

DRAFT

**Durham Planning Board Minutes
Wednesday October 5, 2011
Durham Town Hall - Council Chambers
7:00P.M.**

MEMBERS PRESENT: Chair Lorne Parnell; Vice Chair Peter Wolfe; Richard Kelley; Town Council representative Councilor Jay Gooze; Bill McGowan (arrived at 9:10 pm); alternate Town Council representative Julian Smith

MEMBERS ABSENT: Secretary Susan Fuller; Richard Ozenich; alternate Wayne Lewis; alternate Andy Corrow

I. Call to Order

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

II. Approval of Agenda

Richard Kelley MOVED to approve the Agenda as submitted. Councilor Gooze SECONDED the motion, and it PASSED unanimously 4-0.

III. Planner's Report

Mr. Campbell updated the Board on the most recent Economic Development Committee meeting. He said they discussed the proposed CVS project, and noted that traffic consultant Steve Pernaw was putting together a traffic analysis concerning it. He said if the results were favorable, an application for the project would be submitted.

Mr. Campbell said the EDC had also briefly discussed the commercial core Zoning amendments that were being worked on.

He said he and Administrator Selig had recently met with University staff Doug Bencks and Paul Chamberlin. He explained that the University would be updating its campus master plan, and said the schedule for doing this was very similar to the Town's Master Plan update schedule. He said this would be a good opportunity for the Town and the University to work together. He noted that he was on the University's master plan committee, along with Administrator Selig, and said there was also an opportunity for a Planning Board member to be on it.

Mr. Campbell said the Traffic Safety Committee met had met on September 26th.

He said the Hayden Sports building would soon be turned into a Mexican restaurant. He said there would be some seating inside, but said it would be mostly a takeout restaurant.

Mr. Campbell said consultant Beth Della Valle would be at the Planning Board meeting to discuss the draft Zoning amendments. He said he'd been working with her on these amendments and said they were at the point where the draft needing to come back to the Board for discussion. He said Ms. Della Valle would introduce the changes to the draft since the last time the Board had seen it.

Mr. Campbell said that at the Town Council meeting on Monday, the Council approved on an 8-1 vote the Zoning amendment to allow single family residences as a permitted use in the Professional Office district. He also said the Workforce housing Zoning provisions had passed on a 5-4 vote. He said additional work on possible additional workforce housing provisions would be done next year.

Mr. Campbell said he and Ms. Della Valle would be meeting with the Energy Committee concerning the draft Energy Chapter for the Master Plan. He said hopefully there would be a draft of this chapter by December.

IV. Approval of Minutes

July 20, 2011 (Note Page 19)

Page 1, line 10, should say Richard Ozenich; should say Bill McGowan arrived at 7:30 pm. Also, Richard Kelley should be included under Members Present. Line 21, should say Mr. Corrow was appointed to vote in place of Mr. McGowan. Line 25 and 29, strike Kelley in front of Ozenich.

Page 2, line 3, should read "Ms. Henderson said the Goss parcel contained 250 acres in three towns." Line 33 should say "Powder Major's Farm"

Page 3, line 8, should read "...all three towns that were very similar, put them..."

Page 5, line 37, should read "...he said he strongly encouraged..."

Page 6. Line 13, should read "Gosses"

Line 35, should read"... and said she would like to support the three towns' initiative."

Page 7, line 6 change comma after "...would result in.." to a period

Page 17 line 2, should say "...relate to anything..."

Page 18, line 10 should read "He said the owner of the former Ray McDonald agency had requested a variance in order to allow it to be a single family use again. He noted that her husband had come to the Planning Board for a change in use..."

Page 19, line 16-17, should read "He said the standard was not hardship anymore for a variance..."

Councilor Smith MOVED to approve the July 10, 2011 Minutes as amended. Richard Kelley SECONDED the motion, and it PASSED unanimously 4-0.

July 27, 2011

Page 1, lines 42-43 – remove.

Page 3, line 6, “possibly holding the easement,” line 16, should say “balusters”
Line 17 should say “exits”. Line 25 should say “on Faculty Road”

Page 5, line 35, should say “Mr. Andersen”

Page 6, line 24, should read “Mr. McGowan asked Mr. Campbell...”
Line 22, should read “... had just recently...”

Page 7, line 25, should read “He said he would like to see something done...”

Page 22, line 42, should read “Mr. Campbell said parking fees for the last few approvals were about \$150,000.”

Richard Kelley MOVED to approve the July 27, 2011 Minutes as amended. Councilor Gooze SECONDED the motion, and it PASSED 3-0-1, with Peter Wolfe abstaining because of his absence from the meeting.

- V. **Continued Public Hearing on an Application for Site Plan Review submitted by MJS Engineering, PC, Newmarket, New Hampshire on behalf of Great Bay Kennel, Durham, New Hampshire to replace the existing canine daycare building with a new building that includes an indoor and outdoor play area, office and a one-bedroom 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.**

Mr. Campbell said the applicant would like to continue the application until the October 26, 2011 Planning Board meeting. He explained that they had gone to the Historic District Commission because the plans had changed from the original application, and included moving the building into the Historic District.

He said the HDC hadn’t looked favorably upon this new plan, so it was being re-designed and would go back to the HDC for possible approval on Thursday. He said the application would come back to the Planning Board on October 26th, and noted that because the building would be placed in a new location, a boundary line adjustment would be needed. He provided details on this.

Richard Kelley MOVED, at the request of the applicant, to continue this Application to the October 26, 2011 Planning Board meeting. Peter Wolfe SECONDED the motion, and it PASSED unanimously 4-0.

- VI. **Acceptance Consideration of an Application for Amendment to a Previously Approved Site Plan Review submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of Ionian Properties**

LLC, Dover, New Hampshire to demolish the existing buildings and an accessory shed in order to construct a new five-story, mixed use building. The applicant received a variance to allow for the five stories. The additional story is still within the originally approved building height of up to 50 feet. The property involved is shown on Tax Map 2, Lot 12-11, is located at 10 Pettee Brook Lane, and is in the Central Business Zoning District.

VII. Acceptance Consideration of an Application for Amendment to a Previously Approved Conditional Use Permit submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of Ionian Properties LLC, Dover, New Hampshire to demolish the existing buildings and an accessory shed in order to construct a new five-story, mixed use building. The applicant received a variance to allow for the five stories. The additional story is still within the originally approved building height of up to 50 feet. The property involved is shown on Tax Map 2, Lot 12-11, is located at 10 Pettee Brook Lane, and is in the Central Business Zoning District.

Mike Sievert of MJS Engineering spoke to the Board on behalf of the applicants. He said what was proposed now was to amend the original site plan review and conditional use permit applications that were approved in July of 2010. He said the amendment concerned a change in the building design, noting that a condition of the previous approvals by the Planning Board was that it would need to come back to the Board if the roof line changed.

He said the applicants had gone back to the ZBA and received a variance to allow a five level building to be built. He said this had allowed the applicants to move forward with the design that was proposed now. He explained that the design had included a very tall roof when it was first presented in 2009-2010, and said when they had really started to look at this, there was a lot of space that was wasted. He said the decision was then made to include a two-story townhouse unit design at the upper levels of the building.

Mr. Sievert said the other big thing that had changed with this amended application was to remove the overhang, with parking underneath, on Rosemary Lane. He said there would be no change in the number of units in the building, and no real change to the commercial space. He said the only change in parking would be minor, involving perhaps one or two fewer spaces. He noted that the building would be friendlier to pedestrian access with the revised design.

He said the rain garden design hadn't changed, and said the back section hadn't changed relative to the property line. He said there would be no change concerning the 75 ft buffer from the wetlands. He said the amount of impervious cover would increase slightly, from 7.4% to 7.6%, noting that the overhang that was being removed with this new design would have been placed over pavement, which would still be there. He said the parking would be more or less the same as it was now.

Councilor Gooze asked about the handicap accessible apartments on Rosemary Lane that were included in the original application.

Mr. Sievert said they had still been included, and he also noted that the handicap parking spaces had been moved in order to make them work better in terms of the grade of the property. He said with the overhang gone, the parking wouldn't be covered but would still be there. He said the footprint for the project would remain the same, and emphasized that the changes proposed now were concerning the design of the building with the use of an additional floor, the removal of the bump out overhangs, and some grading

changes. He also said some better access would be provided, especially pedestrian access. He said the underground parking would still be the same.

Councilor Gooze asked what the purpose was of removing the overhang.

Mr. Sievert said when the project had first started, the applicants were trying to get the maximum area for apartments, so the overhang was proposed. But he said once they got into the architectural design, they found out that they wouldn't be gaining anything, and it would be a large expense to build and insulate the overhang. He said it turned out to be a disadvantage cost wise, with no benefit in terms of the units.

Councilor Gooze said his thought had been that it would be nice to have covered parking for the accessible units.

Mr. Sievert noted that the handicap accessible ramp would be covered.

Councilor Gooze asked if it was correct that the total height would not be changing.

Mr. Sievert said there might be a slight change, but said the height would not exceed 50 ft.

Mr. Campbell noted that the Planning Board had approved a height of up to 50 ft with the original applications.

Mr. Kelley noted that page C-1 of the site plans showed second floor commercial space, as well as a farmer's porch going over the garage entrance. There was discussion with Mr. Sievert about this design.

It was determined that the application was complete.

Richard Kelley MOVED to accept an application for an Amendment to a Previously Approved Site Plan Review and an application for an Amendment to a Previously Approved Conditional Use Permit application submitted by MJS Engineering, P.C., Newmarket, New Hampshire on behalf of Ionian Properties LLC, Dover, New Hampshire to demolish the existing buildings and an accessory shed in order to construct a new five-story, mixed use building. The applicant received a variance to allow for the five stories, and schedules the Public Hearing for October 12th, 2011. The additional story is still within the originally approved building height of up to 50 feet. The property involved is shown on Tax Map 2, Lot 12-11, is located at 10 Pettee Brook Lane, and is in the Central Business Zoning District. Councilor Gooze SECONDED the motion, and it PASSED unanimously 4-0.

- VIII. Acceptance Consideration of an Application for Subdivision submitted by** Attorney Scott Hogan, Lee, New Hampshire, on behalf of Alexander & Alexandra Bakman, Durham, New Hampshire to subdivide a property into two parcels. The property involved is shown on Tax Map 11, Lot 24-4, is located at 118 Piscataqua Road and is in the Residence C Zoning District.

Attorney Scott Hogan said what was proposed with this subdivision application was to take the existing lot of record, with a residence and barn structure, and draw a new boundary line down the middle of the property. He said this would give each structure its own lot of record.

He provided some history on the parcel, noting that it was originally two lots of record that were combined several decades ago. He said the Bakmans were submitting the original subdivision plan for the two lots, and said their intent was to reestablish the original lot line that had divided the property. He said the only caveat with the drawing of the line now was that a slight adjustment had been made at the shorefront in order to ensure that the dock remained with the residence.

Attorney Hogan explained that the applicants had looked at the idea of trying to establish the two lots in a way so that the residential lot would be conforming and the other lot would be nonconforming. He said it had turned out that this configuration wasn't feasible, and said when the Bakmans saw that the original subdivision approval had the boundary line drawn down the middle, this seemed to be the logical configuration.

He noted that the Bakmans had needed to get a variance concerning the minimum lot size, since that requirement had changed since the 1978 subdivision approval. He said subsequent to that, they had applied for additional variances, one of which was concerning a greenhouse foundation that was within the side setback based on the new property line. He said a second variance was to allow the septic system at a distance of 65 ft from the wetland that had been delineated. He said the third variance was concerning nonconformance with the frontage requirements, based on the drawing of the proposed lot line.

Attorney Hogan said what was unique about the application was that there wasn't any proposal to build a new structure, or alter the land. He said the applicants were simply looking to re-establish the original property line.

Chair Parnell asked about the variance received concerning the lot size.

Attorney Hogan provided details on this, noting that it had been granted a few months ago. He also explained that a recent variance application concerning use of the barn property for light manufacturing had been denied. He said the three other variance applications he'd described had been continued to the October 11th ZBA meeting.

There was discussion between Councilor Gooze and Attorney Hogan concerning the Bakman's variance application, which was heard at the most recent ZBA meeting.

Mr. Wolfe asked why the applicants proposed to separate the lots into two parcels, when there wouldn't be a change in the use. He said he assumed that the taxes for each of the lots would go up. Attorney Hogan said it was unique situation in that the barn structure had been built to commercial specifications, and he noted that the ZBA had already granted a variance to allow a home occupation there some years back. He said the entirety of the lot was currently for sale, and said the owners wanted to provide as many options to potential buyers as possible. He said this was the reason for the proposal to separate the property into two lots.

Mr. Wolfe said he assumed that the current driveway would be shared.

Attorney Hogan said the applicants had looked into the possibility of creating a separate cut for the barn structure. He said it was believed it would be possible to get a permit for this, noting that the sight distance was sufficient. But he said that wasn't the proposal right now.

Mr. Wolfe noted that with this application, the house lot with the building on it would be burdened by the easement for the second lot over the driveway.

Attorney Hogan said that was correct. He said right now, there was a shared septic system, and said with the subdivision proposed, two separate septic systems would be created.

Mr. Kelley asked if a reserve area would be needed for each system.

Attorney Hogan said as the plan indicated, there weren't any other locations where the septic could be located. He said no application had been submitted yet for the second septic system, noting that they were waiting for the decision on the variance application.

There was discussion about what happened if the ZBA denied the application, and if the Planning Board's approval of the subdivision application was contingent upon this.

Mr. Wolfe confirmed that the application was complete.

Mr. Kelley said in order to act concerning this application, he would need to see the deeds, along with the lease agreement language for the driveway.

Attorney Hogan said there would need to be easement language in favor of the cemetery, for both lots. He said there would be two lots that technically contained part of the cemetery.

Mr. Kelley asked if it wouldn't be possibility that there would be a single owner for both lots.

Attorney Hogan noted that there was a request to rehear the use variance application at the next ZBA meeting. He said in the meantime, it was hoped that the outstanding issues regarding the subdivision would be resolved at the October 11th ZBA meeting and the October 12th Planning Board meeting.

Mr. Kelley asked if the existing house was within the shoreland protection zone, noting that he didn't see the information on this in the plans.

Attorney Hogan said he would ask surveyor Adam Fogg about this, and said this could be more specifically delineate if needed. He noted that the ZBA had looked at the shoreland setback issue when an addition was proposed for the house several years ago.

Mr. Kelley also noted that the setback from the wetlands wasn't shown on the plan.

Mr. Campbell said the wetland and shoreland setbacks could be shown on the plan, but noted that this hadn't been as much of a concern because nothing new was going to be built on the property.

Attorney Hogan said if the variances weren't received at the ZBA meeting on October 11th, the applicants would have to gauge how to proceed. He said they might ask for a continuance concerning the subdivision application. He also said that even if they got the variances, they might decide not to move forward with the subdivision approval.

Councilor Gooze said it would be nice to see the wetland and shoreland setbacks on the plan, but said he didn't think their absence now should stop the Board from accepting the application now.

Richard Kelley MOVED to accept an Application for Subdivision submitted by Attorney Scott Hogan, Lee, New Hampshire, on behalf of Alexander & Alexandra Bakman, Durham, New Hampshire to subdivide a property into two parcels, and to schedule a Public Hearing for October 12th. The property involved is shown on Tax Map 11, Lot 24-4, is located at 118 Piscataqua Road and is in the Residence C Zoning District.

Peter Wolfe SECONDED the motion, and it PASSED unanimously 4-0.

It was agreed that the Board would do a site visit on October 12th at 5 pm.

Mr. Wolfe asked that Planning Board members be notified as to whether the ZBA variance applications were approved.

IX. Acceptance Consideration of an Application for Site Plan submitted by Sara & Albert Nadeau, Gonic, New Hampshire, on behalf of Michael & Maryse McConnell, Durham, Durham, New Hampshire to change the use of a property from a Single Family Residence to an Eldercare Facility. The property involved is shown on Tax Map 6, Lot 3-28, is located at 29 Mill Road and is in the Residence A Zoning District.

X. Acceptance Consideration of an Application for Conditional Use Permit submitted by Sara & Albert Nadeau, Gonic, New Hampshire, on behalf of Michael & Maryse McConnell, Durham, Durham, New Hampshire to change the use of a property from a Single Family Residence to an Eldercare Facility. The property involved is shown on Tax Map 6, Lot 3-28, is located at 29 Mill Road and is in the Residence A Zoning District.

Sara Nadeau provided an overview of the project. She said the facility, which would provide supported residential care for 14 residents, would be licensed by the State. She said no changes were proposed to the existing residence, which contained six bedrooms. She also a two story addition was proposed to house 7 additional residents.

She said there would be parking for 3 residents, also noting that the requirement was that there be 7 spaces for the facility, and that 8 spaces could be accommodated on the site. She said there would be valet parking off site, noting that a goal was to have as few cars on the site as possible, in order to maintain a residential appearance for the property.

Ms. Nadeau said she would be the administrator of the facility, and said there would be a nurse on the premises, as well as a part time housekeeper and cook. She said the maximum number of staff on site would be 4 people, and said there would always be an overnight person, so 24 hour coverage would be provided. She said the latest staffing change would occur at 10 pm.

Ms. Nadeau explained the benefits that the proposed facility could provide. She noted that NH had the 4th oldest population in the US, and that there would be an 18% increase in the elderly population over the next few years. She said their goal was to provide a homelike, residential feel to their facility, in what was a beautiful house that was located close to Town. She said there were a lot of activities that could be provided to residents, and she also said the facility would provide additional employment in the Durham area.

Councilor Gooze asked for further details on the parking that would be provided.

Ms. Nadeau said four of seven spaces would be taken up by staff, and said there was room for four additional spaces. She said they met the requirement of one space per five people, but said cars for residents would be parked off site. She said given the number of residents proposed, which was 14, 4 spaces were considered to be adequate in terms of visitor parking.

Corey Colwell of MSC Civil Engineers and Land Surveyors provided details on the parking design that was proposed on the site. He said 8 spaces could fit there, but said only 7 were needed. He said one space was required for 5 residents.

Mr. Wolfe said at other facilities like this that he was familiar with, more parking was provided. There was discussion on this with Ms. Nadeau.

Ms. Nadeau said there were a variety of these types of facilities, and said this one would not have independent living and would be strictly be assisted living at the supported residential care level. She said at that level, most residents wouldn't be driving.

Mr. Wolfe said at assisted living facilities that he knew of, the nurses were there at least 40 hours plus. He asked where the number of 20 hours for nursing care came from.

Ms. Nadeau said in terms of resident assistance, the amount of nursing care that was appropriate for each resident would be provided. She provided details on this. She noted that other facilities like this sometimes didn't even have a nurse on staff, and instead contracted that position out.

Councilor Gooze asked if any part of the changes in the gravel parking would occur in the area shared between the applicant's property and the adjoining property.

Mr. Colwell noted this small area to the rear of the property, which right now formed a grass island. He said a small area of it would be impacted with this application.

Mr. Campbell said Attorney Rattigan, who represented the Wheelers, the adjoining property owners, said the Planning Board couldn't accept this application because the applicants weren't authorized to include the jointly owned land in the application.

Attorney Scott Hogan noted that he was working with the Nadeaus on this application, and said the driveway lot was a separately deeded parcel. He explained that back in the late 1930's, UNH had owned it, and had at some point granted it to these two properties. He said the Wheelers and the McConnells each owned the strip of land in an undivided common ownership.

He noted that it was not the case that one of them owned it and the other had an easement to use it. He said this agreement was filed at the time the land was deeded from UNH, and said that both properties would share ownership as well as the responsibility for maintenance of the surface. He said there water and sewer lines under the driveway and they serviced both lots.

He said the deeds described it as a driveway lot. He said the plan indicated that this section of land, which contained 60 sf, happened to be a grassy area within the driveway. He said both owners had the right to use the entirety of the lot as a driveway, so if something was going to be constructed, both would have the right to use the grass and paved area as a driveway. He said nothing, in essence, would change. He said the utility of the driveway would increase because the grassy area would be part of the driveway, as was originally intended.

Attorney Hogan said it was understood that this issue had been raised, and said at the public hearing, there could be discussion about the fact that the applicants had an alternative plan that eliminated any use of the driveway lot. He explained that access could be created off of the circular driveway instead, and provided details on this. He said he believed that the Board had enough information right now to accept the application as complete.

Chair Parnell said the Planning Board had a letter from its lawyer that said there was no problem as long as there was no construction in the driveway lot, but they were now hearing that there would be a construction in it. He said he didn't recommend going ahead with this application now.

Councilor Gooze suggested that they go back to the Town attorney on this.

Chair Parnell said if there was an alternate plan, that would simplify things, but he said the Board didn't have one before it right now.

There was further discussion on how to proceed.

Mr. Kelley said if he understood the applicant correctly, they would either get the Wheeler's consent to do the work, or would not propose any work within the common lot. He asked whether one owner or the other could make improvements to the driveway lot.

Attorney Hogan said the agreement was very clear that both parties had the right to use and maintain the surface of the driveway lot. He said he would content that they both would have the right to pave the grass and make it part of the pavement.

Mr. Kelley asked if one of the owners would need the approval of the other in order to pave the grass area, and Attorney Hogan provided details on why he didn't think this approval would be needed.

There was further discussion.

Mr. Wolfe said the agreement that had been cited talked about maintenance and use, and not construction. He said the consent of both parties would be needed to make a substantial construction change, where there were tenants in common.

Attorney Hogan said the only construction they were talking about was turning 60 sf of grass into pavement.

Mr. Wolfe said he personally would like an opinion from the Board's counsel before moving forward.

Mr. Kelley said there was a difference between acceptance of an application and approval of one.

Councilor Gooze said he didn't feel comfortable accepting the application without getting another statement from the Board's attorney.

Mr. Campbell said one issue to keep in mind was that this lot was co-owned, and there was nothing proposed that would prevent access. He also asked if the paving of the 60 sf was essential in order for this project to happen.

Attorney Hogan said no. he said the driveway could remain as it was now, and could continue to be used.

Mr. Kelley said there wasn't any argument about the fact that either owner could roll over the grass.

There was further discussion.

Attorney Hogan suggested that there could be lively discussion on the issue of the driveway lot as part of the public hearing process.

Richard Kelley MOVED to accept an Application for Site Plan Review and an application for a Conditional Use Permit submitted by Sara & Albert Nadeau, Gonic, New Hampshire, on behalf of Michael & Maryse McConnell, Durham, Durham, New Hampshire to change the use of a property from a Single Family Residence to an Eldercare Facility, and schedules a public hearing for October 12, 2011. The property involved is shown on Tax Map 6, Lot 3-28, is located at 29 Mill Road and is in the Residence A Zoning District. Peter Wolfe SECONDED the motion.

Councilor Gooze confirmed that by the time the Board got to the public hearing, input from the Fire Department, etc. would be provided.

The motion PASSED 3-1, with Chair Parnell voting against it.

It was agreed that the site walk would take place at 4 pm on October 12th.

Break from 8:43 to 8:49 pm

XI. Discussion on Possible Zoning Ordinance Amendments associated with the Commercial Core Strategic Plan.

Mr. Campbell said after the last draft of proposed Zoning amendments had been discussed with the Planning Board, he and planning consultant Beth Della Valle had kept working on the draft, and had added quite a few changes to it. He said the goal at this point was to hear any major concerns that Planning Board members had with this most recent draft.

Ms. Della Valle said Board members had seen much of the draft before, but said she and Mr. Campbell had since that time done a number of things with it. She said they added more definitions of terms that were used, and said graphics were included to illustrate some of the proposed district standards. She said they'd also played with the language in the sections for each of the districts, using the same text concerning standards in each. In addition, she said there were proposed amendments to the parking and loading provisions, and a table of frontages for the different districts.

Councilor Gooze spoke about the importance of providing buffering between commercial and residential uses. He said with this most recent draft, the Professional Office district looked almost like the Central Business district, except for minor changes. He said what was proposed would allow all of the uses in all of the peripheral zones, and said while he thought this was ok for properties close to the Central Business district, it was an issue as one got closer out.

Councilor Smith said with this draft, they were adding dozens of pages and text to an already thick document. He said this would be a lot more for applicants to read, and said it might scare some people away. He said he realized that that was not the intent, and that the intent actually was to make the Zoning Ordinance more inviting.

Mr. Kelley noted provisions proposed concerning overhangs over the sidewalk, arcades, galleries, etc., and asked if that was something they wanted in the downtown. He said as proposed, these things could go within 2 ft of the curb.

Mr. Wolfe said he liked a lot of what Ms. Della Valle had done, including an approach of trying to create harmony in what was constructed. But he said a criticism was that some of the definitions didn't tell what they were defining, and said they needed to be tightened up.

Mr. Kelley and Mr. Wolfe both said that the photos and graphics that had been provided in the draft were a big plus.

Ms. Della Valle said she was hoping to get more photos of Durham to include as examples.

There was discussion about the fact that the names of the places where the photos had been taken had been included in the draft. Ms. Della Valle said some people like to know this, but said it wouldn't be an issue to take the names out.

Mr. Campbell said some more examples of Durham would be included.

Chair Parnell said the design standards that had been provided were in great detail, and said they needed to be edited to make them more concise. He said he agreed with Councilor Smith that the more that people had to read in the Ordinance, the less attractive Durham would be for developers.

