

*These minutes were approved at the April 5, 2017 meeting.*

**DURHAM PLANNING BOARD  
Wednesday, January 11, 2017  
Town Council Chambers  
7:00 p.m.  
MINUTES**

**MEMBERS PRESENT:** Andrew Corrow, Chair  
Lorne Parnell  
Paul Rasmussen  
Bob Brown  
Councilor Jim Lawson, Council Representative to the Planning Board  
Wayne Lewis, alternate  
Nathaniel Morneault, alternate  
Councilor Alan Bennett, alternate Council Representative to the Planning Board

**MEMBERS ABSENT** Bill McGowan, Vice Chair  
Barbara Dill

**I. Call to Order**

Chair Corrow called the meeting to order at 7:03 pm.

**II. Roll Call**

**III. Seating of Alternates**

Mr. Lewis was seated in place of Mr. McGowan, and Mr. Morneault was seated in place of Ms. Dill.

**IV. Approval of Agenda**

It was noted that Item X, the dock application had to be rescheduled, and also said Item XV, the Young Drive public hearing had been postponed to January 25<sup>th</sup> at the applicant's request.

***THERE WAS NO MOTION TO APPROVE THE AGENDA***

**V. Town Planner's Report**

Mr. Behrendt noted that UNH had been awarded a grant for \$460,000, with a 20% local match to be paid by UNH, to construct sidewalks on the south side of Main St from the

Field House to the traffic roundabout. He said the project could be underway within the next year.

#### **VI. Reports from Board Members who serve on Other Committees**

Mr. Brown said there was a healthy dialogue at the recent Master Plan Land Use committee meeting. He said they were reviewing the draft questions that had been put together for a survey, and also were reviewing a Newmarket survey that had been done, keeping in mind that education of Durham residents was very important as part of the survey questions. He noted that there would also be a public forum. He said at the next meeting, there would be discussion on how the survey would be marketed and distributed.

Mr. Parnell said he attended the recent Traffic Safety Committee meeting. He noted that Chief Kurz had scheduled a parking summit for January 18<sup>th</sup>, and spoke briefly on this.

Councilor Lawson said the Town Council had voted unanimously to put the Police Station expansion project on the ballot for March, and was very supportive of the project.

#### **VII. Public Comments**

There were no public comments.

#### **VIII. Review of Minutes**

##### September 28, 2016

page 9, line 34, should say “..presentation by Mr. Lynch.” Page 11, line 31, should say “Mr. Lynch explained how Mr. Crombie...”

***Lorne Parnell MOVED to approve the September 28, 2016 Minutes as amended. Wayne Lewis SECONDED the motion and it PASSED unanimously 7-0.***

##### October 12, 2016

Page 5, line 24, should read “... were in pretty good shape...”

***Paul Rasmussen MOVED to approve the October 12, 2016 Minutes as amended. Bob Brown SECONDED the motion, and it PASSED 6-0-1, with Lorne Parnell abstaining because of his absence from the meeting.***

##### October 26, 2016

Page 34, line 33, should say “.. on the two upper floors..”

Page 7, line 39, should say “...she noted that many people watched meetings on DCAT..”.

***Lorne Parnell MOVED to approve the October 26, 2016 Minutes as amended. Bob Brown SECONDED the motion, and it PASSED unanimously 7-0.***

**IX. Recognition of Steve Roberts**

Chair Corrow presented a certificate of appreciation to Mr. Roberts, who had served on the Durham Planning Board 3 different times, starting in the 1970's, including most recently when he'd filled a spot temporarily.

- X. 28 Colony Cove Road - Dock.** Permitted use for repair/replacement of existing dock serving a single-family residence on Little Bay. Rich Edmonds, Great American Properties, LLC, property owner. Steve Riker, Ambit Engineering, agent. Map 12, Lot 24-2. Residence Coastal District. Recommended action: Discuss and continue to January 25.

Postponed

- XI. 44 Bennett Road – Garage.** Conditional use for construction of a 30 x 36 foot garage serving a single-family residence. The garage would be 75 feet +/- from Laroche Brook where 100 feet is required in the Wetland Conservation Overlay District and 75 feet is required in the Shoreland Protection Overlay District. Tabb Family Trust, Tom Boisvert, Trustee, property owner. Joel Runnals, Norway Plains Associates, surveyor. Map 15, Lot 2-1. Rural District.

Mr. Boisvert said they wanted to do 30 ft by 36 ft garage, and had looked for alternate locations, but because of the side setbacks, the septic system, house, and well, this proposed location was the only one available. He noted that Norway Plains had located a large outcropping, which was why they wanted to move the garage closer to the brook. He read through his answers to the conditional use criteria and how they were met with the application.

Chair Corrow said a site walk would be helpful. It was noted that the project would be reviewed by the Conservation Commission tomorrow.

Mr. Parnell asked if there would be a driveway, and was told there were already two driveways, an upper common driveway with the house behind, and a lower driveway.

The Board agreed to schedule the public hearing for January 25<sup>th</sup> and do the site walk the same day at 3:00 pm.

Mr. Behrendt said the proposed garage was shown in the plan as being 75 ft from the brook, which was what Norway Plains had observed. He said this wasn't a jurisdictional wetland, so he didn't think the Board needed to require that a wetland scientist delineate this in the field. He also said it was possible that the garage would be 73 ft from the high

water mark of Laroche Brook, but said he didn't think it was worth delineating this. He noted that the conditional use criteria would be the same for both the wetland and shoreland protection districts. The Board had no issues with this.

**XII. Public Hearing - Zoning Amendments – Elderly and Multi-Unit. Consideration of Town Council-initiated zoning amendments. Recommended action: Make recommendation**

- A. **Mixed Use with Residential.** Change Mixed Use with Residential (office/retail down, multiunit residential up) from conditional use to not permitted in the Central Business District.
- B. **Mixed Use with Elderly Housing.** Add a new definition for Mixed Use with Elderly Housing (office/retail down, elderly housing up), allow as a conditional use in the Central Business District, and add references to this use in Section 175-41 Central Business District and Section 175-53 B. General Use Regulations.

**Phyllis Heilbrenner, Mill Pond Road,** said she'd seen a great deal of change in Durham over the last 60 years of living here. She said she would like the Planning Board to support the Zoning amendments, so that changes at the Plaza would proceed with caution. She said while she wasn't a direct abutter, she was there every day. She said there were benefits to being able to walk there and shop in Durham. She said changes made there should take into consideration the long term and who would benefit most from the changes. She said she was very much against having more students downtown, at the Plaza.

**Joe Michael, Davis Ave.** said he was not in favor of the proposed Zoning amendments, and said he felt they were a reaction to the building that had been going on. He said the barn door had been left open, and now these amendments punished those of us who had stayed in the barn. He noted that he'd spoken against allowing 4 story buildings a few years ago. He also said with the 600 sf square footage requirements now, it would be very difficult to redevelop properties.

He said the Master Plan indicated that 86% of residents would like to see a more vibrant downtown, but said these Zoning changes would squelch making changes downtown. He said he'd like to hear from the Police Chief, Code Enforcement and Assessor about their experience with the downtown since the new buildings were downtown. He said he'd been told that his property values would go down considerably as a result of the Zoning changes, and he questioned what this would do to his taxes and therefore to Town revenues. He said he felt the Zoning changes were an overreach by the Town Council, in dealing with the housing crisis. He said he wasn't convinced that elderly people wanted to live downtown on Main St.

**Roger Hayden, 44 and 46 Main Street**, said he was speaking against the proposed amendments. He said the business of Durham was student housing, which investors like himself looked at as a constant over time, and said this amendment would alter that investment significantly. He noted that he had no plans right now to build, and also said it had been a mistake to reduce the square footage per person from 300 to 200 sf, and said he thought it should be 300 sf right now. He said if he was to build on his property, or another developer built there and put student housing in, residents of the Cottages might move downtown, and the Cottages would then be a great place for non-students. He said he and the other business owners here tonight had put more than 150 years of investment into the Town compared to the Cottages.

Mr. Hayden said he'd been doing research on elderly housing and what retirees were looking for from downtown living. He said they wanted intellectual stimulation, intergenerational opportunities, and a low cost of living, but said what was now in downtown Durham was what would be seen in the future, whether there was 55 plus housing or not. He read from the research he'd done, which said retirees should look for continuum of care opportunities so that when they left their original home and moved to one other place, they could stay there. He said downtown Durham wasn't conducive to any kind of housing that met those kinds of needs or wants. He asked how many Planning Board members would like to live in 55 plus housing in downtown Durham.

Councilor Lawson said as one of the Durham representatives working with UNH on the ATO property, he'd seen that the majority of developers involved in the process had expressed interest in having a senior housing component of their developments.

Mr. Hayden said that could very well be true, but also said he was not in a financial position to build such a development. He said this Zoning change would hit him hard. He said if a plan could be put together that included the Store 24 parking lot, it could be appealing, and he might be willing to partner with a real developer to make something like that happen. But he said he'd already spent money on some designs for what might work.

**Ken Young, Young's Restaurant** said he was not against over 55 developments, and said he thought the one proposed on Young Drive was positive in that it wouldn't be downtown but would be close enough so people could walk there. He said his biggest concern was the investment possibility of properties. He said he didn't understand why someone 55 plus would want to live in an area where these new buildings were. He also said meeting the needs of people 55 and older would be costly, in terms of providing parking, enough living space, elevators, etc.

He said believed there was the possibility for inverse condemnation with the proposed Zoning change. He said while there were 48 possible uses for his property in the Zoning

Ordinance, the Supreme Court would look at what uses were reasonable for the downtown. He said right now, not all 48 uses or even close to that were actually found in the Central Business district.

**Robin Mower, Faculty Road**, read a letter from Deborah Hirsch Mayer, a resident who'd been a member of the Mill Plaza Study Committee. The letter said she didn't want Durham to be simply an extension of UNH. It said that over the past few years, the vast majority of development in Town had been student housing, and said the Town didn't need and couldn't sustain more. It said the Ordinance allowed 44 uses downtown while another one was proposed, and said elderly housing in a walkable downtown would be attractive. Ms. Hirsch Mayer's letter said the proposed Zoning amendments would ensure the long term success of the Town, and that the town center would be for everyone.

**Beth Olshansky, Packers Falls Road**, noted a letter she's sent, and then asked Councilor Lawson about a student bed inventory he'd done 1-2 years ago. Councilor Lawson said this data was in line with the student housing tally the Planning Dept. had, and Ms. Olshansky asked if all members of the Board had seen it. She noted that it concluded that Durham was just about maxed out in terms of demand, after having added 2000 new beds.

She said with Mill Plaza, they were looking at possibly adding 330 more beds on top of that, and said she was concerned about some of the other big student housing developments west of the community starting to empty out. She said many of the students living out at the Cottages and the Lodges said they would rather live in town, and said she doubted that those developments could become elderly housing developments. She said she'd recently heard that the Lodges had been sold.

Ms. Olshansky said Durham residents had the perception that the University was consuming the downtown, and said UNH students had that perception too. She said it was important for the Planning Board to look at what would be good for the community overall. She said if the Town didn't get the 330 new beds at Mill Plaza, it would be pretty clear that the Plaza wasn't a good place for this because of the neighborhoods, and there would be the opportunity to rescue it and turn it into a nice senior living environment. She said the Central Business district wasn't just Main Street.

**Joshua Meyrowitz, Chesley Drive**, said this was a difficult decision, with competing interests. He said UNH was the main part of Durham, and said to get balance for students and residents, there needed to be a Central Business district where everyone could feel at home. He said in the long run, the buildings there would be worth more if they had businesses that attracted year-round residents. He noted that Young's had attempted being open at night, and said it would have thrived if older people were living nearby. He said this Zoning amendment wasn't directly about the Plaza, but said if the current

Plaza plan failed and had to start from scratch, this would mean there would be no option for student housing there, and it could be elderly housing. He said he supported this Zoning proposal, and noted that he'd heard from a number of people who couldn't be at the meeting and were very much in favor of these amendments.

**Robin Mower**, spoke in some detail concerning the issue of a possible loss of property values.

**John Petrovitsis** said he had a lot of experience downtown on weekends. He said he understood wanting a community that was thriving, but said he couldn't see someone 55 or older wanting to live downtown. He spoke in some detail on this.

Joe Michael said he hoped the Planning Board would treat the business owners the same way it treated other property owners.

**Lynn Homes, Meserve Road**, spoke in favor of passing the Zoning amendments, and said the word balance came to mind in considering them. She said there had been many student development projects recently, and said balancing that with something else would be very welcome for many residents. She noted that Brookside Common was very close to the downtown, and always seemed to be full, so this type of development was a viable thing to invest in.

Councilor Lawson stepped away from the Planning Board and said he was representing the Town Council. He showed some slides, including graphs that showed land use in Durham, and a map that showed student housing downtown developments that had been built there between 2008 and 2015, after some Zoning changes were made.

He noted land parcels in the Central Business district that were controlled by the University, and said some, like the new Paul School were adding vibrancy to the downtown. He also noted parking lots in the district that were not available for development. He said there had been ideas about doing something with the Store 24 lot, but said the University wasn't interested in this. He also noted the high-density student housing, in fraternities and boarding houses in Madbury Road and Garrison Ave, which he didn't think would be redeveloped. He spoke about mixed use developments with student housing that had occurred in the district in recent years, as well as the proposed development at Mill Plaza that would include student housing.

He said the Zoning changes in 2008 had enabled some very positive things, including bringing the supply of student housing in line with demand, and providing some quality student housing. He said these developments had increased commercial activity downtown because they'd brought more commercial space. He said the Zoning changes had enabled the redevelopment of one of the most blighted parcels in Town, which now

contained the Interoperability Lab, etc. He said Chief Kurz had indicated that the new developments downtown were being professionally maintained.

He said the kind of development that had been occurring downtown was clearly what the market went toward, with the current Zoning. He said the Town Council's concern and questions were regarding the fact that the Master Plan contained a very aggressive vision for the downtown and also provided some very specific recommendations. He said it was doubtful that these would be achieved with mixed use developments that contained 3 floors of unrelated housing.

Councilor Lawson said it would be very challenging to fulfill the vision for the downtown in the Master Plan, given the limited amount of land available, and if there was more student housing. He said the Master Plan said the Town needed to look at the idea of unrelated student housing downtown and how it could be problematic, but said since that was written, there had been a 7% increase in the number of beds. He said the Council was therefore asking that what the Master Plan had recommended should be done. He said there was no way to meet the vision, goals, and recommendations of the Master Plan if this situation wasn't addressed.

He said if the Planning Board decided that it didn't want to support the proposed Zoning changes, he hoped the Board would come up with an alternative to address the concerns of the Council and residents whose emails had been received, and would forward this alternative to the Council. He said if the Board's recommendation was not to do this proposed Zoning change, with no other recommendation, the Board owed a commitment that it would still fulfill the vision of the Master Plan.

He said some people had said that the Zoning change to require 600 sf per resident was to stop student housing. He explained that he did some research 2 years ago that found that apartments being built that provided this amount of square footage were economically viable. He said this Zoning change was made to change the characteristics of housing, not to block housing. He noted that the recommendation to target seniors who wanted to take advantage of living in a vibrant university town was in the Commercial Core chapter of the Master Plan. He said he had immense respect for Mr. Hayden, but said his vision of the downtown in 15 years was very different than the vision of residents.

Mr. Rasmussen said it was easy to see why students thought the Madbury Road area was part of the UNH campus. He also said he thought all of this was two years too late, but said that didn't mean they shouldn't do something.

Councilor Lawson said there was no parcel of land that included land that was large enough to implement reasonable land use regulations that would move them toward the vision of the community and the Master Plan.



