

Public Hearing

8:00 p.m., Monday, June 27, 2016

Julian B. Thayer Auditorium, Coginchaug Regional High School

Meeting Minutes

Laura Francis called the hearing to order and led with the pledge of allegiance.

In attendance: Laura Francis, First Selectman; John Szewczyk, Selectman; Steve Levy, Selectman; Norm Hicks, Moderator; Geoff Colegrove, Town Planner, members of the Planning and Zoning Commission and approximately sixty members of the public.

L. Francis read the public hearing notice into the record; the purpose of the public hearing is to present information and discuss amendments to the Durham Plan of Conservation and Development (PoCD) and to provide an opportunity for public comment. Legal notices were published with the Towns Clerk's office, towns website, and the Middletown Press. L. Francis stated the public hearing was called by the Board of Selectmen that is allowed by statute and is not a requirement, and felt it was in good public interest to do so. Norm Hicks was chosen as moderator to allow the Board of Selectmen to participate in the conversation. L. Francis stated that the Board of Selectmen could adopt the PoCD in whole or in part or can reject the Plan and send it back to the Planning and Zoning Commission. She talked about Durham having one commission comprised of both Planning and Zoning when other towns have separate commissions, and how the update to the PoCD is a planning function. She thanked Planning and Zoning Commission members for a thorough, complete Plan and reiterated that the Plan is just a planning document with no appeal process; once it is adopted it is required to be updated every ten years, unless amended prior to the ten years. L. Francis noted the difference of a Zoning Board where there is an appeal process.

Norm Hicks then addressed the room and set ground rules on the meeting process.

Steve Levy asked for clarification stating if Board of Selectmen does not pass or vote affirmatively on the proposed PoCD being presented, this would require a 2/3 vote from the Planning and Zoning Commission.

Jan Melnik responded that a super majority would be required. L. Francis stated the State statute definition of 2/3 vote would equate to a super majority.

Norm Hicks then opened up the meeting for questions and comments.

Janet Morganti felt the concern on adaptive reuse in the draft Plan are those that are fearful of change, and those that are fearful of the towns future, if there is no change. She has been a property owner in Durham for thirty-three years and felt that change does not come quickly to Durham. She stated the Plan is as it states a Plan for Conservation and Development. She stated she did not understand the fear of proponents on adaptive reuse in town, specifically Main Street, since only a few properties may actually qualify and noted that similar language identifying the main street properties to be considered

for mixed use was in the current plan. She felt it would be nice for Durham to be a destination point for other reasons besides the Durham Fair and to give people a reason to come to town and stay awhile. She talked about the Grange building falling into disrepair and how current owners have tried to propose uses for the building and have been denied. She felt the opposition has a right to voice their opinion without fear of intimidation and how citizens are afraid to voice their opinion in an open forum because they do not want to upset their neighbors. She thanked Planning and Zoning and the Board of Selectmen for allowing the public to voice their opinions when they were not obligated to do so.

Laura Francis read into the record the following two (2) letters.

Stephen Liss. I am writing on behalf of myself and my wife in opposition to the PoCD as currently crafted by the Planning and Zoning Commission and to urge the BoS to reject it. We would have attended the meeting in person tonight, but unfortunately we are out of town and could not rearrange our schedules in time. 1.) the PoCD continues to support mixed use zoning in the residential historic district on Main Street, Sections 6.10, 6.16, 9.5, 9.9, and 10.3.10, speak of a need for P&Z to “evaluate the desirability of permitting mixed use...” and has similar language encouraging P&Z to continue exploring and passing regulations associated with mixed use. a.) after numerous P&Z meetings it is clear that there is little to no public support for mixed use zoning in the historic district. B.) if this language is removed, P&Z will still be able to explore this idea and to try and change public sentiment. Before passing regulations, however, they will need to amend the PoCD. C.) it is important this language is removed so the public can be assured the P&Z will not pass regulations approving mixed use zoning any time in the near future. The PoCD should not be approved unless this language is removed. 2.) Section 10.3.10 says, “mixed-use development is permitting in nonconforming parcels of the Main Street Residential Zone, provided that the use is not more intensive than the previous use.” My understanding is this statement is simply false. A nonconforming parcel can only be used for the existing nonconforming use unless it is approved for a new use. The PoCD should not be approved unless this statement is removed. I recognize that the absence of a PoCD may impact the ability of Durham to apply for certain state grants in the short term. A thirty to sixty-day delay will not do permanent harm to Durham. Passing the PoCD in its current form will. Please send the PoCD back to P7Z with a request that all references to mixed-use zoning be removed, or that additional language be added to make clear that mixed use zoning is not consistent with the PoCD vision for the residential district of Main Street.