Ms. Della Valle noted that the words set the context for what the pictures illustrated. She said the goal was to provide specificity, so developers would know what the Town wanted them to do, and the jawboning back and forth wouldn't be needed. She noted that the B. Dennis report had recommended that the most concise way to get at this was to have a form based code, but she said if the Board didn't go that route and tried to fit all of this into a conventional Zoning Ordinance, the tradeoff was a lot more text in order to get that kind of specificity.

She said she would like it if the Board could come together on the concepts, and said she and Mr. Campbell would then clean up the language as tightly as they could.

Mr. Kelley spoke about the fact that with some of these provisions that were proposed, applicants would need to show calculations for things such as windows, just as they already had to do with something like impervious coverage percentages. There was discussion on this with Ms. Della Valle.

Councilor Gooze said a lot of this text had to do with design standards, and he asked if there had been discussion about taking it out of the Zoning Ordinance, and making it as simple as possible. He noted that he wasn't on the Planning Board at the beginning of this Zoning rewrite process.

Ms. Della Valle asked the Board to give her some direction on how to go concerning this.

Mr. Kelley noted that the Board had previously been split in terms of whether it liked the form based code approach.

Ms. Della Valle said these Zoning amendments were proposed in order to implement the B. Dennis charrette plan, which was by and large a design document.

Mr. McGowan arrived at the meeting at 9:10 pm.

There was discussion about the proposed standards concerning the amount of dead wall space that there could be on a building. Ms. Della Valle noted that she and Mr. Campbell had measured the amount of dead wall space on some buildings in the Central Business district. She provided details on the approach they had taken, explaining that they had tried to meld what was there now with what the Town was striving for.

Councilor Gooze said that as he looked at the Table of Uses in the draft, almost all of the conditional uses had been taken out and there were a number of permitted uses, noting duplexes as an example of this. He said duplexes could be problematic in Durham unless they were limited to something like workforce housing.

Councilor Smith said he would like to see duplexes for workforce housing as a permitted use.

Mr. Kelley asked if putting elements of New England character on a 4 story building was enough.

Ms. Della Valle said the beginning language set the context. She also said a 4 story building was in fact part of the character of New England downtowns, stating that one saw selectively placed buildings like this. She said if the Board went with a form based code, there would be a regulating plan, which would say that it would be desirable to have that kind of building on a particular parcel. She said that without developing such a code, she and Mr. Campbell had done the best they could to describe the conditions under which the taller buildings would be appropriate

Councilor Smith said he'd circled the various references to New England character in the draft. He said he thought it was an abstraction, and noted that at the same time the Town was prohibiting franchise architecture, it wanted the New England "franchise", which was ironic.

Councilor Gooze noted that light manufacturing, with performance standards, was allowed in all districts except the Coes Corner district.

Ms. Della Valle said the charrette report had called for this in order to retain more of a rural, natural character. But she noted if one went with the philosophy of a form based code, it was the appearance, not the use that was of concern, assuming there weren't external impacts. She said if there were design standards and dimensional standards, light industry uses could work in Coe's Corner.

Councilor Gooze said he thought something like light manufacturing abutting residential in any zone would be acceptable as compared to three story buildings.

Mr. Kelley Said he had always been a strong advocate that any application for a nonresidential use that abutted a residential area should be a conditional use permit application.

Mr. Wolfe said he didn't think the Planning Board had polled itself on how it wanted to go with this process of amending the Zoning Ordinance. He said some people wanted to keep the conditional use process, some wanted to use the form based code, some wanted design standards, and some wanted a minimalist approach He said before they invested a lot more effort in this process, he thought there needed to be a consensus on this.

He spoke about the role the charrette was playing in this process. He said if they spent a lot of time developing these standards, and there were then not enough people to vote on them, everyone would have wasted a lot of time. He said he would rather wait until the Board said it was behind a particular approach.

Mr. Kelley said the Planning Board had had a debate on the form based code approach, and it kind of got shot down. He said despite wanting a certain look, some people didn't want to give up control over the use of a property.

Mr. Kelley noted that the glazing requirements were proposed to be the same for all districts.

Ms. Della Valle said the proposal now was that 80% of the CB district would have a shop frontage type, but since a lot of it was built out already, it was felt that additional standards for shop frontages weren't needed there. She said in the PO district, there were virtually no shop fronts, and there were some handsome buildings in that area that they didn't want to go away. She said they therefore had thought there should be separate glazing standards for those kinds of buildings.

She said for the Church Hill district, there was a glazing standard proposed for shop fronts but not for the others. She also said there was an overriding design consideration for that district of trying to fit in with what was around a particular property. Concerning this, she said she was surprised that currently, 4 story buildings were allowed in that district. She noted that with the Courthouse district, the intent in the charrette plan was to change the character there to something more akin to the CB district.

Ms. Della Valle spoke about the transact concept in the form based code, and said applying it to Durham, the CB district would be the most intense, densest use, at T5, the PO and Courthouse districts would be T4, and the Church Hill district, which was largely residential even though there might be mixed uses, was T3. She said she'd kept this construct in mind in laying out these design standards.

She noted previous discussion about adjusting the boundaries of these districts, and said they might find they would move the new downtown further into the PO district but away from the residential area. She said if they collapsed it into one district, there could be an overlay for Church Hill that reflected its historic character, and another overlay concerning auto related businesses for the Courthouse district.

She said if she and Mr. Campbell had looked at adjusting the boundaries before working on the design standards, they might have found that some of the text that had been provided wasn't needed. But she noted that getting down to the standards level for each district had been very helpful, in making them think about how each of the districts really was different. She noted that a purpose of the charrette had been to make these areas more vital, and not to simply slap a design on the entire commercial core.

Ms. Della Valle said she could provide the Board with a quick illustration of concepts.

There was discussion on the proposed parking and loading requirements for the PO district, Church Hill district and Courthouse district. Mr. Campbell said what was proposed was that if a renovation of a property was done, the existing parking would be considered to be sufficient. He also said parking would be exempted in these districts if a one-time fee was paid. In addition, he said there was a recommendation that parking provided would be shared among the uses there, and that calculations concerning parking would be done by including any existing spaces within 1000 ft, including those beyond the property in question.

Mr. Kelley said he wasn't crazy about that last recommendation.

Ms. Della Valle encouraged the Board to look at the Chellman study, which was the source of the parking recommendations. She said what was proposed provided a break to new businesses coming in. She said Mr. Chellman's study had indicated that after having looked at parking supply and usage, it was determined that the parking ratio was more than what Durham needed.

She also said the economic development study for the downtown suggested that the market for retail would require less parking than what was already provided there. She said Mr. Chellman was recommending that additional parking not be created until the need for it was demonstrated, which she said it was realized was a bit tricky, because they couldn't go back to a business later and ask the owner to put in more parking.

Ms. Della Valle encouraged the Board to read those two documents and consider what the appropriate balance was. She also noted that some of Mr. Chellman's recommendations were contingent upon some non-regulatory things that could be done by the Town, perhaps in combination with the business community.

Ms. Della Valle said the Board should decide which direction they wanted to go in, before going any further. She also said she'd send her notes around to Board members for further consideration. She suggested that these notes could be ranked by Board members in terms of their priority.

XII. Discussion of the 2012-2021 Capital Improvement Program (CIP)

Administrator Selig said at the last meeting, there were some questions the Board had regarding the project for new library. He said Library Board of Trustees Chair Doug Bencks and Library Director Tom Madden were present to provide information and answer questions concerning the proposed size of the facility, the amount of money being requested concerning the bond, and how much money was to be raised privately.

Mr. Bencks provided a brief overview of the project. He said it was developed by putting together a very specific building program, defined by functional needs and operational criteria. He said they had gone through a design process that included public input and review of various alternatives.

He said this had resulted in a design for a two story structure of 10,500 sf with a variety of library spaces on the first floor, including adult and children's areas, reading rooms, and a Durham historic room. He noted that the current library space was 3000 sf. He said 2/3 of this building program was people space for children's activities, places to read comfortably, extensive amounts of computer space, meeting space, all designed to serve a wide range of people activities. He said it included a 100 person community space on the second floor that could be subdivided daily into a 60 person and 40 person space, which would be available even when the library wasn't open.

Mr. Bencks said the total cost, for the land, construction, furniture, moving, design and fees and oversight for the project was \$4.8 million, and he explained that it included \$600,000 the

Trustees had put forward now to buy the land. He said \$3.2 million would be construction cost, just over \$300,000 was for design services, and just under \$200,000 was for furniture.

He said they proposed to fund this with a combination of private money and a public bonding. He said the private money was \$1.2 million the Library received prior to March of 2011, and said the Trustees had made a commitment to raise an additional \$900,000. He said he was pleased to say that they had raised over \$650,000 toward that goal, and said they felt they could meet their funding goals in time for a bond vote in March of 2012 for \$2.7 million.

Councilor Gooze asked if there was a contingency fee built into the total price.

Mr. Bencks said yes, noting that they had gone as far as the schematic design phase at this point, but hadn't worked out all of the particular system details and scope of construction required for the site. He said a design build team was not on board, and said the contractor had provided a cost estimate but not a hard bid. He said at this stage, it was essential to carry a contingency as part of the project budget.

Mr. Kelley asked if 2012 was when this project would really happen, and Mr. Bencks said The Trustees believed it was. Mr. Kelley noted that the project was ranked number one in 2007, but didn't happen then.

Mr. Bencks said they didn't have a site at that time. He said they had 6 months to raise the additional \$250,000 in private money. He noted that they had paused the design process in March after the schematic design was completed.

Mr. Kelley asked how long it would take for the remaining design to be completed, and based on that, when the bond would be needed.

Mr. Bencks said this had been structured so that once the Town passed the bond, the Trustees had confidence that they could move forward with construction documents and getting a hard bid. He said it was believed that completion of the design work would only take a few months, and that they could start construction in the summer of 2012.

Chair Parnell said according to the documents, \$3.375 million would be spent in 2012 for construction, and said that probably wasn't realistic.

Mr. Bencks said the way this had been structured was to say they would have the funds in place in 2012, to be able to sign the construction contract and proceed with the work.

Chair Parnell said presumably, the \$3.3.75 would be spread out beyond 2012.

Mr. Bencks said it was planned that more than 50% of it would be spent in 2012.

There was discussion that the highest cost for the bond would be the first full year, which would be 2013.

Administrator Selig provided a brief update on expenditure requests for the Budget so far. He said they had asked each department to come in with level funded budgets to the extent possible. He said they were looking at a variety of personnel reductions in various areas, and said departments had done a good job on this.

He said they started the cycle with an \$80,000 increase in retirement costs for the Fire Department and the Police Department as a result of reductions in state contributions, and downshifted state costs to the municipalities. He also said a 15% increase in health insurance rates was anticipated but said they wouldn't get that information until after the Budget was submitted. He said they were hopeful this could be lowered.

He said the increase to date in terms of spending proposed from departments, prior to any cuts proposed, was \$328,000, which was a 2.99% increase in spending. He said discussion with the Council was that spending should be kept as level as possible, and he said over the next few weeks, he would be looking for further reductions in order to keep the spending level as close to a 0% increase as possible, without sacrifices in services. He said the \$328,000 included operational costs as well as capital projects paid for out of cash.

Mr. Kelley noted that in the past, the Board had received a bond payment schedule, and

Administrator Selig said it would be provided in the Budget book provided to the Council. Richard said there was a lot of bonding proposed in the early years of the CIP, and said the Board would like to see the big picture concerning these bonding numbers.

Administrator Selig said a \$171,000 decrease in revenues was projected, noting that motor vehicle registration fees were down \$100,000. He said there was also a projected reduction in interest income from tax dollars in the bank. He also said over the last two years, the Town had transferred the proceeds from parking at the Depot Road parking lot over to the General Fund, which equated to \$50,000. He noted that the plan had been to capture those funds for the cleanup of the Depot Road site, and said he was uncomfortable with continuing to put this money into the General Fund. He said there would be discussion on how to handle these funds in the 2012 Budget.

Councilor Gooze pointed out that there had been a lot of approvals of projects over the past few years, which eventually would pay off for the Town.

Administrator Selig agreed, noting that a tax based projection had been done for 2011, and even with the tax abatements that had come in, they were still precise in terms of the tax base estimate because of the new construction. He said it was estimated that this would remain constant going into 2012.

Councilor Gooze and Administrator Selig agreed that a significant increase in the tax base would be seen in 2013 based on what was coming on board. Administrator Selig noted especially that Capstone would come on line, which would result in \$30 plus million being added on to the tax base. He said there were other projects in the pipeline as well.

Fire Chief Corey Landry next spoke in detail about the staff cars that the Fire Department used for administration purposes. He first explained the need for more than just a four wheel drive vehicle in what he drove, which was a Chevy Tahoe. He spoke in detail about the equipment needed as part of the command center in this vehicle. He explained the setup for his mobile desk in the vehicle, explaining that there was a need for three radios, as well as a laptop, which he said it was hoped would be up and running shortly. He said it was key regarding hazardous waste spills, hazardous weather information, etc. He said it was important to be able to print out maps, etc. so a printer was included. He spoke about filing space needed in the vehicle. He described an accountability board that tracked employees on the scene of incidents.

Chief Landry also described the need for a replacement for Car 2, because it wasn't large enough for the operations chief to get the job done. He said it was hoped the vehicle could be replaced in 2013 but said it could still be used for other purposes in Town. He said this was a place holder right now. He spoke about plans in the CIP to replace Car 3 and Car 4 over the next few years.

There was discussion with the Board on the use of these vehicles for particular purposes.

Mr. Kelley said the information provided this evening would be valuable to have in the future, when the requests for particular vehicles were made.

Mr. Wolfe left the meeting at 10:22 pm.

Chief Landry next spoke about the issue of engineering for the new fire station, and whether it was prudent to move forward with that now, or to wait until they were closer to construction time because of new technologies that might come forward.

Mr. Kelley asked what happened if the site changed so that there could be drive through bays, rather than access on only one side.

Chief Landry said they wouldn't spend money on plans until the site issue was clear. He said it would take ten months to do the plans, and said they never knew when UNH was going to say it was time to move on. He also spoke about the importance of having shovel ready projects in order to be able to get federal grants. He said realistically, the hope was to break ground in 5-6 years, and said doing the plans now made sense.

Councilor Gooze noted that UNH would pay half of the cost for the fire station.

Chief Landry spoke about the fact that LEED certification for the library construction would cost \$107,000. He said the architect for the project was a LEED expert so these things would be in the plan, even without the certification, which could cut \$107,000 in costs.

Mr. Kelley asked if the University was on board with the project.

Chief Landry said they were more on board now than in the past, especially concerning use of a UNH parking lot.

Administrator Selig noted that a meeting with them was scheduled for Friday. He said it was an unanswered question right now, but they were continuing to talk.

Mr. Kelley asked if the project would still move forward if there was no rush from UNH, and Chief Landry said even if UNH said they could stay for 20 years, his feeling was that a new building was needed. He provided details on this.

Administrator Selig said he appreciated the fact that the Fire department was advocating for this project. He said he would like to make the project as shovel ready as possible, so that if federal funds or some other funds became available, the Town could take advantage of this. He noted that the Town had been successful in doing this with a number of other projects. He said once UNH agreed with the site, he would like to move ahead with the engineering, but put the project on hold until closer to the end of the contract cycle, at about 2017.

He said if they were successful at extending the contract with UNH for an additional term, they should consider doing that if it made sense for financial reasons. But he said they should be ready to go if needed. He also noted that the Library project was ready to move forward for a bond vote, and that he was leery about moving forward with the fire department project at the same time.

But he noted that the Town was spending \$170,000 per year to lease a building that really didn't meet their needs, and said he would much rather allocate that toward debt service on a building that met their needs. He said if they could pull together grant funding or another plan that made it work, he'd love to be able to take advantage of this.

Mr. Kelley asked if the land was part of what the University would bring to the table.

Administrator Selig said the 50/50 deal was good for UNH, and said he believed they recognized this. He said he had proposed a 99 year lease for a dollar, so UNH would retain the land and participate 50/50 on the site. He said the project would include the redevelopment of all of C lot, to prevent the loss of parking there to the extent possible. He said this, plus getting the new Fire Department as well as retaining the C lot parcel over the long term were all beneficial to UNH. He said he was waiting on a response from UNH.

Mr. Kelley said his concern was that the Town was looking at some significant bonded projects over the next few years. He said what really scared him was the issue of the wastewater treatment plant upgrade. He said they needed to take a serious look at which projects needed to occur in the short term, and which ones could be pushed out.

Administrator Selig said he totally agreed with this. He then spoke briefly about the Police Department handicap entrance ramp, which was budgeted for the following year. He also noted the ¾ ton pickup truck in the CIP, and said he had asked the DPW if they could get one more year out of the existing truck. He spoke about problems with the refuse collection vehicle, and said it had broken down so frequently that DPW felt it should be replaced before its cycle was complete.

Mr. Lynch said the DPW bid out trash collection every 5-6 years, and said it was found once again that they could do it more efficiently than if the work was bid out. He said this meant they needed to take care of the equipment.

Administrator Selig noted that it saved the Town \$60,000 by doing the trash collection in house.

He said in 2013, the Beech Hill and Foss Farm water tanks would need to be painted, which was the responsibility of the Town. He said the third tank, the Edgewood Road tank, was University owned, and said the plan was to mothball it. He said the Town had agreed to help with this, and the University had therefore agreed to help with 2/3 of the reconditioning of the other two tanks. He said the Edgewood Road tank would remain in service while the other tanks were being worked on.

Administrator Selig spoke about a proposed water meter upgrade in 2012, and said it was part of the Town's long range water management plan. He said this would assist with a tiered pricing system in the future, in times of drought.

He next spoke about the fact that the Town had been in discussions with EPA and DES regarding the Town's wastewater permit. He said they didn't have a clear sense of what the price tag would be, because it wasn't clear what the new requirement would be. He said it appeared that the EPA would dictate a limit of technology that would effectively double sewer rates. He noted that the permit had expired in 200, and that the project had been in the CIP for several years.

Mr. Lynch said the EPA had let the Town's license lapse for several years because the Town produced levels of technology that kept it off the EPA's radar screen. He said because the Town had invested in the system, this had saved money over the years.

Chair Parnell said given the pressures to reduce regulations and the expenditures resulting from them, and the pressure to increase jobs, he wondered what the probability was of this project coming through in the next three years.

Administrator Selig said his feeling was that the EPA would be undeterred by the Great Bay Water Quality Coalition, which included Exeter, Portsmouth, Newmarket. Dover and Rochester. He said Durham had been part of this coalition but opted not to sign on to a Memorandum of Agreement because it had been a good steward all along, and voluntarily brought the discharge down to 8 ppm of nitrogen. He said the Town believed it would be in a better position dealing directly with the EPA.

He said they had received conflicting reports about the EPA. He noted that Newmarket had received a draft permit from the EPA with the limit of technology number of 3 in it. He said he thought that if the EPA was going to back off, it would have held off on this with Newmarket and would have seen how things worked out with Exeter, which also had received a letter with this same limit of technology requirement.

Councilor Gooze asked what the cost of getting down to 3 ppm would have cost the Town if it hadn't been doing its due diligence regarding wastewater treatment plant upgrades.

Mr. Lynch said Portsmouth was looking at \$100 million, with Mr. Kelley noting that their plant didn't even have secondary treatment yet. Mr. Lynch said Portsmouth had been able to slide by because of the dilution factor of the Piscataqua River. He said Exeter was looking at \$56 million, and Newmarket was looking at about \$30 million. He said Durham was looking at \$10-15 million.

Mr. Kelley said there was currently not a nutrient removal system out there.

Mr. Lynch explained that this was handled through their chemical process. He said what they would need to graduate to was bigger aeration and clarifier systems.

Administrator Selig noted that DPW had sacrificed plant capacity in order to achieve the level of nutrient removal, and said if the goal was to maintain the \$2.5 million gallon per day capacity of the plant, there was an additional cost to doing that.

In answer to a question from Mr. Kelley, Mr. Lynch said the discharge water quality was consistently better than the water quality upstream in the Oyster River.

Administrator Selig said a question was what time period the Town would have in order to meet the lower limit of technology.

Mr. Kelley asked if Newmarket had been given a timetable for meeting the lower limit, and Mr. Lynch said they had a 60 day period to respond. Mr. Kelley said the Town would probably be faced with the same things, having to respond to a draft permit, having to come up with a facility plan, and implementing construction.

Mr. Lynch said there was a facility plan, which would be upgraded. He said there would be a meeting with EPA officials to discuss these issues. He said the Town had always been proactive in these situations, which had kept the Town off the radar screen.

Administrator Selig said the Town had been a good steward of the environment.

Mr. Kelley said it therefore wasn't clear when this would happen.

Administrator Selig said he believed that Rochester, Portsmouth and Dover would receive draft permits before Durham did because they were producing more nitrogen than Durham was. He said the Town would engage in conversation with the EPA this year, and said he believed that they would get the draft permit in early to mid-2013. He said that would kick off the facilities plan update, budgeting, and building, so it would take 3-4 years to achieve this, even if they started today.

Mr. Kelley said in general, there was a lot in the CIP over the next few years, and then things fell off the radar screen. He asked if they would see big numbers in 2016 and 2017 that simply weren't on the radar screen now.

Mr.. Lynch said there would be a big number in a few years if they moved forward with the Spruce Hole well. He said the DPW could do a better job of projecting, much as it did with the Roads program.

There was discussion about the sludge dewatering project, and Mr. Lynch said that piece of equipment had previously been expected to be rolled into the wastewater treatment upgrade.

Mr. Lynch said this was a business that was somewhat volatile, so things could change over short periods of time. But he said there was always room for improvement.

Administrator Selig noted the TIF district listed in the CIP, and spoke briefly on this.

Councilor Gooze asked if it would be useful to be a bit more accurate with the numbers and scheduling in the CIP for the wastewater treatment plant upgrade and the new fire station.

There was discussion. Administrator Selig explained the thinking on this, and noted that in terms of the Fire station, what was in the CIP was what had been requested by the Fire department, but wasn't necessarily what would be passed on to the Council.

Mr. Kelley said that was what Administrator Selig had to consider, in terms of what was realistic. He said until they had to leave the current fire station, perhaps that was where they needed to be.

Administrator Selig described his thinking concerning the numbers in the CIP on the Police station.

Mr. Kelley determined that the 2% increase was inclusive of the cash projects in the CIP, but not of bonded costs.

Administrator Selig said he appreciated the feedback from the Planning Board.

III. Other Business

A. Old Business:

B. New Business:

1. Discussion on Appointing Planning Board Member to attend Campus Master Planning Committee meetings.

Mr. Campbell noted that he had provided information on this, and said he hoped someone had the time and inclination to jump on board.

It was noted that Councilor Smith had volunteered for this position.

Mr. Campbell said there was another issue to discuss under New Business. He said Matt Cutter was interested in having the Planning Board look at rezoning the Beech Hill area. He noted that the Cutter family owned 100+ acres in that area, and said He said the water tank was on their property. He said it used to be zoned OR, and was rezoned to ORLI.

But he said a number of residents were against this, and as part of the process the area was switched to become part of the Rural District, He noted that there was a caveat at the time, that if the land was needed for development in some kind of ORLI fashion, the Board would take another look at it.

He said the Cutters had asked that this matter be brought up for discussion, and said he would like to put it on a future agenda, as a discussion.

Councilor Gooze said he remembered that there had been a tremendous outcry from Beech Hill residents.

Chair Parnell noted that there was also the issue of the Goss property on the other side of the road, and that the Goss's had argued to allow a change from Rural to ORLI, which the Board didn't allow.

Mr. Campbell noted that the Master Plan called for Route 155 and down to be ORLI and not Rural, but called for the corner where the Goss property was to be Rural and not ORLI.

Councilor Smith said the Board should discuss this, and as part of this, should have maps of Lee and Madbury as well as the zoning of those towns. He asked Administrator Selig if he saw any connection between what the Cutters were asking about and the extension of roadway and sewer line in and around Technology Drive and Beech Hill Road, as listed in the CIP.

Administrator Selig said that had been a standing item in the CIP for 10 years.

There was further discussion. Chair Parnell asked if this would be spot zoning, and Mr. Campbell said it would basically be following through with the Master Plan.

Administrator Selig said the Planning Board at the time was interested in zoning the area as ORLI, but a lot of residents were concerned about that. He said the compromise at the time was that it wasn't believed there was a market for office research at that time, but that at such time there appeared to be a market, the issue would be revisited. He said the Cutters and Mr. Garvey probably remembered this, and had asked that it be revisited.

Councilor Gooze presented another proposal for a Zoning change. He spoke about a property abutting his that was being used for residential purposes, and noted that the library site was next to it. He said the original Master Plan didn't include it in the PO district, but it was rezoned to PO some years back. He said he would like it to go back to being an RA zone. He said this would be a good thing for the library. He said he was presenting this proposal now, but would not speak as part of any discussion on it.

The Board agreed to put both of the Zoning change proposals on the same agenda for an upcoming meeting.

Chair Parnell said the Board should try to avoid these 11 pm meetings. It was noted that perhaps the discussions with Ms. Della Valle should be held at separate meetings.

XIV. Adjournment

Richard Kelley MOVED to adjourn the meeting. Bill McGowan SECONDED the motion, and it PASSED unanimously 5-0.

Adjournment at 11:14 pm

Victoria Parmele, Minutes taker