

PRESENT: Sorell, Vice-Chairman; Bayard, Secretary; Kahn; Worsman;
Bayard; Flanders; Touhey; Edgar, Town Planner; Harvey, Clerk

Kahn moved, Bayard, seconded, THAT WE APPROVE THE MINUTES OF JULY 25, 2006, AS PRESENTED. Voted unanimously.

ZONING WORKSHOP

Edgar – It's not for me to determine what we're going to do as much as it is to try to help facilitate a process that would make sense. Very briefly at the last meeting, we talked about holding a workshop tonight and the idea would be for the Board to have a public dialogue on some of its thoughts as to what we might present to the Town Meeting in '07 and initially the focus has been looking back at last year what we had as a proposal and what collectively we may think went wrong, how it could be improved, how the process can be improved. Two suggestions were made at the last meeting, one by Mr. Kahn and that was to give you copies of the text of the proposal from the last cycle to try to get the juices flowing so I gave you a copy of my summary of the proposal as well as the text for the bulk of the changes and then secondly Bob Flanders had made a great suggestion and that was to try to wrap up our hearing process in early December if possible and then that would allow us getting through the holidays and then January, February and early March to help get the word out about the facts of we're proposing and why. Towards that end I had suggested that we have an initial workshop here in July, take advantage of the fact that we don't have regular agenda business and to talk about the zoning proposal. The Thorpes are here, they have written a letter to us relative to possible zoning changes to protect the Lake Wicwas Watershed. We've heard other incidental things over the course of several meetings, one by Ralph Pisapia to change the map on the Neck relative to Shoreline vs. Meredith Neck District, effectively, the down zone portions of that part of the community. The Thorpes are here, it's a public meeting, we certainly could hear what their thoughts are. This is very preliminary tonight, we have a long way to go so there's nothing that's at all been decided, but I have a few observations, I'm sure other members hopefully have some observations as you've commiserated with your neighbors and your friends as to what may have been some of the objectional features of the prior proposal, whether it was process or substance or a combination of the two so I think that would be kind of a good discussion that would then lead us to a point whether it's tonight or another night as to what elements of that prior proposal could or should be brought forward again. Not that we have to make that decision, we certainly can engage more folks and more sessions over the summer and fall to refine that thinking, but at least from a preliminary point of view, I think the objective tonight is to try to get a sense as to the elements of the old proposal and that the Board may have consensus as to whether to go forward again or not or how to repackage it or something to that effect. To recap a little bit, the proposal that

failed would have created in essence a Village District in the heart of the downtown commercial area and a wraparound Village Residential District around it. As a result of those redesignations, we had scraps of the Central Business on Route 3 and Route 3 North so we had suggested combining that with the rest of the Route 3 South corridor so there would just be one Route 3 district, one highway commercial district. In all districts, we had updated the preambles to each of the existing districts; we had updated the chart of uses for each of the 10 or so districts and what would have been for the first time in the Town's history, we would have defined each of those uses which is a critically remedial step for us and that is to have consistent use language and definitions to go with it. We had within those village districts a housing proposal in essence to eliminate conventional ¼-acre density in favor of the plethora of other regulations that we have that would control the growth. Things like wetland setbacks, lot line setbacks, driveway permits, building heights, lot coverage all those kinds of things. We've seen a little bit of zoning relief being granted in the downtown for density purposes and ideally we wouldn't be zoning by variance. If there's a need for additional housing and rental opportunities, the downtown on a small-scale basis is an appropriate venue for that so we've built that into the village district proposals. We had other minor amendments to Article III which was just general language about the map and the districts, nothing earth shattering. We did build in a clause that would have clarified what happens when the boundary bisects the property. We had that issue on 3 North, not that that was an issue, that was an illustration of what happens when a zoning line bisects a property so we had built in some language to clarify that. The main elements were to recap the creation of the two Village Districts, the creation of a consolidated Route 3 District and then updating the preambles, uses and definitions to go with each of those districts. That essentially was the proposal and it's not really what I think at the end of the day as much as what you guys think in terms of what you're comfortable revisiting, if anything. I don't think we want to scrap all that work, but I do think we need to talk a little bit about how we revisit it and we have the map that would have gone with it and things like that if we wanted to further dissect those issues. The Thorpes are here, they don't necessarily need to wait to the end of the meeting if you want to defer to them, they could review what their thoughts and concerns are. You do have a letter in front of you dated July 25th so Mr. Chairman, that might be a way to start just to ask the Thorpes to address their concerns and if they want to stay for the rest of the meeting, they certainly can and if not, they don't have to wait until 8:30 to chat with us. Mr. Thorpe – My intent certainly was not to relive the Henmor discussions of last fall, but I do believe there were some learnings from all of those discussions that were the basis for the proposal that I had given you tonight. We all know that the Wicwas area is unusually valuable. If you look over many of the Town documents, the Master Plan, the 2005 Natural Resources Inventory, the area stands out as being really unique. You've heard people talk about that value and the unique adnauseam last fall, it doesn't mean it's not important, it just means there's probably no need to spend a lot of time here now going back over those conversations about why that area is unique and why it's so valuable. We are

not prepared to suggest to you any specific zoning changes. What we would like to do is give you three results we'd like to see occur and ask you to give us some help or yourselves some help drafting perhaps some zoning changes that might make those results occur. What occurs to me as we look over the Lake Wicwas area is there are still three fairly large tracts of land that could be developed over the next few years and I believe we need some tighter restrictions on how those properties might be developed, particularly regarding environmental protection, obviously how density might affect that, wildlife corridors and water quality and if it should occur that another island development is proposed, the mainland access to those islands or that island property needs to be addressed further. I also might propose we consider making the entire watershed area around Lake Wicwas some sort of a zone. I'm not at all familiar with the Waukegan Watershed zone, but I'm assuming something that incorporates the watershed area, the shorefront, the lake and all it's surrounding areas means that if a development should occur anywhere within that watershed, it is given consideration of how it will impact any other parts of the watershed rather than just looking at the development issues concerning that single piece of property and I think if we had had that kind of protection, we would have noticed some severe aggravation to wildlife corridors when we were having our conversations last fall. The other area we would have noticed is DES does not very adequately protect our wetlands. The shoreland area where Henmor chooses to launch boats and the new owners of the Bryant Island properties will launch boats is a designated prime wetland and DES does not recognize that. DES has two conflicting rules, one is that any action in a prime wetland is a so-called major project and requires an extensive review including the local Conservation Commission. The problem with that is the seasonal dock permitting process is all done by memo and does not recognize designated wetlands. When a seasonal dock permit is issued, it's issued by memo, there's no consideration for whether that dock is installed in seasonal wetlands and DES provides no restrictions on the kind of activity that will take place from that dock in those designated prime wetlands. The Town of Meredith designated those wetlands, not DES, it's our property, not DES's and at this point the only way DES will get involved is in severe aggravated cases of dredging. I would submit that any wetlands such as that one that's 12-20" deep or so is going to get severely aggravated by power boating activity and so now we have the potential of two property owners on an island, probably each with power boats zooming in and out of a designated wetland and probably pretty severely dredging it up so one of the provisions we're asking for is that if an island is to be developed, you give yourselves the right to severely criticize the mainland access including the right to limit access through a designated prime wetland to avoid destruction to that wetland. So there's three things at the end of my letter that I would like to see occur and one is your ability to restrict density if the development is occurring in what we might call an environmentally sensitive area, the second one would be that if it is an island development, you seriously consider the mainland access to that island and be able to take significant steps to ensure that the access to and from the mainland will not destroy any wetlands or any sensitive areas around it.

The third being what I talked about earlier, is there some potential we should create a Lake Wicwas Watershed that would then give us additional protection that we don't get by looking at individual pieces of property. Kahn – I can't recall wholly the proposals, but I can tell you that one of the things we did have in the package that got turned down was somewhere in the revisions we were making to the shoreline, we did stick something in about mainland parking for island properties. We didn't go much further than that because we didn't want to get involved in the litigation you folks were having, but we thought it was fair to at least provide that island properties had to have deeded mainland access. In the case of subdivision of an island property, there should be deeded mainland parking of at least 350 sq. ft. for each dwelling unit in such island subdivision unless the Planning Board for good cause shall otherwise determine so we sort of touched on something there, we didn't get into the fine points of where or what kind of location you had for deeded mainland access because you had litigation going on. Edgar – The notion of identifying sensitive environmental areas as a result of the NRI and then doing something about it is one of the reasons why we're doing the NRI so whether it's density or other considerations, we're in the process of identifying the best of the best, all open spaces have some form of habitat, they all have some form of value, but we're going through a methodical process right now, we're in the second phase working with the Conservation Commission on developing a pretty good feel for the best of the best. A lot of these revolve around our prime wetlands and our major streams, but there's an awful lot of developable upland that goes with it that is part of that analysis in terms of the best of the best. I agree with the notion from my own point of view that if a development is proposed within certain areas that are articulated in the NRI that certain special considerations could kick in, whether it's density or mandating cluster or whatever. So I don't disagree with the premise, the difficulty that I have right now is that we're working on Phase II of the NRI. We did it by remote sensing, the first phase which is satellite imagery and aerial photography and not ground format and Rick is currently working on the second phase which is field based to tighten it up and quite frankly, there are some things that have been kicked in and some things that have been expanded as a result of the field work so we don't have the results of that work yet, that's due in the fall and we would need that as a basis to do an overlay district or something like that that deals with very critically important environmental resources. We just don't have that finished at this point so the concept I think is a good one and that is relying upon the work we're doing with the NRI to help further guide development around and away from the best of the best. Exactly how we would do that, we haven't even begun as a Board or even with Rick to talk about the regulatory mechanisms that would kick in so timing isn't yet ideal on that but the concept is consistent with why we did work on the NRI in the first place at least from my Department's point of view. As Lou has indicated, as far as island development, we had proposed and could continue to propose something relative to either public docks or mainland access. The oddity of the State allowing seasonal docks, I guess one of the questions would be, Dave, is the State, obviously you've brought all that to their attention, I'm aware of that, are

they doing anything to correct their procedures so that, for example, if someone tomorrow wanted to put a seasonal dock in somebody's prime wetland, whether it was Meredith or anybody else, is there something being improved. In other words, if the problem was in their regs, maybe that's where the solution is in their regs and so what if anything could you share with us that the State might be doing to correct that problem with their rules? Thorpe – At this point, I know of no action at the State, however, through the NH lakes Association, we have been put in contact with the Chair person of the committee that sets the administrative rules and he now has a copy of a request from us to look at this inconsistency and see if there is some way that he can mitigate damage to designated prime wetlands if there's a seasonal dock, through perhaps limiting power boating or actually not even allowing power boating in those areas. The NH Lakes Association is starting a whole new study on the Comprehensive Shoreline Protection Act, I thought some of this work would fall within that. NH Lakes says no and they pushed us off to this Rules Committee and right now, just barely in the last few days, starting to work with that Rules Committee to get them to understand what we'd like the rules to be changed to do. We have started some work, no results yet. Edgar – Finally, so maybe there's a piece of it we could work on on our end but certainly if the State has a problem with their rules, they certainly need to look at plugging their own holes as much as we might participate as well. I am very familiar with the Waukegan Watershed project and I would caution all of us from just creating an overlay district without having done the planning that goes with it. We can connect hilltop to hilltop and create a map. We could do that part easily enough, but a management plan that is pretty well thought out starts to form the foundation for getting into, in essence, an overlay district. You'd effectively create another overlay that would pertain to Wicwas, but other than the testimony at one Planning Board hearing, we haven't gotten our arms around the characteristics of that watershed, everything was focused on the lake and the island, the watershed's a different ballgame. There's a lot more to it than that, looking at the tributaries and a whole bunch of other things that go with it so we need to be cautious about that, I just think we need to be cautious. I don't think its necessarily a bad idea, but I think that to garner the public support that's going to go with a higher level of regulation, you need to have the planning foundation for it. The Master Plan does speak to a watershed approach so taking a look at that watershed's not a bad thing to do, but I think it's a prerequisite to a series of overlay restrictions. Kahn – I just wanted to add and Dave this is sort of for your information, the Waukegan Watershed Overlay is essentially a very blunt instrument. Just what it says is that 2-acre zoning in the watershed period and the only discretion that the Planning Board has is to find that something that falls within the watershed on the map, in fact, does not flow into Waukegan and therefore it can be exempted. That's the only discretion that the Planning Board has there, otherwise, it's just 2-acre zoning. If you're there, you're there. Edgar – The idea with an overlay district would be to expand that as appropriate and we just haven't had the time to exhaust all those avenues. For example, this probably wouldn't apply to Wicwas, but certainly in Waukegan we have a mix of residential, commercial and industrial uses. The density issue

addresses only the residential side of it and even at that, it's just a partial issue. You can have 2-acre lots with 1.8 acres of fertilized lawn. That could be a problem as much as anything so the 2-acres was a first step in hopefully what will be a series of balanced regulations towards protecting a public water supply but we had gone through a fairly substantial study process to really identify what those threats were in a multitude of ways of both regulatory and non-regulatory ways of how to try to address and better manage those risks. From a planning point of view, we haven't applied that type of time and resource to any other watershed. I know Meredith Bay is probably going to become a higher and higher priority as time progresses to take more of a closer look so I appreciate the idea of getting it on the radar screen and getting people to talk about it, but I would be a little bit cautious about taking that step until we have a little more analysis in place. That's not to say we can't do it, but the more planning basis you have underneath your regulations so you can draw the correlation between the regulation and its purpose, the better and so that's my initial reaction. You haven't been briefed on the final product (NRI) because it's in the works and part of it is intended to look at some form of overlay or some form of adjustment toward zoning based upon what now will be the first time the town really has its arms around the important natural resources, the forest resources and wildlife and so forth, so think the intent is appropriate, but it should be looked at on a town wide basis not specific to Wicwas. We have high value co-occurrence areas throughout the whole town and I would be cautious about piecemealing that, I'd be cautious about jumping into that until we have the finished product which should be later this fall. The access issue is probably more of an immediate one we could address. As Lou's indicated, we've already partially addressed it in the last attempt and maybe that certainly could be revisited as a first step. Edgar – Dave, what I'd be very, very happy to do is spend some time in the office with you going through the Waukewan plan just as an illustration of some of the things that we would be needing to look at if we were to scope in a little bit on Wicwas. I would be happy to do that. The intent of why we're here is just getting everybody's thoughts. Warren Clark – I'm here because I'm interested in the progression of the zoning ordinance. I just want to see what is said. I think it's an interesting document (inaudible). I was concerned about the fact that the last one didn't pass and it sort of mystified me. Edgar – Warren, what were your thoughts as to why it, you shared it with me in the office, could you share with the Board what your thinking was? Clark – I initially was surprised that the changes to the Zoning Ordinance did not go through. They didn't seem to be particularly controversial to me. Some of the thoughts that I had though afterwards is that it might be good to break it into pieces so that if people had objections, they would be able to reject the part that they objected to. The only other thought I had was that I heard some grumbling that maybe some people thought they hadn't been given enough time in the review cycle. I don't know what kind of citizen involvement was present with the creation or the last set of modifications, but it occurred to me that if we didn't have a citizen committee working on it, it might be a good thing to do. My thoughts were that it might be good to and relative to breaking the changes up. It occurred to me that

there were some changes that I understood to be sort of housekeeping, definitions, removing redundancies, clarifying (doing so with an attempt to avoid changing what it actually did, just making it easier to use and easier to understand and that could be one article and then there might be another article for the creation of the Village District and if there was another change to a district or creation of another district, that might be a different article, thus people would be able to review the articles, comment on them one at a time. I had another thought that I didn't mention to John which is if a particular individual is affected by a change in moving that owner to a different zone, it might be interesting to contact that person and ask how they feel about the change. If all the people that are being moved had no objection, then how could anybody object to the movement? Those are my very preliminary thoughts. As I said, I didn't have a chance to come to any conclusions; it's just something that I think is an interesting exercise in public policy. Edgar – It might be more expeditious just to go down the table and people just start identifying what their thoughts are. We can refer back to all this text if we need to. I don't think we need to go down line by line or item for item, that's why we had sent it out in advance and you all worked on it last year with the exception of Colette so I would assume that you have a little bit of a feel for it so I don't think we need to do that, but I think we do need to start hearing from you guys as to what your instincts are telling you. Touhey – The vote that took place, I believe there were just under a thousand votes cast and there could have been a swing of about 45 votes, in other words 45 negative votes had they swung the other way, in a sense means out of that number of votes that that was pretty close. We've talked a little bit about that, maybe it was the way we got the word out and maybe we don't really need to make a lot of substantial changes in the document if that really in deed was the problem that people confused, that there was too much in the article and they just didn't understand it and voted accordingly. Maybe we didn't get the word out as to why we were doing this so there may not be a need for a lot of changes, but we'll find that out as we go through it. The other piece that I wonder, we've had a year now since this was worked on, we've had almost a year, we've had a number of different proposals come before the Board, you certainly have had meetings with many people throughout the year and you probably had problems with the document once again. Is there a list that you have on a corner of your desk of things that we should address that you really didn't have a year ago. There are two things that immediately come to mind and one is that we've talked about before and that's to take a look at the cluster ordinance. We've all been sitting through those applications; we have a lot of unspecified areas in our little paragraph that need to be rewritten. Lou has agreed to work with me on that if that's the pleasure of the Board to possibly look at bringing an improved cluster ordinance to the table so that's one and I think that's critical in light of the subdivision activity that we have been having and even if we experience a lull, then it's being ready for the next cycle so it's not time that would be wasted. The other thing that the Knisely cuts brought to my mind and this is probably something with a little thought can be fixed fairly easily, but there are timber laws that regulate logging activities around perennial streams and they require buffer

zones. State laws require buffer zones around perennial streams and when the lower Knisely cut first took place and we had the whole SWAT team from the State down there to figure out what was being violated and it turned out there were no violations, but when they had cleared up to the bank and including the bank of a stream, I thought for sure that had to be a timber violation and when the State's ranger who enforces the timber laws was out there, he brought it to our attention that it's only perennial streams that are regulated and this happened to be a dry streambed at the time and obviously wasn't year-round flow and therefore there's no regulation, so to me it is fundamentally foolish to go from a significant buffer protection for something that runs 12 months of the year to virtually no protection to something that runs 10 months a year or something to that effect. It's a huge drop-off from being regulated to zero regulation, so I think we need to plug that hole. Ironically, in our wetlands district currently timbering and agriculture are allowed as permitted uses because there's just generally been a hands off for those things because those are like mom, dad and apple pie to be able to cut your trees and grow your crops. Ironically though, timbering and agriculture if done right up on the edge of a seasonal stream could be a very, very significant environmental issue. I think we need to look at that a little bit and here again I think it's probably not an extensive fix in the wetland ordinance, but it just blew my mind that you could, putting the clear cut aside, it blew my mind that you could go up and down the bank for that length and clear cut right up to and including the entire edge of the bank on both sides and that not be a violation so whether it's, you know we regulate intermittent streams, it's just that we allow forestry, whatever that might be, so it didn't violate any zoning and I think that the purpose of zoning fundamentally is to guide growth, growth's going to happen, it should happen, it needs to happen, but we need to guide it away from our most sensitive areas. I think we've plugged a lot of holes over the years, but this is one that project brought to my mind. This is kind of a long-winded answer to your question, Ed, but that stuck in my mind as maybe something we need to look at, but other than that, I haven't got a big short list if you will, I've just, knowing that we had to come back and deal with some of these remedial things first. I'd be happy to ask Bill Edney the same question though. Kahn - I can add something to John's list and that is in our ordinance the provisions regarding permitted density are as screwy as you could possibly be, every district has its own version and in some cases the language seems to be contradictory. We had this come up as an issue so I don't know if we want to deal with it right now, because I think the answer is that all of them can be interpreted in a sensible way. They are just very poorly written and completely inconsistent from district to district and we had this come up with that proposed development on Pease Road so I'm wondering whether or not we ought to even get into it at this point, but I wanted to go back to the general question of "What did we do last year and where did we go wrong?" I think we clearly went wrong by running out the clock and having a public hearing on January 3rd. We started down the road to catching people by surprise, sure there was a lot of complaining from people who would never vote for it anyway that they needed another year or two years or a decade to think about it and you could give those people another six months and

they will still complain. I can think of two people in particular who made that complaint over and over and over again, one of them very publicly and I would say you're never going to satisfy those two people, but I think had we backed the thing up at least a month, we would have had more time to generate some support and get some information out there. The second thing that we did wrong was that we didn't get any information out there. We had the public hearing on January 3rd and that was sort of it. It seems to me that we ought to be doing our level best for the Town Planner and the Chairman of the Board to get in on as many sort of public events, as many luncheons of the Lions Club or whatever as they can possibly get into once that public hearing is held and once we decide what we're going ahead with if we decide to go ahead with anything, not because the business community is going to vote for it although it would have helped, but because things like that generate newspaper articles and the newspaper articles can generate favorable publicity if the articles are well written and in some cases they can be well written. It generates publicity and gives people information. We didn't do any of that; we probably didn't have much time to do it. We had January and February, but that's kind of dead time. The other thing is that the package was so large that I think what you had, the only sort of organized group of opposition was opposition to I guess what was described as the Kennebunkportization of the Village Residential District and that is people who would prefer to see these big old houses become apartment houses or bed and breakfasts, heaven forbid they should become antique shops or art galleries. I'm giving my own biases away, but under the current zoning, what can happen to these big old houses when the owner can't keep it up any more or dies. The answer is they are unlikely to continue as single-family residences. What is likely to happen is by special exception, they become apartment houses and nowadays condos or they could become bed and breakfasts, but there's not much else that can be done with them unless you want to burn them down and then you're still in a residential district so I think if we go back with that one again with the art galleries, I think it made a lot of sense but I think that's where you're going to get the most outraged opposition because we beat it once and you're back with it again. I would not go with that one with a 10' pole this year; I would stay away from that one. Edgar – Village and Village Residential or just the Village Residential? Kahn – Village Residential. The other complaints that I heard which were pretty much at the public hearing and a little bit in another context, the other complaints that came up in a public hearing were from a couple of local businessmen who seemed to be very unhappy with some of the use changes that we were making in what's now the Central Business or the Village District and I don't think that there were a lot of, there were some anti votes that were generated by that, but I don't think it was a lot. What was really disappointing was that the business community did not really take any position and let this whole thing go without trying to support it and I was very, very surprised at that because in particular I was told that they were going to take a position and then they didn't. I would come back with the Village changes again, the use changes. There were complaints that you're kicking the gas stations out of the Central Business District. I don't have a problem with going back with that

one again and I think you're going to hear the same complaints and I think we can withstand those. I think that some of the changes that we're making on Route 3 North and South made a lot of sense although there was somebody standing at the polls with a sign and as far as I understand, he was opposed to the changes that we were proposing to make on Route 3 North, for what reason we don't know. Some of the other things that we did in terms of making Plymouth Street part of the Village District instead of the Residential District, I don't know, did anybody hear any complaints about it. Certainly, nobody showed up to complain about it. Jenness Hill Road, should some of that be rezoned as Residential? I think we had a couple people come and say don't rezone me Residential and we accommodated them. I think that we could make those changes again. The other thing I think is important and I would do this, I don't know if you can do it in what we were calling the Village Residential District, but the changes that we were making with respect to multi-family housing in the Village and the proposed Village Residential District I think were good changes because they were going to stimulate the possibility of more work force housing. The other change that I think we were proposing sort of townwide was to make accessory apartments permitted rather than by special exception and I would come back with that one again. With respect to the multi-family dwellings and the relieving of restrictions with respect to density in the Village and Village Residential Districts, you don't have a Village Residential District, can you define a housing district within the residential district where the density restrictions are lowered and where the restrictions on multi-family housing are lowered. Edgar - Maybe on that one, what we do is just see if we can pass the Village District with that clause, get a little experience and if there's a desire to do some modified Village Residential, we'd have something to point to. Kahn - I think that's a good approach as it stays away from the people who most vocally felt threatened. Edgar - From a legal point of view, we tried to hold to this although we had a couple exceptions, you try to not create districts within districts because the premise of zoning is to treat everybody within a district with a degree of uniformity and on this side of the street within this district, it's OK to do this but not that. That runs counter intuitive to that line of thinking this would just lend itself to some criticism at some point. As a practical matter, you try to avoid doing that. There may be other ways of doing overlay zoning or some other technique, but with conventional zones I think you'd want to try to, the two exceptions were the B & I district, boat sales, one side vs. the other. Kahn - Boat storage was OK North and not South. Another issue that this gentleman has raised and John had spoken to me about is can you put out a menu so people can pick and choose which ones they want to vote for and which ones they don't want to vote for. I think that's a good idea, but I think that if we break it into too many pieces people will just throw up their hands and say I can't be bothered with this and the worse thing is they don't vote at all. I think you really could break it up, but I think you have to break it into maybe four or five articles at the most. Worsman - I'm not sure I agree with that. First off, I didn't get the packet ahead so forgive me for not reading, I don't have the packet of last year's proposals so maybe you can get them to me. The one thing I've heard and I

don't have the experience that all of you have, but the one piece that seems to thread through every single argument or every single proposal that comes through here is density and looking at the proposal for the Village District, by doubling the density or halving the size of each of those lots, I question the goal. The ultimate goal I understand goes with our Town Plan, but is our goal to eliminate sprawl, is our goal to what? Edgar – The density issues have been in the moderate to low density rural areas. It has been the opposite of the downtown. We have not had a project in the downtown other than the Mass Ave project, but in terms of the real core where this relaxation would occur, it's been the other way around. We've had property owners on the other side of the coin saying it's too restrictive to have to go to the ZBA and get relief. We've done that 4 or 5 times in the last several years and that's a symptom of something that's a little out of balance so the idea of having more housing opportunities in the downtown is part of a strategy not to sprawl, but if you're going to have higher densities for various public policy purposes, you'd have them in the downtown as opposed to Chemung. The density issue has come up obviously for water supply protection, it's come up in Chemung, it's come up in various other districts, but the core of the downtown is a different animal altogether and I think that it comes with different responsibilities. That's where you have your infrastructure, that's where your facilities, that's where you have a level of efficiency, that's where you have walkability that you don't have once you get outside the village proper so I don't think its simply saying just because the Master Plan says so, there's a logic to it that I think makes some sense and we didn't have at least any vocal criticism of that density issue that I'm aware of and as opposed to the rural areas that feel threatened by cluster projects and that kind of thing. Worsman – Then the only thing I might suggest is if that's the goal, I think we should try to do one, two, three too well, the more we put out there, it is going to get confusing. If the goal is the Village District, then let's try to do the Village District very well and sell it. Edgar – I think that's an important point that you're touching on and that is to prioritize. Just by way of background and I don't take issue with anything anybody said tonight so far, but when we started the rewrite, we have a rewritten ordinance, we rewrote the whole thing from front to back first cut, very rough, not for public consumption and at that point we said we can't just hand off a 200-page document and expect the public to accept it cover to cover, so we said let's deal with Article III, which is districts. It is the biggest article and the most critical article, but it's one article out of maybe a 10-article document so there's a lot more that we haven't even begun to talk about. The Committee that did the initial work, we looked at all kinds of screwups in the Mobile Home Park Ordinance, we have screwups in the Campground Ordinance, we could make improvements to the Wireless Ordinance, we have all new wetland mapping, we could completely update the Wetland Ordinance so we haven't even begun with you guys to talk about that because what we did is we broke out districts and uses to try to break it into a manageable component and now we find ourselves and there's no avoiding it, it's not a criticism, but now we'll find ourselves breaking that even further and maybe it's unavoidable and we do a handful of these pieces so it's Phase 1A and then maybe another year it's Phase

1B, maybe it takes us 3 years to get this work or some version of this work adopted and maybe it's self employment for Planners because we'll have a 20-year rewrite period to rewrite the thing. It is what it is and if that's what it takes to make progress and move some pieces forward, then that's what we have to do, but we've tried to start to break it down from an entire document to a major article and now a major article into 3, 4 or 5 pieces or whatever the case may be so if that's what we have to do, I have no objection to it and I think the criticisms of people not being able to get their arms around it has got to have been a big part of it and the downside and maybe it's maybe more of my problem than anybody else's, this is just going to take forever. What was to be a couple year project is probably going to be a 10-year project to make sufficient headway to effectively rewrite the document from cover to cover, but that is just a reflection of the complexity of what we're dealing with. A lesson learned on my part. Sorell – You've got to fill me in because I don't remember where that Village District started and where it ended. Kahn – Roger, it was the Central Business District, but we cut it off at the Community Center so that the Route 3 North District started at the Community Center and it ran to the railroad bridge South and picked up everything in Central Business from 25. Edgar – This is all Central Business all the way to Parade Road. The CB followed here with the exception of the other side of Plymouth Street and the exception of a couple lots up in here. What we did was take this portion from the railroad tracks, the Community Center as North and South demarcations, this is all the same and we added the West side of Plymouth Street and I think we extended it one or two lots over near the Library. Kahn – Right, you picked up the Humiston Building, the one on the corner. Edgar – Two years ago it was going to go all the way down and connect. For all practical purposes this was carved out of the Central Business District and then these oranges were carved out of the green, these were all residential zoning and this was one of the areas where we thought we would want to introduce some housing so that housing density flexibility as well as getting some of grocery stores and low profile commercial uses which is what drew the most fire. Edgar – If you actually look at, we charted out all the existing districts and proposed districts so someone could go through this spreadsheet and very easily see what's there today and what would be there a year from now. So if you looked at it objectively and look at the changes from R to VR, we eliminated some high trip generators, small grocery stores, medical offices and the like and replaced them with some things that would be more compatible with the current village. Lou has suggested that we nix these orange ones for now; they drew a lot of fire and just do the Village. Kahn – And the Route 3 North and South. Edgar – Let me explain that one. So what happens if you do create this, we would have a piece of Central Business here to here (discussion regarding zones) and when you look at the uses from Central Business to Commercial Route 3 South, they are real close so we said here's an opportunity to simplify the ordinance. The balance of Route 3, let's just call it Commercial Route 3 and kind of create a blend of 3 South that's on the books and Central Business and make some adjustments. Kahn – One of the things we did that really didn't get any publicity at all was we made some changes in B & I to try to put automobile

service into there to get out some things that were potentially heavy potential polluters. Edgar – A truck terminal. Kahn – This is in the Waukegan Watershed so we were trying to and we wanted to get it to smaller business so we did some changes there in the uses. One of the things we were concerned about was if we had one kind of sales in here of certain kinds of things, we had this equipment sales that needed a place. What we thought was equipment sales, you need to have more road exposure, you can't put equipment sales in here because people can't find them. Worsman – Now is this behind the grocery store there? Kahn - Across the street and down the road a little bit from it. We put equipment sales in here rather than in here. This is Vutek, this is the Annalee Doll complex and the grocery store is right in here. My own view is I would go back with that. Someone complained about something we did here and they didn't want people selling equipment up there, you've got to have someplace where they can sell equipment on a highway. On a water quality basis, kind of think about that, but also to free it up, the old Preamble talks about large-scale businesses like we're going to have corporate park come here and save us. We're going to attract rather than be outside the commercial core. We've got small lots; we have only one big lot left so we need to be more responsive to local trades. We expanded the whole definition of local tradesmen and contractors. Kahn – We tried to make that a construction business home. You name it, mason, carpenter, whatever you wanted to do, we put it there and we put room in there for Wickes on the assumption that Wickes isn't going to stay where they are. We kept some of the industrial things so if someone wants to put up a small shop and make microchips or something, not a problem so we're not going to rule out manufacturing. We have manufacturing there now, but things that could be compatible with manufacturing that would create jobs and provide more business opportunities for small businesses, that's the ace up our sleeve in Meredith because these are going to be highway in nature. Kahn – This is all on the south side of 104 all screened and we put a little bit of screening down here for boat storage, but on Route 3 South you don't have screening. Warren Clark – One of the thoughts that occurred to me in thinking about this and thinking particularly about this corridor is that it could become very unsightly and people are concerned. We have a very rural character, but we don't want it to look like Route 1 in Boston either and it occurred to me that we might put a restriction on it which we could now and this is arbitrary, but my idea is that only 30% of your road coverage can let you see the building or parking area or a lot which means if you want to have an auto dealership and you want to have 300' of frontage then you have to have a 1,000 feet of frontage and on the other hand, if you only have 100 feet of frontage then you're going to have to set your business back. You can still get to it from Route 3, but if you have 100 feet of frontage, you can have 33 feet which is just enough for your driveway and a sign or something so as you're driving up there, you can have the business and industry that the town needs and the people in the town need, but you can do it without having an unsightly area. Worsman – Let me add a piece to that. We had a meeting about the roundabout at the junction of Route 3, 106 Parade Road; it's going to come off Parade Road. The businesses there said they had put in some very

nice screening, intermittent trees, 20, 30, 40 feet apart, enough to do some mild screening and the business owners were very unhappy with any screening at all. Edgar – With respect to the observation and they can certainly look at clauses, but just to show you I think we're on a similar wave length, as we rewrote the preamble which is fundamentally critical to special exceptions in particular, when we rewrote this, we said that although the district is orientated around the Route 3 transportation corridor with faster moving and fewer pedestrians, basically distinguishing it from the downtown, it also includes sensitive features such as conservation properties, scenic views, significant wetlands and abutting residential areas. The southerly portion of Route 3 is a segment of a state designated Lakes Region Tour Scenic Byway. Sites developed within the Route 3 corridor should be of high quality complimentary to the corridor's sensitive features and serve as a suitable introduction to the village core. That's the vision, that's the intent if you will of these approaches. Kahn – It's not exactly a setback or screening regulation, but what it is is a handle that the Planning Board can use to jawbone somebody on a site plan. Touhey – They have to come before us for site plan approval. Clark – One is measurable, the other isn't, that's my thought. Edgar – Where it could come into play whether it's here someday knowing that we now have 10 years to get it right, but Site Plan Regs don't go to Town Meeting. We can create all kinds of language on landscaping and different techniques in Site Plan Regs and they kind of dovetail. Clark – The interesting question in my mind is whether a provision like that would make it easier to get this through or make it harder to get it through. I really don't know. It depends on who you're talking to, if you're talking to somebody who's a businessman, he's not going to be happy, but on the other hand there was a comment made by someone, Miller Lovett's wife, about how she didn't want equipment sales up on Route 3 because they could be seen from Meredith Neck. We've got a lot of people complaining that they don't want to see something from someplace else. Clark – Are there more business owners voting or are there more of the public? Kahn – You've got to have someplace for business in your town. We don't have a lot of space for business in this Town. Bayard – You've got to have people living there or owning property there accepting what you're doing. That's why this is going to have to remain residential. There is no way we can get away with that VR again. That will eliminate a big chunk of the problem. The other thing I would also not change is the definition of Chemung. You've got the Chemung people thinking that's God's place and any change to that means that we're going to be going to 1/4-acre zoning pretty soon. Edgar – So strategically we could just keep the old Preamble. The reason behind it and here again, it's not something I'm terribly wedded to, but there's language in the Preamble, there's a level of paranoia out there, but we drew the attention to the fact that we're close to 104, that it's under some development pressure and that it has a challenging road network in certain places. Some parts, Upper New Hampton Road is fine, most of Chemung Road is fine, but there's some areas as we know are problematic. The current ordinance goes on to say that "and therefore we should garner against scattered and premature development". You've all heard that phrase, but when you look at the entirety of this district as a

district wide characterization, that's an overstatement because there are a plethora of places around here where you never even begin to entertain any discussion on scattered and premature so it's not a district wide characteristic and so the question was whether or not it made sense to hang onto that language. Since that ordinance was adopted, we've rebuilt Upper New Hampton Road in its entirety so since that ordinance was adopted 30 years ago, we've rebuilt Upper New Hampton Road from 104 to its terminus which is one of the major feeders in and effectively we've rebuilt Chemung Road almost to its terminus with a couple ledge outcrops. Kahn – You've rebuilt Chemung, you paved Chemung up to Tucker Mountain Road. Edgar – We've added a Fire Station substation and a water line in the meantime. Bayard – So we don't need to change it. Edgar – We don't need to. From one point of view it would be appropriate to eliminate the reference, we kept in all the language about problematic road spots because that is an issue, but it's a case-by-case issue. We took out the language about scattered and premature because of the litigation and their reliance upon that argument, they did not want to see the zoning change so at the end day do we have to keep it, do we have to change it, no. Is it a do or die thing, the answer is no. I'd rather focus on cleaning up the uses and the terms in that district and not lose that. Kahn – Keep in mind that you've got a movement out there now to where they want to limit clusters to two houses and don't they also want to go to 20-acre or 50-acre zoning? Just not changing it is not going to satisfy the natives out there. Edgar – What I told them on the large-lot zoning because I did speak with Freeman about that, I said that if you really want to discourage development and if the NRI can support large-lot zoning based upon the analysis of the forest and the wildlife and so forth, there are towns that have withstood constitutional challenges, at least two of them, Sunapee is one and I think New London's another where they have 50-acre zoning and they had an analysis of the forest resources and all the issues that go with that that supported zoning to preclude the partialization that was to have a density that's not going to result in road building and a density that's going to be screened but a defensible anecdote for some of these environmental concerns. There's probably some areas in this district where that would make some sense just like Thorpes and maybe some other places around town where this co-occurrence analysis would back this up, but what I told these guys is if you want to stop road building in its tracks, you petition us, get all the large landowners who are going to get screwed in terms of property rights, get those guys to petition the change or have a dialogue with you guys because if all the large lot owners are willing to give up their property rights and say we don't need 10-acre zoning, we're OK with some lower density. You would want to hear that from the people that are being affected by the change because one of the fundamental theoretical injustices, it's probably more than a theory is here's where your voters are and this may sound good, but this voting block could turn the screws on these folks so it's not something I told him that I would propose at the outset and the Planning Board is not likely to propose it, but if these large lot owners demanded a lower density and are willing to accept that in terms of how it affects their property, that's a whole different ballgame. Kahn – New London and

Sunapee are fundamentally different towns. How much they are willing to support the cost of litigation, there's a lot of money in those lands. Edgar – The point was that from a planning principle if a neighborhood was demanding it and we had a basis to support it, I could go along with it, but It's not something I was just going to suggest that this Board or myself is just going to launch into, but if all these large-lot owners are so fearful of subdivision, as we've seen, you can go with 10-acres and build a cul-de-sac. They really don't want to see road building and everything that comes with it. Kahn – The point I would make is that those large lot owners have the ability through granted easements to rezone their own property. Edgar – That's why I said if you have the Cooperman's, the Abears, the Lees and the Rogers and all the folks we know that are large landowners out there, if all those large landowners want to demand the zoning change, that's one thing, but if not, don't expect this Board to monkey with that density. That was my sense of how you guys would react to it. Worsman – Putting these pieces aside, from the whole Town's point of view, why do people come here, because we look nice, they come to see the lakes so if we do our work by beginning with the Village District and sell it from the perspective of two points, we are a vacation community and it is where most of our people get our work and like it or not, we need vacationers, we need out-of-staters to help support this Town so if we begin with that piece as a sale and begin with the Village District as you suggested and then move our way out, maybe not 10 years is a long time, maybe 4 is a reasonable number, but at least work on some of those Districts and sell from the perspective of a lot of us have got talents that are going to be needing an accessory apartment, we're trying to accommodate the changes in demographics of this town and so if we use some of those keys to sell it, maybe that is a good direction to go, but I hate to see you lose the cleanup of the ordinances as well, because if cleaning up your ordinances makes it simpler, it makes our job easier.. Edgar – The cleanup is multi-faceted. The first phases of cleanup were the preambles, uses and definitions to go with it and that's what we tried last year as an aggregate ordinance, as an aggregate Article III. What we're talking about is breaking that Article III proposal down into some manageable subsets, but the cleanup such as it is has to apply to all the other articles for this to be a finished product, so I think we have to accept the likelihood that in reality that's a work in progress, it's going to be a work in progress. If we can get preambles, old ones, new ones, viables, the big priority for us I think was to get the uses in better balance into the districts and defined. To me that's the first priority. The Village things would be nice if we can do it, if we can package it and sell it, but I think we really have to really look at how we package the existing districts in terms of preambles, definitions and get some version of that to try and sell, otherwise, we're just (inaudible). Kahn – I see one proposal. Proposal #1 is to redistrict the Central Business District as the Village District and in conjunction with that to redistrict Route 3 South and the remaining part of Village District into the Route 3 North and South District. I see that as one proposal. The question is do you just sort of leave the redistricting of Plymouth Street in that or do you make map changes. The only map changes I think we have are Plymouth Street and Jenness Hill Road. Why don't we make that a

separate article? If they don't like it, they'll vote it down. We could, we didn't have any objection to those map changes either. Kahn – What I'm saying is it's hard to kind of slip those into the Village and Route 3. Touhey – It clogs it, it confuses it and that's what people don't like. Kahn – You could probably work them in there. Then how about another article that changes in minor ways the uses in the other districts, like the Business & Industry, etc. The only changes in the uses we made in Forestry & Conservation I think was we turned recreational camps into something that required a special exception. I don't think we made any other changes out there. Edgar – Examples of the problems that we had in the ordinance, we have camps for children, teaching camps, recreational camps, campgrounds, none of which were defined. Depending on how you interpret it and The Wilds is a good example, in the Meredith Neck District, it may not be what you think it is so it needed clarity and get us to some definition of these camps and that's just one example of how we can't do it just for one district because that same term applies somewhere else. That's why some of this becomes a little bit all or nothing because organized camps or something like that might appear in 3 or 4 districts so when you make the change, we've got to eventually think about how we package it so depending on if they fly or not, it's going to work in the end and we don't make more of a problem than we have now. Touhey – Can we have a separate article strictly on language and definitions? Kahn – Uses and definitions is a separation article. Edgar – Cluster is a separate article. Kahn – There would be changes made, we were proposing changes in Business & Industry, we were proposing small changes in Shoreline. We were kicking marinas out of Lake Waukegan and things like that, things that weren't going to happen anyway. Worsman – But it's clear that if it's grandfathered, it's grandfathered. Kahn – There were none there. Kahn – I think we could probably come up with that. Other than things like automobile dealerships and service stations, we got absolutely no comment on that. This is not to say there weren't people who didn't quietly vote against it for one reason or another, but I think that you had a lot of people who had their own ax to grind, 10 people here, 5 people there and then you had this group that hated the Village Residential concept. Bayard – I think they convinced their friends that we're screwing up the Town. Kahn – As John points out, you always have in the State of New Hampshire, you have a group that just doesn't like zoning and votes against it. Edgar – Every year if we have 600 votes cast, there's always 100 votes against every zoning proposal whether it's good, bad or indifferent so you're always going to have that and I think effectively what happened here is because it was aggregated, there were different camps that had different issues and the fellow that siphoned votes off from you, he was articulating to kill the zoning proposal so whatever was in his camp probably voted against anything and then you had the 100 that voted against it anyway and you throw in 100 from Chemung because of the "scattered and premature" language and the Historical Society so it didn't take a.. Kahn – Thank god we screwed up and didn't get Waukegan into the proposal. Bayard – I think you can't come back and tweak it, just tweak it enough to think you can change 40 votes by doing this and expect

people to vote for it because then you're just saying they are just trying to get it through. The idea is we're doing a couple of major issues and maybe break it down, I think we'll be successful. Edgar – I think what Lou's basically saying is with the exception of the Village Residential, we compartmentalize this into 3 and maybe the 4th one with the accessory apartments or something or 5, even a half dozen at the end of the day is something that's manageable, you can grasp that especially if our timeline that Bob suggested comes together. Kahn – We have Ralph Pisapia's suggestion that some of the internal lots on the South and East portions of Meredith Neck should be rezoned. Those that are not on the shore should be rezoned as Meredith Neck rather than shoreline. What are we going to do about that? (Edgar showed Board members on the map what Lou's talking about.) Edgar – I don't know what all the logic was in terms of the shoreline zone because in many cases like here it doesn't follow lot lines, there's a 300' offset. Here it just followed Pinnacle Park Road. In some cases up in here, they followed lot lines. In some cases it's an offset so what I wanted to show you is that we have that technique here, here we follow the rear of lot lines based upon some logic, here we follow roads and so what they did is they were following this road it looks like and down around Cummings Cove Road and then Stonedam Island and you get over into here and Meredith Neck Road, there's no road that runs right along. Touhey – It basically came up Stonedam Island Road, the part that's not maintained by the Town. Edgar – So they could follow a road here, Veasey Shore Road and then they switched to the rear parcel thing and then they didn't go all the way into this peninsula and the issue that Ralph has mentioned on a couple occasions, he lives down in here, and this piece of property right here is going to someday be subdivided, Happy Homes Road. We had General Atteberry's which was up here and this is one of the camps, Winaukee that someday could go, it's not permanently protected and whatnot so the distinction is this is a 3-acre density, this is 1-acre both of which are subject to soils and slopes. Kahn – Probably because shoreline lots tended to be smaller. Worsman – Basically, that's the road going in and everything else, you've got a road cutting it off but here. Edgar – What I think he's saying is you could do this 300' offset routine, just say here's your shoreline and that's more consistent with what you really have. Kahn – You talk about problems with roads and there may be problems in the mud season and winter out in Chemung, but there are problems here all the time. Edgar – The planning issue from their point of view, there's no mud season, the problem is it's effectively one big dead-end and it has two access points, both of which are congested in the summer time. Worsman – With a 1-acre density instead of a 3-acre density. Edgar – The 1-acre density would just add more to the mix than a 3-acre would. Touhey – So what's the logic between 3-acre and 1-acre density for the interior? Worsman – In essence, it doesn't really matter, you do have these here, maybe that one's 3, but is it going to matter? Clark – These are 6-9 acres but those guys would go along with it because they don't want to subdivide. Flanders – That would be 9 lots now and if you did it the other way, it would be 3, that's a big difference. Clark – Except that they are limited by waterfront. This property was divided within the last few years and there's a lot of wetlands in there and those

guys like having a lot of land. Those are single-family lots now. This scares the daylights out of people. Touhey – That's a very large tract. Kahn – What are we going to do with it. It's been proposed, what are we going to do with it? Bayard – If we do anything, I'd suggest a separate warrant article. Kahn – Absolutely, I wouldn't lump that in with any of the others. Edgar – I would talk with folks like Ralph and Warren and say the Planning Board's going to suggest a rezoning of portions at the end of the Neck. We're going to have a workshop; we're going to have our tissue paper out, come on down. Edgar – Let's go find out if everybody as Warren says are game or if there's support, people that will help us talk it up and make the change. From our point of view, I don't think it matters if we're going in the right direction, if we lower the density out there. Is it going to solve the problem on 25, no, it's just going to add a smidgeon less traffic as we build out. Ralph has raised questions and asked what is the plan because it's a big dead-end? That doesn't mean all of a sudden we're going to 20-acre zoning because it's a big dead-end, but something in the middle might be... Kahn – What we would be doing would be moving it from shoreline with the greater density which I assume was because the shoreline lots, lots that actually were on the shore tended to be smaller. You didn't put 1-acre restrictions or 3-acre restrictions on lots along the shore. Clark – You want to use a shorefront, 150' chunks so that lots of people can have shorefront houses. Kahn – That's what made this Town, shorefront. The interior lots seem to me would be consistent with the Meredith Neck zone so we're just rezoning them as Meredith Neck. (inaudible) Edgar – We need to hear from the folks that are out there and do this in the summertime while people are here. Clark – If you don't do it in the summertime, people will be angry and feel they intentionally waited until we weren't here, they must be up to something. Kahn – This is July 25th and as I recall, the summer ends on Labor Day. Clark – The other thing I'll point out is when we had our neighbors over, she said is it just us or is it all the neighbors. I said, look around, you are all the neighbors. On this street, for instance, there are two people who live here as full-time residents. You don't have full-time residents here. There's very few full-time residents out there, very few voters. Edgar – You guys are going to have to, if this starts to play out, is prioritize. There seems to be a consensus here of overloading the warrant. I'm not saying jettison Ralph's idea because what we're up to I think is the first 3, 4 might be accessory apartments. Kahn – I wouldn't go more than 5. Ralph's would be with that cluster is 7. Kahn – My own view is I think we could work on that but I would put that off a year. Sorell and Touhey agreed. Clark – I think it would complicate things and you don't have time. Kahn – That makes life simple because then all we have to do is rework last year's package into neater sub-packages and ditch the Village Residential. Edgar – I don't necessarily disagree with Warren, but to make a map change that doesn't have a whole lot of text to it is something that if you wanted to look at that (inaudible). Edgar – If you want to have a workshop... Flanders – You're committing suicide if you try to put this Meredith Neck rezoning in this year. You're jeopardizing the whole package. The reality is we're into this for \$50-60 grand with a consultant and when we initially appropriated that money, our expectation was that in 2 or 3 years we'd

have the project complete and here we are and so far we've accomplished just about nothing. Clark – It occurs to me that we should also be considering the Route 3/Route 25 efforts that are going on. Everybody here is aware there's a committee that meets about once a month with the Department of Transportation and they are talking about what to do about the 3 & 25 corridor. I happen to be on that committee. I have no idea what they're going to come up with or where it's going to go, but it seems to me that it could have a huge impact and this could have a huge impact on that and I don't know where that road's going to go when they're done or how it's going to be routed. Edgar – That's a 3-year study that won't be ready in the fall. Kahn – I think we can have it in the back of our minds, but I don't think we can hold up what we're doing. Flanders – I don't think there's going to be a huge impact between that highway study and what we're doing here. It will be two years before the study's done and then the State will put it on a 10-year plan which means 20 years from now, it might get built. I think it will go fairly fast. Kahn – I have understood with respect to 25 and 104 that we've got them zoned as residential so the two important gateways to the village don't look like strip malls from the Town line to the village. I understand that out on 25 somebody's looking for a variance to rezone something that's Residential or Forestry/Rural as Commercial. Edgar – The old deli below Moulton's Farm is a pre-existing grandfathered use that lost its grandfather status. It's small potato stuff, the building's there, they lost their grandfathered right, they have a commercial building sitting there. As a practical matter, we can't issue permits for anything other than residential and so if they want to rehab that into a deli they are going to need a variance. Historically, a year or so ago a variance was granted was to re-establish a deli there, but it never went forward. Recently, they denied a variance for a retail fireworks distributor. I don't know what the next one is. Kahn – I guess my question is how many people now with the passage of time are aware as to why 104 and 25 were zoned the way they were zoned. Edgar - It's stated in the Master Plan to help remind them. Flanders – One of the things that helped to sell 104 was that no cut zone. Edgar – And that's why in these preambles, we also restated the terms of these gateway approaches. Every one of these districts that have those kinds of components has that kind of language so to an extent that's helpful in guiding the Planning Board and ZBA wherever we have segments of scenic byway we build it in. Worsman – And I have to say, meeting with some of the New Hampton Selectmen, they are doing their level best not to make 104 an Exit 20, whether that would come to fruition I have no clue. Flanders – Well, we can stop it at the Meredith Town line at least. Bayard – The other thing you had brought up and we listed was the Timber and Agricultural uses around intermittent streams, perhaps around wetlands and/or some further protection around some of our lakes. If we stick to Lou's 4, push cluster, push anything on Meredith Neck, we could theoretically have a fifth article that would address something like that. Flanders – I think we need to keep it simple this year. If we can get the stuff we've been talking about here and you said if we can get it done by December, we should set a deadline and we should make that deadline. Edgar – Or if you read the memo, I restated what you said and that was to establish a deadline and work back from that once I

know what we're doing. Flanders – Just a few minutes ago you said if we make the deadline, I don't think making the deadline's an option, I think we have to make the deadline. Kahn – I don't think that the Planning Board should be dealing with this thing in December. I think the Planning Board should be dealing with this thing in September and October so I guess, John, you and I better sit down and figure out how we're going to carve this thing up. Edgar – Once I know how big the tree is to get my arms around, we'll go from there. I have no problem with what you're saying. Kahn –What do you want to do with the Thorpe's proposal? Edgar – If you're going to push cluster which in my opinion would be a higher priority and you're going to push the other thing on the Neck, maybe we tweak the shoreline provision that has the deeded access and throw something in there, but I do have those reservations that I said. I think that the idea of using the Natural Resources Inventory is one of the reasons why we did it, but it's premature right at the moment because we don't have our arms around that yet and similarly on the watershed thing. Kahn – As a practical matter, there are 3 big undeveloped lots on Wicwas and they are scared of two of them. Flanders – maybe they should get a group together, raise some money and buy it. Edgar - I appreciate you're bringing that up because I'm the one they'll be calling to say where did you all leave off on that? Because these folks including Ralph need to know and here again, I think as much as we'll squirrel away and package this up for you guys, I think we need to be very public about it when we get something ready, sooner than later, to still garner that input because that's the beauty of us doing this in July, August and September. Flanders – There's nothing to say that some of these groups aren't going to get together and bring it forward with a petition with 25 signatures and they can put it on the warrant. Edgar – And the sooner they know that we're interested but not this year, then they can make a choice. Worsman – Why don't we be pro-active then and let's start small, choose our first article and do our own article in the newspaper and say this is public information, this what we're trying to do. Last year the voters said no, we feel that reorganizing this district is important because of a, b and c, these are the changes that we're proposing, these are things that would be good to happen in this Town, let's sell it. Edgar – I think that's a good point, I would just before we say that we're proposing anything formally, that starts to sound like a done deal, I think this is the thinking of the Board that we would have these 4 articles I guess that would address these elements and then have a public input session on our thinking and we would have polished up the proposal by then. Kahn – I know we've got a horrible session coming up the end of August, what's the schedule for the first meeting in August and is there some time in September when you don't have a lot of stuff so that we could have a workshop. Edgar – I don't know as we've had anything for the first meeting in August, 2-lot subdivision and a design review. Kahn – Could you and I get together that quickly and get something going? Edgar – I think so. The beauty is all this is in the computer and to maybe take issue with what Bob said, it's not like our work is wasted, we're really now talking about breaking up the work we've doing for a year and a half into more manageable pieces and so the benefit is all this stuff is in the computer and can be readily accessed. We're not starting from scratch.

When we were working on definitions and every other thing here, we were starting from scratch and it was stressful. Compared to that, this is a lot more manageable for Lou and I to package this up in a way that you described. Touhey – We know we want to keep it simple. We know we want to keep the number of articles limited. We've obviously got more than 5 ideas out here tonight. We have 3 regular Board members who are not here tonight. We certainly welcome and need their input on this so I wouldn't want anything to fall off the table as result of our discussion tonight. Kahn – Why don't John and I sit down and try to figure out how to package the Village and Route 3 Districts, remapping Plymouth Street and Jenness Hill Road, accessory apartments, uses and definitions generally because the changes are just for that matter not that controversial. Worsman – Stay away from the words like antique shops and we may. Kahn – We're going to stay out of the residential district on that. The changes in the Residential District are innocuous. Edgar - But the one Village District that we're going to go with is going to stand alone in its entirety, uses, everything, up or down. The use changes in districts other than the Village District which is now Central Business are really innocuous, it's like the reordering of Business & Industry so that contractors have a home and Wickes has a place to go. Edgar – The way to think of it is that we'd have one article that would deal with anything new in terms of district nomenclature, the Village and the resulting combined Route 3 so that would be one package and then for all the existing districts, not the new ones, but the existing districts that get refreshed with language and definitions, that would be a package. Kahn – That would be the biggest one but in many ways the most innocuous. Edgar – Bill had suggested keeping the old preamble for Forestry/Conservation which was the objection from that camp which is harmless. Kahn – For a 5th one, stream protection if you want to do that, it's easy enough to draft. Edgar – We could take a look at it and you guys can evaluate this and if you think as Bob suggested that we don't want to make it too complicated and 4 is enough, we could push it, but at least we'd have it, it's not a hard thing to figure out the fix on compared to some of these other things. Sorell – I think we should throw that stream thing out right now because you're going to get 4 articles there and you're going to be lucky if you get those 4 and you put a stream mend in denying somebody their rights to clear their land especially in the zones you're going to do it, I think you're going to lose it again. I don't think it's worth it this year to do that. Flanders – I agree. The only way we're going to get this thing through eventually is to do it piecemeal and if we try to make those pieces too big, the taxpayers are going to choke on it. Clark – I think if you have too many warrants, they will lump them together in their minds and it will be all that zoning stuff gone. Bayard – As much as I'd like to attack it, I think maybe it should go off a year and it might be something and I almost think we could put that a little larger and put in perhaps some wetland protection, dealing with the trees and wetlands and possibly a little shoreline stuff, just make it something that our Town is about the lakes too. We could package that a little differently, but I think it would take a long time. Edgar – I don't take issue, I was just responding to Ed's question and things that are on my mind, there's a weakness in the

ordinance and I agree I think the priority is getting these 4 subsets that we've identified behind us, otherwise we're never going to move forward to any of the other things so I don't have a problem with that. The Wetland Ordinance in the future is going to need to be updated because we have new mapping that we have to refer to in the NRI. When that's finished, the consultant has recommended that, I don't know if the Conservation Commission agrees, but the consultant's recommended that Hawkins Brook not be designated as a prime wetland because of it's condition, it doesn't meet in his view, the criteria of prime. It's still important, but there would be a change that way so if we were to do wetland stuff, maybe then that becomes a priority for next year to do that comprehensively and do it as a package. Sorell – John, I thought we had in our Zoning Ordinance where intermittent streams or stream runoff things were in our zoning if I remember right. Why can't that take over? Edgar – Well, because in that wetland ordinance that deals with intermittent streams, it says timbering and agricultural are permitted uses so if the intermittent stream is a wetland, you can timber right up to it, through it and be a permitted use. It's not regulated by the State and it's a permitted use by us. Sorell – Could we not treat it like a scenic road type of permit, we could use the same language basically that trees over a certain size couldn't be cut. Edgar – There's all kinds of different techniques, Roger, the question is whether or not you want to have an article that addresses that issue or not? Touhey – Can the Conservation Commission, this is a conservation issue. Edgar – The way to deal with it, Roger, would be to take the language on the state books that allows some cutting in the buffers and apply those to intermittent streams, that would be the simplest thing. Touhey – Can the Conservation Commission propose an article in the warrant? There are two ways an article can get on the warrant. One is promulgated by you guys and the second is petitioned by X number of voters. Whether the Commission sponsors that and drags a petition around and gets the votes, that would be their prerogative. Touhey – That might take it off our table. Edgar – I think you want to stay in control of some of this stuff. Kahn – If it were on the ballot, it would be our stuff. Edgar – I think you want to be careful about promoting petitions because that could get really crazy even though they may act responsibly; it might plant the wrong seed. Kahn – If 25 people petition an article restricting cluster zoning to two houses, do we get to comment on it or does it just go on the ballot as though it was something we proposed? Edgar – I'd have to double-check the statute on that. Flanders – We got into that last year and found out it was more restrictive than what we've done in the past. You can put on there "Recommended by the Planning Board and Board of Selectmen", but if it's a petitioned article, you can't say "Not Recommended By". Edgar – Your principle role is a hearing officer and you can do PR and tell everybody what you think, but I'd have to double check that, I know the Selectmen looked at it in terms of what the Selectmen can do, it's a different statute that relates to zoning articles, but it's probably the case. Kahn – Can we put this on the agenda for the next meeting? Can you and I get it in shape so we can have a meaningful discussion? Edgar – I think what we can do to keep it on the front burner is basically put it on all the agendas and as much updating as we can do along the way, we'll share with you

what we've got. Kahn – We're certainly not going to deal with it in the last meeting in August. Edgar – The other thing that we can do too especially knowing that when we front-end this, it's going to be less extra Tuesdays in January, maybe we spend an extra Tuesday in September and that type of thing and dedicate our time on the front-end.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

The minutes were reviewed and approved at a regular meeting of the Planning Board held on _____.

William Bayard, Secretary