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Town Planner's Review
Wednesday, March 11, 2020

IX. **Public Hearing - Historic District Amendments.** Review of draft amendments to Article XVII. Durham Historic Overlay District of the Zoning Ordinance pertaining to purview and procedures of the HDC. Proposed by the Historic District Commission.

- I recommend that the board close the public hearing, incorporate appropriate changes to the draft (including two below regarding “structures” and clarifying existing language about lot lines), and schedule a new public hearing.

Please note the following:

- 1) The Historic District Commission has prepared several amendments to Article XVII. Durham Historic Overlay District of the Zoning Ordinance pertaining to purview and procedures of the HDC. The proposal is enclosed.
- 2) The proposal was presented to the Planning Board on January 22. The board scheduled the public hearing on the draft as written. The Planning Board may: a) initiate the draft as a zoning amendment as written; b) initiate a revised draft; or c) reject the proposal.
- 3) ***Structures.** Paul Rasmussen pointed out a concern with use of the word “structure” in the first proposed change 175-94 A. 10. This concern was well taken. I believe the intent of the change was to apply only to buildings. Leaving the word “structure” would be highly problematic as this would allow for review by the HDC of fences and walls and arguably driveways and parking lots that straddle the historic district boundary, some of which could extend for hundreds of feet and further. The HDC discussed this issue on March 5 and voted to recommend that the word “structure” be changed to “building” in this provision (in three places). I strongly recommend the same.
- 4) ***Changes in lot lines.** In my discussion with Paul Rasmussen the related issue of lots that are combined or subdivided also came up. The intent of the present language in Section 175-93 below is that the Historic District line **not** be changed when lots are combined or subdivided (as stated by “as delineated herein”) but the language should be clearer. I recommend the following additional amendment. This change does not alter the current standard at all. The HDC discussed this proposed change and did not have any concerns with it.

(over)

Section 175-93. Identification of the Historic Overlay District.

A Zoning Map of the HOD as amended, including all the notations, references, district boundaries, and other information shown thereon, is incorporated by reference as part of this Ordinance and is on file with the Town Clerk. If there are any inconsistencies between the map and the listing of map and lot numbers under subsection (B), the listing of map and lot numbers herein shall prevail...

B. Delineation of the District. The HOD is defined as that area made up of the lots listed below, including those that are Town-owned lots, as delineated on the Durham Tax Maps, excluding road rights of way. However, any buildings or portions of buildings or stone walls or portions of stone walls that are located in any road right of way within the boundaries of the HOD shall be subject to review by the HDC. ~~Unless~~ Except as otherwise ~~noted~~ specified, all of the land composing each lot shall be considered to lie within the District. ~~Should any of the lots listed below be subdivided or combined with other lots in the future, the new lots, or applicable portions of those new lots, that are located within the overlay district as delineated herein, shall be included in the HOD.~~ The precise location, on the ground, of the historic district boundary will remain in place and not be affected simply by a change in the location of any lot line as a result of a future subdivision, lot line adjustment, or lot merger.