

These minutes were approved at the June 10, 2015 meeting.

DURHAM PLANNING BOARD
Wednesday, January 28, 2015
Community Room, Durham Public Library
7:00 p.m.
MINUTES

MEMBERS PRESENT: Peter Wolfe, Chair
Andrew Corrow, Vice Chair
David Williams, Secretary
Lorne Parnell
Richard Kelley
Bill McGowan
Julian Smith, Council Representative to the Planning Board
Kathy Bubar, alternate Council Representative to the Planning Board

MEMBERS ABSENT Wayne Lewis, alternate
Linda Tatarczuch, alternate

I. Call to Order

Chair Wolfe called the meeting to order at 7:00 pm.

II. Roll Call

The roll call was taken.

III. Seating of Alternates

No alternates were seated.

IV. Approval of Agenda

Councilor Smith MOVED to approve the Agenda. David Williams SECONDED the motion, and it PASSED unanimously 7-0.

V. Town Planner's Report

Mr. Behrendt said if Mr. Farrell didn't appear tonight concerning the Edgewood Road subdivision application, it should be postponed to the February 28th meeting because he

needed to go to the Conservation Commission. Chair Wolfe noted that a letter was needed from the Fire Chief.

Mr. Behrendt provided details on an event he attended last week, sponsored by Portsmouth Smart Growth 21st Century. He said urban planner Jeff Speck spoke about how to make a more walkable Portsmouth, and among other things said one way streets in a downtown were awful. Mr. Behrendt said he hoped that at some point Durham could convert to two way streets. There was discussion.

VI. Reports from Board Members who serve on Other Committees

Councilor Smith said the Traffic Safety Committee met in September and addressed the traffic pattern on Main Street put in place over the summer. He said at the November meeting, they discussed a number of issues and passed out a memo on this. He said the next meeting was scheduled for some time next month.

Mr. Parnell said the EDC met last week and discussed the economic development strategy and goals for 2015. He said the EDC would provide a statement of support for the proposed Memorandum of Understanding with UNH, and the proposed development at the Durham Business Park.

Mr. Corrow said he missed the January meeting of the Energy Committee, where they worked on completing the Energy Chapter. He said the chapter would soon go to the MPAC.

VII. Public Comments

Councilor Robin Mower, Faculty Road, said she had some comments concerning the Energy chapter of the Master Plan. It was agreed that discussion on the Master Plan would occur later in the meeting.

VIII. Great Bay Animal Hospital - Boundary Line Adjustment. Application to adjust the lot lines between 2 existing lots to place the house on its own lot and the kennel, veterinary hospital, and dog day care facility on one lot. Dr. James McKiernan, Great Bay Animal Hospital, property owner and applicant; Kevin McEneaney, Surveyor. Map 6, Lots 11-7 and 11-8. Residence C Zoning District. Recommended action: Schedule public hearing if the application is complete.

Mr. Kelley recused himself, noting that he and Dr. McKiernan coached youth basketball, and that their kids might be on the same team.

Mike Sievert of MJS Engineering represented the applicant. He said the plan dated January 23rd showed that the lot on the right side facing east was the smaller lot with an existing house on it. He said the lot to the north was the larger lot, and contained the

commercial businesses. He said it was set up as a pork chop subdivision, and said with the new lot configuration the frontage requirements were met.

Councilor Smith asked if it would be appropriate to recommend that the applicant apply for a variance, in order to give the Veterinary hospital all of the frontage, with deeded access along the existing drive to get to the residence. He said the frontage for the proposed new lot would be unusable, so would be a nuisance.

Mr. Sievert said there would be no benefit in doing that. He said with what was proposed, the easement would stay the same but would be given to the owner of the residential lot. He explained that the applicant wanted to keep the frontage of the lot well vegetated in order to maintain the buffer, and said this would be in the easement for the residential lot. He said the owner of the larger parcel would have to maintain the buffer. There was discussion.

Mr. Parnell said given the history of this property, including the applications that came to the Planning Board, he had concerns about the portion of the property between the doggy day care and Route 108 being owned by someone else. He said he thought it would be best if things were maintained as they were now, with the conditions imposed on the current owner of the dog daycare.

Mr. Sievert said the easement would state that the owner of the residential property couldn't remove any trees. Mr. Parnell said it would be more difficult for the Town to maintain a buffer that was intended to be a noise reducer if there was an easement. He said he'd have trouble supporting the application as it was now. There was further discussion.

Councilor Smith asked if the new owner still intended to build the facility that had been approved and permitted. Mr. Sievert said with this proposal, the larger dog daycare would not be built. Mr. Williams asked if the intent was to diminish the buffer, and Mr. Sievert said no. He said there would be no change to the frontage, and no additional access points. Mr. Williams asked who would maintain the buffer. Mr. Sievert said explained that the easement said the owner of the residential lot would maintain the frontage of that property.

Councilor Smith confirmed with the planner that the application was complete.

Councilor Smith MOVED to schedule a Public Hearing on the application for February 11th, 2015. Bill McGowan SECONDED the motion.

There was discussion about whether the Planning Board was committing itself to anything at this point. Board members agreed that this was not the case. Mr. Behrendt summarized the buffer issue that the Board would need to make a decision on.

The motion PASSED unanimously

- X. 10 Pettee Brook – Sign Master Plan.** Application for a sign master plan for the mixed-use building. Dennis Kostis, Ionian Properties, property owner and applicant; Sundance

Sign Company, designer. Map 2, Lot 12-11. Central Business Zoning District.
Recommended action: Schedule public hearing.

Nick Kostis spoke briefly about the signage that was proposed, and provided a sample for the Board to look at. He noted the overall wall mounted sign and the header for it, and said they would like to have the flexibility to fit four panels on it for four tenants, but more than likely would need only three panels.

Chair Wolfe asked what would go on the Pettee Brook panel on the side of the building. Mr. Kostis said they weren't applying for that now, and said what was provided was a general idea of what could be done if any tenant(s) wanted to do this on their own.

There was discussion on what needed to be provided to the Board as part of a sign master plan application. Mr. Behrendt said the parameters of the sign master plan needed to be broad enough to be able to make adjustments depending on what tenants they got, so the applicant didn't need to come back. But he said the number, type, size, location and design constraints for the signage should be clear. He said this information should be provided for the next meeting.

Chair Wolfe noted that Pettee Brook Lane might be a two lane road at some point, which could impact sign considerations.

Mr. Kelley said it benefited the applicant to include as much detail as possible on what he wanted the Board to approve. He said what had been provided was a single wall mounted sign of certain dimensions and color palette, with room for 3 tenants.

Mr. Kostis said including projecting signs would be up to the tenants, so that wasn't being requested now. Chair Wolfe said the Board would prefer to address that as part of this current process. There was discussion.

Mr. Behrendt said the colors provided were attractive, but could blend better with the building. Mr. Kostis said this approach was taken first, but blended too much with the building, so they went with a UNH blue, which popped nice on the building and was attractive.

It was noted that lighting for the signs would need to be addressed in the sign master plan.

Richard Kelley MOVED to schedule for February 11, 2015 the Public Hearing on the application for the sign master plan for the mixed-use building located at 10 Pettee Brook Lane, Map 2, Lot 12-11 in the Central Business District. Councilor Smith SECONDED the motion, and it PASSED unanimously 7-0.

The Board agreed that a site walk wasn't needed.

- X. Public Hearing - Edgewood Road and Emerson Road Subdivision.** 2-lot subdivision and a boundary line adjustment. *Note that this application was originally submitted as a 4-lot subdivision but the applicant is changing it to a 2-lot subdivision (and possibly

submitting a separate application in the future to subdivide the new lot further for a total of 4 lots). Jack Farrell, applicant. County Line Holdings, LLC and Mark Morong 1991 Trust, owners. David Vincent, surveyor. Map 1, Lot 15-0. Residence A Zoning District.

Mr. Behrendt said Mr. Farrell would be going to the Conservation Commission in regard to the conditional use permit that was needed because of the crossing of wetland by the access road. He said Mr. Farrell would also be speaking with the Fire Department concerning the Class VI road issue, and whether any improvements were needed to it. He also noted that the issue of maintenance of the road would need to be worked out.

The Planning Board agreed to continue the Public Hearing to the February 25th meeting.

XI. Public Hearing - Master Plan Chapters. Continued review of three new chapters: Community Character, Housing and Demographics, and Land Use (Existing).
Recommended action: Okay chapters, if appropriate.

Cynthia Copeland, Strafford Regional Planning Executive Director said based on comments from the Planning Board at its December meeting, formatting and style changes were made to the chapters. She said SRPC staff looked forward to getting additional comments on the chapters this evening. She reviewed the schedule for getting ten Master Plan chapters done, and noted that at its last meeting, the MPAC had set the end of February as the deadline for committees to finalize their chapters.

Mr. Williams said he'd had the privilege of sitting on the MPAC for almost a year, and said it was a diligent, determined, fair-minded group of people who raised and discussed various issues. He said they'd been faithful to the mandate given them by the Planning Board, and said the Board had every reason to feel confident about them as well as the planning consultations who were working with the Town on the Master Plan.

Chair Wolfe asked when the chapters being worked on would come to the Planning Board for review, and when the review process was expected to be completed. Ms. Copeland said once the finalized chapters were received from committee chairs, SRPC would make the final editing/formatting changes, and would present all 10 chapters to the MPAC on March 19th. She said after that, the MPAC would forward chapters to the Planning Board.

Chair Wolfe said if the MPAC hadn't done the work on the Master Plan, the Planning Board would be doing this work, and would have to meet two extra days each month. He thanked the MPAC for doing this work. Mr. Kelley said this endeavor started with the Planning Board and went nowhere until the heavy lifting was delegated out, and said they were now seeing progress. Ms. Copeland said MPAC members would appreciate hearing this positive feedback. Mr. Wolfe said the Land Use chapter and Housing and Demographics chapters were incredibly useful for anyone doing planning on Durham's future.

There was discussion about the glitch resident Jim Lawson had found in some of the housing data in the Demographics and Housing chapter. SPRC planner Matt Sullivan,

who had worked on this chapter, said he'd reviewed the comments, and said there appeared to be an error that related to querying the Assessing database. He said the data in the chapter on housing affordability would be revisited and would be updated. Chair Wolfe said Mr. Lawson had said while some numbers in the tables would change, the results would not. Mr. Sullivan spoke further on this.

There was discussion on some minor editing changes needed to the Land Use chapter.

Councilor Smith MOVED to open the Public Hearing on the Community Character, Housing and Demographics, and Existing Land Use chapters. Richard Kelley SECONDED motion and PASSED unanimously 7-0

Beth Olshansky, Packers Falls Road, said she appreciated the work that had gone into the chapters. She noted the recommendations in the Demographics and Housing chapter did discuss workforce housing, but said she wasn't sure that they acknowledged that with all of the new student housing being built, this opened up housing stock in the neighborhoods for workforce housing and young families. She said the chapter should say that Durham had done a lot indirectly to open things up to workforce housing.

Chair Wolfe said he read the chapter as saying this already. Councilor Smith said some housing in the neighborhoods would remain attractive as student rentals, but said there was the opportunity with a Mill Plaza project to have multi-family living units.

Ms. Olshansky said the chapter used data from 2000-2010 in regard to the decline of young families. She said some of these projections had been defied by reality, and she provided details on the number of new students at the Maharomet School. She also said with all of the student housing being built, more homes in the neighborhoods would open up for young families, which could result in more students in the schools. She said the estimates in the chapter were a little gloomy, and asked whether all of the information in the chapter was current.

She said in general, what she was reading in the chapters set the stage for more development pressures. She asked how the Future Land Use chapter would be written, and said she hoped there would be broader community input before it was drafted.

Mr. Williams said only the Vision and Land Use chapters were mandated by State Statute, and he noted that the MPAC was asking how things would play out in terms of whose vision was in the Master Plan. He said a key term being used was balance, and said there were many variables that went into the who, what, when of finding this balance in Durham. He spoke further on this.

Councilor Robin Mower, Faculty Road, said she hadn't read all of the information in the chapters yet. She asked how engagement by residents in the Master Plan process could be improved, and asked the Planning Board to consider having an Executive Summary for the Master Plan that could be shared with residents while the public hearings were open, so people could get a sense of what was in a particular chapter. She

said a pretty small number of people had provided input on the content of the chapters, and said this was a concern.

Councilor Mower said another concern was the length of the chapters. She also made some specific suggestions concerning the chapters.

- She recommended that the qualifications section and definitions section for the Demographics and Housing chapter be moved to the end.
- She said it would be helpful to have someone who wasn't the prime author read the chapters aloud.
- She said page 8 of the Housing and Demographics chapter seemed to imply that just NH was experiencing a skewing of residents over 55, when this was happening across the country.
- She noted data that indicated that UNH was growing by 1000 students per year, and said this wasn't indicated in the Demographics and Housing chapter
- She suggested checking the formatting of the various tables in the chapters.
- She updated the Board on revisions being made to the Energy chapter.
- She encouraged the Planning Board to consider developing one page Executive Summaries for each chapter that would provide highlights of the chapter. She said these should be available for residents in advance of endorsing the chapters.

There was discussion about the comment that UNH was growing by 100 students per year. Councilor Bubar said she believed the Council was told this year that UNH had 390 more students, and intended to maintain about that number per year over the next 3 to 4 years. Councilor Mower said a question was whether the 0.5% shown in the graphs incorporated this. SPRC staff said this would be included in the next draft of the chapter.

Councilor Mower noted that Durham was in Strafford County but in many ways was more aligned with Rockingham County, and said this was a prism through which it was valid to read some of the Master Plan.

Malcolm McNeil, 44 Colony Cove Road, noted that he was a member of the MPAC, and said five members were at the meeting this evening. He said the brevity of comments was as compliment to the work done by the consultants. He noted that this had been a lengthy process, and said it was important to complete the document. He said it was 15 years since the last Master Plan, and said the validity of the land use recommendations was nominal at best.

He said deadlines had been imposed on chapters in order to provide some closure to the process. He said the MPAC wasn't directed to a particular result, and said members had divergent interests and did not speak with one voice. He said their goal was to bring to the Planning Board a factually based, well written document with reasonable consistency in terms of formatting, which the Board would be proud to endorse. He said SRPC had gone a long way to producing a document like that.

Councilor Mower said she appreciated the work on the plan, and the time since the last Master Plan was done. But she said she remained concerned about the low level of engagement, and urged the Board to address this. She said the brevity of comments wasn't a sign of anything. She noted the important role of the Master Plan, and said this process could help with engaging residents.

Chair Wolfe noted that Ms. Olshansky had questioned the school data, and that SRPC was going to check this out. Mr. Sullivan said he revisited this. He noted that the analysis he did for the chapter was constrained by historic trends on enrollment, and said the enrollment this past year was an anomaly. He said in looking at the data again, he found that the trend reported in the chapter was overwhelming, so the data would be used as part of the analysis.

He also said the 0.5% increase in UNH enrollment came from the Director of Campus Planning, and reflected enrollment this year. He said he didn't believe that 300 students per year would be a stable growth rate over time.

Mr. Sullivan said the data indicated that the Town wasn't seeing a lot of growth in starter homes for young families right now. He said the recommendations for the Demographics and Housing chapter came from the data.

He noted concerning the comment on a lack of public engagement in the Master Plan process that he and Mr. Pimental had followed the results of the visioning forum and survey very carefully in developing the chapters.

Mr. Sullivan noted that the Demographics and Housing chapter was drafted in June of 2014, and said several student housing developments had been approved since then. He said the numbers in the chapter had been adjusted in most cases, but said there might be some discrepancies because it was difficult to continue to adjust the numbers.

Chair Wolfe asked SRPC staff if an Executive Summary was appropriate, and if the qualifications should be in the front of the Demographics and Housing chapter. Ms. Copeland said providing the qualifications was important to put up front, and said people could read it or skip it. She said putting it up front helped people feel comfortable with where the data was coming from, what its limitations were and how it could be used. She said this allowed people to ask good questions in order to develop new policies or changes to them. She also said SRPC liked to develop Fact Sheets that included concise, interesting, normal language for people so they could think about planning issues.

Mr. Sullivan explained the importance of including the qualifications information at the beginning of the Demographics and Housing chapter. He said key conclusions in chapters could be used as a Fact Sheet or some other kind of quick hitting piece for each chapter.

Mr. Kelley noted that Durham was an affluent community, and wasn't economically diverse. He said the land available was constrained, and the University took up housing stock that might go to a more diverse population. He also said there was nothing that the

Planning Board could do about wage stagnation. He said he therefore questioned whether the Board should support the ideas in the Vision chapter and Demographics and Housing chapter on workforce housing options and allowing an increase in density to support this. He questioned whether there was public support for this, and said he wasn't sure he was up to supporting it. He also said the Master Plan should list the benefits of including workforce housing if it was going to support it.

Mr. Sullivan said he believed the economic development piece would lead to support for some kind of workforce housing, which was really affordable housing.

Mr. Kelley noted the significant property taxes in Durham, and said he didn't know how to provide a balance in the Master Plan between increasing density for workforce housing as well as quality of life issues like keeping the rural character of the Town. He said there was a conflicting interest there, and questioned whether that conflict should be in the Master Plan or if instead one thing or the other should be chosen.

Chair Wolfe said the Master Plan pointed out the constraints and various possibilities. There was discussion on the role of the Planning Board in all of this. Chair Wolfe said there needed to be a town-wide discussion and decision on achieving some kind of balance.

Councilor Smith said the Vision chapter should be purged of some of the gobbledygook in the writing, and he provided some examples of this. Chair Wolfe said he was happy with what the MPAC did, and said if Councilor Smith had something better, he should provide it. Councilor Smith said there was no way to make it better, and said he thought the Vision statement should be thrown out and replaced with a straightforward Executive Summary for the chapter.

He said someone should go through the Demographics and Housing chapter and do some editing. Chair Wolfe asked Councilor Smith to do some of this work if he didn't like the wording. Councilor Smith said the Demographics chapter was too long and had too much shaky data.

Mr. Parnell said there was a lot of data in the chapters that provided good information. But he questioned the fact that there were recommendations in the Demographics and Housing chapter, for example the one on affordable housing, and asked where they came from.

Ms. Copeland said the sources were the Master Plan visioning session and the other public engagement event, as well as the MPAC. She said Mr. Sullivan went over the recommendations with Mr. Behrendt, and also said the workforce housing requirements in the State RSA were reflected.

Chair Wolfe said it was important that the Board was comfortable with the recommendations. Mr. Williams said there were competing interests in Durham, which was reflected in the committees working on the various chapters and the chapters themselves. He said these competing interests did not fit comfortably together, and said

he didn't think being comfortable was a valid criterion for proceeding. He said there were going to continue to be competing interests, and also said the data would keep changing. He said the Planning Board was going to develop a picture, and all of the interests would be reflected in the chapters. Councilor Smith considered whether this meant there would be something for everyone in the Master Plan.

Chair Wolfe asked what the Board wanted to do with the chapters. Mr. Kelley said he would like to discuss issues like affordable/workforce housing. Chair Wolfe said this discussion would happen when the Master Plan was implemented. Mr. Kelley said he could endorse the chapters, with the understanding that down the road, there would be discussion on implementation measures such as possible revisions to the Zoning Ordinance.

Richard Kelley MOVED to endorse the Vision and Community Character, Existing Land Use, and Demographics and Housing chapters. Councilor Smith SECONDED the motion.

Mr. Kelley said the Master Plan process had gone on for a long time and needed to come to an end. He said they needed to move on to the next step. Councilor Smith said he agreed, and said he endorsed the chapters with profound reservations.

Mr. Williams said one way to frame workforce housing was a tool that might be deployed if it was useful to the Town. He said data from the Master Plan could be used as part of this. He said perhaps that was what the Master Plan was about. Councilor Smith said the University wasn't doing enough to encourage workforce housing, and also said the Town wasn't doing enough to encourage Town employees to live in Durham.

Mr. Parnell said the public would be much more likely to read the chapters if they had an Executive Summary, but also said the chapters should be endorsed as they were now.

The motion PASSED unanimously 7-0.

There was discussion about doing Executive Summaries for the chapters. Mr. Behrendt said this could be done after all 10 chapters were approved. Mr. Behrendt confirmed that adjustments based on comments the Board had made could be made by SRPC. He said the chapters would come back to the Board at the end. It was agreed that the additional changes made by SRPC should could be noted in some way.

Mr. Parnell said he thought the Executive Summaries should be done sooner rather than later, for each chapter, so members of the public would be able to read them. He said an entire chapter should be summarized in an Executive Summary. There was discussion. Mr. Williams said it would be important for people to keep in mind that the summaries would be interpretations, and would not be complete reflections of a chapter.

Ms. Copeland said the comments received were appreciated, and said they were doing their best to address them.

III. A. Role of the Master Plan Advisory Committee

Chair Wolfe said the Planning Board should discuss the role of the MPAC. He noted comments some Planning Board members had made at the December meeting. He said his feeling was that the Planning Board could not have functioned without them.

Councilor Bubar said she had not complained about the content of the chapters, and was complaining about the style and how the chapters were written. She said this was a huge undertaking, and said people should be proud of the work done. She said her point had been that the chapters needed to be readable, and said this was an editing issue. She said the MPAC had done an incredible job, and should be congratulated for all of the work they had done. Chair Wolfe noted that Planning Board members were welcome to attend MPAC meetings.

There was discussion on how much longer the MPAC would need to meet. Mr. Williams noted that all of the data in the various chapters was being channeled into recommendations in the Future Land Use chapter. He said he believed the MPAC and SRPC needed to be involved in the development of these recommendations. Mr. Behrendt said the MPAC and SRPC would be needed for the five chapters in phase II, including the Future Land Use chapter.

There was discussion that chapters were being endorsed now, all ten chapters in phase one would later be adopted, and then the five chapters in phase II, including the Future Land Use chapter would be developed.

Recess from 9:26-9:37 pm

Councilor Smith MOVED to amend the Agenda to do XIV before Items XII and XIII. Lorne Parnell SECONDED the motion and it PASSED unanimously 6-1 with Richard Kelley voting against it.

XIV. Review of Minutes:

May 28 2014 Minutes

Page 15, line 19, should say "... would be considered by certain buyers who weren't attractive to..."

Councilor Smith MOVED to adopt the May 28, 2014 Minutes as amended. David Williams SECONDED the motion, and it PASSED 4-0-3, with Chair Wolfe, Andy Corrow and Richard Kelley abstaining.

August 13, 2014

Page 1, line 10, should say Vice Chair Andrew Corrow

Page 15, line 10, should say "Ms. Tatarczuch"

Bill McGowan MOVED to adopt the August 13, 2014 Minutes as amended. Andy Corrow SECONDED the motion, and it PASSED 5-0-2, with Lorne Parnell and Richard Kelley abstaining.

September 10, 2014

Page 19, line 38, should say "...making it financially attractive..."

Line 21, should say Bill McGowan voting against the motion.

Lorne Parnell MOVED to adopt the September 10, 2014 Minutes as amended. Andy Corrow SECONDED the motion, and it PASSED unanimously 7-0.

September 17, 2014

Page 22, line 38, motion should say "...to continue the meeting past 10:30."

Lorne Parnell MOVED to adopt the September 17, 2014 Minutes as amended. Councilor Smith SECONDED the motion, and it PASSED 6-0-1, with Bill McGowan abstaining.

October 8, 2014

Page 5, line 2, and said there were a lot of 200-300 sf per occupant ...available

Page 7, line 11, consensus then that....

Page 10, name Attorney Pollack wherever, page 11

Page 11, line 20, construction would drive a lot of customers away....

Page 12 22 and 30 Pollack

Lorne Parnell MOVED to approve the October 8, 2014 Minutes as amended. Councilor Smith SECONDED the motion and it PASSED unanimously 7-0.

November 5, 2014

Page 13, line 32, should read "Councilor Mower recommended that the word "board" should be capitalized. Board members agreed."

Councilor Smith MOVED to adopt the November 5, 2014 Minutes as amended. Lorne Parnell SECONDED the motion, and it PASSED 5-0-2, with Richard Kelley and Bill McGowan abstaining.

November 12, 2014

Page 8, bottom line 43, "Councilor Jay Gooze....." - remove duplicate language there.

Page 25, lines 40-41 remove comment from Minutes taker

No adjournment time indicated. Should say 10:30 pm

Councilor Smith MOVED to adopt the November 12, 2014 Minutes as amended. Lorne Parnell SECONDED the motion, and it PASSED 6-0-1, with Chair Wolfe abstaining.

- XII. Public Hearing – Site Plan Regulations.** The Durham Site Plan Regulations have been overhauled with a new draft including Part I – General Provisions, Part II – Site Plan Review Process, and Part III – Development Standards. A. Part I – The board okayed this part earlier B. Part II - Review and finalize proposed changes C. Part III - Discuss process for reviewing Recommended action: See above. Continue public hearing for appropriate parts

Chair Wolfe said it might make sense to have Town boards and staff look at Part III and email suggested changes to Mr. Behrendt, who would then compile them. He said the Board could then review them and work through Part III.

Councilor Bubar said everything in the new draft was either in the old draft, or was from Rochester, Exeter or Portsmouth. She said a lot of work had been done on them, and said if the Board wanted to be able to manage proposals coming forward, they needed to get them adopted. Chair Wolfe said the Board could either do an expedited process, or could review Part III in detail, which could take several meetings.

Mr. Williams said he thought it would be helpful if staff and other board/committee members could review Part III, and also suggested that the Board could even adopt the draft tonight and amend them further later. There was discussion on how this would work.

Mr. Behrendt laid out in some detail how what Mr. Williams had suggested could be done. He said Part III had already been forwarded to a lot of people, and said he could send another note out to Town staff and boards, with a deadline for providing final comments. It was agreed that the deadline should be Feb 27th, and that Mr. Behrendt would then compile the information and get it to the Planning Board for the March 11th meeting, along with his own comments on the information provided.

Councilor Smith MOVED to open the Public Hearing on Part II of the Site Plan Regulations. Andy Corrow SECONDED the motion and it PASSED unanimously 7-0.

Councilor Smith thanked Councilor Mower and Councilor Bubar for their many suggestions, and said he didn't see anything he disagreed with.

Councilor Robin Mower, Faculty Road, said she hoped Town staff would be able to see comments made by John Parry and Jamie Houle, concerning the landscaping and stormwater standards respectively in Part III, because they were significant additions to what was given to the Planning Board on September 17th.

Beth Olshansky, Packers Falls Road, confirmed that an applicant got standing in terms of zoning changes at the design review stage. She asked if language was included in Part II that would strengthen this process, and said if it wasn't, she'd appreciate the Planning Board looking at this.

Richard Kelley left the meeting at 10:06 pm.

Michael Sievert, said he didn't see any major issues on the original draft, and also said it would be good to see the comments from John Parry and Jamie Houle.

The Planning Board next reviewed specific provisions in the draft of Part II.

1.1.1 Limits of the Review. The Board approved the following language: a) The Board shall conduct the preliminary conceptual consultation at a regularly scheduled meeting of the Board. The applicant **shall** make a presentation defining the general scope and concept of the Site Plan.

1.2.4 Mr. Parnell said there needed to be better specifications on what was required regarding the Design Review process. There was discussion about the existing language in 1.2.5, and whether it was enough. Mr. Sievert noted that Portsmouth provided significant details on what was required as part of design review. Mr. Behrendt said he would work on some language for this section, after looking at what some other towns did.

There was discussion about the importance of the Board being able to distinguish between a project that was at the pre-conceptual review stage and the design review stage.

Mr. Sievert said Portsmouth public hearings on a design review application only lasted for one meeting. Mr. Behrendt noted that the purpose of design review was to help an applicant, and that the applicant could close a hearing on a design review application at any time. Councilor Smith said if applicants thought they only had one shot at this process, they would be more likely to come in with something that was well thought out. He also said he thought there should be design review for small as well as large projects.

Councilor Mower said requiring a certain amount of information to be provided as part of the design review process benefited everyone, including the Planning Board, the applicant, and members of the public. She said the length of the process could be limited, and also shaping of the project could occur much earlier in the process.

Chair Wolfe summarized that Mr. Behrendt would provide some additions to this section.

Councilor Mower said design review was incredibly important to an applicant and the Town because it vested the application. She said it was therefore very important that both parties get the information they needed, so this should not be perceived as an undue hardship.

The Board approved the following language for sections 1.3.1, 1.3.2, and 1.3.3:

1.3.1: The formal application shall consist of the forms, information, and documentation as shown in these regulations along with application fees and any fees for notices.

1.3.2 Upon receipt of a formal application, the Planning Director will review it using the Site Plan Application Checklist. If this review discloses that all requirements specified on the Site Plan Application Checklist have not been met, the applicant will be notified what specific items are still needed. If the application is not complete, then it may be treated as a preliminary conceptual application or Design Review application, as appropriate, or it may be held/tabled by the Planning Board until the outstanding items are submitted and it is accepted as complete.

1.3.3 A formal application shall only be submitted to the Planning Board at a regular meeting. Within 30 days of receipt of the application, the Planning Board shall accept the application as complete or make a finding that the application is not complete, noting the outstanding items **on the Site Plan Application Checklist**, which shall have been provided to the Board. If the Board determines that the application is not complete it may continue the application to another specific meeting or table the application, to provide time for the applicant to submit the outstanding items.

There was discussion on 1.3.4 Chair Wolfe said the specific role and extent of authority of the TRG should be addressed in the Site Plan Regulations. Mr. Behrendt explained the distinction between the TRG and the TRC, and there was discussion. It was agreed that Mr. Behrendt would come up with some language on the role the TRG played.

There was discussion on 1.4.5 "Conditions of approval shall be stated in a Notice of Approval or Notice of Decision to be sent to the applicant." The Board discussed whether both of these were needed, and it was agreed that there would only be a Notice of Decision, which could mean an approval or denial of an application.

There was discussion on the proposed provisions for a new Section - Conditional Approval. Mr. Behrendt said he thought people might be confused by the language that was proposed. Councilor Mower said she believed someone had said this was covered elsewhere. There was discussion that only the third proposed provision needed to be included in the Site Plan Regulations. There was discussion on what it should say, and the following wording was agreed on:

"The applicant shall have 1 (one) year to comply with the conditions of approval and have the plan signed by the Board. If the conditions are not met within 1 (one) year, the conditional approval shall lapse, unless the Board has granted a mutually agreeable extension. The Board for conditional approval shall grant two 6-month extensions. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, these regulations, or any other ordinance or regulations which would render the Site Plan non-conforming, and if all required permits are still valid."

It was agreed that the Public Hearing would remain open.

XIII. Other Business:

B. Pauly's Pockets – Role of Architectural Design Committee

Mr. Behrendt said there was a great meeting of the committee recently, and said once there was agreement, this would come back to the Planning Board for approval. He said he wanted to make sure the Board was comfortable with a few proposed changes, including Mr. Eja's desire to keep his existing windows in front but dress them up a bit in order to save some money on the project. He said he believed the changes would consistent with the drawings the Planning Board had seen. Board members said they were comfortable with this approach.

Committee member Beth Olshansky said the process had been working. She said Mr. Eja had run into some financial constraints, and the committee had been working with him to try to retain a good design but make it a bit more cost effective for him.

XV. Adjournment

Councilor Smith MOVED to adjourn the meeting. David Williams SECONDED the motion, and it PASSED unanimously 6-0.

Adjournment at 10:45 pm

Victoria Parmele, Minutes taker