

**DRAFT**

**DURHAM PLANNING BOARD**  
**Wednesday, November 18, 2015**  
**DURHAM TOWN HALL COUNCIL CHAMBERS**  
**7:00 pm**  
**MINUTES**

**MEMBERS PRESENT:** Andrew Corrow, Chair  
Lorne Parnell, Vice Chair  
Richard Kelley (arrived at 8:09 pm)  
Stephen Roberts  
Barbara Dill  
Wayne Lewis, alternate  
Paul Rasmussen, 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

**I. Call to Order**

Chair Corrow called the meeting to order at 7:02 pm. He welcomed new alternate Planning Board member Paul Rasmussen.

**II. Roll Call**

**III. Seating of Alternates**

Chair Corrow appointed Mr. Lewis to sit in for Mr. McGowan, and Mr. Rasmussen to sit in for Mr. Kelley until his arrival.

**IV. Approval of Agenda**

*Steve Roberts MOVED to approve the Agenda as presented. Councilor Marple seconded the motion, and it passed unanimously 7-0.*

**V. Town Planner's Report**

Mr. Behrendt said he had nothing new to report to the Planning Board.

**VI. Reports from Board Members who serve on other Committees**

Mr. Parnell said he attended the Traffic Safety Committee meeting last week, and said concern was expressed at the meeting about the need for a loading zone for the future Papa John's restaurant, which the Planning Board didn't account for in reviewing the Site

Plan Application for the original project. He said this was something for the Board to keep in mind when reviewing site plan applications in the future.

Ms. Dill said the Conservation Commission met last week, and discussed the Perley Lane subdivision amendments currently before the Planning Board. She said Chair Ann Welsh had written a letter about the Commission's thoughts on the application, and would send it next week. Ms. Dill said she had permission to share the letter with the Planning Board.

## **VII. Public Comments**

**Robin Mower, Faculty Road**, read a statement she'd written about a recent Planning Board meeting, which expressed disappointment with the behavior of some Board members at certain points in that meeting. She spoke in detail about how critical the public process was in Durham, noting especially how public engagement had improved the Town's built environment significantly in recent years.

Chair Corrow asked for specifics on what Ms. Mower was referring to. Ms. Mower said a member of the Board made a snide comment about the Durham Business Park concerning signs, which was uncalled for. She also said there was a comment about proposed retaining walls at the Business Park. She said the Planning Board should be keenly aware that the retaining wall for the Peak project was a contentious issue, and that hundreds of people signed a petition that stated that they were unhappy with it. She said the Board should be careful about calling anybody's name out or calling out a position they didn't agree with.

## **VIII. Review of Minutes**

**IX. Harmony Homes - Eldercare Facility. Durham Business Park off Route 4.** Site plan and conditional use for an eldercare (assisted-living) facility with 2 single-story buildings (and likely a third in a future phase), parking, associated improvements, and a single family or duplex house for seniors. The conditional use is for activity within the Wetland and Shoreland Overlay Districts and for the senior house. John Randolph, Harmony Homes, applicant; Eric Chinburg, Grant Development, LLC, property owner; Mr. Behrendt Mr. Sievert, MJS Engineering, Engineer; Mr. Roberts McHenry, Brandon Holben, and Mary Brake, McHenry Architecture, Architects. Tax Map 11, Lot 27-1 through 27-7. Durham Business Park Zone.

Mr. Sievert provided an update on the various permits being applied for. He said they'd gotten approval from the Business Park Design Committee, and also said he and the applicant were pretty much in agreement with most of the draft conditions of approval Mr. Behrendt had developed. He said everything was the same from last time except for some minor changes to plan notes, etc.

Mr. Parnell asked what conditions of approval the applicant wasn't in favor of. Mr. Sievert said they weren't in favor of the condition on access to the drainage basin. Mr.

Behrendt noted that this condition as well as a few others had already been removed because the changes had been made.

It was noted that Mr. Sievert hadn't seen the most recent version of the conditions of approval. Mr. Behrendt said the changes made were very minor, but suggested that Mr. Sievert should have a chance now to read through them. Mr. Sievert agreed.

The Planning Board stood in recess from 7:16 to 7:26 pm.

There was discussion on condition #3 on page 9, Weekly Meetings, concerning requiring weekly construction meetings. Mr. Behrendt suggested that the wording could say that there would be weekly meetings or as determined at the preconstruction meeting with the DPW.

The Board discussed condition #30, page 12 regarding Sprinklers. Mr. Sievert said not all of the structures needed sprinklering, noting the barn and gazebo. The Board agreed with the proposed revised wording: "...all habitable residential structures as stipulated by the Fire Department."

There was discussion on condition #41, page 14, concerning the Dock Mr. Sievert asked about having to come back to the Planning Board for the dock. Mr. Behrendt said this was required in the shoreland zone, and there was discussion. Mr. Behrendt explained that while this use was permitted by right, it had to be reviewed by the Conservation Commission and the Planning Board.

Chair Corrow asked if Board members had questions about the Notice of Decision/Conditions of Approval. They agreed to go through the conditions page by page.

Page 3, condition #6 on Path in woods. There was discussion on the need for more specific language than "...slide the path over to the east". Mr. Sievert suggested that the condition could say: "...relocate the path to be more than 50 ft from the highest observable tide line." Board members said they were ok with this. Mr. Behrendt noted that the plans showed the path to the two family house, which the applicant wanted to remove.

Mr. Roberts noted condition #50 on page 15, Phasing of the development, and asked for details on the phasing of the single family home/duplex construction. Mr. Behrendt said wording that the house could be built when the applicant wished to do this was in the phasing plan and note on the plan. Mr. Randolph said he appreciated having this flexibility, and said he'd do the construction at the end of phase I or as part of phase II.

Mr. Roberts asked in regard to snow removal whether the applicant would be able to push the snow back and let it melt on site, and if there were any special requirements in regard to snow removal. Mr. Sievert said there were no specific requirements, and explained where the snow would be placed and that the snowmelt would be treated by a constructed wetland, which would provide good protection.

Mr. Lewis noted that there were two conditions of approval concerning sprinklering, #30 and #45, and Mr. Behrendt said #45 could be eliminated.

Mr. Lewis noted condition #43 on page 14 regarding Street trees, which said the applicant proposed to plant an avenue of trees along both sides of the entry road. Mr. Behrendt said the Business Park Design Committee specified that planting trees would be left to the discretion of the applicant, but that if there were going to be trees, they needed to be deciduous and at least 50 ft apart. Mr. Lewis asked how that requirement came about, and there was discussion. Mr. Randolph said there was a suggestion about having some maple trees, and he decided that having the 50 ft distance between trees would keep things open but would also provide some definition to the road, which was what the team was trying to accomplish.

There was discussion on condition #35 on page 6, Project name. Mr. Behrendt read some suggested alternative wording for this condition. Mr. Randolph explained that staff would be trained to tell the Fire Department which facility was calling in when there was an emergency, and would provide the specific address. He also noted the name “Harmony Homes by the Bay” for the new facility. Councilor Gooze said it would also be good if someone driving by the facility knew the name of the facility, so could call it in if there was an emergency situation. There was further discussion that the “final” name for the facility would be approved by the Fire Department, and that a condition of approval concerning this wasn’t needed.

There was discussion on condition #35 on page 13 regarding Density. Mr. Parnell said he presumed that this referred to all three phases, even though the Board was only approving one phase now. He said this should be clearly stated.

There was discussion on Condition #44, page 14, regarding Old Piscataqua Road. Mr. Parnell said the wording in the condition sounded wishy washy, and said he wondered why it was there as part of a decision the Planning Board would be making. Mr. Behrendt said the wording was a reminder to everyone that it could be discussed as part of phase 3 of the development. Councilor Gooze suggested that the wording could be less wishy washy, and there was further discussion.

There was discussion on condition #27, on page 12 Conditional use - elderly housing, concerning what age “elderly” referred to. Mr. Randolph said the number he had spoken about was a minimum of age 55. There was discussion. Mr. Behrendt noted that the Zoning Ordinance requires that 100% of residents be over 55, while State law required that a minimum of 80% of residents be over 55. He said he thought they were all set with the wording on “elderly” in the Notice of Decision.

Mr. Behrendt said he had two other changes to suggest. He said one was to include a condition on addressing invasive species under Other Terms and Conditions. Mr. Parnell asked why this was coming up now. Mr. Behrendt said Mr. Sievert had determined that there were invasive plants on the site as part of going for the wetland permit. He said they would be removed and replaced with native species. There was discussion that the

applicant was required to address this as part of mitigation for disturbance within the 100 ft shoreland setback, and would be dealing with NHDES on this. Mr. Behrendt said including a note on this in the plan could be helpful. Mr. Parnell said he had no problem with putting this in, but said it should simply reference the DES requirement.

Mr. Behrendt said one other change he wanted to recommend was concerning condition #12 on page 10 regarding the Conservation Easement. He noted that he'd spoken with Administrator Selig on this, and provided some recommended wording for the condition. Mr. Parnell confirmed with Mr. Randolph that this wording was acceptable.

Mr. Behrendt noted the waiver the applicant had requested from the School Impact fee.

The Planning Board next went through the checklist for the conditional use application, and agreed that all of the criteria were met.

***Lorne Parnell MOVED to approve the Site plan and Conditional Use Application and accompanying waiver submitted by John Randolph, Harmony Homes, for an eldercare (assisted-living) facility with 2 single-story buildings (and likely a third in a future phase), parking, associated improvements, and a single family or duplex house for seniors. The conditional use is for activity within the Wetland and Shoreland Overlay Districts and for the senior house. The property is located at Tax Map 11, Lot 27-1 through 27-7 in the Durham Business Park Zone. Steve Roberts SECONDED the motion and it PASSED unanimously 7-0.***

- X. **Public Hearing - 4 Griffiths Drive – Nitrogen-Containment Project.** Conditional use to implement a new passive technology on a single-family lot under a grant-funded pilot project. Installation of a permeable reactive barrier to prevent nitrogen from septic systems migrating to watersheds. The activity will occur within the Wetland and Shoreland Overlay Districts. Danna Truslow, Truslow Resource Consulting, consultant; Jessa Doleac, property owner. Map 14, Lot 1-2. Rural Zoning District

Ms. Truslow noted that there had been a site walk on Friday. She also said the DPW, which would do the construction, had looked at the site and hadn't found any problems. She said the project wouldn't start until sometime in December when the ground was pretty solid so the soil wouldn't be disturbed. She said there was a request for a waiver on the application fee because it was a grant funded project. She said the fee had been paid, and said a refund was being requested.

***Councilor Marple MOVED to open the Public Hearing. Wayne Lewis SECONDED the motion and it PASSED unanimously 7-0.***

There were no comments from members of the public.

***Lorne Parnell MOVED to close the Public Hearing. Wayne Lewis SECONDED the motion, and it PASSED unanimously 7-0.***

Chair Corrow noted that at the site walk, Planning Board members had observed the monitoring wells that had been installed as part of the project. He asked Ms. Truslow if the applicant was ok with the conditions of approval. Ms. Truslow said yes, and said the applicant was on board with the project.

Mr. Behrendt said the Rockingham County Conservation District had paid the application fee, and said the Board would need to vote on the waiver as part of voting on the conditional use application. He said the work would be donated by the DPW.

Chair Corrow read through the conditional use checklist with the Planning Board, and they agreed that all of the criteria were met.

Mr. Kelley arrived at the meeting at 8:09 pm.

*Steve Roberts MOVED to approve a Conditional Use Application submitted by Jessa Doleac to implement a new passive technology on a single-family lot under a grant-funded pilot project involving installation of a permeable reactive barrier to prevent nitrogen from septic systems from migrating to watersheds, and to approve the waiver of the application fee. The activity will occur within the Wetland and Shoreland Overlay Districts on the property located at 4 Griffiths Drive, Map 14, Lot 1-2 in the Rural Zoning District. Councilor Marple SECONDED the motion and it PASSED 6-0-1, with Richard Kelley abstaining.*

- XI. **Public Hearing - Edgewood Road and Emerson Road Subdivision.** 4-lot subdivision, boundary line adjustment and conditional use (for a wetland crossing, a road widening, and construction of a shared driveway in the Wetland Conservation Overlay District). Jack Farrell, applicant. County Line Holdings, LLC and Mark Morong 1991 Trust, owners. David Vincent, surveyor. Neil Raposa, Civil Consultants, Engineer. Map 1, Lot 15-0. Residence A District.

Mr. Farrell provided details on the project, as he'd done at several previous meetings. Among other things, he explained that this would be the smallest possible development on the acreage. He said all 4 lots met all of the requirements for the district, and noted restrictions added to the property as part of this project, including no cut buffer zones, no further subdivision of the property, and no accessory apartments. He also said the proposed infrastructure improvements were the minimum that would still satisfy safety requirements.

He said the main lot would be accessed from Emerson Road, and said the other 3 lots would be accessed by using a section of a Town road, Edgewood Road, and widening with gravel shoulders the portion of the road beyond the Town portion, which would make it 20 ft wide. He said this design would allow access for emergency vehicles. He noted that an independent safety professional was hired to make sure the requirements for safe access by fire trucks was met. He also said the houses on the 3 smaller lots would have sprinklers.

There was discussion about the timing of the construction and maintenance of the shared driveway for the lots. Mr. Farrell said a builder would build all three houses and the road, and said until then, the maintenance of the road would continue as was happening now.

***Richard Kelley MOVED to open the Public Hearing. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.***

**Bob Marshall, Emerson Road**, said his biggest concern as an abutter was his precarious location, in that the Class VI extension of Edgewood Road went behind his house. He said he'd like to see a limit to cutting between his property and the road. He noted that the road would be widened, and asked how this would impact the buffer. Mr. Farrell said in consideration of concerns about this, he had proposed widening on the right side of the road, but said the Town had been concerned that this would be a lopsided approach, and wanted equal shoulders on both sides. There was discussion, and Mr. Kelley pointed out that if just the east side was widened, this would put the road more in the middle of the right of way. Mr. Farrell said he would like to do what Mr. Kelley had suggested. Mr. Behrendt noted a small portion of wetland that would probably be impacted if this was done. There was further discussion.

Councilor Gooze asked who maintained the Class VI portion of Edgewood Road right now. Mr. Farrell said he'd suggested a 5 way agreement that included current property owners on the road, but said they didn't go for this. He said the new property owners would have to maintain the road to the required standard, but couldn't require others to join in. He said perhaps there could be an agreement among all 5 property owners along the road in the future.

Mr. Behrendt said it was up to the Planning Board where the additional 8 ft of road should be located, either 4 ft on each side, or all 8 ft on the easterly side of the road. He said the wetland impact would probably be minor. Mr. Farrell said again that he liked the idea of putting all of the 8 ft on the easterly side. Mr. Kelley said this seemed to be the fairest thing to do. Mr. Behrendt said he would add a condition concerning changes to sheets C1 and C2 to put all 8 ft of gravel on the east side of the road, and finessing around the wetland. There was discussion on the 20 ft width requirement. Mr. Farrell also noted that the road narrowed down somewhat as it crossed the wetland, which was why the sprinkler requirement was included.

**Michael Curley, 9 Emerson Road**, said he was concerned about the buffer zone from Route 4, and that developing the applicant's property would bring more sound into the neighborhood. He said as Route 4 grew, there would be more traffic and more noise. He also said he was concerned about the light from headlights coming into his backyard and house, and asked if this could be minimized. He said he agreed with the proposed location of the 8 ft of gravel road, but also said he didn't know why the access to the lots wasn't coming in from the main access allowed for the site.

Mr. Farrell said that was an option, and said if he had planned to develop the property to the fullest extent, he would have used it. He said the access that was proposed reflected

the fact that an individual made an offer to purchase 10 acres of the property. He said he appreciated the issues Mr. Curley had raised, and said cutting of the buffer would only be allowed for the driveway, and the rest of it including the wetland would have to be kept in its natural state.

**Emily Poworoznek, 15 and 17 Emerson Road**, studied the subdivision plan provided and asked several questions about the design.

**Ed Miller, 2 Emerson Road**, said his house was located on the connector from Emerson Road to Madbury Road, and said he'd been surprised at the impact that the development on Perley Lane had had on his property. He explained that the connector road was used as a truck route during construction. He said he had concerns about construction traffic from the proposed subdivision development, noting that there was no sidewalk, and that it wasn't a safe place to walk in the best of circumstances.

Mr. Kelley asked Mr. Farrell to discuss the magnitude of construction expected in terms of vehicles and the time frame. Mr. Farrell said Perley Lane had been a significant development with 13 lots, but said he'd designed a minimal subdivision plan because of concerns like this. He said three homes were contemplated, with no apartments, and said there would be limited road construction. He said truck traffic could be restricted to specific hours. He also said while there could be possible blasting, it would be done surgically. There was discussion that there had been a lot of ledge to deal with for the Perley Lane project.

Mr. Kelley asked if significant earth movement would be required for the three lots, and also asked if much earth would need to be brought in to make the lots buildable. Mr. Farrell said not as much of this would be needed as was needed for 13 lots and the construction of a road. He also said the shared driveway was intended to keep construction activity and overall impacts down.

***Richard Kelley MOVED to close the Public Hearing. Councilor Marple SECONDED the motion and it PASSED unanimously 7-0.***

Mr. Behrendt asked Planning Board members if the comments made during the public hearing had raised additional issues and questions that needed to be addressed in some way. There was detailed discussion on how the headlight issue could be addressed, including the angling of the driveway. Mr. Farrell said he thought the angling that followed the contour better was the right approach, and said this would address Mr. Curley's concerns. There was detailed discussion about whether doing this would pass the headlight problem on to the Marshall property.

***Councilor Marple MOVED to reopen the Public Hearing. Steve Roberts SECONDED the motion and it PASSED unanimously 7-0.***

Mr. Marshall and Mr. Curley provided some thoughts on what the best design was, and the need for buffering. Mr. Farrell suggested that the driveway could come in at less than

a 90 degree angle, and also said screening could be added to mitigate any impacts on Mr. Marshall's property.

***Councilor Marple MOVED to close the Public Hearing. Steve Roberts SECONDED the motion and it PASSED unanimously 7-0.***

Mr. Behrendt suggested a condition under Plan modifications on page 3, which said the shared driveway section would meet the Class VI road at an angle. He also suggested a condition that said the applicant and Mr. Marshall would work out a mutually acceptable screening on the Marshall property, as needed, and that this would be shown on the plans. Councilor Gooze suggested that the condition should say the road would be angled as needed to avoid the wetland.

There was discussion on the condition concerning the transformer. There was also discussion that the deadline to meet the conditions should be 12 months.

Chair Corrow reviewed the Conditional Use checklist criterial. The Board agreed that all of the criteria were met, including those regarding lighting impacts and the value of surrounding properties being maintained.

There was discussion about whether a separate vote on the waiver request concerning not having to meet conservation subdivision requirement was needed. Mr. Behrendt said it wasn't needed because it was incorporated into the document.

Mr. Kelley said the applicant had made great efforts to limit both the scope and magnitude of the project, and to buffer abutting properties through natural vegetation. He asked what guarantees the Town and other stakeholders would have that the buffers would be respected if all three lots were sold to a developer. Mr. Farrell said there were deed restrictions reflecting what was proposed, and also said the Conditions of Approval included these restrictions.

Mr. Kelley said this existed on paper, but noted that the developer wouldn't be coming back to the Planning Board in order to build the units. Mr. Farrell said if the buffer was cut, the developer wouldn't get a certificate of occupancy. He said this would be made clear from the beginning, and was in the deed. There was further discussion. It was noted that because there was also a conditional use application that was being approved, the lots wouldn't be viable if the buffer was cut.

Mr. Kelley suggested a subsequent condition that indicated that prior to clearing, the limits of clearing for the lots would be established in the field and reviewed by the DPW/ tree warden, to be met before commencing site work. Other Board members agreed this condition should be included.

***Richard Kelley MOVED to approve an application submitted by Jack Farrell, as amended this evening, for a 4-lot subdivision, boundary line adjustment and conditional use permit (for a wetland crossing, a road widening, and construction of a shared driveway in the Wetland Conservation Overlay District) for the property located***

*at Edgewood Road and Emerson Road, Map 1, Lot 15-0 in the Residence A District. Lorne Parnell SECONDED the motion, and it PASSED unanimously 7-0.*

- XII. **Public Hearing - Perley Lane Amendment.** Proposed amendment to landscaping and hardscape plan for site plan for existing residential development and conditional use for activity within the Wetland and Shoreland Overlay Districts. Joseph Caldarola, Perley Lane LLC Manager. Map 1, Lot 16-22 and 16-23. Residence A Zoning District.

Councilor Marple recused herself, noting that she was an abutter, and Councilor Gooze took her place as a voting member.

Mr. Caldarola reviewed in detail the proposed amendments, as he'd done at a previous meeting. He spoke about the use of rain gardens in the development of the site, and said the original site plan approved had a lot more untreated runoff going into the shoreland zone than was the case when the rain gardens were actually designed and constructed on the site. He said he'd been so focused on the rain gardens that he'd overlooked some things, such as grass planted within the setbacks, etc.

He also spoke about the construction of a patio with pavers for Unit 3, which didn't take into account the sewer easement there. He said his surveyor had surveyed that area last week, and also said Town Engineer April Talon would determine the exact location of the sewer pipe.

Mr. Behrendt said he suspected that grass couldn't be planted in a shoreland or wetland district without a variance, but said he would check with an attorney on this. He said after he received the surveyed plans, he would coordinate with the Conservation Commission, the Planning Board, and perhaps the ZBA on what the final plan was and what changes if any would need to be made to the site.

Mr. Parnell said anyone on the site walk saw that this area would never be wooded, and said the only option that seemed practical was to put grass there in order to keep the soil intact. Mr. Behrendt noted the possible planting of native vegetation there. There was discussion that the area involved had been woods before it was developed. Councilor Gooze asked if the original site plan said it was supposed to remain woods. Mr. Roberts provided details on this, noting that he was on the Planning Board at the time the site plan application came forward.

Mr. Caldarola provided details on tree cutting that was done in developing the site, and said he hadn't done anything that was against the shoreland protection zone. He said he worked with Mr. Lynch, and provided details on this. Mr. Kelley noted that the conditions of approval for the original site plan application said grass was not permitted. Mr. Caldarola spoke further on the process that took place, and also provided details on the grass planted for Units 2 and 3. Councilor Gooze spoke about the approach he would take in reviewing how the site had actually been developed, as compared to the approved site plan application.

***Steve Roberts MOVED to open the Public Hearing. Wayne Lewis SECONDED the motion and it PASSED unanimously 7-0.***

**Judy Curran, Unit 3**, said when Mr. Johnson came out to give them the certificate of occupancy, he noticed that a fence was needed. She said they were willing to do that but needed to know where to put it and what height it should be. She also said in asking for a patio they didn't know anything about the sewer easement. Mr. Behrendt said the big concern was that the sewer line was directly below the property. He said the Town engineer would analyze the situation, and said if the retaining wall there impacted the security of the sewer line, there might need to be some kind of significant change to the retaining wall, which would affect the patio. Ms. Curran said while the house was being built, no one said anything about this. She said the patio was in place before the final certificate of occupancy was issued.

Mr. Kelley confirmed with Mr. Caldarola that the Board would get a surveyed plan. There was discussion about whether the sewer manhole would be shown on the plan. Mr. Caldarola said they hadn't found it yet.

There was discussion that the public hearing should be continued to the next meeting, and meanwhile the Board would get the surveyed plan, information on the sewer easement, and information from the Conservation Commission. Mr. Behrendt said a question was whether there should be surveying of the grass areas, and there was discussion. Mr. Caldarola questioned having to have a survey done of this, and suggested that a visual survey could be done. Mr. Behrendt said what Mr. Caldarola suggested seemed reasonable. He said ultimately, the Planning Board would have to make a determination, and noted that they had walked the site. Board members agreed that they were ok with the approach suggested. Mr. Rasmussen confirmed with Mr. Caldarola that there were woods beyond the grass.

Councilor Gooze asked what the purpose of the condition of approval concerning the grass had been, and there was discussion. Mr. Caldarola said the reason he had asked the Board to consider the actual design and construction of the rain gardens on the site was that the approved site plan didn't treat runoff between the buildings at all. He said if it was important to protect water resources, the actual development did a much better job of this because of the rain gardens. Mr. Kelley suggested that the Board should see the original drainage plan. He said if what was on the site was an improvement over that, it was important information to have.

Chair Corrow said the public hearing would be continued to December 9<sup>th</sup>. He said the surveyed plan should be provided to the Board before then.

Ms. Dill said the letter from Conservation Commission Chair Ann Welsh reflected her thinking about the doubling of the rain gardens in the actual development of the site. She said the only issue for the Commission was the fertilizer that had been used for the grass.

Councilor Gooze noted regarding the role of the Code Officer in keeping an eye on the development of a site that it was up to the property owner to get the required permits.

**XIII. Public Hearing – Durham Master Plan. The Master Plan consists of ten chapters.**

These were developed by individual topic committees; then reviewed, revised, and endorsed by the Master Plan Advisory Committee (MPAC); and then reviewed, revised, and endorsed by the Planning Board after holding a public hearing on each chapter. After this public hearing is closed, it is expected that the Planning Board will make any final changes to the document and then formally adopt it as a whole. Sometime after adoption of these chapters, the Planning Board will reconstitute the MPAC to start work on the Land Use (proposed) Chapter. The current Master Plan was adopted in 2000. You can view the proposed plan at this link on the Town's website:

<http://www.ci.durham.nh.us/planningandzoning/final-master-plan-chapters-public-hearing>

***Richard Kelley MOVED to open the Public Hearing. Councilor Marple SECONDED the motion, and it PASSED unanimously 7-0.***

There were no comments from members of the public.

***Richard Kelley MOVED to close the Public Hearing. Councilor Marple SECONDED the motion, and it PASSED unanimously 7-0.***

Mr. Behrendt noted comments received from resident Beth Olshansky and Ms. Dill.

Mr. Kelley left the meeting at 10:05 pm.

Ms. Dill said most of the changes she had proposed were grammatical. Chair Corrow said grammatical changes could be made after adoption of the Master Plan if brought to the Board's attention. Mr. Sullivan went through the proposed grammatical and other changes, and the Board discussed and decided on amendments that could be made based on this.

***Lorne Parnell MOVED to adopt the 10 chapters of the Master Plan as amended this evening.***

Mr. Behrendt confirmed that this approval included the Energy statement that had been added.

***Councilor Marple SECONDED the motion and it PASSED unanimously 7-0.***

**XV. Review of Minutes (new): None**

**XVI. Adjournment**

***Lorne Parnell MOVED to adjourn the meeting. Councilor Marple SECONDED the motion and it PASSED unanimously 6-0.***

Adjournment at 10:45 pm

Planning Board Minutes

November 18, 2015

Page 13

Victoria Parmele, Minutes taker