

DRAFT

DURHAM PLANNING BOARD MINUTES WEDNESDAY, AUGUST 25, 2004 TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL 7:00 PM

MEMBERS PRESENT: Stephen Roberts; Richard Kelley; Kevin Webb; Nick Isaak; Arthur Grant; Richard Ozenich

MEMBERS ABSENT: Amanda Merrill; Annmarie Harris; Karen Bishop

OTHERS PRESENT Jim Campbell, Planner; Victoria Parmele, Minute Taker

I. Call to Order

Chair Roberts called the meeting to order.

II. Approval of Agenda

Richard Ozenich MOVED to approve the Agenda. The motion was SECONDED by Kevin Webb, and PASSED unanimously.

III Topics of Discussion for Quarterly Planning Meeting

Integrated Waste Management Committee Discussion

Chair Roberts noted a letter to the Town Council from Tracy Wood, Chair of the Committee, regarding private developments that didn't have public roads, and therefore did not receive curbside recycling. In her letter, Ms. Woodman suggested that perhaps an amendment to the Zoning Ordinance was needed in order to allow recycling for these locations, either through pick up of recyclables, or by providing a central drop off location on a Town road.

Meryl Craig and Diana Carroll, both members of the Committee, spoke before the Board. Ms. Craig explained that a resident of Fitts Farm had complained to the Committee that there was no pickup for recycling, so that residents had to get stickers and go to the transfer station. She said it would be good if these communities could also have curbside recycling, noting this was especially important for elderly residents.

She said the Committee would like to find a way to make this mandatory, if possible.

Chair Roberts suggested that a private sector approach could be used to handle the recyclables, and there was discussion about this approach.

Ms. Craig said the Public Works Department had agreed to pick up from the three communities if residents could find a place on a public road to drop things off, but she said she was not so sure the Department would want to do this for every such development. There was discussion about this.

Mr. Webb said he assumed the Public Works Department could not legally enter on to a private right-of-way. He said that at a bare minimum, the Board should consider this issue when reviewing future subdivision applications where private roads were planned.

There was discussion among Board members that in general it would be preferable if there were no more private roads, which among other things, would address this particular issue.

Mr. Ozenich said he lived on a private road, at Fitts Farm, and currently had to pay to get rid of his recyclables. He noted that in general, elderly people didn't like having to get a sticker and go to the dump.

There was additional discussion among Board members as to whether this was a zoning issue, or one that the Planning Board could handle through the subdivision regulations.

There was discussion as to whether there were existing regulations in Durham that required recycling. Ms. Carroll explained that the Town had decided not to pass an ordinance to this effect, since the large majority of residents already recycled. She said the Town encouraged, supported, and lead the way on recycling efforts, both for year round residents and students.

Mr. Webb received clarification that recycling was available throughout the Town, even on back roads, as long as these were public roads.

Mr. Kelley said he liked the idea of having an approved list of waste handlers for the Town, and said these companies could go through a screening process to assure that a certain level of service would be received.

Ms. Craig said the Integrated Waste Management Committee had intended to work with three communities concerning recycling services – Spruce Wood, Allen Farm, and Fitts Farm.

It was noted that the Allen Farm homeowners' association was not in existence yet, and that although the roads for Spruce Wood were not public at present, they would be.

Mr. Webb suggested that the Committee should put together a preliminary list of companies that handled curbside recyclables.

Mr. Kelley said that screening these companies would also assure residents that recyclables that were removed that were being handled properly, and were not being dumped illegally. Ms. Craig and Ms. Carroll said they would put such a list together.

Chair Roberts and Mr. Campbell agreed, as had been suggested by Board members, that provisions concerning curbside recycling could be made part of the Findings of Fact and Conditions of Approval for subdivision applications, as well as incorporated into condominium declarations/bylaws. Chair Roberts said the idea of an ordinance change would need further study, if there were interest in it.

Mr. Campbell said the Board could also require that going forward, all new roads would be public roads. He noted that the Public Works Department had said that it would prefer this. Chair Roberts agreed that this would be a good idea.

Mr. Campbell said that research should be done to determine other locations in Town where residents lived on private roads, and how these residents' recyclables were presently handled. He said those residences should be targeted for education about recycling options in Durham.

Councilor Grant suggested that for these residences, recyclables could be separated out and put into blue boxes, as a category other than trash, and if the Public Works Department was willing, a truck could pick up those blue boxes. But he said the Public Works Department might not want to get into this business.

Chair Roberts noted this kind of service could run into problems because of road problems in winter, and possible liability issues. He asked Mr. Campbell to research how private pickup was handled by surrounding communities.

Mr. Kelley asked why Durham didn't recycle plastics of higher numbers. Ms. Craig said there was no facility located reasonably close to treat them, but said there should be one that was opening soon. There was discussion about the fact that recycling this kind of plastic was more complicated. Ms. Craig said that ideally, in the long term there would be closed loop recycling, where once a product was discarded, it could be returned to the manufacturer and completely recycled.

Minutes

Mr. Campbell explained that Administrative Assistant Jen Berry had noted that it was confusing to try to follow corrections that Planning Board members made to the draft minutes. He said that Board members should simply list the changes that should be made, by page and paragraph, instead of actually making the changes, so it would be easier to track these changes.

Town Council Feedback on Ordinance Revisions

Board members discussed additional details of their response to the Town Council's feedback concerning the Revised Zoning Ordinance.

Councilor Grant asked if Board members had agreed which districts to allow excavation of sand and gravel in. There was discussion about this, including where there were likely to be sand and gravel deposits in Durham.

Chair Roberts asked what the Master Plan had recommended concerning this, and Mr. Campbell noted that the Master Plan called for the Board to develop a science based sand and gravel ordinance.

Mr. Kelley asked if allowing excavation as a conditional use in the Rural District was sufficient. There was discussion about this. Mr. Campbell said the Town Attorney had said that allowing it in at least one district was considered to be sufficient.

Mr. Kelley said the aquifer overlay district indicated areas that had potential for sand and gravel, but the overlay prohibited excavation of this material.

Mr. Campbell noted that the aquifer protection district did not overlap completely with the Town's sand and gravel deposits.

Councilor Grant noted that sand and gravel excavation had previously been allowed as a conditional use in almost every zoning district. There was discussion about this, and it was agreed that the area where there would be the least impact of an excavation operation would be the Rural District.

Councilor Grant noted that the Council had brought up the issue of a possible formula for calculation of usable area, and said this had not yet been addressed by the Planning Board. There was discussion about this, and Chair Roberts said he would bring in some possible formulas.

Mr. Campbell spoke about provisions concerning the lot area for elderly housing, and said he had asked Mr. Eyerman, the Town's planning consultant for the Zoning Rewrite, about this. Mr. Campbell noted that this was not something the Council had been concerned about.

Chair Roberts noted that the Board could provide the Council not only with its response to Council comments on the Revised Zoning Ordinance, but also could make note of additional items, (such as the issue of the lot area for elderly housing).

Mr. Webb noted that the definition of "somewhat poorly drained soils" said these soils had a slowly pervious layer (not slowly pervious area). There was discussion about this, and whether the word area or layer was appropriate.

Mr. Kelley noted that these definitions came from County Soil Survey information, so were probably appropriate, but suggested they should check on whether the wording was the same. He also asked if the Council's patience was wearing thin concerning the Planning Board's response to the Council's comments on the Zoning Ordinance revisions. Councilor Grant said it was not.

Chair Roberts noted that the Planning Board had not come up with anything especially controversial in its response to the Council, and said it was important to take the time do the job right.

There was continued discussion on the issue of the definition of active/passive recreation for open space. Chair Roberts noted that he had received a proposal from Ms. Merrill on this. He also said Strafford Regional Planning Commission had proposed a definition of what open space could be used for in its new Open Space Conservation/Cluster Development Policies. He provided details on this, and said that in it, the different types of open space were categorized, and different requirements were included for each category.

Mr. Kelley said what had been proposed by this document contained some good ideas for trying to maintain contiguous open space so that adjacent parcels would not contain segmented open space, and instead could be used to create corridors.

There was detailed discussion on Ms. Merrill's recommendations and whether these were reasonable. There was also discussion of what Strafford Regional Planning Commission had recommended concerning the percentage of conservation land that could be used for a recreation related building

Mr. Kelley said some of these recommendations made sense, but said the document in general represented a radical departure.

Mr. Isaak said that the Town was already taking a big step by promoting conservation subdivision with its new regulations, and said that perhaps further regulation wasn't necessary at present.

Mr. Campbell said the conservation approach laid out by the Regional Planning Commission included more detail than simply clustering buildings.

Chair Roberts said Durham could try working with its existing ordinance and regulations for a while to see if they worked, and in the meantime could look at the SRPC document to see if anything applied.

Mr. Kelley said he liked the idea of looking at the SRPC document before finalizing the common open space provisions.

Board members agreed that Ms. Merrill should be present for further discussion on this issue.

Durham Business Park/ORLI

There was discussion on the Powerspan design that had been proposed for the Business Park some years back. Mr. Campbell explained that the application had gone through the site plan review process, was approved, but then the deal had fallen through for various reasons.

Councilor Grant explained that the deal fell through in part because Powerspan said it would not be building on the site for three years. Councilor Grant said the Town didn't want to tie up the property with no income for that long, and also said that when the design for the site came through, it didn't fit the design guidelines that had been established, concerning the architecture of the building. He noted that the site plan was good, and included a conservation area, walkways, etc.

Mr. Campbell said the Planning Board had worked hard on this application. He also said the current recommendation to go to 100 ft wetland setbacks would leave very little land left that could be developed at the Business Park, approximately 100,000 sq ft of buildable area. There was discussion about this among Board members.

Mr. Campbell said the 100 ft. wetland setbacks would severely limit the Business Park parcel for development, and said the Board needed to make a determination about this.

Mr. Isaak asked if a developer might be able to get a variance to allow a 25 ft. setback. Mr. Campbell said that a developer, knowing what he would have to go through at the Planning Board level, and also contemplating having to go before the ZBA, would most likely drop his development proposal.

Chair Roberts asked Mr. Webb what the Conservation Commission would think concerning the wetland setback requirements for the Business Park. Mr. Webb said the Commission would probably want more restrictions for areas in Town that were more significant, such as this land.

Mr. Isaak noted that if one conducted an inventory, there was limited Town land such as this land, which was on the waterfront. He also asked what the Council's perspective was on this land, given the infrastructure investment for the property by the Town and the University.

Councilor Grant said that in 1995, the Council's attitude was that it would abide by the same rules (as Town land) as was enforced on other land in Durham.

Chair Roberts noted that this was a limited size zone in Durham, and instead of having a 100 ft setback, they perhaps should keep the existing buffers.

Mr. Campbell said that would mean the 125 ft. shoreland setback wouldn't be touched, and the stream setback would stay at 75 ft.

Councilor Grant said the Board should propose what it thought the Town should do on this. He said a way to propose this formally would be to include a paragraph in the wetlands overlay provisions that said that the Business Park zone, as a separate zone, would stay with the numbers in the existing table of dimensional controls.

Mr. Campbell said the Board first needed to decide if this was the route it wanted to take.

Mr. Kelley said it could be a good marketing tool to say the dimensional requirements would not be increased for the Business Park.

Councilor Grant suggested that Mr. Campbell should write up the wording for this – and essentially say that the existing table of dimensional requirements for the Business Park zone would remain the same.

Mr. Ozenich suggested that it would be useful to show how the amount of developable area would change if the setback were increased, so the Council could see this.

Discussion on ORLI

Mr. Campbell said that as with the Business Park, the issue here was the impact of increased wetland setbacks on the development potential of this area.

There was discussion about this. Councilor Grant said the ORLI area was of more concern because of the Oyster River. After additional discussion Board members agreed to stay with the recommendations to increase the wetland setback for this area.

Economic Development

Mr. Kelley spoke about Councilor Niman's recent comments before the Planning Board concerning economic development, and the evolving role of the Economic Development Committee. He asked how the Planning Board would work with this committee, and also asked Mr. Campbell to update Board members on the activities of the Committee.

Mr. Campbell said the Committee's first meeting was held the previous Monday, and said among other things, a tour of Pease Development Authority with George Bald was planned for September. He said the Committee had outlined its charge: to market the Business Park and to check the design guidelines for the Business Park to see if they were still appropriate, to develop design guidelines for the Office Research area, and also to look at Smittys and consider economic development ideas for that area of Town.

Mr. Campbell said a goal for the Business Park was to change Durham's image for possible developers of the property and other properties in Town, and said a success story for that site could then be built upon. He described various ways in which the property could be marketed.

Mr. Kelley said perhaps the Planning Board could assist in changing Durham's image, and suggested that if the Committee found a developer who was interested, Planning Board members could meet with the development team to let them know what its priorities and concerns were up front, and could create a working relationship concerning the development of the project.

Mr. Isaak said this would be similar to the preconceptual review that could be done as part of the subdivision review process.

There was discussion among Board members about possible representation needed from the Planning Board for the Economic Development Committee, and it was agreed that Mr. Campbell, already a member of the Committee, was the appropriate liaison.

Chair Roberts said he wanted to be sure the Master Plan was consulted when an economic development proposal came along. There was discussion about the Master Plan and its weight concerning development proposals. Chair Roberts asked if the Economic Development Committee was working closely with the library committee, and there was discussion about this.

Mr. Kelley asked what the last time was that a significant commercial building had been constructed in Durham, and Chair Roberts noted that the hotel project was underway right now.

Councilor Grant said Heidelberg Harris provided a good example of successful economic development in Durham. He said it was a big project, with federal money involved, infrastructure that was put in, and also noted that the project didn't cost the taxpayers a lot of money. He said this was the kind of thing the Town should be doing.

Mr. Campbell said Three Chimneys, Heidelberg Harris, and now the hotel project represented the only significant economic development in the Town over 10-15 years.

Councilor Grant MOVED to adjourn the meeting. The motion was SECONDED by Mr. Ozenich, and PASSED unanimously.

Adjournment at 10:00 pm

Victoria Parmele, Minutes taker