

These minutes were approved at October 13, 2004 meeting.

**DURHAM PLANNING BOARD MINUTES
WEDNESDAY, SEPTEMBER 22, 2004
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL**

MEMBERS PRESENT: Stephen Roberts; Annmarie Harris; Amanda Merrill; Richard Ozenich; Kevin Webb; Richard Kelley

MEMBERS ABSENT: Arthur Grant, Nick Isaak

OTHERS PRESENT: Jim Campbell, Planner; Todd Selig, Town Administrator; Paul Beaudoin, Business Manager; Victoria Parmele, Minute Taker

I. Call to Order

II. Approval of Agenda

Amanda Merrill MOVED to approve the Agenda as submitted. The motion was SECONDED by Richard Ozenich.

There was discussion about the fact that the Omnipoint application had been taken off the Agenda. Mr. Campbell said this had been postponed until December.

The motion PASSED unanimously.

III. Report of the Planner

Mr. Campbell asked Board members if they would like Gerald Mylroie, Senior Planner at the Strafford Regional Planning Commission, to come to a Board meeting in October to speak with them on various planning issues.

There was discussion about this, and Board members agreed this would be a good idea. Ms. Merrill noted that the October planning meeting would be a good time to do this.

Mr. Campbell made noted of some upcoming planning related workshops:

- **Vision 2020** – a free public workshop, on where, when and how development should occur, put on by the Strafford Regional Planning Commission, on Oct. 2nd
- **Improving Site Plan Design for Sustainable Development**, Oct. 4th
- **NHDES - Watershed Conference**, Nov 13th
- **NH Office of Energy and Planning - Fall Planning conference**

- **APA audio conferences: Economic development for small towns, New Technologies for Planning and Public Participation, etc.** (participation by teleconference, Internet, or can buy the CD's)
- **Municipal Law Lecture Series** – Mr. Campbell noted that the presentations in Newmarket were scheduled the same night as Planning Board meetings.
- **NH Planning Association, annual meeting at Local Government Center, Concord, NH, October 15th** - featuring writer James Howard Kunzler

Mr. Campbell told Board members that Durham did not get the State SPR Grant, but noted that some money had been put in the CIP for this work in case the Town did not get the grant. He said the grant went to a study on Route 125.

Ms. Merrill asked if the Main Street enhancement project was the same as the rehabilitation project, and Mr. Campbell said that it was.

Mr. Campbell said the recent planning conference he had attended was excellent, and provided details on at the conference.

IV. **Public Hearing Presentation on a proposal for expansion to three parking lots: the West Edge Lot, the "S" Lot and the Mast Road Lot on the campus of the University of New Hampshire**

Doug Bencks, Planner for the University, provided an overview of the parking lot projects. He said the lots were being built in a way that was consistent with the University Master Plan, and would result in an increase of approximately 150 parking spaces. He said the intent was not to increase parking on the campus to a large degree, but rather to find ways to provide a relatively incremental increase.

He explained that these particular locations had been selected because they were adjacent to large, existing parking areas, and said this made sense rather than building parking lots in new areas that were separated, and more dispersed. He also said the design would work well with the University's existing shuttle bus system.

Mr. Bencks outlined the two parking lot expansions that would be accessed via West Edge Drive:

West Edge Lot Expansion – Mr. Bencks said there would be an increase of 34 spaces in this area, and also noted that a research effort was being conducted by the Department of Civil Engineering as part of the project. He said the research would be looking at the effectiveness of porous pavement in handling stormwater in the Northeast climate, and was funded by a Federal grant.

Mr. Bencks said he had met with neighbors in this area, and said the University would be including an earth berm between the parking area and Mast Road, so car headlights would be screened from the neighbors. He also said the proposed additional parking area had been

reviewed by the State Wetlands Board, and was outside of the wetlands. He said that stormwater runoff would be monitored carefully, and said if there were impacts, the University would mitigate them.

S Lot - Mr. Bencks explained that an additional infilling of 52 spaces would be located adjacent to the West Edge lot. He said this would be in keeping with the Master Plan but was needed especially at present because of changes in how the University allocated parking to the different student categories. He also noted that the existing light fixtures in this area would be eliminated and replaced with down lights, which should be a significant improvement.

Mr. Kelley asked about the trailer stalls proposed on S Lot, and Mr. Bencks said the University was looking to extend some of the parking spaces so trailers could fit without disrupting flow of traffic.

Chair Roberts asked if any of the proposed parking lot expansion would affect goals in Durham's Master Plan concerning the northern or southern connectors.

Mr. Bencks said there should not be any effect. He noted that what the University was trying to do was to address the way people came to the campus by keeping more cars out closer to Route 4, thus keeping them away from the downtown areas.

Chair Roberts opened the public hearing, and asked if anyone wished to speak for or against the proposals.

Suzanne Loder, 55 Mast Road, said that her property abutted both of the lots, and said the University had approached abutters in the spring about their plans to create additional parking. She said the abutters had expressed their concerns about possible impacts from noise, and also noted their concerns about potential groundwater pollution. She said the University had worked with the abutters on these issues, and had assured them that appropriate precautions would be taken.

She said she still had some concerns, but wouldn't have answers until the parking areas were constructed. She noted that the University said it would respond if there were problems, and she said she would hold them to this. She said that not everything the abutters wanted had been agreed to, but noted that the University was entitled to do what it needed to do.

Chair Roberts asked Ms. Loder if there was anything the Board should know in order to make some useful suggestions to the University concerning these projects.

Ms. Loder stated that a parking garage would certainly be a better approach to parking than paving over more land. She said this would solve a number of problems, but noted that one would have to lobby long and hard for this.

Chair Roberts asked if it would make sense to contact the University about this, as a planning goal. Ms. Loder said it would make sense, and would help everyone. She said she had lived

on Mast Road for many years, and said that with increasing commuters to the University, traffic had increased significantly, and said the impacts of this increased traffic had been significant.

Ms. Harris noted she was on the University's Traffic Committee, and said the committee had looked at how a viable parking garage could be developed. She provided details on these discussions. Ms. Harris also provided details as to her belief that the design for the parking lot appeared to represent an encroachment on what had originally designed.

Mr. Webb asked Ms. Loder if the berm that was planned appeared to be adequate, and there was discussion about this.

Ms. Loder said her sense was that the University wanted everyone to feel comfortable with the parking lot expansions, but said abutters would have to see how things worked out in order to determine whether the screening would be adequate.

Mr. Bencks said the berm should be very effective in concealing headlights from some abutting properties, but said locating the berm on the Loder property was a bit trickier because of the direction of runoff of wetlands in that area. But he said that if there were problems, additional planting of vegetation could be done.

Chair Roberts asked if the parking garage was on the University Master Plan list.

Mr. Bencks said there had been a great deal of discussion on this during the development of the Master Plan. He said the Plan stated that the parking garage was something the University intended to do, but said this project was not included in the first phase of the Master Plan because of the financial challenge it represented. He said that at present, the University was working on demand management, and said that the students had recently authorized an increase in parking fees, because of the success they had seen in transportation planning. He noted that this did not take away from the need for parking structures, but said the University did see a transformation underway in the parking situation.

Chair Roberts noted that the University and the Town were feeling traffic pressures from various directions.

Mr. Campbell noted that Councilor Grant was one of the abutters, and had spoken with him about the parking lot proposals. He said Councilor Grant was appreciative of the efforts of the University and the abutters in working together on this issue, and had no concerns at present, but said he would have to wait until the lots were built to see how things worked out.

Ms. Harris asked if evergreens could be planted on Ms. Loder's property, if necessary, and Mr. Bencks said that might be a solution, if what was presently planned wasn't sufficient.

Mr. Kelley referred to sheet L-1, and said there appeared to be plans to construct a detention basin at the West Edge lot. He asked for details on this.

Mr. Bencks said this area was low, and was at the edge of the wetlands.

Mr. Kelley said it was his understanding that the basin was not a hole dug into the ground, but would be formed when the embankment was put in place.

Mr. Bencks provided details on this, and said the construction would be partially in-ground, and partially aboveground, in order to make the detention area.

Mr. Kelley asked what the bottom elevation of the detention basin was, and there was discussion about this. He said if the embankment failed, where the water would go.

Mr. Bencks said there was some University property beyond detention basin, which contained a natural swale, and said the intention was that if the basin overflowed, the water would flow into this area.

Mr. Kelley asked if this detention pond would only receive flow from the parking lot improvements, and was told that was correct. He also said he was trying to get a feel for the height of the berm relative to the parking lot, and said this wasn't clear from the plans.

Mr. Bencks said the University had committed to raising the existing grade of the parking lot, and provided details on how the height of the berm would be at least 4 feet above the level of the parking lot.

Mr. Kelley noted that Mr. Bencks had said that the University was currently faced with fiscal constraints that prevented it from constructing a parking garage. He asked if the amount of permits should be limited until the fiscal conditions changed, or would the University allow as many parking permits as needed, and continue to do surface lots.

Mr. Bencks provided details on the University's present parking policies, and said it ultimately envisioned an end to surface lots, which would require imposing greater restrictions over time, and limiting permits.

Mr. Bencks said the parking situation was a matter of considerable ongoing debate at the University. He said one of the goals was to provide good convenient alternatives, so people would decide it was more of a hassle to bring their cars to campus. There was discussion between Mr. Bencks and Board members about this ongoing debate.

Mr. Kelley asked if the University saw additional surface parking lots being added to the campus in the future.

Mr. Bencks said the University Master Plan had identified a limited area of additional surface parking lots, and noted that one of these was planned for the west side of the railroad tracks, south of the campus core. He said this location would provide for a vehicular pedestrian link, and would contain approximately 125-150 spaces. He said that other than that, the University was actually seeing a removal of parking spaces, through the elimination of some of the small pockets of parking spaces on campus.

Chair Roberts asked about the planned underpasses as they related to the Durham Master Plan, and Mr. Bencks said that neither would impact a southern or northern connector.

Mast Road Lot - Mr. Bencks spoke about the proposed parking expansion at the Mast Road Lot. He said that currently, there were a pair of lots off of the Mast Road extension, and said the expansion would add 70 parking spaces to those existing lots, and would interconnect them. He said this would create a much more efficient shuttle bus route, which would allow better circulation through the parking lot. Mr. Bencks noted that a neighbor had suggested this design.

He provided details about improvements that would be made for handling stormwater runoff in this area, explaining that there was already a certain amount of stormwater treatment, but that the design would include additional treatment. Mr. Bencks also said that the appropriate setbacks from the cemetery in this area would be maintained, and said there would be down lights in the parking lot.

There was detailed discussion about the possibility that there would be a decrease in LOS (Level of Service, from level E to level F as a result of the parking lot expansion in this area.

Ms. Harris asked about the idea of a possible roundabout at this location, and Mr. Bencks said it was a good idea, but was not addressed in the University Master Plan. There was additional discussion about traffic in the area of Mast Road, as well as traffic data that had been collected for this area.

Ms. Harris noted that when the West Edge Lot was installed, there was supposed to be on-going water quality monitoring. She said it was important to have this past record in order to be able to determine if there were any changes to water quality as a result of the expansion. She asked if this monitoring had been done.

Mr. Bencks said this monitoring had been done, and would continue.

Ms. Harris noted that there had been offers to abutters some years back to put in water lines, if there was deterioration in water quality.

Mr. Bencks said water quality would be monitored to be certain there was no significant impact. He said that if there were impacts, remedial actions would be taken.

Chair Roberts noted that Mr. Bencks had earlier said that the West Edge Lot would have a permeable surface comprised of porous asphalt, and asked if there had been any testing as to possible impacts on the water table.

Mr. Bencks said the theory was that the porous materials would help to filter the water, but said this was the research the University's Engineering Dept. wanted to do. He said that data on this, as well as the degree of wetlands treatment at the Mast Road Lot, were an integral part of these projects.

Mr. Webb asked if the University had checked to see whether any neighbors were concerned about the proposed expansion of the Mast Road lot.

Mr. Bencks said they all had been contacted.

Chair Roberts asked if there were any comments from the public concerning the Mast Road lot, and there was no response.

Ms. Harris asked if there would be any landscaping of the berm around the Mast Road extension, and Mr. Bencks said there would not be.

Richard Ozenich MOVED to close the public hearing. The motion was SECONDED by Richard Kelley, and PASSED unanimously.

Mr. Campbell asked if the Board wanted him to draft a letter regarding key issues, including Town and University perspectives on the idea of a parking garage, and the need for University plans to interface with the Town's plans for the northern and southern connectors.

Mr. Webb asked that Mr. Campbell thank the University for working openly and collaboratively with the abutters, and encourage it to continue to address abutters' concerns.

Mr. Campbell said he would also note in the letter that the project would continue to be evaluated in order to see if further remedy was needed.

Mr. Ozenich asked if the Board would get feedback on water resources data being collected regarding the parking areas, so it could make use of this data in the future.

Mr. Campbell said that was a good question, and he would follow up on this. He also said he was concerned about the Level of Service (LOS) at the Mast Road Lot possibly changing from E to F, and said the Board needed to think about what to do with that.

Mr. Webb asked Mr. Campbell what the status of the University's Master Plan was.

Mr. Campbell said the Trustees had not approved the plan, and had asked for additional information. He said the University was continuing to work on it, and said he would check on the Plan's status.

Board members discussed proposed new student housing at the University. Mr. Webb asked if the Board would be able to look at the plans for this construction, and Ms. Harris said the information on it was available online.

Mr. Kelley provided details on why he thought some of the data in the traffic table in the proposal was peculiar.

V. 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. **(The applicant has requested that this item be postponed)**

Mr. Campbell noted again that it had been proposed that this application be brought back to the Board at the first meeting in December.

VI. CIP – Discussion on 2005-2014 CIP

Business Manager Paul Beaudoin noted changes that had been made to the Draft CIP since the previous version Board members had seen at their previous meeting. In answer to a question from Chair Roberts, he said that at this point, the draft was still a planning document, so did not yet contain firm numbers

Chair Roberts asked if there appeared to be any planning related elements that were missing from the Draft CIP.

Mr. Campbell said that figures concerning Main Street enhancement would be changing, and said he would get those numbers to Mr. Beaudoin when he had them. He also noted he had put the Beech Hill infrastructure improvement figures in the Draft CIP.

There was discussion about the figures concerning the combined Town Hall/Library. Ms. Harris asked where these numbers had come from.

Mr. Beaudoin said that when the Library Trustees received feedback that the best way to make the Library happen was to package the Library and Town Hall concepts together, Town staff had come up with a ballpark number for development of a new Town Hall.

Mr. Kelley said that when one looked at the bottom line, there was a significant increase in planning related expenses in the coming year. He asked how this compared to the previous year, noting that the beneficiaries were not just the Durham taxpayers.

Mr. Beaudoin went thorough the items that were paid for locally, and bonded, and noted among other things that wastewater treatment costs were paid for by all sewer users, including UNH.

Chair Roberts asked if the purpose of speaking with the Planning Board on the draft CIP was to get input on projects that were needed, or for the Board to look at the financial details.

Mr. Beaudoin said he believed the best kind of input from the Board would be for it to give direction to the Council concerning future planning issues that were most important: economic development, a new Library center, more conservation land, etc. He said it would be very helpful for Town staff to be able to provide this information to the Council, but said it was up to the Board as to whether this approach made sense.

Chair Roberts said that was also his vision of what the Planning Board's role was.

Board members discussed the line item for the Wiswall Dam repairs. Mr. Webb asked why this project had been ranked as #3 in importance, and not #1.

Mr. Beaudoin provided details on how the dam improvements had been put off somewhat because of the evolution of plans for a fish ladder there, and noted that the dam repairs were covered under the water fund, not the general fund. He also told Board members that agreement had been reached that the University and the Town would share costs for production of water based on water usage, which would mean that the cost of any repairs to the dam would be shared.

Public Works Director Mike Lynch explained that the #3 ranking for the Wiswall Dam repairs was based on the fact that the Town's road program was ranked #1 every year, since roads were considered the Town's most important infrastructure.

Mr. Webb asked if the bottom line was that the dam would be repaired in 2005, and Mr. Lynch said that was correct.

Chair Roberts asked if the water supply/demand report developed for the Town would be implemented by the CIP, and there was detailed discussion about recommendations from this plan. Mr. Lynch said some upcoming water related projects included the study of the Spruce Hole aquifer, and the Madbury Road water line replacement.

Ms. Merrill noted information in the draft CIP concerning land protection, and there was discussion of financial figures that had been recommended.

Chair Roberts asked if there was anything included in the CIP for a major Master Plan update. There was discussion about this, and Chair Roberts said he would like Mr. Campbell to develop an estimate of how much money would be needed for this. He said the Planning Board was currently under-resourced in regard to funding for the Master Plan Update, and said the CIP should include something for this.

Mr. Campbell noted that there was funding in the Budget for this, but not in the CIP. Chair Roberts said he would prefer to see a Master Plan update that was developed by outside resources, so that the Board's role would be to critique the draft plan.

Mr. Campbell said there was currently not enough funding in the Board's budget to do this, but said it was his intention to get money into the budget for an outside consultant to work on the Master Plan update.

Mr. Webb said he agreed with this, but said it seemed like money for the Master Plan should come from the operating budget.

Mr. Beaudoin noted that anything costing less than \$20,000 would not be included in the CIP, and Chair Roberts then asked if \$75,000 could be put in the CIP every three years for the Master Plan update. Mr. Beaudoin said that it could be.

Ms. Merrill asked if anything concerning energy efficiency studies, audits, etc. was considered for inclusion in the CIP.

Mr. Beaudoin said that nothing official concerning this had been included, but noted ways in which energy efficiency was already being considered as part of existing Town projects. He specifically noted the overall Town-wide energy audit, and also said the Town had received a kickback from PSNH for using energy saving equipment. He said the Public Works Department was always looking for ways to improve energy efficiency.

Mr. Kelley noted plans to remove the Craig Supply buildings, and asked for details on pollution issues and progress at the site.

Mr. Campbell said the contamination had already been identified, and a remediation plan had been developed, while Mr. Beaudoin noted that the Town had applied for funding for the remediation work that was needed.

Mr. Lynch explained that phase I of the Remedial Action Plan was to remove the buildings, and said there would then be a slow process of remediation of the site, and turning it back to the community.

Town Administrator Selig said the Remedial Action Plan (RAP) was an expensive solution, that could cost anywhere between \$750,000 to \$2,000,000. He said the Town would use brownfields funds for this work, and could hold off on the project until it received these funds. He explained that one possible strategy was to remove the buildings and transform the area into a parking lot that would generate the revenue needed to pay for the remediation work, plus some additional revenue.

Mr. Webb asked if the University had an interest in this project.

Administrator Selig said the University had a keen interest in the project, and had applied with the Town for the remediation funds. He noted that the University was interested in drilling a northern underpass tunnel in this area, and the contamination had an impact on this, so the remediation project would be a cooperative effort.

Administrator Selig said that in terms of future planning concerning this location, there were several possibilities: a combination of retail, offices, and parking; a parking garage; a railroad station; an inter-modal transportation hub; etc. He noted that the most cost effective way to stabilize the site environmentally was to construct the parking lot, and said the parking lot concept was in fact part of the remedial action plan. Administrator Selig said the Town and University had applied for an EPA Brownfields grant, but said their project had not been selected, so additional applications for the grant money would be made. He also said that because the contamination was in the top soil layer, this might make the site eligible for other funding.

Chair Roberts next asked if Board members had any interest in adding funding to the CIP for a distinct Town center.

Administrator Selig explained that he would like feedback from the Board as to how important it thought the Library proposal was for 2005. He asked Board members whether they thought the project was too expensive, or not expensive enough, and noted that if the Library were funded, this would have a big impact on how he viewed other projects being requested.

Mr. Webb said he realized that a lot of effort had already been put forth concerning this project, but said he personally could not support a #1 ranking for it for next year. He said that roughly a third of the other projects were required upgrades, and also said that the Beech Hill road improvements were probably in the Town's best interest. He questioned whether a new Library/Town Hall was absolutely necessary at present, and also said he supported a better arrangement for the Library/Town Hall concept.

Ms. Harris noted there could be long-term bonding for the project, and there was discussion about this.

Mr. Ozenich asked what the timeframe was to get things moving for this project, and Chair Roberts said that was one of the key questions. Mr. Ozenich said the Board should vote for it in order to get funding started, and then could receive presentations on the project.

Ms. Merrill said she was all for what could enhance the center of the community, and said the Library could be an important part of that. She also noted she had a problem with demolishing the Town Hall building. She said she had not attended the public hearing, and would need to look at the hearing and additional information in order to better answer the question.

Mr. Beaudoin noted that the Library/Town center concept had been kept active in the CIP by Town staff because it wouldn't be up to the Trustees to ask for this.

Chair Roberts said it would seem that the Library, whether including a Town Center or standing alone, would be in the Town's interest. He said the residents had been eased out of what had been the downtown, and also said there was a serious traffic situation that had blocked some type of commercial development at the Town Hall location. He noted that a Library/Town center would have sporadic traffic, like the hotel complex being constructed.

Mr. Kelley noted he had not yet seen the public hearing on the Library project, and said that although he liked the concept of a new library, he did not feel that the proposed location for the Library was the appropriate one.

Administrator Selig said that at a Council meeting in June, Councilor Van Asselt had asked the Library Trustees if they had considered doing a joint facility, and so they came back with their ideas for one. He noted that Town staff was not pushing for this concept at present.

There was discussion about possible funding for the Library project, and Mr. Beaudoin said the Council would not go forward with funding unless there was a solid overall plan.

Mr. Ozenich asked what the Public Works Department's plans for the gravel pit were in relative to proposed plans for athletic fields at that location.

Administrator Selig said what was proposed was for the Public Works Department to be flexible, and address the needs of the community. He said the key questions were whether there really was a need for athletic fields, and whether the gravel pit was a good place to build them.

Chair Roberts said Durham needed more athletic fields, given the school expansions, and noted that a private citizen had offered his own field for use as an athletic field, although this was not permanent.

Ms. Merrill said she had seen, regarding the Allen field, that there was a need for more athletic fields in Durham, and asked if there were some possible alternative locations.

Mr. Lynch provided details about present operation at the gravel pit, noting that sand was taken out of it in the winter, but no more gravel was being taken out. He said reclamation of the pit had been started, and would take approximately four years, and said the fields could not be developed until this was complete.

He said development of the fields would be a gradual, long term project, and also mentioned other areas that had been considered for athletic fields: Wagon Hill Farm, the Business Park, etc. He said the Public Works Department heard every year that Durham needed more fields, and said it was trying to balance the need for the pit with the need for athletic fields.

Mr. Kelley asked how many years of use were potentially still available from the gravel pit, and Mr. Lynch said there were many years left. Mr. Kelley also asked about possibly approaching the University regarding the use of athletic fields.

Administrator Selig said that to the extent they were available, the University let Durham residents use their fields, but said usage was fairly restricted. He also said it had been problematic getting the University to open up more fields.

Mr. Kelley asked what kinds of athletic fields were needed, and Mr. Lynch said two multipurpose fields were planned for the gravel pit area, for soccer, baseball, etc.

Administrator Selig noted that the Oyster River School District was also looking at the need for more athletic fields, and said that whatever the Town did, it should be done in conjunction with what the School District was doing.

Mr. Webb noted that there was significant traffic at a difficult intersection near the gravel pit, and Mr. Lynch said part of their plan was to modify the entrance to this area.

Chair Roberts asked Mr. Beaudoin if Town staff needed additional input from the Board on the draft CIP.

Mr. Beaudoin asked Board members if the draft CIP reflect water system issues, looking toward the future.

Chair Roberts noted the comments concerning limiting growth in the water report, and said this could be difficult on the Board if implemented.

Administrator Selig noted that the Beech Hill Road improvements would involve a large expense, but would be a positive step in aggressively moving to expand the Town's economic base. He asked Board members for their opinions about this.

Mr. Kelley said he would like to know if there was any interest by businesses in developing out there, and if this was contingent upon contemplated infrastructure improvements.

Jim said if there was infrastructure, businesses would come, and also said it would help if businesses knew the Town was planning for the infrastructure improvements.

Mr. Kelley said with such limited space at present for economic development, he supported these infrastructure improvements.

Chair Roberts said he also supported these improvements.

Ms. Merrill asked how adaptable the infrastructure proposal was.

Mr. Beaudoin said that beyond the Town's water lines, a pumping station would probably be required in order to provide water down to a development site.

Mr. Campbell said that businesses would probably pay for the additional infrastructure needed to bring water past the Town's water lines to their sites.

Ms. Merrill and Mr. Ozenich both said they would support the Town infrastructure improvements in this area.

Mr. Webb said he supported some investment in the future for these infrastructure improvements, and also suggested the Town might want to invest additional funds in marketing the property some years out, once the infrastructure improvements were completed. He said this would be a wise investment in order to balance out the tax base.

Ms. Merrill asked about competing uses of this land.

Administrator Selig said the land was primarily intended for economic development, and was one of the few areas in Town where this would be the highest and best use. He provided some detail on present discussions with businesses concerning the property.

Mr. Kelley noted that the cost for the new Fire Station was put at \$135/sq. ft. in the CIP, and said that his firm had recently completed the design of a 20,000 sq ft fire station, where the cost was closer to \$200/ sq. ft.

Mr. Campbell said this had been a good discussion on the draft CIP, and asked whether the Board wanted to see further drafts of the document

Chair Roberts said he would like to see the CIP when it included the cost figures that would be reported out to the Council, and Mr. Beaudoin said he would give Board members copies of this.

VII. Sign Ordinance

Chair Roberts provided background information on the snipe signs issue, and noted that the Zoning Rewrite committee had voted to ask Administrator Selig to stop enforcement of the related provisions in the Zoning Ordinance. He asked Mr. Campbell to provide additional details on this situation.

Mr. Campbell said the Zoning Rewrite committee's vote was a stop-gap measure, and then read through proposed language changes to the sign ordinance, which if the Board agreed on, would have to be presented at a public hearing.

Ms. Merrill said she hoped the Board would move ahead with this matter. There was detailed discussion on the proposed language changes.

Mr. Webb asked if the Board wanted to make an exemption for political speech relate to timing, and Mr. Campbell noted that no one had actually complaining about the timing or size of signs. Mr. Webb said this was still something the Board needed to consider.

Administrator Selig noted there had been a complaint about a 12 ft. size limit for signs, but said the Town Attorney felt that this was enforceable.

Chair Roberts said he had found that other communities also limited the size of signs, but not the number of signs.

There was detailed discussion among Board members about what constituted political speech.

Mr. Webb asked Mr. Smith for his reaction to the proposed wording changes to the sign ordinance, and Mr. Smith said that on an interim basis, these changes should solve the problem, and then in the near future, Board members could go through the whole sign ordinance and refine the wording further.

Ms. Merrill agreed that this wording should work fine for the time being, and there could be a broad discussion later. She noted that the language the Board had agreed on was similar to wording proposed by Councilor Smith.

There was some additional discussion about wording changes that were needed.

Kevin Webb MOVED to instruct the Town Planner to post the proposed changes to the sign ordinance provisions for the public hearing, to be held on October 13, 2004. The motion was SECONDED by Amanda Merrill, and PASSED unanimously.

Chair Roberts asked if the Town was presently enforcing the existing provisions.

Administrator Selig said he had not yet decided what to do concerning this. He said he personally agreed with Mr. Smith's position, but said that the Town Attorney's position was that although the issue was debatable, the current provisions were enforceable as written. Administrator Selig said it was not certain what the outcome would be if this were contested in court.

He reviewed the process by which the issue had been handled since it came up, noting it had seemed sensible for Mr. Smith to appeal the administrative decision to the ZBA, so that a judicial body could weigh in on the issue. He said that now, the issue had been looked at by the Planning Board, and there would be a public hearing on proposed changes, but he said the issue was now before him to decide on, as a political decision, because it would be impossible to make the changes to the ordinance before Election Day. He said he had not yet decided how to play the issue out. He said the Council would take up the issue at its October 4th meeting.

Mr. Kelley asked Administrator Selig to consider opinion on both sides of the issue, and noted the Town Attorney's perspective was in the minority.

VIII. Other Business

A. Old Business: Discussion on completion of zoning rewrite

Mr. Campbell said the documentation on completion of the zoning rewrite was not quite completed, and said he would bring it to the Board when it was ready.

Chair Roberts noted there were numerous priorities taking Mr. Campbell away from this work, and said anything that could be done to free up his time somewhat would be appreciated.

B. New Business: Request for Technical Review from Durham Movie Stop to add a tanning business to a video store.

The applicant said that tanning booths were planned for the back portion of the establishment, and asked that instead of a full site plan review, there could simply be a review of the application by the Board's Technical Review Committee.

Mr. Webb noted that the Board had recently had another application for a tanning salon, and asked the application if she believed there was sufficient demand for the proposed business.

She said she believed there was sufficient demand.

Kevin Webb MOVED to remand the application to the Technical Review Committee. The motion was SECONDED by Richard Ozenich.

Ms. Merrill noted that the floor plan included the word “adult”, and asked what this referred to.

The applicant said this meant that people under 18 would not be allowed to use the tanning booths.

The motion PASSED unanimously.

Minutes of August 25, 2004

Page 1, 3rd paragraph from bottom, should read “Merle” Craig.

The date on the header should read 2004, not 2005.

Richard Ozenich MOVED to approve the minutes. The motion was SECONDED by Kevin Webb, and PASSED 5-0-1, with Amanda Merrill abstaining because of her absence from the meeting.

Richard Ozenich MOVED To adjourn the meeting. The motion was SECONDED By Richard Kelley, and PASSED unanimously.

The Meeting adjourned at 10:30.

Amanda Merrill, Secretary