

**DURHAM PLANNING BOARD
WEDNESDAY, FEBRUARY 9, 2005
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: Chair Stephen Roberts; Councilor Arthur Grant; Nick Isaak, Amanda Merrill; Richard Kelley; Kevin Webb; Bill McGowan

MEMBERS ABSENT: Richard Ozenich; Annmarie Harris

OTHERS PRESENT: Jim Campbell

I. Call to Order

Chair Roberts noted that new alternate member **Bill McGowan** would be filling in for regular Board member Richard Ozenich.

II. Approval of Agenda

Councilor Grant MOVED to approve the Agenda as submitted. The motion was SECONDED by Amanda Merrill, and PASSED unanimously 6-0.

III. Approval of Minutes

October 13, 2004 (Please note Pages 3 & 14)

Page 3, should read "Chair Roberts said that Administrator Selig had ordered that the ordinance not be enforced, pending Town Council approval."

Page 14, should read "*Councilor Grant MOVED to adjourn the meeting. The motion was SECONDED by Kevin Webb and it PASSED 5-0-2, with two abstentions.*"

Also, end of minutes should say "Adjournment time at 10:10 pm.

Kevin Webb MOVED to approve the October 13, 2004 minutes, as amended. The motion was SECONDED by Amanda Merrill, and PASSED unanimously 6-0

October 27, 2004 (Please note Page 3)

Page 3, middle of page, should say "Spruce Wood Reality Trust".

Page 12, bottom paragraph should read, strike "...knew a lot more than they did now" and replace with "gained more experience with Planning Board issues."

Councilor Grant MOVED to approve the October 27, 2004 minutes as amended. Nick Isaak SECONDED the motion, and it PASSED unanimously 6-0.

November 10, 2004 minutes

Kevin Webb MOVED to approve the November 10, 2004 minutes as submitted. The motion was SECONDED by Councilor Grant, and PASSED unanimously 6-0.

IV. Report of the Planner

- Mr. Campbell welcomed Bill McGowan as a new alternate member to the Planning Board. He also noted there were 4 additional alternate positions that were still open.
- He said he had met with UNH planner Doug Bencks on Jan 10th and Feb 7th, and provided details of these meetings. He said that among other things they discussed the Gables project, which would be coming before the Board as a public hearing on March 9th; and the Southern Underpass project.

He also noted the University was close to selling the Highland House, with 10 acres of land, located off Bennett Road. He said copies of the University's Master Plans had been sent out, and Board members would be receiving copies by the end of the month.

Chair Roberts asked if there had been any analysis of how the Southern Underpass project might affect any of the Town's plans regarding the northern and southern connectors. There was discussion about this, and Mr. Campbell said he would discuss this with Mr. Bencks.

- Mr. Campbell said the buildout analysis undertaken by the Strafford Regional Planning Commission was complete. He said he had met with Dale Abbott on this, and said that he, Chair Roberts and Mr. Abbott would be giving a presentation on it to the Town Council at future date.

Mr. Webb asked if it could be posted on the Town web site, and there was discussion about this. There was also discussion about changes that had been made to the analysis, based on comments from Board member Richard Kelley.

Councilor Grant noted there was no date on the maps of the analysis, and there was discussion on this.

Mr. Kelley noted a property abutting his own property had been improperly labeled as Town land, and asked if the analysis should be checked before putting it on the Town web site.

Chair Roberts said he would prefer that the buildout analysis results go to the Council to get comments and corrections, and based on this and other comments, it could then be posted on the web.

Mr. Isaak said there also should be a disclaimer posted with the map.

There was additional discussion on how to handle the buildout information. Chair Roberts said the more people that had the chance to see it, the more opportunity the Board would have to firm up the numbers on it.

- Mr. Campbell said the Zoning Rewrite Committee was in the process of reviewing comments received on the proposed Ordinance changes at the public hearings in January.

Chair Roberts asked if comments from the Conservation Commission and the Lamprey River Advisory Committee had been received yet.

Mr. Webb said the Conservation Commission would be meeting the following day, and would be discussing the proposed Zoning Ordinance changes.

- Mr. Campbell said no new applications had been received for the March 23rd meeting, and suggested that the Board should hold its quarterly planning meeting at that time. He said he would not be present on that date. It was agreed to determine the meeting date later.
- He said that on January 6th, the Craig Supply site had been toured. He noted that the back building on the property would be demolished, but said the front building, built in 1985, was in fairly good shape. He said the Public Works Director had met with the EPA and NHDES concerning the possibility of the EPA cleaning up the site. He said this process would involve the EPA coming in and basically digging up the pollution, and would involve minimal cost to the Town. He said that if this didn't happen, the Town would still need to find other means of funding the cleanup of the site.
- Mr. Campbell said some drafts for the Main Street project had been developed by the consultant, and provided some details on this.
- He said he had met with the Strafford Regional Planning Commission on February 1st on Vision 20/20 and the regional master plan. He also noted there was discussion on the issue of public access to water bodies in the region's communities, and how to expand that access.
- He said the previous Friday, he had given a presentation to Town department heads on the proposed changes to the Zoning Ordinance. He said a similar presentation would be made to the Town Council.
- Mr. Campbell noted there was LCHIP information in Board members' packets: calls for projects; and a potential projects inventory for 2006. He said he had checked to see if the Conservation Commission and Lamprey River Committee was aware of this. He noted the deadline was February 25th.
- He also spoke about House Bill 670, regarding finding dedicated funding for LCHIP. He recommended that Board members encourage legislators to pass this bill.
- He said he would be getting regular updates on planning related bills before the Legislature, from the NH Office of Energy and Planning, and said he would begin

providing the Board with summary information soon on bills that related to Durham.

- V. **Public Hearing on an Application for a Conditional Use Permit** submitted by Sandy Brook Corporation, Durham, New Hampshire, to change the age restriction on elderly housing from 62 to 55 and older. The property is located at the intersection of Mill Road and Packers Falls Road, is shown on Tax Map 13, Lots 14-14 & 14-15, and is located in the Residence B Zoning District, as a Planned Unit Development. **(The applicant has requested that this item be postponed until February 23, 2005.)**

Councilor Grant MOVED to postpone until Feb 23rd the Public Hearing on an Application for a Conditional Use Permit submitted by Sandy Brook Corporation, Durham, New Hampshire, to change the age restriction on elderly housing from 62 to 55 and older. Mr. Kelley SECONDED the motion, and it PASSED unanimously.

- VI. **Public Hearing on an Application for Subdivision** submitted by David J. Chase & Malcolm J. Chase Jr., Hingham, Massachusetts, on behalf of the Estate of Charlotte Chase, Durham, New Hampshire to create two lots from one lot. The property involved is shown on Tax Map 12, Lot 10-4, is located at 177 Durham Point Road and is in the Residence Coastal Zoning District.

David Chase provided updated plans to the Board. He said he was proposing to take the original homestead property, a lot containing 7.61 acres, and subdivide it into two lots, one of which contained a house and would have 4.01 acres, and lot #2, which would contain 3.60 acres.

He said the lot line had been adjusted to allow for the development of a septic system on lot #2, and noted that percolation tests had been done and submitted. He said the lot line for lot #2, adjacent to the existing driveway serving lot #1, had also been adjusted in order to achieve the proper frontage for lot 2. He said this would be an access easement area, and said this would be designated in the deed.

He said the lots met the area requirements, and said the variance asked for was for driveway separation. He noted that at the original hearing before the Board, it was decided that the proposed driveway for lot 2 should be as close to lot #1's driveway as possible. He said he had chosen to keep the driveways separate, in order to preserve the stone wall and a cedar tree and had demonstrated this to the Board at the site walk. He said the design left 10 feet of separation, so each property could maintain its own driveway, and there would be no need for a common maintenance agreement.

Mr. Chase also said the Town Engineer had pointed out that they should close the existing driveway presently serving lot #2, and said they would do this. He said the purpose of doing this was to provide the maximum site distance for cars coming over the crest of the hill.

Amanda Merrill MOVED to open the Public Hearing. The motion was SECONDED by Councilor Grant, and PASSED unanimously 6-0.

Nancy Sandberg, 15 Langley Road, said she wished to speak about the public safety of the community as it related to this project. She said she had thought there would be a common driveway for the properties in question, at least at the point where it went onto Durham Point Rd. She said there was an important public safety issue on that hill, noting there had been a huge increase in traffic on this road over time because of development of the area.

She provided details on this, and said her concern was that the area in question was uphill, and on a curve. She said that whether going east or west, the current situation was dangerous, because the cars came onto this critical junction very quickly. She said the view of cars trying to exit the Chases' properties would be very, very short. She noted that people often drove over the speed limit on Durham Point Road, and said she saw the potential for a fatal accident.

Mrs. Sandberg said she hoped there was another way to solve this problem. She said she believed that in looking at the original land that went with the homestead, it had been subdivided once before, resulting in a pork chop subdivision. She said that in terms of better utilization of land, there might be a way for the Chases to use an approved road, Chase Way for the driveways to connect to, and said this would be a much safer exiting point for cars. She said she was hopeful the Planning Board would not allow the two driveways currently proposed for the lots.

Mr. Kelley asked if Police Chief Kurz had been approached about accident reports along this stretch of road.

Mr. Campbell said Chief Kurz had no issues with this when he asked him.

Mrs. Sandberg said the road wasn't banked well on the upper section, in this area.

Ms. Merrill asked if comments from Town department heads on the subdivision application referred to the most recent design changes that showed two driveways next to each other.

Mr. Campbell said the Town Engineer and Public Works Director were aware of the changes. He said Mr. Lynch would rather see the driveway where proposed than where it was at present. There was discussion about this. Mr. Campbell said the original request from Mr. Lynch was to combine the driveways.

There was discussion about photographs of the area.

Mr. Webb asked Mrs. Sandberg to expand upon her comment about both lots being accessed by Chase Way.

Mrs. Sandberg demonstrated this on a map, and suggested that the owner could develop an easement to Chase Way, noting it was a Town approved road, with good site distance, and the property was right there. She said this would be the fourth home off of Chase Way.

Mr. Campbell said this wouldn't be allowed. He said a pork chop subdivision had been approved on Chase Way, and said the Town's Ordinance stated that a common driveway for a pork chop subdivision could serve a maximum of 3 lots, and each pork chop subdivision would have a common driveway independent from any other subdivision. He said without variance, he didn't think the Board had the authority to grant this.

Mrs. Sandberg said a variance in that case would serve the public good. She said this was land of a good size, and said this approach would be much safer.

Mr. David Chase noted that the intended purchasers of lots # 1 and #2 planned to maintain this in one family, although they would take separate title. With regard to Chase Way, he noted they were separated from it by private property, and would have to purchase the right of way.

Mr. Kelley asked if the crest of the hill was Chase Way, and Mr. Chase said it was. There was discussion about this.

Ms. Merrill noted that the December 13th memo made no mention of the two driveways.

Mr. Campbell said this came up later, and said he and the applicant later had conversations with the Town Engineer on this.

Chair Roberts said there should be a response in writing to the Board from the Public Works Department that reflected the current plan.

Mr. Kelley said if the Board allowed the two drives to exist, adjacent to the existing driveway to the homestead, the site distance to the west was of concern, as demonstrated in photos. He noted that at the field walk, there was discussion on the idea of doing selective pruning, in order to maintain the site distance. He said the dirt path leading out to the barn, while improving the site distance to the west, was detrimental to the site distance to the east.

Kevin Webb MOVED to close the Public Hearing. The motion was SECONDED by Amanda Merrill, and PASSED unanimously

There was discussion on the draft of the Findings of Fact, and the minutes from the site walk.

Ms. Merrill made some corrections to these minutes, among them noting that the number of the separation distance between the two driveways needed to be included.

Mr. Kelley said that in addition to comments the Board was seeking from the Town Engineer based upon the revised plan, the Board should get accident reports from the Police Chief regarding this section of road.

Chair Roberts said the Board should go through the draft Findings of Fact, and said Mr. Kelley's requests could be added to this.

There was discussion on the correct titles and dates on the most recent site plan.

Chair Roberts noted the plan said the Board had directed the change in the driveways. There was discussion about this. Chair Roberts said he thought the Board had directed the applicant to have one driveway, not two driveways.

Mr. Kelley said it was on the site walk where the idea of the two driveways, separated by a short distance, came up.

Mr. Webb said it appeared the site walk minutes didn't make specific reference to recommendations, and provided no clear direction from the Board.

There was detailed discussion on this

Chair Roberts said he didn't see at the time why the Chases couldn't have a share driveway.

Ms. Merrill noted that the reasons for the desired change to two driveways, was explained by the Chases, during the site walk.

Councilor Grant asked if the Town's Ordinance allowed two driveways to be 10 ft apart, and Mr. Campbell said no, which was why the applicant would have to be granted a waiver for this. Councilor Grant said if the State didn't allow it, he didn't see why the Town should allow it.

Chair Roberts said he failed to see any reason on the ground why one shared driveway was not enough. He said it seemed that more square footage would be removed with the two proposed driveways than if there were only one.

Councilor Grant said there were a number of driveways and roads off Durham Point Road which were extremely hazardous to traffic, especially in the summer. He said that anything that could be done to mitigate site problems and safety problems on any part of this road, including in the vicinity of the Town landfill, would be good.

There was detailed discussion on the conversation at the site walk about the most appropriate location for the driveway(s).

Chair Roberts said he would like to see an item #9 in the Findings of Fact stating that there would be a letter from the Public Works Department regarding the safety of the proposed driveway orientation.

Mr. Webb said he agreed with this.

Councilor Grant said the 4 reasons cited for requesting the conservation subdivision waiver in the application letter should be included in the Findings of Fact, as part of the public record on this application. There was discussion about this.

Mr. Campbell noted he had put this information in the Waiver section of the application

Councilor Grant read the 4 points out loud, and recommended that reference be made there to the November 10th letter from the applicant.

Chair Roberts stated again that there needed to be a statement as to whether the driveway plan met the standards of the Public Works Department.

Councilor Grant MOVED to table action on the Application, pending resubmission from the Planning Director of the materials requested, specifically the Town Engineer's report, and other items missing from Board members' packets.

There was discussion about the need for an extension, if this was tabled.

Mr. David Chase said if it was what the Board wanted, he was willing to have a single driveway. He said he had only changed this in order to make the area look better, and hadn't felt it would affect traffic or site distance, since there was only a 10 ft separation between the driveways.

Chair Roberts said it was simply his view that the Public Works Department should provide its recommendation in writing.

Mr. Kelley said he believed the Public Works Department had recommended the single drive.

There was additional detailed discussion about this. Chair Roberts said something in writing was needed on this before the Board could decide on the application.

Mr. Campbell said if the Board didn't want two driveways, it should say this now, so the Town engineer wouldn't have to consider two designs.

Chair Roberts said as much as he wanted one driveway, he wasn't in a position to tell the Town Engineer what the design should be.

Mr. Campbell said the Town Engineer had already said he preferred one driveway.

Ms. Merrill asked if the Town Engineer had been asked to compare the driveway designs.

There was additional discussion about this.

Mr. Kelley noted that the applicant's original drawing indicated the site distance to the east at that location was 300 ft plus. He said if public safety was the concern of the Board and the community, according to this plan, everyone might be better served by having the second driveway at the location where it presently existed.

Mr. Chase noted that was the original submission he had provided.

Mr. Isaak said the worst place to put the driveway(s) seemed to be at the bend in the road.

Mr. Kelley said the site distance from the existing driveway to the house, looking toward the west, was poor, but looking toward the east, was not as bad. He said he had thought that as one moved toward the east, the site distance would get worse and worse, but said the original drawing made him believe this was not the case.

Mr. Isaak asked if the Town Engineer was recommending a single drive at the location of the homestead, and was told that was correct.

Ms. Merrill asked if the Board could get something from the Public Works Department clarifying the driveway(s) issue.

Mr. Isaak asked if the application could be approved with conditions, given the fact that the clock was running out.

Mr. Kelley said he didn't think so because he wasn't certain the Board was approving a driveway location.

Mr. Chase said again that he was willing to work with the Board. He asked if the application could be approved, with the condition that any permit would be contingent upon the written response from the Town Engineer to approve a specific driveway location.

Chair Roberts said the driveway(s) issue was central to the application, so he was uncomfortable about taking that approach. He said he would like some testimony on the present plan from the Public Works Department, and based on that, the determination would be made by the Board.

Mr. Chase asked if this was the only concern the Board had, and was told there were no other issues.

Members of the Board said the process could most likely be completed by February 23rd. Mr. Campbell noted that the applicant would need to provide a letter extending the application deadline.

Kevin Webb SECONDED the motion.

Mr. Campbell said the Planning Board could perhaps decide on the driveway issue that evening, but would then go to the Public Works Department and Town Engineer as the ultimate decision makers on where the driveways went.

There was additional discussion about the process that should be followed.

Mr. Kelley asked if it could be clarified with the Public Works Department what the basis was for its decision on the driveway(s). He said if the calculation on the first plan was correct, then perhaps that was the safer location for the second driveway.

Chair Roberts said the Board needed to have more complete information on the driveway issue, and said he would like to see something from the Town Engineer on this.

Mr. Campbell said he would also get accident reports from the Police Department.

The motion PASSED unanimously 6-0.

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.

Mr. Farrell noted the plan before them was similar to what they had seen the previous time, but said there had been a few changes since the previous time he had appeared

before the Board. He said he wanted to get some last comments from the Board before jumping into the detailed engineering design for the development.

He noted there had been some changes concerning the wetlands related provisions of the Ordinance, but said he had determined that this didn't change the existing plan.

He also explained that some of the buildings that had been designed to be located closer to the river had been moved a bit closer to the middle of the developed area, and also said two 4 unit buildings had been taken out of the design and replaced with duplexes. He said this resulted in a reconfiguration of some of the units in the buildings in the main area, but said there would still be 92 units in the development.

Chair Roberts asked if this reconfiguration might make some of the units more affordable, and Mr. Farrell said it might.

Mr. Webb noted two units that would be located adjacent to the aquifer protection district, and asked if restrictions similar to those placed on units located within the district could be place on these units.

Mr. Farrell said he would be happy to do that, and agreed all units on that side of the road, or even on that side of the wetland could have those same restrictions, including containment of drainage.

Mr. Isaak noted these buildings were downhill of the aquifer.

Mr. Farrell said he realized this, but said why take a chance. He noted that the Public Works Department had some concerns that the soils in that area were porous, so could conceivably contribute to the aquifer.

Mr. Webb said he had discussed the aquifer overlay district provisions with Conservation Commission Chair Dwight Baldwin, who was a former professor of hydrology. He said Mr. Baldwin had explained that the topographic gradient was not necessarily the same as the hydrographic gradient, and said if water was taken out of the aquifer, this could actually reverse the direction of flow.

Mr. Kelley asked what the purpose was of the roadway crossing the primary conservation area.

Mr. Farrell said he had been sensitive to the idea of double egress, and said he had tried to meet the letter and spirit of the issue. He said it was a safety issue as well as a planning issue.

Chair Roberts said the design now made two cul-de-sacs, one in the center, and the other on the other side of the wetlands crossing.

Mr. Farrell said a possibility was to do a more limited crossing, which could be used in an emergency, and for pedestrian access. He said the road that was planned addressed the cul-de-sac question and safety issue, but with a lot less interruption of the wetland.

Mr. Kelley asked what Mr. Farrell anticipated designing to connect the two primary conservation areas if they were bisected by a roadway, - just a conduit for water, or something larger, designed for wildlife as well.

Mr. Farrell said this had not been designed yet. He said there was a bit of a stream there, but it was mostly wet meadow, and said he imagined there would be a large culvert. He said this was a good time to hear those concerns.

Councilor Grant said the suggestion to make that an emergency crossing was a good one. He said if the Board had concerns about crossing a primary conservation area, this design would minimize damage to it.

Chair Roberts said it was a narrow crossing, which served flow, and allowed pedestrians to cross. He said he had no problems with it.

Mr. Webb said it would be a permanent crossing, and said it was important that the culvert was adequate, including some kind of arch to allow wildlife to pass through. He said this would probably be a popular walking area, and also said it didn't make sense to go from pavement, to dirt, to pavement.

Mr. Farrell said he would have the project engineer consult with a wildlife specialist on the design to accommodate wildlife.

Mr. Webb noted there were some wet areas in that area.

Mr. Farrell said the area used to be a hay field, but said there were presently some beaver dams in the area.

Mr. Campbell asked Mr. Farrell to speak about the sewer issue.

Mr. Farrell said water and sewer would be available, at the developer's cost, at the proper time, and said it was getting close to becoming the proper time. He provided details on the infrastructure that would be installed for the development, and how it would tie into the Town system.

Mr. Kelley asked if access to the pump station near the river would be an issue in terms of the design of the development, and Mr. Farrell provided details on this. Mr. Kelley also asked about backup generators and access easements that would be needed.

Mr. Farrell provided details this, although noting the design was still conceptual and had not been finalized. He explained that he didn't want to finalize this until the location of the roads had been agreed on.

Mr. Webb asked about the traffic assessment for the project.

Mr. Farrell said it was almost done, and would be submitted with the final plan.

There was discussion on the existing gravel road on the property. Mr. Farrell said this would still be an unpaved, emergency road, and would also serve as a walking trail.

Mr. Webb asked if the traffic study would include Mill Road, and Mr. Farrell said it would.

Mr. Kelley asked what the intention was concerning the site opportunity area.

Mr. Farrell explained that this area had been labeled a site opportunity area earlier in the process, because it was buildable land. But he said that with input from the Conservation Commission, it was decided this should become a conservation area.

VIII. Acceptance Consideration of an Application for Boundary Line Adjustment

submitted by Brian and Armida Geiger, Durham, New Hampshire to change the boundary line between two lots. The properties involved are shown on Tax Map 1, Lots 9-35 and 9-36, are located at 6 & 4 Hampshire Avenue respectively and are in the Residence A Zoning District.

Mr. Geiger said there were two issues he was asked by the Board to address, the first being clarification of the lot line. He said he had done research on this, and had determined from previous deeds that the correct lot line was the straight line. He said he had sent a letter to Jim Campbell detailing the research he had done.

Mr. Geiger also noted he had been asked to a storm water drainage plan for the property, and said this was currently being developed.

Chair Grant asked Mr. Campbell if the application was ready for acceptance.

Mr. Campbell said it was. He noted that Mr. Geiger had provided a chronology of the property, and had supplied deeds referencing this parcel, which indicated that the correct lot line was the straight one. He also explained that the Town Engineer had not approved the applicant's requested waiver concerning a storm water management plan, so the applicant was in the process of having this plan done.

Chair Roberts asked Mr. Geiger if he had spoken with the abutters concerning his findings on the lot line, and Mr. Geiger said he had not.

Councilor Grant asked if there needed to be a hearing on the boundary line adjustment.

Mr. Campbell said the two applications were being combined, and said if someone had a problem with the boundary line adjustment, this could be discussed at the public hearing.

Councilor Grant MOVED TO accept the Application for Boundary Line Adjustment submitted by Brian and Armida Geiger, Durham, New Hampshire to change the boundary line between two lots, and to hold a public hearing on February 23rd, 2005. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

Mr. Geiger said the storm water management plan would be completed by that time.

Ms. Merrill noted the site walk would be held on Feb 18th at 8:30 am.

IX. Acceptance Consideration of an Application for Subdivision submitted by Brian and Armida Geiger, Durham, New Hampshire to create two lots from one lot. The

property involved is shown on Tax Map 1, Lot 9-36, is located at 4 Hampshire Avenue and is in the Residence A Zoning District.

Councilor Grant asked if the application was complete, and Mr. Campbell said that it was.

Councilor Grant MOVED to accept the Application for Subdivision submitted by Brian and Armida Geiger, Durham, New Hampshire to create two lots from one lot, and to schedule a public hearing for Feb 23rd, 2005. Nick Isaak SECONDED the motion, and it PASSED unanimously 6-0.

- X. Acceptance Consideration of an Application for Boundary Line Adjustment** submitted by Paul D. & Lynn M. Allen, Durham, New Hampshire to change the boundary line between two lots. The properties involved are shown on Tax Map 17, Lots 48-1 and 48-2, are located at 148 & 144 Packers Falls Road respectively and are in the Rural Zoning District.

Duane Hyde spoke before the Board concerning this application. He explained that the Allens had been contacted by the Nature Conservancy after a passing in the family, when they had decided to sell a portion of their property in order to settle the estate.

He provided details on the plans concerning the property. He said it was presently a two lot property, with one lot containing a house that the Allens lived in. He said the remaining acreage was 12.58 acres, and contained a house, which was under contract pending subdivision approval. He said the proposal was to reconfigure the 3.03 acre lot, keeping the same acreage but doing a boundary line adjustment, and to subdivide the 12.58 acreage into three lots, using a porkchop subdivision.

He said a front lot with 300 frontage would contain 2.17 acres, and said the Conservancy would acquire the back lot, containing 8.24 acres. He said this back lot abutted the Conservancy's 225 acre Lamprey River Preserve property, and was desired in order to buffer open field habitat on that property. He said there was a purchase and sales agreement on that back property, pending subdivision approval. He also noted that the main access to the Preserve would remain as it was at present, explaining that the frontage was only shown in order to meet the requirements of the Zoning Ordinance.

Mr. Hyde said the third lot from the 12.58 acres was presently used by members of the community as a soccer field, and said the Allens would like to continue this usage. He said the Town had applied for a Land and Water Conservation grant which would maintain a conservation easement on the property, but said it turned out to be ineligible. He said they were trying to figure out how to make it eligible, and said a possible option was to bring the idea of a conservation easement before the Council, to see if it wanted to leverage the money the Conservancy was spending on the back lot. But he said if this didn't happen, the property could potentially become a house lot.

Chair Roberts noted this area of Durham was exceptional.

Mr. Webb noted the soccer field was located within the aquifer protection district, so it would be very expensive to develop the property as a house lot. There was discussion about this.

Mr. Campbell said that if the property was located in the aquifer protection district, he didn't think it could become a buildable lot. There was discussion as to whether the entire parcel was located within the aquifer protection district.

It was noted the property would be able to remain as a soccer field, as long as there was on chemical treatment of the field.

Councilor Grant MOVED to accept the Application for Boundary Line Adjustment submitted by Paul D. & Lynn M. Allen, Durham, New Hampshire to change the boundary line between two lots. The motion was SECONDED by Amanda Merrill, and PASSED unanimously.

- XI. Acceptance Consideration of an Application for Subdivision** submitted by Paul D. & Lynn M. Allen, Durham, New Hampshire, to create three lots from one lot. The property involved is shown on Tax Map 17, Lot 48-2, is located at 144 Packers Falls Road and is in the Rural Zoning District.

Councilor Grant MOVED to accept the Application for Subdivision submitted by Paul D. & Lynn M. Allen, Durham, New Hampshire, to create three lots from one lot. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

Board members agreed the public hearing would be held on March 9th, and the site walk would be held on March 4th.

Chair Roberts said he had no issues with the application, other than the aquifer question.

- XII. Acceptance Consideration of an Application for Subdivision** submitted by Eidos Builders Inc., Durham, New Hampshire, on behalf of Andrea M. Parsons, Durham, New Hampshire, to create two lots from one lot. The property involved is shown on Tax Map 1, Lot 13-4, is located at 114 Madbury Road and is in the Residence A Zoning District.

Chris Daine sp???, of Doucette Survey provided background information on the plans to subdivide the property. He said he was there with Alex Harris, president of Eidos Builders, on behalf of Ms. Parsons. He said the plan was to divide the existing parcel, containing 43,487 sq. ft., into two lots of approximately the same area. He said both lots conformed to existing Zoning regarding area and frontage. He said there was sewer and water to the area, and said the lot with the existing house was connected to both systems. He said the house that was planned would be connected to Town sewer, but said the plan was to develop a well for the property, and noted the upper lot would grant a well easement to the lower lot.

Mr. Webb asked why a well was planned for the property, and Mr. Daine explained that Mr. Harris preferred not to dig across the road to tie into the water line.

Chair Roberts asked if anything was known about the quality of the water for the property, and there was discussion about this.

Mr. Harris said he would rather not disrupt the road, but said if the water from the well was not good, he would tie into the water line.

Chair Roberts said that in the Findings of Fact, a statement should be included that the applicant wouldn't hold the Town liable if it was found that the well water was contaminated.

Mr. Harris said if there was a problem with the water, and it didn't meet State standards, he would quickly move to tie into the water line across the street.

Councilor Grant said that considering how many streets in Town had already been impacted by cuts for water and sewer lines, he, appreciated the approach being taken by the applicant in this situation. He noted that Madbury Road was one of the few streets that was still in good shape. He then asked if the application was complete.

Mr. Campbell said it was, although there were some waivers requested. He said one waiver had to do with the fact that there would not be enough separation between the driveway and the neighbor's driveway, but he said the sight distance was fine.

Mr. Harris said he went out to the site with Mr. Leveque and said it was clear from the site visit where the driveway needed to be.

There was discussion about the process that needed to be followed in order to get approval for the driveway.

Councilor Grant MOVED Accept the Application for Subdivision submitted by Eidos Builders Inc., Durham, New Hampshire, on behalf of Andrea M. Parsons, Durham, New Hampshire, to create two lots from one lot, and to Schedule a Public Hearing on Feb. 23rd, 2005. Kevin Webb SECONDED the motion.

Board members agreed the site walk would be held immediately after the Geiger site walk on February 18th, at approximately 9:00 am.

Mr. Kelley asked if the Board had received written notification that Mr. Harris and Mr. Daine represented Ms. Parsons, and Mr. Campbell said it had.

Ms. Merrill asked if the Board needed indication on the site plan of where the driveway would be.

It was clarified that the proposed driveway was on the site plan. Mr. Campbell noted that this location could change, at the time of the driveway permit application. There was discussion about the process that should be followed with this.

The motion PASSED unanimously 6-0.

XIII. Other Business

- **Old Business:**

Mr. Campbell said he had received a response from Town Attorney Walter Mitchell relating to the issues of amending conditional use permits, and age restricted housing. He suggested that Board members look this over, and hold off on discussing it for the time being.

New Business:

Chair Roberts noted the Strafford Regional Planning Commission had asked Board members to respond concerning various issues and initiatives it was involved with.

There was discussion about exactly what SRPC was asking of the Board.

Chair Roberts outlined the various issues and initiatives the Commission was involved with, -including Vision 20/20; specific recommendations concerning cluster zoning; transportation standards; workforce housing; model ordinances; etc.

Mr. Campbell noted that among other things, there was a survey requesting input on regional master plan goals, based on some of the things the Commission had come up with. He said another survey for the Board was more for the Commission to get a sense of what the Town was working on, and what services the Board needed from them.

There was discussion about when information from Board members on this could be compiled.

Mr. Kelley noted that he and Mr. Campbell had received a letter from the Seacoast Metropolitan Planning Organization, asking them to look at the Transportation Improvement Plan, and whether support for the project had changed, was no longer needed, or if portions of the project could be broken out in phases.

Mr. Campbell said there seemed to be some concern at the organization that some of the projects weren't really needed. He said he was told there were too many projects on the list, but said the problem was really that there wasn't enough funding for them. He noted that some of the programs Durham had put in, all of which were needed, had been pushed back over time. There was discussion about this, and about what could be done about this.

Mr. Isaak left the meeting at this time.

XIV. Approval of Minutes

December 15, 2004 (Please note Page 7)

Page 6, third paragraph, should say "...proposed subdivided lot and existing lot..."; also, correct spelling of Chase under VI.

Page 7, under Agenda Item VII., should say "It was the general consensus of the Board to consider both Items together."

***Kevin Webb MOVED to approve the December 15, 2004 minutes as amended.
Richard Kelley SECONDED the motion, and it PASSED 5-0.***

XV. Adjournment

***Councilor Grant MOVED to adjourn the meeting. The motion was SECONDED by
Kevin Webb, and PASSED unanimously 5-0.***

Adjournment at 10:00 pm

Victoria Parmele, minutes taker