

These minutes were approved at the December 8, 2010 meeting.

**Durham Planning Board
Wednesday October 13, 2010
Durham Town Hall - Council Chambers
7:00P.M.
MINUTES**

MEMBERS PRESENT: Chair Lorne Parnell; Vice Chair Susan Fuller; Richard Ozenich; Richard Kelley; Bill McGowan (arrived at 7:25 pm); Town Council representative Julian Smith; alternate Wayne Lewis; alternate Peter Wolfe

MEMBERS ABSENT: alternate Town Council representative Bill Cote

I. Call to Order

Chair Parnell called the meeting to order at 7:06 pm.

II. Approval of Agenda

Chair Parnell noted that Steve Roberts had resigned from the Planning Board, and thanked him for his many years of work on the Board. He said the thoughtful and enthusiastic counsel he had provided over the years would be missed.

Chair Parnell said Mr. Wolfe would be a voting member in Mr. Robert's place and Mr. Lewis would replace Mr. McGowan until he arrived.

Richard Kelley MOVED to approve the agenda as submitted. Wayne Lewis SECONDED the motion, and it PASSED unanimously 7-0.

III. Minutes

July 28, 2010

Page 3, line 35, should read "...sight distance to the west"

Line 44, should read "...an average of 6-8 trips per day."

Page 5, first line should read "...the equipment was enclosed..."

Last line, should read "...the overhead wires going from the utility pole..."

Page 13, last line should read "He said the farm market was normally open until 6:00 pm."

Line 32, should say "...Durham, New Hampshire on behalf of Chester Tecce..."

Page 15, remove line 29.

Page 16, line 17, should read "He noted that the approval went with the site and would apply to future owners."

Page 17, line 31, should read "Police Chief Dave Kurz submitted..."

Page 18, line 15, should read "...Durham, New Hampshire on behalf of Chester Tecce..."

Page 22 line 9, should say "...one of the four Councilors"

Line 17, should read "...in order to accomplish what some Councilors and perhaps..."

Councilor Smith MOVED to approve the July 28, 2010 Minutes as amended. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

August 11, 2010

Page 1, should indicate that Mr. McGowan wasn't present

Page 2 line 30, should say "...the second plan was that parking out front that would require a curb cut into Garrison Ave., and..."

Page 10, line 25, should say "...that had already been determined..."

Page 14, line 26, should read "Steven Bobick, 63 Mill Road..."

Page 19, line 8, should read "Ruth Bobick, 63 Mill Road..."

Page 20, line 15, should read "...to spare a future planning board from a future application for a gasoline development, and..."

Councilor Smith MOVED to approve the August 11, 2010 Minutes as amended. Susan Fuller SECONDED the motion, and it PASSED 5-0-2, with Richard Kelley and Peter Wolfe abstaining because of their absence from the meeting.

IV. Planners Report

Mr. Campbell reviewed the following items:

- He noted that Mr. Wolfe would be appointed as a regular member to fill the vacancy created with Roberts' resignation. He also said there were two alternate member positions that were presently open.
- He referred to the recent discussion about speed tables as part of the Board's CIP discussion, and said a speed table would be placed on Edgewood Road as an experiment to see how it worked.
- He said Chief Kurz would be bringing an ordinance forward to the Council to place a stop sign on Quad Way.
- He said the new Main Street west roundabout was working out well, and noted that the issue of the breaking up of some of the stone would be addressed.
- He said the phasing of the traffic signal at the Main Street/College Road intersection would be adjusted to maximize the effectiveness of the timing and flow of the intersection.
- He spoke in detail on the recent IZIP forum, and said while there wasn't a high turnout for the event, some good comments were received. He said the committee had met again that day to discuss some of the Zoning changes that might be proposed.

He said they would look at ways to create a new overlay district for a conservation subdivision in some zones, in order to allow more flexibility with density bonuses specifically for workforce housing. He noted that right now it wasn't profitable for a

developer to do a conservation subdivision that included workforce housing. He said this would be brought to the Planning Board at a future date when the language was ready, and noted that the consultant who was working with the committee would draft the language on this.

Councilor Smith said he could provide a tour of rural areas where there had been and still was workforce housing.

