

These minutes were approved at the June 8, 2011 meeting.

**Durham Planning Board
Wednesday April 27, 2011
Durham Town Hall - Council Chambers
7:00P.M.
MINUTES**

MEMBERS PRESENT: Chair Lorne Parnell; Vice Chair Peter Wolfe; Secretary Susan Fuller; Richard Kelley; Richard Ozenich; Bill McGowan; Town Council representative Jay Gooze; alternate Town Council representative Julian Smith; alternate Andrew Corrow

MEMBERS ABSENT: alternate Wayne Lewis

I. Call to Order

Chair Parnell called the meeting to order at 7:00 pm.

II. Approval of Agenda

Susan Fuller MOVED to approve the Agenda. Bill McGowan SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Campbell recommended that Item VI be moved up to be heard after Item III, so the applicants didn't have to sit through the Capstone deliberations.

Peter Wolfe MOVED to approve the Agenda as amended. Bill McGowan SECONDED the motion, and it PASSED unanimously 7-0.

III. Planner's Report

Mr. Campbell said there were copies of the results from the Business Visitation & Retention interviews and surveys, as well as the Town-Wide Market Analysis available in his office. He also said the material should be up on the Town's website. He said the EDC meeting would be rebroadcast on DCAT, and said it could also be viewed through DCAT on Demand at <http://dcat.pegcentral.com/>.

Mr. Campbell said the Master Plan Survey Subcommittee met on Wednesday, April 13, 2011 regarding the draft survey for the Master Plan update. He said the subcommittee reviewed changes that were made to the draft as a result of Planning Board comments from March 23, 2011, and sent back another draft to the Planning Board. He said this would be discussed at tonight's meeting, and said hopefully the survey would be available to the public next week. He said postcard reminders would be going out soon.

Mr. Campbell said that at the May 11th Planning Board meeting, the Board would hold elections of officers, and would be appointing representatives to the various Boards and Committees. He asked Board members to let him know if they were interested in serving in either capacity.

VI. Acceptance Consideration of an Application for Conditional Use Permit submitted by Raymond Holmes, Greenland, New Hampshire on behalf of David Ieni, Durham, New Hampshire, to construct a 12' x 39' deck and a 24' x 28' attached garage. The property involved is shown on Tax Map 12, Lot 1-21, is located at 20 Cedar Point Road, and is in the Residential C Zoning District.

Mr. Holmes spoke for the applicants, and said they were seeking a Conditional Use Permit to construct a deck, in order to consolidate various activities on the water side of the property. He said the new deck would also allow the three doors to be brought up to code, noting that right now, there were no landings or railings.

He said they also wanted to build a 24 ft by 28 ft garage on the road side of the property, and said this would enable the applicants to remove an illegal storage shed, and bring the cars and lawn equipment under cover. He said the plan was also to re-route the current driveway so cars would be able to turnaround, noting that they currently had to back out onto the road.

Mr. Holmes said the applicants had already received variances from the ZBA, and had gotten a shoreland permit from DES. He said they had met with the Conservation Commission two weeks ago, and the Commission had given them an approval and had also signed a minimum impact expedited application for the wetlands.

Councilor Gooze said the garage appeared to be very close to the road, in the plans, and asked what the applicants would do when the snow plow came along in the winter.

Mr. Holmes noted that the ZBA had discussed this, but nothing was decided.

Councilor Gooze said one proposal was to bring the foundation up higher.

Mr. Campbell said the Town Engineer had sent an email to Mr. Johnson about this, and they had agreed to talk with the applicants about this.

Mr. Holmes said the applicants were agreeable to whatever they came up with.

Mr. Kelley asked if the application was complete.

Mr. Campbell said it was, and suggested that the public hearing be held on May 11th.

Richard Kelley MOVED to accept the Application for Conditional Use Permit submitted by Raymond Holmes, Greenland, New Hampshire on behalf of David Ieni, Durham, New Hampshire, to construct a 12' x 39' deck and a 24' x 28' attached garage, schedule hearing for May 11th, 2011. The property involved is shown on Tax Map 12, Lot 1-21, is located at 20 Cedar

Point Road, and is in the Residential C Zoning District. Bill McGowan SECONDED the motion, and it PASSED unanimously 7-0.

A site walk was scheduled for May 11th, at 5 pm.

- IV. Continued Public Hearing and Discussion on Application for Site Plan Review** submitted by Capstone Development Corporation, c/o Appledore Engineering Inc., Portsmouth, New Hampshire on behalf of William & Edna Woodward Rev Trust, Durham, New Hampshire to construct approximately 100 structures with 141 residential units consisting of single-family and duplex residences with a total of 619 beds and 650 parking spaces, at the property shown on Tax Map 9, Lot 10-3, located on Technology Drive, and in the Office Research/Light Industry Zoning District.
- V. Continued Public Hearing and Discussion on Application for Conditional Use Permit** submitted by Capstone Development Corporation, c/o Appledore Engineering Inc., Portsmouth, New Hampshire on behalf of William & Edna Woodward Rev Trust, Durham, New Hampshire to construct approximately 100 structures with 141 residential units consisting of single-family and duplex residences with a total of 619 beds and 650 parking spaces, at the property shown on Tax Map 9, Lot 10-3, located on Technology Drive, and in the Office Research/Light Industry Zoning District.

Councilor Gooze recused himself.

Chair Parnell said while he had had not been at the most recent meeting, he had listened to it on DCAT, and heard that the Board had agreed to restrict public comments at the re-opened public hearing to new information brought to the Board since it had previously close the public hearing. He asked members of the public to adhere to this, and to keep their comments as relevant as possible.

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

Attorney Scott Hogan said he would direct his comments to what he believed to be new information. He noted that he had previously represented nine property owners, each of whom was a member of the Durham Landlords Association (DLA). He said he was representing the DLA itself that evening, stating that the Association was concerned enough that there were some fundamental issues that hadn't been adequately addressed, or that new information discussed very recently had come forward, that they had been compelled to come to the table.

He said one of the new issues he wished to address, and one of the fundamental requirements the applicant had to demonstrate to the Board under the Conditional Use Permit requirements, was that the project would not have a negative fiscal impact on the Town. He said as the review process had gone on, he thought the nine original clients, and more generally the DLA, had been somewhat marginalized, and had been characterized as having a self serving, anti-competitive motivation.

Attorney Hogan said he was glad the public hearing had been re-opened. He said his feeling was that when the Board went into the deliberative phase, that phase was a real mix of dialogue with the applicant and the Board's own deliberations. He said during that time, many new items came

forward, and said it seemed that there were elements of design review that were still ongoing.

He said when he looked at the Board's discussions in April, there were a number of issues discussed, and particularly the fiscal impact analysis, which he wanted to review now. He said the applicants needed to show that their project would not have a negative fiscal impact on the Town. He stressed that the DLA had the most knowledge of anyone in Town concerning the student housing market.

Attorney Hogan said the applicants had said there would be about \$200,000 plus of positive fiscal impact from their project. He said one of their basic assumptions was that there would be no additional children in local schools as a result of the development. He said the applicants had also said they understood that their project would have the effect of creating additional vacancies in student housing in Durham, but had represented that this wouldn't be significant over the long term, and had concluded that they didn't feel there would be a negative impact in terms of property tax revenues.

He said in regard to new information, since the February 23rd meeting, there had been a number of discussions, and specific information that related to this issue. He noted a recent Town Council meeting, where there was discussion about some tax abatement requests before the Town, from some of the landlord clients he was representing now. He said these landlords had asked for these abatements before the Capstone applications had come forward, and had made their case based on the current market conditions. He said at the most recent Council meeting that the Town Assessor had attended, he was asked what effect the Capstone project would have if it was approved, and he had said it would decrease rent prices and property values of student rental properties.

Attorney Hogan said the fiscal impact analysis submitted by the applicants specifically stated that this development might create vacancies in existing student housing properties, but not great enough or permanently enough to cause a significant decrease in the assessed valuation in Town. He said the applicant had said vacancies would be created, but thought the landlords could either improve their properties to meet new market conditions, or could convert them into conventional family housing. He said if that was the case, this would add kids to the school district, which the applicants had said would not happen.

He also noted that Councilor Smith had asked if the units would be rented to married couples, and was told by Capstone that there might be 3 or 4 situations like this. But he said there was no accounting in the fiscal impact analysis of how many children that might create for the school system.

Attorney Hogan said during the discussion at the recent Town Council meeting about the queue of abatement requests, it was indicated that the cost of these abatements was about a million dollars. He said if even half of them were granted, there would still be a potential impact on the Town that had not been made a part of the fiscal impact analysis, or a part of the review by the Board. He said none of the properties in the cue of abatement requests was dependent on, and none of them specifically referenced the Capstone project. He said if Capstone came to Town, there would be another cue of abatement requests that would specifically reference that project.

He said none of the potential property tax revenue loss from those abatement requests had been vetted. He said that at the April 6th meeting, Councilor Smith had suggested specifically that the Planning Board should look at property tax revenue and how it might be affected by the Capstone development. But he said there was nothing before the Board now that spoke to any of those things. He suggested that the Board could hire a consultant, in order to vet the applicants' fiscal impact analysis, noting that they had done this with every other technical issue they had reviewed.

On another issue, Attorney Hogan said that at the April 6th meeting, at the end of the review process, the issue of how many actual human beings would be at this development was raised. He said it had been represented that there would be a 141 units of housing, and 619 beds. He noted that the Board had already been reviewing various potential impacts from the development, and said it made a huge difference to any of these issues in terms of how many people would actually be there.

He said there was supposed to be only one person per bedroom, and noted that the applicant was specifically asked if this would be the case. But he said the units had been designed so that 2 people per bedroom would fit. He said there was historic evidence that there was a huge problem trying to impose restrictions on occupancy in Durham, and noted that the 3 unrelated rule didn't even apply in this zone.

He also noted that the rules for the development would allow 9 guests per unit, if permission was granted. He said this came to 1249 guests, beyond the people who actually lived there. He said there was also the issue of party permits, and where people would park if there were parties. He said this discussion of occupancy went to the issue of impacts from the development on traffic, bus service, the Oyster River, and requirements for emergency and other municipal services.

Attorney Hogan said he couldn't quite tell what the Board had had to say in April about the issue of how many people would actually live at the development, and whether it had said it would condition approval upon there being 619 people living there. He also said the issue of social occupancy had been specifically discounted by the Board at the last meeting. He said having 619 people, or instead 1200 people directly spoke to what was in the fiscal impact analysis, and the effects of the development on the downtown housing stock, the assessed value of the properties there, and the property tax revenue for the Town. He said the actual number of occupants should have been the context for the entire discussion from the beginning.

He said a last issue he would like to address was that under the WCO/SPO Conditional Use requirements, the applicant had to show that there were no feasible alternatives for the development outside of the Wetland and Shoreland districts. He said when he saw the draft Findings of Fact and Conditions of Approval, he noticed that the Conservation Commission letter of March 7th, which said the project didn't meet the requirement that there was no feasible alternative, wasn't even in those draft documents. He said the Commission had said from the beginning that the 619 beds could be achieved through any number of alternative designs. But he said the applicants had said they couldn't lose even one bedroom, and if they did, the project would not be feasible.

Attorney Hogan restated the issues he had raised, and said the applicant had the burden of proof to address them. He said there was nothing in the record about any of these issues.

Mr. Kelley asked Attorney Hogan what the shared concerns were that Attorney Hogan had referred to, and the “we” that he shared them with.

Attorney Hogan said his client was the Durham Landlords Association and the specific members. He said this project looked to bring 619 bedrooms of housing online within a year, and said the question was, if that happened, what actual effect this would have on the student housing market, and the value of the landlords’ properties.

Mr. Kelley asked again who the “we” was, and if it was larger than Attorney Hogan and his clients, and also asked what the common goals were that were referred to.

Attorney Hogan said he spoke for his clients, and said the concern was that with this many units, the market couldn’t assimilate 619 bedrooms of new student rental housing right now, and the net result would be a loss of assessed value in the downtown rental properties, in which case the Town would have less assessed value and property tax revenue.

Mr. Wolfe summarized that what he believed Attorney Hogan was saying was that if the Capstone project was built, there would be vacancies downtown, because Attorney Hogan’s clients couldn’t compete economically, and weren’t willing to compete in a free market, and as a result would suffer damages by having to request abatements.

Attorney Hogan said the Board needed to determine if this project would have a negative fiscal impact on the Town.

Mr. Wolfe asked what expert Attorney Hogan had provided to demonstrate this, and said he didn’t see any economic expert or analysis on this. He said this could have been provided to support his clients’ position, and said it would have been helpful to have it. He asked Attorney Hogan if he had anything concrete to support what he was saying.

Mr. Hogan said the applicant had the burden to prove that there would not be a negative fiscal impact, and said what he had shown was where they hadn’t provided evidence. He said his burden was to show that the applicants hadn’t met their burden.

Mr. Wolfe said if Attorney Hogan and his clients wanted to refute the economic report from Capstone, they needed to have something that showed that it was in error.

Attorney Hogan said the applicant had the burden, and said this was not met with unsupported, self-serving representations. He said the only thing they had said was that their view was that those vacancies wouldn’t be great enough or permanent enough to cause a significant decrease in the Town’s assessed valuation. He said the Town’s Assessor had recently just said it would decrease property values and rental revenues.

John Shea, 18 Old Concord Turnpike, said his land abutted the location for the proposed Capstone project, and said he was in favor of the development. He said this all came down to the fact that the DLA wasn’t going to get top dollar for their apartments, because they now would have some competition. He said in his business, it was his responsibility to adjust if he had a competitor.

He said it was up to the students to decide where they wanted to live, and it wasn't up to the DLA. He said if they wanted to live closer to the downtown, they would do so, and if they wanted to live near him, that was their choice.

Councilor Robin Mower, Faculty Road, said she would like to read some comments, and also had some re-worded conditions of approval for the Board to look at. She noted that she had spent many hours speaking with water quality experts.

She said she would like to address two main points: (1) energy use and (2) protection of the Oyster River water quality. She said the relevant items on Mr. Campbell's list of information that was submitted to the Board after the close of the public hearing were numbers 14 and 16, respectively, in the memo to the Board dated April 21, 2011.

14. Discussion on meeting Energy Star Standards – Original language in Findings of Fact and Conditions of Approval taken from the Code Enforcement Officer's memorandum but not directly discussed at the Planning Board. When it was discussed the applicant offered some clarification and it caused a change in the Findings of Fact.
16. The applicant stated during deliberations that the lawn and landscape maintenance plan will include the use of organic materials.

Regarding Energy use, Councilor Mower said while she was confident that the buildings will meet Town Code, it was unfortunate that the applicant was not reaching higher. She said one might even argue that members of the public felt misled by statements that the applicant had made such as, "It's in our best interest to ensure that all the buildings are as efficient as possible" and references to Energy Star standards.

She said members of the Energy Committee and the broader community acknowledged that this project was privately owned, but were disappointed that the Board had not held a more thorough and pointed discussion about additional, progressive steps that the applicant could take, such as those shown in the checklist that the Energy Committee recently shared with the Planning Board.

She said Capstone was missing a unique opportunity not only to take a leadership role in providing an energy usage model for the next generation, as Perry Bryant has done, but also to create substantive positive public relations in Durham and well beyond.

Councilor Mower urged the Board to require that the applicant incorporate low-cost suggestions to reduce energy usage. She said window screens and ceiling fans were what one might call "no-brainers", and said members of the community were scratching their heads over this.

Councilor Mower next spoke about issues relating to water quality. She said the use of fertilizer for landscaping could lead to degradation of the Oyster River via nutrient loading, and said more was known about this today than when the Town developed the Wetlands Conservation Overlay provisions. She said these provisions needed to be updated to reflect the same concerns about potential contaminants that were already reflected in the Shoreland Protection Overlay. She said until that time, the Town must

rely on Conditions of Approval for appropriate protection.

She said that as a member of the Oyster River Watershed Association had noted during the public hearing, everything on the Capstone site eventually flowed into the Oyster River watershed. She said that neither the Town staff, the Planning Board, Capstone staff or the typical local landscape maintenance contractors had expertise to ensure that landscaping plans were appropriate, on an ongoing basis, to this specific site with regards to potential impact on the Town's drinking water supply.

Councilor Mower noted again that she had spent many hours in the last couple of weeks talking with water quality professionals from NHDES, the EPA, UNH Cooperative Extension, and more. She said this was a highly complex issue, and far more complex than discussions at the Planning Board to date would suggest.

She said it would be complex even if it didn't involve a change in land use from wooded to landscaped and from undeveloped to built. She said research and scientific expertise was pertinent and available, and said she strongly believed that it should be brought to bear on this project. She said the comments she would provide only touched the tip of the iceberg:

- According to NHDES, the stretch of the Oyster River adjacent to the proposed Capstone site was listed for the following problems: aquatic life (dissolved oxygen, pH) and primary/secondary contact recreation (E. coli).
- Pollutant loading analysis should be conducted for Total Suspended Solids (TSS), Total Nitrogen (TN) and Total Phosphorus (TP).
- The site geology, i.e., bedrock analysis influenced the movement of contaminants to site to river channel, and asked if a geological site analysis been conducted.
- Have spill contaminant and cleanup guidelines been adopted to prevent infiltration of machinery fuel, etc. on the site

Councilor Mower next provided the following recommendations for amendments to Conditions of Approval:

Conditions of Approval—to be met prior to signature, for Site Plan draft dated 4/21/11)

Delete this:

3 A note shall be added to the landscape plan that either there will be an underground sprinkler system installed or outside hose attachments in place or the care and maintenance of the landscaping.

Substitute this:

3. A note shall be added to the landscape plan that either there will be an underground sprinkler system installed or outside hose attachments in place for the care and maintenance of the landscaping. If irrigation, via an underground sprinkler system or other method, is in use, it shall be specified and taken into consideration during the development of cultural management practices so as to minimize leaching of chemical inputs during runoff.

Councilor Mower said her understanding was that over-watering had a significant impact on leaching out of fertilizers.

Conditions of Approval - to be met subsequent to signature for Site Plan draft dated 4/21/11)

Delete this:

#18 Landscaping in the WCO/SPO Districts shall be monitored and invasive species removed as necessary. The use of fertilizers, pesticides, and herbicides for the landscaping and lawn care shall be kept to a minimum, especially considering the proximity to the Oyster River. Alternative methods of landscaping and lawn care, such as the use of organic materials, are strongly encouraged.

Substitute this:

18 Landscaping in the WCO/SPO Districts shall be monitored and invasive species removed as necessary. The use of fertilizers, pesticides, and herbicides are specifically prohibited within the SPO District and the WCO District. Outside these areas, the use of fertilizers, pesticides, and herbicides for the landscaping and lawn care shall be kept to a minimum, especially considering the proximity to the Oyster River. The amount of turf grass shall be kept to a minimum. Alternative methods of landscaping and lawn care, such as the use of native species, low-maintenance turf varieties appropriate to the site, slow-release organic fertilizers, lawn mulching (leaving clippings on site), et al, are strongly encouraged.

Delete this:

#19 The property management's landscape contractor shall provide product data sheets and MSDS information for all landscaping fertilizers/products to be used and the Durham Health Officer shall given 48 hours' notice as to date/time of application of products for monitoring purposes.

Substitute this:

#19 The property management's landscape contractor shall obtain soil tests, on an ongoing basis, prior to developing any landscape maintenance plan requiring the use of fertilizer or other chemicals that will come into contact with the soil. Said contractor shall work with water quality and turf experts, such as through the UNH Cooperative Extension, to identify the best turf varieties and appropriate cultural management practices for this specific site on an ongoing basis, including chemical inputs, and evidence of such consultation shall be provided to the Durham Health Officer. Should the services of UNH Cooperative Extension, a similar academic institution, or government environmental agency be unavailable, the Durham Town Planner shall issue a Request for Proposal to identify, and then hire at the applicant's expense, a qualified independent third party such as an environmental engineer with appropriate expertise to provide equivalent services. Materials data specification sheets (MSDS) shall be provided for all proposed landscaping chemicals/products and 48 hours' notice of date/time of application given to the Durham Health Officer for monitoring purposes.

Councilor Mower said the change was a bit more stringent, and reflected the need for specificity at the site, for different points in time.

Amend #20 to read:

20. The use of salt OR SODIUM-CHLORIDE-BASED MATERIALS for winter road maintenance shall be the minimum necessary for roadway safety. Since the development calls for the use of porous asphalt, sand should not be used in those areas. However, sand may be used in other areas not using porous asphalt to cut down on the amount of SODIUM CHLORIDE used.

Councilor Jay Gooze, Meadow Road, said he was speaking as a citizen. Concerning comments made by Attorney Hogan regarding the Town Council's comments on assessments and property tax abatements, Councilor Gooze said these were just abatement requests at this point, and were not settled. He said he wasn't sure how this information could be used in terms of what might happen.

Chair Parnell noted that this information had not been brought to the Planning Board, and was third party comments. He said the Board would take it as they had received it.

Councilor Gooze noted a marketing study that had recently been done for Durham, and said it indicated that 62% of all students might be living off-campus. He quoted from the study:

“With the University of New Hampshire stating that it does not anticipate adding more on-campus housing, potential demand for additional off-campus student units, or “beds”, in Durham is possible, although the depth of this market is undetermined. While proximity to the University is an amenity for students, so too is inexpensive housing. Short-term, the interest of a developer to build over 600 units of student housing suggests that the market views additional student housing as an opportunity..... Given the quality of some apartment housing available within Durham, the redevelopment of existing product is likely to be a short-term development opportunity, given appropriate incentives for the landlords to own those properties.”

Councilor Gooze said this market study showed that there was still demand for student housing.

He said he thought that what Capstone had done concerning concessions was very good. He also said he agreed with Councilor Mower that something really needed to be put in the conditions of approval that assured the Town that the quality of the Oyster River would not be degraded, and that there would be consequences if it was found that the water quality was degraded. He suggested that perhaps the Board should indicate that Conditional Use Permit would be pulled if the conditions concerning water quality weren't followed.

Councilor Smith asked Councilor Gooze if he would suggest more constant monitoring, or something else.

Councilor Gooze said he would leave this up to the Planning Board. But he said the letter from the Oyster River Watershed Association essentially said they weren't geared up to do the monitoring, and he also noted that DES funding for water quality monitoring activities was in question.

Concerning the issue of fiscal impact, Councilor Gooze said that regarding the idea of possibly having children in the school system, the Police Chief had said that other Capstone projects had pulled some of the rowdier students out of the neighborhoods, which would definitely reduce police costs.

Margaret Bogle, Crogan Lane, said she agreed with what Councilor Mower had said, and also said she thought the wording should say more than “encouraging” the idea of using organic materials. In addition, she said invasive plants should be pulled out rather than poisoned, and said she would be willing to help with this. She said it was especially important to take care of the river, and noted that this development would be located above Durham's drinking water supply. She said she hoped the Board would be very careful and particular in trying to get Capstone to work with experts at UNH and other places, as Councilor Mower had suggested.

Councilor Mower noted that she had provided a list of some consultants at the end of her letter. She also said she had provided a letter from Michelle Daly at UNH regarding the use of fertilizers. She said although the slow release aspect of organic fertilizers was important in many cases, the concern was the quantity of fertilizers used in terms of how this could impact water quality.

Councilor Diana Carroll, 54 Canney Road, said a lot of good things had been mentioned that evening, and said the Board had a big task before it. She said what came of these deliberations and conditions of approval was important, because it was what the Town and the developer, and whoever owned this property in the future would have to live with. She said there were parts of Durham where it would be nice to be able to write the conditions of approval again, and noted the duplexes on Coe Drive as an example.

She said she thought Capstone had been very cooperative and had made some good concessions, and said in some places, they had taken some real leadership. She said this was much appreciated.

Councilor Carroll said there was no such thing as a small decision here, because of the size of this development, and she noted the issue of screens as an example of this. She said she had never been anywhere in New Hampshire that didn't have screens.

She spoke about the importance of water quality protection, and the fact that water quality was going down in Great Bay. She said they didn't want to wind up with another Chesapeake Bay or Narragansett Bay.

Councilor Carroll thanked the Planning Board for all of its work, and said she knew they would do their best for the Town.

Malcolm McNeill, 44 Colony Cove Drive, first noted that he had spoken favorably about the legislation that had allowed Capstone to move forward with these applications. He suggested that there came a time in a Town when there was a major project when after weighing all of the evidence, a board needed to make a decision. He said in this case the most important thing was for the Board to adequately document their findings, about major issues raised by all of the parties to these proceedings.

He said based on his review, there had been a reasonable dialogue. He said he would like to see a circumstance where the Town of Durham considered a major project in a reasonable period of time, which he said he thought the Board had done, came to a decision, and moved on to the next case. He said he thought they were there.

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

Chair Parnell noted that the Planning Board had reviewed the wording of the most recent draft Findings of Fact and Conditions of Approval at the last meeting, and said they would now go through Draft #5 of these documents, and see what other comments there were from the Board.

Councilor Smith pointed out that the lease was received on April 27th, and asked if it was any different than the lease considered earlier, other than what was included in condition #39 of the Conditional Use Permit.

Mr. Campbell said that was the only addition, and noted that the Board had been discussing this issue based on Mr. Johnson's letter to the Board as to what he would like to see in terms of the

Conditions of Approval.

Site Plan Application - Conditions of Approval to be met prior to signature

The Board reviewed and updated the list of documents and Findings of Fact.

Mr. Wolfe said some of the things Councilor Mower had talked about were also in condition #5. He said this as well as conditions #18 and #19 were all part of the same subject.

Mr. Kelley read through Councilor Mower's recommendation concerning condition #3, concerning an underground sprinkler system. Chair Parnell said he assumed that "cultural management practices" meant a system that controlled the amount of water. There was discussion that modern irrigation systems could monitor soil conditions, and control the water according to humidity, rainfall, etc.

Mr. Kelley said it might make more sense to cover this issue as well under the lawn and landscape maintenance plan (condition #5). He said condition #3 was saying there needed to be some kind of system, so they had gotten beyond that part. He said perhaps condition #5 needed to say the landscape maintenance plan "...shall address irrigation practices so as to minimize leaching of chemicals during runoff."

Councilor Smith said condition #5 should also say: "...alternative methods of landscaping and lawn care, such as organic materials and mulching, shall be used."

There was discussion on the wording in condition #4, and it was agreed that it should say: "Because the applicant is planning to bring gas to the development, the proposed gas line shall be shown on the site plan..."

Chair Parnell noted that there previously had been discussion by the Board on condition #10, regarding the lighting plan. Mr. Campbell said he was in the process of finding someone to do the independent third party review.

Chair Parnell asked if condition #12, concerning the independent third party review of the stormwater management plan, erosion and sedimentation control plan, and the maintenance and operations plan had been finalized, in terms of UNH being the independent third party. After discussion, it was agreed to leave the condition as it was.

Mr. McGowan suggested that condition #13 should simply say that "The landscaping/trees planted shall be approved by the State Arborist", instead of including a specific name.

Mr. Kelley said he thought conditions #10 and #12 contained ambiguous language, and suggested that they say: "...shall be corrected to the satisfaction of the independent third party." Councilor Smith suggested that this should also say "...and the Town of Durham."

Site Plan Application - Conditions of Approval to be met subsequent to signature

Mr. Campbell noted that condition #10 now said the Code Enforcement Officer, and not the Department of Public Works.

There was discussion on condition #17. Mr. Campbell said there was an email from the new president of the ORWA, who said the Association was happy to do the monitoring but was having some funding issues, and therefore might not have the capacity to do it. He noted that he had therefore included the wording: "If the ORWA is no longer able to assist with the monitoring, Capstone Development Corporation (or its successor) shall contract with a qualified third party, as approved by the Director of Planning & Community Development, to take the storm samples." Chair Parnell said he presumed that Capstone was providing some funding to do the monitoring and Mr. Campbell said that was correct.

There was discussion that the problem was that DES and UNH Cooperative Extension might not have funding to oversee the water quality monitoring. Mr. Campbell suggested that someone else could do this if needed, which was reflected in the condition. Chair Parnell said in other words Capstone would find someone, and Mr. Campbell would agree or not agree with whoever was chosen. Mr. Campbell noted that the recommendation to do monitoring had come from the Conservation Commission.

Mr. Wolfe recommended that based on the memo from Derek Sowers, the condition should contain wording that sampling should include analysis of total suspended solids, conductivity, total nitrogen and nitrates, and phosphorus. He said it should also say that copies should be forwarded to the Town Engineer. He noted that he had spoken with the Conservation Commission, and they didn't have the ability to analyze the results of the monitoring.

After further discussion, it was agreed that monitoring reports should go to the Town Engineer, the Conservation Commission and the Director of Planning and Community Development.

Mr. Kelley said he would like to see some language that said the applicant would pay for the monitoring. Chair Parnell agreed, and also said the Planning Board should say what monitoring was going to be done.

Mr. Campbell noted that the Conservation Commission hadn't specified what they wanted to have monitored. There was further discussion.

Mr. Kelley recommended the following language in #17: "The applicant shall work with the Oyster River Watershed Association (ORWA), to pay for water quality monitoring by taking storm samples upstream and downstream before, during, and after construction, for a period of five (5) years."

There was further discussion on the kinds of sampling that should be required. It was agreed that the sampling should include: suspended solids, conductivity, nitrogen (total nitrogen and nitrates) and phosphorus. There was discussion that the sampling should also occur before the development, because the applicant should not be responsible for things that were there before the development was there.

Mr. Kelley said this water supply of Durham's was impaired, and said it was important to keep this in mind. He asked if the wording in condition #17 to be met subsequent said enough: "The biological and chemical properties of the Oyster River shall not be degraded by the stormwater runoff from the development site." He said if the testing and analysis showed that the water quality was degraded, then mitigation needed to address that. Chair Parnell asked how they defined "degraded". There was discussion that sampling above and below the site could help determine whether the site itself was causing the degradation. It was noted that there would be some noise in the results.

Mr. Wolfe asked Mr. Kelley if he would agree that if the Town Engineer found the samples were out of line with norms, that corrective action must be taken.

Mr. Kelley said the Town Engineer would need to answer this, but said he would feel comfortable with this approach, and provided details on this.

Mr. Campbell said this wording in condition #17 was taken from the Conservation Commission letter, which was taken from the updated stormwater regulations. There was discussion. Mr. Kelley suggested the following language: "If, at the determination of the Town Engineer, degradation has occurred as a result of the stormwater runoff from the development, a mitigation plan shall be established and implemented to resolve degradation issues." Mr. Kelley also said this was a change they would probably want to see in the stormwater regulations.

There was discussion on the wording Councilor Mower had suggested for condition #19. Chair Parnell said he thought that what was already in #19 was adequate. Mr. Kelley said he was willing to use some of the language Councilor Mower had suggested and put it in condition #5 to be met prior to signature, concerning the landscape maintenance plan. Mr. Campbell said he would like to tie this to something specific in the Ordinance that required this, and said he couldn't find anything. It was noted that these were the Site Plan conditions they were talking about.

Mr. Kelley said that regarding this issue, the river was getting polluted upstream, from farms, septic systems, etc. He said it was going to be land use regulations that would perhaps do something about this, but said he wasn't prepared to legislate that with this application, and certainly not under Site Plan approval. He said they had more weight under the Conditional Use Permit regulations.

The Board agreed to incorporate the language Councilor Mower had recommended for condition #20 concerning using the wording "sodium chloride based materials".

Councilor Smith asked where in the conditions of approval the issue of screens could be addressed. Mr. Kelley said he thought there was more latitude to address screens under the Conditional Use Permit conditions of approval.

It was agreed the Board was done discussing the Site Plan conditions of approval.

Conditional Use Permit Application - Conditions to be met prior to signature

Mr. Wolfe said the applicants had said they were trying to meet Energy Star standards, and then said

they were going to attempt to meet them. He said he wasn't sure what this meant. It was noted that the Energy Star standards were addressed in the Findings of Fact for both applications. Mr. Campbell said he had originally taken the idea of meeting Energy Star standards from Mr. Johnson's letter, which reflected discussion with Capstone.

Ms. Fuller said the applicants were already building to a zone that had a higher standard than they actually lived in. There was discussion.

Chair Parnell said he couldn't imagine living in a place in Durham that didn't have screens, but said he thought mandating this was overstepping the Board's role.

Councilor Smith said he didn't think so. He said they should stand outside the Zoning Ordinance, and said it needed some changes anyway. He said the Town Council's first goal had to do with energy efficiency, and protection of the environment. He said these buildings would be air-conditioned, and students would pay for the energy cost. He said in the absence of screens, they couldn't open their windows in the summer. There was discussion that the students would complain about this and would put screens in at their own expense. Councilor Smith noted that he hadn't asked if the windows could actually open, other than as egress.

Mr. Kelley said he wanted to stay firmly within the Zoning Ordinance, and Councilor Smith said the Zoning Ordinance said they could add anything they saw fit under the Conditional use provisions. There was further discussion, and Mr. Kelley said Councilor Smith's argument had some merit. He also said from the applicant's point of view, there would be a lot of maintenance involved with the screens. Councilor Smith said there would be a lot of maintenance of the garbage disposals, dryers, etc. Mr. Kelley said he didn't have an argument against putting in screens.

Councilor Smith said the applicants were providing cottages with all the bells and whistles, and said screens would be the least expensive part of the cottages. He said he didn't know if the air-conditioning would be run by natural gas or electricity, and said if it was run by electricity, this meant either coal, oil or nuclear, and a little bit of wind energy on the grid.

Councilor Smith discussed condition #5, and said the issue was still whether a full time staff member actually lived in a building on the site, or, whether or not the staff member lived there, there should be someone on the site. After discussion, the Board agreed that the condition should read: "At least one full-time staff member and at least one courtesy officer shall reside on-site."

Mr. Kelley said Attorney Hogan had raised a good point, that somewhere in the conditions of approval, it should say that there were 619 people residing at the development. He said perhaps this should go in condition #5. Councilor Smith asked what happened if someone was married, and Mr. Campbell said the applicant had said the married couple would have to rent two of the beds. Mr. Wolfe suggested that the Conditional Use Permit heading should say 619 beds/residents, and others agreed.

Conditional Use Permit - Conditions to be met subsequent to signature

Mr. Kelley said that concerning the recommended language concerning a landscape maintenance

plan, and the tests that needed to be done, he got some confidence from the fact that the Board said there would be sampling on the outlet end of the development, and if there were problems, they would need to be addressed. He said if what was being done on the green space was making its way down to the river, perhaps part of the mitigation plan would be assessing what the landscaper was doing.

There was discussion that condition #5 should match the Site Plan condition #18 to be met subsequent to signature. Mr. Kelley recommended also adding language to #5 concerning alternative methods of landscaping and lawn care, such as organic materials and mulching.

Board members agreed that the term sodium chloride should be used in condition #6.

Mr. Campbell noted that conditions #10, 11 and 12 were additions. He said #10 was in an earlier draft and then taken out. He explained that it was put back in because the applicant had agreed that tenant leases shall include notice that Durham Town Officials can randomly inspect the residential units annually. He noted that this was not something the Board could impose on the applicants. There was discussion that the condition should say that "Five percent of the units or seven units shall be inspected annually by the Durham Health Officer/a Town Official."

Mr. Campbell said condition #11 reflected the fact that the applicants had agreed to include the wording of RSA 48-A:14 in their lease, in order to inform tenants of their rights under State law.

There was discussion on whether to include a condition requiring screens. Ms. Fuller said the applicants were going to do as much as possible to build to a standard, and would spend their money on the energy improvements that were the best decisions for them. She said she believed the Board should let them do this. She said she wouldn't live anywhere without screens, but also said she didn't typically live with air conditioning.

Councilor Smith said Councilor Mower's recommendation for ceiling fans was very appropriate. He said he would like to mandate screens.

Chair Parnell asked for a vote on the idea of including a condition requiring screens. Councilor Smith, Mr. Kelley, and Mr. Wolfe thought there should be a condition for this, and Ms. Fuller, Mr. McGowan, Mr. Ozenich and Chair Parnell did not think there should be a condition.

Break from 9:24-9:40 pm

Chair Parnell said the Board first had to address the Conditional Use issue 175-61 B, regarding the Wetland Conservation Overlay District and the Shoreland Protection Overlay District. He read the four criteria involved:

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; and

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. Kelley said the Planning Board had always given applicants some liberty in utilizing the Wetland Protection Overlay district. He said the applicant was using the majority of the location that was outside of the overlay, and also said the amount impacted was the minimum, as determined by the Planning Board. He also said he agreed that #3 was met, and also said concerning #4 that the mitigation activities proposed were above and beyond what the Board had seen in the past. He said the value of the fringe encroachments in the zone were immensely outweighed by the corridor that would be permanently protected, as proposed in this application. Mr. Kelley noted that his opinions also applied concerning the Shoreland Protection Overlay district.

All other Board members agreed with Mr. Kelley's statements, with the exception of Councilor Smith, who said he neither agreed or disagreed. It was agreed that these findings would be included as Finding of Fact #37 for the Conditional Use Permit.

Chair Parnell next went through the Checklist for the Conditional Use permit. The following criteria listed below were those that one or more Planning Board members thought were not met.

Site Suitability, c. Absence of environmental constraints

Councilor Smith said he thought there were some environmental constraints, and said the Board had talked about them. Chair Parnell asked Board members whether they thought the issue of environmental constraints had been covered. Mr. McGowan said there were things in place to deal with them. Chair Parnell summarized that there was one Board member with concerns about this criterion.

External Impacts on abutting properties

Councilor Smith said if the development became a real party place, there would be excessive traffic generation that would be much greater than that of adjacent uses. Mr. Wolfe said the transportation models the Board had seen didn't indicate that there would be a significant increase in traffic. Mr. Kelley said the intersection didn't even warrant a signal. Councilor Smith said there might be a lot of visitors. There was discussion that this was speculative. There was also discussion about whether there would be inappropriate hours of operation.

Preservation of natural, cultural, historic and scenic resources

Councilor Smith said wildlife habitat would not be preserved.

Availability of Public Services and Facilities

Councilor Smith said the development would create excessive demand on police protection services, and on water and sewer. Mr. Wolfe said there was a letter from the Police Department and Fire Department saying they weren't concerned about this.

Fiscal Impacts

Councilor Smith said there was a substantial potential for negative fiscal impacts, including the appeals for reassessment by property owners of substantial rental properties. He said he didn't know that there were any positive community impacts that would offset that negative potential impact. He said if anyone proposed such a positive community impact, he would like to speak to that.

Mr. Ozenich said he didn't think there would be a negative fiscal impact, unless the price of a burial site went up.

Mr. Kelley said there had been testimony that there were landlords seeking abatements now. He said they believed they had paid too much taxes, and this was their prerogative, and said if this application was approved, they would have recourse in the future to do what they were doing now. He said the positive community impact was that students were given choices as to where to live. He said this community's only real established industry was student housing, and said giving that consumer choices was a positive benefit to the community at large.

He said the Planning Board had heard residents in the pocket neighborhoods describe problems with students, and said this development had the potential to relieve some of this. He also said if prices dropped for a bedroom in Durham, he saw this as a positive community impact. Asked by Councilor Smith if the students would be paying less at the Capstone development, Mr. Kelley said no, but said it would have a positive community effect of reducing rents elsewhere in Durham. He said perhaps this would relieve some of the pressure on the pocket neighborhoods in the downtown area.

Mr. Wolfe said he agreed with everything Mr. Kelley had said. He said he was well aware that there had been issues of student parking downtown on residential roads, etc. He said hopefully this development would get the students out of the neighborhoods, and the transportation would be adequate so that students could get to and from the University, eliminating the need for a lot of students to bring their cars into Town.

He said the Council had also dealt with the issue of noise from students in neighborhoods, and said this was an opportunity to get the students out of those neighborhoods, and allow the neighborhoods to function more for the residents there. He said a market analysis had said there was a need for student housing, and he noted that the Planning Board had recently approved two new buildings downtown for student housing. He said there was also another proposal to put student housing in the Grange property.

Mr. Wolfe said the issue was perhaps that the current landlords couldn't compete, but he said this was a market based society. He said perhaps they would need to upgrade their apartments in order to compete. He said there was an advantage to living downtown, and said the current landlords could market their places to people who wanted to live there.

He said he didn't really see a negative impact, and said if there was one, someone would have come in and said this project was going to decrease the downtown tax base. He said no one knew what was going to happen with the tax base, and said no evidence had been introduced saying there would be a negative impact to downtown Durham.

Mr. McGowan said he agreed with Mr. Kelley and Mr. Wolfe. He noted that this project was

beyond the scope and size that Durham had seen. He said the applicants had indicated that the proposed development would provide a lot of benefits for the community, and over the past few months, had made a lot of concessions to make the project better for both them and Durham. He said he saw it as a positive all around.

Ms. Fuller said she agreed with what Mr. Kelley, Mr. Wolfe and Mr. McGowan had said. She said it was important to remember that the Board had heard early on from students who spoke positively about wanting this project. She said the landlords' tax abatements happening now and that would continue to happen were a reflection of current market conditions versus the last assessment, which was at the height of the market. She said the abatement issues had nothing to do with existing or proposed new housing. She said they didn't know what would happen to rents, and said it was an ever changing market. But she said the students wanted this housing, and the market analysis showed there was a place for it.

Councilor Smith said he didn't think this project was likely to attract the rowdy, disruptive students who liked living downtown in rundown, former single family homes. He said the applicant had put a lot of time and money into this, and said he admired his ability to stay at this. He said what was being proposed here really needed a reality check. He said what Capstone proposed was to create in miniature an ideal suburban community, accessed by car, with lots of amenities. He noted that this was a time when a lot of Americans had become homeless because of communities that were overbuilt.

He said at the February 9th meeting, a former Planning Board member said that people were at their best when they had something to lose. He said that was a very dismal reason to support this kind of development.

Councilor Smith said this was a very expensive community that was proposed, in terms of the energy costs. He said this was regressive, at a time when the Energy Committee and some members of the Town Council were very concerned about providing for a sustainable community. He said this development would be a huge energy drain. He said the buildings were laid out to provide vistas, and aesthetics, and energy use took a back seat. He said the buildings weren't oriented to southern exposure, designed for cross ventilation, or designed to make use of roofs for generating electricity or hot water.

He said there was a business model, and said it was unfortunate that the Zoning Ordinance didn't allow the Board to impose some restrictions. He said he didn't necessarily think this was a good thing for the community, especially in a college community.

Chair Parnell said he thought the fiscal impact report received from the applicant was conservative, and said he believed the numbers showed that the proposal, if it went ahead, would have a very positive impact fiscally on the Town. He said he was pleased to see it coming in, and said the negative impacts on competitors would be expected. He said the business of Durham was selling housing to students, and said this project would raise the level considerably. He said ultimately this would be good for the community.

Chair Parnell summarized that the majority of Board members said there would not be a negative fiscal impact on the Town.

Richard Kelley MOVED to approve, as amended this evening, the Findings of Fact and Conditions of Approval for the Conditional Use Permit submitted by Capstone Development Corporation, c/o Appledore Engineering Inc., Portsmouth, New Hampshire on behalf of William & Edna Woodward Rev Trust, Durham, New Hampshire, to construct approximately 100 structures consisting of 141 units of single-family and duplex residences with a total of 619 beds/residents and 650 parking spaces. The property involved is shown on Tax Map 9, Lot 10-3, is located on Technology Drive, and is in the Office Research/Light Industry Zoning District. Richard Ozenich SECONDED the motion, and it PASSED unanimously 6-1, with Councilor Smith voting against it.

Richard Kelley MOVED to approve, as amended this evening, the Findings of Fact and Conditions of Approval for the Site Plan Review submitted by Capstone Development Corporation, c/o Appledore Engineering Inc., Portsmouth, New Hampshire on behalf of William & Edna Woodward Rev Trust, Durham, New Hampshire, to construct approximately 100 structures consisting of 141 units of single-family and duplex residences with a total of 619 beds/residents and 650 parking spaces. The property involved is shown on Tax Map 9, Lot 10-3, is located on Technology Drive, and is in the Office Research/Light Industry Zoning District. Richard Ozenich SECONDED the motion.

Mr. Kelley said during this process, Capstone had showed themselves to be very cooperative and involved. He said he hoped this wouldn't stop now, and said they were becoming a member of the community. He said he appreciated their efforts, and their consultants' efforts.

The motion PASSED 6-1, with Councilor Smith voting against it.

VII. Approval of Minutes – March 9, 2011

March 16, 2011

VIII. Other Business

A. Old Business:

1. Discussion on Master Plan Survey

Mr. Campbell updated the Board on how comments from the Planning Board on the Master Plan survey had now been incorporated into it. He said the Planning Board needed to approve the most recent draft, so it could be finalized.

Councilor Gooze said it would be interesting to see if survey respondents had been involved on town committees and boards. He asked Board members what they thought about that idea. There was detailed discussion about this idea.

There was discussion on what “vibrant downtown” in the survey actually meant.

There was discussion on the tax map information that would be included in the survey.

Ms. Fuller said she liked the current draft, as did Mr. Wolfe. Other Board members agreed.

Mr. Kelley said expanding uses in the CBD zone and expanding the zoning boundaries of the CBD were discussed, but said the idea of possibly expanding the boundaries didn’t make it into the survey. He also noted that a question he had was what people thought the downtown actually included. There was discussion on what people thought the downtown included, and it was noted that it depended on where one lived in Durham.

2. Discussion on Zoning Amendments from Commercial Core Strategic Plan

Mr. Campbell said he didn’t actually want to talk about the amendments right now, but did want to discuss a more efficient process for working on them. He noted that the Board was supposed to be working on phase II at this point. He said he wanted to get a sense of what process the Board would like to see, and suggested that he and Ms. Della Valle could work on developing the amendments and then bring them back to the Board for approval, rather than having the Board work through them.

Councilor Gooze spoke about transition zones in Town that went from commercial to residential uses. He said what he had seen so far from the Zoning amendments being worked on was that there was a one size fits all approach being taken. He said the proposals for the CBD, Church Hill, and Professional Office zones were essentially the same, and said none of the protections from the Master Plan were in place for residential properties on the edges of those zones.

He suggested that perhaps one situation where they should keep Conditional Use was when a project abutted a residential zone. He noted an application for a commercial use on a property on the edge of the Professional Office Zone and that was near his property, where conditional use had come into play. He said the B. Dennis report didn’t say one size fits all, but said in the interest of doing a quick fix, this was what was now happening. He said he agreed with the idea of making the process easier for developers, for projects located in appropriate places.

Chair Parnell said a lot of conditional uses had been eliminated with what was proposed, and said a lot of people would think that wasn’t a good thing to do.

There was discussion. Mr. Campbell said Ms. Della Valle and Bill Dennis had said there were uses in the commercial core that should not be conditional uses, and that if they wanted to address possible problems with a particular use, this should be addressed with performance standards rather than requiring another review process for a developer to go through. He agreed that it might make sense to make projects that abutted residential properties go through conditional use.

Mr. Wolfe said Councilor Gooze's point about transition zones was valid.

Councilor Gooze said perhaps performance standards was also the way to go.

Mr. Campbell said with this approach, it would be in black and white ahead of time what would be required of an applicant.

Councilor Gooze noted that going for a variance would also be an option for an applicant.

Mr. Kelley said that in the Professional Office district, there were so many restrictions in the Zoning Ordinance that a variance would be needed if someone wanted to develop there. He also noted that he had always been a proponent for conditional use when a proposed development abutted a residential use, regardless of what district it was in.

Councilor Gooze asked if the Board thought it would be appropriate to pass on to Ms. Della Valle the philosophy he had expressed concerning transition zones.

Mr. Kelley said he was a proponent of expanding uses and zoning district boundaries, but noted that his acceptance of this was probably different than that of people who lived closer to where a commercial use might be proposed.

Councilor Gooze said there was a difference, depending on where one lived. But he said there was reasonable way to do this, by expanding commercial uses but also providing protections for residential uses that abutted these uses.

After discussion on which process made the most sense, Board members agreed to have Mr. Campbell and Ms. Della Valle come up with the wording for the Zoning amendments, and the Board could then determine whether it liked this. There was discussion that this could turn into the Board doing the work again, if they didn't like particular wording and started trying to change it.

After brief discussion about the idea of having a Planning Board subcommittee work on Zoning changes, it was agreed to go with Mr. Campbell's suggested process.

Councilor Gooze said along with the Zoning changes, there needed to be parallel work done on design standards/guidelines. He said that otherwise, there would be unintended consequences.

Mr. Kelley also noted that the Planning Board wouldn't get it right with everyone, no matter what.

Councilor Gooze said he understood that, but said he just wanted to note that there was more to this than just changing the Zoning Ordinance.

Mr. Kelley said he believed that the form based code might work in Durham, but Mr. Campbell said his experience was that the use itself was the first thing people thought about. But he said perhaps this was changing.

- B. New Business:
- C. Next meeting of the Board: **May 11, 2011**

IX. Adjournment

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

Adjournment at 10:46 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary