

**DURHAM PLANNING BOARD MINUTES  
QUARTERLY PLANNING MEETING  
WEDNESDAY, JUNE 27, 2007  
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL  
6:00 P.M.**

**MEMBERS PRESENT:** Steve Roberts; Lorne Parnell; Richard Ozenich; Susan Fuller;  
Councilor Needell

**ALTERNATES PRESENT:** Wayne Lewis

**MEMBERS ABSENT:** Richard Kelley; Bill McGowan; Councilor Carroll; Doug  
Greene; Annmarie Harris

**ALSO PRESENT:** Victoria Parmele, Minute Taker

**I. Call to Order**

Lorne Parnell said he would be serving as Chair in place of Chair Bill McGowan, and also said Mr. Lewis would be replacing Mr. McGowan as a voting member of the Board.

**II. Approval of Agenda**

*Susan Fuller MOVED to approve the Agenda. Richard Ozenich SECONDED the motion, and it PASSED unanimously 6-0.*

**III. Report of the Planner**

Mr. Campbell said the film on conservation subdivisions hadn't get arrived. He noted that Councilor Carroll and Ms. Harris had strongly promoted the idea of seeing the film, and that neither of them was now present. He said when the Board got to that Agenda item, it might consider moving this item to another evening.

Mr. Campbell reviewed the Agenda items for the upcoming Planning Board meeting on July 11<sup>th</sup>.

**IV. Discussion with Lamprey River Advisory Committee on the Draft Management Plan Update.**

Cynthia Belowski, Chair of the Conservation Commission, and a representative to the Advisory Committee, spoke before the Board. Committee members Dick Lord and Bill Hall were also present.

Ms. Belowski explained that the lower reaches of Lamprey River were protected under both State and federal programs. She said that in 1990, Lee and Durham stretches of the river got into the State Rivers Management program. She said the Lamprey River Advisory Committee came about as a result of this, and worked with the State to protect the river. She said that based on that designation, the construction of new dams was prohibited, and there could not be transfer of water

from the Lamprey out of the watershed. She said the designation also protected water quality, and also provided protection of year round flows to support the full range of natural and human needs. She also said there were mandatory setbacks for any new hazardous or solid waste facilities

Ms. Belowski explained that the 11.5 mile stretch of the Lamprey River in Durham, Lee and Newmarket was also designated as a wild and scenic river by the Federal Wild and Scenic River program in 1996, as a result of the work of the Advisory committee. She noted that a 12 mile stretch of the river in Epping was placed in the federal program. She provided details on this designation, and said the Lamprey was one of only two rivers in the State to achieve this.

She said the designation ensured that any federal action involving the river would be consistent with the protection of its resources. She also said the Advisory Committee received assistance from the National Park service in implementing the management plan, including monetary support for land protection, staff, and some other organization operations.

She said the original management plan done in 1995 was proceeded by an extensive river assessment that was done in partnership with the local towns. She said now was the time to update it, and she said the draft was ready to share with the local towns to get their feedback. She noted that the plan was available at [lampreyriver.org](http://lampreyriver.org). She said it was an aggressive plan, and said it couldn't be implemented without town support.

Ms Belowski first read of the management philosophy of the Advisory Committee, and then explained the primary areas the Committee had focused on over the last 10 years, and said one of the most visible things the Committee had done was to protect over 1000 acres of land, and 7.2 miles of river frontage, in the river corridor.

She said that moving forward, the Committee hoped to:

- Identify and address stormwater flow issues in all four towns
- Participate in the instream flow study being done by NHDES
- Work with town partners to encourage water conservation and develop long range municipal water plans
- Continue to fund research regarding the wildlife and ecology of river
- Undertake land conservation efforts\
- Fund more research concerning historic resources, - for example, the Packers Falls area
- Step up efforts to improve recreational access; develop a tour guide with the National Park Service, which identifies wildlife trails, nature tours, etc.
- Operate under the philosophy of treading lightly, and protecting the river while promoting its use for local residents. She said the goal wasn't to make the Lamprey River a destination place for all of New England.
- Develop outreach and education efforts, to promote stewardship of this wonderful resource

Ms. Belowksi said the Committee would like to hear comments and questions from the Board concerning the draft management plan.

Mr. Parnell noted that a goal was to consistently achieve Class B water quality standards, and asked if the river met those standards now.

Ms. Belowski said it did meet Class B standards. She noted that monitoring of the river's water

quality was ongoing, and occurred through the Lamprey River Watershed Association. She said the water quality was pretty good, but said they constantly had to watch for any impairment, so actions could be taken relatively quickly.

Mr. Lord said in the summertime, there were some issues with reduced dissolved oxygen in the river. It was noted that this was an aquatic life issue rather than a “swimmable” issue.

Councilor Needell noted that the wildlife and ecology section of the management plan spoke about restoring the fish passage, and asked if there was one there historically. He received clarification that the Committee was talking about restoring access since the dam had been built. He also asked if the Committee had any recommendations as to whether there should be a fish way or fish ladder.

Mr. Lord said he wanted to see both concepts developed to the point where there could be an understanding of what the construction would involve. He said the Committee was very open to the fish passageway, which had some advantages.

Mr. Ozenich asked how many miles of the Lamprey River were located in Durham, and how much of it was developable. He was told it was about 6 miles,.

Mr. Lord said there were some conservation easements along the Lamprey in Durham, but said there was still a lot of land to be developed. He provided details on this.

There was discussion that a number of conservation organizations were working to protect the riparian area of the Lamprey.

Mr. Ozenich asked how the Planning Board fit into this.

Ms. Belowski said the Board could see that any development that did occur would be done with sensitivity to the river, and would protect the buffers as appropriate.

Mr. Lord said the Committee had been very successful at protecting acreage through leveraging National Park Service monies. He provided details on this, and said there were a number of other funds the Committee had worked with as well.

Councilor Needell noted the water withdrawal issue facing the Town, and said he would like to hear comments from the Committee regarding the Town’s desire to increase its drawdown capabilities on the Lamprey.

Ms. Belowski said Town Engineer Dave Cedarholm had spoken to the Committee and the Conservation Commission about the water audit the Town was doing, as well as the things it was doing to encourage water conservation, including developing a drought management response plan with UNH.

She said the Committee’s position had been that it would like to see the instream flow study information before making a decision as to whether the River could be drawn down another 6 inches.

Mr. Lord said at the last LRAC meeting, there were several people from UNH who spoke about a

successful energy conservation program they were involved with, which had water conservation as a part of this. He said the Committee was looking to find a way to work with them to find ways to help encourage water conservation so there was a preventative approach instead of responding during a crisis drought situation.

Councilor Needell asked when the instream flow study would be complete, so that recommendations would be available.

Mr. Lord said he hoped this would happen within the next year.

Bill Hall, also a member of the Committee said there were times the Lamprey didn't meet Class B standards because of the Epping treatment plant, and the resulting bacteria count. But he said the situation was better now than it had been.

He recommended putting a fountain in the vicinity of the treatment plant, and said if there was still a problem when the water got to Durham, the Town should consider putting another fountain near the pumping intake to raise the oxygen level in the reservoir. He said in order to get the oxygen into the water, it was important to keep the reservoir as full as possible.

He said opening the gates during low flows was counterproductive to maintaining a healthy river. He also said that if one was interested in water quality, it didn't make sense to open the gates, because the water was aerated as it went over the dam. Mr. Hall said he believed it was politics that was pushing the idea of opening the gates. He provided details on this, and said he didn't respect this perspective.

Mr. Ozenich asked how the Committee's work was funded, and Ms. Belowski said the funds came largely through the National Park Service.

Mr. Ozenich noted that there were some aggressive things in the management plan, and asked how it had been funded.

Ms. Belowski said the National Park Service funding was largely for land protection, but said it could also be used for operations, and for things like resource assessments, river tours, etc.

Councilor Needell asked if the biggest threat to the river was development along the river, or water quality.

Mr. Lord noted that David Carroll was pretty concerned about encroachment on wildlife habitat, and said it was a concern of the Committee as well. He said there was a lot of pressure to develop near the water, and said he hoped that as part of the education process, landowners would get conservation easement in order to protect as much land near the river as possible.

Councilor Needell said in other words, there were real and present threats from development along river, and Committee members said absolutely.

There was discussion about development occurring in Epping that might impact the river, especially along Route 125. Ms. Belowski said they were concerned in general about increases in impervious surfaces, and related storm water issues. She noted that at greater than 10%

imperviousness, one would start to see a degradation in water quality. She said Durham was presently at 7%, and was increasing.

Mr. Roberts asked what the Board should be doing that it hadn't done.

Ms. Belowski said the Town had always been a pretty good partner. She said part of the reasons they were there that evening was to raise awareness of the Committee's work, noting that membership on the Planning Board changed over time. She said the hope was that the Committee and the Planning Board would continue to be partners in protecting the Lamprey.

Mr. Lord said the Committee hoped to focus on the whole continuum of water conservation approaches, as compared to having to deal with emergency declarations of water shortages.

Mr. Roberts noted that there was sometimes a lot of boat traffic on the lower reaches of the Lamprey, which came then came up to Durham. There was discussion about a powerboat launch in Newmarket, and about attempts to enforce a no wake limit within 50 ft of the shore.

Mr. Lord noted that the Committee had lost some membership from Newmarket, and was looking to regain this.

Mr. Ozenich asked if there was a horsepower limit on the river, and Mr. Lord said there was only a no wake limit. He noted that it was only on some private lakes in NH that horsepower limits had been put in place.

Mr. Hall suggested some water conservation measures, including sending out packets of dye for toilets with water bills. He also suggested ways to get discounts on showerheads so more people would use them, and said this and other measures would go a long way toward water conservation. He noted that he had spoken with the Public Works Department about this.

Mr. Roberts asked if the Great Bay snow riders impacted the river, and Ms. Belowski said there was generally a minimal impact from this kind of activity when the river was frozen.

Mr. Lord said the change to four stroke engines was better environmentally, but said ATV use was a different story because of the erosion problems it caused.

Ms. Fuller asked if they saw that much ATV use along the river, and Mr. Lord said no, but said it was still a concern. Mr. Roberts noted that he could see the mess that ATV's made along some of the trails he walked in Durham.

**V. Deliberations** on amendments to the following Sections of the Durham Zoning Ordinance regarding Forestry/Timber Harvesting: Article II, Section 175-7, Definitions; Article XIII, Sections 175-60, 175-61, 175-65, Wetland Conservation Overlay District; Article XIV, Sections 175-69, 175-71, 175-72, 175-75.1(A&C), Shoreland Protection Overlay District; Article XX, Section 175-109(L), Performance Standards; and Article XII, Section 175-54, Zone Requirements.

Mr. Parnell noted at the last Board meeting where this matter was discussed, the Board had heard comments from the public and the Conservation Commission.

There was discussion about a letter received from Conservation Commission member Duane Hyde, in which he expressed concerns about a loophole in the proposed forestry language in the Zoning Ordinance.

Mr. Campbell said he had spoken with Mr. Hyde about this, and said Mr. Hyde felt the loophole was now closed, especially concerning shoreland protection, because of the 50 ft no cut language that had been added.

Councilor Needell said he also had talked to Mr. Hyde about this issue, and had clarified that the draft provisions he had referred to in his letter hadn't contained the 50 ft buffer language. Councilor Needell then noted that what the Board had been expressing all along was that the problem wasn't with forestry and foresters in Durham. He said the concern had been how to keep , under the guise of forestry. He said Mr. Hyde's letter explained his concerns that the Board hadn't accepted the Conservation Commission's recommendations regarding best management practices.

Councilor Needell said this had been a long process, and said there hadn't been a good dialogue between the Board and the Conservation Commission on this issue. He said he wondered if the Board would be willing to go over its differences with the Commission before acting further on these provisions.

He said his concern was that if the Board approved these changes to the Ordinance and sent them forward to the Council, the Conservation Commission would then express its concerns there, which would then place the Council in an awkward position. He said it might be that the differences between them were irreconcilable, but said it would be better to know this sooner rather than later. He provided further details on the process that was involved.

Mr. Campbell said if the Board did this, he wondered what would actually be added to the provisions as a result, and he asked whether this was something that the Board might actually change its mind on. He said he was concerned about how long this process has been dragging on.

Mr. Parnell said from the point of view of the Council, there would be two Town bodies represented before it with very different points of view: the Planning Board recommending these items as guidance for landowners, and the Conservation Commission wanting them to be more regulatory in nature. He said he was not sure it would make a difference if the two boards were face to face concerning this issue before hand, but said it might be worthwhile to attempt it before passing the draft provisions on to the Council.

Mr. Roberts said his concern wasn't with protecting foresters, He said one way to go was to make a basic ordinance that regulated the use of land and controlled the buffers accord to forestry law. He said the other way was to slant things more to the way the original ordinance was written, and to allow the forestry exemptions. He said his concern wasn't with foresters, it was with people who were not foresters using forestry as an excuse to do something else.

Councilor Needell said he had attended the Conservation Commission meeting where they had drafted their response to the forestry related provisions. He said this response was predicated on an interpretation that the Planning Board meant to make the provisions regulatory. He said this was

therefore the spirit in which they developed their guidance, and said their recommendations therefore didn't fit into what the Board was trying to do. He said a discussion on the Board's intent might or might not make a difference to them, but said it might be that some different guidance could come from them.

There was discussion about how a joint meeting might be organized. There was also detailed discussion on whether the Town had the ability to enforce the forestry related provisions.

Mr. Parnell said the most recent draft provisions represented what members of the Board had agreed was the best way to handle things. He said he was not sure what a discussion with the Conservation Commission at this point would accomplish., and said he didn't know what could be done if the Board wasn't able to get the Conservation Commission on board with its approach.

Mr. Campbell described the process that would be followed, depending on what the Planning Board decided to do right now.

Mr. Ozenich asked if the Board had ever taken up the issue of ordered streams, which had been recommended by the Conservation Commission.

Mr. Campbell said the Board had decided not to go in that direction. He noted that the Board had taken some of the Commission's recommendations, but not all of them.

***Councilor Needell MOVED to table deliberations, to have a meeting with the Conservation Commission to discuss the Ordinance changes, and to see if the Board wants to make any additional changes. Susan Fuller SECONDED the motion.***

There was further discussion on whether the approach suggested in the motion made sense.

***The motion FAILED 2-3, with Councilor Needell and Steve Roberts voting against it.***

**DID Wayne Lewis vote on this - if so, the vote should be 2-4.**

***Susan Fuller MOVED to pass on to the Town Council for public hearing the amendments to the following Sections of the Durham Zoning Ordinance regarding Forestry/Timber Harvesting: Article II, Section 175-7, Definitions; Article XIII, Sections 175-60, 175-61, 175-65, Wetland Conservation Overlay District; Article XIV, Sections 175-69, 175-71, 175-72, 175-75.1(A&C), Shoreland Protection Overlay District; Article XX, Section 175-109(L), Performance Standards; and Article XII, Section 175-54, Zone Requirements. Lorne Parnell SECONDED the motion.***

Councilor Needell said that should this motion pass, he encouraged Board members to attend the first reading and the public hearing on these changes, and to make public comments and answer questions concerning them. He said the Council would be seeking input from the Planning Board on this, and said input from other voices besides his own would be important.

***The motion PASSED 4-2, with Councilor Needell and Steve Roberts voting against it.***

## **VI. Mill Plaza Study Committee/AIA Update on Process.**

Dave Howland, Chair of the Mill Plaza Committee, said he and members of the New Hampshire chapter of the American Institute of Architects (NHAIA) were present to formally introduce themselves, and to update the Board on the work Committee was doing. He said this was also the beginning of a collaborative process with the Board.

He provided a timeline of what the Committee was doing, and described the diverse set of stakeholders involved with the process. He said the Committee was charged with coming up with ideas and recommendations on how the 9.7 acre property might be redeveloped. He noted that a grant had been received from the NHAIA, and he provided details on this. He said the Committee had created a vision statement for the project, and had then worked with the NHAIA to develop a work plan.

He described the work plan, and said the goal was to develop a report and a set of recommendations by December, including a schematic drawing for redevelopment of the Plaza. He said accomplishing this would involve intensive data gathering, which was being undertaken now.

He explained that among other things, the Committee was holding a variety of stakeholder meetings in the Council Chambers, where people could express their ideas and concerns. He said three design teams would then be given all of the data, along with certain parameters, and would be given the charge to create three separate designs, which would then be pulled together as a hybrid.

Mr. Howland said this was a nontraditional process, noting that typically a developer would come up with a development plan. But he said because of the size and scope of this situation, it seemed prudent to work with the community first. He said there had been encouragement from the property owner to do this, and said it was very exciting that the Committee now had the terrific resources of the NHAIA at its disposal. He said the Board meeting that evening was the first step in reaching out to the Planning Board to be involved in this process, and said the goal was to create a plan that had a good chance of succeeding because of all of this input.

Patricia Sherman, NHAIA said she and Mike Castagna, who was Chair of Plan NH, had a tremendous amount of planning resources at their disposal, and said they had been successful in helping many towns solve some of their land use problems. She said they respected the work that the Planning Board did, and realized that their role was largely prescribed by the RSA's. She said they realized that Planning Boards were being asked constantly to review very complex projects, which got more complicated every year because the regulatory process got more complicated. She said planning boards rarely got to see the set of assumptions developer used, and generally saw the finished plans, when the developer was not willing to make a lot of changes. She suggested that they might instead want to see a project where the collaborative process occurred ahead of time. She said the process proposed here was collaborative, involving the owner, all the stakeholders, the town, and the professional designers and engineers, so everyone could hear the same ideas and information.

Ms. Sherman said three designs would be developed, and said in this way, the community would be able to see what the design process was all about. She said through this process, people would understand why certain design decisions had been made, so that instead of fighting it out before the Planning Board, people would get on the same page earlier in the process.



Mr. Castagna explained that at the end of this process, there would be a tool that could be used to teach other planning boards. He said to NHAIA, this was a statewide project, and he said the State was watching them. He said the project would result in a document, and a set of goals and procedures that could really transform the development and planning process in the State.

He said this would be better for the citizens of New Hampshire, rather than the process that planning boards and developers lived with on a daily basis. He said it would be a collaborative process, starting in Durham, and said he hoped the Board would embrace this process and would be able to use it down the road. He said there were a lot of people who would be involved in this process, including the citizens of Durham.

Mr. Roberts said he had been involved with three communities that had done something like this, two in Maryland and one in Colorado. He said they had done business plans to see if the market was big enough to support their goals, and said in each case it was determined that there wasn't a sufficient market. He said in one case, a housing program was developed to bring adults downtown, in order to make the development project successful.

Mr. Castagna agreed that a project had to work financially, and noted that he had been involved with two smaller consensus building processes where the decision ultimately was to walk away because it was realized the projects weren't going to work. He said he didn't think such a thing would happen in this instance.

Ms. Sherman said real estate economists would be part of the team. She said it would be explained how the economics would be analyzed, from both Town and owner perspectives. She said there were 9 plus acres of land located in the center of town, along with some adjacent properties that were underutilized. She said it was known that there was a huge market for certain kinds of housing, as witnessed by a real estate investment trust that had recently bought a lot of property in Durham.

She said the Committee would be working with RKG Associates and, Craig Seymour to understand what the other markets would be in Durham. She provided some additional details as to what would be involved in the economic analysis, and said this would not just be a pretty picture exercise. She said the plan was to build something the Town wanted, which would be supported economically.

Ms. Fuller said this sounded like a great concept, and asked if there was one owner involved with the 9 plus acres.

Ms. Sherman said the owner of Mill Plaza owned 9.7 acres, and said there were two other property owners who might want to participate in this.

Ms. Fuller said she saw the development concept coming from a property owner as opposed to what the Committee was doing. She said this process might be creating a model for the State, but asked how much interest the owner had expressed in being involved with this process.

Ms. Sherman said the primary landowner was coming to Durham on July 18<sup>th</sup> to determine exactly what his parameters were. She said that hopefully the Committee would have the opportunity to

get him in touch with a real estate person.

She said the Planning Board had a tremendous amount of power to shape the community, and she said the way to do this was with a collaborative process. She said if the owner could be shown that with a certain amount of investment, there would be a certain return, and that the Town was willing to do this, this was a gift to him.

Mr. Campbell said there had been a meeting with the owner to discuss the previous year, at which time he was asked if he would be willing to do something with the property. Mr. Campbell noted that the owner had locked heads with the Town in the past. He said the owner had said he would like to see what the Town's vision was for the property, Mr. Campbell said this had now grown into this fantastic process.

Ms. Sherman explained that six towns had competed for the grant. She said the NHAIA had been looking for a town where a piece of land was available, and also wanted a town where there was an organization that would host them. She said the Mill Plaza Committee had already been formed and sanctioned by the Council when the grant was applied for, so the Town had already set the stage for this process. She also said that the vision statement the Committee came up with fit very closely with AIA principles for creating livable communities. She said there was so much involved here that was on the cutting edge of creating high quality neighborhoods in the country and particularly in New Hampshire.

Mr. Howland explained that NHAIA had Patrick Field, an experienced facilitator. He said Mr. Field was a terrific consensus builder, noting that he had helped the Committee work through its priorities and develop the work plan. Mr. Howland said the process of developing the work plan had demonstrated to him that the professionals involved were really going to listen to the residents of Durham, and were going to work hard to make this project happen.

He said this was a rather unconventional process, but said the traditional process of oversight by the Planning Board later on wouldn't change. He said the work that would be done in advance of the application that the Board would see was the difference. But he said the Board's involvement earlier on in the process was key, so that when the plan for the project did come to fruition, it wouldn't be a stranger to the Planning Board, and would be a solid and comprehensive plan. Mr. Roberts asked what interface there would be regarding Town zoning and regulations, and Ms. Sherman provided details on this. Mr. Roberts asked if they would be aggressive enough to recommend some changes to these regulations if they thought they were needed.

Ms. Sherman said the hope was that a plan would be developed that worked for the owner, and it would then be turned over to the Planning Board. She said the hope was that they would be able to weed out the more difficult issues before hand.

Councilor Needell said given the process the Board had gone through in the last eight months, any relief would be welcome.

Mr. Parnell said the Board would welcome NHAIA members and Committee members back again when there were more concrete ideas to discuss. He said he thought it was a great idea to keep the Board apprised of the collaborative process that was taking place.

Ms. Sherman said she hoped Board members would attend the various sessions the Committee would be holding. She noted that they were being videotaped, and said a movie would be made out of them in the future.

**Recess from 7:40-7:50.**

**VII. Discussion on Conservation Subdivisions. Possible Viewing of Film on Conservation Subdivisions.**

Mr. Campbell said this issue had been brought up a few meetings ago by Ms. Harris. He also noted that Councilor Carroll had asked that some other things be added to the discussion. He said in response to this, he had put together a memo summarizing the different sections of the Zoning Ordinance and Subdivision Regulations that addressed conservation subdivisions.

Councilor Needell suggested that there should be a joint meeting with the Planning Board and the Conservation Commission. He said they both had a role in the conservation subdivision process, and said that role needed to be understood by both boards.

Mr. Roberts said the Zoning Ordinance and the Master Plan were developed by a broad group of people, and said town planning involved many things in addition to conservation subdivision. He said he was struck by Randall Arendt's introductory words, which admitted that he hadn't figured out how to keep a town from being blasted by development, and that his goal was to make development better.

Councilor Needell said the Board was currently dealing with a conservation subdivision application where one of the concerns that had been raised was what the interactive process was that should occur between the Planning Board and the Conservation Commission in trying to properly evaluate an application. He said he had envisioned this interactive process, but was not clear that this had yet happened.

Mr. Campbell said the first conservation subdivision application before the Board had morphed into something different. He said because of the way the application started out, the Board didn't start out using the conservation subdivision process. He also said there might be some ambiguity in the regulations at present, and he suggested that the Board had the opportunity to say that unless a proposed subdivision was exempt from the conservation subdivision process, it would be required to go through the entire process. He said this would take care of a lot of the confusion about the process.

Mr. Ozenich noted that the two conservation subdivision applications the Board had run into so far were far from being traditional conservation subdivision applications.

Mr. Roberts pointed out that Jack Farrell had gone through a preliminary design process with the Board for a proposed conservation subdivision. He said the application the Board had just finished deliberating on showed that Durham had a complex Zoning Ordinance that was about more than conservation subdivision.

Mr. Ozenich said through the whole process with the previous application, the Conservation Commission and the Planning Board had functioned in separate spheres.

Mr. Campbell said the Planning Board could do a better job with this, and he said better communication in general was needed. He noted that he would be having monthly meetings with the Chair of the Conservation Commission.

Mr. Parnell said it would be useful to have Conservation Commission members attend site walks, noting that these had previously been very useful. He also said it would be useful to have a joint session with the Conservation Commission and the Planning Board to watch the conservation subdivision film and discuss the process.

Councilor Needell noted that in the subdivision regulations, it was a requirement that the Conservation Commission be a partner in the layout of the subdivision.

Ms. Belowski said the Conservation Commission was supposed to be involved in looking at the secondary conservation area, in partnership with the Planning Board and the developer. She said the Commission essentially inventoried and prioritized the resources in the secondary conservation area.

Councilor Needell noted that this was a discretionary process the Commission went through in evaluating the secondary conservation area.

It was agreed that there would be a joint meeting where the film would be shown, and where there would be further discussion between the two boards on this issue.

Mr. Campbell said the Zoning Ordinance and Subdivision Regulations would continue to change. He suggested that it should be spelled out that the Planning Board needed to meet with the Conservation Commission concerning a conservation subdivision, and said simple things like this could make the process work better.

There was discussion that Randall Arendt recommended not using minimum lot sizes, but Durham went ahead and used them in anyway in the conservation subdivision process. It was also noted that Arendt recommended density bonuses if more open space was provided, but that Durham said no to that, and instead took out the unusable area, and based the density on the usable area that was left.

Councilor Needell noted that Arendt said conservation subdivision design could be blended with traditional neighborhood design when there was water and sewer. He also said the intent of the meeting on conservation subdivision was educational, and was not that there was open season on the Zoning Ordinance.

Ms. Belowski said it was a great idea to have a joint meeting. She said most Conservation Commission members had not been aware that the Commission had been written into the Zoning Ordinance in various areas, including the wetland overlay district, the shoreland overlay district and conservation subdivision provisions. She said they needed the education as well, so they could all be on the same page.

There was further discussion on the process of working with the Conservation Commission. Ms. Belowski encouraged the Board to hold joint site walks so it could hear the Commission's

### **VIII. Discussion on E-mail Communications.**

Mr. Campbell said HB377 had died in committee, so everything remained as it was concerning legal issues surrounding e-mail communications. He also noted that during a recent application process, the Board had gotten a lot of email from abutters. He said he had printed these out and put them in Board members' packets, but said there were requests to forward them by email to Board members.

He said he had some reservations about this, which came to light after he had sent an email to Board members trying to change the date of a site walk and didn't hear back from all of the Board members. He said his fear was that some Board members might get the information he sent, and some might not. He said in the future he would forward information on, but would ask that people indicate that they had received the email.

Mr. Roberts said the problem was the information that appeared the night of the meeting.

Mr. Campbell said the Board didn't have to read this information at that time.

Councilor Needell said he thought a policy should be set concerning this, that unless there was some compelling reason that the information received at the meeting had to be addressed, this information should not be provided to Board members until after the meeting was over. He said having this information on the table was confusing. He also said he was leaning toward thinking that forwarding emails was probably not a good idea, because it was hard to know who got what. He said the meeting should be based on the packet that was mailed to Board members in advance of the meeting.

Ms. Fuller said she agreed with this, but said she thought it was ok that Board members be given information at the table the night of a meeting, with the understanding that the Board was not acting on that information that evening.

Councilor Needell said the Board needed to be more rigorous concerning this and say it was not going to deal with that information the night it was received, unless there was a compelling reason that an exception had to be made.

Mr. Campbell said he would draft some changes to the Planning Board by-laws regarding this.

Councilor Needell said that often, Board members didn't get the Planner's Report until the night of the meeting. There was discussion on this, and on how this process could be improved.

There was further discussion on changes that could be made to the process of receiving information. Among other things, it was decided that emailing important information to Board members was appropriate, up to the Tuesday before the meeting. It was also decided that general public comments would not be emailed to Board members.

## **IX. Minutes**

May 9<sup>th</sup>, 2007

***Councilor Needell MOVED to approve the May 9, 2007 Minutes.***

Page 11, 3<sup>rd</sup> full paragraph, should read “..didn’t feel combining the two lots was legally permissible..”. Same page, should read “Attorney Hogan said they were not trying to duplicate information.....”

***Wayne Lewis SECONDED the motion, and it PASSED unanimously 4-0-2, with Richard Ozenich and Susan Fuller abstaining because of their absence from that meeting.***

May 23<sup>rd</sup>, 2007 Minutes

The Minutes should say the meeting ws called to order at 7:05 pm

Page 3, second to last paragraph, third from last line, second word should be “as”.

Page 18, 4<sup>th</sup> paragraph from bottom, should read”... sufficient revenues to fund the TIF from the project. “

***Steve Roberts MOVED to approve the March 23, 2007 Minutes as amended. Susan Fuller SECONDED the motion, and it PASSED unanimously 6-0.***

## **X. Adjournment**

***Susan Fuller MOVED to adjourn the meeting. Richard Ozenich SECONDED the motion, and it PASSED unanimously 6-0.***

Adjournment at 8:33 pm

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Susan Fuller, Secretary