

August 11, 2010 Planning Board

**NEW DURHAM BOARD OF SELECTMEN and PLANNING BOARD
JOINT NON-PUBLIC MEETING
AUGUST 10, 2010
SEALED
BY VOTE of the PLANNING BOARD**

After a motion was made and passed in public session that the Planning Board met in non-public session in the 1st floor conference room starting at 7:05 PM.

Present: Board Chair Raslavicus, Vice Chair Craycraft, Planning Board members Dorothy Veisel, Scott Drummey, Board of Selectmen Chair Jarvis, Vice Chair March, Selectmen Bickford and Mike Speltz (Society for the Protection of New Hampshire Forests)

MOTION: *To enter into non-public session pursuant to RSA 91-A:3(d) (consideration of the acquisition, sale, or lease of property).* Raslavicus/Craycraft. Roll call vote. Raslavicus – yes, Craycraft – yes, Veisel – yes, Drummey – yes. The Planning Board entered non-public session at 7:05 PM.

Planning Board Chair Raslavicus explained that the original plan was for the BOS and the Planning Board to meet on August 17, 2010. After an e-mail began circulating on Thursday (August 5, 2010) the general public had knowledge of the status of the Red Oak development by Friday morning. Chair Raslavicus felt that there was a need for both Boards to meet sooner than August 17th. In accordance with the agreement signed in November of 2008 the Planning Board may hold informational meetings about the Red Oak Ridge development.

Mike Speltz gave a history of the Red Oak development for the new Selectmen and Planning Board members. Mr. Speltz also updated the Boards on his latest e-mail communications with Josh Gruss, Developer. A recent appraisal showed that for conservation easement purposed the fair value is \$ 900,000. For a housing development the value is \$ 2,600,000. Mr. Gruss was informed of these values and in an e-mail stated that he would not consider anything less then \$ 4,000,000. Mr. Speltz will provide the Boards with a copy of this e-mail.

All the grants received to date are time limited. The LCHIP grant expires 18 months after it was received (January 2010). All grants and Town funding will not pay more then fair market values.

A general discussion insured regarding the Planning Boards options. Points made include that a previous option for Red Oak Development to purchase a small lot on Brackett Road as an access point has expired. The Coburn Woods Road right of way to the property would need to be widened by at least 10 feet to meet town standards.

Question regarding future action by the Planning Board were identified. They include:

1. If the developers come forward with a plan showing a new access road to the property does this:

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- a. Constitute a new application or new plan?
- b. If this does constitute a new application or plan does the 11/08 agreement still apply?
2. Does Mr. Grosse's e-mail to Mike Speltz (Society for the Protection of New Hampshire Forests) stating "don't even talk to me for less than \$ 4 million" constitute a breach of the agreement?
3. Can the Planning Board send a letter to Mr. Gruss citing item # 8 of the agreement – stating that they believe that he is no longer negotiating in good faith?
4. We think are options are to send a letter (see # 3) and:
 - a) Only send the letter and see what we get in response.
 - b) Simply wait until 11/11 and let the agreement expires then the Planning Board would start its 12 month design review clock.
 - c) Send the letter referenced in # 3 and start the Planning Board's 12 month design review clock on the day that the letter is received by Mr. Gruss.

Because of the grant money that has been received the Boards felt that there needs to be a very short timeline on any letters/replies i.e. no more than 15 days. BOS Chair will see that Counsel receives that above questions before the informational the meeting.

The Planning Board decided that the informational meeting will be held on August 17, 2010 at 7PM with the Board of Selectmen present. Counsel from Upton and Hatfield will be requested to be in attendance. The Boards would like to meet with Counsel prior to the informational meeting at 6:30 PM. The regularly scheduled Planning Board meeting will convene after 8PM.

Questions were raised relative to the maximum number of cars that could travel Birch Hill Road per day versus state standards. BOS Chair Jarvis will contact Road Agent Fuller regarding this issue.

MOTION: *To seal the non-public minutes of August 10, 2010. Raslavicus/Drummey. Passed 3-0-0.*

MOTION: *To return to public session. Drummey/Craycraft. Passed 3-0-0.*

Respectfully Submitted,

Theresa Jarvis, Chair
New Durham Board of Selectmen

Minutes approved September 1, 2010