

*These minutes were approved at the October 5, 2011 meeting.*

**Durham Planning Board  
Wednesday July 20, 2011  
Durham Town Hall - Council Chambers  
7:00P.M.  
MINUTES**

**MEMBERS PRESENT:** Chair Lorne Parnell; Vice Chair Peter Wolfe; Secretary Susan Fuller; Richard Ozenich; Bill McGowan (arrived at 7:30 p.m.); Richard Kelley (arrived at 8:10 pm); alternate Town Council representative Julian Smith; alternate Andy Corrow

**MEMBERS ABSENT:** Town Council representative Jay Gooze; alternate Wayne Lewis;

**I. Call to Order**

Chair Parnell called the special Planning Board meeting to order at 7:05. He appointed Mr. Corrow to vote in place of Mr. McGowan.

**II. Approval of Agenda**

*Councilor Smith MOVED to approve the Agenda. Mr. Ozenich SECONDED the motion, and it PASSED unanimously 6-0.*

*Councilor Smith MOVED to amend the Agenda to reverse the order of Items IV and V. Mr. Ozenich SECONDED the motion, and it PASSED unanimously 6-0.*

**III. Planners Report**

No report

**IV. Presentation on Findings of Workforce Housing Charrette**

Lisa Henderson, Executive Director of the NH Workforce Housing Coalition noted that at a recent Planning Board meeting, she had mentioned the opportunity to explore possibilities at the Goss site with an upcoming charrette. She provided background on the Coalition's work, and explained that they had been aware that Durham was considering doing inclusionary zoning in regard to workforce housing, and that the community in general was giving a lot of thought to this issue.

She said the Coalition had thought it was great when the charrette opportunity with the Goss site came up as a result of a phone call from Chuck Goss. She said the charrette was held on June 14<sup>th</sup> and 19<sup>th</sup>, and she spoke about the team of professionals who had volunteered to

participate.

Ms. Henderson said the Goss parcel contained 250 acres in three towns. She said they started with the Durham triangle of land, but also started to look at the entire parcel from a more comprehensive perspective, with the idea of exploring the potential for both ownership and rental workforce housing as part of a development on the parcel.

She first explained that on the rental side, workforce housing was defined by State statute as applying to a three person household at 60% of the median area income, and what they could afford using a standard of 30% of income going toward housing. She said in this region, that translated to a \$1,100/month apartment, including utilities. She said with the home ownership scenario, workforce housing was defined as applying to a four person household, at the median area income, which translated to an approximately \$265,000 purchase price.

Ms. Henderson said the team looked at the potential and constraints of the site, and said as part of this process, there was also an opportunity for residents of Durham, Lee and Madbury to provide input. She said the results were catalogued, and were used to create different possible scenarios. She said there was now the opportunity to evaluate future opportunities.

She explained that the charrette process was not meant to create an actual development proposal, and said where to proceed with these concepts was entirely in the hands of the Goss family. She said they had been kind to open themselves up to this review process and to make some of their wishes and desires known. She said the Coalition's goal in all of this was to keep a dialogue going.

Chuck Goss told Board members that he lived in Madbury, and that portions of his property were located in each of the three towns. He said 23 acres of the 250 acre parcel were in Durham. He noted that he was president of the Madbury Historical Society, and was a member of the Conservation Commission. He said for about a century, he and his family had been stewards of the Powder Major's Farm, which was the central home of John DeMeritt, who provided the powder for the first offensive action of the Revolutionary War. He said his family had been asked to be good stewards of the property, and had tried to do this in various ways over the years.

He said the idea now was to preserve as much of the property as possible. He said there were about 30 acres of open fields, noting that he did farming there now, and hoped to do more. He said the family needed an answer about how to preserve the property and impact the least amount of land, while also fulfilling the objective of keeping the farm culturally significant, preserved, and also used as a working farm. He said there might be the ability to put into practice a community farming effort, and he provided details on this.

Mr. Goss said there needed to be something that was economically feasible for himself and his brothers. He noted that the acreage in Durham was high and dry land, and had been zoned ORLI when he had decided he wanted to put an environmental incubator there several

years ago. He explained that he was told at that time that the land would be rezoned to rural residential. He said he had thought at that time that this would ruin the farm, because the family would have to sell off as much land as it could because they couldn't get the value out of the acreage.

He explained how he'd recently gotten involved with the workforce housing charrette process, to take the master plans of all three towns were very similar, put them into one single answer on the most viable piece of land of the acreage, and do a workforce housing initiative as part of this, which was needed in all three towns. He said the area in Durham was the most logical place to put the housing. He explained how greenways in the area could be preserved as part of this.

Mr. Goss said he thought this was an interesting way to approach it, and said it would be good to come up with a design for a possible development that would reflect rural character and the historic look of the farmhouse. He said his family was in a unique situation, in being able to offer many of the things that the Master Plan spoke to. He noted that the family had been involved in keeping the rural character of the three towns, but economically couldn't keep doing that. He said he would much rather be on a tractor, and said if he could maximize the productive use of the open fields, it made sense to do this.

He said environmentally speaking, protecting Durham's drinking water was foremost. He said the Lee portion of his property contained 45 acres, and allowed setbacks that would provide a lot of buffer. He said other objectives included preserving green space, wildlife and recreation corridors, and sustaining the forest with good forest practices.

Mr. Goss noted that Cooperative Extension recently had done a conservation inventory on the property because it was regionally significant, as contiguous woodland. He said the family wanted to do something that would be good for the three towns. He said there were good soils, and he noted again that he wanted to do a community wide farming initiative there.

He said anything done there would be sustainably based, including green building/sustainable living initiatives, and said the property could provide an example to others of how to do this. He also said culturally, the property played a key role in educating kids about the importance of the Revolutionary War, and said the family wanted to be good stewards of this. He also noted that the family had allowed the land be used for a multitude of recreational uses.

Mr. Goss said the critical thing here was to get three towns to act together to help make this happen. He said he was motivated to have Durham be the first domino, and said he would then bring the project to the other two towns. He said a development that could provide a model of how to live in the 21<sup>st</sup> century was something that was warranted and worthy of land abutting Durham and the University.

Robbie Woodburn spoke next, and noted that she was a landscape architect and was also a member of the Durham ZBA. She said she had been working with the Goss property when

the charrette opportunity came about. She noted that at the listening sessions, the overriding comment was minimal change, and keeping things rural. She said another comment was maximizing conservation, no McMansions, and a mix of housing so it was a true community.

She said a significant thing about the parcel was that one didn't see a lot of it from Route 155. She said people were very clear that they wanted buffers, and didn't want to see the development if it was there. She said there was a lot of discussion about the rural character and New England architectural.

Ms Woodburn described the property and how it spanned three towns. She said all three towns had rural zoning, and talked about preserving rural character, low density, etc. She said in Durham, in the 23 acre parcel, there was a 150,000 sf lot requirement, which meant that out of 23 acres, one could get 6 residential lots. She said Lee and Madbury required close to 2 acres for a lot. She said with these numbers in mind, the design team had turned this into a graphic of what such a buildout would actually look like.

She said they also did calculations on how much workforce housing could be part of such a development, noting that if 20% had to be workforce housing, this resulted in one extra lot. She said if a bonus lot was also allowed, the total was 8 lots. She said a question with this had been how much of an impact the Town's workforce housing ordinance would actually be making.

Ms. Woodburn said if elderly housing was done for the Durham portion, with 1 bedroom bungalows, there could be up to 19 residences. She said if all three towns were considered for the Goss parcel, there could be 80 houses, and said this was what the regulations for the rural zones in these towns were encouraging and advocating. She a better way was needed in terms of looking at the land and how to develop it.

She showed an aerial photo, and said perhaps a 500 ft buffer for the river could be considered instead of a 250 ft buffer; there could be protection of the greenway that went through the middle of the property; there could be preservation of the majority of the farmland; and more dense development could be allowed in areas that were suited for it. She said the upland areas in each the three towns could then be assigned for development.

Ms. Woodburn noted the farmhouse, and said it had been used as inspiration, as part of the charrette. She said they came up with the idea of an extended farmhouse design, done in a small footprint bungalow single family house or a larger footprint building with three housing units in it.

She showed a design for three village greens, around which there would be shared septic, some of the bungalows, and some 3 unit farmhouse structures. She said there would also be a big buffer from Route 155, connection to trails, protection of the greenway and preservation of the farm. She said this plan showed 66 units, which included 12 lots along Cherry Lane.

Ms. Woodburn noted that she had worked on the 2000 Master Plan, and also did some work with the committee that wrote the subsequent Zoning changes. She said she had recommended at that time that the zoning concepts being considered should be modeled so people could see the physical characteristics of what was being put into regulations.

She said if the development could be condensed in a way that was still rural NH and still hearkened to the architectural character of the area and in a more efficient manner, they could preserve the land, protect the environment and get the kind of development needed so that people could live in the area.

Mr. Wolfe said with what was being proposed, the development rights for the larger parcel were being associated with the smaller parcel.

Ms. Woodburn said that was correct, and said it would be concentrating the development on the land that was well suited for development.

Roger Hawk spoke next, noted that he was a planner that had participated in the charrette. He said the real challenge was three town boundary lines, but said there was a way to get three planning boards to talk together. He spoke further about the design that had been developed, and said it essentially created cluster development, over three different communities. But he said the real challenge was how to get there.

He said one possible regulatory approach was to utilize the provisions of RSA 674:53 and agreeing that all three towns would treat this as one development, since it crossed the town boundaries. He said one goal would then be to allow 20% of the 78 units (15 units) to be dedicated for long term workforce housing, which would be spread among the three towns. He said there could be joint planning board hearings, and said the individual planning boards could then go back and deliberate on the application on their own. He said this could be done with or without further discussion with the other towns, but he said all three towns would have to agree about the application.

Mr. Hawk said the concept the team had come up with clustered development in two areas: some individual units on Cherry Lane, and the majority of the units off of Route 155, which preserved more than 150 acres of open space.

He said he strongly encouraged the Board to think of this in two ways: the uniqueness of the situation because the property straddled three town boundaries; and the fact that it was a real life example of what the Town's suggested workforce housing regulations might allow. He said this was a unique way to provide housing, including workforce housing.

Chair Parnell said there was mention that the other 80% of such a development would be senior housing. He asked if the number arrived at was based on that scenario.

Ms Woodburn said yes, and said for the Durham piece, elderly housing was considered. She said that might skew the numbers a bit differently, and she provided details on this.

Mr. Hawk said going across town boundaries, they could take the whole 240 acres and cluster down to the island of land off of Route 155. He said this might create more density in one town than would otherwise be the case, but would preserve the open space in all three towns.

Mr. Campbell asked if they were looking at a condominium style of development, or individual lot ownership. He also asked if the issue of who would own the open space had been worked through.

Mr. Hawk said the presumption was some kind of condominium ownership. He said they would also want to have some kind of conservation easement on the land that would be protected. He said that would need to be worked out with the Gosses.

Chair Parnell asked if there were any developers who participated in the charrette.

Ms. Henderson said there were people at the charrette who evaluated this based on the financial implications. She said it was done under a condominium scenario, using developer and banker input. She said within the parameters of affordable workforce housing ownership, it was possible to achieve workforce housing within the price range, with what had been designed.

Ms. Fuller asked if the presentation had started in Durham.

Ms. Henderson said yes, and said the next step was to go to the other towns. She noted that this wasn't a project proposal, and said an objective of the Coalition was to foster conversation between the three towns.

Mr. Wolfe said he liked the concept that had been presented, and appreciated the fact that it had been brought to the Planning Board. He said the interesting thing was that the existing regulations could defeat what towns wanted to accomplish. He said if they could transfer the development rights, this would create a planned unit development, which wasn't in the Zoning Ordinance. He said what was proposed would benefit the three communities.

Ms. Fuller agreed, and said she would like to support the three towns' initiative.

Chair Parnell said the Board would have to take a look at the current regulations to see if they would prevent this kind of thing from happening. He noted that the Board was in the process of reviewing and amending portions of the Zoning Ordinance.

Mr. Wolfe asked if anyone had looked at how the regulations would have to change in order for this to work.

Mr. Hawk said consultant Jack Mettee had provided some guidance, based on working with the Town on the draft workforce housing ordinance. He said Mr. Mettee had thought that the Ordinance could be modified to allow the kind of thing that has just been proposed.

Mr. Campbell said there was no way to transfer development rights in the current Zoning Ordinance.

Mr. Wolfe said the graphic that had been provided was great at demonstrating what the current regulations would result in. Ms. Woodburn spoke further on this.

Ms. Fuller said the Zoning Ordinance didn't encourage smart growth, which was essentially what this concept was.

Mr. McGowan asked if the RSA gave the Board the flexibility to move forward.

Mr. Hawk said it didn't provide the flexibility to violate town regulations, but did provide the flexibility to consider treating a piece of property that crossed a town boundary in a way that allowed one to consider all of the property in terms of meeting density, setback requirements etc. But he said if the Zoning Ordinance didn't allow the clustering/conservation subdivision approach being suggested now, the regulations would have to be changed in order to make it happen.

Mr. Wolfe said it would be helpful for everyone to see what regulatory changes all three towns would have to make in order to allow something like this.

Councilor Smith confirmed that Lee and Madbury had a minimum lot size of close to 2 acres. He said it might make sense, in connection with some kind of unified plan, for Durham to create a new zoning district that would be consistent with what was in Lee and Madbury. He said the lot size Durham had adopted was created fairly arbitrarily.

He said there was a time when all a property owner had to do in terms of lot size was demonstrate that there was enough land for a leach field. He said this was why rural parts of Durham such as his neighborhood had 0.25 to 1.25 acre lots, etc. He said in the 1970's, lot sizes in the Rural district went from almost any size to up to 3 acres, and said it was now more than that.

Councilor Smith said planning boards had done this, and said he thought this could be undone if there were good reasons. He asked whether it would help if there was a workforce housing overlay, so in some districts, there could be, by right, a reduction in lot size or other changes in order to foster workforce housing.

Mr. Hawk said generally speaking, having an overlay concept for workforce housing made a lot of sense, and also said allowing bonus provisions if a certain percentage was targeted to workforce housing made a lot of sense. He said in addition, they could say that if substantial clustering was done on the 250 acres, the fact that it wasn't all happening physically in Durham was aside from the major goal. He also said a workforce housing overlay district could allow greater latitude in terms of how the developed portion of the site was laid out.

Ms. Woodburn said one takeaway was that the Board needed to make sure that the workforce housing ordinance they did actually resulted in more workforce housing units.

She said whether it was with an overlay or was required in every zone was something for the Planning Board to think about.

She said another issue was the smart growth part of this. She said smart growth should be encouraged in every zone. She said bigger lots didn't necessarily mean better lots or more rural lots. She said if there was a smart growth option, with incentives to do this, this would provide more options for getting development and allowing property owners to get value from their land, while also saving the open lands the Town had. She said the conservation regulations could somehow be married with this.

Mr. Wolfe said he liked the concept of smart growth, and asked if there was a model smart growth ordinance.

Ms. Henderson said there were exclusionary housing ordinances that could be structured as by right or as an overlay that had a conservation open space connection to it, and the bonus provision was tied to that. She said Exeter had an ordinance like this. She said she didn't know how many of these concepts were discussed as part of developing the draft workforce housing ordinance. She said a major conclusion was that based on the 20% bonus provision for the Rural District in Durham, that percentage wasn't high enough to make a meaningful impact on the need for workforce housing, or make it viable economically for a developer.

Mr. Campbell said the Board held a public hearing in the draft workforce housing ordinance the previous week, and said no members of the public spoke. He said it would go next to the Town Council. He said the draft ordinance was fashioned like an overlay, and had to be done as part of the conservation subdivision regulations. He explained that this would hinder a lot of development, because with the calculation of usable/unusable area, a lot might actually have to be bigger than 150,000.

He said that in itself was a hurdle. He noted that the 20% bonus was given for workforce housing, along with a 20% bonus for market housing in order to provide more incentive to a developer to do this. He said whether having the conservation subdivision process in Durham was an incentive to actually do it was another thing.

Ms. Henderson noted that the State statute said towns needed to allow workforce housing as a defined housing type in more than 50% of the residentially zoned land area of the town. She said towns in NH were at different stages of true compliance with that.

Ms. Fuller noted that numerous zones were included as allowing workforce housing, as part of the ordinance draft.

Ms. Henderson said she realized that a lot of thought had been put into the process, and said she applauded the Board's work. She said it was an iterative process, and said when real life examples came into play, it could be seen where there were opportunities to refine an ordinance. She noted that Exeter's inclusionary zoning ordinance had been revised several times.



Mr. Goss said this was an inclusionary process he and others were now involved with. He said he and his family thought it was best to get good input and get the best minds on something that was dysfunctional, and to define the right choice. He noted that even with a Zoning change to have 2 acre lots, this would force the family to do the full McMansion buildout, which he didn't want.

He said they were looking for the right answers in terms of planning, and also how people lived. He said this kind of approach could promote rural values and also promote local food. He said he was willing to do that. He said they couldn't please everybody, but said he would be open to the ideas that were really sound, and spoke to the basic needs of all three towns.

Mr. Goss said if there was a semblance of agreement in Durham, he would like to go next to Madbury and Lee. He provided details on the concept of a tri-town greenway, which among other things would link to Kingman farm, which was one of the last rural stretches around. He said there was a better solution than 2 acre zoning, and one that he believed he could sell to his family.

Councilor Smith asked if Lee and Madbury were able to do clustering.

Chuck Goss did some numbers on this, but said he didn't know the specific answer yet.

Mr. Kelley arrived at 8:10 pm.

Chair Parnell said this discussion had brought up some issues that the Board hadn't come close to having a resolution on. He said the Board was in the process of looking at workforce housing issues, and said a proposal here would force them to change some things they recognized were not working. He said there was the workforce housing issue, the other possible Zoning issues, and the issue of three towns working together on a project. He said each had to be pushed along.

Mr. Goss said he was willing to make the effort, and said this project wasn't something that had to happen tomorrow. He said he saw similar objectives in all three towns in terms of density, and use of land. He said it wouldn't burden one town over another. He spoke about his previous ideas for using his property, and said what he was thinking about now was a project that would be better for everybody, including his neighbors. He said he wanted to get them on board as well.

Mr. Wolfe asked Mr. Goss what he would like the Board to do right now.

Mr. Goss said he would like the Board to say that what had been presented was a brilliant idea, and that it wouldn't burden the Goss family by rewriting the regulations. He said they could say this was something that might require a variance, within the scope of what was collectively proposed. He said Durham was the lynch pin of the parcel. He said if Durham said a tri-town approach was a good idea, using RSA 674:53, it could say it wanted to get the reaction from Lee and Madbury. He said there was no hurry, and said he would like to get maximum stakeholder buy-in. He said he'd be willing to talk to the other towns.

Mr. Kelley said it was a brilliant idea. He asked whether, as part of the team on the charrette, there were marketing and real estate professionals who gave assurances that there was a market for this, given the current real estate market in the area.

Mr. Goss said two people provided feedback on this, including a banker. He said the re-enforcement was good. He said a question he had had was whether someone would want to live in a \$250,000 condominium that was part of a three unit farm house. He noted that there would be other benefits to living there, so it might be so. But he said he didn't know where this had been proven yet.

Mr. Hawk said he had used the visual concept that he'd presented in other, more rural towns in NH, and people seemed to like it. He said the connected, rambling farmhouse with a barn look was seen all over NH. He noted an example of an existing property in Hopkinton that was turned into five housing units. He said what was being talked about here was new construction that mimicked the traditional architectural style of New England.

There was discussion about the fact that the Durham portion of the Goss property was originally zoned ORLI, and was changed to Rural.

Councilor Smith said he was on the Conservation Commission at the time this happened, and had done a site walk on the property. He also noted that the Planning Board had recently changed the Table of Uses for the ORLI and MUDOR zones by allowing single family residences there, in order to accommodate a developer on the property next to Technology Drive.

He said there was an irony here, that in the same corner of Town, something that could provide workforce housing and senior citizen housing couldn't be done by right, or with a Conditional Use Permit. He said perhaps the Planning Board and Town Council should start thinking about returning the parcel in question to the ORLI zone, or creating a special zone in connection with Lee and Madbury, in order to do something that would be advantageous in a number of different ways.

Mr. Goss said the less complication, the better with this, and he spoke further. He said he had not spoken to Lee and Madbury, but noted that at the listening session that had taken place as part of the charrette, representatives from Lee and Madbury were there.

Chair Parnell said there needed to be internal discussion in Durham about changes to the Zoning Ordinance to accommodate this kind of thing. He said the issue of bringing in the other two towns seemed relatively straightforward, and might be less difficult than changing the zoning. He noted that there had been some public input at the charrette about not wanting to change anything.

Mr. Goss said there had been a lot of exceptions to that, and said it was recognized that something had to happen, which had constraints. He said there was a normal reaction from abutting stakeholders. He said the planning people said it made some sense.

Chair Parnell asked Mr. Campbell how things could move forward.

Mr. Campbell said it was important for Mr. Goss and others to talk to the other towns, in order to get initial feedback. He said he didn't suspect that they would think this concept was crazy. He said once that happened, it would be very helpful to see something that would look like what the development would be, with setbacks, lot sizes, etc.

Councilor Smith asked if it would be appropriate to ask Mr. Campbell to talk to his fellow planners, or for the Planning Board to ask the Town Administrator to open these discussions. He asked if this would need to be done formally or informally.

Mr. Campbell said he could talk to the other towns' planning board members. He said it would be good for the Goss's to introduce this first.

Mr. Goss said the concept at this point was essentially the result of a day long group of professionals working together, and said it was a good exercise. He said something more precise needed to be created, and there then could be reaction to it. He said he was at the point of fleshing things out more.

Ms. Woodburn said there had just been discussion among her and members of the audience that evening about moving things forward in an efficient way. She said the first hurdle had been to come to Durham, and said it might be most productive to have a joint Planning Board next and then have general discussion. She said the team didn't want to do further planning until there was agreement on a concept. She said if there was such agreement, things could move forward because there wasn't as much of a risk.

Chair Parnell asked what Board members thought about moving forward.

Councilor Smith said he would be interested in a joint meeting.

Mr. Kelley said he believed that it was Mr. Goss's land, and he should have a lot of liberty to do with it as he saw fit. He said he was very open minded about hearing what Mr. Goss would like to do with the property. He also said that if Mr. Goss had said he wanted to do a research and development incubator, he would have the same interest.

He said he would see how what was being considered fit in with the current Zoning, and what had to be done outside of that. He noted that the Town had shown some flexibility over the past few years to accommodate landowners and projects.

Ms. Woodburn noted that there had been discussion before Mr. Kelley arrived about what the land use regulations would allow, what they would result in, and said an alternate vision was then presented. She said now, there was this idea that didn't fit the regulations but would be better than what the regulations would allow.

Mr. Kelley said he would keep an open mind about what was being proposed. He said the

Board and the Council had shown a willingness to work with landowners who had ideas to make the community better.

Mr. Wolfe said he would like Mr. Goss to leave with the sense that the Planning Board liked the concept, and appreciated the effort being made to work with the three towns to do a project that wouldn't destroy the rural character of the Goss property. He said he personally really appreciated this. He said he thought this message of Durham's positive reception to transferring development rights to three different locations could be brought to Lee and Madbury. He said if they also expressed interest in this, there then could be a joint session. He said it might be premature to have a joint meeting now.

Mr. McGowan said he liked the concept, and thought Mr. Goss should move forward to speak to the other boards. He said the next, critical step would be to move beyond the concept stage to something that was tangible, whether it was working through the RSA, changing zoning in Durham, etc. He said a question was who organized that whole process.

Ms. Fuller said she was not averse to a joint meeting, although it was a bit premature. She said the Durham Planning Board seemed supportive of the concept.

Chair Parnell said he thought Mr. Goss and the team should proceed to Madbury and Lee, and said the Durham Planning Board would be very interested in how they reacted to the proposal. He said in order to move forward, the Board would have to do some serious thinking about possibly having to change some things. He said having as much information in front of them to work with, in terms of where they all wanted to get to, would be very useful.

He said he assumed that if Lee and Madbury reacted to the concept in the way that Durham had, they all would be moving forward.

Councilor Smith asked Ms. Woodburn if a special exception would be appropriate for the kind of change they were talking about, through the ZBA.

Ms. Woodburn said she didn't think it would apply. But she said if it did, she would have to recuse herself because she was on the ZBA. She said it was such a big difference from the Ordinance that she didn't think a variance/special exception would fly.

Councilor Smith said he had been trying to eliminate a possibility.

Ms. Woodburn said they could talk with the Town attorney, but said she wouldn't personally think that a project so significantly different from the Ordinance would get by on a variance.

Chair Parnell said the Board would look forward to seeing Mr. Goss, Ms. Woodburn, and Mr. Hawk again regarding this concept.

**V. Discussion of Design Guidelines and Historic District Overlay standards**

Mr. Hawk said he had been retained by the Town to come up with some draft design guidelines for possible use in the Historic District and commercial core. He said he would provide a status report on where things stood. He said the overall goal was to produce a set of design guidelines that was visually based, and that gave residents and developers a clear understanding of the architectural and aesthetic features that made Durham a unique and special place.

He said he had reviewed the Town's existing regulations, guidelines, and plans, and specifically the Historic District design standards, and said they provided good guidance on the design features that needed to be included in either guidelines or requirements for the downtown. He said there was also the B Dennis downtown design plan, which had a lot of ideas regarding form based codes, as well as graphics that provided a clear direction of where the Town might want to be going in terms of the look and feel of the downtown.

He said he had also done an inventory of existing buildings in the Historic District and most of those in the commercial core, and had also begun work documenting comparable communities. He said the key piece was to undertake a visual preference survey, in order to better define Durham residents' visual likes and dislikes. He said a lot of photographs would be displayed in a slide presentation, and residents would be asked to vote on them. He said this would result in visuals that people liked more, and said it was a good way to get a sense of a community's aesthetic preferences.

Councilor Smith asked how this group of people who voted would represent the entire community.

Mr. Hawk said the Town could do this by inviting boards and commissions, or the general public to participate. He said he was assuming there would be a public discussion, but said this was up to the Town.

Councilor Smith said there was the risk that this process would be institutionalizing a group of perhaps random opinions.

Mr. Hawk said there would still be the next steps. He said the Planning Board would always reserve the right to say this was one opinion, and that other things needed to be taken into consideration. He said the Planning Board and the Historic District Commission would need to weigh in.

Ms. Fuller asked if similar communities had been picked, and if so, what they were.

Mr. Hawk said so far, he had looked at Portsmouth, Hanover, and Milford, and said he intended to do Dover. He said if the Board had other ideas for towns to look at, he was open to them.

Ms. Fuller said she wasn't familiar with Milford, but thought using the others was fine.

Mr. Hawk said based on the information he would gather, he would develop guidelines using annotated photographs of desirable and undesirable buildings and features. He said if the visual preference survey reinforced the Board's opinions on what the future look of Durham should be, that was one thing. But he said if it didn't, there would be some more interesting conversations to go through.

He said from that, the hope was to formalize the design guidelines. He said he had discussed with Mr. Campbell the continuum of design advice/guidelines/standards/ regulations. He said his sense was that a set of design guidelines would be put out in a booklet form and would include visuals of what the community was looking for, and would be available to the public and developers. He noted that it wouldn't be mandatory for a developer to follow them.

Mr. Hawk said the Historic District standards were more broadly applicable, and said a key element was to retain the historic architectural character of the district. He said a second element was to provide design guidance for additions or new construction that was visually, architecturally compatible with what was around it.

He said a topic to be discussed and included in guidelines was building height and scale. He said there was incredible consistency in the building styles in the Historic District, noting that they were all 18<sup>th</sup> and 19<sup>th</sup> century buildings, which were classic one and two story federal colonial period buildings that typically had the ridge line of the roof parallel to the street, and a very symmetrical design to them, unless it was a Victorian. He said the size and heights of the buildings were also consistent.

Mr. Hawk noted that there were a variety of building sizes on Jenkins Court and on the other side of Main Street, from single story to five story buildings, and said he didn't see any rhythm or pattern to this. He said the idea was to figure out what it was about the downtown and commercial core that was valued aesthetically, and to come up with some examples of what they would like to see in the future.

He showed pictures that demonstrated the variety of roof shapes downtown, from gable roofs with the gable end either facing the street or parallel to it. He said there were also 20<sup>th</sup> century structures with flat roofs, as well as mansard and gambrel roof styles.

Mr. Hawk also said entrances were important to how a building looked, and its scale in relation to people. He noted Libby's on Main Street, which had defined entrances that provided part of the character for the building. He said a challenge with design guidelines was to not end up with big boxes with little detail or human scale to them.

He said in terms of building materials, most of the buildings downtown were either brick, wood, or wood looking structures. He also said there appeared to be three alleyways downtown, including Jenkins Court, the connection between Main Street and the Pettee Brook Parking lot, and the connection between Main Street and Mill Plaza. He said these

were important public spaces, whether they were publicly owned or not. He noted Commercial Alley off of Market Street in Portsmouth, and said it was a wonderful example of designing such an area in order to create commercial activity and also an important linkage between streets.

Ms. Fuller said another example in Portsmouth was the Vaughn Mall area, which used to be a street, and was now closed off and made into a pedestrian way.

Mr. Hawk noted three visuals from the B Dennis plan, which pointed to an architectural theme. He provided details on this, and said it looked like classic New England architecture. He said it was a strong visual representation of what future buildings in downtown Durham might look like.

He next showed visuals from Hanover, where the dominant building size was 2-3 stories, and most everything was brick. He said there was a lot of consistency in terms of how storefronts were treated, with a conservative architectural style. He noted that a growing number of buildings in downtown Hanover were owned by Dartmouth College, which was imposing a classic New England village feel and sense of place on the downtown there.

Mr. Hawk also showed visuals of Portsmouth, where there were 3-4 story buildings, some of which had gabled roofs with dormers, so felt smaller than they actually were and maintained a consistent scale and human feel.

He noted visuals of Milford, some of which showed wood structures that hearkened back to the 1900's era. He said there were some examples of wood structures on Durham's Main Street.

Ms. Fuller noted that Newmarket had some good examples of this kind of architecture. She said she loved those buildings, and said they reminded her of what someone might see out west.

Mr. Hawk said the next step in this process was to set up a public meeting to talk about visual preferences, develop guidelines based on that input as well as the downtown plan and the Historic district standards; and present guidelines to the Planning Board to consider for adoption.

He explained that design guidelines were a soft way to peddle some design standards being offered as guidance, not requirements, to future developers. He said if they were taken in a spirit of cooperation, they could be used very constructively by developers and Planning Board members to craft the way new buildings were designed and constructed.

Chair Parnell asked what kinds of specifics would come out of this current process.

Mr. Hawk said they would get into size and shape and the overall visual character of the building, along with building materials.

Chair Parnell said the Board was presumably moving toward design guidelines.

Mr. Kelley asked where the HDC fit in with all of this.

Mr. Campbell said Mr. Hawk had already met with the HDC, regarding the standards already in the Ordinance, and had seen some examples of what they meant visually.

Mr. Hawk said the wording of the design standards for the historic district wasn't especially helpful, and said his job in regard to the Historic District had been to provide a lot of visuals in order to demonstrate what each requirement actually meant. He said taking this a step further would be to broaden them out to guidelines that could be used throughout the commercial core.

Mr. Kelley asked if this approach was developed in consultation with the HDC.

Mr. Hawk said over a month ago, he had focused specifically on the Historic District, and showed a few pictures of the rest of the downtown as well. He said they were very comfortable with having visual examples to display what their standards were looking for.

Mr. Kelley said moving forward, when they reached the point of presenting the design guidelines to the Planning Board, perhaps it would make sense to invite the HDC to the meeting. He noted that the Historic District skirted around the perimeter of the commercial core, and asked Mr. Hawk if he saw any conflicts or unique challenges with that. He said the historic buildings shown in the pictures were box homes, yet the downtown core had eclectic business frontages, and the Post Office was an institutional looking anchor building on the corner. He asked if it would be challenging to bring this all together.

Mr. Hawk noted that the Historic District encompassed Church Hill, which many people considered downtown Durham. But he said there was a clear dividing line between the district and the downtown commercially zoned area, at the intersection of Madbury Road and Main Street. He said figuring out how to do the transition wasn't that hard, and said it came down to respecting what was in the Historic District, and scaling up to bigger, taller buildings in the core of the downtown. He said coming up with a good design guideline for transitional buildings would take a bit of work.

Mr. Kelley noted that other downtowns, like Dover's, had greater length, so the transition from residential to commercial was gradual. But he said in Durham, there wasn't that length.

Mr. Hawk noted different influences on Madbury Road and Pettee Brook Lane, and also said there were different influences, depending on which end of the downtown they were talking about. He said he was surprised to see that part of the downtown district included Garrison Ave, where there were a lot of fraternities and sororities that didn't seem to



relate to anything.

He said there were some pieces in the downtown zone that he was puzzled about, in terms of being included in it. He also said there was obviously the issue of how UNH related to the core of the downtown, and said it would be interesting to sort through those issues as well.

Mr. Kelley said at the breakout session he was involved in at the B Dennis charrette, a group of people thought there needed to be five story buildings in the downtown. But he said there was another group that didn't want this. He said it would be interesting to see what came out of Mr. Hawk's analysis.

Mr. Hawk said a big picture question was what the maximum number of stories downtown should be. He noted the building on Jenkin's Court, and said a question was whether the community would think it was desirable to have that height throughout the entire downtown. He said a 2-3 story building height in a downtown felt a lot different than a 4-5 five story building height. He also said that from an economic perspective, a question was whether five story buildings could be sustained in Durham's downtown, now and in the future.

Mr. Kelley noted that the recent development in Market Square in Portsmouth had created a completely different feel than what had been there before.

Mr. Campbell said with the Zoning amendments the Board had recently been working on, they had been looking at the idea of allowing 5 stories in portions of the Central Business District. He said they would have to see how this shook out.

Mr. Hawk said something that could be done was to allow buildings one story taller or shorter than the buildings next to them, but not more than that. He said in this way, there wouldn't be a radical change. He noted that Libby's, which was three stories, sat next to a single story building, and said single story buildings needed to be two stories.

Chair Parnell asked if something to put in the guidelines was that single story buildings would not be encouraged.

Mr. Hawk said the Board could say there must be two story buildings, and Mr. Campbell noted that the development standards for the Central Business District did say that new buildings had to be at least two stories.

Chair Parnell asked if pressure should be put on the existing single story buildings, and there was discussion that the Town needed to make it financially advantageous to add another story, or tear the building down and build a taller building.

Mr. Hawk said he assumed it wouldn't make sense to do the visual survey until at least after Labor Day. Mr. Campbell agreed, and said that would be a good time to continue the process.

Mr. Kelley agreed there would be much more involvement from the community in September.

## **VI. New Business**

Councilor Smith said the ZBA had reviewed an interesting variance application for a property within the Professional Office district the previous week. He said the owner of the former Ray McDonald agency had requested a variance in order to allow it to be a single family use again. He noted that her husband had come to the Planning Board for a change in use to allow the building to be a professional office use in 1994, and had recently died.

He said the variance request was denied because the Board said the application didn't meet the hardship criterion. He explained that when the Professional Office district was created, it was decided that single family residences would no longer be a permitted use. He said a reason this was done was to encourage owner-occupied houses to turn them into professional offices, and said at that time, there were only three buildings in the whole district that contained professional offices. He also said no new professional offices had opened in the district since the zoning had changed.

Councilor Smith said he would bring this matter up to the Council on Monday night, and asked if the Board might be amenable to returning single family residence to the Table of Uses as a conditional use in the Professional Office zone. He said given the number of new multi-story buildings being built around the corner, and given the nature of the economy, it might be appropriate for the Planning Board to make this change.

He said ironically, the Professional Office zone allowed multi-unit development. He said if they really wanted to stop student housing from developing in that zone, they should say it would be better for this particular property to change back to single family use, rather than converting it into three or four apartments, or selling it to someone who would tear it down and put up an apartment building. He asked if the Board had any objections to considering allowing single family residences as a condition use, or putting it back in as a permitted use.

Chair Parnell confirmed that the present owner wanted to return it to a single family residence use.

Councilor Smith provided further details on how the property had become a professional office, and also had an accessory apartment. He said he had seen the inside of the building, and said it would actually be attractive for a family.

He also noted that the Planning Board had defined the Professional Office district but had not defined what constituted a professional office. He said under the current Ordinance, a college professor couldn't live there, even if he had professional office hours there. He

said given that nothing had happened with the Professional Office zone since the zoning had changed, it might be appropriate to make some changes.

Chair Parnell said the Board was in the midst of doing some Zoning changes, and said he had no objection to adding what Councilor Smith had discussed to the list for consideration.

Ms. Fuller agreed.

Mr. Campbell explained that someone could do an adaptive reuse of the building, and as part of this could make it a multi-unit building. But he said if the building was torn down, a mixed use building could be built, with professional office downstairs and two stories of apartments above it.

Mr. Wolfe said what was proposed by Councilor Smith made sense. He also said the standard was not hardship anymore for variance. But he said the ZBA probably did the right thing, because otherwise it would have been spot zoning. There was discussion.

Mr. Kelley said the downtown core included the Professional Office District, so this issue was on the Planning Board's radar.

## **VII. Adjournment**

***Peter Wolfe MOVED to adjourn the meeting. Bill McGowan SECONDED the motion, and it PASSED unanimously 7-0.***

Adjournment at 9:24 pm

Victoria Parmele, Minutes taker

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Andrew Corrow, Secretary