

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

**DURHAM PLANNING BOARD  
WEDNESDAY, JUNE 11, 2008  
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL  
7:00 P.M.**

**REGULAR MEMBERS PRESENT:** Vice Chair Lorne Parnell; Secretary Susan Fuller;  
Richard Ozenich; Steve Roberts; Richard Kelley;  
Councilor Julian Smith; Kevin Gardner

**ALTERNATES PRESENT:**

**MEMBERS ABSENT:** Wayne Lewis; Chair Bill McGowan

**I. Call to Order**

**II. Approval of Agenda**

*Richard Kelley MOVED to amend the Agenda to reverse Items IV and III. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.*

**IV. Discussion on Impervious Surface with Town Engineer** – The Town Engineer would like to discuss the possible change in the impervious surface ratio to include effective impervious surface

Mr. Cedarholm said he wanted to discuss with the Planning Board how the Town's regulations concerning impervious surfaces might be updated to inspire more innovative designs. He noted the Kimball project on Strafford Ave, and spoke about how ambitious it was in terms of how it used the lot and handled stormwater runoff. He said he thought this project could be used for discussion purposes, and said it seemed to be something that should be encouraged.

He said perhaps there could be some kind of credit system, as a way to encourage and reward developers who wanted to use porous pavement.

Councilor Needell said this had been an interesting project, and said the Planning Board had encouraged it. He noted that the developer had proposed that the Board allow a 50% credit, but that the Board had resisted this, because it didn't want to set a precedent, and also didn't know how to deal with it. He provided details on how this had been handled

Vice Chair Parnell said he thought the Board was hoping that over time, someone would come up with something more definitive than the approach the Board had used.

Councilor Needell said pervious pavement surface allowed water to infiltrate on a site, but he said there was also the issue of whether 100% of the lot should be covered with pavement. He said a question was how to address this issue.

Mr. Kelley noted that it had been the idea of large lots that had concerned the Board, where a 50% credit could have a dramatic effect. There was additional discussion about this issue.

Mr. Roberts said he had a concern about using pervious pavement as a panacea, and also spoke about possible water quality concerns over time because of using this approach.

Mr. Cedarholm said he had similar concerns. But he said that there were a lot of other innovative stormwater management approaches out there, and said he was interested in promoting the use of all of them, including those that hadn't come forward yet.

Councilor Needell noted the Board's sense, previously, that it wanted to give developers credit for the use of this approach. But he said perhaps there was enough incentive now to use it. He said they didn't want to encourage developers to cover more surface area since it would be porous. He spoke in further detail on this.

Mr. Gardner said there were hydrological as well as aesthetic issues involved. He said the impervious surface ratio seemed to be a stormwater derived issue, but said these days it was a pretty crude way of measuring stormwater impact. He said he thought it would be better to have a stipulation relating to the change in peak runoff, which was what did damage to streams. He also said the water quality issues concerning porous pavement had to do with what might spill on it rather than the asphalt itself. Mr. Gardner suggested that it would be useful to break up hydrological and aesthetic issues.

Mr. Ozenich said he was concerned about the longevity of pervious pavement, stating that it was maintenance intensive. He said whatever ratio the Board decided on, it wouldn't hold.

Mr. Cedarholm said he understood what Mr. Ozenich was saying. But he noted that looking at this technology was important from a hydrological perspective, especially for the development of properties in the Central Business District and the Church Hill District. He said there weren't many virgin sites in these districts, and also noted that for a project like the redevelopment of Mill Plaza in the Central Business District, an impervious surface ratio of 100% was allowed.

Regarding that project, which he said should be an exciting one, there would probably be a variety of low impact development features. He noted that currently, there was a lot of stormwater going into College Brook, and said it was important to have something in the Town's regulations that encouraged the installation of some innovative stormwater management approaches here.

Mr. Kelley said he had always seen the impervious surface ratios in the Ordinance as addressing open space issues rather than hydrologic issues. He said the stormwater provisions in the site plan regulations addressed the quality and quantity of stormwater. He said he would look to these to protect the downtown areas such as College Brook and Pettee Brook.

Mr. Campbell said this was where effective pervious cover came in. He said right now, the definition of impervious surface did not include porous pavement. He read this definition.

Vice Chair Parnell said that with the Strafford Ave. project, the Board hadn't known how much credit to give them, and said this issue needed to be resolved.

Mr. Campbell noted that the Board had tried to address this with the parking regulations, but then decided that the stormwater ordinance would be a much better place to do this.

Councilor Julian Smith said the impervious surface ratio figures in the Table of Dimensional Requirements seemed to be fairly arbitrary. He asked how they were arrived at, and also whether there was some kind of nationwide standard concerning this, or if perhaps these provisions were adopted without knowing why.

Mr. Campbell noted that the NH Estuary Project said that any development close to the water should have a maximum of 10% impervious surface, and that anything more than that would have a negative impact. He said the Master Plan had said that the Planning Board should shoot for 15%, but he said that with the Zoning Rewrite, the committee was concerned about going that low. He said the numbers put in the table had seemed to fit.

Councilor Needell said there was a lot of open space in some of these zones, so even with a ratio of 30%, there might not be that much coverage.

Councilor Julian Smith described a situation where there was a property that had a lawn, which was considered to be a pervious surface, but there was ledge right underneath it. He also described a possible drainage situation where a parking area that for specific site reasons might be fairly pervious. He also asked what other NH towns did in terms of granting credit.

Mr. Campbell said the numbers from other towns were all over the place, and he provided details on this.

Mr. Roberts said the impervious/pervious issue might be more of a visual issue, than a storm water issue.

Councilor Julian Smith said perhaps it should be called something else.

Vice Chair Parnell noted that the issue they were discussing that evening was effective impervious cover.

Councilor Needell said he felt the storm water and aesthetic issues should be separated, providing details on this. He also said the issue of the maintenance of porous pavement was a critical one, and might get back to the issue of whether it was a viable approach.

Mr. Gardner agreed, and also said there were other ways to manage stormwater besides pervious cover. He spoke in some detail about this, and said perhaps the impervious surface ratio should become an aesthetic issue.

Mr. Roberts described the fact that Maryland and Oklahoma, both of which had extreme stormwater issues, had developments with chambers underneath the pavement, to address storm water. He asked whether the Board should perhaps look for other approaches than porous pavement to provide stormwater management.

There was discussion about this, with Mr. Cedarholm noting that pervious pavement had been around a long time, and had been used in a variety of environments, for a variety of applications.

Mr. Roberts said it seemed that the Town was adopting it as a design standard because UNH was doing it. He said perhaps other approaches should be looked at.

There was further discussion on this with Mr. Cedarholm, including discussion on the term “effective impervious cover.”. He noted that he had removed “effective impervious cover” from the draft Stormwater ordinance, and said hopefully that issue could be resolved by the Planning Board.

He noted that there was an upcoming meeting regarding what was in store for the next NPDES permitting, and said the Town would then need to look at whether the Stormwater ordinance would fit with it. He also said there would be changes to the State’s Alteration of Terrain rules.

Mr. Kelley asked if the Town would be an MS4 without the University, and Mr. Cedarholm said probably not.

Mr. Cedarholm suggested that a place to start right now was to look at the results from the Strafford Ave. project.

Mr. Kelley said a concern was that developers would be pushing pervious pavement on the Planning Board. He said he agreed with Councilor Needell that the Town didn’t need to put out a carrot concerning this. He said developers seemed to be choosing this approach.

Mr. Cedarholm said right now, the Town had extremely vague regulations concerning stormwater management. He said this actually promoted pretty innovative stuff, and said if the Stormwater ordinance defined clearly what “adequate” was, that might stop some of this innovation.

There was discussion that the new language Mr. Cedarholm proposed was innovative, but that there was no guarantee that this language would stay in the ordinance.

Councilor Needell noted that the reason the Strafford Ave project was using pervious pavement wasn’t because it was the only way the project could meet the stormwater regulations; it was to get the building and parking the developer wanted, while maintaining the required impervious surface ratio. He said he was concerned that the focus of using this tool would be to allow large buildings on lots, but said if it was used as a tool to provide stormwater management, it would be a good one.

Mr. Cedarholm noted that Town Councilors were excited about the fact that this approach could result in bigger buildings, which would promote more economic development. He said there were tradeoffs involved.

**Bill Hall, Smith Park Lane**, said Durham had an abundance of ledge and marine clay, and in many cases one had to deal with water on a site. He said this could mean problems for pervious pavement, and asked that there should be a requirement that core borings be done to see what was in the soil column before even talking about pervious pavement.

Mr. Cedarholm agreed that whatever stormwater management approach was used would depend on what the soils and subsurface contained. He noted that there was a lot of ledge at the Strafford Ave. site, and said engineered soils needed to be put in place there, including an infiltration layer. He also said there were underdrains there.

Mr. Kelley said he felt that stormwater management did need to occur in the stormwater regulations.

There was discussion that the Board had taken provisions concerning porous pavement out of the parking regulations, other than allowing it there as a parking surface.

Ms. Fuller said Strafford Ave demonstrated an innovative way to address stormwater, but said she didn't know how to encourage that kind of thing.

Mr. Kelley said perhaps these approaches would sell themselves. He also noted the underground chambered stormwater system for the Irving station, and that this had taken a long time at significant cost to install on the site.

There was further discussion on whether this was more of a stormwater issue or an aesthetic issue.

Councilor Needell said he thought the Board should revisit what the purpose of the impervious surface ratio was, independent of the stormwater issue.

Mr. Roberts said perhaps the impervious surface ratio should be removed from the Table of Dimensional Standards, and stormwater management should be addressed in the Stormwater ordinance.

Mr. Kelley suggested also revisiting the definition of impervious surface, and he provided details on this. There was discussion.

Mr. Cedarholm said it was possible that the Stormwater ordinance could end up saying that all development must meet federal and State stormwater requirements. He said there had been a proposal concerning this, but said he thought it would be a step backwards. He noted that right now, Durham's local regulations addressed stormwater management for all developments. He said of course this must be done in a reasoned way, but said this was important.

Mr. Cedarholm said he would be happy to come back for the Planning Board's next quarterly planning meeting, and said by that time, the Stormwater ordinance draft would be further along, and there might be more direction in terms of options.

Mr. Kelley asked that Mr. Cedarholm provide Planning Board members with the most recent draft of the Stormwater ordinance.

Mr. Cedarholm noted that the Council had asked him to find out what some developers thought of the draft, and said he was hoping to get responses on this soon. He said when he did, he would send the draft to the Board.

### **III. Discussion on Energy and the Master Plan** – A discussion on the possible addition of an energy section to the Durham Master Plan

Mr. Campbell explained that State Senate Bill 422 allowed an Energy section to be added to town master plans. He said the Energy Committee would like to be part of developing such an Energy section for Durham.

Planning Board member Kevin Gardner, also a member of the Energy Committee, said the idea was to have the Board discuss whether this made sense. He said the big ticket energy issues to consider for Durham were transportation, including non-commute car travel in Town, and home heating. He said the Energy Committee had reviewed the Master Plan, and had some right ups on this. He said he would get this analysis out to Planning Board members.

He said although the word “energy” may not have appeared, there were plenty of places in it that related to energy. He said the goal would be to assess the degree to which the Master Plan addressed it sufficiently, and he said an update would be made to existing chapters of the plan. He said the Committee would like the Board to consider this approach.

**Don Brautigam, member of the Energy Committee**, said the Committee had discussed the Master Plan at some of its meetings, and agreed that it would like feedback from the Planning Board on how to proceed.

Mr. Roberts noted that he had done some web research, and had found the Burlington, Vermont regulations concerning energy. He asked whether this was the type of thing the Committee was looking to simulate.

Mr. Brautigam said the Committee was not specifically talking about an ordinance right now, but Mr. Roberts explained that Burlington had both a plan and an ordinance that was based on it. He said it was a very complete approach.

Mr. Kelley suggested that a separate chapter on energy could be included. He said his hope was that the Board wouldn’t need to go back to square one with the Master Plan concerning the energy issue.

There was also discussion on whether it made sense to have a separate chapter on energy, or to include energy consideration in various existing sections of the Master Plan. There was also discussion on how the Energy Committee had been functioning, relative to the possible creation of an Energy chapter.

Councilor Needell said the place to start was with the Master Plan, stating that this was an opportunity, thanks to the new legislation, to include a chapter that created a vision concerning energy for Durham. He stressed that the Master Plan was a Planning Board document, and that the Energy Committee was offering to take the lead and provide help in trying to write the energy chapter. He said as part of this, they could look at the whole document to see what existing pieces of the Master Plan fed into this.

Vice Chair Parnell said what could be in an energy chapter of the Master plan was very open ended, and asked how the Committee would like to approach this.

Mr. Brautigam said the Committee realized the Master Plan was owned by the Planning Board. He said if the Committee could flesh out what the proper procedure was for moving forward, and could create a draft of an energy chapter. But he said at this point, the Committee couldn’t say exactly what would be in this chapter. He noted that there should be input from the public as part of the process of writing the chapter. He said the Committee was willing to take that process on too, but said it was looking for direction from the Planning Board as to what procedure should be followed.

Mr. Campbell said the Planning Board needed to decide if it wanted an Energy section. He said the Committee could develop the draft, and after a public hearing, the Planning Board could adopt the chapter.

Mr. Roberts said the Committee needed a scope of work and parameters in terms of what the Board would like to see in this chapter. He noted the idea of a possible survey to get feedback from the community. He said the Committee could then produce a document.

Councilor Needell suggested that it might make sense to invite the Energy Committee to develop a scope of work by the Board's next quarterly planning meeting. He said the Board might have to get into issues like density, etc, as part of that process.

Mr. Roberts said he thought the Board should give the Committee some kind of guidelines, before that time, or this process could go on forever.

Councilor Needell agreed that a scope of work was needed, and also said the process of getting input from the public could be carried out by the Committee.

Mr. Roberts said the Energy Committee could function as a subcommittee of the Planning Board for its work on the Master Plan, and Councilor Needell agreed.

Mr. Kelley said he thought this was a good idea, stating that given what the Board had on its plate right now, it wouldn't have the energy to do the work on the Energy chapter. He said the Committee should run with this, and should develop an RFP for the Board to respond to.

Mr. Ozenich said he liked the approach Mr. Kelley had outlined, and Councilor Smith agreed with this.

Vice Chair Parnell said he was an agnostic on this approach, stating that he wasn't sure that towns were the right entities to be addressing energy issues. He provided details on this.

Energy Committee member Diana Carroll said she agreed that the Committee should start things off, but said she didn't think the Committee should go off for a long time on its own and then bring something back to the Planning Board. She said she would like to see some conversation back and forth, to make sure the Master Plan update concerning energy issues was on target. She said right now, there weren't a lot of Energy chapters out there in NH, so this was pioneering work. She said the more that people worked together, and got the community involved, the better.

Councilor Needell said the first step was to get a work plan back before the Planning Board, so agreement could be reached on what they all wanted to accomplish. He said it was important that the Planning Board be supportive, early on in the process, and he also suggested that updates could be provided at quarterly planning meetings, and perhaps more often than that.

Mr. Parnell said Mr. Gardner should provide regular updates.

Ms. Carroll said one of the reasons one didn't see the word "energy" in the 2000 Master Plan was that this time period had been the peak of cheap energy. She said they were in a different era now, and didn't know what was coming, so it was important to talk about energy issues.

Mr. Gardner said he agreed with Mr. Kelley's guidance, also noting that he along with Mr. Parnell was a bit of an agnostic concerning getting the Town involved in energy issues. But he said it was worth looking at what an Energy chapter would be.

There was discussion on not tying the hands of the Committee too much.

Mr. Roberts provided further details about Burlington, Vermont's planning and regulations concerning energy issues.

Vice Chair Parnell said the Board would expect to hear back from Mr. Gardner on a regular basis concerning the Committee's work regarding the Master Plan update.

**V. Discussion on SB 342, Workforce Housing** – Discussion on the recent adoption of SB 342, pertaining to Workforce Housing (yet to be signed by the Governor)

Mr. Campbell said Ben Frost was very knowledgeable on this issue, and said he had thought it would be a good idea to have him discuss this legislation with the Planning Board, and how it would affect Durham.

Mr. Kelley said Durham had a lot of rental housing, and couldn't discriminate concerning housing. He said he'd like to know if Durham clearly met these new requirements for workforce housing, and therefore didn't have to do anything else.

Ben Frost, Director of Public Affairs, NH Housing Authority, said there were a lot of questions on this legislation, and he spoke about the fact that regional planning entities would be meeting with the NH Housing Authority regarding this legislation. He said he didn't know the answer to Mr. Kelley's specific question, and said the issue must be addressed by each municipality.

He said what it meant to provide "realistic opportunities for affordable housing" was still open to interpretation, but said it was important to go through the exercise of determining whether Durham was meeting its fair share. He noted that the statute had turned out to be more complex than when it had been introduced, but said that was the nature of compromise.

Mr. Roberts said the Board needed Mr. Frost's guidance, noting that the Town had hundreds of apartments devoted to student housing.

Mr. Frost said if the Board wanted to move in a different direction concerning workforce housing, it might want to look at something like an inclusionary zoning ordinance that offered some sort of incentive to developers of private housing to build a portion of a development that was affordable. He said there were various models for doing this, and he encouraged the Board to work with organizations that were working on this approach.

Councilor Needell asked for guidance on how to be proactive concerning this, but also asked why the Board couldn't simply sit back and wait for developers to come forward with workforce housing proposals.

Mr. Frost said that was a possible approach, where essentially a town said – so sue us, but he said it was a reactive way to proceed. He said an implication of this approach was that if a developer could show that the Ordinance was exclusionary, a builder's remedy might be awarded, which meant that what the builder had proposed could be built. He noted that this had been the solution in Chester, NH some years back.

Ms. Fuller said part of the reason Durham didn't have affordable housing was high land costs and high taxes. She asked if there was affordable housing where taxes were adjusted to reflect the restriction on the value of the housing.

Mr. Frost said the proposed statute figured taxes in.

Mr. Kelley asked who determined whether a prospective buyer was qualified to buy an affordable home, noting among other things that it might be a student who wanted to buy such a house.

Mr. Frost said if the Town adopted an inclusionary zoning ordinance, it could limit this to people for whom a home would be the principal place of domicile. He also said there were other means of addressing that concern, including having a town hold a lien on a property, and in part become the property owner and control the subsidy. He said with this approach, there would be the capacity to control who qualified for the housing units, and said priority could be given to school district and municipal employees. He said there would therefore be some degree of control.

Mr. Roberts noted the large number of houses in Town that had been bought up for student housing.

Mr. Frost said for the houses already out there, the Town couldn't control who occupied them unless it bought some of them. But he said if appropriate regulatory tools for future development were adopted, the Town would have some capacity to control this.

Mr. Kelley questioned whether prospective buyers could claim discrimination as a result of this kind of thing.

Mr. Frost said the Board would want the Town attorney to review a proposed ordinance.

Vice Chair Parnell asked if there were actually developers who wished to do affordable housing.

Mr. Campbell said a proposed development for the Gangwer property had included 34 units of workforce housing. He noted that access and utility issues had stopped the project.

Councilor Smith asked for a definition of workforce, including what kind of work was meant by this, and how many hours a person needed to work in order to qualify.

Mr. Frost said this had not been defined.

Councilor Julian Smith asked whether it was really affordable housing, providing details on this, and also said he didn't see a connection to actual workforce issues.

There was discussion on this, with Mr. Frost saying that the assumption was that people had to be working in order to sustain the income required to afford the housing.

Councilor Smith asked why this legislation had been built around workforce housing, stating that there were retired people and others who needed affordable housing but weren't necessarily working.

Mr. Frost said it was more palatable, for some, to say workforce housing, noting that "affordable" tended to refer to very low income housing. He said workforce housing encompassed this but also included people with a higher income than that.

Councilor Smith noted that Durham had workforce housing historically, for mill workers.

Councilor Needell said the requirement was that the Town needed to provide the opportunity to build this kind of housing, but not to make this economically viable. He said that was up to the developer.

Mr. Frost said in terms of the economic viability of building workforce housing, a town should look at the totality of its land use regulatory scheme, and anything else adopted under RSA 674, including the building code. He said if a town had a land use scheme that encouraged workforce housing, but because of other provisions, a developer couldn't actually build it affordably, this needed to be looked at.

Councilor Needell asked whether to meet these new requirements, the Ordinance could target things like density allowances in order to raise the economic viability of an affordable housing project, rather than instituting something across the entire Zoning Ordinance.

Mr. Frost said yes, and said that under SB 342, the Town would be required to provide workforce housing for at least 50% of the land area that was residentially zoned. He said it was up to the Town as to how it met the requirements of the statute, and said this would depend on the bonuses, standards, etc. in the ordinance.

There was detailed discussion on evaluating what "affordable" meant, for Durham and Strafford County.

Mr. Frost also noted among other things that the statute was targeted at first time sales, but said how affordability was controlled over time was a different story. He said the statute would go into effect on July 1<sup>st</sup>, 2009.

Ms. Fuller said the Town might soon have a proposal for a development that included some affordable housing along with some student housing.

Mr. Kelley noted that RA and RB were mostly built out, so it was the Rural district where this housing would go. He said conservation subdivision was required there, and said the housing density would have to be fairly high. There was discussion on this.

Mr. Frost spoke about a development in Exeter that included some workforce housing as part of the larger development, Forest Ridge and Watson Woods. He said it was a beautifully done

development, and said Chinburg builders had been able to leverage the creation of the affordable units because of the density bonus he got from the zoning ordinance.

Mr. Campbell said that duplexes and multifamily housing weren't allowed in the Town's four residential districts, and most of the Town's other districts.

Mr. Frost said multifamily housing didn't have to be provided in the majority of the residential districts. But he said some kind of housing had to be provided that was affordable in terms of this bill. He noted that there might be inclusionary zoning that allowed free-standing housing.

There was discussion that accessory apartments might be one way to address workforce housing in Durham.

Mr. Frost said the town of Hollis allowed accessory apartments in any residence in town, as long as there was no visual impact on the neighborhood. He said there was no requirement that blood relatives live in these apartments.

There was discussion on Durham's residency requirements concerning accessory apartments.

Mr. Kelley said he didn't see how Durham could meet the goals of this legislation and not end up with more student housing. He provided details on this.

Ms. Fuller noted that a full time student might have a hard time getting a mortgage for a workforce housing property.

There was further discussion about the realities of housing in Durham, and about why Durham didn't currently allow duplexes. There was also discussion about what other NH towns were saying about this legislation.

Mr. Frost noted that the legislation contained a provision concerning things that were beyond a Town's control, such as a high amount of already built out land, the cost of land, etc.

Councilor Needell noted the Planning Board's discussion on manufactured housing, and questions raised as to whether the Town's Ordinance was in compliance with State requirements concerning this. He said the cost of land in Durham was raised as part of this discussion, and asked if perhaps this was a similar situation.

Mr. Frost said there were similarities.

There was discussion on housing in Bedford and how there could be workforce housing developed in a town like that. Mr. Frost said inclusionary zoning could be used there as well. He said to the extent that development would occur, it could be leverage to provide some affordable units. He also said the failure to impose affordability restrictions resulted in ownership properties being flipped. He provided details on this.

There was discussion between Councilor Needell and Mr. Frost that the Town could impose restrictions concerning the time period when a property would have to remain affordable, and that this was not something that was spelled out by SB 342.

Councilor Needell also asked how it was reflected if someone improved the value of a property.

Mr. Frost said a land trust model could perhaps be used to either prevent physical additions to buildings, or to allow the owner to recoup only a portion of the accrued equity. He said monitoring of this would be done by a property management company, for a fee. He said the town wouldn't have much involvement after the approval.

Vice Chair Parnell asked what the Planning Board should be doing right now concerning this legislation, if anything.

Mr. Kelley asked if Durham could expect to see a model ordinance on this issue from the State's regional planning agencies.

Mr. Frost said he didn't expect to see this, because this issue wasn't amenable to a model ordinance. He said towns needed to look at their existing regulations to see if something needed to be added that afforded the opportunity for workforce housing to be built. He also said towns needed to look at their particular situation, in terms of the existing supply of housing and the need for future housing. But he said a town couldn't make a developer do this kind of housing.

Councilor Needell said if the Board made an assessment that said student housing counted, then it could say the Town didn't need to do anything in relation to this legislation. He said the Board needed to develop a level of comfort as to whether it was in compliance with the legislation.

There was discussion that there was no guarantee that the Town wouldn't get sued if it didn't do anything.

Councilor Julian Smith said there were some houses in Durham that were owned by retirees who had paid off their houses, which might therefore meet the affordability standard.

Mr. Frost said one would have to look at the market value of such houses to see what they would sell for, if they were for sale.

**Bill Hall, Smith Park Lane**, noted that one of the workforce housing projects Mr. Frost had referred to was located under power lines. He also said that as NH towns were dependent on property taxes, he didn't think someone wanting workforce housing would move to Durham. He said people like this weren't moving to Durham, noting that his neighborhood downtown used to be workforce housing. But he said people either moved out or were forced out of these apartments.

Mr. Kelley noted that the judicial branch had found that there would be no fiscal impact on local revenue as result of the passage of this bill.

Vice Chair Parnell said the issue of taxes was paramount, and also said it was not likely that a building costing \$200,000 would be built in Durham. He said there were some internal issues that Durham needed to contend with concerning this legislation.

Mr. Frost spoke about a grant program run by the NH Housing Authority, which did not require a match. He said the grant money paid for consultants to help towns develop inclusionary zoning

ordinances, and said the cash awards could be up to \$9,000. He said this work included an evaluation of economic viability, and would also include educating the public on this approach.

Councilor Needell asked if the Governor was expected to sign the legislation, and Mr. Frost said there was indication that he would.

**VII. Other Business**

A. Old Business

B. New Business **Request by Roger Hayden to go before the Technical Review Committee for a Change in Use from retail to professional office for 44 Main Street, Map 4, Lot 4-0.**

Chair Parnell asked said this request seemed cut and dried and determined from Mr. Campbell that there were not particular issues the Board needed to consider.

*Susan Fuller MOVED to grant the Request by Roger Hayden to go before the Technical Review Committee for a Change in Use from retail to professional office for 44 Main Street, Map 4, Lot 4-0. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.*

**VII. Next meeting of the Board: June 18, 2008.**

There was discussion that the following week, there would be a special meeting, and that the Board would also meet on June 25<sup>th</sup>.

It was noted that alternate Doug Greene had resigned. There was discussion that the Board would continue to have three alternates on the Board even though a maximum of five were allowed.

**VII. Adjournment**

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

Adjournment at 9:38 pm.

Victoria Parmele, Minutes taker