

D-R-A-F-T

DURHAM PLANNING BOARD MINUTES WEDNESDAY, JULY 11th, 2005 TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL

MEMBERS PRESENT: Kevin Webb; Stephen Roberts; Nick Isaak; Bill McGowan; Richard Ozenich; Arthur Grant; Susan Fuller; Lorne Parnell; Councilor Gerald Needell; Councilor Diana Carroll

MEMBERS ABSENT: Richard Kelley

OTHERS PRESENT: Town Administrator Todd Selig; Public Works Director Mike Lynch; Town Engineer Bob Levesque

I. Call to Order

Mr. Webb said he was standing in for Chair Richard Kelley, who was unable to attend the meeting. He said alternate Lorne Parnell would vote in place of Mr. Kelley.

II. Approval of Agenda

Arthur Grant MOVED to approve the Agenda as submitted. The motion was SECONDED by Councilor Needell, and PASSED unanimously.

III. Approval of Minutes

April 20, 2005

Page numbers are needed on all pages

Page 1, spelling of Councilor Diana Carroll

Page 3, 3rd paragraph from bottom, should read 132,000 s.f.

Page 6, 6th paragraph, should read 150,000 s.f.

Page 10, 2nd paragraph from bottom, should read "...related to "for profit" subdivisions."

Page 16, 3rd paragraph from bottom, should read "He said very poorly drained, poorly drained, and somewhat poorly drained..."

Page 17, 1st full paragraph, should read "...vernal pools were located, and that no such process yet existed in New Hampshire."

Page 21, 4th paragraph, should read "...until May 11th, because the engineer would be in Mexico, and because..."

6th paragraph, should read "...Lorne Parnell..."

Councilor Needell MOVED to approve the April 20, 2005 Minutes as amended. The motion was SECONDED by Nick Isaak, and PASSED, with Arthur Grant abstaining because he was not on the Board at the time of this meeting.

April 27, 2005

Page 3, bottom paragraph, should read "..May 25th.."

Page 13, motion in middle of page should read "..with Councilor Needell abstaining from the vote because he was not on the Board for previous deliberation and discussion."

Councilor Needell MOVED to approve the April 27, 2005 Minutes as amended. The motion was SECONDED by Nick Isaak, and PASSED, with Arthur Grant abstaining because he was not on the Board at the time of this meeting.

IV. Report of the Planner

Mr. Webb said Town Planner Jim Campbell was on vacation. He read Mr. Campbell's memo to the Board on his monthly meeting with University Planner Doug Bencks.

Councilor Carroll noted that the memo said there would be 730 units at Forest Park, and said she believed what was meant by this was 730 beds. There was discussion about this.

Councilor Needell asked if the use of Forest Park would change. There was discussion about this, and it was noted that family housing would be shifting from Forest Park to Woodside, and that Forest Park would be demolished and replaced with dormitories.

Mr. Webb said he was concerned about the traffic impact from the proposed expansion of the University's stadium, and said he would check with Mr. Campbell for details on this.

Councilor Carroll said what was not on the list of issues discussed with Mr. Bencks was the traffic issue. She noted that when Mr. Bencks was before the Board, traffic concerns were high priority issues. She said the summer was short, and said as much as possible on this issue should be accomplished before the students returned. She said she was pleased that Chair Kelley had put traffic on his list as an important issue that should be dealt with..

In answer to a question from Mr. Webb about the discussion on the Bennett Road intersection by the Council, Councilor Needell said Councilors had said they didn't have enough information to make comments at that point, so it was left to be considered until next Monday and possibly discussed then, or possibly deferred until after the public hearing. He said the Council had simply acknowledged the request had been made.

V. Deliberation on Voluntary Lot merger submitted by Gene A. Auty Rev. Living Trust, Durham, New Hampshire. The properties involved are shown on Tax Map 12, Lots 21 & 22, are located at 34 and 32 Colony Cove Road respectively, and are in the Residential C Zoning District.

