

These minutes were approved at the October 15, 2008 meeting.

**DURHAM PLANNING BOARD
WEDNESDAY, AUGUST 13, 2008
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.
MINUTES**

REGULAR MEMBERS PRESENT: Chair Bill McGowan; Vice Chair Lorne Parnell; Secretary Susan Fuller; Richard Ozenich; Richard Kelley; Councilor Julian Smith; Councilor Needell

ALTERNATES PRESENT: Wayne Lewis

MEMBERS ABSENT: Steve Roberts; Kevin Gardner

I. Call to Order

Vice Chair Loren Parnell served as Chair in place of Mr. McGowan.

II. Approval of Agenda

Richard Kelley MOVED to approve the Agenda. Susan Fuller SECONDED the motion.

Mr. Parnell said this would be subject to a possible further adjustment. He explained that there wasn't a quorum for Item IV, so they might have to do Item V first.

Richard Kelley moved to amend the Agenda to move Item V to replace Item IV. Susan Fuller SECONDED the motion, and it PASSED unanimously 5-0.

It was noted that Chair McGowan was just arriving at the meeting.

Councilor Julian Smith MOVED to reconsider the previous motion. Richard Kelley SECONDED the motion, and it PASSED unanimously 5-0.

Richard Kelley MOVED to approve the Agenda as originally proposed for the evening. Susan Fuller SECONDED the motion, and it PASSED 5-0-1, with Chair McGowan abstaining because he had just arrived at the meeting.

II. Report of the Planner

Mr. Campbell noted that the majority of the recent Council meeting had been devoted to the seven Zoning change proposals. He said of the three Zoning map changes that had been on agendas

over the past several weeks, only one passed on first reading, the proposal involving the expansion of the ORLI district into the RB district, off of Mill Road. He also said the three Zoning proposals reflecting the work of the Housing Task Force had all passed on first reading, and were scheduled for public hearing on August 18th. He provided details on these proposals. He also noted that the proposed Zoning amendment to change the Table of Uses to allow stables as a conditional use in the MUDOR district had passed on first reading, and was scheduled for public hearing on September 22nd.

He said the Economic Development Committee had recently met, and had discussed the possible sale of the Town Hall site. He said they had discussed their meeting schedule, the second and fourth Fridays of the month, and decided to keep this schedule. He said there had been discussion on the Zoning proposals as well, along with short discussions on the draft PUD ordinance and the transfer of development rights concept.

He noted that a new application had been received, concerning a boundary line adjustment requested by Perry Bryant for his project.

Mr. Campbell said he had recently met with University Planner Doug Bencks for their monthly meeting, and said he had learned that the wind tunnel project was moving forward. He said the documentation concerning this application would be provided to the Board when it was ready.

He said he and Mr. Bencks had also had a conversation about the Lee Wood orchard, an area slated for graduate and junior faculty housing. He said the University was moving forward to investigate this idea, and said that hopefully some information on this would be available soon.

He noted in answer to a question from Councilor Needell that the idea of a possible public-private partnership was being looked at.

III. Continued Deliberation 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.

Mr. Ozenich and Ms. Fuller recused themselves for this application.

Mr. Campbell noted that the waiver granted by the Board at the previous meeting had been listed in the Findings of Fact and Conditions of Approval. He spoke about a letter received from Mr. Caldarola regarding the Bagdad Road paving issues, and also noted that the draft FOF and COA concerning this issue had been sent to the Board's attorney, and a response had been received. He said he had also met with Mr. Lynch regarding this issue. He said Mr. Lynch couldn't be at the meeting that night, and said he therefore recommended that the Board's final vote not be taken place until the next meeting.

He said Mr. Lynch wasn't happy with the response from the applicant that he wasn't willing to pay for the road improvements. He provided details on Mr. Lynch's perspective concerning this, specifically, that the Public Works Department had put off paving Bagdad Road because it was

waiting to see if the application was approved. Mr. Campbell said while the Town had waited, the road had gotten worse, so that more work would now be needed to upgrade it. He provided further details on this, and said Mr. Lynch would like the Board to discuss these things before moving forward.

Emails from the Board's attorney dated August 8th concerning the sewer easements were noted, and Mr. Campbell said they were also waiting to hear from the DPW concerning these easements.

Mr. Caldarola said he had read the August 8th letter, and said there were some good points in it.

Mr. Parnell asked if there were any old issues left regarding this application.

Mr. Campbell said he didn't think so. He said the sewer easement language had been developed and added to the COA, and said this language said that if the abutting property owners on Ambler Way wanted to hook up to the sewer, Mr. Caldarola would do the ditching work for this at the same time that work was being done on his project.

Chair McGowan asked about the timeframe for this, in order to make sure that everyone was notified in a timely manner. There was discussion.

Mr. Caldarola said a note concerning the sewer easement was in his plans, and he provided details on this. He said his only concern was that the deadline for the neighbor hooking into the sewer line should occur before he finished the building project, so he would still be around to supervise the work.

There was discussion on the appropriate language for this, as well as on details of the pipeline location. Mr. Campbell read the wording on the plan, and Mr. Caldarola said the language of the last sentence be changed.

Councilor Needell asked what happened with the 20 ft easement if someone didn't move forward to connect to the sewer line, and Mr. Caldarola said there should be an easement deed to go along with this.

Chair McGowan asked about the swale that had been proposed for the 4 Ambler Way property, and Mr. Caldarola explained that this couldn't be installed until the septic system on that property was decommissioned. He said he would make sure the swale was on the plans.

Mr. Campbell noted that that the swale as well as the sewer line were on the plans. He said the note in the plans concerning the sewer line should say that the hookup work had to be done before construction was completed.

Councilor Needell asked Mr. Caldarola if had spoken with the new owner of the 4 Ambler Way property, and Mr. Caldarola said he had done so.

There was discussion that the owner of the property next to the former Bradley property (Clarks) had the same opportunity to get the hookup to the sewer line.

Mr. Kelley asked how it was known where the 20 ft sewer easement was. There was discussion about information on this in the subdivision plan, with Mr. Kelley stating among other things that the meets and bounds weren't indicated. He said he would like to see the easement described in the subdivision plan.

Mr. Campbell noted the letter previously received from the applicant's engineer, Reuben Hull, responding to Dr. Rob Roseen's comments on the stormwater management design. He said the letter had explained how each of the issues Dr. Roseen had brought up had been addressed, and that only one change to the plan had been needed, involving the addition of a note to the plans.

There was discussion that the COA included wording on the common open space, and the stewardship plan for this land.

Mr. Parnell said a lot of the responsibility for management went with the ownership group/homeowners' association, and he asked when this entity would come into being.

Mr. Caldarola said this would happen when there was 75% ownership.

Mr. Parnell said this meant that Mr. Caldarola would still be responsible for maintaining the pervious pavement, etc., until that time, and he asked if that has been spelled out in the documentation. He noted that there could be quite a delay in completion of the entire project.

It was noted that all of the pervious pavement wouldn't be installed with the construction of the first three houses, and that the rest of the lots would be undisturbed at that point. There was further discussion on this issue. There was also discussion that there would be private garbage pickup for the houses in the subdivision, except for the house on the lot that fronted on Canney Road. Mr. Kelley noted that that this same property wouldn't have to pay for maintenance of the pervious private road, Sophie Lane.

Councilor Needell noted wording in the COA that said crushing operations were limited to winter months. There was discussion, and Mr. Caldarola said he was fine with the idea of not allowing any rock crushing on site.

Chair McGowan asked about the timing of the development.

Mr. Caldarola said he would first try to get a buyer for one of the lots, and with this, would bond to start Phase I of the infrastructure improvements, and would do all the drainage and water and sewer extensions at that point. He said because of the current market situation, he would go slowly.

Councilor Needell asked what the Planning Board needed to do to prevent another situation like Perley Lane, where some of the lots for this project had not yet been developed, and there had been complaints from the community about the appearance of the lots. He asked if perhaps language needed to be put in the COA to make sure that a similar situation didn't happen with this development.

Mr. Campbell noted that COA #11 to be met prior to signatures, concerning submission of a phasing plan, addressed this issue. There was discussion as to whether the issue of concern was removal of construction material from the site, or if the issue was completion of the project in general.

Councilor Needell said if Sophie Lane wasn't paved until several of the houses were built, the site could look quite scarred in the meantime.

Mr. Caldarola said he didn't like the situation on Perley Lane either, and he described some site issues that had lead to this situation, including ledge and wetlands on the site. But he said the situation with this present property was completely different. He said the intent with the first phase of building was to impact the site as little as possible, in bringing in water and sewer.

He said the plan was not to start construction of the road until there was at least one more building contract, so that the road could then be completed. He said he wouldn't object to the inclusion of wording concerning this, and suggested some possible wording. He also noted that the area that was disturbed when the water and sewer were put in could be re-seeded.

Mr. Campbell noted a few items: that updated flood maps needed to be referenced in the notes; that COA #12 to be met prior should say there would be no onsite crushing operations, and should also be specified in the plans; and that under COA #11 to be met prior, it should say that construction material would be removed from the entire site within 90 days.

Councilor Needell said the phases seemed to be that Phase I was the development of Lot 1 and the installation of utilities, Phase 2 was the development of Lots 2 and 3, and that the other lots would be developed in subsequent phases.

Mr. Kelley said to him, it was critical that the applicant get off of Bagdad Road with the utility infrastructure required for Phase I, and said what happened after that wasn't as important. He also said it was important that under subsequent phases, construction traffic would be limited to the other end of Sophie Lane.

There was discussion, based on questions from Councilor Julian Smith, as to how submitting a phasing plan (discussed in COA #11) would actually happen. Mr. Kelley said perhaps this could be called a closeout plan. Mr. Campbell said it was really both a phasing plan and a closeout plan.

Councilor Needell said it should be definitive as to when Phase I was complete, and that within 90 days of this time, the cleanup would be completed. He also noted that Phase I might actually overlap with Phase II.

Mr. Kelley said he didn't think it was unreasonable to expect there would be some spoils on the site, given the pervious pavement construction, etc.

Councilor Needell said his concern was about construction debris sitting on the site for a long time. There was discussion that some language concerning this could be developed.

Mr. Kelley asked Mr. Caldarola if clearing and grubbing would be done for the entire road, or just the first part. Mr. Caldarola said he would like to do as little as possible for each phase, and Mr. Kelley said it sounded like the applicant would only be disturbing enough land to sell some lots. He said this needed to be put on the plans.

Councilor Julian Smith asked Mr. Caldarola how many phases he thought there would probably be, and Mr. Caldarola said three phases seemed logical. Councilor Smith then noted the wording “removed from site”, and asked if that meant the entire site, or the site for a particular phase of the project. He questioned whether there would be materials stored on the larger site for the duration of construction, including a construction trailer.

Mr. Caldarola noted a possible storage area referred to by Councilor Smith wouldn’t be used because it was a buffer area.

Mr. Campbell said it seemed that the wording the Board would want should ensure that what happened at Perley Lane couldn’t happen here. He provided details on this.

Councilor Julian Smith noted that he wasn’t on the Board when this application was initially discussed. He asked if it was correct that the open space couldn’t be used for the storage of materials, and was told that this was correct.

Chair McGowan noted that the FOF should include additional letters received, as well as the updated plans.

Mr. Kelley said he wasn’t sure that all the requests for continuance of public hearings and extensions granted by Mr. Caldarola were listed in the FOF, and Mr. Campbell said that Karen Edwards would check into this.

There was discussion that will need another continuance if not finished on Aug 27th, and Mr. Caldarola said he would be willing to grant another continuance if needed.

Councilor Needell noted COA #9 to be met prior, that “..gutters and downspouts will be maintained”, and he said the wording should say that there function would be maintained.

There was detailed discussion on how this should be worded, including discussion on who would maintain the gutters and downspouts, the association or the homeowner. Mr. Caldarola said there was no easement language that said the Association would have the right to go onto the property to maintain them, and he said it was simpler to have the homeowner do it. He said the homeowner declaration could address this, so that the homeowner would be responsible, and if this work wasn’t done, the Association could step in and do it.

Councilor Needell said it needed to be made clear within the warranty deeds for the lots that the roof leaders were a part of the stormwater system, and that the burden for this was on the homeowner. He suggested that another covenant should be added concerning this. He also asked what the enforceability was if the homeowner didn’t take responsibility for this.

There was discussion on this. Mr. Caldarola noted that homeowners were given copies of the FOF and COA.

Mr. Kelley said he thought #10 belonged in COA to be met subsequent. There was further discussion on how to address this issue in the FOF AND COA, and Mr. Campbell said he would develop the right language for this.

Mr. Kelley asked who the tree warden was, as referred to in COA #4 to be met subsequent. It was noted that this was either Public Works Director Mike Lynch or his designee.

There was discussion that the owners of the two lots on Ambler Way (Map 10, lot 6-1 6-2) should be informed about the option to hook into the sewer line. Mr. Kelley asked Mr. Campbell to notify them.

Councilor Julian Smith noted COA #3 to be met subsequent said that said once a year the Homeowners Association “shall provide a letter to the Town describing any activity that has occurred within the open space....” There was discussion on what this was supposed to refer to.

Councilor Needell said the intent of this line was to track permitted but possibly disturbing activities occurring in the open space.

Mr. Campbell noted wording in the conservation subdivision provisions of the Zoning Ordinance regarding allowed activities in the open space area was where this language had come from, and said this could be referenced.

It was noted that the language “any activity” was found throughout the application documents.

Chair McGowan said he thought this meant permitted uses, and Councilor Needell agreed. He said there should be a different mechanism for reporting non-permitted activities.

Mr. Kelley suggested leaving the language as it was.

Chair McGowan said that hopefully common sense would prevail, and the Association would only address what the Board was looking for, in terms of permitted activities occurring in the open space area.

Councilor Julian Smith said he could live with this.

Mr. Campbell said a possible change to this would be to reference the Zoning Ordinance provision that this wording came from, and to do so throughout the various documents provided by the applicant.

There was discussion on Condition #5 to be met subsequent, concerning the idea of having a qualified engineer on site during preparation and installation of the porous asphalt pavement on Sophie Lane, to ensure proper installation.

Councilor Needell asked if the UNH Stormwater Center actually had to be involved with this installation.

Mr. Campbell said it would certainly behoove Mr. Caldarola to hire them, but he said this wasn't required. He said the key idea was to have a schedule that could be followed.

Mr. Caldarola said the intent of this was that the paving operation would be supervised, but that it was not the intent to have the engineer on site for the placement of this material. .

Councilor Needell said he thought the expectation was that the engineer would be on site for this as well.

Mr. Campbell said the sentence he had included in the COA should cover this.

Chair McGowan noted that at the next meeting, the Board would have the information on the Bagdad Road issue.

Mr. Campbell said the Board would have something in writing, and said Mr. Lynch might be at the meeting. He asked Board members to read the correspondence they'd received regarding the paving issue, so they could address this issue at the meeting.

- V. Design Review on a Site Plan** Review Application submitted by Park Court Properties Inc., Durham, New Hampshire for the construction of a mixed-use, multi-unit building. The property involved is shown on Tax Map 13, Lot 5-0, is located at 262 Mast Road and is in the Multi-Unit Dwelling/Office Research Zoning District.

Bill Doucet of Doucet Survey spoke before the Board. He said the applicant and design team had continued to work on the design for this project. He noted that at the May 28th meeting, they had presented a design for a single, large building, with 36 units. He said they had represented that they were looking at ways to possibly reduce wetland impacts, and that they were working with UNH on some possible ideas.

He said since that time, an agreement had been reached with UNH to swap an acre of land. He said swapping an acre of the applicant's land with a parcel of the same size across the road would allow the entrance to be moved down, and completely away from the wetland. He said this also would allow the possibility that if and when the University did work on the adjacent parcel, it could use this entrance, and there wouldn't have to be two parallel entrances.

He said the other significant change in the design was that there were now several smaller buildings proposed. He said the evolution of this had a lot to do with the fact that Mr. Bryant wanted to get more daylight into the rooms of the apartments, so that it would be a quality living experience. He said this design did create some issues in terms of the power plant needed to provide energy for the buildings, and said these issues were still being addressed.

But Mr. Doucet noted that construction would occur over several years, and said each building would be able to stand on its own energy wise, so that as technologies continued to improve, they

could be incorporated into the new buildings. He also said breaking up the units would result in less impact to the site.

He explained that the applicant didn't want to come forward yet with the conditional use application, given the fact that this new design was so different than the previous one.

He provided further details on the design, explaining that they were still looking to limit the amount of parking on the site, and were striving for one space per unit. He provided details on where parking was proposed. He then spoke in some detail about the plans for the barn building, explaining that it would be a multi-use building.. He said the plan was that the first floor would provide parking, ideally for electric cars that would be part of the overall transportation plan.

He said there would be office space on the upper floor, and said there might be some apartments on the third floor. He also noted that no laundry facilities were proposed for the units, and that a wash and fold operation was planned for the barn building. He said with this approach, processing would be much more energy efficient.

Mr. Parnell asked how many residents there would be, as compared to before.

Mr. Doucet said this design would result in a slight reduction compared to the previous design, and said there would be 75-80 people. He provided further details on the thought process involved in the evolution of the design for the project.

Mr. Kelley asked if the land swap would make the land across the street nonconforming, and Mr. Doucet said no, because the applicant was taking the entire lot.

Chair McGowan asked which building would be done first, and Mr. Doucet provided details on this, explaining that the various systems to be installed on the site played a role in determining this. He said that building from front to back made the most sense.

Councilor Needell asked if the townhouses would have three stories, and Mr. Doucet said yes, stating that they would have flat roofs, with green roof structures. He said it had been thought that flat roofs would limit the ability to capture solar energy, but it had been determined that this was not the case.

Mr. Kelley noted the objective of extending water and sewer down Route 155A, also pointing out that there was currently a bit of a bottleneck near the field house. He asked what was going to be done about this, and there was discussion. Mr. Kelley said how the infrastructure issues in this area of Town would be addressed would be one of his paramount concerns, with this proposed development.

Mr. Campbell said there was money designated in the CIP to address bottleneck, etc, issues. He also noted the Rivers Edge project in this area that had been approved, and also said that despite the bottleneck, there was still some capacity left.

Mr. Doucet said the project team had been told there was enough capacity.

Mr. Kelley noted a proposed project across from the Rivers Edge project, and Mr. Campbell said there hadn't been any word from them.

Mr. Ozenich received clarification that the wetlands would be left completely in tact. Mr. Doucet provided details on this, and on what the plans were to restore the existing wetland on the site.

It was noted that the applicant had committed to completely landscaping the buffer, and that the neighbor would like a berm to be constructed.

Mr. Kelley asked whether the architecture for the townhouses would be similar to the architecture for the larger building that had been proposed earlier, and Mr. Doucet said they didn't know yet.

Mr. Campbell spoke about the development standards in the Zoning Ordinance regarding streetscape buffers. He explained that as long as the buildings were buffered, the field could be kept open, and also noted that this was a conditional use application, so there would be some flexibility.

Councilor Needell said in the drawings, most of the buildings were located within the wetland overlay. He said he wasn't sure residential structures were permitted within that 75 ft zone.

Mr. Doucet said it was their understanding that this fell under the Conditional Use process.

Mr. Campbell said the question was whether "multiunit development" was being treated as residential or nonresidential development.

Mr. Doucet said they would be multiunit commercial buildings.

There was discussion that this issue would need to be clarified.

Councilor Needell received clarification that essentially every developed surface on the site would be pervious.

There was discussion on the wetlands on the site, and what was proposed to restore the wetland located in the field. Mr. Kelley also asked whether the wetland to the south, adjacent to the first building they were planning to build, was an isolated wetland or was part of a larger wetland complex.

Mr. Doucet said he would find out about this.

There was discussion that there were two conditional use processes involved for this development, one regarding wetlands, and the other regarding the fact that a multiunit development was proposed in the MUDOR district. Mr. Kelley said that regarding the wetland conditional use issue, his reading of the regulations was that a variance would be needed in order to build that type of structure in the buffer.

Councilor Needell questioned what the intent had been, in allowing nonresidential development within the wetland overlay, but not residential development. There was discussion about this, and about the commercial nature of this proposed development.

Chair McGowan asked Board members whether they thought they could provide the applicant with an answer that evening concerning the issue of whether a variance would be required.

Councilor Needell said that before going any further, he would like to find out why the provision had been written this way, and what was intended by it.

Mr. Campbell said this was either a commercial venture, or a residence.

It was noted that if a variance was needed, the application process for it could occur concurrently with the conditional use application.

Councilor Needell said he thought the first step was to do some research and get an opinion on this provision.

Mr. Kelley recommended that the applicant speak with the Conservation Commission regarding the conditional use permit concerning the wetland, and was told that the Commission had already been involved with the project, and had received a copy of the most recent plan.

Mr. Campbell said the biggest discussion among Commission members had been regarding parking. He said they had suggested not having any parking because of the proximity of the site to the West Edge lot.

Mr. Doucet said there were 28 parking spaces for 28 units, and said this included all of the spaces, inside and outside. He said there were also a few extra spaces for visitors.

Mr. Kelley noted that the Board had previously been told that there would have been the potential for tremendous energy savings, with one building. He asked for more information on why the design had changed.

Mr. Doucet said they didn't feel a big building would provide a high enough quality of life, in part because of the artificial lighting that would be needed. He also said that in running a facility like this, one of the highest maintenance issues was common hallways, which among other things created the opportunity for partying. He said this social maintenance issue would be eliminated with the new design.

He agreed that one envelope was more efficient than several. But he said that in trying to design the one larger building to provide enough daylight, they had started getting into the same surface area they had when they broke the design into several smaller buildings.

Mr. Kelley suggested that the design team highlight the wetland setback on the plan, and he then noted that there was an avenue where a long line of town houses could be placed, and that the

parking and the roadway could be placed in the buffer, something which the Zoning Ordinance did allow.

Mr. Doucet said there had been a lot of discussion about this idea. He said the biologist and other team members had said the building was a more controllable feature on the site, relative to buffering the wetland, than the parking, and said the parking was designed to be mainly outside the buffer. He noted that with pervious pavement, there wouldn't be salting, but he said there could still be minor spillage of oil, etc. He said keeping the parking away from the wetlands was thought to be the best approach, and he also noted that having green roofs on top of the building would essentially reproduce the buffer, in a vegetated state.

Mr. Kelley said perhaps this would be something to mention before the ZBA and the Conservation Commission.

Mr. Campbell noted the requirement concerning the provision of an outdoor recreation space as part of the development, and asked how the applicant would address this.

Mr. Doucet said perhaps the flat grassy area between the road and the wetland could be used. He said the applicant felt that if recreational facilities like volleyball courts were built, this would invite keg parties. He also explained that if there were off site recreation opportunities that they could assist with, that would be worth talking about.

Clay Mitchell next spoke about energy aspects of the development. He said they still had the same energy goals, including producing energy on the site, through solar, and wind energy technologies. He noted that they were in the process of gathering wind data from Kingman Farm and Thompson Farm, and also said they had the solar data they needed.

He said they were in the process of finding out whether it would be better to provide a central heating plant and distribute the heat to each of the buildings, or to have modular heating plants in each of the buildings. He noted that an advantage of having modular units was that with this approach, they could implement new technologies as they became available, and as the different buildings were built. But he said distributing heat from a central heating plant wasn't that big a deal, because the materials existed to insulate the pipes. He said the main question was whether they wanted to lock themselves into a distribution network at the beginning, or allow themselves the flexibility to explore new technologies.

Mr. Mitchell spoke about the idea of possible collaboration between the design team and the Durham Energy Committee, noting that a lengthy meeting with the Committee was planned. He said this work would spill over into transportation issues, and said there would be discussion on the functionality of a possible scheme to share vehicles. He said it was increasingly clear that the vehicle to grid technology wasn't yet ready for prime time. But he said if they could increase the number of people in Town who were interested in this approach, perhaps this would provide more leverage to bring these technologies to Durham.

He also spoke about possible other alternative transportation options for students living at this development, including trails for pedestrians and bikes.

Councilor Needell asked if the focus of the transportation planning was mostly on getting people to campus and back, or something broader, concerning where students were going when they were not on campus. He said these were different issues, and provided details on this. He noted that some of the parking questions revolved around the second issue.

Mr. Mitchell said he understood this, and he acknowledged that electric cars would only travel locally. But he spoke about the possibility of hooking into the train station, which was a transportation hub, with the electric, shared vehicles. He said if this could be accomplished, it could be part of the Town's goal to have intermodal transportation.

Councilor Julian Smith asked if UNH would permit access across the former Grant property to the West Edge lot, for the residents of this development, and Mr. Doucet said yes. Councilor Smith asked if any thought had been given to the idea of UNH providing long term parking for students who lived at units, so they didn't have to store their cars on the site. Mr. Doucet said there had been discussions about this idea, and he provided details on this.

Mr. Campbell said that regarding the trail issue, the Town and the University were splitting the cost of the match on the Transportation Enhancement Grant. He explained that one of the elements of this project was the addition of a sidewalk near the A lot, as well as a multi-use Path on the other side of Main Street, which could connect to this property and the Lee Wood orchard the University was looking to develop, to get to the West Edge lot. He said this was something that could be talked about.

Mr. Mitchell asked how the design team could provide its support for that approach, and there was discussion. Mr. Campbell said the timing seemed right.

Councilor Needell asked if there were any regulatory impediments to wind power, such as height issues, etc, and there was discussion.

Mr. Kelley spoke about the new State law to encourage wind power, and Mr. Mitchell said he had written that law. He explained that it provided for residential scale wind turbines to be built, and exempted them from town height limitations related to structures. He said the law gave NH towns one year to develop regulations, and provided a framework within which these regulations could be developed. He said the law was the result of a joint effort of the NH Office of Energy and Planning and other groups, to provide an approach that didn't prohibit wind power, but limited it to a certain extent. He said the NH OEP was supposed to put out a model ordinance.

Councilor Julian Smith asked that Planning Board members be provided with a link to find the model ordinance when it was ready.

Mr. Mitchell said there were some excellent documents from Vermont, which had already gone through the process of regulating wind energy technologies. He said there was wind in NH, but said they needed to figure out the appropriate technologies to capture the level of wind that was available. He noted that there were wind turbines now that were smaller, quiet, and worked in turbulence but also down to 2 mph.

VI. Other Business

A. Old Business:
None

B. New Business:

1. Request for extension of Conditions of Approval for Subdivision
at 51 Durham Point Road, Map 11, Lot 35-1.

Richard Kelley MOVED to grant an extension for the Conditions of Approval for the Subdivision at 51 Durham Point Road, Map 11, Lot 35-1, at the request of the applicant. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 6-0.

2. Request for extension of Conditions of Approval for Site Plan and Conditional Use Permit for 20 Strafford Ave., Map 2, Lot 6-0.

It was noted this was the second extension that was being requested concerning this application.

Mr. Kelley asked why the water and sewer approvals for this development had taken so long, and Mr. Campbell said he didn't know, but said the approvals had been obtained.

Richard Kelley MOVED to grant an extension for the Conditions of Approval for Site Plan and Conditional Use Permit for 20 Strafford Ave., Map 2, Lot 6-0, as requested by the applicant in his August 8, 2008 letter, for a period of six months. Susan Fuller SECONDED the motion, and it PASSED unanimously 6-0.

C. Next meeting of the Board: August 27, 2008

VII. Approval of Minutes – June 25, 2008 July 9, 2008

June 25, 2008 Minutes

Page 1, under Regular Members Present, removed Wayne Lewis, and put his name under Alternates Present. Councilor Julian Smith should be listed as being absent.

Also page 1, under II. Approval of Agenda, the first sentence should read "Mr. Lewis replaced Chair McGowan as a voting member. Also, the vote on the Agenda should read "...PASSED unanimously 6-0."

Also page 1, motion at bottom of page should read "...PASSED unanimously 5-0."

Page 2, 3rd paragraph from bottom should read "...next to the Day property, along the eastern property line."

Page 3, should say Dr. Roseen in the 2nd full paragraph, and the last 3 paragraphs.

There should be a space between the last two paragraphs on the page.

Page 5, 5th paragraph, should read "Vice Chair Parnell asked..."

2nd paragraph from bottom should read "to tie into the proposed sewer."

3rd paragraph from bottom should read “..what happened at Lot 6-2 on Map 10.
Page 7, 2nd paragraph, should read “”..some of his last discussions with Pam Bradley, there....”
Page 9, second motion on the page, should read “The motion PASSED unanimously 6-0.”
The third motion on the page, toward the bottom, should read “..PASSED unanimously 6-0.”
Page 10, motion toward the bottom of the page, should read “..and it PASSED 3-0-3, ...”
Page 11, motion on the page should read “...PASSED unanimously 6-0.”

Richard Kelley MOVED to approve the June 25, 2008 Minutes as amended. Susan Fuller SECONDED the motion, and it PASSED 4-0-2, with Chair McGowan and Councilor Julian Smith abstaining because of their absence from that meeting.

July 9, 2008 Minutes

Page 1, Steve Roberts should be listed as absent; Councilor Needell should be listed as an alternate
Page 5, 1st paragraph, should say “Councilor Julian Smith said the scary thing in the room...”
Page 14, 2nd paragraph from bottom, should say “..the owner of the Map 10, Lot 6-2 concerning”
Page 16, under Next Meeting of the Board, should say “Highland House application.

Richard Kelley MOVED to approve the July 9, 2008 Minutes as amended. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 6-0.

VIII. Adjournment

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

Adjournment at 10:18 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary