSNH scheduled for May 5, 2004, 8:00 a.m. Meet at Town Hall to carpool to the site.**

Chair Watt noted this had been a vigorous discussion at the previous Planning Board meeting.

- B. New Business: **May 26, 2004 will be the quarterly planning meeting.**

Suggested Agenda items

- Review of Master Plan – incremental master planning, and more methods/procedures for linking master planning and zoning updates simultaneously.
- Scenic Roads – 1200 feet between driveway cuts, and consideration of Beth Olshansky's suggestion of 300 ft. setbacks
- Discussion about update on building codes; suggestion that Tom Johnson should provide written update for the meeting, and then could discuss this with the Board at a subsequent meeting
- Design guidelines for the Business Park

Councilor Grant said Jim Campbell wanted to review them since they were almost 10 years old.

Mr. Roberts noted that the Economic Development Committee was raising significant planning issues, and coordination on this was needed. He noted that their proposals were not necessarily in the Master Plan.

- Design guidelines for the Historic District and perhaps the whole Town; looking at guidelines used by other towns
- Working with the Council concerning the Zoning rewrite.

Mr. Roberts said there was a need to coordinate with the Council on this. He said a punch list would likely be coming to the Board that would give the Board something to respond to, and would allow a meeting of the minds to occur in a timely fashion.

Councilor Grant described the scenarios for dealing the Zoning Ordinance that the Council was looking at. He said that one possible approach was for the Council to initiate its own amendments after passing the Ordinance. He noted that if the Ordinance was adopted, what was there now became fact, and if there were those who wished to take advantage of some of the changes in the Ordinance, they could come in before the amendment process got underway. Councilor Grant said he was not sure which approach the Council would take.

Mr. Roberts said the Town Attorney had cautioned the Council against making radical changes to the planning concepts without buy-in or coordination with the Board, noting that the Board had followed the general intent of the Master Plan.

Councilor Grant said there had not been sentiment expressed by the Council to proceed with Council initiated amendments.

There was discussion about the public hearing the Council had held the previous Monday on the Zoning Ordinance. Chair Watt asked if the excluded land issue was something that would have to be revisited sooner rather than later.

Mr. Webb said the issue of large landowners splitting off one or two lots for their families should not be a problem, because generally speaking, the HISS requirements could be waived in this situation. There was discussion among Board members about this issue.

Ms. Rouillard, who had not been at the Council hearing, asked what Mr. Langley based his chart of undevelopable land on, and was told it was based on the Strafford County Regional Soil Survey. She noted these maps were not very accurate.

Mr. Isaak asked if a buildout analysis could be added to the list of issues for the quarterly meeting.

Mr. Roberts asked if the Zoning Rewrite Committee would need to be involved at this point. Councilor Grant provided details of the punch list process the Council was working with, and said in order to keep things moving, the Council would anticipate a response from the Board on this list within 30 days. He said that would give the Board two meetings, and the Zoning Rewrite Committee two meetings, to address the punch list items. He said if a few big items didn't get done, postponement could be requested on those items.

There was discussion about the buildout analysis from the Master Plan, and the request at the Council public hearing about another buildout based on the revised Ordinance. Mr. Roberts said the difficulty was getting accurate soils data for this analysis.

Chair Watt said a buildout analysis could be useful, but said the development guidelines for buildable area should stand or fall. He asked whether, if someone had a 50-acre parcel with 18 inches to ledge throughout, whether should there be any houses on it. There was discussion of the definition of ledge.

Mr. Roberts asked if the outcome of the Zoning Ordinance review by the Council was an overwhelming topic for the quarterly meeting. Ms. Merrill said perhaps there could be an update on the process at the quarterly meeting.

Mr. Grant said he would like to get an update of the Zoning Rewrite process at the quarterly meeting.

Ms. Rouillard noted that someone working for the Town of Lee had the Strafford Regional Planning Commission develop some incredible maps for the Town, for free. She said they looked at their water resources for drinking water, and pieced together various data layers to identify areas for future development and for conservation, in order to achieve goals related to drinking water. She said this approach might be a good way to get things moving in Durham, and could include all the pieces instead of focusing just on a buildout analysis.

Mr. Roberts said even if the Town had to pay something for this, it would be a great way to defend the credibility of what the Board had done, and to make people feel good about it.

C. Next meeting of the Board: **May 12, 2004**

VI. Approval of Minutes – March 24, 2004

Page 1, bottom of page, should read “..and said Mr. Van Asselt had expressed interest..”

Councilor Grant MOVED to approve the March 24th minutes. The motion was SECONDED by Kevin Webb, and PASSED unanimously.

VII. Adjournment

The meeting ADJOURNED at 8:15 pm

Amanda Merrill, Secretary