Mr. Webb read Mr. Campbell's memo on this application. He then described his understanding of the situation. He said the lots appeared to be part of an old subdivision, and questioned whether merging the lots, since there would be no frontage, would meet the requirements of the subdivision regulations. He provided details on this.

Jane Auty spoke before the Board. Using the site plan, she provided details on the fact that the lots were not part of an existing subdivision. She said the properties in question used to be old cottages on the private portion of Colony Cove Road. She said the right of way was being moved so the properties were no longer bisected by traffic. She noted she said she had had many discussions with Mr. Campbell about the application, and said he didn't think this would violate any subdivision regulations. She said she was told that variances would be needed, and said these had been obtained. She said the purpose of being before the Board was simply to give notice of the merger.

Mr. Webb said his concern was that none of the lots technically had frontage on a public way. He said he just wanted to be sure the Board was following the regulations

Mrs. Auty said that was correct. She said the only way for cars to pass on the road was to get an easement. She described the plans for the properties, noting the existing residence would stay, while a garage, as well as a small cottage on the adjoining lot would be removed. She said a new garage would be built. She said she was pleased to be able to tell the Board that two lots in the shoreland area were being merged, and noted all the trees would remain.

Mr. Webb said it was a good that some nonconforming structures were being removed from the shoreland area.

Councilor Needell asked about the number of driveway cuts, and Ms. Auty said there were three driveway cuts, and there would now be only one.

Mr. Webb said that since this was a common driveway, the driveway cuts issue didn't apply.

Richard Ozenich MOVED to approve the Voluntary Lot merger submitted by Gene A. Auty Rev. Living Trust, Durham, New Hampshire. The properties involved are shown on Tax Map 12, Lots 21 & 22, are located at 34 and 32 Colony Cove Road respectively, and are in the Residential C Zoning District. The motion was SECONDED by Nick Isaak, and PASSED unanimously.

Mr. Webb told members of the public that the Courthouse Ventures/Irving application public hearing would be continued to the next meeting.

Mr. Grant noted that NHDOT had submitted its response to the applicant's traffic proposal, and the applicant had requested additional time to consider this.

- VI. Acceptance Consideration site plan review submitted by Town of Durham** Public Works Department, Durham, New Hampshire to re-surface the existing parking areas, add new parking areas where buildings use to be, re-use current storm water structures, install parking lot pavement markings to include numbers for leased parking spaces and re-landscape island that previously existed. The property involved is shown on Tax Map 5, Lot 4-10, is located at 13-15 Newmarket Road and is in the Limited Business Zoning District.

Mr. Webb said Town Engineer Bob Levesque was present to discuss this application.

Mr. Levesque described what was proposed for the area behind the Town Hall. He noted that the DPW structures had been removed from the property, and that the existing parking area was not lined properly at present, so people parked randomly. He said Town staff had looked at how many spaces could be fit into the area without increasing the amount of impervious area, and said the greatest number of parking spaces attainable was 71, 24 of which already existed. He said the objective was to see if any of these spaces could be rented out. He provided details on this, and on the proposed layout of the site. He said Town staff had been asked if some green areas could be put in, and said this would not only remove some parking spaces, but would also significantly change the drainage on the site. He said this was the current configuration for the site, and said perhaps in the future some additional islands could be added.

Mr. Webb asked if there was existing drainage on the site, and Mr. Levesque provided details on the catch basins located there. Mr. Webb received confirmation that Mr. Levesque was concerned that adding more islands to the site would obstruct the natural flow to the main catch basin.

Mr. Levesque noted the islands would also inhibit snow plowing.

Mr. Grant asked if Town staff had tall trees or a fence in mind for the west end of the site.

DPW Director Mike Lynch said some pear trees and evergreens were planned. He said the island they were talking about was the one near the building, the existing landscaped island.

Mr. Grant asked what landscaping would be placed at the further end of the site, and Mr. Lynch said arborvitae was planned for this area. Mr. Grant said this was a very unsightly area, and said he would like to see something there that would break up the view. He noted it took awhile for arborvitae to grow enough to provide the screening needed there, unless they were tall when put in. He said this area needed to be addressed.

Mr. Roberts said he agreed with Mr. Grant. He said there was a Courthouse

District landscaping scheme which had been implemented for the hotel that would be quite striking when complete, and not that expensive. He said if these design elements could be continued on the parking lot property, it would be much to the Town's advantage. He also said that in later discussions with the applicant for the Irving property, he would be asking that this design scheme be continued.

Mr. Grant asked about the lighting that was planned for the site.

Mr. Levesque said that currently there was no lighting planned as part of the project, but said this didn't mean they couldn't look at supplying conduits for future lighting of specific areas of the site. He said lighting was extremely expensive, stating that 2-3 fixtures would cost \$12,000-18,000, and said this would have to be budgeted later on.

Mr. Grant asked if Mr. Levesque was saying there would be no lighting for the parking lot.

Public Works Director Mike Lynch noted he and Mr. Levesque hadn't spoken about lighting for the site. He said there was currently a standard street light for the parking lot, next to School House Road, and said the Town was in the process of discussing additional lighting for that pole with Public Service of NH. But he noted this would not include anything decorative at present. He said if the Town was successful in leasing the parking spaces, this additional lighting would certainly be needed. He said Public Service would be trying out different possible lighting for the site.

Mr. Isaak asked if this could be a liability issue at some point.

Mr. Webb said the Town needed to be sensitive to the measures it was requiring of neighbors at the Irving site. He said they had spent money on lighting issues, and if the Town turned around and did something else on its property, it would have egg on its face. He said the Town also needed to be concerned about safety issues at the parking lot. He asked if the parking lot was being viewed as a temporary use of the property which would generate revenue until something better could be done, or was considered something that was semi-permanent or permanent.

Mr. Levesque said it was his understanding that the use was being looked at as permanent.

Mr. Roberts asked if there had been any recommendations from the Police Department concerning the lighting for the site. He said there should be some kind of reasonable standards that had to be met in terms of public safety, just as the neighbors had to do. He asked what the standard was for a parking lot like this.

Mr. Lynch said there would be significant lighting provided, 300-400 watts, which would more than meet the standard lighting requirements for the Town. He said they were trying to work this out with Public Service at present.

Mr. Roberts said this was a pivotal moment for the community. He noted what had been asked of the hotel project, and now of the applicant for the Irving site, and said for the Town to put something up that conflicted with this would not be good. He asked Town staff to come up with something that met the standards.

Mr. Isaak asked if the landscaping plan could be implemented in stages. He suggested the ultimate plan could be developed now so there could be some idea of what it would include.

Mr. Lynch said that certainly could be done, noting the present plan had been the quickest way to expedite the process so the parking lot would be ready by September 1st.

Mr. Roberts asked if they would be willing to list the standards and how they intend to meet them, noting it was the Planning Board's duty to ask these questions.

Mr. Lynch said that was why they were present before the Board.

Councilor Needell noted that on Monday night, the Council voted to approve on first hearing an ordinance change related to the parking lot. He asked what the regulations currently were for this site, and specifically, whether overnight parking was allowed there.

Mr. Lynch said overnight parking was currently not allowed.

Councilor Carroll said she had full faith that the Public Works Department could do a great job with this site, noting the good work done at the Pettee Brook Parking lot, which continued to look good. She said time and money was needed to develop and implement some kind of similar plan for this site, and she agreed a phased approach should be used.

Mr. Lynch said once revenue was generated, there should be money to enhance the parking lot.

Administrator Selig provided background on how plans for the site had evolved over the past several years. He said when the buildings were demolished the previous year for safety reasons, there was no plan in hand for the site. He said the area was already being used as a parking lot, and it was recognized that money could be made if the amount of parking was expanded. He noted that this was a relatively low cost way to stabilize the site, but said if it was ever decided to do something else there, this present use didn't prevent

that.

