

These minutes were approved at the July 8, 2002 meeting.

**DURHAM TOWN COUNCIL MINUTES
SPECIAL MEETING
MONDAY, JUNE 24, 2002 - 7:00 PM
TOWN COUNCIL CHAMBERS - DURHAM TOWN HALL**

MEMBERS PRESENT:

Malcolm Sandberg, Chair; Peter Smith; Pete Chinburg; Arthur Grant, Scott Hovey; Mike Pazdon; Annmarie Harris

MEMBERS ABSENT:

Katie Paine; Mark Morong

OTHERS PRESENT:

Todd Selig, Town Administrator; Interested Members of the Public

I. Call to Order

Chair Sandberg called the meeting to order at 7:00 PM. He noted that there was lack of a quorum.

Chair Sandberg declared a recess until a quorum was present.

Chair Sandberg called the meeting back to order at 7:06 PM as a quorum was now present.

II. Approval of Agenda

Peter Smith MOVED to approve the agenda. Arthur Grant SECONDED the motion.

Mike Pazdon spoke about the procedure of the Public Hearing in regards to the Council's legal obligation to allow the public to speak, which he felt was not upheld at the last meeting and stated should take priority at this meeting.

The motion PASSED unanimously.

III. Public Hearing (Continued): Planned Unit Development and Conditional Use Permit application submitted by Jones & Beach Engineers, Inc. on behalf of J.R. Collier Corporation for a Planned Unit Development and Conditional Use Permit in the Rural District for property located on Packers Falls Road

Chair Sandberg gave a brief overview of the history of this application.

Pete Chinburg recused himself from this discussion.

Malcolm McNeill, representing the applicant, introduced members of the development team. He spoke briefly about the history of this application.

Sophia Collier, owner of the property, spoke briefly to support this project, emphasizing its conservation aspects.

Eric Chinburg, developer and applicant, spoke about his reputation for land development with a conservation aspect, and how this project exemplified that.

Mr. McNeill stated that if the current application were approved, the approved Collier project would be withdrawn. He presented the historical background and existing conditions of the project (Application Summary packet, section II that is on record with the Zoning and Planning Dept.). He presented the grounds for approval (section III). He presented the Findings of Fact and Conditions of Approval for the Conditional Use Permit as approved by the Planning Board (Application Summary packet, exhibit B). He presented the Findings of Fact and Conditions of Approval for Subdivision as approved by the Planning Board (exhibit C). He presented the Summary of Applicant's Compliance with the Fiscal Criteria of the Zoning Ordinance (exhibits D&E). He presented the Allen Farm Fiscal Impact Synopsis that indicates a tax surplus would be generated by the Development (exhibit F).

Mike Daigneault, of Rockingham Appraisal Service, spoke about the possible neighborhood property value impact of the development (exhibit G). He stated that his study found there was no evidence to support a decline in property values resulting from the proposed development.

Mr. McNeill gave a concluding summary of the application.

Annmarie Harris asked about the child per household multiplier used, and asked if there was data from new and similar housing developments to support this. She stated that she questioned using the multiplier mentioned for the Sprucewoods development because it is an elderly housing community.

Mr. McNeill stated that in the report used for the Sprucewoods project, various housing types were mentioned, and the multiplier that would be used for single-family housing was what he utilized in his calculations.

Kathy McWilliams, 72 Bucks Hill Road, spoke about the school overcrowding issue, and the impact the proposed project might have on the school system and on the Town's taxes.

Lesley Smith, 31 Garden Lane, stated that she was against this project. She spoke about a negative experience she had when living in Newmarket, with the Moody Point Project where the developer had made promises to the Town that were not kept. She read a letter from Nate Grove, 91 Packers Falls Road, who was not able to attend the meeting. Mr.

Grove wrote to express disapproval of the project. He wrote about the conservation restriction that he believed the land was under when Ms. Collier purchased the land that she was violating. Mr. Smith questioned if the cookie-cutter development Mr. McNeill suggested that could have been proposed, was a realistic model in lieu of conservation restrictions.

Helmut Fickenwirth, 92 Packers Falls Road, stated that he agreed with the previous speakers. He spoke against the project because it doesn't uphold the rural character of the area and will cause property taxes/values to go up and make it unaffordable to live in Durham.

Johanne Jelmborg, 29 Park Court, spoke about the school overcrowding and the cost per student issue, as well as the number of children per household. She proposed a moratorium on building residential housing in lieu of inadequate school facilities.

Virginia Stewart, 3 Falls Way, read a letter from Judith Spang, 55 Wiswall Road, who was unable to attend the meeting. Ms. Spang wrote about the original Collier project approval, during which she was on the Planning Board. She wrote about her objections to the current configuration of the property in regard to the Aquifer Protection Zone, the School situation, and the proposed house lot in the conservation land area.

Jack Lannamann, 156 Packers Falls Road, stated that he questioned the accuracy of the child per household multiplier presented in the Fiscal Analysis. He spoke about the issue of septic tanks in the proposed development infringing on the Aquifer Protection Zone. He also spoke against the project based on the school situation, negative traffic impact, and tax impact.

Eric Froborg, 170 Packers Falls Road, spoke about issues related to traffic impact, the Aquifer Protection zone, the wells, and open space. He stated that with large expensive 4-bedroom houses being built, that it is becoming unaffordable for people like him to live in Durham.

Lisa MacFarlane, 6 Sullivan Falls Road, spoke about the importance of upholding the rural character of the neighborhood. She also spoke about issues relating the school and traffic impact of the development.

Neil Niman, 10 Cold Spring Road, spoke favorably about residential Planned Unit Developments and Eric Chinburg's work. He also stated that he questioned the basis for some of the numbers in the fiscal analysis summary, particularly the student per household multiplier, as he felt it did not properly represent the average for families living in 4-bedroom homes.

Chair Sandberg declared a 10-minute recess.

Steve Frolking, 240 Packers Falls Road, asked if this was considered a pork-chop subdivision and questioned if the Town really wants to set a trend towards gated communities.

Nancy Lambert, 17 Faculty Road, felt having the one house lot in the conservation area would compromise the value of the conservation effort. She also supported the building of more affordable housing in Durham.

Joe Smath, 89 Packers Falls Road, spoke about the aquifer protection issue and felt that confusion surrounding the ordinance governing the Aquifer Protection Zone should be clarified before it is applied to any applications.

Margaret Bogle, 3 Croghan Lane, spoke about issues relating to preserving groundwater and the Aquifer Protection Zone.

Dick Lord, 85 Bennett Road, spoke about the Aquifer Protection Zone issue and suggested exploring the possibility of raising grant money for acquiring aquifer protection lands. He also spoke about the traffic issue.

Joseph Vallencourt, 157 Packers Falls Road (abutter), spoke in opposition to the project.

Paula Roy, Davis Avenue, spoke about the school impact issue.

Dan Miner, 1 Sullivan Falls Road, supported the comments made in Judith Spang's letter, as well as those made by the residents who had spoken.

Joanna Wicklein, 240 Packers Falls Road, spoke in opposition to the project because she felt it would not be of benefit to the entire community.

Chair Sandberg stated that as there were no more comments from the public except the presentations by Nancy Smath and Robin Rousseau and given the time constraint on the meeting, he asked the Council how they wished to proceed.

Peter Smith stated that he would like to hear from the public for the last 25 minutes of the meeting.

Nancy Smath stated that she was concerned there would not be enough time after her presentation for Ms. Rousseau's presentation.

Chair Sandberg stated that it would up to the Council to decide if the Public Hearing should be continued or the meeting extended.

Nancy Smath, 89 Packers Falls Road, gave a presentation contesting the data in the Fiscal Analysis Summary. She presented a summary of fiscal impact that she calculated. She

spoke about the child per household multiplier she used in her calculations that took into consideration the 4-bedroom home model. She presented tuition cost data that took into consideration a number of factors including the loss of financial contribution from the school donor-receiver program in NH. She showed that, based on the child per household multiplier she derived, this project would not be of fiscal benefit to the town, but would rather be a fiscal burden. She also stated that even though the development would not use public trash/plow service, a Public Works cost would still be incurred if the residents of the development could get dump/recycling permits.

It was the consensus of the Council to not extend the meeting beyond 10:00PM.

Arthur Grant MOVED to continue the Public Hearing on the application for a Planned Unit Development and Conditional Use Permit until the July 8, 2002 Town Council meeting. Mike Pazdon SECONDED the motion and it PASSED unanimously.

IV. Adjourn (NLT 10:00 PM)

Peter Smith MOVED to adjourn. Scott Hovey SECONDED the motion and it PASSED unanimously.

The meeting adjourned at 9:53 PM.

Carrie White, Minute Taker