

These minutes were approved at the May 10, 2006, meeting.

DURHAM PLANNING BOARD
WEDNESDAY, APRIL 12, 2006
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 PM

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

ALTERNATES PRESENT: Councilor Carroll; Bill McGowan; Lorne Parnell

MEMBERS ABSENT: Susan Fuller

I. Call to Order

II. Approval of Agenda

Arthur Grant MOVED to approve the Agenda, to include a new Item IV, Courthouse Ventures site plan changes. Councilor Needell SECONDED the motion.

Chair Kelley said Mr. Parnell would be a voting member in place of Mr. Isaak, and Mr. McGowan would vote in place of Mr. Webb.

The motion PASSED unanimously 7-0.

III. Report of the Planner

- Mr. Campbell said the Wiswall dam impoundment area was in the process of being drained.
- He said he had recently met with University Planner Doug Bencks, and noted the memo to Board members on the details of this meeting.
- He said NHDOT was working with the Public Works Department on installation of the additional signage on Route 4.
- He said the Economic Development Committee would be updating the Council on its progress, hopefully at the May 1st Council meeting. He also said the Committee was putting together an action plan for 2006 and beyond.
- He said he and other Town staff had recently met with developer Jack Farrell regarding Spruce Woods, and provided details on this.
- He noted he was in the process of working on an SPR transportation grant and an Estuaries grant, and said he would provide copies to Board members when the drafts were complete. He provided details on these grants.

Kevin Webb arrived at the meeting.

At the suggestion of Chair Kelley, the Board agreed that if a discussion on an item started, and then the regular member arrived, the alternate that had been appointed would continue as a regular member until that discussion ended.

I. Courthouse Ventures Site Plan changes

The owner, Scott Mitchell, spoke before the Board, describing how work on the site was progressing. He said Irving's engineer as well as his own had tested all the areas of the site that might be contaminated, and said no contamination had been found other than some leaks from the hydraulic lifts used at the previous service station on the site. He said the gas tank closure report was one of the best he had ever seen, and said the Board would get copies of the environmental reports. He described excavation of the site that was planned in order to install the new gas tanks and utilities.

Contractor Dennis Stevens described the proposed changes to the existing site plan, noting that some of these had been requested by the Town.

1. Storm Detention relocation. He said the location of the detention system, which was to have been 30 ft. from the courthouse, had been moved, after discussion with the Public Works Department. He provided details on this.

2. Lantern style yard lights like those in the Historic District. He said the site plan called for 6 acorn style lights, but said he had realized 2 of the street lights would be located within the Historic District. He asked the Board if it would prefer that 2 lantern style lights be installed instead, to match the other lights in the Historic District.

3. Fire Department Request – for truck connection on the outside of the building, and shutoff valve. He explained that the Fire Department had requested this, and provided details on what would be involved.

4. Door modification and relocation. He explained that the proposed Dunkin Donuts building layout conflicted with the currently planned location for the front door, noting that the counter would block part of the door. He said a double door wasn't really needed, so would like to slide the front door about 10 ft. to the left.

He noted that they had worked with TMS Architects on this idea, in order to keep the symmetry of the building. He said it was thought that by lining the door up with the left side of the dormer, this would maintain the architectural appearance. He said he had provided a view of this for the Board to approve.

5. Deletion of side door. He said that in working with the Building Inspector/Code Enforcement Officer it had been decided to not include that side door, and said that instead, all goods would be received from the front door corridor.

6. Grease trap location. He said the site plan had indicated it would be placed in front of the front door, but said this was not a good location, and said the idea was to move it down closer to Dover Road.

7. Electric service relocation. He said when they applied for electrical service, the utility told them their plans wouldn't work because the utility pole could not hold additional wiring, so another pole would be needed. He said the best location for this second pole was determined to

be the corner of the property, adjacent to Village Garage, so it could serve multiple properties in the future.

He said service would be brought underground to the back of the building, noting that 1000 amp service was not needed. He said the transformer would be located on the pole, and said this had been approved by PSNH.

8. Natural gas service relocation. He said instead of the current plan to tie into the gas line on Newmarket Road, it was realized it made sense to tie into the line on Dover Road. He noted that this road had been excavated anyway because of the planned connection to the water line, so it made sense that both lines be installed at the same time.

Chair Kelley asked if there were any concerns about the fact that the detention structure had been moved so close to the retaining wall.

Mr. Stewart said it didn't come close enough so that he thought there would be an impact. He said he had checked on this with Mr. Montiero, who developed the original design. There was discussion about the retaining wall.

Chair Kelley asked if any groundwater had been encountered in the detention structure.

Mr. Stewart said no, although noting groundwater was found when the digging was done for the foundation, and when monitoring wells were installed.

Chair Kelley said he appreciated the fact that Mr. Stewart had taken note of the fact that some of the lights were in the Historic District, and that they should match the other street lights in that district.

There was discussion about the location of the fire hydrant, as well as about what the water connection on the building would look like.

Councilor Carroll noted the site plan change concerning the location of the grease trap, and asked if the donuts sold at Dunkin Donuts would be cooked on the site. It was determined that the donuts would be shipped in from Portsmouth, and that only the toppings for the donuts would be put on at the Durham location.

Mr. Mitchell provided some details on the status of the Dunkin Donuts at the Gibb Station possibly going into the building. In answer to a question from a Board member, he said there definitely would not be two Dunkin Donuts located in the area, noting that two of these establishments couldn't be located within a half mile of each other.

Mr. Roberts asked if there was a location on the site for the delivery of donuts, and was told the loading zone would be used for this.

Mr. Ozenich asked how much advance notice would be provided for residents about the re-routing of traffic that would be needed in order to install the utilities.

Mr. Stewart said this would be worked out with the Police Department and NHDOT. He provided details on this.

Mr. Webb noted that the roadwork could be advertised on the Town web site, Administrator Selig's weekly update as well as on DCAT.

There was discussion that not all traffic would need to be shut down when the roadwork was done. There was also discussion on the best timing for doing the roadwork, including avoiding the week when University commencement would take place. Mr. Stewart said they would like to do the roadwork as soon as possible, and would check with the University.

Chair Kelley said any advance notice that could be conveyed to the Town would be appreciated.

Mr. Webb said his only real concern regarding the proposed site plan changes was the change to the façade. He said the original design was nicely balanced, while the revised plan looked a bit off center.

Chair Kelley asked that Mr. Montiero be very satisfied with the location of the detention structure. He spoke in detail about the design, and received clarification that this was a tight detention system, which just retained water, and did not allow percolation of the water.

Mr. Roberts noted that the gas pumps for the station would block the door anyway, so the change to the door wouldn't make the building look much different. There was discussion about this.

Councilor Needell noted that the fact that Dunkin Donuts might be coming to this site had an impact on the traffic study that had been done.

Mr. Webb asked if the proposed change to the lights on the site that fell within the Historic District had to be reviewed by the Historic District Commission. There was discussion about this.

Mr. Mitchell said he would provide whatever lights the Historic District Commission wanted for the lighting on the portion of the site within the Historic District.

There was discussion on when these lights would arrive, and how it would impact the site if they didn't arrive on time for the opening.

Chair Kelley said this should be worked out with Mr. Johnson.

Chair Kelley noted that Mr. Webb and Mr. Isaak had arrived, so would be voting members at the meeting.

Arthur Grant moved to approve the 8 changes in the originally approved site plan for the Courthouse Ventures project: Steve Roberts SECONDED the motion, and it PASSED unanimously 7-0.

V. Request for Technical Review of an expansion of a restaurant at Wings Your Way, 13 Jenkins Court, Map 2, Lot 14-3.

Cory Nadilo spoke before the Board. He explained that Nextel, which had occupied the space next to Wings Your Way, had gone out of business, and said he would like put an ice cream and smoothie shop there. He explained that the space was currently allowed to house an office/research use. He also said the changes that would be needed to the space were not structural, and simply involved reconnection of the back wall. He said this wall had previously existed when the space had been part of a restaurant, but had been taken down in 2005. He said the old plumbing connections were still there, and said all that would be needed was for a few pieces of sheetrock to be put up. He noted that the Health Department had no problems with what was proposed.

Mr. Campbell said the owner of the building, Mr. Donner, had asked when the building had been split up in 2005 that this go to the Technical Review Committee instead of going to the full Board. He said in the Committee's approval of the plan, it had asked Mr. Donner to list what each section would be used for. He said it was determined that the middle section would be a restaurant use, and the two ends would be office/research uses.

Mr. Campbell said since the former Nextel property was now listed as an office/research use, it was thought best to go through the proper channels concerning what was now proposed for the space. He said he and Mr. Johnson were suggesting that this go to the Technical Review Committee.

In answer to Mr. Webb, Mr. Nadilo said the establishment would have its own name, "the Hut". He said it would share the "Wings Your Way" kitchen. He said the Nextel sign would be taken down, but no additional signage would be added.

Mr. Grant asked if the shop would be strictly for takeout of food.

Mr. Nadilo said yes, noting it was a very small space, with no seating available inside.

Mr. Grant asked if Mr. Nadilo could make plans for the cleanup of the area outside, explaining that this was bound to be needed because it was a takeout establishment.

Mr. Nadilo said that when he had opened Wings Your Way, a lot of people had said he would have to be careful about this, but he said he had had no litter problems. He also said the business was very diligent about cleanup.

Kevin Webb MOVED to send the technical review of an expansion of a restaurant at Wings Your Way, 13 Jenkins Court to the Technical Review Committee for review and approval. The motion was SECONDED by Nick Isaak, and PASSED unanimously 7-0.

VI. Discussion of Master Plan Implementation Strategy, Chapter 3.

GOAL #1: Create an environment in downtown Durham that is less vehicle oriented and is more pedestrian oriented and balances the needs of all modes of transportation.

Objective #1: Create a safe environment for pedestrians, bicyclists and motorists.

Recommendations:

**1. Implement Main Street enhancements for of Main Street to ensure traffic calming.....
.....**

Mr. Campbell said the next phase of this was the work to be done from Pettee Brook Lane to the Railroad Bridge. He said this had now been fully funded, and would improve the road in terms of pedestrian safety as well as balancing the road for other modes of transportation. He provided details on this, and said it would be a vast improvement over the present stretch of Main Street.

He also said the Town had received a TE grant to do the rest of Main Street from the Railroad Bridge to the Route 4 interchange, and provided details on this, noting that this work would be done after the Pettee Brook Lane/RR Bridge work was completed. He said part of the design was to include a multi-use path that would make it safer for people walking to campus from the West Edge parking lot.

There was discussion about the various improvements planned for the road.

Mr. Roberts noted the problem of traffic tie ups when cars were parked temporarily on Main Street, and asked if this would be addressed. He pointed out that Boston University had addressed this by constructing turnouts.

Mr. Campbell said this was something that could be brought up. He also said that the improvements to Pettee Book Road east of the downtown loop, including sidewalks, would be completed next season.

Mr. Isaak asked if trees would be planted as part of the outer Main Street plan. There was discussion about this.

Chair Kelley summarized that significant progress had been made concerning Recommendation #1.

Councilor Needell noted that the recommendation also listed a stretch of road of Main Street from Coe's Corner to Mast Road, and there was discussion about this.

2. Implement and provide funds for a sidewalk improvement plan, in accordance with those recommended in the Transportation chapter.

Mr. Campbell said such a plan was in place, and said how well it coincided with the Transportation chapter was something the Board would have to look at.

Councilor Carroll said the sidewalks needed to be washed. She said this was not a huge area that would be involved, and said it would make a big difference. There was discussion about this.

Councilor Carroll also asked how people generally found the traffic calming measures that had been put in place, and if Main Street downtown now seemed more pedestrian friendly.

There was discussion about this. It was noted that there were a lot of jaywalkers, especially in the area where a crosswalk used to be.

Mr. Campbell said another problem was the situation on Pettee Brook Lane, where cars were coming down the hill, and had to blend with cars coming from the other lane, right where there was a cross walk.

Mr. Grant said these were the reasons why there was an increased police presence in the downtown area.

Chair Kelley said it would be a good idea to raise the crosswalks, so drivers would have to slow down.

Mr. Roberts asked if there would be a dedicated bike lane, noting this would be a good idea since there were so many cyclists in Town.

- 3. Provide connections for pedestrians, including sidewalks and bike paths, linking the downtown, the University, Church Hill, Mill Pond, the Town Landing, Gasoline Alley, Jackson's Landing, and the schools.**

It was noted that most of these connections were there, and represented a significant improvement.

Objective #2: Provide alternative routes to and through downtown.

Recommendations

1. Examine alternate access to Mill Plaza.....

Chair Kelley said the Board should wait to discuss this until after it discussed the rationale concerning a second access to Mill Plaza.

2. Examine the UNH loop road...

Mr. Campbell said the University Master Plan called for a network of streets, but said what was proposed for the loop road didn't go all the way to Pettee Brook Road anymore. He provided details on this, and said the goal was to keep traffic off campus.

Councilor Needell noted that the University's Master Plan showed the connection to Holloway Commons disappearing. He said the situation now was different than what was the case when Recommendation #1 was developed. He asked if the Board was planning to comment on the plan that UNH was now proposing. There was discussion on this, and it was agreed that at some point, the Board would discuss any concerns it had with the UNH plan.

3. Study and implement improved northern transportation linkages from the Route 4 bypass to Main Street.....

Chair Kelley said this was a critical item, - not just the northern connector itself, but traffic solutions needed on the roads it mentioned under this recommendation.

Mr. McGowan noted that the Dec 2nd 2005 letter to Administrator Selig from NHDOT said it was extremely unlikely that the northern connector would ever happen.

Chair Kelley said that as part of the RFP, the consultant was proposing to compile the results of previous traffic studies and make some recommendations concerning them.

He noted one idea was that if Edgewood Road became a one-way street at Main Street, drivers on Main Street wouldn't be able to turn out at Edgewood Road. He also noted the idea of a median island at the intersection of Route 4 and Madbury Road, as a possible solution to get cars to keep driving down to the intersection the Town wanted them to use.

Mr. Grant said another idea was to not allow left hand turns from Route 4 onto Madbury Road, heading west from Portsmouth. He said the problem with this was that school buses needed to use Madbury Road to get to the High School, and said if the road was open to them, access couldn't be denied to other drivers.

Mr. Grant also pointed out that there was a tremendous amount of traffic coming down Madbury Road that turned into Pettee Brook Lane, which had nothing to do with Durham and the University. He said this was through traffic trying to get to Newmarket or Dover and Portsmouth.

Mr. Isaak said Madbury Road needed slowing devices so people wouldn't want to take that route.

Mr. Roberts said Route 4 traffic was beyond the Town's control, and was also totally out of control. He provided details on this. But he said he would welcome the traffic study in order to look at traffic issues.

Chair Kelley said he hadn't given up on the idea of the northern connector, but said if the State had, and if the Town couldn't convince the State to move forward with it, the Town would have to convince it to do something else.

Mr. Campbell said even if the Town did convince NHDOT concerning the northern connector, this would still be 20 years down the road. He discussed NHDOT's 10 year plan, and also said that most of the agency's money was going into the I-93 upgrade.

Councilor Needell said he assumed the proposed tunnel from A Lot to Edgewood Road would be looked at as part of the traffic study, noting that this was another piece of the puzzle.

Chair Kelley asked if there was any support for that tunnel. He said that as a member of the Board, he thought the project was dead upon arrival.

Councilor Needell said the Town had only a limited amount of influence concerning this. He said the University's plan was being widely distributed, and said if there were objections to it as part of the Town's traffic study, he hoped this would be addressed up front, rather than waiting 15 years.

Mr. Webb asked if the University's plan concerning the tunnel required the use of any Town property, and it was noted that it would need to go through the Town's Depot Road property.

There was additional discussion on the proposed tunnel, and the importance of including it in the study by the Town's consultant.

Councilor Needell this was a major area of conflict, as major as the northern connector issue.

Chair Kelley said the University's proposed transportation routes weren't backed up with data. He said they were concepts that might not be feasible.

Mr. Grant said if the tunnel went in, allowing no left turns would keep traffic out of the neighborhoods and downtown, so that cars could only access the University campus.

Chair Kelley said if Edgewood Road remained a two-way road, a light would be needed to coordinate with College Road traffic.

Councilor Needell noted that in the University's plan, the light at College Road would go away.

Mr. Webb said the University's plan talked about moving traffic around in their part of Town. He asked if anyone had talked to University planner Doug Bencks as a resident, not as someone who worked for the University. He said that as a resident, he must have some empathy for the Board's concerns.

Mr. Grant said the University's idea of a loop road was a good idea, provided that there were not exits from that road into the Town's neighborhoods. He said the road was not meant for that purpose, it was meant to control traffic outside the perimeter of Main Street, which was fine.

Mr. Roberts said there was an analogy to Dover's situation on the Spaulding Turnpike. He provided details on this..

Chair Kelley said over the course of the next year, he expected that the Board would be challenged on which recommendations to implement. He also said he had realized in going through the RFP process for the traffic study that this issue had already been studied to death, but that there had been little in the way of implementation.

4. Study and implement improved southern transportation linkages between Route 108 and Mill Road.....

Chair Kelley said his understanding was that this possible project was further out in time than the northern connector, because the right-of-way for the southern connector was not secured. He said by that time, they might not even be driving cars.

Mr. Roberts said the more serious problem was the traffic flow on Route 108, which was spiraling upward at a rapid rate, and how it intersected with the Town's main streets.

Councilor Needell said during the Irving proposal, it was made clear that the intersection would fail over time. He said the University loop road plan included a connection to Mill Road, so there would be even more traffic in this area in the future. He asked what the solutions were for this, if the northern connector was being ruled out.

Chair Kelley said this was the Town's best argument with the State, that if these solutions were not used, the question was what else could be done.

- 5. Rail service. The pending operation of weekend passenger rail service to the Durham/UNH train station as a potential for daily rail commuter use. This could be a positive service for UNH and Durham residents for commuting, but could also increase traffic if it becomes a regional commuter stop. Further study is required to determine the effect that daily rail service in Durham will have on traffic patterns.**

Councilor Carroll provided details on recent developments concerning this. She said there would be a set number of commuter spaces at the Town's Depot Road parking lot, but said the number hadn't been decided on yet.

She said that of 5,000 people taking the train per month, 70% were UNH affiliated, noting that most of these people walked to the train station. She said the Amtrak train service was serving the Town very well. She noted that by next fall, there would be a 5th daily train.

Mr. Roberts said for a period of time recently, he had taken the train every day, and said he had heard people speak about the need for parking.

Councilor Needell said there was free parking at the Dover and Exeter train stations, and said it would be hard for Durham to compete with that, if it was planning to charge for parking. He said he was not sure whether there was going to be a commuter parking area or if there should be one, and said this needed to be looked at.

He said that encouraging the use of the train from a recreational perspective was important, and said the commuter aspect needed to be looked at in terms of regional transportation goals. He provided details on this.

There was discussion that the current train service was not really tailored to people who wished to commute to Boston, noting the schedule and cost of bus service out of Portsmouth was better for commuters.

Mr. Webb noted that Amtrak had actually added a special car for commuters, which included Internet access.

Councilor Needell described the shared service between Amtrak and C&J Trailways in Durham, and said the potential for improving the commuter situation was good.

Mr. Grant said there were UNH students commuting on the train from south of Portland to the University, and also said a number got on the train from Boston in Exeter.

Chair Kelley said the ideal would be if people could commute by train between towns, noting this would provide more choices.

Councilor Carroll said Phillips Exeter Academy students living in Durham commuted to Exeter daily on the train, which helped to keep cars off the road.

Mr. Grant recommended that the Board move on to discuss the impact fee ordinance.

Arthur Grant MOVED to take up Item VII – Discussion of Impact Fee Ordinance and School Impact Fee Methodologies. Kevin Webb SECONDED the motion, and it PASSED unanimously 7-0.

VII. Discussion of Impact Fee Ordinance and School Impact Fee Methodologies.

Mr. Campbell said this had been a priority of the Town Council, and as of the most recent Council goal-setting meeting, it was still a priority. He said Mr. Mayberry had done an excellent job on the documents.

He said there were two models for the fee schedule to choose from, and said model A was recommended, unless there was a specific plan to expand the elementary school or middle school space, which at present there was not. He provided details on this

Chair Kelley received clarification that impact fees could go toward capital improvements as well as to debt service.

Councilor Needell asked if they could be directed to any school related debt service, and not just to a particular one, and Mr. Campbell said that was correct.

There was detailed discussion as to how the impact fee methodology would apply to elderly housing.

Mr. Grant noted that the Executive Summary said the basis of the calculation of impact fees was a 2001 study, and asked if those numbers had been checked against the actual numbers for the High School.

Mr. Campbell said Mr. Mayberry had gotten the numbers he used from that study.

Councilor Needell asked what process the Planning Board had to follow concerning the adoption of the methodology.

