

D-R-A-F-T

DURHAM PLANNING BOARD WEDNESDAY, SEPTEMBER 28, 2005 DURHAM TOWN HALL – COUNCIL CHAMBERS

PRESENT MEMBERS:

Chair Kelley; Arthur Grant; Stephen Roberts; Nick Isaak; Richard Ozenich; Councilor Gerald Needell

PRESENT ALTERNATE MEMBERS:

Councilor Carroll; Susan Fuller; Bill McGowan; Lorne Parnell

MEMBERS ABSENT:

Kevin Webb

OTHERS PRESENT:

Town Engineer Bob Levesque; Business Manager Paul Beaudoin

I. Call to Order

II. Approval of Agenda

Arthur Grant MOVED to approve the Agenda as submitted. The motion was SECONDED by Jerry Needell, and PASSED unanimously 7-0.

III. Water Issues

Chair Kelley noted that Town Engineer Bob Levesque was present to discuss these issues with the Board.

Mr. Levesque spoke about letters the Town had sent to NHDES concerning trying to re-open the 401 Water Quality Permit for the Wiswall Dam. He explained that the storage capacity behind the dam the Town could use was roughly 36 million gallons. He said that currently under the permit, the Town could only draw down 6 inches per day on the back side of the dam, once flows got below a certain level.

He said the bottom line was that based on this requirement, only 11 million gallons of water was used, which was only about 10% of the volume behind the dam. Mr. Levesque said that based on new information the Town had seen it actually had such a large volume of water behind the dam. He said the Town had asked NHDES, in September of 2004, to allow it to use 18 inches. He said this would give the Town a less than 50% of 36 million gallons to have if needed in an emergency situation.

Mr. Levesque said he had written a second letter concerning this issue to NHDES in June 2005 requesting a response one way or the other, but said he said he hadn't heard back yet. He said part of the reason might be that the State was in the process of completing a study of Lamprey River base line flows and might be waiting to see what came out of that first.

Mr. Levesque said the Lee well could produce up to 500,000 gallons per day, but currently

Town residents only used 300-350,000 gallons per day. He provided details on other users of this water.

Councilor Needell asked if there had been situations where the Lee Well had been unable to produce what was needed.

Mr. Levesque provided details on this, noting there were times when up to 700,000 gallons per day were pumped.

He said the Town had showed that it was able to maintain its own water flow without having to go to another source right now. He said the most recent water agreement with the University left this issue alone, and said the University would come up with its own water supply solution. He said it had recently hired engineers to look at bedrock aquifers to see if there was available groundwater closer that was closer to the University than Spruce Hole.

There was discussion on the proposed fish way near the Wiswall Dam as it related to the Town's water supply issues.

Mr. Parnell asked for clarification concerning the amount of water used in Durham with and without the student population.

Mr. Levesque provided details and discussed the clear increase in wastewater processed at the treatment plant when the school year began. He noted that the plant treated about 800,000-1,000,000 gallons per day.

Chair Kelley informed Board members that Mr. Levesque had shared with him plans for additions to the distribution system for water. He said the first thing that struck him about this was the complexity, in terms of ownership and maintenance of the pipes. He asked if this had created difficulties for the staff.

Mr. Levesque said it had not and that the Town worked well with the University at maintaining the infrastructure. He said it was clear-cut who owned what, and he gave some examples of the kind of work they did together.

In answer to a question from Chair Kelley, Mr. Levesque clarified that water from the Lamprey River went directly to the Water Treatment Plant, although it at one time had gone to the Oyster River first.

Chair Kelley said it seemed that water from the Lee Well currently met the needs of Durham citizens, and said given what he had read in the Dufresne Henry water report done in 2004, it appeared that the well would provide sufficient capacity for some years to come.

Mr. Levesque said they hadn't reached the 80% number yet, but were close to it.

There was discussion about the transmission line constructed up Mill Road to send water from the Lamprey River to the Water Treatment Plant. It was noted this was jointly owned, although a segment of the line on Packers Falls was still owned and maintained by Durham. Mr. Levesque said the University owned and maintained the Lamprey River pump station.

In answer to a question from Chair Kelley, Mr. Levesque provided details on what would be involved in separating water use by the University and the Town. He said the University would use the Lamprey River Water/Wastewater Treatment Plant, and the Town would use the Lee

Well, which needed minimal treatment. He noted it would be very costly to do this separation.

There was discussion about the idea of operating as one system, and where things were headed concerning this, based on the most recently proposed water agreement with the University.

Mr. Campbell noted a number of upcoming University projects that would require water.

Mr. Roberts said Dufresne Henry had made some growth management comments in its report, including the fact that the Planning Board would need to take some actions if certain thresholds were reached. He said it would be very helpful to the Planning Board if the Public Works Department could issue a yearly report on what the water usage levels were, so the Board would be kept aware of this.

Mr. Levesque said this could easily be done.

Mr. Roberts noted that the Dufresne Henry report projected growth in water withdrawals, including a timeframe, and said at some point that growth management or new supplies would be needed. He said the Planning Board had data on this if needed, and said it would be helpful to have a utility capacity report for both water and sewer.

Mr. Levesque said the best data was the trend data. He noted that water efficiency measures used in new development had constrained increases in water use, but said at some point, conservation alone wouldn't be able to manage growth in water demand.

Chair Kelley noted there had been replacement of leaky pipes, and there was discussion about the benefits from this.

Mr. Levesque agreed there had been piping improvements but not as much as he would like to see for water and wastewater. He said Madbury Road was a particular area of Town that needed help. But he said in general, he didn't see that water was being wasted. He said what was pumped was close to what was seen at the other end.

Mr. McGowan asked what percentage of Durham was on Town water, and if there was a long-term plan to increase this percentage.

Mr. Grant said roughly 1000 homes were on Town water. He said most of the development that had occurred in Durham recent years was outside the limits of the distribution system. He noted there was talk some years back about sending water to properties located down toward Newmarket such as Mill Road. He said there was a good reason for this--septic system issues, but said the problem was that it was very expensive. He said he agreed with others who said it would probably be better to spend money on replacement of old lines in the existing system rather than extending the lines.

Mr. Ozenich asked if the set aside concerning the Lee Well for Industrial Drive was based on the buildout or what was there now, and Mr. Levesque said it was based on the buildout.

Councilor Needell noted there was discussion about possibly allowing the Spruce Wood development to look into hooking up to the Town sewer.

Mr. Levesque said he had recommended that both those utilities be supplied because he was unconvinced that the development would not tap into the Town aquifer. He noted some of buildings that were proposed were within the aquifer boundaries, and provided details on this.

Councilor Carroll asked if the USA Springs application affected Durham in some way.

Mr. Levesque said if the Lamprey River was affected, there could be an impact, but said he really didn't expect this.

Chair Kelley thanked Mr. Levesque, said he was sad to hear he was leaving his position as Town Engineer. He said he had been an asset to the Town, and a credit to the profession. He asked for Mr. Levesque's perspective on what he would do concerning water issues if had all the power in Town to do what he wanted to do.

Mr. Levesque said he would take the power away from other entities and create a Water District for the best interest of the water system. There was discussion as to whether this would include the Towns of Lee and Madbury. Mr. Levesque said he thought it eventually would include them, and said that thinking regionally, this made sense.

IV. Continued discussion on CIP

Chair Kelley noted there had been a previous presentation and discussion on the CIP with Administrator Selig and Mr. Beaudoin, where the Planning Board was asked to look at the plan and come up with the Board's own priorities.

Mr. Roberts said a key area he was concerned with was transportation. He said he had developed a proposal for the traffic engineer who gave the proposal for the Irving application develop a request for proposal to evaluate data regarding the University's traffic plans, including the northern connectors/southern connector, which was now stymied within the campus Master Plan project.

He said the outcome of such a proposal would be a recommendation as to whether there was enough concern, in terms of risk to the Town by the University's transportation plans, that a larger traffic study should be undertaken. He said this proposal would include the cost and format for such a study.

Chair Kelley noted that the specific CIP Budget Item they were discussing was the northwest/southeast transportation linkage.

Mr. Roberts said he would like to see this Item removed and replaced by a much smaller, more directed Item which would allow the Board to act in a more timely fashion. He said he felt the University transportation plan was logically flawed, was inconsistent, and would negatively impact the community.

Chair Kelley asked if the current Item in the CIP included grant money.

Mr. Campbell said the project would have been funded entirely by a grant, but said the Town did not receive this grant.

Chair Kelley said he felt this study could cost a lot more money than what was in the CIP, and said perhaps the traffic engineer Mr. Roberts had spoken about could prepare the RFP. He said it would be challenging for the Board to try and write it, and said it was commonly done that towns hired consultants for this purpose.

He asked if other Board members felt this was a priority.

Mr. Grant said he thought this should be done in 2006, along the lines that Mr. Roberts spoke about, but he said he didn't think \$100,000 should be put in the CIP for this.

There was discussion about how much the development of the RFP would cost, and it was estimated this would be about \$25,000.

Chair Kelly said perhaps Mr. Campbell could make the contact concerning this, and said the number in the CIP could be adjusted as things moved forward.

Mr. Grant said it would be good for the Board to provide guidance to the Business Manager and Town Administrator that it was comfortable with this approach.

Councilor Needell said he would need more information. He described how he saw the process unfolding, which was not just to generate an RFP in 2006 and have it sit on a shelf. He asked who would bring this forward to the Council, to focus the discussion, and determine what would happen with the proposal.

Chair Kelley said Mr. Campbell would bring it forward to the Council with the assistance of the Planning Board. He said it might be found in 2006 that there wouldn't be enough money to complete the entire study, so it would have to be done in smaller segments, focusing on problem areas in order to get some milestones completed. There was detailed discussion about how this process might unfold.

Mr. Roberts said having an outsider talk with the University concerning transportation issues, to try to understand where they were coming from, would be very helpful.

Councilor Needell said he thought it was a good idea to bring this to the Council, to see whether the Town would be focusing some attention on traffic issues. He noted that if the Council didn't accept the Board's recommendations, this would be sending a different message.

Mr. Campbell noted that a future Town Council calendar concerning upcoming meetings said that in October, the Council would direct the Planning Board to do a technical report on the northern/southern connector. He said it seemed they were interested in this issue. He provided details of a possible schedule.

There was additional discussion about the costs for this work.

Councilor Needell said the question came back to whether it was sufficient to put \$30-40,000 in the CIP in 2006, and then earmark more for ensuing years, or to wait to make a decision on this until the Board got the RFP back.

Mr. Grant suggested that the Board get the consultant to complete the RFP by January-February 2006 and then the Council could decide if it wanted to put the project out to bid. He said he expected it would be next March before the Council or Planning Board would get back estimates of what it would cost just to do the major study.

Chair Kelley said he agreed. He said the consultant would come back with choices, and the Board would have to make a decision.

There was additional discussion on the way this process should unfold. Mr. Roberts said the Board would probably have to get some data in order to get some money for further study.

Mr. Grant said an important point was not just that the University had a transportation plan, but that the Town didn't have such a plan.

Councilor Carroll remarked that they were all living in a rather changeable era, and questioned whether data that was obtained as part of the study would be valid in 6 months. She noted information she had heard anecdotally that the number of students driving cars in Durham had recently decreased, and the number of students using the shuttles was up in part because of the increased price for gasoline. She said this was a good example of considering what assumptions a study would be working under.

She also noted another assumption related to the fact that Town was waiting for signs on Route 4 directing people to use the Main Street exit. She said she had assumed there would be some education and loose enforcement to preclude people from coming down Madbury Road and Edgewood Road. She said she wondered if this was in place, how it would affect the numbers that were collected. She noted the importance of knowing these things in order to use the Town's money wisely.

Chair Kelley said he agreed, and said this needed to be conveyed to the traffic consultant. He noted that NHDOT had said it would put up the signs, but said this was not necessarily a priority.

Mr. Campbell said NHDOT was considering putting up the signs, and was supposed to make its decision on this by September 30th.

Chair Kelley said the Town needed to remind NHDOT that these signs would help the Town.

Mr. Grant noted that the discussion about the possible land purchase off of Pendexter Road related to traffic planning in the future.

Chair Kelley asked if the Main Street improvements would happen in 2006.

Mr. Campbell provided details on financing issues concerning the additional work to be done on Main Street. He said the estimated price for the project was too high, and had not been paired down yet. There was further discussion about this project.

In answer to question from Chair Kelley, Mr. Campbell provided details on key items that would be covered by the current CMAC grant such as repaving the road, a small amount of stormwater drainage, bus pull-outs, some sidewalks, and some crosswalks. He said things like utilities and

landscaping that added a lot to the cost of the project wouldn't be covered by the CMAC grant. He said a simple plan needed to be put together.

Chair Kelley said it sounded like the number in the CIP for Main Street improvements needed to change in some way, and said Mr. Campbell, the Town Engineer and the design team should make the call on that.

Mr. Roberts said there was some question as to whether these improvements were even in the Town's interest. He noted the details of the University's Master Plan concerning walking and biking, which he was in favor of, but he said this plan plugged the most capable road in the community, and dumped traffic into the neighborhoods. He said this was why he wanted a traffic consultant to look at the situation.

Councilor Needell said the road was too wide in this part of Town, and could be made narrower, calmer, and safer with these improvements. He said the beautification plans and gateway to campus idea were fine, but he said that funding had to come from the University and not from the Town through the grant. He said with the price for the project coming back so high, the question was whether the University still wanted to do that.

Chair Kelley said he would be surprised if something happened concerning this in 2006.

Mr. Campbell said there was about \$17 million in unexpended CMAC funds that would be available the next year, and that the Town could request some of this for this project.

Mr. Grant asked that the Board accept the Town Administrator's observation that the library project should be postponed at least a year.

Mr. Parnell asked if the figure the Library Board of Trustees came up with was open ended, and also asked how this price was obtained.

Mr. Grant said the Trustees had a design, and while factoring in the cost of land had came up with the amount. He said a substantial amount of money would have been saved if the library could be located behind Town Hall. He said at present, the Trustees didn't have any direction from the Town as to what to spend.

Chair Kelley said the Trustees were working hard on this effort, but he said he agreed the reality was that the money for the project shouldn't be requested at present.

Concerning the possible land purchase off of Pendexter Road, Mr. Grant said this property was at one time involved with the Route 4 bypass concept. He said if the Town didn't reserve it, it would probably lose the opportunity to obtain it in the future, noting the land was a very good value at \$18,000 for 3 acres.

Chair Kelley said Town correspondence concerning this said this land was critical for future improvements. He said he agreed it was important to purchase this land.

Councilor Needell said he didn't think the Town had heard back from NHDOT yet, and he provided details on the letter to the agency.

Concerning the line item in the CIP for land purchase funds for the Conservation Commission, Mr. Beaudoin said this would be taking this out because it wasn't needed any more.

Councilor Grant noted the proposal for \$100,000 to begin construction of an athletic field out at the gravel pit. He said that item should be referred to the Recreation Committee, and said they should study what should be done in the way of developing athletic fields for Durham. He said they might think using the gravel pit was a great idea, but he said he didn't think the Town should start spending money on that project in 2006.

Mr. Roberts said he supported this line item in the CIP. He said the Town needed athletic fields, noting the greater amount of fields other Town similar in size to Durham made available to residents. There was further discussion as to whether this item should be left in the CIP.

