

These minutes were approved at the January 11, 2017 meeting.

DURHAM PLANNING BOARD
Wednesday, October 26, 2016
DURHAM TOWN HALL COUNCIL CHAMBERS
7:00 pm
MINUTES

MEMBERS PRESENT: Andrew Corrow, Chair
Bill McGowan, Vice Chair
Lorne Parnell
Barbara Dill
Paul Rasmussen
Bob Brown
Councilor Jim Lawson, Council Representative to the
Planning Board (arrived at 7:30 pm)
Wayne Lewis, alternate
Councilor Alan Bennett, alternate Council Representative
to the Planning Board

MEMBERS ABSENT:

I. Call to Order

Chair Corrow called the meeting to order at 7:00 pm.

II. Roll Call

The roll call was taken.

III. Seating of Alternates

Mr. Lewis was appointed as a regular member for the meeting.

IV. Approval of Agenda

Bill McGowan MOVED to approve the Agenda. Paul Rasmussen SECONDED the motion and it PASSED unanimously 7-0.

V. Town Planner's Report

Mr. Behrendt said he had nothing to report.

VI. Reports from Board Members who serve on Other Committees

Ms. Dill said at the recent Conservation Commission meeting, there was a presentation by DPW Director Mike Lynch on the drought, which was severe and covered at least half of Strafford County. She said Durham was in very good shape thanks to its 4 water sources, but she noted that many people like herself in Town were on private wells. She said the Commission also discussed the proposed land management position at the meeting.

VII. Public Comments

There were no public comments.

VIII. Review of Minutes (old):

IX. Selection of a new secretary for the Planning Board

Chair Corrow noted that due to the resignation of Steve Roberts, there was a regular member opening on the Planning Board. He said there was also an alternate member vacancy. He said the Board needed a new Secretary, since this was a role Mr. Roberts had been performing. Mr. Parnell and Ms. Dill made a motion that Mr. Rasmussen serve as the Secretary for the Planning Board. No vote was taken but after discussion, Mr. Rasmussen agreed to serve as Secretary.

X. *Public Hearing - 6 Ellison Lane – Conditional Use.* Conditional use for construction of a driveway and water and electric utilities for a new single family house within the Wetland Conservation Overlay District. Russell Couture Revocable Trust, property owner. David Newhall, prospective lot buyer. Joseph Nichols, Project Manager, Beals Associates, engineer. Rural District. Map 18, Lot 18-38.

Mr. Nichols said nothing in the application had changed based on the recent site walk. He reviewed what was proposed and why, as he had discussed in detail at the September 28th meeting. He said all of the conditional use criteria were met. He noted that an erosion control berm would be put in place while the work was being done, and said the Town Engineer had said it was more than suitable.

Lorne Parnell MOVED to open the Public Hearing. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0.

No members of the public came forward to speak.

Lorne Parnell MOVED to close the Public Hearing. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0.

Chair Corrow noted that the Conservation Commission had approved what the applicant proposed. He then reviewed with the Board whether the 8 general

conditional use criteria as well as the 4 criteria for the Wetland Conservation Overlay District were met with the application. No issues were found.

Lorne Parnell MOVED to approve the Notice of Decision as outlined in Mr. Behrendt's note this evening for a Conditional Use Application submitted by the Russell Couture Revocable Trust, for construction of a driveway and water and electric utilities for a new single family house within the Wetland Conservation Overlay District, at the property located at 6 Ellison Lane, Map 18, Lot 18-38 in the Rural District. Bill McGowan SECONDED the motion.

Chair Corrow said Councilor Bennett would be a voting member for the motion in place of Councilor Lawson.

The motion PASSED unanimously 7-0.

- XI. 2 Brook Way – Conversion to Sorority.** Conceptual Review (preliminary application) for conversion of an existing multi-unit dwelling with 24 beds to sorority with 32+ beds. Site plan for change of use and conditional use/adaptive reuse for sorority. Mr. Rasmussen Berton, Fall Line Properties, LLC, property owner. Sandy Grossman, representative of Phi Sigma. Chris Wyskiel, attorney. Professional Office District. Map 2, Lot 9-4. *Recommended action:* Discuss and close conceptual review.

Attorney Wyskiel noted that the property was once a fraternity, and now contained 6 apartments with kitchen areas, and housed a total of 24 people, with 4 people in each apartment. He said the building was originally developed as a fraternity, and came to the Planning Board for a change to an apartment use several years ago. He said the proposed sorority was allowed by Conditional Use. He noted that project had been before the Technical Review Committee.

He said exterior improvements would be made as part of converting the property to a sorority. He said the interior of the first floor would be modified by keeping one of the apartments on the end furthest from the street in order to accommodate a live-in adult. He said the remaining space on the first floor would be redeveloped into common living room spaces, study spaces, and a kitchen to accommodate the dining area.

He said the second and third floors would be dorm style living. He explained that each of the two existing apartments on the two upper floors had bathroom and kitchen facilities, and said the kitchens would be turned into bathrooms. He spoke about how the current living space would be redesigned, and said with a formal application, the actual floor space configuration would probably drive the proposed occupancy for the building.

He said using 150 sf per occupant for a person in a dorm, there was the potential capacity for 39 people. He also said if the bedrooms were simply converted to double

occupancy, this would yield 32 people, and said if the extra living space was also converted, there could be an additional 4 bedrooms plus a room for a live-in adult. He said this would get to the desired goal of 37 people, but said what would be in the actual application was yet to be determined.

Attorney Wyskiel said when the formal application was reviewed by the Board, he would address the Conditional Use criteria. He said a sorority was appropriate for the neighborhood, and said external upgrades would make it work there. He said the Fire Department had noted that there was a different standard for a sorority to meet under the fire code, so some upgrades were needed. He said the building already had sprinklers.

Chair Corrow said this proposed use was less contentious than the performance center use recently proposed for the site. He said the surroundings were similar, and also noted that UNH supported what was proposed.

Attorney Wyskiel said the sorority was committed to being alcohol free, and said this would need to be enforced by an in-house person.

Mr. Parnell confirmed with Attorney Wyskiel that while there would be a change in use, and changes to the façade of building and the landscaping, there would be no change proposed to the footprint.

Attorney Wyskiel said Mr. Berton would come forward next with a formal application. He suggested that there should be a site walk, and said as part of that, it might be appropriate to see the inside of the building.

XII. *Public Hearing - Mill Plaza Redevelopment – 7 Mill Road.* Design Review (preliminary application). Updated design for site plan and conditional use for the redevelopment of this 10-acre site. The project involves demolition of the rear commercial building; construction of 2 new mixed-use buildings, 1 with commercial on ground level and 3 floors of residential and 1 with commercial on ground level and 4 floors of residential; construction of 1 retail outbuilding; 370 parking spaces, including 42 garage spaces; a total of 80,000 square feet of commercial; residential space for 330 occupants; new public spaces; and other site changes. Colonial Durham Associates, LP, property owner; Sean McCauley, agent; Joe Persechino, Tighe & Bond, engineer; Steve Cecil and Emily Innes, The Cecil Group, site planner; Lisa DeStefano, DeStefano Architects, architect. Central Business District. Map 5, Lot 1-1.

Councilor Lawson arrived at 7:30 pm.

Mr. Behrendt explained that this was still the design review phase. He said the project had been in this phase for many months, and said the first plan was submitted in September of 2014. He noted that there had been several iterations, and several public hearings. He said hopefully they would end up with a preliminary plan that

people thought was pretty good, and said then there would be a formal, fully engineered plan.

He said a few years ago, the Town passed a Zoning amendment that increased the required habitable sf per occupant in multiunit dwellings from 300 sf to 600 sf. He said the timing of this Zoning change was fairly close to when the preliminary application was submitted by Mill Plaza, and said while the Town said 600 sf applied, Mill Plaza said it didn't. He said there was a legal challenge by Mill Plaza against the Town concerning this issue, but instead of going to court, there was a settlement agreement that included a number of conditions, which all would have to be met as part of a site plan application.

Mr. Behrendt said key parts of the settlement agreement were that the earlier standard of 300 sf would apply, and there would be a maximum of 330 residential beds. He said to the extent possible, these beds would need to be located on the northerly side of the site. He said the agreement also said there would be at least 80,000 sf of commercial space, and that the buffers along College Brook would be enhanced.

Ms. Innes described the existing conditions/constraints at Mill Plaza, including the existing conditions along College Brook, the variations in topography on the site, the currently used pathways, etc. She said another constraint was that the design team had been asked by the client to find a way to keep the tenants in the existing back building in place and in business while construction was going on, perhaps through phasing of construction. She said additional constraints were concerning parking on the site as part of a project and vehicles being able to access and move through the site.

Mr. Cecil addressed opportunities with this project, and noted that he'd received input from residents on these opportunities.

- He said people were currently on foot and on bikes moving through the site, but it wasn't set up for that, so a question was how to set up safer conditions for bikes and pedestrians, where they would be separated from vehicle traffic. He spoke in some detail about possible ways to create more of a pedestrian experience on the site.
- He said there was the opportunity to create additional and more effective green space/public space on the site, along College Brook and at Bicentennial Park.
- He said there was the opportunity to add more commercial and retail space in order to create a more active site and tie it into the downtown.
- He said the housing could sit on top of commercial space and parking, and said buildings could be pushed into the hillside so the tops of the buildings would be roughly the same as those on Main Street.
- He described a possible pathway along the edge of College Brook, and the creation of an open landscape there that could include places to stop and sit. He said such an area would be well lit, but said the lighting would be contained on the site.

- He described a smaller retail space that could be placed on Mill Road, and said this would create a frame for the site and would help block the parking field.
- He described having possible green roofs which would provide visual and environmental benefits. He also spoke about ways to break up building massing and create interesting profiles with different kinds of roofs, and different architectural styles and elements.
- He explained that there was an opportunity to provide an overflow parking area with grass pavers, which was a good idea from a stormwater management standpoint.
- He spoke about how the design moved the new development away from the residential edges

Mr. Lawson asked for more clarity on the amount of parking in this design. Ms. Innes said right now there were 370 parking spaces, and said the minimum requirement of the settlement was 345 spaces. She said some of the 370 spaces might be located in the green area. She also said they planned to provide some side parking spaces along the drives.

Councilor Lawson asked if the proposed parking deck was included in the total calculations. Mr. Cecil said the parking deck was not included in the commercial space. He said it was understood that a Town goal was to have more commercial uses. Councilor Lawson said it would be helpful to have the square footage estimates of this.

Councilor Lawson said in the revised design, the Hannaford building looked larger. Mr. Cecil said creating another layer on the façade provided more depth and more height, but said it was only a difference of a few feet.

Councilor Bennett asked how practical overflow parking on green pavers was in this climate. Mr. Cecil said the new paver materials were plastic, didn't hold the heat and were tough. But he said if cars parked on them all the time, there might have to be asphalt there instead. He said the green pavers would have to be drained properly. He provided detail on areas on the site that potentially could be treated this way.

There was detailed discussion about whether the habitable space per occupant met the minimal requirement of the settlement agreement. There was also discussion about the circulation needed on the site for delivery trucks. Mr. Cecil said it would be similar to what it was today. Mr. Brown asked about the potential for increased traffic getting in and out as a result of additional retail space. There was discussion about this with Mr. Cecil.

Wayne Burton, Madbury Road said a green roof usually meant it could capture rainfall, filter it, and store it in a cistern. He asked if there would be any attempt made to make this a LEED certified project, which included alternative energy generation

including solar on the site. He said this would fit with the Town's theme of reducing its carbon footprint.

Mr. Cecil said there were several environmental considerations in the design, which also represented good business decisions. He said there was a good opportunity to do groundwater recharge and filtering on the site, and he also spoke about planting rain gardens, swales, etc. at the edges of College Brook as part of good stormwater management. He said they were thinking about orientations of roofs and different pitches, as well as having green plants on a roof, as part of energy considerations for the project. He said they would have to look at what was cost effective.

Nancy Lambert, Faculty Road, said Mill Plaza currently rented parking on the site, and asked what would happen to that as a result of this project. She also said the commercial area on the east side of the property seemed to be distant from the parking, and asked if this would put businesses there at a disadvantage. Mr. Cecil spoke about the park once strategy and how it could work on the site, as part of being an active space that promoted walking. He said he didn't have information on the number of rented parking spaces.

Attorney Pollock said last spring, it was explained that Mill Plaza did a limited amount of rental parking that wasn't related to the existing tenant base. He said the numbers fluctuated and said he didn't have them. But he said renting spaces to third parties would end in the redevelopment scenario, because of increased commercialization of the property. He said with the proposed redevelopment, all of the spaces would be used to support commercial endeavors, with limited spaces for loading/unloading, drop offs and ADA compliance. He said there were ITE parking standards for each of the uses proposed. He noted that the existing tenants had parking provisions in their leases that would be honored.

Robin Mower, Faculty Road read a letter she'd written into the public record. Among other things, she said she would be much more comfortable if Hannaford and Rite Aid stated that they were not interested in moving in a letter written on their letterhead.

She questioned any assumption that if there was no one to speak against an issue, generally people were in favor of it. She said she'd heard a question from a Planning Board member asking whether it was reasonable to assume that at a meeting in July. She said there were various reasons why people couldn't show up at a particular meeting. She noted that many people watch meetings on DCAT.

She suggested coming to Faculty Road when the site walk was done, to view Mill Plaza from inside the houses there, especially when the trees were down. She said she disagreed as to the value of the proposed outbuilding along Mill Road. She said someone come up toward Main Street would have a different view of the downtown if that building was there.

Her letter and comments questioned in detail what the community would get from this project, and she asked if 80,000 sf of commercial space was the best the applicant could do. She noted that the downtown was currently at 100% occupancy and needed more commercial space. She said the current Plaza businesses occupied about 57,000 sf and might want to expand, so the amount of additional commercial space would be about 20,000 sf.

She said there was precious little acreage zoned for commercial development or redevelopment, and asked why this site shouldn't host 90,000 sf of commercial space. She said the Town had adopted mixed use zoning in order to expand commercial opportunities, and said it shouldn't back down on that goal. She said 330 residential beds was the ceiling, not the floor, and said if it made the redevelopment work better, so be it. But she asked the applicant to consider what could be done if fewer square feet were used for residential space. Her letter went into the possibilities in detail. Ms. Mower said she would like to hear more about how the Planning Board would address the current gap in the Zoning Ordinance concerning multi building projects. She also said she appreciated it that an aerial view had been provided, but said she wanted to see something that showed the site plan along with the immediate vicinity beyond the site. She said perhaps this information could be included in the formal application submission.

She said the Town Assessor was currently assessing 97 parking spaces on the site.

Shane Malavenda 15 Faculty Road, said this was the best proposal so far, because it was less congested, with fewer buildings on the site. He said he saw that the designers had taken some steps to reduce the heights of buildings with this design, but said he was against seeing a 4 story building on the site. He asked that people remember that there were building height regulations that needed to be followed, and said higher buildings changed aesthetics and impacted noise transmission. He said another concern was the idea of having patios on the second and third floors of buildings, but noted that they'd been removed in the latest design. He said because of Hannaford and Rite Aid, the Town was stuck with a one-story building, in what was a prime location on the site for a multi-story building.

Matt Komonchak, one Thompson Lane said he echoed what Ms. Mower and Mr. Malavenda had said about potential negative externalities for the neighborhood from redevelopment of the Plaza. He asked Board members to put themselves in the shoes of people living nearby, and consider what putting up a project of this scale would do to the neighborhood. He noted the statement "Dazzle me/us" said to developers coming to Durham in recent years. He said this design was better than the last one, but said he wasn't dazzled by it.

He said getting Hannaford to the table was important, and said he hoped the Planning Board would take an active role in engaging the tenant. He said if not, he hoped the

applicant would try to do this. He said people didn't have a clear idea of Hannaford's position and were taking the applicant's word on this. He said he'd like to hear directly from Hannaford, and said the community deserved this.

Mr. Komonchak reviewed items in the design. He said the proposed overflow parking reserve was very unrealistic, given the parking constraints in Durham. He also said the idea of drop offs and carpooling in the Plaza wasn't realistic. He said dramatic increases in commercial space were proposed, and also said there would be three residential towers with negative externalities.

He said the Planning Board needed to push back and ask the applicant to develop a project that was exciting and innovative. He asked them to ask more questions about fire safety, snow removal plans, the environment including by how much the green belt along College Brook would be expanded, etc. He said more detail was needed on pedestrian flow on the site that would be safe for children on a routine basis. He also noted that traffic flow just outside the Plaza was already quite messy, without redevelopment of the Plaza.

Mark McPeck Mill Road, Brookside Commons said he agree with everything other residents had said, and said he'd be interested in hearing the Planning Board discuss the issue of north/south location of residential components. He said he believed there was a technical requirement in the settlement agreement that the majority of the residential space be in the northern half of the property, but said it looked like the great majority of it was planned for the south side. He also said he was greatly concerned about the scale of the proposed middle building, which he was a direct abutter to, because of its proximity to residences.

Annmarie Harris, Oyster River Road, said it was her understanding that north was where Hannaford was. She said 1000 beds had been added downtown in recent years, and also noted the Cottages and the Lodges, and said she was concerned that if there were vacancies because of overbuilding of student housing, the taxable value of recently constructed properties would decline. She said unless Durham got a dazzling redevelopment of the entire lot, including the ancient Hannaford building, it could simply be re-faced. She said the current design had the additional impact of students being located so close to the existing residential neighborhood, and said the conditional use criteria would need to be very carefully reviewed.

Beth Olshansky, Packers Falls Road, said there had been some improvements compared to the last plan, including getting back the greenspace next to The Works, and regaining 97 parking spaces. She said there had been more care in thinking about how to work with what was a very challenging set of criteria. She asked for the dimensions of the little building proposed along Mill Road, and said that visually it could be quite detrimental. She noted among other things that it would block the green buffer along Mill Road. She said she agreed with the need to hide the parking, and said she thought this could be done with a 5 ft hedge there.

She asked how tall the 2nd floor façade on Hannaford would be, and she also asked what the actual height of the middle building and the building behind it would be. She said the architectural design regulations talked about creating harmony with building heights of different buildings, and about keeping a human scale in a small space and avoiding the canyon effect.

Ms. Olshansky said she didn't think this design met the Zoning Ordinance because of building heights, and she noted that the settlement agreement required that the Ordinance would be met. She said she hoped that the Board would insist that it did. She said perhaps there would have to be some adjustment in the number of beds to get the building heights down, or have more commercial space. She said the design was still very much a work in progress.

Councilor Diana Carroll, Canney Road, said this was a plan for buildings and cars, and said it didn't present itself as a plan for people, with amenities residents said they wanted downtown, such as salability, at least a little bit of nature, and a place to gather. She noted that the pedestrian walkway from the Plaza to Main Street starts behind a building, and said it looked like the buildings were drawn in first, and the walkways were put in after. She spoke on further detail about walkability issues with the design. She said residents at the recent forum said safety on the property for children was very important, and they shouldn't have to walk next to student housing. But she said here it was on the plan.

Councilor Carroll said the wetland buffer along College Brook was labeled as a constraint and an opportunity. She said as an opportunity, there could be 25 ft of greenspace, with a pedestrian and bike pathway that would be separated from the parking lot, and would span from Mill Road to Chesley Drive. She said it could be the first protected bikeway in downtown Durham.

In regard to the conditional use issue, she read from section 175-21A of the Zoning Ordinance, which addressed the purpose and intent of requiring a conditional use permit. She said if the plan didn't reflect the wording in the Ordinance, the Planning Board didn't have to move forward with this application.

Joshua Meyrowitz, Chesley Drive, said the previous plan was designed to wear residents down, and to make a subsequent plan seem less horrible. He said the new plan was less horrible, and was done by gifted, caring designers who were trying to do the best they could but were operating under the owner's concerns to maximize profit from this land. He said this conflicted with public needs, put other businesses, including existing student housing at risk, and didn't meet the conditional use criteria.

He spoke further, and among other things said if there was a different use of the space planned for housing, a lot of people would be willing to waive some of the conditional use criteria. He suggested that there could be professional offices and

other commercial uses next to their neighborhood, which quieted down at night, and were walkable by their kids.

Mr. Meyrowitz said he agreed with those who said it was important to hear directly from Hannaford and Rite Aid. He asked how long their leases were, and said more information was needed regardless of merges they were currently going through. He said if the current plan went into effect, this would preclude Durham from having a full-service supermarket. He said the building in the middle would block any growth. He said it was important to look at long term impacts, and to keep any housing at the north end of the site. He said otherwise, Durham would lose the downtown and become an adjunct to the University.

Robin Mower said the Board should get a legal opinion on the terms of the settlement agreement regarding the College Brook buffer.

Chair Corrow asked if the applicant would like to address any of the public comments. Mr. Cecil said he appreciated the comments, and would take them into consideration.

Chair Corrow said he would go around the table and get comments from Planning Board members. He started with himself, and said he didn't like the out building along Mill Road visually as a design element. He said it seemed better not to have it, and instead have more contiguous green area. He noted that exhibit one in the settlement showed a larger amount of Greenpeace and a larger gathering area, which were elements the Town would like to see.

He said in the new plan, everything was further on the northern side, and pushing further into the hillside. He asked if there were details on blasting and excavation that would be required because of ledge. He said this design was much better than the previous iterations, but said he'd like to walk the site with the Board so he could better judge the distances involved. He said he didn't think a number of the residential floors of some of the buildings met the Zoning Ordinance requirements. He also said he had questions about the design for increasing the natural buffer along College Brook.

Mr. Rasmussen said if there was a site walk, it should be shown where the increased buffer along the brook would be. He also said including three levels of residential in the plan would require variances, and said he didn't see that they would be granted without the support of the community.

Councilor Bennett said there had been a lot of comments about the need for elderly housing in Town, and he noted the proposed Zoning change from the Town Council in regard to this. He said he didn't see any effort on the part of the developers to look at that possibility for this project.

Councilor Lawson said the Zoning Ordinance didn't provide good guidance for a shared parking environment, and said the design and management of parking would be very important. He said using the best criteria available, it was possible that the parking quantity proposed might not be necessary, and the area not used for parking could create pedestrian and other opportunities.

He said generally speaking, the environmental considerations outlined by Councilor Burton were important in Durham. He also said the proposed ratio of commercial to residential appeared to need a variance. He said he was of the very strong opinion that the Planning Board couldn't directly engage Hannaford or Rite Aid, and he recommended talking to the Town attorney if clarification was needed on this.

Mr. Parnell said the Board had seen various iterations of the project, and had to assume that the application it would get was essentially what was here now, which was Hannaford, Rite Aid, 80,000 sf of commercial space and 330 beds. He said the Planning Board would have to go through the conditional use criteria, and said a supermajority would be needed to approve the application. He said he therefore thought it would be very useful for the Planning Board to comment on these criteria on a noncommittal basis, and indicate for the applicant areas where there might be problems getting approval of the conditional use application. He noted that he wasn't saying this discussion should be done this evening. He said he thought there were some things that it would be hard to get a unanimous vote on.

Chair Corrow said he could see Mr. Parnell's point. Mr. Parnell said he thought this discussion should take place with the applicant and members of the public present. He said issues that had been raised were in the criteria.

Mr. McGowan said some things that came up in comments were that the applicant could look at what could be done to reduce the beds, could look at other options for the housing, and could consider increasing the commercial space and what specifically that would look like.

Ms. Dill asked Councilor Lawson what he meant by shared parking. Councilor Lawson said it meant someone could park once and then shop at various places. He said it also meant a parking space that was used for different purposes. He said shared parking could avoid overbuilding of parking. Ms. Dill said she was intrigued by that idea. But she said there was still a huge parking lot planned, and asked if there was a way to break up the parking lot because that many spaces weren't needed. She also said she totally supported Mr. Parnell's idea.

Mr. Brown said he was still concerned about the parking, and traffic flow on the site. He said the issue of pedestrian safety was very important, and he spoke further on this.

There was discussion about having a site walk at this point, and then having a discussion on the conditional use criteria. Chair Corrow asked Attorney Pollock if what the Board proposed would be helpful.

Attorney Pollock said the applicant had no objection to a site visit. He also said the conditional use criteria were a critical piece of the analysis, and said the applicant would react to what the Board said, and come forward with something that was more compliant. He spoke further on this.

Mr. Behrendt asked if there would be a revised design for a meeting in December. Mr. Cecil said the input this evening had been very helpful, and said if there was a site walk, he would listen to the observations. He said he could be prepared to provide refinements and more detail by the December meeting. It was agreed that the site walk would be scheduled after the meeting.

Mr. Rasmussen asked if the applicant would like to be present for the discussion on the conditional use criteria. Attorney Pollock said he would like to be there to interact with the Planning Board.

Mr. Behrendt said the public hearing should be continued to December 14th, and recommended that the conditional use criteria be reviewed as well in December.

Attorney Pollock requested that the application not be discussed at the November meeting. He also said he wasn't sure if there would be a revised plan at the December meeting, Mr. Behrendt strongly recommended that one more full iteration of the plans be provided.

Mr. Parnell noted that he'd heard this evening about the middle building being lower as a result of discussion with neighbors. He asked if this was reflected in the plans, and there was discussion.

XIII. Zoning Amendments – Elderly and Multi-Unit. Consideration of Town Council-initiated zoning amendments. Recommended action: Set public hearing for both amendments on November 9.

A. **Mixed Use with Residential.** Change Mixed Use with Residential (office/retail down, multiunit residential up) from conditional use to not permitted in the Central Business District.

B. **Mixed Use with Elderly Housing.** Add a new definition for Mixed Use with Elderly Housing (office/retail down, elderly housing up), allow as a conditional use in the Central Business District, and add references to this use in Section 175-41 Central Business District and Section 175-53 B. General Use Regulations.

Councilor Lawson said in 2008 the Town changed the Zoning requirements in the Central Business District to facilitate more development, with two objectives. He said one was to develop more new, quality student housing and the second was to increase commercial space and vibrancy in the downtown. He said since then, 1300 new beds

had been created in new developments, and noted that this included the Mill Plaza beds. He also said commercial space and vibrancy had been increased downtown.

He said at this point, the Council wanted to look at the possibility that these goals had been achieved, and that since 67% of the land downtown had been developed at this point, it was time to hit the pause button on mixed use residential development. He said the Zoning Ordinance in the Central Business District allowed as a conditional use elderly housing, which he noted was soon to be called senior housing.

Councilor Lawson said the Zoning Ordinance didn't allow the opportunity with this change to do mixed use with elderly housing, so that use had been added in the proposal. He asked that a public hearing be scheduled, and said he would provide maps and more data at that meeting.

Mr. Parnell said another goal of the Zoning changes Councilor Lawson had spoken about had been to increase the commercial tax base, as property taxes were going up very quickly on an annual basis. He said he thought it would be useful to know what the impact of the 1370 new student beds had been on the tax rate for the people of Durham.

Councilor Lawson said Ms. Jablonski had done that calculation for all of the new developments, and said the information Mr. Parnell was requesting could be put together before the next Planning Board meeting.

Mr. Parnell suggested that this should be done, because the idea was now to stop a process that had been quite successful. He said maybe what was proposed would be successful and maybe it wouldn't. He noted that there had been redevelopment of substandard construction downtown, which was very positive. Councilor Lawson said he'd make sure the information was in the Planning Board's packet.

Ms. Dill asked if the words "senior housing" could be included in the proposed Zoning change. Councilor Lawson said that would necessitate many changes in the Zoning Ordinance, and said the Board could make the change as part of the Zoning amendment process it was working on.

Chair Corrow said the public hearing would be held on November 9th.

XIV. Determination of dates for 2017 calendar of Planning Board meetings

Bill McGowan MOVED to approve the dates for the 2017 calendar of Planning Board meetings. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.

XV. Zoning Ordinance – General Amendments. Numerous miscellaneous amendments are being proposed to the Zoning Ordinance based upon earlier discussions by the

Planning Board, issues that have been raised in recent years, and a review of the ordinance by the Town Planner. Recommended action: Continue discussion.

Postponed until November 9th

XVI. Other Business

Mr. Behrendt said he would provide a draft ordinance regarding accessory dwelling units that reflected the recent changes in State law at the November meeting.

XVII. Review of Minutes (new): August 24, 2016

Page 3, line 24, should say "Sievert

Page 6, the motion should say "Lorne Parnell MOVED to open the public hearing..."

Page 7, line 1, should say "Mr. Berton"

Page 11, line 8, should say "...write something up..."

It was noted that Councilor Bennett should vote on these Minutes since he was at the August 24th meeting and Councilor Lawson wasn't.

Lorne Parnell MOVED to approve the August 24, 2016 Minutes as amended. Bill McGowan SECONDED the motion and it PASSED unanimously 7-0.

XVIII. Adjournment

Bill McGowan MOVED to adjourn the meeting. Lorne Parnell SECONDED the motion and it PASSED unanimously 7-0.

Adjournment at 10:17 pm

Victoria Parmele, Minutes taker

Paul Rasmussen, Secretary