

These minutes were approved at the January 9, 2008 meeting.

**DURHAM PLANNING BOARD
QUARTERLY PLANNING MEETING
WEDNESDAY, NOVEMBER 28, 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; Richard Ozenich; Councilor Needell

ALTERNATES PRESENT: Doug Greene; Annmarie Harris; Wayne Lewis; Councilor Diana Carroll

MEMBERS ABSENT:

I. Call to Order

II. Approval of Agenda

Richard Kelley MOVED to approve the Agenda as submitted. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

III. Discussion with Energy Committee – The discussion will focus on “Green Building” with further discussion on amending the Master Plan 2000 and possibly amending the Zoning Ordinance.

Energy Committee member Kevin Gardner provided a slide presentation on the work that the Energy Committee had been doing.

He noted that he had recently met with Mr. Campbell and they had discussed the importance of opening the discussion on energy issues up to the Planning Board.

Mr. Kelley asked if the Energy Committee knew whether wind energy production was a feasible energy source, locally.

Mr. Gardner said this was a site-specific situation, and said he therefore wouldn’t rule out the possibility, depending on the site. He noted some examples of possible sites, including the transfer station, and said data needed to be collected on sites like this. He and Committee members Don Brautigam provided details on this.

Mr. McGowan asked about the tradeoffs between gains from energy efficiency as compared to alternative energy technologies, and there was discussion.

Energy Committee member Nat Balch provided details on payback times for various energy efficiency techniques, and said a balance of components could be used to provide the best and the most economical solution for a particular situation.

Mr. Brautigam said passive solar was a good alternative energy approach to pursue if a site had southern exposure. He provided details on this, and said there could be tremendous reductions in heating costs. He noted that LEED had very site-specific requirements concerning this.

Mr. Greene asked how Epping approached this issue in its new ordinance.

Mr. Gardner said that commercial buildings above a certain square footage had to meet the requirements of the Ordinance.

Mr. Brautigam explained that Epping had a point-based system, and provided details on this. He noted that Bank North had recently designed a structure in Epping, which had maxed out on points. He said it was the first project constructed in Epping under the new Ordinance, and said it would actually be selling energy back to the grid.

He said there were a number of buildings in Epping that far exceeded the ordinance even before it was written, and spoke specifically about Goodrich. He said this project had demonstrated well the fact that it made sense economically to do green buildings. He noted that it was a much larger building than the previous one, but cost much less money for heating and cooling.

Councilor Needell noted that the owner of Goodrich had said the various green building features had been put in the new building because he planned on it being there for a long time.

Mr. Balch noted that there were a number of intangible benefits of green buildings, such as increases in worker performance and fewer sick days, which also could save money.

Mr. Roberts spoke in detail about his own experience with a decrease in indoor air quality as a result of the installation of some energy efficiency features in years passed.

Mr. Balch said advances in ventilation technologies since that time would hopefully preclude this now.

Mr. Parnell asked why, given high energy costs, an ordinance was needed, suggesting that commercial enterprises might want to do this on their own.

Mr. Gardner said a company like Goodrich had a long-term perspective, but he said this wasn't always the case. He provided some examples concerning this. He said developers constructing buildings in order to sell them didn't necessarily have the incentive to provide energy saving features because they weren't interested in the long-term payback.

Councilor Carroll said it was important to be careful concerning this in Durham, noting that there were properties that were built and sold within short time periods. She noted the hotel property that

had been built, and which was a great location for solar energy. She said the Town needed some things on the books.

Ms. Fuller said as a native New Hampshire person, she had a problem with the idea of mandating this kind of thing. She said she thought developers would try to incorporate as much as possible, given the existing market.

Mr. Gardner noted that Towns told people how to do buildings right now, through building codes, and said there were good reasons for this.

Ms. Fuller said she understood the need for having certain minimum standards, but said she wasn't sure that minimum standards needed to be applied concerning green building. She said it was important to have a flexible outlook.

Mr. Brautigam asked if that perspective extended to commercial buildings as well.

Ms. Fuller said she was mostly concerned with residential construction. But she noted that Durham, as compared to Epping, didn't have a lot of developable commercial space. She said there were a good number of re-developable properties.

Mr. Balch provided data on the cost of several new libraries that had been built within the last few years, and said this data indicated that the upfront cost of a green library building was equivalent to a non-green building. He said if this was the case, why should non-green buildings, which among other things were wasteful for future owners of the property, be encouraged.

Ms. Fuller said the idea was fabulous as a guideline, but said she was still uncomfortable with it as a mandate

Mr. Ozenich said he had built a new house in 1984 that was very green, and asked what was new concerning green building technologies. He also asked how something like the Toyota Garage in Epping could have been put up, given the Ordinance. Told that the Ordinance hadn't been in effect when that building was built, Mr. Ozenich said that Town was really growing.

Energy Committee member Filson Glanz said the ordinance had just been passed in the spring. He noted there were a lot of geothermal opportunities now, to provide heat for electrical energy.

Energy Committee Chair Toby Ball said the committee was speaking about Epping simply because it was an example of a town that had an energy ordinance on the books. He said the point wasn't to compare it to Durham.

Mr. Gardner said there were hundreds of energy ordinances across the country.

There was discussion about the NH energy code, with Mr. Kelley asking whether it fell short of LEED and other green building standards.

Mr. Balch said LEED was looking to get better performance than that. He also said Mr. Ozenich had made an excellent point. He said LEED and other green building standards tried to look at not just the building itself, but the impact of the building on the community. He said it tried to get away from things like big parking lots and black roofs over large buildings, which gave off a lot of heat.

Councilor Needell said green building wasn't necessarily something that imposed extra costs. He said instead that it provided an opportunity to do some careful planning and to take advantage of new technologies in order to be more efficient with energy and resources. He said it should be a win-win for everyone.

Councilor Needell said residential construction wasn't regulated under the new ordinance in Epping, noting that that idea was a nonstarter. He said commercial or multi-unit development was probably the easiest place to start, and said it was easier to convince the parties involved that it was in everyone's best interest. He said that the State RSA on subdivisions used wording regarding the encouragement of alternative energy sources, so the Planning Board already had the authority to do this. He provided details on this.

Mr. McGowan noted that some of these ideas were around in the 1970s, and said the country seemed to go from one extreme to another concerning this. He asked what it was going to be that made this kind of construction really happen, and asked if Durham might perhaps go forward with these approaches without mandating that people use them.

Mr. Balch said the situation now was different than the 1970's, noting the issue of climate change, and its connection to energy issues. He said that regardless of the cost of gas, there were carbon emissions to be concerned about. He said another issue was the concern about worldwide oil reserves, and said people were starting to say it was time to look at energy sources besides petroleum.

Mr. Kelley noted that Durham spent a lot of time talking about shades of yellow when an application came before the Planning Board. He said he could only imagine the discussions on aesthetics that could occur if they were talking about wind turbines on peoples' properties.

There was discussion about the difficulty of siting cell towers in Town because of aesthetic concerns.

Mr. Roberts spoke about the cost structure that developers were looking at when they did subdivisions these days, given the number of middlemen involved, and said that either the houses had to be much smaller, or the development costs were huge. He said he didn't know how to address that and also add on energy requirements.

Mr. Kelley said he could support an energy ordinance of some kind, and suggested that the Committee should come back with more ideas concerning this.

Mr. Gardner said the Committee wasn't suggesting a particular Ordinance, and said the purpose of this conversation was to simply talk about these ideas. He said the Committee was at the beginning

stages of its work, and wanted to hear the thoughts and concerns of the Planning Board and others before going to the drawing board.

Mr. Ozenich said it looked like there would be more administrative expenses for the Town as a result of having some kind of energy ordinance.

There was discussion on this.

Mr. Glanz said the Town's Code Officer looked at these kinds of things anyway.

Mr. Campbell said if there were a commercial entity doing a project where an energy ordinance came into play, the developer would pay the cost of having someone stay on top of strictly that development.

Mr. Balch said the dilemma they all faced was whether to encourage this kind of development or require it. He noted that Congress was on the verge of approving 35 mph mileage requirements by 2020, and said that across the board, they were starting to see forces that were inducing people to change their behavior concerning energy usage. He said the fact that there would be less pain in changing earlier might be an incentive in itself.

Councilor Needell said that perhaps the Committee could provide some information on where it was worth putting the focus in order to get the biggest returns. He said it would be interesting to quantify those kinds of things.

Mr. Gardner noted that the Committee had received a grant to inventory energy usage in Durham.

Mr. Ozenich noted that the State was trying to pass a law that said NH towns couldn't outlaw clotheslines. It was noted that clothes dryers accounted for 5% of household energy use. Mr. Ozenich said Durham had a unique way of making people cost conscious, and it was called taxes.

Mr. Campbell said the Energy Committee would be looking at efforts to educate the Planning Board, The Town Council other Town committees and citizens about energy usage. He said the question was what to concentrate on, and he provided details on this. He noted that there were other NH towns who were moving ahead in this area. He said the Board would be looking for the Committee to let it know what was going on, and to find approaches that didn't cost a lot of money.

Mr. Brautigam said the Committee could gather various ordinances from different towns so the Planning Board would have a variety of options. He asked whether the Board would prefer to see a range of options, or instead would like to see a single, coherent ordinance that the Committee had put together.

Mr. Campbell said he thought the Committee should provide the Board with a number of options.

Mr. Parnell said he would like to see some things that needed to be regulated, as opposed to the actual regulations themselves.

Councilor Needell said drafting an ordinance was premature at this point. He said it was important to think about what an ordinance like this would be trying to accomplish before thinking about how one might be put together.

Mr. McGowan said the more information sharing there could be, the better.

Mr. Roberts suggest that the Committee do a wide search for options, noting that he had found a wide variety of approaches that were used. He provided some details concerning this.

Mr. Glanz said members of the Committee were involved in this effort because of the climate change issue and because of the rising price of oil, and said this wasn't just about saving some energy.

Mr. Campbell said it was hard to get through to some people on these bigger issues to save the world, but said there were things the average person needed to hear concerning opportunities to save money, in order for them to jump on the bandwagon.

There was discussion about US Department of Energy tax credits, with Mr. Roberts providing details on this.

Mr. Lewis said that he and his wife had chosen to do some energy efficiency upgrades when they move into their house. He noted that the contractor who installed these things got the tax credits for doing this.

Councilor Needell noted that the Town had some energy tax credits as well, and explained that residents didn't have to pay taxes for the energy improvement components.

Councilor Carroll said the Committee would determine when a good time would be to come back to talk with the Planning Board again.

IV. Discussion on Zoning Amendments – Various amendments of the Zoning Ordinance will be discussed including Parking (Article XXI), Definitions (175-7), Table of Uses (175-53), Table of Dimensional Requirements (175-54), General Dimensional Controls (175-55),

Mr. Campbell first reviewed the proposed changes to Zoning Ordinances definitions:

He said a separate definition had been developed for **Convenience Store**: “An establishment with less than 5,000 square feet of gross floor are selling primarily food products, household items, newspapers and magazines, candy and beverages, and a limited amount of freshly prepared food such as sandwiches and salads for off-premise consumption”.

He noted that under **Retail Store**, a second sentence had been added that said “A retail store does not include a convenience store.” He noted this came out of wanting to make a distinction between those two uses.

He said the definition of **Subdivision** had been revised so it matched the State definition and what was in the Town's Subdivision Regulations.

Mr. Campbell said the definition of **Mixed Use with Residential (Office/Retail down, Multi-unit Residential up)** had been revised with the following sentence: "If located in the Central Business District (CB) only, apartments can be located on the first floor with retail as long as apartments don't face the street." He noted that the conceptual design review with Mark Henderson had started the discussion on this.

He said a new definition had been added for the definition of **Mixed Use with Residential (Office down, Multi-unit Residential Up)**: "A building in which the first floor is used for office and the upper floor(s) is used, in whole or in part, for multi-unit residential use." He said this new definition essentially got rid of the retail aspect of the mixed use.

He also said there was a new definition for **Mixed Use with Parking (Parking and Office)**: "A building in which the first floor or ground floor is used for parking, and the upper floor(s) is used, in whole or in part, for multi-unit residential use."

Mr. Kelley asked what prompted the 5,000 square foot limitation for a convenience store.

Mr. Campbell said this came out of the fact that the lower limit of the Retail Store definition was 5,000 sf.

It was noted that Convenience Store (without gasoline sales) was not listed in the Table of Uses, and needed to be added to the Table.

There was detailed discussion on the 5,000 sf limitation for convenience stores and where it came from, and also about what exactly a convenience store was, and what distinguished it from a retail store.

Councilor Needell said the intent with these definitions was to eliminate the idea of Strafford Ave. having a Store 24, and said the questions were whether these definitions would achieve this, and whether this was the desired consequence.

Mr. Campbell noted that the new definition for mixed use that eliminated retail uses took care of this kind of situation. He said getting rid of retail/office uses for some of the zones in the Table was why he hadn't added Convenience store as a use. He provided details on this.

Mr. Kelley said right now, a Retail Store was permitted in the Central Business district and the Courthouse district, and was a conditional use in the Churchill district. He asked what the difference was between this and "Retail Store, Limited".

Mr. Campbell said Retail Store, Limited was a retail store with less than 5,000 sf.

Mr. Kelley noted that therefore the distinction was that Retail Store, Limited, was permitted in the CB district, the Churchill district and the Courthouse district, but Retail Store was permitted in the CB district and the Courthouse district, but was allowed by conditional use in the Churchill district.

Mr. Campbell asked if the Board would want convenience stores outside of the Central Business district.

Mr. Kelley said the Courthouse district was a good spot for it, noting that it wasn't being allowed anywhere else.

Councilor Needell noted that there were already two convenience stores in the Courthouse district, so there wouldn't be a huge demand for more of them

Mr. Kelley said he had found it surprising that a Retail Store, Limited was a permitted use in these districts, including the Churchill district, so there could be a Store 24 there.

Mr. Campbell said this didn't mean there could be a convenience store there, given the way the definitions were being changed.

Councilor Needell said the question was whether the Board wanted to say in its listing of Convenience Store in the Table of Uses that this use was not permitted in, say, the Churchill district.

Mr. Campbell said outside of the Courthouse district and the Central Business district, he didn't see anywhere they would want a convenience store.

Mr. Kelley said he agreed with that. He said the convenience store definition provided a little more detail about what was sold than what was in the retail definition. There was further discussion about what the distinction was between them, as convenience stores were selling more and more items.

It was agreed that the definition of Retail Store needed to be worked on some more.

Councilor Carroll noted to the Board that the convenience store in the MUB had closed.

Mr. Roberts said many of the stores downtown, including Durham Marketplace, were both retail stores and convenience stores. There was discussion on this, and whether there was the need to distinguish between the two.

Councilor Needell asked if people agreed the intent with these proposed changes was to separate the two types of uses, and to eliminate one of them from certain areas. He said the issue then was coming up with the language that accomplished this.

Mr. McGowan described possible scenarios where a use satisfied the Retail Store definition because it was of a large enough size, but sold convenience store type products.

There was discussion that retail use was currently allowed as part of mixed use developments in the CB, Courthouse and Churchill districts, was permitted as a stand alone use in the CB and Courthouse districts, and was allowed by CU in the Church Hill district.

Councilor Needell said the problem was the definition of Mixed Use that included retail, not the stand-alone Retail Uses that were allowed in the Table of Uses. He said this was being addressed in a couple of ways, first by possibly removing it from some districts, and second with the changes in the definitions. He said the new definitions that had been developed would address the situation that had occurred with the Strafford Ave application. He asked whether it was likely that there would be convenience store over 5,000 sf.

Mr. Campbell said by splitting out the mixed use, retail was proposed to be taken out for the Professional Office district. He also said that where office retail was still to be allowed, they were trying to get that not to be convenience store, but retail, which was why the two needed to be defined separately.

Councilor Needell said as had already been pointed out, the only thing that distinguished convenience store from grocery store was the size.

Mr. Ozenich said the problem was that businesses had become homogenized, so that one could go into various kinds of stores and buy the same product. He said they were getting into trouble trying to define these stores.

Councilor Needell said one couldn't buy potato chips in the Outback, and said that was what they wanted in terms of retail in these zones. There was further discussion on this.

Mr. Roberts asked if there was a market effect from these proposed changes, for people interested in doing mixed use.

Mr. Campbell said he didn't think so, because the uses were allow in some other zones. He said from the people he was talking to, there was a market for professional offices that the Town was not taking advantage of.

Mr. Roberts noted that with office complexes, one often saw retail businesses like coffee shops, etc, nearby, so people didn't have to get into their cars.

Mr. Parnell asked if it was actually Retail, Limited that was meant as part of the mixed use with residential (office/retail down, multi-unit residential up. He said it seemed that that would solve the problem, in terms of the size of units. He said this would eliminate a large convenience store. There was discussion on what would happen under that scenario if someone in the Central Business district wanted to put in mixed use with retail, and wanted more than 5,000 sf. It was noted that perhaps the Central Business district needed a different treatment.

Ms. Harris suggested that they could get the square footages for some of the properties in the Central Business district off of the tax cards.

Councilor Needell asked what the phrase “..or building development” phrase meant in the proposed change to the Subdivision definition.

There was discussion that this was in the RSA and in the Subdivision regulations.

There was discussion that the fact that the condominium units were individually deeded was the subdivision part, and was what distinguished it from an apartment building. Councilor Needell noted there still could be only one owner of the property.

Mr. Campbell said there were some Towns that used the State language, but didn’t include condominium conveyance and land development in their subdivision regulations, treating them instead as site plan issues.

Mr. Kelley said he felt they wanted a condominium development to be considered a subdivision, so it was clear what means of subdivision a developer needed to go through.

Councilor Needell said it was his understanding that a multiunit development that was not a condominium was not covered in these definitions, and was told that was correct.

Mr. Kelley agreed with Councilor Needell that the wording “..or building Development” was a bit confusing. There was detailed discussion on this.

Councilor Needell asked how it would be handled if a multiunit development was built and then someone condo-ized it., asking if would become a subdivision, when it had already been built. He noted also that it would be required to be a conservation subdivision. There was detailed discussion on how this would be handled, and how multiunit development in general should be handled, under the site plan regulations or under the subdivision regulations. It was noted that this idea would be considered under Agenda Item V.

There was discussion on the revised definition for Mixed Use with residential (Office/Retail down, Multi-unit residential up), where a second sentence allowed apartments to be located on the first floor in the Central Business district.

Councilor Needell asked if a better route to achieve the goal here was perhaps to get a variance, rather than changing the Ordinance.

Mr. Campbell noted that Mr. Berton had received a variance to allow apartments on the first floor, and wasn’t in the Central Business district. There was discussion as to whether Mr. Henderson would have received a variance for the same kind of situation.

There was discussion among Board members as to what the best approach was. Councilor Needell asked whether residential use was not wanted on the first floor for mixed use developments in just the Central Business district, or in general.

Ms. Harris said the Town really wanted retail and offices on the first floor in the Central Business district because the physical area where commercial uses were possible was so limited there.

Mr. Ozenich asked what was wrong with allowing apartments in the back areas on the first floor, so the commercial veneer would be maintained.

Ms. Harris said allowing this displaced the potential for commercial uses on the first floor of buildings in the Central Office district, and she noted again that there was relatively little commercial space available there.

Mr. Ozenich said the Town would probably not attract anything more than pizza joints there anyway, which didn't require that much space. He provided details on this.

Mr. Kelley said the Town was trying to promote retail establishments downtown. He said he realized that the business model for developers required that bedrooms subsidized the commercial uses, but he noted that the Ordinance allowed these mixed uses downtown to go up several stories. He said he would therefore support not allowing residential on the first floor in the Central Business district.

Mr. Roberts said there were situations where retail didn't fit on the first floor, and it therefore made sense to put an apartment there. He provided details on this.

There was discussion that a developer could get a variance to allow that in certain situations.

Ms. Harris said allowing residential uses on the first floor encouraged this kind of use, and said it was better to let a developer have to get a variance for this.

Mr. Ozenich and Mr. Roberts gave examples of how not allowing residential on the first floor of some buildings downtown didn't make sense.

Councilor Needell suggested that residential could perhaps be limited to a certain percentage of the square footage on the first floor, and Mr. Roberts said that was a good compromise.

Concerning how this was handled in other districts, Mr. Campbell noted that first floor apartments were allowed in the Professional Office district if adaptive re-use of the building was involved. It was noted that if it was a new building, the entire floor had to be office space. It was also noted that a goal was to avoid a lot of multi-unit development in that district.

There was further discussion on how to proceed.

Richard. Kelley MOVED that the Planning Board strikes the proposed language under the definition of Mixed Use with Residential (Office/Retail down, Multi-unit Residential up): "If located in the Central Business District (CB) only, apartments can be located on the first floor with retail as long as apartments don't face the street", and to keep the existing language in this definition. Steve Roberts SECONDED the motion

Mr. Roberts withdrew his SECOND of the motion after determining that the wording "unless a variance is received" was not included in the motion.

Councilor Needell SECONDED the motion.

He said something shouldn't be put in the Ordinance while also saying a variance could be received for it. He said he thought the point here was that there really was a good rationale for not allowing residential use on the first floor in the Central Business district by right. But he said he could see where there might be unusual situations where this presented a hardship, so going for a variance would not be inappropriate.

Ms. Fuller noted that there might be a situation where there was great accessibility at the back of a building for a handicap apartment, and said she therefore would like to see some language allowing apartments on the first floor.

Ms. Harris said that special circumstances like this, which would come up very infrequently, could justify a variance for something like this.

Ms. Fuller said this was a mixed use that was being allowed, and said she didn't feel the Board should be sending people for variances.

Mr. Parnell said there was mixed use downtown now, and asked if there were any apartments on the first floor of the buildings there.

There was discussion that this wasn't a common thing there.

Councilor Carroll noted that the Ordinance allowed three floors for buildings downtown, so there could be two residential floors, which was a lot. She said if they were going to have a vibrant downtown someday, there needed to be space for more retail uses.

The motion PASSED 4-3, with Lorne Parnell, Councilor Needell, Richard Kelley and Bill McGowan voting in favor of the motion.

Mr. Campbell reviewed the proposed changes in the Table of Uses concerning the various Mixed Uses. He said the new Mixed Use with Residential (office down, multi-unit residential up) would be permitted in the Central Business district and the Church Hill district. He said the use would be allowed as a conditional use in the Professional Office district and the MUDOR district, and would not be allowed in the other districts.

He said the proposed change to the existing Mixed use with Residential (office/retail down, multi-unit residential up) category was that it would no longer be a conditional use in the Professional Office district, and in fact would not be permitted at all in that district.

He also said that the proposed change to the Mixed Use with Parking (parking and office/retail) was that this would no longer be allowed by conditional use or at all in either the Professional Office district or the OR-route 108 district. He noted that this was something that the Council was going to initiate, and had come out of the Stone Quarry drive TIF discussion.

Mr. Roberts said that also had come straight out of the Master Plan, but said he disagreed with taking retail out of the Professional Office district because the Master Plan said it should be allowed as

conditional use. He noted that with the Strafford Avenue application, the Board had the power to deny it because it was a conditional use application and was located in a residential area.

Councilor Carroll said her concern was that allowing too much retail in the Professional Office district took away from downtown businesses.

Mr. Kelley left the meeting during this discussion.

Mr. Roberts asked what developers were interested in doing in these districts.

Mr. Campbell said they felt they could make both professional office uses and retail uses work, and he provided details on this. There was discussion on this.

There was discussion that the purpose of the Professional Office district had been to get more offices in this area, extending them down that corridor on Madbury Road, and also to move fraternities out. He read from the Master Plan concerning this.

There was discussion that if retail was allowed to stay in the Professional Office district, convenience stores potentially wouldn't be allowed, given the proposed change in the definitions.

Mr. Campbell noted that Convenience Store would be added to the draft Table of Uses, making it a permitted use in the Central Business district and the Courthouse district, and not permitting it anywhere else.

Councilor Needell said the Council would be revisiting the idea of prohibiting the mixed use with parking category for the OR-108 district. He also said he didn't think the Council had a problem with splitting the Mixed uses with parking into two categories in the Table of Uses.

There was discussion that if the split into Mixed use with parking (parking and office/retail) and Mixed Use with parking (parking and office) didn't occur, the Council would still be looking to remove mixed use with parking in the Office Research – 108 district.

Mr. Campbell said Councilor Needell could tell the Council that the Planning Board would be addressing this and would send it on to them.

Steve Roberts MOVED to accept the change of Mixed Use with parking (parking and office/retail) for the Office research – Route 108 district, from CU to X in the Table of Uses.

There was discussion that the split didn't need to happen for this to move forward.

Councilor Needell asked if it would make sense to send the proposed changes as separate items, so the process would be cleaner. Other Board members agreed.

Mr. Greene was appointed to vote in place of Mr. Kelley

Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Campbell spoke briefly about the proposed changes to the Table of Dimensional Requirements. He noted that setbacks of 15 ft were being proposed for the Church Hill district

Richard Ozenich MOVED to send to public hearing on December 12, 2007 the proposed changes to Table 175-54, Dimensional Standards, the proposed changes to Section 175-55-F concerning calculation of usable area; and the changes to the definition of Subdivision. Steve Roberts SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Campbell briefly went over some propose changes to the Shoreland Protection Overlay District language in the Zoning Ordinance, and said the Conservation Commission would be reviewing them in December.

There was brief discussion about this.

V. Discussion on Conservation Subdivisions – Discussion on whether to expand the Conservation Subdivision regulations to commercial and multi-unit developments.

Mr. Campbell explained that at the Council meeting the previous Monday, Councilor Julian Smith had introduced the idea of making multi-unit development fall under the conservation subdivision process. Mr. Campbell said the majority of the Council wasn't interested in doing this right now, so the question was whether the Board should spend time on this issue now.

Councilor Needell said his sense was that the Council took no particular stand on this, but was not interested in the proposal before it. He noted that no vote was taken. He said he would like to see the Planning Board discuss this issue to see if there was some interest in it. He said he felt this issue actually belonged with the Planning Board, since it was a planning issue.

He said the discussion should be on the idea of expanding conservation subdivision to apply to commercial subdivisions, but also should be on whether it made sense to change the site plan review process concerning multi-unit developments in a way that would have the same effect. He said he thought it was important that the Board have that broader discussion.

Mr. Roberts said he had real concerns that applying the conservation subdivision approach would be a terrible dead end. He said there were other ways to accomplish the same thing, and he spoke in some detail concerning this.

Councilor Needell said the key thing was to find out from the Planning Board whether there was a need to make some change somewhere in the regulations to improve buffering and other protection of abutting properties, to provide protection of the Town's gateways, etc.

Mr. Campbell said this protection would come from the development standards for each district, which the Board hadn't really tested yet. He also said the Board needed to take a look at the Site Plan Regulations, and noted that Mr. Kelley had said that he would take a look at doing this.

Mr. Roberts asked Mr. Campbell if he could take a look at what other towns were doing concerning this.

Councilor Carroll said this was an important thing for the Planning Board to talk about, and said it was a broader issue than that which the Council had looked at the other night. She said it was the issue of conservation development, and looking at every use, in every zone, so that conservation was brought in with every development. She said the Board was doing this now, with the conservation subdivision process, and had seen some of the pitfalls that existed.

She noted that much of the community was split between economic development and conservation, and said the key was to find a way to develop that allowed for development while also assuring that it was done in a conservation minded way. She said that if Durham developed in a way where areas of a site whose highest value for conservation purposes were preserved, there would be a lot less arguing. She suggested that the tools in the conservation subdivision approach could be used in other ways that worked best for Durham.

Councilor Needell said the conservation subdivision approach didn't change density, so there was no penalty to developing in this way. He said this was similar to what had been said by some in the energy discussion. He said the regulations weren't intended to diminish property rights, and were intended to make people look at things in a different way, that enhanced everyone's opportunities. He said he believed that this was the spirit in which this issue should be tackled.

There was discussion that more would need to be done than simply tweaking the Ordinance and regulations.

Mr. Campbell said now that there was a formal Economic Development Committee, which had an action plan for 2008, it would be looking at how to define the balance between economic development and conservation. He said the question would then be how to go about creating that balance. He said that as part of this, the EDC would want to meet with the Planning Board and the Conservation Commission.

Councilor Carroll said this was a timely issue, noting that development proposals were coming in fast and furiously. She said that was fine, but said the Board needed to be ready to deal with them.

Mr. Roberts said UNH had set the standard on this, noting that they had put a lot of their buildings at the north end of town, in some cases where the good farmland was.

Mr. Campbell said he would put together something on the conservation development issue for the new year.

Ms. Fuller said Councilor Carroll's description was a vision for development, and said it needed to include a variety of people. She also said the Master Plan needed some revamping, and said that would go a long way toward helping to create a new vision.

Councilor Carroll noted that some of these things were already in the Master Plan, and could be used as a foundation for the vision.

Mr. McGowan noted that the Board needed to get back to working on the Master Plan, including setting up committees in order to get some things done.

Councilor Needell asked Mr. Campbell if he was planning to make a presentation to the Council on the idea of transfer of development rights.

Mr. Campbell said he would be doing this at the December 17th Council meeting. It was noted that this was another twist that was related to visions of development for Durham.

There was brief discussion on the Roselawn Farm conservation easement.

VI. Other Business

A. Old Business:

B. New Business: Mill Plaza Discussion

This item was taken off the Agenda.

Councilor Carroll provided a handout from a recent Food Security presentation put on by the Southern NH Regional Planning Commission. She stressed the fact that this was an issue that NH planners thought was important to address, and she said it was one of so many issues in NH that came down to local planning boards.

C. Next meeting of the Board: December 12, 2007 (Only meeting in December)

VII. Adjournment

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

Adjournment at 10:15 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary