

**Minutes**  
**PLANNING BOARD**  
**June 6, 2006**

**MEMBERS PRESENT:** Jim Boericke, Eric Oliver, Edna Ellis, Toby Vandemark, Matthew Farrelly, Barrie Wallace, Paul Newton, Dave Remington.

**STAFF:** Margaret Hawth

**ITEM #1: Call to Order and Confirmation of a Quorum.**

Mr. Farrelly called the meeting to order at 7:04 p.m. and confirmed the quorum.

**ITEM #2: Adoption of Minutes.**

**MOTION:** Mr. Newton made a motion that the minutes of the May meeting be adopted.

**SECOND:** Mr. Vandemark.

**VOTE:** Unanimously approved.

**ITEM #3: Additions to the Agenda and Agenda Adjustment.**

Mr. Farrelly noted the some members had expressed interest in continuing the discussion regarding the Old 86 Commons from last night's Joint Planning meeting. He said we might focus on what we want the applicant to do before they come back, or did we want to talk about the issue as a whole. Mr. Newton suggested creating a list of items for the developer to come back with responses to at our next meeting, unless there was a desire to enter into another discussion now. Mr. Newton suggested adding onto the list Ms Wallace had already started. Mr. Oliver questioned whether we should be discussing this now since the public hearing was still opened, and we had not provided them with a list last night. Ms. Hawth said procedurally the item could be discussed only from the standpoint of creating of list of information you would like to see. She said she would hesitate to get into the full discussion because the public hearing was still open. Ms. Ellis stated that a number of problems were highlighted last night that need to be corrected, such as the discrepancy between what was recorded at the Court House and what was presented to the Board regarding the recombining of the lots. She said the public needed to be present when those issues were brought forth. Mr. Farrelly agreed with Ms. Hawth, stating that the applicant had asked for direction and we needed to provide that explicitly. Mr. Boericke asked what liability the Town assumed for annexing that floodplain, if in fact a serious flood occurred. Ms. Hawth said the Town did not own the property and had no liability for any development on it. She said it would be more productive for the applicant to respond to our questions and provided additional information at our next meeting rather than the Board discussing

**MOTION:** Mr. Newton moved to add Item #6b to the agenda, to prepare a list of issues to be provided to the Old 86 Commons applicant for a response at the Planning Board's and Town Board's next public meeting.

**SECOND:** Mr. Oliver.

**VOTE:** Unanimously approved.

Mr. Farrelly said Mr. Hornik had indicated that we should not limit the applicant's speaking time, and wondered if we wanted to be more systematic in public hearings to limit the public's speaking time, perhaps to 5 minutes. He said it was possible we could allow one person to give their time over to another who might have a longer

presentation, but there was a lot of redundancy in what people said. Mr. Farrelly asked if we should ask people to keep their comments to 5 minutes, and requested that we add an agenda item to talk about those kinds of protocol issues for public hearings.

**MOTION:** Mr. Boericke moved to add Item #6c to the agenda, to discuss public hearing protocol issues.

**SECOND:** Mr. Remington.

**VOTE:** Unanimously approved.

**ITEM #4: Committee Reports and Updates.**

**Board of Adjustment**

Ms. Wallace noted that the Board of Adjustment had not met, so there was no report.

**Parks and Recreation Board**

Mr. Jones said they had discussed the Fairview Master Plan project, with phase II scheduled to begin in the fall of 2007. He said the aspects of that phase would be based on available funds. Mr. Jones said the Walkable Hillsborough event was held this past weekend. He noted there was a proposal for a Park and Recreation budget that was around \$1.6 million for the coming year, designated primarily for Gold Park. Mr. Jones said the Town was the recipient of a \$500,000 grant. Ms. Hauth said that was the maximum amount a town could receive from the State's Parks and Recreation Trust Fund, and we had gotten the maximum. Mr. Farrelly congratulated Ms. Hauth, since she was the one who had prepared and submitted the application. Mr. Jones said that Fairview Live in the Park Day on June 24. He said the Town Board had asked the Parks and Recreation Board to take on the Fit America project, which was a Statewide program designed to recognize and reward cities who promoted healthy lifestyles. He said the Town would be able to apply for grants over a two-year period in the amount of \$30,000 annually. Mr. Farrelly said if the Parks and Recreation Board wanted someone to review what was prepared, he would volunteer to do that since it was similar to what he did for a living. Mr. Jones said the last issue was a recommendation to the Town Board for the Town Code to address park hours of operation, and they would proceed with some type of interim signage.

**Strategic Growth Plan**

Mr. Newton stated they had met last month and had reviewed the three planning scenarios that they had previously established, one being a what would a planning map of Hillsborough look like, another being if we did not change anything what would that map look like, and the third being what was reality. He said as a group exercise we brought Lego bricks and a map of Hillsborough in and we placed those blocks where we would like to see residential and commercial development. Mr. Newton said the consultant would come to a later meeting with a fourth scenario for our review. He said it was an interesting exercise, in that the members of providing active input. Mr. Newton said the group leaned towards having more commercial development than residential, which was not a surprise.

**Churton Street Task Force**

Mr. Remington said there had been two public presentations, one Last Friday that generated a lot of interest and input and a second during the Walkable Hillsborough on Saturday, which had also generated a lot of input. He said the feedback had been

largely positive with some focused suggestions. He said it appeared to be something that people wanted to see implemented, noting that most of the questions were directed on how quickly it could be implemented. Mr. Remington said the Task Force had met to discuss the next stages, noting there would be more presentations to business groups and others, including the Town Board. He said the Task Force would meet again to review all of the information as well as the drafts of the overall plan and the design guidelines, as well as the implementation plan. Mr. Remington said still to be decided was how the implementation phase would be overseen, and who would be the site plan reviewers and how that would be translated into other parts of Town. He said they wanted it to be a rigorous but understandable process.

Mr. Remington noted that the roundabout on Highways 86 and 57 had been added to the drawings. Mr. Farrelly asked if they would have an information booth at the Hillsborough Hog Day. Ms. Hauth said there would be one for the Strategic Growth Plan but not for Churton Street. Mr. Remington said he believed those two efforts would have to inform each other.

### **US 70 Corridor**

Ms. Hauth said the Town Board and the EDC were focusing on redevelopment in the US 70 Corridor, and for the first phase they wanted to focus from Kerr Drugs to Lakeshore Drive. She said they had held a neighborhood meeting to introduce people to the concept and had a large turnout. She said three residents and three business owners within the corridor had expressed interest in participating, and had volunteered. She said they would like to have a Planning Board member from each jurisdiction, a Town and County Board member, and an EDC member for a maximum of 11 people to meet for six to nine months to look at redevelopment potentials and some basic design guidelines, land uses, access management, and other issues. She said that the EDC was the lead on this, and they had indicated that the first meeting would be in June. She asked if any of the Planning Board members were interested in volunteering. Ms. Vandemark said if the meetings were on Monday nights she could do it, and possible some other night as well. Ms. Wallace said if Ms. Vandemark could not serve, she would volunteer.

### **Item #5: Review and Discussion of Possible Text Amendments Relating to Noise**

Ms. Hauth said this issue had first been brought forward in August of 2005 regarding commercial impacting residential, and had asked the Attorney to look at zoning ordinance provisions and identify weaknesses. She said provided with the materials for tonight's meeting she had taken the Zoning Ordinance, Section 5.16 that dealt with noise and suggested the changes that might need to be made, and had also provided descriptions of decibel levels of common noises. Ms. Hauth said many of the suggested changes were aimed at eliminating some of the grandfathering that had occurred in the past and increasing our flexibility for enforcement.

Ms. Hauth noted that in the Town Code there was a list of noises that were exempted, and she could provide the appropriate sections if the Board wanted to see those. She said the Town Code also contained a list of noises that were specifically prohibited, as well as other language regarding enforcement. Mr. Farrelly said there was some vague language in the Town Code, noting it said things like "permitted during daytime hours"

but the definition of that might vary. He said the consequences for offenders and repeat offenders were “ridiculous,” noting the fine remained the same regardless of the number of times someone violated the ordinance. Ms. Hauth said she would provide the Town Code section to the Board and note suggested changed

Mr. Newton said anything that would allow the Police to react and enforce the ordinance was needed, noting the lack of clarity and the confusion within the regulations was an issue for police officers. He noted that if Wal-Mart was cited for cleaning their parking lot at 2 a.m., the penalty needed to be much more severe. Mr. Newton said there might need to be an accompanying information campaign once changes were adopted, and suggested a press release that stated something like “as of today Hillsborough will be a quiet town.” Ms. Hauth said the Town required that businesses contract with a dumpster service, so we would have to make sure they knew they could not service dumpsters at particular times. She said the same would be true for the County, because they serviced their own property. Mr. Farrelly said he was curious to know what other towns did regarding these types of situations.

Mr. Oliver said he was concerned about existing businesses that were noisemakers and had, for example, been at their location for thirty years. Then we change the zoning to allow a subdivision to be built next door and then someone wanted to apply the noise limitations to that business. Mr. Oliver said he was concerned that we would be taking away that permitted use. In order words, he asked if we would be using the Noise Ordinance to push certain commercial ventures out of Hillsborough. Ms. Hauth said it might be possible. She said one reason this issue was on the agenda was because of an existing business appearing to have expanded its hours and causing difficulty for residents, and because that business had been there for so long we do not know what their noise level was and can’t determine if they were exceeding their grandfather status.

Mr. Farrelly asked where the complaints were captured. He said he knew the Police received some. Ms. Hauth said she received a lot as well, noting that the mine and Hampton Point generated the majority of complaints. She suggested the Board might want to have a member of the Police Department attend a meeting and respond to some of the complaint issues. Mr. Newton said part of the reason for placing this on the agenda was to get the Zoning Ordinance and the Town Code in sync, to allow the Police Department to respond to and enforce the regulations. Ms. Hauth agreed, noting that zoning enforcement was not the solution for construction noise. Mr. Oliver suggested perhaps involving the owners of the mine in rewriting the ordinance or have them participate in some other way. Ms. Hauth said she could approach them about that idea. Mr. Farrelly asked if the mine had any type of noise mitigation. Ms Hauth said she did not know, but noted that much of the noise problem resulted from trucks backing up across the property. She said much of their noise could not be mitigated other than hours of operation. Mr. Farrelly asked if barriers to project the sound would be a solution. Ms. Hauth said it would regard huge, high walls, so that was not feasible. Mr. Farrelly wondered what if anything had been explored, noting that there were noise-canceling devices.

Ms. Hauth said what she had gathered from those who had complained was that they would be satisfied with a day-and-a-half of peace and quiet each week. In other words, she said, that if they would limit their hours on Saturday and not work on Sunday they would be satisfied. Mr. Oliver asked if the mine itself was in Hillsborough. Ms. Hauth responded the buildings were, but where the actual excavation was taking place was not. She said that all of it was in the Planning Jurisdiction, and therefore under the jurisdiction of our Zoning Ordinance.

Mr. Farrelly asked Ms. Hauth for a recommendation. Ms. Hauth said she was hearing that for next time the Board wanted to see the Town Code language with suggested changes, and make a specific invitation to Piedmont to participate, and also make a specific invitation to the Police Department to send a representative that might help us understand exactly what language would help them regarding enforcement. She said staff could also investigate hours of operation, and what other jurisdictions that had franchise agreements did about dumpsters. Mr. Farrelly said he would be curious what Chapel Hill and other jurisdictions did about penalties associated with violations.

Mr. Oliver asked if we used progressive penalties for false alarms. Ms. Hauth said she believed so, noting we used progressive penalties for stealing water and a few other things.

**ITEM #6a: Review and Discussion of Possible Text Amendments to Change the Site Plan Review Process**

Ms. Hauth said there had been some interest by the Town Board in adjusting the entire site plan review process, and to avoid the supermajority rule and to allow some appeals to go directly to the Town Board. She said the simplest way to accomplish that was to rename the Board of Adjustment and let them continue to function in that way, but when reviewing a site plan they would function in a particular way. Ms. Hauth said she had provided with the materials suggested language to revise the ordinance. She said Mr. Hornik had suggested creating a Board of Adjustment and a Site Plan Review Board, but somewhere in the language to say they were essentially the same board. She said his language was easier to understand than what she had provided. Ms. Hauth suggested that this be discussed in general terms.

The members expressed concern about taking on this change when a comprehensive ordinance re-write is planned in the near future. Ms. Hauth noted that it was also related to other larger topics such as tying design review into the process and integrating other recommendations that would likely come from the Strategic Growth Plan. Members also expressed concern about the details of the text amendment and how voting and alternate members would be addressed. Members discussed the desire to meet regularly with the Town Board to improve communication and coordination between the two boards, particularly on annexation issues. The members also discussed and generally supported adjusting the meeting schedule so that public hearings were separated from the decision to allow more time for minutes to be reviewed, research, and deliberation. The board also noted that important amendments to the ordinance could proceed or be partially developed in advance of the comprehensive rewrite.

**ITEM #6b: List of Issues for Developer of 86 Commons to Address**

Mr. Farrelly said we would begin Ms. Wallace's list provided via email. He said their goal with this discussion was to produce a list of issues for the applicant for Old 86 Commons to address at the next public hearing. Ms. Hauth said the Board should keep the discussion very much on what information the applicant could provide that would help the Board make its decision.

Ms. Hauth said Ms. Wallace's first issue was "Provide a drawing that shows only and all the environmental regulations that apply to this property." Ms. Hauth said she interpreted that to mean to show the Board a map of the site that detailed floodplain, stream buffers, and calculate for us what buildable area remained after all those restrictions. She said that was a hard and fast piece of evidence that the applicant could provide to help inform the Board.

Ms. Hauth read the second comment: "Provide a drawing/plan showing what the applicant could build that would conform to Orange County's zoning, with municipal water and sewer." She said that same question had come to her from the Town Board, so she was going to get the County ordinance that applied to that property and review the site plan under it and then talk about where the current site plan did not meet the current ordinances that applied to the property, in more detail that what had been received with the County's comments.

Ms. Hauth said the third comment was, "Provide a drawing showing what the applicant could build that would conform to Hillsborough's zoning." Ms. Hauth said the only two things that the applicant had not met were the lot size and the front setback on the one lower property. She said that would be a minor change, to either change the square footage of that building or push it back on the lot. She said she did not know if that was worth a drawing.

Mr. Farrelly asked if Ms. Ellis' issue of combining or not combining the lots was relevant or just a clerical error. Ms. Hauth suggested referring this to the Town Attorney, since this Board could not resolve the issue. She said it was a legal issue and we did not know if it would affect the project, but it did need to be resolved.

Ms. Hauth read the next issue: "Could the applicant provide these drawings/plans two weeks before our next meeting so that we would have time to review?" Ms. Hauth said we certainly could ask for the information two weeks in advance. The next issue was "Would the applicant consider placing the parking between, instead of behind, the two buildings that are on the north side of the property to allow for visibility into the parking lot from the road." Ms. Hauth said we could ask the applicant to do that, but suggested that she look into some of the standards of the "Safety through Design" and see what those standards recommended as far as parking lot location related to building location and bring back to the Board something that was more objective rather than the applicant's willingness or unwillingness to redesign the site. She said now we had our standards that wanted buildings in the front, but if these other guidelines for safety recommended otherwise, then the beauty of the special use permit and master plan was that the Board could waive that.

Mr. Farrelly asked if there were other items that would provide information for the Board to make its decision. Mr. Remington asked if there was any data or studies available that dealt with questions of public safety related to where parking lots are placed and the effectiveness in terms of crime control with different types of barriers between properties, whether vegetative, wood fences, brick walls, or others. He said there were many allegations from both sides regarding barriers, and since this was a quasi-judicial process it would be helpful to have any available facts that were known about that.

Mr. Oliver said he was looking for the applicant to highlight in their design "Crime Prevention through Environmental Design," known as CPTED. He said those standards had been available for ten or more years, and he wanted the applicant to identify through their design those characteristics. He said he believed that would provide some surprises about what was considered to assist with crime prevention.

Ms. Wallace said regarding the floodplain, did we need to have an expert come in and explain the effect that would have on the people living in or on the edge of that floodplain, or were we going to rely on our common sense. Ms. Hauth said she believed we should evidence in the records in case the Board wanted to take action on that. She said she would ask our consulting engineers who conducted stormwater review to comment on it. She said they had reviewed the plans so it would be reasonable for them to either provide written comment or attend a meeting to testify so that the Board would have technical evidence to review.

Mr. Newton said he would like the Police Department to look at the plan, look at their current patrol routes, and then give an honest assessment of how easy or difficult it would be to effectively patrol that area. He said assuming that parcel was developed before Waterstone, that would be an out-of-the-way spot, but he did not want to make assumptions. Mr. Newton said he would prefer that the Police Department address that.

Mr. Oliver and Mr. Farrelly asked if the drainageway might actually be a stream and subject to buffers. Ms. Hauth said she did not know, but we would ask the applicant if they had met with the County's Water and Soil Erosion Control Officer and had stream determinations done on all of these features so that we knew for certain that the plan they were bringing in did or did not comply with the Neuse rules, and that they had had all of these issues looked at and determined whether it was a stream under State regulations. Mr. Farrelly said he had visited that area and found crawfish in the area they called a drainageway. He said to him it appeared to be a small stream that contributed to Cates Creek, and drainageway made it sound like a ditch that was dry much of the time.

Mr. Boericke said it appeared that there were issues with water pressure as well as the sewer system and pumping. He wondered if the Town Engineer could comment on that, and what it might mean for the Waterstone development and other nearby residences. Ms. Hauth said the Town Engineer had the plans but did not know if he had reviewed them.

Ms. Wallace asked if we could designate what source the applicant used to document the environmental constraints on the property. Ms. Hauth stated there were FEMA maps of floodplains that the applicant should be using that were readily available.

Mr. Jones said last night Margo Pinkerton made a comment about level spreaders, and asked if they were required. Ms. Hauth replied yes. She said there was two types of stormwater, stormwater and erosion control that happened during construction and then there was the long-term after-the-fact stormwater. Ms. Hauth said the devices that you used for each was different, and there were rules regulating each one. And, she said, you had to have a plan for each one on most every site. Ms. Hauth said what would prevent silt from entering a stream during construction was different than the mechanism that would hold back stormwater and detain it on the site. She said that a level spreader was not an erosion control device, but a stormwater control device. Ms. Hauth said the level spreader Ms. Pinkerton had mentioned was not going to assist with erosion control and it was not meant to do that. She added the applicant had not submitted erosion control plans as yet, but he would have to and the County would review them.

Mr. Farrelly said one thing that had come up was a reference to the history of what had been discussed through the EDD, and any possible inconsistency between what was being proposed and what the intent of that was. He asked how the Board could become educated about that. Ms. Hauth said she would review the plans as if it was in the County's EDD, because that would address those issues. Mr. Farrelly said he had heard that there was a precedent that when the property was annexed it could carry over whatever the County guideline was. Ms. Hauth said if they had an approved plan under the County's jurisdiction then we could find a way to work it into our ordinance if we annexed it. She said since we were calling a hearing to annex it into the Town's district that would make it harder. She said if you annexed something and did not rezone it at the same time, and 60 days past then the County zoning would stick. She said the Town did not usually let that happen, most often because the reason someone was requesting annexation was because they did not want their current zoning.

Mr. Boericke said he believed part of the problem with flooding today involved the culverts under Old 86 not being sufficient to handle the runoff. Mr. Boericke said his question was at the point that the road was widened, was there a possibility of increasing the culvert's size to reduce the difficulties currently being experienced. Ms. Hauth said when NCDOT began that project they would have to perform a hydrology study and properly sized those culverts, if and when that widening project was done. Mr. Boericke said regarding the current developer, if anything that he put there aggravated the current flooding conditions would fixing the culverts be a reasonable thing to ask. Ms. Hauth replied we should first identify if what was being proposed impacted the flood level, and we could ask the Engineer to comment on that and possible mitigation. Ms. Hauth said our ordinance allowed development in the floodplain and that was a FEMA-endorsed ordinance, and to her that implied that if we were allowing that fill to occur in the flood fringe then there was no negative impact associated with it.

Ms. Wallace asked if someone from Orange County could explain why they don't allow building in the floodplain. Ms. Hauth said we would ask. Ms. Ellis said if you built in the floodplain then you had to have flood insurance. Mr. Oliver said the expansion of the Orange County Court House was in the floodplain. Ms. Hauth said she did not believe it was, noting it did not quite reach the parking lot. Ms. Ellis suggested we be cautious regarding the lift pumps required on the sewer lines. She asked that the Engineer address that, as well as the entranceway. Ms. Hauth said she could ask the Engineer to provide information on that.

**ITEM #6c: How to Manage the Public Hearings in Terms of Time Allotted to Individual Members of the Public to Speak; Restrict Time; How to Manage Deferred Time; How to Manage the Board's Questions During a Public Hearing**

Mr. Farrelly said this issue related to whether to set a time limit, such as five minutes, on members of the public to speak and whether people could transfer their time to another person. He also asked for direction about managing board comments and questions during the hearing. He noted Town Board members expressed concern about the number of questions being asked and delaying the public.

Mr. Remington said the board could police itself on comments and questions and decide whether to impose time limits based on the number of speakers. He said that lengthy comments were rare in his experience and was concerned about establishing policies for extreme cases. Mr. Farrelly said his experience indicated long speakers were more common. Mr. Farrelly noted that with no policy and 20 to 30 signed-up speakers, a meeting could run quite long.

Mr. Newton agreed, suggesting a policy be established and announced at the beginning of each meeting and the Chair charges with enforcement and allowed flexibility. Mr. Newton added that encouraging people to not repeat comments would also be helpful.

Ms. Wallace said it was important to know how many people shared an opinion. Mr. Boericke agreed with stating the policy at the beginning. He also suggested that speakers could be allotted additional time after all the speakers had finished. Mr. Farrelly said often it was obvious that one person was representing a group of people, and sometimes it was beneficial to let that representative have flexible time, and then allow the group to say they agreed.

Mr. Jones agreed that it should be announced at the beginning of a meeting that the public had a time limit, but also felt that sometimes five minutes may not be enough to cover all the issues. He noted that public comments often bring a new item to light of generate new thoughts.

Mr. Oliver said he believed it was important that everyone who signed up had an opportunity to speak. He said the second point was how to limit members of the Board who asked the questions. He suggested a time limit of 30 minutes on the applicant that included time for board questions. Mr. Farrelly said there was a quasi-judicial element to this, and the applicant was providing facts as part of the record. He said the Town Attorney had been clear that we could not limit the applicant's time. Ms. Hauth said it could be limited to some extent, but you could not say, for instance, that the applicant

had ten minutes to present a 300-acre project, adding that providing 30 or 40 minutes for such a presentation was more reasonable.

Mr. Oliver noted that the citizens were also trying to provide sworn testimony. Mr. Boericke said the board had the option to keep the hearing open until everyone was heard. Ms. Hauth said the burden of proof was also on the applicant. Ms. Vandemark asked if the perceived difference was that the applicant supposedly provided factual information about his plans, but the public was provided more emotional testimony such as we don't want this because it might be noisy. Ms. Hauth said that did play into it to some extent, and if you added up the time the public spoke it was likely much greater than the time the applicant spoke.

Mr. Remington said he was convinced and suggested the Chair should also exercise the discretion to waive that if someone obviously was presenting important information. He said in certain cases there would be value in that. Mr. Farrelly said another option would be to announce at the beginning what we recommend as a courtesy for everyone, so that people are encouraged to be concise and not redundant. Ms. Wallace said other public bodies managed their time in a similar way, noting that many times the public came into a meeting with a strategy of its own. She said it appeared to be common knowledge that people could cede their time to others, and that allowed someone to speak for long periods. Mr. Oliver suggested that we get directly from the Town Attorney any limitations that could be placed on people who were testifying, because every word they spoke was considered evidence, as well as all of their written comments.

Mr. Farrelly said he was not trying to eliminate board questions, but was simply trying to determine when the appropriate time was to ask particular questions. Mr. Oliver said he tried to ask question for which he wanted to hear the citizen's voices on, noting it could be the Board's only opportunity. Mr. Farrelly asked if there was a way to manage those questions, so the public wasn't waiting and waiting. He said some of the questions were constructive and most likely got the public to modify what they had planned to say, but other times he had felt like we were drifting.

Ms. Ellis said she had asked many questions last night, and she wanted the people who lived in Cornwallis Hills to know she was studying the plans and paying attention. She said she would ask questions and she would do her own research, and she wanted to hear every word they had to say. Ms. Hauth said in the past it was questions of clarity, which were quick questions to allow everyone to be on the same page and ready to move forward. Ms. Hauth suggested maybe the Board could save their questions until the end, since those questions were usually more probing. But, she said it was up to the Board, and much of it was the Chair reading the body language of the public and of the Board and reacting accordingly.

Mr. Farrelly said that was why he was asking, because everyone seemed to have a differing opinion, which placed him in an uncomfortable position. He said he still was not hearing ideas of how to control ourselves, but recommended starting out a public hearing by suggesting or strongly urging that people limit their comments to five minutes, and then if people wanted to cede their minutes to someone else he would be

inclined to recognize that. He said in the future he would take an occasional break and remind people to indicate if they agreed with a previous speaker and not repeat it, and provide new or additional information only. Ms. Hauth said in terms of addressing the applicant issue, when applicants asked what the Board wanted to see she responded the shorter the better. She encouraged them to provide a presentation in as little time as needed to get the point across.

Ms. Vandemark said would that possibly cause Board members to ask more questions, because they may not be getting as much detail as they might want. Ms. Hauth said it could. Ms. Vandemark said she assumed they would get more when the issue came before the Planning Board, and that would be when she asked questions in detail. Mr. Oliver said he continued to find that you give people the time they needed at a public hearing, but not necessarily at the Planning Board meeting.

Ms. Hauth said the public hearing was the only time the public was supposed to interact with the Boards. Ms. Hauth encouraged the Board to asked questions of her during the meeting if it was a pressing question, noting it was important that the question be in the record. Ms. Vandemark asked if the public could question the applicant during a public hearing. Ms. Hauth said the questions should be asked of the Board and the Board would then ask it of the applicant. She said you would not want an exchange between the public and the applicant at the podium during a meeting. Ms. Vandemark asked if the Board could ask questions of the public. Ms. Hauth said yes, because they were sworn and were subject to cross-examination. She said that was one reason why we could not take just written comment.

Mr. Farrelly said the applicant had wanted to respond too many of the comments last night, and he had not allowed him to do that. Ms. Hauth said since the public hearing remained open, he could do that at the start of the next hearing.

Mr. Jones stated he was pleased this issue had been brought forward, because it would help them in future meetings to better gauge their time. He said he felt better informed. Ms. Vandemark said she had asked questions of some people after the meeting, but would have asked them during the meeting had she been more aware of the procedures. Ms. Hauth lobbied the board to keep in mind several things: quasi-judicial, no outside conversations, if you conduct research bring it back to the entire board, and if residents from Cornwallis Hills called to speak to you, do not discuss it outside the process because the hearing was still open.

Mr. Farrelly asked if board members could explain the process to people generically. Ms. Hauth said yes, but you could not accept their comments or engage them in a dialogue about the project. She said it was always appropriate to refer people to the staff.

Ms. Wallace said she had never fully understood the way in which public hearings were conducted. She said she better understood after this discussion the important of entering evidence into the record.

Mr. Farrelly summarized the discussion. He said we wanted to ask questions of the applicant that would clarify points about the application, and if there were things that did not seem consistent with our regulations then those questions should be asked. He said if the public brought forth concerns that you did not fully understand, and then they should be questioned. Mr. Farrelly said any question that elicited better or clearly information and that allowed the applicant to respond more precisely and allowed us to then factor it into our deliberation was worthwhile. He said hearing the perspective of the speaker who was a former police officer was interesting and helpful to him, so we should be asking questions that would provide more information and allow us to make better decisions, and would allow the applicant to respond in a way that was acceptable to the Board. Ms. Wallace said she was hearing that we should get everything into the record that we wanted in it, and then at the Planning Board we could get more specific and begin to formulate our opinions.

Mr. Farrelly thanked the Board for its comments, noting it helped him to figure out a way to manage the process during a hearing.

**ITEM #7: Adjourn.**  
**MOTION:** Mr. Newton moved to adjourn the meeting.  
**SECOND:** Mr. Boericke.  
**VOTE:** Unanimously approved.  
Mr. Farrelly adjourned the meeting at 9:24 p.m.

Respectfully submitted,

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Margaret Hauth, Secretary