

These minutes were approved at the October 12, 2011 meeting.

**Durham Planning Board
Wednesday August 10, 2011
Durham Town Hall - Council Chambers
MINUTES
7:00P.M.**

MEMBERS PRESENT: Chair Lorne Parnell; Secretary Susan Fuller; Richard Ozenich (arrived at 7:04 pm); Richard Kelley (arrived at 7:06 pm); Bill McGowan; Town Council representative Jay Gooze; alternate Town Council representative Julian Smith; alternate Wayne Lewis; alternate Andy Corrow

MEMBERS ABSENT: Vice Chair Peter Wolfe

I. Call to Order

Chair Parnell called the meeting to order at 7:01 pm. He said Mr. Corrow would sit in for Mr. Kelley, and Mr. Lewis would sit in for Mr. Wolfe.

II. Approval of Agenda

Bill McGowan MOVED to approve the Agenda as submitted. Wayne Lewis SECONDED the motion.

Chair Parnell recommended approving the Agenda subject to possible modification during the meeting.

The motion PASSED unanimously 6-0.

III. Approval of Minutes

Mr. Ozenich arrived at the meeting at 7:04 pm. Mr. Kelley arrived at 7:06 pm.

June 22, 2011

Page 4, line 7, should read “..Mr. Campbell’s college professors, had spoken...”

Page 8, line 14, should read “...making the Town more livable.”

Page 12, lines 22 and 46, remove “None at this time”

Page 15, separate lines 7 and 8 with a space. Also, line 31, remove bold type. Also, line 42, should read “...and said Mr. Anderson appeared to be unrealistic in his expectations.”

Councilor Gooze MOVED to approve the June 22, 2011 Minutes as amended. Andy Corrow SECONDED the motion, and it PASSED 5-0-1, with Bill McGowan abstaining because of his absence from the meeting.

IV. Continued Public Hearing on an Application for Site Plan Review submitted by MJS Engineering, PC, Newmarket, New Hampshire on behalf of GHL LLC, Durham, New Hampshire and the Town of Durham to move the Grange building closer to the street, conduct a full historic renovation of the building and to construct a 3-story addition to the rear of the building. The property involved is shown on Tax Map 5, Lot 1-5, is located at 37 Main Street, and is in the Central Business Zoning District.

Chair Parnell asked that the applicant provide any new information that was available.

Mike Sievert of MJS Engineering represented applicant Peter Murphy, and noted that updated plans had been provided. He said what was now being proposed was the final configuration, which included moving the whole Grange building forward instead of taking the back piece off.

He said that in regard to sewer for the project, a pump station had been included for a portion of the line where gravity feed wouldn't be enough. He said there had been two meetings with the adjacent property owner concerning three issues: drainage, the upgrading of the walking path, and the need for construction access from the back of the property.

Mr. Sievert said Dave Cedarholm had been on vacation, so had not done a final review of what was proposed. He also said the adjacent property owner would be speaking with him concerning the drainage issues. He described the current drainage on the Grange property toward Mill Plaza, and said what was proposed was to collect the water draining off the site, channel it and send it into a closed drainage system.

He said if the adjacent property owner didn't like the idea of having an open swale through the woods, water would go into the existing catch basin at Mill Plaza. He said the amount of drainage would be the same, or slightly reduced from what it was now. He said water draining off of Scorpios, etc, wouldn't be a part of this system.

Chair Parnell asked if Mill Plaza's drainage system could handle this, and Mr. Sievert said there would be the same amount of water, and it would just be channeled differently.

Councilor Gooze asked if Mr. Cedarholm would review the drainage plan, and Mr. Sievert said yes. Councilor Gooze said the site plan approval could be based on this.

Mr. Sievert said the representative from Durham Marketplace was also waiting for Mr. Cedarholm to make a decision concerning the drainage plan.

Mr. McGowan asked if there was an advantage of having a swale, and Mr. Sievert explained that it would be less expensive and would also be a little less intrusive. He said an advantage of the closed system was that there would be less maintenance and it would be more foolproof. He said all the water on the site would pass through pervious pavement and infiltrate or pass into the rain garden and then into the collection system. He said all of the runoff would be pre-treated before it got there, and he also noted that there would be roof and landscape runoff, so there wouldn't be contaminants.

Chair Parnell said if the swale went onto the neighbor's property, there was the question of who would build it.

Mr. Sievert said Mr. Murphy would build and maintain the swale down to the neighbor's system.

Councilor Smith asked if further thought had been given to the idea of covered bike storage.

Mr. Sievert said the plan had always be to have a bike rack and some storage, and said the applicant would entertain the idea of covered storage on the site. He said this wouldn't be for something like 25-30 bikes, but said there would be room for a few bikes. He said an alternative was that they could take out one of the workforce housing units.

Councilor Smith asked if the stairs would be wide enough to accommodate bikes, and Mr. Sievert said yes.

Mr. Kelley noted that an agreement had been made between the Town and Mr. Murphy concerning the workforce housing units, and asked if it was therefore within the purview of the Planning Board to change the number of units.

Councilor Gooze said three workforce housing units had been discussed with the Town Council from the beginning of the process.

Mr. Sievert agreed that three units had been presented all along.

Councilor Gooze said the Council would rather have three workforce housing units than a utility room for bike storage.

Chair Parnell asked if there were any members of the public who wished to speak for or against the application, and there was no response.

Richard Ozenich MOVED to close the public hearing. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

Chair Parnell noted that the Board was working with the second draft of the Findings of Fact and Conditions of Approval. There was discussion that Mr. Campbell was on vacation, and that Ms. Fuller would provide Mr. Campbell with edits that the Board made to the documents that evening.

There was discussion about additions to be made to the Findings of Fact. It was noted that there was a waiver request concerning impact fees.

Councilor Smith said if he could vote on this application, he'd vote in favor of it, stating that it was a great project. But he said he wanted to call attention to what the Board was being asked to approve in the site plan. He said unlike what the wording in the Agenda said, he didn't think a full historic renovation of the building would be conducted, and also said he didn't think that the

Council would have wanted that. He said the building would look very much the same on exterior at the end of the project, and said that was all that could be expected. He noted that a modern foundation was being put in.

There was discussion on how this should be worded, and it was agreed that it should say, as Chair Parnell suggested: "to conduct a renovation of the historic building."

Chair Parnell said he was concerned that the workforce housing units might have children in them, but the school impact fee was being waived. He said a question was whether the Planning Board was ok with this.

Councilor Gooze said as he saw it, waiving the fee was more incentive for Mr. Murphy to get the workforce housing units into the development. He said no one knew if they would be successful, but said anything they could do to improve the chances of success was good to him.

Chair Parnell said there was the issue of the possible precedent this would set.

Councilor Gooze said if the workforce housing was successful, it might not be an experiment anymore, so he might not say the same thing with a future application.

Richard Kelley MOVED that the Planning Board not grant the request by the applicant, and instead apply the school impact fee for the three workforce housing units. Chair Parnell SECONDED the motion.

Mr. Kelley said he was not a big advocate of the impact fee provision, but said he was reluctant not to apply it. He said he thought the Board should apply it in all instances, or not at all.

Ms. Fuller noted that she too was not a big fan of the school impact fee. But she said particularly with workforce housing, she didn't think it made sense to apply it. She said with any workforce housing proposed, she thought the Board should waive the school impact fee, because it was counterproductive to workforce housing. She said whether that requirement was on the books or not, it didn't mean they had to keep making the same mistakes.

Mr. Ozenich said he agreed. He noted that this was a hybrid project, and that the student housing aspect of it was also part of what needed to be considered in regard to the impact fee requirement.

