

This set of minutes was approved at the Planning Board meeting on October 10, 2007

**DURHAM PLANNING BOARD
WEDNESDAY, AUGUST 29, 2007
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: Chair Bill McGowan; Vice Chair Lorne Parnell; Secretary Susan Fuller; Steve Roberts; Richard Kelley; Councilor Needell

ALTERNATES PRESENT: Councilor Diana Carroll

MEMBERS ABSENT: Richard Ozenich; Doug Greene; Wayne Lewis; Annmarie Harris

I. Call to Order

Chair McGowan called the meeting to order at 7:07 pm.

II. Approval of Agenda

Susan Fuller MOVED to approve the Agenda as submitted. Steve Roberts SECONDED the motion, and it PASSED unanimously 5-0.

III. Report of the Planner

Mr. Campbell said there was still an opening for the position of Planning Board representative to the Conservation Commission. After discussion, Steve Roberts volunteered for the position, and the Board accepted his offer.

Mr. Campbell noted that the ZBA had recently heard the Stonemark Appeal of Administrative Decision, and said four issues concerning the Planning Board's decision on the Stonemark Site Plan application were considered. He said the ZBA agreed with the Planning Board on two of the points, and disagreed on the other two. He said the Planning Board would need to decide whether it wanted to request a rehearing before the ZBA concerning this Appeal. Board members agreed they would discuss this under New Business.

Mr. Campbell said the next meeting of the Planning Board would take place on September 26th. He went through items that would be on the Agenda for that meeting:

- Continuation of public hearing on the Caldarola conservation subdivision application.
- Acceptance of a two lot subdivision and Conditional Use permit for a property at 401 Bay Rd
- Conceptual consultation for 911 Madbury Road
- Possible site plan for 1 Madbury Road
- Possible Conditional Use permit application for 15 Main Street
- Discussion on the CIP

(Mr. Kelley arrived at the meeting at 7:09 pm.)

- IV. Continued Deliberations on a Site Plan Application** submitted by William & Carrie Salas, Durham, New Hampshire, on behalf of Bruce Mohl & Marian Tucker, Meredith, New Hampshire, for the change of use of a property from residential to a professional office. The property involved is shown on Tax Map 6, Lot 9-4, is located at 24 Newmarket Road and is in the Residence B Zoning District

Chair McGowan noted that the Board had received a memo from Town Engineer Dave Cedarholm regarding the use of gravel for the parking area.

Mr. Campbell also noted his recent discussion with Code Enforcement Officer Tom Johnson concerning the site plan. He said that except for one change that needed to be made, Mr. Johnson thought the plan was fine.

Mr. Kelley said he had not been present during the public hearing and acceptance for this application. But he said he had read the Town Engineer's comments concerning the importance of the grassy strip if there was a gravel driveway. He asked if Board members were aware of whether there was currently a grass strip in place on the property.

There was discussion about this, and about the slope in the vicinity of the gravel parking area. Mr. Salas said the slope gradient moved toward the back of his property. He said the land didn't slope toward the immediate abutter. There was also discussion about the correct width of the various parking spaces.

FINDINGS OF FACT

1. The applicant submitted a letter of intent on July 27, 2007.
2. The applicant submitted a deed on July 27, 2007.
3. The applicant submitted a current and proposed parking plan on July 27, 2007.
4. A letter of authorization was submitted on August 13, 2007.
5. A letter from Town Police Chief, David Kurz, was received on August 13, 2007.
6. The Zoning Board of Adjustment approved variances for change of use and parking on June 19, 2007 and August 14, 2007 respectively.
7. An Application for Site Plan Review was submitted on August 20, 2007.
8. The applicant submitted a waiver request on August 21, 2007.
9. An e-mail from Code Enforcement Officer, Thomas Johnson, was received on August 23, 2007.
10. A letter from Town Engineer, David Cedarholm, was received on August 24, 2007.
11. An updated Site Plan was submitted on August 27, 2007.

WAIVERS

The applicant has requested a waiver from the Site Plan Regulations Section 7.02, Formal Application Content, for plans prepared by a land surveyor. The Planning Board has considered this request and hereby grants the waiver.

CONDITIONS OF APPROVAL - to be met prior to the Signature of Approval on the Site Plan.

1. The applicant shall supply two paper copies of the final plan for signature by the Planning Board Chair.

2. The final plan must show all parking spaces, including setbacks from abutting properties with accurate measurements.

CONDITIONS OF APPROVAL to be Met Subsequent to the Signature of Approval on the Site Plan:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.

Councilor Needell moved to approve the Findings of Fact and Conditions of Approval for the Site Plan Application submitted by William & Carrie Salas, Durham, New Hampshire, on behalf of Bruce Mohl & Marian Tucker, Meredith, New Hampshire, for the change of use of a property from residential to a professional office. The property involved is shown on Tax Map 6, Lot 9-4, is located at 24 Newmarket Road and is in the Residence B Zoning District. Susan Fuller SECONDED the motion, and the motion PASSED unanimously 5-0-1, with Richard Kelley abstaining because he wasn't present for the public hearing and acceptance on this application.

- V. **Continued Public Hearing on an Application for Subdivision** submitted by Arnet Taylor Jr., Durham, New Hampshire, on behalf of Katharine Paine, Durham, New Hampshire to subdivide a property into 2 lots. The property involved is shown on Tax Map 11, Lot 35-1, is located at 51 Durham Point Road and is in the Residence C Zoning District.

Susan Fuller MOVED to continue the Public Hearing on an Application for Subdivision submitted by Arnet Taylor Jr., Durham, New Hampshire, on behalf of Katharine Paine, Durham, New Hampshire to subdivide a property into 2 lots. The property involved is shown on Tax Map 11, Lot 35-1, is located at 51 Durham Point Road and is in the Residence C Zoning District. Richard Kelley SECONDED the motion, and it PASSED 6-0.

Richard Kelley MOVED to allow the correspondence from Town Attorney Mitchell to Town Planner Jim Campbell, dated Aug 28th, 2007, to be released as part of the public record. Councilor Needell SECONDED the motion, and it PASSED 6-0.

Chair McGowan discussed correspondence from the Board's attorney concerning the current disagreement between the applicant and Ms. Sandberg about the easement that crossed her property. He said a previous email from Attorney Mitchell had said that there could be a condition of approval regarding this, but the applicant had stated the previous week that such a condition would make it impossible to get title insurance. Chair McGowan said the Board had then requested additional information from Attorney Mitchell.

He said Attorney Mitchell had said that he still thought there should be a condition, but recognized that this could make it difficult to get title insurance, so was no longer recommending this. He said Attorney Mitchell did say that it would be appropriate for the Board to urge the owner of the burdened property to either resolve the matter or litigate it as soon as possible, if it was felt the claim was meritorious

Attorney FX Bruton spoke before the Board, and said he was there to answer any questions.

Chair McGowan asked if any progress had been made between the applicant and the abutter regarding resolving the easement issue.

Attorney Bruton said there had not been a response to Mr. Taylor's communication to Ms. Sandberg. He said if the application was approved, the applicant was open to suggestions to resolve this issue.

Chair McGowan asked if any members of the public wished to speak in favor of the application. There was no response, and Chair McGowan then asked if any members of the public wished to speak against the application.

Betsy Sandberg, 49 Durham Point Road, reviewed previous deliberation by the ZBA concerning this matter, and she said among other things that the ZBA had charged the Planning Board with resolving the easement issue. She said there had been exploration of different access possibilities, which would either go to the east side or the west side of her property. She said an access on the west side would be over Ms. Paine's land, and would be a long way around, in a high, ledge area. She said they were all in agreement that this would be an outrageous idea. She said another idea was to move the right of way 200 ft. to the east, between her property and the property owned by Sally Ford.

Ms. Sandberg said she wasn't sure what Attorney Bruton was referring to regarding their communication to her not being responded to. She said she was asked to set up a meeting with Sally Ford to try to talk about these issues. She said she was happy to talk about this issue.

She said another issue of concern to her was Condition of Approval #2 "There will be no potential for further subdivision of the parcel or any of the lots created by the subdivision. Nor shall there be any potential for the construction of additional dwelling units on any of the lots." She said she wanted to make sure that the word "construction" in this condition didn't refer to an expansion of the footprint of the buildings, and she provided details concerning this.

Ms. Sandberg said the biggest issue was traffic and safety. She said the speed of many people coming in and out of the driveway was a real concern, noting that they sometimes went 25-30 miles per hour. She also said the sight line in the direction of her house was not good. She said now that the road would be paved, cars might go even faster.

She said there had been testimony by the applicant that the traffic volume would not increase as a result of this subdivision, and said she hoped this was true, but said she was still concerned about this. She said something should be done to resolve this issue, and she suggested that the installation of a speed bump could be a great idea as a condition of approval, if there was no way to move the drive way. She also suggested that the Board should take out the word "construction" in condition #2, and say instead that no additional dwelling units would be allowed.

There was discussion on the issue of prohibition of additional dwelling units, and where the Zoning Ordinance required this. It was noted this was in Section 175-107 E 2 - under Performance Standards.

Attorney Bruton said this issue had come up before the ZBA. He said the Zoning Ordinance said there could be no construction of additional dwelling units, and said that was not the applicants' intent. He also noted that if one of the dwelling units could be expanded in a way that was conforming, this wasn't an

issue for the ZBA. He said the applicant wanted to have that option, but he said this did not involve the creation of an additional dwelling unit.

There was discussion by the Board as to whether including condition #2 was therefore redundant.

Attorney Bruton said the applicant was basically asking for what the Ordinance said, and what the ZBA wanted.

Mr. Kelley asked Attorney Bruton to comment on the suggestion regarding moving the driveway to the east, to line up with the property line. He said this didn't look that difficult to accomplish.

Attorney Bruton said the applicants were willing to discuss this, but said this really wasn't necessary, stating that there were wetlands and slope so the cost would not be insignificant. He also noted that this was a small subdivision, so the cost could not be absorbed, as would be the case if there were more lots involved.

There was discussion on the extent of wetlands to the east, and that moving the driveway there would involve Sally Ford's land.

Mr. Taylor said wetlands scientist Larry Morse had pointed out that to get a wetland permit from the State, there needed to be a 20 ft setback from an abutter. He said Ms. Ford had shown a willingness to negotiate but he said there were no guarantees. He said they wanted to come up with a practical alternative with Ms. Sandberg, but to this date, had not been able to do so.

There was discussion that moving the driveway to the west would have some significant impacts, and would cost between \$30,000 and \$50,000.

Ms. Sandberg noted a letter from Ms. Ford saying she was willing to work with her and the applicants, and was willing to have grading for a second driveway that impacted that edge of her property. She also said it was a misrepresentation that Mr. Morse had testified that there had to be a 20 ft setback from the property line, because there could be a 0 setback with the permission of the abutter. She said following the spirit of the letter from Ms. Ford, this permission would be granted.

Mr. Kelley noted that a requirement of a pork chop subdivision in Section 175-57 of the Zoning Ordinance was that "Maintenance of a common driveway was guaranteed in the deeds to the lots concerned." He said he didn't see any language concerning this in the former deeds.

Attorney Bruton said the conveyance would provide for that, and said they could agree that there would be a condition of approval concerning this.

Chair McGowan asked if speed bumps were a possibility, and Attorney Bruton said this was not something the applicants would entertain as an additional expense. He said they felt that traffic hadn't been an issue.

Mr. Taylor said they could look at the idea of a variety of alternatives, including screening and speed bumps, and said they just wanted to be careful not to be agreeing to a series of improvements they wouldn't really be able to do. He said they were wide open to the idea of moving the driveway if they could come up with a way to pay for it collectively. He noted that Ms. Ford had suggested in her letter

that the applicants could buy her land. He said this was not on the table at the moment, although it might be in the future.

Ms. Sandberg said her understanding was that Ms. Ford wasn't interested in selling her land, but was willing to be flexible regarding an impact on her property from grading of a driveway that would fit on the property.

Ms. Sandberg also said she was concerned about the language that would exist in the deeds concerning the right of way. She said she was concerned that if she chose to install speed bumps on the part of the driveway that went through her property, the owners of the two lots could scrape them off and call this maintenance. She said it was important that the language on this be crafted carefully. She said she didn't care who paid for speed bumps, but said she would like to have the option to put them in and not have someone later remove them and call this maintenance.

Lorne Parnell MOVED to close the public hearing. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

There was discussion that there should be a condition of approval that copies of the deeds for the two lots would be provided to the Department of Planning and Community Development, which should include the maintenance guarantee for the driveway.

There was additional discussion on further Findings of Fact and Conditions of Approval that might be needed. As part of this, there was detailed discussion on possible ways to address Ms. Sandberg's concerns regarding traffic on the driveway.

Councilor Needell said the driveway issue was a civil matter, and said he wasn't sure how the Board could insert itself into this. He provided details on this. He also noted that the Board hadn't received copies of the letters given to the ZBA as part of the variance applications, so it was not informed on these details.

Chair McGowan agreed with Councilor Needell concerning the Planning Board's role relative to the driveway issue.

Mr. Parnell suggested that the Board could put in a condition concerning traffic calming measures for the portion of the driveway that was within the subdivision itself.

There was detailed discussion on the idea of putting up signage to slow traffic on the driveway. Mr. Kelley stated that this measure, for the most part, had helped a lot on the road that he lived on.

Chair McGowan noted again the correspondence from Attorney Mitchell that the parties involved should resolve the driveway issue among themselves. He recommended moving on, and said it seemed that otherwise the Board was crossing a line that it shouldn't be crossing.

Attorney Bruton said it could actually cause more problems between the parties involved if the Board required that traffic calming measures be incorporated. He said the applicants were willing to put up a sign "Slow - Children at Play", but he said installing a speed bump on a gravel area could cause a difficult situation.

There was further discussion on this issue, and on what language might be most appropriate and effective.

Mr. Kelley said it seemed that this was within the Board's purview to request the signage. He said the applicant didn't have a problem with it, and also said it addressed to some degree the issues raised by the abutter.

There was discussion on where such a sign should be located. It was agreed that a condition of approval should be that there should be a sign at the exit of the proposed lot #1 that stated "Slow, Children at Play."

Mr. Kelley said at least presently, if Ms. Sandberg did decide a speed bump was warranted, she could put one in at her own expense, as long as Mr. Taylor didn't have an issue with this.

Attorney Bruton said one problem with this was that the applicants would need to maintain this, which could cause problems.

Ms. Fuller suggested that the wording of condition #2, under Conditions of Approval to be met subsequent, could say ".....Nor shall there be any potential for the construction or creation of additional dwelling units on any of the lots."

There was discussion on this. Mr. Kelley said he thought the language in condition #2 was already pretty strong, and said he didn't see much wiggle room with it.

FINDINGS OF FACT

1. The applicant submitted an Application for Subdivision of Land with supporting documents on March 27, 2007.
2. The applicant submitted a Subdivision Plan entitled "Subdivision Plan for Katharine D. Paine, (Tax Map 11, Lot 35-1), Durham Point Road, Durham, New Hampshire" prepared by Doucet Survey Inc., Newmarket, NH, dated December 8, 2006.
3. The applicant submitted a letter of intent on March 27, 2007.
4. The applicant submitted copies of the Deeds for the property on March 27, 2007.
5. The applicant submitted a Waiver Request on March 27, 2007.
6. The applicant submitted a Test Pit Evaluation Report on March 27, 2007.
7. The applicant submitted a Wetland Delineation on March 27, 2007.
8. James B. Campbell, Director of Planning and Community Development, granted exemption of this application from Conservation Subdivision Regulations on March 23, 2007.
9. Attorney Francis X. Bruton submitted a letter regarding the HISS map requirement on May 4, 2007.
10. The applicant received variance approval from the Zoning Board of Adjustment on June 12, 2007.
11. The applicant submitted a revised Subdivision Plan in June 15, 2007.
12. James B. Campbell, Director of Planning and Community Development, submitted an update of his letter of exemption from the Conservation Subdivision Regulations on July 6, 2007.
13. The applicant submitted a Curtilage Plan on July 11, 2007.
14. A Site Walk of the property was held on July 20, 2007.
15. Attorney Francis X. Bruton requested a continuance on July 25, 2007.
16. The applicant submitted an updated Curtilage Plan on August 20, 2007.

17. On August 28, 2007 the Planning Board received an e-mail from the Town Attorney, Walter Mitchell, regarding the right-of-way located on the abutter's property for access to Map 11, Lot 35-1. The Planning Board released the e-mail at their August 29, 2007 meeting.
18. Public Hearings were held on July 25, August 22, and August 29, 2007 and testimony was received.

WAIVERS

The applicant has requested waivers from the Subdivision Regulations Sections 5.02 Pre-application Review Phase, 7.01 Phase I Conceptual, 7.02 Phase II Design Review, 7.04 Ground Control, 7.06 Verification of Soils, 9.01, Sewage Disposal, 9.04 (B) Design Standards for Utilities, 9.06 Storm Water Drainage, and 9.08 Subdivision Layout and Design. The Planning Board has considered this request and hereby grants the waivers.

CONDITIONS OF APPROVAL - (to be met prior to Signature of Approval on the Subdivision Plan)

1. The applicant shall supply two mylar plats and one paper copy for signature by the Planning Board Chair.
2. A certificate of monumentation shall be provided to the Planning and Community Development Department.
3. Copies of the deeds for the two lots will be provided to the Department of Planning and Community Development including the maintenance guarantee for the driveway.

Conditions of approval to be met subsequent to Signature of Approval on the Subdivision Plan

1. The referenced Subdivision Plan and these Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. There will be no potential for further subdivision of the parcel or any of the lots created by the subdivision. Nor shall there be any potential for the construction of additional dwelling units on any of the lots.
3. A sign at the exit of the proposed lot #1 shall be erected which states, "Slow, Children at Play."

Richard Kelley MOVED to approve the Findings of Fact and Conditions of Approval as amended this evening, for an Application for Subdivision submitted by Arnet Taylor Jr., Durham, New Hampshire, on behalf of Katharine Paine, Durham, New Hampshire to subdivide a property into 2 lots. The property involved is shown on Tax Map 11, Lot 35-1, is located at 51 Durham Point Road and is in the Residence C Zoning District Lorne Parnell SECONDED the motion, and it PASSED 5-1, with Steve Roberts voting against it.

VI. Continued Public Hearing on a Site Plan and Conditional Use Permit submitted by Northam Builders Inc., Durham, New Hampshire, on behalf of Joyce Terrio to build a multi-unit dwelling structure consisting of 48, 2-bedroom units. The property involved is shown on Tax Map 9, Lot 8-2, is located at 53 Old Concord Road and is in the Office, Research and Light Industry Zoning District.

Chair McGowan noted that the Board had previously received from its consultant, MJS Engineering, a review of the applicant's stormwater management plan. He said the applicant had now responded to the various items in that review, and was here to brief the Board on this.

Doug LaRosa of Tritech Engineering spoke before the Board. He said he had gone through the various items in the review. He said the comments in the review had been useful, but said it was clear that it had extended well beyond the Planning Board's request for a review of the Drainage Analysis. Mr. LaRosa then went through Tritech's response to each of the items in the review, under the categories of:

- Site Development and Conditional Use Permit Plans
- Erosion and Sedimentation Control and Site Development Plan Narrative
- Stormwater Management, Maintenance and Inspection Plan

As Mr. LaRosa went through the 16 page response from Tritech Engineering to MJS Engineering, there was discussion with the Board on the following issues:

- ADA compliance issues for parking spaces
- Parking lot grade - 3.5%, not 10% as indicated by consultant
- Rain garden questioned - Mr. Kelley said it seemed more like a detention pond. Mr. LaRosa said it was a detention pond plus, which detained flow for certain amount of time. He said the treatment occurred in the 75 ft vegetated buffer after the level spreading. He noted that the vegetation for the buffer already existed, and said the slope was 10%, when it could be a maximum of 15%.
- Detail for outlet protection
- Septic flows/24 hour holding tank, water volumes involved, and NHDES approval granted
- Revised drainage model - comments about length of flow, flow paths, etc. Mr. LaRosa said that after the requested changes were made, there was only a ½ % to 1% difference.
- There was discussion that there had been two 100% year flood events in the last two years. Mr. LaRosa said designing for a 100 year storm was not warranted. When asked if another 100% storm would destroy the drainage system, he said no. Mr. Kelley said running the model for a 100 year storm could show where there would be problem areas if such a storm occurred. Mr. Guy of Tritech said they did run that model, although the results were not included in the calculations in the plan. He said he hadn't seen any problems with the design.
- Mr. Kelley noted that the report needed to be stamped and signed

Chair McGowan asked if any members of the public wished to speak for or against the application.

No members of the public came forward to speak.

Lorne Parnell MOVED to close the public hearing. Susan Fuller SECONDED the motion, and it PASSED unanimously 6-0.

There was detailed discussion about the property management documents. Mr. Kelley said the suggestion with another recent site plan application was that the lease should refer to the rules and

regulations. It was noted that the applicant had also included some enforcement teeth in that agreement.

Mr. Campbell said the applicant would add as much of this language as they could.

Mr. Kelley asked if Town regulations required Trittech to stamp the drainage reports, and Mr. Campbell said that in order to avoid confusion, the final the Town received was stamped. He said he had just received the final plan, and would make sure it was stamped.

The President of Trittech Engineering, _____, said the final report would be stamped, and he also said they stood behind their calculations. He provided details on this.

Mr. Kelley said he had some minor questions on the site plan. He asked for details on the curbing that was proposed, and was told there would be sloped granite curbing around the islands at each end of the building.

Mr. Kelley suggested that the final version of the plan take a look at where the contours crossed the curb lines.

Councilor Needell noted the issues that had been brought up during the public hearing by the Oyster River Watershed Association concerning possible impacts from this development on the Oyster River. He said he believed the application and plan was compliant with the Ordinance concerning shoreland protection setbacks. But he noted that there had been comments that because the Oyster River was a water supply, there should be more concern regarding this. He said he was sure the Board had any latitude in terms of requirements, but he asked what others on the Board thought about this.

Ms. Fuller said she trusted that the drainage plan would take care of water quality. She said the issue she had was that trash that could accumulate in the woods. She said perhaps the applicant could incorporate some kind of monitoring of the site, in the property management plan, and she suggested that this could involve having someone walk the land once or twice a month to pick up trash.

Mr. LaRosa said the management plan stated that “floatable” would be picked up. He noted that this was a commercial site, so the management would take care of the property. He also said he had been told by a recent UNH graduate that the parties in the woods wouldn’t happen.

Chair McGowan asked if maintenance of the detention pond was built in to the plan and Mr. LaRosa said yes. He provided details on this.

Councilor Carroll asked whether it was felt the Oyster River Watershed Association’s requests had been responded to.

There was discussion on this, with Mr. Kelley noting that Dr. Wyerick had spoken about “substantial storm water runoff”, and he said this term was not very specific.

Councilor Needell noted there had been a comment about the culvert under Route 4, which flowed year round.

Mr. LaRosa said the design criteria for the storm water plan was for a 50 year storm. He said the peak rate of runoff was less with post development than with pre development, so it could be assumed that there would be no impact to the culvert.

Mr. Campbell said another concern expressed by the watershed association was wastewater treatment, and he provided details on this. He noted among other things that it was located well outside the shoreland zone.

Councilor Carroll said there was a 400 ft protection zone around the Lee Well, but said she realized it was not required for the Oyster River, and the Board couldn't arbitrarily impose this requirement.

Mr. Campbell said there had been discussion about having a 400 ft buffer for the Lamprey River, Oyster River, etc, but this hadn't happened.

There was discussion between Mr. Kelley and Mr. LaRosa about the fact that hydrographs were not included in the drainage reports. Mr. LaRosa said drainage analyses now included more detail than those in the past, which would require a lot of paper.

Mr. Kelley said it would have been good to see a hydrograph for the detention pond. He asked if Mr. LaRosa felt there would be 80% suspended solid removal.

Mr. LaRosa said if the management plan was followed, it should be 80% or better.

There was discussion about the role of a detention pond, and the fact that it wasn't meant to achieve infiltration. Mr. LaRosa said the sediments from a storm were stopped by the overland flow and the level spreader.

Mr. Kelley asked what the flows were, coming out of the level spreader, and received confirmation from Mr. LaRosa that it was not a lot of flow. Mr. Kelly also noted that the flow had quite some distance to travel before it got to the wetland.

Mr. Guy said if this had to pass the site specific test for treatment, it would pass it for storm water treatment.

Councilor Needell said the Board had received a letter from Lee selectmen, which said that advanced stormwater treatment should be required to ensure maximum treatment to protect the Oyster River. He asked if what was proposed was in fact an advanced system.

There was discussion about this. Mr. Guy said the 250 ft reference line was at the outlet of the level spreader. He said all the drainage terminated prior to entering the 250 ft reference line. He said the pavement area was 330 ft away, and the majority of the site was 400 ft away. He also said there were wetlands in between, and said they provided sediment removal and uptake and stemware impedance.

Councilor Needell said with parking area, auto fluids could be incidentally introduced. He asked if this caused an additional threat to the watershed, with the changing use of this property.

Mr. Guy said they were using deep sump hooded catch basins, which restricted the amount of oil that could enter the stormwater system. He said if oil was on the parking area, it would be collected to some degree by stormwater system and could be pumped out.

Councilor Needell asked if a spill from an auto would be sufficient to foul up the water treatment plant.

Mr. Guy said he didn't think it would reach the plant. He also noted that the wetlands would prevent a spill from reaching the river.

Mr. Kelley said for anything they had going to the closed conduit system, the hydrocarbons released to the detention pond would be minimal

Councilor Needell also noted that Lee had asked that the Board include requirements concerning student behavior.

Mr. Kelley asked what was going on with the UNH bus stop issue.

Mr. LaRosa said the University hadn't responded yet, but he said the applicant was hopeful that the bus stop would be approved.

Mr. Campbell said the information he had received was that it wouldn't happen this year, He said UNH had a good system that was working well and they didn't want to jeopardize it. He said new buses would be put on line in September of 2008, and said this location might be one of their stops. He noted that a condition of approval was that the applicant would continue to work with UNH to make this happen.

Councilor Carroll said the applicant had the perfect bus stop location, and said she hoped things worked out with the bus stop.

It was noted that the applicant hadn't received final approval from NHDOT yet for the permit for the two driveways. There was discussion that if it turned out that NHDOT only granted one curb cut, the site plan application would have to come back to the Board for an amendment. There was discussion on this.

The Board went through the checklist for the Conditional Use Permit., and determined that all the conditions were met. There was discussion on the following issues.

Impacts on abutting properties- Excessive traffic generation

The Board discussed this in some detail, and determined that this would not occur. Councilor Needell noted that the way the Ordinance was written, this use was allowed. He said coming forward now to question this use was not the appropriate place to voice this.

Noise and vibrations

The Board agreed that there were existing regulations and ordinances in place to address this.

Character of buildings and structures

There was discussion that regarding the issue of compatibility, this was a presently a mixed area in terms of buildings and structures.

Impact on property values

There was discussion that this was a subjective matter, although it was a legitimate concern, and the impact would depend on how well the property was managed. Mr. Kelley noted his ongoing question as to why information on this factor was generally not received for applications.

Utilities, infrastructure

Councilor Carroll noted that there would be private pickup of trash, and she asked if there was a provision for the Town to pick up recyclables. Mr. LaRosa said he envisioned that the area next to the dumpster would be used for recycling.

Fiscal impact

It was noted that the applicant hadn't requested a waiver of the impact fee. Mr. LaRosa said the applicant would supply a written waiver request.

Mr. Campbell noted that the applicant had provided evidence that the project would have a positive fiscal impact. He said he would be comfortable with giving the applicant a verbal waiver that evening, and receiving a written request after.

Councilor Needell noted his only concern was that this was a larger project, and that there could be a change of use in the future. He said he was looking at the spirit of impact fee, and asked whether there should be a provision here concerning a possible future change of use.

Mr. Campbell said in the development of the impact fee ordinance, there was more interest in residential development. He said the intent was probably not to cover something like this.

Councilor Needell asked if this development could later be converted to a private Forest Park as some future use, in which case there could be a number of children living there

Ms. Fuller said she didn't think they should anticipate all the possible future uses that could go there.

Mr. Kelley said if the development did become a condo in the future, subdivision approval would be required, so it would be back in front of the Planning Board.

Mr. Campbell noted a provision in the impact fee ordinance that took possible future change of use into account

Mr. Kelley suggested that the conditional use permit could say the primary use was student housing, and that if over time it became graduate student housing with children, this would be a violation of the permit, and would trigger what Mr. Campbell had read in the impact fee ordinance.

Councilor Needell said that regardless of whether one liked the impact fee ordinance, it was the policy that was adopted.

Mr. Kelley said the Board was also debating whether, if an impact fee waiver request came before it for this application, it would grant it, - which was within jurisdiction of Board. He said he was comfortable waiving it, and also stated that it might alleviate some of the impacts of students on the RA district

Mr. Roberts agreed that the intent of the impact fee ordinance was to deal with major single family development. He provided further details on this.

There was further discussion on how a condition concerning this could be worded. It was agreed that the following wording would be used: "The Planning Board agrees to waive the impact fee ordinance, given that the primary use and occupancy is student housing."

FINDINGS OF FACT - CONDITIONAL USE PERMIT APPLICATION

1. The applicant submitted an Application for Site Plan Review with supporting documents on June 20, 2007.
2. The applicant submitted on June 20, 2007, a Site Plan entitled "River's Edge Apartments, Old Concord Turnpike, Durham, New Hampshire." prepared by Trittech Engineering Corporation, Dover, NH, dated June 20, 2007.
3. The applicant submitted an Application for Conditional Use Permit on June 20, 2007.
4. The applicant submitted an Erosion and Sediment Control & Site Development Plan on July 6, 2007.
5. The applicant submitted a revised Site Plan on July 6, 2007.
6. The applicant submitted a deed for the property on July 6, 2007.
7. The applicant submitted approval criteria for the Conditional Use Permit on July 6, 2007.
8. The applicant submitted a Traffic Assessment on July 11, 2007.
9. The applicant submitted a request for waiver from Section 9.02 of the Subdivision Regulations on July 11, 2007.
10. A Site Walk was conducted on July 20, 2007.
11. The applicant submitted Rules and Regulations of Apartments on June 20, 2007.
12. The applicant submitted a draft Lease Agreement on June 20, 2007.
13. The State of New Hampshire DOT submitted a copy of the driveway application on July 16, 2007.
14. The applicant submitted a revised Site Plan on July 19, 2007 with supporting documentation.
15. The applicant submitted a Stormwater Management, Maintenance and Inspection Plan on July 19, 2007.
16. The applicant submitted a Traffic Assessment on July 19, 2007.
17. The applicant submitted a revised Site Plan on August 2, 2007 with supporting documentation.
18. The applicant submitted a revised Site Plan on August 13, 2007 with supporting documentation.
19. The applicant submitted an Erosion and Sediment Control & Site Development Plan on August 13, 2007.
20. The applicant submitted a Stormwater Management, Maintenance and Inspection Plan on August 13, 2007.
21. MJS Engineering PC submitted an Engineering Review on August 22, 2007.
22. The applicant submitted an updated Erosion and Sediment Control and Site Development Plan Narrative on August 29, 2007.

23. The applicant submitted a Stormwater Management Maintenance & Inspection Plan on August 29, 2007.
24. The applicant submitted a Rivers Edge Detention Pond Plant List on August 29, 2007.
25. The applicant submitted a revised Site Plan on August 29, 2007 with supporting documentation.
26. Public Hearings were held on July 25, August 8, August 22 and August 29, 2007.

WAIVERS

The applicant has requested a waiver from the Impact Fees under Section 75-9 of the Town Code. The Planning Board has considered this request and hereby grants the waiver.

CONDITIONS OF APPROVAL - CONDITONAL USE PERMIT APPLICATION

(Conditions to be met prior to Signature):

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.
2. All final plans and reports must be stamped by appropriate professionals.
3. A Property and Security Management Plan shall be submitted to include, but not limited to, the following: Rules and regulations of the River's Edge Apartments 24 hour/7 day a week primary contact person to resolve security, or other issues, in a timely and appropriate manner; a secondary contact person shall be identified in case primary contact person is not available; all contact information shall be updated with the Police Department, Fire Department, and Code Enforcement Department on an as needed basis; night time security will be used for the site from Thursday night through Saturday night from 9 PM to 2 AM, with spot night checks periodically Sunday through Wednesday; if problems persists on the property, full time security will be needed 7 days a week from 8 PM to 6 AM until problems are rectified; the plan shall be approved by the Town Planner with the advice and consultation with the Police, Fire, and Code Enforcement Departments and can be reviewed, modified, and updated by the owner with the approval of the above departments.
4. All federal and state permit numbers shall be listed on final plan.
5. A formal written request for the waiver of the impact fee will be provided to the Planning and Community Development Department.

Conditions to be Met Subsequent to the Signature:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. The applicant shall continue to work with the University of New Hampshire to have a bus stop scheduled at the River's Edge Apartments. Progress reports or those discussions should be provided to the Planning and Community Development Department.

Richard Kelley MOVED to approve the amended FOF and COA for a Conditional Use Permit submitted by Northam Builders Inc., Durham, New Hampshire, on behalf of Joyce Terrio to

build a multi-unit dwelling structure consisting of 48, 2-bedroom units. The property involved is shown on Tax Map 9, Lot 8-2, is located at 53 Old Concord Road and is in the Office, Research and Light Industry Zoning District. Susan Fuller SECONDED the motion and it PASSED 5-0-1, with Steve Roberts abstaining because of his absence from several of the meetings on this application.

FINDINGS OF FACT - SITE PLAN APPLICATION

1. The applicant submitted an Application for Site Plan Review with supporting documents on June 20, 2007.
2. The applicant submitted on June 20, 2007, a Site Plan entitled “River’s Edge Apartments, Old Concord Turnpike, Durham, New Hampshire.” prepared by Trittech Engineering Corporation, Dover, NH, dated June 20, 2007.
3. The applicant submitted an Application for Conditional Use Permit on June 20, 2007.
4. The applicant submitted an Erosion and Sediment Control & Site Development Plan on July 6, 2007.
5. The applicant submitted a revised Site Plan on July 6, 2007.
6. The applicant submitted a deed for the property on July 6, 2007.
7. The applicant submitted approval criteria for the Conditional Use Permit on July 6, 2007.
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25. The applicant submitted a revised Site Plan on August 29, 2007 with supporting documentation.
26. Public Hearings were held on July 25, August 8, August 22 and August 29, 2007.

WAIVERS

The applicant has requested a waiver from the Impact Fees under Section 75-9 of the Town Code. The Planning Board has considered this request and hereby grants the waiver.

CONDITIONS OF APPROVAL FOR SITE PLAN APPLICATION (to be met prior to the Signature of Approval on the Site Plan)

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.
2. All final plans and reports must be stamped by appropriate professionals.
3. The applicant shall post an acceptable financial surety prior to the signature of the final Site Plan that is approved by the Planning Board. The financial surety shall be in an amount sufficient to ensure the completion of all roads (public or private), water service, sewage disposal, drainage, landscaping and/or any other improvements required by the Town. The financial surety shall be effective for a period mutually agreed upon by the Planning Board and the applicant. The financial surety shall be approved by the Town as to the form and type. The Town will accept cash, pass book savings in the Town's name, letter of credit or a construction surety bond. At its discretion, the Planning Board may require approval of the construction guarantee by the Town Attorney.
4. Maintenance Guarantee--a financial surety to guarantee that all site work was properly done shall be posted by the applicant with the Town. Such maintenance guarantee shall be in an amount of two percent of the estimated project cost and shall remain in force for two (2) years after site improvements are completed. If such repairs are needed and are not satisfactorily installed by the developer, then such guarantee shall be used to complete and/or install such improvements.
5. Trees targeted for harvest/removal shall be clearly marked. Trees to be protected during clearing operations and construction shall be clearly marked to caution operators. The developer is required to notify the Tree Warden to ensure this occurs.
6. A guarantee or performance bond or escrow agreement must be posted in an amount to be determined by the Director of Public Works and approved by the Town Administrator to ensure satisfactory completion of the landscaping plan as submitted and approved.
7. Water and sewer permits must be approved by the Town Council.
8. A revised site plan shall be received by the Department of Planning and Community Development showing any changes to the plan in response to the independent engineering review and Board deliberations.
9. A Property and Security Management Plan shall be submitted to include, but not limited to, the following: Rules and regulations of the River's Edge Apartments -
 - 24 hour/7 day a week primary contact person to resolve security , or other issues, in a timely and appropriate manner;
 - a secondary contact person shall be identified in case primary contact person is not available;
 - all contact information shall be updated with the Police Department, Fire Department, and Code Enforcement Department on an as needed basis;
 - night time security will be used for the site from Thursday night through Saturday night

- from 9 PM to 2 AM, with spot night checks periodically Sunday through Wednesday;
 - if problems persists on the property, full time security will be needed 7 days a week from 8 PM to 6 AM until problems are rectified;
 - the plan shall be approved by the Town Planner with the advice and consultation with the Police, Fire, and Code Enforcement Departments and can be reviewed, modified, and updated by the owner with the approval of the above departments.
10. All federal and state permit numbers shall be listed on final plan.
 11. A formal written request for the waiver of the impact fee will be provided to the Planning and Community Development Department.

Conditions to be met subsequent to the Signature of Approval on the Site Plan Application):

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. Preservation of Natural Features and Amenities - Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Particular attention should be given to natural features suitable as buffer strips between residential subdivisions abutting commercial or industrial areas. Similar natural features that provide buffers between lots, or sections of a development should be preserved to enhance privacy and attractiveness. Provision for clearing may be made for southerly exposure for solar access to dwellings or buildings. Developers shall use construction methods which cause the least disturbance to the environment possible. No cut trees, stumps, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of issuance of a certificate of occupancy, and removal of same shall be required prior to issuance of any certificate of occupancy. Nor shall any debris be left or deposited in any area of development at the time of expiration of the performance bond or dedications of public improvements, whichever is sooner.
3. Prior to the issuance of a Certificate of Occupancy for a building or structure on any lot within a subdivision, at a time determined by the Code Enforcement Officer, three (3) copies of a certified plot plan shall be filed with the Zoning Administrator. The plot plan shall be prepared by a professional surveyor, engineer, or architect and shall be signed and sealed by the professional(s) preparing the plan. The plot plan shall show the post development conditions of the lot including, but not limited to, the following information:
 - A. The actual lot layout, dimensions, and lot area.
 - B. The required setbacks for the zone in which the lot is located and the actual setbacks of the building(s) and structure(s) as constructed.
 - C. The actual location of the building(s) on the lot including the building footprint and any appurtenant structures such as decks, porches, basement entry door structures, sidewalks, driveways, and aboveground utility facilities.
 - D. The actual location of underground utilities such as septic systems, wells, water, sewer, and gas lines, electric, phone, and cable facilities, and stormwater drainage systems.
 - E. The location of any significant natural features on the lot such as wetlands or floodplains, any required setback or buffer from the natural feature, and the actual setback or buffer provided.
4. During the development and construction process, wooded natural and non-wooded natural

areas will be manipulated to maintain a healthy vegetative cover to maintain the soil structure, minimize soil erosion and enhance the quality of the proposed community. In wooded natural areas, the healthy forest cover will be retained to reduce the amount of stormwater running across the ground surface.

5. All utility piping and wiring shall be located underground.
6. As-built construction drawings, plan and profile, of all infrastructure improvements shall be submitted in electronic and paper copy at a scale of 1" to 20', including, but not limited to:
 1. Underground Utilities (sewer lines, storm drains, water lines, electrical, phone, cable, natural gas lines, etc.)
 2. Drainage ways, ditching, impoundments, swales, etc.
 3. Road construction.
7. The applicant shall continue to work with the University of New Hampshire to have a bus stop scheduled at the River's Edge Apartments. Progress reports or those discussions should be provided to the Planning and Community Development Department.

Richard Kelley MOVED to approve the amended Findings of Fact and Conditions of Approval, as amended, for a Site Plan submitted by Northam Builders Inc., Durham, New Hampshire, on behalf of Joyce Terrio to build a multi-unit dwelling structure consisting of 48, 2-bedroom units. The property involved is shown on Tax Map 9, Lot 8-2, is located at 53 Old Concord Road and is in the Office, Research and Light Industry Zoning District. Susan Fuller SECONDED the motion, and it PASSED 5-0-1, with Steve Roberts abstaining because of his absence from several of the meetings on this application.

Mr. LaRosa thanked the Board for their careful deliberations, and said it was a pleasure to work with them.

VII. Other Business

A. Old Business:

Richard Kelley MOVED to continue meeting the meeting to 11:00 pm. Lorne Parnell SECONDED the motion, and it PASSED 6-0.

There was discussion on the recently updated management plan for the Lamprey River. Mr. Campbell, Mr. Kelley and Chair McGowan agreed that there was little discussion in the plan about water supply issues.

Mr. Kelley said in enacting legislation, water supply was called out as one of the protected resources in that river. He said the only verbiage in the plan concerning water supply were the problems that had been created in tapping the Lamprey River as a water supply. He said it was more of a theme in the plan rather than specifics.

He said when the plan did mention water supply, what it was saying was encouraging and accurate. He said he had no problem with the wording in the plan that called for policies that would yield a sustainable amount of water for riparian and aquatic life. But he said that under water quality, the plan should have stated that a reason for concerns about water quality was that the Lamprey River was a water supply for the Town of Durham. He noted that the plan recognized that other communities would want to use the river as a water supply in the future.

Mr. Kelley also said that in the discussion in the plan on in-stream flow, there was mention of water supply issues. He said he didn't disagree with the statements in that section, but said it was almost as though the public water supply was no longer a legitimate user.

Mr. Roberts asked how the various possible users of the Lamprey as a water supply could be balanced in the future.

Mr. Kelley said the towns abutting the river were given precedence in using the water, and to date, Durham was the only Town that used it. He said it was in the Town's best interest to get a modification in the 401 permit, and said he had been discouraged about the number of years it had taken, and the lack of response from NHDES. He said the restrictions should be modified, and would give the Town more options with its water supply. He said it was critical to have that kind of flexibility with its water supply.

He said he would be happy to draft a letter for the Board to review, and then bring it to the next LRWAC meeting. He said that correspondence would get included as an appendix to the plan.

He said what he wanted to say in the letter was that the sections of the plan were lacking in their discussion of water supply, and he also said he would recommend wording for appropriate sections of the plan.

There was discussion that this letter would not be involved with addressing the 401 restriction. Mr. Roberts asked what the discussion on the plan was concerning recreational opportunities, and Mr. Kelley provided details on this.

There was discussion on the importance of balancing recreational uses with water quality issues, especially at Wiswall.

Board members agreed that Mr. Kelley should draft the letter.

B. New Business:

The Board discussed the ZBA deliberations the previous evening. Mr. Campbell said the ZBA addressed four issues having to do with the Planning Board's decision on the Stonemark Management application. He said the ZBA agreed with the Planning Board concerning two of these issues, and disagreed with it concerning the other two. He said the issues it disagreed with had to do with the 80/20 split for density (Section 175-56 A), and the use of both lots for density.

He said the Board had 30 days to request a rehearing, and asked if the Board wanted to make that request to the ZBA. He explained that if the ZBA did accept the request, this would mean that the public hearing would be reopened, and the parties involved could state their arguments.

He said in order to get a rehearing, the ZBA, the Board had to provide reasons as to why it felt the hearing should be re-opened.

There was discussion that because the public hearing wasn't reopened at the meeting the night before, the letter the Planning Board had written to the ZBA concerning the Appeal of Administrative Decision was never introduced. Mr. Campbell said the letter would be attached to the request. He said the question was whether the Board felt it was given ample time to explain its decision on the application.

Needell said having listened to the discussion by ZBA, he wasn't sure the letter would sway them. He said there was a narrow interpretation in their decision

Jim said they could point out that regarding the 80/20 split, it was important to look at different parts of the zoning ordinance, and that they didn't do this. He said the Planning Board could make a good argument for this, and at least have a rehearing on it

Needell said the argument was remarkably similar to the discussion the Board had on this issue. We discussed it and everyone was convinced the Board had the discretion to make that allowance. He didn't have a problem with making that argument clear.

Roberts said they didn't have the depth of discussion that the Board had on these two issues. He questioned whether there should be a guideline draft from Mitchell on how to present its case. He noted they went to Mitchell for guidance for this application.

Councilor Needell said that regarding the 80/20 issue, the attorney's guidance was important, and said he didn't disagree with Mr. Roberts to argue on the Board's behalf. He said sufficient argument could be made to change what they felt was the argument. He said they based their argument on the fact that there was nothing that addressed 80/20 and density in the Ordinance. There was detailed discussion on this, including the fact that the ZBA didn't get sufficient input on how the Planning Board had looked at this issue.

Mr. Parnell said the Board spent 6 months on this application before making its decision, and said this decision by the ZBA had now voided the Planning Board's decision. He questioned the efficiency of having the rehearing, when the matter would probably be going to court anyway.

Councilor Needell said in fairness the ZBA's role was not to look at the big picture, but was to interpret the Ordinance focusing on some pretty narrow questions. He said he didn't fault them for exercising their role, just as the Planning Board had exercised its role. He said the ZBA's role was fairly narrow, and was to determine if the Ordinance had been interpreted correctly.

He said he didn't necessarily disagree with their interpretation given the information they had the previous evening. But he said he did feel that given more information they didn't have might have been helpful and caused them to reach a different conclusion. He said he therefore did feel a rehearing on the 80/20 issue was reasonable.

There was discussion that the Board should decide whether it would request a rehearing on one or both of the two issues. It was agreed that they would at least discuss the two issues separately

There was discussion on the one lot/two lot issue. Councilor Needell said he didn't have any problem with the ZBA's decision on this issue, which reflected his own. Mr. Kelley said something that troubled him about the ZBA's discussion on this issue was that they didn't focus any discussion on why some Board members had voted in favor of combining the two lots, because of the legitimate use of the easement. He said he realized the ZBA by mandate had a narrow focus, but he said the Board had spent several months on this application, and did have more discretion in making its decision.

Councilor Needell said he didn't think the Planning Board had discretion on this issue, and noted that he had stated this all along. He said he did agree with the ZBA on its decision on the contiguous issue. He said he was just one Board member, but said he had no reason to request a rehearing on the second issue.

Mr. Kelley said he did think there should be a rehearing, because he felt there were things the ZBA did not discuss that it should have concerning this issue.

Mr. Campbell said there was discrepancy between what the ZBA and the Planning Board spoke about concerning the definition of contiguous. He provided details on this. He questioned how it could be said the Planning Board had erred, when it simply relied on a different definition of contiguous than the one the ZBA used.

Mr. Roberts said these were points that Attorney Mitchell should be making .

Steve Roberts MOVED that the Planning Board should direct Town Planner Jim Campbell to prepare the request for rehearing on the two issues the ZBA found the Planning Board to be in error on, and to use Attorney Mitchell in the preparation of the request for rehearing. Richard Kelley SECONDED the motion.

Councilor Needell said he would vote against the motion.

VIII. Approval of Minutes –

July 11, 2007

Page 19, 4th paragraph, should read “..with Councilor Needell and Richard Ozenich voting in favor of it.”

Page 2 4th paragraph, should read “He said the information from this was....”

Also page 2, last paragraph should read “..the way the somewhat poorly drained soils lay on the land.”

Page 7, 6th paragraph, should read “..turning residences into mixed uses.”

Councilor Needell MOVED to approve the July 11, 2007 Minutes as amended. Susan Fuller SECONDED the motion, and it PASSED 5-0-1, with Steve Roberts abstaining because of his absence from that meeting.

July 25, 2007

Councilor Needell MOVED to approve the July 25, 2007 Minutes as submitted. Lorne Parnell SECONDED the motion, and it PASSED 5-0-1, with Steve Roberts abstaining because of his absence from that meeting.

August 1, 2007

Page 1, 2nd paragraph from the bottom, should read "...discussing the development of conservation subdivisions."

Page 3, 1st full paragraph, should read "..to require 9 extra copies of....."

Lorne Parnell MOVED to approve the August 1, 2007 Minutes as amended. Richard Kelley SECONDED the motion, and it PASSED unanimously 5-0-1, with Steve Roberts abstaining because of his absence from that meeting.

During discussion on the August 1, 2007 Minutes, Mr. Kelley was reminded of the fact that the issues discussed that evening on conservation subdivision needed to go to the forefront of the Zoning Rewrite meetings. He said these issues needed to be incorporated into the Zoning Ordinance sooner rather than later, so there would be a process to follow.

Mr. Roberts also suggested that people revisit the two subdivisions on Packers Falls Road sited in the Master Plan as being terrible. He said people should then look at the two conservation subdivision type developments in Town, which he said looked so much better.

IX. Adjournment

Richard Kelley MOVED to adjourn the meeting. Lorne Parnell SECONDED the motion, and it PASSED unanimously 6-0.

Adjournment at 11:10 pm

Victoria Parmele, Minutes taker