

This set of minutes was approved at the May 27, 2009 Planning Board meeting

**DURHAM PLANNING BOARD
QUARTERLY PLANNING MEETING
WEDNESDAY, APRIL 15, 2009
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M.**

MEMBERS PRESENT: Chair Bill McGowan; Vice Chair Lorne Parnell; Secretary Susan; Stephen Roberts; Richard Ozenich; Richard Kelley; Councilor Julian Smith; Richard Kelley

ALTERNATES PRESENT: Wayne Lewis

MEMBERS ABSENT: None

I. Call to Order

The meeting was called to order at 7:00 pm

II. Approval of Agenda

Richard Kelley MOVED to approve the Agenda as submitted. Councilor Smith SECONDED the motion, and it PASSED unanimously 7-0.

III. Master Plan Updates – Meet with Michele Gagne, UNH Cooperative Extension, on the Town receiving a technical assistance grant from the Cooperative Extension to help with master plan visioning.

Mr. Campbell explained that the Town had received a grant that would allow Ms. Gagne and Mr. French to work with a Master Plan Advisory Committee, which would have representation from the Planning Board and other Town boards and committees.

Ms. Gagne and Mr. French spoke before the Board, and provided details on the development of the Advisory Committee, which they said would lead the master planning process and bring its results back to the Planning Board. She said the goal was to have a kickoff meeting of the Committee in May, and recommended that the Planning Board come up with names of people to formally ask to serve on the Committee.

Mr. Kelley said he thought it would be appropriate to send a letter to the various Town committees, requesting their participation. He also said that having more than a certain number of members on the Committee would get burdensome.

Mr. French said between 8 and 12 members was a good size.

Ms. Gagne noted that the size of the committee really depended on what the goals were. She recommended letting the various committees know about the master planning process so they could at least start with a big group, and also said it would be good to get an email group started. She suggested that local business groups, human service agencies, and other entities not included on the list she had been provided with should also be part of the process.

Mr. Kelley noted that the application for the grant spoke about an event that would be held.

Ms. Gagne explained that this was the public forum, and said how it would be done and how many forums there would be would depend on what the goals were. She said her sense was that the Advisory Committee would be fairly active for about 9 months.

Mr. Kelley noted the draft RFP the Board had just received for the Master Plan update, and said the scope of work required that the consultant for this work would consult with Ms. Gagne and Mr. French.

Ms. Gagne said they often worked closely with consultants and regional planning commissions. She also noted that one of the things Cooperative Extension did was surveys.

Mr. Roberts explained that he had participated in previous Master Plan updates in Durham. He said a concern now was that there were conflicting expectations in the community, in terms of wanting conservation buffers, viewscapes, etc. as well as economic development. He said these were things that didn't fit neatly on the same page.

He said the Planning Board had taken steps with the last Zoning update to address this, with the conservation subdivision process, but said this was a complex process, and said there had been issues with it. He said a big issue now was to determine where the public was on all of these things, and how to create a vision that fit with data from a survey of residents on these issues. He said this was needed in order to guide the Planning Board in terms of where they were and where they should be going.

Ms. Gagne said the process that Cooperative Extension would be assisting with was designed to get that kind of public input.

Mr. French said the Advisory/steering committee's charge was to coordinate the process, as well as to market it to the public, in order to get the broadest possible community constituency.

Mr. Roberts said it was important to have statistically significant data on the perspectives of the community.

Mr. French and Ms. Gagne explained that there were multiple phases to getting public input, and said they couldn't get all of this from just one or two public forums. Mr.

French said multiple sources of input were needed, including surveys, focus groups, etc., and said triangulation of the various data sources could then be done, to look for common threads. He said the survey was a tool that could be used after the forums, to weigh the public opinions and provide some validity for them.

Mr. Roberts noted that there were a variety of possible conflicts, using as an example that people liked the idea of energy efficient buildings, but some people didn't like the idea of high rise buildings.

Mr. Kelley asked if Ms. Gagne and Mr. French had seen the RFP, which included a task that the Town's consultant work with them. He said the language on this was loose right now, and said perhaps it could be firmed up so the consultant would know what the scope of services was, and what was expected.

Mr. French said they hadn't yet seen the RFP. He noted that if the consultant chosen worked in NH, Cooperative Extension had probably worked with this person.

Mr. Roberts said the consultant who had helped the Town with the original writing of the Master Plan had helped immensely. He said the Town was facing some critical issues right now, and said someone with a breadth of experience was needed.

Mr. Kelley noted that the RFP was due by the end of May, and asked if the consultant would be needed for a possible May kickoff meeting of the Master Plan Advisory Committee.

Ms. Gagne said this wouldn't be critical, explaining that the first meeting was more of an education meeting for people who wanted to be on the Advisory Committee.

There was discussion on the timing of this meeting, leading into the summer months, with Mr. Kelley suggesting that they might get better turnout in September.

Ms. Gagne said they were flexible on this.

Mr. Roberts said his concern was that the consultant should come first in this process, to guide the Board so it didn't miss anything in the process Cooperative Extension would be involved with.

Mr. French said he agreed with Mr. Roberts. He said it would be critical that the consultant be there when the framing was done for the public forums, explaining that there needed to be planning for whatever input the consultant would need.

Ms. Gagne stated again that their schedule was flexible, depending on what timetable the Town wanted.

Mr. Kelley asked of the visioning would only address the areas of the Master Plan that were being revised, and there was discussion that it could be broader than that.

Mr. Parnell asked Ms. Gagne and Mr. French if they had an expectation of what the forum should/would come up with, or if this would be left up to the Advisory Committee.

Mr. French said with most communities, the first public forum addressed the Town's vision, and looked at what was in the last version of the Master Plan concerning this as well as what had changed in terms of the vision. He said Cooperative Extension could help get input on this, but said it was then up to the committee(s) to interpret and use this information.

Mr. Roberts asked for details on the relationship between the Advisory/steering committee and the Planning Board.

Ms. Gagne said she expected that the Steering committee would report to the Planning Board during the process, and the consultant would work with it as well. She also said it would not be a situation where the Steering Committee did all of the work, and said the subcommittees would play key roles in this process.

Mr. Roberts said he favored interaction with the Planning Board, and he asked Ms. Gagne how the master planning process could be structured to promote this.

Ms. Gagne said the Planning Board could work on this with the Steering committee, during the master planning process. There was detailed discussion on this, and how the various committees and Planning Board would work with Cooperative extension and the consultant.

Mr. French said every town was different, and said it was the Steering committee's role to work through this issue, and to make sure there was communication between the various Town boards and committees and the Planning Board.

Mr. Roberts said perhaps they needed to look at the end product, which was guidelines for the Planning Board to implement the Master Plan through the Zoning Ordinance, using good data. He said there had been a three to four year lull because these things hadn't been linked too well.

Mr. French said there was also the potential to do focus groups to get really targeted input, which could feed into the Master Planning process. He also noted that this was a very intensive process for the Steering committee, and should be something that was manageable.

Ms. Gagne said the letter the Planning Board sent to the various boards and committees about the master planning process should include a date for the kickoff date. She said this date was negotiable, and also said they would be glad to look at the RFP for the master plan update..

Chair McGowan said the Board had some work to do, and noted that they shouldn't lose

sight of the timetable.

Mr. Roberts said the previous time the Zoning Rewrite was done, the most time had been spent working with the Council and Code Enforcement on various aspects of it. He said this was how the updates to the Ordinance had been written.

After discussion, the Board agreed that the following boards and committees should be represented on the Advisory/Steering Committee:

Town Council

ZBA

Planning Board

Conservation Commission

HDC

Rental Housing Commission

Energy Committee

EDC

Parks and Recreation Committee

Durham Business Association

Two at large members

There was discussion on the role of staff in this process.

IV. Discussion on the development of a “Continuous Improvement Plan” – Planning Board member Stephen Roberts would like the Board to discuss the creation of a “Continuous Improvement Plan” for the Planning Board, including a “feedback” operating procedure for other Boards and Committees and the Planning Board.

The Board discussed three recommendations Mr. Roberts had developed:

- Develop a Continuous Improvement Plan for the Planning Board, with the goal of continuous update and improvement of the Zoning Ordinance, and the Board’s familiarity with it.

Mr. Robert said he had found one of the most complete definitions of best practices on the US Army website, and he spoke in some detail on this. He then said that despite the fact that there was a great Planning Board and staff, there was only so much they could do. He said he thought the Board should hold some work sessions to target.

His memo recommended as an action item having bi-weekly work sessions at times during the year, which could involve both new items and a periodic re-read and discussion of the Ordinance for the benefit of new members, and to keep it fresh in the minds of older members.

His memo also recommended starting a continuous improvement action list, which should accompany all Planners Reports. Mr. Roberts said the Board should also hire an experienced consultant for the Planning Board, to assist with both Continuous Improvement and the Master Plan updates.

- Negotiate a revised feedback operating procedure for the many special purpose Planning Board groups formed by the Council which operate independently from the Planning Board. He said these groups (Mill Plaza, Energy, EDC, etc. should identify Zoning Ordinance planning issues, and request responses from the Planning board prior to filing their final report.

