

Economic Development Committee  
Meeting Minutes 4/11/08

Present: Chris Mueller, Susan Fuller, Karl Van Asselt, Doug Clark  
Staff: James Campbell, Director of Planning and Community Development,  
Todd Selig, Town Administrator

- I. Meeting called to order at 7:37 am with a quick Agenda adjustment of removing item III.
- II. Public Comments  
Joe Moore had a question about how abutters get notified of these discussions. Jim Campbell explained that there is a process and if there is a specific project then abutters do get notified. Chris Mueller explained the public that the role of the EDC was to assess opportunities and challenge to prepare recommendations for the Town Council and other committees. He then explained that the Town had visited the church as a potential property for the town and then asked members of the Church to come and review their plans.
- III Durham Evangelical Church  
Reverend John Wiswell gave a quick overview of the church's goals and plans. They are looking for a new property to build a new church as they have out grown their current location. The Church owns the Gerrish Brook Farm property (25 acres) and has engineers looking at the property. The Church also has spoken to people about Beech Hill Rd property. The size was appropriate but they have not started to work with engineers. Beech Hill is a property (~80 acres) sits in two different communities (Durham and Madbury) so the Church has been talking to both towns about the property and the idea of moving the church. They have also spoken to UNH. The Church has talked to people about the putting other things in there along with the church.

The Church is committed to coming into a community giving. Their current Madbury property is still on the tax rolls. They feel they have other things to offer and want to give as much as they can. Any area that can be economically developed, the church would like be willing to do that to return some land to the tax rolls.

Reverend Wiswell stated that the Church was trying to avoid having to build two churches. They serve 32 towns and have over 1000 members. One church is a better use of resources and more environmentally friendly. They are looking for a serene natural setting. They do want to be on municipals services. They are moving along carefully.

The Church has also spoken to several people about the sale of their current church. They can't sell it too quickly or then wouldn't have a place to go.

Karl Van Asselt stated the Town Council asked the EDC to look at the church as a possible site for the Town Hall. If the Church wants to sell then the Town has to decide if it is a viable place for the Town Hall. Then the Town has to decide what the Town has to do to complete the move. The Town would need a vehicle to work with the Church if Beech Hill is the location. He asked if there was a Purchase and Sale in place on the Beech Hill property.

Reverend Wiswell stated there was an informal agreement to oversee the Master Plan for the Beech Hill property. The owner wants the Church to be responsible and to make sure it is done in good taste. He wants the Church to be in control. Mr. Mueller asked if the Church would need the land in Madbury. Reverend Wiswell responded that they don't, but that the Town of Madbury may be interested and access to the Beech Hill might also be an issue.

Mr. Mueller asked what other uses of the property had the Church discussed. Reverend Wiswell stated that the congregation had discussed subsidized assisted living; and affordable housing (less than \$200k) for graduate students but they are open to any suggestions from the Town. They just do not want smoke stacks.

Mr. Mueller asked about their timeline. Reverend Wiswell stated 24-36 months. They realized that they may need to rent something for a bit. They had also heard about another 40 acre parcel in Durham as well.

Mr. Van Asselt suggested that if the Town is interested in the purchase of the current Church property and if it is an option, then it is a good reason to help the church work through this issues by having Todd Selig have someone work with Reverend Wiswell on the zoning, infrastructure, and traffic issues. He further suggested that the Town use public funds to do it. He stated it is a good use of the Town resources and benefits the town to work with a developer.

Doug Clark stated that this would be a series of incremental decisions. Before the committee could go further, he recommended that the Church decide what it wants first because it affects zoning. Reverend Wiswell agreed.

Mr. Mueller asked why not expand the existing area? Reverence Wiswell explained that the ground cover had been exceeded when the addition was built. Also with over 300 kids in Sunday school and eleven entrances and exits was not conducive for children. They can't meet the needs for services as parking is limited and getting in and out of Rte 108 is dangerous. They run four services on Sundays now.

Mr. Van Asselt noted that part of the land was useable and zoned as office professional.

Mr. Mueller stated that there was a legitimate option to look to the Town to follow up. Mr. Selig asked the committee to put off any motions and stated he would come to the next meeting with a plan to proceed.

Maggie Moore asked if public funds were used, doesn't the whole town have to be aware and hasn't zoning already changed? When were they done?

Mr. Mueller stated that first the Town has to determine the feasibility of the Church as a Town opportunity. Once determined, it would take public funds to determine changes in zoning, land use, water and sewer needs and which issues need to get on the table or not on the table.

Susan Fuller stated that it was similar to the Mill Plaza committee where Mr. Selig and Mr. Campbell put together some ideas and ended up with a grant. She stated that you don't know what the options are until you start to work with it.

Joe Moore suggested that as the Town investigates this, they look at the records where the documents and State's Environmental Services weighed in on several issues surrounding the Loop Road. All of which is documented against State Statutes and the Town's Master Plan.

It was decided Mr. Selig and Mr. Campbell would bring a plan to the next meeting.

Mr. Mueller went back to address Ms. Moore's other questions regarding the zoning change. He stated it was not clear how and when the change came about. Mr. Campbell stated that further discussion came around because of the Church but also the EDC discussion of where do we want to develop and Conservation committee was asking where they want to conserve. They identify zoning changes that would have to happen in order to develop or conserve.

Ms. Moore asked if these were fueled by developers. Mr. Campbell explained that these were made by the Committee not just developers. He further stated that Perry Bryant's project was another example. Master Plan calls for a change and an addition of the property to the MUDOR area. If the committee feels it is a good idea, then the Committee makes a proposal and moves it forward. It is an advisory committee only. He further outlined that the committee meets May 8<sup>th</sup> to compare notes with the Conservation Committees and are striving to move forward in a thoughtful manner.

MS. Harris asked whether several zoning changes indicated a need for an updated Master Plan rather than piecemeal changes. The Council and EDC are talking about major changes that the wider public are not being drawn into.

Mr. Clark stated that a theme was emerging here and asked how open to the public do we want to be. We need to find a way to let people know what's going on.

Mr. Campbell noted that the minutes are posted online like another other committee.

Ms. Harris stated that the meetings are not recorded and felt this was an issue of public awareness.

Mr. Van Asselt noted it was decided at last meeting to record when the committee was looking at potential area of development that were on its way to the Council. Currently there were six-seven large development items on the table. He went to state that the Parks committee and the Conservation committee also discuss ideas and if this committee shouldn't discuss this, then neither should any other committee. There is nothing wrong with the Master Plan. Given the role of the Committee is a proper for the Committee to discuss zoning changes

Robin Mower noted that difference between conservation and the EDC is that conservations decisions don't result in zoning decisions. Mr. Mueller stated that EDC doesn't make zoning changes and noted the Conservation Committee spends significant tax money and isn't recorded.

Malcolm MacNeil stated that zoning should the most informed and public kind of process with no limit on talking.

Julian Smith stated that this topic has been brought up a number of times and if people had come to these meetings it would have made a lot of sense. If the committee and public had a tax map the parcels under consideration, it would have helped. He stated further that it would have made sense to give notification to immediate abutter if there was doing to be a change. In the future, he suggested that it would be smoother to notify the abutters and made sure they were aware earlier rather than later.

### III. Spruce Woods Project, Jack Farrell

Mr. Farrell gave an overview of the project. He wants to increase the tax benefits to the town and put 100 acres into conservation as well as provide work force housing. The project is in a point in which a Master Plan review could begin.

Currently there Forty-seven acres of the back of the Tecce farm adjacent to the College Woods and the there is 3-400 acres abutting the Oyster River. Soil tests are done. Wetlands and usable area have been identified. JLB Realty is set to build student housing with a projected value of 2.5 million which could make a significant contribution to the tax base. This is will have a strict leasing and full onsite property management. They are working on transportation options. They are going through the planning board and zoning following the strict zoning laws currently in place.

The proposed Master Plan could be used to enhance tax base and preserve land.

Moving the 40 acres contiguous to the College Woods into conservation might be the best conservation. It has been presented to the planning board and Conservation committee. There is a site walk pending. Once this is done then the project will return to the broader plan. They will need access, water and sewer in place. Utilizing the 124 acres of the Spruce Woods Mr. Farrell wants to work with the Town to put as many of the town plans on the property like ball fields. The PUD gives the Town and Mr. Farrell the mechanism for developing the Master Plan instead of the current adhoc one project at time.

Ms Fuller stated that it was an interesting idea. The land in back of Spruce Woods added in would make the whole area a 'live and work' area.

Mr. Farrell pointed a zoning issue that would need to change to make this possible. The area needs to be rezoned MUDOR. It was left out, because there had been a comprehensive plan. That plan that has changed as the market has changed and now there is a different view.

Mr. Van Asselt asked that to keep moving ahead which is more important, the availability of the PUD or the consideration of the small zoning changes.

Mr. Farrell stated that the small zoning changes. The PUD is a helpful tool that the Town should have in their toolbox when you look at large scale development. Development will occur slowly. The Town should be able to look at the Master Plan. Then developers can respond to the market and go to the Planning Board.

Mr. Van Asselt asked if Mr. Farrell would want the specific zoning change in 60 days.

Mr. Farrell asked for a council recommendation that all that is left of Spruce Woods (the annexed section) be rezoned. He stated that he would also like to include an easement for the town and the university while there is time to lay this out he would like to do that and bring out utilities.

Mr. Mueller asked if the zoning issues would be taken care with the adjustment of the boundary lines. Mr. Farrell explained that the town's zoning requires the zoning line had to be changed.

Jerri Neidel stated that it was the only change need for this project to go forward. Mr. Farrell agreed stating that there is no density change needed and added that with PUDs there are no density bonuses.

Mr. MacNeil stated that he supported Mr. Farrell's project and that it was entirely appropriate. He noted the infrastructure issues.

Mr. Van Asselt stated that Jack has made a major effort to proceed. It makes sense to move ahead and make a recommendation that the Council should consider making this zoning change extending the MUDOR area to the town line.

A discussion ensued itemizing the exact position of the project in the Town process, and specifically the Planning Board.

Mr. Clark wanted to know what would be the affect to the abutted by doing this? Mr. Farrell explained there were 3 abutters land owned by the Town.

Heidi wanted to know how the property was zoned this way initially. She requested that there records. She suggested the Committee should look into why the line was initially created and have it recorded as part of the minutes for clarity. Mr. Campbell noted that it looked like it was zoned for elderly housing. Ms. Mower noted it would be helpful to have the answer available for any public hearings.

Ms. Fuller asked if we can support a zoning change recommendation to the Council. It was discussed and decided that Committee could.

Heidi noted that she didn't get an answer to her request

Mr. Campbell stated yes. Mr. Mueller asked if it is the role of the committee is to take on this responsibility and it was decided to move it to an agenda item for the next meeting.

Karl Van Asselt noted that Mr. MacNeil raises the water and sewer issue. He wanted the public to know it was on the fast track with Mr. Selig.

#### IV

##### PUD/Zoning discussion

The PUD sub committee reviewed the ordinance with the Planning Board. It was decided that be should be an extension process, an amendment procedure, and a sunset procedure (for when the project gets stopped for a long period of time and the developed starts again).

Mr. Campbell stated that: Item C needed to be reworked to remove any ambiguity, and acreage needed wasn't settled yet.

Mr. Mueller noted that there was a lot of opportunity to revise the document and we should have others look at it. Mr. Campbell confirmed that he would have developers look at it to make sure it is a useable, useful tool before it goes to the Council. Finally it was stated that the timeline was to work as quickly as possible.

Mr. Muller stated that having PUD was one way to guide development. There is extension for Perry Bryant and the Central Business Development Extension and asked Mr. Campbell to explain the Central Business Development extension.

The CBD extension is a proposal to extend the Central Business District to Smith Park Lane (The bright yellow area on the enclosed Zoning map noted as CH to CB) .It doesn't include the church. The change potentially contributes to the Mill Plaza Committee project.

Mr. Niman explained that there was an alternate access recommended with all the conceptual drawings of the Mill Plaza. The alternated road ran past the Grange to Main Street. This access point limits the economic development of the adjacent properties and would make development of the properties difficult if the owner came up with a development plan. The proposed change might add economic value. There is also a property that might be a potential area for the library if the owners are interested. Its location near the church parking lot might make using the church lot during the week possible. Mr. Mueller asked if the property owners had a problem. Mr. Niman stated that for those he has reached they have no problem.

Mr. Mueller asked what the Mill Plaza Committee felt about this change. Julian Smith stated that the plan didn't not specific any particular road but did recommend another road be put in to access Main Street.

Mr. Mueller stated it was a legitimate change.

Mr. Van Asselt suggested putting all three together.

Mr. Niman noted that if we put all three before the Council we would know whether the public was interested.

The three areas in questions were reviewed for the public using the zoning map. The specifics of Spruce Woods were outlined.

Mr. Mueller motioned to recommend to the Town Council the following three zoning changes:

1. Recommend if the Town is interested in the purchase of the current Church property and if it is an option, then it is a good reason to help the church work through this issues by having Todd Selig have someone work with Reverend Wiswell on the zoning, infrastructure, and traffic issues. He further suggested that the Town use public funds to do it.
2. Recommend that the Council rezoning what is left of the Spruce Woods to MUDOR area and extend this zone to the town line.
3. Recommend that the Town extend the Central Business District Zone to Smith Park Lane

Seconded by Ms. Fuller, the motion was unanimously approved.

It was decided that Mr. Campbell would draft something for the Council.

## V

### Housing Ordinance

Mr. Campbell gave the overview of the housing ordinance. The last draft that the housing task force presented was dated 5/23/07. Some of the changes required:

- revisit the definition of habitable floor area to include bath area.
- amend the unrelated household chart; and dwelling density is listed by type.
- revisiting conditional use
- review the definitions for professional property management, onsite property management and social occupancy.
- review the dimensional table

Some of these changes could help to remove the ‘cloud’ that hangs on some areas alleviate concerns of landlords and help some to consider improving their buildings. It was decided that Mr. Campbell would continue work on and it would be it on the next agenda.

VI. The approval of the meeting minutes was moved to the next meeting

VII. Old Business

Hickory Pond Inn variance was granted with conditions.

Mr. Mueller was told that the fact that the EDC was involved helped the ZBA with their decision by framing the public interest. Ms. Mower suggested that a case study be put together to help existing businesses.

Mr. Mueller went on ask how we formally communicate the processes. Keeping abutters informed. Mr.Jemlberg stated that all the committees need to work as a town as a while. They are all doing really important things.

Mr. Clark decided that the town was too small to just keep abutters informed but also has to deal with big concerns like retail. The Town needs to decide where the retail should be and how to build a robust downtown.

VIII. Business retention moved to next month.

Meeting adjourned at 9:54 am