

These minutes were approved at the July 23, 2008 meeting.

**DURHAM PLANNING BOARD
WEDNESDAY, MAY 28, 2008
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.**

REGULAR MEMBERS PRESENT: Chair Bill McGowan; Secretary Susan Fuller;
Richard Ozenich; Steve Roberts; Richard Kelley;
Councilor Julian Smith

ALTERNATES PRESENT: Kevin Gardner; Councilor Jerry Needell

MEMBERS ABSENT: Vice Chair Lorne Parnell; Doug Greene; Wayne
Lewis

I. Call to Order

II. Approval of Agenda

Susan Fuller MOVED to approve the agenda as presented. The motion was SECONDED by Richard Ozenich and PASSED unanimously.

Mr. Campbell arrived at 7:15 pm

III. Report of Planner

Mr. Campbell said that on June 2nd, 2008, the Town Council would be holding a public hearing on the proposed amendments to the definition of “Wholesale Sales” in the Zoning Ordinance, and the removal of the most restrictive language from Section 175-9 (A) (13) of the Ordinance.

He said they would also be discussing whether to initiate an amendment to the definition of habitable floor area, and also whether to amend the dimensional standards to allow for a lower lot area per dwelling unit in the Central Business District (1200 sf to 900 sf) and the Church Hill District (4200 sf to 3000 sf). He noted that these amendments had come out of the work of the Housing Task Force, and recent discussion by the Economic Development Committee.

Mr. Campbell said the Sign and Parking amendments would be going to the Council for first reading at its June 16th meeting.

IV. Appointment of One Member to the Historic District Commission and One Member to the Traffic Safety Committee.

Councilor Julian Smith volunteered to serve on the Traffic Safety Committee. There was discussion that there was currently no Town Council representation on that Committee.

Ms. Fuller volunteered to serve on the Historic District Commission.

Richard Kelley MOVED to nominate Councilor Julian Smith to serve on the Traffic Safety Committee, and Susan Fuller to serve on the Historic District Commission. Steve Roberts SECONDED the motion, and it PASSED unanimously 7-0.

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

Richard Kelley MOVED to continue the public hearing on the Conservation Subdivision Application submitted by Joseph Caldarola, Portsmouth, New Hampshire, for subdivision of one lot into 9 lots, for the property located at the corner of Bagdad Road and Canney Road, in the Residential B Zoning District. Steve Roberts SECONDED the motion.

Chair McGowan noted that Mr. Caldarola had granted an extension until August 27th, 2008

The motion PASSED 5-0-2, with Susan Fuller and Richard Ozenich abstaining.

VI. Conceptual Consultation on a Site Plan Review

Bill Doucet represented developer Perry Bryant. He said Clay Mitchell would speak first about the Master Planning for the project and the project goals. He then introduced the project team members. He said the team would provide a sample of what they had been working on since they had last been before the Board in February. He said once the application was submitted, they would like to address each of the different aspects of the project at specific Planning Board meetings.

He said the next step was to go for variances before the ZBA, and then on to the Planning Board with the conditional use application. He said one of the goals of the presentation that evening was to demonstrate how particular impacts would be mitigated, using a variety of technologies.

Clay Mitchell said the design team had created goals for the project, and had then slowly designed the project around them. He said the team would like to provide the Board with some insights into the design process itself, and had therefore developed a website that would allow Board members to have insight into this process, as it evolved. He explained that the team had realized that this was the only way to preserve the design process without burdening the Board with constant input on the project.

Mr. Mitchell said it was recognized that this would be a campus facility, as well as a part of the Durham community, and said both the Town and University Master plans had been utilized in determining the design. He said they were trying to create a facility that represented a way of life for the people who lived there, and said an important element of this was constructing a building that would be resilient, and adaptable to future technologies.

He also said a key goal was that on an annualized basis, the building would create as much energy as it demanded, and said a variety of alternative energy approaches were on the table, including solar, wind and cogeneration. He said they were also trying to approach a carbon neutral status with the development, using these renewable resources instead of fossil fuels.

He said the big challenge for the team was transportation impacts, and said they were exploring the idea of using plug-in hybrids, or flat-out electric vehicles as a key aspect of life at the development. He provided details on this, noting among other things that they were talking about linking this with UNH plans along those lines. He said they were ready to meet with Durham entities about these concepts, including the Energy Committee, and said he hoped to get their input concerning this aspect of the project.

Patrick Costin, an architect for Harriman Architects/Engineers, Auburn, Maine, provided a description of the site, using aerial views and photos. He noted a wetland in the middle of the site that was currently mowed lawn, and said a septic system leachfield was currently located there. He said running water on the site occurred for only a limited portion of the year. He noted the existing residence on the property, located off of Route 155.

He next showed the proposed site plan, which included an access road, a parking area, the multiunit housing, and a proposed structure to house electric vehicles and bicycles for residents. He showed a drawing illustrating the current state of the conceptual development of the project, looking at it from Route 155. He said the storage area for the electric cars was a traditional barn style, which reinforced the 19th Century agricultural context of the area.

He said the multiunit building was located to the back, and was contemporary in design. He said it was intended to have a quiet presence, similar to the New England Center, and said it would hopefully disappear into the woods over time. He said the materials for the building were selected with this in mind.

He showed an aerial view of the building from south to the north, showing the green roofs that were planned, as well as the solar panels that were integrated into the building design. He said the building would be oriented to the south, away from the road, with glass to the south, east and west, but not to the north. He said there was a lot of glass, but said it was specially engineered, and was designed to accommodate daylighting. He noted the shading of the windows as well. He said the wood elements of the building would mimic the pines in the area, in terms of character and color. He also noted that the parking lot that would be located in front of the building. He showed views of the building from several directions.

He outlined sustainable construction elements that would be incorporated into the development:

- High recycled content materials
- Low Volatile Organic Chemical (VOC) finishes
- Locally produced materials, to reduce pollution from transportation over long distances
- Building orientation – to harvest as much solar energy as possible
- Green roof – to minimize the impact of stormwater runoff and pollution
- Thermal envelope – with a high insulation value, to reduce heating and cooling needed
- Daylighting/ Natural ventilation

- Transportation options

He next outlined the economies of scale to be derived from building a larger, higher density building:

- Reduction in sprawl
- Lowers infrastructure costs
- Higher utilization per unit of cost
- Supports alternative transportation options – creates critical mass for this
- More efficient use of building material
- Increased thermal energy performance

Clifton Greim, Harriman Architects/Engineers, the engineer working on the energy design aspects of the development, said that when this journey had begun, Mr. Bryant was clear that he wanted to see a zero purchase energy performance. He reviewed some of the technologies that were being considered for this project.

- Natural daylight harvesting
- Variable frequency drives
- Enhanced thermal envelope
- Thermal massing
- Demand and Occupancy control - modularized systems, so as rooms occupied, will be environmentally controlled. Systems in the building will adjust to one or more rooms in building being unoccupied
- Heat Recovery Ventilation
- Building Automation System – can trend energy use, will be an intelligent building
- Low-flow fixtures
- Dual-flush fixtures
- Rainwater/geothermal “bleed” harvesting – for flushing of fixtures in building
- Drought-resistant planting – water captured on site will not be used for irrigation
- Geothermal heating and cooling – looking at two possible options for this
- Solar water heating, with thermal storage
- Photovoltaic electrical generation – integrates both photovoltaics and heating aspects; heats domestic water off same panels generating electricity
- Biomass boiler– will include this if it is needed; uses a pelletized product, low emissions

Greg Mikolaities, PE, of Appledore Engineering described the proposed site layout in detail. He noted that there was a wetland in the center of the site that currently was essentially a lawn area, and said this area would be enhanced as part of the project. He said the hydrology of the site would not change as a result of the development. He said the driveways in the development would be constructed of pervious pavement, and said there would also be pervious concrete sidewalks, noting that there could be some heating underneath the pavement and the sidewalks to eliminate plowing. He said they would make sure this approach was energy efficient.

He noted the culvert that currently ran underneath Mast Road in this area, and said another culvert would be constructed, which would insure that the existing flow path would not be impeded. He said the grading plan was pretty simple, and noted that the change of grade was ranged from 94-97 ft.

He said the goal was to have a 0 increase in runoff, and said there would be a green roof to collect rainwater and direct it to a central area. He said they were still considering what to do with runoff from the roof of the barn. He said Town water and sewer would be extended to the site.

He said this project was a unique opportunity for the members of the design team, and said they had been challenged to develop a book, when the project was done, on what had been proposed for the building and the site. He said this was a phenomenal educational opportunity.

Robbi Woodburn, of Woodburn Landscape Design, said a major design goal was to marry the building to the site. She said as part of this, they would add screening to filter views of the building from the street and to maintain the residential scale along the street. She said they would also enhance the existing wetland, and would preserve as much of the existing vegetation on the site as possible.

She said they were fortunate to have a mixed deciduous/evergreen border on the east side, which created great buffers between the site and the neighboring property. She said there were mature fir trees along the street, and also said that the land where the multiunit building would be located was in transition from being a field. She said they would need to remove some trees, but would be adding some as well. She said they wanted to screen the view from the street, and she described the trees that were planned for the site, to filter the view, work with the wetland soils, etc.

Ms. Woodburn said they also planned to enhance the wetland on the site. She noted that presently, there was a soggy septic system in this area, and said what was proposed was to remove this system and return the area to a functioning wetland. She said that as part of this, they wanted to establish a sinuous stream bed, which would slow the water down and allow it to meander through the site, which would provide water treatment. She provided details on what would be involved with enhancing the wetland area.

She noted that a vegetative buffer would also be created for this wetland, by planting a mixed buffer of upland shrubs. She said the goal was to create an area that functioned more as a wetland, and that was also handsome to look at. She also said the idea was to only mow the existing lawn in this area once a year, in order to keep the wetland grasses there, and to keep the scrub down.

Ms. Woodburn said the intent was to use as many plant species as possible on the site, to meet a number of resource goals. She noted that rainwater would be collected on the site, but said this would be used for the building systems, and that there would not be irrigation water available for landscaping. She said the plants chosen would therefore be those that could be watered the first year, but then would get established and would be able to adjust to changing conditions on the site. She noted that using these native species reduced the amount of fertilization and other maintenance that would be needed.

Ms. Woodburn said it was hoped that the wetlands enhancement that would occur on the site would be an educational tool , and she said she was looking forward to taking this challenging project forward.

Adele Fiorillo from NH Soils Consultants said that she was working with the project team to develop a site plan that was environmental sensitive. She also said she was working with the State on the dredge and fill permit application process, noting that the development involved some impacts on the wetlands. She said the wetland on the property was currently a mowed lawn, and also said that the wetland buffer area was currently not providing any protection for the wetland.

She said the development would take place on both sides of the wetland, and said the plan was to encroach 7000 sf of the wet lawn area with fill, in order to put in a roadway. She said an upland buffer would also be created adjacent to the wetland, which, among other things would provide habitat diversity.

She said the goal was to keep the remaining wetland itself in as close to an open wet meadow status as possible. She noted that wet meadow habitat was declining in NH, and said it was a necessary component of the landscape. She said that in the development of the site, very little work would be done in the wetland itself, other than removing the existing ditch and putting in a more sinuous ditch that would allow increased detention time for water flowing through the wetland. She noted that this wetland area was not a very wet area other than in springtime, so it was not anticipated that the meandering stream would be a year round flowing stream. She said this area could eventually be utilized as a habitat feature.

She noted that she had provided a breakdown of the wildlife values of the plants Ms. Woodburn had provided, and she went through some of these. She said that overall, there was a real gain in terms of the sustainability of the wetland, although there would be some loss of wetlands in terms of area, as a result of this development. She noted that there was a wetlands creation component of the project, so that while there would be a loss of approximately 7000 sf of wetland, there would be the creation of about 1500 sf, with a net loss of about 5500 sf. She said the enhancement of the remaining wetland would more than make up for the loss of wetland.

Ms. Fiorillo said that when she had met on site with the Conservation Commission and the Planning Board representative, there had been discussion on what the wetland had been in the past. She said she had done some aerial photo research, and had found that the area was mowed lawn in 1981. She said the house on the site was put in during the 1940s, so she was guessing that it had been mowed since about that time.

In answer to a question from the Planning Board, she said the wetland area was about 17,000 sf, and said there would be a net loss of about 5,500 sf of this. She said about 10,000 sf of the wetland area would be enhanced.

Conservation Commission Chair Cynthia Belowski noted that the Commission had asked if a hydrologic study had been done in terms of how water was moving on the site, and what was getting to the wetland.

Adele Fiorillo said Appledore had looked at the watershed in this area, and had found that there was not a lot of water coming on to the site. She provided details on the soils in the wetland area, noting that there was a lot of clay, and a lot of ledge.

Greg Mikolaities said they had designed the site around these soils conditions, to maintain the hydrology. He provided details on this, and said this had been a key aspect of the design of the site.

Ms. Belowski asked about drainage at the back of the site, where the multiunit buildings would be located.

Greg Mikolaities said they would mimic the existing drainage there as well, and would infiltrate all of the stormwater.

Mr. Kelley said this sounded like a really exciting project. He noted that with conditional use applications, the Planning Board typically required a property management and security plan, and said he would be looking for that when the formal application came forward. He also said he had noticed, concerning the issue of buffers and landscaping, that the proposed driveway for the development would be directly across from a residence. He asked if any thought had been given to buffering that residence from the headlights of vehicles leaving the site.

Mr. Kelley noted that Mr. Mitchell had spoken about working with the Town and University master plans, as part of this design process. He then noted as well that there had previously been discussion about combining driveways, and actually having an access to the site on the University property. He said such a design would really diminish the impact on the wetland, and he asked what the University's plans were for its property.

Mr. Doucet said this wasn't known, but said they were in active discussion with the University concerning the driveway issue.

There was discussion on vehicle to grid technology, with Mr. Ozenich noting that Southern NH University had electric cars.

Mr. Mitchell said the design team was looking to do this, and he explained that this would involve locking the cars down at times to feed the building itself, when electricity was needed. He said they would make this concept a reality with this site.

Mr. Ozenich noted that the septic system would be taken out. There was discussion on the elevation of the wetland, and on how this related to the plans to restore/enhance it.

Mr. Gardner said it was great to see sustainable building coming to Durham. He said he saw the proposed building as having a high performance thermal envelope and a lot of glazing on the outside, and said he wasn't sure how to justify those two things. He also said there were a lot of solar panels planned for the roof, and said although this was a great concept, he wasn't sure what the reality was, given the costs.

Clifton Greim said the combined photovoltaic and solar heating, plus a place to store energy, was how they saw that there would be a return on investment within the five year range. He also said a full energy model of the building would be developed, considering the variables involved. There was discussion on this.

Patrick Costin said they wanted to use natural daylighting and ventilation as much as possible, and he also noted that high performance glass was an evolving science. He explained that with sustainable design, there was a tension between wanting to use as much daylight as possible and controlling the heat gain that was generated. He also noted that making a connection with the landscape was a key consideration, in using daylighting and ventilation.

Ms. Fuller asked for details on green roofing.

Clifton Greim said this was a planting bed that was relatively shallow, and allowed water to permeate down through it, which was then captured and used, as a pure product, in the building. He said it was a sustainable system that didn't need maintenance. It was noted that the plant materials would turn brown at times of the year when there was a lot of heat or not much water, but that the plants were very durable, and would regenerate after the dry times.

Mr. Ozenich asked what the project had planned in terms of trails and bike paths, and possibly hooking up with UNH concerning these things.

Mr. Doucet noted that said the University was investing resources at the intersection of Mast Road and Main Street to bring bike paths to that point, and he said the design team was looking at the option of doing a bike path to the project site. He said they were also working with the Woodlands Department at UNH regarding the idea of doing a trail into College Woods.

Councilor Smith said a letter to Mr. Campbell concerning the project described this site as being within the UNH Campus. There was discussion on this with Mr. Doucet.

Mr. Roberts said he had attended the site walk with the Conservation Commission, and said he hoped the Conservation Commission would have the opportunity to make comments. He said his own questions had to do with how this development would fit with the existing neighborhood, and what would be done to address traffic flow. He asked if arrangements had been made to have the UNH shuttle stop at the property.

Mr. Doucet said they were making arrangements to get a shuttle stop at the site, and he reviewed the other transportation options being included in the project. He noted that there had been input regarding the idea of having no parking spaces on the site, and said they were suggesting less spaces than were allowed by the Ordinance. He provided details on this, and suggested that the Board could mandate the maximum number of spaces that would be allowed, rather than the minimum.

Mr. Roberts asked if this would be a development that would be invisible to the neighbors.

Mr. Doucet said the existing office (residential) building and gravel parking area would be removed and landscaped, and said a 50 ft buffer would be maintained. He noted that there was a considerable stand of mature trees there. He said the most important thing for a project like this was to have a solid property management plan for the student housing, and he noted Mr. Bryant's experience and track record concerning this.

In answer to a question from Mr. Roberts about possible impacts to the Grant house across the street, Mr. Doucet said Mr. Bryant had a purchase and sale agreement on that property.

Cynthia Belowski, Conservation Commission Chair, thanked everyone for holding this joint meeting. She said this was a very exciting project, and said the Commission wanted to stay very close to it. She said given the purchase and sale agreement on the property across the street, and the fact that the project site was so close to the West Edge parking lot, she wondered why there should be any parking provided on the site. She said this would allow them to get the building a bit further away from the wetland area, and said there could be a trail to the West Edge lot. She asked the Planning Board to think creatively about this.

There was discussion that there would be 24 units, with 4 students per unit. Mr. Kelley noted that the May 23rd plan showed 18 units, and Mr. Doucet said the packet that evening corrected that error.

Peter Smith, Conservation Commission member, said he had suggested at the site walk that there be no parking on the site. He said this was a very exciting project for all of the reasons stated, and said it would be even more exciting and revolutionary if a completely different approach was taken to the transportation situation. He said this was an ideal site to do this, given that it was within a mile of the academic facilities, and was very close to a major parking area.

He said there only needed to be a minimal amount of parking on the site, for handicap accessibility and deliveries. He said this was the one part of this proposal that had not been made part of the revolution that the project team was trying to accomplish. He asked that the Planning Board put this fairly high on the list of priorities for this development.

Mr. Campbell said the Planning Board had the authority to require more or less parking than the Ordinance required, as part of the conditional use process. He said with 96 units, they were required to have at least 72, and were providing 49. He said this was less than what was required, but said the Board did have the authority to make them go lower.

Councilor Needell said he thought it was important that members of the Planning Board give some indication of what they thought about this idea.

Robin Mower, Faculty Road, asked whether, if as part of the conditional use process, the Planning Board could confirm that if it was determined that residents couldn't park at the site, they wouldn't wind up parking somewhere else in Town.

Mr. Doucet said this sounded like a challenge. He said part of this would be an educational process with the students. He said an idea being considered about the parking was to allow the

developer the opportunity to come back in 5 years and say he would remove 15 parking spaces, if it could be proved that development could do without them.

Councilor Smith asked if the number of parking spaces being proposed was based at least in part on the small size of the lot, or something else. He noted that he was in favor of providing less parking, and using other modes of transportation.

Mr. Doucet said the number of parking spaces was based on a desire to specifically limit parking. He said there were other properties that could be used to provide additional parking, but said that was not their desire.

Councilor Smith asked if there had been discussion with the University about providing parking for storage of cars, for students wanting to live in this development.

Mr. Doucet said there had been discussion with the University for several months about transportation and parking issues, and said they were making progress.

Mr. Campbell noted provisions 175-50 F 4 and 5 concerning development standards in the MUDOR District, one concerning a residential buffer, and the other concerning provision of an outdoor recreation space.

Mr. Doucet said they would like to explore off site possibilities for providing recreation areas, noting that the site was located adjacent to a tremendous amount of recreation area. He suggested that as part of the development, they could enhance recreation in the community in some way, and said there would be discussion on this. He said in Mr. Bryant's experience, recreation areas tended to lead to keg parties, and said they didn't want to create nuisances.

Councilor Needell asked if the Planning Board could waive this requirement, and there was discussion that under the conditional use process, that would be possible.

Mr. Kelley asked for details on the variances that would be required.

Mr. Doucet said that under conditional use, they could have the access road and nonresidential buildings within the 75 wetland buffer, but not the residential building or the parking lot. He said variances would therefore be needed for the residential building and the parking lot. He also said the parking barn would be within the 100 ft setback from Mast Road, so would need a variance. Finally, he said the conditional use permit was needed in order to allow a multiunit building.

Mr. Campbell said the parking lot would probably be considered an accessory structure, so could be handled under conditional use instead of needing a variance.

Regarding the height requirement, Mr. Doucet said the building would be less than 50 ft. There was discussion that 40 ft was allowed, and that 50 ft was allowed with Planning Board approval.

Councilor Needell asked if access had to be provided for the Fire Department at the back of the building, and Mr. Doucet said they would work with the Fire Department on this.

Chair McGowan asked what additional steps needed to be taken at this point.

Mr. Doucet said the applicant was applying for the conditional use permit and applying for the variances, and was on the agenda for the June 13th EDC meeting. He said Mr. Mitchell would be meeting with the Energy Committee, and said the project team would continue to meet with the University on various issues.

Break from 8:46- 9:01

VII. Conceptual Consultation on a Site Plan Review submitted by David & Christina Potter, Durham, New Hampshire on behalf of Ursula Hoene, Durham, New Hampshire for the construction of a horse breeding facility. The property involved is shown on Tax Map 9, Lot 15-0, is located at 281 Mast Road and is in the Multi-Unit Dwelling/Office Research Zoning District.

David Potter spoke before the Board. He said the plan was to create a breeding facility for Trakehner horses, and said it would include the following:

- Stabling for 12 animals, including foaling stalls and a separate stallion area
- An indoor arena for 4 season training and breeding clinics, to be used half a dozen times a year
- Associated hay and sawdust storage facilities
- A small 4-stall quarantine barn

He said a goal was to keep the house in the family. He said this would not be a riding stable. He noted that there appeared to be some conflict in the regulations as to whether this proposed use was permitted.

There was discussion about this, upon reading the definitions for animal husbandry and stable in the Zoning Ordinance. It was suggested that the Potters could go for a variance, and it was also suggested that the Board might consider why this use was not allowed in the MUDOR District. It was noted that this didn't make sense, given the history of that area. It was suggested that perhaps there might be interest by the Board in changing the Ordinance.

Mr. Campbell said his sense was that there wasn't really a rhyme or reason why this would not be a permitted use. He said the applicant could go for a variance, or request that the Planning Board or Town Council initiate a Zoning change to allow stables.

Councilor Needell noted that this area had been rezoned to become an area for multiunit student housing, and said there might be an argument that could come back concerning this. But he said this property and the one abutting it were the only non University properties in the whole zone, so it was puzzling what the real intent of the Zoning was. He said this would be a good opportunity to revisit that question.

There was discussion that there were no horses on the property now, but that the barn was set up to care for horses. There was discussion on when the area had been rezoned.

Mr. Potter asked if grandfathering applied, and Mr. Campbell said they would have to show that the use had continued on the site, or had stopped for no more than a year.

Mr. Potter said he would talk with Mr. Campbell and the Code Officer about what was the most reasonable approach. He said it seemed that if one could breed pigs there, horses could be bred there.

Mr. Kelley said the definitions in the Zoning Ordinance could be changed to address this situation.

Chair McGowan said other options should be investigated first, as opposed to changing the definition every time something like this came up.

Mr. Roberts said he recalled that this had been a conditional use in the Table of Uses, but that a number of things had changed at the last minute, during the Zoning Rewrite process. He said he would be in favor of changing this.

Mr. Campbell asked if this would definitely be a commercial operation, and Mr. Potter said yes. Asked what the timeline for the project would be, Mr. Potter said some of the construction would happen in the next six months. He noted that this would be a phased plan.

He described the site plan in some detail, noting that 4 large pieces of wetland had been delineated on the property, some of which had been impacted by activities on abutting properties. He said locating building sites on the property that were large enough had been a challenge.

He said they would need to have immediate stabling for their 4 horses, and said this first structure was proposed near the existing barn, where there was developable land. He said this structure would be converted to a workshop when the larger facility was built.

Mr. Potter said Phase II, which was realistically a year away, was an indoor arena on the northern portion of the property where non-wetland existed. He said it would be approximately 100 ft by 200 ft, and said he was currently considering using a coverall sort of structure, with a peaked roof. He said a 12-stall stable would be attached to this, with a small utility storage facility next to it. He said a road would be required to go from the front of the property to the existing barn, and would then follow the property line out to the indoor arena location.

He said he wasn't sure what the driveway setback from the property line had to be, and Mr. Campbell said it was generally 10 ft. Mr. Potter said he was fine with this. He then asked what the maximum height was that was allowed for the barn structure, and Mr. Campbell said he should check with the Code Enforcement Officer.

Mr. Potter said the last component was to be able to quarantine horses that were being brought to the facility for breeding purposes, and he provided details on this. He said the need for this was a couple of years down the road, and said there was room on the property for it. He explained that one of the difficulties was having enough turn out room for the horses at the stable next door, for safety and other reasons.

There was further discussion by the Board on the possibility of changing the Zoning Ordinance.

Councilor Needell noted that “stable” was a conditional use in an abutting zone, and said his sense was that the Board was willing to cooperate concerning this.

Mr. Kelley said he supported a change to the Zoning Ordinance, and said this use fit with the surrounding uses.

Mr. Roberts said the Board could get this change started that evening.

There was discussion that the process would be to make “stable” a conditional use in the MUDOR District.

Councilor Needell said this seemed like a natural use there, and asked whether there was a potential impact from the use that the Board should be concerned with. He asked what the largest number of animals that would be expected there.

Mr. Potter said based on their plan, there would be no more than 15 horses, with some additional horses occasionally staying overnight.

There was discussion that UNH had about 44 horses.

Chair McGowan asked who would clean the stalls, and Mr. Potter said UNH students would be available to do this.

Christine Potter spoke about the advantages of having this breeding facility in Durham, including the fact that it was near the University. She said her father would have been proud of their plans to do this, and she said one of the goals to expand UNH students’ knowledge of these horses.

Mr. Potter said he would speak further with Mr. Campbell and Mr. Johnson, and said he would bring the design team to the next meeting when this project was on the agenda.

VIII. Discussion on proposed amendments to the Zoning Map

Mr. Campbell asked Board members if there were any issues with these proposed amendments before scheduling a public hearing.

Mr. Kelley said he really supported the Church Hill changes, and noted that he had said all along that something like this was needed.

Ms. Fuller said she supported this Zoning change as well, noting that hopefully this change would allow a second egress for Mill Plaza, in order to maximize the development potential of that property.

Mr. Kelley said he also supported the Zoning change from RB to ORLI, given the surrounding uses, and the fact that the land abutted the ORLI district. He said he was on the fence regarding changing the RB parcels to MUDOR, at the intersection of Madbury Road.

There was discussion on the proposed change from RB to ORLI in the Spruce Hole area.

Ms. Fuller said she supported this change, saying that the ideas described as part of the conceptual consultation would help protect this area.

Mr. Campbell said that concerning the change from RB to MUDOR, the Master Plan was pretty specific about this. He noted that the area had been in the OR zone, but had been moved back to the RB zone during the Zoning rewrite.

Councilor Needell asked if owners of properties in that area had been notified about this proposed change.

He said that regarding the RB to ORLI Zoning change, he hoped that at some time, Mr. Farrell and Mr. Garvey would present their vision for the properties. He said it was an interesting proposal, and said his only concern was that just rezoning wasn't sufficient. He said the vision they were bringing forward required a more complete look at the big picture. He said aspects of the proposal would require a change in conservation subdivision, so that it would also apply to commercial properties.

He said he was uncomfortable with just rezoning the area, because of possible impacts to the area. He said if scattered development was allowed there, and the protections provided by conservation subdivision were not in place, there were no guarantees as to how it would be developed.

Councilor Needell said there was also the question of where the access would come from, and he noted the long discussion on access in regard to the JLB proposal. He said the larger picture concerning access needed to be considered, and said again that he was uncomfortable with simply rezoning this land, without taking into account several other steps that were needed.

Mr. Kelley noted that the aquifer overlay district was in place there.

Councilor Needell agreed that this provided some protection. But he said the conservation subdivision concept would offer a tremendous benefit to the community and the project. He noted that the Board didn't know for sure that Mr. Farrell and Mr. Garvey would be the developers who developed the property.

Chair McGowan asked if the projects would be conditional use applications, and there was discussion.

Ms. Fuller said presumably there would be water and sewer to the development, which would add an extra layer of protection.

Councilor Needell agreed, but said there were a number of pieces of this that needed to be lined up. He said he was not comfortable separating them, and doing the rezoning ahead of the other pieces.

Mr. Kelley asked if the developers could perhaps speak about their plans.

Jack Farrell said this process was going a bit fast, ahead of the zoning. But he said when they started to look at utilities to service JLB, access issues, and trying to utilize the land out there in a way that met community goals, these questions had come up. He said that with the JLB proposal, they proposed to satisfy the Town's need for resource protection, while providing economic development, and to build community consensus on this.

He said there were tradeoffs, with a large new development in an undeveloped area with a lot of open space. He said his view was that conservation subdivision should also have been applied to commercial development, and said he didn't see this process as being an impediment financially and otherwise to developing the property. He said he believed strongly that the Board should make this change.

He said once the development of the Teece property was figured out, it made sense to leverage the utilities brought out there to develop the remaining part of Spruce Wood. He said they had a vision of building affordable/workforce housing there, as well as some office research that would benefit from proximity to UNH. He said this vision included doing this under the conservation subdivision process, and he said of 108 acres left at Spruce Wood, 54 acres could be put in open space.

Mr. Roberts said he was not a tremendous fan of conservation subdivision, but was a fan of public open space, and the conditional use process. He asked whether, in order to protect the public, they would be willing to have some of the open space serve as an easement to the Conservation Commission for public access.

Mr. Farrell said absolutely, and said there had even been discussion about using some of the land as ball fields. He said it was not planned that this would be private open space, and he said a reason he liked the conservation subdivision approach was that it required a high degree of open space and resource conservation. He said the steps involved in doing conservation subdivision were just as important with commercial as well as residential development, especially in areas that were yet to be developed.

Mr. Roberts said if they would donate open space to the public sphere, that would be a different matter.

Mr. Farrell said that was their intent. He noted that he had spoken with the Lands Advisory Committee at UNH about providing 40 acres of the JLB property as public access. He said the idea was that the conservation subdivision process required everyone to decide together how to do that.

Mr. Campbell asked what they wanted to build on the land that wouldn't be in open space.

Mr. Farrell said if it were rezoned to ORLI, single family housing wouldn't be allowed anymore, and he said multiunit residential was ok. He said if the Zoning didn't change, Spruce Wood would become approximately 100 single family house lots.

There was discussion about whether what Mr. Farrell had in mind with multiunit development would be a subdivision or not.

Mr. Farrell said he felt strongly that for the ORLI district, the conservation subdivision process should be brought in. He said that with the conditional use process, the Board could always asked for things, but he said if these things were already laid out as part of the Zoning process, the process was much clearer. He said they would be taking this approach anyway, and said he believed it was what they should do.

Mr. Roberts asked whether not allowing single family homes in the ORLI district was an impediment.

Mr. Farrell said it was a hard choice, but was a choice that had to be made. He said it would be better for the community, and would represent a better utilization of the land. He said they were very cognizant that they were at a turning point, in making that decision.

In answer to question from Councilor Needell, regarding the possibility of using Planned Unit Development (PUD), Mr. Farrell said it was a tool that should be available for development of larger properties like this, especially ones with a mixed use configuration. He noted that the PUD master plan aspect had allowed them to have a staged permitting process for the previous development of Spruce Wood.

Mr. Campbell said the PUD ordinance draft was still being worked on. He said if this Zoning change went forward, the Board would still have to grapple with uses, and said the PUD ordinance could handle those without messing with the Table of Uses. He noted that whether this would all come together in time was a different matter.

Chair McGowan said the process right now was for the Board to determine whether it was comfortable with the proposed Zoning Ordinance changes.

Mr. Roberts said his only concern was that he could see a need for conditional use for duplex residences in that district. He said that would fit with the workforce housing goal and PUD, to provide more of a mix. He said he wouldn't even mind allowing single family homes with a conditional use permit, but said he wasn't sure that would be necessary.

Mr. Campbell said he had been an advocate for duplexes, with the zoning changes. Mr. Roberts said he had been as well.

Chair McGowan MOVED to send the proposed Zoning Ordinance changes to public hearing on June 18th, 2008. Richard Kelley SECONDED the motion, and it PASSED unanimously 7-0.

Chair McGowan noted the previous discussion on a possible Zoning change regarding “stables” in the Table of Uses, for the MUDOR District.

Richard Kelley MOVED that we revise “stable” as a non-permitted use in the MUDOR District in the Table of Uses, and make it a conditional use, in conformance with the OR and ORLI Districts, and to set a public hearing for June 18, 2008. Steve Roberts SECONDED the motion.

Councilor Needell asked if prior to the public hearing, research could be done on whether there had been previous discussion on this issue. There was discussion on this.

The motion PASSED unanimously 7-0.

IX. Other Business

A. Old Business

B. New Business: **Review Request for Extension on the Site Plan and Subdivision Conditions of Approval for Stonemark Management Company Inc., 97-99 Madbury Road**

Mr. Campbell said he had not heard back yet regarding the Stonemark court cases. He said that granting the 6-month extension should be sufficient.

Mr. Ozenich asked why the clock didn’t stop when there was a court case, and said it didn’t seem right. There was discussion on this.

Richard Kelley MOVED to extend the Site Plan and Subdivision Conditions of Approval for Stonemark Management Company, Inc., 97-99 Madbury Road, for a period of 6 months. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

C. Next meeting of the Board: June 11, 2008 Quarterly Planning Meeting

X. Approval of Minutes – No Minutes

XI. Adjournment

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

Adjournment at 10:10 pm.

Victoria Parmele, Minutes taker