

These minutes were approved at the August 10, 2011 meeting.

**Durham Planning Board
Wednesday June 22, 2011
Durham Town Hall - Council Chambers
7:00P.M.
MINUTES**

MEMBERS PRESENT: Chair Lorne Parnell; Vice Chair Peter Wolfe; Secretary Susan Fuller; Town Council representative Jay Gooze; alternate Town Council representative Julian Smith; alternate Wayne Lewis; alternate Andrew Corrow

MEMBERS ABSENT: Richard Ozenich; Bill McGowan; Richard Kelley

I. Call to Order

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

II. Approval of Agenda

Peter Wolfe MOVED to approve the Agenda. Susan Fuller SECONDED the motion.

Mr. Campbell noted that consultant Roger Hawk was ill, so Item V, on Design Guidelines, would be postponed.

The motion as amended PASSED unanimously 4-0.

III. Public Comments

Councilor Robin Mower said the Energy Committee was very happy to have a representative from the Planning Board at its last meeting. She said at that meeting, the committee reviewed and finalized the site plan review checklist of energy considerations it had brought to the Board several months ago. She said the committee would like feedback on this from the Planning Board, so they could move forward with doing a similar checklist for homeowners who would like to apply for building permits.

Councilor Mower noted some of the recent discussion on the health of Great Bay, including the fact that EPA's wastewater treatment plant permitting process, from some scientists' perspectives, had mostly to do with nitrogen loading in the bay. She said something that had been brought to her attention was that Zoning Ordinances sometimes had requirements that benefited or harmed water resources in terms of nonpoint source nutrient loading from land use practices related to development, agricultural uses, autos, etc.

She said it had occurred to her that it might make sense for the Planning Board to consider hiring a professional to go through the Zoning Ordinance and identify possible changes that could be made to help with this. She noted that the Town now had a terrific stormwater ordinance, which was a big benefit in terms of protecting water quality. She said she hoped the Planning Board would bring this idea up in the near future.

Councilor Diana Carroll thanked the Planning Board for providing an opportunity for public comments at the quarterly planning meeting. She noted that she had served as an alternate on the Planning Board for three years, and realized then that there was no opportunity for the Board to hear from the public except at public hearings, or if a resident took the initiative on their own concerning a planning issue. She said she thought that being able to make public comments would catch on, which would make Town planning better.

Councilor Carroll said she had recently attended the NH Planners Association's annual meeting, which was held in Keene. She said its theme was planning for public health, and she described in some details the three tracts that were presented at the conference. She said that in attending the conference, she had realized that they fit together very well. She said she had stayed for both days and attended several sessions, and noted that Mr. Campbell had been at the conference as well.

She said for the Moving track, the keynote speaker was Mary Collins, the author of *American Idle, A Journey Through Our Sedentary Culture*. She said an interesting premise of the book was that one of the reasons people didn't engage in physical activity was that there were things in their lives they felt they didn't have control over, like safe, convenient sidewalks, bike paths, parks and other natural areas, and vibrant downtowns within a short distance from where they lived or worked. She noted that municipalities could have a big impact on these things, in terms of what they chose to make available for residents.

Moving Track (physical movement - walking, biking, etc.)

- Safe Routes to Schools
- Commute Green New Hampshire
- Encouraging Alternative Modes of Transportation: The Antioch Commuter Transportation (ACT) Initiative
- Home, Car, and Commute: Award-Winning Projects from the Monadnock Region

Councilor Carroll said the second track of the conference was on Food, and what planners needed to know about New England's food system. She said Ben Hewitt, the author of the *Town that Food Saved: How One Community Found Vitality in Local Food*, was a speaker as part of this track. She said he showcased the town of Hardwick, Vermont, where farmers had become entrepreneurs, with their farms, and had developed good business plans to produce local food not just for their region, but also for places like New York City. She noted Pete's Greens as a good example of such a business, and said they were doing millions of dollars of business.

Food Track

- What Planners Need to Know about New Hampshire's Food System *and* The Real Dirt: Planning for Food Sufficiency and Farm Sustainability in New England
- Agriculture Commissions – Sprouting in Your Community *and* the Monadnock Farm and Community Connection
- Unintended Consequences: Is Rural-Ag Zoning Hurting Farmers? *and* Food Systems Decision Making
- Municipal Opportunities for Healthy Food Choices

She said Hardwick Vermont had been a relatively poor place, noting that its heyday had been the late 1800's, when it was one of the granite centers of New England. She said the town's economics began to sink when reinforced concrete was developed. But she said over the past decade, a group of people of various backgrounds had decided they wanted to get into local food, and develop an area that had its local economy based on agriculture. She said while this was a very unusual idea, they were now actually doing it.

Councilor Carroll said she had visited Hardwick two years ago, and recently had the opportunity to visit it again, soon after hearing Ben Hewitt speak. She said the Town had made significant progress, noting that storefronts that had been empty were now occupied, and painted. She said Clare's restaurant, located in the town, was very famous, and she said 73% of the food served there came from a 15 mile radius.

She said the third track, on Sustainability, was also quite interesting.

Sustaining Track

- Climate Change and Public Health
- The Natural Way to Sustainability
- Guiding Change *and* the Greater Monadnock Public Health Network
- Introduction to Health Impact Assessments

Councilor Carroll said the Mayor of Keene spoke at the conference. She said it was very interesting to learn that Keene's goal was to be the healthiest city in the State by 2020, and she noted that among other things, they were working with Dartmouth Hitchcock to make this happen.

She said they were also looking at this from an infrastructure perspective, and provided the example that there was a bicycle path coming right through the downtown. She described a public/private partnership to construct a food coop a block away from the downtown, and also said there would be a parking garage located right next to it. She said Keene was the second best walking city in NH.

Councilor Carroll said she realized that the Planning Board didn't want to have one more thing on its plate, but said a fascinating goal was to really look at the health of Durham citizens, and what needed to be put in place to address this. She said there were already lots of opportunities in Durham for exercise and recreation, but said a question was what other things could be done to provide a healthy environment for residents.

Councilor Carroll noted a recent article in Town and City on agriculture across New Hampshire, and said this was very timely, considering the conference and all of the things that were happening with agriculture in the State.

It was noted that Councilor Carroll's husband, UNH professor John Carroll, as well as one of Mr. Campbell's college professors, had spoken at the conference.

Chair Parnell appointed Mr. Lewis and Mr. Corrow as voting members for the meeting.

IV. **Traffic Model** – Presentation and discussion with Bob Chamberlin of RSG, Inc. on the traffic modeling done by RSG on the possibility of changing the current one-way traffic pattern in the Central Business District back to a two-way traffic pattern.

Mr. Chamberlin said a recent request from the Traffic Safety Committee was to use the model to look at the idea of converting the one way loop on Main Street, Pettee Brook Lane and Madbury Road to two way traffic flow. He spoke about the fact that there had been two way traffic flow downtown at one time.

He said another question that was explored with the model was what would happen if Main Street and Madbury Road were reduced down to one way and one lane traffic flow, as had been done on Pettee Brook Lane in 2010.

He introduced Dirk Grotenhuis, an engineer at RSG's Concord, NH office, and said he looked at the various options from a design standpoint.

Mr. Chamberlin provided an overview of the shared Town/UNH traffic model, and noted that it had been calibrated to am peak hour traffic. He said an early application of the model was concerning the possible buildout of Mill Plaza. He also said that over the past year and a half, the model had been used to do the peer review for the Capstone development, and to do an analysis for UNH on extending South Drive to the roundabout on Main Street.

Mr. Chamberlin said the idea of converting Main Street from one way to two way traffic flow had come out of the Durham Commercial Core strategic plan. He said the Traffic Safety Committee had asked RSG to determine if this would work, what the issues would be, and as part of this, how the conversion would be done and how traffic would be managed.

He said the basic guidelines the company was given were to avoid unreasonable congestion, do something with minimal cost, and minimize intrusions such as taking private land to make the plan work. He said it would have to be something that worked within the existing right of way, and said it was important to understand things like rights of way, sight lines, drainage issues, and utilities, in order to see if there were any fatal flaws that would make two way traffic unworkable. He said looking at these things was beyond the scope of RSG's work, and said design investigations would be needed subsequent to the model runs.

He said a two way circulation pattern would involve having to manage traffic at 4 intersections, with a combination of stop signs and roundabouts.

- Pettee Brook Road/Main St
- Mill Road/Main St
- Main St/Madbury Road
- Madbury Road/Pettee Brook Lane
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He said model simulations of 6 alternatives were looked at. He said scenario A involved simple stop sign control, with the minor leg of each intersection getting the stop sign (for ex, Madbury Road/Pettee Brook Lane intersection - Pettee Brook Lane gets the stop sign)

Scenario B - two roundabouts, one at Pettee Brook Road/Main St and one at Main St/Madbury Road

Scenario C - one roundabout, one at Mill Road/Main St

Scenario D one roundabout at Main St/Madbury Road

He said based on the results of modeling these 4 scenarios, Scenario E was created, which was similar to scenario D but only allowed right turns from Mill Road onto Main Street. He noted that the model for D had shown that taking left turns onto Main Street from Mill Road was fairly congested.

He said after these 5 scenarios were reported on to the Traffic Safety Committee, they requested a sixth scenario, which was to retain the right turn only from Mill Road onto Main Street, but to use a three way stop at the Main St/Madbury Road intersection instead of a roundabout.

Mr. Grotenhuis said the roundabout that he had sketched in for the Main St/Madbury Road intersection was a little smaller than the one at the West end. He said it would be the tightest roundabout there was, but could fit, also noting that there were land use/ownership factors involved. He said it wouldn't fit within the existing right of way.

Mr. Chamberlin explained that a traffic signal could be substituted for a roundabout in terms of traffic flow, but noted that roundabouts were very good in terms of safety because they slowed traffic down. He said the verdict was out in terms of pedestrian safety and roundabouts, noting that although the B. Dennis traffic engineer was not a fan of roundabouts for downtowns, there wasn't agreement on this among professionals.

Councilor Gooze noted that bike paths were problematic for the West end roundabout.

Mr. Grotenhuis said this issue hadn't been considered yet for the downtown roundabouts that were being looked at.

Mr. Chamberlin said one way to handle bikes at a roundabout was for the biker to get off the bike and function like a pedestrian there. He said a second way was for the biker to get into the traffic stream, and a third way was to have a dedicated bike lane if there was enough room in the roundabout.

He noted what Councilor Carroll had just spoken about concerning livability issues, and said to some extent, if traffic could be managed, it provided the opportunity to build sidewalks, bike paths etc. He said RSG had looked at these kinds of things in considering the various scenarios.

Mr. Chamberlin summarized that looking at the level of service (LOS) of the intersections for each of the scenarios, scenarios E and F did not have any failed intersections, and had lower numbers in terms of overall delay. He noted that 15% had been added to the baseline peak am traffic, for each of the scenarios.

He showed the traffic model actually functioning under scenario F, and said aside from a traffic backup in the morning from the Main St/Madbury Road intersection up to the traffic signal near the Town Hall, the model operated fairly well. He said the delays at the other intersections with this scenario weren't particularly bad. He noted that the model demonstrated how the change to a two way traffic flow would impact traffic on side streets like Garrison Ave, and said these results would be available to the Town.

Mr. Chamberlin said in addition to the model showing that a two way traffic pattern could work, there were other reasons why the Town might want to do this. He said it created more direct routing, which was more of a traffic engineering issue. He also said it could create more economic investment and vitality downtown.

Mr. Wolfe referred to the fact that this was an am model, and said his own experience was that the Town in the morning seemed less full of cars, before the stores opened. He asked why there wasn't a pm model.

Mr. Chamberlin said a pm model did make sense, but said the am peak model was chosen because it was focused more on commuting, whereas in the pm, commuting wasn't the dominant trip a car downtown was taking. He said a pm model might be much more relevant for looking at the downtown situation, but said there was an investment cost involved. He recommended looking at a pm modeling before any decisions were made.

Mr. Chamberlin next spoke about the traffic modeling that was done concerning reducing Main Street down to one lane, one way traffic. He noted that it would be important to look at pm modeling for this approach as well.

Chair Parnell asked how the scenarios provided concerning two way traffic flow compared to the existing situation.

Mr. Chamberlin said all of them were worse than the existing traffic flow in terms of congestion, and said the reason for this was that the one way loop in Town basically functioned as a big roundabout, with the whole thing working based on merges and yields. He said this design was very efficient in terms of moving traffic because all the traffic was flowing in the same direction, with no intersections crossing. He said the two way traffic scenarios introduced more delay than what existed because they handled different types of

traffic flow.

There was discussion by Board members as to why Main St. had previously been changed from two way to one way traffic.

Councilor Smith said he wasn't sure what the precise reason was. He said it followed by a few years the rerouting of a good deal of the east/west traffic, which used to flow west along Main St past the University, before the Route 4 bypass was put in.

Councilor Gooze said he had heard it was done for safety reasons.

Councilor Mower said she believed that SRPC Executive Director Cynthia Copeland had said that one aspect of this was trying to move traffic from UNH out of Town more quickly, when people were going home at the end of the day.

Mr. Wolfe said the urban legend he had heard was that it was to allow beer trucks to unload.

Mr. Chamberlin said one way traffic systems at one point were considered to be a big solution for managing traffic flow in downtowns because they were really efficient, since there were no conflicting turns and there could be two lanes of traffic. He said a lot of downtowns still had them, but said discussion on conversion back to two way traffic flow was happening in a lot of places.

Councilor Gooze said with some of the existing one way downtowns, there was enough width to allow parking on both sides.

Mr. Chamberlin said Poughkeepsie, NY had broad one way boulevards like this, with parking on both sides, but said this had still create some problems in terms of downtown vitality. He said it was a complicated situation, and wasn't all based on one way flow.

He provided details on running the model with the one lane scenario. He said if the Town actually wanted to do this scenario this summer, it would be a matter of putting up stop signs and perhaps some curb line changes, so it would be a pretty inexpensive fix. He noted that the parking aspect hadn't been looked at yet because they were focused on traffic flow, but said this design would certainly affect parking.

He said another thing they had looked at with the model at the request of the Traffic Safety Committee was to do some other things with the real estate that was reclaimed. He said only a 12 ft travel lane would be needed if there was one lane, so the question was what could be done with the other 12 ft that would be gained.

Mr. Grotenhuis said such things as bike lanes, trees, green belts, etc. could potentially be included in the corridor area. He said the two lanes there now provided more capacity than was needed, so decreasing down to one lane didn't decrease the capacity much. He described in some detail design possibilities for three distinct segments of Main St. He noted that each included angled parking and sidewalks, as well as bike lanes and/or green

space, and in the case of Main St downtown west segment, additional parking. He said there were about 45 spaces right now, and said this could be doubled.

Ms. Fuller asked if narrowing Main St. down to one lane would help slow the traffic.

Mr. Grotenhuis said yes, and said it was inherently a calming factor when the pavement width was reduced. He said with one lane, there could be some conflicts in terms of parking, but said that would be ok because it would calm traffic. He also noted that for some segments of Main St, there could be a 16 ft wide travel way. He said this would allow someone who was parked an additional 4 ft to back out into the travel way.

Mr. Chamberlin noted that Newmarket had a situation that was similar to this.

Mr. Wolfe noted that Councilor Carroll had talked about making the Town more livable. He asked if there could be wider sidewalks to accommodate cafes, with awnings, noting that right now the sidewalks were too narrow for that activity.

Mr. Grotenhuis said some portions of Main Street had 18 ft wide sidewalk areas, so there were definitely some options like that available right now.

Mr. Campbell said there would need to be a Zoning change for this, because right now, blocking the sidewalk wasn't allowed.

Mr. Chamberlin summarized that the benefits of making Main St into one lane, one way traffic low:

- Traffic calming
- Cross-section alternatives (as described by Mr. Grotenhuis)
- Provisions for bike/pedestrian facilities (livability)
- Increased angled parking
- Low cost to implement (when Pettee Brook Lane was changed from two lanes to one land last summer, it wasn't that expensive, and worked nicely)

He said if the Board wanted to move this concept forward, it would be good to do an alternatives analysis. He said there were a lot of options to reclaim the 12 ft of pavement.

Mr. Chamberlin said the "costs" RSG had noted for such an approach were the following:

- Higher vehicle density in the downtown, and resulting congestion, because of fitting two lanes of traffic into one lane. He said it would feel more dense, although traffic would continue to flow
- Queuing on Main Street eastbound, as it approached Madbury Road. He said RSG had modeled Madbury Road going down to one lane, so it had to yield to Main Street, resulting in somewhat of a backup
- Increase in traffic on other streets (Garrison Ave, Faculty Drive, Bagdad Road)

Ms. Fuller noted that this backup already happened now.

Mr. Chamberlin agreed, and said perhaps another benefit of going to one lane was the fact that it would address the current weaving maneuvers at the Main St/Madbury Road intersection. He said the price paid for that was a bit more of a wait at the intersection..

Councilor Gooze noted the plans UNH had concerning South Drive, which would come out onto Mill Road. He said this would feed into anything that the Town would do, and said this needed to be kept in mind.

Steve Pesci, UNH Director of Special Projects Campus Planning, suggested that a combined model could be done to look at this. He also said that perhaps the 15% buffer would be helpful.

Mr. Chamberlin noted again how the model had been updated to reflect recent road/roundabout changes, and said it could always be updated further to reflect additional changes.

Councilor Carroll said something that residents were very interested in was that many families would like their children from 5th grade to high school ages to be able to walk to school. She said if this involved having to cross Main St and Madbury Road, the parents wouldn't let them do this because of the helter-skelter traffic there. She noted that there had been crossing guards in the past. She said providing the opportunity for children to walk to school needed to be planned for.

Mr. Chamberlin noted how this fit with the healthy community idea.

Councilor Gooze said there would perhaps be more pedestrian and bike traffic with the new Library.

Mr. Chamberlin summarized that the one way, one lane approach did work. He said it, as well as the two way traffic approach, would be bold changes, although the one lane, one way approach would be somewhat less bold. He said it would be important to test both approaches with pm traffic flows.

Mr. Wolfe said the one way, one lane approach would be safer for UNH students at night, because they would only have to look one way when leaving the bars.

- V. Design Guidelines and Historic Overlay District Standards** – Presentation and discussion with Roger Hawk of Hawk Planning Resources on the development of design guidelines for the Commercial Core as well as the review of the Historic Overlay District Standards for the Historic District Commission.

Postponed

- VI. Draft Workforce Housing Zoning Amendments** – Discussion on the material submitted by the Workforce Housing Committee and consultant Jack Mettee regarding possible zoning amendments for workforce housing to ensure Durham is meeting State

law.

Mr. Campbell said the Workforce Housing Committee had created a conservation overlay district that would be specifically for workforce housing. He said he would like to focus now on the language that was proposed to be included in the Zoning Ordinance. He reviewed the documentation that had been developed, including guidance documentation for developers. He also noted that there was a company in the Seacoast area that developers hired to do compliance monitoring, and said he encouraged this approach for Durham as well.

Mr. Campbell said there had been a lot of discussion by the committee on density bonuses, and said he wasn't sure whether what was put in the draft ordinance provisions had hit the mark or not. He said he and Mr. Mettee had sent the draft to developer Eric Chinburg, and asked him if it was something he would use if he wanted to do a development in Durham. He said Mr. Chinburg had said probably not, because of the existing constraints in the conservation subdivision provisions involving usable area calculations. He said Mr. Chinburg had said that even with a 20% bonus, he would still lose money.

Ms. Fuller said she thought there had been a number greater than 20% at one point, and Mr. Campbell and Councilor Gooze said it had been 30% and 40% at one point. Ms. Fuller said 20% wasn't enough, and said she didn't even think 40% was enough.

Councilor Gooze said in order for that to happen, they would have to change the buildable acreage. He noted that he was at a recent workforce housing charrette for the Goss property, and said the draft changes to the Ordinance wouldn't get to the kind of density that was discussed at the charrette.

There was discussion about the fact that a project on the Goss property would involve the towns of Durham, Lee and Madbury. Ms. Fuller said a member of the Lee Planning Board had said they were looking at changing the rural zone zoning requirements because the minimum lot size was too big.

Councilor Gooze said at the workforce housing charrette he attended on Friday in Portsmouth, landscape architect Robbi Woodburn had demonstrated that higher density could be done, and well, but that guidelines would be needed.

Mr. Wolfe said development of the Durham Business Park didn't seem to be moving quickly, and asked if it could perhaps be re-zoned to allow for workforce housing.

Mr. Campbell said Mr. Chinburg had recently come to the Planning Board in order to be able to subdivide the Business Park property, and had commercial development in mind. But he said the Town could rezone the Business Park and include it in the workforce housing overlay.

Chair Parnell asked if the Board should perhaps look at making some other zoning

changes before doing the workforce housing zoning changes.

Councilor Gooze said what the committee had done was create something that would meet the State criteria, which among other things required that over 50% of the land in a town had to be available for workforce housing development. He said whether the draft provisions did what people wanted in terms of really pushing some vibrant workforce housing was another question.

Mr. Campbell said the Town wanted to meet the statute for legal reasons.

There was discussion about what the time frame was for making this change to the Zoning Ordinance.

Mr. Campbell said recommended sending the draft to public hearing and getting comments from the public on it. He noted that Mr. Mettee's recommendations included looking further at the conservation subdivision aspects of this. Mr. Campbell said this was outside the scope of the grant, but said the committee had asked Mr. Mettee to make a list of things the Planning Board needed to take a look at.

Chair Parnell said it would be good for the Board to have Mr. Chinburg's comments for the public hearing.

Ms. Fuller said perhaps Mr. Chinburg would write something for the record.

Councilor Gooze said there were workforce housing advocates who would like to see more lenience in order to allow workforce housing downtown. He said such housing would be mostly rentals, and he noted the upcoming Grange application, which included some workforce housing units.

It was noted that allowing more density was not proposed with the Grange project, and that this project would be an experiment in terms of seeing whether workforce housing could work downtown.

Mr. Campbell gave an example of how the density bonus proposed for the Ordinance would work. He said if 10 units could be put in for a particular lot, a 20% bonus for the market units would allow another 2 units, and a 20% bonus for the workforce housing units would allow another 2 units, for a total of 14 units.

Councilor Gooze said the public needed to have a chance to weigh in, and perhaps would want more in the way of a density bonus. He also said it would be interesting to hear from Mr. Chinburg on this.

Ms. Fuller said Mr. Chinburg had said that 20% wasn't enough. She said the problem was that the Zoning Ordinance right now was strict, but talk about density bonuses scared people that there would be way too many properties in a development. She said she hoped members of the public would review this issue with a fine tooth comb in order to be able to understand all aspects of it.

After further discussion, it was agreed that the Board would schedule the public hearing on the draft amendments for the July 13th meeting, and it perhaps could be continued if needed to the next meeting. It was noted that if the Planning Board then approved the amendments, they would be sent on to the Town Council, where there would be another public hearing.

Ms. Fuller said she wanted to make sure that the sample covenants were referenced in the guidance document. She said they were very helpful in understanding the affordability aspect of workforce housing.

Mr. Campbell said they were referenced there, and said an important part of this approach was to keep the properties affordable. He noted a workforce housing paper submitted last year called *Workforce Housing for Durham: an Assessment of the Current Housing Situation*. He said this may have been updated with 2010 census data, and said among other things, it described Durham compared to other towns in the region.

Chair Parnell asked that this information be sent again to Board members.

VII. Other Business

A. Old Business:

Mr. Campbell noted that Great Bay Kennel would be coming in with a site plan application for a caretaker apartment, and wanted to know if the Board could do the acceptance and the public hearing on August 10th, because the applicant couldn't be there for the July 27th meeting.

Chair Parnell noted that the Board normally scheduled a site walk between the acceptance and the public hearing, and said it would therefore be better if someone could be at the July 27th meeting if possible.

Mr. Campbell said he would pass this on to the applicant.

Mr. Campbell said the Superior Court had granted the motion to dismiss the Rivers Edge v. Capstone case. He said Rivers Edge had 30 days to appeal the decision, and said he wasn't sure if they would .

There was discussion on the issues involved with the case. Chair Parnell said he was at the hearing, and said an issue that came up was that Rivers Edge was not in fact an abutter, so had no standing.

Councilor Smith said the key issues with the applications, concerning wetlands and wildlife habitat had no impact on Rivers Edge.

B. New Business:

Councilor Smith, the Board's representative to the Conservation Commission, said the Commission was concerned about the proposed subdivision of the Business Park property, and wanted to be in the loop early if it went forward as an application.

Mr. Campbell asked how that would work.

Councilor Smith said the subdivision of the property would in effect create smaller building areas, and said a concern of the Conservation Commission was that as each applicant came forward to develop a particular lot, there would be wetland and shoreland setback issues.

Mr. Campbell said the subdivision would certainly create smaller lots. He said the Conservation Commission was welcome to weigh in concerning the subdivision application, but said he didn't see that this was required from the applicant's perspective. He said on the other hand, when there were site plan applications for any of the properties that resulted from the subdivision, all of them would include some sort of conditional use permit application, whether because of wetland or shoreland issues. He said this would automatically bump the applications to the Conservation Commission for review.

Councilor Smith said the Conservation Commission was raising the issue now that the subdivision application would be of great interest to the Conservation Commission if it moved forward.

Mr. Campbell spoke about new applications that would be coming before the Board for the July 13th meeting. He first noted that with the previously approved Ionian Properties site plan application, a condition of approval was that the project would start within a year. He said they planned to start work in 2012 so needed to come back to the Board to argue why they needed another year. He said if they didn't do this, the approval would terminate this year. He noted that they would be coming back to the Board anyway because of the variance they had received to allow a 5th story.

He said a second application that would come before the Board at its July 13th meeting was proposed amendments to the Site Plan Review application and Conditional Use permit application for 9-11 Madbury Road, as a result of Mr. Crape's use of the RSA 79-E tax relief program. He said as part of the approval the Council had granted him under that program, overhead wires would need to be placed underground.

He noted that during the Planning Board's review of the two applications, the Mr. Crape had requested a waiver from this requirement because of wetland issues. He also said the Conservation Commission hadn't want the land to be disturbed, noting that the area involved was within the wetland setback and perhaps also within the shoreland setback.

Councilor Gooze said during the RSA 79-E deliberations relative to the 9-11 Madbury Road property, the Council hadn't been presented with information on why the wires shouldn't be placed underground,. He said it would have been nice to have that

information, and said there should be a more formal way to get the Planning Board's land use information and issues to the Council for those applications.

Mr. Campbell agreed.

He said the Grange application would be coming forward to the Planning Board at the July 13th meeting.

Councilor Gooze noted that the Purchase and Sale Agreement wasn't quite finalized.

Mr. Campbell said a fourth application that would be heard at the July 13th meeting was a proposal to add a deck to the back of Scorpios Bar and Grill.

Councilor Smith said it would be important to have a discussion on amplified music on the deck, and Mr. Campbell said he had already started that conversation.

He said a 5th application to be heard at the July 13th meeting was a minor subdivision. He said the Nature Conservancy proposed to subdivide off a 6 acre piece of land from a 60 acre parcel along Route 108. He said the other 54 acres would be a conservation parcel.

Councilor Smith said the Conservation Commission would do a site walk of this property on July 5th at 5 pm, and said there would also be a special meeting that evening. He said the property was located at the corner of Bennett Road and Route 108, and said the plan was to carve off the 6 acre lot, which included a house. He said the estate would hold onto the house for awhile.

He said the Conservation Commission had to make a recommendation to the Council regarding putting up \$40,000 of conservation fund money for the project. He noted that it was a straight purchase by the Nature Conservancy of most of the farm land that abutted Route 108 and Moat Road.

Ms. Fuller said much of the acreage was floodplain.

Mr. Campbell said there was a letter in Board members' packets from NHDES, asking that the Planning Board appoint a member to serve on the newly created Oyster River Advisory Committee. He noted that Mr. Kelley was serving on the Lamprey River Advisory Committee. He said the Council would have to approve the nomination, and would need to do so by August 9th.

Mr. Lewis suggested that at some point, the Board should discuss points raised by the public during the Capstone application, regarding some things the Board might not have done as well as it could have, and lessons that had been learned

There was discussion. Chair Parnell referred to the note from the Board's attorney, and said he didn't think there was dispute about the procedures the Board had followed. He said the attorney thought the Board had done a very good job with the application. He

said there certainly had been applications that weren't handled properly, and said the Board had adjusted the process accordingly. But he said if there were issues Mr. Lewis would like to raise, he was welcome to do so.

Mr. Lewis said most of the things Attorney Hogan listed were that the Board failed to address points he had raised. He said he didn't know if the Board should have done some things stronger than it did.

Chair Parnell said the Board wouldn't know unless this was appealed. He said a hearing on the merits would have raised those points.

There was further discussion.

On a separate matter, Mr. Campbell said the Board had received an application to the Strafford Regional Planning Commission and the MPO Policy committee

Mr. Campbell noted that it was sometimes hard to get someone to serve in these positions. He said he had spoken to Mr. Anderson on the phone several times, and he sounded like a good candidate.

Peter Wolfe MOVED to nominate Brandon Anderson to the appointment as a commissioner to the Strafford Regional Planning Commission and the MPO Policy committee, Andrew Corrow SECONDED the motion.

Councilor Smith recommended that the Board not nominate Mr. Anderson. He said it would be better to find someone with more experience in the community and knowledge of the area.

Councilor Gooze said he had some reservations as well, but noted that he would be vetted by the Council. He said Mr. Anderson had only lived in Durham for a year, and needed to have some regional knowledge. He said the Board could nominate him and then leave it up to the Council to decide if he was qualified or not.

Chair Parnell agreed.

Mr. Campbell said people on the SRPC didn't necessarily even go to the meetings.

Ms. Fuller said serving on the SRPC was a good way to get to know the area.

Councilor Gooze said he would like Mr. Anderson to speak before the Council about his interest in serving on the SRPC.

Councilor Smith said he thought it would be an embarrassment if he did so. He spoke further on this, and said Mr. Anderson appeared to be unrealistic in his expectations.

Ms. Fuller said she thought the Board should give Mr. Anderson the opportunity. She said he had a masters in public administration, which was an appropriate education. She

said the public interaction part could only be an asset.

Councilor Gooze said if he had the interest in learning as he went, he didn't think there was a problem.

There was discussion that Mr. Anderson wouldn't be the only Durham representative to the SRPC.

Councilor Gooze said if this nomination came to the Council and it decided Mr. Anderson didn't have the right qualifications, he could be appointed to another committee he had expressed interest in.

The motion PASSED unanimously 6-0.

C. Next meeting of the Board: **July 13, 2011**

VIII. Adjournment (Approximately 10 PM)

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

Adjournment at 9:03 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary