

# D-R-A-F-T

## DURHAM PLANNING BOARD MINUTES WEDNESDAY, APRIL 6, 2005 TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL

**MEMBERS PRESENT:** Stephen Roberts; Amanda Merrill; Nick Isaak; Kevin Webb; Richard Ozenich; Richard Kelley; Bill McGowan; Councilor Diane Carroll; Councilor Gerald Needell

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Jim Campbell

### I. Call to Order

### II. Approval of Agenda

*Nick Isaak MOVED to approve the Agenda as submitted. The motion was SECONDED by Amanda Merrill, and PASSED unanimously.*

### III. Introduction

Town Planner Jim Campbell said that planning consultant Mark Eyerman would provide background information on the public hearings to be held that evening.

Chair Roberts explained that Mr. Eyerman was the consultant during the Zoning rewrite process, and had done a good job of identifying items of concern raised at previous hearings before the Board.

Mr. Eyerman described in detail a recent memo, dated March 25<sup>th</sup>, to the Planning Board where he had outlined in capital letters what was proposed to be changed, and not changed, based on a punch list of comments and questions developed after the last set of public hearings. He identified the following proposed amendments: the nonresidential zoning district provisions, definitions, table of uses, table of dimensional requirements, performance standards for light manufacturing, lighting ordinance, aquifer overlay, wireless service facility overlay, and the historic district overlay. He also said there were some remaining housekeeping amendments.

He noted that the shoreland overlay district and the wetland overlay district provisions were still being worked on, with input from the Conservation Commission, so would not be dealt with that evening. He said the Board had held a public hearing the previous week on the proposed flood hazard overlay provisions.

There was discussion about the housekeeping amendments –with Ms. Merrill noting that the title of the documentation on this was somewhat confusing.

Mr. Campbell said these amendments had been included in public hearings before, and hadn't been changed, but he said people could discuss these if they wanted to.

Mr. Eyerman explained that the housekeeping amendments included changes that had been proposed by the Board, in order to clarify/revise what had been adopted by the Council in May of 2004, and also to address some concerns raised by the Board when the original revised provisions were implemented.

Chair Roberts explained that these proposed amendments were heard at the Board's public hearing in January, and Mr. Eyerman noted that there were public comments on them at that time.

#### **IV. Public Hearing on the Zoning Ordinance Amendments**

***Amanda Merrill MOVED to open the public hearing. The motion was SECONDED by Councilor Needell, and PASSED unanimously.***

**Jim Jelmborg, Park Court** thanked the Zoning Rewrite Committee for the colossal effort it had put into the Zoning Rewrite process.

**Beth Olshansky, Packers Falls Road** noted some proposed Ordinance provisions concerning a soils issue she had been following did not appear to have been properly noticed for the hearing.

There was discussion about this, and Mr. Campbell explained that there were no changes proposed to these, based on the January 6<sup>th</sup> hearing, so they were not posted again.

Chair Roberts said the Board would go through the evening's Agenda items first, and said that after public comments on these had been received, Ms. Olshansky would be free to discuss the item she was referring to.

**Annemarie Harris, Oyster River Road** said it was her understanding that a letter would be coming to the Board that evening, to be read as part of the public hearing. She said the spirit and intent of the Master Plan was that there should be design standards, landscaping requirements, etc. for the Route 108 gateway to the Town. She also said she believe it was premature to drop requiring the conditional use process before these things were in place, noting there were a number of aspects of development that could be reviewed under this process.

Chair Roberts said the Board had received a letter from John Carroll, and he read this letter out loud. In the letter, Mr. Carroll said he had been a member of the Route 108 Gateway Committee of the Durham Master Plan Committee, and said this Committee had felt it was important for the Town to maintain maximum control over architectural design and other matters pertinent to buildings on the Route 108 Gateway to Durham (Gasoline Alley). He

said all building in the Courthouse District should be reviewed under the conditional use process.

Chair Roberts noted that he agreed with the letter, but said he had not been in the majority on the Board's vote on this matter. He asked if there were any other comments on the use of conditional use for maintaining architectural standards in the gateway area.

Ms. Olshansky said she agreed with Mr. Carroll's letter, and said the gateway was an important visual component of the community. She said the Town had been planning for it for many years, and said here was an opportunity to cement that vision. She said it would be a mistake to let that opportunity slip by.

Chair Roberts noted that a major commercial development proposal for the gateway area would be coming before the Board on April 18<sup>th</sup>. He said it had triggered the conditional use provisions of the existing Zoning Ordinance, and said it would therefore be reviewed under this process, as well as through the site plan review process.

Ms. Harris read from the Master Plan concerning the goal that new development in Gasoline Alley should create a smoother visual transition into the Historic District, thereby enhancing the appearance of this important gateway into Durham. She said it was clearly stated in the Master Plan that the intent was that there should be careful review of development. She asked that the Board reconsider its decision about eliminating use of the conditional use process for this area, and that it take a vote on this.

**Arthur Grant, Mast Road** noted, in support of what others had said, that the hotel project across the street and the Gibbs development had been done under the conditional use process, and he said the current Irving station application was also being done under this process, as well as under the process of permit by right. He said this was substantial enough reason to endorse the Chair's position, and said he himself had supported this position when he was on the Planning Board. He encouraged the Board to consider and perhaps vote again on this issue.

**Jim Jelmborg, Park Court** said he supported the comments made by former Councilors Harris and Grant, Ms. Olshansky, and Mr. Carroll, and said there should be more careful review for proposed development in the Courthouse District. He also noted that on page 2 of the punch list, under Court House, it said "no change, leave as originally proposed", and then said "allow multifamily housing as a permitted use".

Mr. Campbell said the capitalized letters were what the committee had decided to do, and by saying "no change, leave as originally proposed" in capitalized letters, the Board was saying it was not proposing to allow multifamily housing in the Courthouse District.

Mr. Eyerman said the letter read into the record implied that there were no proposed designs standards for Gasoline Alley, but he said there were proposed standards for the Courthouse District. He said that whether they went far enough, or dealt with the right issues was another question. He said the items covered there were the items the Master Plan said should be addressed concerning Gasoline Alley.

Mr. Campbell noted there were detailed development standards for the Courthouse District in the revised Ordinance.

Mr. Eyerman said that an attempt had also been made, with space standards, to deal with the placement of buildings, and he noted that the Courthouse District was the only district that had both a minimum and maximum front setback. He said there had been considerable discussion, using the Gibbs project as a yardstick, about developing those kinds of standards.

Chair Roberts explained that the reason the majority of the Board had voted to remove the conditional use process for the gateway was that it could be used to entice unusual development into the area, which was not necessarily compatible with this area. He said the other side of this was that conditional use could be used to protect an area, by broadening the scope of what could be considered in terms of the effect of a development on its neighborhood, and on a community. He said he believed in the process, because most communities he considered successful used it widely. He noted that the development standards in the Ordinance were excellent, and would be even better with conditional use, but he said this was a matter for the Board as a majority to consider.

***Richard Ozenich MOVED to close the public hearing. The motion was SECONDED by Nick Isaak, and PASSED unanimously.***

Chair Roberts said he found that Ms. Olshansky's request to discuss a zoning ordinance issue already addressed at a previous public hearing was reasonable.

***Councilor Needell MOVED to allow a member of the public to address an issue covered at a prior public hearing. The motion was SECONDED by Amanda Merrill, and PASSED unanimously.***

Ms. Olshansky said she wanted to address the proposed amendments to 175:55, regarding the calculation of usable area. She noted that over a year ago, a Zoning rewrite subcommittee including Rachel Rouillard, Amanda Merrill and Jack Farrell had looked at this issue, and among other research the group had done, had received input from soils specialist Sid Pilgrim. She said of particular concern in the proposed provisions was that somewhat poorly drained soils would not be excluded in the calculation of usable area. She said the Master Plan specifically stated there should be a soils-based approach to calculate density, and she noted that the guidelines that had been drafted on this grew out of the work of Randall Arendt, and the understanding of the Land Committee that had worked on the Master Plan.

