

Town of Tamworth  
Land Use Regulation Committee

\*\*\* draft MINUTES \*\*\*

April 7, 2010

**Meeting called to order at 7:05 pm by Nicole Maher-Whiteside**

**Members Present:** Nicole Maher-Whiteside, David Little, Lianne Prentice, Robert Abraham, Peg Huddleston, and Becca Boyden

**Members Absent:** Nat Scrimshaw

One correction to the minutes of 3/31/10 meeting. A motion to approve the minutes was made by David, seconded by Becca. APPROVED as corrected

Each person was given 10 minutes to present and discuss their findings on the performance standard categories assigned at the last meeting.

Lianne spoke about agriculture. Most emphasis was placed on protecting natural resources and open spaces, basing development with consideration of agri-soils. References to agriculture were more common in the light industrial and commercial performance standards. Many towns used overlays for prime agricultural land. Developers had additional requirements for soil testing, open spaces, etc. along with the performance standards.

Peg spoke regarding residential performance standards. Residential areas can be almost anywhere, except within industrial areas. This fits into most zones. Cluster housing can be done in agricultural areas where the soils are poor. Few large tracts are available locally.

Bob spoke regarding Industrial, Commercial and Small Business. He and Lianne met with Mark McConkey from Ossipee, who advised that you must have performance standards, and choose what is best for your community. He feels that the best route is to implement a number of standards, then require that at least 7 of them be met, or, if 6 are met, that credit for the 7<sup>th</sup> be received in return for an act of kindness to the community. The Dark Skies initiative was also mentioned, protecting the skies from light pollution from signs. He feels that you need to have an industrial zone designated, but that it can be a floating zone. You could put light industry in non-industrial areas in some situations. He recommended using exemptions instead of variances. If the use-volume changes, the business must still meet the performance standards. He recommended meeting with Kim Koulet from Lakes Region Planning for further advise, and to get the townspeople involved. Activity levels and flow through the property are important, lower standards for lower volume businesses.

Becca mentioned that a change of use mechanism would be needed.

The negatives of performance standards that Mr McConkey spoke of were – overlaid restrictions by the Planning Board, meaning that applicants must meet the performance standards, then the overlay, then the Planning Board site plan review.

David spoke about water performance standards. They can be used to regulate land use impacting water – surface, ground, aquifer, wetlands, vernal pools, buffers and flood plains. Wells and septic systems vs. public water and sewer. See David's handout in the minutes binder. He feels that this seems to work well if there are overlay districts, There are ways to structure the requirements by "distance from" calculations. Aquifer and wellhead protection standards are performance standards.

Becca spoke about cultural and historic performance standards. See handout in minutes binder. Historic covers what is already there vs. new development. If a building isn't in a historic district, it is less likely that anyone will be watching out for changes in it.

Nicole spoke about natural resources. She found a lot of information through the International Finance Corporation. They set up clear, complex steps looking at performance standards in terms of natural resources. They define the responsibility of any project. The pros were – social environmental management, pollution prevention, and biodiversity conservation and sustainability. The cons were that you needed to know what was there – a very complex process involving insects, minerals, soil types, water, for environmental and community impact. The application procedure is complicated, and all assessments are required as part of the application process. The overlay districts are part of this. The three most important things about these performance standards are responsibility, impact, and community involvement.

David mentions that the natural resource inventory is done.

Nicole wants us to be mindful that the application procedure be understandable and simple, and that we can support the process and applicant.

#### GROUP DISCUSSION:

Is this right for Tamworth?

Traditional zoning is an older model. Performance standards are a new tool. Most are hybrids. No "new" creations were noted using just performance standards, most were traditional zoning transforming to hybrid versions.

Nicole sees the application process as complicated and broad. It appears that multiple reviews are necessary, and this could be costly. Zoning districts does not appear to be successful because it is too restrictive. Performance standards will take a lot of work to formulate. She suggests that we tackle industrial only.

David states that he would like to see a process that allows 90% of projects to require no review, and that only exceptions will be treated differently. He feels that it is too late for districts in Tamworth. Mixed use is an advantage here.

Lianne spoke regarding economic development, and referred to the conversation with Mr. McConkey. He noted that very small businesses (1-4 employees), in home businesses with low impact are the businesses that are currently coming to NH. He recommends making your town enticing to these types of projects. Lianne feels that performance standards are the way to go.

Bob wants to be sure that we keep it simple. Get the Town's feedback. If it is done too quickly, it will be rejected. Be constructive with our time, be sure that we make the Town a better place. He feels that we should not rush to get something through on the next warrant.

Nicole feels that performance standards have not been presented to Tamworth. There should be community involvement at every level. This process needs more time to be out explaining to people.

Lianne feels that we are on the right track. Performance standards offer flexibility, they protect landowner rights, and protect what people say they want to protect, while still allowing people to do what they want to do. She suggests small potluck dinners to discuss this topic , and to do more research in order to give it a comprehensive shot.

Becca feels that this is ideal, but not practical. She would like a press release.

David feels we are in the analysis and design phase, and that we need a clear written design before we do outreach.

Lianne feels that you need to focus on the undecided population.

David would like to put our concept on paper.

Peg feels that performance standards zoning is a more fair approach than standard zoning.

Bob has concerns about zoning sprawl.

Nicole finds that the consensus of the group is that performance standards would be the best decision for Tamworth.

A vote is taken to approach performance standards, and APPROVED.

Bob wants to know if this is for industry only, and the consensus of the Board is NO. He feels that the public might be more involved if the meetings were less frequent.

Nicole feels that it is the personal responsibility of each member to be talking to people about what this group is working on.

Bob feels that it is now time to make an announcement to the public about the direction we are taking.

Lianne doesn't feel we are ready for that yet.

David would like us to draft something by May, and go from there.

Bob wants to know what decides the timing for the public hearings. David responds that it can be withdrawn in January. David also stated that you can withdraw or delete a section after the final public hearing, you just can not add to it.

Becca likes the definitions section of the Whitefield ordinances. She would like to move to get something started.

The Process: What would we like to see happen?

Becca – rough out what sections we might do....overlay districts, definitions, table of contents

David – a very high level document....what we agree on, how will it help Tamworth?

Nicole – stream of consciousness

Lianne – review....make a bullet list of reasons why this will benefit Tamworth. Make a "mission statement"

David – List of how performance standards will achieve goals

Becca – list of how to's for next meeting.

Lianne will make a list of questions and forward it to the Board for consideration prior to the April 21 meeting.

Bob asks to clarify the meeting schedule.

April 14 – 7 pm Planning Board workshop regarding Aquifer Protection, then to Cook Library at 8 pm to view the movie "Communities and Consequences"

April 21 – 7 pm – LURC meeting

April 28 – 7pm – Planning Board meeting.

LURC is planning to meet weekly through May, with the exception of the nights that Planning Board is meeting.

Jack Waldron comments on the polarization of the town. He feels that there are two tasks involved with the LURC duties – the technical portion of drafting something, and the communication portion with the community.

Sam Martin recommends doing movie clips and uploading them to YouTube. She offers to record this at the end of each meeting, to let people know what is happening with the committee. People don't trust the Land Use Reg. Committee.

Nicole feels that this process of drafting standards is nothing unless people feel that we are working in the best interest of the Town's people.

Becca would like to use this tool to sum up each meeting. She also asks if each member can bring one new person with them to the next meeting.

Channel 3 community news is also mentioned as a possibility for public outreach. Some from the town office must submit the tape.

David Little distributed copies of the master plan disk to committee members.

Bob made a motion to adjourn at 9:25 pm. Peg seconded. APPROVED