

This set of minutes was approved at the June 10, 2009 Planning Board meeting

**Durham Planning Board
Wednesday May 6, 2009
Durham Town Hall - Council Chambers
MINUTES**

MEMBERS PRESENT: Bill McGowan; Lorne Parnell; Susan Fuller; Steve Roberts; Richard Kelley

ALTERNATES PRESENT: Councilor Neil Niman

MEMBERS ABSENT: Richard Ozenich; Councilor Julian Smith; Wayne Lewis; Kevin Gardner

I. Call to Order

II. Approval of Agenda

III. Election of Officers

Richard Kelley MOVED to approve the Agenda. Steve Roberts SECONDED the motion, and it PASSED unanimously 6-0.

Richard Kelley MOVED to nominate Lorne Parnell as Chair, Susan Fuller as Vice Chair, and Steve Roberts as Secretary of the Planning Board, if they are so inclined to serve.

Mr. Parnell said he was inclined to serve, but he asked Mr. McGowan if he would like to serve again as Chair.

Chair McGowan said he would be willing to continue as Chair, but noted the Board's history of changing the chairmanship every few years.

Councilor Niman SECONDED the motion, and it PASSED unanimously 6-0.

Chair Parnell thanked Mr. McGowan for the excellent job he had done as Planning Board Chair over the past few years.

IV. Committee Appointments

Historic District Committee (HDC)

There was discussion that the Board needed to appoint a representative to the Historic District Commission, since Ms. Fuller, who was currently on the HDC, did not wish to continue to serve on it. After no Planning Board members stepped forward, Chair Parnell said this appointment

would be postponed to the next meeting.

Conservation Commission

Mr. Roberts said he would be glad to continue as the Planning Board representative to the Conservation Commission.

Richard Kelley MOVED to re-appoint Steve Roberts as the Planning Board representative to the Conservation Commission. Susan Fuller SECONDED the motion, and it PASSED unanimously 6-0.

Economic Development Committee (EDC)

Ms. Fuller agreed to continue as the Planning Board representative to the EDC.

Richard Kelley MOVED to re-appoint Susan Fuller to the EDC. Steve Roberts SECONDED the motion, and it PASSED unanimously 6-0.

V. Discussion on Draft Request for Proposals for updating the Master Plan

Chair Parnell asked Mr. Campbell to speak generally about what he expected to get out of the work the consultant would do, as well as about what he wanted the Planning Board to do with the RFP at this meeting.

Mr. Campbell noted that the Council had talked about the Master Plan update RFP briefly at its recent quarterly planning meeting, and had decided to continue the discussion to May 6th. He said his goal that evening was to get the final corrections the Board thought needed to be made to the RFP.

He also explained that the goal of the Master Plan update was to update 4 chapters and create a 5th chapter, and said the consultant would be brought on board to help with this process. He explained that this would be done in conjunction with the work Cooperative Extension staff would be doing with the Town as a result of the grant that had been received.

He said Cooperative Extension staff would help with the formation of a steering committee, as well as with visioning sessions that would be done to kick off the Master Plan update process. He said they would also follow up with the Town for up to a year. He noted that he'd received a memorandum of understanding from Cooperative Extension, and said he would make changes to it and get it back to them.

Mr. Campbell noted that the Board had already gone through pages 1-3 of the RFP at its April 15th meeting, and said he had made some corrections to it based on that discussion. He said the most recent draft they were looking at now reflected those changes.

Mr. Roberts spoke about the idea of doing a more targeted Master Plan update, which would have an implementation plan that would include possible Zoning changes.

Mr. Campbell said the idea of an implementation plan that included the Zoning updates could be added to the RFP.

Mr. Roberts said these things should go hand in hand, and he noted that there had been discussion on this kind of approach at the recent Office of Energy and Planning conference. He said this was a common issue in New Hampshire.

Mr. Campbell suggested that this could be added as Task V.

Mr. Roberts spoke further about the idea of doing a more targeted Master Plan update, as compared to a more expansive approach to updating the Master Plan that Cooperative Extension staff had spoken about at the recent quarterly planning meeting.

Mr. Kelley said the Board had talked with Cooperative Extension staff about looking at the Master Plan RFP and the tasks in it, so they would be familiar with the sections of the Master Plan that the Town was looking for feedback on. He said he thought this would help to focus the work they would do.

Mr. Campbell said Cooperative Extension staff would only go into as much depth as the Board wanted them to.

Mr. Roberts suggested that there might be a project outline to show the various factors that would be fed into the process, and that would indicate the role of the Planning Board, the Town Council, Strafford Regional Planning Commission, etc. as part of weaving the process together.

Mr. Kelley said he wasn't aware that this was an objective.

Mr. Campbell said he saw this as the job of the steering committee.

Mr. Roberts said he was thinking that Mr. Campbell would do this, in part through a flow chart that would indicate how the Master Plan update would be accomplished without stepping on peoples' toes. He said that with this, the consultant would then know what he/she would be tasked with.

There was discussion on the idea of having a flow chart, and whether the consultant could perhaps come up with it. Board members focused on the wording under F, in XI - Project Management.

Mr. Campbell said he could come up with something on this idea, but said he didn't think it needed to be a part of the RFP itself.

Mr. Kelley said this idea would be made clearer once the consultant was chosen, and the scope of work was defined.

Mr. Roberts said Durham was an unusual community, with three times as many students as

residents. He said it was therefore important to get a consultant with real experience with a town like this, one who would understand the unique requirements of the Town, and who would be able to organize the master planning process here correctly.

Mr. Kelley said he would expect to see this in the proposals themselves. He said firms with this kind of experience would want to sell that.

Mr. Roberts said perhaps the Town should be more aggressive up front, and he suggested that the RFP could be tailored to get this kind of consultant.

Mr. Campbell spoke in some detail about the process he was using to find consultants in the New England area. There was discussion on this, and he said there were plenty of consultants out there. But he said the Town could certainly be more aggressive in finding the right consultant if it needed to be.

Councilor Niman noted some of the consultants who were coming up with ideas to develop the Leawood Orchards property, and said of them might have the qualities Mr. Roberts was looking for. He said it was important to make sure the RFP was sent to the most promising firms.

He said he liked the RFP because of its lack of specificity, and said if a wide net was cast, they might get some interesting suggestions from people who might not normally respond to the RFP. He said based on that, the Board could then come up with a scope of work that was more specific as to what the person would be working with, and what the expectations were.

Mr. Kelley said it seemed like a lot of his comments concerning the RFP had been addressed in the latest draft.

Mr. Roberts asked if the Central Business District RFP was referred to in the Master Plan RFP. There was discussion on this, and on how this should be done.

Mr. McGowan asked how the completion of the work on the Central Business District planning would fit with the update of the Master Plan.

Mr. Campbell said the CDB process would be completed sooner, but said the two projects could run concurrently in the beginning. He noted that the strategic planning aspects of the CBD project would take longer than specific Zoning changes.

Mr. Roberts asked about having a build-out analysis as a deliverable, and Mr. Campbell said that III. Scope of Services, Task 2, item #6 on Land Development Regulations covered this.

Mr. Roberts asked how item #3 (Downtown and Community Core Chapter) under Task 2 fit with the CBD discussion.

Mr. Campbell said he could see the CBD discussion plugging right into Chapter 3 of the Master Plan.

Mr. Roberts said that somehow, it was important to have Town buy-in for what the downtown was supposed to look like in the future.

Mr. Campbell suggested that items #3 and #4 under Task 2 should be reversed.

There was discussion on the importance of being specific about the number of meetings that would be held. Mr. Kelley asked if the consultant would be at the public hearings, and was told that he/she would be. There was further discussion on the number of meetings that would be held as part of the Master Plan update, and how this should be spelled out in the RFP, so consultants could provide costs for this.

Mr. Roberts asked if the Board would want the consultant to draft the Zoning changes after the Master Plan update.

Mr. Campbell said it would be important to have a plan to go right into the Zoning update, and to have someone who could go right into this, in order to avoid the lag that had occurred after the previous Master Plan update.

Mr. Roberts said that previously, Zoning updates were included with the Master Plan update. He noted that a lot of times, public perceptions didn't rise to the surface until they saw proposed Zoning modifications. He gave as an example of this the completely different response to the conservation subdivision approach as part of the Master Plan update, as compared to later on with the draft Zoning changes that reflected this approach.

Mr. Kelley noted that the draft RFP reflected a pretty aggressive schedule.

Mr. Campbell said it was also important to keep in mind the budget, and the fact that there was not endless money for the Master Plan update process.

Mr. Roberts said it might be worth limiting the scope of the Master Plan update so it could be accomplished.

There was further discussion on the number of meetings that would need to be held.

Mr. Roberts suggested that it would be more effective to present outlines of possible Zoning changes based on the Master Plan update.

Mr. Kelley said the Board would get some idea of costs from the responses to the RFP.

There was further discussion on the idea of having a Task V for an implementation plan, which would include Zoning Ordinance changes.

There was discussion on Task VI. Public Participation, and the fact that Cooperative Extension staff would organize and facilitate this participation, but that the consultant would also be very much involved with this. There was also discussion about tying in the Cooperative Extension deliverables with the consultant's deliverables.

There was discussion on the role of the steering committee within this process. Mr. Campbell said he didn't think this had been defined yet.

Chair Parnell said the steering committee was not mentioned in the RFP, and noted the possibility that all entities might not be heading in the same direction.

Councilor Niman said he thought this was part of the process that would have to be worked out after the consultant was brought on board. He said Cooperative Extension staff would have some ideas on this as well.

Mr. Roberts asked if a statistical survey was included in the work of the consultant in the RFP. He said that in the past, this was a key role of the consultant when the Master Plan was updated, in order to make sure that the correct correlations were made. He said the consultant would need to know this process well, including choosing questions for the survey.

He said the information from a survey was supposed to connect to the Master Plan recommendations in order to make them legally valid. He noted that with a previous Master Plan update, the consultant had guided the Planning Board in doing a survey, and he also said the Board had an equivalent of Cooperative Extension to help it with this.

Mr. Campbell said Cooperative Extension staff had expressed a willingness to help the Board with a survey. He then asked if there should be another Task that reflected the idea of doing a survey.

Chair Parnell asked if this was something the consultant should suggest.

Mr. Roberts asked Councilor Niman what he thought about this.

Councilor Niman asked if perhaps the instrument that was used for the 2000 Master Plan update could be used.

Mr. Campbell said this could be included in the RFP as an additional method of public participation.

Councilor Niman suggested that the Board could have the survey instrument ready up front so the consultant could hit the ground running.

There was discussion as to whether the survey instrument already existed, and just needed to be tweaked, which would affect the timeline.

Mr. Roberts said he recalled that when the survey was done for a previous Master Plan update, it wasn't that big a deal, and didn't take that long.

Councilor Niman said he thought the survey could be done relatively quickly, and said it would be important to do it before the summertime, by about June 21st, in order to get an accurate

sample. He noted that there probably weren't energy questions on the survey, so these would need to be added.

Mr. Campbell said the Planning Board could use its existing budget to pay for the survey.

There was discussion about when the consultant would come on board.

Mr. McGowan suggested that the survey could be put on the Town website. There was discussion on whether this would be a valid way to do the survey.

Councilor Niman said the consultant might have some recommendations on how to do the survey.

Mr. Roberts said the previous time this was done, the consultant had gently guided the Board on how to do the survey. He said it had come together quickly.

Councilor Niman suggested that the survey should be done in September, noting that the other pieces should be in place by then. He said he didn't think doing this would slow the process down. He also said the key thing right now was to get the RFP out, and then move through the process.

There was further discussion on how specific the Board wanted to be at this point in the RFP.

Mr. Roberts said his own experience was to do a brief RFP and then in the process of interviewing candidates, the Board would get a better idea of the scope of work that it wanted to see.

Councilor Niman said that approach made a lot of sense.

Chair Parnell said he thought it would be hard to put out a survey without input on this from the consultant. He said one of the things that was needed was a new way to look at things.

Mr. Kelley suggested that under XI. Format for Proposals, that Project Schedule and Outlined of Proposed services should become two separate entities. He also said if they were really going to buy into the approach that Mr. Roberts and Councilor Niman were talking about, they should call it Project Approach and Scope, which would invite consultants to describe what their approach would be. He said this was where the Board would see some innovation.

Mr. Campbell noted that this had been done with the CBD RFP, and said it would be done here as well.

Councilor Niman said that was a great suggestion.

Mr. Kelley said this would provide flexibility for consultants to come up with some great ideas. He also said that under XI. H. Cost Estimates, that the RFP should be much more specific, and say that consultants were required, not encouraged, to provide a matrix for the project. He also

said the last sentence should read “A schedule of billing rates by classification, etc. is required.” Chair Parnell asked why cost wasn’t one of the Items in the RFP, stating there should be some reference to the taxpayers’ money.

Councilor Niman noted the last sentence in the RFP: “The Town reserves the right to hold a second interview with firms to discuss the proposal’s cost.”

Mr. Roberts said that at the OEP conference, there was discussion about providing information to the consultant on what the budget was.

Administrator Selig said there was about \$20,000 in the Planning Board budget, and said these funds would be used for the Master Plan update. He also said the Town’s contingency account contained \$ 100,000, and said some of these funds could also be made available for Master Plan update process. He noted that the process would take place over more than one budgetary cycle.

He said that for the CBD RFP, the question was raised as to whether a fixed fee or time and materials approach should be used. He said he had contacted Cynthia Copeland of the Strafford Regional Planning Commission, who said the traditional approach was to use a fixed price, but with a Master Plan update, companies knew they would take a loss on this with the hope that they would pick up additional work down the road.

Administrator Selig said he wanted the Master Plan update to be a quality process. He noted that there was a lot of public participation in Durham, and said the cost of working with the consultant during this process needed to be kept in mind. He noted that the consultant would be attending many meetings, but said he was committed to funding this process at the level that was needed.

He pointed out that one of the tasks of the consultant would be to work with the Energy Committee to integrate their work and recommendations into the various chapters of the Master Plan. He said Town staff would make sure the consultant would stick to the timetable that was established for the update, and provide results of the process to the Council.

Administrator Selig said with the CBD RFP, a time and materials approach was used, and said with the Master Plan RFP, the approach remained to be determined. He said Cynthia Copeland’s view was that the Town would get more with a time and materials approach, and he suggested that they use that approach.

Mr. Roberts said a concern was that there could often be tradeoff between planning issues, for example Energy Committee proposals versus housing proposals, and said he would like to avoid surprises regarding this.

Administrator Selig said the Master Plan document was a Planning Board document, and said it was the Planning Board that would have to be comfortable with what was in it. He said the Energy Committee would provide its recommendations, but said ultimately, what was in the Master Plan was a decision of the Planning Board.

Mr. Roberts said he wanted the Planning Board to work together with other committees, and said perhaps the Board could get the Energy Committee's ideas up front.

Administrator Selig said a consistent theme was that the Energy Committee and other Town committees needed additional professional resources in order to move forward an agenda. He said he envisioned that with the Master Plan RFP as well as the CBD RFP, they would bring in the support that was needed to move these things forward.

He noted that the third part of the CBD RFP included other services as needed, which could possibly include the Master Plan update. He said it was possible that the Town would want the original firm to continue on to work on the Master Plan update, but also said it was possible that another firm would be found that was separate and distinct. He said Ms. Copeland had noted that not all firms had the expertise in house to do all that the Town would want them to do.

He said he agreed with Mr. Roberts that an advantage of having one consultant for both processes was that the person wouldn't be starting from scratch in dealing with the various complexities of the master planning process in Durham. He said this also related to what was the best use of staff and volunteer time during this process

He said it was important to be progressive as a Town, and said while a lot had been done to move forward the recommendations of the 2000 Master Plan update, there had been challenges along the way. He said the Master Plan needed some revamping, and said unless additional resources were brought in, the Planning Board wouldn't get to it because of the reality that other issues tended to eat up its time.

He said at the recent Council meeting, there was a good discussion on the RFPs. He noted that the issue of communication had come up, and he said it would be critical moving forward to improve the communication between the Planning Board, the Council, and other Town boards and committees. He said it was important that Council representatives do as much as they could to foster that communication, and said staff would need to help with this as well.

Mr. Roberts said he would like the Town Council to put some pressure on the Planning Board about its concerns, and also said the Board needed to be responsive to this, and have that formal back and forth.

Administrator Selig said that regarding the idea of putting the cart before the horse regarding the CBD RFP, his way of looking at this was that he didn't want development and progress to stop cold while the Town took two years to update the Master Plan and the Zoning Ordinance. He said some minor modifications were needed, while the Town continued to look ahead at the next 10-20 years.

He said he saw this initial step as informing the longer term vision, and said once this was accomplished, he envisioned a subsequent effort to revamp the Zoning Ordinance to reflect as accurately as possible what they wanted to carry forward. He said the Council was talking about weaving the strategic planning process into this, and making sure everyone was on the same page as much as possible on this.

Mr. Roberts asked if this could be done with a project plan that was circulated to people. He said this was a complicated process, and said it was difficult to discuss strategic planning without being specific.

Administrator Selig noted that the goal wasn't to tackle the whole Master Plan in the strategic plan.

Robin Mower, the Council representative to the Energy Committee, said that energy issues informed the Master Plan update process. She suggested that perhaps the Energy chapter should therefore be written first.

Susan Fuller MOVED to adjourn the meeting. Bill McGowan SECONDED the motion, and it PASSED unanimously 6-0.

Adjournment at 8:25 pm

Victoria Parmele, Minutes taker