

# **D-R-A-F-T**

**DURHAM PLANNING BOARD**  
**WEDNESDAY, APRIL 26, 2006**  
**TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL**  
**7:00 PM**

**MEMBERS PRESENT:** Chair Kelley; Arthur Grant; Kevin Webb; Stephen Roberts;  
Richard Ozenich

**ALTERNATES PRESENT:** Councilor Carroll; Bill McGowan; Susan Fuller; Lorne Parnell

**MEMBERS ABSENT:** Nick Isaak; Councilor Needell

## **I. Call to Order**

## **II. Approval of Agenda**

Chair Kelley said Councilor Carroll would be filling in for Councilor Needell as Council representative to the Board, and Mr. McGowan would fill in for Mr. Isaak.

*Arthur Grant **MOVED** to approve the Agenda as submitted. Bill McGowan **SECONDED** the motion, and it **PASSED** unanimously 7-0.*

## **III. Report of the Planner**

Chair Kelley said Town Planner Jim Campbell was attending a conference. He then read the report Mr. Campbell had provided. The following were highlights:

- NHDOT recently updated Town staff on the proposed Newmarket Road shoulder widening and intersection improvements. It appears the project will still be scheduled for 2010.
- On May 1<sup>st</sup>, the Economic Development Committee will give the Town Council an update on its progress over the past few years, and will also provide an action plan for 2006.
- Joe Caldarola has submitted a pre-application for Design Review, and the Board will hear a presentation from him at the May 10<sup>th</sup> meeting.
- The Technical Review Committee public hearing for the Wings Your Way application will be held on April 28<sup>th</sup> at noon at the Town Hall.
- The Traffic Safety Committee met with representatives from the University on April 20<sup>th</sup>, and discussed the Main Street project.

## **IV. Public Hearing Presentation** by T.F. Bernier Inc., Concord, on behalf of the University of New Hampshire to subdivide the UNH-owned "Highland House" property located at 86 Bennett Road into two lots. The smaller lot of approximately 3.5 acres, containing the farmhouse and adjacent outbuildings, will be sold. The remaining land will be retained by the University.

Chair Kelley read through the abutters' list and the letter of intent concerning the proposal. ***Steve Roberts MOVED to open the public hearing. Councilor Carroll SECONDED the motion, and it PASSED unanimously 7-0.***

**Bob Carpenter, TF Bernier, Inc.**, outlined the proposal. He said what was proposed was to subdivide a portion of the property in such a way that the existing farmhouse and adjacent outbuildings would be sold with 3.539 acres, while the remaining land, approximately 74 acres, would be retained by the University and continue in its current use.

He said that in considering how to subdivide the property, the Zoning Ordinance was looked at carefully, and said what was proposed was in conformance with the Ordinance. He also noted that the original concept for the site was proposed in November, and explained that based on comments from a number of University committees, some revisions were made to this concept.

The existing driveways would be maintained, and the University would retain the right to use them in common with the new lot being created. He explained that the University had maintained a 300 ft strip of road frontage to the west of the newly created parcel, and about 100 ft. of frontage to the east, as part of the larger parcel, and said in the future, there might be a situation where the existing driveways were not adequate, and another access would be needed for the larger parcel.

He said the 100 ft. strip of frontage afforded the opportunity for a driveway in the future, but said the 300 ft. strip area of frontage to the west was rather steep, so it was not practical to access the property there. Mr. Carpenter discussed the scenic road restrictions for Bennett Road, as they related to the driveway issue.

He described how the smaller lot would be configured, and said the eastern boundary for the smaller lot was determined based on the location of the existing buildings on the original parcel, and the setbacks needed from them. He noted that they then went far enough to the west to get the amount of area required.

He said both properties had existing septic systems, and provided details. He said water was provided by the existing well on the smaller lot, and said another well would probably be drilled for the larger parcel at some point in the future.

Chair Kelley asked if any members of the public wished to speak concerning the proposal.

**Richard Lord, 85 Bennett Road**, said he had lived next door to Highland House since he was 11 years old. He provided details on the history of the house, and said that although it was located outside of the Historic District, it played a key role in Durham's history. He noted that the house unfortunately didn't have the kind of protection it would have if it were located within an historic district.

He noted that the barn had burned down in 1975. He provided pictures of the house in its hey day, explaining that many visitors came to the Highland House over the years, some of them from far away. He explained that the building that had become a dormitory at one time had been

a dance pavilion, and said that unfortunately, several years back the roof of this building had sprung a leak, and the floor had been badly damaged.

Mr. Lord said he understood the economic reality that current times didn't promote guest houses, and that the dream of preserving the building in its original function was therefore unlikely. He said he knew the University had thought hard about this, but there was no way, given its budget, to restore an historic property. He said the University was trying with the deed conveyance to see that the building wasn't torn down, but he asked if there was some way as part of the planning process to encourage a new owner of the property to restore it.

He said he hoped the Planning Board could help with this, and suggested that perhaps the property could maintained as a restaurant or a bed and breakfast, so it could be preserved for years to come. He noted that a good amount of money would be required to achieve this.

**Michelle Scott, 98 Bennett Road**, said that if there were any way to maintain the outside appearance of the building, she would like to see that.

**Beth Olshansky, Packers Falls Road**, said she appreciated the time and care the University had put into drawing up the RFP for the property, noting there were some clear guidelines about preserving the historic architectural character of the building. She suggested that in the subdivision process, the Planning Board should ask that those criteria be written in as conditions of approval, given that this was an historic building. She noted that there was concern that a future owner might tear the building down.

Chair Kelley said this was out of the Planning Board's realm, but said the Board was allowed the opportunity to listen to public concerns, and to respond to the University in writing within 30 days.

Ms. Olshansky said she hoped her request could be conveyed to the University.

Ms. Fuller said it appeared that once the property was conveyed to the purchaser of the property, that person would have to come before the Planning Board, or at least to Mr. Johnson, the Code Enforcement Officer, for a building permit.

Mr. Webb said unfortunately there was nothing in the Ordinance that would preclude that person from taking down the structure.

**Julian Smith 246 Packers Falls Road**, said he was an abutter of the entire Highland House property. He noted that he stayed at Highland House when he first came to Durham, and had spent a lot of time there over the years.

Mr. Smith noted a paragraph in the University's RFP, on page 2, under "Current and Future Improvements to the Structure". He read it out loud, "The main house shall be maintained, and rehabilitated in keeping with its historic architectural character, and shall not be demolished unless the need to do so is demonstrated the University." He asked if the Planning Board knew if

there would be a deed covenant/restriction that made this clear when the property was conveyed to a new owner.

He noted that this property was a gateway to other University land, but said he wondered how serious this statement was. He said he brought this to the attention of the Board so that it might think of some way to encourage the University to be serious about its responsibility to this property.

Mr. Smith explained that Miss Ina Thompson had given the property to the University without charge, when she reached an age and income when she could not make major repairs to the house any longer. He said he had spoken her during this time, and said she was told at that time that the property would be maintained.

He read additional wording from the RFP, including the following: “All proposals submitted shall be deemed approved if at the end of 30 days following receipt of the proposal by the University, no written notice of non-compliance has been issued to the property owner.” He said this last paragraph was the “dead give-away”. He also said there was ongoing demolition by neglect by the University and provided details on this.

He said this mattered to the Planning Board because there was a very good chance that whatever happened to the property would fall into the lap of the Board or the ZBA. He explained some of the limitations on the new property, given the fact that the University property was located next to it, including the driveway usage, the spreading of manure, and the air mapping station. He noted that there could be no indoor or outdoor wood fires at Highland House because of the air mapping station.

Mr. Smith said these things would make it difficult to market the Highland House as a single-family house. He also said he doubted it could become a bed and breakfast, and said he wondered what would happen to it. He said he realized it was not the Planning Board’s charge to wonder about these things, but he asked the Board to keep in mind what would happen to the property down the road. He said perhaps Mr. Carpenter could indicate if there were currently any legitimate plans for the property.

**Karl Van Asselt, 17 Fairchild Drive**, said he was present to speak because as a member of the Town Council, he had recently been involved in discussions on an issue related to the Highland House property. He explained that as part of the proposed Fogg conservation easement proposal, 26 acres of the property were being considered for public access. He said one of the possible accesses to that public access land on the Fogg property was a strip of land that ran along the Highland House property, and provided details on this.

He asked that the Planning Board and the Town Council encourage the University to at least give consideration to public use of the strip of Highland House land, to enable access to the Fogg property.

Mr. Webb asked Mr. Carpenter to clarify what access rights were proposed to be granted between the smaller and larger properties, and if there would be access easements going either way.

Mr. Carpenter said the University ran equipment in and out of the larger property, and therefore felt it needed access over both of the driveways. He said that access would be maintained until or unless a driveway was reconfigured. He said the driveways could be used by the owner of the new lot, and the University was merely maintaining the right to use and maintain both driveways. He also said any improvements to these driveways would have to be done in a way that wouldn't impact access by University equipment.

Mr. Webb asked if the access rights included public access, and Mr. Carpenter said not to his knowledge

Chair Kelley was able to determine that the access easement language between the two properties had not been developed yet.

Mr. Carpenter said this issue was addressed as part of the RFP process. He also said the RFP process had been put forth in a way so that the concerns expressed concerning preservation of the building were taken into consideration. He provided details on the process the University had gone through. He noted how the Zoning Ordinance and the site characteristics limited the type and extent of development on the property, and said this came out in the second round of the RFP process, as interested parties were alerted that they needed to consider this.

Ms. Fuller noted there were "no trespassing" signs at the driveway to Highland House, There was discussion about University policy concerning public access to its properties.

Councilor Carroll said that one of the driveways ran very close to the house. She said that this seemed like an odd place to allow University equipment to run on, given that it was so close to the house, and said this might be an issue for someone thinking of purchasing the property.

Mr. Roberts said the layout for the subdivision showed poor planning, and said the smaller lot that had been created was not really an effective lot, for either commercial or residential purposes. He noted that Miss Thompson had deeded this property, and said what was proposed didn't show respect for that.

He said he didn't see that there would be an effective use for the property unless something changed. He said it seemed that the University was not being very sensitive to this situation, and he questioned the idea of putting two full size houses on a comparatively small lot. He also said the driveway situation should be considered unacceptable for a single-family house. He suggested that perhaps if more land was included in the smaller lot, a future owner could find a rural use for the land. Mr. Roberts said he questioned the University's motivation, other than to sell the property and move on.

Ms. Fuller noted the restriction that no diesel engines could be used on the smaller lot, but said this seemed inconsistent, considering the kind of work the University did on the larger parcel. She also asked for more details concerning the septic systems.

Mr. Carpenter said there were three septic systems, one for the main house, one serving the “dance hall”, and the other one for the solar house. He said the application to NHDES was strictly to obtain subdivision approval, and said no new septic systems were proposed. He said the systems all had designs that NHDES had approved, noting one was constructed in the 1970’s, while the other two were newer. He said test pits had been done recently in accordance with the subdivision regulations, to show that the soils could handle the systems.

Mr. Webb said the site plan indicated that to the east of the main house, there were two overlapping septic areas, and asked if the 5,000 s.f. area was for a potential new septic system.

Mr. Carpenter said it was, which was what the Town’s regulations required. He provided details on the existing septic system in that area, noting that it was a pretty good size, and that it looked like quite a bit of fill was brought in when it was constructed.

Chair Kelley asked how many bedrooms a 5,000 s.f. septic system would support, and there was discussion about this.

Chair Kelley said it looked like one of the driveways crossed Mr. Lord’s parcel near the entrance to the driveway, and asked if there was any easement language in regard to this.

Mr. Carpenter said he hadn’t found an easement language concerning this.

Chair Kelley asked that a comparison be made between the measurement of the property line separating the University’s property and Mr. Lord’s property as indicated on the site plan, and as indicated on Mr. Lord’s deed. There was discussion about this.

Mr. Webb asked if Mr. Carpenter could explain why the gravel driveway to the east of the Highland House hadn’t been retained by the University as part of the larger parcel, so the University wouldn’t have to deal with the easement issues.

Mr. Carpenter explained that this driveway was seen as the main driveway to the house, and also noted that the other driveway was rather steep, so wasn’t used as much. He said the feeling was that the driveway to the east belonged with the house.

**Timothy Horrigan** said his family owned property on Bennett Road, and said the proposal appeared to be somewhat inconsistent with what the owner had in mind when she deeded the property to the University. He asked if the Planning Board had any jurisdiction if the proposal violated the deed. He noted he didn’t know the details of the deed.

He also said he was curious why the University wasn’t selling the whole property. In addition, he said it seemed like the air mapping project could be done someplace else. He also asked what procedures there were to prevent future owners from re-negotiating the terms of the subdivision.

Mr. Ozenich said a UNH alumni, he thought what was proposed was a poor plan. He said it was an embarrassment that the building had been allowed to run down, and the University had then come up with this plan.

***Arthur Grant MOVED to close the public hearing. The motion was SECONDED by Kevin Webb, and PASSED unanimously 7-0.***

Recess 8:25-8:32 pm

Chair Kelley asked if Board members wished to discuss this matter further.

Mr. Roberts suggested that discussion should be postponed so Mr. Campbell could be present to serve as a reference for the Board's comments.

Chair Kelley said he wanted to hear the opinions of Board members, noting he needed to start putting together the letter to the University. He said he would pass the comments on to Mr. Campbell.

Ms. Fuller said it was interesting to hear the conditions in the RFP, and said it would be nice if the University could consider not only restricting future use of the building to what was approved by the University, but also to what the Town approved. She said there was obviously concern by residents about the appearance, use, and even the future existence of the building.

Mr. Ozenich asked Ms. Fuller what kind of marketing would be needed for this property. He noted that among other things, the use of the driveways was a concern.

Mr. Parnell said the people who had spoken at the public hearing had some legitimate concerns that the Board should pass on to the University, including consideration of future owners beyond the person who bought the property from the University. He asked if perhaps a condition could be put on concerning this. But he said he thought the property would still be very difficult to sell.

Mr. McGowan said there would be a financial burden on whoever purchased the property, in order to maintain it.

Councilor Carroll said it appeared that the University was trying to get rid of the property, and said what was proposed didn't seem like a good plan. She also noted she had been told that the "no trespassing" signs had been on the property for about 10 years.

Mr. Grant said he believed the University put such signs on most of its properties as a protection in case there were problems with public access.

Councilor Carroll said she agreed about the historical nature of the building. She said it would be best if it could be preserved, and if in some way its historical aspects could be protected. She said this would be a wonderful thing for the community.

Mr. Roberts repeated the concerns he had previously expressed at the meeting, and added that access to the Fogg Farm from the University's property should be recommended.

Chair Kelley said he shared a lot of the concerns raised by other Board members. He also suggested that the University should provide the Board with any conveyance language used by Miss Thompson.

Mr. Julian Smith said he had done research on the deed, and said there was no limitation on what the University could do with the property. He said Miss Thompson wanted the property to be used for agriculture and forestry, but had put no limitations on the use of the property.

Mr. Webb noted that Miss Thompson's wish was consistent with the University's mission. He said the RFP language should be referenced within any future deeds, and recorded with the deed. He said it must be recognized however that ultimately, those covenants were fairly toothless, given that the University could neglect to respond within 30 days, and that the owner could do what he wanted with the property within the restrictions of the Zoning Ordinance, including demolishing it.

He recommended that the Planning Board request that any time the University sent a proposal for upgrades to the property, that this should also be copied to the Board and the Historic District Commission. He said this would allow future Planning Boards to make sure that University officials responded within 30 days.

There was discussion about this, and about the idea of the University allowing public access across the Highland House property, as well as other properties it owned.

## **V. Discussion of Master Plan Implementation Strategy, Chapter 3.**

Mr. Grant said that at some point, the Board needed to stop reviewing the Master Plan and start taking action on the Board's suggestions for revisions in the current ordinance.

Chair Kelley said he had told Mr. Campbell that the Board wouldn't go beyond Chapter 3 until it had the matrix in its hands.

**GOAL #2: Provide parking areas in the downtown that accommodate the retail and commercial needs, maximize the number of parking spaces, move traffic through efficiently.**

**Objective #1: Develop a parking plan that addresses business needs and the demand for UNH parking.**

### **Recommendations.**

- 1. Inventory existing available parking, types of spaces, transit connections, and the coordination and connections among parking lots.**

There was discussion that such an inventory did not exist.

- 2. Prepare options for parking solutions. This may include a mix of encouraging carpooling, especially for persons going to UNH, more convenient public transportation, and/or providing surface parking and/or parking garages to solve the parking for downtown.**

Councilor Carroll said much of this has been done. She noted that Lot C, across from Mill Plaza, contained parking for students who carpool. She said she had recently attended a transportation meeting at UNH where she heard that UNH bus services were doing very well, with many more students using them to get to campus. She said these buses travel to Newmarket, Dover, etc., and said other routes were planned by September. She noted there were several park-and-rides in the area, including one at the Lee traffic circle.

Councilor Carroll said the more that these transportation alternatives happened, the less need there would be for a parking garage. She also said that recently there appeared to be more parking spaces available downtown.

Mr. Grant noted that parking meter revenues were falling because some of the Town's parking areas were not being used as much as in the past.

There was discussion about this. Mr. Webb said this had happened thanks to the University, but he noted that the main traffic problems were a result of the University.

Chair Kelley said perhaps the Town should do an inventory of the Town Hall parking lot, and how much it was used.

Councilor Carroll noted that residents are allowed to ride the University's shuttle for free. She said this might not help a lot of people in Town, but said it could help some people who lived on Madbury Road, etc. get downtown to stores and back home.

Mr. Roberts said his only complaint was that visitors to the University found it difficult to park anywhere on campus. Other Board members agreed.

Mr. Grant said this was a common problem at colleges and universities, but noted UNH couldn't be a pedestrian campus if there were cars coming and going through the core campus.

- 3. The Town and UNH should work cooperatively to provide parking necessary for a dense downtown and for UNH commuters. UNH should be encouraged to address its parking policies.**

Chair Kelley asked what policies were being referred to in this recommendation.

Mr. Grant thought it referred to the fact that UNH should provide more parking for its own people and said he felt UNH was making progress on this.

**4. The Town should make parking available for commercial uses, while limiting availability for commuter uses.**

Chair Kelley noted that metered parking was typically how this kind of thing was accomplished.

There was discussion about the matter of metered parking in downtown lots and its impact on businesses and inconveniences to the public. Ms. Fuller said she realized allowing more time for parking might create problems with students, but she said the goal should be to make parking more available for commercial uses.

Chair Kelley said that when he had lived in Boston, neighborhood parking permits came to be used more and more, and said residents of these neighborhoods got to the point where they liked this. He suggested that perhaps there could be resident parking stickers, so residents of Durham could park longer.

There was discussion about parking at Mill Plaza, that this was for customers only, and that this was enforced, including for people who parked there and wanted to shop downtown.

Chair Kelley summarized that recommendation #4 had been accomplished to some degree, but not enough.

**OBJECTIVE #2: Study the cost/benefit of a parking garage.**

**OBJECTIVE #3: Redesign and construct the Store-24 parking lot so it is efficient, retains mature trees and shrubs, and screens unsightly dumpsters.**

**Recommendations:**

**1. Implement a similar design for the Store 24 parking lot to the one shown on Figure 3.1, originally in the 1995 Community Development Plan.**

There was agreement that such steps have been taken.

**2. Determine responsibility for keeping dumpster areas cleaned.**

Councilor Carroll said dumpster areas were screened, but were still quite messy. She said she thought the IWMAC should look into this and make some recommendations concerning possibly more frequent pickups, or adding another dumpster.

**3. Adopt an ordinance requiring that all existing and new dumpsters in the CBD be effectively landscaped and screened from view in order to keep trash within the screened area.**

Done

**4. Evaluate the benefits of acquiring this parking lot, which is presently owned by the University.**

Mr. Grant provided details. There was discussion about the swap that had been developed between the University and the Town, where the University receives revenue from parking meters on Strafford Avenue, and the Town has use of the Store 24 parking lot.

Chair Kelley said it sounded like there was a good agreement with the University concerning this recommendation.

**GOAL #3: Create a downtown Durham that has available a wide range of retail and other commercial uses, including the creation of a Professional Office District adjacent to the Central Business District.**

Done

**Objective #1: Encourage business development and expansion for retail and commercial uses to reside in the CBD, on Church Hill, and in Gasoline Alley to prevent sprawl in other parts of town.**

Done in new ordinance.

**Recommendation: Modify zoning regulations to match the objective. See the last goal in the downtown section of this chapter for specifics.**

Done

**OBJECTIVE #2: Perform a cost/benefit study to determine if a second means of access to Mill Plaza would relieve congestion, help with traffic circulation, encourage development of the plaza, and have an economic benefit to the Town.**

**Recommendation: Evaluate and provide a second access to Mill Plaza via one of the following options** *(There may be other possible ways to achieve a second access to the plaza that should also be evaluated)*

Option A: Extension of Church Hill Road

Option B: Two-way access from Main Street in the area of the Grange

There was discussion that there had been debate over the potential options to provide a second access to Mill Plaza over a number of years.

Councilor Carroll said this objective was going nowhere at present. She said there were a number of cars that use Faculty Road to access the Plaza, but said that when the Chesley Drive issue came up, the community came forth and said it didn't want this for a number of good reasons.

Chair Kelley said the status of this recommendation would be presented in the matrix.

**OBJECTIVE #3: Promote mixed-use (apartments/retail/commercial) development to encourage in-fill and increased density and height in the built environment.**

**Recommendations:**

- 1. Expand office/retail space by allowing apartments to be included as a mixed use on the second and third floors of three-story buildings, and on the third and fourth floors of four-story buildings with two floors of commercial space. This plan will provide economic stability due to the income from apartment rentals and will also increase available commercial space.**

Chair Kelley noted that these uses were allowed to have a 4<sup>th</sup> floor, on the north side of Main Street.

- 2. Eliminate commercial and residential use parking requirements in the CBD in order to encourage full commercial development of properties to the street and property lines.**

Mr. Roberts said parking requirements had been waived to a certain degree, and also noted that zero setbacks were allowed.

**OBJECTIVE #4: Create a new zone, Professional Office District, along Madbury Road.**

Chair Kelley said this has been done, and said it would be discussed later concerning the Professional Office District section of Chapter 3.

**GOAL #4 Create a physical and psychological linkage for the Mill Plaza with Main Street and the reset of downtown Durham**

**OBJECTIVE #1: Enhance Memorial Park to improve pedestrian linkage between the downtown and Mill Plaza and to encourage pedestrian safety.**

Done

**OBJECTIVE #2: Consider careful placement of additional crosswalks.**

It was noted that there continue to be a jaywalking problem downtown, despite the crosswalks that have been installed.

Ms. Fuller said the crosswalks were at least more visible now.

Mr. Webb said the problem was with the jaywalkers, not the crosswalks.

**OBJECTIVE #3: Expand the Main Street Enhancement Project from the Summer 1999 to a complete downtown enhancement project. This refers to enhancements throughout the downtown, including Jenkins Court, Pettee Brook Lane, Madbury Road, Mill Road, and Main Street.**

Chair Kelley said this project was in progress.

**OBJECTIVE #4: Create a link from Main Street to the Mill Plaza entrance via an extension of improved sidewalks on both sides of Main Street.**

There was discussion on the fact that the sidewalks had been improved.

**OBJECTIVE #5: Improve Mill Plaza with architecture that most closely resembles the desired townscape, along with better landscaped parking areas and open space. Some examples include improvements to façades and fenestration, compatible roof lines, and scale of buildings.**

There was discussion on how to implement these things in view of the fact that this is a private property.

Chair Kelley said the Plaza parking area doesn't appear to have a capacity problem, and suggested the idea of taking out the first two rows of parking, and constructing a building with a facade on the Mill Pond side that closely followed the architecture of downtown buildings.

Mr. Webb asked what the incentive was to put up such a new building.

Chair Kelley said that allowing apartments upstairs in the building could be an incentive.

Mr. Roberts said he believed a poll had been taken of downtown businesses and what the needs were. He suggested the Board should look into this.

Councilor Carroll suggested that the Durham Business Association could speak to the Board on this, in terms of what was working, what wasn't working, and what the downtown businesses needed from the Board.

Mr. Webb said that would be helpful, and suggested the Board could ask the businesses what could be changed concerning the CBD district to encourage economic development.

**GOAL #5: Improve appearance to make downtown welcoming.**

**OBJECTIVE #1: Encourage private landowners to take advantage of property improvement programs that are available, such as those that might be available through the Durham Business Association and the Durham Main Street Program.**

**OBJECTIVE #2: Improve signage.**

**Recommendations:**

- 1. Develop regulations that are clearer, more business friendly, and result in aesthetically pleasing improvements.**

Chair Kelley said the Board would like to hear whether townspeople thought this had been accomplished.

- 2. Create an informational kiosk to disseminate materials to members of the community as well as visitors to the town.**

Chair Kelley said it wasn't clear how this recommendation fit in with the Objective.

Mr. Grant noted that, as part of the former Main Street Program, there were plans to design such a kiosk but nothing has evolved.

**OBJECTIVE #3: Improve appearance of parking areas in Central Business District through improvements such as landscaping and other design changes.**

**OBJECTIVE #4: Develop mandatory architectural standards**

There was discussion that Nick Isaak is working on this, based on the Town of Meredith's architectural design standards.

Mr. Webb said he supported this, but noted it could be seen as a detriment to economic development.

**Recommendations:**

- 1. If parking is provided, locate it to the side or rear of the building and screen it with landscaping.**
- 2. Develop guidelines to promote desirable massing and scale without restricting style.**
- 3. Screen dumpsters with appropriate structures and landscaping. Develop incentives to upgrade existing dumpsters.**

There was discussion that implementation of these recommendations is progressing.

**GOAL #6: Modify Zoning Regulations to encourage dense building construction in the CBD.**

**OBJECTIVE #1: Improve the regulatory process to support and encourage new construction, expansion, and renovation of business in the CBD.**

**Recommendations:**

**1. Provide more time for staff review of site and building plans, maintain a full complement of staff, and rely on staff reviews.**

There was detailed discussion about this recommendation. Mr. Webb said this was up to the Town Administrator, and if Council was willing to fund additional staff.

Mr. Grant said it also depended on how willing the Board is to accept the technical review process. He said the view of downtown business people is that the Planning Board is a “stick in the mud” concerning review of applications and that business people would prefer many of these matters to be left to the Technical Review Committee. He said this recommendation was saying that staff should review the technical aspect of the application.

Mr. Roberts questioned whether “technical review only” has worked, and Mr. Grant said he and Mr. Roberts agreed that there are valid objections regarding use of the technical review process. He said a downside of full reliance on technical review was that the reviewers did not live in the community, and often did not have a good grasp of various community issues. He said this had caused problems in the past.

Mr. Webb said the reviewers looked at the application from their specific perspectives, and this was their job.

Mr. Roberts said he was on the Board when technical review was done by the Planning Board, and said a sticking point was always the inflexible parking requirements. He said that had changed now, so there might be a different situation.

**2. Eliminate inconsistencies in the Zoning Ordinance and development regulations.**

Board members said this was ongoing, and that a list had been put together concerning these kinds of things.

**3. Reduce restrictions on change in use and streamline the administrative process.**

Mr. Webb noted that this was part of Mr. Campbell’s job, and that as a liaison to the Planning Board, he provided advice to applicants. He said what was talked about here was more of a consultant kind of role.

Mr. Roberts noted that some communities had staff positions where the person was actually an advocate for the applicant.

There was considerable discussion about the difference between an advocate and an adviser. Chair Kelley said Mr. Campbell provided advice to applicants, but was not an advocate. He said he personally felt that this was all that was needed.

Councilor Carroll said the Town Council would soon be hearing about the recommendations of the Economic Development committee. She also said the Council had a potential goal of

encouraging a separate goal, for economic development, and had decided that this was an issue that would be revisited in the future.

Ms. Fuller said this recommendation seemed incongruent with what she had seen so far, and said she found it interesting that it was here.

Chair Kelley said Durham's administrative process was not all that different than other communities. He noted that the public hearing process, which was essentially outside of the administrative process, was sometimes extended, and said the Board could do a better job of keeping that process moving more efficiently.

Mr. Ozenich asked if economic development had mostly been promoted in outlying areas of Durham, not the downtown, and there was discussion about this.

**OBJECTIVE #2: Modify the following Zoning requirements to encourage/require dense development.**

**Recommendations:**

**1. Require two story buildings as minimum.**

Chair Kelley said he didn't think this was in place.

**2. Consider creating maximum setbacks along the street and side property lines in order to keep buildings close to the street and to each other.**

There was discussion on the wording in this recommendation.

**3. Set a maximum building height of three stories for mixed use buildings that have commercial uses on the first story and apartments on the top two floors; however, permit up to four stories (50') when commercial/office uses are on the first two floors and apartments on the top two floors.**

Done

**4. The Town's existing ordinance concerning life safety and building codes are in some instances more restrictive than what is required by State codes (e.g. sprinkler requirements). The Town should research incentives to minimize costs to abide by these requirements, such as tax credits.**

There was discussion that the Board needed to find out more about this.

**5. Eliminate parking requirements in the Central Business District as previously discussed in Goal #3.**

Done

**VI. Other Business**

No old or new business was brought up.

**VII. Approval of Minutes**

March 22, 2006

Page 26, Councilor Carroll said she had voted on this motion, so the motion should read “The motion FAILED 3-4, with...” Also, remove wording “No alternate was officially appointed....”

***Kevin Webb MOVED to approve the March 22, 2006 Minutes as amended. The motion was SECONDED by Arthur Grant, and PASSED unanimously 7-0.***

**VIII. Adjournment**

***Arthur Grant MOVED to adjourn the meeting. The motion was SECONDED by Richard Ozenich, and PASSED unanimously 7-0.***

Adjournment at 9:45 pm

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W. Arthur Grant, Secretary