

These minutes were approved at the January 11, 2006 meeting.

**DURHAM PLANNING BOARD
WEDNESDAY, OCTOBER 26, 2005
DURHAM TOWN HALL – COUNCIL CHAMBERS**

MEMBERS PRESENT: Chair Richard Kelley; Arthur Grant; Richard Ozenich; Nick Isaak; Councilor Gerald Needell

PRESENT ALTERNATE MEMBERS: Councilor Carroll

MEMBERS ABSENT: Kevin Webb; Stephen Roberts; Susan Fuller; Bill McGowan; Lorne Parnell

I. Call to Order

II. Approval of Agenda

Councilor Needell MOVED to approve the Agenda as submitted. The motion was SECONDED by Richard Ozenich, and PASSED unanimously 6-0.

III. Approval of Minutes

August 24, 2005

Page 18, 7th paragraph, should read “Mr. Campbell noted the Ordinance required that...”

Arthur Grant MOVED to approve the August 24, 2005 Minutes as amended. The motion was SECONDED by Richard Ozenich, and PASSED 5-0-1, with Nick Isaak abstaining because of his absence from the August 24, 2005 meeting.

August 31, 2005

Richard Ozenich MOVED to approve the August 31, 2005 Minutes as presented. The motion was SECONDED by Councilor Needell, and it PASSED unanimously 6-0.

IV. Report of Planner

- Mr. Campbell said the Town Council had completed the public hearings for each of the Zoning Amendment sections, and were currently deliberating on Section B. He said Monday's Council meeting had been continued to the following Monday, October 31st, and said he hoped Board members could attend the meeting.
- Mr. Campbell said there would be only one Board meeting in November, as well as in December, unless members heard otherwise.
- Mr. Campbell said the Board would hear an application for a boundary line adjustment on November 9, 2005.

- Mr. Campbell said that on Thursday, October 20th, Town department heads met with the Durham Landlords Association and discussed the Durham Master Plan. He said some members of the Association expressed concerns that aspects of the Master Plan dealing with broadening of the tax base had not been enacted. He said the Association was told that if it wanted the Council to move more quickly on these aspects of the Master Plan, it should outline this in a letter to Administrator Selig who would then pass this on to the Council.

V. Acceptance Consideration for a Site Plan Application submitted by Celco Partnership d/b/a Verizon Wireless. The application is for a Personal Wireless Service Facility located on the roof of The New England Center on the University of New Hampshire campus. The property is shown on Tax Map 2, located on 15 Strafford Avenue, and is within the Residence A Zoning District.

Attorney Tom Hildreth, and David Valez of Verizon, represented the applicant, Verizon Wireless.

Attorney Hildreth said this was a fairly straightforward application and the technology involved was similar to that of other cell facilities in Town. He provided details on the need for this facility, illustrating with a graph that there were now more wireless calls than calls made on landlines, a trend which was expected to continue.

He said the proposed facility was intended to augment capacity so the Verizon network could serve the demands being made on it by the UNH campus and the rest of the Town of Durham. He explained that when demands for service exceed the existing capacity, there is an increase in the number of dropped calls which is happening more frequently in the area. He said the in-Town demand was affecting service in outlying areas, and that the new facility would provide capacity closer to where the in-town demand was, freeing up capacity further out.

Attorney Hildreth provided details on the installation itself. He explained that there were roofs of varying heights on the New England Center. He said the plan was to put the supporting equipment on the lower-roof while the antennas were proposed to be on the highest portion of the building and would be covered with 7 ft. fiberglass screens that would be painted to match the surrounding structures. He said these elements were the same as those on the water tank cell facility installation and the flagpole at the transfer station, and would be placed in a way that minimized their visibility. He said that looking up at the building, the antennas wouldn't be visible at all.

Attorney Hildreth said the support equipment would be tied into the University's electrical service and if the University's existing generator couldn't handle the needs of the cell facility, Verizon would upgrade the generator at its own expense.

Attorney Hildreth said the applicant largely concurred with Mr. Campbell's staff report, but said he wanted to take issue with a few of his recommendations.

He said the applicant agreed to show distances from the facility to other adjacent properties and that a statement would be provided on the availability/unavailability of alternative technologies. He said a note would be added to the plan concerning maintenance of the facilities and a maintenance bond would be provided.

He said the applicant questioned the requirement of having a removal bond. He said this was a pretty standard requirement for wireless communication facilities in tall structures, with the idea being that if a facility was abandoned, it could pose a health risk. He said in this case there was an existing substantial structure that would be used as platform, and there were no elements that posed that kind of risk.

Attorney Hildreth also said the applicant had a contract with UNH that the equipment would be removed when the lease was over. He said the objection to this requirement was cost driven, noting that Verizon would prefer not to spend resources where not necessary, in order to stay competitive.

Attorney Hildreth said a final condition Mr. Campbell had recommended was having the Board hire an expert to evaluate Verizon's Radio Frequency (RF) report and noise report. He said there was a base of experience in Town that could be drawn on that would obviate the need for this.

Concerning potential noise issues, Attorney Hildreth said the generator would not make any more noise than it presently did, as a result of the proposed cell facility. He also said the air conditioning units in the equipment shelter wouldn't make much noise, noting they were the same units as those found at the Foss Farm site. He said there was a report on file concerning those units.

He said the RF emissions from the antennas at maximum power would be 11.17% of the maximum allowable emissions. He said Verizon was on solid ground with the existing data from numerous cell facilities, and said he didn't think there was need for another consultant to verify this.

Chair Kelley asked Attorney Hildreth to submit arguments for relief on these provisions for the Board's consideration.

Mr. Campbell said he could see that the Board could allow waivers for the noise and the RF issues, but said the idea of providing a bond for future removal of the equipment was required by the Zoning Ordinance. He said the applicant would have to seek relief from the Zoning Board of Adjustment (ZBA) concerning this requirement.

Mr. Campbell said although there were some changes and information still needed concerning the application, it was ready for acceptance by the Board.

Arthur Grant MOVED to accept the Site Plan Application submitted by Cellco Partnership d/b/a Verizon Wireless for a Personal Wireless Service Facility located on the roof of The New England Center on the University of New Hampshire campus, and to set a date for the public hearing. Nick Isaak SECONDED the motion.

Councilor Carroll asked if this facility was proposed in place of the facility that had previously been proposed for Simons Lane.

Attorney Hildreth said it was not, and explained that this proposed facility did not preclude the need for the other facility. He said Verizon was still looking for an acceptable alternate location for the other facility.

It was agreed that the public hearing would be held on November 9th and that the site walk should be held that same day, at 3:00 pm.

The motion PASSED unanimously 6-0.

VI. Public Hearing on Town Council changes to address questions on prior amendments of the proposed Zoning Ordinance (Part A of the Town Council changes)

Mr. Campbell provided background on how Section A had originally been developed. He explained that the Town Council had recently deliberated on the Planning Board's recommendations in Section A, concerning the Zoning Ordinance, and had suggested some additional changes to it.

He said the Planning Board then worked on these, and said there were two drafts, one that was posted, which had everything the Council had requested except for #10, concerning exempt subdivisions. He said when the Planning Board discussed this Item, and posted it for public hearing, it left in the sentence "If a subdivision is determined to be exempt, the minimum usable area per unit requirement shall not apply". He said the Council in its deliberations had requested that this sentence be removed, so draft #1 would have that language removed, if that was the way the Board wanted to send it back to the Council. He said this would not be a change from the original Ordinance.

Mr. Campbell said he wasn't sure the Council fully understood that sentence, noting it completed the changes made in the dimensional requirements table. He provided details on this.

He said after the public hearing, the Board would need to decide if it wanted to keep the sentence and give the Council a good explanation of why it was in there or simply remove it, in which case it would go back to the original approval.

Chair Kelley opened the public hearing on Section A.

Beth Olshansky, Packers Falls Road, thanked the Planning Board for the tremendous amount of work it had done. She said she supported all the changes, and that she particularly liked the language on 175-55:E "contiguous block of non-wetland area". She said this was a good way to resolve that issue. She said she also supported the changes to 175-55:F concerning the criteria to be used in calculation of usable area.

She and the Board discussed Item #10, and also discussed exemptions from the subdivision process. She asked if there was a way to word the statement in #10 so it wasn't stated in a negative way.

Jim Jelmborg, Park Court, said that concerning #12, allowing a 21-day stay for hotels was well intentioned, but said this put the new hotel at a disadvantage since the owner had already agreed to a 10-day stay as a condition of approval. He said he and others in the pocket neighborhoods in that area supported the Hotel New Hampshire, and would be against erosion of the conditions of approval that the Board and other parties worked long and hard on. He said a 21-day stay might be good in other places, but said Durham was not a destination point.

Councilor Carroll asked Mr. Jelmborg what he would like the length of stay to be. He said he was fine with a two-week stay.

Councilor Needell MOVED to close the public hearing. Arthur Grant SECONDED the motion, and it PASSED unanimously 7-0.

Mr. Grant asked what opportunities the public had to learn about these newly proposed changes. There was discussion about what had actually been posted. Mr. Grant asked how citizens would know what this process was all about, and asked if any other citizens besides

Ms. Olshansky had asked for details on this.

Mr. Campbell said there had been no other requests for details.

Councilor Needell said he was wondering, concerning the sentence in #10, if the path of least resistance was to leave it out. He questioned if it had any function.

Mr. Campbell said it provided further clarification so that if a subdivision was exempt, the property owner didn't need to jump to other pages of the Ordinance. He provided details on this, but he said that technically, it didn't need to be there.

Councilor Needell said he sensed that the Council's objection was that there was a lack of clarity on what the implications of having it there would be. He said there was concern that it was changing, relaxing the Ordinance in some way.

Mr. Grant said his impression was that some members of the Council thought it was discriminatory and seemed to give an advantage to exempt subdivisions. He said he thought this was more a matter of perception rather than substance.

Councilor Needell said if the sentence was not there, the dimensional requirements didn't change, so it could be argued back to the Council that the simple thing was to take it out. Mr. Campbell said if the Board didn't convince the Council regarding this, he was concerned this item would come back to the Board again.

There was additional discussion about this amendment, and it was agreed that if the sentence was removed, the entire amendment should be removed.

Councilor Needell MOVED to remove Amendment #10. Arthur Grant SECONDED the motion, and it PASSED unanimously.

Councilor Needell said more time was needed for additional discussion on Item VI, and he suggested tabling this discussion until later in the meeting.

Arthur Grant MOVED to table Agenda Item VI, and to take it up after the following public hearing. The motion was SECONDED by Councilor Needell and PASSED unanimously.

- VII. **Public Hearing** on changing the definition of fraternity/sorority to “A building used to provide lodging facilities for the exclusive use of the bona fide members of a fraternity or sorority.”

Nick Isaak MOVED to open the public hearing on changing the definition of fraternity/sorority house to “A building used to provide lodging facilities for the exclusive use of the bona fide members of a fraternity or sorority.” The motion was SECONDED by Richard Ozenich, and PASSED unanimously.

Nate Smith, 40 Gables Way, Student Council External Affairs Chairperson, asked what would happen under this proposed definition if a fraternity or sorority house became non-recognized.

Mr. Campbell noted that the Board was redefining what a fraternity house was, not what a fraternity was. He said if a fraternity lost its standing and vacated the house, the house itself was still considered a fraternity house for one year. He said another fraternity would have to move in to keep the grandfathered status of the house.

Mr. Smith asked if this was a change in policy.

Mr. Campbell said it was not and said it clarified who could stay in a fraternity house.

Mr. Smith asked if there were fraternities/sororities that were currently unrecognized, and if so, if this wording change would affect them.

Mr. Campbell said that was an issue for the Code Enforcement Officer. He noted that the previous change to the Zoning Ordinance that said fraternities/sororities had to be recognized occurred after many of these organizations existed, and said the Code Enforcement Officer thought these organizations were probably grandfathered.

Councilor Needell said for existing uses the new definition couldn't change this.

Mr. Grant said this didn't affect the fraternity itself, it concerned the fact that the ZBA made a ruling regarding private owners of a fraternity house where it granted a variance request to allow up to five boarders in the house. He said the Town's Zoning Ordinance didn't recognize boarders and the Planning Board was trying to make it perfectly clear that this variance was in error, and to make clear that in future, fraternity/sorority houses were only to house the bona fide members of the organizations.

Mr. Smith noted that fraternities and sororities could become unrecognized for various reasons, and because of this regulation would then have to make sweeping changes in the

way their house was operated. He explained said there was accountability for a fraternity whether or not it was recognized by the University.

Chair Kelley asked what some of the reasons were why the University would pull recognition of a fraternity.

Mr. Chesney said that typically this would result from a documented pattern of misbehavior that had not been resolved or a singular event that was so outrageous that the recognition would be removed immediately. He said it would also occur if a national chapter didn't recognize the fraternity anymore. In answer to Chair Kelley, he said he had seen all three of these situations occur.

Councilor Needell said he thought the intent of the Ordinance was that recognition of a fraternity was fundamental. He said the level of density allowed for a fraternity was not normally permitted, but was allowed in this situation under certain conditions. He said he believed the Town was concerned that a fraternity/sorority could lose its recognition because of serious offenses, and then be allowed to function without any accountability. He said this was why recognition by the University was so important to the Town.

Mr. Grant said another reason to require official recognition was that otherwise anybody could get together and call themselves a fraternity. He provided additional details on this.

Councilor Carroll said she was interested in hearing more of Mr. Smith's perspective on this issue.

Mr. Smith said his biggest concern was that students were already under many pressures to behave properly. He said when they stumbled and made mistakes, they already got penalized in several ways. He said this regulation would impose additional penalties rather than working with the fraternity to try to fix the problems and allow it to learn from its mistakes.

Councilor Needell said he appreciated the fact that Mr. Smith had shared his viewpoint, but he thought he had a complaint with a different part of the Ordinance - the definition of fraternity/sorority. There was additional discussion about the fact that the definition of fraternity/sorority house was being changed, not the definition of fraternity/sorority.

There was discussion that the two definitions were still connected.

Chair Kelley asked if there was a dialogue between the University and the Town when a fraternity became unrecognized.

Mr. Chesney said there was, and provided details on how this had recently occurred concerning a fraternity in Town. He then explained the process of reviewing the recognition status of a fraternity.

Councilor Carroll asked what subsequent step the University took once a fraternity house became unrecognized.

Mr. Chesney provided details on this. He noted that some houses were owned by the national fraternity, while some were owned by local landlords. He said if a fraternity house was locally owned and became unrecognized by the University or the national fraternity, what happened next was a Town issue.

Chair Kelley asked if the Town was on uncharted ground as to how it reacted.

Mr. Campbell said Code Enforcement Officer Tom Johnson would be involved, and usually allowed a reasonable amount of time. He said the owner of the property would need to decide if the property should still be rented to a fraternity noting that the grandfathered status was in jeopardy if it wasn't rented within a year.

Councilor Needell said he didn't think this proposed Zoning amendment had any bearing on how Mr. Johnson would enforce the Ordinance. He said this proposed change was very specific to the definition, and said the enforcement practices were what they were.

Chair Kelley said he agreed with this, and said the proposed change was to clarify the intent of the wording of the definition for fraternity/sorority house.

Beth Olshansky, Packers Falls Road, said she had followed this issue, and that the proposed change would clarify the definition. She said the recent ZBA decision had set a clear precedent that wouldn't serve the Town well, and she said the question really was whether the Town would allow borders in fraternities or not. She provided details, based on her own experience as a former student at UNH, that this wasn't a good idea.

Jim Jelmborg, Park Court, said he agreed with Councilor Needell, Mr. Grant, and Mr. Chesney that this definition represented a positive change and that perhaps it would be an incentive to fraternities and sororities to be more careful.

Mr. Chesney thanked the Planning Board for raising this issue again. He said he was speaking on behalf of the University, and wished to convey President Hart's thanks as well. He said the University would support further efforts to clarify, and perhaps undo the recent ZBA decision.

He said he was given the job to oversee the fraternities and sororities a year and a half ago, and said his job description was to clean up the fraternities and sororities, or to get rid of them. He said President Hart wanted to preserve them, and said that had been his own philosophy. He said in the past couple of years there had been good collaboration on this with Town staff.

Mr. Chesney said the University felt good about its good houses, but was not committed to keeping the bad ones, and would rather have fewer houses that were of quality and were committed to the values of the Town and the University. He said he was confident that this was what the majority of Greek members wanted, and that they supported this effort. He provided details on a very tangible accountability process the University had been developed, and said this was where things were headed.

He said when the variance was granted by the ZBA he saw the dominos beginning to fall. He said it was harder to maintain accountability when people who had nothing to do with a fraternity were living in a fraternity house, noting the natural tendency would be to blame these people if there were problems since they couldn't be held accountable. He said he fully support the wording in the definition.

Arthur Grant MOVED to close the public hearing. Richard Ozenich SECONDED the motion.

Councilor Needell noted that the word "bonafide" should be spelled "bona fide".

The motion PASSED unanimously.

Arthur Grant MOVED to approve the definition of Fraternity/Sorority House as "A building used to provide lodging facilities for the exclusive use of the bona fide members of a fraternity or sorority." and to send it forward to the Town Council. Councilor Needell SECONDED the motion, and it PASSED unanimously.

Chair Kelley called for a five-minute recess at 8:22 PM.

The meeting resumed at 8:27 PM.

Arthur Grant MOVED to take Item VI off the table and discuss it. The motion was SECONDED by Councilor Needell, and PASSED unanimously 7-0.

It was agreed the Board was working with draft #1, since it had taken care of Item #10.

Councilor Needell said when the Council remanded the "Amendments to Chapter 175 Zoning to Address Questions with Prior Amendments" back to the Planning Board the previous Wednesday, there were some comments that made him a little concerned about some of the ways the Board made the changes. He provided details on this.

Concerning Item #5 on Excavation and/or mining, Councilor Needell said it wasn't clear what the Council originally expected the Board would do with this issue, and said he wasn't clear what the Board wanted to do with it.

He said the Council now said it didn't know what to do with what the Board had recommended, and was especially concerned as to whether there were strong legal grounds for making this change of excavation and/or mining from a prohibited use to a conditional use in the Rural District.

There was discussion about the Town Attorney's opinion on this.

Councilor Needell said this opinion said the Board needed to do something, but it was not clear what this had to be.

Mr. Campbell said the argument Councilor Peter Smith had made was that the state statute (RSA 155:E) said various things about different mining operations, and was concerned that the Town was allowing everything by putting this into the Table of Uses.

Councilor Needell said a question the Council asked was why not make it a conditional use in all of the districts, and why pick on the Rural District.

Mr. Grant said that seemed to be the only area found on the map where there was any gravel or other materials that would be excavated.

Councilor Needell said his own question on this issue was why the Ordinance even mentioned it all. He noted there were other uses that the Ordinance didn't specifically say anything about.

There was discussion that RSA 155:E required that the Town say something about this land use. Chair Kelley said that nothing jumped out in it that supported the Town Attorney's advice.

Councilor Needell said he thought this Item should be taken out, and the Council could change the Ordinance with its own amendment concerning excavation and/or mining. Chair Kelley said he had found a handbook on Model Excavation Regulations, and said it sounded like Councilor Needell was proposing that some kind of separate regulations concerning excavation and/or mining should be developed that utilized this.

Councilor Needell asked if perhaps this issue should be addressed under a separate section of the Ordinance, just as signs were.

Mr. Campbell said if the proposed amendment wasn't approved, the Town did not permit excavation and/or mining in any zone. He said he wasn't necessarily opposed to waiting on this issue, and agreed that more work needed to be done. But he said that no separate ordinance on this land use had been developed yet.

Councilor Needell said the Board could leave this proposed amendment in, because the Town Attorney said the Ordinance had to include something, with the provision that it was a temporary fix. He said the Board could also take it out, in which case either the Planning Board or the Council would have to come up with something better.

Mr. Ozenich said he recollected that the only thing the Board had really considered about this land use was what zone to allow it in.

Mr. Campbell read from RSA 155:E and said it appeared that if the Ordinance didn't allow this land use anywhere in Town, it was illegal.

There was detailed discussion on the approach that should be taken.

Mr. Campbell said if the Board now didn't agree this change should be made the Council didn't have to deal with it any further. He said the Council had remanded it to the Board, had held a public hearing, and if the Board now decided not to send it forward, it was done.

Mr. Grant said when the Board adopted this Item, it was because it felt this land use had to be allowed somewhere in Town, and if it was by conditional use, the land use could be controlled. He said he would like to leave it in, and tell the Council the Board would give the issue further study, and might come back in the future with a separate ordinance on excavation and/or mining.

Chair Kelley said this was what was needed, but asked whether this was the zone the Board wanted to put it in.

There was detailed discussion about the definition of excavation in RSA 155:E, and in the Ordinance, and whether the latter needed to be changed. There was also additional detailed discussion as to whether this proposed amendment should be taken out or not.

Arthur Grant MOVED to remove Amendment #5 concerning excavation and/or mining. Richard Ozenich SECONDED the motion.

Chair Kelley asked that Councilors Needell and Carroll convey to the Council that the Planning Board intended to revisit this issue in more depth.

The motion PASSED unanimously.

Concerning Item #7, Councilor Needell asked that Board members be prepared to explain to the Council what it was trying to accomplish with this proposed change.

There was detailed discussion about this Item, and the wording changes that had been made at various times.

Councilor Needell said he was comfortable with the revised wording for Item #7.

There was discussion about non-substantive changes to #11 that had been proposed by Councilor Peter Smith.

Arthur Grant MOVED to approve the "Revised Amendments to Chapter 175 Zoning to Address Questions with Prior Amendments", and forward it to the Town Council. Nick Isaak SECONDED the motion, and it PASSED unanimously.

VIII. Review By-laws/Rules of Procedure

Mr. Grant suggested that since several Board members were missing that evening, the Board should wait to discuss this Agenda Item. He also suggested waiting to discuss Item IX.

Chair Kelley asked Mr. Campbell to briefly review some of the issues regarding the Bylaws.

Mr. Campbell noted there had been recent discussion about alternates participating in deliberation on applications. He said the Town Attorney said they should not participate, and said the Board needed to make a decision on this.

Mr. Grant suggested that other towns in NH should be contacted through the email list to see how they handled this. He also asked for clarification as to the difference between discussion and deliberation.

Mr. Campbell said deliberation was the discussion that took place in deciding whether or not to approve an application. He said if an alternate who was not going to be voting spoke during the deliberation phase and persuaded another Board members, there was the question as to whether the Board would be on shaky ground if there were an appeal of the decision. He said the advice the Board received from the Town Attorney was that it would be.

Councilor Needell said he would like to get some clarity on this issue, for all the Town's boards. He noted that the ZBA's alternates participated in deliberations, and asked if they had been given the same advice.

He said his reading was that the law didn't say alternates couldn't participate in deliberations, and said he therefore wasn't sure of the correctness of making this change.

Chair Kelley said deliberation on this issue would occur when more Board members were present.

Mr. Ozenich noted that the attendance issue could influence things, and asked if the Bylaws should include something on this.

Mr. Campbell provided details on the current language in the Bylaws concerning this, and asked if perhaps the term "unexcused absence" needed further clarification.

Mr. Campbell also said the role members of the public could play at site visits needed to be clarified in the Bylaws, noting that they currently only said that members of the public could attend the site visit.

He also said the public hearing process needed to be clarified. He said that no one wanted to stop the public from participating, but said if the Board wanted to allow a greater expanse of public involvement, the Bylaws needed to reflect this.

Chair Kelley pointed out that the discussion that evening concerning the fraternity/sorority house issue had been very productive.

Mr. Campbell provided details on the fact that when the Board accepted public testimony after a public hearing closed, according to the Bylaws, it wasn't supposed to do this.

Chair Kelley said Board members would be making suggestions to change the Bylaws, as opposed to simply abiding by the existing rules.

IX. Discussion on Updates to Road Regulations & Site Plan Review Regulations

Mr. Campbell said he was in the process of asking volunteers to assist him with these updates, and there was discussion on this.

X. Site Visits – Visit sites of some recently approved subdivisions

Mr. Campbell explained that Dr. Bruce Bragdon had recently told the Planning Board that when he had previously served on the Board, it had taken the time to visit developments that had been approved, to see how they had turned out. Mr. Campbell said that at some point, he would like the Board to do this.

Chair Kelley said Mr. Campbell would put a list together of properties to visit. It was agreed that personal wireless facilities should be on this list.

XI Other Business

A. Old Business: Motion to Appeal ZBA Decision for 10 Madbury Road

Chair Kelley said the Planning Board needed to make a formal motion on this.

Arthur Grant MOVED to appeal the ZBA decision in the appropriate form that it is going to take. Richard Ozenich SECONDED the motion.

Councilor Needell said the Council had announced in public session that it had made a similar decision to appeal the ZBA decision in some form. He said Administrator Selig was getting legal advice concerning the options, and provided details on this. He said the University had offered its help in this effort.

Councilor Carroll said she corroborated what Councilor Needell had just said, and said the question of who had standing to appeal the decision still had to be decided.

There was discussion about this by Board members.

The motion PASSED unanimously.

There was discussion by Board members about the new lights in the Town Offices parking lot. Mr. Campbell noted this set of lights was part of a process to determine the best lights for the area. He said if Board members would like to try another kind, they should let the Public Works Department know this.

XII. Approval of Minutes	– September 14, 2005	Not reviewed
	September 28, 2005	Not reviewed

XIII. Adjournment

Arthur Grant MOVED to adjourn the meeting. The motion was SECONDED by Richard Ozenich, and PASSED unanimously.

The meeting ADJOURNED at 9:40 PM.