

D-R-A-F-T

DURHAM PLANNING BOARD MINUTES WEDNESDAY, JULY 14, 2004 TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL 7:00 PM

MEMBERS PRESENT: Stephen Roberts; Arthur Grant; Amanda Merrill; Nick Isaak; Richard Ozenich; Kevin Webb; Karen Bishop

MEMBERS ABSENT: Annmarie Harris; Richard Kelley

OTHERS PRESENT: Jim Campbell

I. Call to Order

Chair Roberts said that Karen Bishop would be a voting member for Richard Kelley.

II. Approval of Agenda

Revision – lighting plan Item VI, will be heard at end of agenda because

Amanda Merrill MOVED to approve the agenda as amended. The motion was SECONDED by Richard Ozenich and PASSED unanimously.

III. Report of the Planner

Mr. Campbell said he had met with Doug Bencks, and had discussed the following:

- The Parking Lot expansion at West Edge and Mast Road Extension
- The Observatory – moving it from its present location, closer to the reservoir off Spinney Lane
- RFQ For CMAQ Main Street Enhancements – RFQ to be sent out this week
- SPR Grant - no word back on transportation linkage study
- Craig Supply – Mr. Campbell said he had told Mr. Bencks the Town did not receive the grant, and noted he would be meeting with the EPA about improving the grant proposal
- Mill Pond dredging issue – Mr. Bencks indicated that the discussion might start up again if the Town took the lead on this issue. Mr. Campbell said he would talk with Mike Lynch and Administrator Selig regarding this matter.
- The University's Capital Plan – The State has received the plan and will be voting on what projects to fund. Mr. Campbell said the projects were the same as those proposed previously.
- Future Housing Projects at the University – Mr. Campbell he provided details on where units would be located.

Mr. Campbell also provided an update to the Board on the most recent Zoning Rewrite Committee meeting. He said drafts of the Wetlands Overlay District and the Historic District Commission overlay district were ready for the Committee to look at, and said hopefully the Committee would be working on the Shoreland as well as the Aquifer Overlay Districts by

the end of the month. He also said the Personal Wireless Facility Overlay would be updated. He noted he had changed the schedule for this work because the public hearing had been switched to September, which gave them more time to work on the overlays in August.

Mr. Campbell provided some detail on three new applications that would be heard at the next Board meeting. He also told Board members that the CIP requests were due. He said he had provided them with his ideas for possible inclusions in the CIP, and wanted the Board to discuss them over the course of the next two meetings. He said a more formal discussion on this would take place later on.

Chair Roberts noted the questions on water and sewer capacity as they related to CIP submittals from other departments. Mr. Campbell said he believed these considerations had been included in those submittals.

Mr. Campbell said he would be assuming the duties of Code Enforcement Officer Tom Johnson while Mr. Johnson was attending a two-week training course entitled “Fire Protection: Systems and Structures” at the National Fire Academy in Emmitsburg, Maryland.

Councilor Grant asked when would the work start on the MainStreet improvement project. Mr. Campbell said this would be in 2005, and said the proposal was for the design, not the construction, which UNH would pay for. He said the Board would be getting into the details of this, and it would be a process involving various parties.

Councilor Grant asked if the Public Works Department was planning to go ahead with the shimming of that area, and Mr. Campbell said it was his understanding that it was.

IV. Deliberation on a Site Plan Application submitted by Omnipoint Holdings Inc., East Providence, Rhode Island. The application is for a driveway to service a Personal Service Wireless Facility in the Town of Newmarket. The property is shown on Tax Map 18, Lot 11-6, located at 25 Simon’s Lane, and is within the Rural Zoning District.

V. (The applicant has requested that this be postponed until August 25, 2004)

Mr. Campbell explained that the applicant had some issues to work out concerning the site plan, as well as with the Town of Newmarket. He said the applicant had taken the comments received at the previous Board meeting, and would be addressing them. He also said it would be asking for an extension on the application.

Chair Roberts said the Board would consider the application again on August 25, 2004, noting there might be another site plan for it. He noted the interest by the public had prompted this reworking of the application, and thanked them for this interest.

Mr. Campbell also thanked members of the public for their efforts concerning the application. He also noted that the Chair had asked him at the previous meeting to ask the Town Attorney what legal recourse Durham had, given that the proposed cell tower was taller than what was permitted in Durham. He said the Town Attorney’s response was that the Town could not apply its regulations to activities proposed in the adjoining town, but

only to activities proposed on the Durham portion of the property. He said he would forward that response to Board members.

Kevin Webb said this application had been discussed at the Conservation Commission meeting, and said the Commission would like to have a formal written request from the Board asking for written comments on the site plan, for recording keeping purposes, noting that the Commission would be providing a report on this. He also said that no one on the Commission had received copies of the site plan, and asked that Mr. Campbell look into this.

Chair Roberts noted that the plan itself was being revised, and that Commission members should get a copy of this revised plan.

Mr. Webb said that there was some dispute about what Omnipoint had presented in Newmarket as compared to what it had presented in Durham. He said that in order to resolve this, the Board should obtain minutes from meetings in Newmarket. It was agreed that Durham's minutes should also be provided to Newmarket.

Nick Isaak noted that the public notice from Omnipoint to abutters requesting a delay said the access road would be 15 ft. wide. There was discussion about this, and it was agreed the number was incorrect, and should read 12 ft.

VI. Acceptance Consideration of an Application for a Boundary Line Adjustment submitted by Thomas P. Hand, Jr., Esquire, Newmarket, New Hampshire, on behalf of James Heald & Mary Menzies, Littleton, New Hampshire, and Jan Rice & Catherine Fitzgerald-Rice, Durham, New Hampshire. The properties are located at 3 and 7 Durham Point Road, are shown on Tax Map 6, Lots 11-4 & 11-5 and are in the Residence Coastal Zoning District.

Mr. Campbell noted that since the Town had received the application, the property had changed hands. He said the former owners had sold the property to another party that had been aware that this would go forward, before they purchased it. He said there was a letter of agreement on this, as well as a new deed for the property.

Mr. Campbell said the application was complete, and noted that because approvals of boundary line adjustments were considered modified procedures, the Board could accept and act on them the same night. He said a public hearing had not been required, but said that abutter notices had been sent out. He said there had been no response concerning the application, and he had provided a draft Findings of Fact and Conditions of Approval for the application.

Attorney Hand explained that the boundary line adjustment was needed because this was an odd shaped property. He said the purpose for doing it was to take the larger parcel and cut off the horseshoe piece of it that wrapped around the other, smaller property, which would leave two squared off lots. He said the acreage of the smaller property would be increased significantly as a result of this, but the larger parcel would not be reduced in size very much. He noted there had been a ZBA decision on this in 1998, and they were trying to wrap up the process now.

Mr. Campbell explaining that the variance in 1998 allowed lot 11-4 to be a bit smaller, (an undersized lot) in the RC zone, and this decision enabled the Board to act on the boundary line adjustment. He provided additional detail on the previous status of the property, which was no longer an issue.

Chair Roberts asked if there were any issues concerning this property that the Board should be aware of, in addition to the customary issues of procedure for boundary line adjustments. Mr. Campbell said everything was in order.

Mr. Webb noted there was a leachfield on the parcel being swapped over, and asked if this was why the land was being transferred. Attorney Hand said this was not the case.

Board members clarified that the Conditions of Approval should say Lot 11-5, not 11-7, on page 2, and also should say the applicant shall provide two mylars and one paper copy of the plan. Mr. Campbell said the final amendment was that there would be a name change to remove the names of the previous owners on page 3, and instead say R. Douglas and Susanne Green.

There was discussion that these two lots had been nonconforming in the RC district, and would still be nonconforming after the boundary line adjustment, which was why the ZBA had previously been involved in the process.

Councilor Grant MOVED to accept the Boundary Line Adjustment application. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

Councilor Grant MOVED to approve the request for the Boundary Line Adjustment, and the Findings of Fact and Conditions of Approval presented on July 14, 2004, as amended. The motion was SECONDED by Kevin Webb, and PASSED unanimously.

Chair Roberts said that Item VI would be moved to the bottom of the Agenda, and would now hear the continued design review for the Spruce Wood Conservation Subdivision application.

VII. Continued Design Review 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.

Councilor Grant asked if they would be talking about the sewer line that evening in such a way that he would need to recuse himself from this conversation, given the fact that he was a potential beneficiary of the proposed sewer connection.

Mr. Farrell said the sewer issue appeared to be resolved, and he would be summarizing the Council's direction concerning this. He explained that the conservation subdivision design he was presently working with included a sewer hookup, and reflected the comments of the Planning Board and the Public Works department.

He noted that when he was last before the Board, there was consensus for him to proceed with the plans that included the sewer hookup, and to go to the Town Council to get the consent of the Council on this. Mr. Farrell said the Council meeting had provided him with a clear indication to proceed with the design that included the sewer hookup.

Mr. Farrell said the goal was to wrap up the design review section, and briefly described the design again for Board members and members of the public.

Mr. Webb asked if portions of a new section of the existing gravel road, which would be included as part of the subdivision, would be paved.

Mr. Farrell said a portion would have to be paved, noting that impervious surfaces were allowed there, although they were discouraged. He said runoff would be collected and piped away for treatment, keeping it away from natural areas. He said there would be curbs in areas where water was to be collected, for the houses that would be built in the vicinity of the aquifer area, and said that these issues had been discussed with the Public Works Department. He also noted that the deeper sand and gravel soils appeared to be further west than the soils where these units were proposed.

Amanda Merrill asked what the plans were for the common open space. Mr. Farrell said there would be trails, but nothing would be constructed, noting there was a well-established loop there already. He spoke about how the present design, as compared to previous designs, would allow the preservation of the meadow, and also said it seemed to be the consensus of the Conservation Commission that the area where most of the houses would be was secondary forest, and the soils there were not that important. Mr. Farrell said some of the soils where the land would remain open were some of the best in the seacoast area.

Mr. Webb noted that the Conservation Commission had suggested that the further the units could be away from the Oyster River, the better.

Mr. Farrell said this was negotiable, but said that given the limited areas for the houses based on soil based lot size requirements, not putting units there would mean more units would have to be put in the outer aquifer area.

Chair Roberts said this would be a dense development, but noted there would be a significant amount of natural area.

Mr. Isaak asked where the fourplex buildings would be located, and noted that from a design perspective, it might be good to place the multi units toward the center of the development. He noted there was a hill, and said the cul de sac area in the center might be a good space for a small green/gazebo with the buildings around it.

In response to a question as to why fourplexes were included in the development, Mr. Farrell said these units would be somewhat less expensive, allowing a greater price range for the units in the development. He, also said this would further the clustering idea, given that building space was tight.

Mr. Webb suggested that the fourplex placed in the northern area out in the fields might be placed further back from the edge of the development, more in the woods, so it would be less visible, and said perhaps some duplexes could be exchanged for it.

Mr. Isaak also noted the access road to the development, and suggested some of the units could be arranged to provide a greater a sense of arrival, and to avoid having headlights hit the houses head on as cars drove up that road.

Chair Roberts asked if any of the units would qualify as affordable housing, noting that the Regional Planning Commission had identified a target number of units for the Town. Mr. Farrell said no.

There was discussion about trying to balance revenue enhancement and affordability, and Mr. Farrell said these kinds of units were hard to do as affordable housing, noting this was somewhat easier to do with in-town developments where there was a small site, and services nearby.

Mr. Ozenich asked what the potential parking would be for the fourplexes and whether there would be garages. He noted that he lived at Fitts Farm, and there wasn't sufficient parking for guests there.

Mr. Farrell provided details on this, and there was additional discussion. He also noted the road would not be as narrow as would be desired, because of the number of units in the development.

In answer to a question from Mr. Campbell. Mr. Farrell said he envisioned the buildings in the proposed development matching up with the other portions of the development.

Mr. Campbell said it had been determined that the development would hook up to sewer in one form or another, but asked when the Board got the formal application, if there would be a decision as to whether it would go down Mast Road, or someplace else.

Mr. Farrell said the plan would show a collection system inside the development, and the pump station, and said the rest would be a utility extension that could be decided during the review process. He said it almost did not matter for the sake of this development what happened above the pump station. It was clarified that the pump station would be down by the river, before the crossing, so everything would flow there by gravity.

There was additional discussion about the possible plans for the sewer beyond the development.

Mr. Campbell explained that the next step was for him to work with Mr. Farrell to get the formal application together. Mr. Farrell said this would be completed by late fall.

There was discussion as to when the preliminary design for the sewer would be ready. Mr. Farrell also said that running it out to Mast Road appeared to make the most sense at present. He also noted that there was a traffic study underway, and said there would be a

hydrogeological review, although it would not be as extensive as it would have been if septic systems had been planned as part of the development.

Chair Roberts received clarification that the field, which had previously been called a “site opportunity area”, would come back in the final design as “conservation land.”

He then thanked Mr. Farrell for his presentation.

VIII. Review of Lighting Plan for Approved Hotel Site Plan submitted by Fall Line Properties, Portsmouth, New Hampshire, as a fulfillment of one of the conditions of approval. The property involved is shown on Tax Map 4, Lots 50-0, 51-0, 52-0 & 53-0, is located off of Dover Road/Main Street and is in the Limited Business Zoning District.

Councilor Grant asked for clarification as to whether the lots had been merged, and Mr. Campbell said they had been, noting this was part of the Conditions of Approval.

Roger Roy of MJS Engineering, Newmarket, NH spoke before the Board, and said he had assisted in the development of the lighting plan. He provided an outline of the lighting plan.

Mr. Roy said the Public Works Department had been contacted about the lighting detail used along the streets in downtown Durham, and proposed using the same fixtures and lampposts in the parking lot. He noted the lighting designer, from Visible Light, North Hampton could not be present at the meeting.

Mr. Roy said there would be two types of fixtures, one of which was forward throw fixtures, to be placed along property lines, and the other which was square distribution fixtures, for the center of the parking area. He provided details on exactly where these different fixtures would be located.

Chair Roberts asked if a graphical plot of lumens had been done for the parking area, and Mr. Roy said this had been done. Chair Roberts asked if Mr. Roy could warrant that based on this design, the neighborhood would not be subject to light contamination. He observed that no one from the neighborhood was present at the meeting, and also noted that this issue had been brought up before the Historic District Commission. Mr. Roy said he could guarantee there would not be light contamination.

Chair asked if the lighting plan needed to be reviewed by the Council, and it was clarified that this was a Planning Board issue.

Mr. Isaak said that the Historic District Commission had approved the design of the poles and fixtures.

There was discussion about the information concerning lumens in the lighting plan, as well as the details of how the lamps conveyed the light. Mr. Isaak suggested that one of the lenses of the lamp facing the adjoining property could be blacked out.

Mr. Webb received clarification that the lighting on the building itself did not appear to be included in the lighting plan.

Mr. Roy said he didn't have details on these lights, but said there would be vestibules on either side of the front entrance of the building, and light would come out from those windows. He noted that the lighting plan also did not address the lighting coming in to the site from surrounding properties, like the gas station.

Mr. Webb received clarification that the poles that would be used would be the same as those that the Town was using, and it was noted that these were holding up pretty well.

Mr. Ozenich asked if the placement of the lighting could conflict with the stop light on the corner, coming from Newmarket at night. He noted the lighting could be blinding in some situations.

Mr. Roy said that was a good question, but said it looked like there was no light directly behind the traffic light. There was additional discussion about this, and whether the light might be bothersome. Mr. Ozenich said the same type of lighting was used in his neighborhood, and it was obnoxious.

Chair Roberts asked if Mr. Campbell had received any comments from the Public Works Department on this proposal. Mr. Campbell said he had not received any comments.

Chair Roberts suggested Mr. Campbell should get official verification from the Public Works Department that the plan conformed to their specifications, and said the Public Works engineer, as the coordinator of these activities, should sign off on this plan.

Mr. Campbell noted that the Fire and Police departments had no issues with the plan, and there was discussion about Code Enforcement Johnson's comments concerning the plan.

Kevin Webb MOVED that pending approval by the Public Works Director of all technical standards, that the lighting plan met the approval of the Planning Board. The motion was SECONDED by Amanda Merrill, and PASSED unanimously.

Chair Roberts said it was a comprehensive plan, and thanked Mr. Roy.

IX. Town Council Feedback on Ordinance Revisions – Discussion on how to proceed with comments and suggestions from Town Council and members of the Public

Councilor Grant explained that he had received some comments from Board members, but was waiting for input from other Board members.

There was discussion on the comments Ms. Merrill had provided on the government use definition, as well as the definition of passive/active recreation. Ms. Merrill said that before attempting to reword these definitions, it made more sense to find out the scope of the Council's concerns regarding each of them.

There was a detailed discussion on the meaning of passive recreation, and how this was defined in other ordinances in NH and elsewhere. Ms. Merrill said she had done some research on this, and most ordinances didn't have definitions for passive and active recreation. She said considering this definition brought up the larger policy question of what

the Town intended to allow in the common open space of conservation subdivisions, and she provided details on this.

There was detailed discussion on how conservative or broad the definition should be of what recreation should be allowed on the common open space, and whether defining passive recreation would clarify this. Mr. Campbell said it was important to make the distinction between the principal use of a recreational facility and recreation on open space in an approved subdivision, and there was discussion as to how the wording in the ordinance related to this should be reworded.

There was also discussion as to what the Council was intending in bringing out these issues. Mr. Campbell said it was his understanding, from being at the meeting where the Council discussed this, that the Council simply didn't understand what passive and active recreation meant.

There was additional discussion on the degree to which the Ordinance could place limitations on recreational use of common open space. It was noted that the appropriateness of having recreational facilities might depend on the scale of the development, and that a development having a larger amount of open space could more easily accommodate recreational facilities than one having a relatively small amount of open space.

There was also discussion about the issue of compatibility of a recreational use with the character of a particular subdivision, and how this could be determined. Board members also discussed how the need for recreational activities in a development might evolve over time, so that it was hard to determine this in advance.

Mr. Webb said that the management plan for the common space should set this out before the development was built, as part of the conditions of approval, and said it was not for the community association to change that.

Chair Roberts said the Board had required a management plan, but the verbiage did not allow the restriction of uses in the open space.

Mr. Campbell said the wording of the easement could restrict uses in the common open space.

There was additional discussion about whether/how land uses could be regulated in the common open space, and also how this would be monitored and enforced, if the uses could be regulated. Councilor Grant noted that unless all prohibited uses were clearly spelled out, it would be hard for a community association to know whether any uses it allowed were illegal.

Chair Roberts said this kind of thing had been hard to administer in other parts of the country.

It was agreed after much discussion that this issue was not covered clearly in the ordinance. Mr. Campbell said he agreed with Mr. Webb that the Board had the power to say what uses

could be allowed in the common open space, but said the Town had to find the right wording for the ordinance to address this.

Ms. Merrill agreed to work with Mr. Campbell to provide further clarification on this issue.

There was discussion on the definition of somewhat poorly drained soils. Mr. Campbell described several options for handling this. After some discussion, the Board decided that the wording should be: *“Soils from which water is removed slowly enough that the soil is wet for significant periods during the growing season. These soils commonly have a slowly pervious layer, a high water table, additional water from seepage, or a combination of these”*.

Councilor Grant asked if this was the definition that the hydrologists would be using for the definition. Mr. Campbell said it appeared to be a general standard, and was found in the county soil surveys.

Mr. Webb asked if there could be a dispute with a developer about which High Intensity soil classification went with the somewhat poorly drained definition. There was discussion that the two systems were not totally aligned with one another.

Ms. Merrill noted that this was also an issue concerning the Wetlands Ordinance, noting that the current draft of the Ordinance, developed two years ago had switched from using the soils differentiation for wetlands to the commonly used Army Corps of Engineers definitions for wetlands classifications, which didn't use the poorly drained, somewhat poorly drained, etc. classifications. Asked which definition was better, she said she didn't feel qualified to recommend either one.

Mr. Campbell noted the decision to go with the Army Corps of Engineers classifications was before the Town decided to go with the HISS classifications.

Ms. Merrill noted that the new State law used the Army Corps of Engineers definition, and explained that if Towns referred to wetlands in their ordinances, they had to use this definition. She said it didn't go into effect for a year. There was additional discussion on this, and Ms. Merrill said it would be good to get an outside opinion about the ramifications of the change in the State law.

It was agreed that the previous items concerning the Ordinance, as well as the remaining items, would be finalized at the upcoming Zoning Rewrite meeting.

X. Discussion of CIP

Mr. Campbell said the CIP recommendations were due, and wanted the Board to look over what he planned to include on this. He noted that the Water capacity report would be useful in making decisions, and noted he had included a recommendation to take a closer look at Spruce Hole, and move it closer to become a water supply

Chair Roberts noted his concern the previous year that the Board wasn't able to provide input on planning issues concerning water, sewer and roadways.

Councilor Grant noted that the Dufresne Henry water reported listed several options, but said one of the first recommendations was to ask for an increase in the withdrawal allowed from the Lamprey River at the Wiswall Dam. He said the engineer from the firm said he had never seen such a small withdrawal allowance as was presently in place there.

Councilor Grant said a second recommendation was to remove the siltage at the reservoir to gain more capacity. He noted these first two recommendations were relatively inexpensive approaches compared to developing Spruce Hole, and also said that the siltage removal would be the University's responsibility.

Councilor Grant told Board members that the Town Council had questions about the numbers Mr. Metcalf, the engineer for Dufresne Henry, had used in his calculation, noting that he hadn't included the daily influx of students, faculty and staff to the University. Councilor Grant said it was agreed that there should be further consideration of those numbers. He said it was a good report, and also noted that he had asked Town Administrator Selig to arrange for a presentation on the report to the appropriate people at the University, and suggested that perhaps Board members could be also attend that presentation.

Mr. Campbell noted that extension of water and sewer to Beech Hill Road, as well as upgrading Beech Hill Road from a Class V to a Class VI road, was recommended for the CIP.

Councilor Grant suggested that there be plans for how the infrastructure could be developed here, but that it should not actually be built until the time was right.

Mr. Campbell described the following additional items that he had included for the CIP

- Main Street improvements II, from Pettee Brook to the RR bridge, - looking at possibly starting construction next year. He said a CMAC Grant had been received for this, and the goal was to make the area more pedestrian and bicycle friendly, and to cut down on pollution from cars.
- Main Street Improvements III Main Street from RR bridge to Route 4, approved for TE grant this year. He said the work would match up with State work, and said 80% was paid for by Federal funds, with the rest split between the Town and the University.
- NW SE transportation linkage study – Mr. Campbell said the Town applied for a \$50,000 grant, and planned on matching it with \$50,000. He said if the Town did not get the grant, it might fund the project through the CIP, since it was addressed in the Master Plan. He noted that the Town Council wanted it moved up, even if the State decided not to fund it.
- Improvements at intersection of Route 4 and 108, which were in the State's 10 Year Plan - off ramps, dedicated turning lanes, east bound would have a light. He said the State kept bumping this project.
- Options for improving parking at Wagon Hill Farm He said the Master Plan called for 150 cars, and said his hope was that it could be linked with mass transit.

There was discussion about how many parking spaces should actually be there. Ms. Merrill asked how often 150 spaces are needed at the site and Councilor Grant answered

that it's the case on the day of the Durham Day picnic. She voiced the opinion that 150 seems to be a high number. Councilor Grant said the idea should be moved up on the schedule, and they should start with 50 spaces now. He also said the Parks and Recreation Committee was exploring the concept of having a nonresident parking system. Board members agreed with this, and also agreed the parking should be as close to the entrance as possible, in the area where the parking spaces currently were located.

Chair Roberts asked about the Master Plan issue of Smitty's and the Library.

Councilor Grant said there would be a public hearing in September concerning the possible use of the area behind the Town Hall for the building of a library. There was discussion of funding available in the CIP for this.

Chair Roberts asked if there were any Economic Development related issues recommended for the CIP. There was discussion on this. Chair Roberts said it would be good for the Board to see what the Board's budget would be so members would know what kind of planning work could be undertaken.

XI. Other Business

Discussion on Build-out Analysis

Mr. Campbell said he had discussed funding for this with the Town Administrator, and was told to ask the Board to wait until next year to fund the build-out analysis, because the Town was trying to find funding for other projects, such as the Packers Falls Bridge. Mr. Campbell said that if the Board felt the need for the build-out analysis was urgent, it could write a letter to Mr. Selig on this.

Chair Roberts said he believed that for a relatively small amount of money, the build-out analysis would give the Board at least some degree of quality control over the impact of the Ordinance.

Councilor Grant suggested that the sharpest questioning on this issue occurred at hearings held by the Town Council, and suggested that Town Administrator Selig should be asked to raise the matter with the Council. He said he believed the issue was in the Council's lap, and said it needed to be invested in this process.

Chair Roberts asked what the consensus of the Board was on this.

Mr. Isaak said it was important to have factual data developed by a third party in the appendix to support the Ordinance.

Mr. Webb said the scope of work appeared to be rather generic, and boilerplate, with no specifics. He said he had serious doubts that the analysis would give the Board the serious answers it was hoping to get. He noted that the proposal said that some data from the analysis would have to be eliminated because of practicalities. He said they didn't have the key data such as soils to put into this,

Chair Roberts noted that a former Planning Board member had said the application of similar criteria by the Planning Commission for a build-out analysis in the Town of Lee had been excellent.

Mr. Isaak noted that the Board had asked to see this.

There was additional discussion on whether this analysis would be worthwhile. It was agreed that Board member should take a look at the Lee build-out analysis.

Mr. Webb said perhaps the \$3,000 would be spent more effectively on looking at a few parcels in Town in detail. He said they could take an intensive look at a specific development, or one or more of the Town's large conservation parcels.

Mr. Isaak suggested that if the Board would be getting HISS mapping for some parcels in Town anyway, they could compare this data with the more generic data developed by the build-out analysis.

Mr. Ozenich recommended that they go for the money first, and then decide whether to do the build-out analysis or instead do an in-depth analysis of one or more parcels.

Chair Roberts said this kind of build-out analysis, if undertaken at the Town level, would be a huge and costly project. He said the proposed analysis could provide some kind of benchmark that they could compare with the work done for the Master Plan.

Board members agreed to request the money for the build-out analysis, and also agreed they should look at the analysis done for the Town of Lee.

Councilor Grant MOVED to postpone discussion of usable area until the July 28, 2004 Board meeting. The motion was SECONDED by Kevin Webb and PASSED unanimously.

XII. Approval of Minutes

June 9, 2004

Kevin Webb noted that Richard Kelley had been spelled incorrectly in the minutes, and should be changed.

Kevin Webb MOVED to approve the minutes of June 9, 2004, as amended. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

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

Next meeting of the Board: July 28, 2004

XII. Adjournment 10:00 pm

Amanda Merrill, Secretary