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Town Planner Recommendations
DURHAM PLANNING BOARD
Wednesday, January 28, 2015

VIII. **Bay Animal Hospital - Boundary Line Adjustment.** Application to adjust the lot lines between 2 existing lots to place the house on its own lot and the kennel, veterinary hospital, and dog day care facility on one lot. Dr. James McKiernan, Great Bay Animal Hospital, property owner and applicant; Kevin McEneaney, Surveyor. Map 6, Lots 11-7 and 11-8. Residence C Zoning District.
Recommended action: Schedule public hearing if the application is complete.

➤ I recommend the application be accepted as complete (*See below) and the public hearing scheduled for February 11.

While not a public hearing I placed this item at the beginning of the agenda assuming the board would have minimal discussion at this meeting.

Please note the following:

- 1) A revised plan is needed. I expect the applicant to email this to me shortly. If so, I will alert the board.
- 2) This is a boundary line adjustment between 2 existing lots. This proposal will arrange the lots in a much more coherent and functional way.
- 3) **Porkchop Subdivision.** The frontages are based on those allowed under Porkchop Subdivisions in the Zoning Ordinance (See provision below), which allows reduced lot sizes and reduced frontages from the regular requirements. The purpose of Porkchop Subdivisions is to allow greater flexibility for larger, deeper lots where additional future subdivision is unlikely.
- 4) **Frontage.** The Porkchop Subdivision requires 200 feet of frontage for the smaller lot, the lot to the south, toward Newmarket. The plans originally submitted show only 100 feet. (See the upper left on the plan where it is marked L18. Then look at the legend. This is 100 feet now and will be increased to 200 feet.) I believe the applicant will submit a revised plan showing 200 feet for the smaller lot.
- 5) The 200 foot frontage will be rather gerrymandered at an angle at the front of the lot (See the upper left on the plan where it is marked L18). We have no specific requirements for how to meet frontage in this regard in the Zoning Ordinance (Tom Johnson has confirmed that this meets the Zoning Ordinance). On the other hand, the

Planning Board may deny such lot configurations under the Subdivision/Boundary Line Adjustment review when it determines the gerrymandering is inappropriate but I don't see a problem in this case and there is no better alternative.

- 6) Old site plan. If the applicant adjusts the frontage in this manner they will probably need to abandon the approved site plan for the Dog Day Care Facility because the proposed location of the new structure near the front of the lot would probably be closer to the new front lot line than the front/side setback requires.
- 7) One alternative to adjusting the frontage from 100 feet to 200 feet is seeking a variance from this requirement.
- 8) Vegetation. An easement should be created across the front of the new lot (to the south) to prevent removal of vegetation that serves as a buffer for the dog day care facility.
- 9) Access. Access to the new lot will remain the same, via the existing driveway on the other lot that also serves the dog facilities. We will need to see the easement to make sure it is not affected by the lot line adjustment. It might be appropriate to make a condition of approval that this remain the access and that no new driveway be created on the new lot, as a new driveway there would cut through the front buffer.
- 10) Residential subdivision. The Porkchop Subdivision provisions apply to a "residential subdivision." Though there are 3 nonresidential structures on the lot, the application meets the requirements as I believe this was originally approved as a Porkchop Subdivision (because the smaller lot had only 200 feet of frontage rather than the required 300 feet) and these nonresidential structures were in place at that time. Tom Johnson concurs with this determination. But I will go through the records more to confirm this as best I can.
- 11) Side setbacks. All existing and proposed structures would need to meet the side setbacks for the new boundary. We will confirm this. The applicant should show the proposed new location of the dog day care facility on the plat (the one granted a building permit recently, at the top of the hill).
- 12) Kevin McEneaney is the surveyor for this project. Mike Sievert's office is also assisting the applicant with the process.
- 13) Here is the Porkchop Subdivision from the ordinance:

175-57. Porkchop Subdivisions.

A. Optional porkchop subdivisions in RC and R Districts. Developers of residential subdivisions of two (2) or three (3) lots in the RC and R Districts on existing town roads as of the date this chapter is enacted that are not conservation subdivisions, may elect to follow the requirements for porkchop subdivisions in Table 4-1, provided that all lots are entered from a common driveway whose maintenance is guaranteed in the deeds to the lots concerned. A common driveway to a porkchop subdivision will only serve a maximum of three (3) lots. Adjacent porkchop subdivisions will not share a common driveway. Each porkchop subdivision will have a common driveway independent from any other subdivision.

Table 4-1. Requirements for Optional Porkchop Subdivisions

<i>Porkchop subdivision lots</i>	<i>Minimum area (square feet)</i>	<i>Minimum frontage area (feet)</i>
<i>Smallest lot</i>	<i>80,000</i>	<i>200</i>
<i>Porkchop lot</i>	<i>160,000</i>	<i>50</i>
<i>Average, all lots</i>	<i>120,000</i>	<i>125*</i>

NOTE: The Planning Board is empowered to reduce the average frontage to not less than one hundred (100) feet in the case of a porkchop subdivision of a nonconforming lot into not more than three (3) lots, provided that the requirement for minimum area is met.

IX. **10 Pettee Brook – Sign Master Plan.** Application for a sign master plan for the mixed-use building. Dennis Kostis, Ionian Properties, property owner and applicant; Sundance Sign Company, designer. Map 2, Lot 12-11. Central Business Zoning District. Recommended action: Schedule public hearing.

➤ I recommend the public hearing scheduled for February 11.

While not a public hearing I placed this item at the beginning of the agenda assuming the board would have minimal discussion at this meeting.

Please note the following:

- 1) Sign Master Plan. The Planning Board has significant flexibility in approving appropriate sign master plans. The board can specify number, type, and design of signs including wall signs, projecting signs, freestanding signs, and directory signs (with multiple tenants on one sign).
- 2) Future tenants. It is best with an approved sign master plan to be as detailed as appropriate while allowing flexibility for future tenants to fit into the scheme without having to return to the board for an amendment to the master plan. How many tenants should ultimately be presented in the signage? Would there be only 1 projecting sign for 1 tenant? Would there be any other signage for future tenants beyond the 2 shown? Who would be able to use the one projecting sign?
- 3) Planning Board review. This building was completed recently but no sign master plan has yet been presented. The ordinance is a little ambiguous about whether such master plans should be reviewed by Tom Johnson or the Planning Board, but in most cases Tom and I think it best for the board to review these plans (except where it is quite straightforward).
- 4) Sample to review. It would be helpful to see a sample of the proposed sign with the proposed color and material presented to the board.
- 5) Public hearing. The sign master plan should be treated as public hearing with full public notices.

- 6) I think the projecting sign and directory sign make sense and the locations seem to make sense. The colors could probably be changed/adjusted to blend better with the brick, gray, tan, and white colors of the building.
- 7) Unilluminated. It appears that the 2 signs would not be illuminated.
- 8) Ordinance. Here are pertinent provisions from the Sign Ordinance (in the Zoning Ordinance). Again, under the Master Plan review, the board has wide flexibility.

*H. **Directory Signs.** Directory Signs, for businesses located on Secondary Streets within the CB District, may be allowed in the Town right-of-way if permission is granted by the Durham DPW and the Town Administrator. A plan must be in place to identify all businesses, and signage must be updated as uses change over time.*

*I. **Projecting Signs.** Within the CB, PO, CH, C, CC, OR, MUDOR, ORLI, and DBP Districts, only one accessory projecting sign shall be permitted for each business ownership; it shall not project horizontally in excess of six (6) feet; it shall be erected at a height of not less than eight (8) feet above the sidewalk or ground level; and it shall not exceed twenty (20) square feet in surface area on each of two sides nor a total of forty (40) square feet on all sides.*

*J. **Wall Signs.** Within the CB, OR, MUDOR, ORLI, and DBP Districts, no wall sign shall exceed ten percent (10%) of the area of the building face to which it is attached, but in no case shall it exceed forty-eight (48) square feet in size. Within the PO, CH, C, and CC Districts, the cumulative size of permitted signs on any one business establishment shall not exceed forty-eight (48) square feet.*

*K. **Window Signs.**
Signs may be displayed in a window inside a building without a permit as long as they do not cover more than 25% of the total visible window area.*

*L. **Multi-Tenant Developments.***

*New Multi-Tenant developments shall submit a **Signage Master Plan** to the Planning Board for approval. Existing multi-tenant developments shall submit a signage master plan to the Code Enforcement Officer for approval. The following signage standards shall apply:*

1. Free Standing or Ground Mounted Sign – an entrance sign shall be allowed with a maximum of sixty (60) square feet of sign area, and a maximum height of twenty (20) feet. This signage will not count toward the individual businesses total allowable signage. However, a maximum of one hundred (100) square feet may be allowed with Planning Board approval.

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- X. **Public Hearing - Edgewood Road and Emerson Road Subdivision.** 2-lot subdivision and a boundary line adjustment. *Note that this application was originally submitted as a 4-lot subdivision but the applicant is changing it to a 2-lot subdivision (and possibly submitting a separate application in the future to

subdivide the new lot further for a total of 4 lots). Jack Farrell, applicant. County Line Holdings, LLC and Mark Morong 1991 Trust, owners. David Vincent, surveyor. Map 1, Lot 15-0. Residence A Zoning District. Recommended action: Discussion of proposed changes and continuing the public hearing.

- I recommend the project be discussed and the public hearing be continued to February 25.

Please note the following:

This should be continued to February 25 (rather than February 11) since the next meeting of the Conservation Commission is February 12.

- 1) Change in application. The applicant has reduced the original 4-lot subdivision to a 2-lot subdivision. This is considerably simpler but the new lot will still take access from the Class 6 Road.
- 2) Conditional use. Before this subdivision is approved I think the conditional use to cross the wetlands for the new lot should be finalized and the board should determine if any improvements are needed to the road to access 1 additional lot.
- 3) The applicant will go to the Conservation Commission on February 12 to discuss the conditional use. He met with the commission in October for a discussion but does not have a formal recommendation.
- 4) Road improvements? The applicant is still discussing with the Fire Department whether any improvements to the Class 6 road are needed.
- 5) Council Review. The Town Council would still need to effectively approve the subdivision by authorizing a building permit for the new lot (to take access from a Class 6 road). The board has already determined that this can be addressed as a precedent condition.
- 6) Maintenance. For 1 new lot, presumably maintenance of the Class 6 road will continue as it has – informally among the several lot owners who take access there. Does the board think that any more formal arrangement is needed now? Would it be needed in the future if 2 additional lots are cut out of the new lot?
- 7) Driveway easement. An easement is shown across the parent lot to provide access to the new lot. We do not need to see a driveway design across this easement to serve only 1 lot. However, if the lot is further subdivided in the future the board would need to approve the driveway design.
- 8) Solid waste. How will solid waste be handled for this 1 new lot?
- 9) Notifications. We are notifying the abutters by regular mail as a courtesy only to let them know that the application has changed from 4 lots to 2 lots.

XI. ***Public Hearing - Master Plan Chapters.*** Continued review of three new chapters: Community Character, Housing and Demographics, and Land Use (Existing).
Recommended action: Okay chapters, if appropriate.

➤ I recommend the board okay the chapters if they are acceptable.

Please note the following:

- Updated versions are enclosed. Strafford Regional has updated the 3 chapters based on comments by board members at the December 10 meeting. The chapters are now shown in 2 columns.
- Once the board okays/endorses these 3 chapters they can be set aside, waiting for the rest of the chapters. Again, once the board has okayed all of the chapters we will have another public hearing on all of them to make final adjustments prior to adoption.
- After review of the chapters, this would probably be a good time to discuss the role of the Master Plan Advisory Committee, since SRPC will be there (included under Other Business, below).

XII. ***Public Hearing – Site Plan Regulations.*** The Durham Site Plan Regulations have been overhauled with a new draft including Part I – General Provisions, Part II – Site Plan Review Process, and Part III – Development Standards.

- A. Part I – The board okayed this part earlier
- B. Part II - Review and finalize proposed changes
- C. Part III - Discuss process for reviewing

➤ See above. Continue the public hearing for the appropriate parts.

See the separate document where I have incorporated suggested changes by Kathy Bubar and Robin Mower.

XIII. **Other Business:**

A. **Role of the Master Plan Advisory Committee**

Members of the Master Plan Advisory Committee were surprised by some of the responses to four chapters that were recently presented to the Planning Board, all of which were endorsed by the MPAC. The Historic Resources Chapter is now being rewritten and there were some strong criticisms of the Community Character, Housing and Demographics, and Land Use (existing) chapters. The MPAC asked me to obtain some clarification from the Planning Board. Does the board think that the MPAC is carrying out its responsibilities in the correct and appropriate manner? Is any clarification of the MPAC's role in order?

The Master Plan Advisory Committee set a deadline of February 20 for the various committees to submit any final proposed changes to their documents. The MPAC will then ask SRPC to prepare final documents by the MPAC meeting on March 19. The ad hoc committee set up by the Planning Board to work on the Historic Resources Chapter has made much progress. I suggest we include this on the agenda on February 11 for the committee to present its draft to the Planning Board. The draft should then be submitted to the MPAC (with or without any changes by the Planning Board) by February 20 in order that SRPC can make any necessary changes.

B. Pauly's Pockets – Role of Architectural Design Committee

When the board approved this project it included the following condition:

Architectural plans. The two main building elevations for the Main Street/north façade and the park/west façade, submitted via email from Shannon Alther to Michael Behrendt on July 9, 2014, are approved, subject to finalizing a number of secondary details. The Town Planner shall convene a committee to finalize the details, including final colors, brick and mortar selection, decorative lights, window color, material and color of shop walls behind the piers, materials, any minor modifications to the overall design that might be appropriate, and the rear elevation of the building. The committee shall consist of the individuals who attended the informal meeting to discuss Pauly's Pockets architecture on July 9, 2014, or as may be changed at the reasonable discretion of the Town Planner (based on people's availability). Resolution of these issues shall be consistent with the discussion held by the group on July 9, 2014. The committee shall work expeditiously to finalize these details, completing its work by August 29, 2014 at the latest. It is expected that construction will commence prior to this date but this timeframe is workable because these details need not be finalized in the early stages of construction. It is understood that the rear elevation is of secondary importance due to its limited visibility. The applicant shall present proposed final plans to the Planning Board for approval. Once the Planning Board approves the final architectural design with all pertinent details the applicant shall submit two final sets of 11x17 paper copies in color of the approved architectural elevations [one for the Building Official].

The members of the committee are Barbara Dill, Bill McGowan, Beth Olshansky, Todd Selig, and Nancy Webb. The committee had its first meeting with the applicant and his representatives on Tuesday, January 20 and is having another on January 27. The meeting was very productive. We hope to finalize the details at the second meeting. The committee is reviewing all aspects of the project and negotiating with the applicant about appropriate changes (all subject to board approval, of course). I think the intent of this provision is met, including the allowance to make "minor modifications."

We would like to present final drawings to the Planning Board on February 11.

The applicant needs to order the bricks and the windows now. I would like confirmation from the board that if the committee has okayed these elements, consistent with the condition above, that it is reasonable for the applicant to order them. I would not expect concerns about this on February 11 given the committee's diligent review with the guidance of Shannon Alther, architect.