

Received: May 23, 2016
2:25 pm
Office of the Town Clerk

Planning and Zoning Commission Meeting
6:30 p.m., Wednesday, April 6, 2016
Meeting Room, Durham Public Library

Minutes-REVISED*

1. Call to order

Frank DeFelice called the meeting to order at 6:30 p.m.

2. Roll Call

In attendance:

Campbell Barrett (7:05), Lisa Davenport, Frank DeFelice, Richard Eriksen, Chris Flanagan (7:00), Dave Foley (6:50), Dan Melnik, Jan Milnik, Joe Pasquale, Will Spooner

Absent: Alana Adams and Edward Fronc

Others in attendance: Geoff Colegrove

3. Seating of Alternates

Will Spooner was seated for Alana Adams.

4. Approval of Agenda

MOTION BY JAN MELNIK, SECONDED BY LISA DAVENPORT TO APPROVE THE AGENDA AS PRESENTED.
ALL AYE

5. PoC&D Planning Workshop

Commission members *were asked to consider the following questions:

- What are resident's visions?
- What are commission member's visions?
- What would make Durham a better Place?
- What does P&Z need to protect against?
- What are Durham's opportunities?
- What will enable current residents to stay?
- What will attract the next wave of residents?

Joe Pasquale stated that the PoCD time limit was exceeded to make requirement and this workshop will further delay, and asked if there was a new time line. He questioned if the commission should wrap up the document and then work on what was being asked at this meeting.

F. DeFelice stated he would like the public to have the opportunity to review the proposed Plan and did not feel that a couple of additional weeks was a waste of time.

Dick Eriksen noted that he was unable to attend the last meeting because he was away and hoped that residents had a clear understanding of the difference between the Plan of Conservation and Development and the mixed use residential zone. He suggested the commission put a disclaimer into the Historic District Chapter of the PoCD stating we "shall" consider historic and values of all properties when making decisions about mixed use zoning.

Members then reviewed a map of Main Street that showed the mixed use zone.

Dan Melnik was in agreement with a disclaimer as it was not a regulation and is an idea.

Geoff Colegrove stated he felt the focus on Main Street residential zone was over exaggerated, that the mixed use zone from the town line to Route 79 and 17 includes nonconforming uses in zone. There needs to be access, sidewalks, and transportation.

D. Eriksen stated that members should be trying to address the anger in community that the commission is not addressing by putting in the "we may consider" historic aspects of historic property and surrounding homes.

J. Pasquale stated the commission was predetermining Main Street residential mixed use is already in the Plan. F. DeFelice responded that the meeting tonight would be to find out where we would like it in the Plan. Lisa Davenport reiterated that it is in the plan right now; needs to be clarified to the public that this is not a new idea. D. Eriksen noted that this is why he would like the disclaimer put in.

Jan Melnik asked the commission to consider the following draft disclaimer. *"Should regulations be crafted with regard to mixed use zoning, the Planning and Zoning Commission shall consider the historic differences and values of all properties concerned when making any mixed use decisions"*.

Members agreed to the disclaimer as stated above.

F. DeFelice asked members where they felt mixed use would be appropriate.

Dave Foley felt that they should be looking forward and the only place to see it instituted, in a useful form, would be at the ends* on town where there is room for expansion, undeveloped lots, and is walkable. Where are they going to walk from? Main Street, Cherry, Fowler, and Maple, not coming from the west, or the south (Route 17). From his point of view, walking accessible* mixed use zone; source of the people should be Main Street rather than coming from somewhere else to Main Street. Commercial areas on both ends of town are the best availability.

L. Davenport noted that the commission also discussed mixed use with an apartment upstairs in a home; low impact commercial use or professional use with the ability to have housing that is obtainable for younger residents, with sidewalks to walk to current businesses.

F. DeFelice noted that it needed to be pedestrian accessible and should explore more deeply where people are coming from. The possibility of a parking area in the future; if this makes sense and where. This may impact where you may look at putting mixed use.

D. Eriksen felt the commission was getting to specific. He suggested allowing mixed use but consider guidelines and put to rest, the consideration of historic district.

D. Foley stated that mixed use is already in the current PoCD under Main Street. This is what the previous crafters felt the direction should go. He felt the commission should have it designated in the plan for the two commercial areas.

Will Spooner felt the commission would have to find an area that fits recommendations; from Lino's all the way down to Dicks Citgo.

G. Colegrove noted that State Statute states you must "consider". He felt the commission was talking about the fact that mixed use should be used in the commercial areas from the town line to Route 17. Already mixed use zone...add both ends that are commercial. He reiterated that they were not crafting zoning regulations.

J. Pasquale questioned that the Plan needed to identify areas with consideration.

J. Melnik read from Connecticut General Statutes; Chapter 126. Section 8-23 (e) (1) (C) *"identify areas where it is feasible and prudent (i) to have compact, transit accessible, pedestrian-oriented mixed use development patterns and land reuse"*.

D. Foley; *identify area*, commercial zones on either ends of Main Street, adjacent properties to the north and south. Perhaps residential properties across the street. Transit* accessible, pedestrian accessible.

J. Pasquale noted his agreement with D. Foley's comments. He stated that he does not believe the language is crafted for Durham and does not believe that people will walk the entire length of Main Street. People he has spoken to do not believe that Main Street is the right place for mixed use. He talked about 80 acres on Madison Road that once belonged to the Durham Rod Gun Club, just sitting there. It is removed from the Main Street area but felt if they looked at other visioning results this would be a possible site; commercial, commercial industrial. He feels that it is an easy opportunity to seize Main Street and the commission needs to listen to feedback received from residents on Main Street. Main Street is an asset in our community that should be looked at. * Commissioners should look at the National Historic Register. Mixed use on both ends of Main Street should be considered first.

G. Colegrove reiterated that they already have a mixed use area on Main Street. The commercial zones at the north and south could add element of residential. There would be a need for more sidewalks in the north and south end; both sides or not. He stated he would produce a map to bring to the next meeting for discussion.

J. Pasquale questioned if taking the Main Street residential section and say mixed use, it will insinuate that we will allow more businesses in the zone.

G. Colegrove stated he was suggesting the commission meet statutory requirement with zones on both ends (with map).

Chris Flanagan asked commission members to assume there are no more places on Main Street for commercial use? He then talked about the prior Curtis property.

L. Davenport stated that this starts to bring to the table examples like the Curtis property and Terry Bourret's studio. How Main Street is being used today and how it can be used in the future; there are

numerous studios on Main Street and much more square footage is being used for the studio than the home.

F. DeFelice talked about the changing economy and more people working in homes. He noted that the issue of home occupation was brought up during presentation* on mixed use and was not a problem in historic district.

G. Colegrove noted that in the future the commission should look at the idea of buildings that are unique in that type of nature (Curtis building).

D. Foley stated he was fine with the language of "consider" the home occupation and square footage.

F. DeFelice asked committee members if they feel the commission should "consider" language to expand usage. If there was an area they would consider this? Consider home occupancy?

J. Melnik stated yes, farm residential, Main Street residential, and unique structures.

*F. DeFelice stated that the intent tonight for all members is to put an idea on the table and talk about it.

F. DeFelice expressed the idea of sidewalks around the perimeter of the Town Green and across to the monument. Foley noted that there are already plans for sidewalks proposed by the Town Green Committee, on the Town House Road side to the monument. D. Melnik suggested sidewalks connecting Main Street to Pickett to Maiden Lane; a Circle/loop. This would require working with RSD13. Sidewalks on both sides of Main Street, and north and south to commercial areas. L. Davenport noted there was no crosswalk across the street from Strong School and expressed her concern about youth crossing the street.

G. Colegrove presented a map to commission members that represented 1) A draft of proposed land use reviewed, 2) A plan map of 2003, 3) he took a Google map and put old plan on top of it as a baseline point of discussion. He did note that he adjusted the historic district line, pointed out that the commercial areas on north end were correct, and trails were added.

L. Davenport noted she felt it would be nice to have a place for people to park where trails are available. F. DeFelice noted he would ask the Conservation Commission to address parking needs for trails in reference to the Plan and to develop an inventory of potential parking for use of trails. Also, need signage to state no bicycling on Blue Trail.

J. Melnik stated she would like the commission to look at home occupation and would like to revisit what can be done with unique structures after the Plan that is being worked on is completed.

C. Flanagan stated he would like to look at energy. He noted that the commission was considering more usage of alternative energy and felt they may want to consider regulations that treat neighbors equitably, meaning fair and equitable access to alternative energy. D. Melnik agreed with the idea but stated he was not sure how to go about it noting that some states already have regulation on this. F. DeFelice asked C. Flanagan to share language if he has this available. C. Flanagan noted that the commission would also have to consider setbacks. D. Eriksen stated that they did consider solar panels within the setback of 40 feet. C. Flanagan questioned if someone has a solar panel system and the

home (or lot) is purchased adjacent to them and they build a large home or put up an out building that blocks the sun. C. Barrett questioned if other states who have this regulation survived this in court and if the commission should consider encouraging reasonable access to energy resources. D. Foley questioned how this would this be enforced.

J. Pasquale stated he would like to explore opportunities to increase the town's tax base with designer industrial type businesses and maybe commercial. He referred to Route 79 and stated he does not believe in desire to improve town's tax base with commercial and retail are viable. G. Colegrove stated that industrial is not desirable in the State, maybe service type industries such as Forlini, Durham Rod and Gun and Gassler Farm.

D. Eriksen stated he felt the commission should consider increasing regionalization in terms of services such as the highway department and solar panels at DMIAAB.

L. Davenport noted there was a lot of discussion regarding two commercial areas not developed and asked if there a way to bring someone in to see how these areas can be used to encourage business owners to come to Durham. J. Pasquale stated that this has been discussed with the team that is working on the economic development project at Town Hall. 1.) The better the town can define how they want these properties and, 2.) If you are an investor you want reassurance on investment. He spoke about Price Chopper and opposition for multiple reasons, and as a community do not have a vision for these properties. He suggested inviting property owners in to discuss as a shared vision.

L. Davenport noted the need to recognize there are many investors who from the outside looking in, are not interested in coming to Durham and questioned how to change this.

F. DeFelice asked if it would be appropriate to implement regulations to make the north and south end more suitable for a supermarket. D. Eriksen reminded members that Price Chopper was overwhelming turned down because they didn't want to put small businesses out of business and questioned if the town is ready to renew the discussion. L. Davenport suggested that maybe the square footage needs to be addressed. D. Eriksen agreed they should consider reviewing square footage requirements. D. Foley stated he was not opposed to considering any application that comes before the commission but disagreed with D. Eriksen's point stating he was not sure that it is Durham chasing people away. He felt that it was the developer that is making a financial/business decision, and the commission has no control over this. He felt the reason there was so much opposition was not the box store, it was a traffic issue that would create gridlock at Route 68 and Main Street and drag strip at Little Rooster. L. Davenport asked how the commission could get beyond this as she felt this is what residents are looking for. J. Melnik suggested bringing in Mary Dickerson from Portland's Economic Development Consultant. J. Pasquale suggested utilizing the vendor from the Charrette. F. DeFelice noted his comfort level is not to make regulation but to explore with consultant or economic development commission. G. Colegrove spoke about traffic generation and the suggestion that you are going to develop these sights.

W. Spooner questioned how the commission can get the town to be sustainable with infrastructure such as sidewalks. G. Colegrove suggested the idea of parcels above a certain size with proper buffering where you could have mixed use in residential areas that are not oppressive. Approach from a view of special permit.

J. Pasquale stated he felt the biggest impact as a commission after the Plan is done are the actions that we take, the things that we do, and how we do them. The visioning session, mixed use presentation, and engaged conversation. He felt it a great first step for Durham and suggested continuing to follow through and engage community and seize opportunities were we can.

L. Davenport stated that brave commissions ask the tough questions. She felt there is a great presence of people that believe the commission is not doing the right thing but noted there are many people who think we are doing a good job.

F. DeFelice *posed a question about the merits of the expansion of the Farmers Market. C. Barrett noted that parking is a huge deterrent. L. Davenport suggested maybe considering a different location. W. Spooner noted he felt having it on the Town Green was a distraction while driving on Main Street and suggested the Fair Grounds. L. Davenport suggested looking into the towns open space. J. Melnik suggested shuttle transportation. J. Pasquale felt it would be difficult to get more vendors because of large amount of markets available in the area and that the town would need to market it better. C. Barrett suggested Sunday versus Thursday; being more agriculture tourism friendly would make it more attractive.

J. Melnik talked about a two acre zoning article from the Hartford Courant stating that this concept is killing Connecticut with two acre minimum zoning. She felt the commission should revisit this questioning how the commission wants to define zoning. She asked if cluster zoning should be considered to create affordable housing properly sized. G. Colegrove stated that soil conditions would ultimately dictate what can be done on property. C. Flanagan talked about an instance of a remediating septic system that failed and the owner was replacing it with an alternative treatment system. He questioned if you can only do this if original system failed. G. Colegrove stated that alternative treatment systems are allowed but the cost does drive people away from them. F. DeFelice talked about cluster zoning and questioned if the commission should consider evaluating zoning density and consider lot size. Members responded yes.

J. Melnik questioned alternate structures on property. G. Colegrove stated it could be allowed as residential accessory building, but would need to meet septic requirements (separate). F. DeFelice asked commission members if they thought this was worth exploring. Members responded yes.

J. Pasquale suggested exploring rentals (multiple), and reducing lot size. G. Colegrove stated this would require community septic and water requirements.

F. DeFelice talked about the skating pond and investigating improvements.

6. Adjournment

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Beth Moncata