Mr. Parnell said it seemed that what Robin Mower had quoted wasn't a prohibition of housing, but advocated a change in residential housing. He said using the Master Plan as a guide, he didn't see that it said residential housing should become a nonpermitted use.

Councilor Lawson said the Master Plan didn't say not to do housing in the Central Business district. He said it recommended looking at doing senior housing, and also spoke about how critical it was to provide office space there. He said if they all allowed things to continue in direction they had been going, the only parcel that would be left to fulfill the vision in the Master Plan would be the ATO parcel, because the University had committed that it would not do unrelated student housing.

Chair Corrow said he agreed with Mr. Parnell. He said he agreed 100% with the spirit of the Zoning change, but said he thought there had to be a less draconian way to accomplish the objective. He said if no residential uses were permitted in the Central Business district, the possibility of young professionals and young families would be eliminated.

Councilor Lawson noted the idea Chair Corrow had suggested to address this, and spoke briefly on it. He said if the Planning Board made this a recommendation, he saw no reason why it wouldn't achieve the same result as the original Zoning changes proposed, and said he thought it would keep the door open to housing that addressed young professionals, provided that they met the definition of a family. He said that idea might have more merit than what the Council had proposed. He suggested that the business owners present deserved more explanation of this.

Chair Corrow said the proposal was that mixed use with residential would continue to be a Conditional Use, but the square footage requirement would be 1000 sf of habitable floor space per person. Mr. Behrendt said the Zoning amendment could be as simple as changing the numbers in Zoning Ordinance table from 0.5 to 0.3.

Mr. Parnell asked whether, if they were trying to move away from student housing but still allow housing of a different type, and were also trying to promote more office space, something could be suggested that was more of a carrot than a stick approach.

Councilor Lawson noted that the Town already had a big carrot, which was the possible use of RSA 79:E for student housing. Mr. Behrendt said he was a big fan of this approach, and noted that Durham had used it three times with developers in recent years. He said he didn't think the Council would approve its use with a redevelopment that included student housing now, but said it could perhaps be used in conjunction with this proposed increase to 1,000 sf of habitable floor space per person, to make a redevelopment project that was oriented toward families more viable financially.

Mr. Parnell said if the Board was supposed to give recommendations to the Council, his suggestion was that the Zoning change not be quite so draconian, and include references to RSA 79:E, so it would be a more positive approach.

Councilor Lawson suggested that the Planning Board could write up its idea on this in more detail, and discuss it at the first meeting of the Board in February. He said this would give the business owners the opportunity to look at it along with some other data. He suggested that if the approach was viable, it should then be a recommendation to the Council for consideration as part of the Zoning change originally proposed, so they all didn't have to start the review process over again. He noted that he'd briefed the Councilors who'd worked with him on the original Zoning change proposal about this new approach, and it was received positively.

Mr. Behrendt said he would come up with some language, and would notify property owners. He spoke in some detail on this, and there was further discussion on how to proceed. The question was asked of who was initiating this proposed change, and Mr. Parnell suggested that the Planning Board should recommend it back to the Council as an amendment to what was originally proposed. Board members agreed with this approach.

Mr. Michael asked for clarification on all of this.

Chair Corrow summarized that he didn't agree with the original Zoning change proposal that mixed use with residential should not be permitted, and said he thought that was unreasonable and was more of a stick than a carrot concerning redevelopment. He said the proposal now was that the current 600 sf of habitable floor space per person requirement would increase to about 1,000-1,200 sf, which might eliminate potential student housing, but would allow other mixed use development with residential as a conditional use, as long as the residents met the definition of family, and were not unrelated.

Mr. Behrendt said this approach would retain the ability of development to have units with families, and also said there could be senior housing. But he said it would make doing student housing more difficult.

The Board agreed that this new approach would be presented at the February 8<sup>th</sup> meeting, and that property owners in the Central Business District and Professional Office District would be notified about it by mail.

- XIII. Public Hearing - Zoning Ordinance - Accessory Dwelling Units.** Proposed amendments to the Zoning Ordinance addressing accessory dwelling units and accessory apartments including Article II – Definitions and Article XX – Performance Standards. The purpose is to bring the Town's ordinance into compliance with recently adopted statute RSA 674: 71-73.

Mr. Behrendt noted these proposed Zoning changes were the result of a change in the RSA concerning affordable housing, and would bring the Ordinance into compliance with them. He spoke briefly about the proposed changes concerning the size of units, interior door requirements, etc.

***Councilor Lawson MOVED to open the Public Hearing on proposed amendments to the Zoning Ordinance addressing accessory dwelling units and accessory apartments including Article II – Definitions and Article XX – Performance Standards, in order to bring the Town’s ordinance into compliance with recently adopted statute RSA 674: 71-73. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.***

No members of the public came forward to speak.

***Lorne. Parnell MOVED to close the Public Hearing. Councilor Lawson SECONDED the motion and it PASSED unanimously 7-0.***

Mr. Behrendt said the Town attorney had reviewed the proposed changes.

***Lorne Parnell MOVED to recommend that the Planning Board forward the proposed amendments, reflected in the notes prepared for January 11<sup>th</sup> 2017 to the Town Council with the recommendation that they be adopted. Councilor Lawson SECONDED the motion and it PASSED unanimously 7-0.***

- XIV. Public Hearing - Friends Forever – Bed and Breakfast.** 3 Williams Way. Site plan to change use from single-family residence to bed and breakfast. The organization would house students in four sleeping rooms for two-week periods for its program working with youth from overseas conflict areas. The bed and breakfast will be open to the general public at other times. Minimal site changes are proposed. The offices are located next door at 1 Morgan Way. Friends Forever, Inc., property owner. Steve Martineau, director. Peter Loughlin, attorney. Residence Coastal District. Map 11, Lot 23-2.

Attorney McLoughlin explained that the application was to allow people to stay in the home during programs and beyond. He said Town officials had suggested that the use could fit into the bed and breakfast category. He noted that the owners’ intent originally wasn’t to open the house to the public, but said with this approval, that would be allowed. He said the property was well positioned, and it was felt that all the site plan approval requirements were met.

***Lorne Parnell MOVED to open the Public Hearing on a Site Plan application submitted by Friends Forever, Inc. to change the use from single-family residence to bed and breakfast, with the organization housing students in four sleeping rooms for two-week periods for its program working with youth from overseas conflict areas, and opening the bed and breakfast to the general public at other times. The property is***

***located at 3 Williams Way, Map 11, Lot 23-2 in the Residence Coastal District. Councilor Lawson SECONDED the motion and it PASSED unanimously 7-0.***

There were no members of the public who came forward to speak.

***Lorne Parnell MOVED to close the Public Hearing. Councilor Lawson SECONDED the motion and it PASSED unanimously 7-0.***

Mr. Behrendt noted that the drawing provided incorrectly showed a lot that was owned by the Town, when it should say it was owned by the Rita Murphy Irrevocable Trust. He said the correction on this should would be added under the Findings of Fact.

He suggested that there should be wording that said the applicant shall operate in a manner so as to minimize disturbance to neighbors at all times. He noted that he'd spoken to a neighbor who was concerned that the property could be sold to someone who wasn't a responsible owner. Mr. Parnell said he thought the wording suggested was far too subjective. He said what was proposed was an allowed use, and said if there were problems, the Town's rules and regulations would take care of them.

Chair Corrow agreed, and said if the property owners chose to run it as a bed and breakfast, they would want to be good neighbors.

Mr. Behrendt noted a proposed condition concerning the septic system having to get approval from DES. He said there was a letter from engineer Mike Sievert that the current septic system should be fine for this proposed use. Mr. Behrendt said he was sure DES approval was needed, and said the Planning Board could ask for this, or could rely on Mr. Sievert's letter, or could get guidance on this from the Code Officer. He noted that for a significant increase in the use of the property, this approval would be asked for.

Mr. Parnell said it was a single-family home, with at least 4 bedrooms, so the existing system was set up for that, so he didn't see that there would be any more stress on it than there had been in the past. It was noted that this is what Mr. Sievert had said, and the Board agreed to strike this condition of approval.

***Lorne Parnell to approve the Site Plan application submitted by Friends Forever, Inc. to change the use from single-family residence to bed and breakfast, with the organization housing students in four sleeping rooms for two-week periods for its program working with youth from overseas conflict areas, and opening the bed and breakfast to the general public at other times, according to the Notice of Decision dated January 11, 2017 as amended. The property is located at 3 Williams Way, Map 11, Lot 23-2 in the Residence Coastal District. Paul Rasmussen SECONDED the motion and it PASSED unanimously 7-0.***

**XV. Public Hearing - Young Drive Redevelopment.** Design review (preliminary) application for the redevelopment of Young Drive into a senior housing project (55 years of age +). Young Drive, LLC, owner. Francis Chase, agent. Eric Metz, consultant. Dennis Quintal, engineer. Gary Lowe/Ned Adams, Lowe Associates, architect. Jeff Brown, attorney. Map 4, Lots 42-2 through 42-14, Lots 42-16 & 17, Lot 47-0. Coe's Corner Zone. Recommended action: Continue or close design review, as appropriate.

Postponed

**XVI. Zoning Ordinance – General Amendments.** Numerous miscellaneous amendments are being proposed to the Zoning Ordinance based upon earlier discussions by the Planning Board, issues that have been raised in recent years, and a review of the ordinance by the Town Planner.

The Board reviewed **175-71. Permitted Uses in the SPO District.** B. The following uses or activities shall be permitted in the SPO.....

1. The installation of private water supply wells serving a use on the lot;
2. Water impoundments with a surface area of less than ten thousand (10,000) square feet;
3. The installation of culverts or rock fords for existing driveways or woods roads in uplands;
4. Temporary crossings for the maintenance of utility pipes or lines or other utility structures;
5. Temporary coffer dams associated with the repair or replacement of existing structures;
6. Seasonal docks;
7. The repair or replacement of existing retaining walls;
8. The maintenance or replacement of existing docks or docking structures;
9. The control of aquatic weeds by harvesting;
10. The control of exotic weeds in accordance with NH RSA 487:17;
11. The construction of nature trails and paths.
12. Grading or regrading of the site to accommodate an allowed structure

There was detailed discussion about these provisions, and whether it should be within the Planning Board's purview to review these things.

There was also discussion on the wording under **175-73. Prohibited Uses in the SPO District.** A. any other land use deemed to pose a particular threat to the water quality of the adjacent shoreland or waterbody or downstream waterbodies. Board members considered who should make that determination, and Mr. Behrendt agreed the wording was a bit vague.

There was also detailed discussion about proposed wording under **175-75.2 Variances.**

## **XVII. Other Business**

Chair Corrow said when he gave his recent presentation on the Planning Board to the Council, Councilor Carroll asked about provisions in site plan review, conditional use, and notices of decision regarding recycling, including single stream recycling with the recent major student housing developments. He said language on this was in the approvals, and he noted that the requirements concerning recycling weren't being followed by these developments. He said he and Mr. Behrendt attended a IWMAC meeting, and as part of the discussion it was determined that it would be helpful to have a Planning Board representative on that committee.

He said he'd be going to the meeting tomorrow, and noted that he was passionate about the issue of recycling. He said he check around and try to work with the student housing developments to see what they could do to increase their recycling efforts. He noted that DPW staff member Doug Bullen said it cost 75% less with single stream recycling than it did to simply get rid of trash. He said a plan needed to be put together to go with what was in the notices of decision for these developments. He spoke further on this

Mr. Brown noted that at Brookdale, where he lived, they didn't recycle, but noted that a resident there was passionate about getting this going but didn't seem to be getting a lot of support. Chair Corrow suggested that the IWMAC could provide some assistance on this.

## **XVIII. Adjournment**

***Bob. Brown MOVED to adjourn the meeting. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.***

Adjournment at 9:56 pm

Victoria Parmele, Minutes taker

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Paul Rasmussen, Secretary