

# D-R-A-F-T

## DURHAM PLANNING BOARD WEDNESDAY, OCTOBER 12, 2005 DURHAM TOWN HALL – COUNCIL CHAMBERS

**MEMBERS PRESENT:** Chair Richard Kelley; Arthur Grant; Kevin Webb; Richard Ozenich; Nick Isaak; Councilor Gerald Needell

**PRESENT ALTERNATE MEMBERS:** Councilor Carroll; Susan Fuller; Bill McGowan; Lorne Parnell

**MEMBERS ABSENT:** Stephen Roberts

### I. Call to Order

### II. Approval of Agenda

***Kevin Webb MOVED to approve the Agenda as submitted. The motion was SECONDED by Arthur Grant.***

Chair Kelley explained that the Planning Board would determine corrections to the minutes in advance of the meeting, so they could be approved more quickly at Board meetings.

Chair Kelley noted that Bill Hall would provide the Board with some history on transportation issues at the meeting.

***The motion PASSED unanimously 7-0.***

### III. Approval of Minutes

July 13, 2005

Mr. Campbell noted these Minutes had been reviewed previously, and that the only substantive change was on page 11, concerning figures used for the Wiswall Dam impoundment. He said these numbers were now correct.

***Arthur Grant MOVED to approve the July 13, 2005 Minutes as amended. Richard Ozenich SECONDED the motion, and it PASSED 5-0-2, with Chair Kelley and Bill McGowan abstaining because of their absences from the July 13, 2005 meeting.***

August 10, 2005

Mr. Webb said he had not been at the August 10<sup>th</sup> meeting, but was listed as being present. Pages 6, 3<sup>rd</sup> paragraph under Agenda Item VIII, should say “PCE” instead of “TCE”  
Page 9, 3<sup>rd</sup> paragraph from bottom should say “PCE” instead of “TCE”.

***Mr. Needell MOVED to approve the August 10, 2005 Minutes as amended. The motion was SECONDED by Arthur Grant, and PASSED unanimously 7-0.***

#### **IV. Report of the Planner**

- Mr. Campbell noted that it was important that members of the public who speak at Planning Board meetings to sign in.
- Mr. Campbell said he had spoken with University Planner Doug Bencks on Oct 3<sup>rd</sup>, and that a memo on this had been provided to Board members.
- Mr. Campbell said registrations for workshops at the NH Office of Energy and Planning's Fall conference were due, and said Board members should let Karen Edwards know if they wanted to attend any of them.
- Mr. Campbell noted that the previous evening, the ZBA had decided to uphold its previous decision to give a variance to the property at 10 Madbury Road. He said this was a denial of the Planning Board's request to reverse the decision. He said the Board could decide this evening if it wanted to appeal this most recent decision.
- Mr. Campbell said that on Oct 17<sup>th</sup>, the Town Council would deliberate on Section B of the proposed changes to the Zoning Ordinance. He said he hoped that as many Board members as possible would attend that meeting.
- Mr. Campbell said the Town had received an application from Verizon to put a cell facility on the roof of the NE Center. He noted it would be in the lease that Verizon would have to pay property taxes on the facility.
- Mr. Campbell said the Board would hold a public hearing on its response to the Town Council concerning Section A of the proposed Zoning Amendments on October 26<sup>th</sup>.
- Mr. Campbell said the NH Planners Association would be holding a workshop the following day at the West Edge Parking lot, where a stormwater management experiment was being carried out over a period of time. He said Board members were welcome to attend the workshop.

Board members discussed the remaining phase of the Main Street construction project. Mr. Campbell said there had been a meeting of Town staff and that the decision was made to keep it in the CIP for 2006.

Chair Kelley asked if CMAQ funds would be put in jeopardy if the project were moved ahead.

Mr. Campbell said if a solution wasn't found concerning the project, those funds would be in jeopardy anyway.

Chair Kelley asked if there was any consensus to move forward with at least some portion of the project.

Councilor Needell said his understanding was that the Town had made it clear that its financial commitment was strictly the amount earmarked for paving, and if the project required more funding for the other things that were proposed, the money for this would have to come from the University. He noted this had been made clear all along.

There was additional discussion about the financing options for this project.

Councilor Needell said the question was how much the University really wanted to do right now, and whether it was worth doing what could be done for \$1 million, when the utility work that needed to be done underneath was not going to be done at that time.

Chair Kelley asked if it would be possible to at least address what needed to be done below ground. There was discussion that the utilities on this portion of Main Street belonged to the University.

Chair Kelley asked if the University clearly understood its charge after the meeting.

Councilor Needell said it was made very clear the Town was at a serious point of decision-making.

There was discussion that the paving of Main Street would occur if nothing else.

Councilor Carroll asked Mr. Campbell if there was any more news from NHDOT on the highway signs (to direct people to A lot on the west edge of campus).

Mr. Campbell said there was not.

It was clarified that Mr. Campbell expected to see the paperwork on the Forest Park project in December, and that the application would be heard by the Board in January.

## **V. Discussion on Traffic/Transportation Issues**

Chair Kelley provided an introduction to this topic and said Durham resident Bill Hall would provide some history on traffic and transportation issues in Durham.

Mr. Hall began by quoting from a 1992 Vanasse Hangen Brustlin (VHB) transportation done study for the Town and University about University plans to address signage issues, which never came to pass. He said this was an example that the University had no intention of addressing signage issues, and that it was disingenuous about how it treated the Town's traffic problems.

He said this same report said the University would have parking lots on Route 108 and shuttle buses, and if this didn't happen, the northern connector would be built. He said the University didn't do the parking lots, and said that in the 10-year transportation plan the University took out the northern connector. Mr. Hall said the University, not the Town, had a traffic problem.

Mr. Hall provided details on the significant increase in traffic over the past years. He provided a history of how the University had gone to the State and asked for a bypass in the 1960s. He provided details on the fact that the northern connector was a stumbling block for the bypass and said at some point, the University decided it didn't want the northern connector anymore.

He said the design for the northern connector was developed in the 1970s, noting it was developed by Commissioner Leon Kennison. He said when one walked the route that was laid out, it was clear it was the only possible route because of the landscape in the proposed area. He said it was well defined where the road out there would have to go.

Mr. Hall said the northern connector would probably reduce traffic in Durham by 40%, and among other things, would allow Durham to do the same thing the Town of Lebanon did when there were events at Dartmouth. He said this approach was a key part of managing traffic in Durham, and anything else amounted to sticking one's head in the sand. He also noted that the Town would not win by simply getting into planning mode with the University.

Chair Kelley said there was an exit about    mile away from the northern connector interchange that was proposed. He asked if the town would be served in the same manner by making an overpass over Route 4 at Madbury Road.

Mr. Hall said there wasn't room for the approaches at Madbury Road because of the slope of the land in this area.

Chair Kelley asked if this would be the case whether the design was to have Madbury Road go over Route 4, or the reverse.

Mr. Hall said the northern connector plan would be the mirror image of Route 108 and Bagdad Road. He provided details on the design itself, noting one would be able to go out Edgewood Road, over the bypass, over the railroad bridge and then turn left at the Diamond intersection. He said Madbury Road would be cut off. He said people coming to that parking lot would have their own interchange, and people coming in for events would use it.

Councilor Needell asked what would happen if the northern connector were not put in, and an overpass was put in at the Diamond interchange.

Mr. Hall said the University's transportation/traffic plans were not supported by faculty and students, and he provided details on this. He noted that traffic modeling was needed in order to look at the details but said he didn't think the University had been sincere or realistic in its plans.

Mr. Hall said the University's \$100 million building program would bring more people into Durham, and they would come by car. He noted that the Town wouldn't allow a facility like Goss International to build a parking lot the size of the A lot and then not have to provide its own road. He said the northern connector was created for this kind of thing.

Mr. Grant asked what would happen if Madbury Road were closed off at the traffic light on those occasions when the Town anticipated heavy traffic. He said this kind of thing was done at Dartmouth for big events.

He also said the bigger problem was the traffic that flowed through Town down Madbury Road and Pettee Brook Drive in the evening, and then went on to Dover and Newmarket,

especially between the hours of 5:30 and 6:00 pm. He said this was not University traffic, and said he didn't really know where it was coming from. He said the Planning Board needed to know more about this.

Mr. Webb noted the University's presentation to the Town on how it had mapped out where people lived and had then guessed at how they traveled to and from UNH. He said this guesswork appeared to be the basis for its traffic analysis.

Mr. Grant said to his knowledge, the traffic studies the University had done had been strictly car counting. He said what was needed was an origin and destination survey, which would provide a critical piece of information that currently didn't exist.

Chair Kelley said it would be very simple for the University to implement this. He suggested that when students got parking passes, they should be required to fill out such a survey.

Mr. Grant said a second issue was that the West Edge lot was nearly full now during the daytime, as well as the "A" lot. He noted that when there were special events, the A lot was full an hour before the event began. He said he didn't think the University would have sufficient parking on the west side, and said this would be a serious problem.

Chair Kelley noted there had been talk about putting a deck on the "A" lot, over the long-term.

Councilor Needell spoke about the parking being provided for the new Gables project, where the ratio would be 1 parking space for 3 students.

Mr. Grant said the northern connector wouldn't happen for many years because of the cost and other factors. He said he was interested in finding some immediate improvements to the traffic situation. He said if people didn't know where the West Edge parking lot was, they would never find it. He said there should be a massive sign to indicate this, and it should also say there was shuttle service available to the campus.

Mr. Webb said he didn't believe there were presently signs in the core campus to indicate this parking had shuttle service available.

Mr. Hall said there were short-term solutions and long-term solutions in the VHB report. He said if he had his way, the Gables wouldn't have any connection to "A" lot, and would be connected to the northern connector.

Mr. Hall spoke in some detail about the southern connector, including how it would connect to the northern connector. He described how the southern connector would cut the time to get out Durham Point Road in half. He said the University should help with this because it would serve their work at Adams Point. He said it would allow people to come up from the south and end up in the "A" lot.

In response to Chair Kelley, Mr. Hall said the right-of-way for the southern connector was proposed but not secure.

Mr. Hall quoted from the VHB report, and said that based on wording in the report that was quoted from a hearing, he thought the Town could go to court. He said the University needed its own interchange on Route 4 for its parking lots. He said the University would like to discuss this forever but it was simply a fact.

Chair Kelley thanked Mr. Hall, and asked him if he would be willing to entertain some additional questions from the Board on this issue.

Chair Kelley suggested that if the Town were to implement temporary traffic controls on evenings when the University had events, as a trial, information could be gained from this. He said advance signing could be placed at the Madbury Road intersection, indicating it was being temporarily closed off.

Ms. Fuller said it would be interesting to try this. She said if people were coming from east to west on Route 4, they would pass Route 108 first and would have no choice but to keep going. She suggested they might also want to close off Edgewood Road too, and provided details on this.

Mr. Webb asked how local residents would be impacted by the plan proposed by Mr. Kelley, and there was discussion on how local traffic would be handled. It was suggested that Madbury Road could be closed except for local traffic, and said police officers would need to direct traffic.

Councilor Needell noted the backup of eastbound traffic on Route 4 when people came to UNH events, and said he was concerned that the event traffic plan the Board was considering would make this problem worse. Board members agreed it could be a dangerous situation.

Chair Kelley said a more comprehensive idea would be to form two lanes with cones.

There was discussion about how traffic backed up on Madbury Road after an event. Mr. Isaak said it seemed that the University should be the one to deal with the traffic issues related to an event, or the Town should get revenue of some kind if it dealt with the traffic.

Chair Kelley said this issue would encompass more than one evening, and noted that one of his goals as Chair of the Planning Board was to address this issue. He said he hoped the Board shared his concerns about it, would keep the issue on the agenda, and would move forward to find short and long-term solutions.

Councilor Carroll noted the four-way stop at Madbury Road and Edgewood Road, and said if the police were positioned there, they could tell people to turn around and go out Route 4 and get off at the next exit. She said the chances were that students wouldn't do this again, while locals could be allowed through.

Ms. Fuller noted the fact that UNH promoted the idea of having a walking campus. She said freshman weren't allowed to have vehicles on campus, and asked why the University allowed any students to have vehicles.

Chair Kelley said it was because of the nature of a transportation system for a rural campus, where alternative transportation choices were slim.

Councilor Carroll said the University said it couldn't be competitive with other schools if it didn't allow any vehicles. She noted the parking lot being developed by the Town at the former Craig Supply site, and suggested that freshman should not be allowed to park in this lot. She said if the Town allowed this, it would be shooting itself in the foot by allowing something the University did not allow. Councilor Carroll also suggested that churches and other places in Town should think about their policies concerning parking for students, since the University was trying to discourage students from having cars.

Mr. McGowan noted the hockey season would begin soon, and asked what the Board could do get things moving and be more pro-active.

Chair Kelley said his fear was that this would be studied to death. He said the Board could implement this plan this season without much study, see what occurred, and then could improve on it.

Mr. Grant said the Planning Board couldn't close streets, noting this was a Town Council function. He said it was important to first meet with the Traffic Study Committee, and ask what their solutions were. He said having a workshop that involved them would be a fine idea.

There was discussion on the fact that the University wasn't working on this issue at present. Mr. Campbell said the University was reactive, not pro-active on this issue.

Mr. Hall said Durham didn't have the street grid to handle large numbers of people. He said the choice was to work on a plan that would fizzle out, or instead to take a stand on something like the northern connector. He said if the Board didn't do this, it wouldn't get done. He said the University would love it if the Board talked about signs, noting it knew what the Town's attention span was on these kinds of issues.

Chair Kelley said Mr. Hall's point was understood, but said that even if the Board went right to the wall on the northern connector issue, the Town still wouldn't see anything for several years. He said the transportation/traffic plans had to be done in phases. He said the first phase, in the short-term, would be to develop traffic solutions for UNH events. He said in the mid-term, the northern connector should be developed, and said for the long term, the southern connector should be developed.

Councilor Needell said he thought the Board should make a distinction between traffic problems at events and traffic issues in general in Durham. He said they were different problems, and needed to be treated differently.

Chair Kelley said Mr. Campbell should arrange a meeting with the Traffic Safety Committee and Administrator Selig. He also said that after researching and discussing the issues more, the Planning Board should make some recommendations to the Town Council on potential solutions.

**8:20 pm.**

**VI. Response to the Town Council on Zoning Recommendations**

Mr. Campbell said he had met with Mr. Eyerman, the Town's planning consultant, to develop a response to the Town Council's comments and recommendations concerning the Board's Zoning recommendations.

***Arthur Grant MOVED to move forward the Planning Board Response to the Town Council on Zoning Recommendations to public hearing on October 26<sup>th</sup>, 2005. Councilor Needell SECONDED the motion.***

There was detailed discussion about Item #7, the amendment to Section 175-55. E. concerning minimum usable area..

Councilor Needell said his feeling was that the Council thought the wording "or conservation" should be taken out, but that any additional revision to the language in the paragraph needed to be carefully done. He said the question was whether this was the time to do this.

There was detailed discussion by the Board of other possible wording changes to this paragraph.

Councilor Needell said he thought the Board should get the lowest common denominator of agreement on this paragraph passed, and then the Board could submit further amendments to it later.

Mr. Webb said there were two issues concerning this paragraph--whether it applied to conservation and/or conventional subdivisions--and whichever it applied to, how was it going to be applied.

Councilor Needell said the Council was uncomfortable about not having this wording in the Zoning Ordinance for conventional subdivisions.

There was detailed discussion on how the present wording could be interpreted differently, and what it should and should not include.

Chair Kelley asked if the reason the Planning Board had recommended that this paragraph now be removed from the Ordinance was that it felt comfortable enough with the setback requirements for conservation subdivisions, and felt that for conventional subdivisions, none of the wetlands could count toward the lot area, and the wetland overlay setbacks applied.

