

These minutes were approved at the January 12, 2011 meeting.

**Durham Planning Board
Wednesday November 17, 2010
Durham Town Hall - Council Chambers
7:00P.M.
MINUTES**

MEMBERS PRESENT: Chair Lorne Parnell; Secretary Susan Fuller; Richard Ozenich; Town Council representative Julian Smith; alternate Wayne Lewis; alternate Andrew Corrow

MEMBERS ABSENT: Vice Chair Peter Wolfe; Richard Kelley; Bill McGowan; Town Council representative Bill Cote

I. Call to Order

Chair Parnell called the meeting to order at 7:09 pm. He appointed Mr. Lewis in place of Mr. Kelley, and Mr. Corrow in place of Mr. McGowan.

II. Approval of Agenda

Susan Fuller MOVED to approve the Agenda. Richard Ozenich SECONDED the motion, and it PASSED unanimously 6-0.

III. Planners Report

Mr. Campbell noted that he had forwarded an email to the Board which included Minutes from the Conservation Commission's meeting the previous week. He said there were a number of things on it that were key to the Planning Board, including a review of the Farrell conservation subdivision proposal on Mill Road; a preliminary review of the Capstone project; discussion on the Master Plan Advisory Committee; and funding opportunities, using money from the Land Use Change Tax fund.

He said one of the funding opportunities was to hire a hydrogeologist to review the draft of the recently updated aquifer protect overlay ordinance, and another was to review the provisions in the Zoning Ordinance on the calculation of usable area that the Planning Board had sent to the Conservation Commission for review.

He said the Commission had also reviewed some wetland applications, and said some of these would come to the Planning Board eventually.

Councilor Smith suggested that these matters could be discussed under Old Business.

Mr. Campbell noted that there had been an RFP for the Grange building, and said one proposal was received by the deadline, from Peter Murphy.

Councilor Smith said the Planning Board would be kept updated on where this was going.

He also said there were some issues regarding parking and wetlands for the Library project, and said the Planning Board should discuss this at some point.

Mr. Campbell said the Master Plan Advisory committee had met the previous evening, and also said the Master Plan subcommittee that was working on the survey of residents had met. He said if the Planning Board had any questions they would like to see on the survey, they would have the opportunity to discuss this at the Board's first meeting in December. He noted that this survey was a big part of the Master Plan process, and would eventually come to the Planning Board for approval. He said he hoped to have a draft survey to the Board for its approval at the January 12th meeting.

Mr. Campbell said December 28th was the new date for the Master Plan Visioning forum, which would be held at the Middle School. He said the snow date was December 29th.

IV. Discussion on Zoning Ordinance "Quick Fixes"

Planner Beth Della Valle joined the Planning Board at the table, and provided a brief summary. She noted that the previous fall, the B. Dennis team had helped the Town create a Strategic Plan for Durham's commercial core. She said the focus of her work right now was helping the Town prepare modifications to the Zoning Ordinance as part of implementing the Strategic Plan.

She noted that the Strategic Plan had recommended that the Town adopt form based codes, as the best mechanism to achieve the plan, but said while the Town decided whether it wanted to go down that path, she would help the Planning Board develop some alternative "quick fixes" to the Zoning Ordinance. She noted that some of them were controversial, so might not be quick.

She said this effort had been broken up into 3 groups, and said the first group would be addressed that evening. She said this group included the following regulations:

- Definition of mixed use and review of conditional uses
- Definition of retail stores more than 20,000 sf
- Height standards
- Standards in retail and commercial districts
- Mixed use parking standards

Ms. Della Valle explained that after getting input from the Planning Board on these items, she would prepare draft language, and would then review this with the Board at a subsequent meeting. She said once the Board was satisfied that the revisions reflected what it wanted to bring forward to the public, there would be a public hearing, and then some possible revisions.

She said when this process at the Planning Board level was complete for Group 1, the

recommended changes would then go on to the Town Council. She said she would then meet with the Council, and after having a public hearing and doing possible revisions, the Zoning changes would be voted on by the Council.

Ms. Della Valle said that as one group of items was moved to the Council, she would work with the Council but would also be working with the Planning Board on the next group of items. She said she would also be in regular contact with Mr. Campbell to test some things with him so he could provide direction. She said she would also stay informed on things going on in the community that might affect her work.

Chair Parnell confirmed that the commercial core included the Central Business district as well as the Professional Office, Church Hill, Coes Corner, and Courthouse districts.

Ms. Della Valle said B-3 of the Charrette report showed the area of the community that they would be looking at. She said some Zoning changes might apply across the board, and some might pertain to a particular district. She said there also might be changes to districts proposed, as well as some possible overlays.

