

*These minutes were approved at the December 9, 2015 meeting.*

**DURHAM PLANNING BOARD**  
**Wednesday, October 28, 2015**  
**DURHAM TOWN HALL COUNCIL CHAMBERS**  
**7:00 pm**  
**MINUTES**

**MEMBERS PRESENT:** Andrew Corrow, Chair  
Lorne Parnell  
Richard Kelley (arrived at 8:48 pm)  
Peter Wolfe  
Stephen Roberts  
Wayne Lewis, alternate  
Barbara Dill, alternate  
Councilor Kitty Marple, Council representative to the Planning Board  
Councilor Jay Gooze, alternate Council representative to the Planning Board

**MEMBERS ABSENT** Bill McGowan, Vice Chair  
Linda Tatarczuch, alternate

**I. Call to Order**

Chair Corrow called the meeting to order at 7:01 pm.

**II. Roll Call**

The roll call was taken.

**III. Seating of Alternates**

Chair Corrow appointed Mr. Lewis in place of Mr. McGowan, who could not be at the meeting, and Ms. Dill for Mr. Kelley until his arrival.

**IV. Approval of Agenda**

*Steve Roberts MOVED to approve the Agenda as submitted. Peter Wolfe SECONDED the motion and it PASSED unanimously 7-0.*

**V. Proposed changes to newly-adopted Site Plan Regulations.** The Planning Board adopted an entirely new set of Site Plan Regulations on September 9. At this meeting, the board will review the numerous public comments made in recent months about these new regulations (prior to their adoption) and other prospective changes to the new regulations. Once the board has a revised document, it will be presented for a public hearing.

The Board began discussion of comments on Article II. These Minutes summarize the majority, but not all of that discussion.

Mr. Wolfe said he had talked to three attorneys concerning the Technical Review Group (TRG), and said all three had said that if the TRG had meetings with developers and there was discussion about conditions, etc., there needed to be Minutes of those meetings. Chair Corrow said he agreed with this, and said these discussions needed to be formalized but the minutes didn't need to be extensive. Ms. Dill noted that the Planning Board had discussed the idea of having a representative on the TRG. There was discussion, and Chair Corrow said someone would be appointed. Councilor Gooze said it was mainly decisions that affected the applicant that should be in these minutes, Mr. Behrendt said either he or Administrative Assistant Karen Edwards would start doing minutes of the TRG meetings.

Page 25, Article II The Board agreed that "should" didn't need to be changed to "shall", as had been suggested in a comment.

Page 25, There was discussion about the wording in E.7 under Formal Application Content: "a current or recent aerial photograph" and how this should be interpreted. Mr. Behrendt said whatever was available online was what would be used by the applicant. Councilor Gooze said if the Planning Board thought what was provided wasn't recent enough, they could ask for a newer aerial photograph. There was discussion that Ms. Humphrey's comment could be disregarded because an aerial photo was pretty easy to get. Mr. Roberts said it would be useful if there was a date on the photo, and others agreed that the provision should state that the photo should be dated.

There was discussion about G. on page 25: "Copies of the current deed, purchase and sale agreement (if applicable), and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property". It was noted that Ms. Humphrey said there should not be a request for a purchase and sale agreement because this was private, confidential information.

Page 26 There was discussion on J. Elevation Drawings "The elevation drawings shall be prepared by an architect, landscape architect, engineer, or architectural designer (Use of an architect for larger projects is strongly encouraged), but the Planning Board may waive this requirement for smaller structures or those less prominently located, or as it deems appropriate."

Mr. Behrendt noted the replacement wording Ms. Olshansky had recommended: "The elevation drawings shall be prepared by a licensed architect. Where applicable, elevation drawings shall include accurately drawn abutting properties with the exact height of each building noted." There was detailed discussion on the wording. Councilor Gooze said the key issue was to get an accurate drawing of abutting properties, and asked if it mattered who did them. It was noted that there was more elaborate wording in the Architectural regulations. Mr. Wolfe said those regulations only applied to the commercial core districts.

Ms. Dill said the 49 Main St. building wasn't designed by an architect and had needed one badly, so the Town hired an architect to fix it. She said an architect was needed to draw the building elevations, and to indicate in an accurate way the height and mass of abutting properties. She said engineering drawings, which were also required, weren't so easily understood by the average person in terms of what a building would look like. Mr. Roberts said the engineer provided something that could be scaled off of, while the architect might or might not do this.

There was further discussion. Councilor Gooze said he was reluctant to require an architect for every project, and said he didn't think it was the case that there couldn't be a good project if there wasn't a licensed architect. Mr. Roberts said perhaps an architect should be required for larger projects. There was discussion that the architectural regulations now required an architect for the 5 core districts. Mr. Behrendt said for areas outside of the core districts, the Planning Board currently required elevation drawings, and also engaged in discussion with a developer about the architectural design of a building.

Mr. Parnell said he thought the original wording was appropriate and should remain. There was discussion about keeping the original language, and it was noted that it included wording on the Board granting a waiver if appropriate. There was also discussion about removing the wording (Use of an architect for larger projects is strongly encouraged). Ms. Dill said doing that would mean an applicant could choose which professional did the elevation drawings. She said she thought they all had learned from the Pauly's project that architectural elevations should be drawn by an architect.

Mr. Behrendt summarized that J. should say: "Architectural Elevation Drawings: The drawings shall be prepared by a licensed architect but the Planning Board may waive this requirement for smaller structures or those less prominently located or as it deems appropriate."

There was detailed discussion on the Orion project, what had gone wrong concerning the building heights, and why this had happened. Mr. Wolfe said K. Revised Plans addressed some of the problems that had occurred. He also said the cover letter from the architect in addition to the revised plans themselves should state what the revisions were going to be. He noted that he'd met with Administrator Selig about possible legal action against DeStefano Architects regarding the Orion project. He said the company's cover letter hadn't spelled out that there were revisions to the plans. There was further discussion on K. Revised Plans. Mr. Wolfe said the wording there should clearly state that the revisions should be noted in the cover letter when there were revised plans.

There was discussion about the term "Architectural Elevation Drawings", and that the word "elevation" there referred to a building and not the elevation/grade of the land. Councilor Marple said the term that should be used for J. was "Architectural Drawings". Mr. Wolfe asked where there was wording about the elevation/grade drawings the

engineer prepared as part of an application submittal. There was further discussion.

The Board went through seven recommendations Administrator Selig had provided over the course of the Orion project:

1. Durham should evaluate its regulations to specifically require disclosure of changes from one plan set to another by the applicant.
2. Measurements from one plan set to another should be undertaken in a consistent manner for easy comparison by all concerned.
3. Additional measures should be developed to ensure Notices of Decision are precisely accurate and are consistent with meeting minutes.
4. In addition to ensuring a consistent means of depicting measurements, the applicant should be required to list changes from one plan set to another for use by staff and the relevant land use board.
5. In the future, the Town should require actual heights be obtained and included by the applicant to scale for the project site and immediately adjacent structures.
6. Require the perspectives of the project from all views from public ways.
7. Require that the applicant provide accurate, to scale dimensions/heights of each building within the project area and also of the immediately adjacent structures, or of other structures the board deems appropriate for its review.

There was discussion that the wording for the second recommendation on measurements from one plan set to another should go under K. It was noted that there should be wording in the 4<sup>th</sup> recommendation on listing revisions in a cover letter.

There was additional discussion about the recommendations, including whether showing the relationship of the building in a project to adjacent buildings should only be required in the commercial core. Councilor Gooze said Administrator Selig's recommendations were based on the Orion project, which was in the commercial core. He asked if it was overkill to follow them everywhere.

There was discussion about whether this section on the various required submittals applied to districts inside as well as outside of the commercial core. Mr. Behrendt said the Architectural regulations had their own section on process, and what to submit, while the wording in this section applied to everywhere outside of the commercial core. Mr. Wolfe said legally that was not how this section would be read. He said a separate submittal wasn't needed to meet the Architectural regulations, and said the architectural information could be provided as part of the regular submittal process. There was further discussion, and Mr. Wolfe recommended that Mr. Behrendt check with the Planning Board's attorney on this.

Councilor Gooze said the key question here was about recommendation #5 on heights of adjacent buildings. He said if this wasn't in the Architectural Design Standards, it needed to be there, but said it wasn't needed for districts outside of the commercial core. Ms. Dill noted that the Historic District Commission was redoing its regulations, and would definitely include wording regarding the height of adjacent buildings. She said it was in

the Historic District where the issue of the buildings in a streetscape being the same height applied. There was further discussion. The Board agreed that recommendations 6 and 7 belonged in the Architectural regulations.

Page 29, Article 3. Fees. There was discussion on Ms. Olshansky's comment on Section 3.2 "Under fees, does 'administrative expenses' include charging developers for the town to hire someone to oversee the project and make sure the architectural features are in compliance with the plan? If not, it should. Clearly we are not equipped to provide the necessary oversight to make sure projects are built according to the plan. How are we going to improve our failed system? And who will pay? Does the language regarding fees need to be revised to cover these costs?"

Mr. Behrendt suggested some possible language: "Where the architectural regulations apply, the Planning Board at its discretion may require that an architect be hired to oversee construction, and to report back periodically, to make sure the building is built per the plan." Mr. Wolfe said the Board might want someone to oversee things for a project outside of the commercial core. There was discussion on where possible wording on this would go, and whether it belonged as a provision in the Site Plan Regulations or instead should be a condition of approval. After further discussion, the Board agreed that 3.2 was ok as it was, and additional language wasn't necessarily needed there.

Page 31, Article 5 Independent Studies and Investigations. There was discussion on the recommended revised wording: "Pursuant to RSA 673:16 II, 676:4-b, and 676:4 I(g), the Planning Board may require additional studies to determine the potential impact of the proposed site development." The Board agreed with this wording.

Page 32, 5.1.1 on Traffic Impact Analyses Mr. Wolfe recommended adding the language from the Concord regulations that had been provided to 5.1.1, and eliminating the wording on Strafford Regional Planning Commission. Mr. Behrendt said he would incorporate language at the bottom of page 32 into 5.1.1, would not include the old SRPC wording, and would keep the last sentence about the Planning Board reserving the right to retain the services of an outside agency. He said he'd bring this back to the Board.

There was discussion on the language in 5.1.2 on Fiscal Impact Analyses, and that wording "pursuant to best practices" was the best way to handle this. Mr. Roberts asked if "at the applicant's expense" should be added to 5.1.2, and there was further discussion.

### Part III Development Standards

Page 37, Article II Architectural Design Standards There was agreement on the revised language provided on that page: "A licensed architect shall design the building(s) and prepare the architectural drawings. Where applicable, elevation drawings shall include accurately drawn abutting properties with the exact height of each building noted."

Page 38 There was discussion on Beth Olshansky's question about whether the regulations should also apply along the Town's gateways. Mr. Behrendt said "gateways" were generally the larger roads entering Durham, and he listed them. Councilor Gooze

said a definition was needed for “gateway”. Chair Corrow questioned whether the Board should work on that now, and suggested that it could be done as part of the Master Plan Update.

Ms. Dill asked what reason there would be to be against doing this for the gateways. Mr. Behrendt said some degree of architectural design review in sensitive areas made sense, and there was further discussion, including discussion about whether a building set far back from the road would be considered to be part of a gateway. Mr. Behrendt said there could be wording that said if a new development was less visible for some reason, the regulations could be waived.

Mr. Wolfe said UNH owned a lot of the properties in the gateway areas, leaving a very small area that could be regulated in this way. Mr. Behrendt spoke in detail about why he didn't see that there was much of a threat to the gateway areas. Councilor Gooze noted that the Route 108/Stone Quarry Drive area was a gateway, and was in a TIF district. It was noted that much of the property there was set back from Route 108. Mr. Behrendt said it was worth looking at what could be developed and where in that area. He recommended putting it on the To Do List.

Mr. Behrendt noted that some other comments from Ms. Olshansky applied to possible Zoning Ordinance changes, which the Board would be tackling at some point.

Page 40, Article 3, Construction Practices The Board agreed to include the proposed wording from John Parry under 3.2.1 “.....Equipment and storage will be excluded from entering into shoreland/ wetland setback areas.”

There was discussion on 3.4.1 Hours of Activity. The Board agreed to leave the existing wording, and also to add the hours 9:00 am to 4:00 pm for blasting/chipping of stone. There was discussion about whether that requirement was reasonable throughout Durham. It was noted that it could be waived by the Board if needed.

Page 41, 3.5.2 There was discussion on the suggested use of the word “declining” instead of “diseased” trees, and the Board agreed to use it. There was also discussion on the proposed wording: “Existing desirable trees and vegetated areas to save will be identified for protection. Trees to remove and trees to save will be identified by a certified arborist and approved by the Planning Board prior to the start of construction, and identified on planning documents.”

Mr. Lewis said contractors didn't always take out the wire boxes from the roots of new trees that were planted, which eventually strangled the tree. He said it could take several years for this to show up. There was discussion about the fact that the tree warden wouldn't be there for every installation to make sure that things like this didn't happen. Mr. Behrendt said that wasn't required in the landscaping regulations. Mr. Wolfe said some kind of expertise was needed to determine that particular trees were declining.

There was further discussion. Mr. Behrendt said he could cross reference this section with the landscaping section, and said he would get back to the Board on this. The Board

agreed to leave the first sentence under 2, regardless of what was done concerning the other two sentences that were proposed. They agreed that the first sentence would say “shall” instead of “should”.

Page 42, 3.5.4 Limits of clearing The Board agreed with the suggested wording: “...Trees to be protected during clearing operations and construction shall be protected with fencing at a distance from the tree of 1 foot per 1 inch of tree DBH. Example: a 10’ tree has a circle with a 10’ radius to protect the critical root zone. The Planning Board may agree to reduce the size of this protection zone.”

Page 42, 3.6.2 in Section 3.6 on Waste Materials The Board agreed with the proposed additional wording of (75 feet in the case of a wetland setback area) in the provision: “If the development site is in close proximity to a waterbody, all stockpiles, concrete washout areas, chemicals, fertilizers, hazardous materials, etc., shall be located as far from the waterbody as possible and at a minimum of 50 feet away (75 feet in the case of a wetland setback area).”

Page 42 There was discussion on 3.6.3 concerning applicants capturing recyclable materials during construction. Councilor Marple noted Ms. Humphrey’s comments, including her suggestion that applicants could be encouraged to recycle but not required to do so. Councilor Marple said the IWMAC had strong opinions on this issue, and had developed the proposed wording. Mr. Roberts said it was important to be more specific on what would need to be recycled. There was further discussion.

Mr. Kelley arrived at 8:48 pm.

Councilor Marple suggested alternative language: “Applicants are encouraged to recycle materials generated during construction either for reuse by the applicant or for collection for recycling by third parties. Applicants are encouraged to coordinate with the Durham Department of Public Works for advice on what materials can be recycled in the local area, and for a list of firms accepting recyclables.” Board members agreed that this wording was reasonable.

Page 47, Section 4.1 Cultural Resources. There was brief discussion on Ms. Humphrey’s question about who determined if a building was eligible to be on the Register of Historic Places. No changes were made to the existing wording in Section 4.1.

Page 48, Section 4.3 Cemeteries There was discussion on the existing language: ...[N]o new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery...” The Board considered whether to make the separation distance greater, but agreed to stay with 25 ft.

Page 49, 4.4 Stone Walls The comments on this section were noted, and there was discussion. Councilor Marple said as part of a project, she thought a developer could be asked to rebuild a stone wall that had been dismantled. Ms. Dill agreed. There was

discussion that there were stone walls that were and were not on property lines. Councilor Gooze noted that some people believed stone walls were part of the Town's heritage. After further detailed discussion, the Board agreed to leave the existing wording as it was.

Page 51, 5.10.2 Landscaping and Screening Standards There was discussion on suggested language from John Parry: "No construction activity will occur within the critical root zone to avoid soil compaction and damage to the tree. This includes: Vehicles and equipment traffic and parking, stock piling of supplies, soil, stone or any building materials, changing the grade, changing the drainage, washing out equipment or tools, or disposing of any solid or liquid materials." It was noted that Robin Mower had suggested the term "tree dripline" rather than Mr. Parry's suggested "critical root zone". The Board agreed to use the term "critical root zone" since it was defined in the regulations.

Page 52, Section 5.1 Purpose There was discussion about 17) "Preserve the character of the town by protecting the town's gateways from unnecessary visual noise." It was noted that there was proposed wording under 5.2 "Protects gateways by requiring substantial vegetative screening where appropriate.", and that 15) under 5.1 said "Protect and enhance the natural beauty, environment, and green space within the Town of Durham." The Board agreed that 17) therefore wasn't necessary.

Page 53-54, Section 5.3 General Requirements There was brief discussion on Robin Mower's requested language additions: 1) Minimize lawn areas: most lawn grasses require supplemental irrigation and regular applications of fertilizer to stay green; and 2) Where lawn is necessary, favor fescues and other drought-tolerant species. The Board decided not to include this language. They also decided not to include the suggested additional wording to 5.3.1: "...to provide visual relief from expanses of paving and buildings while providing shade and stormwater management benefits" because it was editorializing.

Page 53, 5.3.10 concerning the front yard landscaping area The Board agreed with the recommendation that "should" be changed to "shall".

p. 55, 5.3.14 The landscaping plan shall be developed by a landscape architect or other qualified professional. There was discussion about Ms. Humphrey's comment on whether there should be a minimum size before these regulations applied. The Board agreed to add the following wording to the provision: "... unless waived by the Planning Board."

Page 56, Section 5.4 Plant Selection, 5.4.2 "When appropriate, soil tests shall be performed and serve as reference for plant species selection." It was noted that Ms. Humphrey had recommended that soil tests should only be required for larger projects. There was discussion that these tests were inexpensive/free, and that the provision said "when appropriate". The Board left the existing language as it was.

Page 56, 5.4.7 on Plant materials There was discussion about proposed amended wording: “Plant materials shall be of specimen quality conforming to the most recent version of the American Standards for Nursery Stock (ANSI) and be pest free. Plant materials shall be guaranteed for at least two years or two growing seasons, whichever is greater. Plant materials that die or are in poor condition during the 2-year warranty period shall be replaced.” The Board agreed to go with this wording. Mr. Kelley asked who would be the judge that the plants were in poor condition, and there was discussion.

Page 57, 5.6.2 on the width of landscaped areas There was discussion on Mr. Behrendt’s proposed addition to the provision, in parentheses: “Landscaped areas shall be a minimum of 6 feet wide (unless otherwise specified in these regulations) or as determined appropriate by the Planning Board in order to provide adequate room for vegetative root growth and to not interfere with access to vehicles, lines of sight, and pedestrian travel. For trees with a mature height of under 30 feet, a minimum width of 4 feet is adequate.” The Board agreed to go with this additional language.

Page 58 5.6.5, on landscaped areas designed with a variety of plant species. There was discussion on recommended additional requirements proposed on plant species, genus and family percentages. Mr. Behrendt said this would be hard and cumbersome to implement. Ms. Dill and Councilor Gooze questioned why this would be so difficult to do and there was further discussion. Mr. Parnell, Chair Corrow and Mr. Wolfe agreed with Mr. Behrendt. CHECK

Page 59, Section 5.7 Landscaping Along Public Rights of Way There was discussion on proposed wording for 5.7.1 “Where feasible and when required at the discretion of the Planning Board, street trees may be planted along public rights-of-way with the goal of providing a tree-lined street.” The Board agreed to use this wording, and to say “shall” rather than “may”. It was noted that this would still be at the discretion of the Planning Board.