Councilor Needell said the issue of what exactly should be done concerning minimum contiguous area for convention subdivisions was not really addressed by the Council. He said the Council had said that in order to change the wording, it had to have a reason for doing so, and said it therefore wanted to leave it as it was.

Mr. Campbell said the Council agreed with the idea of taking out the “or conservation” wording, but didn’t have alternative language to suggest concerning conventional subdivisions.

There was additional detailed discussion about the approach the Board should take concerning Item #7.

Mr. McGowan asked what the Board’s goal was for a conventional lot.

Mr. Campbell said the Board wanted to see 150,000 sf for the minimum lot area in the RC zone, not including wetlands.

There was discussion as to what purpose the additional wording in the paragraph served, whether it was needed, and whether this really needed to be decided that evening.

***Nick Isaak MOVED to revise the language of Section 175-55 EE to read “Minimum contiguous lot area: At least 50% of each newly created lot in a convention subdivision that is located in the RA, RB, RC and Rural Districts shall consist of a rectangle of non-wetland lot area, that ranges in shape from square to at least one-half as wide as it is long.” The motion was SECONDED by Councilor Needell.***

Mr. Webb said he would not support this motion, and said he thought the entire paragraph should be removed.

***The motion PASSED 6-1, with Kevin Webb voting against it.***

The Board reviewed its proposed responses to the other Items on the list.

Item #1: The Planning Board agreed that under Section 175-7, the word “at-large” should be added to the definition of Community Center, as requested by the Town Council.

Item #2: The Planning Board agreed that under Section 175-7, subsection A, the definition of “Government Facility” would be changed to read “”A structure or parcel of land the use of which is governmental, as defined....”, as requested by the Town Council.

Item #3: The Planning Board agreed that as requested by the Town Council, Section 175-21. A. would read as follows: “.....A Conditional Use shall be approved if the application...” and “...., and the public respecting whether the Conditional Use is or is not in compliance with the approval criteria of Section 175-23.”

Item #4: No change was requested by the Town Council to Section 175-23. D. concerning Conditions of Approval.

Item #5: This Item concerned Section 175-53, Table of Land Uses – excavation and/or mining, and had been remanded back to the Planning Board.

Mr. Campbell noted that the previous year when the Planning Board presented its recommended amendments to the Ordinance to the Town Council, excavation was not permitted in any districts. He said at that time, Councilor Peter Smith said he didn't think the Town could do this, so the Board decided to allow it in the Rural District.

Board members discussed the fact that they were not clear on exactly what the Town Council was saying in remanding this item.

Councilor Needell explained that the path of least resistance would be to eliminate the wording for the time being, and provided details on this.

Chair Kelley said he was fine with sending this back to the Council, but said he would like the Board to do some research on this issue, including what the Town Attorney had based his opinion on.

Mr. Grant recommended that the Town Attorney's opinion should be attached to the Planning Board document that went back to the Council.

Item #6: This Item concerned the Amendment to Section 175-54, Table of Dimensional Requirements. Mr. Campbell noted the Council had decided not to take action on #6 until after deliberating on Section B. He described a minor organizational change that he and Mr. Eyerman had made to the amendment to avoid confusion.

Item #7: (See previous discussion on this Item)

Item #8: This Item, concerning Section 175-55.E. Minimum contiguous usable area, was remanded back to the Planning Board. The Town Council asked that the Board add back in 1, 4 and 6, and the Board agreed to do this.

Mr. Campbell also noted that the Council agreed to the Board's previously recommended change to 3. He said the Council had a question about 10, but said this did not cause him and Mr. Eyerman to make any changes to it.

Item #9: No changes were requested to Section 175-56 by the Council.

Item #10: This Item concerned Section 175-107, Subsection C. Councilor Needell explained that one of the Council's questions about this Item was what made a subdivision exempt.

Mr. Campbell said he and Mr. Eyerman had left this as it was. There was discussion about this by the Board, and it was agreed this amendment was all right as it was.

At this point in the meeting, there was discussion by the Board about where the process with the Town Council stood, concerning the Zoning Ordinance amendments. Mr. Grant said he was concerned that the Council would make further changes to this list when the Planning board sent it back, and said he wanted to do everything possible to get it through. He recommended sending it back with everything the Board concurred with in black, and

everything it didn't concur with in red, and then making sure that further discussion was only about the wording in red.

Item #11: It was noted that the Council had recommended a minor change to Section 176-09. C. concerning Accessory Apartments and Dwelling units, involving the addition of commas, so that it read as follows: "If the occupancy of the single family dwelling, including the integral accessory apartment or accessory dwelling unit, becomes an...". The Planning Board agreed with this change.

Item #12: This Item had been remanded back to the Planning Board. The Town Council asked that the Board change the language in Section 175-109 back to read "fourteen (14) days in any thirty (30) day period." The Planning Board had previously amended the language to allow persons to stay at a hotel or motel for 21 days within a 45-day period.

Councilor Carroll said she believed some Councilors had said they could live with various numbers, but wanted to know the reason for the number chosen.

Councilor Needell said the Council's perspective was that if the Planning Board wanted to change the number, it needed to argue why this should be done.

After additional discussion, the Board agreed to make the change the Council had requested.

Item #13: No changes were requested by the Council to Section 175-109. M. concerning Accessory Sheds.

***Arthur Grant MOVED to send the Amendments, as revised, to public hearing, on October 26<sup>th</sup>, 2005. The motion was SECONDED by Richard Ozenich, and PASSED unanimously 7-0.***

Mr. Grant said he would like to propose a new amendment to the Zoning Ordinance, concerning the definition of fraternity house.

***Arthur Grant MOVED to amend the definition of fraternity/sorority house by removing the word "primarily".***

Mr. Grant noted that the Planning Board had been unsuccessful the previous evening arguing before the ZBA on this issue, and provided details on this. He said that the word "primarily" had never been meant to modify "members", and was meant to modify "lodging facilities".

***The motion was SECONED by Kevin Webb.***

Councilor Needell said the intent of the word "primarily" was to allow non-lodging types of activities to occur at a fraternity/sorority house, and asked whether, if the motion were adopted, this would prohibit these other uses of the building, which the Ordinance had intended should be allowed.

Chair Kelley said he supported Mr. Grant's goal, but said as he sat at the meeting the previous night, he thought the ZBA was over the "primarily" issue and understood that this

word modified “lodging”. He said what he thought wasn’t agreed upon was the spirit and intent of the ordinance concerning fraternity/sorority houses.

Councilor Needell said the ZBA agreed that the Board had unanimously told them that that “primarily” did not apply to members, and said that different ZBA members had their own interpretations of the issue.

Chair Kelley said the Board’s appeal was not successful, and said the ZBA had in this case permitted fraternities/sororities houses to allow non-members to reside there, effectively making them boarding houses, which were not allowed in Durham. He said his concern was that the Town would be seeing more of this kind of thing, and said he supported Mr. Grant’s motion.

He said he was concerned that fraternities having trouble filling the rooms of their fraternity houses would start looking to get boarders to fulfill the lease, and the owners of the houses would support this as well. He said the Board didn’t buy into this.

Chair Kelley asked what would happen on the next ZBA appeal if the Town Council adopted this proposed amendment.

Mr. Grant said that wasn’t for the Planning Board to worry about.

There was discussion as to whether the amendment would apply once the public hearing on it was posted.

Chair Kelley said he would like to add the following wording to the proposed amendment “It is the spirit and intent of the Zoning Ordinance not to allow boarders in fraternity/sorority houses”.

Mr. Webb asked if this proposed amendment initiated by the Planning Board to the Zoning Ordinance was separate from the other amendments to the Ordinance that were proposed, and was informed that it was separate.

The Board agreed that this would go to public hearing on October 26<sup>th</sup> along with the other revised amendments.

Mr. Webb suggested the definition of fraternity/sorority house should say “A building used only to provide lodging facilities for the members and employees of a fraternity or sorority”.

There was discussion by the Board as to whether this could be confusing, There was detailed discussion about alternative wording that could be used in this definition, and it was then agreed that simply taking out the word “primarily” was sufficient.

***The motion PASSED unanimously 7-0.***

Chair Kelley declared a 10-minute recess at this time.

***Arthur Grant MOVED to shorten the Agenda and move to Agenda Item X B. Kevin Webb SECONDED the motion.***

Councilor Needell asked if the other items on the evening's Agenda would be put on the October 26<sup>th</sup> Agenda, and it was greed that they would be.

***The motion PASSED unanimously 7-0.***

**VII. Review By-laws/Rules of Procedure**

Postponed to October 26<sup>th</sup>, 2005 meeting.

**VIII. Discussion on Updates to Road Regulations & Site Plan Review Regulations**

Postponed to October 26<sup>th</sup>, 2005 meeting.

**IX. Site Visits – Visit sites of some recently approved subdivisions**

Postponed to October 26<sup>th</sup>, 2005 meeting.

**X. Other Business**

Old Business:

New Business: **Request for Technical Review of a change of use from office to one office/retail store and one salon at 4 Ballard St., Map 2, Lot 14-1.**

***Arthur Grant MOVED to send this to technical review committee for their action. Richard Ozenich seconded the motion.***

Mr. Campbell said the property was owned by Jesse Gangwer, and had previously housed the Main Street Program. He said a beauty salon now occupied a portion of the property, and said the additional use proposed was a company called Bookzilla, an online bookstore.

He said the company would operate four weeks out of the year as a retail establishment, when people came in to buy new and used books they had ordered online, and the rest of the year would be used as an office. He said this represented a slight change of use from strictly office use.

Mr. Webb asked if this use would involve trucks deliveries.

Chair Kelley said the site would be used as the point of exchange for new and used books, and said the new books would come in by truck. There was discussion as to whether the site could handle this.

Mr. Campbell provided details on this, and explained that there was access available in the back of the building.

Councilor Needell noted that truck deliveries were made to the beauty salon located in the building.

Chair Kelley said in this instance, he was favor of having the Technical Review Committee review the application, and said he was in favor of the motion.

He noted Bill McGowan was a voting member for this motion.

***The motion PASSED 5-2 with Kevin Webb and Richard Ozenich voting against it.***

## **XI. Approval of Minutes**

Postponed until October 26<sup>th</sup>, 2005.

**10:05 pm**

***Kevin Webb MOVED to extend the meeting another 10 minutes. Arthur Grant SECONDED the motion, and it PASSED unanimously 7-0.***

There was continued discussion on the proposed amendment to the definition of fraternity/sorority house.

Mr. Grant suggested that the Board should not discuss this matter further, and said he would prefer that the proposed amendment move on to public hearing with the wording as already proposed. He said wording suggestions that were equally good or better than the ones the Board had considered might be proposed at that time. He said the hour was late, and said he would prefer to wait to hear what came out at the hearing.

Chair Kelley said that was his initial thinking as well. But he said he wanted the language to be revised so there was no room for confusion, so that fraternities and sororities were to be used exclusively for their bona fide members.

Mr. Webb said the Board was trying to address two parts of the definition in one sentence, the first part involving what could be done in the house, and the second part concerning who could live there.

Councilor Needell said he felt strongly that the word “exclusively” should be included in the amended language, and provided details on this.

There was additional discussion by the Board about the wording for the definition.

Mr. Campbell recommended the following wording “a building used to provide lodging facilities for the exclusive use of the bona fide members of a fraternity or sorority.”

Chair Kelley said this wording clearly indicated what the intent of this definition was.

***Councilor Needell MOVED to change the definition of fraternity/sorority house to read: “a building used to provide lodging facilities for the exclusive use of the bona fide members of a fraternity or sorority”. Arthur Grant SECONDED the motion, and it PASSED unanimously 7-0.***

**XI. Adjournment**

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

Adjournment at 10:30 pm

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W. Arthur Grant, Secretary