Chair Parnell asked where these recommended quick fixes had come from, and Ms. Della Valle said they reflected feedback from the community as well as suggestions from the consultants in response to what they had heard from the community.

Definition of Mixed Use

Ms. Della Valle reviewed the current definition in the Ordinance and noted that it was very precise. She said the intent in most cases was to preserve first floor for nonresidential uses, and retail for the most part. She said the idea was to preserve activity on the street so there were opportunities for interaction that was lively but didn't push the public away.

She noted that when trying to think of a Zoning Ordinance helping to implement a plan, it was important to consider what kind of market forces were in play, and not just regulatory issues. She told Board members she had spoken recently with Matt Crape, who had recently built a new mixed use structure downtown, about his experience with the planning and review process he had gone through, and the product he had created. She said she had heard clearly from him that there was currently limited demand for new retail space, and he was having a difficult time trying to rent it.

Ms. Della Valle said what this suggested was that until there was a larger critical mass of people to shop downtown, it would be difficult to fill vacancies. She said if that was the case, it would discourage new investment in the downtown.

She said her team's work in the charrette suggested that a more refined definition of mixed use might be in order. She said it might not be necessary to require that an entire first floor be restricted for retail use. She said to maintain activity on the street, it was important to have retail uses on the street frontage.

She said the proposal in the charrette report was to cut back on this requirement and potentially require that 50% of the first floor would be retail or the requirement could be more responsive depending on the size of the building, to really make it clear that the Town wanted to have retail along the street face.

Councilor Smith said Mr. Crape not only had frontage on Jenkins Court, but also had a passageway on the side and very significant access to a large parking lot. He said this property therefore might not be a good example of a location where some residential uses should be permitted on the first floor. He also said he hoped Mr. Crape would find some tenants soon. And said it was a beautiful location.

Ms. Della Valle made note of this.

Mr. Campbell said historic overlays took this kind of thing into account, where the key thing that was considered was what was visible from the public way.

Ms. Della Valle noted that if the Ordinance allowed some residential uses in portions of a building that didn't front on public space, a developer might be able to accommodate handicap access there without an elevator. She asked Board members it was really necessary that the first floor spaces not fronting on the street had to be restricted to retail, office and other nonresidential uses. She also asked if visibility was the issue Councilor Smith was addressing.

Councilor Smith said he was addressing the visibility issue but also access issues.

Ms. Fuller said the idea Ms. De La Valle had proposed was a good one. She also noted that historically, there had been an access way on what was now Mr. Crape's property.

Mr. Ozenich noted that with the Henderson application, this issue of possibly allowing residential on the first floor had come up. He said something that came out at that time was that the Board didn't think residential and commercial uses would work together on the same floor.

Ms. Fuller said handicap apartments were difficult to come upon, and said a developer might find the idea of being able to put one on the first floor was attractive, in part because it would allow financing of a building when this otherwise couldn't be done.

Mr. Campbell noted that with the Kostis development proposal on Pettee Brook Lane, the applicants got a variance to allow a handicap accessible residence on the first floor.

Chair Parnell noted that this residence was not restricted to being occupied only by a handicapped resident.

There was discussion on the issue of affordable housing downtown. Mr. Ozenich said he didn't see it as a viable option downtown, and Mr. Campbell said it wasn't viable without

density bonuses.

Councilor Smith suggested that if someone put a restaurant on the first floor and wanted to attract a good cook or permanent wait staff, it would be good to be able to provide these employees with subsidized housing in the building. He said this approach could provide some wonderful opportunities, although it would not be required.

Mr. Ozenich said it all came down to money.

Ms. Della Valle said she was hearing some willingness and flexibility on this possible Zoning change from the Board, but was also hearing some concerns that would need to be addressed at the same time.

Chair Parnell said the Crape building had been open for less than six months, so it was a bit premature to say that commercial businesses weren't available. He also said there was only a limited amount of retail that students would support. He said he wasn't sure the Board needed to encourage more residential at the expense of retail. He said if retail did come in, it would change the character of the downtown.

Ms. Fuller said perhaps they could control the type of housing that came in.

Councilor Smith said he didn't fear having some limited residential use of some ground floor spaces, as long as this didn't interfere with attracting business on the ground floor along the street and along passageways. He said market forces would eventually drive out the residential uses there.

Mr. Campbell noted that Dick Gsottschneider had built his building in Durham to meet office codes, so even though he had students living there now, the space could easily be converted to an office space if the demand was there.

Mr. Ozenich said he had observed port cities like Portsmouth that were now upscale, but said none of them sold anything with any practical value. He said Houghton Hardware had been a really practical business in Town, and Councilor Smith agreed. Mr. Ozenich asked how to attract that kind of business, and Councilor Smith said it would be nice if something like Houghton's could move in. Councilor Smith also noted that there used to be a men's clothing store on Main Street.

Ms. Della Valle noted that the recommendation about modifying how the first floor was treated had come out of the charrette report, and said it suggested there could be some flexibility with this, while still being very true to the requirements of keeping retail where there was pedestrian movement. She said how one created that, and how much there was, was the art of the matter. She said she was trying to get a sense of how interested Planning Board members were in building in that flexibility. Councilor Smith said he was interested.

Mr. Ozenich said they had to have it. He also asked which came first, the buildings or the

parking lots. He said with big buildings downtown, there would be no place to park.

There was discussion on parking available downtown, with Mr. Campbell stating that a recent parking report indicated that there was parking available. He said some surveys done of Main Street, Pettee Brook Lane and the parking lot, Madbury Road and the Tedeschi lot indicated that there wasn't one time when the spaces were 100% full.

There was discussion on this.

Review Conditional Uses

Ms. Della Valle noted that there were a large number of conditional uses in the Zoning Ordinance, with many distinctions made between them, which she said made it difficult to create a lively commercial core. She also noted that there were variations on mixed uses, but all of them were conditional in the Town's commercial zones, when from a broader planning perspective, these uses seemed quite appropriate for a commercial district.

She said this was all complicated by the fact that the Ordinance said the purpose and intent of the Conditional Use process was to allow uses that were normally not permitted. She said with a requirement of at least 5 of 7 votes by the Planning Board to approve a conditional use, the Ordinance might be creating barriers to development of these and other compatible uses.

She asked Board members if they were interested in paring down the list of conditional uses, with some being reclassified as permitted uses in some retail/commercial zones.

Councilor Smith said he would like the Planning Board to make some conditional uses into permitted uses, but would like to keep the super majority requirement for granting a conditional use. He said he thought it would be much easier to sell the idea to the Council this way.

Mr. Ozenich said he didn't think the Council would like it if the Planning Board drew back on the number of conditional uses.

There was discussion.

Chair Parnell noted that a site plan application was usually done at the same time that a conditional use application was done for a project. He said he didn't think the Board intentionally slowed things down because of the conditional use aspect.

Mr. Campbell said that hadn't always been the case, and said it depended on the particular Planning Board.

Ms. Della Valle said it sounded like the Board wanted the super majority to stay, but was interested in reviewing the list of conditional uses and possibly shifting some from

conditional use to permitted use in some districts where it appeared that the use would be compatible with the purpose and intent of the district, and with some new standards that would alleviate concerns.

Mr. Ozenich said he recalled that there had been more conditional uses at one time.

Mr. Campbell also noted that a conditional use application used to go to the Town Council for approval after it went to the Planning Board. He said he thought it made sense to take a look at the list of conditional uses. He said he thought there would not be an argument about changing some of the conditional uses to permitted uses.

Councilor Smith asked if there was anyone who wanted to defend all of the conditional uses.

Mr. Ozenich asked how going to a form based code would affect conditional uses.

Ms. Della Valle said that with a form based code, there would be some focus on use, but there would be a greater focus on the form that the use took. She explained the design of a project would very often alleviate the concerns that cause one to want to have a conditional use review.

She said the better the Planning Board was at shaping the standards with a conventional code, or at shaping the form with a form based code, the less concern there needed to be about some uses. She said if a concern was late hours of operation, or possible issues of vandalism, these kinds of things could be taken care of with either a form based code or with standards.

Councilor Smith asked if a form based code would be stronger in terms of design standards.

Ms. Della Valle said a form based code would in fact be stronger regarding design standards, and said there would also be an illustrative plan in place. She said a form based code and a regulating plan would say that there were particular locations where it was more important to have a significant visual presence. She said allowing an additional story could make sense on a building in such a location, for example at a terminated vista where the building was at the end of a street. She said more treatment of the façade of such a building would make it look a bit more special.

She explained that it was hard to get that kind of specificity with a conventional code, and noted that doing urban design like this on a case by case basis put an incredible burden on the Planning Board. She said with a form based code, everyone would know up front what they were trying to achieve because it was in the code. She said the amount of interpretation needed would be greatly reduced, the development community would know exactly what the Town was looking for, and the review was much more black and white for the reviewers.

Ms. Della Valle summarized that she would come back to the Board with some very specific suggestions regarding the conditional use list. She said it was understood that the Board might not agree with the conditional use list she came up with.

Chair Parnell said he didn't think going line by line right now would be useful, and agreed with the approach Ms. Della Valle had suggested.

Definition of Retail Store for more than 20,000 sf

Ms. Della Valle said she understood that the Town wanted development that was of a compatible scale downtown, and from a practical perspective, also wanted to get some practical retail like a hardware store, a clothing store, etc. She said they clearly didn't want large box stores downtown, but said allowing no more than 20,000 sf, with no flexibility to expand beyond that, could limit the possibility of the Town having some interesting businesses.

She said the regulatory side was one piece of what had to be considered in encouraging retail business downtown. She said another was programmatic changes that could be made, such as a promotional effort like a buy local campaign. She provided details on how this had been done very successfully in Portland, Maine over the past 5-6 years. She said local businesses had embraced the concept of buying their goods and services from other local businesses, and had found that in a lot of cases, they were getting comparable prices and reciprocal business.

Ms. Della Valle said the Charrette report recommended providing a mechanism to exceed the 20,000 sf limitation under conditions that reflected the Strategic Plan. She said it wasn't that a 25,000 sf building was necessarily bad, and said the issue was what form it took. She noted that Walmart was now looking at putting in smaller stores because they wanted to locate in urban areas, and said the smaller models were either 15,000 sf or 30,000 sf. She spoke in some detail on this.

She asked the Planning Board if it was willing to qualify the 20,000 sf size restriction if an applicant could demonstrate compliance with the Strategic Plan. She said if so, they would have to determine the key factors that would have to be respected in such a situation, if there should be an upper limit of the size expansion, and if so, what the appropriate limit would be.

There was discussion that Durham Market Place was 17,000 sf, and Rite Aid was a bit smaller, with Mr. Campbell noting that both businesses would like to be bigger.

Chair Parnell said presumably if Durham Market Place was going to expand, it would do so by more than 3,000 sf.

Councilor Smith said the only place in the commercial zones where it was likely that something larger would be built was at the Town Hall site, or at Coes Corner, which would catch a lot of traffic. He also said he thought there could be an upper limit or no

upper limit, as long as there was conditional use.

Chair Parnell agreed that perhaps a building could be larger, but said conditional use would need to apply.

Mr. Ozenich said it would depend on the use too. He said if it was a grocery store, it would be on one floor.

Councilor Smith said there were some grocery stores that had more than one level. He noted that every time there was discussion about selling the Town Hall site, the specter of a big box store like Walmart coming in had been raised. He said he didn't think this was a legitimate fear unless a grocery store and drug store was put in, which would be in direct competition with Mill Plaza.

Mr. Campbell said Walmart wouldn't move to Durham, but Chair Parnell said Walgreens might.

Mr. Campbell described the approach that had been used elsewhere of a 30,000 sf building that actually looked like 3 different buildings from the street because of the way it was designed.

Ms. Della Valle also said the square footage could be put on multiple floors, although noting that the trend had been away from this in recent years.

Ms. Fuller described a great 3-4 story building in Arizona that including gift shops, restaurants, etc, and Mr. Ozenich said Northhampton, MA had a number of buildings like this, with multiple floors.

Ms. Della Valle summarized that the Board was ok with the idea that she would investigate some possible options.

Height Standards

Ms. Della Valle noted that currently, the height limit was 30 ft in the CB, PO, CH, Courthouse and Coe's Corner districts unless the Planning Board granted approval to exceed this, in which case it could be expanded to 50 ft in the CB and PO districts, and 35 ft in the CH, Courthouse and Coe's Corner districts.

She also said the maximum height of mixed use buildings that provided both residential and nonresidential space was allowed to expand to 4 stories, except on Main Street, if the first 2 floors contained nonresidential uses. She said the Strategic Plan called for allowing 4 and 5 story structures, and specifically suggested modification of the standard for mixed use structures.

She provided details on the rationale for this, and said when and where taller buildings were best located would require greater study and would be best reflected in a regulating

plan and a form based code. She said perhaps there could be a regulating plan without the form based code, or at least a more defined design plan of where they wanted things like terminated vistas, or where there were currently buildings that had a certain presence they wanted to accentuate.

Ms. Della Valle asked if the Planning Board was willing to modify the height standards to allow 4 and 5 story structures in the CB, PO, CH, Courthouse and Coe's Corner districts, and if it was willing to modify the height standards for mixed use structures in these districts.

There was discussion that Holloway Commons was 5 stories tall.

Ms. Fuller asked if there was any idea how many stories the hotel that might be developed downtown would have.

Chair Parnell said the current 30 ft limit didn't even allow 3 stories, and he noted that the Board had always granted waivers concerning this. He said he would be willing to consider 4 or 5 stories for the Central Business District, but said he thought a 4 or 5 story building would be too much in the other districts, noting that one issue was that in many cases they would abut residential areas.

Mr. Campbell noted that Church Hill was already at a higher elevation, so taller buildings located there would look even bigger.

Councilor Smith noted the effort started by the Council several years ago to rezone a portion of the Church Hill district to become part of the Central Business district. He said there were some aspects of this that made sense, and said it might happen again. He said immediately adjacent to the Plaza was an area that was now in the Church Hill district. He said he thought they should keep the height restriction in that district for now, but said they might revisit the idea of rezoning part of the Church Hill district for certain kinds of good uses.

Ms. Fuller said she could envision 4 and 5 story buildings in the Central Business district. She also said she could envision 4 story but not 5 story buildings in parts of the Professional Office district and the Church Hill district.

Ms. Della Valle asked Board members if they were more comfortable with using an actual height number, or using the number of stories.

Chair Parnell said he thought using the number of stories was better.

Councilor Smith said it might be good to have a 3 story building facing Main Street, which went down two floors so would be a 4-5 story building facing Mill Plaza. He said this was a prime area for possible redevelopment, and noted that the Town had gone through a long planning session involving those kinds of ideas a few years back.

Mr. Ozenich said a 5 story building would be less obtrusive with a flat roof than with a

peaked roof.

Councilor Smith said a 5 story building with a mansard would look like a 4 story building with an attic, and said that might be more attractive than a 5 story building with a flat roof. There was discussion that there could be a fifth floor with the mansard.

Mr. Lewis said he thought there would still need to be a height standard that included the number of feet, because some buildings had ground floors that were about a floor and a half.

Ms. Della Valle suggested that perhaps a height range could be provided. She said if they were looking to build compatible architecture, they needed to look at what was going on in the downtown currently. She summarized that the Board was open to increasing the number of stories to 4-5, primarily in the Central Business District, and also wanted to consider height as well as number of stories.

She asked whether the Fire Department would be able to service taller buildings, and Mr. Campbell said they already had to service UNH buildings, so would be able to handle this.

Ms. Della Valle noted a graphic on page C-18 of the Strategic Plan, as well as a recommendation in the plan to increase the number of units allowed per sf of the site, but to reduce the number of bedrooms per unit. She noted that Mr. Crape had created six bedroom units for his mixed use building downtown because he needed a certain number of rentals, but would have preferred to go with 4 bedroom units.

She said the larger the number of kids in a single unit, the more likely it was that there would be undesirable parties. She asked if the Planning Board would be interested in pursuing recommendation about potentially increasing the number of units allowed per sf in a building, while also limiting the number of bedrooms in a unit.

Mr. Campbell said this was part of what the Planning Board had attempted to do, with a Zoning change to allow the same number of students but more apartment units. He said the change was made to reduce the amount of lot area per dwelling unit from 1200 sf to 900 sf. He said this increased the ability of a developer to have more apartments in a building, without increasing the number of residents. But he said they needed to do more, including making sure there was a mechanism in place that said there wouldn't be more occupants even though there were more apartment units.

Councilor Smith said he agreed with the tradeoff Ms. Della Valle had described, and said he thought 6 bedroom units increased the likelihood of a group becoming dysfunctional.

Mr. Campbell said the majority of landlords wanted to limit the number of bedrooms in a unit to 4.

Councilor Smith said the Board should eventually talk about the relationship between the

number of bedrooms and the number of bathrooms, and said he thought this mattered.

Ms. Della Valle said based on the discussion on this issue, she might come back with a proposal that provided some choices, so a developer would be held to something flat in terms of the number of bedrooms, but the arrangement of the bedrooms could perhaps be a part of the solution.

Standards in Retail and Commercial districts

Ms. Della Valle said it would be tricky to come up with recommendations concerning these standards without a form based code and a regulating plan, but said she would do the best she could with this. She explained that a form based code could expand the standards to include additional treatment of public spaces, and make the outcome more certain.

She said trying to put this into standards in a conventional code tended to make things more black and white than one would like. She said in trying to increase flexibility so one could look at the specifics of a design, this created greater uncertainty for a developer and took more time. She said it also forced the Planning Board to look at design on an ongoing basis. She said something that might sound good could be terrible if it was in the wrong location.

Ms. Della Valle noted the handout that had been provided, which included a Table of the various development standards in the districts under consideration. She said she was trying to get a sense of the Board's willingness to look at changes that reflected the particular district that was involved. She said knowing this, she would have a better idea of what she should spend more, or less time on.

Parking

Ms. Della Valle said parking standards primarily were looking at the relationship of the parking to the building and the street.

Chair Parnell said it seemed to be the view of the last Master Plan that parking should be restricted in front, and said he wasn't ready to change that at this point.

Mr. Campbell noted that the Courthouse district parking changes weren't reflected in the Table.

There was discussion on why the Planning Board would want to change the parking standards.

Ms. Della Valle noted that the Strategic Plan endorsed not putting parking in front of the building. She summarized that the Board thought that not much change was needed to this section.

Vehicular Access

Ms. Della Valle said the purpose of this standard was to maintain the integrity of whatever fronted on a public way by not interrupting it with a lot of driveways.

There was discussion that this issue had come up with the Crape development, but it was not something that necessitated changing the standard.

Building Setback/Frontyard area

Ms. Della Valle said the standard right now was static, and said with a form based code and a regulating plan, there would be more flexibility. She said it might say that in some circumstances it was desirable to set the building back further because a pedestrian space could then be provided. She asked the Board if it was interested in building in some of this flexibility.

Councilor Smith said in the Central Business District, most developers would want to get out to the sidewalk in order to get enough square footage.

Mr. Campbell said if the developer could build higher, the building could perhaps be set back somewhat. He said the correlation would have to be made.

Ms. Fuller said she was interested in seeing more flexibility in this standard, in exchange for meeting the public purpose as expressed in the Strategic plan.

Ms. Della Valle asked Board members if there was concern that this standard didn't apply in the PO or CH districts

Mr. Lewis asked Ms. Della Valle where she thought the downtown would expand too in the future.

Ms. Della Valle said it was hard to say. She said some towns zoned too many acres for a particular use, and development then got scattered around so they didn't get a critical mass. She said she didn't know if that was an issue when considering including the other districts in Durham's commercial core. She said she and Mr. Campbell would have to discuss this before getting to the items in Group 3.

She said especially in the Church Hill district, where the historic properties were, she thought there should at least be a setback requirement that reflected the context around that, and that would establish ranges that reflected an average situation. She said there were some holes in the streetscape there, where some infill was needed. She said having nothing there now in the way of building setback/front yard area standards made her nervous.

Board members agreed.

Mr. Campbell said with a bustling downtown, a natural progression would be for future development to go to the Church Hill district. He noted that there would be much more in the way of conflicts with residential areas if development expanded into the Professional Office district. He noted that there had been a 0 ft setback in the Church Hill district, but it was changed to 15 ft a few years ago, in part to allow access to overhead wiring.

Ms. Della Valle asked if the Board wanted to have a static number for the building setback/front yard area standard, or instead wanted something that allowed for a relationship to the particular location.

Board members said they preferred the latter.

Mr. Campbell said this was discussed by the Planning Board regarding the PO district, and it settled on 30 ft, which was the predominant setback there. He noted that the fraternities were really set back from the road, and the Board wanted to keep something similar to that.

Ms. Della Valle asked if the Board perhaps wanted to require a maximum setback there. She said there could be a negative impact if something wasn't done with the space in front of a building to invite public use, and it was just empty space.

Ms. Fuller noted that some of the fraternity properties were rather imposing and cold looking.

Mr. Campbell pointed out that the Central Business district and the Courthouse district were the only districts that currently had maximum setbacks.

Ms. Della Valle asked the Board if they wanted other districts to have this maximum setback as well.

Chair Parnell said he wasn't sure this would accomplish anything.

Landscaped streetscape strip

Ms. Della Valle said the only place this was required was in the Courthouse district. She asked if there were other districts where something like this was needed.

Ms. Fuller said she wasn't certain that she would want something unless some flexibility could be built in. She said this kind of thing was project dependent, and said while it would be nice to have a landscaped strip with a project, it wasn't always practical.

Mr. Ozenich said there was also the issue of a possible scarcity of land on a site.

Chair Parnell said he wasn't sure that they needed to look at having a landscaped streetscape strip requirement for the other districts.

Ms. Fuller said she wasn't sure about this.

Ms. Della Valle said as she was working with these standards, she might push the envelope a bit, and bring some things to the Board's attention.

Pedestrian area

Ms. Della Valle said the pedestrian area standards for the CB district, PO district and the Church Hill district varied only slightly from each other. She noted that the Coe's Corner district, which didn't have this standard, felt more like a transition area. She asked why there was no pedestrian area standard for the Courthouse District.

Ms. Fuller noted that part of this district sat on a State highway, with cars roaring by.

Ms. Della Valle said if they wanted to encourage more pedestrian activity in that area, they needed to create a more hospitable environment.

Mr. Ozenich said he thought there needed to be a bike path, but no more than that.

Chair Parnell said this standard for the CB, PO and CH districts worked toward creating a relationship between the pedestrian area and the use of the buildings there. But he said he wasn't sure that for the Courthouse district and the Coe's Corner district, that connection was relevant.

Ms. Fuller said if someone did redevelop in these two districts, she thought the Board would want sidewalks at least .

There was discussion about the sidewalks that currently existed in the Courthouse district.

Ms. Della Valle noted that the idea of having a pedestrian area went beyond the issue of having a sidewalk. She said it got at the issue of orientation, and said a pet peeve of hers was buildings with fake entryways, where people had to walk all the way around a building to get into it. She said there could be a standard that acknowledged the importance of linking the building layout to the street, and she noted that this would address what the Strategic plan talked about.

Chair Parnell said he could see doing this for the Courthouse district, but not for the Coe's Corner district.

Pedestrian Facilities

Ms. Della Valle noted that there was a standard for the Courthouse district, and suggested that this language could be made consistent with language put under Pedestrian Area.

Front Entrance

Ms. Della Valle said there was a standard concerning this for the Central Business district, but not for the other districts. She asked why not, and Ms. Fuller agreed that this was a good question. There was discussion about the reason for having a standard like this.

Storage and service areas

Chair Parnell suggested making the standard for this the same for all 5 districts.

There was discussion, and Board members agreed that for all 5 districts, the standard should say the storage and service areas would be screened or landscaped. Mr. Campbell noted that the current standards referred to the solid waste ordinance in the Town Code, and said the idea with the standard was to screen dumpsters.

Ms. Della Valle asked what was considered to be acceptable screening, and said she assumed that they didn't want the screening itself to be an eyesore.

Ms. Fuller said fences were allowed, but the Board asked developers how they would maintain the fences. She said the Board had also discussed colors, and the materials that screening was made of, and she noted that the Irving application was a good example of where this had been done.

Mr. Ozenich said it was important that this standard not make things too difficult for trucks to maneuver on a site.

Minimum building Height

Ms. Della Valle said she assumed that the Central Business district standard "All new buildings or additions to existing principal buildings that increase the building footprint by more than 20% shall have a minimum of two usable stories or a height equivalent of two stories above adjacent grade at the front of the building" was there to provide flexibility. She asked if this in fact worked, or was problematic, and asked the Board if they wanted to extend the standard to the other 4 districts.

Councilor Smith said he didn't think it had worked. He said no one wanted to build anything less than a 2 story building anyway in the CB district, and he provided details on this. He said what was there now was harmless, and said he didn't think more flexibility was needed in the standard.

Ms. Della Valle noted that the intent with this standard was that new buildings or additions to buildings would not have a single story.

Councilor Smith said this standard hadn't been extended to other districts, although they might start thinking of that. He noted that if this had been done with the Irving station, the developer would have had to do something more interesting, like a mixed use

development, which might have made sense.

Ms. Della Valle asked the Board if they wanted to include this standard for any of the other districts.

Chair Parnell said there were a lot of single story buildings in these areas now, and said to insist that if they wanted to expand, they had to go to two stories would add a layer of complication that wasn't needed.

Councilor Smith said on the other hand, a question was whether they wanted to tie their design standards to one building that no one wanted to do anything with.

There was discussion. Chair Parnell said there were a lot of one story buildings in these other districts now, as compared to in the Central Business District, where there were few, and the ones that were one story should be expanded to 2 stories or more.

Ms. Fuller said she didn't think this standard was necessary, because by today's development standards, developers were going to want to build up anyway.

Mr. Campbell said this would depend on the use.

Ms. Della Valle noted that companies like Walgreens, etc, had a one story business model, but said they sometimes put on fake two story buildings. She said they would do this unless the Planning Board insisted on something different. She also noted that if a concern was putting undue pressure on existing businesses to put on additions, the standard could apply to new developments only and not to renovations.

But she said she wasn't hearing a lot of enthusiasm for changing what was currently in the Zoning Ordinance regarding this standard.

Maximum Height of Mixed Use Buildings

Ms. Della Valle noted that this had already been covered in the discussion.

Treatment of Front Façade

Mr. Ozenich asked Ms. Della Valle if she suggested raising the 20% figure for the surface area of the front wall that needed to be windows.

Ms. Della Valle noted that Mr. Crape had wanted to put more windows in, and Mr. Campbell said it wasn't this standard that had prevented this, and said there had been a fire code issue.

Chair Parnell said he didn't think this issue had come up with any of the Board's projects,

so he didn't see why anything needed to be done to the standard.

Architectural Treatment of Buildings

Ms. Della Valle said there were some locations within the Strategic Plan that called for additional attention. She gave as an example the idea of the bank on Main Street getting a renovated façade in order to give it a greater presence, because of the use and also because of where it was physically located. She said she wasn't sure this kind of thing could be tackled with a conventional plan, without having a regulating plan to fall back on. She noted that a regulating plan would provide the design basis for providing a different building treatment.

Chair Parnell said this was a very big subject area, and said he wasn't sure the Board could handle it that evening.

Councilor Smith noted that there were people in Town who wanted design standards.

Chair Parnell said this would not be a quick fix, and recommended that the Board therefore let it lie for now.

Architectural treatment of canopies

The Board agreed to leave this standard alone. Councilor Smith said he didn't think there would be other gasoline stations in any of these districts.

Reuse of Residential Structures

It was noted that there was a standard concerning this for the Coe's Corner district.

Councilor Smith said the intent was to leave the few buildings there pretty much as they were now. No change was recommended to this standard.

Mixed use Parking Standards

Ms. Della Valle said she would work directly with transportation planner Rick Chellman on these standards. Mr. Campbell noted the new parking plan being developed, and Ms. Della Valle said she will follow Mr. Chellman's lead on this.

Ms. Della Valle said some of the specific standards to bring back to the Board might come easily, but some might be more difficult to get to them for the meeting on December 15th. She said she would show Bill Dennis some of the language and see what he might suggest. She said she wouldn't be surprised if he recommended doing some measuring before changing any of the numbers. She noted that this might not work out well within the time schedule.

She said some of the Zoning changes could be moved along, and said others could fit into Group 2. She said she would get her recommendations to the Board before the meeting,

and also said if Board members had further comments while she was working on them, they should forward them to Mr. Campbell.

V. Old Business

Mr. Campbell noted that Capstone representatives had attended the Conservation Commission meeting the previous Thursday, and had scheduled a site walk for Monday, November 22nd. He asked if perhaps the Planning Board wanted to attend the site walk.

Chair Parnell suggested that the Planning Board should have its own site walk as well.

Councilor Smith said he was glad Capstone came before the Conservation Commission. He said this was a project the Commission would have to take an interest in because of the extent of wetlands and the proximity to the Oyster River. He noted that by the time they came to the Commission, the plan had changed somewhat from what the Planning Board had seen at the Conceptual Consultation.

He said one building had been added to the design, but the overall development had been made more compact. He said this was partly in response to the potential wetland impact. He noted that the Conservation Commission thought that even the revised plan was excessive in terms of wetland impacts.

Councilor Smith said he had gotten an email from a member of the Town Council in Chapel Hill, North Carolina, where in the spring, Capstone had proposed a development with about 1200 beds and 1.05 parking spaces per resident, which would be located in the middle of a residential area. He noted that they came back later with an 800 bed project, but kept the same number of parking spaces.

He said with the apartments Capstone proposed, where every bedroom had its own bath, there was the risk that some tenants might cook in the bedroom so they didn't have to do the housekeeping of the living room and kitchen. He said they also tended to have girlfriends/boyfriends staying there, which meant that the number of tenants tended to creep up. He said the Planning Board should give Capstone the heads up that the 1.05 parking ratio needed to be reviewed. He said he wasn't sure that the statement that this ratio was required by the banks was a strong argument.

Councilor Smith noted that on Monday, the Council had heard a presentation from Library Board of Trustees Chair Doug Bencks about the Dimambro property, the site for the new Library. He said he had asked if the Trustees or their architects would be coming to the Planning Board with their plans. He said he thought this was going to happen, and said he would encourage the Trustees to invite the Planning Board to do a site walk.

Councilor Smith noted the Grange RFP concerning possible reuse of the building that had recently gone out, and said one proposal, for luxury apartments, came in by the deadline, and was from Peter Murphy, who had developed the Rosemary Lane property. He said a

proposal also came in right after the deadline from Doug Greene, who wanted to put in a restaurant.

Councilor Smith said the University was trying hard to encourage students to come to town without cars, and not just to come to campus without them. He said there was a wonderful transit system that went out to the Rivers Edge apartments, and he noted that the Capstone design included a bus stop.

He said he thought it probably made sense to encourage Capstone to have fewer parking spaces than beds, and said an advantage of this was that it would be less likely that tenants would double up, as they did in some situations where there was a private bath with a bedroom. He said if the rents were high, there would be an impetus for students to bring in a girlfriend/boyfriend.

Chair Parnell asked what difference this made to the Planning Board.

Councilor Smith said it impacted the number of people who would be living there.

Mr. Campbell noted that the Police Department and the Fire Department wanted to see more than one parking space per bed at the Capstone development.

Councilor Smith said the Planning Board needed to talk to them about that perspective, and said it presupposed that management would be poor. He said if Capstone had the excellent management they said they had, he would hope this would not become a party area.

There was discussion that there was no visitor parking area proposed in the Capstone design, and Mr. Ozenich said this was a problem. It was noted that the .05 portion of the 1.05 space/resident was intended to provide additional parking for visitors.

Ms. Fuller said that regarding the issue of possible doubling up of students, the rules in developers' leases were usually pretty tight concerning this. She also said there would be on-site managers to provide enforcement.

Councilor Smith noted that there would be 600 beds and 97 buildings, with one manager.

VI. Adjournment

Richard Ozenich MOVED to adjourn the meeting. Susan Fuller SECONDED the motion, and it PASSED unanimously

Adjournment at 9:37 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary