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Town Planner's Recommendation
Wednesday, November 5, 2014

- X. ***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. ***Recommended action:*** Discussion and continuance of public hearing to December 10.
- I recommend the board continue the public hearing and discuss tonight only Parts I and II.

Please note the following:

- 1) ***Public hearing.*** At its meeting on September 17, the Planning Board set a public hearing on the proposed regulations for October 22. Due to the full agenda on October 22, the chair asked that the public hearing be rescheduled for November 5.
- 2) ***Review.*** The chair suggests keeping the public hearing open throughout the review but focusing each meeting on review of specific items. We can go article by article once we get to Part III.
- 3) ***Documents.*** The draft regulations are included in the packet. These are the same documents distributed on September 17. They are posted on the web.
- 4) ***In effect.*** Since the notice for the document has been posted in Foster's Newspapers any new applications that we receive will need to comply with the regulations, provided they are ultimately adopted. Note that the Mill Plaza development was submitted prior to these regulations so it is not subject to them.
- 5) ***Preparation of draft.*** The draft was prepared by Peter Wolfe, Planning Board chair; Kathy Bubar, Planning Board member; Robin Mower, Town Council member; and me based upon new regulations that I wrote for Rochester, NH several years ago and the current regulations in Exeter and Portsmouth.

- 6) Time for review. We should plan on a few months, at least, to go through the new document. There will certainly be numerous changes, corrections, refinements, additions, deletions, that will need to be made. We will ask for input from the Town's department heads and pertinent boards. At some point, we will ask for the Town Attorney to review the document. I think that this document (at least the development standards component) will be an excellent, state of the art, set of regulations and appropriate for initiating an amendment.
- 7) Organization of the regulations. We have organized the document into three parts: Part I – General Provisions, Part II – Procedures, and Part III – Development Standards. Part III will be completely new. This is the core of the regulations, guiding the character of new development. We have not had much opportunity to work on Parts I and II. Procedures is fairly complicated, particularly given state law, so this will need to be a separate undertaking. For simplicity, we have taken Durham's existing regulations pertaining to general provisions and procedures and relocated and rearranged them into these two parts. Thus, there is little of substance changed there.
- 8) Process for adoption. I would recommend a 2 step process for adopting the regulations: 1 – in the coming months change Part III as needed, and formally adopt the complete set of Site Plan Regulations. 2 – We can then take our time, likely a year or so, to continue working on Part III and to overhaul Parts I and II (particularly rewriting Procedures) and then re-adopt the regulations.
- 9) Overlap with Zoning. One complexity is that the Zoning Ordinance contains articles on Landscaping and Parking. These topics should not be included in a zoning ordinance (except perhaps for very limited provisions) and we have new sections in the Site Plan draft for landscaping and parking. At some point, we will want to amend the zoning ordinance accordingly.
- 10) Other Land Use Regulations. At some point in the future, we will also want to overhaul the Subdivision Regulations. I think this is a lower priority. I think we should consider having a combined Land Use Regulations documents with several sections: I - General Provisions, II - Procedures (both of which would apply to site plans and subdivisions), III – Development Standards for Site Plans, IV – Development Standards for Subdivisions, and V – Development Standards for Roads.