Councilor Gooze said he agreed with Ms. Fuller. He also said allowing the waiver in this instance didn't mean the Board would do this for every project that included workforce housing. He said if they found that workforce housing projects were going well, they could put the impact fee requirement back in. He said he thought that voting in favor of this motion would go against what the Town was trying to do right now concerning workforce housing.

There was discussion of where the time frame of six years came from.

Mr. Lewis asked who paid the impact fee, the renter or the developer.

Chair Parnell said the developer paid the fee, and presumably passed the cost on to the renter, although probably not directly.

Mr. Kelley said five years from now, someone else could own the building, so it wasn't necessarily the applicant.

Councilor Gooze said having the impact fee to pay would be one more thing to discourage developers from doing workforce housing.

Chair Parnell said that applied to the impact fee in general. He said he had always believed the school impact fee was a bad thing, but said he agreed with Mr. Kelley that it was not up to the Board to say whether or not there should be a fee in this instance.

The motion FAILED 3-4, with Susan Fuller, Richard Ozenich Councilor Gooze, and Wayne Lewis voting against it.

Mr. Kelley asked if the majority of Board members who had voted against the motion found the language in Finding of Fact #5 too restrictive, or if the Board could live with it.

Board members said they could live with this language. Ms. Fuller said if this was not workforce housing, there wouldn't be a family that could afford the price that could be commanded for a two bedroom unit. She said that was the problem now, and it would continue to be a problem in a student housing building.

There was discussion about Finding of Fact #7, which said the Board granted a height for the new structure of 35-38 ft. Chair Parnell suggested that this should instead say "up to 40 ft", and Board members agreed.

Mr. Sievert noted condition of approval #6 to be met subsequent, concerning making a payment in lieu of providing parking. He said he had originally requested 3 payment installments, in speaking with Mr. Campbell, with the first payment due at the time of the issuance of the certificate of occupancy.

He asked the Board if they would entertain the idea of moving this out a bit. He said the applicant would like it if the first payment was due at the time of the issuance of certificate of occupancy, with the second and third payments due within 6 and 12 months of issuance of the certificate of occupancy.

There was discussion that something similar to this had been allowed with the recent Jenkins Court and Madbury Road site plan applications.

Mr. Kelley said he was fine with this. Councilor Gooze agreed that there was no reason not to allow this, stating that the money didn't offset any cost to the Town. Other Board members also agreed with what Mr. Sievert had proposed. There was further discussion on the precise language to use in the condition of approval

There was discussion on Condition of approval #3 to be met prior to signature, concerning drainage. Mr. Kelley asked for an update on discussions with the abutter on this issue.

Mr. Sievert said there had been two meetings, which had gone well. He suggested adding something to condition #3 about approval by the Town Engineer as well as approval by the owner of Mill Plaza or his representative.

There was discussion about how to modify condition #3. Mr. Kelley said he liked what Mr. Sievert had proposed, and suggested that there should be two separate conditions of approval, one concerning approval by the Town Engineer, and another concerning approval by the abutter. There was further discussion on how to word this condition.

There was discussion about whether condition #6 to be met subsequent concerning easement language for the walkway was sufficient. It was agreed that it should say "Easement language shall be submitted for review and approval to the Planning and Community Development Office for the walkway in favor of the Town of Durham to ensure public access."

Councilor Smith asked if the Town currently had an easement on the portion owned by the Plaza, and Mr. Sievert said no. Councilor Smith said it certainly was to the advantage of the Plaza not to restrict access.

Mr. Kelley asked for details concerning temporary impacts on the Plaza that were expected as a result of construction.

Mr. Sievert said this was discussed this with Plaza representatives. He said some limited access would be needed for construction, primarily for the concrete for the foundation. He said this was not expected to be an issue unless it became a problem for Plaza delivery people.

Mr. Kelley said he anticipated that as part of the construction staging and timing being planned, the applicant would propose to cut off access to Mill Plaza during construction. He said it would be dangerous to allow this access, and said it should be shut down for an amount of time during construction.

Councilor Smith asked if there should be language on this, and Mr. Kelley said he wasn't proposing specific language. He asked how long construction was expected to last.

Mr. Sievert said they planned to start construction as soon as possible, and said the planned occupancy was by June 1, 2012.

Mr. Kelley noted that there would be work done this fall, and asked if the idea was to get the concrete foundation and utilities in before freezing time.

Mr. Sievert said yes, and Mr. Kelley then stated that given the proximity to local watering holes in Town, and the fact that there would be some major equipment on the site, the security of that site would be of paramount concern.

Mr. Kelley noted that Administrator Selig was one of the signers of the Site Plan application.

Councilor Gooze said he believed that this was because the Town had a financial interest in the project. He noted that it would be holding the second mortgage.

Mr. Sievert said he believed that was correct.

Chair Parnell noted that the site plan application made reference to the Town, and there was discussion with Mr. Sievert. As part of this, Mr. Sievert said the Purchase and Sale Agreement between Mr. Murphy and the Town had been executed, but the deed hadn't been written yet.

Councilor Smith made note of condition #7 to be met subsequent concerning trash storage/disposal.

Mr. Kelley asked how wide the sidewalk would be.

Mr. Sievert said it would be 7 ½ ft, including the curb. He said it would widen out to about 11 ft, and provided details on this.

Findings of Fact

1. The Zoning Board approved the applicant's variance requests on the property on June 14, 2011.
2. The Historic District Commission granted a Certificate of Appropriateness on July 7, 2011.
3. A Site Walk was conducted on July 27, 2011.
4. A Public Hearing was conducted on July 27, 2011 and was continued to August 10, 2011.
5. The Planning Board has waived the school impact fee for the units in the newly constructed building. If within a six-year period a family with a child or children in the school system moves into one of the units, the school impact fee will be assessed at that time for that particular unit. In addition, the Board has waived the school impact fee for the workforce housing units. If the units are not rented as workforce housing units and a family with a child or children in the school system moves into one of the units within six years, then the school impact fee will be assessed at that time for that particular unit.
6. The Planning Board has exempted the applicant from 42 parking spaces with the requirement that the applicant pay the parking fee of \$750 per space not provided. The fee shall be paid in three (3) equal installments. The first is due prior to the issuance of a Certificate of Occupancy, the second is due six months after the issuance of a Certificate of Occupancy and the third is due twelve months of occupancy.
7. The Planning Board granted a height for the new structure of up to 40 feet.

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

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

Planning Board Chair.

2. All final plans must be stamped by appropriate professionals.
3. The Director of Planning and Community Development shall receive a memorandum/letter from the Town Engineer approving the drainage plan.
4. The applicant shall post an acceptable financial surety prior to the signature of the final Site Plan that is approved by the Planning Board. The financial surety shall be in an amount sufficient to ensure the completion of drainage, sewer, water, and/or any other improvements required by the Town. The financial surety shall be effective until the issuance of all certificate of occupancies needed for the property. The financial surety shall be approved by the Town as to the form and type. The Town will accept cash, pass book savings in the Town's name, letter of credit or a construction surety bond. At its discretion, the Planning Board may require approval of the construction guarantee by the Town Attorney. The amount of the surety shall be determined by the Department of Public Works.
5. A guarantee or performance bond or escrow agreement must be posted in an amount to be determined by the Director of Public Works and approved by the Town Administrator to ensure satisfactory completion of the landscaping plan as submitted and approved.
6. Easement language shall be submitted for review and approval to the Planning and Community Development Office for the walkway in favor of the Town of Durham to ensure public access.
7. The Director of Planning and Community Development shall receive a letter from the owner of Tax Map 5, Lot 1-1 or an owner's representative approving the proposed work on their property.

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

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature on the Plan.
2. Water and sewer permits must be approved by the Water/Wastewater Committee and by the Town Council.
3. Maintenance Guarantee--a financial surety to guarantee that all site work was properly done shall be posted by the applicant with the Town. Such maintenance guarantee shall be in an amount of two (2) percent of the estimated project cost and shall remain in force for two (2) years after site improvements are completed. If such repairs are needed and are not satisfactorily installed by the developer, then such guarantee shall be used to complete and/or install such improvements.
4. As-built construction drawings, plan and profile, of all infrastructure improvements shall be submitted in electronic and paper copy at a scale of 1" to 20', including, but not limited to:
 - Underground Utilities (sewer lines, storm drains, water lines, electrical, phone, cable, natural gas lines, etc.)
 - Drainage ways, ditching, impoundments, swales, etc.
 - Pathway construction
5. The construction staging, timing, and techniques shall be reviewed and approved at a pre-construction meeting prior to any demolition or construction. The pre-

- construction meeting shall be held with the Durham Police Department, Fire Department, Code Enforcement Officer/Building Inspector, the Department of Public Works, a member of the Planning Board and the Director of Planning and Community Development.
6. During construction the site will be secured by use of a temporary chain link fence.
 7. Trash collection will be private and the responsibility of the owner. All areas where trash is stored, both inside and outside, will be kept in an orderly fashion. The applicant shall screen the area used for trash storage/disposal as per Town Code.
 8. Utilities to the development shall be placed underground from the utility pole.

Richard Kelley MOVED to approve the Findings of Fact and Conditions of Approval, as amended, of an Application for Site Plan Review submitted by MJS Engineering, PC, Newmarket, New Hampshire on behalf of GHL LLC, Durham, New Hampshire and the Town of Durham to move the Grange building closer to the street, to conduct a renovation of the historic building and to construct a 3-story addition to the rear of the building. The property involved is shown on Tax Map 5, Lot 1-5, is located at 37 Main Street, and is in the Central Business Zoning District. Councilor Gooze SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Murphy thanked Planning Board members, and said he would keep everyone posted on the project. He said the Grange building would be moved forward within the next month, and said it would be an exciting thing to see.

- V. Acceptance Consideration of an Application for Site Plan Review** submitted by Metro PCS, LLC, Chelmsford, Massachusetts on behalf of Raymond Laroche, Durham, New Hampshire to install a personal wireless communication facility on his property. The property involved is shown on Tax Map 18, Lot 1-2, is located at 37-41 Bennett Road, and is in the Rural Zoning District.

Bill McQuaid, representing Metro PCS, first told Board members that the applicant had received a variance in April of 2011 to exceed the height limit. He said they were now seeking site plan application approval, and noted that the proposed project had been reviewed with Town department heads.

Mr. Kelley said one thing to note concerning the application package was the waiver request from 7.03(a)(2), which was the written and signed statement from the landowner and applicant agreeing that the Town could enter the project to get RF and noise measurements. He said the applicant had made the argument of pre-emption, since the FCC was the overriding power. He said as of now, this wasn't in the Board's site plan application package

Mr. McQuaid noted that there was a noise statement in the package. He also said they were not proposing any generation, and said there would be battery backup. He said this was a site that was rural in nature, and said the cell tower would be at least 300-400 ft from abutting properties. He said he'd done other applications in Durham, and didn't know that the Town went to those cell tower sites to do RF and noise evaluations. He said this was a virgin site in terms of RF missions, and said there would be more concern about radio frequencies if it was a site with additional carriers. He noted that there would be an RF engineer present on the date of the public hearing to answer questions.

Councilor Gooze said the argument from Mr. Campbell was that if in the future, the noise increased and someone complained, the Town wanted to have the ability to go in and determine how loud it was. He said he didn't think the Town would be planning to go in every year.

Mr. McQuaid said this was ok, as long as it was not a recurring thing for the Town to look at the same carrier. He noted that there would be some co-location on the site in the future.

Mr. Kelley asked if the Town had asked for this in the past.

Mr. McQuaid said he wasn't aware that this had been done at the other cell tower locations in Durham.

Mr. Kelley said he didn't expect that an agent of the Town would be out there doing this work. He said he was fine with accepting the application without the statement, as long as Mr. McQuaid understood that the waiver might not be granted down the road.

Mr. McQuaid said he was fine with this. He said Durham had a comprehensive ordinance, and said the applicant had done a good job meeting its requirements. He said he would talk with Mr. Campbell about practical matters in regard to sound issues.

Councilor Gooze said the pictures the applicant had provided were illuminating. He noted the picture that showed the tower, as one lone pine tree. He said he wasn't complaining about this, although noting that he would like to see more trees with it.

Richard Kelley MOVED to accept an Application for Site Plan Review submitted by Metro PCS, LLC, Chelmsford, Massachusetts on behalf of Raymond Laroche, Durham, New Hampshire to install a personal wireless communication facility on his property, and schedule a public hearing for August 24, 2011. The property involved is shown on Tax Map 18, Lot 1-2, is located at 37-41 Bennett Road, and is in the Rural Zoning District. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.

Board members agreed to do a site walk of the property at 5:30 pm on August 24th, the day of the public hearing. There was discussion that balloons to indicate the location of the tower didn't need to be put up for the site visit since this had already been done, and there were photos available. Councilor Gooze suggested that it could be mentioned in the Friday Update that these photos were available at the Town Hall.

- VI. Acceptance Consideration of an Application for Site Plan Review** submitted by MJS Engineering, PC, Newmarket, New Hampshire on behalf of Great Bay Kennel, Durham, New Hampshire and the Town of Durham to replace the existing canine daycare building with a new building that includes an indoor and outdoor play area, office and a studio apartment on the second floor. The property involved is shown on Tax Map 6, Lot 11-7, is located at 27 & 35 Newmarket Road, and is in the Residential C Zoning District.

Ms. Fuller recused herself, but said she would stay at the table. (No one was appointed as a

voting member in her place.)

Mike Sievert of MJS Engineering described the existing conditions on the property, and what was proposed with this application. He said the new building would replace the existing building, and he described this in detail. He said there would be a drop off area, and an approximately 1,000 sf indoor day care area. He said there would be a covered walkway that led to a 2,400 sf indoor, covered day care area. He said dogs could play in this covered area, but would also be able to run outside to the existing yard.

He said the second floor of the indoor building would be a studio apartment, and said there would be two parking spaces for it. He said other than that, the parking on the site would remain the same. He said the path up to the building would remain gravel and would be handicap accessible. He described proposed changes in fencing off the yard area for the dogs.

Mr. Sievert noted that the property was in the Residence C district, and was also included in the Historic District overlay. He said the new building would have its own well and a new septic system. He also noted that the septic system for the kennel had failed, and would be replaced in kind. He said the original thought had been to tie the two septic systems together, but said they had decided against that.

Councilor Gooze asked if the end of the present fence going out to Route 108 would change and Mr. Sievert said no.

Chair Parnell asked if more dogs would be handled as a result of what was proposed.

Architect Robin Wunderlich said that wasn't proposed as part of this project. He said the genesis of this project was that the existing building needed to come up to code. He said the new indoor facility would be essentially the same size as the existing facility.

There was discussion about how the dogs would get from the outdoor area to the indoor covered area.

Councilor Gooze confirmed that this was a grandfathered use, and that there weren't any Zoning issues.

Chair Parnell asked about parking.

Mr. Wunderlich said two parking spaces were proposed for the apartment, but said there would otherwise be no change in the parking. He said the applicant wasn't changing the number of clients.

Councilor Gooze asked if there were complaints from the neighbors about the dogs.

Mr. Wunderlich said not recently, although noting there had been in the past. He said there had been some complaints recently about music coming from the property, and said staff had spoken with the neighbors about this. He said there hadn't been further complaints since that time.

Ms. Fuller explained that staff played loud music in part for the dogs, so they didn't get scared when there was a storm.

Bill McGowan MOVED to accept an Application for Site Plan Review submitted by MJS Engineering, PC, Newmarket, New Hampshire on behalf of Great Bay Kennel, Durham, New Hampshire and the Town of Durham to replace the existing canine daycare building with a new building that includes an indoor and outdoor play area, office and a studio apartment on the second floor, and to set the public hearing for August 24, 2011. The property involved is shown on Tax Map 6, Lot 11-7, is located at 27 & 35 Newmarket Road, and is in the Residential C Zoning District. Richard Kelley SECONDED the motion, and it PASSED unanimously 6-0.

Mr. Wunderlich noted that there would be a one bedroom apartment, not a studio apartment.

The Board agreed to do a site walk at 6:15 pm, the evening of the public hearing.

VII. Other Business

A. Old Business:

B. New Business:

Councilor Gooze read into the public record a letter from Matt Davis concerning the kinds of businesses he thought the Town should allow in the Professional Office district and Central Business District.

He said Mr. Davis was UNH professor, and said he and his wife were starting a small business involving the assembly of geothermal monitoring equipment. He said it was essentially light manufacturing, and said the Table of Uses didn't really have any places where this was a permitted use. He said he didn't think anyone in a residential area would mind a business like this, because there would be no noise, and would not be producing anything that would be a problem.

Councilor Smith noted that the Board had had the same discussion with the Xemed application.

Mr. Kelley noted that an individual had taken issue with this use.

Councilor Gooze said the Board needed to consider what it wanted in the peripheral zones and also downtown, and said he wasn't sure why this use wasn't allowed.

Mr. Kelley noted concern about potential odor, noise, traffic volumes, and hours of operation.

Councilor Gooze suggested that performance standards could address these things.

Mr. Kelley advised Mr. Davis to go through the ZBA, which would probably be quicker than revising the Zoning Ordinance. But he said the point was well taken, as the Board thought about

the downtown as well as the Professional Office district. But he said it seemed counterintuitive to talk about light manufacturing there given the request a few weeks back concerning residential uses in that district.

Councilor Gooze said the Board needed to decide what it wanted for the Professional Office district and other districts, and to make it easier for people to know what criteria they needed to meet in order to have a particular use.

Mr. Kelley agreed that light industry could be a good fit, but said he wasn't sure how to do performance standards for these kinds of businesses. He said it was something to consider.

Mr. Ozenich said it would be assembly and wouldn't involve manufacturing. Councilor Gooze read the definition of light industry in the Zoning Ordinance, and said performance standards already existed for this. But he said the use wasn't allowed in the districts he was talking about now. He said this should be considered as the Board worked on possible Zoning changes.

Councilor Smith said light manufacturing was a conditional use in the OR 108, ORLI, and Business Park districts, but was not allowed in the MUDOR district. He suggested that light industry be a conditional use in any district that had the word "office" in it, so it would also be allowed in the Professional Office district and MUDOR district.

Councilor Gooze said another way to approach this was to get rid of Conditional Use, and make light industry a permitted use in these five districts. He said such applications might even be able to go to the Technical Review Committee, which would utilize the performance standards. He noted that he lived near the Professional Office district, and said he would much rather have this use nearby than multi-unit apartments with businesses below them.

Councilor Smith asked if the business Mr. Davis was speaking about could be considered an accessory home occupation, and Councilor Gooze said Mr. Davis didn't have enough room in the house for this.

Mr. Ozenich said he didn't like the word manufacturing, and said it would really involve assembling.

Chair Parnell said this idea should be added to the Board's list of Zoning items to review, and said Councilor Gooze's point was well taken. But he said he didn't think it was something to jump into just because of something that had come forward.

Councilor Gooze said he had brought this up because it was something to consider when the Board discussed these districts.

C. Next meeting of the Board: **August 24, 2011**

VIII. Adjournment

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

Adjournment at 8:43 pm.

Andrew Corrow, Secretary