

**D-R-A-F-T**

**JOINT MEETING OF THE  
DURHAM PLANNING BOARD AND  
CONSERVATION COMMISSION  
WEDNESDAY, AUGUST 1, 2007  
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL  
7:00 P.M.**

**MEMBERS PRESENT:** Chair McGowan; Vice Chair Lorne Parnell;  
Secretary Susan Fuller; Richard Kelley; Richard  
Ozenich; Councilor Needell

**ALTERNATES PRESENT:** Annmarie Harris; Wayne Lewis; Councilor Carroll

**MEMBERS ABSENT:** Steve Roberts; Doug Greene

**OTHERS PRESENT:** Jim Campbell, Director of Planning and  
Community Development; Members of the  
Conservation Commission: - Duane Hyde, Dwight  
Baldwin, Beryl Harper, Peter Smith, Julian Smith;  
Victoria Parmele, Minutes Taker

**I. Call to Order**

It was noted that Mr. Parnell would serve as Chair because Chair McGowan was not at the meeting.

**II. Approval of Agenda**

*Susan Fuller MOVED to approve the Agenda. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.*

**III. Report of the Planner**

Mr. Campbell said he had been contacted by Caroline Russell of NHDES regarding an upcoming I-93 Technical assistance conference, to see if any members of the Planning Board would be interested in discussing the development of He asked Board members to let him know if they were interested in being involved with this.

He said Mr. Ozenich had recently discussed with him the fact that he wouldn't be able to continue as the Planning Board representative to the Conservation Commission. Mr. Campbell asked Board members interested in filing this spot to let him know.

Mr. Campbell said he would not be present at the Board's meeting the following Wednesday.

**IV. Viewing of Film on Conservation Subdivisions and general discussion on the Zoning Ordinance and Subdivision Regulations as they relate to Conservation Subdivisions.**

Mr. Campbell noted that the video was being taped for future broadcast on DCAT. He said that after viewing it, the Planning Board and the Conservation Commission would have a discussion on conservation subdivision in general.

Mr. Campbell said that specific comments on the Sophie Lane subdivision should not be made until the Board got to that Agenda item.

The Planning Board and the Conservation Commission then watched the video on conservation subdivision.

(Please see the following publications for more details on the concepts presented in this video)

**Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks**

**Growing Greener: Conservation By Design™ Overview - Putting Conservation into Local Plans and Ordinances**

**Reshaping the Built Environment: Ecology, Ethics, and Economics.**

Break from 8:00-8:06 pm

Chair McGowan took over the meeting after the break.

Mr. Campbell said one of the main reasons for the joint meeting was that the conservation subdivision application process had been a bumpy one in recent months. He said he and Conservation Commission Chair Cynthia Belowski had recently met and had developed some ways to improve the process.

He said one recommendation was to bring the Conservation Commission into the process sooner. He said there were several possible ways to do this, including inserting language under Phase I of the subdivision process to encourage the developer to go to the Conservation Commission at that point. He said the trigger for involvement with the Conservation Commission currently was concerning the secondary open space design, during Phase II.

He also said that before the developer gave the design to him, in preparation for the Design Review phase, it could be provided to the Conservation Commission. He said

this would create a dialogue with the Conservation Commission earlier in the process.

He said another thing that could be done was to 9 extra copies of the conservation subdivision plan, at each phase of the application, for Conservation Commission members. He noted that this should only be done for conservation subdivisions, and not for regular subdivision.

Mr. Hyde said it seemed that there needed to be a step even earlier in the process, prior to the conceptual consultation. He said the Planning Board and the Conservation Commission could provide insights while research was being done on a property and its resources were being inventoried. He said with this very preliminary design, site details that were important, like view sheds, tree-lined boulevards, etc. could be considered early in the process.

Mr. Kelley said this was an excellent idea.

Councilor Needell spoke in favor of the idea of doing an informal sketch of a plan early in the process, noting that among other benefits it could avoid some expense for the applicant.

There was further discussion about Mr. Hyde's idea.

Conservation Commission member Peter Smith noted that this was a general discussion, and said he would like to ask a basic question. He said if the two boards were to accept the underlying concepts of residential development that were the core of the conservation subdivision film, he would like to know how the boards would be organized to press that approach.

He said he agreed with Randall Arendt that changes to Zoning codes usually involved minor adjustments, but that conservation subdivision represented a substantially new approach.

He said that regarding the idea of having less separation between the two boards as part of this, he didn't want to see the role of the Conservation Commission develop in such a way that insured that the role of the Planning Board would not be to encourage the kind of focus the conservation subdivision film had just presented. He said it would be unfortunate if the process developed in such a way that the Planning Board felt less responsibility for digging into the questions raised by the film.

Mr. Smith stated that this basic question he was raising had nothing to do immediately with the conservation subdivision application currently before the Board. But he noted that this might be the first time there had been a joint meeting of the two boards, so it was appropriate to put that thought on the table.

Chair McGowan said that typically in the past, the Planning Board and the Conservation Commission hadn't had this kind of conversation. He described the process that had unfolded with the Kimball application. He also asked if in the future

an application came to the Conservation Commission first, what type of feedback the Commission would provide to the applicant, and if this would be binding or non-binding.

Councilor Needell provided details on how the current subdivision regulations required that input be sought from the Conservation Commission during both Phase I and Phase II of the subdivision process. He said perhaps every application should start with a joint meeting of the boards to have a nonbinding discussion on a very preliminary sketch plan, and perhaps a preliminary site walk in order to get things moving.

There was discussion about whether the rules of procedure said there could be a site walk during a preliminary phase, and whether the rules might need to be changed.

Peter Smith said if they were going to be serious about pursuing this kind of approach for conservation subdivision, perhaps some of what now rested in the regulations the Planning Board oversaw needed to have a firmer foundation, so it was clear to all that there was an underlying Town policy involved.

Mr. Hyde noted that the Conservation Commission met once a month, and said he wanted to get a sense of the timing of the process that was being considered.

Mr. Kelley said with added responsibilities, he thought the Conservation Commission would have to consider meeting more frequently, depending on how many applications the Planning Board was getting.

Councilor Needell said there was no limit on how long Phase I and Phase II could take. There was discussion on this.

Mr. Hyde said he would prefer it if the Conservation Commission could work within a once a month meeting schedule, and also attend joint site walks as needed.

Chair McGowan said the process hadn't been followed, so it wasn't clear what would be the best way to get the process that had already been established in the regulations to work.

Mr. Campbell said the current regulations didn't clarify what exactly the Board needed from the Conservation Commission, except for the regulations concerning the 4 step design process. He said it was important that this clarification be provided.

Peter Smith said he agreed, but said he remained concerned about the need to recognize that the central entity, from the perspective of a developer and what the law now said, was the Planning Board. He said the ideas presented in the conservation subdivision film couldn't simply emanate from the advice of the Conservation Commission, and he said this needed to be worked out, in order to avoid mass confusion.

Councilor Needell said the provisions in the current regulations provided a lot of things that might help if the Board actually did them all. He noted specifically the 4 step process under Section 7.02 E, including delineation of the secondary open space area. He said a piece he saw was presently missing was the sketch plan idea. He said the regulations did speak about the idea of having a site visit involving both boards prior to the first meeting.

Mr. Campbell said Phase I required a sketch plan, but Councilor Needell said he thought the Planning Board and the Conservation Commission should walk around the site with a sketch plan before the first meeting.

Mr. Kelley said it would be useful to have the resource inventory information, with the sketch plan, when the boards went out on the site walk, in order to be able to point out to the applicant things that needed to be included.

There was further discussion on how this process should work.

Mr. Hyde said the process could involve having a sketch plan, then doing a site walk with the Planning Board, the Conservation Commission and the developer, and then having the first meeting. He said the sketch plan could be amended after the site walk.

Peter Smith said the guidance to a developer concerning conservation subdivision and what the Town wanted needed to occur when the developer first met with the Town Planner. He asked Mr. Campbell if he felt he had the authority to say this now, based on the existing regulations.

There was discussion about this. Mr. Campbell asked Mr. Smith if he was saying that while he (Mr. Campbell) was having the informal conversation with the developer concerning conservation subdivision, he should also say that the Conservation Commission and the Planning Board would get together to do a site walk prior to the preliminary phase.

Peter Smith said the basic message had to be that the Town had a conservation subdivision approach to development, and that if this was what the developer wanted to do, this was how the process had to start, - by generating some basic information on the site, circulating it to board members and getting both boards involved at the earliest stages.

Ms. Harris said there needed to be an understanding in the first place of whether or not the conservation subdivision concepts were understood by a developer, so the developer could start to work on the plan in accordance with those concepts. She noted that in the past, the Planning Board had said that developers proposing to do conservation subdivisions should watch the Arendt video. She suggested that there should be a resource center at the Town Hall where this material was available, which would be useful if Mr. Campbell found that a particular developer wasn't sufficiently

familiar with the concepts. She suggested that a pamphlet on this could also be worthwhile

Mr. Campbell noted that the Board had talked about the idea, during the Zoning Rewrite process, of lending the video to a developer. He also suggested that the booklets developed by Randall Arendt could easily be given to a developer.

Conservation Commission member Dwight Baldwin said the first step for the developer in doing the sketch plan should be to do a natural resources inventory, as the basis for what the boards would be considering for a conservation subdivision.

Mr. Kelley said to him, the boards should be out in the field with resource information first, and should revise this information based on what they found on the site. He said the sketch plan could come out of this first phase. He said he had misspoken earlier in saying they should be out in the field first with the sketch plan. He said they should be out in the field with the site analysis map, which outlined the opportunities and constraints.

Julian Smith, the Town Council representative to the Conservation Commission, asked whether based on the buildout analysis, the Town had any idea how many potential conservation subdivisions would actually be coming before the two boards.

Mr. Campbell noted that Phase III of Spruce Wood was still out there. He said there were not a lot of large parcels left in Durham that had sufficient land available as usable area. But he said he could develop a list of parcels for the Planning Board and the Conservation Commission to look at.

Mr. Hyde said that one of the site features the Conservation Commission would like to see as part of a site inventory plan, and which was currently missing from the regulations, was prime agricultural soils. He noted that this information was readily available. He also said it was important to provide some context for a site where a conservation subdivision was proposed, noting as an example that it was incumbent upon Durham's land use boards to see how forested blocks of land connected with one another, as part of a site inventory.

Mr. Hyde said information from the Natural Heritage inventory on species and habitats, including exemplary natural communities, would be useful to include in a site inventory. He said this information was readily available to landowners. He also said wildlife action plans, the coastal conservation plan, and the Durham Master Plan were three resources that developers should draw upon.

It was noted that the current regulations required that information be provided on historic resources on a site.

Mr. Campbell said another idea he had agreed on with Ms Belowski was the idea of having a monthly meeting with her in order to keep track of what each of the Boards

was involved with. He said it was also important that the Planning Board representative to the Conservation Commission update the Commission on what the Planning Board was doing.

Conservation Commission Beryl Harper said the more the boards worked together, the less the Planning Board representative would have to do.

Councilor Needell said he didn't think the intent here was to put more burden on the applicant, and said the intent was to clarify the process that had been established. He said it should also make the process move more smoothly and more quickly. He said the role of the Conservation Commission was important, in providing critical information to the process in a timely fashion, but he said this did not mean the Planning Board was abdicating its responsibilities.

Mr. Campbell suggested that perhaps a Conservation Commission representative could go to the meeting with department heads and the applicant concerning an application. He said the purpose of this meeting was to get important comments to the applicant early in the process.

Peter Smith said it would be useful for the department heads to see the perspective of the Conservation Commission concerning an application.

Councilor Carroll said she had provided some information on some language that was currently confusing and needed clarification in the conservation subdivision regulations. She noted specifically the definition of common open space. She also said a question from the existing language was who had access to the common open space, and whether the common open space could actually be part of the property owned by an individual resident.

Chair McGowan said these things could be added to the Zoning Rewrite list.

Councilor Carroll said she had wanted to make note of this because the Conservation Commission was present at the meeting.

Mr. Campbell said there was confusing language in Section 9.09 as to what was meant by a private landowner.

Mr. Hyde said there should be a careful review of the Zoning Ordinance and the regulations concerning land trust ownership, town ownership, ownership by a homeowners' association, etc.

Councilor Needell said the subdivision regulations by design were flexible. He said there were some things in there which, if moved into the Zoning Ordinance, would lose their flexibility, and he said it was important to look carefully at this.

Peter Smith said there could still be flexibility in the Zoning Ordinance, if this was

specifically provided in the Ordinance. He also said the issue of who got to own the common open space needed discussion.

Mr. Campbell noted that waivers from the Zoning Ordinance provided some flexibility.

Chair McGowan asked what the next step was, and Mr. Campbell said he would draft some language.

Councilor Carroll said before the next subdivision application came to the Board, it was important that the Board be clear about the process and some of these other kinds of things.

There was discussion about the stewardship fund that had been formally established concerning conservation subdivision, in the Zoning Ordinance, and what the role of the Conservation Commission was concerning this.

Mr. Hyde said the role of the Conservation Commission in monitoring subdivisions also needed to be discussed further. There was brief discussion concerning this.

**V. Continued Public Hearing on a Conservation Subdivision Application** submitted by Joseph Caldarola, Portsmouth, New Hampshire for subdivision of one lot into 9 lots. The property involved is shown on Tax Map 10, Lot 7-0, is located at the corner of Bagdad Road and Canney Road and is in the Residential B Zoning District.

Ms. Fuller and Mr. Ozenich recused themselves, and were replaced by Ms. Harris and Mr. Lewis.

Engineer Reuben Hull represented the applicant. He said a revised copy of the site analysis narrative had been printed out, but said this did not reflect any substantive changes.

He said it was hoped that in having both the Planning Board and the Conservation Commission present that evening, the applicant could get feedback, and consensus could be reached as to what had been put into the site analysis narrative, including the prioritization concerning the secondary conservation area.

Mr. Hull reminded the Planning Board and the Conservation Commission how long this site had been in front of the Planning Board, and that it had morphed from a site plan into a conservation subdivision. He said many of the steps in the regulations had been done to some degree over the past 18 months, although not sequentially until recently. He said his position all along had been that the intent of conservation subdivision had been followed, even if the process hadn't been followed to the letter. He said the narrative that had been developed explained the applicant's thought process.



Mr. Hull said the film had been interesting, and said that in the maps shown in the film, he had seen that Durham's definition of primary conservation area was stricter than what was used by Arendt. He also said the prioritization of the secondary conservation area followed the intent of the film, and the Town's regulations, and said this should put the conservation subdivision plan that had been developed by the applicant into perspective.

He noted that he had recommended Durham's approach concerning conservation subdivision as a consultant to two other NH towns. He said that was his approach, and had been all along. He said there might be some debate as to how the secondary conservation area had been prioritized, and said he would like to get some consensus as to whether this prioritization was appropriate, and about whether what the applicant had presented for primary conservation areas and the building locations were appropriate.

***Richard Kelley MOVED to continue the Public Hearing on a Conservation Subdivision Application submitted by Joseph Caldarola, Portsmouth, New Hampshire for subdivision of one lot into 9 lots. Lorne Parnell SECONDED the motion, and it PASSED unanimously 7-0.***

Chair Parnell asked if there were any members of the public who wished to speak in favor of or against the application.

**Beth Olshansky, Packers Falls Road**, said she had some questions. She said she appreciated it that Mr. Caldarola had legally separated out the open space from peoples' private back yards. She said she still wanted to point out that Durham's regulations said that the primary open space was considered to be unusable area, and was to be set aside and not built upon.

She said Planning Board members needed to be clear that in the swap that was proposed, this was changing the definition of primary open space. She said the Subdivision Regulations said that unusable land couldn't be built upon, but she said the current plan had placed two house lots on the somewhat poorly drained soils.

She also noted concerning the issue of the bedrock outcrop that the road design had not changed. She said she hoped the Planning Board and the Conservation Commission would discuss these things. She said she thought the applicant had gotten pretty clear guidelines on this from the Conservation Commission. She also said she wondered if the size of the lots on Canney Road reflected this.

**Peter Smith, Route 4**, said he was not speaking as a member of the Conservation Commission. He said what he thought Randall Arendt was saying in the film was that historically, the limitations included in zoning ordinances concerning steep slopes, wetlands and floodplains were reflected in primary conservation areas. Mr. Smith said he didn't see this as meaning that in addition to those three land areas, that others land areas could not be considered.

He said a problem with this application was that it had not developed procedurally the way it should have. He said the difficulty now was in trying to reason backwards and then forward again. He said the process going forward was somewhat infected by the fact that steps had to be retraced. He asked if it was possible that if the process were started all over again, it would absolutely come out exactly the same way. He said he would expect that the probability was that if the process were gone through properly, one would likely expect to see some changes in the application.

Mr. Smith said he commended Mr. Hull for saying that he had thought for some time about many of the factors Randall Arendt discussed. But he said it was one thing to think about something, and another thing to recognize the requirements of the Ordinance and actually think about them in that way.

**Beryl Harper of the Conservation Commission** said one of the things that had struck her about the video was the extensive use of walking paths in many conservation subdivisions. She said the use of these paths by people contributed to the character, and connectedness of a conservation subdivision. She said Durham's regulations didn't really address this. She said in looking at the applicant's plan, she wondered if this kind of pedestrian element could be included in it., especially since the development would be located close to the high school.

Mr. Campbell said an earlier plan had included a sidewalk on Canney Road, but some abutters had said they didn't want this.

Mr. Hull said that was correct, but he noted that a sidewalk and crosswalk were still proposed on Bagdad Road.

Ms. Harper said that would be great, and would enhance the plan.

**Denise Day, 89 Bagdad Road**, made note of the fact that she had said at an earlier meeting that she would like to see sidewalks on Bagdad Road, since there was a lot of pedestrian traffic in that area. She also said that regarding the bedrock outcrop issue, her concern was that designing around this would put more houses right next to her property, which among other things could impact her well.

Mr. Kelley pointed out that in the list that prioritized items in the secondary conservation area, abutting property owners were high up on the list.

Mr. Hyde said he had some questions as a citizen. He said he didn't see anything about the scenic character of that road on the prioritized list. He said it should be identified in the plan that this area was heavily treed, and he also said he wasn't sure the plan would result in a the kind of development where the houses were tucked in, as Arendt had described.

Mr. Hyde noted that a vernal pool had been identified on the property, but said it

wasn't clear where it was located, and whether it was in the primary conservation area or not. He asked whether the vernal pool was being conserved with an adequate buffer, stating that this was hard to tell from the plan.

Mr. Kelley said the vernal pool was identified on the map in the northwest corner of the site.

Mr. Hyde said the Board should see whether the buffer for the vernal pool was adequate. He provided details on this.

Councilor Needell said wetlands less than 3000 sf in size were exempt, and he asked whether the fact that this small wetland area was a vernal pool changed that.

Mr. Hyde said the conservation subdivision regulations talked about vernal pools as being important areas.

Mr. Campbell said there was a 100 ft buffer for vernal pools under the wetlands protection overlay provisions, even if they were less than 3000 sf. He also noted the memo the Board had received from Conservation Commission Chair Cynthia Belowski. He said she had indicated that a locus map was needed to show the property in relationship to adjacent properties.

Mr. Kelley agreed that this was needed, noting that he had commented on this with a previous application.

Mr. Campbell said the Subdivision Regulations didn't clarify what scale was needed, and he said the Site Plan regulations had a scale of 1 inch = 1,000 ft. He said the Board should probably take a look at this.

He said Ms. Belowski had also said that she was happy with the site inventory and site analysis narrative although it had arrived late in the process, and that the resource impact and conservation plan was prepared before the ecological assessment, so should be updated. He said she also noted that the preliminary common open space ownership and stewardship plan and other documents needed to reflect the change the applicant had made concerning the common open space ownership. He reviewed other items Ms. Belowski had listed in her letter.

Mr. Kelley suggested that this letter be shared with the applicant.

Councilor Needell said there was a fundamental issue, concerning the two lots on Canney Road not being in compliance with the Subdivision Regulations. He said there was also the issue that the vernal pool was close to one of the lots, and he said this could impact the entire plan.

Chair McGowan said the Board could give the applicant the chance to speak to that, and then could either close the public hearing or continue it if needed.

Councilor Needell said he didn't see that it was time to close the hearing, stating that there were more things to discuss with the applicant.

Chair McGowan said the Board could have this discussion that evening, or could continue the hearing to the next meeting and have the discussion at that time.

Mr. Hull said regarding the Canney Road frontage lots that he didn't change the plan. But he said it would need to be adjusted concerning these lots. He said he didn't get into that issue at the present meeting because he needed to know where they were at with the natural resource inventory process. He said there were a number of ways to address the situation.

Councilor Needell said an open ended discussion was needed on this.

Ms. Harris said if she understood correctly, Mr. Hull was asking the Board if it would allow building to be done on somewhat poorly drained soils. She said the Subdivision Regulations said they could not be built on.

Councilor Needell asked if the location of these lots was immovable. He also asked whether, if the access to the two lots on Canney Road changed, that would allow the shifting of building sites so that none of the sites would require a waiver.

Mr. Kelley said there would be a tradeoff, because that access would have to cross somewhat poorly drained soils. He said he didn't see how one could get to those homes off of Bagdad Road without crossing primary resource areas.

Mr. Hull was asked if he had any idea what the size of the two lots on Canney Road would be, and he said no, providing details on this. He also said what was more important that evening than the swapping issue was the applicant's list of prioritized items, especially the items concerning the tree canopy of the streets and the ledge outcrop, which were put low on the list. He explained that there was a limited area where the private road could be located. He said the reason the ledge outcrop was put low on the list was because of the physical and technical constraints of the site.

**Robin Mower, Faculty Road**, asked the Board if it had asked the applicant to consider redrawing the site plan without the full 9 lots, and instead with 8 lots.

Peter Smith said there seemed to be a need to understand whether the prioritization of the items on the list should be done by deciding the inherent importance of each item, or should be influenced by considerations as to whether the items would cause the applicant difficulty in terms of placement of the road, house, etc. He suggested that it would be useful for the Board to think this through and advise the applicant accordingly.

Mr. Kelley said he would like to hear from the applicant how the prioritization was

done.

Mr. Caldarola said the overall picture looked at the valuable resources on the site, which were located on the rear and eastern sections of the site. He said the ecologist had essentially confirmed this. He said the trade was proposed because it was the only way to maintain an approach that protected the valuable parts of the site. He said this was the reason why the ledge outcrop was near the bottom of the list, - because there were much bigger issues involved.

There was discussion by the Board on how to proceed. It was agreed that the application would be on the Agenda for the next Board meeting. Board members agreed that continued discussion was needed on the issues involved with this application.

Councilor Needell said the prioritization list should have been developed in consultation with the Planning Board and the Conservation Commission. But he said he appreciated Mr. Caldarola's input, and said it would be good to get further feedback concerning the prioritization list.

***Richard Kelley MOVED to continue the public hearing on a Conservation Subdivision Application submitted by Joseph Caldarola, Portsmouth, New Hampshire for subdivision of one lot into 9 lots to August 8, 2007. Lorne Parnell SECONDED the motion, and it PASSED unanimously 7-0.***

## **VI. Other Business**

Ms. Fuller and Mr. Ozenich came back to the table.

### **A. Old Business: Discussion on process for Zoning Amendment List**

Mr. Kelley recommended having a Zoning Rewrite meeting on August 15<sup>th</sup>.

Chair McGowan suggested that an action plan should be put together concerning this list.

There was further discussion on the process for reviewing the Zoning Amendment list.

### **B. New Business: Technical Review Request – Hickory Pond Inn**

There was discussion as to whether the Planning Board needed to review an application to have a temporary tent on the property.

Mr. Kelley said it was a quality of life issue, and noted that the use wouldn't be allowed under the Zoning Ordinance.

Mr. Campbell said he thought it was way too much for the Board to require a full site plan review for a one day event.

***Richard Kelley MOVED to approve the request for Technical Review. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.***

C. Next meeting of the Board: **August 8, 2007**

## **VII. Adjournment**

There was discussion by the Board that some of its procedures had not been followed concerning the conservation subdivision process. It was agreed that this process was new for the Planning Board.

Mr. Campbell said that in the future, even if it wasn't in the regulations yet, the Planning Board would not be waiving the preliminary phases for a conservation subdivision project.

Councilor Needell said that hopefully if the Board did Phase I and Phase II, there wouldn't be substantial changes to a plan later in the process. He also noted that the conditional use process was inherently a messier process.

Mr. Parnell spoke about how the Caldarola application had changed over time. He said when the separate lots came into being, there didn't seem to be a place where the Board could comment on this. There was discussion on this.

Ms. Harris said it seemed that the conservation subdivision process was almost more difficult to negotiate than the conditional use process, and she elaborated on this. She said conditional use was a valuable tool, especially when a proposed use that was not obviously compatible within a neighborhood abutted a residential neighborhood.

Mr. Kelley spoke about how he had argued for this during the Zoning Rewrite process.

Ms. Harris said this issue should be high on the Board's list at the upcoming Zoning Rewrite meeting.

Councilor Needell said there had been a lot of discussion previously that the conservation subdivision process would provide a lot of review and oversight, but he said it had been found that the process was in reality not very satisfactory. He also said that having this discussion in the middle of a public hearing didn't work well.

Ms. Harris said this was a relatively small conservation subdivision. She said with other sites in Town, where there was more land but it was difficult to build on, a

developer might not be able to put in the maximum number of lots that was theoretically possible. She said this might also be the case with the current conservation subdivision application.

Mr. Kelley asked if the Board could waive some of the minimum lot size requirements in conservation subdivisions.

Mr. Campbell said for a conservation subdivision, there were no minimum lot size requirements unless the lot was on an existing road.

Councilor Needell said Randall Arendt didn't say anything about the applicant losing density, as part of the conservation subdivision process. He said granting or not granting waivers provided guidance to a developer, but he said it was not within the Board's purview to say that density could be taken away for a conservation subdivision project.

Mr. Campbell noted that Arendt's ideas had been adapted for Durham.

***Richard Ozenich MOVED to adjourn the meeting. Richard Kelley SECONDED the motion, and it PASSED unanimously 7-0.***

Adjournment at 10:23 pm

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Susan Fuller, Secretary