

These minutes were approved at the May 25, 2011 meeting.

**DURHAM PLANNING BOARD
WEDNESDAY, MARCH 16, 2011
TOWN COUNCIL CHAMBERS, DURHAM TOWN HALL
7:00 P.M
MINUTES**

MEMBERS PRESENT: Chair Lorne Parnell; Vice Chair Peter Wolfe; Secretary Susan Fuller; Richard Ozenich; Richard Kelley (arrived at approx. 7:20 pm); Bill McGowan (arrived at approx. 7:27 pm); Town Council representative Julian Smith; alternate Andrew Corrow

MEMBERS ABSENT: alternate Wayne Lewis; alternate Town Council representative Bill Cote

I. Call to Order

Chair Parnell called the meeting to order at 7:03 pm. He asked Mr. Corrow to sit in for 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. Report of the Planner

No report

IV. Public Comments

Chair Parnell said the Board would like to keep individual comments to no more than five minutes, and also asked members of the public not to speak regarding current and upcoming applications before the Planning Board

Marty Gooze, 9 Meadow Road, said she had some general comments regarding the Professional Office zone. She said according to the Master Plan, that zone was meant to be more pedestrian friendly and to serve as a buffer between the commercial and residential zones. She noted that new multi-use buildings required Conditional Use Permits in the Professional Office zone.

She asked that the Planning Board give special consideration to multi-use projects that abutted residential properties. She said the buffers and required parking in the current

Zoning Ordinance might be adequate when the project was next to a commercial zone, but were not when the project was next to residential property. She said the Conditional Use Permit procedure allowed for the Planning Board to require extra buffers and less parking area as a condition of approval, in order to protect the quality of life and property value of abutting residential property.

Councilor Mower, 11 Faculty Road, asked the Board to discuss the possibility of developing design guidelines.

Mr. Campbell said he and Leslie Schwartz had been discussing this, and said they were waiting for a proposal to come back from Roger Hawke of Planning Resources, in order to continue with the work on the design guidelines that an intern had started last year. He said he expected to see the proposal by Friday. He said there would be meetings with the HDC and the Planning Board, and also said there would be a public hearing for anything that moved forward.

Councilor Smith asked if public comments would only be accepted by the Board at quarterly planning meetings.

Chair Parnell said that was the intent, and he thanked members of the public who had come forward to speak.

V. Discussion with the Energy Committee

Energy Committee Chair Kevin Gardner spoke before the Board. He showed slides about the energy checklist the committee had developed. He went through points on the checklist. He said the idea was to encourage applicants to consider energy efficient measures for a specific application. He said it had the potential to raise awareness, for example if there was a developer who was new to developing in the NE.

Mr. Gardner explained the statutory authority for doing this, in RSA 674:2 Master Plan: Purpose and Description, which said the Plan could include an Energy Chapter.

Robin Mower, Council representative to the Energy Committee, noted that the small town of Richmond NH had included in its 2010 master plan a statement on Energy Recommendations:

“1. To nurture Energy Efficiency and Sustainable Design Zoning; 2. To embrace RSA 672:III-a by encouraging distributed generation, onsite generation of energy like solar, wind, cogeneration and other innovative measures; 3. To require that developers focus on energy efficiency at the pre-design level.”

She said the provisions recognized that this was the right time to start talking to applicants.

Mr. Gardner noted a question on this issue sent out to PlanLink, a planners' listserv in NH. He said Attorney Leon Goodwin from Keene said the statutory authority for the energy checklist idea came from RSA 674:44 II (I) in authorizing planning boards to

adopt site plan regulations that may require innovative land use controls on lands when supported by the master plan. Mr. Gardner said it could be argued that right now, this wasn't supported by the Master Plan, but he said the hope was that it would be in the future.

He said the attorney also noted that according to RSA 674:21, innovative land use controls may include but are not limited to performance standards, which he said energy efficient building standards would qualify as. He said the attorney said that as long as energy efficient design or something like it was identified in the Master Plan, adopting energy efficient building standards via Planning Board regulations was specifically authorized.

Councilor Mower said this was something for the Planning Board to keep in mind when it received the draft Energy chapter of the Master Plan. She noted that Zoning and other land use regulations were derived from the Master Plan.

Mr. Gardner reviewed the items that were included in the checklist.

Part I Site and Siting Considerations

- Transportation, accessibility, connectivity - to include things like distance from existing roads, sidewalks, bike lanes; Public transportation aspects; pedestrian sidewalk networks as well as bicycle lane or path networks within and outside of a project area, i.e. connected to neighborhood, schools, downtown, municipal buildings; storage for bicycles
- Parking space designations - compact cars; advanced technology/and or alternative fuel cars
- Parking, other - reduced - parking demand incentives; parking and shelter for motorized two-wheeled vehicles; electric vehicle charging stations and infrastructure
- Solar heating and cooling - solar access; use of deciduous shade trees; preservation of solar rights; window placement to maximize solar penetration in winter and minimize it in summer; orientation of internal streets to allow solar access

Part II Building Construction, Systems and Materials

- Net Zero construction
- Alternative energy generation (solar water, solar energy or other alternative central heating system)
- Passive solar lighting design
- Local or regional materials sourcing
- Internal systems - low flow plumbing fixtures; energy and water usage monitoring system(s); grey water system, for toilets or outdoor use; energy efficient appliances; high efficiency lighting; energy efficient heating/cooling, e.g. geothermal
- Energy performance - insulation, proposed R value for ceilings, basements, walls, hot water pipes, heating ducts; mechanical ventilation - energy recovery ventilator efficiency proposed; air sealing - passive air infiltration rate proposed
- National accredited rating: Passive House Institute; International Living Building

Institute; LEED (Platinum, Gold, Silver); Energy Star; Other

Part III Operations and Maintenance

- Landscaping
- Rainwater storage
- Xeriscaping (low water demand plantings)
- Existing vegetation or native species plantings
- Covenants (e.g. homeowner associations)
- Outdoor clotheslines allowed
- Installation of outdoor energy-efficiency devices such as solar (e.g., no unreasonable restrictions on homeowners wishing to install solar energy systems)

Part IV Consultation with Code Enforcement Office Re Energy Efficiency Measures

- Preliminary and follow-up consultation helps solve problems and reduce costs
- Notes from consultation

Councilor Mower said the Energy Committee had added a note on the revised checklist that in some cases, some of the items on it wouldn't be relevant, and also that an applicant might want to provide additional information relevant to energy efficiency, and could simply attach the appropriate documents.

Mr. Gardner said the Committee wanted the Planning Board to consider using the checklist. He said it could reasonably go to applicants at the appropriate stage in the review process. He said having the checklist was also a way for the Planning Board to learn more about what was happening in terms of energy efficient techniques uses on projects. He noted that there were a number of projects in Town that had done a really good job on some of these items. He said it was also thought that the checklist would be educational for some builders.

Mr. Kelley arrived at the meeting at about 7:20 pm. He said in addition to providing the checklist as part of a site plan application, it should also be provided as part of building permit applications. He said most Durham residents never saw a site plan, but it wasn't uncommon for a resident to pull a building permit. He said getting this information to them would be a good thing.

Councilor Mower said this was a great idea, and would be a potential for education and possible action at a level that the Energy Committee hadn't even fully discussed.

There was discussion that the checklist could be revised to reflect the idea of providing it to people going for building permits.

Mr. Kelley asked what the Planning Board was supposed to do with the information in the checklist after it was presented.

Councilor Mower said in an ideal world, there would be the option for the town to offer energy incentives, but said these were limited right now. She said it was a question of sharing information with the community, and setting an example. She said going through the checklist with an application would be educational for the Planning Board as well.

Mr. Kelley recommended that perhaps the Energy Committee or another committee might track what was being done in terms of developers following the checklist, and then could present a summary on this in some public form.

Councilor Mower said that would be great, if they could work with the Planning and Zoning department to track this.

Mr. Kelley said he didn't see the need for the signature of the Planning Board Chair or the Planner on the back of the checklist.

Councilor Mower said for the Energy Committee, it was a way to encourage people to take the checklist seriously, and to come to talk with Mr. Campbell and the Planning Board about the checklist. She said nothing would be mandated.

Mr. Kelley asked why it was that nothing would be mandated.

Councilor Mower said they were open to a mandate if the Planning Board was.

Mr. Gardner said there wasn't much in the Master Plan right now regarding energy efficiency, but said perhaps that would be different in the future.

Councilor Mower said perhaps the Energy Committee could talk with the Planning Board about this when the draft Energy Chapter and other Master Plan chapters were reviewed. She said if there were things the Board thought were reasonable to mandate, there could be recommendations and implementation strategies in the Master Plan concerning this.

Mr. McGowan arrived at the meeting at 7:27 pm

Mr. Campbell suggested that instead of requiring a signature, there could simply be a box on the checklist form to indicate that the applicant had met with the Planner/Code Officer, who could also initial it. He said having this was a way to signal to the applicant to take the extra steps of talking with them.

Chair Parnell said the intent of the checklist right now was for the applicant to fill this out and discuss it with the Planning Board. He said given that, they would have to be sure that the checklist was self explanatory. He said the national rating systems were not self explanatory, and said he wondered if they served a purpose on the checklist.

Councilor Mower said many developers had now heard of LEED, and said by putting it in there, it might put them in the right ballpark.

Chair Parnell questioned whether developers would have heard of the other rating systems. He said if the Board was going to be required to sign off on this, they would need to know what they were signing off on.

Mr. Gardner said the internet addresses for the rating systems were there, and was informative for developers. He said perhaps there was a way to make these things more clear. There was discussion.

Ms. Fuller said in the marketplace, a lot of builders were now willing to incorporate energy efficiency features, because people were willing to pay more for property with these measures. She said this was a great thing to pass out to residents applying for building permits or site plan applications because there was an opportunity for learning. But she said she didn't see it as a plus to mandate these things. She said some people just didn't have the funds or inclination to do this.

Mr. Gardner said the committee's idea was to pass this out, but not that following it or even filling it out would be mandatory.

Councilor Mower said with the checklist, these ideas were handy in talking with developers. She said some of them were reasonable, considering the direction the Town was thinking of going in, for example concerning walkability/bikability of the downtown. She if there were developments where it seemed appropriate to ask some things of a developer, the Board might want to particularly encourage an applicant to consider it.

Councilor Smith said a few years ago, when developer Perry Bryant came before the Board, he spoke to many of these energy ideas. He also said he wished the Board had had this checklist a year ago, and that an applicant had the advantage of knowing these issues would be addressed where appropriate. He said many things on the list were appropriate for some large developments, where the Board had to decide whether the overall project would be good for the community, or at least not harmful.

He said a developer was required in most zones to provide a minimum amount of parking, and said the developer could pass that on only to those tenants who had cars, by charging rent for the parking space. He suggested that the wording in the checklist could be revised concerning this. He said it said a tenant with a car was handicapped by the need/desire to rely on a car to get back and forth, and had to pay for that. He said having a car wasn't always necessary in a college town, for all developments.

Councilor Mower asked if the Board had other comments it wanted the Energy Committee to consider incorporating, in addition to the building permit notation, and the inclusion of checkbox for the Planner and Planning Board.

There was discussion on the wording of items in the checklist, and how people were supposed to respond to them. Councilor Mower said it sounded like some Board members were saying this should be a true checklist for people to respond to. Mr. Kelley suggested that there could be a yes, no, and a n/a column for people to check.

Mr. Gardner said that point had been made at a recent meeting.

Mr. Kelley said this was a dynamic document.

Councilor Mower asked the Board if there was anything from the Bryant project that perhaps should be included.

Chair Parnell asked if the green roof alternative might be listed. There was discussion that it could be put under Building Construction.

Mr. Ozenich noted that at Fitts Farm, he had wanted to put a rain barrel out, and the homeowners' association turned him down. He also said he put up a clothes line, before the association was formed.

Mr. Kelley noted that when the Energy Committee was before the Board previously, the idea of an energy audit was discussed. There was discussion that the amount of energy use by homes and transportation in Durham were basically the same. Mr. Kelley said he assumed the greatest amount of energy was for heating and cooling.

Mr. Kelley noted that geothermal provided as an example under energy efficient heating/cooling, and asked about others. There was discussion.

Ms. Fuller asked if energy efficient heating systems, such as her very efficient oil furnace, should also be included in the checklist. Mr. Gardner agreed that this could be included, as could energy efficient air conditioners.

Mr. Ozenich asked about plug in autos, for the time when they all went electric. He noted that this was a high energy user.

Councilor Mower said they had an item for this for developments, but said this could be added for individual homes as well.

Councilor Smith asked if they knew what percentage of houses in Durham had air conditioning. He said he had never used it, over 46 years of living in the Town.

Councilor Mower noted that the Committee had discussed the idea of passive cooling, whether it was the use of blinds that blocked solar rays, or the location of deciduous trees. She said she thought this was part of an education outreach.

She confirmed that the Board would like her to revise the checklist based on the comments received, and to then send it back to them.

VI. Discussion on Possible Zoning Amendments

Planner Beth Della Valle of the B. Dennis design team noted that she had used track changes (in addition to the traditional underlining and strike-outs) to show the Board that she had responded to their direction from the meeting in December. She said she had also used side comments to raise some issues for discussion. She said if Board members found this confusing, she wouldn't use it in future drafts.

Mr. Kelley said there was value in seeing the progression. He said if the concern was the cost for color copies, if the Board got these electronically, that might be advantageous. Ms. Fuller agreed.

Mr. Kelley said Ms. Della Valle's comments had been of great value.

Ms. Della Valle suggested that as the board signed off on one set of changes, they would then see only one new color the next time. Board members agreed with this.

She suggested that they should look at the definitions, and also presume that the revision of the use table would reflect the previous discussions, unless a Board member wanted to bring up a new change. She said the Table of Uses showed that where she had notes before like a develop standard around scale, sale of alcohol, etc. and addressed them by providing language in the standards, she crossed them out. But she said she had left them for now so the Board would be able to see what she had developed the standards around

She said in the standards, there was a lot of language that was repeated from one use to the next. She said the reason for this was that if the Board was ever challenged, the courts would assume that the different language was intentional. She noted redundant language regarding scale, parking and loading standards, controls on noise, etc. , approaches to handling when the commercial district abutted a residential area. She noted a comment from a resident on this issue earlier in the meeting, under Public Comments.

Ms. Della Valle said another issue had to do with a development preserving the character of an area. She said this was the subject of a new memo she had just provided, to get some guidance on how the Board would like to proceed on this.

She next reviewed proposed changes to Article II 175- 7 Definitions

EDUCATIONAL FACILITIES – A building or part thereof principally used, designed or adapted for educational use or instruction in any branch of knowledge, including private schools, training facilities, and facilities operated by an educational institution approved by the New Hampshire Postsecondary Educational Commission.

Councilor Smith said he thought the definition had been broadened too much in saying “any branch of knowledge...”, and suggested deleting that. Board members agreed.

FARMERS' MARKET – The seasonal selling or offering for sale at retail of local or regionally grown vegetables or produce, flowers, orchard products, eggs, meats, milk products, fish, raw or spun fiber, similar agricultural products and other edible produce that is a derivative of local plants or produce grown by local farmers, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have

taken the same on consignment for retail sales. ~~Local is defined as that which is raised, produced, or grown in the State of New Hampshire.~~ Fruits, vegetables, flowers, seedlings and plants must be raised or grown in the State of New Hampshire for a minimum of six (6) weeks prior to being offered for sale at the Farmers' Market. Local eggs, meats, and fish may also be sold at the Farmers' Market if adequate provisions are made to refrigerate the products during transport and display. Locally produced crafts and music may be allowed at the Farmers' Market if they meet the standards established in Article XX of this Ordinance.

Mr. Wolfe noted that the definition still said the plants needed to be grown in the State of NH, and Ms. Della Valle made note of that. Mr. Wolfe suggested saying "...must be locally grown." Chair Parnell asked if the "... minimum of six weeks growing time..." needed to be included. It was agreed that the whole sentence that included this would be taken out.

Councilor Mower said baked goods and other edible products didn't seem to be included in the definition, and Ms. Della Valle suggested saying "Locally or regionally prepared foods, crafts and music....."

Councilor Smith questioned the wording "...other edible produce..." in the context of the sentence it was in, and Ms. Della Valle said the wording would be revised so this made sense.

Chair Parnell asked if this was written in such a way that people who wanted to sell a few vegetables in front of their house would be precluded from doing so. Mr. Campbell said this definition wouldn't touch that. It was noted that the wording included "...occurring in a pre-designated area..." there was discussion about making it clear that this was not a farm stand, and that there was already a definition for that.

Mr. Campbell said that was a completely different use, and was restricted to locations where there was commercial agriculture occurring. He said technically, people growing produce non-commercially weren't allowed to sell their vegetables, and weren't allowed to put a farm stand up for this. Chair Parnell said he thought there would be some dispute about this, given the interest in home gardening. There was discussion.

Ms. Della Valle suggested that it could be made clear that the farmers market would only occur in the commercial districts the Board was looking at. Chair Parnell said if they had separated out farm stands on commercial property, and there was no place to put in a non-commercial farm stand, they should move on. Mr. Kelley noted that farmers market was only a permitted use in these districts, so was only applicable there. He said additional verbiage therefore wasn't needed.

~~MIXED USE WITH RESIDENTIAL (OFFICE/RETAIL DOWN, MULTIUNIT-RESIDENTIAL UP) – A building with a variety of complementary and integrated two or more uses, such as, but not limited to, residential, office, manufacturing, retail, public entertainment, parking, and public uses in a compact urban form that is pedestrian-oriented and contains elements of a live work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl. in which (The public faces of the first floor of the building, including areas that face on streets, alleys, and~~

~~pedestrian ways, shall be used for office, or retail, parking, or similar publicly accessible non-residential uses, and (The upper floor(s) shall be used, in whole or in part, for multiunit residential use.~~

Ms. Della Valle noted that the Board had asked her to simplify this definition dramatically, put some of the inspirational language in the introduction, and put the more specific language in the standards themselves. She asked if this definition now did what the Board wanted, and they said yes.

PET GROOMING – An establishment that provides pet care services, except veterinary, such as boarding, grooming, sitting, and training pets. It includes animal shelters, pet hotels, dog day care services, mobile pet grooming services, obedience school training, sitting services, and pet clipping and pedicure services.

Ms. Della Valle said this was an entirely new definition. She noted that she had raised the issue of whether they wanted to set a limit of time on boarding, or even not allow it. She said not allowing shorter term boarding might undercut the economic viability of the use. She said she also raised the issue of specifically allowing the sale of pet supplies, or if this was covered under retail sales.

Mr. McGowan said “pet services” might be better, and could include grooming. Mr. Kelley agreed. There was discussion on whether the definition should address sale of pet supplies. Councilor Smith noted these supplies were also sold elsewhere. Ms. Fuller said it was a necessary ancillary use, and Mr. Kelley agreed that it was a matter of convenience.

Ms. Della Valle asked about the issue of boarding animals. She noted that they were moving away from conditional uses, but said there would be a set of standards for a use. There was discussion on quality of life standards that would be needed to go along with the definition. Ms. Della Valle said it might be difficult to control noise levels with boarding, and said it would be a matter of the number of pets boarded, and how much insulation there was in the structure.

Mr. Kelley asked about the difference between pet sitting and boarding, and Ms. Della Valle said sitting was a matter of hours, and boarding was a matter of days. She said training pets would be a matter of hours as well. She said her guess was that real estate downtown would be too expensive to be used for pet training. She also said there would have to be an enclosed area if pets would be outside for any length of time. After further discussion on the issue of boarding, it was agreed to leave the new definition as it was.

Ms. Della Valle next explained that she had recommended some minor changes in **Section 175-41, 175-43, 175-44 and 175-45** concerning Maximum Height of Mixed-Use Buildings development standards.

Maximum Height of Mixed-Use Buildings – The height of a new mixed use building that provides both residential and nonresidential space shall be a maximum of three (3) stories notwithstanding other height limitations. The first floor areas that face on streets, alleys, and pedestrian ways shall be nonresidential. However, if the building contains nonresidential uses

on ~~the~~ first floor areas that face on streets, alleys, and pedestrian ways and one additional story of nonresidential, the maximum permitted height shall be four (4) stories, except on the south side of Main Street. If the proposal is for a four (4) story building, ~~the first floor areas~~ that face on streets, alleys, and pedestrian ways shall be nonresidential and the remaining three (3) floors shall consist of two (2) residential and one (1) nonresidential.

Mr. Kelley said he would like to discuss whether they wanted to have this standard up on Church Hill. He said in the Central Business District, Mill Road approached from a lower gradient up, but asked whether once one was out of that area, it mattered whether there were 3 stories on one side, and 4 stories on the other.

It was noted that the idea of 5 stories had been discussed, and Ms. Della Valle also said there had been discussion on the concept of terminated vistas, and buildings in significant locations to anchor a corner and command a view. She said she didn't think she had included wording on this.

Mr. Wolfe said he had a problem with the idea of 5 stories on Church Hill. He said he Holloway commons was a story too tall, and said isolated big buildings created a problem, and wouldn't fit in. Mr. Kelley said they had just discussed the idea of 5 stories for the CBD, and Mr. Wolfe said that was fine. Mr. Kelley said for the others, 3 stories would be allowed, and 4 stories would be allowed with permission if there were 2 commercial floors.

There was discussion about the fact that the Ordinance said only 3 stories were allowed on the south side of Main Street, and the reason for this. Chair Parnell asked if they were saying that 5 stories should be allowed on the north side of Main Street. Ms. Della Valle said she thought they were talking about not allowing this as a matter of course, but of allowing it under certain conditions. She said one condition was if the topography allowed another story without raising the general height of the building. Mr. Campbell noted that if a five story building was put in the Plaza, it would look like a 4 story building from Main Street because of the elevation.

Ms. Della Valle said if there was a terminated vista and the building provided a visual focal point, a 5 story building might be allowed. She said another reason a 5 story building might be allowed was if there was a particularly important building, which would have to be defined. She said it might be something like the new library if it was downtown, or a new bank. She noted that the charrette report recommended putting an additional story and a façade on the existing bank downtown, to give it a more commanding presence.

Mr. Kelley noted the old Strafford Bank building in Dover, which was a landmark building. Ms. Della Valle said it was tricky to come up with definitions for this kind of building, but could be done.

There was discussion regarding the issue of a possible 5 story building for the south side of Main Street, but not the north side. Chair Parnell said he didn't think this was fair for each side of the street. Mr. Wolfe said the geography made them unequal. Mr. Kelley

said he didn't know what the effect would be on the north side of having a 4 story building on the south side, as compared to a 3 story building. Ms. Della Valle said she would look into this further for the CBD, Church Hill and the Court House district. Chair Parnell said the topography was an issue for the CBD, but not for the other two.

Ms. Della Valle asked if the Board was ok with the Table of Uses, going forward.

Mr. Kelley noted the use "craft shop with accessory production" and asked why it was allowed in all commercial districts but Coes Corner. There was discussion, and it was agreed to make it a permitted use.

Mr. McGowan said on page 6, it needed to be changed to "Pet Services".

Mr. Kelley said there were residential homes in all of the business districts. He asked if that meant that those residences could come in for a CU permit and lease out parking, and Mr. Campbell said yes.

Ms. Della Valle said the next time they saw the Table of Uses, the wording in parentheses would go away for those uses that the Board was satisfied with concerning the performance standards.

There was discussion on proposed changes to Section 175- 54 - the Table of Dimensional Requirements, where there would be a minimum lot area per bedroom rather than a minimum lot area per dwelling unit. Ms. Della Valle noted that the way it was currently written drove units with a larger number of bedrooms. She said the Board had already spent time discussing this, but hadn't established a maximum number of bedrooms per unit.

Chair Parnell noted that the Board had heard comments on 6 bedroom units, and said perhaps there should be a maximum of 4. Councilor Smith said perhaps they shouldn't limit the number of bedrooms, and noted the idea of allowing 10 bedrooms with one kitchen and living area. There was discussion that this would be a boarding house, which wasn't a permitted use.

Ms. Fuller said she wasn't sure that limiting the number of bedrooms was the right thing to do, and provided details on this. Chair Parnell said he agreed, and said he didn't think there was a Zoning issue to cause the Board to say that this many units were dangerous, etc. He said it was up to the developer.

Mr. Kelley said they were seeing a variety of options now for the student renters in Town, and said he assumed this meant there were a variety of price points as well. He said he assumed that someone living in a 6 bedroom unit with amenities would pay less than someone living in a 3 bedroom unit with the same amenities.

There was discussion. Ms. Fuller said someone in a unit in a new building might be paying the same as someone living in a 2-3 bedroom unit in an older building, but the

expenses would be less in the new building. She stated again that she wasn't sure that limiting the number of bedrooms was necessary.

Ms. Della Valle said she thought the basis for limiting the number of bedrooms had to do with limiting partying. Ms. Fuller said the Board typically handled that through management plans. She said most responsible developers and landlords didn't opt for large units if they didn't have to. Mr. Kelley said the Board could have performance standards tied to different uses. He noted that the Board had required management plans as part of CU applications, and said there would need to be performance standards for site plan applications for multi-unit dwellings, especially since they were going to be losing many conditional uses.

Ms. Della Valle said since the Board had found the security and management plans to be successful, a combination of that with changes to the dimensional requirements would probably provide enough leverage to go with a larger number of bedrooms or a smaller number. Mr. Campbell said for the most part, the landlords liked to have few bedrooms, because it was easier for them in the long run. He provide details on how attitudes on this were shifting, and said if the Ordinance allowed the kind of flexibility that Ms. Della Valle had spoken about, this would allow the market to shift with it.

Chair Parnell asked if these districts allowed more than 3 unrelated in a unit. There was discussion, and it was noted that the Central Business District was the only one in the commercial core that allowed more than 3 unrelated, so this would be the only place where they would see more than 3 bedroom units.

Councilor Smith asked if there was an objection to a rooming house development that had x numbers of bedrooms, and one kitchen. He said some students might be interested in this, and asked why bedrooms were being connected to kitchens. There was discussion that rooming houses weren't allowed in Durham. Councilor Smith noted that none of Matt Crape's tenants were required to keep food in the refrigerator, or cook, and he spoke further on the rooming house idea. Mr. Kelley said he didn't want a boarding house or rooming house. Councilor Smith said what he was thinking of was similar to living in a dorm, where there were several rooms as well as a kitchen on each floor, which not all students used. Chair Parnell said he would say that was allowed right now in the CBD.

There was further discussion on the idea of a performance standard that required a security and management plan for multi-unit dwellings in the CBD. Mr. Kelley said there were other districts where this would be applicable, and said it should be a performance standard that was tied to the use, whatever district it was in. Ms. Della Valle asked if this would be limited to the commercial core.

Mr. Campbell said in the commercial core, they were talking about mixed use, which was different from multi-family units. Mr. Kelley said he thought it should apply to both uses, and noted that as was the case with an energy checklist, a security and management plan would get a landlord thinking about the issues they would face. He said this was especially important for new landlords, and Ms. Fuller agreed.

Ms. Della Valle asked if there was a need to lay out basic requirements for what should be included in such a plan. Mr. Kelley said yes, and said Mr. Campbell could provide language the Board had required in the past, as part of CU applications. He provided details on this. There was discussion that elderly housing wouldn't be included as part of this.

Ms. Della Valle spoke next with the Board about Article XX Performance Standards.

Business services in the Central Business, Professional Office, Church Hill, Courthouse, Coe's Corner districts shall conform to the following standards:

1. The building shall have a minimum of two (2) functional floors.
2. The building shall be no larger in total square footage than thirty (30) percent more than the average sizes of the two (2) buildings located on either side of the lot plus buildings on the three (3) lots on the other side of the street from building.
3. If the building occupies more than ____ () feet of frontage...

She said she had tried to come up with a standard that related to the context that the building was in. She said the third standard was intended to address a building that was longer than what was typically in the area. She said one could either restrict that with a maximum building width, or could allow it to be longer but require that the treatment of the façade would be done in such a way that it would read like it was more than one building.

Ms. Della Valle said in some cases, it was a matter of changing color, variations in the setback, use of courtyards, etc. Ms. Fuller noted that this was being done with the old Tweeter building in Newington. Ms. Della Valle said the approach could also backfire, when there wasn't enough differentiation in the widths of the segments of the building to make things look like anything more than a badly managed façade. She said she wanted to check with the Board before going further in that direction.

Mr. Wolfe asked if this would include separate entrances if there was more than one business in the building. Ms. Della Valle said it could include that, and spoke further about how it could be done.

Councilor Smith said there were very few places in the commercial districts where there was enough land to hold an especially long building. He said the Plaza was really the only place, and said if it was ever re-developed, the developer was likely to design a combination of large and small store spaces, or a façade that could be broken up into smaller spaces. He said he didn't think it was a huge issue, and wasn't sure language concerning this was required.

Mr. Kelley said Coes Corner and the Courthouse district, including the location of the Town Hall, were places where such a provision would really be applicable. Councilor Smith noted that for the Town Hall lot, the long frontage was along School House Lane.

Ms. Della Valle described a possible scenario where a developer bought up multiple

properties downtown, tore them down and re-built. He said that was what this provision was designed to deal with, and said if the Town's economic development efforts were successful, they could see some pressure like this.

Mr. Campbell said this would get rid of the limitation on the square footage of retail space. Ms. Della Valle said the idea was to go up a bit, and articulate the street front so things didn't look monolithic. Mr. Wolfe asked how this approach had gone wrong in some places, and Ms. Della Valle said she had seen it in some places where developers were trying to tame a strip mall. She said it became very artificial, noting that in those cases they didn't really want to do the more undulating frontages because that was an inconvenient, internal management issue.

But she said there were places where it had been done well, and said these could be used as a model. She said if this was done in an urban, downtown setting, the approach could be very successful. She noted the Smart Code and Form Based Code books provided a variety of techniques, which managed width, depth and height of buildings, so that there was a three dimensional approach to addressing the façade. She said she would try to find some examples, and asked Mr. Campbell to check with PlanLink as well to get some examples. She asked Board members to take digital pictures for her of the Twitter building, etc.

Mr. Wolfe said this sounded like a good idea. Mr. Kelley noted that with these provisions, the first developer to jump in the water was the one who was penalized. He said after the streetscape was more developed, others could fill in and take advantage of what others had done in the past. Councilor Smith said the other side to that was that once a person built a bigger building, someone across the street could build one bigger than that one. Ms. Della Valle suggested that they could set an upper limit of some kind.

Mr. Wolfe asked whether "average sizes" referred to the footprint of the building, or adding up the square footage of each store. There was discussion.

Councilor Smith noted locations where the surrounding buildings were small, which therefore limited the size of a new building there, based on these provisions.

Mr. Wolfe asked if the Board had an obligation to protect the business in a small building from being disadvantaged by a new large building nearby.

Ms. Della Valle said that was the intent of trying to stay in context. She said the 30% number included in the draft language might or might not be the right one. She said in Church Hill, they were looking for some infill, but it needed to be in context so that it didn't break down the character of that area. She said one thing to possibly do was to establish a maximum building width, along the frontage, as well as a maximum building depth. She provided some graphics that demonstrated this. Mr. Wolfe asked Ms. Della Valle what she would recommend, and she said would include them, and said the trick was to make them work in context. She said at some point they would have to go out on the street and start measuring things.

Mr. Campbell spoke about how the standard could perhaps limit some development downtown, for example a hotel/conference center. Ms. Della Valle said the Board might consider how to handle this in the different districts. She said it might not be appropriate for the CBD, but might be entirely appropriate for Church Hill. Mr. Campbell said he realized this. He also spoke about the fact that business services might be located in a small building, and said what they really wanted to talk about was business services that would require a large building. He said it was important to differentiate that. Ms. Della Valle said she had made note of this.

She asked if the Board was ok with the minimum of two floors provision, separating out the issue Mr. Campbell had raised. She also asked if the Board was willing to let a new business build a 500 sf single story building there, assuming that was all that was needed. The Board said no, and Mr. Campbell noted that this wasn't allowed now. Chair Parnell confirmed that a business owner didn't have to have businesses on two floors. Councilor Smith noted that the standards connected a minimum of two functional floors to the specific use, but said a use like a club might only need one floor. There was discussion.

F. Cinema. A cinema in the Central Business, Professional Office, Church Hill, and Courthouse districts shall conform to the following standards:

1. The building shall have a minimum of two (2) functional floors cinema activities.
2. The building shall be no larger in total square footage than thirty (30) percent more than the average sizes of the two (2) buildings located on either side of the lot plus buildings on the three (3) lots on the other side of the street from building.
3. If the building occupies more than ____ (__) feet of frontage...
4. The location of the entrance to surface parking for a cinema shall be:
 - a. From an alley, when one is present;
 - b. From a side street, when the property is a corner lot, unless the side street is in a residential district in which case access should meet the requirements of subsection c below; or
 - c. From the primary street frontage as close to the side or rear of the lot as possible, when the lot is mid-block.
- d. Access to surface parking for a cinema in the Professional Office District shall not be provided from Madbury Road, Dennison Road, and Bagdad Road. Access to surface parking for a cinema in the Church Hill District shall not be provided from Park Court and Mill Pond Road.
- e. The maximum width of the entrance shall be ____ (__) feet.
- f. Surface parking for a cinema may not occupy more than ____ square feet or ____ percent of the conference center property.
5. When surface parking for a cinema backs onto a residential district, it shall minimize parking adjacent to the residential district and shall be landscaped and screened to transition gradually between the districts and protect residential uses.

Ms. Della Valle recommended striking "cinema activities" from F 1. She also reviewed the provisions for the location of the entrance to surface parking for a cinema, under F 4. She said the intent with F 4 d was to protect those residential neighborhoods from the traffic that was going to be accessing those parking lots. She said she wanted to discuss F 4 f with the Board, regarding managing access and also trying to protect residential

neighborhoods and districts.

Mr. Kelley said normally the surface parking requirements were tied to the use. Councilor Smith noted that this wasn't the case for the CBD. Ms. Della Valle explained the factors involved in trying to come up with some guidance concerning the size of the surface parking.

Mr. Wolfe said performance based standards created a lot of issues that were currently addressed with the Conditional use process. He said the things that were currently evaluated by the Board on a case by case basis now were being put into performance standards. Ms. Della Valle said these standards were what she had come up with, and said she wanted the Board to look at them because she hadn't had that experience in Durham. She said that experience should inform those standards. She also said they would evolve over time. She also said the standards were the alternative to the form based code, which was much more difficult than using the form based code. She said the form based code considered a lot of these issues, but said the end document was graphic, and linked to spatial information.

Mr. Kelley said if language in the performance standards gave the Board the flexibility to specifically critique the project, in each of these districts, that was what they were looking for. Ms. Della Valle said it got trickier when the standards for each district differed, and she provided details on this. She suggested going through some conditional uses the Board had looked at, and thinking about whether the things they typically thought about were covered in the standards being developed. She said a value of the performance standards was that the developer would know what the Board was looking for, and the Board would be more likely to get what it wanted.

She asked what the Board thought about F 4 a-c. Mr. Kelley questioned whether an alley was sufficient as an entrance to a parking area. Councilor Smith suggested that all of 4 and 5 be eliminated, and in the Table of Uses, Cinema should only be allowed in the CBD, where there used to be one and where it was within walking distance of a lot of people, and in Coes Corner, the only place with a large piece of land suitable for surface parking, where the Pines was. He asked why it wasn't permitted at Coes Corner right now.

Ms. Della Valle said she thought the idea was that Coe's Corner had a certain natural and open quality about it. Councilor Smith said there was a big piece of land there that had been hayed for centuries. Mr. Kelley said it was difficult to split hairs between the uses permitted there. He said they would all demand parking, and said the Board would have to decide how this would be met.

Councilor Smith said if the Town sold the Town Office lot for a movie theatre, a question was why would they worry about the entrances. Mr. Kelley said F 4 b fit .

Mr. Campbell suggested calling it a theatre, which was an allowed use there.

There was detailed discussion about F 4 e and f . There was also discussion about whether there would be a theatre in downtown Durham, or a cinema at Coe's Corner. Ms. Della Valle said concerning F 4 f that they could keep both options in it, and require whatever was smaller. She noted that with an enormous lot, a square footage requirement would probably be smaller than what a percentage number would be.

Mr. Wolfe said if it was downtown, the question was whether parking would even be needed.

Ms. Della Valle summarized that she would come up with some specific numbers for F 4 f, and would exempt the parking requirement in CBD. There was discussion on the parking requirement for the CBD in the existing Zoning Ordinance. Board members other than Councilor Smith agreed to keep F 4 a-f, with some adjustments that Ms. Della Valle would make.

Ms. Della Valle said F 5 tried to get at the issue of buffering adjacent residential areas. She said it could be made more specific. Ms. Fuller said when it was left more general, the Board could ask for more than what a developer provided. Ms. Della Valle said on the other hand, the developer was guessing. She said they could strike a balance and make things a little more specific. Mr. Wolfe said he liked the language as it was, and Ms. Fuller agreed. Ms. Della Valle suggested that the wording could expand upon what residential uses would be protected from. Mr. Campbell noted the wording in Section 175-56 that related to this, and Ms. Della Valle said she would check it.

Ms. Della Valle asked if they wanted to get rid of "cinema", since "theatre" was already defined. She asked if there was a place they would want a cinema where they wouldn't want a theatre. Board members said no, and Ms. Della Valle said she would therefore delete "cinema", and would keep the comments on theatre. Ms. Fuller said this way they might even get a stage with a multiplex. Ms. Della Valle said she had been seeing that this was how some of the old theatres were surviving, and there was discussion about theatres in the area that had been successful by providing a variety of venues.

Ms. Della Valle said the comments the Board had provided about the access would be carried through into the other sections where there was that same language.

G. Child Care Center, Nursery, or Pre-school. A child care center shall conform to the following standards:

Ms. Della Valle said this revised provision indicated that nursery and preschool would have the same set of standards that currently existed for child care center.

H. Club. A club in the Central Business, Professional Office, Church Hill, Courthouse, and Coe's Corner districts shall conform to the following standards:

1. The building shall have a minimum of two (2) functional floors for club activities.
2. The building shall be no larger in total square footage than thirty (30) percent more than the average sizes of the two (2) buildings located on either side of the lot plus buildings on

the three (3) lots on the other side of the street from the club.

3. There shall be no sale of alcohol for consumption off the premises.
4. Hours of operation shall be limited to seven (7) am to one (1) am.
5. Activities at the club shall not produce noise or other nuisances perceptible at the lot line at a higher level than is usual in a business district.

Ms. Della Valle said she would remove the word “activities” from H 1. She said H 2 had to do with scale, and H 3, H 4 and H 5 had to do with quality of life issues. She asked for input on them. There was discussion that the current minimum size for a building in these districts was 1 ½ floors, and Ms. Della Valle asked if Board members thought this was enough, or if 2 floors was better in order to create the kind of streetscape they were looking for. Mr. Kelley said they needed to say 2 floors for new construction, but said if it was adaptive reuse or a change of use, whatever there was, was acceptable. Councilor Smith said with adaptive reuse of an existing building, there needed to be at least 2 functional floors.

There was discussion that the provisions needed to say “new building”. Councilor Smith suggested an overriding statement that said the provisions applied to all new buildings, and Mr. Kelley said perhaps with an existing building, only some or perhaps none of the provisions would apply.

Mr. Kelley asked what there was to prevent strip clubs from coming into Town. There was discussion that there was nothing specifically in the Ordinance concerning this. Mr. Kelley asked what there was to prevent someone from starting a strip club at the former Cumberland Farms property. Mr. Campbell said if they were going to regulate it, they couldn't prohibit from all of Durham. Mr. Kelley asked whether by being silent on this use in the Ordinance, an applicant could come in and make a proposal. Mr. Campbell said yes, and noted that this issue had come up during the previous Zoning rewrite, but no one had wanted to address it.

Ms. Della Valle asked what the Board thought about how to handle an expansion of a building for a club. She suggested requiring that an applicant would need to conform to the new building standards to the greatest extent possible.

Chair Parnell said he had a concern about the fact that right now in Durham, there were a lot of small commercial buildings. He said most people would like that to change into more of an urban look, but said he wasn't sure that the Board should be putting what people could and couldn't do with their buildings into stone.

Ms. Della Valle asked that they address her suggestion about building expansion and then address what Chair Parnell had spoken about. She gave as an example of having to conform to the new building standards to the greatest extent possible a situation where a building couldn't support a second story. Mr. Campbell noted Jess Gangwer's building as an example of this. He said engineers had looked at it several times to see if a second story could be put on it.

Ms. Della Valle said that concerning Chair Parnell's issue, there had been discussion that

the 30% rule probably didn't work in the CBD. She asked if she should look beyond this, into the Church Hill district and the Court House district. There was discussion that a lot of this would depend on the particular location where the proposed construction was. Ms. Della Valle asked if the most significant concern about inappropriate scale was in regard to the Church Hill district. There was discussion that Matt Crape's building hadn't been to scale, but now that it was in, people didn't object to it, and it was now the new scale.

Ms. Della Valle said if they weren't concerned about scale in the CBD, perhaps any concern about scale should focus on Church Hill.

Chair Parnell said he wasn't sure provision #2 belonged anywhere in the Ordinance right now. He said he didn't think the Board should be refusing a proposed development, where everything else was right, just because it was bigger than the place next door.

Mr. Wolfe noted that he was a member of the HDC, and said there were a number of historic homes in the Church Hill district. He said a purpose of Zoning was to protect adjacent property values, and said putting something big in that didn't conform to the properties there would diminish adjacent property values. He said it was more of a residential area. Councilor Smith said when Hamilton Smith put the Red Tower up and painted it red, it changed the entire scale of Church Hill. He said the building was massive and had a big addition in the back. He said he didn't think they should worry too much about scale.

Chair Parnell asked what other Board members thought about the issue of scale. Mr. Wolfe said he had no problem with it outside of Church Hill. Mr. Kelley said he didn't have any trouble with it in the CBD because it was moving in the direction they all wanted to see, with infill development, and higher density. He said in the Court House district, there was the hotel across the street and the Court House building itself, and said he could see visualize this scale going down the street. He also said he didn't think Coe's Corner should be limited by the fact that there were two little cottages there. He said he was willing to leave Church Hill alone, because he wasn't sure that anything was going to happen there.

Ms. Della Valle noted that the charrette report said that for Church Hill, they should promote infill that filled in gaps along the street, and maintained the historic fabric. Mr. Kelley said there were a variety of scales and building types there. Ms. Della Valle said a purpose of provision #2 was to address that situation, and Mr. Kelley suggested that they therefore keep that provision for the Church Hill district, and throw it out for the other districts. Other board members agreed.

Ms. Della Valle said she would add one more qualification. She said as they talked about the character issue and maximum building width and depth, she might suggest that #2 be thrown out and that they go with building width and depth instead. She said this would then require going out and measuring what was there, in order to come up with some kind of consistency.

Ms. Della Valle referred back to H3, H4, and H5 under Club. Board members said they were ok with these provisions.

I. Community center. A community center in the Central Business, Professional Office, Church Hill, Courthouse, and Coe's Corner districts shall conform to the following standards:

1. The building shall have a minimum of two (2) functional floors for community center activities.
2. The building shall be no larger in total square footage than thirty (30) percent more than the average sizes of the two (2) buildings located on either side of the lot plus buildings on the three (3) lots on the other side of the street from the community center.
3. Hours of operation shall be limited to seven (7) am to one (1) am.
4. Activities at the community center shall not produce noise or other nuisances perceptible at the lot line at a higher level than is usual in a business district.

Ms. Della Valle said "activities" would be removed from I 1. She said the scale issue in I 2 would be qualified, and said it would only apply to the Church Hill district. She determined that the Board was ok with I 3 and I 4, but Councilor Smith said I 4 should be specific about "business district". Ms. Fuller noted that there was a noise ordinance that could be referred to in this provision.

J. Conference center. A conference center in the Central Business, Professional Office, Church Hill, Courthouse, and Coe's Corner districts shall conform to the following standards:

1. The building shall have a minimum of two (2) functional floors for conference center activities.
2. The building shall be no larger in total square footage than thirty (30) percent more than the average sizes of the two (2) buildings located on either side of the lot plus buildings on the three (3) lots on the other side of the street from the community center.
3. The location of the entrance to surface parking for a conference center shall be:
 - a. From an alley, when one is present;
 - b. From a side street, when the property is a corner lot, unless the side street is in a residential district in which case access should meet the requirements of subsection c below; or
 - c. From the primary street frontage as close to the side or rear of the lot as possible, when the lot is mid-block.
- d. Access to surface parking for a conference center in the Professional Office District shall not be provided from Madbury Road, Dennison Road, and Bagdad Road. Access to surface parking for a conference center in the Church Hill District shall not be provided from Park Court and Mill Pond Road. Access to surface parking for a conference center in the Courthouse District shall not be provided from Bayview Road, Old Landing Road, and School House Lane.
4. The maximum width of the entrance shall be ____ (__) feet.
5. Surface parking for a conference center may not occupy more than ____ square feet or ____ percent of a conference center property.
6. When surface parking for a conference center backs onto a residential district, it shall minimize parking adjacent to the residential district and shall be landscaped and screened to transition gradually between the districts and protect residential uses.

Ms. Della Valle said she had struck "activities" from J 1, and would qualify J 2. She said the access standards they had already discussed were in J 3, and said the changes they had talked about would carry all the way through.

K. Educational facilities. Educational facilities in the Central Business, Professional Office, Church Hill, Courthouse, and Coe's Corner districts shall conform to the following standards:

1. The building shall have a minimum of two (2) functional floors for educational activities.
2. The building shall be no larger in total square footage than thirty (30) percent more than the average sizes of the two (2) buildings located on either side of the lot plus buildings on the three (3) lots on the other side of the street from the educational facility center.
3. Provisions shall be made for the safe drop-off and pick-up of students such that this activity will not create a traffic hazard, obstruct vehicular or pedestrian traffic, or adversely impact adjacent properties including those on the other side of the street.

Ms. Della Valle said "activities" would be removed from K 1, and said K 2 would be qualified. She said the new provision here was K 3. It was noted that K 3 address the concerns the Board had had. Ms. Della Valle noted that this same wording had been included for multiunit elderly housing.

Farmers' Market. Farmer's markets shall conform to the following standards:

- ~~1. All farmers' markets shall be licensed by the Town Council.~~
1. Each vendor at the farmers' market shall be required to provide current copies of documentation that each vendor has obtained all applicable food handling licenses from the state and to certify that the vendor will remain in compliance with all food handling regulations.
2. Each vendor at the farmers' market and/or the private association, if there is one, shall be insured, provide a certificate of general liability coverage in an amount sufficient to cover anticipated liability, and provide the Town waivers of liability that indicate that the Town will be held harmless, indemnified, and defended in the event of damage or loss.
3. Farmers' markets that operate more than a total of thirty-sixty (360) days per year are subject to site plan review to ensure adequate circulation, safe access, and control of signage, noise, and lighting.
- ~~1. Locally produced crafts may not be sold by more than twenty five percent (25%) of the vendors at the farmers' market nor may they exceed more than twenty five percent (25%) of an individual farmer's annual sales at the farmers' market.~~
4. Live music may not exceed the Town's noise standards or authorized hours of operation.
5. Fresh meat, frozen meat, meat products, poultry, poultry products, fish, pasteurized milk, milk
- ~~1. Frozen meat, meat products, poultry, poultry, and fish must be stored such that it remains frozen during transport and display at the farmers' market.~~
- ~~1. Pasteurized milk and milk products must be stored in compliance with State regulations.~~

Ms. Della Valle reviewed the changes made to the draft farmer's market performance standards based on previous discussion with the Board. Mr. Kelley said based on these provisions, there was nothing to prevent someone from having a farmers market at a place like the Irving station, once a month. He said it might create problems with traffic, and said there could be public safety concerns. He said the quality of life and safety standards should therefore be included. He said the site would need to provide safe pedestrian and vehicular access.

Mr. Ozenich suggested that they could limit any market to one day a week, which would fit within these provisions. There was discussion. Mr. Kelley said his concern was a market that operated less than that, so didn't require regulatory approval. He gave the Cumberland Farms site as an example. Ms. Della Valle said the idea of not regulating farmers markets too closely was that they were desirable for a number of reasons. There was discussion about how strict some of the regulations for some farmers markets were these days. Ms. Della Valle said the regulations varied significantly from town to town in

terms of how restrictive they were, and said she had tried to steer a middle path.

There was further discussion. Mr. Kelley said his concern was a farmers market of some kind taking place at a location that wasn't safe or adequate. He said if there were standards that addressed public health and safety issues, he didn't think they needed to regulate beyond that. Ms. Della Valle asked whether if that was added, they should eliminate the need for site plan review, and Mr. Campbell said if the site plan review language wasn't there, Mr. Johnson would still automatically send it to the Planning Board, because it wasn't a residential use.

Chair Parnell said all the uses needed to insure safe access and adequate circulation, and control of noise, lighting, etc. He said farmers markets operating more than a certain period of time should be subject to site plan review. Board members agreed that the current language in #3 regarding 60 days should stay.

Ms. Della Valle next said she would like the Board to look at the three questions she had posed in her memo.

1. *How much do you want to get into regulating building form to help prescribe good public spaces and good urban form?* Some of the options include:

- Minimum building height
- Maximum building height
- Ground-floor finished level height (including maximum height for retail/commercial uses to convey their semi-public status and ensure easy transition from sidewalks into these spaces)
- Minimum ground floor ceiling height
- Minimum upper floor(s) ceiling height
- Maximum building width
- Maximum building depth
- Maximum Ancillary building size (accessory buildings)

She noted some narrative she had taken out of the Form Based Code book, concerning why they might want to use some of these things.

2. *How much do you want to get into regulating architectural standards to help prescribe good public spaces and good urban form?* Some of the options include:

- Massing, which should be characterized by building type (single family, multifamily, commercial, civic), and focuses primarily on the overall size and shape of buildings and may include roof forms (gables, hips, pitch, dormers, wings, bays, etc.)
- Façade composition, which may include building widths/maximums; appropriate rhythm of windows, doors, bays, balconies (the number, distance between elements, informal/formal patterns); distance between corners and windows, location of doors
- Windows and doors including types, proportion/typical sizes (heights/widths), division patterns/types of muntins, minimum depths, surround details, sill details, special elements like shutters

Ms. Della Valle noted some language she had provided concerning this from the *Smart Code* book.

3. *Do you want to include standards that include different building frontage treatments*

to help prescribe good public spaces and good urban form? Some of the different frontage types that you might want to distinguish with different standards or exceptions to setbacks from the street or sidewalks include:

- Common yard – where the façade is set back substantially from the frontage line, is unfenced and visually continuous with adjacent yards, supporting a common landscape
- Porch and fence – with an attached porch, no less than 8 feet deep, that is allowed to encroach into the setback and a fence that demarcates the yard
- Terrace or light court - wherein the façade is set back by an elevated terrace or a sunken light court to buffer residential use from urban sidewalks removing the private yard from public encroachment. Such a terrace may be suitable for conversion to outdoor cafes.
- Forecourt – wherein a portion of the façade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs and should be used in conjunction with other frontage types. Large trees within the forecourt may overhang the sidewalk.

Ms. Della Valle noted that some of these things allowed encroachments into the setback or build-to line. She asked Board members to send their comments on these questions, and said it would be particularly useful to see some consensus from the Board on them, so she would know what to start building some language around.

Chair Parnell said these were crucial items in the rezoning process, and said he thought there should be specific discussion on them. He said they were very different from what was in the Ordinance now.

Ms. Della Valle noted that in her other handout, she'd provided some standards for light manufacturing, repair services, and research facilities. She said she was still waiting on the mixed use parking standard, and Mr. Campbell said would provide it to her. She said that concerning the character development questions, at some point, if the Board wanted to proceed with these, they would need to get out on the street and start doing some measuring. She said otherwise, the numbers taken from other towns and put in the Ordinance wouldn't necessarily work for Durham. She also noted that just measuring what was there didn't always provide the right answer.

She spoke further about the kind of research she would do, depending on which form based code, Smart code, neighborhood code considerations the Board liked. She said she didn't want to be doing unlimited research, looking for more detail on things the Board wasn't really interested in.

Mr. Kelley said the downtown was growing up, and the Board was prescribing this. He said if something like a neighborhood code didn't fit into this, he thought it would be a waste of time. Ms. Della Valle said she thought it would be useful. She said she had been involved in writing a form based code for the town of Damariscotta, which was somewhat similar to Durham, and said they were using the neighborhood code. She said she'd like some guidance from the Board on the general direction they wanted to go in before investigating these things.

Mr. Kelley said Church Hill was the most complex district, because of the different

masses of buildings, and uses, and also in terms of setbacks from the sidewalk. He said he thought they should start over with it. Chair Parnell asked if there was a lot of infill potential there. There was discussion.

Richard Ozenich MOVED to adjourn the meeting. Bill McGowan SECONDED the motion.

In response to a question from Mr. Wolfe, there was discussion about why the Planning Board was going through this Zoning rewrite process. Mr. Campbell noted that it had come out of the charrette process the Town had gone through, and Ms. Fuller also noted that the Town was in the process of updating the Master Plan.

Mr. Kelley said in some respects, he would like to expand the zoning rewrite committee. He said he didn't sign on to the Planning Board to make these kinds of decisions, and said the Board didn't get the perspective it needed until these things went to public hearing.

The motion PASSED unanimously 7-0.

Adjournment at 10:15 pm

Victoria Parmele, Minutes taker

Susan Fuller, Secretary