Mr. Roberts' memo said these issues should be added to the Board's Continuous Improvement action list, and said the Board should try to respond with a position prior to the filing of the final report. He suggested including the Draft Lamprey River Proposed In-stream Flow Report, the Oyster River Dam discussion, as well as the Spruce Hole area water resources issue as items on this list.

Mr. Roberts said there should be surveys for specific Master Plan Update chapters, and said without coordination with the prime survey, needless conflicts might arise between land use, energy, economic development, etc. He noted as an example that optimum energy use was gained from vertical development, but this could conflict with land use, as it had during a recent Madbury Road elderly housing proposal.

- Develop a Strategy for a Master Plan Update: How do we both proceed on an incremental update and add new chapters without conflicts with the existing Master Plan.

Mr. Roberts' memo said the Board could develop action items for the Master Plan update during Continuous Improvement work sessions. He said a key action item was in regard to the need for traffic planning, stating that a vision was needed that updated the current 30-40 year old plan. He said at the time that plan was done, the University housed most of its students on campus, and actively participated with the Planning Board. He said the current traffic analysis model that only covered AM loads was not a plan, or a means to get to a plan.

Mr. Robert said he had found one of the most complete definitions of best practices on the US Army website, and he spoke in some detail on this. He then said that despite the fact that there was a great Planning Board and staff, there was only so much they could do. He said he thought the Board should hold some work sessions to target.

Mr. Kelley said the goal of continuous improvement was great, and said an action list included as part of the Planners' Report would keep these issues in front of the Board. He said they might need outside help to address the issues on the list.

Chair McGowan noted the list of items that the Planning Board had been working with, but said they tended to get sidetracked because of other work they needed to do at meetings. He said a question was whether they could set aside time at meetings to work on these things, or instead had to have some bi-weekly work sessions.

Mr. Roberts said he thought there should be work sessions periodically during the year to devote to this. He said Planning Board members could be assigned the lead on particular issues.

Mr. Campbell agreed that a Board member could follow a particular issue.

Mr. Kelley said there could be an attachment to the Planner's Report with these action items, where work could be assigned to Board members.

Mr. Parnell said he thought there should be some goals and objectives, if there was going to be a continuous improvement plan. He said there needed to be a more serious discussion about how the Planning Board proceeded with this approach.

There was further discussion about the idea of having additional meetings in order to be able to cover more areas. Mr. Campbell said it would be difficult to do this as part of regular Planning Board meetings. He said they could look at upcoming schedules for Planning Board meetings, and said he would include action items in the Planner's Report.

Mr. Campbell said #3 on Mr. Roberts' list was being addressed. He said they should discuss #2, regarding communication between the Board and other committees.

There was detailed discussion about how there could be better feedback between town boards and committees.

Mr. Roberts noted the Jenkins Court proposal. He said there were development projects coming along downtown that were very significant, and said there needed to be some coordination regarding them. He also said there needed to be input from nearby businesses.

Ms. Fuller noted that at the recent Historic District Committee meeting, Councilor Stanhope had spoken about the idea of having architectural standards for the Central Business District. She said she thought the Planning Board would be very interested in this idea.

Mr. Campbell said forming a design consensus was hard to get, but agreed there had to be a discussion on this.

Mr. Roberts noted that developments much larger than Libby's, and the Henderson development were now planned, and said the issues involved could be more intense as time went on.

Ms. Fuller said in some measure the direction on this should come from the Planning Board. She said the EDC was focused on getting its strategic plan done.

Mr. Roberts said the Planning Board needed to say that it was aware that significant

development was coming. Noting the RFP that the Council wanted regarding rezoning the Central Business District, he said this was exactly the kind of thing the Planning Board should be working on.

Mr. Kelley said the Board should meet with the other committees.

Mr. Campbell noted that one of the purposes of the quarterly planning meetings was to meet with other committees on particular issues. But he said the Board might need to issue more direct invitations to committees if it wanted to meet with them.

Chair McGowan said given public notices of meetings, board and committee members had the opportunity to attend each others' meetings. But he said there were often other time commitments.

Mr. Roberts said deliverables should be established. As an example, he noted the Council's questions concerning the present Zoning for the Central Business District, and said this was something that the Planning Board should be charged with looking at.

X. Discussion on Park & Rides – Discussion with Town Engineer, Dave Cedarholm, on the possibility of park & rides in Durham.

Mr. Cedarholm said this concept had grown out of discussion by the Energy Committee, as well as discussions with residents and developers who had traffic needs and concerns. He said the concept also meshed with the Master Plan discussion, and considered how Durham could play a leadership role regionally.

He noting other park and rides facilities in Dover and Epping, but said there were no such facilities between them. He said Durham was located at the crossroads of Route 4, 108, 155A, and 155, and said this provided opportunities, including economic development opportunities. He also said there was a lot of interest in making commuting easier, being more energy efficient, and having less of a carbon footprint.

Mr. Cedarholm noted that UNH was moving forward with sustainable goals, and said it made sense for Durham to fit in with this as much as possible. He said he didn't know if anyone in Town was working with Strafford Regional Planning Commission on this, but said this would help promote discussion on this topic.

He next spoke about the fact that parking was a component of all proposed commercial and residential development in Town. He said UNH felt strongly about the idea of limiting downtown parking in order to promote sustainable transportation goals, and said he agreed with that, but said the reality was that there were Durham residents who had jobs in other places. He said Wildcat Transit was great, but noted that it scaled back during the summer, and was not the full answer for Durham's transit needs.

Mr. Cedarholm also spoke about the fact that downtown development created a desire for short and long term parking. He said any proposed parking there would have to incorporate low impact design components.

He noted that the Town's Churchill Rink parking lot was available to Durham residents for daytime ride sharing, and was currently underutilized. He said it was a relatively small area, and had some wetlands nearby, so couldn't be a regional park and ride. But he said there were a couple of dozen spaces there.

Mr. Cedarholm said the Town was looking into conceptual designs for a parking garage downtown, and also noted that the Town and the owner of Mill Plaza were looking to better utilize Mill Plaza parking.

He recommended that Durham could develop a proactive, sustainable transportation plan, which evaluated long and short term parking needs in Durham. He said the Town needed to have a transportation system that worked for it, while also working with UNH. He said it was also important that Durham participate in the regional transportation plan, in conjunction with area communities, UNH and NHDOT. He said such a plan could be initiated through SRPC or independently.

Mr. Cedarholm spoke about the large ORLI district near Route 4 that was vacant. He said if the park and ride was established, people could park their cars there and then either catch a bus downtown, or perhaps walk or take a bus to a business established in that neighborhood. He said this would mean cars from new economic development wouldn't have to come through Town, and said this was a reason why the ORLI District had been established.

Mr. Kelley spoke about the idea of the park and ride as a way to promote economic development, and asked for an example of where this kind of thing had happened.

Ms. Fuller said the park and ride off of Route 101 was popular, and also noted the bus station and park and ride located together in Dover, which worked really well. She said Coast buses coming to Durham could bring people to the train station, and also suggested that there could be bus service to Concord.

Mr. Kelley suggested that before exploring the use of Technology Drive for a park and ride, they should check with Goss International about using some parking at their site.

Mr. Cedarholm said he agreed, although stating that this location was a little out of the way. But he said there was a lot of opportunity out there, and said it could be a crossroads. He noted that Epping had promoted its location as a crossroads. He said he wasn't sure how this had worked out for Epping economically.

Mr. Roberts asked whether there would be enough parking in Town to support the growth of train travel. He said it currently didn't exist. There was discussion.

Mr. Cedarholm said any plan should include a shuttle system. He noted that UNH had a shuttle system that worked, but said for this to really work for the Town, there would have to be a system that was consistent throughout the year.

Mr. Campbell noted that when runs were added, this cost money, and said UNH was struggling right now to keep what they had. He said it was important to also bring C&J and COAST to the table.

Mr. Cedarholm agreed, and said it was not UNH's responsibility to provide regional transportation.

Mr. Kelley asked Mr. Cedarholm how he thought the ideas he had presented would be accomplished.

Mr. Cedarholm said there could be TE funds from NHDOT to create this type of facility.

Mr. Campbell also noted that the next round of CMAQ funding was coming up.

Mr. Cedarholm said NHDOT was looking for a park and ride location closer to Lee Circle. But he noted that Lee Circle had congestion issues already, so this would create a problem. He said the Sullivan tire lot they had in mind for the park and ride wasn't that big, and had some wetland issues.

Mr. Kelley asked how things were going with the Craig Supply parking lot in Durham, and Mr. Cedarholm said it had done well after the first year, and was now fully leased.

XI. Source Water Protection – Presentation and discussion on the possibility of developing a Source Water Protection Strategy as well as discussing possible amendments to the Zoning Ordinance for the ORLI District.

James Houle represented the Conservation Commission. He said a lot of the concern over this issue had come about as a result of the recent rezoning of that District. He said the Commission had expressed concerns that the rezoning would threaten key areas, especially in regard to drinking water protection.

He noted that a proposed conservation easement brought before the Council at that time reflected the importance of the water resources in that area, but it was dropped, and the Zoning change went ahead without it. He said the Commission was concerned about this, and hoped the Planning Board would initiate discussion on how to better protect these areas; talk to experts, and revise the current Zoning to adequately protect them.

Mr. Houle said one way to possibly do this was through a source water protection overlay, and said this wasn't just an environmental issue, it was an economic issue. He noted that one of the reasons the Town had gotten so much use out of its water treatment systems was that much of the headwaters were well protected so less treatment was needed. He said changing land uses, increasing density, and infringements on buffers would threaten this, and said there would be economic impacts.

He spoke about the trend of an increase in the number of regulated contaminants found in

water supplies, and said as land uses changed, increased water treatment would be needed. He also said local and national entities had identified the area in question as critical habitat. He said UNH and Durham had been investigating these land use/water quality issues for long time, and said he hoped that collectively the Town could mitigate the threats that rezoning posed.

Mr. Kelley asked if the specific water resource protection areas Mr. Houle had in mind had been delineated by the State.

Mr. Cedarholm said the Spruce Hole and Lee Well areas had been classified as GAA by NHDES, which indicated the highest level of protection. He said there was already quite a lot of protection around those aquifers. He said a Source Water Protection Area (SWPA) included a large area, including up to Lee Circle. He said this area extended beyond the Town's aquifer protection overlay district, and said the Town monitored all potential contaminant sources within that source water protection area.

Mr. Roberts asked if a development outside the Town's aquifer protection district would be could be covered under the GAA classification, and Mr. Cedarholm said yes. He said as part of this, there was a list of land uses that weren't allowed.

There was discussion about the percentage of impervious cover that was allowed within the GAA boundary, as compared to within the Town's aquifer protection district.

Mr. Houle said conventional wisdom showed that 250 ft of buffer was needed for adequate protection of 4th water streams. He noted that the Oyster River was also a drinking water source.

There was discussion that there was currently a 125 ft no build zone, based on the Town's shoreland protection overlay.

Mr. Houle said Zoning change for ORLI that had been adopted didn't offer the types of protection the Conservation Commission was working for.

Chair McGowan noted that there were land uses upstream from the ORLI district that the Town couldn't control.

Mr. Houle said this made it even more important that the Town should control what it could. He said that if this initiative moved forward, it would be good to consider all of the critical resources areas, including the other side of the River.

Mr. Kelley asked whether the issue of nutrient loading was critical in terms of drinking water, with such a small stream.

Mr. Houle said a natural ecosystem with a forested buffer should be able to handle natural nutrient loading. But he said the problems came when the land use changed.

Mr. Kelley noted that the Board had seen reports that nitrogen levels for the Oyster River had accelerated, and asked if this was a critical concern, and if so, what could be done about it. He said he attributed some of this to the fact that it was such a low flow river.

Mr. Houle said nitrogen was generally less of a concern than phosphorus, which caused eutrophication of water bodies.

Mr. Roberts said he supported the concept Mr. Houle had outlined. He said the Board should get going on this, and said a proposal should be developed.

Mr. Houle said conservation practices were the least costly approaches, and said if they didn't do this, the Town would be more and more reliant on the water treatment plant, which would require continual upgrading.

Mr. Kelley said the Board should form a subcommittee on this issue, and should address it as it had addressed the timber harvesting issue. He said professionals should be invited to provide their opinions; review the Town's existing aquifer overlay district requirements; consider developing a source water protection district, and/or watershed based zoning districts; and come back to the Planning Board with recommendations.

Richard Kelley MOVED to form a subcommittee and solicit professional input, to investigate the state of our existing Zoning Ordinance, and possible additional ordinances or overlay districts, including a source water protection district, to protect our water supply. Steve Roberts SECONDED the motion.

Mr. Campbell asked for more guidance on forming this committee. After discussion, it was agreed that there should be a town-wide exploration of this issue. It was also determined that there should be two Planning Board members, two Conservation Commission members, himself, Town Engineer Dave Cedarholm, and a University representative on the committee.

Councilor Smith said he was sympathetic to the motion, but asked what they really needed to study this issue. He said there were some pretty solid recommendations in the memo from Councilor Mower. He also noted that there were needed changes to the ORLI district that that members of the Council were told would be made, right before the final vote on expanding the ORLI district. He said these changes had not yet been made.

Mr. Roberts said there needed to be some fresh eyes looking at this, along with the Planning Board.

Mr. Campbell said he would organize the committee, and would also solicit input from water resource professionals.

The motion PASSED unanimously 7-0.

Mr. Kelley asked about the status of the draft stormwater ordinance.

Mr. Cedarholm, said that since the draft MS4 permit had come out, he had shelved the draft storm water ordinance until he got a final determination from EPA about what the permit included. He said he expected to get this final language in the next few months. He said he was also putting together an RFQ for a consultant to address the permit issues, and incorporate some things regarding it in to the Ordinance.

He explained that based on the opinion of the Town attorney, he had combined the authority for storm water regulation with the regulations themselves. But he said after going to the Council with the draft of this approach, and discussing it with consultants for developers, the thought was that it should be split.

He said everything that developers needed to know would be in the site plan regulations. But he said there was still the need for a freestanding ordinance because there were storm water issues not related to development or redevelopment projects, for existing properties, town activities, etc. He noted that the new MS4 permit, which addressed the issue of impaired water bodies in Durham, hit on those kinds of things.

Mr. Kelley asked if the fees would be sufficient to address the permit requirements.

Mr. Cedarholm spoke in some detail on some of the MS4 permit requirements, noting among other things that the Town would need to sample 25% of the outfalls annually. He also said there was specific language about chloride impaired waters, which meant that the Public Works Department would need to monitor road salt throughout the Town, calibrate salt dispensing for very storm event, and provide reports on this to the Town. He said personnel would be needed to do this, and said it couldn't be done within the current Budget.

Councilor Smith asked about monitoring of property owners who used salt, and Mr. Cedarholm said he didn't think the Town would need to monitor this. But he said commercial entities such as Mill Plaza, as well as UNH and the fraternities, would need to record the amount of salt they used.

Mr. Roberts noted that the City of Portsmouth had an impermeable surface driveway tax.

There was discussion that the draft MS4 permit was available online, and that the spring Department of Public Works newsletter would provide a link for this.

Break from 9:02 - 9:13 pm

XII. Review and Discussion on Draft Request for Proposals (RFP) – The Planning Board will review and discuss the draft RFP for the review of the Central Business District Zoning and the RFP for the updates to the 2000 Master Plan.

Chair McGowan asked if there would be two different consultants for these two projects.

Mr. Campbell said he would prefer that there be two consultants. He noted that the Central Business District RFP was simpler than the other one.

Mr. Parnell said it was not clear from the background material in the CBD RFP what the Council was expecting from this.

Mr. Campbell said there had been several discussions on the Central Business District. He noted among other things that Councilor Niman had suggested seeing if there was some way to reconfigure buildings for greater density while creating green space. He said he didn't have time to hash out the issues, and said the Council had asked Administrator Selig to hire someone to oversee this.

Mr. Kelley said there was no purpose or need defined for the approach to the work, so it was not clear what the consultant would be addressing

Councilor Mower suggested that one of the reasons the Council may have asked for this was to consider ways that some of the Zoning for the CBD might be hindering reinvestment there, and also that there might be fewer vacancies if there were better layouts for the apartments, with fewer tenants per unit.

Mr. Roberts said this RFP should be underneath the Master Plan update, on a faster tract, using a Master Plan consultant, with input from the general public. He said an important part of this was finding out where citizens really stood on this, and what the issues of concern were.

Mr. Kelley said it was clear from the Council meeting where this had been discussed that some Councilors saw that the Planning Board slowed things down, and that the CBD issue was on the fast track.

Mr. Roberts said he didn't want to hold the process up, but said he felt some big errors in planning had been made because the Planning Board hadn't been more involved.

Mr. Kelley said the Council was looking for something that hit the streets weeks ago.

Mr. Roberts said the Board should ask Mr. Campbell to get the Master Plan consultant on board now.

Mr. Campbell said the timeline for the Master Plan would be to go through the Master Planning process in the summer, and said that was not the timeline he was being asked to follow for the review of the Central Business District Zoning

There was discussion. Mr. Kelley said the Planning Board needed to have a consultant on hand for situations like this, with an on-call contract. But he said they didn't have that luxury right now, because this situation was right in front of them.

He said Mr. Roberts had made a valid point, but said perhaps they should focus on what was in front of them.

Mr. Roberts said it was completely insufficient. He said there was this issue and the design guideline issue, and said the Board didn't need to take forever on either one of them.

Mr. Kelley suggested that Councilor Smith could tell the Council of the Board's concerns that the cart was being put before the horse, where a consultant was being asked to review the Zoning, and then there would be a Master Plan update by another consultant, which would deal with one of the chapters that related to the CBD.

Mr. Campbell explained that he was being asked to provide the RFPs to the Council on Monday. But he suggested that perhaps the Board would like to discuss them with the Council.

Mr. Roberts said he agreed with what the Council was trying to do regarding the Central Business District. But he said he didn't see why this couldn't be done relatively quickly as part of updating the Master Plan, using a consultant, although perhaps not as part of the process with Cooperative Extension right now.

Mr. Kelley said he didn't disagree with Mr. Roberts, and said perhaps this perspective could be conveyed to the Council. But he said at the same time, the Board could specifically address some concerns about the RFP itself.

Ms. Fuller said if the Board didn't do this, the Council would be left to flub it up.

Mr. Kelley provided detailed recommendations on how the RFP could be improved. He noted that the biggest issue was that the RFP should make it clear what the consultant was being asked to address.

Mr. Kelley said whatever was produced as part of the RFP, it had to be the Planning Board or the Council that brought the Zoning changes out. He asked Mr. Campbell if his thinking was that the Planning Board would present these changes, and Mr. Campbell said absolutely.

Mr. Roberts said proposed Zoning amendments should be presented to the Planning Board and the Zoning Rewrite Committee; the Planning Board should then have a public hearing; and the amendments should then go to the Council for a public hearing. He said this was the normal procedure, and said the amendments might then be revised by the Planning Board based on the comments that were received.

Mr. Kelley provided additional details on ways the RFP could be clarified, and also recommended that the RFP describe what should be in the Executive Summary.

There was further discussion on the need for more explanation in the RFP of what the consultant was being asked to address.

Mr. Kelley recommended having an addendum with more specifics that could be provided to those who responded to the RFP.

Mr. Lewis suggested that under XV, Proposal Evaluation and Selection, the prioritization of the criteria in A through E should be spelled out.

Mr. Kelly said he preferred to stay flexible on this.

Councilor Smith asked if the RFP's would be in Council packets for their meeting the following Monday, and Mr. Campbell said yes

There was then discussion on the Master Plan RFP.

Mr. Kelley said he thought Ms. Gagne should read Task 1 and think about what she was looking for from the consultant. He said if he were someone who was bidding on this, he would want to know what his responsibilities would be in this area.

Mr. Roberts said he thought the CBD update should be combined with the update of the Downtown and Community Core chapter of the Master Plan.

Mr. Kelley asked why the Transportation chapter was not on the list of Master Plan chapters to be updated right now.

Mr. Campbell said that chapter would be updated, and could be included in the RFP, but he said he wasn't sure the Town would be able to pay for it. He said he would be happy to add in all the chapters and see what they got back, but said that might mean the RFP would have to be resubmitted.

Mr. Kelley said a review of previous plans should be included as part of Task 2. He also said Public participation was a task, and should be called that, and said the role of Cooperative Extension in this process should be mentioned.

There was discussion regarding item #6 under Task 2 of the RFP, regarding a review of the current land use map and analyzing existing and future land use patterns. Mr. Roberts said out of the work to be done, there should be a build-out analysis based on an updated Zoning Ordinance. He said this was an important outcome of the whole process, and said it had been a major shortcoming of the previous Master Plan update.

Mr. Kelley asked how many presentations consultants were to assume they would be making to Town boards and committees. He suggesting providing a number on this, and asking the price for additional meetings, to make this very clear to consultants. He said in this way, there would be more uniformity in the RFPs.

Mr. Campbell said he could incorporate some of the recommended changes into the RFP, and could also express to the Council the concerns about the process that the Planning Board had expressed, and that it still needed to be tweaked.

Mr. Roberts said there needed to be more input from the Planning Board, and also said the RFP needed to be coordinated with UNH.

Councilor Smith said he didn't think the Board should give the Council a draft of the RFP to revise. He said Mr. Campbell should say he had met with the Planning Board; there had been extensive discussion; and some Board members were still uneasy with the

process.

He said the Central Business District RFP was an end run around the Planning Board. He also noted the fact that it was difficult to get an alternate Council representative to serve on the Planning Board.

Mr. Campbell said he would put the Council Communication together, stating what he had done, and what the Planning Board had discussed, including the fact that it was uneasy with the idea of working on the Zoning for the CBD before doing the Master Plan update.

Councilor Smith recommended working on the Council Communication, and not putting the work into the RFPs.

Mr. Kelley said his recommendation was that the RFPs should be ready for the Council meeting, with the caveat that the Planning Board felt the cart was coming before the horse.

Mr. Roberts said the RFPs should be marked up and forwarded on to the Council, with notes that they had been reviewed but not approved by the Planning Board, and that the Board had recommended against moving forward without further coordination and rewrite.

Mr. Kelley suggested that they be ready for Monday, and that Mr. Campbell say this was a work in progress.

Chair McGowan said the RFPs would get things going, and said perhaps they were enough to go with now if the Council wanted to move ahead.

Mr. Kelley said this was an important step which would dictate whether consultants would respond or not, and how they would respond.

Mr. Parnell said that despite Mr. Roberts' comments, he thought the Central Business District RFP was for a minor project, and said he didn't see why it couldn't be presented to the Council with some adjustments. Concerning the Master Plan RFP, he said it should be provided to the Council, but with a very strong statement that the Planning Board didn't think it was ready to go out.

Councilor Robin Mower asked if she could get clarification as to whether the Council had directed Mr. Campbell that these two RFP's should be pulled together.

Councilor Smith said there had been no vote on this by the Council.

Councilor Mower received clarification that traffic issues in the downtown area would be looked at as part of the update of the Downtown Community Core chapter of the Master Plan.

XIII. Discussion on Design Guidelines – The Board will discuss whether there is a desire to create Design Guidelines for the Town of Durham.

Chair McGowan asked if there was such a desire on the part of the Planning Board.

Mr. Roberts said yes, and suggested that the Board should review the guidelines Nick Isaak had developed a few years back.

Mr. Campbell said based on guidance provided by the Planning Board's attorney, the Board needed to decide if it wanted to have architectural guidelines or standards. He said his preference was that there be guidelines, not regulations.

Ms. Fuller said at the request of Councilor Stanhope, Mr. Isaak was bringing the draft on architectural guidelines/standards back to the HDC. She said her sense was that if the HDC decided to go forward with them, Councilor Stanhope would take this back to the Council, and might or might not include the Planning Board. She also said the HDC was going to discuss extending the Historic District down into the Church Hill or the Central Business District.

Mr. Roberts said there were two new buildings proposed downtown, and said if they went up, it was all over in terms of the scale of development there. He said if the conditional use applied for a particular proposal, the Board would have the power to guide development that didn't hurt the neighborhood.

Chair McGowan said a question was what the immediate neighborhood actually was in terms of architecture, noting that there were some UNH buildings nearby. He said there should be a discussion on whether the Town wanted a uniform look downtown, and said he thought this involved more than a discussion on design guidelines. He asked what the next step should be.

Mr. Kelley said he saw architectural standards/guidelines as one area that it made sense to work on. He noted that there were already some other design standards in the Zoning Ordinance for the various districts.

Mr. Campbell noted that allowing a building height over 30 ft for the new proposals was up to the Planning Board.

Mr. Roberts said the Town Council was saying it needed to have 3 ½ floors downtown, but said it was a matter of doing it in a way that was attractive.

Mr. Campbell said it sounded like the Planning Board was interested in architectural guidelines/standards specifically for the Central Business District.

Chair McGowan asked if there was enough control over architecture with the conditional use process, for those projects that qualified for this.

Mr. Roberts said he thought there was enough control.

Chair McGowan asked whether the Board thought it would be able to come to a consensus on the guidelines.

Mr. Roberts said that given the ideas concerning the development of a building for the UNH Business School downtown, he thought they should push forward with architectural guidelines/standards. He asked Mr. Campbell what he thought about this.

Mr. Campbell said he got the sense that people were concerned about this issue in general, not just concerning one project.

Mr. Parnell said there was a hodgepodge of design downtown, and also said he was not convinced that doing architectural guidelines would be a good use of the Board's time. But he said he would like to hear what Nick Isaak had to say.

Councilor Mower said in addition to architectural guidelines, there were design approaches that encouraged pedestrian use that could be considered. She provided some details on this, describing some approaches used in Burlington, Vermont and Hanover, NH.

Mr. Campbell said he would add this to the list of items for the Board to work on.

XIV. Other Business

- A. Old Business:
- B. New Business:
- C. Next meeting of the Board: **April 29, 2009**

XV. Adjournment

Mr. Ozenich asked if a moratorium could be put on the ORLI zone until changes were made to the Zoning Ordinance for that district. He said an alternative was to get rid of ORLI and revert back to the RB district.

Mr. Campbell said the Planning Board could always propose this, and said he would prefer to see a proposal for a Zoning change rather than a moratorium.

Mr. Ozenich said it took time for a subcommittee to do its work, and said meanwhile, a development could come in.

Chair McGowan said there were some protections in place for the ORLI district.

Mr. Ozenich said this was an important issue, and said the Board should be listening to the people who brought it up.

Councilor Mower asked whether, if a Zoning change was in the works, it would apply.

Mr. Campbell said the more restrictive requirement would apply.

Richard Ozenich MOVED to adjourn the meeting. Steve Roberts SECONDED the motion, and it PASSED unanimously 7-0.

Adjournment at 10:50 pm

Victoria Parmele, Minutes taker