

# DRAFT

## DURHAM PLANNING BOARD MINUTES WEDNESDAY, NOVEMBER 10, 2004 TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL

**MEMBERS PRESENT:** Stephen Roberts; Amanda Merrill; Richard Kelley; Kevin Webb; Nick Isaak; Arthur Grant; Richard Ozenich

**MEMBERS ABSENT:** Annmarie Harris, Council representative

**OTHERS PRESENT** Jim Campbell, Planner; Victoria Parmele, Minute Taker

### I. Call to Order

Nick Isaak, Vice Chair of the Planning Board, called the meeting to order, in the absence of Chair Stephen Roberts.

### II. Approval of Agenda

Board members agreed to discuss Items IV and V in reverse order (Zoning Map first, Wetlands Overlay District next)

*Councilor Grant **MOVED** to approve the Agenda as amended. The motion was **SECONDED** by Amanda Merrill, and **PASSED** unanimously.*

### III. Report of Planner

- ☐ Mr. Campbell said the Buildout analysis should be done by Dec 15<sup>th</sup>.
- ☐ Mr. Campbell said that on Friday, November 5, 2004 he attended the NH Economic Development Association Annual Meeting in Keene. There were representatives there from the Monadnock Economic Development Corporation (MEDC) and the Monadnock Region Business Incubator Network (MRBIN). The MEDC representative spoke about working with municipalities and private partners to develop multi-million dollar projects like the current Downtown Keene Railroad Land Development. He discussed leveraging TIF Districts, CDBG funds, and other public funding sources to full capacity. The women from MRBIN discussed the efforts underway in the region to improve the atmosphere for incubating business. They have satellite offices throughout the region and are headquartered in Keene.
- ☐ Mr. Campbell reported that he had attended the conference put together by the Local Government Center (formerly the NH Municipal Association). He said he attended a

NH Planners Association meeting at this conference, which included a session on livable, walkable communities, and a session on using the Census 2000 data.

He noted that this data could be downloaded from the Census website into Excel spreadsheets, so that the data could be played with in a variety of ways. He said that as of 2006, there would be Census updates every year, if their \$165,000 budget was approved.

Chair Roberts arrived at the meeting at this time.

#### **IV. Zoning Map**

Mr. Campbell provided an overview of the districts in the proposed Zoning Map. He said that the OR/LI zone, the MUDOR zones, which were new zones for their respective areas of town. He also noted the OR 108 was a new zone. He said that in the downtown area, the Limited Business District would be replaced with the Courthouse District, as well as Coes Corner, and Church Hill. He said the Central Business District would stay the same, and said that down Madbury Road past Garrison Ave would be the Professional Office District. He said there would be a few more slight changes, and a public hearing on the Draft Zoning Map would be held in December.

Chair Roberts said that another possible district was putting a MUDOR district on the south side of Route 155, since there were already significant apartments there now. He asked when a commitment would need to be made to this to meet the posting requirements. There was discussion about this.

Mr. Campbell said this could be decided by the following week in order to allow enough time.

Chair Roberts asked if the Business Park District contained any private properties. Mr. Campbell said there were two Town owned properties, and one property owned by the University.

Chair Roberts said if they chose to make any differences in terms of uses, relative to effects on wetlands, etc. this zone should stand by itself. He said that as he read the enabling legislation and ZBA materials, this would not be considered spot zoning.

Mr. Kelley asked if Board members could get 11" x 17" versions of the Zoning Map.

Chair Roberts asked if the Board was prepared to make any proposed adjustments to the map now, or would defer this to the Zoning Rewrite meeting.

Mr. Campbell said there were some people at the meeting who would like to speak about the Zoning Map.

Councilor Neal Niman, who served on the Economic Development Committee, expressed his frustration about the limited area of the MUDOR District. He stated that the property tax base was growing at a slow rate, and also noted that an entire neighborhood had appeared at a ZBA meeting the previous evening, in opposition to a variance regarding a student housing property in their neighborhood. He said the Town did have an industry, the University, and he said it was time that Durham derived some benefits from having it in the Town.

He said the Committee was trying to diversify the economy, and was trying to develop the area on Technology Drive. But he said there was an opportunity concerning providing student housing, and said his concern was that the Zoning Map only included one place in Town that could accommodate it.

He said he had come to the Planning Board meeting at the request of Mr. Campbell, and urged the Board to consider broadening the MUDOR district. He demonstrated on the Zoning Map where he would like to see the district expanded, and provided details on this. He noted that the University's Master Plan fit with this, and also noted that the Spruce Woods development had asked if sewer lines could be run out there. He said that if the Town was bringing the sewer up to this development, why not use this infrastructure for student housing apartments as well.

He also spoke about another area that had been designated as Office Research, which might be used for MUDOR. He noted there were already utilities up there, access would be available on Route 4, and said the UNH Shuttle bus came to that area.

He also asked the Board to consider a MUDOR district where a loop road was created coming off Route 4, connected into the Class VI road, which could be turned into a Class V road and would come into Route 108, near the Evangelical Church. He said that with sufficient buffers, this area would be hidden from view, so that the Town could protect its gateway while still allowing development. He provided more details about student housing and commercial development possibilities resulting from this loop road design. He said that if this loop road were built, he would hope the University would provide public transport to students housed in this location.

Councilor Niman noted that there had been a commercial development approved by the Board where there was interest in bringing water and sewer, but this was too expensive. He said if this area was opened up to MUDOR, the expense of bringing infrastructure could be spread out more. He said if this development were done in a careful way, one would never see it from the road, and it would be a successful way to meet a vital need, and satisfy an interest that some developers had. He said he believed this could be done in a way that would not destroy the character of the town, would expand the tax base, take some pressure off the downtown, and resolve some of the existing problems in the pocket neighborhoods.

Mr. Isaak asked if the Durham Business Park would potentially be another possible location for student housing. Mr. Niman said it would be, but said there was some

interest in developing that property commercially at present. He said an important goal was to diversify the Town's economy. He said the first employer was the University, which didn't pay taxes, and the second was elderly housing. He said he would hate to turn the Business Park over to housing, because it would limit the Town's ability to achieve a mix of development opportunities.

He said that Mr. Campbell was going to be contacting the owners of the properties in the Technology Drive area to see if there was any interest in developing these properties. He said at present the Town was really putting its eggs in one basket, which was a dangerous thing to do from a planning perspective. He said that if there was no interest in developing the properties, the Town had a serious problem, and needed to look at where commercial development could be tolerated in the Town.

Councilor Niman said the present property tax situation was driving Durham's working people out of town. He noted that on his street, the people moving in were from out of state, and didn't work in New Hampshire, and said that if the Town wanted to prevent this, it would have to expand and diversify its economy.

Chair Roberts said he had visited the Segway plant in Bedford, which had not created negative impacts on the surrounding area. He said this was possible to accomplish, with clever ideas and hard work.

Councilor Niman said he had seen the presentation by Capstone concerning student housing development. He said he realized that Durham residents didn't want to destroy the Town's agricultural look, and said perhaps the Town could preserve this while extending the tax base. He said the Town at present was shooting itself in the foot by limiting its options, and said he hated to see this happening.

Mr. Kelley asked how this idea fit with the Town's ability to provide water to these locations, given that the water supply was somewhat limited.

Mr. Niman referred to current restrictions on the amount of water that could be taken out of the Lamprey River, and also noted the upcoming study on the Spruce Hole aquifer. He said that depending on what the results of this study were, and the costs, this aquifer would be developed in the near future to diversity the Town's water supply.

Chair Roberts provided additional details on this. He said there was a built in growth control on a limited resource, which gave the Town just cause for imposing some limits if necessary.

Councilor Niman said that water and sewer were expensive, and the more the cost for them could be spread out, the better. He said it would be expensive to develop the Spruce Hole aquifer, and that if there were more student apartments, the costs would be spread out better. He noted that water and sewer rates were going up significantly, and that the EPA continued to tighten its regulations. He said it would be expensive to keep upgrading the water and sewer infrastructure, so getting new users to spread out the

expense would benefit everybody. He said the Town would have to find a solution to not having enough water, because the University would not allow this problem not to be solved.

Mr. Kelley asked what the zoning was in areas of Madbury and Lee that abutted those areas Councilor Niman had spoken about as conceivably being included in the MUDOR district. Mr. Campbell said that when the Zoning Rewrite committee had converted a portion of the RB district to the OR district, it was noted that Madbury property abutting that area was zoned residential, with 2 acre minimum lot sizes.

Mr. Kelley asked about the Route 108 stretch where the loop road would tie in, and it was noted that this was a commercial area of Madbury.

Mr. Webb asked if the loop road proposed by Councilor Niman would hook in with Route 4, and if so, whether this be all right with NHDOT. Councilor Niman said it would connect in with Route 104. There was discussion as to whether this would be all right with NHDOT. He noted that NHDOT had limited the development of the Business Park when Powerspan was being considered, because it had required a traffic light at this location if there was more than 35,000 sq. ft. of space.

Councilor Niman said he personally was not advocating a traffic light, but said if there was one, it would certainly open up development possibilities. He said the loop road could be across the street, and they could both be served by the same traffic light. He noted the development there could help pay for the traffic light.

Councilor Grant noted that NHDOT's preferred solution for the Business Park was to extend the old Piscataqua Road from Jackson's Landing. He provided details on this.

Chair Roberts said that was an insane solution.

Councilor Grant said it also created a situation where if one was coming from Dover or Portsmouth, one had to come off the ramp down to Coe's Corner, and turn onto Piscataqua Road.

Mr. Isaak said Piscataqua Road would be better as a path for pedestrians and bicyclists that connected to the Business Park.

Mr. Webb asked what was allowable in the MUDOR district. He noted the Board had talked about bringing gas stations, mini marts, etc. out to that western end of Route 4 in order to capture the Business Park traffic so they didn't wind up spending their money at the Lee Traffic Circle instead. Mr. Campbell said MUDOR did not allow these uses, but ORLI allowed them as conditional uses.

Mr. Webb asked if they could make this area a MUDORLI district instead.

Councilor Niman said ideally the Town could identify some properties in that location where those services could be provided.

Councilor Grant said his chief concern was not his aversion to student housing. He said that if the Town gave the University the opportunity to avoid building student housing, it would never build it. He said that as a property owner who lived in this area, he would love to see water and sewer come there. He provided details on his concerns about what would happen if the land was taken out of OR and put into MUDOR. He said if this was done, it would become student housing, and there would not be office research development. He said he thought it would be bad policy to give up an area that would be very attractive for office research, and let it be turned over for student housing. He said the positive dollar impacts to the Town would be far greater with office research economic development.

Mr. Ozenich said it would mean that as the University got bigger, there would be more student housing. He said if the Town gave away the manufacturing base, it would be a Town with only housing.

Chair Roberts said if the Town developed a viable manufacturing base, some big improvements would have to be made to the Town's infrastructure. He said that with student housing, the need for these improvements would be less intense.

Mr. Ozenich said the infrastructure would still have to be expanded, and they would have a town full of students.

Chair Roberts said that instead of paying for housing in Portsmouth and Newmarket, they would be paying for housing in Durham, which would provide taxes.

Mr. Ozenich said he still questioned whether it would be enough to sustain the Town's tax base.

Mr. Kelley said he appreciated what Councilor Grant was saying, and said he didn't see that the University was in any rush to produce housing. But he said that when they did, the Town lost an opportunity, because all of this was nontaxable. He said he didn't want to give up all of the land out there that had been designated for Office Research.

He suggested that the Board listen to what the Economic Development Committee had to say. He also recommended that the Board take the time to drive around to the areas that Councilor Niman had pointed out, and make sure that the Zoning districts made sense on the ground. He said his initial response to the idea of the loop road was favorable.

Ms. Merrill agreed it would be helpful to go on a field trip in order to be able to consider this in a constructive way.

Mr. Webb said it almost felt like the Board was doing master planning, contemplating some major changes. He said he wondered whether this was the proper thing to be doing.

Chair Roberts said some of what had been projected was already in the Master Plan, specifically the Route 155 area out by Spruce Woods. He said the more northerly part involving the loop road concept came out of the Economic Development Committee, but said this had been discussed over a year's time by a broad based group, so had been considered carefully. But he said Mr. Webb had made a good point.

Mr. Isaak said a lot of this was market driven, and there definitely was a market for student housing, while the office research market was, "build it, and they will come". He asked if research had been done on what the most marketable use was.

Councilor Niman said the most immediate opportunity for expansion of the tax base was student housing. He also said he was not convinced that the University would build any housing any time soon. He said that competition would be good, and might even inspire them to do something with their property. He said that if he ruled the Town, he would like to see student housing placed next to the existing graduate housing.

He said he'd like to see offices in the center of Town, and said he hoped that if high quality student housing existed on the periphery of the campus, there would be less demand for this housing in Town. He said if this happened, some of the houses and fraternities now housing students could be made into offices. He noted that businesses would prefer to be near the center of town, in a vibrant environment where employees could get food, shop, etc.

He said the same was true concerning manufacturing. He said manufacturer would want to be in the same area where Goss International was located, because the desired infrastructure was there. But he said the demand for this type of use was relatively limited.

Councilor Niman said he believed that much of the problems with students related to their quality of their life. He said many of the students he talked to said they lived in more than 3 unrelated households, many of which were uncomfortable. He said many students told him stories about problems with properties, and said that to a certain extent students were angry, because they didn't feel the Town was treating them fairly.

He suggested that if the Town could provide them with an alternative, perhaps that would start the migration process, where the Town could begin to reclaim the downtown for grownups, and the pocket neighborhoods could be protected. He said this would result in a higher quality of life for everybody.

Councilor Grant said regarding University plans for housing, they were beginning the Gables second phase in the spring, and said this wasn't simply replacing existing housing, unless they closed Forest Park. There was discussion about this. He said the Gables was a good example of housing that was hidden, was well served by bus transportation, and did not impact on the community.

Councilor Niman said it did impact the community, because people had cars, they drove on Town streets, and they hung around downtown. He said if they lived off campus, the Town would at least get some benefits in exchange for student impacts. He said unless payment in lieu of taxes could be negotiated with the University, the Town needed to generate more taxes.

Councilor Grant said he believed the University would permit private student housing development on its property, and would require a developer to pay taxes.

Mr. Kelley said what he had heard from developers was that in order for this kind of development to work, they would need a tax incentive from the community, or low interest financing.

Chair Roberts said the money had to go somewhere, and without the University's input, it would come to the Town. There was additional discussion about this. He said this was an opportunity to break the logjam that had existed for quite some time.

Councilor Niman said Councilor Grant was asking the University to give up some control, and said he had never seen it do something like this. He said the University was very proprietary, and noted the Entrepreneurial Campus idea had gone nowhere because of this. He said the only way one could get them to do anything was to get them to compete. He said it was important to get a foothold, to take a viable first step, and noted the Town didn't have a lot of other options.

Mr. Kelley said the University Master Plan should be out soon. He said if the University wanted to keep the integrity of the look of the campus, it would have to grow on the other side of the tracks.

Chair asked if there was anyone else from the public who wished to speak.

Attorney Malcolm McNeill, 44 Colony Cove Road, explained that he was representing his wife and Chester Tecce.

He said they owned property in the area Councilor Niman had spoken of, and would like to see a MUDOR type district there. He said this was not because either one of them was in the process of developing student housing. He said he had watched carefully what the Town had been doing with regard to the Office Research zones. He also said he had participated in writing the economic development portion of the Master Plan, and noted that a broad variety of uses were recommended for this area in the Plan. He said the Zoning rewrite had unmade the Master Plan, as it related to this property.

He said these properties provided multiple opportunities for the community in a gateway setting, and said light industry was not appropriate here, noting the reduction in value that would result from this as compared to other kinds of uses. He noted he was a real estate lawyer.



He provided details about his property, and noted there was an easement to allow extension of infrastructure. He also noted other infrastructure in proximity to the property. He provided details about Mr. Tecce's property.

Attorney McNeill said their issue was the diminution of development options with regard to the ORLI zone, rather than targeting a specific type of use such as student housing. He said the Table of Uses indicated that the ORLI zone, which was controlled to a significant extent by the University, and also included industrial type uses, was extremely limited in terms of permissible uses. He provided additional details as to why student housing made sense in this area.

He said the development and financing of opportunities had not been facilitated by the University in this area for a number of reasons, and noted that the Town had a relatively small area it controlled and could tax. He said it seemed that this area would expand what the Town had already identified as appropriate uses, and was consistent with the uses that were considered desirable in the Master Plan. He said he had come to the Capstone presentation, and noted he had been approached by numerous developers who wished to do this kind of development, but had found there was no place to go.

He said he and Mr. Tecce would like their properties to be treated the same as properties in a MUDOR zone. He noted the various uses that were currently not permitted in the area where his property was, and said he saw a broad variety of possible uses there that would benefit the property owners and also the community.

He noted that the Economic Development committee working on the Master Plan had recommended development along Route 108, but said there would be numerous issues concerning any development of that area. He also said that in a thriving Seacoast, the question needed to be asked as to why there had not been more development in Durham. He questioned whether it was desirable to proscribe and limit the tax base opportunities in the community.

Attorney McNeill said he had not discussed this with Mr. Niman, but had met with Mr. Tecce at length, and both would like the Town to consider making this area a MUDOR zone.

Mr. Kelley asked Mr. McNeill if he had ever been involved in any developer discussions with the University.

Mr. McNeill provided details about this. He said companies with an interest in coming to Durham saw the limited amount of land for development. He also said the problem with dealing with University, tax-exempt property was the ultimate financing of the property. He noted some innovative approaches taken by the Pease Development Authority, and said the fact that the University had not done any similar innovative types of development spoke to its inability to make this kind of development happen. He said if the impediments to development accumulated, developers simply went elsewhere.

Chair Roberts asked what the Board would like to do concerning this discussion on proposed changes to the zoning districts.

Mr. Kelley said he liked the idea of doing a site visit, so Board members could see things on the ground and then take up the issue again at the Zoning Rewrite meeting. Board members agreed to meet on Friday, November 12<sup>th</sup>, for a site visit.

Mr. Campbell suggested that Board members take a look at Section 8.14 and 8.15 of the Master Plan, on student housing, to get some ideas about this issue. He also recommended that they look at Section 9.24 on multi unit housing.

Mr. Eyerman suggested that they should do the Shoreland District discussion first. He said this would back them into the issue of buffers in the Wetlands Overlay District.

### **Shoreland Overlay District – Discussion on draft**

Chair Roberts asked what would happen if the proposed Wetlands and Shoreland Overlay districts were the default boundaries and offsets for permitted uses, and the current provisions for these districts would be available for conditional uses. He said the purpose of this would be to make the current standards available for conditional uses when no harm would be done.

Mr. Eyerman said the Shoreland Overlay District draft was patterned to a large extent on the Wetlands Overlay District draft. He said they fit well together but obviously applied to two different resources. He provided details on what he had done to the Shoreland Overlay draft, noting it was essentially the same as it currently was, except that it added tidal sections of tributaries of the Oyster River and the Lamprey River, and increased the district to 100 ft. on Johnson and Bunker Creeks. He said the Board needed to evaluate this, but said this represented a substantial reduction of the expansion of the district as compared to Rachel Rouillard's draft.

Mr. Eyerman noted that wording that had been approved under the Applicability section said the intention was to tie in with state approvals and permits, but noted that if the Town's provisions were more restrictive, the Town's applied. He also provided details of changes that had been made based on comments from the Conservation Commission, which were reflected in both the Wetlands Overlay draft and the Shoreland Overlay draft.

Mr. Eyerman next provided details about language that was changed concerning conditional uses in the overlay districts. He said what he was trying to do was not much different than what Chair Roberts was recommending, which was to say that only with respect to nonresidential uses in nonresidential districts, the Planning Board could, as a conditional use, allow a new nonresidential building to encroach on the shoreland overlay district.

