

**This set of minutes was approved at the Planning Board meeting on May 23, 2007**

**DURHAM PLANNING BOARD  
WEDNESDAY, APRIL 18, 2007  
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL  
7:00 P.M.**

**MEMBERS PRESENT:** Chair Richard Kelley; Steve Roberts; Bill McGowan; Lorne Parnell; Councilor Needell

**ALTERNATES PRESENT:** Susan Fuller; Annmarie Harris; Doug Greene; Councilor Carroll

**MEMBERS ABSENT:** Richard Ozenich; Arthur Grant; Wayne Lewis

**I. Call to Order**

Chair Kelley said Susan Fuller would serve as a regular member in place of Arthur Grant, and Annmarie Harris would serve as a regular member in place of Richard Ozenich.

**II. Approval of Agenda**

*Councilor Needell MOVED to approve the Agenda as submitted. The motion was SECONDED by Bill McGowan, and PASSED unanimously 7-0.*

**II. Public Hearing on an Application for Site Plan Review** submitted by Charles Cressy, Durham Marketplace, Durham, New Hampshire, on behalf of Colonial Durham Associates, New York, New York to build an addition onto a commercial property. The property involved is shown on Tax Map 5, Lot 1-1, is located at the Mill Pond Plaza and is in the Central Business Zoning District.

*Steve Roberts MOVED to open the public hearing on an application for Site Plan Review submitted by Charles Cressy, Durham Marketplace, Durham, New Hampshire, on behalf of Colonial Durham Associates, New York, New York to build an addition onto a commercial property. Councilor Needell SECONDED the motion, and it PASSED unanimously 7-0.*

Susan Thorne represented the applicant, in place of Walter Rous who was in Washington. She described the design that was planned, referencing the site plan.

- There will be a patio, with bollards along the edge connected by chains to protect customers and pedestrians. The intention is to have a safe area for customers to line up outside, and to possibly include some tables. The shape of the design should also calm traffic, in that it will interrupt the bowling alley effect.
- There will be 3 windows for takeout for ice cream;
- The new area outside will be connected to the inside of the store, but public access will be only to the outside area

- 3 parking spaces will disappear because of the shape of proposed plaza. None of those spaces were handicap parking spaces.
- The proposed addition will have a connection inside to the sewer; the sewer pipe is right below the building.
- The existing lighting should be sufficient; there may be some incidental ornamental lighting outside.

Chair Kelley asked if any members of the public wished to speak concerning the application.

**Robin Mower, Faculty Road**, said she was pleased about the traffic calming elements of the design. She also said the ice cream stand was a great idea, in the spirit of the Mill Plaza Study Committee, to encourage some mingling outdoors in this area. She said she looked forward to being able to get takeout ice cream at a location closer than the Railroad Station.

**Julian Smith, Packers Falls Road**, said he was speaking as the Council representative to the Mill Plaza Study Committee. He said he was pleased there would be easy access to ice cream here, which fit with his vices. He said this was a very good proposal, and he supported it, and asked that the Board support it as well.

Councilor Carroll asked if this expanded area of the store would be used for something else in the winter, when they probably wouldn't be serving ice cream.

Mr. Cressy said the idea was to create a façade there, and to provide an exchange area, with an extended kiosk type of arrangement where information from Durham Its Where U Live, the Mill Plaza Study Committee, etc. could be provided. He said there could also be a community bulletin board there. He said there would also be an expansion of the inside deli area, which would allow more room for catering prep, etc.

Ms. Harris asked where the kiosk would be, and whether it would be freestanding.

Mr. Cressy said they could cover up the takeout windows with a background that blended with the building, and said the information posting area along that wall could be enclosed by glass. He said Mr. Pinto, the owner of the Mall, liked this idea as well.

Ms. Mower said that at the Mill Plaza Study Committee meeting that day, Mr. Cressy had noted that the tenants of the Plaza had gotten together, in response to comments at the public hearing, and had come up with some ways to combat the litter problems at the Plaza. She asked if this application was an appropriate time to encourage the idea of having more trash bins to catch litter.