Mr. Campbell said the Planning Board had to hold a public hearing, and then should adopt the methodology, along with a recommendation of a fee schedule, hopefully model A. He said these would then be passed on to the Council, which had control over the fee schedule.

Councilor Needell said the Planning Board was charged with the annual review of the methodology and fee schedule, and asked if this was something the Board would actually do.

Mr. Campbell said the Board should look at it, especially the fee schedule. He said the methodology would probably stay the same.

Mr. Grant asked if a summary of this methodology could be available for members of the public.

Mr. Roberts noted that the impact fee represented a small percentage of the value of a property, - one percent or less.

Councilor Needell said they had to be careful that the cost of administering the impact fee program didn't exceed the revenues obtained from them. There was detailed discussion about this, and about the kind of development that it might encourage as well as discourage.

Councilor Carroll asked if Mr. Mayberry or someone similar could provide a presentation at the public hearing, and Mr. Campbell said he would look into this. He noted that Mr. Mayberry had done a presentation before the Council some time ago. He said if Mr. Mayberry couldn't do it, he could do a presentation.

Councilor Needell said he presumed that impact fee methodologies on water and sewer, roads, library, and fire would follow in the future. He said it might be appropriate to mention that at the hearing.

Arthur Grant MOVED to adopt the methodology leading to the establishment of Model A, school impact fee schedule for the Town of Durham, and to schedule a public hearing to be held in May on that topic. Kevin Webb SECONDED the motion.

Mr. Ozenich asked if the fee would be established by household, based on square footage, instead of based on bedrooms.

Mr. Campbell said he and Mr. Mayberry had decided to base it on square footage, explaining that the number of bedrooms might increase after the certificate of occupancy was issued. There was discussion about this.

The Board agreed to endorse Model A.

The motion PASSED unanimously 7-0.

There was discussion that the Council might not see the impact fee methodology until June, and Councilor Needell said he didn't see this was an issue.

Chair Kelley said he would email the Powerpoint presentation on the Impact Fee ordinance to Board members.

VIII. Discussion of Unfinished Zoning Amendments.

Mr. Grant said he liked the list that had been put together, as well as the prioritization, but suggested swapping timber harvesting with parking.

Mr. Campbell disagreed, noting that lawsuits were being threatened concerning timber harvesting. He said the more he thought about it, the more he thought the language should be changed. He said if there were changes, they should be pretty simple, and say they shouldn't be that difficult to make.

Mr. Campbell also said he had met with Councilor Leach and Mr. Mills of the Historic District Committee, and said a revised Historic District ordinance would come to the Board in May.

He said the excavation and mining issue was a much more complicated issue. He said it should be kept in the #2 position in terms of priority, but said the plan was to try to get the other two issues out of the way quickly and then address it.

Councilor Needell asked if other Board members had gotten copies of the model excavation and mining regulations, so they could start looking at it in advance of addressing the issue. He noted it might take awhile to work through this issue.

Mr. Campbell suggested that the Board should also look at the excavation and mining regulations that some other towns had, as well as the model regulations, and could then strike a balance of some kind with Durham's regulations. He said he would send Board members copies of regulations from other towns.

Mr. Grant asked Mr. Campbell if he had made clear to the HDC what the Board's concerns were concerning extension of the Historic District.

Mr. Campbell said he had, and said the Master Plan had also been discussed. He said the HDC was aware of the Board's concerns, and would work with the Board to alleviate them.

Councilor Carroll noted that there were several forestry professionals from this area, and from Concord who would like to share their perspectives with the Board on the timber harvesting issue. She also said there were a couple of landowners in Durham who would like to talk to the Board about how the current timber harvesting regulations were impacting them in a negative way. She said it was important for the Board to get this input.

Mr. Campbell said the Board needed to take a balanced approach.

Councilor Carroll said the Board was just not sure what approach was right.

Chair Kelley said it would benefit the Board to have forestry professionals come in and enlighten them. He said this could be scheduled for a specific evening, and the recommended changes would then have to go to public hearing. He said it would therefore be mid summer before this issue had been addressed.

Mr. Roberts asked why this was such a big issue, stating that he had to believe that these regulations didn't impact that many people in Town. He said there were other issues in Town that affected many more people.

Chair Kelley said community members were asking the Board to address this particular issue.

Councilor Needell said it might be helpful to get written comments, in order to get a better sense of what questions needed to be answered. He noted a letter from Mr. Keefe, which had provided this kind of information. He said it would be better to have this information in advance of any sort of presentation and discussion on the timber harvesting issue at a Board meeting, stating that otherwise, the Board might have more questions than answers.

There was discussion about the approach that should be taken.

There was also discussion about the key provisions in the wetland and shoreland overlays on which the dispute was based.

Mr. Campbell noted that the 100 ft. buffer requirement within the performance standards of the Zoning Ordinance might even be more restrictive than those in the resource protection overlays.

Chair Kelley said he had heard a lot of discussion about the basal area issue.

Mr. Roberts said he would prefer to put the timber harvesting down the list of issues, and put mobile homes closer to the top.

Mr. Campbell said those who had a problem with the timber harvesting provisions were basing their arguments on State statute relating to forestry, and he provided details on the arguments being made. He also noted that the State Shoreland Protection Act had provisions concerning forestry that it described as minimum standards, but he said the Statute did not say that a Town's shoreland provisions couldn't be more restrictive.

There was additional detailed discussion on what approach to take in terms of receiving input on this issue, and addressing it.

Mr. Roberts said the Planning Board needed to develop a base level of understanding on forestry related land use issues, and then bring in people to discuss the issues. He said they would be better listeners if they were prepared in advance. He noted that there were too many times when the Board discussed important issues, but didn't have a good understanding of them. He said that wasn't good planning.

There was discussion about where the revised timber harvesting regulations had come from, and how they fit with the Town's previous regulations on timber harvesting. Mr. Grant said more information on this was needed before scheduling a public hearing on this issue.

Councilor Needell said the Board needed to suspend the 10:00 pm adjournment rule.

Chair Kelley asked that Mr. Campbell put something in front of Board members concerning items 1-4 on the unfinished zoning amendments list. He said he would share the forestry information he had with Board members.

Mr. Campbell said Board members would receive forestry related information before the meeting where the timber harvesting issue would be discussed.

IX. Other Business

A. Old Business:

B. New Business: Setting the Public Hearing date for the School Impact Fee Methodologies.

(See Item VII, where the vote on this was taken)

C. Next meeting of the Board: April 26, 2006

X. Approval of Minutes

February 8, 2006

Arthur Grant MOVED to approve the February 8, 2006 Minutes. The motion was SECONDED by Richard Ozenich.

Page 10, 7th paragraph from bottom should say “..in the morning and blocked one lane of 108 while it unloaded, and he asked...”

Page 11, 8th paragraph, should read “..back to the Council outdoor vending machines..”

The February 8, 2006 minutes as amended PASSED 5-0-2, with Chair Kelley and Steve Roberts abstaining because of their absence from that meeting.

Councilor Carroll suggested that appointing alternates should be made a part of the Agenda, in order to make this easier to remember.

Chair Kelley said the point was well taken.

Mr. Grant noted that it was confusing, when a regular member was absent and an alternate was appointed to vote in his/her place, and then the regular member arrived at the meeting. He said it wasn't clear whether the alternate was still a voting member at this point. He suggested that a way to handle this might be not to appoint alternates too early in the meeting, so regular members would have time to arrive.

February 22, 2006 Minutes

Arthur Grant MOVED to approve the Feb 22, 2006 Minutes. Kevin Webb SECONDED the motion.

Spelling of Bill McGowan, page 1

Page 11, 3rd paragraph, should read “..and said an educational program was needed, involving the cooperation of the University, in order to make sure that faculty, staff, students and visitors were aware of the signs...”

The February 22, 2006 Minutes as amended PASSED 6-0-1, with Richard Ozenich abstaining because of his absence from the meeting.

Mr. Webb left the meeting.

March 8, 2006 Minutes

Councilor Needell MOVED to approve the March 8, 2006 Minutes. The motion was SECONDED by Steve Roberts.

Page 1, 1st paragraph, “Chair Kelley said alternate Bill McGowan would be voting in place of..”

The March 8, 2006 Minutes as amended, PASSED 6-0.

Arthur Grant MOVED to adjourn the meeting. The motion was SECONDED by Richard Ozenich, and PASSED unanimously 6-0.

Adjournment at 10:15 pm

Victoria Parmele, Minutes taker