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TOWN OF DURHAM

Planning and Zoning Commission
P.O. Box 428
Durham, Connecticut 06422-0428

MINUTES OF MARCH 18, 2015, MEETING

Present

Members: Frank DeFelice, Steve DeMartino, Richard Eriksen, Chris Flanagan, Dave Foley, Joe Pasquale
Alternates: Campbell Barrett, Bonnie Ryder
Town Planner: Geoffrey Colegrove

Absent

Members: Alana Adams, Lisa Davenport, Dan Melnik
Alternate: Norm Jason

The meeting was called to order by Richard Eriksen, Chairman, at 7:30 p.m. All members present were seated. Campbell Barrett was seated on the Commission in Lisa Davenport's place. Bonnie Ryder was seated on the Commission in Dan Melnik's place.

Steve DeMartino was seated on the Commission at 7:31 p.m. Chris Flanagan was seated on the Commission at 7:32 p.m.

Motion by Dave Foley, seconded by Frank DeFelice, to approve the agenda of the March 18, 2015, meeting as submitted. Motion carried unanimously.

1. Public Session

No business.

2. Rob Francis, RSD#13, 8-24 Review, Roof Repair and Improvement

Rob Francis addressed the Commission regarding a roof replacement at Brewster School that will incorporate the installation of solar panels. The existing roof at Brewster School is 25 years old; it had a warranty of 20 years and has been a struggle to maintain in the recent years.

An 8-24 review is required due to possible funding via grants.

The height of the gymnasium roof will be raised from 19 feet to about 32 feet to accommodate the south-facing solar panels (35 feet is the maximum height allowed). Microconverters are included with the solar panels with a minimal need for additional storage. Documents were submitted for the records.

Motion by Dave Foley, seconded by Frank DeFelice, per the attached resolution, 8-24 review, Regional School District #13:

RESOLUTION OF THE PLANNING AND ZONING COMMISSION
OF THE TOWN OF DURHAM
(Regional School District Number 13)
(Brewster Elementary School Improvement Projects)

RESOLVED, that the Planning and Zoning Commission of the Town of Durham approves the following project pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut:

> Improvements to Brewster Elementary School in Durham, including (a) roof replacement and related improvements, and (b) the installation of a roof-mounted solar energy panel system and related improvements.

FURTHER RESOLVED, that the Commission report its approval of these projects, for purposes of Section 8-24 of the General Statutes, by sending a certified copy of this resolution to Regional School District Number 13.

Motion carried unanimously.

3. Discussion of Business in MR Zone

Geoffrey Colegrove opened the discussion, stating that he had met with Dianne St. Pierre and had researched mixed-use zones in other towns (Wallingford, Portland, and others). What he had found could not really be modified or adapted, so he created a list of concepts and considerations for the Commission to discuss and review.

Several key criteria include the restriction of 50% of the habitable floor area for nonresidential use as well as the limitations of parking on Main Street (for residents, employees, and customers). There are only a few places along Main Street that could accommodate parking restrictions.

There are several ways mixed-use zoning can be approached, through special permit or by using a floating zone concept applicable only to the MR zone with specific criteria. The floating zone concept could be applied to a specific property. Geoffrey Colegrove stated that the Commission would decide on each application individually for either an overlay/floating zone or a special permit.

Frank DeFelice also noted that an overlay zone could be used.

Geoffrey Colegrove stated that perhaps 10 to 12 properties on Main Street might be appropriate for mixed-use zoning. The Commission would need to consider how outlying or accessory structures are considered. The assessor's records would be used to calculate habitable floor area.

The Commission also needs to consider whether or not owner residency should be a requirement; this is not a home occupation use—but if there isn't a residency requirement, it is easy to imagine storage and even retail space spilling into the balance of a structure. Campbell Barrett noted the challenges in enforcing this spillover use.

A home occupation permit "goes with the property" indefinitely with no renewal required. An accessory apartment permit must be renewed every five years.

The Commission then discussed signage for Main Street; there was agreement that the sign used at the building in front of Durham Manufacturing is a good model for this type of situation. A variance had been granted by the Zoning Board of Appeals; then, the Historic District Commission was consulted for approval. The sign is not illuminated. Internal signs that can be viewed from Main Street or from adjacent neighbors could not be illuminated as part of a mixed-use plan going forward.

There are a number of properties along Main Street that are MR at the front and FR at the back; the mixed-use concept would likely only apply to the Main Street Residential zone at the front.

With respect to driveways, the Historic District Commission does not have much authority as driveways are nearly all on the state right-of-way. There are portions of properties that would fall under the Historic District Commission's purview.

Richard Eriksen asked that a map detailing the properties and zones along Main Street be provided at a future meeting.

There were concerns noted about properties being combined (perhaps a single owner acquiring two or three adjacent properties). The issue of residency could make a big difference.

Joe Pasquale queried the applicability of language in the commercial section, i.e., buffering of parking areas between mixed-use sites and adjacent residences as well as the requirement for a double-car width driveway.

Frank DeFelice recommended that any consideration of adopted language include the statement of hours of operation.

Joe Pasquale questioned the appropriateness of moving forward on the important and complex topic of mixed-use zoning with an applicant 'driving' the process (holding conversations with Geoffrey Colegrove). He did not think it was fair to put this on an applicant.

Geoffrey Colegrove explained that he had indicated to Dianne St. Pierre that language could not be created only for her subject property; rather, it has to be applied to the entire zone. He also suggested that the Commission might wish to hold a meeting with property owners along Main Street to discuss these concepts; this had been done many years ago when changes were being proposed.

With parking such a paramount concern, Frank DeFelice asked what might happen if approval for a mixed-use purpose was granted for a relatively small, nonintensive business—and then the property gets rented to someone else with a far more intensive use. The Commission suggested that perhaps a five-year renewal would be appropriate to verify compliance.

If there is time following the sign regulations public hearing on April 1, the Commission will continue informal discussion of this topic; otherwise, it will be an agenda item on April 15.

4. Final Review of Sign Regulations before Scheduling Public Hearing

The Commission reviewed the final proposed language. It was noted that while the language can be made more restrictive following the close of the public hearing, it cannot be made less restrictive. In other words, the only types of changes could be for clarification or making the language more restrictive. The Commission can keep the public hearing open as long as desired.

Edits made to the draft sign regulation language include:

• 02.19.02: definition of sign - Strike “but” before this definition; strike “signs” later in definition; add “en dash” before “Internally Illuminated”

• 11.01 – general definition – no change

• 11.01.01.01 – no change

• 11.01.01.03 Exterior Signs – Strike Section 11.01.06

• 11.01.01.04 Interior Signs – Change: therefrom to one word and replace so with such

• 11.01.01.05 – Strike section 11.01.02.11 and replace “,” with or

• 11.01.01.08 – Replace so with such

• 11.01.01.09 – no change

• 11.01.01.10 – no change

• 11.01.01.11 – no change

• 11.01.01.13 – no change

• 11.01.01.14 – no change

• 11.01.01.15 – Change to “maintenance *or* repair”

• 11.01.01.16 – no change

11.01.01.17 – no change

11.01.02.02 – no change

11.01.02.03 – no change

11.01.02.04 – no change

11.01.02.05 – Change district to zone

11.01.02.06 – Substitute “and/or” for “and”

11.01.02.07 – Strike “canopy” and make freestanding one word

11.01.02.08 – Edit first sentence to read: “Any business within a(n) Commercial or Industrial Zone shall be permitted one (1) nonpermanent sign; this sign shall not exceed nine (9) square feet in area and shall not be illuminated.” Also delete word “Such” before signs.

Edit second sentence to read: “Signs shall not be spaced less than twenty-five (25) feet apart and ten (10) feet from adjacent property lines, both as calculated at the property’s frontage.”

11.01.02.09 – Add Fabric (to describe flags and banners)

11.01.02.10 – Add “in” (before accordance)

11.01.03.01 – Delete comma after uses and add (1) after one; modify last sentence to read: “Special permit uses under Section 05.01.01.01 (23) are permitted a permanent sign not to exceed sixteen (16) square feet in total on said property.”

11.01.03.02 – Add (1) and (2) after numbers; edit to read: “Single-family and two-family dwelling units…”

11.01.03.03 – Modify to read: “Multifamily developments (three [3] or more dwelling units) …”

11.01.03.04 – no change

11.01.03.05 – no change

11.01.03.06 – In this paragraph (and elsewhere, throughout), add “in area” following descriptions listed in square feet.

11.01.03.07 – Delete introductory language and add “provided” (before: that it meets…)

11.01.04.01 – Add “in area”

11.01.04.02 – Add “in area”

11.01.04.03 – Add “in area”

11.01.05.01 – Add “in area” and make building plural (buildings)

11.01.05.02 – Add “in area”

11.01.05.03 – no change

11.02, 11.03, and 11.04 – Provide reference to appropriate section.

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After discussion, it was agreed that the proposed sign regulations would be published on the town’s website and available for public review *without* inclusion of the original language being replaced or edited. However, Commissioners would receive a copy of the document reflecting existing language and new/proposed language (with recent edits) as well as the new-language-only document.

Frank DeFelice suggested that, in the future (when editing the remaining regulations), it would be much more efficient to project each section on a screen, making live edits as they were agreed upon.

It was agreed that at the public hearing (April 1), the Commission would accept comments but not engage in discussion until after all public comments had been provided; it might be necessary to continue the hearing based upon how many in attendance choose to speak.

5. Payment of Bills

Motion by Bonnie Ryder, seconded by Dave Foley, to approve payment of the following bills:

• Absolute Advantage - $417.39 (minutes of March 4, 2015)
• Attorney Steve Byrne - $1,170.00 (Aberdeen)
• Attorney Steve Byrne - $495.00 (Aberdeen)
• Connecticut Federation of P&Z Agencies - $90.00 (annual dues)

Motion carried unanimously.

6. Approval of Minutes

Motion by Frank DeFelice, seconded by Dave Foley, to approve the minutes of the March 4, 2015, meeting as presented, with the clarification that Chris Flanagan’s vote on special events (page 5) should have reflected his intention to be in opposition to that vote. Motion carried, 6-2, with all in favor with the exception of Campbell Barrett and Bonnie Ryder (in abstention).

7. Town Planner’s Report

The Board of Selectmen voted at their March 2 meeting to move forward with asking the Planning and Zoning Commission for an 8-24 review of the discontinuance of a portion of the road off Blue Hills Road. This will eventually go to a town meeting, at which point abutters will be formally notified. However, Selectman John Szewczyk had indicated to the Commission at a

previous meeting that he would be advising abutters of when the matter was on the Commission's agenda.

The Commission's review of this matter is purely advisory. It will be scheduled for the April 1 meeting before the public hearing on sign regulation language.

Geoffrey Colegrove stated that he had met with Laura Francis, first selectman; Bill Milardo, town sanitarian; Brian Curtis, town engineer; Dick McManus; and Boynton Construction representatives about the Aberdeen/Stagecoach project. A change to the footprint/interior layouts is being planned; the project will return to the Planning and Zoning Commission for reapproval. Bonding will be required for the septic system (individual bonding schedule). The property has not changed hands yet, but things are progressing well.

8. Zoning Enforcement Officer's Report

No business.

9. Miscellaneous

Motion by Chris Flanagan, seconded by Dave Foley, to adjourn the meeting at 10:05 p.m. Motion carried unanimously.

Respectfully submitted,
Jan Melnik, Recording Secretary

3/25/2015