Mr. Cressy said there would be 2-3 trash cans put out there, or as many as were needed. He said employees would also be trained to keep the area as clean as possible.

Ms. Harris noted that trash tended to funnel down to the end of the parking lot at Chesney Drive, and said it would be good to have a trash can there as well.

Mr. Cressy said it was realized that more people needed to be hired to deal with trash as the Plaza. He said that as many trash bins as were needed would be provided. Councilor Needell noted that Mr. Campbell's letter had indicated that the Code Enforcement Officer would be preparing comments concerning the expansion. But he said he hadn't seen these comments.

Ms. Thorne said Mr. Johnson hadn't weighed in yet on the project, and would be addressing it subsequent to the approval by the Planning Board.

Mr. Roberts said he supported this innovative proposal, and said if perfection wasn't achieved coming out of the starting gate, this could come later. He said as long as it was headed in the direction of improving Mill Plaza, it was a good thing.

Ms. Mower asked if perhaps cardboard cups could be used instead of Styrofoam cups, in the interest of the environment.

Mr. Cressy said his business was embracing a green philosophy, and would certainly consider this.

***Annmarie Harris MOVED to close the public hearing. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.***

#### FINDINGS OF FACT

1. The applicant submitted an Application for Site Plan Review with supporting documents on March 21, 2007.
2. Copies of the deed for the property were submitted by the applicant on March 21, 2007.
3. The applicant submitted a request for a waiver from Section 7.02(D)(3)(a, c & d) and from Section 7.02(D)(4)(a, c, d, h, i, j, k, m thru u, w & x) on March 21, 2007.
4. The owner of the property submitted a letter on March 21, 2007, designating Mr. Charles Cressy as his agent for the purpose of the application.
5. The applicant submitted a Site Plan entitled "Partial Site Plan for Proposed Ice Cream Stand at Durham Plaza" on April 5, 2007.
6. Walter Rous submitted a letter with points of clarification on April 11, 2007.
7. The waivers, as listed in the Director of Planning and Community Development's memorandum on the application dated April 9, 2007, were granted at the Planning Board Meeting of April 11, 2007.
8. A public hearing was held on April 18, 2007, and two members of the public spoke in favor of the application.

#### WAIVERS

The applicant submitted a request for waivers from Section 7.02(D)(3)(a, c & d) and from Section 7.02(D)(4)(a, c, d, h, i, j, k, m thru u, w & x) of the Durham Site Plan

Regulations. The Planning Board has reviewed the request and hereby approves the waivers.

Conditions to be met prior to the Signature of Approval on the Site Plan

1. The applicant shall supply one mylar plat and one paper copy for signature by the Planning Board Chair.

Conditions to be Met Subsequent to the Signature of Approval on the Site Plan:

1. These "Findings of Fact and Conditions of Approval" shall be recorded with the Strafford County Register of Deeds at the applicant's expense.

*Steve Roberts MOVED to approve the application for Site Plan Review submitted by Charles Cressy, Durham Marketplace, Durham, New Hampshire, on behalf of Colonial Durham Associates, New York, New York to build an addition onto a commercial property, with the Findings of Fact and Conditions of Approval as revised. Annmarie Harris SECONDED the motion.*

Chair Kelley asked Mr. Cressy if he had seen the Findings of Fact and Conditions of Approval.

Mr. Cressy said he was fine with them.

It was clarified that #4 in the Findings of Fact referred to Colonial Durham Associates.

*The motion PASSED unanimously 7-0.*

**IV. Deliberation on changes in the Zoning District Map to incorporate Tax Map 9, Lots 1-1, 1-2, 2-1, 3-0 and 4-0 into the Office Research/Light Industry District.**

Councilor Needell explained that a motion wasn't needed, if the Planning Board was not planning to make these proposed changes. There was discussion on this.

Chair Kelley noted that the Goss's felt it was advantageous to them to have more time, and for the Board not to act now on the proposed Zoning change.

Councilor Needell said it didn't make sense to make a motion to not make this change, and said by not acting, this was equivalent to voting no on the proposed Zoning change. He said this would be the end of the process.