Nicholas Morganti, Senior Design Engineer, Pratt & Whitney, Valedictorian of CRHS Class of 2006.

While I regret I could not be at this meeting in person, due to night classes for my MBA at UConn, I am happy to submit the following statement to the BoS for Monday's meeting:

I cannot dismiss the fact that the town of Durham has given me so many opportunities to learn and grow, in preparation for the fulfilling career I now have in neighboring Middletown. As I hear through my family and friends the vigorous debate about future development in Durham and especially the Main Street area, I would like to weigh in on some of the vocal reservations some citizens have about zoning for mixed use, and some critical steps I personally feel are needed for the expansion of Durham's economy. As one of those “Millennials” you hear so much about on TV, it may be beneficial to consider our views as we will be the heirs to Durham's future. I ask you for a moment to cast aside your preconceptions that we are all addicted to posting pictures of our brunch to social media, and consider

that no matter how much some may want the image of Durham to remain a quaint, colonial New England town, change will be inevitable. You just may have to hit rock-bottom first.

It's true that Durham is an expensive place to live, and I've lived in some expensive ones myself (Boston and London included). In our increasingly interconnected world, and burgeoning sharing economy (think AirBnB and Uber), millennials like myself look for certain efficiencies when considering places to live; we can tolerate the expense if there are other attractive benefits, however. I don't think this is necessarily a product of our generation alone, but it's the direction the world is going. We want the places we eat, shop, learn, and relax to all be in close proximity, and part of a tightly knit community. Durham has a severe lack of higher density residential units, especially those aimed at younger people, even well outside of the Main Street area. Preserving the look and feel of a colonial New England town need not be the enemy of progress. I happen to think mixed-use can be a wonderful means of preservation; just look at communities like Chester or East Haddam, places clearly more like Durham than Middletown. Promoting mixed-use while preserving the look and feel of our existing historical structures can open up a whole host of opportunities for millennials to start businesses, which our town sorely needs if it is to continue being one of the more desirable locations to live.

It greatly saddens me to drive down Main Street in Durham and see an increasing number of properties falling into neglect and disrepair when they could be easily re-purposed, while carrying on Main Street's rustic theme. It also saddens me when good ideas get shot down in opposition of superficial things like "increased traffic," "increased trash," or "increased noise," none of which could not be mitigated with some creative thought. I was baffled to hear that P&Z couldn't manage to give full consideration and passage to something as simple as a Dunkin Donuts drive through at the north end of Main Street. Watch as all those tax dollars drive straight through Durham to be spent in Middletown, Northford, or Higganum instead. I fear an aura of defeatism will lead to the hollowing out of Main Street, which may well go on to lose its character when these eventually blighted properties must be condemned and torn down to make way for something with inevitably less of that rustic character. Then it will have been too late. Taxes will go up. More vacancy will follow. More schools will close. More services will be cut. More streetlights will go dark. The bar will already have been lowered. Don't continue holding the pattern of underutilizing our town. I urge you to please consider those that come after you, and become champions of responsible mixed-use in Durham.

Robert Dynia noted that he and his wife Trish live at 91 Main Street, directly south of the Durham Grange that has been vacant for ten years. He thanked everyone for their efforts, noting it has been an arduous process and recognized all that have come to support their positions as to what should be accomplished in the best interest of Durham. He came to question what Durham needs to be saved from. Historically there has been a mortuary, inn, stores and other commercial entities on Main Street and currently there are rental properties as well as other accepted commercial uses of structures. Local businesses who are trying to make a living as well as being good neighbors to the community. They do not look to encroach on the integrity of the town but to enhance it. He talked about an article by Attorney Poliner who stated the ten-year Plan is a discussion of potential uses and possible trends as how properties can be utilized in areas of town. He stated that normally it is his wife Trish that speaks out at these meetings but unfortunately, over the past few months, a group has formed that thinks the historic Main Street will disappear if a couple of shops go in. The group shuns and bullies those who don't walk in the lock step of their ideas. His wife has been one of the victims of this group. At present, they do not consider themselves proud residents of Durham although they would love to be.

Marilyn Keurajian resides at 63 Main Street and has been a resident since 1991 and her family since 1931. She acknowledged that she has not read the draft PoCD and thanked Planning and Zoning members for the many hours of work and harassment taken for a volunteer job, and for the protections that residents get from work they do. She asked what the penalty is for violating the recommendations of the PoCD. Laura Francis stated the PoCD is a Plan and guidance tool. M. Keurajian stated it is offered up and created by the Planning Commission and is not a binding document to the Zoning Commission that the Plan does not supersede regulations and is just a guidance tool. She felt it special to live in a town where you have the freedom to speak and thought the problems in town are small and need to be dealt with. She was in favor of approving the draft PoCD.

Duncan Milne resides at 253 Main Street, is a member of the Historic District Commission and has lived in Durham for fifteen years. He is significantly opposed to approving the draft PoCD as presented. He felt the entire PoCD, along with the public hearing, is about Main Street. He is adamantly opposed to mixed use on Main Street and advised the Board of Selectmen to either reject the draft Plan or strictly demand that mixed use be clearly stated. He thought there was too much discretion left to the Planning and Zoning Commission and felt businesses on Main Street would provide no benefit to the tax base of Durham. His vision of Durham is to protect what the town has and to embrace the heritage the town already has.

Christine Gerace stated she moved to Durham to raise her family. She is not for mixed use on Main Street but also not for a dying town. She felt that everyone was entitled and has expressed their opinions but offered no solutions to revitalize the town.

Phil Muzio, 42 Deer Run Road, stated he was very much in favor of the draft Plan and supports the idea of including language related to keeping open the possibility of mixed use development on Main Street. He felt there was a common vision in terms of development of the town and to leave open the possibility of mixed use on a case by case basis heard by the Planning and Zoning Commission. He thanked the Planning and Zoning Commission for the work they have done and continue to do. He applauded the idea of the visioning charrette, the input process, and how many of the comments were included in the draft Plan. He was impressed with the goals included at the end of each chapter and felt they need to be addressed. He suggested breaking out a separate chapter for technology and asked what the process going forward would be. L. Francis noted that recent legislation passed requires consideration for technology. The Board of Selectmen will be voting on the draft Plan at their July 11th meeting.

S. Levy stated it was his understanding that in a residentially zoned area, owner occupancy is required and asked if there was anything in the draft Plan that would take away the owner occupancy requirement or commercial mixed use, in a residential area or professional offices. He also recognized all the work that went into writing the draft Plan.

G. Colegrove responded by stating for home occupation there is a requirement that the owner live in the unit. There are uses on Main Street that are permitted by special permit that do not require the owner to live in the unit. He noted there are two levels of review; if there is no sign or employees, a permit can be issued for a home occupation. If the home occupation will involve a sign or employee,

there is a requirement to come before the Planning and Zoning Commission. He noted there was no difference for home occupation for Main Street or farm residential.

James McLaughlin stated he admired the amount of work the commissioners put into the plan and all who do public service in Durham. He felt there needed to be something in the draft Plan about wineries noting that he was aware that the town has been approached for a potential vineyard. He concurred that residents should understand the many values of Durham and how they can be preserved and developed; the historic district, farm land, and open space. He talked about tax revenue on personal property being beneficial to the town when commercial or industrial based. He suggested revitalizing the economic development commission to work on the undeveloped land in commercial zones. He reiterated that he would like to see language on allowing owners of farms to make better use of their property by way of wineries put into the draft Plan.

Debra DeFelice stated she did some research and spoke with Town Assessor, John Philip on taxes in Durham and felt it important that the Board of Selectmen understand what types of businesses bring in the best source of revenue. 1.) vacant land without exemptions, 2.) steady, small industrial, 3.) commercial, 4.) over 55 communities, 5.) mixed use, 6.) low income housing. She supports the draft Plan and thanked Planning and Zoning members.

Mary Elizabeth Taylor, Main Street resident thanked Planning and Zoning Commission members. She was pleased to see that commission members listened to the suggestion of moving mixed use to commercial ends of Main Street.

Rick Parmelee a resident and elector of Durham. He thanked everyone who worked on the draft Plan and the effort the Board of Selectmen has made to keep the public involved in government. He challenged all to come out and support business in Durham. He concurred that mixed use is not just Main Street and noted that Durham has sixty miles of roads. He talked about the many businesses that have resided on Main Street throughout the years and cautioned to not keep closing the doors on business, but to support it.

Margie Dahlmeyer stated she was in favor of mixed use throughout the town of Durham.

Maryann Boord noted after her review of the draft Plan, specifically Chapter 4, Historic District Commission she felt it to be very well protected. She then made reference to the Economic Development Commission (EDC) chapter goals where it states the EDC in conjunction with the Planning and Zoning Commission should consider evaluating the desirability of permitting mixed use as a reasonable request. She was in support of the draft Plan.

Alana Adams stated she is a member of both the Planning and Zoning Commission, Economic Development Commission and business owner on Main Street for twenty-nine years. She felt strongly that in order for the town to grow it has to change. She talked about the amount of time that has been put into the draft Plan and asked all in attendance to support it.

George Eames IV, 430 Haddam Quarter Road, made reference to the review letter received from RiverCOG where it states that Durham will continue to be passed over by many commercial or manufacturing enterprises that require greater infrastructure. He stated that commercial personal property does not do much for the towns grand list, but manufacturing would be ideal due to the amount of machinery involved. He asked that manufacturing not be overlooked and noted that manufacturing has become very sustainable. He talked about Yankee Gas approaching the town to bring in a pipeline through Route 68 and water coming in from Middletown and asked that the towns current industrial parks be revisited in the draft Plan with this in mind. He also felt there was a need to find a way to better market them.

Rick Huntley, 28 Clemental Drive, Co-Chair of the Conservation Commission. He made reference to Chapter 5, Environmental Protection and Conservation and thanked the Planning and Zoning Commission for adopting the recommendations of the Conservation Commission and for the strong conservation ethic identified, and support of open space and its value to the town in the draft Plan.

Bill Ward, Wheeler Hill Road, resident since 1976. He is a member of Inland Wetlands and Conservation Commissions. He felt the real issue is to grow the grand list.

Rick Hanley, 111 Johnson Lane, former Economic Development Chair and noted that options for the Grange building and conversations with Yankee Gas were talked about over ten years ago without any change to date. He asked the Board of Selectmen and Planning and Zoning Commission to not limit the towns options. In reference to Main Street he asked that options be kept open as this would provide placeholders from becoming a permanent residence, this would better manage the number of children attending schools. He supports manufacturing and encouraged Planning and Zoning to keep options open. He supports exploring mixed use on Main Street.

Carleton Stoup, Buckboard Road. He supports the draft Plan as presented and exploring all options. He thanked the commission for all the work put into it.

Pam Lacashu stated she wanted to address suggestions from prior meetings she attended that mixed use be forever banned from Main Street. She thanked the Planning and Zoning Commission for providing many opportunities for input. She noted items of value taken from the Charrette; schools, open space and rural areas. Concerns; rising taxes, and the number one on the wish list was more businesses. She made reference to Chapter 4, Historic District, noting the history and value are outlined, as well as the current deterioration of several buildings. Goals include preservation of private home use and support commercial interest within the district, and preservation of the overall character of the district. Mixed use is discussed as a use to be evaluated throughout the town. She noted that Durham has had a reduction in the grand list of 15% over the last six years and the need to think creatively to keep Durham a productive place.

Joe Pasquale, a member of Planning and Zoning Commission and Agriculture Commission was speaking as a resident. He talked about a letter to the editor of the Town Times that he was disturbed with that he felt, results in the lack of respect and productivity in trying to resolve current issues and asked that all work together. To start to create a vision for the community with the draft PoCD. He felt input from the

community was very important and what the community should be doing is changing business as usual. To achieve growth, you need a vision and a form of consensus. He asked the Board of Selectmen, Economic Development Commission and Planning and Zoning Commission to be creative and to start looking at doing things differently and encouraged them to use the tools like the Visioning Session to bring the community together. If nothing is done Durham will remain stagnant.

Lisa Davenport noted her two children are now the fourth generation raised in Durham. She stated that many hours have gone into the draft Plan and felt that the town needs evolution not revolution. She agreed that the town needs to move forward, to consider out of the box thinking for the future. She urged the Selectman to approve the draft Plan to keep moving forward.

Jan Melnik noted she has been at the Planning and Zoning Commissions table for twenty-six years and has gone through three PoCD processes. Her family has been in Durham since the 1920's. She has also been a business owner in Durham for thirty-three years. She felt the document represents the culmination of hundreds of hours of work, not only by commission members, but by the public who has contributed thought leadership, good ideas, creativity, and innovative thinking. She echoed prior thoughts by stating this is just a beginning, a visionary statement of what Durham could be, not all encompassing and not finished. Zoning regulations must be compatible and complementary in providing a plan for executing on the vision of what Durham can be tomorrow and beyond. She thanked the Board of Selectmen for considering the draft Plan with all due consideration.

Dan Melnik commented on the work done on the draft PoCD noting that sentiment is not always one hundred percent and felt the commission tried to represent the majority. As part of his second term on commission he felt that the work done by the commissioners has been far and beyond more aggressively involved work he has been a part of. He noted the attraction of interest and contribution of received from residents than any other matter they have considered. Layered throughout each section of the draft Plan are the sentiments of many stakeholders and viewpoints that are valued and respected.

Norm Hicks hearing no more comments, turned the hearing over to L. Francis.

L. Francis asked the Selectmen if they had any questions or comments. Hearing none the hearing was closed at 10.09 p.m.

Respectfully submitted,

Beth Moncata