She said Mr. Pilgrim was asked if keeping the somewhat poorly drained soils in the Ordinance was reasonable, and his judgment had been that this was reasonable. She provided details on this, and said in the spirit of presenting a soils-based system for the community, and of creating a continuum, the previous recommendation had given 50% credit to somewhat poorly drained soils in the calculation of usable area. She also said she had spoken to Ben Frost of the NH Office of Energy and Planning about the fact that the Board was thinking of changing back to giving somewhat poorly drained soils full credit, and she said he had questioned why this was being done.

Ms. Olshansky noted when she had raised this issue in January, Board member Richard Kelley had said he thought Hollis soils were different from Durham soils. She noted that some of the Ordinance provisions had been based on the Hollis ordinance, and said she had called Virginia Mills, the Town Planner in Hollis for 18 years, to discuss this issue. She said Ms. Mills indicated they had excluded somewhat poorly drained soils completely from their ordinance for many years, and had never had any legal problems concerning this.

Ms. Olshansky also noted that it had been said, the last time she had spoken about this issue before the Board, that now that there were stricter septic regulations in Durham, the provision on somewhat poorly drained soils wasn't needed in the Ordinance. She said Ms. Mills told her that Hollis also had stricter septic regulations than what was required by the state, but had still chosen to exclude somewhat poorly drained soils 100% from density calculations.

She noted that Ms. Mills had told her that the remaining undeveloped soils in Hollis, like those in Durham, were mostly ledge, steep soils or wet soils. She also said that Ms. Mills had said that landowners who found the Hollis Zoning Ordinance imposed a hardship as it pertained to their particular land always had the option to go to the ZBA to get a variance.

Ms. Merrill provided clarification that when Ms. Olshansky mentioned Sid Pilgrim's comment, she meant that he said it was reasonable to keep somewhat poorly drained soils in the list of deductions, in the calculation of usable area. She said Ms. Olshansky had touched on the points she herself had covered in a memo to Board members, and said she was sorry she hadn't addressed these when the last set of changes had been made.

She said the issue of somewhat poorly drained soils was the most important of the issues she had previously raised, and said she would hope the Town would, at some level, reconsider allowing 100% of these soils to be deducted in the calculation of usable area. She said these soils were designated as somewhat poorly drained for a reason, and said it therefore made sense that if the Town wanted a soils based lot size, this category should be considered. She said if people were not comfortable with a full deduction for these soils, there should be a 50% deduction.

Chair Roberts said the Board had taken on face value the original recommendations, and had included them in the Ordinance. He said Mr. Campbell had then attempted to apply this to properties coming in for review, and said he himself had also applied this to his own property. He said what he had found that he had a 4-acre property that would be legal in Hollis, but illegal under the provision Ms. Harris was suggesting.

He said the reason for this was that Durham had chosen to increase its lot size 41.9% above the standard lot size for road frontage land in Hollis. He said the issue was not that the Town wanted to encourage building on somewhat poorly drained soils, but that there was a 3.25 acre lot size for the Rural and RC zones. He said in his case, he had 2 acres of sand, but said that based on the rest of his land, including a vernal pool and ledge, his property didn't qualify as a house lot, even though multiple house sites and septic systems would be possible there.

He said this was the math that had led the Board to rethink the existing provisions, and to not exclude somewhat poorly drained soils in the calculation of usable area. He said the Board

could decide to go to 2-acre zoning, and said this deduction would then be fair, but he said it would not be fair with 3.25 acre lot sizes. He said to have to exempt lots that could have multiple house sites and septic systems, with setbacks, was a taking that he didn't find justified in the Master Plan.

Ms. Olshansky said the Master Plan said there should be 3-acre zoning in the Rural District, and soils based density calculations. She said there were a lot of houses that were built before the science existed as to the importance of protecting soils, and she said this new Ordinance allowed an opportunity to choose whether the Town wanted to continue disregarding the Town's more fragile soils, or to provide some protection for them.

Chair Roberts challenged Ms. Olshansky and Ms. Harris to show how the Board was disregarding soils in an application. He said a house, septic system, or driveway couldn't be put on somewhat poorly drained soils, but said the minimum lot size had been increased to provide more opportunity to have safe building lots, given the existence of these and other more fragile soils on most properties in Durham.

***Amanda Merrill MOVED to close the discussion. The motion was SECONDED by Richard Ozenich, and PASSED unanimously.***

There was discussion as to whether the Board wanted to discuss possible changes to issues presented at the public hearing that evening.

Mr. Isaak said he would like the Board to vote on the issue of whether the conditional use process should be required for the Courthouse District.

In answer to a question from Councilor Needell, Chair Roberts explained that the Table of Uses had previously been voted on, changing the Courthouse District from conditional use to permit by right. He said the Board could, if it chose to, amend the Table of Uses, to change this back to conditional use. There was discussion about this.

Councilor Needell asked if this would require a public hearing.

Chair Roberts said it would, and there was discussion about doing this in conjunction with the upcoming public hearing.

Mr. Eyerman said that procedurally, the entire package of nonresidential amendments was reposted for public hearing. He said while there were changes in there to address what was previously raised at the public hearing, his interpretation was that the whole package was before the Board, to decide what it wanted to do to finalize it and send it on to the Council. He said if the majority of the Board said it was fine the way it was, the conditional use issue was over.

But he said If the Board said that some or all of the permitted uses in the Courthouse District should be conditional uses, it was incumbent upon the Board to go through the Table of Uses, and say which uses. He said that Mr. Campbell and the Town Attorney would probably say that if the Table were changed substantially, the Board would have to hold another public hearing.

Mr. Eyerman noted that the argument being made for the Courthouse District could also be made for other nonresidential districts. He cautioned that if the Board opened up the conditional use issue in terms of the Courthouse District, then for consistency, it should also ask if the issue should be reopened concerning the other nonresidential districts.

Chair Roberts said that although the rest of the Table of Uses could be opened up, what had been brought by the public to the Board was a quote from the Master Plan on the importance of the gateway to the community.

Mr. Campbell provided details on where wording in several places in the Master Plan could be interpreted as saying something other than that there should be condition use.

Chair Roberts said his perspective was that enough members of the public had spoken to warrant considering this.

Mr. Isaak said the larger issue was that there was a concern about this area, in the absence of design standards. He asked what the time frame was for adoption of design standards.

Mr. Campbell said these were not being included at present, but noted that development standards had been included within the zoning districts. He also said he was very concerned that the Board might be backtracking concerning the Ordinance.

Mr. Isaak said looking through the existing standards for that district, they might be sufficient.

Mr. Campbell suggested that the Board should decide whether the development standards were sufficient, or if conditional use should be brought back. He said if the latter was chosen, a motion should be made, and it would be put back to public hearing the next month.

Mr. McGowan asked what was to be gained by using the conditional use process, and Chair Roberts provided details on its benefits to a town.

Mr. Isaak noted that the process was a double-edged sword, which was why the Board had tried to limit its use in the Table of Uses. He said once a Town said conditional use, this potentially opened up negotiations with a developer.

Mr. Webb said conditional use had the potential to be more restrictive, and said it gave the Board more negotiation power with the developer.

Chair Roberts said an important aspect of conditional use was that the potential negative impact on abutters could be considered in more detail.

Councilor Needell asked what the reference to designs standards was actually referring to.

Chair Roberts explained that the Board had promised to develop those standards, to support the Historic District Commission's development of a Heritage Commission, but he said this would not be done as part of the current Zoning rewrite process.

Mr. Campbell noted again that as part of the Zoning rewrite, performance standards had been developed for each of the districts.

Chair Roberts said Dover had both the conditional use process as well as design standards.

Councilor Needell asked if the conditional use process gave the Board greater ability to enforce design standards, and Board members said this would not necessarily be the case.

Mr. Eyerman spoke about the eight criteria that had to be met as part of the conditional use process, and said one could argue that these provided additional hooks that the Planning Board could use in reviewing a project. He also noted that a major theme of the Master Plan was to encourage economic development that contributed to the property tax base. He said the introduction of conditional use into the approval process was another significant hurdle that had to be balanced against the gain, and he noted that for a number of developers, if they saw conditional use, they walked right on by.

He said he knew the Board had heard testimony that there was not more nonresidential development in Durham because the application process was so time-consuming. He said the Board had a responsibility to strike a balance, and to not make the process so onerous that it scared development away.

Chair Roberts asked if the Board voted on this item, how this would affect the time frame for the Zoning rewrite process, and there was discussion on this with Mr. Eyerman.

Mr. Isaak said he had looked at the development standards for the Courthouse District, and said they covered all the primary issues that would make development presentable in that district. He said perhaps the Board could vote on whether or not to leave these provisions as is.

There was discussion on the present boundaries of the Historic Overlay District.

Mr. Eyerman noted that most of Gasoline Alley was not in the existing or proposed Historic District overlay district.

Councilor Carroll asked if the Gibbs station and the hotel were built under the present development standards, if they would they be the same as they were at present.

There was discussion on this, and it was determined that the Gibbs station would be fairly close to what it now was, but that Cumberland Farms could never have been built.

Mr. Isaak said the Gibbs station was probably the worst-case scenario there could be, with the present development standards.

There was discussion as to whether the hotel was a permitted use in the Courthouse district under the proposed ordinance changes, and it was determined that it was.

Mr. Isaak noted that some of the development standards were probably the result of the hotel project.



Ms. Merrill asked how design standards would provide more detail than the development standards presently in the Ordinance. There was additional discussion about this.

Chair Roberts noted that the conditional use process was developed because development standards often failed.

Mr. Isaak said the development standards, especially by putting parking at the rear, protected the gateway to the Town. He noted that this might, however, impact abutters on the other side of a property. He said that as part of the site plan review process, abutters could address parking and other issues.

Chair Roberts noted there were limits as to what issues the public could raise during the site plan review process, while the conditional use process could bring in additional issues.

Councilor Needell asked if design standards were added to the Ordinance at some date, where they would be included. He also asked why they were being left out at this point. There was discussion about this.

Mr. Webb said a charge of the Board was to write a Zoning Ordinance that among other things encouraged business development and improved the tax base, and noted that the conditional use process could discourage this. He said he agreed with Mr. Isaak that there were some development standards already, and said he was coming to see that it would be a good idea to let the proposed Ordinance changes run for a year, and to see what kind of development proposals resulted from this. He said the provisions could then be changed, if necessary.

Chair Roberts said he would hope that the Irving Station, if built, would be an architectural wonder in terms of fitting in with the hotel and the Courthouse, and serving as a model for future development. He said if the Board succeeded with this, the next applicant who proposed development in Gasoline Alley would have to measure up to this higher standard. He said that as long as the proposed Ordinance changes could accomplish this, he would be happy.

Mr. Isaak said he agreed with Mr. Webb that for the sake of moving on with the Ordinance, what was currently in it seemed adequate.

Ms. Merrill said when she looked at the Table of Uses, and contemplated changing the Courthouse District to conditional use, she saw other districts like the Church Hill District, and Coes Corner, that were also important to the look of the Town. She said it would therefore be hard to just look at the Courthouse District.

Mr. Eyerman said there was another, more subtle issue. He noted that early in the Zoning rewrite process there was discussion about architectural design standards that regulated how buildings appeared, etc. He said the Board was cautioned at that time that New Hampshire law had not looked favorably on the use of these kinds of standards outside of historic districts. He said it would be important to look into this further if the Board decided to go down that road.

Chair Roberts noted that Dover, Keene and Concord seemed to have gone down that road without using a Historic District. He provided details on this, but said Mr. Eyerman's point was a good one. He asked the Board how it wanted to treat this issue.

Mr. Isaak said the architectural design standards he had seen which were successful, and that had been town-wide design standards, were not overly restrictive. He said they tended to be similar to the performance standards Durham now had, and dealt with such things as setbacks, vegetation, building height and width, etc. He said this was why he thought the current Ordinance draft appeared to cover this fairly well.

## **V. Old Business – Discussion on Shoreland and Wetland Overlay District**

Mr. Webb noted that a definition of hydraulic gradient (as distinct from topographic gradient) provided by Conservation Commission Dwight Baldwin did not appear to have been included in the aquifer overlay draft. There was discussion about this.

There was discussion about the status of the aquifer overlay district provisions. Mr. Campbell said it was included in the evening's public hearing, and he said Mr. Baldwin's comments on them could be included when they were sent forward to the Council.

### Shoreland Overlay provisions

Chair Roberts asked Board members if they had any issues with the marked up version of the shoreland overlay district provisions, dated March 29, 2005, which the Board had recently gone through in detail.

Mr. Campbell noted this mark up included comments received from the Conservation Commission.

The Board did not recommend any further changes to these provisions.

### Wetlands Overlay Provisions

Mr. Webb said he had some comments from Conservation Commission members, also noting that many of the Commission's comments that had applied to the shoreland overlay provisions also applied to the wetlands overlay.

- 175-58 A - Should read "alteration of pre-existing structures"
- There should be a 75 ft. buffer for all other non-tidal wetlands in all other zones. There was detailed discussion about this among Board members and Mr. Campbell, and whether it made sense for all of these other zones.
- Change "naturalized vegetation" to "non-native, non invasive vegetation"

Mr. Eyerman said the language on vegetation for the wetlands overlay should be different than the shoreland overlay language, in that it should distinguish between vegetation in the upland portion of the district and the wetland portion of the district. He said planting other non-native, non-invasive species in the upland was probably fine. He clarified that the overlay included the buffer.

Mr. Webb asked Mr. Eyerman to develop proper language to reflect this.

- Mr. Webb noted the issue of whether property owners should be able to maintain existing vegetation – shrubs, lawns and fields that were technically in wetland areas, or if there should be a requirement that a natural vegetative buffer needed to be maintained. He noted that many properties in Town had lawns on wetland soils, and there was discussion about this.

There was discussion as to whether a body of water was considered a wetland in New Hampshire, and it was clarified that it was. Mr. Webb said that any body of water not specifically defined in the shoreland ordinance fell under the wetlands ordinance, but he noted that the wetlands ordinance could also include wet soils areas with wetlands vegetation.

Mr. Webb noted that in the shoreland overlay district, for new development, the owner would have to maintain a buffer strip. He explained that if there were an existing lawn, the owner would have to re-establish a 25 ft. buffer (requires 50 ft, but if an owner has a lawn, he has to re-vegetate 25 ft. of it.)

Mr. Eyerman noted that this had been added back into the shoreland overlay provisions.

Mr. Webb said a possible compromise for the wetland overlay provisions was to require a 25 ft. buffer consistent with the shoreland overlay, but only for buffers surrounding open water areas. He said this would therefore not include requiring things like establishment of sensitive ferns in wet soils.

Michael Sievert, a member of the public, said he didn't think the Town could require existing lots to re-establish buffers around wetlands. He gave the example of having a constructed pond on a lot that had been there since the 1960's. He said there were many lots in Town with this kind situation, so this was not feasible, and he noted that it would be crazy for the ZBA to have to deal with this kind of thing

Mr. Isaak said this requirement should be geared to new developments.

There was additional detailed discussion about how to handle this issue for new developments, and for existing developments, and whether the shoreland and wetland overlay provisions should be parallel concerning this.

Mr. Webb said one way to make things consistent was to require a 25 ft. buffer only for open water wetlands. He said as presently written, the buffer also applied to wetland soils.

Mr. Eyerman noted that the buffer applied as long as the wetland was greater than 3,000 sq. ft.

There was discussion about vernal pools, how the provision should relate to them, and how they were presently protected in the Ordinance.

Mr. Webb said that given that this requirement would only apply to wetland areas of substantial size, he was comfortable with requiring that a 25 ft. natural buffer be re-established.

There was discussion about whether it would be difficult for property owners to meet this requirement. Mr. Webb said variances could be granted if necessary, for property owners whose structures did not meet the requirement.

- Mr. Webb asked, concerning agricultural activities, if the Board should require a 75 ft. setback for wetlands, as was the case for shorelands. He noted that the larger wetlands were under consideration here, not farm ponds. The Board agreed to go to 75 ft.

Code Enforcement Officer Johnson noted that a driveway was not a structure. There was discussion as to how this related to the wetland buffer issue.

- Mr. Webb said regarding trails, that there was a suggestion that the Ordinance include language prohibiting ATV use in trails going through wetlands.

Mr. Eyerman said the State trumped local regulations, but he said perhaps there could be a definition of natural trail that prohibited motorized vehicles. There was discussion on how to word this.

Mr. Eyerman said he would make all the parallel changes in the wetlands overlay provisions that were made in the shoreland overlay provisions.

Chair Roberts asked Mr. Eyerman if he had what he needed from the Board.

Mr. Eyerman said the Board needed to decide if it was ready to send on to the Council the proposed nonresidential amendments, the lighting standards, the personal wireless provisions, and the Historic district overlay provisions. He said the changes that had been discussed at that present meeting concerning the shoreland, wetland and aquifer overlays needed to be finalized, and a public hearing should then be held on them.

Concerning the Housekeeping amendments, Mr. Eyerman noted there had previously been a hearing on them, with no further changes recommended by the Board based on this. But he noted the comments received that evening concerning calculation of usable area, and said the Board would need to decide whether it wanted to open this issue back up.

Ms. Merrill said she would be happy to discuss this, but said she wasn't sure anyone else wanted to do so.

Mr. Eyerman explained that if the Board were going to discuss this issue, there should be notice to the public that it would be on the Agenda. He explained that otherwise, if someone liked the provision the way it was, he would have no way of knowing he needed to defend it before the Board.

Chair Roberts noted that the Board had discussed this issue twice before.

Ms. Merrill said she would like to make a motion to discuss whether there should be revisions to the Housekeeping amendments relative to usable area calculation, at the next Agenda of the Board.

Chair Roberts said the Agenda for the April 13<sup>th</sup> meeting was already completely filled up, so there was no room for this discussion.

Ms. Merrill said perhaps this could be discussed at the next Zoning Rewrite meeting, in which case a formal motion would not be needed.

Mr. Eyerman said the April 20<sup>th</sup> Board meeting could address the following: consideration of whether there should be revisions to the Housekeeping amendments relative to usable area calculation; and review of the shoreland, aquifer protection and wetland overlays revised versions.

There was discussion as to whether the Board would need to see these revised versions again before scheduling the public hearing.

Mr. Campbell said that if no further changes were recommended on the 20<sup>th</sup>, the whole package could be forwarded to the Council. He said if the Board decided to change 175-55, it could send forward everything but this provision to the Council.

There was discussion that the reconstitution of the Planning Board would occur on May 1<sup>st</sup>, and that the public hearing would be on May 5<sup>th</sup>. Mr. Campbell said this wouldn't be a problem because the new members to the Board would be alternates.

Chair Roberts said that by April 20<sup>th</sup>, the Board would have the entire Ordinance wrapped up, with the hearings the only events left. He asked Board members if they had copies of Mr. Eyerman's proposal for the Master Plan Update and Zoning Rewrite, and said these would be very useful to Board members in the future in determining what had been accomplished, and what remained to be accomplished.

Mr. Campbell told Board members that he had requested that University planner Doug Bencks give the Board a presentation on the campus Master Plan. He suggested May 26<sup>th</sup> as a quarterly planning meeting when this presentation could occur.

Mr. Campbell said that at the next Board meeting on April 13<sup>th</sup>, there would be a presentation on new building to be constructed as part of the Dairy facility, as well as a presentation on the Gables and the Southern Underpass, which included the northern connector route on the plan for the Gables to show that this project wouldn't affect the northern connector concept.

He said some traffic information would be provided as part of these presentations, and provided details on this. He said the presentation would include current traffic counts for the southern tunnel, as well as projections based on the Master Plan for when the Loop Road was completed.

Chair Roberts said he would like the Board's Technical Review Committee to serve as a consultant on these projects, as they did with all private development projects. He said that if a private developer were doing a tenth of what was involved with these projects, a proper review would be required, including how this related to the various Town departments.

**VI. Adjournment**

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

Adjournment at 9:45 pm

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Amanda Merrill, Secretary