Chair Kelley said he was not a strong advocate for making the proposed Zoning change, although he had been an advocate for bringing it through the proper process, where it was out of the Zoning Rewrite Committee, and the proponents had the opportunity to state their case.

Mr. Roberts said he agreed with Councilor Needell.

Mr. Parnell said he was prepared to put forward a motion, because he thought it was significant that the applicants hadn't heard about the Zoning change to Rural, and that they saw this as detrimental to them. He said they should have been given notice. But he said he hadn't heard anything during the public hearing that made him feel that the Zoning change back to ORLI should be made. He said those residents speaking against this change had put forth some strong arguments.

Chair Kelley said the Board could therefore move on.

Councilor Needell said if someone wished to re-initiate this process at some point, there was nothing to prevent this.

**V. Discussion on Excavation Regulations and on Change in Table of Uses to make Excavation a Conditional Use in the Rural District.**

Chair Kelley noted that previously, Councilor Needell had had some concerns about the proposed local excavation regulations vs. State regulations (RSA 155-E).

Councilor Needell said he had tried to put the breaks on moving forward too quickly with these local regulations, because he wanted to make sure there was sufficient reason for the Town to establish its own excavation regulations, and not just rely on RSA 155-E. He said in reading through the local regulations, he thought they were based on the recommendations in the State regulations. He also said that in order to set fees, the Town did need to enact local regulations, and he said for that reason alone, this was worth doing.

He said he was withdrawing his former objections, and said he appreciated the opportunity to look these documents over and think about them some more. He said it made sense to put these local regulations in place.

Mr. McGowan said that no fees were included in this latest draft, and asked if this was something the Board would need to send back to Mr. Campbell.

Councilor Needell asked if the goal that evening was to give Mr. Campbell feedback and then prepare a final version of the regulations for adoption, and Chair Kelley said yes. There was discussion that a public hearing would need to be held.

Councilor Needell said page 2 included a definition of the word "contiguous", and asked where this had come from. He said his concern was that this definition would be used in other contexts, and said there was a need for consistency on this. There was discussion about this. He said the wording was saying that land on both sides of a road could be treated as contiguous, but didn't address lots connected by easements.

Mr. Roberts said there should be a legal definition for "contiguous", and said it should be approved by the Board's counsel.

Councilor Needell said the Board should indicate to Mr. Campbell that this needed to be looked at by the Board's counsel. He said perhaps a definition of contiguous could be put in these regulations and in the Zoning Ordinance. He noted that he hadn't realized until recent discussions that this word could be a problem.

There was further discussion about the word "contiguous", and where the definition of it in the draft excavation regulations had come from. Mr. McGowan said it came from RSA 155-E, page 143.

Councilor Needell noted that the use of this definition was meant to be quite limited.

There was further discussion about reconciling the various definitions, and where to do this in the Town's ordinances and regulations. Councilor Needell said that if the same definition appeared in two places, and they conflicted, it should be made very clear what the more limited application of the definition was.

Mr. McGowan said the Zoning Rewrite Committee should go through all the definitions in the various ordinances and regulations.

Mr. Roberts noted that contiguous was only defined under the State excavation regulations.

Councilor Needell said there was no definition of contiguous in the Zoning Ordinance. He said they could include a definition of contiguous in the local excavation regulations, and perhaps could develop one independently for the Zoning Ordinance.

Chair Kelley said the definition question would be something for Mr. Campbell to take a look at.

The Board agreed to postpone further discussion on this Agenda item until after the Board had covered the other public Agenda items.

## **VI. Other Business**

### **A. Old Business: Presentation on History of the Mill Plaza by Julian Smith**

Mr. Smith spoke before the Board. He showed the Board various maps and plans of the Mill Plaza area, including the original 1967 plan for the Plaza when the property was first developed. He spoke about the land itself under the parking lot, noting its clay soils, and the problems this had caused with the site over the years. He also spoke about the channelization of College Brook that had occurred as a result of the development of the site in the 1960's.

Mr. Smith said that when the property that would become Mill Plaza went on the market in 1965, although the Town wanted a town center, the Plaza wasn't really seen as an area where that might happen. He provided details on this, and the subsequent development of the site. He said his main reason for coming before the Board now was to update it on what the Mill Plaza Study Committee was doing now, to help make this happen.

He said the Selectmen started to realize things were getting tight a few years in the late 1960's, and said there was therefore a Town warrant in 1968 to see if the Town would purchase some land two doors east of the Town owned Grange property. He said the goal was to provide facilities for relocation and expansion of the Town offices, but said this initiative failed, 360 to 88. He said in 1969, the selectmen decided to buy the two buildings that now comprised Town Hall.

Mr. Smith said that in early 1973, a traffic engineer said it would be advantageous to have additional access to the Plaza from Chesley Drive and from Main St. He said this idea had never been adopted, and was not being considered now. He noted that with the construction of a second building on the Mill Plaza site, the developers deeded the right of way to Main St. to the Town, with the stipulation that the Town would have to vote at town meeting to build a road within 2 years, and would have to build and accept the road within 5 years. He said this had not happened.

He said John Pinto, owner of Colonial Durham Associates, bought everything but the land on Mill Plaza, and subsequently also bought the land in 1993. He said Mr. Pinto had been a stable landowner in Durham. He said that in the 1990s, there was a realization that Mill Plaza wasn't being used to its full potential, but nothing came of this. He noted that the Durham Public Library moved to the Plaza in 1997. Mr. Smith described the fragmentation of other Town services over the years, as Durham continued to grow.

He described efforts, in the 1995 Community Development plan, and the 2000 Master Plan, to come to grips with the idea of making a town center happen. He then described how within the past two years, there had been a number of discussions about building a joint Town Hall/Library facility. He said as part of this, some members of the Town Council had become interested in building a new Town center next to a redeveloped Plaza. He said Town Council Chair Neil Niman, Administrator Selig and members of the business community met with Mr. Pinto to discuss this. He said Mr. Pinto had then written a letter to Administrator Selig, suggesting that the Town begin to develop design specifications that would result in an improved tax base and better symmetry between the Town, University and the Plaza.

Mr. Smith said the Council had voted to establish the Mill Plaza Study Committee, which had now met 5 times. He said that the previous week, the Committee had held a public hearing at the MUB, which 75 members of the public had attended. He said it had been an excellent meeting, and said the approach the Committee was taking was original and imaginative. He said he hoped members of the Planning Board would take an informal interest in what was going on with the Committee.

There was discussion about how much the original developer of the Plaza had paid for it.

Mr. Parnell asked if the property had ever had a different entrance, and was told it had not.

Mr. Smith said the basic issue was that the Plaza was underused in a number of ways. He noted that Chuck Cressy had said that 40% of parking spaces at the Plaza were presently leased out. He said there was evidence that the Plaza did not need as much parking as it had, and that with an imaginative development and parking deck on the high part of the property, there could be

substantial redevelopment. He also noted that there was the opportunity to put in a Town Hall/Library next to the Plaza. He provided details on this.

He said that the various parties involved were doing their best to develop a good plan that would eventually come before the Planning Board. He noted that the Town had recently won an American Institute of Architects grant, and said that as a result of this, a team of architects, landscape architects, etc. would be mobilized to help with the design of a redevelopment plan. He said the AIA had decided that Durham's grant proposal was the most interesting, practical and doable plan they had seen.

Ms. Fuller noted that it had been said that some members of the public thought the approach the Committee was taking was backward, and she asked Mr. Smith to explain this.

Mr. Smith said they felt that the owner of the property should be coming forward with a plan, and he said that instead, the Town had initiated discussions with Mr. Pinto. He noted that Mr. Pinto didn't own any other malls, and instead owned office buildings, so that the idea of redeveloping Mill Plaza had been a scary proposition for him.

Mr. Smith said that one of the goals of redevelopment of the Plaza would be to provide more protection for College Brook. He noted that University planners were talking about daylighting of College Brook in general, and he described the potential to make College Brook in the vicinity of the Plaza into more of a natural corridor. He said it could become a great area to walk in, and said the concept provided a great opportunity to forge some alliances.

Mr. Greene asked if the plan was for Mr. Pinto to own or lease the Plaza, and Mr. Smith said they hadn't gotten into that yet.

Chair Kelley asked whether the scope of the study area would include the area south of College Brook.

Mr. Smith said the Committee had discussed the idea of acquiring a parcel south of College Brook, noting that the owner, Perry Bryant, was a member of the Committee. He said this area presently tended to collect trash because it was in limbo, and said it might make a good shaded picnic area, etc., and could provide a buffer for residents along Faculty Road. He described an area at the eastern end of the Plaza, which was a well-worn path used by residents to get to the Plaza, including people walking from Durham Point Road. He said part of the Committee's vision statement was to increase the attractiveness of the Plaza for pedestrians and residents with bicycles.

Councilor Carroll suggested the possibility of using pervious pavement for the parking area when the Plaza was redeveloped. She said this would be helpful to College Brook.

Mr. Smith noted the lay of the land at the Plaza, and suggested that there could be retention areas underneath the parking area. He also discussed the idea of possibly putting shops at the outer edge of the site, which would help slow down water entering College Brook. He also noted that



the parking lot that was currently at the Plaza couldn't be built these days, and said they could now dream of making the area better, and providing more variety in housing opportunities.

There was discussion about the idea of providing a greater variety of housing opportunities.

Ms. Harris said since housing was market driven, the housing might simply turn out to be student rentals.

Mr. Smith said this could be addressed through the Conditional use process.

Chair Kelley suggested that if a developer was looking for something from the Board, it could specify that a certain amount of housing at the Plaza couldn't go to students. There was discussion about this.

Mr. Smith said the idea was to create something convenient and attractive, and said he would like Durham to be more like it was when he had moved there, with more adult restaurants, services, etc.

There was discussion on what the specific goals of the Committee were, including the development of housing for seniors, and how they planned to work with the AIA professionals.

Bill Hall noted that the sewer line ran under the back side of the parking lot, so it was not likely that a building would be put on top of this. There was discussion on this.

Ms. Harris described a possible alternative access to the Plaza from Main Street.

## **B. Discussion on forestry/timber harvesting**

Board members agreed they were happy with the change in the definition of forestry in the Zoning Ordinance.

### Wetlands Overlay District provisions.

Mr. Roberts said he disagreed with the removal of #3 from Section 175-61. He said the concept of an undisturbed zone should be permitted, between conservation subdivision and adjoining lots. He said he understood the issues that someone with a timber stand faced, and said the regulations could be stretched to protect them. But he said he didn't see putting forest management at the mercy of State forestry laws. He noted that Maine had found some good ways to handle this kind of situation, and said there were more elegant ways to approach it than sacking undisturbed buffer areas.

Rob Keefe said his family wasn't planning to do any conservation subdivisions, and said landowners might be doing forest management in a context that didn't include conservation subdivision.

Mr. Roberts said the Town had been saying to future Durham residents that if they lived closer together, the Town would protect them with buffers. He said he felt there were ways to protect residents as well as forestry.

Ms. Harris said she was in sympathy with what Mr. Roberts had described, and asked what the Board collectively thought about this issue.

There was detailed discussion about the specific language Mr. Roberts had concerns about.

Councilor Carroll said regarding wetlands that she had heard a forester say that having buffers would make forestry more difficult. She noted that it was possible to do timber harvestings in the winter without disturbing the ecosystem, and said in some cases of forestry wasn't practiced, an area wouldn't stay as a wetland.

Mr. Keefe said the original language in the Ordinance said no tree could be cut within 25 ft of a wetland. He said that logistically, this was difficult, and described other hardships involved with this provision.

Mr. Roberts said other States had taken the kind of language the Town originally had, and had changed it somewhat so it wouldn't hurt foresters.

Mr. Keefe said forests were complex, and said it was hard to find regulations that applied to them. He noted that a letter from the Forest Society had said that it would rather not see a different set of forestry regulations in each town.

Mr. Roberts said again that the bargain the Town had struck was letting people live closer together, if the Town protected them.

Ms. Harris said she was interested to hear what other Board members felt about this issue.

Mr. Parnell said the Board had previously gone through this issue extensively, stating that the intention was to use State law as a basis for addressing forestry, largely because the Town didn't have the resources to address it. He said he was fine with the wording as it currently was drafted. He said regarding the issue of balancing conservation subdivision and forestry, something could perhaps be done to take this specific issue into account.

Councilor Needell said he was ok with the draft language in the Wetlands district section, but he noted that the provisions applicable to the boundaries between properties were in a different section. He said he thought the Board had decided it did not wish to continue that limitation other than to refer to the best management practices guide. He said he felt this had nothing to do with conservation subdivision, and said he didn't understand the connection being made to that.

Councilor Carroll said she remembered that the Board had struggled with the issue of a buffer of 100 ft from a boundary line, and that Ted McNitt had showed that this resulted in a huge amount of land that could not be touched for forestry. She also said the foresters had said that this buffer didn't need to be as large, and the Board had changed this. She said she thought the Board had

found that there hadn't been any particular problems with timber harvesting as it was done in Durham, and said it was just that there were some problems with the Ordinance as it had been rewritten in 2004. She said it had also been stated to the Board that if these problems weren't taken care of, there would be no large tracts of forestland left in Town.

Mr. Roberts said the original Ordinance was written by a consultant from Maine, and said this new language for the Ordinance had been written in agreement with State law, which he had issue with.

Chair Kelley said Mr. Eyerman hadn't provided the Board with an answer regarding the origins of the original Ordinance language on timber harvesting. He said in considering the wording in the Ordinance, he personally had tried to separate legitimate timber operations from a developer trying to hide behind that. He said the subsequent draft Ordinance changes had attempted to address this issue, and he said he supported them.

Mr. McGowan said he also support the draft Ordinance changes, and said he didn't see that conservation subdivision was a problem unless someone tried to hide behind it.

Ms. Fuller said she was comfortable with the proposed changes, and suggested that if the Board got a conservation subdivision application for a large track of land in the Wetlands district or Shoreland district, it would be wise to look at the boundaries. But she said she felt these kinds of situations would be few and far between.

Chair Kelley noted that with such a project, the applicant would have to identify the resource areas.

Ms. Fuller said that generally speaking, there would be some sort of plan as to how that land would be managed, although it might not be a timber harvesting plan.

Board members did not have other suggested changes to the Wetlands overlay provisions of the Zoning Ordinance.

#### Shoreland Overlay District provisions

Chair Kelley noted that the Board had tried to strengthen the language in the Purpose statement, given that a lot of variances were granted for shoreland properties. It was noted that forestry had been made into a permitted use rather than a conditional use, and had to meet performance standards.

Councilor Needell said the State's basal area law exempted forestry from having to meet the provisions of the State Shoreland Protection Act. He noted that the Board had been concerned that what was in the Zoning Ordinance conflicted with State law.

Chair Kelley said the language developed under 175-75.1 A was an effort to take care of concerns about shoreland development as opposed to forestry.

Councilor Needell said this was where the biggest change had been made to the Ordinance, and he said it was saying that State law was what the Town would rely on to protect these buffers, and not its own language.

Chair Kelley said this was also the overlay where a licensed forester had to be involved.

Mr. Roberts said that in other states, a natural, undisturbed vegetated buffer was required.

Mr. Keefe said he had express concerns about this provision, noting that the economics at work in the shoreland area were different than those at work in a wetland area. He said buffers were desired in the shoreland for aesthetic reasons, and said there was more potential for abuse of these provisions of the Ordinance if it was used in the context of development. He said he had cautioned the Council about this and now was cautioning the Planning Board. He noted that the State's basal area law didn't have a lot of aesthetic protections in it, and that the State Shoreland Protection Act did have an aesthetic component to it.

Councilor Needell said the Board had struggled with this issue, and he agreed that this was the most troubling part of the Ordinance. He said the State basal area law didn't deal with aesthetics, and said a 50% cut might not look very good.

Mr. Greene said one of Durham's virtues was not being able to see houses dotting the shoreland.

Mr. Roberts discussed what other states had done to address this issue.

Mr. Keefe noted that the Conservation Commission's recommendations didn't address aesthetic concerns. There was discussion on these recommendations.

Mr. Parnell said although he felt a plan prepared by a licensed forester would address aesthetics, he could see how people might feel better about having the 50 ft restriction, and said he could agree to put it back in.

Chair Kelley said he was ok with leaving it in as well, stating it was an area he felt strongly about.

Councilor Needell said the Board had run a question through its legal counsel about a possible conflict between the Ordinance and State law, and it was determined that the Town could make the change to the provision. But he said keeping the 50 ft. restriction would allay some of the concerns, while still dealing somewhat with the enforcement issue.

Chair Kelley said the Board would send this back to Mr. Campbell. He said the draft Ordinance changes would then come back to the Board for another, quick review, and the public hearing would then be set.

Councilor Needell noted the proposed change in the Table of Uses, making forestry a permitted use where it used to be a conditional use.

Councilor Carroll said she wondered how that could impact the Town's gateways.

Ms. Harris asked why this change had been made.

Councilor Needell said at the time this was discussed, he had seen that there were two problems with using the conditional use process for forestry. He said one was how the Planning Board could make a reasonable judgment concerning this kind of land use. He said a second thing that had bothered him was that under conditional use, an approval went with the land, and said he didn't see how this applied to forestry. He said for him, forestry didn't fit with the concept of conditional use.

Ms. Harris suggested that the Board's input concerning forestry could still be useful.

Chair Kelley said when the Board had talked about this, it had considered the criteria used in evaluating a conditional use, and had thought it might find itself in an awkward situation trying to evaluate a timber harvest plan.

Ms. Harris suggested that the Board should leave forestry as a conditional use, and as soon as a project involving it came forward, the Board could then see if it worked. She said that otherwise, the Board would have given this discretionary authority away.

Mr. Roberts said he agreed, stating that other communities used this, and it was not painful.

Councilor Needell said the purpose of conditional use permits was to allow certain uses that were not normally permitted, and said he didn't like the idea of using conditional use as a controlling mechanism. He said it instead should be an enabling mechanism.

Mr. Roberts suggested that the conditional use criteria could be made to fit better with forestry land uses.

Mr. Keefe said he hadn't seen any towns that used the conditional use process for forestry. He also said that with the proposed Ordinance changes, a licensed forester wasn't required for these areas. He suggested that this could be required, before deciding to use conditional use.

There was further discussion about possible impacts to the Town's gateways from forestry, and whether forestry related projects should have to go through the conditional use process.

Ms. Harris said she took back her comment on the need for conditional use, and Councilor Carroll agreed.

***Lorne Parnell MOVED to make changes to Article II, XIII XIV and XX, as well as the Table of Uses. Bill McGowan SECONDED the motion, and it PASSED 6-1, with Steve Roberts voting against it.***

**B. New Business:**

Chair Kelley noted that the Town Council was in the process of voting on new board and committee members, and had asked how many alternates the Planning Board wanted to have. He said he and Mr. Campbell thought 3 alternates was the best number.

***Chair Kelley MOVED that the Planning Board recommend to the Town Council that 3 alternates be appointed for this year. Steve Roberts SECONDED the motion.***

Councilor Carroll asked if this meant that the Board could lose any of the current alternates.

Councilor Needell said there were no guarantees, and he provided details on this. He noted that there were current 4 alternates.

Ms. Harris noted the importance of training alternates, and said the Board didn't want to cut itself short.

Councilor Needell said there were some logistical problems when there were more alternates, and Mr. McGowan agreed with this.

Ms. Fuller said she was in favor of having more alternates, stating that the Board didn't always have all of the alternates at the table, and that there was a training curve. She also said alternates could be utilized in subcommittee work, including the Zoning Rewrite Committee.

Chair Kelley said that members of the public could participate on the Zoning Rewrite Committee.

***The motion PASSED 6-1, with Susan Fuller voting against it.***

C. Next meeting of the Board: **April 25, 2007**

XI. **Approval of Minutes** – March 14, 2007

Postponed

XII. **Adjournment**

***Steve Roberts MOVED to adjourn the meeting. Susan Fuller SECONDED the motion, and it PASSED unanimously 7-0.***

10:25 pm adjournment

Victoria Parmele, Minutes taker