Councilor Grant asked if as worded, the provisions would preclude any development in the Business Park. It was agreed that the language should say there was no alternative

location on the parcel itself. There was detailed discussion about how the provision would actually impact the Business Park.

Chair Roberts said allowing the existing provisions to be required in this area would allow more options for the site.

Ms. Merrill said that for a given project, if this language were adopted, she would want to be reassured that there were enough safeguards to make sure damage was not done to the shoreland area.

Chair Roberts said the conditional use process provided the opportunity to avoid adverse impacts.

Mr. Eyerman provided details as to how this would work.

Chair Roberts noted that instead of just getting Conservation Commission recommendations concerning conditional uses, the Planning Board would benefit from getting other perspectives as well. It was agreed the wording should say the Board would get consultation from the Commission.

Mr. Campbell noted that this would mean that if a use was permitted but was in the setback, it reverted to a conditional use. There was discussion about this.

Mr. Eyerman said he was not convinced that this was the best solution, but said it seemed that there needed to be a balancing process, which provided flexibility but had safeguards. There was additional discussion about how a balance could be achieved.

There was discussion about wording concerning setbacks, and Mr. Webb suggested that it could be said that the setbacks may be reduced if it could be shown that the same level of protection would be afforded, with the burden of proof resting with the applicant. There was detailed discussion as to whether this made sense, and what the preferred wording should be. Chair Roberts said this would only apply to a small piece of land, when there were miles and miles of coastline. Mr. Webb said he didn't think the Town should be writing language for one piece of property that had gotten stuck in a lawsuit. Councilor Grant noted that the allowances made for the Business Park would also impact other areas. Mr. Campbell said he agreed with Mr. Webb that if there was a setback, it should be met.

There was additional detailed discussion about the setback language, and whether the conditional use approach was appropriate.

Ms. Merrill noted her concern about language in 72-B concerning the amount of soil disturbance being the minimum necessary for the construction and operation of the facility. She said minimum was a relative term in this context, and said the developer might determine this subjectively. Chair Roberts said the purpose of language like this was to protect, but not impede. There was additional discussion about what the language

should be, and it was agreed that the language should read “the minimum necessary as determined by the Planning Board”.

There was discussion about septic system language and where it was located in the Shoreland Overlay provisions. Councilor Grant said that at present this was confusing, and there was discussion about this. It was agreed that it would stay where it was, but would reference another section.

Mr. Eyerman asked the Board if it was comfortable with the conditional use approach, noting as Councilor Grant had that it was important that in allowing this for the Business Park, the Board didn't create problems in other areas. He said he didn't know enough to have an answer to whether this would be a problem, but said Board members should consider this.

Chair Roberts suggested that the Board make note of this, bring it to the public hearing and listen to various perspectives on it. He said that hopefully, the people most concerned with property rights would come to the Planning Board hearings, and would not wait until the Council hearing. There was discussion about this.

Councilor Grant said he would like to see this issue worked out by the Board before it got to the Council, so people could respond to it.

Chair Roberts said Board members should come prepared to decide on this at the Zoning Rewrite the following week. He noted that Dover was wrestling with similar issues regarding waterfront development.

Councilor Grant received clarification that the Shoreland Overlay district provisions applied to the entire Oyster River and Lamprey River.

Mr. Campbell noted that the current setback for septic systems was 125 ft, and the setback for buildings was 150 ft., when it was previously just the opposite. There was discussion about this, and whether 150 ft. was actually necessary for a septic system setback.

Mr. Eyerman said he had considered the possibility that because the septic setback was covered by state regulations, they might not need to include this. There was detailed discussion about this, and specific language was agreed upon.

## **V. Wetlands Overlay District**

Mr. Eyerman said the issue with wetlands was the upland buffer around the wetland, of different widths (100 ft. and 150 ft.) He asked if the Board needed to revisit these buffer requirements. There was discussion as to whether the requirements in this overlay were too restrictive.

There was discussion on vernal pools, as part of the wetland overlay district. Mr. Kelley provided information on the temporary nature of vernal pools during the year. He said he was not saying that including vernal pools in the wetlands overlay district was not warranted, but said the Town would be facing headaches with developers if it did include them. There was discussion on this, and it was agreed that vernal pools were a tough issue.

Chair Roberts asked how the provisions of the Wetlands Overlay district interfaced with the Business Park. Mr. Eyerman said it increased the building setbacks from wetlands, and Mr. Campbell provided additional details about this. Mr. Eyerman said this why he had suggested the Board look at the Shoreland overlay first, so it could consider creating the same kind of escape clause for the upland wetland buffer, as had been considered for the Shoreland Overlay district.

Chair Roberts said he would like to see this, if possible.

Mr. Kelley said they could exempt/grandfather specific areas, which would revert back to the previous setback requirements.

Mr. Isaak said this would seem to make sense if the Town was behind this decision.

Mr. Eyerman asked how these areas would be defined. Mr. Kelley said this perhaps could be defined by tax map and lot number.

Chair Roberts said the Business Park could also be defined by the previous requirements.

Mr. Kelley said it was dramatic how much was land was lost at the Business Park with the new setbacks and buffers.

Councilor Grant asked if the Board wanted to do the conditional use process with wetlands. There was discussion that there could be problems if specific exemptions were made.

Councilor Grant noted that with all the emergency hearings the Board had had the previous year, none of these proposals had been built.

He also noted that concerning the previous discussion on the MUDOR district, gasoline sales could not take place in MUDOR, but could take place in ORLI. There was discussion about this.

Mr. Campbell said he had been having some discussions regarding the new conservation subdivision regulations. He said as applied to some parcels, HISS information was shrinking the areas that could be built. He said that increasing the wetland buffers would shrink the buildable area even more.

Mr. Kelley said that perhaps there could be different buffers for different zones, reserving the larger ones for the Rural and RC zones. There was discussion about this.

Councilor Grant said he was concerned that there would be three public hearings, and that all of these details could be covered in them. He said there had not been a lot of discussion in Town on these things, and said he felt the Board was biting off too much at this point. He said he would like to defer a few things until the next year.

Mr. Isaak asked if the Master Plan said the Town had to rewrite the entire Ordinance, and Mr. Campbell provided details on this. There was additional discussion on what should be done.

Mr. Kelley said again that he would like to explore the idea of having different setbacks for different zones. He said that wildlife environment in the RA and RB districts was different than out in the RC and Rural districts, so perhaps the existing setbacks were enough to maintain those communities in the RA and RB zones.

Chair Roberts said the Business Park could be included as an area where the existing setbacks could be maintained.

Ms. Merrill said she would be more comfortable with having the Conservation Commission check on this, noting their input had been sought previously concerning the overlay drafts.

Mr. Campbell and Mr. Webb said they agreed that for bogs, prime wetlands, vernal pools and other rare and exemplary wetlands, they should stay at the 150 ft. setback. Mr. Kelley suggested that for non-tidal wetlands (poorly and very poorly drained soils), they could stay with the existing setbacks. There was discussion about how to proceed with this.

Mr. Webb said he liked Mr. Kelley's idea, and said there was perhaps a way to make the Business Park more developable. He said that standard should also be applied to other OR zones where there was a hookup to town sewer and water. But he said the maximum setback requirement should apply in the Rural and RC zones.

Mr. Eyerman noted on a separate issue that what the Board decided on MUDOR, it reopened the question of the uses in the Table of Uses, so this would have to be figured out.

Chair Roberts said he had noted that some of the uses that were changed in the Table of Uses were never mentioned in the Master Plan. He said this might need to be considered.

## **VI. Aquifer Overlay District**

This was not discussed.

Mr. Eyerman said there were minor changes to the Floodplain Overlay District provisions, and also noted that the revised Historic District Overlay and Wireless Overlay were ready. Mr. Campbell provided details on changes to both of these Overlays.

Mr. Webb noted that the T-Mobile application in Newmarket had been dismissed.

***Richard Kelley MOVED to adjourn the meeting. The motion was SECONDED by Amanda Merrill, and PASSED unanimously.***

Meeting adjourned at 9:00 pm

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Amanda Merrill, Secretary