Page 60, 5.7.2 on spacing of trees along public rights of way. The Board agreed this should say “shall be used”.

Page 60, 5.7.3 Landscaping strip There was discussion about a recommendation to increase the strip to 50 ft. Mr. Behrendt said he thought whatever the Board chose to do was appropriate. The Board agreed to go with 50 ft. It was noted that a waiver could be requested if there was a hardship with a particular lot.

Page 60 Section 5.8 Parking Lots Landscaping and Screening Ms. Mower’s question was noted: “Did Town staff or the Board review this section relative to requirements in Article 15 Stormwater Management, as suggested by Jamie Houle in January 2015? ..”

Page 61, 5.8.3 “Landscaping should be used to delineate vehicular and pedestrian circulation patterns within parking lots and throughout the site and to provide visual interest.” The Board agreed with the recommendation to change “should” to “shall”/

Page 61, 5.8.4 “Trees should be distributed throughout the parking lot as evenly as practical, in order to provide optimal canopy coverage and shading.” The Board agreed with the recommendation to change “should” to “shall”.

Page 61, 5.8.5 “A landscaping peninsula (known as an “end cap”) shall be placed at the end of each parking row in line with the adjoining parking spaces, wherever the row of parking spaces is adjacent to a perpendicular travel way. Each peninsula shall be planted with one shade tree, or one ornamental tree if use of a shade tree is not practical, for lack of space for roots.” Mr. Behrendt suggested adding “Where practical” at the beginning of the sentence.

Page 61, 5.8.6 “There shall be no more than four continuous parallel parking rows on the interior of the parking lot (i.e. parking rows along the perimeter of the parking lot are not situated on the interior) without installation of a landscaped median separating those parking rows from any additional parking rows. The landscaped median shall be at least 6 feet wide and shall be parallel to and run the same length as the adjacent parking rows.”

There was discussion on the appropriate width to require for a landscaping median in this provision. Mr. Behrendt said 9 ft was a good standard, as long as it was understood that sometimes the Board might want to negotiate with the applicant on this. The Board agreed to go with “The landscaped median shall be at least 9 feet wide, where practical as determined by the Planning Board...”

Page 61, 5.8.7 “Trees and shrubs used in parking lots shall be selected to avoid species that may drop significant fruit, flowers, sap, and other materials onto vehicles. It was noted that Ms. Mower had recommended additional language “.. and to be as salt-tolerant as necessary for the particular location.” The Board agreed this additional wording wasn’t necessary because 5.8.8 covered the issue. They changed “should” to “shall” in 5.8.8.

There was discussion on 5.8.9 Foundation Planting Strip. The wording was not changed.

Page 63, 5.8.12 Mr. Behrendt said the existing language was good and allowed some flexibility. He said the proposed additional language was aggressive, and mandated that every landscaping bed be designed as a rain garden. After discussion, the following wording was agreed upon. “...All landscaped islands, peninsulas, and medians shall be a minimum of nine feet in width or as necessary to provide adequate room for vegetative root growth and in order to not to interfere with access to vehicles, lines of sight, pedestrian travel, or the long-term health of the vegetation. Islands shall be separated from the parking area by adequate curbing or tire stops. The design and use of islands for bioretention systems shall meet Low Impact Development (LID) best management practices (BMPs). Some islands may be used to provide pedestrian walkways. Areas designated for water quality swales or rain garden beds (if sheet flow is allowed) shall be designed to promote detention time and infiltration. Soils must be designed for infiltration and evaluated for need of amendments. Overflow contingencies shall be provided and plumbed to adjacent drainage network if necessary.”

Page 63, There was discussion about Section 5.9 Screening 5.9.1: “Where nonresidential uses and/or off-street parking facilities abut a vacant lot in a residential zone or an existing residential use, the perimeter shall be screened to provide physical and visual separation from the residential zone or use. The Board agreed that the suggested wording “This shall also apply to development in our commercial core and along our gateways.” was redundant so wasn’t needed. Councilor Gooze asked what “visual separation” was, and there was discussion.

Page 65 There was discussion on proposed wording for 5.10.2. The Board agreed to go with the following wording: “No construction activity shall occur within the critical root zone to avoid soil compaction and damage to the tree. This includes: Vehicles and equipment traffic and parking, stock piling of materials..... If the full CRZ area cannot be fenced the Planning Board may reduce the size of the area; however other measures (see appendix) should be required for protection of the tree and root system.” There was discussion about whether this wording belonged here or under Construction Practices, and Mr. Behrendt said he would look at this.

5.10.4 There was discussion on proposed wording: “Trees on public property (or on a Municipal right of way) must be protected, if they will be impacted by construction. If these trees are damaged or cannot be protected they will be replaced with an appropriate number of trees as determined by the Planning Board. The total combined caliper of the replacement trees cannot exceed the DBH of the tree removed. Example: ten - 2” caliper trees could be required to replace one 20” DBH tree. There was discussion about the use of the word “cannot” in the provision. Mr. Behrendt said he would check on this.

The Board agreed to continue their review of the comments on the Site Plan Regulations at the next meeting if there was time.

**VI. Submission Procedures.** Clarification whether all materials for site plan and subdivision applications must be submitted by the three-week application deadline or whether it is acceptable to submit certain materials after the deadline but prior to the application being sent to the Planning Board.

Mr. Behrendt said he had some proposed language, and said it was good practice. Mr. Wolfe said it was important to follow the rules. Mr. Parnell asked what this had to do with the Planning Board. There was discussion.

Mr. Behrendt noted the language he’d proposed, and said if it generally made sense to the Board, he would include it in the Rules of Procedure and the Planning Board could approve it.

There was detailed discussion on the issue of accepting an application when all of the submittals hadn’t been received. Mr. Kelley said there could be a problem with this, and said it might depend on the scale of the project. He noted that this might not just be an

issue for the Planning Board, and could be an issue for members of the public wanting to review an application in a timely manner. There was further discussion.

**VII. Rules of Procedure.** Proposed amendments to the Planning Board Rules of Procedure pursuant to various policies set by the board recently.

Mr. Behrendt noted that the Planning Board had set a lot of policies over the last few years, and said he'd incorporated them the best he could into the Rules of Procedure. He said they were worth going through page by page in the draft he'd put together. The Board reviewed the document.

Concerning the Public Comments section on page 5, Mr. Behrendt said Administrator Selig had asked if the Board was certain about its policy that if something was on the agenda but there wasn't going to be a public hearing about it, the Board didn't want members of the public speaking about it under Public Comments because this might take up some time.

Chair Corrow said the proposed wording suggested that the Planning Board had discretion on this, and said he believed the Board had been flexible about this kind of situation in the past. There was discussion. Councilor Gooze suggested providing a time limit and allowing the public comments, which was what the Town Council did. It was noted that if the public hearing on an application was closed, there couldn't be public comments on it.

Mr. Wolfe said a question was whether public comments should be allowed in situations where there was a modification to a site plan application, where a public hearing wasn't required. There was discussion that the Board hadn't had a problem with this issue. The Board agreed to stay with the proposed wording concerning in the Rules of Procedure concerning Public Comments.

***Richard Kelley MOVED to approve the revisions to the Planning Board Rules of Procedure dated Oct 28, 2015, and schedule a Public Hearing for December 9, 2015. Councilor Marple SECONDED the motion and it PASSED unanimously 7-0.***

**VIII. 2016 Schedule.** Proposed Planning Board schedule for 2016. Recommended action: Adopt the schedule as is or with changes.

***Richard Kelley MOVED to adopt the schedule as is for 2016. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.***

**IX. Other Business**

The Board moved the scheduled site walk on Griffiths Drive up to 3:00 pm on November 13<sup>th</sup>.

**X. Adjournment**

***Richard Kelley MOVED to adjourn the meeting. Peter Wolfe SECONDED the motion and it PASSED unanimously 7-0.***

Adjournment at 10:33 pm

Victoria Parmele, Minutes taker

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Andrew Corrow, Secretary