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Office of the Town Clerk

Durham Historic District Commission
Minutes
Monday, March 7, 2016
Durham Public Library

Call to Order, Roll Call and Seating of Alternates: The meeting was called to order at 7:07pm by Mary Elizabeth Taylor.

Roll Call: Members present: Duncan Milne Gordon Wolfgang, Diana McCain, Mary Elizabeth Taylor; Alternates present: George (Chip) Williams, Mark Howard, Ona McLaughlin

Seating of Alternates: George (Chip) Williams, Mark Howard and Ona McLaughlin were seated.

Approval of Agenda: A motion was made by Duncan Milne to amend the agenda to add public comment section immediately following approval of the agenda; it was seconded by Mark Howard and passed unanimously. A motion was made by Diana McCain to amend the agenda to include approval of the prior meetings' minutes. It was seconded by Duncan Milne and passed unanimously. A motion was made by Mary Elizabeth Taylor to correct the regular and alternate members listed on the agenda. On the agenda, Mary Elizabeth is listed as alternate and Mark Howard as regular; this has been reversed. Mark Howard seconded the motion and it was approved. Motion to approve the amended agenda, by Diana McCain, seconded by Gordon Wolfgang passed unanimously.

Public Comment: Roger Kleeman questioned the seating of all alternates as a matter of course, saying other commissions only seat and alternate to replace a missing member. Ona McLaughlin pointed out that the HDC has always had a practice of seating all alternates present and it was her belief that the members of the commission were responsible for defining this procedure for our meetings. Diana McCain made a motion that we research the alternate issue to ensure we are compliant. The motion was seconded by Ona and passed unanimously.

Gordon Wolfgang stated that we have always allowed for public comment following each meeting as matter of informal practice. A motion to officially add a public comment section to the end of each future agenda by Diana McCain, seconded by Gordon, passed unanimously.

Discussion of Changes to State Legislation Governing Historic Districts: Mary Elizabeth raised the issue of changes to Section 7-147 of the Connecticut General Statutes governing the establishment of historic districts. Per Mary Elizabeth the wording in the town ordinance from the state statues at the time of the creation of the HDC (7-147d) have been revised in a way which seem to redefine the statute more broadly. The statutes at the time of the creation of the HDC also consisted of 147a-1. Since that time, the state has allowed for the designation of historic properties in 7-147m-y. With the intention of the owners of the Thomas Lyman house to have it converted to a local historic property, we discussed whether we needed to add 147m-y to our ordinance.

There was also question of how the state statutes should be represented in the HDC section of the Plan of Conservation and Development (PoCD). There was discussion of seeking legal counsel to interpret the impact. In the end it was decided that Diana McCain would follow up directly with the "Trust" to get

insight on any changes to the statute and our ordinance and the requirements for the PoCD. If the Trust suggests it, we will vote to ask the selectmen to speak with the town attorney.

Discussion of Plan of Conservation and Development: Ona McLaughlin questioned if the exact wording from the statute (pursuant to the prior conversation) should be included in the PoCD. She suggested that perhaps including language to the effect of “refer to statutes” would suffice. Since submitting our revisions for the HDC section of the PoCD, Duncan has requested multiple times of Frank DeFelice of P&Z to see the section as it was incorporated (and altered by P&Z). We have received no response.

There was further discussion of the proposed plan in draft by P&Z to rezone all of the Main Street Residential neighborhood, including the Historic District from residential to mixed-use. The group discussed our continued concerns over the unilateral way that the P&Z has approached the revision of the PoCD. They have further not consulted the HDC regarding the proposal to change zoning as required by the current PoCD, 1.1.5

"Continue to actively consult with and support the Historic District Commission, whose mission is to conserve, protect, and enhance Main Street's invaluable historic and cultural resources, on all Main Street development."

Once we have determined from the “Trust” what the changes to statutes mean, we will consider consulting with the town’s attorney should the PoCD pass with language that is counter to the state statutes.

Discussion of the Results of the Planning Charrette: The group questioned the usefulness and validity of the results of the Charrette. The lack of location in any of the discussions make it difficult to draw any meaningful conclusions about what the town wants. The timeframe for the PoCD filing leaves no time for appropriately evaluating and incorporating any insights that might be gleaned from the public input.

Following on the above topics the group observed that the Planning and Zoning commission appears to be unwilling to work with and accept input from any of the other town commissions; seeing the PoCD solely as their document rather than as the town’s document, as other towns do. The group wondered what the motivations could be for seeking to exclude outside input.

We also discussed the citations in CGS 8-3 regarding zoning:

" Purchasers of property have right to expect that classification will not change unless new conditions arise which demand rezoning for public good. 146 C. 170."

It also mentions a second intention of MU to reduce traffic congestion.

"An important purpose of zoning is to lessen congestion in streets. Id. "

" Disregard of zoning regulations regarding traffic congestion and allowing access to commercial property through residential area constitutes illegal action by board. Id., 597."

Again, our understanding of the intended proposal to rezone Main Street is not to reduce traffic but to benefit from and even increase traffic.

Discussion of HDC Chairperson Position: There is question about whether the group followed correct procedure in electing Mary Elizabeth Taylor as chairperson. At the time, Mary Elizabeth was still an

alternate. Ona McLaughlin made a motion to hold a new vote at our next meeting to ensure we are compliant. It was seconded by Mark Howard and approved unanimously.

Adjournment: upon motion by Gordon Wolfgang, seconded by Duncan Milne; the meeting was adjourned at 8:32pm.