Councilor Needell noted that the spoils from dredging Mill Pond could conceivably go there. There was discussion about this, including the quality of the dredging material, and the fact that it would be put on top of the aquifer.

Concerning the line item in the CIP for Town Hall reconstruction, Chair Kelley said the Board was in agreement that they would like to see that happen, as a #1 priority. There was discussion about what this would actually involve.

There was discussion about the item in the CIP concerning the Fire Station upgrade for 2007, which was a #1 priority.

Mr. Beaudoin told Board members that he had talked to interim Fire Chief Mike Blake about this after the last Planning Board meeting, and was told the department wanted to take this out of the CIP.

Mr. Ozenich asked about the expendable trust fund for the Fire Station, and received clarification from Mr. Beaudoin that these funds were separate from the CIP.

Mr. Grant asked why the \$50,000 concerning the Wiswall bridge replacement was ranked as priority #3, when information on the project was very persuasive that the State wanted it done quickly.

Mr. Beaudoin said the number one priority for the Public Works Department was roads, and sidewalks were the second priority.

Mr. Campbell asked if the State would be providing money for the bridge replacement, and Mr. Beaudoin said it would. Mr. Campbell asked where the money would come from for this, noting it was not in the State's plan. He said towns were being told that until there was enough funding for what was currently in the 10-year plan, there would be no additions to it. There was discussion about this.

Chair Kelley spoke further about the prioritization of different aspects of the Wiswall bridge replacement, and asked if it might make sense to push the Town's road pavement plan back a year. Mr. Beaudoin said Public Works Director Mike Lynch wouldn't want to consider this.

Mr. Levesque outlined what was involved in upgrading the Wiswall bridge, and said the project would be scrutinized by many people. He said he thought this might be why it was prioritized as #3.

There was additional discussion about the way the project was scheduled according to the CIP. Mr. Grant suggested moving the \$600,000 back to 2008.

Mr. Beaudoin said the Town wanted to have this money ready in the event that the plans came through in a timely way.

Chair Kelley said he thought \$50,000 would be a hard number to hold for design of this bridge, noting his experience with wild and scenic rivers and bridge replacements and what was involved in this.

The Board continued its discussion with the next item being the Water Fund portion of the CIP.

Chair Kelley asked if the intent was to combine the Wiswall Dam repair with the fish passage, and Mr. Levesque said it was. There was discussion about the report due on this in November, and it was noted that report might not be completed until 2006.

Councilor Needell asked if the ultimate decision on the fish way could impact some of structural changes required for the bridge.

Mr. Levesque Bob said the fish way would probably have less of an impact to bridge than a fish ladder, which would physically attach to the dam, so could significantly change it.

In answer to a question from Chair Kelley, Mr. Levesque said he expected the Town to get the deliverables on this project within approximately 12 months. Chair Kelley noted the fee for the current design was \$50,000, and asked if the scope of the contract also required the consultant to provide the permits for the Town.

Mr. Levesque said that it did, and Chair Kelley said it seemed the Town was getting a lot for 50,000.

There was additional discussion about this, and about the timing for this project.

Bill Hall, Smith Park Lane, provided some history on a plan to connect the water line on Route 108 to Beard's Landing Road, and said this was needed, and would be a great thing to include in the CIP under the Water Fund. He said the route was easy digging, and pretty short, and he also noted it was on the list 25 years ago. He said it would be a malfeasance to eliminate it.

There was discussion as to whether the \$64,000 for Spruce Hole for 2007 should stay. Mr. Beaudoin said it should stay for the time being because it was a placeholder.

Chair Kelley noted that the University didn't want to contribute to the study, but would go out and search for its own water.

Mr. Beaudoin said the Town had told the University that it needed the water more than the Town did, so if it wanted to develop Spruce Hole, it go ahead with this on its own. He told Board members that if the Town needed more water in 20 years, it could buy into the development costs of Spruce Hole, up to 50%, since it owned 50% of the land and the rights to the water. But he said since the University needed the water now, it should pay for the study. He said the Town had offered to pay 10% toward the study as a good faith gesture.

He said the University had realized that if it could find bedrock well locations closer by, it would probably be a lot less expensive for them, and would only have to be used during the dry months. He said they were in the process of considering this option.

Mr. Beaudoin said the only concern Town staff had was what happened if the University found water, and the Town then had a development that required significant water, and didn't have enough, and so realized it would have to go out and develop Spruce Hole, as it were now telling the University to do.

There was discussion about proposed funding for a water study for 2006 concerning the water infrastructure. Chair Kelley noted this was priority #3.

He also said he had heard a lot spoken recently on the Wastewater Treatment Plant's problems, but had no specifics to offer concerning this. He noted the uncertainty items, concerning the possible need to install advanced treatment, were far enough in the future.

Mr. Levesque said based on what the Town had seen, it stood a very good chance of getting another five-year extension. He then provided some details on maintenance of the sewer infrastructure.

Mr. Beaudoin asked for some clarification on what Mr. Roberts wanted the Town to spend \$30,000 on concerning transportation issues.

Mr. Roberts said he had presented his ideas on this in a letter to Administrator Selig, who responded that he thought it was a good idea, and a good approach.

Chair Kelley said that Board members with additional thoughts on the CIP should send them to him by email. He said these comments would be put together and sent on to Administrator Selig and Mr. Beaudoin.

Mr. Grant said he felt the Board should be talking about the Zoning Rewrite and Master Plan update, and Chair Kelley said he agreed.

There was discussion on when there could be more detailed discussion on transportation issues.

Mr. Campbell suggested this could be put on the Agenda for October 12th. He also noted that a public hearing on changes to the Zoning Ordinance based on Council recommendations would be held on October 24th.

Mr. Grant said there were six items the Town Council agreed to on Monday, and he recommended that the things sent back to the Board should simply be sent back to the Council, noting it was the Council that recommended them. He said he was trying to speed up the process.

Arthur Grant MOVED to discuss Items VI And VII until 10:00 pm, and to move Item V to the October 12th 2005 Planning Board meeting. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

Councilor Needell outlined some ways the Board could respond to the Council's comments on the Zoning Rewrite. He said he would like to understand whether a public hearing by the Board for these changes was required.

Mr. Campbell said there were substantial changes being requested, and there was discussion about who had to have public hearings on them.

Chair Kelley said it was his impression that the items coming back to the Board would not be ones where the Council would accept an argument from the Board on them.

Councilor Needell said a better approach, if there were such items, would be to take them out of this round and send back the things the Board did agree could be changed. He said the individual items could then be addressed as separate amendments.

Mr. Campbell said it would be an administrative nightmare to take that approach. He said it was confusing enough to be dealing with two different Ordinances. He noted that some of the provisions where changes were being recommended by the Council related to other provisions. He also said he had expected most of the things the Council recommended.

Chair Kelley said he didn't think that any argument the Board made was going to persuade the Council to endorse what was initially proposed. He said the Board could either provide a revision to that, some kind of middle ground, or could go along with the Council's recommendation.

Councilor Needell said the Board could acquiesce now, but then if it later felt strongly about one of the provisions, it could bring it up later.

Mr. Roberts said he felt the Planning board had the high ground concerning the data. He said what was suggested made sense, although noting there couldn't be a discussion now on the issue.

Mr. Campbell said that for some reason, the Planning Board didn't get its ideas across to the Council on this issue. He said what the Council heard was that the Board wanted to remove some of the soils criteria, to help people get more lots, although that was not the reason. He said the Board needed to do a better job when it came back to the Council to communicate exactly why it did what it did. There was discussion about this.

Mr. Grant said he was very much concerned that five years had been spent on the Zoning Rewrite, and this had cost an awful lot of money. He said it was time to have something in place, whether everyone liked it or not.

Councilor Needell said the Council had a number of interpretations concerning the Zoning Ordinance, but said one interpretation was that the Ordinance was adopted last year, so it was important not to make changes to it too quickly.

Mr. Grant noted that all but one of those items was referred to the Board from the Council, and said the somewhat poorly drained recommendation was the only one that the Board had actually recommended. He said he personally didn't care if they included somewhat poorly drained soils or not, and said he didn't think it made that much difference.

Chair Kelley said he would try to demonstrate the case either way, in graphical format that people could look at and judge on their own. But he said he wouldn't spend any more effort on it.

There was additional discussion about the other housekeeping amendments, and how the Board would respond to what the Council had said about them.

Mr. Campbell suggested there could be a workshop on the somewhat poorly drained soils issue,

Mr. Roberts noted that the Council had urged that the conditional use process be removed from the Zoning Ordinance, yet the Planning Board had used the conditional use permit process to get two good developments in Town. He said the Board brought in data, and tried to educate the Council on this issue, but got nowhere.

Mr. Grant said it was important for Board members to watch the Council meeting on DCAT to hear the discussion on this issue.

Chair Kelley said the revises Zoning Ordinance was complicated, and there was reason for misunderstanding various elements of it.

There was further discussion on this, and Chair Kelley said if this Board had the will, there would be further chance to address this. He said if the Board drew a line in the sand concerning this issue or any other, there was a good chance the whole thing would get voted down.

Councilor Needell said Section B was where there would be some fundamental changes to the Ordinance. He said discussion on this would get into whether the Council thought this followed the Master Plan. He said the most contentious thing in it was the Table of Uses, and particularly conditional use in the Courthouse Zone, and said it could come back to the Board. He provided additional details on what might happen from there.

Mr. Roberts said he didn't think the conditional use process had deferred the gas station application at all.

Chair Kelley said he hoped Councilor Needell conveyed the same thoughts at the Council meeting, that Section B involved some big changes.

Mr. Grant said he thought conservation subdivisions were the biggest change to the Zoning Ordinance.

Councilor Needell said when the Ordinance was adopted the previous year, the sense was that it was important to adopt it and then work on fixing it. But he said he didn't get the sense from the Council that they felt an urgency concerning the present Zoning Rewrite document. He said he wanted to make it clear, including to the Council, what rejecting the document meant.

Chair Kelley said there was great community support for the concept of conservation subdivision, so while it was a big change, there wasn't significant opposition to it.

Mr. Grant noted that no one had come forward with a conservation subdivision in the past year, and said he thought that would be the impact of those provisions, that it would really throttle development in Durham. There was discussion about this.

Councilor Needell asked if not adopting the currently proposed changes to the Zoning Ordinance would throttle economic development. He said the sense of urgency might or might not be there concerning this issue.

Ms. Fuller said conservation subdivision could be the best way to create housing without destroying the landscape, but said she saw it as a potentially difficult thing in Durham because of the soil types.

Mr. Campbell noted there were sections of the Zoning Ordinance that still hadn't been updated, like parking, signs, and landscaping, and said he got calls all the time concerning these provisions. He said there was time to work on these, noting it would take time for the Council to get through the other Sections.

There was additional discussion on the process. It was noted the Town Attorney could provide guidance on the respective roles of the Planning Board and the Town Council concerning changes to the Zoning Ordinance.

Mr. Campbell suggested that the remaining sections of the Ordinance to be addressed by the Planning Board could be done by subcommittees. He said it would be a good idea to start making progress on this.

Mr. Grant suggested that Mr. Campbell choose the provision giving the Town the most problems. He said the Board could work on it first, and then could move on to the others. He noted there would be subcommittee for the Master Plan.

Chair Kelley asked Mr. Campbell to create a hit list concerning the remaining sections, and to schedule regular Zoning Rewrite meetings for the fall. There was additional detailed discussion as to how to proceed.

It was suggested there could be a workshop to throw out ideas, which the subcommittee could then work with. Mr. Roberts suggested there should be a consensus developed at the workshop so the subcommittee would know where the Board stood. Mr. Isaak suggested a calendar should be created to keep things moving forward.

Chair Kelley asked Councilors Needell and Carroll to try to keep the Council focused on what the Board was trying to achieve with the Zoning Ordinance.

Councilor Carroll noted the Council needed to schedule more meetings to deal with the Zoning Ordinance changes along with all the other issues it was faced with.

Councilor Needell said the Council had really had only one meeting where it had talked in detail about the Zoning Ordinance.

There was additional discussion about the response from the Board concerning Section A.

Chair Kelley said he would like the Board to be the catalyst for moving the process forward. He said it could push a separate amendment in the future if it wanted to.

Mr. Grant said the ZBA had discussed the fraternity issue at its meeting the previous night. He said they focused on the word “primarily”, and said they were going to ask the Planning Board to take this word out.

There was discussion on the upcoming ZBA meeting to rehear the application and the need for someone from the Board to be there. Mr. Grant said the Board’s decision on the prior application was a serious change to the Ordinance. He said to him, if borders were permitted to live in fraternities, this changed the University’s control. He said if the University withdrew its recognition for the fraternity, under the existing Ordinance, that fraternity house no longer existed, according to the Town, if it was not recognized by the University, and couldn’t be a boarding house.

Mr. Campbell said he had recommended that Mr. Johnson come in and talk about this with the Board. He provided details on Mr. Johnson’s perspective and his own concerning this issue.

Mr. Grant asked if the national fraternity withdrew recognition from a fraternity if it was still a fraternity. There was discussion about this.

Chair Kelley asked if Mr. Grant could represent the Planning Board on this issue at the next ZBA meeting, and said he would be there in support of him.

Mr. Grant said he would be there, and Mr. Campbell said he would be returning from a trip that day, but would try to get to the meeting.

Mr. Grant said his approach would be to ask the ZBA to reverse the decision, and to deny the variance, because there would be other similar applications.

Councilor Carroll said this was an important issue, and could have far-reaching effects, either good or bad, depending on how it was handled.

Mr. Campbell said it was the process he didn't like, in that they were doing a rezoning with the variance. He said there should be a discussion with both Boards, and the Council, as to how this should be handled.

Master Plan Update

Chair Kelley said he had been very impressed by Mr. Eyerman's way of laying out the way to update the Master Plan, and he provided details on this. He noted a key aspect of this was to look at what hadn't yet been implemented, and to ask why. He said that was a good place to start.

Mr. Campbell noted there was money in the budget for a consultant to help the Board with this part of the process, although he didn't think this was necessarily needed. He said the Board was in the red with the account that paid Mr. Eyerman, and said he would like to transfer proposed funds for the Master Plan into the account, in order to pay him.

Chair Kelley said it would be good if the Board was ready to tackle the Master Plan at the beginning of the New Year, and in the meantime should get through the Zoning Rewrite process. He recommended that Board members read through the Master Plan, and said the Board could then start to develop a strategy. He said a consultant could then provide input on it.

Councilor Needell noted the process was to look at the current Master Plan.

Councilor Grant agreed, and said to him there was no basis on which to organize doing another Master Plan. He said they should pursue getting the existing one implemented.

Mr. Isaak suggested the Board could go through the Master Plan chapter by chapter.

Mr. Roberts spoke about his promise to the Chair of the Historic District Commission concerning expansion of the district. He provided details on this.

Mr. Campbell said this could be an amendment to Chapter 4.

Councilor Needell asked what the process was for amending the Master Plan, and there was discussion about this, including the time frame.

Councilor Carroll said when the Plan was done, the people who worked on it were promised it would not sit on the shelf. She said a lot had been done already, but said further work on this would keep faith with the community

V. Adjournment

Arthur Grant MOVED to adjourn the meeting. The motion was SECONDED by Richard Ozenich and PASSED unanimously 7-0.

The meeting ADJOURNED at 10:00 pm