

Meeting Minutes

1. **Call to order**

Frank DeFelice called the regular meeting to order at 7:47 p.m.

2. **Roll Call**

In attendance: Alana Adams, Campbell Barrett, Lisa Davenport, Frank DeFelice, Chris Flanagan, Dave Foley, Daniel Melnik, Jan Melnik, Joseph Pasquale, Dick Eriksen

Absent: Edward Fronc, Will Spooner

Others in attendance: Geoff Colegrove, James McLaughlin, Ona McLaughlin, Duncan Milne, Constance Brown, Mary Elizabeth Taylor, Richard Taylor, George Eames III, Bob Melvin, Peter Fray, Kati Forlini, Norm Jason, Etsy Hyle, Richard Parmelee, Andrew Taylor, George Eames, and about 20 members of the community.

3. **Seating of Alternates** – none seated

4. **Amendments to Agenda**

MOTION BY JOE PASQUALE, SECONDED BY DAVE FOLEY, TO ADD DISCUSSION OF NON-CONFORMING STATUS OF 281 MAIN STREET TO AGENDA. ALL AYE

5. **Approval of Agenda**

MOTION BY DAVE FOLEY, SECONDED BY JOE PASQUALE, TO APPROVE AGENDA AS AMENDED. ALL AYE

6. **Public Session**

Campbell Barrett recused himself and was seated in the audience.

Several members of the community were in attendance to voice their concerns regarding speculation surrounding proposed commercial uses in the Main Street residential zone. The overwhelming response was that they value Durham's Main Street residential zone as one of the town's greatest assets; the historical and unique character that Main Street brings to Durham, that it should be preserved and protected. Many home owners have invested financially to improve their homes and treasure architecture and noted that Main Street is on the National Register of Historic Places. They talked about the potential change in their property values if the zone is changed, and felt strongly that it would be a mistake to change zoning. They talked about commercial properties on the north and south end of Main Street that are currently empty and asked the commission to focus on these areas.

F. DeFelice noted that there was no formal application but the commission was approached and felt that it be given appropriate consideration and also mentioned that state statute requires that the commission consider mixed uses in the POCD (Plan of Conservation and Development). He stated that the commission has no agenda and the public will have many opportunities to weigh in on the

discussion. He stated that the commission would be setting dates for an Informational Session and also a Workshop (Charrette) later on in the meeting and encouraged everyone to attend. Campbell Barrett returned to his seat with commission members.

7. Revisions to the current P & Z Application

F. DeFelice presented draft application to members. After discussion, revisions were noted. It was noted by the commission the importance of explaining to the applicant that they would need to attach the certificate of mailings to the application. G. Colegrove noted he would advise Jen Keogh of this.

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT, TO APPROVE CURRENT TOWN OF DURHAM APPLICATION USED FOR SITE PLAN REVIEW, SPECIAL PERMIT, HOME OCCUPATION AS AMENDED. ALL AYE

MOTION BY DAVE FOLEY, SECONDED BY DAN MELNIK, TO MOVE TO ITEM #9 ON THE AGENDA. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK, PASQUALE; AYE. BARRETT; RECUSED HIMSELF AND WAS SEATED IN THE AUDIENCE.

8. PoC&D Discussion

F. DeFelice explained that he consulted with RiverCOG for services and because they did not have the resources they suggested contacting consultants Fitzgerald & Halliday. He received a proposal from Fitzgerald & Halliday in which they will assist the town in conducting a Plan of Conservation & Development (POCD) Workshop on February 13, 2016 at the Durham Firehouse, 12:00-4:00 p.m. in an open house format. There will be brief presentations scheduled twice during the time period and there will be ongoing activities throughout the four hours. In support of the event they will design promotional materials, develop interactive survey, prepare workshop content, conduct the workshop and produce a summary of the workshop that will include survey results, key discussion points, comments received, and pictures.

L. Davenport stated she felt the information would be usable later on in the year and the residents should be provided an opportunity for feedback. She questioned if the commission would get to approve all materials. G. Colegrove responded yes. C. Barrett asked if there would be time to come to consensus of data points to put in their presentation. F. DeFelice responded that data points would come from the current Plan. G. Colegrove stated that he knows of Fitzgerald & Halliday's work; they have been around for 25-30 years and have a very good reputation.

There was discussion amongst commission members on the timing of the workshop and the Plan's deadline date. F. DeFelice stated that there are three new draft chapters that can be added to the POCD; Energy & Energy Conservation, Agriculture, and Bicycling & Pedestrian Plan. Energy & Energy Conservation was sent off to the Clean Energy Task Force for review and comment and Agriculture was sent off to the Agriculture Committee also for review and comment. After responses are received he will be sending the drafts to commission members via email for comment or questioned if members would be available for a special meeting to review; January 27th was noted as a possible date for the special meeting depending on meeting room availability. He noted he felt the value of the materials that is gained from the Charrette will be used for goal setting.

F. DeFelice encouraged everyone in attendance to attend the meeting on February 13th.

MOTION BY DAVE FOLEY, SECONDED BY JAN MELNIK, TO HIRE FITZGERALD & HALLIDAY, INC. TO CONDUCT A PLAN OF CONSERVATION AND DEVELOPMENT WORKSHOP ON FEBRUARY 13, 2016 AT THE DURHAM FIREHOUSE AT THE COST OF \$8,000. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FOLEY, D. MELNIK, J. MELNIK; AYE. FLANAGAN, PASQUALE; OPPOSED. MOTION CARRIED.

9. Informal Discussion – Commercial Uses in MR Zone

F. DeFelice noted that the PowerPoint presentation prepared by the commission would be part of an informational meeting that commission members agreed would be held on March 16th at the Library if both meeting rooms are available.

MOTION BY DAVE FOLEY, SECONDED BY LISA DAVENPORT, TO HAVE INFORMATION WORKSHOP DISCUSSION ON THE MR ZONE, MARCH 16, 2016, 7:00 P.M., AT THE DURHAM LIBRARY, LOWER LEVEL MEETING ROOM, PENDING CONFIRMATION OF AVAILABILITY OF ROOM. ADAMS, DAVENPORT, DEFELICE, ERIKSEN, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK; AYE. BARRETT; ABSTENTION. MOTION CARRIED.

9a. Discussion of Non-Conforming Status of 281 Main Street

Alana Adams recused herself from the discussion. Campbell Barrett was seated for Adams.

MOTION BY JOE PASQUALE, SECONDED BY DAVE FOLEY, THAT THE NON-CONFORMING STATUS BE REMOVED FROM THE FORMER SITE OF MERRIAM MANUFACTURING ON MAIN STREET EFFECTIVE ON JANUARY 20, 2016 BASED ON THE FACTS THAT THE OWNER OF THE PROPERTY HAS NOT COMPLIED WITH THE REQUIREMENTS OF OUR REGULATIONS AS STATED IN 09.01, 09.06, AND 09.07. THEY HAVE MADE NO ATTEMPTS TO MEET WITH THIS COMMISSION, NOR USED THE PROPERTY IN THE LAST THREE YEARS AFTER THE EPA REMEDIATION WAS COMPLETED AND THE CONSENT DECREE SIGN TO SELL THE PROPERTY. THEY HAVE NOT APPLIED FOR THE REQUIRED PERMITS WITHIN THE SPECIFIED TIME PERIODS REQUIRED BY OUR REGULATIONS.

Discussion: J. Pasquale noted that this topic was brought up at a May meeting and there was discussion in July that the non-conforming status should be discussed by the commission. He spoke to Regulations 09.01, 09-06, 09-07. He noted the property owners never applied for a building permit after the EPA remediation; the business has moved to Middletown and the property is ready to be sold; the property has been abandon, and three years have gone by, therefore the owners abandon their right to non-conforming status. F. DeFelice made reference to a May 20, 2015 meeting in which there was a discussion with Attorney Steve Byrne where this subject was discussed. D. Foley stated that he agreed that legally the property has been abandon however, the commission should make a decision prior to a sale. G. Colegrove stated that something needs to be filed on the land records and recommended inviting Attorney Byrne to a special meeting to discuss again.

BARRETT, PASQUALE; AYE. DAVENPORT, DEFELICE, FLANAGAN, FOLEY, D. MELNIK, J. MELNIK; OPPOSED. ERIKSEN; ABSTENTION. MOTION FAILED.

10. Payment of Bills

MOTION BY DAVE FOLEY, SECONDED BY DAN MELNIK TO APPROVE THE FOLLOWING BILLS PRESENTED FOR PAYMENT. ALL AYE

1. Nathan Jacobson & Associates, Inc. #82696, 1/13/2016, \$21.09
2. Beth Moncata, #945, 1/19/2016, \$195.00

11. Minutes of previous meeting

MOTION BY DAVE FOLEY, SECONDED BY DAN MELNIK, TO APPROVE DECEMBER 16, 2015 MINUTES AS PRESENTED. ALL AYE

MOTION BY DICK ERIKSEN, SECONDED BY DAVE FOLEY, TO APPROVE JANUARY 6, 2016 MINUTES AS AMENDED. ALL AYE

12. Zoning Enforcement Officer's Report

No business.

13. Town Planner's Report

No business.

14. Miscellaneous

No business.

15. Adjournment

Meeting adjourned at 10:50

Respectfully submitted,

Beth Moncata