He said Town staff had thought it was important to come before the Planning Board to get guidance and suggestions, and said they wanted to get the work done inexpensively by September 1st, if possible. He said it was important to look at safety issues in the long term, noting the parking area had been used for years at night with no issues. He said they would look at the decorative issues, but were simply trying to stabilize the site and generate some revenue at present.

Mr. Grant noted he had encouraged the idea of getting permit parking at this site, and said he supported getting this started as quickly as possible. But he said that at the same time, the Planning Board was in a very difficult situation in requiring quality improvements to the projects on neighboring properties. He noted the cooperation of the applicants for the hotel project and the Irving station, and said a certain flavor to the area was being developed, in terms of fencing, gating, etc.

Mr. Grant said he assumed a public hearing was needed as part of this application process, and said he thought there would be people at the hearing with questions. He said he wondered if there could be a two phase proposal, with the current proposal being phase I, and phase II being the landscaping and lighting design aspects that could be designed now but implemented some time down the road. He said the Public Works Department wouldn't necessarily be asked for a completion date. He said he was concerned as to what would otherwise happen, based on the fact that the Board was being very forceful with abutters concerning these site issues.

Councilor Grant MOVED that the Planning Board accept the site plan review submitted by the Town of Durham Public Works Department, Durham, New Hampshire to re-surface the existing parking areas, add new parking areas where buildings used to be, re-use current storm water structures, install parking lot pavement markings to include numbers for leased parking spaces and re-landscape island that previously existed, and to schedule a public hearing date of July 27th, 2005. Richard Ozenich SECONDED the motion.

Mr. Isaak noted the waivers, and asked whether, if the Board accepted the application, it was also accepting the waivers.

Mr. Webb noted a letter to the Board from Mr. Levesque had requested 13 waivers from the site plan review application requirements. He went through some of these, noting lighting was one of them. He said the Board could accept the application, but would want to ask for some of the items on this list. He said he generally agreed with what Mr. Grant had said about having a phased approach. He said that lighting could be installed to make the parking lot safe, with the understanding that within one year, the lighting design would

be consistent with what was being asked of Irving. He said some landscaping could also be developed for the site, and suggested that perhaps some of the parking revenue could be invested in these improvements to make the site more consistent with the district.

Mr. McGowan asked if the 3 handicapped parking spaces that were planned were enough, and Mr. Levesque said this was the standard, and met the code.

In answer to a question from Mr. Webb, Administrator Selig said there would be 14-21 permit spaces, which would be clearly marked. He said the rest of the lot would be available for daytime use by the Town Offices, the Courthouse, and visitors to Town planning to walk downtown. He said Town staff was sensitive to the fact that this was in an historic area of town, and wanted the site to be safe and aesthetically pleasing. He said additional funding would be obtained for the site, but said at present these funds were not available. He noted that a question he had had was whether the paving to be done at the site would prohibit providing more decorative features later, and said he was told the landscaped areas could be cut out. He provided details on this, and said it would therefore be helpful to know where the landscaped islands would be, before the final paving was done.

Mr. Roberts asked if a lighting plan could be provided of what DPW eventually planned to put in.

Mr. Levesque said they could look at what was used at the Pettee Brook parking area, although noting the lighting/landscaped islands made plowing more difficult there. He agreed with Administrator Selig that the decision should be made soon to cut the areas for future landscaping and lighting.

There was discussion on possible landscaping/lighting areas for the parking lot.

Administrator Selig said he recognized the importance of holding the Town to the same standards as private development, and said Town staff would work to address the concerns that had been expressed.

Bill Hall said the Board should keep in mind that the reason other towns came to Durham to look at the Pettee Brook parking lot was that they wanted to see how not to do a parking lot. He noted the problem with maintenance of this parking lot.

Mr. Webb said if a private party came before the Board asking for this number of waivers, he thought the Board would have a hard time with that. He said he didn't want to give the impression that the Town was held to a different standard. He said he would agree to accept the application, with the waivers, with the understanding that there would be certain items the Board would like to have by the public hearing: a near term and long term lighting plan; the

location of neighboring buildings and what the use was there; and some idea of proposed landscaping.

Councilor Needell asked if the waivers being requested were from the site plan review application process. Told that they were, he asked if the waivers were not being granted now, and would be covered during the review process, with each being covered independently.

Mr. Webb said that was correct.

Mr. Roberts asked whether it was proper to accept the application in this fashion.

Mr. Grant noted he had been out-voted the previous year concerning accepting an incomplete application, noting he had felt this was improper. But he said he thought this application should be accepted. He said the Town staff was present, and understood what the Board was asking for, so the Board would see these things before granting the waivers.

Mr. Webb said the Board could conceivably table this item, but said he wanted to be sensitive to the Town's need to have the spaces available for rental in September. He encouraged the Board to accept the application, with the understanding that additional information would be provided to the Board in time for the next meeting.

Councilor Needell said Town staff had acknowledged the Board's concerns about the degree of completeness of the application, and more importantly, the need for a long term plan for the site. He said that based on the discussion at the meeting, he had no problem with voting to bring the application forward for the public hearing, and said each of the waivers would be dealt with separately. He said he didn't want to represent that the project would go forward before this was approved, given the concerns that had been raised. He said he wanted to make this clear, and said he thought some serious issues had been raised.

The motion PASSED unanimously.

Mr. Webb restated the additional information needed by the Board: the location of neighboring structures and owners; a phased lighting plan, including both a short term and longer term plan; a landscape plan; and information on site drainage. He asked Board members whether they wanted to do a site walk, and it was agreed that one would be held on July 27th at 6:30 pm.

- VII. Continued Public Hearing on an Application for Site Plan Review** submitted by Courthouse Ventures, LLC, Hampton Falls, New Hampshire to demolish the current motor vehicle service facility and replace it with a retail motor fuel outlet which includes a 2,992 square foot convenience store with

an attached 1,100 square foot coffee/donut shop. The property involved is shown on Tax Map 5, Lot 4-2, is located at 2 Dover Road and is in the Limited Business Zoning District.

VIII. Continued Public Hearing on an Application for Conditional Use Permit submitted by Courthouse Ventures, LLC, Hampton Falls, New Hampshire to demolish the current motor vehicle service facility and replace it with a retail motor fuel outlet which includes a 2,992 square foot convenience store with an attached 1,100 square foot coffee/donut shop. The property involved is shown on Tax Map 5, Lot 4-2, is located at 2 Dover Road and is in the Limited Business Zoning District.

Mr. Webb said Items VII and VIII have been continued until the July 27th meeting, and he read the letter from the applicant that had requested this. The letter explained that the applicant needed more time to respond to comments made by NHDOT concerning the traffic plan.

Mr. Webb noted that NHDOT had approved the applicant's traffic plan, with conditions relative to implementation of the plan.

Arthur Grant MOVED to grant the applicant's request to continue the public hearings to July 27th, 2005 for both the site plan review application and the conditional use permit application, and to note that this delay was requested by the applicant, and adds two weeks to the deadline for the Planning Board's decision on the applications.

Mr. Grant said he was making a specific point of this because the Planning Board was often criticized about delays in the application process. He noted this was the third delay requested by the applicant, when none had been requested by the Board, and said this kind of thing resulted from developers having to meet their own schedules. He said this was typical of the Board's relationship with applicants for major projects.

Mr. Webb said the current extension gave the Board to August 16th to complete its review.

Mr. Grant noted that two weeks would be added to this because of the delay.

The motion was SECONDED by Richard Ozenich.

Councilor Needell said he assumed the Town and applicant traffic consultants would be invited to attend this meeting, and said if they were not available, the Board would have to reconsider.

The motion PASSED unanimously.

IX Other Business

A. Old Business

B. New Business

Wiswall Dam Parking & Recreation Concerns
Traffic Congestion-Northern Connector
Water Supply

Mr. Webb said the Board had asked Mr. Levesque to remain at the meeting for the discussion on water supply, so this would be dealt with first. He asked Mr. Levesque to provide a summary on the Town's current water situation, and the major points of the Dufresne Henry report.

Mr. Levesque said based on the report, the water system was run by the University, which treated the water. He said the Town ran under their permit. He said the Lee Well met the needs of Town residents, and noted the Town was using a little under 80% of the well. He said the University's primary water source was surface water, and sometimes ran low, especially in August and September, and said there was the potential for a lack of water at that time. He said restrictions had been imposed by the State on water that could be taken from the Lamprey River, and said the Town was currently trying to work through this with NHDES.

He said other alternatives were dredging behind the Oyster River dam, and looking for groundwater sources. He said the Town's water resources were in good shape, but it was part of a system that included the University. He said the Town now had more information on the Lamprey River reservoir, and said there were about 43 million gallons behind dam, of which the Town could actually draw 35 million by permit. He said the Town was allowed to lower the level by six inches during a dry period, and said it used about 10 million of the 6 inches, so in reality had another 27 million of flow that could potentially be used, if the State allowed this.

Mr. Levesque said this would put the Town in a much better place concerning its water supplies, and would allow it to say clearly that it could work through a 30 day drought. He said he hoped this could be cleared up with the State, but noted that even if this happened, the Town should still be looking for additional water. He said now was the time to do this, because one never knew what potential uses could appear that could potentially use up a lot of water. He said that was why the Town was looking at alternatives such as Spruce Hole. He said the Dufresne Henry Report went through these alternatives.

Mr. Roberts said he thought Dufresne Henry had recommended a growth moratorium based on usage, which would

mean that if another company proposed to come to Durham, the Planning Board might have to deny the application. He said the Board was looking to Mr. Levesque for his perspective on this.

Mr. Levesque said that based on his past conversation with the Council on this issue, the moratorium didn't need to happen at this point in time.

Mr. Roberts said he would like the Board to be provided with a letter which clarified how to handle this issue, including whether to follow the report's recommendations or not.

Mr. Levesque noted that this report had been generated because of a request by the Town Council. He said the growth moratorium was provided as an alternative, and was a way to say, this is a process the Town would through if the water supply situation was grave. He said he didn't think the situation was grave, and said he believed it was being addressed, especially if the Town could get the permit restriction lifted concerning the Lamprey River.

Mr. Roberts asked what the Board was supposed to do concerning water supply considerations when applications came in.

Mr. Levesque said that before the Board reviewed an application, wastewater and water permits should be in hand. He noted this had been his recommendation for a long time.

Mr. Roberts said that in other words, if a proposed use came before the Planning Board, it should direct the application to the Public Works Department for water and wastewater review.

Mr. Webb said it sounded like the Town was ok in terms of water supply, and that it was the University that was the issue when it came to water shortages, which the Town couldn't control.

Mr. Levesque said that was correct. He said the consensus was that Town's supply was ample for its needs, and said he believed the Council now understood this better. based on the report.

Bill Hall said Durham didn't have a water supply problem, and had about twice as much water as it needed. He provided examples of some other towns in New Hampshire that depended on surface water supplies, and had experienced real shortages. He said Durham was under restrictions that were bogus, and noted that during a so called shortage, water was going over the dam. He said he had pictures of this.

He spoke about a recommendation of the Dufresne Henry study to dredge the Oyster River reservoir, which wouldn't be that difficult to do, but said

the University didn't want to dredge the reservoir. He provided details on this situation, and noted that the proposed dredging would be for water quality reasons more than anything else. He said the Town owned the rights to the Oyster River and the Lamprey River, and owned the Lee Well, noting that the well was essentially fed from the surface.

He said the problem was that if Epping had a sewage problem similar to what Durham recently had experienced, this would contaminate the Lamprey River, and the Oyster River water would be needed. He said that was why it was important not to draw the Oyster River to far down during a drought.

Mr. Hall said there was no precedence for the restrictions on drawdown of the Lamprey River. He provided details on letters between the Town and the State, and said the Town should not wait for a letter back from NHDES. He said the Town should go to Superior Court to require NHDES to provide data on why the restrictions were being imposed, and said the Town could very well wind up with no restrictions at all. He said no other towns had to do this, and said he believed Durham had twice as much water capacity in a drought situation as it was likely to use.

He said the Town couldn't get the answer to Mr. Robert's question until it got an answer to the question concerning the restrictions imposed by NHDES. He said he didn't think it would stand up in court if an application was denied at the present time because of water issues.

Mr. Webb thanked Mr. Hall for his input. He also said he would be glad to provide assistance in dealing with NHDES concerning this issue, noting this was the kind of work he did for a living.

Mr. Levesque said much of what Mr. Hall had said was true. He said the reason there were restrictions was that this was what would be happening in the State over time. He said NHDES was using was a pilot approach on the Lamprey, and was being looked at as a way to maintain critical flows, across the State. But he said unfortunately, there was not enough data on the situation at the Lamprey, and some arbitrary numbers were used. He said what the Town was saying to NHDES now was that it had the numbers, and knew the volumes, based on a bathymetric survey that had been done. He said they were trying to come up with a baseline flow, and provided additional details on this.

Mr. Webb said he had noted NHDES's admission that they had no evidence for the need for the 6 inch restriction other than a generalized concern about wetlands. He said one foot drawdowns were commonly allowed on hydroelectric projects, and said he didn't see anything special about this situation.

Mr. Levesque said an 18 inch drawdown had been requested, which would allow another 20 days of volume behind the dam.

Mr. Webb said key points of the discussion were that the Planning Board should be concerned about new large developments, and should change the site plan review regulations to require that an applicant get water and sewer permits up front, rather than as a condition, after the application was approved.

Mr. Levesque agreed, and said he definitely recommended doing this.

Councilor Needell said he hoped the message was not being sent to developers that the Town had a water problem. He said it was a potential problem in the overall water system at certain times of year, and the Town was working to alleviate it at the Lamprey and through alternative water sources.

Mr. Grant said that was not the message for developers. He said Mr. Levesque was saying that the Public Works Department was responsible for measuring capacity, and demands on the system. He said the process should be that an application should come in with water and wastewater approvals already in hand. He said if something came in that required excessive water, the DPW could decide what it did to remaining capacity, and could alert the Board at that point.

Councilor Needell agreed, and also noted the water agreement between the Town and University was under review. He said the cost of future development was a substantial discussion point in these negotiations, along with how to deal with the situation that currently existed. Councilor Needell asked Mr. Levesque if he felt the lack of response from NHDES indicated it was ignoring the Town, noting it did seem this had been a long process.

Mr. Levesque said the problem was not so much a lack of response, but was the fact that the agency didn't know where things were going with the regulations. He said it was up to the Town Administrator to determine what should be done at this point. He said the Town should have gotten a response by now, and said he was frustrated by this.

There was discussion about the adaptability of wetlands to changes in water levels. Mr. Webb said he canoed that section of the Lamprey, and didn't believe there were really extensive wetlands there.

Mr. Hall said an email from Judith Spang was the reason the Town had not heard back from NHDES. He suggested that the next time a water shortage was declared, the Board should do a site visit to the dam.

Councilor Grant suggested that the Board defer discussion on the Wiswall Dam Parking & Recreation Concerns, and the Traffic Congestion-Northern Connector until Chair Kelley was back.

Councilor Needell asked what role the Planning Board had to play concerning the Wiswall Dam issue.

Mr. Webb said Chair Kelley had suggested that the Planning Board weigh in on this issue. He read from the memo Chair Kelley had recently sent the Board on this and other issues.

Councilor Needell noted he was no longer on the Parks and Recreation Committee, so did not know the answer to Chair Kelley's question for him concerning the Committee's decision on the Wiswall issue.

Mr. Webb said he didn't see a planning function that was needed concerning this issue, but said it could be brought up at the July 27th meeting, and Chair Kelley could discuss it then.

There was a brief discussion by the Board on the current situation at the Wiswall Dam area.

Mr. Roberts explained to Board members that at Monday's public hearing on the Zoning rewrite, the Council had asked that the Board provide a point by point response to the punch list the Council had developed when it reviewed the Board's proposed changes to the Residential portion of the Zoning Ordinance the previous year.

Councilor Needell said his sense was that the request was that there be a cross reference of punch list items, and what the result was in the Ordinance.

There was detailed discussion about what this would involve, what issues and ordinance provisions needed the most clarification, and whether there was the time to complete this in time for the next public hearing at the Town Council meeting on July 18th. Board members agreed that the key thing was to make it clear for the Council where the proposed changes to the Ordinance came from.

Mr. Roberts asked Councilor Needell what would be helpful for the Council for the meeting.

Councilor Needell said the Council currently had nothing that referenced back from the current Ordinance to the original punch list.

There was additional discussion about this. Board members agreed that this kind of information was crucial for Council deliberations on the Ordinance, but was not crucial for the meeting on July 18th. Mr. Roberts asked that Councilor Needell and Carroll express this to the Council, and to let the Council know that he and Mr. Campbell would develop this information.

X. Approval of Minutes

May 4, 2005

Page 1, should say Councilor Diana Carroll was absent from the meeting

First motion on that page should say Arthur Grant MOVED to nominate Richard Kelley.....SECONDED by Nick Isaak..."

Page 3, 3rd paragraph from bottom, should read "The letter read as follows:"

2nd paragraph from bottom, - put quotes around the entire letter from Mr. Farrell, which ends toward the bottom of Page 4.

Page 5, 5th paragraph, should read "...aquifer protection overlay district referenced in USGS aquifer studies, and was..."

Page 9, the motion in the 3rd paragraph, should read "...amended zoning map dated November 30th, 2004..."

Page 13, motion toward the bottom of page, should read "...change the age in 175-9-A to 55, and to reference..."

Page 14, Adjournment time was 8:40 pm

Stephen Roberts MOVED to approve the May 4, 2005 Minutes as amended. The motion was SECONDED by Arthur Grant, and PASSED unanimously.

May 11, 2005

Page 1, Members Present should include Councilor Carroll; Members Absent should include Susan Fuller

Page 2, 2nd paragraph from bottom, should read "Professor Robertson..."

Page 3, 1st full paragraph, should read "Professor Robertson"

Page 5, 3rd full paragraph, % sign should be next to the 1

Page 6, 6th paragraph, should read "...he couldn't get in or out of the Gibbs Station very easily when he was heading east toward Route 4..." Same paragraph, should read "He asked why not allow a left turn out onto Newmarket Road,..."

Page 12, 1st full paragraph should read "Mr. Webb..."

Page 15, 2nd paragraph from bottom, should read "...against the application. There was no response. Chair Kelley closed the public hearing."

Page 16, under Old Business, should say None

Page 17, motion to adjourn should say Richard Ozenich Moved to adjourn the meeting. The motion was SECONDED by Nick Isaak..."

Arthur Grant MOVED to approve the May 11, 2005 Minutes, as amended. The motion was SECONDED By Richard Oz'enich, and PASSED unanimously.

May 25, 2005

Page 1, Members Present should include Arthur Grant; Members Absent should include Lorne Parnell, Bill McGowan, and Richard Ozenich

Nick Isaak MOVED to approve the May 25, 2005 Minutes as amended. The motion was SECONDED by Stephen Roberts and PASSED unanimously.

XI. Adjournment

Arthur Grant MOVED to adjourn the meeting. The motion was SECONDED by Richard Ozenich, and PASSED unanimously.

Adjournment at 9:30 pm

W. Arthur Grant, Secretary