

These minutes were approved at the November 20, 2006 meeting.

**DURHAM TOWN COUNCIL
MONDAY, OCTOBER 23, 2006
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Diana Carroll; Councilor Peter Smith; Councilor Mark Morong; Councilor Karl Van Asselt; Councilor Gerald Needell; Councilor Julian Smith; Councilor Catherine Leach; Councilor Henry Smith

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig; Town Planner Jim Campbell; members of the Durham Business Association (DBA)

Work Session - Downtown Durham, Transportation

Chair Niman noted that there were members of the Durham Business Association present, to share their ideas on making downtown Durham a place everyone could be proud of.

Councilor Van Asselt MOVED to approve the Agenda as submitted. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 9-0.

Dick Houghton, president of the DBA, thanked the Council for having the work session, stating that there hadn't been that many opportunities in the past for the Durham business community to share their views and ideas. He said he hadn't seen a lot of changes in the physical makeup of the downtown business area over time, other than Mill Plaza, and said it was important to expand the tax base while also expanding services for members of the community.

He said that at present, it was hard to know what was working for downtown merchants, and said while businesses were doing ok, they were not booming. He noted there had been some strong improvements in terms of service businesses in recent years, for example the hotel and the Irving station, but he said the retail business environment had generally not improved. Mr. Houghton spoke about the impacts of big box stores on Durham businesses, and said they required merchants to have to stay on their toes if they were going to be able to compete.

He said he had seen that other college towns similar in size to Durham, which had traffic and parking problems of their own, had been able to avoid bypasses around their towns and big box development. He noted some towns in Vermont with colleges, whose roads were jammed with traffic, but seemed to be doing quite well. He said Durham had to figure out a way to serve both student and town residents, and said this was something he had wrestled with for 40 years.

Chuck Cressy said he had operated Durham Market Place for 15 years, and said he was one of two independent NH grocers who bought groceries from Hannaford, which allowed him to keep most items at a price level that was competitive. He provided details on his operation, which also involved selling high end items, something which had been well received in Town. He said the plan was to continue this approach, focusing on residents' needs, and to serve that customer base 52 weeks a year.

Mr. Cressy said he thought everyone would benefit from an expansion of Mill Plaza, stating that the existing store base was not sufficient. He noted that in general, people didn't want to come to Durham to shop because they thought it was hard to get to, congested, etc. He also said people from Durham went to Portsmouth, Newburyport, etc., to shop. He said the kind of development portrayed in Nick Isaak's drawing could bring people to Durham and said everyone would benefit from this.

Rich Whitney, Mariner Realty, said he had had some trouble understanding and applying the Town's sign ordinance as it applied to his downtown business. He provided details on this, and described how the current ordinance appeared to limit his options.

Bill Hall, Smith Park Lane, spoke about how people from out of town perceived Durham. He also spoke in detail about traffic issues in Town, referring to past plans that had studied them. He said traffic played a key role in whether people came to Durham to shop.

Chair Niman said although they could talk about increasing retail opportunities that would benefit Durham's businesses, traffic issues did impact how much expansion of retail space there could be. He asked if anyone had some ideas as to how to solve these traffic issues.

Mr. Hall said there were 28,000 cars going through the Route 108 intersection every day. He said on of the prior traffic reports estimated that the northern connector could reduce traffic by 40%, and would virtually eliminate traffic on Madbury Road.

Mr. Houghton said such a connector would take a lot of the existing traffic away, but he also noted that if there was traffic, there were also potential customers. He noted that the town of Hanover, NH, was a perfect example of this. He also said if there were a way to drain off some traffic at not too high a cost, the Town should look at this.

He said what was needed downtown was more parking, for employees as well as owners of small businesses. He provided details on this, noting that Pettee Brook parking lot was a permitted parking lot, which worked well for downtown employees. He said he believed more permits could be issued than were currently being issued, and described the current problems caused by the limited availability of parking and parking permits. He said this was a problem that could be addressed right away to improve business downtown.

Mr. Houghton also suggested that the hour time limit for parking downtown was not enough for customers who went to downtown businesses. He suggested that there should be some way to provide some leeway for people who were shopping downtown to park somewhat longer than an hour, but to crack down on business owners who were parking there too long.

Chair Niman said the redevelopment of Mill Plaza could include the construction of a parking structure. He asked if Durham business owners would be interested in and willing to lease spaces for their employees in such a structure, to help defray the cost of construction of the structure.

Mr. Houghton said perhaps, depending in the cost. He suggested that Portsmouth's parking garage might be a good model for this.

Mr. Cressy said one had to consider the fact that there were some businesses that had free parking at present. He also noted that there were some parking spaces in the mall that Mr. Pinto currently leased to students, for \$450 per semester.

Mr. Houghton said he thought parking garages would work if there were something to draw people to the downtown. He also said he thought there were opportunities to do long term leasing

Councilor Peter Smith said in the 1940s, there was more variety to businesses in Durham than there was now, also noting that the student population had gone up 10 fold since that time, and the Town population had gone up 3 fold. He said given the disparity of these two populations, and the likelihood that this wouldn't change significantly, and given the existence of malls and Internet shopping, he wondered how Durham could compete in terms of providing retail businesses.

Mr. Houghton said a key problem was that there was not enough retail space in Durham to satisfy the demand, because rents were high, which meant there weren't many opportunities for startup boutiques. He said the University had been forced to offer goods and services because town businesses hadn't stepped up to meet demand, also noting that the surrounding area had stepped up as well to provide services. He said his desire had always been to serve the residents of Durham, and said he had thought students would also benefit as result of that. He also said the world was changing, and said while there was a need for bricks and mortar in Durham, local businesses would also have to develop niches as retailers, if it wanted to stay competitive.

Councilor Morong said when he was recently in Exeter, he was struck by the variety of businesses there, although the parking and traffic situation was not great, and there were malls nearby. He asked what was so different there.

Mr. Houghton said Exeter had a downtown area, and he said it, and the Lee traffic circle were crossroads, while Durham was not. He noted that there were people who shopped at his store at the traffic circle who had no clue where Durham was located.

There was discussion that the rate per sq. ft for retail space was more expensive in Durham than it was in Exeter.

Councilor Needell asked Mr. Houghton what impact the University's provision of some services had had on the downtown area.

Mr. Houghton said there were some positive and negative impacts from this. He said the physical entities weren't downtown to serve the needs of a growing student population, and said he thought the University had responded to these demands. He also said he would rather have the students spend their

money on campus than in Portsmouth, noting that if they went to Portsmouth, the Town lost them as customers for good. But he said this was a complicated issue. He said he thought that if Durham did provide retail, the students would respond, and said it was the size of the downtown that stifled business activity, not the University.

Warren Daniel, owner of The Bagelry, said he had been doing business downtown for 23 years. He said a plan for redevelopment of Mill Plaza could be a guide, but he said no one was yet addressing the economics of such a plan. He noted there had been a conflict for many years as to how Durham should grow, and he said the economics would drive this, in the end.

Mr. Whitney discussed the fact that parking permits sold out very fast each year. He also said people called his real estate office asking if there was any available commercial space, but he said this kind of space basically didn't exist in Durham.

Councilor Van Asselt said if in fact one of the goals was to bring in more revenue, if the analysis was correct that the real demand for extra services was because of the existence of UNH, and the Council was willing to spend taxpayer dollars, he wondered if they would all be better off focusing on research and development businesses, and not on bringing retail back. He said the good part about expanding Mill Plaza and going up 4 stories was having student apartments, and office research relating to University functions. He said if it was correct that what would come into Town would not really serve the people living there, he was not sure why they were all talking about spending money on redevelopment of Mill Plaza. He said Durham was not going to grow much residentially, and UNH was likely to grow more.

Mr. Daniel said office use of the 2nd and 3rd floors would be the best use of such a structure, not student apartments, and would make the Town more vibrant. He said many Durham businesses were not just in the student market, and said successful businesses in Town had a good mix of Town and student customers. He said the question was whether the Town could make this the best economic use of that space through the use of tax incentives.

Councilor Peter Smith said assuming there were 250 acres that could be developed, he would like to know what businesses Durham would attract, given the nature of the community.

Mr. Daniel said there could be incubator businesses, attorneys, small offices, etc.

Councilor Peter Smith said given the Town's population makeup, he would like to know what the circumstances were that would attract substantial numbers of these kinds of businesses.

Mr. Daniel said he thought there was a market for office space in Durham.

Councilor Peter Smith said the average age in Durham was 21 years, and said he didn't see there would be any major shift concerning this. He asked what caused people to think the Town would attract service professionals.

Mr. Daniel said he thought this would be the best use of space from an economic development perspective.

Chair Niman said Durham was more expensive than comparable communities, with a cost of \$12 per sf for retail space, because there was little retail space available. He said the question was how to create more space like this. He said the Town was currently in a unique position, in that the updated Zoning Ordinance required retail and residential development together in the same building downtown, which meant that the residential development could subsidize the retail development. He said this kind of development could be done in conjunction with redevelopment of Mill Plaza or with redevelopment of downtown buildings, and could include green space. He said if talented entrepreneurs like Chuck Cressy had this kind of retail space available, he couldn't see why such development wouldn't happen.

Mr. Cressy said when he first bought his store, there was a 24-28% drop in his business when the students left in May, but now when they left town, the drop was only 5-8%. He said this indicated that he had done something right, in not relying on the student base. But he said that if someone wanted to open a business downtown, there was presently not one space available that was greater than 1000 sf. He said this was keeping some good businesses out, businesses that would like to come to Durham, especially if there was the ambiance of a downtown mall. He said a lot more could be done to make Durham a destination, for people who wanted to shop, dine out, etc.

Mr. Houghton said there were a number of businesses presently in Durham that defied description, and had nothing to do with the University. He said these were entrepreneurs who really liked Durham as a place for their small stores/offices, but he said they needed to be able to have more of a presence, and needed parking and other services that a business would expect to have in a downtown area. He noted a clothing store named Incognito, which had done well in Town and was currently moving to larger quarters. He said the business was geared to students, but he said people came from all over to go to the store.

Mr. Whitney noted a small business downtown run by a marine engineer who designed ship propellers. He said these kinds of people came to Durham looking for office space, and said some of them were UNH graduates wanting to come back here, some were young professionals who wanted their families to be in the Oyster River School District, some simply liked the ambiance of a university town, some were parents of kids who had attended UNH.

Chair Niman said before the Council discussed the Mill Plaza redevelopment concept, he wanted them to discuss what the Town should be doing to encourage downtown businesses and to expand retail space, other than the Plaza concept.

Councilor Needell asked if it was felt the changes to the Zoning Ordinance had been helpful, and were enough to make these things happen.

It was noted that the new Ordinance said buildings could go up 50 ft, or 4 stories. Mr. Warren said this was the kind of thing that could make a project work, since there would be more square footage provided in such buildings.

Chair Niman asked if perhaps it would be a good idea to develop a brochure for landowners on the relevant Zoning changes, to make people more aware of the potential for redevelopment downtown.

Mr. Houghton said he thought the situation was more complicated, and he noted that the perception was that it was very difficult to get something done in Durham. He also said redevelopment of the downtown would be extremely difficult, from a physical point of view, and said the Town should work on having someone who could take a developer through the development process.

Councilor Needell asked if it was really that hard to get through the process now, and also asked if the regulations were moving in the right direction in terms of this process.

Mr. Houghton said it was understood in Durham that the code inspector had instructions to strictly enforce the regulations, and perhaps there was too literal interpretation of these regulations. But he noted that the Irving development process seemed to have gone smoothly.

Councilor Carroll noted that Governor Lynch had recently approved an incentive program for downtown areas, in order to help Main street businesses change and expand their buildings. She said the program was set up so that businesses making changes to their buildings would not receive updated tax appraisals for 2-5 years. She said this was one way the Town could cooperate with the Durham business community.

Chair Niman asked whether if the Town rolled out such a tax incentive program, this would prompt landowners to redevelop their properties.

Mr. Houghton said yes, noting that Durham business owners had talked about this. He suggested that if there had been some tax incentives, the façade of the Libby building would probably have been completed.

Councilor Van Asselt said Councilor Needell's question needed an answer. He said he didn't think the planning process was any more complicated in Durham than it was anywhere else, and said a project took 2-3 years no matter where it was done in NH. He said even if it was decided to redevelop Mill Plaza, the Pettee Brook area, etc., with tax incentives and other things, it would be 15 years before one would see an increase in the tax base. He said that was the reality of economic development, and said if the goal was to generate new revenues, the Town needed to come up with a much shorter way to accomplish this.

Mr. Daniel said he was not sure it was an all or nothing situation, and asked why they all couldn't be creative and change things in Durham, instead of doing things the way they had in the past. He said working together was key, and he suggested they should do one project and see how it went.

Councilor Van Asselt said it was simply important to realize that taxpayer dollars would be needed in order for this kind of thing to happen

Paul Berton said Councilor Van Asselt was wrong, in that it had taken him 1 ½ years to get through the development process, even though his project met all the codes. He said it was challenging to develop property in Durham. He also questioned the idea of using student housing to carry the weight for a commercial development project. He said the market for student rentals was changing, and was greatly affected by rental market in surrounding communities, also noting that there was currently a soft market for student housing. He said the way to go was a mix of office space and retail space, with some student

housing. He said he had recently redeveloped a 15,000 sf property in Portsmouth, and the city had asked him how it could help him get it done. He said he hadn't seen this kind of attitude in Durham until the recent administration.

Mr. Hall said Durham had been working with the Oyster River watershed, which contained 16 sq miles, until about 10 years ago, and he noted that the Lamprey watershed in comparison had 160 sq miles. But he said when Mr. Berton had tried to develop his hotel, it was brought up that there wasn't enough water for it. He also said the developer of the Irving station was told the Town might have to take his property by eminent domain. Mr. Hall said that kind of thing didn't happen in other towns.

Administrator Selig asked what the right mix might be, in terms of the time allowed for downtown parking.

Mr. Houghton said he didn't have the exact answer for this, but suggested that perhaps the enforcement officer could be instructed to use common sense regarding enforcement, and perhaps there could be no enforcement from about 11:30 to 1:30-2:00 pm in the downtown area on Main Street, especially on Thursdays and Fridays which were busier in terms of people having lunch and shopping downtown. He said business owners could still be tagged during this period.

Mr. Cressy said if there were no parking attendant outside his market, students would fill the lot and there would be no parking for his customers. He said he was concerned that if enforcement were loosened on Main Street, it would become a commuter parking lot. He suggested that perhaps students could have tags on their cars, as a way to identify them and prevent them from parking in the downtown spaces.

Bill Hall said the Durham Police Department's Parking Enforcement Officer made one circuit in the morning and one in the afternoon. He said he thought this was a reasonable way to enforce the parking limits.

Councilor Needell said the current signs said there was one hour parking, and asked if these signs impacted business downtown, and perhaps should be changed.

Mr. Houghton said if these signs were taken down, this would be an invitation for people to park longer. He said Mr. Hall's observations were correct, and said it was important to keep the concept of one hour parking. But he said enforcement was something that could be talked about.

Town planner Jim Campbell said there was a definitely perception out there concerning Durham, and the process developers had to go through in Town, because of the strict interpretation of the regulations. He noted as an example that the Incognito store that wanted to expand was told that moving to the larger space would involve a change of use of that space, so it had to go through the site plan review process. He said this kind of thing was a hurdle for a lot of people.

Mr. Campbell also said another issue for those wanting to redevelop buildings downtown was the current parking regulations. He noted that a dentist recently going through the site plan review process in order to redevelop a property on Mathes Terrace had to pay the Town because he didn't have enough

parking available on his site. He said the Town needed to take a serious look at that kind of situation, in order to make the Town more business friendly.

Administrator Selig said an initial question regarding downtown redevelopment had to do with whether people felt there was a good balance between the Town's regulations and the desire to keep the aesthetics downtown, and the desire to encourage economic development. He also said a Council goal for this year was to look at whether to continue with the Town's Planning and Economic development position as it was currently defined. He noted that in many cases Mr. Campbell was conflicted because he had to play both roles, and he suggested the idea of having two separate positions, one focusing on planning, and the other focusing on economic development.

Councilor Van Asselt said the concept of having a "Main Street program", which could be done at the local level, made good sense. He noted that there had been weekly meetings about housing issues in recent months, and said if the Council wanted something concrete to come out of what the Durham business owners were saying, something similar should be done, which could include Councilors, Administrator Selig, members of the Durham Business Owners Association, and the University. He said this would be separate from the Mill Plaza ideas.

Mr. Campbell said it was a struggle to wear both hats, and he provided details on the different roles that a planner and an economic development person could play. He also noted that there had been a change in attitude recently, on the Council and the Planning Board, regarding business development in Durham.

There was discussion as to whether a suggestion made by Mr. Campbell that an economic development person could in some ways be an advocate for developers would represent a conflict of interest for the Town.

The Council took a break from 8:33 to 8:42 PM.

Chair Niman asked architect Nick Isaak to present his preliminary design for the redevelopment of Mill Plaza.

Mr. Isaak said he had observed some of the brainstorming on where to put a new library, town offices, etc., at recent Town meetings, where people had come to the same conclusion that Mill Plaza was centrally located to make this kind of thing happen. He said he had developed some drawing to help visualize some of the possibilities for doing this.

He said there were currently 330 lined parking spaces, lined, and said the building Durham Marketplace was in was about 32,000 sf, while the building next to it was about 26,000-28,000 sf. He said the current concept for the Town office/library was about 25,000 sf. He showed a design that included a parking facility, and that included the Town offices and a library at the end of the plaza. He showed how the Grange site could provide access to the plaza from Main Street.

Mr. Isaak described how a 3-4 story parking structure would work well on the site, and would not be seen from Main Street. He noted that a focal point for the Town buildings could be a tower that included an elevator for the parking garage and the town hall/library. He said the parking structure would free up

space on the site that could be used instead for green space, plaza type uses and perhaps even a gazebo. He said these images were intended to help generate discussion,

Mr. Cressy said these were wonderful drawings, with great ideas. He suggested that it might be better to move the green space further back, since most of his customers needed to have quick access to his store. He said this was especially important in a small town store, where people were in and out quickly. Mr. Isaak asked how many spaces would be needed by the market, and there was discussion on this.

Mr. Cressy said he would have employees park in the parking structure, and would leave the space outside for customers. He said he would consider the idea of having to pay a fee for this.

Ed Valena noted some vacant lots near the Plaza that he would like to see involved in this project, explaining that some of them contained quite a bit of land area. He said this land could contain a nice park area, and would create a nice buffer with the residential area.

Chair Niman provided details on some other properties in the area, whose owners potentially were interested in being part of the redevelopment of Mill Plaza. He said there was an opportunity to expand the scope of the redevelopment project, to make it larger than just the Plaza. He said one of the efforts of a subcommittee was to see if landowners of these adjacent parcels could be enticed to participate in the project.

Mr. Valena said he thought a reason the Kyreages property was so important was that it would make things easier if there was an actual piece of land to put the library on rather than putting it on the Mill Plaza site.

Chair Niman said that he and others had walked the property previously, and had thought it would be a beautiful site for a possible library/ town hall. He said this would be a way to potentially preserve the commercial, taxable potential of the Plaza and still develop a library/town hall.

Mr. Isaak said something missing from the discussion was the idea of density that was possible on the Mill Plaza site. He said constructing buildings with more height could quadruple the square footage provided on the site, and would still leave room for green space. He said it was important to think in terms of the vertical dimension, as part of getting mixed use of the site.

Chair Niman agreed, but said if the project also expanded beyond the plaza site, there would be a lot more things that could be done.

Councilor Peter Smith asked for a rough idea of what the per car cost of a garage structure would be, in terms of construction costs.

Chair Niman said it cost about \$17,000 per space, not including engineering site work. He noted that the location of the garage in Mr. Isaak's drawing had ledge, and said it was hard to say what the cost would be for the site work.

University planner Doug Bencks said this was similar to the University's estimated cost per space for parking.

There was discussion that a redevelopment project would have to be done in phases.

Councilor Van Asselt asked how an \$8,000,000 parking garage would be financed.

Mr. Isaak said market research would be needed in order to determine if that much parking would be needed.

Councilor Peter Smith asked what Mr. Isaak's vision was as to how this development could be designed so there would be adequate space for a village green for Durham.

Mr. Isaak said there was definitely enough room to create it if the density was increased, and said it came down to whether the integrated parking structure was affordable. He noted one possibility was to design a linear area of green space along College Brook.

Mr. Houghton said he would like to see a visualization of Mill Road, Faculty Road, downtown to Oyster River Rd, Mill Pond Rd. He said it had always bothered him that Durham didn't have a Town center, and said it was important for the Town to look well into the future. He said his sense was that Faculty Road was changing, and said he didn't see why a public private project couldn't buy the properties on the east side, and start looking toward redevelopment in the Town's interest of that entire area.

Mr. Isaak described a natural location for a loop to occur, thinking beyond the Mill Plaza site, for the future.

Mr. Hall suggested a property in that area that could be worked with.

Chair Niman asked whether, if it turned out that it was very expensive to put up a parking structure at the Mill Plaza site, or if for traffic reasons, this didn't make sense, and if a structure could be put instead at the Pettee Brook parking lot, Mr. Cressy and his employees would be willing to park there.

Mr. Cressy said this would be pretty far away from his store, especially late at night, and said he perhaps could convince about half of his employees to park there. He suggested that if the land in the back of the Plaza could be purchased, perhaps a smaller parking garage could be built.

Mr. Berton asked what the scenario was as to who would pay for what.

Administrator Selig there had been a recent meeting to discuss this, and said it had been brought up that about \$450,000 of UDAG (Urban Development Action Grant) money was available that perhaps could be tapped into, to hire an architecture/engineer for \$30,000-50,000 to design a buildout of the Plaza lot, work with focus groups, and look at the regulations to come up with a footprint for the development.

He said the informal committee that had been meeting concerning possible redevelopment of Mill Plaza had held a total of 4 meetings, but he said that moving forward, it would be important to make this a more formal process. He asked what the Council and others thought about this kind of approach.

Chair Niman said the question was whether the business community welcomed this idea, and would be willing to participate in such a process.

Mr. Cressy said one point that had been missed was whether Mr. Pinto, the owner of Mill Plaza, was interested in the redevelopment concepts being discussed, and what would have to be spent to get him as excited about a possible project as others were. He said Mill Plaza was one of Mr. Pinto's many businesses, and said he would have to be sold on the project, also noting that Mr. Pinto's past interactions with the Town had been mostly negative. Mr. Cressy said Mr. Pinto had been shocked to see this new approach recently, and was interested, but needed more information on a possible project.

Councilor Peter Smith asked if Mr. Pinto had shown any interest in investing his corporation's money, in order to make substantial additional money, or was he expecting others to be presenting him with a project.

Mr. Cressy said Mr. Pinto was open to ideas, but said he was not a merchandiser. He said he was excited about a possible project, but didn't know the various things the Town needed. He said he wanted to see a plan with conceptuials, total square footage, and financials.

Councilor Peter Smith said in other words, Mr. Pinto hadn't on his own come to the conclusion that this project would enable him to substantially increase his revenues.

Mr. Cressy said prior to a few months ago, he had never heard Mr. Pinto mention anything about a possible project. He said Mr. Pinto was not interested in such a possibility, but needed to see something more concrete.

Mr. Valena said Dick Gsottschneider had made the point that Mr. Pinto hadn't realized that the changes to the Zoning Ordinance would allow redevelopment of Mill Plaza.

Chair Niman asked if there was interest in forming a more formal committee, and to give some dollars to create a proposal for a development of Mill Plaza.

Councilor Peter Smith said it seemed that the Council, through the participation of the citizens, needed to reach some conclusions as to why the Town would be undertaking this at all. He said one reason would be that it could lead to more net tax revenue, and said it could be argued that this in itself was a justification.

He said a second reason for doing it would be because it might lead to a much greater variety of retail businesses in Durham, which would appeal to the permanent residents of the Town. He noted he was rather skeptical about this.

He said a third reason was that the Town really wanted to push much more vigorously its biggest industry, student housing, and essentially wanted to tell the University that it would provide this housing. He said the advantages and disadvantages of such a goal would have to be addressed.

Councilor Smith said if the reason for moving forward with a development was to achieve a combination of these things, the Town would need to come to a conclusion as to what that combination would be. He said he was in favor of gaining some consensus concerning this, and said rather than starting with laying a possible development out on paper and spending money, this needed to be figured out first.

He also said that for any of these reasons for redeveloping Mill Plaza, who would pay for it and how much it would cost, and how this would affect residents of Durham, would have to be considered. Chair Niman said the idea behind forming a committee was to do focus groups to determine resident and business expectations, develop a rationale for moving forward, do a simple buildout analysis to determine what the economic potential of the property was, and see if the financials would make sense.

Councilor Peter Smith said he didn't mean to discourage the creation of a committee, but said he was not interested in spending more than a minimal amount of money before the Council got a sense of the answer to those questions. He said there were several steps the Town needed to figure out internally, and he agreed that the financials done later would have to be done professionally.

Councilor Julian Smith said he thought an additional benefit of redeveloping Mill Plaza was creation of a joint Town hall and library. He asked what the business community thought about the idea of having traffic going past their properties to a new Town hall/library, a facility that would be more attractive than the current library. He also asked if the idea of having the facility there would make it easier for the Town to acquire the property immediately east of Mill Plaza.

Mr. Houghton said any new traffic that was generated was good traffic. He noted that the Master Plan and the Community development plan addressed these kinds of issues, and included some good suggestions in terms of having a Town center.

Mr. Berton asked if the Master Plan answered any of Councilor Peter Smith's concerns.

Mr. Hall said the Mill Plaza site was the only site that didn't involve conflicts, stating that he didn't feel the Town had the ability to sort out the issues involved with other possible sites.

Councilor Needell said a formal committee as a next step made sense, and also said one of the requirements should be that there didn't have to be a preconceived plan. He said a lot revolved around the town hall/library concept, which drove the initial discussions. He asked if this was now a central part of the plan, and also asked if it was decided it was not, whether this meant that the economic development part could or could not still move forward. He asked if the Town would be interested in such a development if Town properties were not involved.

In terms of spending some money up front, Councilor Needell said sometimes this needed to be done in order to get somewhere. But he said they would need to keep an eye on how much was spent.

Mr. Daniel noted the success of the Heidelberg Harris development, and the failure of the Durham Business Park. He said he thought there was an opportunity with the Mill Plaza site, in opening a dialogue with one of the largest landowners in town, who owned an economically viable shopping district. He said it was important to develop a plan as a possible engine for more discussion, and acquisition of more properties, and he said that not doing this sooner rather than later would be a mistake. He said he didn't want to see another economic development failure in Durham.

There was discussion about what was involved now, in formalizing the committee, and developing a spending range for it.

Administrator Selig said he thought that for the near term, a formal committee should be established, and public meetings should be held. He said they could then further define and focus on goals for the parcel. He said as part of the Budget process, he was trying to find some modest funding for economic development issues, and he said perhaps the committee could tap into that, and could make a funding request of its own after the first of the year. He said a plan that would provide a business model to bring to Mr. Pinto would cost somewhere between \$30,000 and \$50,000. He said the idea was for the formal committee to take ownership of the process, and to start to involve stakeholders in that process.

Councilor Henry Smith said this approach made sense to him.

Mr. Cressy said he thought of having a Town hall and library in the mall was a wonderful idea, stating that it would bring in a lot of new people to the mall.

Councilor Van Asselt said he had not said the Town couldn't afford to do this, but he said there were tougher questions and other costs that had to be considered. He said he thought Councilor Peter Smith was right that for this kind of thing to happen, especially in Durham, broader community support would be required. He also noted that the land conservation process had taken 15 years. He said Durham residents weren't marching for a new Town hall, Town plaza, or even for a new library, and he said for the Council to move aggressively in this area without bringing along Durham residents would be horrible mistake.

He said on the other hand, if everyone was enthused about this redevelopment idea, a real commitment needed to be made to looking at it, including the technical aspects of such a project, and to make a bigger effort to bring the community along. He said he strongly supported the idea of having a formal committee for this.

Councilor Peter Smith said it was simple to vote to have a committee, and to put out an RFP, but said he was simply trying to point out that if they didn't carefully undertake what Councilor Van Asselt had described, and didn't do this first, they would run into a complete stone wall.

Chair Niman said unless there was someone with some time to take ownership of the process, nothing would get done. He said they therefore needed to appropriate some money to hire someone to manage the process, to talk with citizens and keep track of what everyone said, and to put all the details together into a coherent plan.

Mr. Isaak said *Plan New Hampshire* was an organization that did planning charrettes for purposes like this, for about \$3,500. He suggested that perhaps this could be the first step of the process.

Councilor Peter Smith said Durham had recently gone through a very good performance regarding community development work, noting that the Master Plan had been done completely in house. He said the Council was about to enter Budget season, and said if the Council wanted to advance the Mill Plaza effort, he would urge that this be done with existing staff and resources until some things had been defined.

Councilor Leach said would like to see an approach that was much as Administrator Selig had described it. She said she thought more concrete things to look at were needed, and said if it took some money to

get there, she was willing to do that. She said it seemed that staff had enough work to do right now, and she also said that it was difficult to take the visionary view when there was day to day work to do. She also said it would be good to have someone come in who might be more objective, and who didn't have any preconceived notions.

Councilor Morong said it was hard to know where to start with such a project, but said he thought that investigating the possibilities was a good use of some of the existing UDAG funds, noting this wouldn't raise tax bills.

Councilor Carroll said she would like to see a formal committee started, answer some questions, and then see where it was going. She said it could then look at using some UDAG money. She said she was not willing to say how much should be taken from this fund yet.

Councilor Julian Smith said he basically agreed with this, and also said he wondered how long it would take to get a professional on board with this.

Administrator Selig suggested that he could craft a recommendation outlining a charge for the committee, and could determine the representation on the committee. He said if the Council was comfortable with this, they could think about the funding at a later time. He said he could probably bring this back to the Council for the second meeting in November.

Councilor Henry Smith said he thought this was a wonderful idea, and noted that representation on the committee of various entities was a good idea.

Councilor Needell said this committee would be a formal committee of the Town and would have formalized membership, which would be appointed. He said the committee would meet in public.

Luci Gardner, Chair of the Library board of Trustees, said she hoped the main purpose of the committee would be to sell Mr. Pinto on a specific redevelopment concept before bringing something to the public. She said he was intrigued with the idea of redeveloping the property, and said this was an opportunity that should be seized upon, not just because of the library, Town hall, green space, etc. She said for once, the Town was looking further ahead, and she said this was the only opportunity for an area downtown that could be Durham's without the University.

Administrator Selig said the challenge that they were faced with was what the Town's vision was for the site, and what Mr. Pinto could do on the site that would meet the Town's goals. He said the answer to this was not known at this point.

Councilor Peter Smith said if this were a private corporation, he would agree with what Ms. Gardner had said. But he said the Town was not a private corporation, and could not simply take something to Mr. Pinto, without running the risk that the entire project would explode.

Chair Niman asked if Administrator Selig had enough direction from the Council as to how he should proceed, and Administrator Selig said he did.

Transportation Study

Town Planner Jim Campbell said the study could be titled the Northwest/Southeast linkage and improvements study. He said these transportation issues had been discussed since the early 1960's, and had been in several Master Plans. He said the purpose of this present study was to assess the need for regional access and safety improvements to the transportation network serving the Town and UNH, beginning at the intersection of Madbury Road moving west, possibly to include the northern connector, and also looking at Newmarket Road and Dover, possibly to include the southern connector.

He said the Town had contracted with Norway Plains, and said right now the company was look at previous plans, including the VHB report done in 1993, the recently completed UNH Master Plan, the Durham Master Plan, the Route 4 Safety study; a traffic study done by the Seacoast MPO, a one way loop traffic analysis; the Community development Plan, etc.

Mr. Campbell said the firm would review each of these plans in detail, and would summarize the status of the recommendations in each of them. He said it was hoped the second phase of this project would be undertaken, which would involve coming up with a scope of work for the big study that would be needed. He said this study would include:

- identification of transportation/traffic problems
- preparation of a demand analysis
- consideration of alternatives including new roadways, such as the northern and southern connectors;
- improvements to the existing traffic system,
- review of codes and regulations
- utilization of transportation models, including Hanover model, which appears to be better than the synchro-model used in the past
- assessment of various community and environmental impacts of alternatives coming out of the study
- cost benefit analysis of the alternatives
- development of preliminary project estimates
- selection of preferred alternatives
- preparation of preliminary cost estimates for engineering for implementation of preferred alternatives

Mr. Campbell said that hopefully this would be a plan that unlike the previous plans, wouldn't collect dust, and would be followed through on. He said in order for this to happen, there would need to be a commitment on the part of the Town Council, the Planning Board, and Town staff to make sure that what came out of this process was moved forward.

Chair Niman said he wanted to know if, when the southern loop road of the University was opened, and instead of traffic backed up on Mill Road to College Road, it was backed up on McDaniel Drive, and people on Mill Road and Faculty Road complained, there would be an alternative ready at that time to move forward with.

Mr. Campbell said he didn't know the time line of the University's current project, also noting that the project would include a loop onto Main Street.

He said implementation of the plan the Town developed would be difficult. He said if it indicated that Durham needed to do the northern and southern connectors, these would be very big ticket items, would have to be integrated into the State's long range plan, the 10 year plan, and hopefully the 4 year transportation plan. He said right now, the State's 10-year plan was not accepting any new projects. He said it was hard to say that when the Town's study was done, it would be able to implement all the solutions recommended in it.

Councilor Peter Smith said he had served on the Route 4 safety study committee, and knew what had happened with this study. He said he didn't want to see the Town spending money on this study to the extent that regardless of the conclusions, they would not possibly be implemented without the Town exercising eminent domain over the University, an option it didn't have, and never would.

Councilor Morong left at approximately 10:02 PM.

He said there had been studies he had read on the northern connector over many years, and said the Town had gone round and round on this issue. He said he did not want the Council to spend the citizens' money on this when there was no possibility at all that the connector idea would ever be implemented. He said the University had for some time had a very firm position that it did not wish to pursue this.

Mr. Campbell said he agreed that he didn't want to see the Town spend money on ideas that would never get done, but he said this was not what the current process was about. He said there were people such as Bill Hall who liked the idea of the northern connector as a way to address the traffic problems in town. But he said if the consultant felt the northern connector was a great idea but would never happen, he would say this in his report, and the Town would have to deal with this, and proceed from there.

Councilor Peter Smith said the reality was that the University had control over certain lands. He said if the University wished to have an open mind on this issue now, these things could be studied. But he said there needed to be some sense as to whether it had such an open mind.

Councilor Julian Smith asked if the southern connector Mr. Campbell had referred to was the 30 year old NHDOT plan to cut a road from Route 108 north of Bennett Road to Mill Road north of the railroad tracks. He also asked whether, if it was, it was going anywhere with NHDOT these days.

Mr. Campbell said that was the plan, and said he hadn't seen any interest from NHDOT on it. He noted that the Town had applied to NHDOT for a grant to do a study on the southern connector, but had been denied 3 times.

Councilor Needell said one of the purposes of the proposed transportation study was to look at the University's new master plan along with the Town's Master Plan, concerning transportation/traffic issues. He said the Town spent a lot of time arguing about traffic issues, and he said it was a problem that would have to be addressed at some point. He said this was an opportune time to do this, given the University master plan.

He provided some details on the University's plans, including completion of the southern loop road tunnel currently being worked on. He said continuation of that road to Main Street and development of a northern tunnel, etc., were in the University's master plan, but appeared to be very far off into the future.

He said given that the University's plan existed, the Town needed to consider what its impacts would be for Durham, and it needed to be determined whether the Town and the University were on the same page. He said perhaps the northern connector and the southern connector would be removed from consideration as part of this proposed process, but he said at least this would be a decision that had been made.

Councilor Leach asked where the idea for this proposed transportation study came from.

Administrator Selig explained that it came about through the Planning Board, because of its frustration that when applications and especially University projects came before the Board, it didn't have the ability to determine the impacts of these projects on traffic patterns in the downtown area, and in the Madbury Road corridor. He said the Planning Board's request in last year's budget was that there be \$30,000 to hire a consultant to define the questions that needed to be asked and the data that was needed in order to better evaluate development proposals. He said the 2007 budget proposed \$100,000 to move ahead with this.

Mr. Campbell said Norway Plains was doing the first part of the analysis now, and said from that a scope of work would be created for a larger study, to be done next year. He said it was realized that the Board needed to be very specific as to what it wanted to get out of this larger study, which is why the consultant was hired to determine this. He said the idea of doing this kind of study had been discussed at the Town Council and Planning Board levels, and was also one of the of primary recommendations in the Master Plan. He said the Master Plan even said that if grant money was not received for such a study, the Town should fund it. He said this was why the Board was moving forward in this way.

Councilor Leach asked if the \$100,000 proposed would be discussed more as the Council went through the Budget process, and Administrator Selig said it would.

Mr. Campbell said this study, including hard data, was what the Town would need in order to bring something to the State, and have them look at it.

Councilor Carroll asked what aspects of public transit this transportation study would get into.

Mr. Campbell said the consultant had information from the University and from the Transportation Policy Committee, including facts and figures on ridership, such as the fact that they were about to reach one million riders. He said this data was expected to be factored into their recommendations.

Councilor Carroll said there needed to be an interface between the Durham and University communities concerning public transportation. She noted that there was a shuttle that took passengers around Durham, and that also went to other nearby communities. But she said most Durham residents didn't have any idea how they could access this system. She suggested that the study should include a recommendation that there needed to be education of the public on this, and said the study would be flawed if it did not include this recommendation.

Councilor Carroll said the current shuttle system had been up and running for several years. She said it was free of charge to Durham residents, within the limits of the Town, and cost a dollar to travel by shuttle to nearby communities.. She said this public transit system was inexpensive to use, and used less

resources than cars, noting that a purpose of CMAQ grants was to get people out of their cars, onto bikes and into buses. She said she would love to see the public transit piece put in the study.

Mr. Hall said he had heard what Councilor Peter Smith had said several times in the past. He noted the public hearing the Town had held years ago on the northern connector, and that what came out of it was now state law. He also spoke about a plan the University had that was prepared by the Public Works Department that indicated there was a 2400 ft long, 200 ft wide right of way for the bypass.

Mr. Hall noted that in 1976, the University wanted to build horse stables out there, but the State said no to any permanent improvement there. He said the only way the status of the right of way could be negated was by an act of Governor and Council. He said that therefore, anyone who said the idea of the northern connector was not operable didn't know what he was talking about. He noted he had gone to the Highway Department regarding this issue.

Mr. Hall also said the only critical thing the Town had to act on regarding the southern connector was that there was a 2 lane right of way from the underpass the University was building to Mill Road, just southeast of the substation adjacent to the railroad tracks.

Councilor Henry Smith MOVED to adjourn the meeting. Councilor Leach SECONDED the motion, and it PASSED 7-1, with Councilor Julian Smith voting against it.

The meeting ADJOURNED at 10:19 PM.

Victoria Parmele, Minute Taker