

This set of minutes was approved at the August 26, 2009 Planning Board meeting

**Durham Planning Board
Wednesday July 8, 2009
Durham Town Hall - Council Chambers
MINUTES
7:00P.M.**

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

ALTERNATES PRESENT: Wayne Lewis

MEMBERS ABSENT: Bill McGowan, Councilor Neil Niman, Richard Ozenich

I. Call to Order

Chair Parnell called the meeting to order. He appointed Mr. Lewis to serve as a regular voting member in place of Mr. Ozenich.

II. Approval of Agenda

Susan Fuller MOVED to approve the Agenda. Richard Kelley SECONDED the motion, and it PASSED unanimously 5-0.

III. Report of the Planner

Mr. Campbell noted that the HDC had met the previous week, and had voted to approve a Certificate of Approval for the St. George's Church project.

Mr. Campbell said he had recently attended a meeting that analyzed the site needs for various municipal projects that had been discussed over the past year. He said the people working on this were trying to think strategically, and develop a plan concerning this.

Mr. Campbell said he had met with University planner Doug Bencks on July 6th for their monthly meeting.

He said that on Monday, a pre-construction meeting for the Murphy project had been held. He said contact names and a tentative schedule were provided, and also noted that there had already been some delay in the project because ledge was found on the site. He said Mr. Murphy was planning to have the rental units up and ready by the fall.

Mr. Campbell said the Traffic Safety Committee had met with University representatives to discuss rules for bikes in Durham. He explained that Durham's rules for bikes in Town were somewhat different than the University's rules and provided some details on this. He said some

common ground was found, and said there would be an educational effort, including signs, to clarify where bikes could go. He also said there was discussion at the meeting on local bus routes planned for the future.

Mr. Campbell said the recent scheduled EDC meeting had been cancelled, and said the next regular meeting would be held on July 24th.

He said that on Monday, the Federal Reserve Bank of Boston's NE Community Advisory Council would be holding a forum at the New England Center, on the Green economy and community development. He said he planned to attend the meeting, and would update the Board on this.

Mr. Campbell said the Sourcewater Committee had an upcoming meeting, and would be addressing the expanded scope of work they planned to pursue, which had been discussed at the previous Planning Board meeting.

He said the ZBA would be meeting on July 14th, and among other applications that would be heard was an appeal of the 6 Jenkins Court site application that the Board had recently approved. He asked that some Planning Board members attend the meeting.

Mr. Campbell said that on July 15th, the Executive Council and the Governor would have a breakfast meeting at the Three Chimneys Inn with representatives from the Town.

IV. Acceptance Consideration and Public Hearing on an Application for Site Plan Review
submitted by Robert A. Battles, Esq., Donahue, Tucker & Ciandella, PLLC, Portsmouth, New Hampshire, on behalf of St. George's Episcopal Church, Durham, New Hampshire to renovate and expand the church building, to renovate the parking area and to improve the drainage. The property involved is shown on Tax Map 4, Lot 54-2, is located at 1 Park Court, and is in the Church Hill Zoning District.

Attorney Robert Battles, with Donahue, Tucker and Ciandella, represented the applicants. He noted the variances the ZBA had already approved for the project, He explained that the variance had been needed because there was a small 50 ft section of the existing building that currently encroached slightly into the sideyard setback. He said this section would be taken out, and the plan was to expand that area out 130 ft in the direction of the parking lot.

He said the project also involved renovating and reconstructing the parking area, and explained that they were trying to make the area as compliant as possible, keeping in mind the fact that it had been constructed before the current Zoning was in effect. He said a variance was received so that 18" wide parking space aisles could be created instead of the required 22" wide aisles, and noted that the applicant had agreed to maintain an aisle as one way.

He noted that a copy of the deed and the HDC Certificate of Approval had been provided for Board members, along with the set of plans from Althus Engineering. He said he believed the application was complete, and asked that the Board accept the application.

Mr. Kelley asked if the application was in fact complete, and Mr. Campbell said it was.

Richard Kelley MOVED to accept the Application for Site Plan Review submitted by Robert A. Battles, Esq., Donahue, Tucker & Ciandella, PLLC, Portsmouth, New Hampshire, on behalf of St. George's Episcopal Church, Durham, New Hampshire to renovate and expand the church building, to renovate the parking area and to improve the drainage. The property involved is shown on Tax Map 4, Lot 54-2, is located at 1 Park Court, and is in the Church Hill Zoning District. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously

The Board agreed to open the Public Hearing on the application that evening.

Attorney Battles said he would like to discuss the waiver that was proposed. He said the waiver was being requested from Section 9.03 of the Site Plan Regulation regarding having to do a drainage study and a stormwater report. He said at the recommendation of Mr. Campbell and Mr. Weinraub, there had been numerous discussion with Town Engineer Dave Cedarholm on a joint effort to improve drainage in the area. He also said an easement deed would be provided to the Town across the Church property for future maintenance, repairs, etc.

Mr. Kelley said he was reluctant to move to grant the waiver request until the Board heard from members of the public.

Mr. Campbell suggested that the Board could address the waiver request before discussing the Findings of Fact and Conditions of Approval.

Architect Bill Schoonmaker provided details on the renovations planned for the church. He said primarily, they wanted to create a new handicap accessible entryway off the back side of the church, noting that a secondary entrance was now being used as the primary entrance, and was inadequate. He also said the bathrooms, which were currently at the basement level, would be brought up to the first floor. He provided details on a ramp that was proposed. Mr. Schoonmaker noted that this was a relatively modest project, compared to what was originally planned.

Eric Weinraub of Altus Engineering next described the present drainage problems on the site and surrounding area, and noted that because of the way things were currently constructed, the catch basins there got plugged up on a regular basis, which created havoc on the properties beyond the site. He said it had been found that the Town had some capital improvement money available, so a composite plan had been developed to improve the drainage in the area, which would be paid for using public and private money.

He said this plan pulled the pavement away from the building and created a green space adjacent to it, and also involved hooking the gutters into a closed drainage system. He said these things would prevent the current sheet flow from leaving the site. He explained that some of the sheet flow would go toward the green space, where it would be treated with a rain garden and would result in immediate water quality improvement, something that was not happening currently. He said the rest of the flow would go to a catch basin, and he said there would be treatment for this water as well.

Mr. Weinraub said there would be a new sidewalk out front, and said porous concrete would be used there. He also noted that there would be updates to the water and sewer infrastructure. He also spoke briefly on the reconfiguration of the parking spaces in the parking area.

Richard Kelley MOVED to open the Public Hearing. Susan Fuller SECONDED the motion, and it and PASSED unanimously

There were no members of the public who spoke for or against the application.

Richard Kelley MOVED to close the Public Hearing. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously

The Board agreed that they would deliberate on the application that evening.

Mr. Kelley noted that there had been an HDC Certificate of Approval in 2007, as well as a subsequent Certificate of Approval in July of 2009.

Mr. Campbell explained that the approval in 2007 was for a project that was somewhat different than the one the applicants were proposing now, so it was cleaner for the HDC to provide a new Certificate of Approval.

There was discussion about the waiver requested from Section 9.03 of the Site Plan Regulations for an engineered storm water analysis. Chair Parnell suggested that if it granted the waiver, the Board should make note of the fact that the applicant was cooperating with the Town regarding stormwater management, since this was the reason the waiver was being granted.

Mr. Weinraub said that regarding the financial surety the applicant would post, there were two aspects to the drainage project. He said the completion of onsite drainage was the portion of the project that should be on the applicant's surety. There was discussion on this.

Mr. Campbell reviewed some outstanding details he would like the applicant to take care of. He said the applicant should provide a copy of the drainage easement language, and noted that wording on this had been included in the Conditions of Approval.

He said he would also like to see a note added to the site plan that what was proposed was not in the flood zone. In addition, he said he had recently noted that the dimensional requirements chart on the site plan indicated that there was a 0 setback, but he said it was now 15 ft, so this needed to be corrected.

Mr. Roberts asked if there needed to be a Condition of Approval regarding coordination between the Public Works Department and the Church concerning the surface drainage.

Mr. Campbell said it would be a condition to be met subsequent, and would indicate that the applicant would coordinate with the DPW to the satisfaction of the department.

Mr. Kelley asked how the costs for the drainage work would be divided up.

Mr. Weinraub said the plans had evolved slightly from the initial submittal, and explained in detail how the distinction of the private and public aspects of the project would be maintained in the site plan and on the ground. He also said for clarity purposes in the drainage easement, they recommended that a letter of agreement state that the drainage easement would occur. He said after the drain line was actually installed, they would then go out and determine the as built location, and would do the permanent easement based on the as built condition.

Mr. Roberts said his concern was that this should be a coordinated effort, and Mr. Weinraub said there would be one contract.

Mr. Kelley said it appeared that some of the drainage work would be carried out on the Richmonds' property as well, and he asked if there were appropriate instruments in place.

There was discussion, and Mr. Weinraub said the catch basin behind the Richmond house, on their property, would be replaced. There was discussion on the details of the catch basins on the plan.

Mr. Kelley asked if there were appropriate written instruments/easements in place for the proposed catch basin on the Richmond property.

Mr. Campbell read Mr. Cedarholm's email concerning this.

Attorney Battles said the easement had been there since the 1950's, and had been maintained by the Town. He said whether or not there was a written record of this wouldn't matter, and said the Town had acquired the right to go there to maintain the system.

Mr. Weinraub said the applicant was in favor of this, and had realized it was a betterment to the property.

Richard Kelley MOVED at the request of the applicant to grant a waiver from Section 9.03 of the Site Plan Regulations regarding an engineered storm water analysis. Susan Fuller SECONDED the motion.

Mr. Kelley said Mr. Cedarholm had had discussions with the applicant's engineer on the stormwater issues. He said given that all the properties seemed to be in agreement that this was the thing to do; the fact that there would be improvements to water quality; and the fact that the impervious area was not increasing, he felt the Planning Board could support this waiver request.

The motion PASSED unanimously 6-0.

The Board next reviewed the final Findings of Fact and Conditions of Approval.
Conditions to be met prior to the Signature of Approval on the Site Plan:

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.

2. All plans must be stamped by the appropriate professionals.
3. The applicant shall apply for and be granted any necessary water and sewer permits.
4. Details of the rain garden must be planned to the satisfaction of the Town Engineer.
5. The applicant shall post an acceptable financial surety prior to the signature of the final Site Plan that is approved by the Planning Board. The financial surety shall be in an amount sufficient to ensure the completion of the on-site drainage, sewer, water, landscaping and/or any other improvements required by the Town. The financial surety shall be effective until the issuance of all certificate of occupancies needed for the property. The financial surety shall be approved by the Town as to the form and type. The Town will accept cash, pass book savings in the Town's name, letter of credit or a construction surety bond. At its discretion, the Planning Board may require approval of the construction guarantee by the Town Attorney. The amount of the surety shall be determined by the Department of Public Works.
6. A guarantee or performance bond or escrow agreement must be posted in an amount to be determined by the Director of Public Works and approved by the Town Administrator to ensure satisfactory completion of the landscaping plan as submitted and approved.
7. A copy of the drainage easement language shall be submitted to the Director of Planning and Community Development for the Planning Director's review and approval.
8. A note shall be added to the Plan stating that the parcel is not in the flood zone as per the May 17, 2005 FIRM.
9. The minimum front setback should be corrected on the plan to state a 15 foot minimum setback.

Conditions to be Met Subsequent to the Signature of Approval on the Site Plan:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. As-built construction drawings, plan and profile, of all infrastructure improvements shall be submitted in electronic and paper copy at a scale of 1" to 20', including, but not limited to:
 - Underground Utilities (sewer lines, storm drains, water lines, electrical, phone, cable, natural gas lines, etc.)
 - Drainage ways, ditching, impoundments, swales, etc.
 - Road construction
3. The applicant will coordinate work with the Town of Durham Department of Public

Works on the construction of the drainage within the right-of-way of Park Court.

Richard Kelley MOVED to approve the amended Findings of Fact and Conditions of Approval for the Application for Site Plan Review submitted by Robert A. Battles, Esq., Donahue, Tucker & Ciandella, PLLC, Portsmouth, New Hampshire, on behalf of St. George's Episcopal Church, Durham, New Hampshire to renovate and expand the church building, to renovate the parking area and to improve the drainage. The property involved is shown on Tax Map 4, Lot 54-2, is located at 1 Park Court, and is in the Church Hill Zoning District. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 6-0.

- V. Public Hearing on an Application for Site Plan Review and Conditional Use Permit** submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of the Durham Unitarian Universalist Fellowship, Durham, New Hampshire, to remove an existing garage and breezeway and build a new addition as well as to remodel the existing main building. The property involved is shown on Tax Map 4, Lot 17-0, is located at 20 Madbury Road, and is in the Professional Office Zoning District.

Mr. Roberts recused himself.

Roger Roy of MJS Engineering apologized for his absence from the recent site walk. He briefly explained that the applicant's proposal was to remove the existing garage to the east side of the octagonal portion of the building, and also to remove the breezeway between the existing building and the garage. He said the new building footprint expansion would occur in the same location, and said it would be used as a new area for church services, as well as for some classrooms. He also said some of the existing building would be remodeled into offices, and that a deck would be added onto the existing deck in the back.

He provided details on proposed parking out front, and said it would be improved in terms of drainage and access. He said runoff from the existing paved area would be collected and directed to a rain garden, where it would be filtered and would recharge the groundwater. He explained that there would also be a spillway for the rain garden. He said he had read through the Findings of Fact and Conditions of Approval, and said they seemed reasonable.

Richard Kelley MOVED to open the Public Hearing, Susan Fuller SECONDED the motion and it PASSED unanimously

There were no members of the public who spoke for or against the application.

Richard Kelley MOVED to close the Public Hearing. Susan Fuller SECONDED the motion and PASSED unanimously

Mr. Campbell noted the email received from Town Engineer Dave Cedarholm, which indicated that the applicant would need to submit a non-industrial wastewater discharge application for the anticipated increase in the water use and wastewater discharge, and would also need to provide documentation through a pipe video inspection that the sewer was in an acceptable condition.

He also said Mr. Cedarholm recommended that the rain garden include a perforated subsurface drain with a discharge pipe daylighted near the foundation drain outlet.

Mr. Roy said Mr. Cedarholm had indicated in discussion with him that a bottom drain should be provided for the rain garden. He said MJS Engineering had done these before, but said they didn't feel it was needed in this situation. He said such a drain would be needed if there were ponding problems, but he said in this case, there was a slope as well as a trench they would be providing for the outlet drain structure. He said in essence this would be creating a French drain, so water would have the opportunity to dissipate.

He said he felt the under-drain recommended by Mr. Cedarholm would work against the drainage. He also noted that this would increase the cost of the drainage system. He said there would be further discussion with Mr. Cedarholm on this issue, but said he thought the wording in the Conditions of Approval protected the Board, and made sure that the applicant would satisfy the requirements of the Town Engineer.

Mr. Roy said the sewer connection permit would be submitted, and noted that the fee the applicant would pay would cover both the water and sewer demand increase.

Mr. Campbell noted that this had been made a condition of approval.

Mr. Kelley asked if a drainage model had been done.

Mr. Roy said yes, and said the conclusion was that because there would be collection of roof runoff and collection from the paved area, there would be a reduction in the rate of flow off the site. He also said that because of the rain garden and the recharge that would occur there, the volume of discharge would be reduced as well.

Mr. Kelley asked what sort of storm water event the rain garden was designed for.

Mr. Roy said typically, a one inch storm represented 90% of storms in a given year, and said the volume from this was what they were trying to recharge with the rain garden. He said they had achieved this, and said rainstorms greater than that would typically fill up the voids in the filter bed of the rain garden, and would spill out into the horizontal weir and could be handled there. He said the spillway was for even larger storms, and he provided details on this.

The Board reviewed the Conditional Use compliance checklist, and had no issues with it. There was discussion that what the applicant was proposing with this project was a conditional use because of the wetland buffer, so there were four criteria that had to be met. Mr. Campbell said on the advice of the Conservation Commission, these would be included under the Findings of Fact. The Board reviewed them:

1. There is no alternative location on the parcel that is outside of the WCO District that is feasible for the proposed use.
2. The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.

3. The location, design, construction and maintenance of the facilities will minimize any detrimental impact on the wetland, and mitigation activities will be undertaken to counterbalance any adverse impacts.
4. Restoration activities will leave the site, as nearly as possible, in its existing condition and grade at the time of application for the Conditional Use Permit.

Mr. Campbell noted that the applicant had asked for a partial waiver from Section 7.02 (D)(4)(d) of the Site Plan regulations regarding topographic contours. He said the contours were partially shown, within the limits of disturbance, but not for the remainder of the site.

Mr. Kelley noted that it was on odd shaped parcel. He asked if an insert could be included in the plan to show the remainder of the site.

Mr. Roy said the remainder of the property was shown on the Existing Conditions. But he said he would make the plan work as requested.

Richard Kelley MOVED to grant at the request of the applicant a partial waiver from Section 7.02 (D)(4)(d) of the Site Plan Regulations regarding topographic contours. Susan Fuller SECONDED the motion, and it PASSED unanimously 5-0.

Mr. Kelley asked if the project was under the threshold for getting an alteration of terrain permit, and Mr. Roy said it was.

The Board completed its discussion of the final Findings of Fact and Conditions of Approval for the Conditional Use Permit application.

Conditions to be met prior to the Signature of Approval on the Site Plan.:

1. The applicant shall supply one mylar and two paper copies for signature by the chair of the Planning Board.
2. All final plans and reports must be stamped by appropriate professionals.

Conditions to be Met Subsequent to the Signature of Approval on the Site Plan:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. All permits must be obtained by the applicant from the Code Enforcement Officer/Building Inspector prior to the commencement of the work.

Richard Kelley MOVED to approve the amended Findings of Fact and Conditions of Approval for the Conditional Use Permit submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of the Durham Unitarian Universalist Fellowship, Durham, New Hampshire, to remove an existing garage and breezeway and build a new addition as well as to remodel the existing main building. The property involved is shown on Tax Map 4, Lot 17-0, is located at 20 Madbury Road, and is in the Professional Office Zoning District. Susan Fuller

SECONDED the motion, and it PASSED unanimously 5-0.

The Board completed its discussion of the final Findings of Fact and Conditions of Approval for the Site Plan application.

Conditions to be met prior to the Signature of Approval on the Site Plan.

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.
2. All final plans must be stamped by appropriate professionals.
3. The applicant shall apply for and be granted any necessary water and sewer permits.
4. Details of the rain garden must be planned to the satisfaction of the Town Engineer.
5. The applicant shall post an acceptable financial surety prior to the signature of the final Site Plan that is approved by the Planning Board. The financial surety shall be in an amount sufficient to ensure the completion of drainage, sewer, water, landscaping and/or any other improvements required by the Town. The financial surety shall be effective until the issuance of all certificate of occupancies needed for the property. The financial surety shall be approved by the Town as to the form and type. The Town will accept cash, pass book savings in the Town's name, letter of credit or a construction surety bond. At its discretion, the Planning Board may require approval of the construction guarantee by the Town Attorney. The amount of the surety shall be determined by the Department of Public Works.
6. A guarantee or performance bond or escrow agreement must be posted in an amount to be determined by the Director of Public Works and approved by the Town Administrator to ensure satisfactory completion of the landscaping plan as submitted and approved.

Conditions to be Met Subsequent to the Signature of Approval on the Site Plan:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. The applicant shall check with the Durham Police Department to see if there is a need for a police detail for work done on Woodman Road. If it is needed, the applicant will coordinate this with the Durham Police Department.
3. As-built construction drawings, plan and profile, of all infrastructure improvements shall be submitted in electronic and paper copy at a scale of 1" to 20', including, but not limited to:
 - Underground Utilities (sewer lines, storm drains, water lines, electrical, phone, cable, natural gas lines, etc.)

- Drainage ways, ditching, impoundments, swales, etc.
- Road construction

Richard Kelley MOVED to approve the amended Findings of Fact and Conditions of approval for the Site Plan application submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of the Durham Unitarian Universalist Fellowship, Durham, New Hampshire, to remove an existing garage and breezeway and build a new addition as well as to remodel the existing main building. The property involved is shown on Tax Map 4, Lot 17-0, is located at 20 Madbury Road, and is in the Professional Office Zoning District. Susan Fuller SECONDED the motion, and it PASSED unanimously 5-0.

Stephen Roberts returned to the table at this time.

- VI. Public Hearing on an Application to Amend a Previously Approved Site Plan** submitted by 6 Jenkins Court LLC, Durham, New Hampshire to increase the commercial footprint of a new three-story, mixed use building, to create an 8-foot wide pedestrian walk-way, to provide an outdoor seating area, to provide one additional parking space along Jenkins Court and to eliminate 8 parking spaces under the building. The property involved is shown on Tax Map 4, Lot 8-0, is located at 6 Jenkins Court, and is in the Central Business Zoning District.

Roger Roy of MJS Engineering explained that the applicant was proposing to amend the conditionally approved site plan for 6 Jenkins Court. He said what had been planned as a parking area and a one-way through lane would instead be primarily an expansion of the first floor commercial space.

He said they were still reserving an 8 ft wide pedestrian area to allow conductivity between the Store 24 lot and Jenkins Court, and were leaving a covered open area for seating if there was a restaurant in the building. He said this was an undefined use at the moment.

He said other aspects of the project would essentially remain unchanged. He said there would be a few modifications prior to construction having to do with verification of utilities.

Mr. Roy said the draft Findings of Fact and Conditions of Approval had been received, and reviewed. He said perhaps there could be wording that would allow a wall sconce of no more than 100 watts that was not down-lit, and that if it was more than that, it would have to be down-lit. He said there was a lot of lighting in this area, so he didn't think seeing a bulb there would be offensive. He asked the Board to consider this for the outdoor seating area and the egress points into the building, to improve the appeal of the building.

Mr. Kelley said on the eastern side of the property, there was still what looked like a drive-through entrance and curb cut going into the outdoor seating area. He said he thought cars might park there and in the outdoor seating area as well.

Mr. Roy said he would be comfortable reducing it to the 8 ft pedestrian way, or somehow do a combination of paver block pavement to break up the width and perhaps not have a curb.

Mr. Kelley said it looked like the decision was made to come off of the five foot radius curb and go at a tangent straight back, as opposed to running more of a tangent curb north-south before putting the five foot radius in.

Mr. Campbell said if this did become outdoor seating area and alcohol was sold, the area would need to be fenced off. He said if alcohol was not served, he wondered if there were plans to fence the seating area off as distinct from the walkway.

Mr. Crape said he could see that happening to divide the seating area from the sidewalk. He said he could also see how a car might want to park there, so perhaps there should be a sign saying that it was a pedestrian passageway only.

Mr. Kelley noted that what currently was proposed was a sign that said “proposed tenant/customer access only”.

Mr. Roy explained that this was wording from the prior design, when there was to be parking. He said there could be a sign that said Pedestrian access only/No vehicles.

Mr. Kelley said he would like to see something there to make it clear that this was not a parking area, because it had been a parking area, and still looked like one.

Mr. Roy said an attempt had been made in the revised plan to not expand the curbed island on the UNH property, but said the applicant could work with them, and also either do some signage, or reduce the width. He said there might also be some surface treatment to make a driver think before considering parking there.

Mr. Campbell suggested putting stenciling on the asphalt itself that said No Parking. He said he could otherwise see someone being very tempted to park there.

Mr. Kelley asked if the additional retail space proposed increased the parking requirements.

Mr. Roy said it did, and said the numbers on the revised plan reflected this. He said there were 81 required spaces.

Mr. Campbell noted that this was mentioned in the Findings of Fact. He said the original number of parking spaces being exempted was 64. He said with the increase in the commercial space and the removal of parking spaces, they were now required to have 81 spaces, but were not providing any of them. He said the exemption would therefore go from 64 to 81 spaces.

Susan Fuller MOVED to open the Public Hearing an Application to Amend a Previously Approved Site Plan submitted by 6 Jenkins Court LLC, Durham, New Hampshire to increase the commercial footprint of a new three-story, mixed use building, to create an 8-foot wide pedestrian walk-way, to provide an outdoor seating area, to provide one additional parking space along Jenkins Court and to eliminate 8 parking spaces under the building. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

Chair Parnell asked if there were any members of the public to speak regarding the application. There was no response.

Susan Fuller MOVED to close the Public Hearing. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

Mr. Kelley asked if there were any changes to the building lines, and Mr. Roy said nothing had changed concerning this. Mr. Kelley said the site plan didn't indicate where windows would be on the first floor. He asked if there would be some kind of storefront along the 8 ft pedestrian way.

Mr. Crape said the storefront would be on Jenkins Court, and said the rear entrance would be a service entrance for employees and patrons to go out to the outdoor seating area. He said he envisioned windows along the pedestrian pathway.

Mr. Roberts asked if the pedestrian walkway would be considered private property.

Mr. Crape asked if the question was whether the public would be restricted from walking there and Mr. Roberts said yes. Mr. Crape said he would seek legal counsel on this, concerning possible liability issues.

Mr. Roberts said he thought that would be advisable. He also said he was concerned about the interface between the pedestrian walkway and the outdoor seating area, and said there should be something on the plan concerning this.

Mr. Crape agreed, and said there had to be some kind of waist high fence there.

Mr. Roberts asked if there would be a change in elevation entering the outdoor seating area from the parking lot.

Mr. Roy said it was intended to be flush. He said there would be a tip down ramp provided at the sidewalk, coming toward the Christie property.

Mr. Roberts asked if there would be a separate access point to the outdoor seating area, separate from an access point continuing through the pedestrian walkway. He said it was important to show this.

Mr. Roy said this would depend on who the tenant was, and suggested that there could be a note on the plan to delineate a separation. Mr. Roberts provided further details on how this could be cleared up, and Mr. Roy agreed.

Chair Parnell said presumably there was the expectation that there would be an outdoor seating area for an eating establishment.

Mr. Crape said that was correct, and Chair Parnell asked what would be done with this area if that didn't happen. He said his concern was that there had been problems in this general area

with people hanging around, eating pizza, etc. He said if there wasn't a more formalized spot, it might develop into this kind of thing.

Mr. Crape said that was a fair point, and said there would be cameras at various locations on the property, to monitor inappropriate congregation.

Chair Parnell asked if this area would have a cover on it, with the floor above on top of it, and Mr. Crape said yes.

Mr. Roberts asked Mr. Crape if he wanted to consider this an optional outdoor seating area, so it could be that or a retail area.

Mr. Crape said yes, and suggested that if a retailer wanted to have a sidewalk sale, this would be an appropriate use of the outdoor area.

Mr. Campbell asked if smoking would be allowed in the rental units, and Mr. Crape said no. Mr. Campbell said he could see this outdoor area being used as a smoking area, where people would congregate.

Mr. Crape said perhaps the chairs for a possible restaurant could be stacked to avoid this, and also said there could be a fence or some kind of barrier there.

Ms. Fuller noted the back of the Gaslight Restaurant in Portsmouth where this kind of barrier was provided.

Mr. Roberts asked if Mr. Crape would have to come in for a building permit if he wanted to make that outdoor area into retail space.

There was discussion. Mr. Campbell said he thought that currently, it would be considered a change of use, so would need to be reviewed by the Planning Board or the Technical Review Committee.

Mr. Crape said each commercial space right now was designated for a specific use.

Mr. Campbell said a way to handle this, because it wasn't known who would go in there, was to say the allowed uses in the Central Business District could occupy those spaces. There was discussion with Mr. Roy on this. Mr. Campbell said adding a note to the plan concerning this would cover the applicant. But he said if a change of use required some changes to the interior of the building, the note on the plan wouldn't excuse the applicant from having to get a building permit.

Councilor Smith asked why the three spaces couldn't simply say commercial, which included either retail or restaurant uses.

Mr. Campbell said that would be fine, along with wording that any allowed uses in the Central Business District were permitted

Mr. Roberts said if the walkway was included in the outdoor seating area, there could be an extended seating area for the restaurant. He asked if the applicant was being hemmed in by calling this a walkway.

Councilor Smith noted that there were sidewalks along Main Street, where the pedestrian right of way was sometimes reduced to less than 8 ft because of the tables. He said there was a lot more foot traffic there than in this area.

Mr. Roy said in doing the initial site plan, a goal was to maintain a pedestrian area. He said the idea was received well, and said it was something the applicant would be giving to the community, but wouldn't necessarily benefit from.

Mr. Campbell said it could actually be more of a headache for the applicant, especially late at night.

Mr. Kelley said depending on the commercial tenants that went in there, that foot traffic could be advantageous to them. He said people walking by the restaurant tables might be intrigued to go there.

There was additional discussion on this.

Mr. Roy said at one time, the sidewalk coming off the east end of the building came right out on the curb bump. He said now the applicant had opted to have a 90 degree angle, and take some of the outdoor seating area and make it sidewalk.

Mr. Crape said before the pedestrian passageway, pedestrians may have been coming more from a different direction in the Store 24 lot. He said now, with traffic directed through the building, and if pedestrians were coming from Jenkins Court, they could have access to a sidewalk instead of walking into the Store 24 parking lot and then having access to a sidewalk.

Mr. Kelley asked whether, if the amended site plan application was approved that evening, and in 2-3 weeks the applicant said he wanted to tweak that area a bit, he would have to come back to the Planning Board again.

Mr. Campbell said yes.

Mr. Kelley asked Mr. Crape if this design was what he wanted the Board to approve, and Mr. Crape said yes, that he was satisfied that it would provide benefits to the community and his project.

Mr. Roy said if the applicant was told minor adjustments in the width of the walkway, etc. were needed, he felt the intent of the plan would still be met.

Mr. Campbell said there wasn't a requirement that there be an 8 ft wide pedestrian walkway.

Mr. Roy said if the building was brought all the way to its limit, he could see that this would need to come back to the Planning Board. But he said if the building was moved two feet to the left to provide a greater walkway, he didn't think this should have to come back to the Board. He said this wouldn't change the scope of the project, and asked if this could be done through some kind of administrative approval.

There was discussion. Mr. Kelley said he wasn't comfortable with certain changes occurring after the fact. He said that was why he was asking the applicant if what was before the Planning Board was what he wanted it to approve that evening.

Mr. Campbell reviewed wording changes to the Conditions of Approval. He said there would be a note stating that the allowed uses in the Central Business District would be commercial areas. He also said there would be wording concerning wall sconces for the outdoor seating area, additional signage on the northeast side to prohibit parking, and demarcation of the outdoor seating area.

Mr. Roy asked if there could be something to indicate that there had been discussion about the potential for seating in that 8 ft area, as long as there was a through walk that conformed to the building code.

Mr. Campbell said this would be more to provide access for the users of the tables.

Mr. Roy said he wanted to make sure that a table would be acceptable as long as the building code was met. In response to a comment from Mr. Roberts that there could be trouble in terms of aisle widths that had to be met, Mr. Roy said the wording could reflect the need to meet the code.

Mr. Roberts said it was one thing if the walkway was part of the restaurant, but said he wasn't sure it would work if the whole walkway was part of a pedestrian walkway and there were restaurant tables to the side of it.

Mr. Campbell said if it didn't meet the code, Mr. Johnson wouldn't let them do it.

Mr. Roy said the note could reflect that they had talked about potential seating either along the outside wall or inside wall, while still allowing pedestrian flow that met the safety code.

Mr. Roberts said if the word public was attached to the walkway, there would be code issues.

Mr. Campbell said the plan should say the walkway was for customers.

Councilor Smith noted that it was currently easy to get from the Store 24 lot parking lot to Main Street or Jenkins Court. He said as much as possible, property owners should be encouraged to permit such access.

Mr. Campbell said he wasn't sure how to handle the issue of the parking fee. He said it wasn't clear how it was supposed to be paid, and he noted some options.

Mr. Kelley said a significant amount of money would have to be paid for this, and said he was comfortable with giving the applicant some time. He said if an installment plan was preferred, he was ok with requiring that the first installment be paid at the time of the certificate of occupancy, and that other two installments be paid the following year.

Mr. Crape said he hoped to be able to provide it all at once, but said this would provide him with some flexibility, and sounded reasonable.

The Board agreed that the second installment would be paid within six months, and the third installment would be paid within a year.

Ms Fuller said it wasn't clear to her what the Board had decided regarding allowing tables alongside the pedestrian walkway. She said personally, she was comfortable with that because Mr. Johnson wouldn't allow this if there wasn't enough of a code compliant walkway through there. She also asked if Mr. Roy wanted the Board to put this in the conditions of approval, or if it would be noted in the plan.

Mr. Roy said it would be fine to note it in the plan.

Mr. Roberts asked if they would want to note that it would be an optional pedestrian walkway.

Mr. Roy said Mr. Crape would need to talk with legal counsel as to whether it should be for the general public or for customers only.

Mr. Campbell noted that even if signs were put up that it was private, for customers and tenants only, this wouldn't stop people from going through.

Mr. Roy said it would remove the liability for Mr. Crape, and would keep the window frontage open. He agreed to put a note on the plan, at the request of the Board.

Mr. Campbell reviewed wording changes to the Conditions of Approval, concerning:

- wall sconces for the outdoor seating area
- additional signage on the northeast side to prohibit parking
- a note on the plan that all the uses allowed in the Central Business District be allowed to occupy the commercial spaces
- a note on the plan that the optional outdoor seating area would be demarcated at the time of occupancy
- payment of the parking fee

Conditions to be met prior to the Signature of Approval on the Site Plan:

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.
2. All plans must be stamped by the appropriate professionals.
3. The applicant shall post an acceptable financial surety prior to the signature of the

- final Site Plan that is approved by the Planning Board. The financial surety shall be in an amount sufficient to ensure the completion of drainage, sewer, water, landscaping and/or any other improvements required by the Town. The financial surety shall be effective until the issuance of all certificate of occupancies needed for the property. The financial surety shall be approved by the Town as to the form and type. The Town will accept cash, pass book savings in the Town's name, letter of credit or a construction surety bond. At its discretion, the Planning Board may require approval of the construction guarantee by the Town Attorney. The amount of the surety shall be determined by the Department of Public Works.
4. Copies of all required easements shall be submitted to the Department of Planning and Community Development and reviewed by the Director of Planning and Community Development. The easements will be reviewed by the Town Attorney.
 5. A guarantee or performance bond or escrow agreement must be posted in an amount to be determined by the Director of Public Works and approved by the Town Administrator to ensure satisfactory completion of the landscaping plan as submitted and approved.
 6. Water and sewer permits must be approved by the Water/Wastewater Committee and by the Town Council.
 7. The drainage plan must be approved by the Town Engineer.
 8. The applicant shall provide a letter explaining the parking demand offset.
 9. All lighting shall be shown on the plan, shall meet the requirements of Section 175-116(1) of the Zoning Ordinance and shall be directed away from the abutting property. The outdoor seating area will allow for decorative wall sconces with a maximum of 100 watt bulbs.
 10. A note shall be added to the plan that the gutters shall be properly maintained.
 11. A note shall be added to the plan that the sidewalk will be maintained by the owner of the property. The note shall also state that the 8 foot pedestrian walkway shall also be maintained by the applicant.
 12. The applicant agreed to provide a bike rack. A note shall be added to the Plan stating that a bike rack shall be provided.
 13. A note shall be added to the plan stating that all the uses allowed under the current zoning for the Central Business District be allowed to occupy the ground-floor commercial space.
 14. Additional signage on the Northeastern side of the property will be needed to prohibit parking.
 15. A note shall be added to the plan that the optional outdoor seating area will be demarcated at the time of occupancy.

Conditions to be met subsequent to the signature of approval on the Site Plan:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. Maintenance Guarantee--a financial surety to guarantee that all site work was properly done shall be posted by the applicant with the Town. Such maintenance guarantee shall be in an amount of two (2) percent of the estimated project cost and shall remain

in force for two (2) years after site improvements are completed. If such repairs are needed and are not satisfactorily installed by the developer, then such guarantee shall be used to complete and/or install such improvements.

3. As-built construction drawings, plan and profile, of all infrastructure improvements shall be submitted in electronic and paper copy at a scale of 1" to 20', including, but not limited to:
 - Underground Utilities (sewer lines, storm drains, water lines, electrical, phone, cable, natural gas lines, etc.)
 - Drainage ways, ditching, impoundments, swales, etc.
 - Road construction
4. The construction staging, timing, and techniques shall be reviewed and approved at a pre-construction meeting prior to any demolition or construction. The pre-construction meeting shall be held with the Durham Police Department, Fire Department, Code Enforcement Officer/Building Inspector, the Department of Public Works, a member of the Planning Board and the Director of Planning and Community Development with a summary provided to the Planning Board.
5. During construction the site will be secured by use of a temporary chain link fence.
6. Trash collection will be private and the responsibility of the owner. All areas where trash is stored, both inside and outside, will be kept in an orderly fashion.
7. The parking fee will be paid in three installments. The first payment is due at the time of the Certificate of Occupancy, the second is due 6 months after the Certificate of Occupancy is issued and the third is due 12 months after the Certificate of Occupancy is issued.
8. The gutters shall be maintained especially during the winter months.
9. The sidewalk shall be maintained by the owner of the property

Richard Kelley MOVED to approve the Findings of Fact and Conditions of Approval, as amended this evening, to amend the previously approved Site Plan submitted by 6 Jenkins Court LLC, Durham, New Hampshire to increase the commercial footprint of a new three-story, mixed use building, to create an 8-foot wide pedestrian walk-way, to provide an outdoor seating area, to provide one additional parking space along Jenkins Court and to eliminate 8 parking spaces under the building. The property involved is shown on Tax Map 4, Lot 8-0, is located at 6 Jenkins Court, and is in the Central Business Zoning District. Susan Fuller SECONDED the motion, and it PASSED unanimously 6-0.

Mr. Campbell noted that at Monday's Town Council meeting, there had been a first reading on an Ordinance to change the loading zone situation on Jenkins Court. He said there would be a public hearing on this at the next Council meeting.

VII. Public Hearing on an Application to Amend a Previously Approved Site Plan submitted by Perley Lane LLC, Portsmouth, New Hampshire to allow for the option of building single family units or duplex units on a previously approved development. The property involved is shown on Tax Map 1, Lots 16-22 through 16-28, is located on Perley Lane, and is in the Residence A Zoning District.

The applicant, Joe Caldarola, said his engineer, Keith Weston, had met with Town Engineer Dave Cedarholm concerning the drainage issue. He said the main concern Mr. Cedarholm had expressed was that all of the grading be shown on the site plan, because of some homeowner questions concerning this issue for other phases of Fitts Farm. He also said Mr. Cedarholm would like to see rain gardens installed in particular locations on the site, and said he had no problem with doing this. He noted on the plan the areas where they would be installed, and said the plan would be done within the next week or too.

He said that consistent with the previously approved site plan, the roof gutters would drain into drywells, providing recharge. He noted that this was a condition of the previous site plan application. He said on the high side, there would be one stone infiltration bed per building, located between the buildings, typically about half way down to the footer. He said they would be adequate for a 25 year storm. He said overflow for storms larger than that would go under the driveways and into the rain gardens. He said details for this would be developed.

Mr. Caldarola said on the low side was the blasted area which had a large capacity for infiltration. He said the plan for this was to have a stone layer under the footer that the rain gutters lead to. He said the overflow was the footer drain, and said the stone layer would be designed to handle a 25 year storm.

He noted that Fellows Lane had several treatment swales, and said there had been complaints about them and also said Mr. Cedarholm did not care for that approach. He said they had not been included as part of the original design for Perley Lane or in the present design.

Mr. Caldarola said they had looked at the condo documents, and didn't see that any changes were necessary.

Mr. Kelley said it had been unclear at the site walk whether Perley Lane was part of the greater condo association, or was a separate entity.

Mr. Caldarola said the way it had been set up was that each road had a separate association, so Perley Lane would be a separate association.

Mr. Kelley asked if the owners of the 13 units would collectively be responsible for maintenance of the concrete box culvert.

Mr. Caldorola said as part of the previous agreement that the roadway would be private, there was an addendum that the master association developed as part of the original Fitts Farm approval would be responsible for the maintenance of the box culvert bridge. He said as a practical matter, there wouldn't be much maintenance for it.

There was discussion that this meant any costs related to the culvert would be shared by all the residents of Fitts Farm.

Mr. Kelley said he trusted that Mr. Campbell had conveyed the Board's concerns about what it had seen out there during the site walk. He asked Mr. Caldarola if there was any action he was intending to take concerning this.

Mr. Caldarola said within the next week, an excavator would be brought in to fix the silt fence that had fallen down, and to address any other areas where runoff could get through.

Mr. Kelley said it appeared that one of the manhole covers was missing.

Mr. Caldarola said he was addressing this. He said another issue was the safety of the bridge. He said at one point he had street barricades at the entrance to Perley Lane. But he said there were complaints about the manmade construction materials stored on the site, so he had to take down the barricades in order to remove this material. He said he would like to put barricades up at the entrance again.

Mr. Kelley said his concern was that there was evidence that kids were hanging out in this area, and that an intoxicated kid could jump/fall into the stream.

Mr. Roberts said there was a significant safety hazard there because of the drop off, and said there should be cautionary signs regarding it and/or no trespassing signs.

Mr. Campbell said the grass had grown up so high that someone could walk right off.

Mr. Roberts said the Planning Board had the responsibility to see that there was a safe situation there.

Mr. Caldarola said he appreciated the input, and would address the situation.

Chair Parnell said at a minimum, the brush should be cleared.

Mr. Caldarola said he appreciated the concern that had been expressed regarding this situation.

Mr. Campbell said he assumed that because a proper site walk had not taken place, the Board would want to reschedule this. He also said he assumed people would be coming to the public hearing that evening. He said the Board could open the public hearing so they could speak, and then could continue it to the July 22nd meeting, at which point there would have been the second sitewalk.

Richard Kelley MOVED to open the Public Hearing on an Application to Amend a Previously Approved Site Plan submitted by Perley Lane LLC, Portsmouth, New Hampshire to allow for the option of building single family units or duplex units on a previously approved development, for the property shown on Tax Map 1, Lots 16-22 through 16-28 located on Perley Lane, in the

Residence A Zoning District. Susan Fuller SECONDED the motion, and it PASSED unanimously 6-0.

Janice Jervis, Fellows Lane, said she abutted the property under consideration. She said she and several other residents of Fellows Lane would like the Board's assurances that nothing in this application would change anything in the original approval regarding age and occupancy restrictions and any other stipulations in the original approval.

Chair Parnell said the application was to change from duplex to single family and duplex, and said nothing else was being changed.

Mr. Campbell said the elderly restrictions would still apply, and would appear in the amendment to the plan.

Katherine Fralick, Fellows Lane, pointed out note #9, which might create a problem concerning the elderly designation.

Evelyn Kimbrough, Edgewood Road, said note #10 said "permitted use, elderly housing up to 12 units, but she said they were building 13 units, so there appeared to be a discrepancy. There was discussion, and it was agreed that the note needed to be fixed.

Ms. Kimbrough also said it looked like the design for the single family approach moved the buildings a little closer to her property. She also noted that her name should be on the plan.

Mr. Campbell said the limit of work was still the same, and met the setbacks.

Ms. Kimbrough asked if the single family houses would be one story or two story structures.

Mr. Caldarola said he anticipated that there would be cottage style houses, which would be a story and a half.

Mr. Campbell said the Zoning Ordinance allowed the structures to be 30 ft in height.

Dick Fralick, Fellows Lane, said he wanted to draw attention to a document drafted by Elaine Fink on behalf of the Fellows Lane Condo Association that had been addressed to Mr. Caldarola. He noted that the Board and Mr. Cedarholm had been provided with copies of it. He said the issues involved were primarily drainage issues.

He said Fellows Lane residents had been coping with drainage issues for 4 years. He spoke about a drainage trench there about 100 ft long, with a retaining wall on each end. He said some work was done on Edgewood Road that had increased the water there, and said there was now standing water.

He said they had called Mr. Cedarholm to review the situation, and had gotten some recommendations from him. He said an RFP had been drawn up to eliminate the aquatic trench, and said the bids came in at between \$6,000 and 8,000. He said this was a water management

situation that had not been done right. Mr. Fralick said they had brought this matter to Mr. Caldarola's attention at one point, but said what he had done to address the situation had made things worse.

He noted that most of the residents on Fellows Lane were on fixed incomes, and said the repairs needed would cost about \$600 per unit. He said they opposed Mr. Caldarola should move forward with Perley Lane until this major water management issue on Fellows Lane was fixed.

Councilor Smith MOVED to continue the Public Hearing to the July 22nd Planning Board meeting. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

The Board agreed that the second site walk would take place on July 18th at 9:00 am.

VIII. Other Business

A. Old Business:

Mr. Campbell noted again that it would be a good idea for some Planning Board members to attend the July 14th ZBA meeting, when an appeal would be heard of the Board's approval of the 6 Jenkins Court site plan application.

Mr. Kelley asked if the Board's approval of the amended site plan application changed anything. There was discussion.

Mr. Roberts received clarification that the Board's counsel had looked at this, and was ok with what the Board had done. He said he would attend the ZBA meeting.

Mr. Campbell and Councilor Smith said they would attend the ZBA meeting as well.

B. New Business:

Mr. Campbell noted that the Budget and CIP season was coming up. He said he would provide Board members with a copy of what he had submitted regarding planning projects for the draft CIP. He said he needed to submit his proposed budget by August 2nd, and said if there was anything the Planning Board wanted to see in the draft CIP and the Budget, they should let him know.

He said it was hoped that the consultant who would be working on the CBD project would continue on to work on the Master Plan update. He noted that there was also a grant from Cooperative Extension to help with the visioning portion of the update, and said those two things would move forward concurrently. He said the bulk of the Master Plan update wouldn't take place until 2010, and said money would be put in the Budget for this. There was further discussion about how the Master Plan update would be funded, and Mr. Campbell provided details on this. He said he had some funds in his account for the Master Plan update, but not nearly enough, and said the Council had decided to use contingency funds for the update as well. But he said a lot was in play right now because of a decrease in revenues the

Town received.

There was discussion on the work session on Town facilities/municipal sites that the Council would be having in August. Mr. Roberts said a number of these items were external to the Master Plan and asked how they would be covered in the Planning Board budget.

Mr. Campbell said the goal was to look at all of the Town's facility needs and the possible sites for them. He said those that simply wouldn't happen would be crossed out, and the others would be prioritized for civic and recreation purposes.

He said the discussion on this had already begun, and said the larger discussions would most likely occur in regard to the community core strategic planning that a consultant would do this year with the Town. He said he believed this was covered, but said he could make an amendment to the budget for this if needed.

There was discussion that some sessions would be scheduled with the Planning Board to look at these things, at the appropriate time.

Mr. Campbell said a letter of intent for Transportation Enhancement funding had been sent in for the Central Business District sidewalk program, to address gaps where sidewalks concurrently didn't occur. He provided details on this.

He said a letter of intent was also sent regarding TE funding to extend shoulders on Route 155A from Old Concord Road at least to the Lee town line and hopefully to Packers Falls Road, which was in the Town of Lee.

Mr. Campbell said the Town was beginning to revamp the website, and said Board members should let him know if they had any input to provide concerning this.

Mr. Roberts asked if the Town had an information service specialist looking at the website from a technical point of view.

Mr. Campbell explained that there was someone on board to look at this.

C. Next meeting of the Board: **July 22, 2009**

IX. Approval of Minutes – May 27, 2009

Page 3, the 2nd, 3rd and 4th full paragraphs, should read:

“Mr. Ozenich asked how the occupants would get to the bathroom, and Mr. Berton said there would be access.

Mr. Kelley asked if there was capacity for the sanitary lines and water for the garage.

Mr. Campbell said he had spoken with Mr. Lynch, who had no issues because when it was put in it was oversized, so there were no concerns about capacity.”

Page 15, last line, should read “Mr. Campbell's comment was that”

Page 20, 3rd paragraph from the bottom, should read “Mr. Campbell's comment on this was as

follows:”

Page 32, should say the meeting adjourned at 10:30 pm

Susan Fuller MOVED to approve as amended. Richard Kelley SECONDED the motion, and it PASSED 5-0-1, with Councilor Smith abstaining because of his absence from the meeting.

X. Adjournment

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

Adjournment at 10:00 pm

Victoria Parmele, Minutes taker