- Mr. Campbell said the Town had signed with DCI to do a market analysis for the Town.
- He said the Town had signed a contract with Beth Della Valle, a member of the B. Dennis team, to move forward with the “quick fixes” in the Ordinance that had been recommended as part of the Commercial Core Strategic Plan. He said he would be meeting with her on Friday.
- He said Town staff and a member of the EDC had been meeting with transportation engineer Rick Chellman, and said they were in the process of developing a parking plan for the downtown area. He said it included the use of a kiosk rather than having individual parking meters, keeping paid parking on Main Street and probably two hour parking for the Pettee Brook area but not on Main Street. He said the plan hadn’t been finalized, and also said it would be aired in public.
- Mr. Campbell said the EDC would meet on October 25th, and noted that at their last meeting, they discussed the creation of a TIF district for the Central Business District and other areas around it.
- He said the Master Plan Advisory Committee had met the previous evening for the first time. He noted that Steve Roberts had been the Planning Board representative to that committee, so a replacement was needed. He said the Committee also needed 4-5 citizen representatives. He said the date for the public forum to do visioning for the Master Plan update was tentatively set for December 10th, and said it would be held either at the High School or the Middle School.
- Mr. Campbell also noted that a survey would be developed to get public input for the Master Plan update, and said it would be available online. He said it was hoped that good results would be obtained from both of these venues, and that they could start updating the Master Plan chapters in early 2011.

Mr. McGowan arrived at 7:25 pm.

- V. Public Hearing on an Application to Amend a Previously Approved Subdivision Plan** submitted by Sophie Lane LLC, Portsmouth, New Hampshire to relocate the easement for forced mains, to revise the street lighting, to revise the Home Owner’s Declaration, Article III, Section 3.1 regarding maintenance of the lawn area in the open space adjoining Lot 2, to revise the drainage plans for 4 Ambler Way, to substitute effluent pumps for grinder pumps,

and to revise the Sophie Lane drainage for the roof drains from Lot 2, sidewalk detail and recycle areas. The properties are shown on Tax Map 10, Lots 7-0 through 7-9, are located on Sophie Lane and are within the Residence B Zoning District.

Mr. Ozenich recused himself for this application, and Chair Parnell appointed Mr. Lewis in his place.

Mr. Caldarola explained that a proposed amendment was to relocate the easement for the forced mains. He noted that it had been designed to be located along the property boundary between lots 2 and 3, and said he wanted to relocate it along the boundary of lot 2, in the common area. He spoke about the fact that there was a lot of ledge on Bagdad road, and also noted that there were some nice trees. He said the only thing that would change with this relocation was how to get to the sewer extension. He said the issues involved had been discussed with the DPW, and the new design was developed in conjunction with them.

Mr. Caldarola said the second amendment involved the use of LED street lights. He said he was able to find a commercial grade light that was appropriate, and provided details on this.

He said a third proposed amendment was in regard to the Homeowners Declaration. He explained that part of the lawn for the existing house was located in the common area, which meant that the homeowner would maintain that lawn. He said he therefore thought it made sense to allow that to continue, and noted that the restrictions in terms of use of pesticides, etc that applied to the open space would also apply to the lawn. He said the ownership of the lawn would stay with the Association, but the maintenance would be done by the homeowner.

Mr. Caldarola said a fourth proposed amendment was revisions to the 4 Ambler Way drainage. He noted the change of ownership, and said what was proposed now in addition to hooking up the property with the new sewer line was the construction of a swale to drain the lawn.

He said a fifth proposed amendment was the use of effluent pumps instead of grinder pumps for the sewage effluent, because they were more predictable and maintainable. He provided details on this.

Mr. Caldarola said a sixth proposed amendment was not to use porous pavement for the section of Sophie Lane where there was ledge, and instead to do conventional paving. He said his engineer and Town Engineer Dave Cedarholm had determined that drainage could instead be routed along an existing swale in that area and into a relatively flat grassy area. He provided further details on this, and said the amount of water involved would be relatively minor,

He said a seventh proposed amendment was instead of putting a grass strip between the street and the sidewalk to put the grass strip next to the street, with a granite curb. He said DPW Director Mike Lynch had requested this because it was easier to maintain.

He said an eighth proposed amendment was to move the recycling pickup area to be adjacent to the sidewalk in order to allow for easier access by DPW.

Mr. Caldarola said a ninth proposed amendment was regarding the street sidewalk street crossing. He said the proposed revision was to pave one of them on the corner, and said doing this would not disturb the drainage in the area. He explained that the sidewalk plan he had submitted wasn't exactly how it got built, and said it got built as a result of a series of conversations with DPW and some revisions. He asked the Board to let him know if another sidewalk plan was therefore required.

Chair Parnell asked if the present homeowner agreed to take responsibility for the lawn area.

Mr. Caldarola said yes, and said they were enthusiastic about doing this.

Councilor Smith MOVED to open the Public Hearing. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

Chair Parnell asked those members of the public who were in favor of the application to come forward. There was no response. He then asked those with concerns about the application, or those who were against it to come forward, and there was no response.

He read a letter from abutter Denise Day that said she had thought a second coat was supposed to be put down on the pavement but it hadn't been done yet, and in the mean time, after every rain a puddle formed at the corner in front of the stop sign and stayed for at least 2-3 days.

Mr. Caldarola said the paving company had caused a problem in grading the road, but was committed to addressing this, and he said he expected this to happen by Thanksgiving.

Councilor Smith MOVED to close the Public Hearing. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

There was discussion by the Board on the additional documentation that had been submitted, the Findings of Fact and Conditions of Approval.

Mr. Caldarola noted that there was a condition about Ambler Way in the original approval, and that this condition was now revised with the drainage changes that were proposed.

Mr. Campbell said this had been included as Finding of Fact #8.

Mr. Kelley said he understood the reasoning for most of the proposed amendments. He asked Mr. Caldarola if he was confident that the swale to be created in back on the Ambler Way property would daylight.

Mr. Caldarola said yes, and said it would grade right into the side swale.

Mr. Kelley asked how the field revisions, including the change of a portion of Sophie Lane from pervious to non-pervious, were approved by DPW.

Mr. Caldarola said he had realized that not doing this would be a nightmare, so had asked Mr. Cedarholm to talk with him about this. He said there was a memo that said DPW was ok with this change.

In regard to the sidewalk details, Mr. Kelley said he thought there had been discussion about the desire to have a separation between the curb and pedestrians, and the grass strip that was proposed came out of this.

Mr. Caldarola said Mr. Lynch had been very involved with the revised design of the recycling area, and while discussing this, brought up the fact that he would rather not have the grass strip between the street and the sidewalk.

Mr. Campbell said he believed that the discussion on the grass strip with Mr. Cedarholm was that it would be a nice amenity for the development. But he said Mr. Lynch understood the maintenance issues involved with this.

Mr. Kelley asked if the DPW had the authority to make these changes.

Mr. Campbell said this was why Mr. Caldarola was before the Planning Board now.

Mr. Kelley asked if the revised forced main detail was actually built, and Mr. Caldarola said he had put it in at his own risk. There was discussion on the cleanout design. Mr. Caldarola said his engineer had proposed the cleanouts, and he noted that the original plan didn't have any. He said Mr. Weston felt that running the 8 inch line to a manhole would have constituted a sewer extension, which would have required another application to the State.

Documents Submitted with this Application:

- The applicant submitted an Application for Subdivision with supporting documents on August 24, 2010.
- The applicant submitted an amended Declaration of Sophie Lane Homeowners Association with Covenants, Restrictions and By-Laws document on August 24, 2010.
- The applicant submitted information on a Talon Medium LED light and on Porous Asphalt on August 24, 2010.
- The applicant submitted on August 24, 2010, a Revised Subdivision/Easement Plan entitled "Revised Easement Plan Prepared for Sophie Lane, LLC Located at Bagdad & Canney Road, Durham, N.H." prepared by Atlantic Survey Co. Inc., Durham, NH, dated July, 2010.
- The applicant submitted a Revised Sidewalk Details plan on August 25, 2010.
- The applicant submitted a Force Main Sewer Details plan on August 25, 2010
- The applicant submitted a letter of intent on August 26, 2010.
- The applicant submitted a copy of the Drainage As-Built details for the completed home on Lot 2 on August 27, 2010.
- The applicant submitted a letter requesting one additional revision on September 13, 2010.
- The applicant submitted an amended Revised Subdivision/Easement Plan on

September 27, 2010.

- The applicant submitted a letter requesting a further revision to Revision 9 on October 13, 2010.

Findings of Fact

1. Denise Day submitted an e-mail regarding the development on September 4, 2010.
2. Chief David Kurz submitted a memo regarding the proposed development on September 13, 2010.
3. April Talon, Assistant Town Engineer, submitted an e-mail regarding the development on September 13, 2010.
4. Abutters George & Jitka Plsek submitted a letter regarding the revised drainage improvements on October 5, 2010.
5. A Site Walk was conducted on October 9, 2010.
6. A Public Hearing was conducted on October 13, 2010, and no members of the public were in attendance to speak to the application.
7. Denise Day submitted an e-mail regarding the development on October 13, 2010.
8. The drainage for Tax Map 10, Lot 6-2 is revised from the original approval as agreed to by Sophie Lane LLC and the owners of Tax Map 10, Lot 6-2 and Tax Map 10, Lot 6-3.

Conditions of Approval to be met prior to the Signature of Approval on Subdivision Plan

1. All previous Conditions of Approval from the August 27, 2008, Planning Board Subdivision Approval shall be incorporated into these Conditions of Approval by reference.
2. The applicant shall supply two mylar plats and one paper copy of the Subdivision Plan for signature by the Planning Board Chair.
3. All plans must be stamped by the appropriate professionals and updated with all revisions.

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

1. All previous Conditions of Approval from the August 27, 2008, Planning Board Subdivision Approval shall be incorporated into these Conditions of Approval by reference.
2. One mylar copy of the Subdivision Plan and 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.

Councilor Smith MOVED to approve the Application to Amend a Previously Approved

Subdivision Plan submitted by Sophie Lane LLC, Portsmouth, New Hampshire to: relocate the easement for forced mains, to revise the street lighting, to revise the Home Owner's Declaration, Article III, Section 3.1 regarding maintenance of the lawn area in the open space adjoining Lot 2, to revise the drainage plans for 4 Ambler Way, to substitute effluent pumps for grinder pumps, and to revise the Sophie Lane drainage for the roof drains from Lot 2, sidewalk detail and recycle areas. The properties are shown on Tax Map 10, Lots 7-0 through 7-9, are located on Sophie Lane and are within the Residence B Zoning District. Richard Kelley SECONDED the motion, and it PASSED unanimously 7-0.

- VI. Public Hearing on a Site Plan Application** submitted by MetroPCS, LLC, Chelmsford, Massachusetts, on behalf of the University of New Hampshire, Durham, New Hampshire. The application is for a Personal Wireless Service Facility located on Christensen Hall, 14 Evergreen Drive, on the University of New Hampshire campus. The property is shown on Tax Map 13, Lot 7-2UNH, is located on 14 Evergreen Drive and is within the Residence A Zoning District.

Phil McQuade, represented the applicant, and noted that there had been a site walk. He reviewed again the details of the application.

Richard Kelley MOVED to open the Public Hearing. Councilor Smith SECONDED the motion and it PASSED unanimously 7-0.

Chair Parnell asked those members of the public who were in favor of the application to come forward. There was no response. He then asked those with concerns about the application, or those who were against it to come forward, and there was no response.

Councilor Smith MOVED to close the Public Hearing. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Kelley said he was glad to see from the Sitesafe report that there would be no harmful interference. He said it was a large volume of material and was difficult to understand, but noted that the findings had been signed by a professional engineer. He quoted a sentence from the report regarding assumptions made in preparing the document because material was not made available by the client, and asked for clarification on this.

Mr. McQuade said these were low powered cell sites. He said the power could fluctuate from time to time, but said what Mr. Kelley had referred to were the assumptions that were made based on this kind of site. He said the big picture issue was that there would be no intermodulation.

Mr. Kelley noted the NEPA screening report, and said the building was described improperly in that report as a 4 story building. He also noted the wording "no significant effects" in various places in the report, and confirmed that this meant there would be no adverse effects.

Mr. Kelley said the report concluded with a checklist, and asked why the first page and most of the second page were not completed.

Mr. McQuade said the items on it were not applicable to this application, since they dealt with the construction of new infrastructure.

Mr. Kelley said the concern raised with Mr. Bolls at the site walk was whether, given the location of the facility, there would be security if any staging areas were needed on the ground.

Mr. McQuade said they expected to load the roof with the new equipment in one day, and said nothing would be left on the ground.

Mr. Kelley determined from Mr. Campbell that the Fire Department had no issues with the application.

Mr. Campbell noted that there were two additional waivers now being requested, 8.0 concerning the Construction Guarantee and 11.3 concerning the Maintenance Guarantee.

Summary of Document Submitted by the Applicant

- The applicant submitted an Application for Site Plan with supporting documents on August 25, 2010.
- The applicant submitted on August 25, 2010, a Site Plan entitled "MetroPCS, BOS0676C, Christensen Hall, UNH, 14 Evergreen Drive, Durham, New Hampshire" prepared by Chappell Engineering Associates, LLC, Marlborough, MA, dated August 24, 2010.
- The applicant submitted a Photo Simulation document on September 8, 2010.
- The applicant submitted a National Environmental Policy Act (NEPA) Screening Report on September 30, 2010.
- The applicant submitted a Collocation Study on October 5, 2010.
- The applicant submitted a waiver request from Site Plan Regulations Section 11.03 on October 13, 2010.

Findings of Fact

1. Chief David Kurz submitted a memo regarding the proposed development on September 13, 2010.
2. A Site Walk was conducted on October 8, 2010.
3. A Public Hearing was conducted on October 13, 2010, and no members of the public were in attendance to speak to the application.

Waivers

Section 7.02(D)(3) for providing a locus plan but has shown a vicinity map.

Section 7.02 (D) (4);Section 7.02 (E); Section 7.03 (A) (1) & (2)

Section 8, Construction Guarantee.

Section 9.10, Design Submittals

Section 9.11, Noise Standards, but has provided an acoustic properties affidavit

Section 9.13, Environmental Filings

Section 11.03, Maintenance Guarantee

The Planning Board has considered these requests and hereby grants the waivers.

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

1. The applicant shall submit one mylar copy and one blue print copy of the Site Plan. The Site Plan shall be stamped with the plan preparer's professional seal.
2. The applicant shall provide a security for removal of the cellular facility in the form of a bond. The amount of the security must be equal to the cost of removal plus 15%. The owner shall provide the Planning Board with an updated cost estimate every five years from the date of approval. If the amount has increased more than 15%, the owner of the facility shall provide additional security.

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 ten (10) days of the Planning Board Chair's signature on the Site Plan.
2. As per 9.10(G)(3) of the Site Plan Regulations, any further collocation on this site will need Site Plan approval.
3. Construction work on the PWSF shall be limited to the hours between 7:00 AM and 5:00 PM.
4. As per the Durham Zoning Ordinance, Section 175-106, Abandonment or Discontinuance of Use, regarding Notification, Removal of equipment, proper disposal of waste materials from the site, restoration of the location of the facility, and penalties for failure to remove it.

Richard Kelley MOVED to approve a Site Plan Application submitted by MetroPCS, LLC, Chelmsford, Massachusetts, on behalf of the University of New Hampshire, Durham, New Hampshire. The application is for a Personal Wireless Service Facility located on Christensen Hall, 14 Evergreen Drive, on the University of New Hampshire campus. The property is shown on Tax Map 13, Lot 7-2UNH, is located on 14 Evergreen Drive and is within the Residence A Zoning District. Councilor Smith SECONDED the motion and it PASSED unanimously 7-0.

VII. Acceptance Consideration of an Amendment to a Previously Approved Site Plan Review submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of CWC Properties LLC, Durham, New Hampshire to change the construction plans for a new three-story, mixed use building to remove the proposed full basement and to add a proposed fourth floor for commercial use. The property involved is shown on Tax Map 4, Lot 12-0, is located at 9-11 Madbury Road, and is in the Central Business Zoning District.

VIII. Acceptance Consideration of an Amendment to a Previously Approved Conditional

Use Permit submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of CWC Properties LLC, Durham, New Hampshire to change the construction plans for a new three-story, mixed use building to remove the proposed full basement and to add a proposed fourth floor for commercial use. The property involved is shown on Tax Map 4, Lot 12-0, is located at 9-11 Madbury Road, and is in the Central Business Zoning District.

Mike Sievert of MJS Engineering explained that this was an application to amend the existing approval issued by the Planning Board on June 2, 2010 for a 3 story building. He said the applicant was planning to construct a partial 4th floor of 6,400 sf, and said the remainder of the roof area would be an open deck of about 1900 sf.

He provided the Board with a number of elevations of the proposed changes to the building. He said this proposal was essentially the same as what was presented previously, except that the original proposal had a full basement without the fourth floor. He said the plan now was not to include the basement, and also said the exterior stairway down to the basement would not be done. He said the grades had been changed slightly so the building was essentially one foot lower, and the deck was one level and one foot higher. He said this would provide more storage space for the detention/drainage area.

He said the footprint wouldn't change so the wetland and shoreland overlay issues wouldn't change, and he also said the impervious surface ratio would stay the same. He noted that a Conditional Use Permit was required because of the overlay districts. He also said as part of the Site Plan application, there were requests for waivers for the building height, up to 48-49 ft, and the parking required for the additional 6400 sf on a fourth floor.

Ms. Fuller asked why the basement had been removed from the design, and Mr. Sievert said this was done because there was a very high water table on the site.

Ms. Fuller asked if the residents on the second and third floors would have access to the fourth floor.

Mr. Campbell said access by residential tenants would be restricted unless they were going to the restaurant.

Mr. Sievert agreed that if there was in fact a restaurant on the fourth floor, residents of the building could go there. He said if a laundry area was put on the fourth floor, students would have access to that.

There was discussion about the idea of having railing/barriers on the fourth floor for safety reasons. Mr. Sievert said this hadn't been decided yet, but said any barrier would be at least 42 inches high and probably higher. He noted that a clear Plexiglas barrier was being considered in order to maintain the views.

Mr. Kelley said the Board would expect to see more details as this process unfolded. He asked if it was imperative that the laundry go on the 4th floor.

Mr. Sievert said it could be placed on the first floor or fourth floor, and said it was shown on the fourth floor now because this was what the building on Jenkins's Court had done. He

said if this worked well, the laundry would probably also be put on the fourth floor of the applicant's building.

Councilor Smith said the commercial use could be a bar, so that there could be an open deck where people over 21 could consume alcohol. He noted that another commercial use might be a solar powered laundry drying facility, in other words a clothes line. He said he wasn't against a restaurant with a bar there, but also said it could be an attractive nuisance. He said this would be something for the Code Officer to address.

Mr. Sievert said ideally a restaurant/bar could be located there, but said the applicant would be looking to put any allowed use there. He said perhaps there could be an office with an outdoor deck. He noted that if the fourth floor was approved, the mechanicals would be put on that floor instead of the first floor, which would free up commercial space on the first floor.

Chair Parnell asked why the fourth floor wouldn't include the full footprint.

Mr. Sievert said it could go to a full fourth story. He explained that the issues involved were the loss of basement space and the question of where it could be gained up there, as well as the cost of building a whole space compared to a partial space. He also spoke about the unknowns concerning commercial space downtown, and noted the current vacancies of commercial space at Matt Crape's building.

Chair Parnell asked if the applicant might decide to go to a full fourth floor before the Board made its decision on this application.

Mr. Sievert said he didn't think the applicant would do that if commercial space was required on the first and fourth floor.

Chair Parnell noted that a restaurant with a patio was already proposed for the first floor.

Councilor Smith said there could be an upper deck and lower deck, and said this could be an attractive combination of open spaces. He said he liked the setback proposed on the fourth floor, stating that it made it a more interesting building, and made use of the southern exposure and the view of downtown.

Mr. Sievert said changes to the use would dictate a possibly more complete fourth floor. He also said architectural issues played into this as well as cost.

There was discussion that there would be condensers on the roof regardless of whether the building had three or four stories.

Mr. Campbell asked about changes proposed to the laundry room.

Mr. Sievert said there would be no direct access to the laundry room from the corridor, so that there was a locked entry. He provided details on this. He said there also could be changes to the lobby area, depending on the use.

There was discussion that the laundry room would be for residents only and would be coin operated. Mr. Sievert said this location wasn't the best for a laundry because of plumbing issues. He said the mechanical and electrical room, bathrooms, elevator, and stairways were the only definite thing right now about the fourth floor.

Mr. Wolfe noted discussion before about the condensers on the roof, and a parapet to hide them.

Mr. Sievert spoke about the previous screening proposed, and said a question now was whether it would be needed because of the additional height of the building. He spoke further on this.

Mr. Kelley noted a rendering of the building taken from the Post Office area for the previous application, and said it would be helpful to see that again. He also said it would be helpful if for the site walk, there was something such as a balloon that the Board could reference to get a sense of the building height. In addition, he said the rendering looked great, but said he would like to get a sense at the next meeting of whether there was a relationship between the footprint and the height.

Mr. Sievert said the footprint was 97 ft by 95 ft, and said the building was almost half the height of the depth. He said he would provide a reference for this.

Mr. Ozenich said the north elevation of the building looked pretty bland, and said it had no aesthetic value at all.

There was discussion by the Board on how this would fit with other properties in the area.

Mr. Sievert said he would speak with the abutters before the public hearing.

Mr. Kelley determined from Mr. Campbell that both applications were complete.

Mr. Campbell suggested that the public hearing should be held at the October 27th Planning Board meeting.

Richard Kelley MOVED to Accept an Amendment to a Previously Approved Site Plan Review submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of CWC Properties LLC, Durham, New Hampshire to change the construction plans for a new three-story, mixed use building to remove the proposed full basement and to add a proposed fourth floor for commercial use. The property involved is shown on Tax Map 4, Lot 12-0, is located at 9-11 Madbury Road, and is in the Central Business Zoning District. and schedules hearing for Oct 22th, Councilor Smith SECONDED the motion and it PASSED unanimously 7-0.

The site walk was scheduled for October 23rd, at 9 am.

IX. Other Business

A. Old Business:

1. Appoint a new representative for the Master Plan Advisory Committee

Mr. Campbell said the Committee as a whole would meet about 3 more times, and said the two subcommittees would then meet on a biweekly basis.

There was discussion, but no decision was made on who would be appointed.

B. New Business:

1. Elect a new Secretary to the Planning Board

Ms. Fuller said she would serve as Secretary if Mr. Wolfe wanted to serve as Vice Chair.

Richard Kelley MOVED to accept Susan Fuller's resignation as Vice Chair of the Planning Board and nominate her as Secretary of the Planning Board, and to nominate Peter Wolfe as Vice Chair of the Planning Board. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

2. Set Public Hearing date for Council Initiated Amendment to the Zoning Ordinance, Article XIX, Section 175-107(B)

Mr. Campbell noted that the Council had asked the Planning Board to initiate this Zoning change, and the Board had then voted not to do make the Zoning change. He said with this Council initiated Zoning change now, the Planning Board had 60 days to send a recommendation back to the Council.

Chair Parnell received clarification that the Planning Board would need to have a public hearing, and would only be making a recommendation concerning this proposed Zoning change.

Mr. Kelley asked if Mr. Campbell could contact all of the property owners in the ORLI and MUDOR districts about the public hearing, noting that there weren't a lot of them. There was discussion about why the Board hadn't asked for this with the Planning Board initiated Zoning change.

Councilor Smith said he hoped that the Planning Board would make its recommendations expeditiously and would let the Council wrestle with it. He said he was not against notifying property owners unless this meant an onerous amount of work for the Planning Department.

It was agreed that the notifications would be done.

Chair Parnell asked if the Board needed any more legal advice on this issue, and if there were any loose ends that hadn't been resolved. He noted that the Planning Board's expert on Zoning, Steve Roberts, wasn't on the Board anymore.

Mr. Campbell said he could ask the Board's attorney to attend the hearing.

Mr. Kelley noted the crude buildout analysis that had been done using NCRS soils mapping, when the Board had looked at the conservation subdivision regulations. He said this might be something to consider again, in terms of impacts on these districts.

Ms. Fuller received confirmation that ORLI dimensional standards would be used in regard to conservation subdivision for that district. She said she would be interested in seeing a buildout analysis.

Councilor Smith said there were only 30 parcels in the ORLI District, and only 10 of them would be large enough to be subdivided into more than 3 lots.

There was discussion that the Town should still notify all of the property owners in the district.

Richard Kelley MOVED to schedule a public hearing for October 27, 2010 to review and study a Town Council Initiated Amendment to the Zoning Ordinance, Article XIX, Section 175-107(B). Councilor Smith SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Wolfe noted an email from Historic District Committee Chair Leslie Schwartz requesting the formation of an architectural regulations committee that would be authorized by the Planning Board, and would create guidelines and/or standards for the Town's commercial core and gateways.

He said anything developed would fall under site plan review, but Mr. Campbell said that was yet to be determined. He said he had requested the intern that had worked for him to develop a draft of design guidelines, which would not be part of the site plan regulations or the Zoning Ordinance. He said there were people who would like to see them be a part of the Town's regulations, but said his preference was not to take this approach.

He said with design guidelines, everyone who came into his office could get a copy of them, and it could be made clear that applicants would have an easier time getting through the review process if they used them. He said this would be an incentive for applicants.

Mr. Wolfe said the guidelines could help the Board work with developers who wanted to do franchise architecture.

There was discussion that the only place where franchise architecture was prohibited was in the Court House District.

Mr. Wolfe said the HDC thought the Planning Board should start this committee. He said

it sounded like the intern had gotten a good start on the work involved.

Mr. Campbell said the intern had looked at what five towns had done, and he said there were plenty more that had developed guidelines/standards.

Mr. Wolfe noted that Michael Barhendt had spoken with the HDC about what Rochester had done.

There was discussion that HDC members, architects, landscape architects, business owners, building owners, and others might be interested in serving on this committee. Mr. Kelley said it would be good to get the perspective of people like Matt Crape, Mark Henderson and Peter Murphy, who had recently made an investment in the downtown area.

There was discussion that the Energy Committee had not been created through authorization by the Planning Board. Chair Parnell said this seemed to be a similar advisory type of committee, and questioned what the Planning Board's role was in getting this off the ground.

Mr. Wolfe said he thought the HDC hoped that the architectural regulations committee would be developing something that would be incorporated into the site plan review process.

Mr. Campbell said the idea of design guidelines/standards had been on the Planning Board's hit list for quite some time.

Ms. Fuller said whatever came out of this committee, the Planning Board would have to be willing to accept and apply.

Mr. Campbell noted that one of the Master Plan chapters being updated was the Environmental and Cultural Resources chapter, and said he had thought that the design guidelines/standards could be developed after that. But he said it seemed that things were further along with them already, so doing them now rather than later was probably a better idea.

He said he could try to put a group together, and would be looking for a Planning Board member to serve on it.

Mr. Wolfe said he would be willing to serve on that committee.

X. Approval of Minutes

August 25, 2010

Page 1, Bill McGowan should be listed as absent

Page 8, first paragraph, should read "Beth Olshansky, 122...."

Page 16, lines 36-37, should read "...issues in the Woodridge Subdivision and.....have to be extended out Mill Road."

Line 39, should say "... the only house between the railroad tracks and Packers Falls Road."

Page 17, line 26 should say "...would be based on 40,000 sf, and ..."

Page 23, the motion should read "...the July 14, 2010 Minutes as amended."

Councilor Smith MOVED to approve the August 25, 2010 Minutes as amended. Susan Fuller SECONDED the motion, and it PASSED 4-0-3, with Chair Parnell, Mr. Kelley and Mr. McGowan abstaining because of their absence from the meeting.

XI. Adjournment

Richard Kelley MOVED to adjourn the meeting. Richard Ozenich SECONDED the motion, and it PASSED unanimously 7-0.

Adjournment at 9:19 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary