

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

**DURHAM PLANNING BOARD
WEDNESDAY, SEPTEMBER 10, 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; Steve Roberts; Councilor Julian
Smith

ALTERNATES PRESENT: Wayne Lewis

MEMBERS ABSENT: Richard Kelley; Richard Ozenich; Kevin Gardner;
Councilor Jerry Needell

I. Call to Order

Chair McGowan said Mr. Lewis would be filling in for Mr. Kelley.

II. Approval of Agenda

Susan Fuller MOVED to approve the Agenda as submitted. Steve Roberts SECONDED the motion, and it PASSED unanimously 6-0.

III. Report of the Planner

Mr. Campbell said that at the Town Council's meeting on Monday, they had tabled the proposed Zoning change from RB to ORLI, and said they would be gathering more information on this issue. He said the other proposed ordinance change, regarding Church Hill had failed.

Mr. Roberts asked if it would perhaps be appropriate to revisit the Table of Uses regarding the ORLI district.

Mr. Campbell said he thought this would be part of what came out of the ongoing discussions on the proposed Zoning district change from RB to ORLI. He said Administrator Selig would be meeting with Chair Niman and Councilor Sievert, and would be coming up with a list of things.

Councilor Julian Smith noted that one member of the Council had suggested that there should be an Oyster River ORLI district.

Mr. Roberts said he believed in the planning process, and said the Planning Board should be doing some work sessions on these kinds of issues. There was discussion.

Mr. Campbell said the Energy Committee would be holding a public hearing on September 23rd, from 7-8:30 pm, to get input on the Energy chapter being developed for the Durham Master Plan. He said some additional dates had been scheduled to get further public comments, and said time would then be spent on analyzing a variety of data and developing the chapter. He said it was supposed to be ready by February, and said it appeared to be an achievable schedule. He said he looked forward to seeing the chapter. He noted that there was a vacancy on the committee.

Mr. Campbell said the Planning Board's next meeting would be a quarterly planning meeting, and said the traffic model that had been developed would be presented. He said it should be a very interesting meeting, and said he hoped residents would attend the meeting or watch the presentation at home.

IV. Discussion of 2009-2018 Capital Improvement Program (CIP) with Town Administrator, Administrator Selig, and Business Manager, Gail Jablonski

Administrator Selig explained that the Town charter required that the Town develop a CIP as a document that planned for big ticket expenditures over a 6 year time period. He noted that the CIP that was developed every year actually looked at a 10 year horizon. He described the process by which the CIP was developed, as well as the standard features of the CIP.

He stressed that the document was only a draft at this point, and reflected what he and Business Manager Gail Jablonski had received from Department heads. He said he and Ms. Jablonski weren't pushing for the specific placement of any of the projects on the draft CIP.

Mr. Lewis asked what it meant if a project was not ranked.

Administrator Selig said it meant that a department had not assigned it a priority. He noted that he and Ms. Jablonski had not ranked the projects shown in the CIP draft. He spoke about the green sheet included for each of the projects, which provided a sense of the funding stream for each year, and who was paying for what. He provided details on the rest of the documentation for the projects in the CIP.

He said they were open to discussing way the way the various projects were financed. He noted that there had previously been problems with bonding the road program, and said a commitment had been made over the past several years to pay about \$300,00 in cash per year on the Town's roads. He said it would be helpful to get comments from the Planning Board concerning the roads in the CIP and the scheduling for them. He used Bagdad Road as an example, noting the question of whether the Town should repair that road now, or wait until the Sophie Lane subdivision project was completed.

Chair McGowan spoke Route 108 toward Newmarket, and the issue of whether it was better to keep patching the road or instead to reclaim it.

Administrator Selig said Public Works Director Mike Lynch would be present in October to answer technical questions the Board might have. He spoke in some detail about the issue of patching vs. reclamation of Durham's roads.

Mr. Roberts said the Planning Board had been challenged by Mr. Lynch's proposal to charge the developer directly for repairs to Bagdad Road. He said he couldn't believe that the amount that had been proposed was appropriate, and said that in the future, the Board should get more detailed numbers on what was involved.

Chair McGowan said given the economy at present, a question he had was whether some projects could be put off, or if some of them had to be done now because of the way that the funding for them came in.

Administrator Selig said because of the economy, it was a fair question as to whether some projects could be pushed off. He said they could also look for other funding streams to help pay for them. He spoke in some detail about the fact that excess monies for the Fire Department at the end of each year went into a capital reserve fund, which over time provided enough money to pay for some big ticket items. He then spoke about Fire Department vehicles that needed to be replaced. He said it was time to replace the medic truck, which was an old vehicle now and was having servicing issues. He also said there was a good rationale for replacing the Department's 4 x 4 all terrain vehicle, but said it probably wasn't essential to do this now.

He said there was also a request for a new fire prevention vehicle, noting that the Department was asking for a hybrid vehicle, which would be used primarily around Town.

Mr. Roberts said the life cycle cost right now for a hybrid vehicle was higher than for a non-hybrid vehicle, but he said that would be changing next year, with the new hybrids that would be coming out.

Administrator Selig said this was useful information to have. He also said the Department was requesting a Segway, noting that the Police Department was also interested in this idea. He said while he liked the idea, he wasn't sure this was a year the Town could afford to buy one.

Mr. Roberts agreed that the Segway was a wonderful means of transportation.

Administrator Selig said the Fire Department was currently in a facility that met its basic needs, but he said it was not an especially efficient or comfortable building to work in, and needed a lot of work. He noted that the University owned the building, and said the lease ran through June of 2009, with the lease after that ending in 2019. He said there were no plans to terminate the lease, but said that if the University got research monies, it would like to tear down the Fire Department service buildings. He said that as part of the Fire agreement with the University, when it was time to build a new building, the University would contribute half of the cost.

Mr. Roberts said he hoped that the University in fact would pay its fair share. There was discussion on the shared costs between the Town and the University, as part of their joint Fire Agreement.

Administrator Selig said the Fire Department felt that if it was going to remain in the existing building for awhile, it would like to see some improvements made to the building. He said they would like to spend some money to spec out what would be involved.

Chair asked if what was proposed in the CIP was the timeframe, and also asked what happened if UNH did in fact decide to move.

Administrator Selig said this would certainly present a problem

Mr. Roberts asked if the Fire Department would be able to serve additional facilities being built and proposed in Town, which would be some distance from the UNH campus.

Administrator Selig said there had been discussion about this. He said shift staffing had increased from 4 to 5 people in 1998, and said he was convinced that a 5 person shift was needed now, and would be essential in the future. He said he hadn't heard a demand from the Fire Department for increased staffing if the new developments took place, and said they were instead focusing on using improved/updated technologies on site.

Mr. Campbell suggested that the costs for the assessment to upgrade the existing Fire Department building should be broken out in the CIP from the cost for the actual work that would be done.

Administrator Selig said it was important to have an appropriate setting for the Fire Department, but he said the Town was limited in what could be done because of funding limitations. He said his own prioritization for larger expenditures was that he would like to see a new library first, then eventually get to a new Fire Department building. He said the existing Fire Department building at least met basic needs, whereas the existing Library building did not.

Councilor Julian Smith asked whether, if \$1 million was spent in 2010, it was possible that this would meet the needs of the Fire Department beyond fiscal years 2015 and 2016.

Administrator Selig said if the money was spent the money in 2010, the Town would enter into negotiations with the University to make sure that the lease agreement would extend much longer than to 2016. He said he thought the Town should either set its sites on a new building for some time in the future and commit to that, or should make modifications soon to the present building and stay there.

Councilor Julian Smith said some wording in the CIP that clarified these options would be useful, and he suggested some possible wording for this.

Administrator Selig said the Fire Department was looking at their operational needs and deficiencies, so what was in the CIP was their statement of what the Department needed. He said it was up Town officials and boards to figure out how to make this happen, with UNH.

Administrator Selig provided details on the fact that the Fire Department was the first responder for fires and EMS calls. He also spoke about the role of the McGregor Memorial Ambulance Corps services, and said they had gotten much in recent years in responding to emergency calls.

Mr. Roberts said an important consideration with a new location of the Fire Department was the popularity of elderly housing projects distant from campus as well as the fact that some of the most

intense fire dangers might be on campus. He said this seemed to be a split role for the department. He asked if perhaps the Fire Department should be located on campus, and EMT should be put off campus since that was where most of the calls for emergency services came from.

Administrator Selig said the Fire Department had done this kind of analysis, and had identified preferred locations. He said all of them were in proximity to the downtown area. He also noted that UNH had proposed a public safety complex during its Master Planning process, which would be located at the west end of the railroad tracks, out where the UNH cow barns were. He said the Durham Fire Department had said this would be too far to the west, and that the intersection at College Road and Main Street would cause problems in terms of allowing a fast response.

Mr. Roberts said a question was whether there were any sites in the community, which if developed as large complexes of either student housing or elderly housing, would compromise the thinking of the Fire Department in terms of emergency response or fire response. He spoke about the need for planning on this issue.

Administrator Selig said the Town had looked at this, during the UNH Master Planning process, but had not really done so since. He said given the present proposals for development in Town, this analysis should be done again.

Police Station/Town Hall/Durham District Court

Administrator Selig explained that the draft CIP included the idea of renovating the Town Hall, and it was proposed that \$200,000 would be approved for 2009 if it was decided that the Town Hall wouldn't be moved. He said the Town would contract out this work, just as it had done with the work on the Council chambers.

Mr. Roberts said residents of the Town identified with the present Town Hall site, as compared to the Evangelical Church site. He also asked what the status was concerning the idea of a new Town Hall as part of the redevelopment of Mill Plaza.

Councilor Julian Smith said the Library Board of Trustees was still very interested in building a new Library right next to the Plaza, and he noted that there was a vacant lot to the east of the Plaza, north of Chesley Drive. He said the Trustees had unanimously endorsed the proposal of the Mill Plaza committee to build a library in the southeast corner of the Plaza, adjacent to Chesley Drive. He provided some details on the proposed layout, but said the owner of the Plaza had not yet responded in a concrete way that he was willing to sell or trade the land that would be needed.

Councilor Smith also noted that the owners of the Kyreages properties were trying to sell them. He said there were therefore a number of things that were still up in the air.

Administrator Selig said the Town was moving ahead with offsite storage of Town Hall materials, which had become a problematic issue at Town Hall. He said that he personally would like to see a combined Library and Town Hall, because this would be more efficient in terms of operating costs than having separate buildings. But he said there were certainly cost, location and timing issues involved.

Mr. Parnell stated that there was in fact the opportunity to spend \$200,000 and make the present Town Hall acceptable, rather than spending \$4 million elsewhere.

Administrator Selig next spoke about the fact that there were some great natural wonders in Durham, and that the Town didn't really take sufficient advantage of this. He said this was largely because the Town spent a lot of money on public safety, for a community of its size, while spending next to nothing on recreation.

He said he would like to see a stellar Jackson's Landing, improvements to Old Landing, and other projects that would provide a greater connection to the water, so residents and visitors could enjoy these areas more. He spoke about the need for trails that would provide more opportunities to walk to the waterfront, and said the Town hadn't devoted the resources needed to accomplish this. He also said the Town needed more recreation fields but couldn't afford this, and kept pushing this issue out in time in the CIP because of other big ticket items.

Mr. Roberts asked if the land use change tax funds could be used for something like trail systems, and Administrator Selig said yes. He also noted that these funds could be used to do selective cutting of trees on Town lands, but said the Town hadn't carried that through yet.

Administrator Selig said he had recently been in Bar Harbor, Maine, which did a great job of marketing the town. He said Durham was just as pretty a town as Bar Harbor, but said it didn't have the setup to promote recreational opportunities the way Bar Harbor did. He said he would like to see greater development of recreational trails in Durham, and said this was the reason he had made the executive decision to not require a conditional use permit for the development of new trails in Town.

Mr. Roberts spoke about Concord, NH's approach and experience with developing new trails, which did not require applicants to go through something like the conditional use process.

Administrator Selig said that in a year like this, the Public Works Department was a natural place to look at for potential budget reductions, and he spoke about the idea of possibly foregoing the roads program for a year. He said the Public Works Department asserted that this could in fact be done, but that the Town would wind up paying more in the long run because roads would need a full reclamation rather than just getting by with an overlay. He said the additional cost to the Town of not doing roads this year was estimated by the Department to be about \$20,000.

Ms. Fuller received clarification that the \$ 346,481 figure in the CIP didn't include Bagdad Road improvements.

Concerning the issue of dredging Mill Pond, Administrator Selig said the goal was to try to restore this area.

Chair McGowan noted that the permit expired if the Town didn't do this, and asked how difficult it would be to have to get a new permit.

Administrator Selig said if the Town didn't do it this year, it would have to go through the permit process again.

Mr. Roberts noted that the Conservation Commission had offered land use tax money for this.

Councilor Julian Smith said he had been at a presentation on possible repairs to or removal of the Mill Pond Dam. He said DES' Dam Bureau would love to see the dam taken out, and in fact would pay for this. But he said if the Durham decided to replace or repair it, the Town would have to pay for all of this. He said if the Town did take the dam down, this would result in acres of rich sediment that would be available.

He said it would be awful to lose something that had been at the center of economic development in Durham for so many years, noting that the dam was why the Town was here. He said it wasn't yet known whether money would have to be put out in a few years to replace the dam, and Administrator Selig agreed. Councilor Smith said the water would be drawn down and the dam would be inspected in a few weeks, and said this would provide the opportunity to see how deep the sediment was. He said it was really only about an inch of sediment they were talking about, and also said only a small portion of Mill Pond was owned by the Town.

Concerning the issue of drainage problems on Cedar Point Road, he said the Town had spent some money in 2008 to have the boundaries of some of the properties there surveyed. He said the goal was to start small and address the drainage issues over time. He noted that the drainage in this area had never been good, and had only gotten worse as more development had occurred in that area. He said the gravel road would remain.

Concerning sidewalk reconstruction on Pettee Brook Lane, he said the final stretch had been pushed out because of possible plans to redesign this area in order to slow traffic down. He noted the land the Town owned in this area, where a potential office building could be built, or where a Town Hall/Library complex could be built. He said there had also been discussion about the idea of building a structured parking facility in this area. He said it therefore made sense to hold off on further work in this area until these things were decided on. He said a question was where else the Town could get parking if it eliminated the Pettee Brook parking lot.

Concerning the Water Fund, Administrator Selig said he and the Public Works Department had Received the draft of the initial engineering report on the Spruce Hole aquifer. He said a pump test was still needed, and said this was scheduled for January. He said the Public Works Department's thinking was that it would cost about as much to install a temporary well for the pump test as it would cost for a permanent well. He said the Department therefore felt it made sense to go ahead with the permanent well, without necessarily committing to hooking in to the water line at this time.

He also explained that the Public Works Department was thinking that an option was to convert the hard-pipe from the Lamprey Reservoir to the UNH water treatment plant into a treated water main from Spruce Hole into the Municipal system, and to take the older piping and pumping system and convert it into a system for allowing Lamprey River water to recharge Spruce Hole at times when there was plentiful water.

Mr. Roberts asked about idea of dredging of the old reservoir, and Administrator Selig said UNH and water consultant Mike Metcalf felt that the cost of dredging wouldn't yield sufficient benefits.

Administrator Selig also noted that the Town had received a million dollar grant to install a fishway/ladder or remove the Wiswall Dam. He provided details on this.

Mr. Parnell asked if UNH was on board with the schedule for development of the Spruce Hole aquifer.

Administrator Selig said he didn't know, and said this was something that still needed to be worked through. He said he wasn't sure if UNH had decided which way it would like to hook up to the aquifer, and said a lot more conservation was needed on this.

Mr. Parnell noted that UNH would be spending 2/3 of the money for this, and Administrator Selig agreed, stating that UNH currently used 2/3 of the water and sewer capacity. He noted that a recent water audit had confirmed that this ratio was accurate.

Mr. Roberts asked if this ratio would change with the large student housing projects coming in.

Administrator Selig said if the large town student housing projects all came to fruition, there would be a shifting of costs more toward the Town, and the ratio would be closer to 50/50. Closer to 50/50

Mr. Campbell said the testing on water use did include new UNH projects that had come on line.

Administrator Selig agreed, but he said that because of increased water use efficiencies in new buildings as well as retrofitting and taking off line older structures, water demand had remained much the same despite the expansion.

Mr. Campbell said he thought this would be the case with non-University projects as well.

Chair McGowan asked what the impact would be if the Spruce Hole project was pushed out in time.

There was discussion, and Administrator Selig said when he came back to talk further with the Board in October, he should know more about this.

In response to a question from Councilor Smith regarding the wording "existing staff" in the CIP regarding the Water Fund, Administrator Selig spoke in some detail about the work of Public Works Department, in becoming more confident over the past few years that the Town could in fact handle increasing demand on the Town's water supplies.

Mr. Roberts asked if the Planning Board could receive some data to guide it in evaluating whether these proposals in the CIP regarding the Town's infrastructure were reasonable.

Administrator Selig said there were a lot of pieces to the water issue, and said the Town was close to being able to put everything together and explain it clearly. He said the draft water conservation plan reflected this.

There was further discussion with Mr. Roberts. He asked if there were perhaps lessons to be learned from communities around the country, and said something needed to be adjusted to make Durham

more affordable. He said housing was too expensive and infrastructure costs were too high. He also said it would be a good thing if the Planning Board had some kind of goals and targets to work on concerning this.

Administrator Selig said Town staff had been revisiting the charge for new developments to tie into the Town's water and wastewater infrastructure. He provided some details on this, and there was discussion.

In answer to a question from Mr. Campbell, Administrator Selig said there was simply a placeholder in the CIP for the west end sewer capacity work that needed to be done. There was discussion as to whether, with new projects coming on line, there would be sufficient wastewater capacity.

Mr. Roberts spoke about recent initiatives concerning the state of estuaries in NH, and asked Administrator Selig had any information on this. He said significant declines had been noted for both the Lamprey and Oyster Rivers, and said this was something that would make plans even more costly. He questioned how this would impact Durham.

Administrator Selig noted that only about 30% of the contamination going into Great Bay estuaries came from the wastewater treatment plant, and said the majority came from individual developments, and existing homes.

Administrator Selig said he didn't know when the EPA would be coming forward to require a new permit for the wastewater treatment plant. He provided details on the permitting situation, and said the information in the CIP at present was simply a placeholder. But he noted that this wasn't something the Town hadn't been expecting, and that the upgrade of the wastewater treatment plant had been in the CIP for several years.

There was discussion on what standards were expected in the future.

Mr. Roberts noted the possibility of doing septic system permitting and inspecting, but Administrator Selig said it was politically untenable to take this approach. There was discussion about impacts from individual homes, including fertilizer runoff. Mr. Roberts said providing stormwater management was expensive for property owners. He also said there hadn't been that much residential development in Durham to explain the degree of decline in eel grass.

Mr. Campbell said there had been more development upstream that impacted Durham.

Administrator Selig said the presentation he had seen on the estuaries had said the eel grass in Durham was doing better than the eel grass in some of the tributaries flowing into Great Bay. He then listed some of the possible approaches to doing Phase III of the wastewater treatment plan, but said the solution hadn't been determined yet.

He said the last item in the draft CIP was the TIF District, involving Stone Quarry Drive and Jacksons Landing. He said this project might not even be needed now, given the work being done at Jacksons Landing, and the fact that it wasn't clear at the moment whether the TIF would be going

forward. He said they would have to see what happened, and explained that the Town still needed to work through a development agreement that provided the Town with adequate protection.

Mr. Parnell asked how this CIP compared to previous years, in terms of costs, and Administrator Selig said it was similar to the costs in the CIP's over the last two years.

Chair McGowan again noted that given the economy, the question was what projects were critical compared to those that could be pushed out in time.

Administrator Selig said at the meeting the following week with the Council, there would be discussion on what a Budget reflecting a zero increase in spending would look like. He said the goal with this was to generate discussion, and provide additional direction, going into the formal Budget process.

Mr. Roberts said he would like to see a series of planning goals to address trends, and to possibly realign the Town so that it was more competitive in terms of costs.

Administrator Selig said developing a list for something like this was a challenging task, given the fact that residents had different views on what direction they would like the Town to go in. He questioned who would develop such a list.

Mr. Roberts said in private industry, staff would start with a list. He said the Council had been talking about planning, and said he would have liked it if the Council had thrown some planning work at the Planning Board, and had challenged the Board to see if between the two entities, something could be put together.

Administrator Selig said the big picture he had been trying to guide the Town toward was to continue with reasonable, thoughtful land protection; to promote responsible economic development; and to have a Budget that met public demands but kept cost increases to a minimum. But he said this vision tended to get very muted.

Break from 8:50-9:00 pm

IV. Discussion of Zoning Ordinance Issues Regarding Article XXII, Landscaping, and Article XXIV, Septic Systems.

Mr. Campbell said the version of these regulations the Board was supposed to have had not been sent in the packet for the meeting. He said he had provided them now, and said it was important that Board members have the time to think about them before discussing them. He said they would be discussed at an upcoming meeting.

V. Other Business

A. Old Business:

B. New Business:

Mr. Campbell said there was an issue to consider regarding an upcoming wedding at the Mill Pond Center. He said the plan was to have the food and the band inside, so this wasn't the issue, but he said the people having the reception wanted to have a 30 ft x 30 ft tent as a backup for the wedding ceremony, in case it rained.

He said he had discussed this with Code Administrator/Enforcer Tom Johnson. He noted that as part of a previous site plan approval by the Planning Board, the Mill Pond Center had to have the Board review this kind of situation.

He said that currently, Mr. Johnson was saying that there couldn't be a tent for this event unless the Planning Board said the request could go before the Technical Review Committee. Mr. Campbell said this would allow a decision to be made in time for the tent to be available at the event if needed.

Steve Roberts MOVED to defer the application of Scott E. Bogle to the Technical Review Committee. Susan Fuller SECONDED the motion.

There was discussion by the Board and Mr. Campbell about how the use of the Mill Pond Center for events had been addressed in the past, and over the last few years by the Town and the Planning Board. Councilor Julian Smith noted that this issue might be academic, if the Mill Pond property was sold.

The motion PASSED unanimously 6-0.

C. Next meeting of the Board: **September 24, 2008 (Quarterly Planning Meeting)**

VII. **Approval of Minutes** – July 23, 2008

VIII. **Adjournment**

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

9:15 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary