

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF DECEMBER 5, 2007, SPECIAL WORKSHOP MEETING

Present

Members: Frank DeFelice, George Eames, Richard Eriksen, Dave Foley,

Jim Kowolenko, Gene Riotte

Town Planner: Geoffrey Colegrove

Alternates: Cathy Devaux, Mike Geremia, Mark Laudano

Absent

Members: Ralph Chase, Dian O Neal, Tom Russell

Special Workshop Meeting

Discussion of Adaptable Reuses of Main Street Structures

The workshop was commenced by George Eames, Chairman, at 7:00 p.m. Mike Geremia was seated on the Commission in Dian O Neal s place. Mark Laudano was seated on the Commission in Ralph Chase s place. Cathy Devaux was seated on the Commission in Tom Russell s place.

Motion by Richard Eriksen, seconded by Dave Foley, to approve the agenda of the December 5, 2007, special workshop meeting, discussion of adaptable reuses of Main Street structures. Motion carried unanimously.

George Eames opened the meeting with a discussion of the 18 structures in town which fall under the special exception provision (including the former Pythian building [now residence], Durham Manufacturing, Durham Market, Town Hall, the library, Strong

School, the post office, the Church of the Epiphany, United Churches, Notre Dame, the Dari-Serv, the Grange Hall).

Dave Foley distributed draft language for the Commission's consideration that he had compiled following research; he incorporated recommendations from the Commission's counsel, Attorney Thomas Byrne.

To Frank DeFelice's query about the possibility of churches being used for retail purposes (if such a determination were made by the Commission to allow some limited retail use) if no longer needed as churches, the response was that, yes, this could occur. It was noted that some of the current uses are, obviously, non-residential and some are nonconforming. For instance, Durham Manufacturing, a nonconforming use, might be considered for a less intensive nonconforming use.

Richard Eriksen asked what the process might be for removing a property from the list if its uses have changed and no longer fall under the earlier nonconforming use. The former funeral home (LaRouche property) might be taken off the list as the current use is less intensive than the previous nonconformity. Geoffrey Colegrove stated that if an existing nonconforming use changes to a conforming use, then the previous nonconforming use is lost. There was discussion about the original intent of the provision for these special structures being limited to professional offices but prohibiting physician/dental offices (because of concerns about traffic/parking). However, retail uses are likely to generate more traffic than perhaps with a professional office; therefore, consideration might be given to permitting physician/dental offices in the special zone. "

Geoffrey Colegrove pointed out that some of the uses already existing in the zone are permitted (i.e., use as churches or municipal purposes) and are nonresidential but *not* nonconforming. Durham Dari-Serv, Durham Manufacturing, and Durham Market are all nonconforming.

Dave Foley stated that Attorney Byrne had basically given the Commission the latitude to apply specific uses within the special zone on a case-by-case basis without worry of spot zoning. The Commission would also have the ability to remove properties from inclusion on the list for expanded uses (i.e., retail). The Commission also discussed restricting the size of business signs within the zone.

Consideration was given to plotting the buildings on a map, identifying properties to be included. The properties could also be listed specifically with reference to a map. All of the properties within the zone are within the Farm-Residential zone.

Dave Foley stated that in the language he had drafted, he mimicked the home occupation regulations to an extent (given that the properties are in the Farm-Residential zone), covering such things as number of employees, square footage, not being able to tear down an existing building, being able to increase by a maximum of 10% over the original footprint, etc. He added that it is impossible to predict exactly what someone might wish

to sell as part of a retail use. The Commission would need to review each application and decide it on a case-by-case basis. If an application were approved but then the applicant desired a change in use, the Commission would need to be re-approached for a new approval.

A means of reducing the number of possible sites was discussed. If buildings with purposes unlikely to change (i.e., churches, municipal buildings, Durham Manufacturing, and the Adams superfund site) were eliminated from the list, just four sites remain that might be pursued for conversion to retail (including the Grange Hall). It was noted that if the Commission were to remove Durham Manufacturing from the list and then, in the future, retail use were desired for this parcel, an applicant could appear before the Commission and seek an amendment to the regulations.

Frank DeFelice pointed out that one possibility might be the conversion of Durham Manufacturing into a number of small specialty shops (similar to the former Parsons site). The Commission would then need to consider how to regulate subsequent uses within leased facilities (again, similar to Parsons). Geoffrey Colegrove stated that some towns have a provision for changing a use from one nonconforming use to another or changing from a nonconforming manufacturing use to a nonconforming retail use (and determining whether the new use is more or less intensive).

Jim Kowolenko then stated that the Commission would need to decide what might occur if a house on Main Street *not* on the current list were to decide it wanted to pursue retail purposes.

Richard Eriksen thanked Dave Foley for his efforts in developing a good start with the proposal; he suggested it be forwarded to Attorney Tom Byrne for review.

Motion by Richard Eriksen, seconded by Dave Foley, to recess the special workshop meeting at 7:32 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
12/12/2007