

This set of minutes was approved at the July 22, 2009 Planning Board meeting

**Durham Planning Board
Wednesday June 10, 2009
Durham Town Hall - Council Chambers
MINUTES
7:00 pm**

MEMBERS PRESENT: Chair Lorne Parnell; Secretary Susan Fuller; Stephen Roberts; Richard Ozenich; Councilor Julian Smith

ALTERNATES PRESENT: Wayne Lewis

MEMBERS ABSENT: Richard Kelley; Bill McGowan; Kevin Gardner; Councilor Neil Niman

I. Call to Order

Chair Parnell called the meeting to order at 7:03 pm.

II. Approval of Agenda

Chair Parnell said Wayne Lewis would sit in as a regular Board member.

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

After voting on the Agenda, Board members agreed that Item V should be moved up to become Item III.

Councilor Smith MOVED to reconsider approval of the Agenda. Richard Ozenich SECONDED the motion, and it PASSED unanimously 6-0.

Susan Fuller MOVED to amend the Agenda to move item V B up to III A. Steve Roberts SECONDED the motion and it PASSED unanimously 6-0.

III. Report of the Planner

Mr. Campbell said he had received eight proposals so far in response to the Central Business District RFP. He said the selection committee would be meeting the following day to continue the process of reviewing the proposals.

He said there were three new applications for the June 24th meeting, and said the first was regarding the 6 Jenkins Court property. He explained that Mr. Crape wished to amend his previously approved site plan, and said what was proposed was to remove the parking spaces under the building, expand the commercial area, remove the pedestrian way, and

creates an outside seating area. He said this application would come before the Board for acceptance at the June 24th meeting.

Mr. Campbell said that at the June 24th meeting, the Board would also see an application for Site Plan review and Conditional Use submitted by the Unitarian Universalist Church, to remodel and expand the church.

Mr. Campbell said the Board would also see a request to amend a previously approved site plan for Perley Lane at the June 24th meeting. He said the proposed amendment was to allow single family residences in addition to duplexes, because of recent market shifts. He said this would still be a 55 and older development, but said the owner wanted more flexibility in terms of the housing provided. Mr. Campbell noted that this was similar to what the Board had done in regard to Spruce Wood. He noted that there would be a decrease in units for one of the lots.

Mr. Campbell said there was one new application for the July 8th meeting, regarding St. George's Episcopal Church. He said the plan was to construct an improved and legal parking lot, new landscaping, a new handicap accessible entry, and a reconstructed and modestly enlarged connector between the function hall and the education wing.

Mr. Campbell said the Source Water Committee would be having its first meeting on Friday, June 12th. He also said the EDC would be meeting on Friday, and said the agenda for this meeting was in Board members' packets.

V. Other Business

B. New Business: Request for Extension on the Conditions of Approval for the Site Plan Approval for 262 Mast Road.

Bill Doucet of Doucet Survey explained that over the past six months, Park Court Properties had been working diligently to complete all items identified in the Findings of Fact and Conditions of Approval for its previously approved site plan for 262 Mast Road. He said at this point, they were trying to work out issues regarding the sewer and water extension in that area. He noted that the sewer and water needs for the Park Court Properties site were at one level, and that what the University and what the Town would like to see installed regarding this infrastructure was at another level.

Mr. Doucet said Mr. Bryant was happy to accommodate a situation that met everybody's needs, but said the details of this needed to be ironed out. He said they were optimistic that 90 days would be a sufficient amount of time to accomplish this, rather than 6 months.

Chair Parnell asked Mr. Doucet if he thought this time frame was reasonable, and Mr. Doucet and Mr. Campbell said they thought it was.

Richard Ozenich MOVED to grant a 90 day extension to the Conditional Use Permit, and conditional approval of the Site Plan Approval for 262 Mast Road. Steve Roberts SECONDED the motion, and it PASSED unanimously 6-0.

IV. Discussion of Unfinished Business List

Mr. Campbell asked if Board members had any priorities for work on some issues sooner rather than later. He noted that Items 2 and 3, (the RFP for the Master Plan, and the RFP for the CBD Zoning/Strategic Plan for the Community Core) were already underway, and said hopefully these projects would be followed up with an update of the Master Plan.

Mr. Roberts said a concern of his was the need for a traffic plan, in order to address ongoing traffic issues in Town, and the need to get them under control. He said what had been done before was a start, but did not take into account increases in student housing, present traffic impacts, and the impacts of additional development in Town based on the Town Council's goals. He noted current discussion on a new Business Center and an arts center downtown. He said perhaps traffic issues could be looked at as part of the Zoning Ordinance update.

Mr. Ozenich noted the traffic circle/roundabout planned beyond the UNH Field House. He spoke about a traffic circle that had been put in Peterborough that had turned out to be too small. He said he thought the one planned for Durham had a radius that was too sharp, and noted traffic circles in Keene and Concord that were more workable.

Mr. Roberts noted that his observance in Colorado was that traffic circles with the correct dimensions had solved some of the traffic problems there.

Mr. Ozenich agreed that traffic circles could work nicely, but only if there was sufficient space for them.

Mr. Campbell agreed there were issues concerning this, and said the project might possibly go forward without the traffic circle.

Mr. Roberts said it was important to look at whether cars could stay within reduced lane widths.

Ms. Fuller asked for clarification on the kind of traffic plan Mr. Roberts thought needed to be done for Durham.

Mr. Roberts said he had studied traffic flows in various locations throughout his professional life, and said he thought Durham needed a plan for how it wanted traffic flow to happen in Town. He said there were a lot of ways to slow traffic down or speed it up, and said this depended on the criteria that were used. He provided details on this, and noted that traffic consultant Steven Pernaw, (who had made traffic presentations before the Board) had a real grasp of the principles involved with this, and then addressed the specifics.

He said the Planning Board needed to have a have a planning instrument before it could do a traffic study, especially because what was planned for the downtown in terms of development was changing so much. He said what was in the original Master Plan concerning this was no longer valid.

Ms. Fuller asked if perhaps some money would be available for this work.

Mr. Campbell said there wasn't money available this year. He noted that it was put in the CIP, but the work was put out to 2013 or so.

Mr. Roberts said he would like to see this issue on the Planning Board's list. He said there were some big changes planned in Durham, and said the Town would need to change the way it thought about traffic.

Mr. Campbell noted that the University was selling fewer parking permits now than it had in the past.

Mr. Roberts said he would like to see student residences that would have less need for parking permits.

Mr. Campbell said he would put the traffic issue on the Planning Board's list.

There was discussion by the Board about the need to assign responsibilities for the issues on the list, as well as the need to prioritize them and set deadlines. Mr. Campbell said he hoped to see a more clearly defined list of priorities for the Board to address.

Chair Parnell asked if perhaps the Zoning amendments were first on the list, and if so, if they should be worked on first. There was discussion on this, including whether the draft Storm water ordinance should be put on the list.

There was discussion on #3 - "Mobile Homes", on the Planning Board's list of possible Zoning Amendments. Mr. Campbell noted that mobile homes were currently allowed in the Rural District, but said the way the State statute on this was currently written, it appeared as if the Town was almost intentionally violating it by not allowing mobile homes anywhere else in Durham. He said this was something for the Board to look at.

There was discussion on this issue, including the fact that mobile home parks were not allowed in Town, and how manufactured housing development could in fact be done these days.

Ms. Fuller noted some manufactured home subdivisions that had succeeded in the area. She noted that the NH Housing Finance Authority supported some of these kinds of developments, and she provided details on this. She said these homes went from \$140,000 to \$175,000, and were a way for some people to enter the housing market.

There was further discussion. Ms. Fuller noted that in many of these developments, there were individual septic tanks, but the leachfield was shared.

She said there were certainly resources out there to create these kinds of developments, through the NH Housing Finance Authority and the NH Community Loan Fund. She said they helped people form these types of cooperative manufactured housing developments. She said recently, the lots were running about a quarter acre, but said they were

conservation subdivisions so there was open space as part of the development.

There was discussion that the workforce housing statute wouldn't go into effect until January of 2010.

Chair Parnell asked if this would have some relevance to the Planning Board's discussion on manufactured housing, and Mr. Campbell said it might. Chair Parnell said perhaps the Board should get started on this issue between now and January, given that Board members seemed to have some views on it.

Mr. Campbell noted that a consultant was in the process of being hired to look at inclusionary zoning approaches, and said it was hoped that the affordable housing discussion could be a part of this.

Mr. Roberts spoke about how buffers could be used as part of this kind of development.

Chair Parnell said he thought this should be a priority on the Board's list, and said manufactured homes and some other things could be discussed as part of this.

Councilor Smith asked if perhaps this use could be considered a conditional use in some residential zones.

Mr. Campbell said it perhaps could be. He read from the RSA 674:32 regarding manufactured housing, and noted that it was similar to the language in the workforce housing statute.

Councilor Smith asked if duplexes could be considered in residential zones as part of workforce housing, and Mr. Campbell said yes. He also said the provisions recently included in the Zoning Ordinance regarding engineered septic systems would give the Board more flexibility in terms of adding to the number of possible lots in Town.

Mr. Ozenich said RV parks used community wells and septic systems, so units could be close together.

Mr. Roberts said the secret was having buffers for this kind of development, as well as for developments like three story apartments, a type of development that could conserve resources.

Mr. Campbell noted under "Regulations" on the Unfinished Business list that both the Town's Site Plan Regulations and the Road Regulations needed to be revisited. He said he also saw the Stormwater regulations as #3 in terms of priorities for updating regulations.

Mr. Roberts asked if Mr. Cedarholm was available to work on the stormwater regulations.

Mr. Campbell said he was, and provided some details on this. He noted the issue that had come up during this process of developing the stormwater draft, regarding whether to

keep a stormwater ordinance and stormwater regulations as separate documents.

Mr. Roberts asked if it might be advantageous to divide up the work on the various issues on the Unfinished Business list among Board members. He suggested that they could also perhaps be handled as agenda items at Board meetings.

Mr. Campbell said it would be great if Board members would volunteer to help out on particular items. He noted that the Board had representation on the Source Water subcommittee, and also said there would be a consultant available to work on the inclusionary zoning issue. He said he was working with the Conservation Commission on the revisions to the Shoreland overlay provisions, and said they were almost done. He said it would be just be him working on the revisions to the Site Plan Regulations and Road Regulations.

Mr. Roberts noted that the Public Works Department had provided the Road Regulations some years back.

Mr. Campbell said he envisioned the DPW being a part of this update as well. He noted that former Town Engineer Bob Levesque had looked at the Road Regulations a few years back, but said this hadn't gone anywhere.

Mr. Roberts asked if Mr. Cedarholm had been spending a lot of time on the stormwater regulations, and asked if there was someone else who could help with this.

Mr. Campbell said he could check with DPW on this.

Mr. Roberts asked if perhaps he should check with DPW regarding ____, and Mr. Campbell said he was fine with this.

Mr. Campbell said he was looking at bringing in an intern to do some research related to updating the regulations. He said there were probably a lot of things that could be borrowed from other communities regarding the site plan regulations, and said it would be good to do a comparison of Durham with other like minded municipalities.

Mr. Roberts asked Mr. Campbell if he had spoken with Hanover recently.

Mr. Campbell said he had been there the previous week, and had met with the Planning Director. He said he would be meeting with her again.

Mr. Ozenich said he would like to look at Item #6, regarding the definition of "active and substantial development or building", and "substantial completion of the improvements as shown on the subdivision plat or site plan". He said there was a Master Plan for this development, and there was a Master Association that was supposed to be doing things regarding putting in trails, etc. But he said this association didn't exist yet since the development wasn't completed.

Mr. Campbell said these issues would be better handled through the Site Plan Regulations or the Subdivision Regulations, and provided details on this.

There was discussion on this. Councilor Smith asked if the owner of Perley Lane was willing to modify the agreement to allow the Association to form.

Mr. Roberts asked Ms. Fuller if she was aware of other towns in NH that were allowing common areas to be put in without having these associations.

Ms. Fuller said she knew of some towns that were allowing this, and said there were good and bad aspects of this. She provided details on this.

Mr. Roberts asked about the idea of only allowing Town approved roads for these kinds of developments. There was discussion on the fact that the Town hadn't changed the subdivision regulations to not allow private roads.

Mr. Roberts asked if there was any way to have a conservation subdivision without a homeowner association.

Ms. Fuller said there only needed to be an association if there were common elements of a subdivision that had to be maintained, such as roads, attached buildings, shared septic systems and wells, etc. She said there was something to be said about having those elements in common because it conserved resources.

There was discussion about #8 on the Unfinished Business list: "Re-work Section 175-64 (Use of Wetlands in Calculating Lot Area and Density) of the Zoning Ordinance to make it clear and consistent." The wording in Section 175-64 is as follows: No areas of surface water, wetlands or areas designated as very poorly drained, poorly drained, or somewhat poorly drained soil may be used to satisfy minimum lot sizes or the minimum usable area per dwelling unit requirement.

Mr. Campbell said this provision was put in regard to subdivisions that were exempted from the conservation subdivision requirements. After discussion, Ms. Fuller and Mr. Campbell agreed to work on #5 and #8 together, and then to bring them back to the Board.

Mr. Campbell said Item #9, regarding Section 175-30 D (Requirements for Nonconforming Buildings and Structures in the Wetland Conservation Overlay District and Shoreland Protection Overlay District) was something Mr. Kelley had brought up. He said he believed Mr. Kelley was talking about subsections 3 c and d, and the need for a sliding scale to address the fact that a rash of ZBA applications that had occurred in regard to these provisions.

Mr. Campbell asked if this was a top ten priority for the Board to look at, and there was discussion about whether the ZBA had identified this as an issue. The Board agreed to keep this item on its list.

After some discussion on Item #4 - (the need for a definition for "convenience store"), Mr. Ozenich and Councilor Smith agreed to do some work on it.

Mr. Campbell said he would have the consultant work on #3 (mobile homes/

manufactured housing).

Chair Parnell said he thought the first step in updating the Site Plan Regulations was to go through them to see what condition they were in.

Mr. Roberts said he thought the consultant could help with this.

Mr. Campbell said there weren't funds available for this. He said it would be good to look at site plan regulations for some towns in NH that had been updated since 2000, and said perhaps the intern could help pull some of this together. He also said he could work on this, and said perhaps a Board member could help him.

Mr. Roberts asked Mr. Campbell if he would like some Board members to see what they could come up with regarding regulations from some other NH towns, or if it would be better to wait. He noted that he had already looked at 3 or 4 of regulations from other towns.

Mr. Campbell suggested that the Board should wait to see if the intern would or would not be available to do some work on this.

There was discussion on the issue of architectural design guidelines/regulations. Mr. Campbell said a question was whether they should be a part of the Town's regulations or ordinances, or if instead there should be architectural guidelines that said to developers what the Town wanted and indicated that there would be an easier review process if these guidelines were followed. He noted that architect Nick Isaak had previously developed some draft architectural design requirements, not guidelines.

There was discussion that having the conditional use permit process had helped the Board in looking at architectural issues, but that this could only be taken so far. Mr. Roberts noted that it worked when an applicant like Mathew Crape tried to accommodate the Board.

Mr. Campbell said when the Zoning Rewrite was done, there were development standards for each of the districts. He said the Courthouse District was the only district where there was wording prohibiting franchise architecture.

Ms. Fuller said she liked the idea of having architectural guidelines because they gave a developer the flexibility to educate the Board about a design that might be better. But she said the flip side of this was that a developer might not try so hard to please the Board with an architectural design.

Mr. Roberts said it was difficult to be too specific about what was good and what wasn't good in terms of architectural design.

Mr. Campbell said in Bar Harbor, Maine where he had worked, there was a design review board, and he provided details on this. He said in a way, he thought it had had a negative effect because some people decided not to do anything with their buildings. But he said for some of the buildings that went through the review process, things worked out great.

Mr. Roberts asked if the Town Council had grasped how the three large uses being discussed for the downtown (business center, arts center and hotel) would be integrated.

There was discussion on the proposed business center on UNH property. Mr. Campbell said the University had made an effort to bring this development toward the downtown, and hopefully wouldn't be just throwing something up there.

Mr. Ozenich said it was hard to tell what would look good. He spoke about a multi-story building recently built on Main Street in Concord that had turned out very well.

Chair Parnell asked Board members if they wanted to put together a schedule for addressing the items on the Unfinished Business list, as soon as Board members could get organized on this.

There was discussion. Mr. Roberts said Board members could come back with a proposed schedule.

Ms. Fuller noted that the Planned Unit Development idea was not on this list, and said at one point, the EDC was going to tackle it.

Mr. Campbell said it was still on the EDC's list, and Ms. Fuller asked if it should stay there.

Mr. Campbell said he would be happy to put it on the Planning Board's list, and said the EDC could work on it as well.

Mr. Roberts agreed, stating that it should be integrated into the Master Plan chapters the Board would be working on.

Mr. Campbell said the TDR (transfer of development rights) concept was related to this. He noted that at a conference he had attended the previous week, there was a presentation on some model innovative land use regulations, including transfer of density credits, which was an easier process so made a lot more sense than a strictly TDR ordinance. He said he would be bringing this up with the EDC.

After further discussion, it was agreed that transfer of development rights inclusionary zoning and the remaining changes to the Shoreland Protection Overlay District would be put on the Unfinished Business list.

V. Other Business (continued)

Councilor Smith said at its meeting on Monday, the Town Council would be hearing a presentation by the Seacoast Repertory Theatre regarding a possible acquisition of the Mill Pond Center. He also said there would be a discussion on the development of an RFP for the possible sale or redevelopment of the Town Hall site. He said Planning Board members might have an interest in this, and said he would update the Board at the next meeting.

Mr. Campbell noted recent emails that had been exchanged between Code Administrator Tom Johnson, Tom Christie and himself, regarding Mr. Christie's recently approved addition. He said there were six units in the building now, and the addition recently approved was to add a 3 bedroom unit as well as 4 additional bedrooms to the existing units in the building. He said Mr. Christie had decided that instead of doing this, he would like to add 7 additional bedrooms to the existing units, and not to add the additional dwelling unit. He said there would be the same number of people in the building.

Mr. Campbell said he and Mr. Johnson were trying to find a way to handle this change administratively. He noted that two of the existing units had only two bedrooms, and that what was proposed now and with the recently approved application was well below the number of bedrooms there could be in the building.

Mr. Campbell said he wanted to be sure the Planning Board was comfortable with this before he and Mr. Johnson allowed Mr. Christie to do this. He provided some details on the reasons Mr. Christie wanted to make this change.

After brief discussion, Board members said they had no issues with this proposed change being handled administratively.

B. New Business

Mr. Campbell noted a preliminary site plan in front of the Board regarding St. George's Episcopal Church. He said the plan was to demolish a portion of the existing building and rebuild, but said there was a 50 sq ft. portion they wouldn't be rebuilding. He said they would also be renovating the lobby, library, and classrooms and redoing the parking lot and doing a lot to improve the drainage in that area. He said an accessible entrance was also proposed.

Mr. Campbell said they would be coming before the Board for acceptance on July 8th, and had asked if they could do the public hearing the same evening, given that they were in the middle of the construction season. He noted that this had been done for the recent Berton application, but that there had been some uneasiness regarding doing this and continuing that process in the future.

He said there was not a lot of building involved, but there were drainage and other issues that needed to be discussed. He suggested that if the Board didn't mind doing the site plan review process this way, that when they revisited the Site Plan regulations, they could add language regarding doing a modified site plan review process. He said he thought the Board should make that revision if it did want to continue on like this.

Ms. Fuller said she didn't have a problem with this, noting that the applicants had a particular reason for wanting to do this.

There was discussion that the applicants would miss the deadline for being on the agenda for the June 24th meeting.

Mr. Roberts asked if there were any wetland setbacks involved, or drainage into adjoining lots involved.

Mr. Campbell said this was an existing condition, and said there would be an engineered storm water analysis to improve the drainage situation.

Mr. Roberts asked about the opportunity for abutters to be at the hearing, and Mr. Campbell said the process would be the same, but it would just be quicker. Mr. Roberts asked if there was a need for the Conservation Commission to look at this, and Mr. Campbell said he didn't believe there were any wetlands in the area.

Mr. Roberts noted regarding the planned update of the Site Plan regulations that professionals should be working on the storm water provisions rather than the summer intern because of the complexity of this issue, and Mr. Campbell agreed.

Chair Parnell noted that there would normally be time for a site visit, unless it was done in advance.

Board members agreed to go with the proposed schedule, given the restricted construction schedule available. It was agreed that a site walk would be done in advance of the acceptance and public hearing. Mr. Campbell said he would make the arrangements for this and would get back to the Board.

Review of Town Council goals

Mr. Campbell said a concerted effort was being made to reach out to Town boards and committees to make sure that everyone was working toward the goals the Town Council had set. He noted that Councilor Clark had spoken about this in detail. Mr. Campbell said this didn't mean that the Planning Board couldn't have some different goals as well. But he said Councilor Clark's idea was to have 3 major goals reverberate through the Town's boards and committees.

Mr. Roberts said this approach seemed reasonable to him. He noted that the three goals were to increase the taxable value and social capital of the Central Business District; update five chapters of the Master Plan, and identify a site for the Town center , Library and Recreation Center.

Mr. Campbell agreed, noting that some of these three goals were things the Planning Board had already been working toward.

Mr. Roberts said workforce housing, and perhaps tightening up of the buffer requirements to allow more density of lower cost housing in Town would have quite an impact on the community in terms of peoples' perceptions. He said he would like to make sure that the Council was happy with the direction the Board was going in, and that it would explore this issue with the Planning Board.

Ms. Fuller said the Town needed to find some way to provide housing for working people

and young families, and not just students, including situations where parents came into town and found a lower cost property they could buy for their child to live in for 4 years. She said it would be good to implement this in a way that didn't carry a lot of red tape, and yet preserved that housing.

Mr. Campbell said Durham was in a unique situation regarding its housing, and noted that the reason duplexes weren't allowed other than in the MUDOR zone was because of the fear that it would go to student housing.

Ms. Fuller said the Town needed to find a way to discriminate concerning this, and Mr. Campbell said absolutely.

Mr. Roberts said he was interested to read that the Council wanted to include attracting young families as part of its goals. There was discussion.

Mr. Campbell noted that the NH Planners' Association and Local Government Center's annual conference had had a session on workforce housing last year, and also said the NH Finance Authority was now putting out an RFP to find a consultant to educate planning boards on how to implement the new workforce housing statute. He said hopefully within the next few months there would therefore be some educational opportunities on this, but said whether this would be geared to university towns was another thing. He said Durham had a special situation, and said this needed to be taken into account.

Chair Parnell said there was a lot of affordable housing in Durham now, but it was occupied by students. He asked if regulations could counteract that.

Ms. Fuller said there were regulations that said upon resale of a property, it had to be kept affordable. She said there was a lot of paperwork involved with this, including possible monitoring by the Town, but said it could work. But she did note that a student could conceivably qualify to buy an affordable property, under this process. She said the Town needed to find a way to discriminate so affordable properties could go to young families and not student housing.

Mr. Campbell said deed restrictions could be a good disincentive to a situation where a parent bought a house for their college student to live in and then turned around and sold the property for a profit.

Mr. Roberts said in Boston, they tried to have 3 and 4 bedroom apartments that could be occupied by students or a family.

Chair Parnell said the market in Boston was different than the market in Durham.

Mr. Roberts said there were students living in apartment buildings in surrounding towns that were suitable for students or families. But he said there was nothing convertible about Perry Bryant's property.

Councilor Smith said if the Town acknowledged that they had this problem that there

were landlords who rented only to students, why couldn't they say they wanted housing that was not for students. He noted as an example a carpenter who might want to live in Durham and perhaps even study to be an architect.

Mr. Campbell noted an Old Concord Road property, whose owner had looked at doing townhouses that would provide this kind of housing.

Councilor Smith noted a building on a property near Newmarket that he was in the process of dismantling, which would be a wonderful location for a low income family or families. But he said the question was who would build something there if it could only be a single family house.

Mr. Roberts said the Moriarty property Mr. Campbell had referenced was a beautiful location for a 3-4 story building that would be totally buffered from neighbors. He also suggested a buildout analysis should be done in terms of land that was off the tax rolls, and limiting what the Town was willing to sacrifice in terms of useable land in the community.

He spoke in some detail on this, noting among other things that there were 3-4 active purchase agents in Town trying to buy land for easements or outright sale agreements, in order to take the land for permanent conservation land. He said it seemed that the Board should have something to say about how much of this land got off the tax rolls.

There was discussion on Wagon Hill, its present use as a recreation area by a wide range of people, and also the potential for putting some affordable housing there.

Councilor Smith noted that the Town owned significant land that was not conservation land next to the transfer station.

Mr. Roberts said this year, land the size of at least Wagon Hill had been purchased for conservation land. He said the Town should have some say as to how much was viable.

Ms. Fuller said what Mr. Roberts had proposed would provide a really clear picture.

Mr. Roberts said an analysis could be done, and then wording regarding the limit of how much land could be set aside for protection could be put in the Master Plan.

Councilor Smith said before some of the last remaining open land in Durham got purchased for conservation, perhaps they should change some of the dimensional controls for the Rural District. He said he realized many of his friends and supporters would be horrified to hear him say this. But he said he lived in an area where there were 20 acre lots, and quarter acre lots, side by side.

He said there was a history in this town of people putting houses where they could put a leach field, until about 25 years ago. He said for a number of good reasons, they got away from this. But he said perhaps they needed to rethink their dimensional controls. He said a reason a great deal of land was being bought for conservation easements was that it was difficult to subdivide it.

Mr. Roberts said he didn't think it was the 3 acre requirement as much as hidden triggers in the Zoning Ordinance regarding useable land.

There was discussion about whether the creation of the 3 acre minimum lot size had involved soils considerations or not. Mr. Campbell noted that some of the soils people warned the Town to either do soils- based lot sizes or minimum lot sizes, but not both. He said the Town had in fact done both, and said in effect the 150,000 acre minimum lot size was not really true because more land was actually taken out because of the soils provisions.

There was discussion about how road frontage impacted lot sizes.

Chair Parnell and Mr. Campbell re-stated the Town Council's desire that the Planning Board be aware of the Council's goals and be ready to integrate some of them into its work.

There was discussion that some of the responses to the RFP reflected consultants who had experience with Master Plans, and the types of issues the Town was facing.

Mr. Ozenich spoke about some really good industrial parks he had recently seen in the Chicago area, and Mr. Campbell noted that they had done a lot of TIF districts out there.

VI. Approval of Minutes

April 29, 2009

Needs page numbering throughout

Page 1, Chair Niman should be listed under Members Absent

Also Page 1, under Approval of Agenda, should read "Chair McGowan called the meeting to order at 7:03 pm. Also, Page 1, 4th paragraph from bottom should read ""...wanted to add or change anything to what he had included in the memo..."

Page 2, toward bottom of page, should read "There were no members of the public who wished to speak for or against the application."

Page 5, 2nd paragraph from bottom of page, should read "...keeping the walls less than 3 feet from the property lines in all areas."

Same Page, 3rd paragraph from bottom, 1st sentence in the paragraph needs just a period at the end of it.

Page 6, 5th paragraph from bottom, should read "...that continuous presence of staff, as well as rights, rules....." Also, 4th paragraph from bottom needs a period at the end of the sentence.

Page 10, 5th paragraph from bottom, should read "...was how far a car entering Jenkins Court would have to go....." Also, 2nd paragraph from bottom, needs period after "...traversing Jenkins Court."

Page 12, 2nd paragraph, should read "...a somewhat different take on the Master Plan"

Page 14 LISTEN TO TAPE

Page 15, items listed under "Conditions to be met prior to issuance of Certificate of Occupancy" should be re-numbered 1 through 4.

Page 19, 1st paragraph, needs period at the end of the paragraph

Page 20, 1st full paragraph, should read "...site plan in general, he would have the final plans done by an engineer." 3rd full paragraph, same page, should read "...about the first two elements, keeping the driveway...."

Page 21, 3rd paragraph, should read "...but had concrete blocks underlaying"

Councilor Smith MOVED to approve the April 29, 2009 Minutes as amended. Richard Ozenich SECONDED the motion, and it PASSED unanimously 6-0.

May 6, 2009

Page 2, 3rd paragraph from bottom, should read "..was to update 4 chapters and create a 5th chapter, and said the consultant...."

Page 6, 2nd paragraph from bottom, should read "...for a previous Master Plan update, it wasn't that big a deal, and didn't take that long."

Susan Fuller MOVED to approve the May 6, 2009 Minutes as amended. Steve Roberts SECONDED the motion, and it PASSED 3-0-3, with Richard Ozenich, Councilor Smith, and Wayne Lewis abstaining because of their absence from that meeting.

VII. Adjournment

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

Adjournment at 9:23 pm