

*These minutes were approved at the June 10, 2024 meeting.*

**DURHAM CONSERVATION COMMISSION**  
**Monday, February 26, 2024**  
**DURHAM TOWN HALL, COUNCIL CHAMBERS**  
**7:00 p.m.**

**MEMBERS PRESENT:** Richard Kelley (Planning Board Rep); Nick Lanzer (Alternate); Neil Slepian; and Dwight Trueblood (Alternate); Carden Welsh (Town Council Rep (joined after Item IV).

**MEMBERS ABSENT:** Jake Kritzer (Chair); Erin Hardie Hale (Vice Chair); John Nachilly and Roanne Robbins

**ALSO PRESENT:** Michael Behrendt, Durham Town Planner

**I. Call to Order**

In the absence of both the Chair and Vice-Chair, Town Planner Michael Behrendt facilitated the meeting. He called the meeting to order at 7:01 p.m.

**II. Land Acknowledgement Statement**

The statement wasn't available.

**III. Roll Call and Seating of Alternates**

Roll call attendance was taken and Mr. Behrendt seated alternates Nick Lanzer and Dwight Trueblood as voting members to establish a quorum. It was mentioned Mr. Welsh may be joining the meeting late.

**IV. Approval of Agenda**

***Mr. Kelley MOVED to approve the agenda as submitted; SECONDED by Mr. Trueblood; APPROVED unanimously, 4-0, Motion carries.***

**V. Public Comments:**

**Diana Carroll** came forward to speak about the importance of using yellow outdoor lighting around homes in Durham. She said flying insects are attracted to white outdoor lights, but science has shown it can drive them to exhaustion and sometimes death. On the other hand, yellow lights aren't seen by flying insects. Insect populations globally are in decline by 45% in 40 years, which potentially poses a

threat to humans since we depend on insects. She noted that yellow outdoor lights in her own yard have provided decent lighting for safe navigation at night.

Mr. Slepian asked if the cost is comparable to white lights and Ms. Carroll said she's not sure but will let the Commission know. He then asked if yellow lights were developed for this purpose or for cosmetic reasons and Mr. Welsh recalled that yellow lights were used in the 50s and 60s for that specific purpose – to deter insects.

In answer to a question about how to promote the idea, Ms. Carroll suggested the Commission publish information in Friday Updates. She encouraged everyone to talk about yellow lights with family and friends.

Mr. Welsh asked if yellow lighting would be bright enough to use on town properties and Mr. Behrendt said it's worth looking into.

#### **VI. Land Stewardship Update.** Sara Callaghan, Land Stewardship Coordinator.

Ms. Callaghan wasn't present to give a report.

#### **VII. Proposed Rezoning of Parcel for Workforce Housing.** Discussion about the proposed rezoning of a parcel to facilitate the creation of workforce housing. 117-acre lot of land owned by the Leda M. Keefe Rev. Trust, c/o Daniel Keefe, at 59 Piscataqua Road, Tax Map 209, Lot 39, from Residential Coastal (RC) to Office Research (OR). Other zoning amendments related to workforce housing are proposed along with the rezoning of this property.

Mr. Behrendt said there's a public hearing before the Planning Board this Wednesday regarding a package of proposed amendments to facilitate workforce housing. Most relevant for the Commission is a proposal to rezone a 117-acre lot of land owned by the Keefe family on the north side of Route 4, opposite Harmony Homes. The town is considering rezoning the lot from Residence Coastal to Office Research and seeks comments about the proposal.

Mr. Behrendt explained that rents or prices for workforce housing are defined by the state. Rents are set at a maximum level to be affordable to a household making no more than 60 percent of the area median income for the Portsmouth, Rochester, Durham area. Rates vary depending on number of bedrooms. Housing for sale is considered workforce if it's affordable to those at the median income level for the area.

As background, Mr. Behrendt said John and Maggie Randolph, owners of Harmony Homes, did a small workforce housing project on their property as well as one in Dover. They've talked to Dan Keefe about acquiring his lot for workforce housing and he seems interested in selling in the near future.

The Keefe property has good potential for workforce units, according to Mr. Behrendt. It's very large and could have water and sewer. Rezoning from Residence Coastal (very low density) to Office Research (high density) makes sense because it's directly adjacent to Office Research zoning and wouldn't be spot zoning.

The package to be considered by the Planning Board creates a new category in the zoning ordinance, with standards for workforce housing. Mr. Behrendt emphasized there isn't a site plan for the parcel before the Planning Board at this time. Dan Keefe could choose to sell to the Randolphs or any other developer. If re-zoned, there would be other allowable uses for the property aside from workforce housing.

Mr. Kelley said under current zoning, the lot would need to be developed as a conservation subdivision with roughly 3-acre lots. This would allow only six units on 117-acres or 12 units if it were senior housing. Approximately 104 acres would be required as open space, leaving only about 25 developable acres.

The Randolphs have said they would need to develop 200 to 250 units in order to make the workforce project financially viable. Mr. Behrendt said units could be clustered; wouldn't have to be visible from the road and all natural resources could be preserved.

The Commission had a very lengthy discussion about workforce housing – touching upon the following topics:

- Potential impact on the Oyster River School District;
- How to legally discourage undergraduate students from renting;
- Income verification: would it be done and what is the mechanism for doing so?
- Fiscal impact on the town i.e., water, sewer and roads as well as schools;
- Feasibility of prioritizing rentals to those working in Durham;
- The benefits of workforce housing to Durham in general, including: more age diversity in town; Harmony Homes might go forward with Phases 2 & 3 if they can offer affordable housing to employees; Seniors looking to downsize and remain in Durham would have more options apart from pricier ones currently available.

During discussion, Mr. Behrendt explained income would not be monitored and units could be rented to anyone; the hope is that landlords would rent to those needing

affordable housing. He expects more work to be done on the workforce proposal to iron out details.

Mr. Welsh expressed the Keefe property shouldn't be re-zoned based on what the town thinks the Randolphs might do. They could sell at a later date and future landlords, looking to keep the units full and maximize profits, might rent to students.

Mr. Kelley suggested the town look into what other towns are doing and consult with [Town Attorney] Laura Specter over the legality of restricting students from renting. Workforce housing should support those working full-time who can't afford market rates.

Regarding the impact on schools, Mr. Behrendt said if research shows that 200 students would be added to the district, then the proposed project is a no-go. It was noted many are drawn to Durham for its excellent schools and overcrowding would have a negative impact.

Mr. Kelley pointed out Durham's school district includes Lee and Madbury. If those towns also add workforce housing, it could bring in many more students. Mr. Behrendt said a developer would need to pay a school impact fee of about \$2500 per unit, which would generate a rough estimate of \$600K in revenue for the town.

At one point, there was discussion about splitting the Keefe property, which Mr. Behrendt said is a possibility. Johnson Creek might serve as a natural dividing point. A road could potentially be built all the way through the site to the northern end, which currently has a Class 6 road. If approved, it could connect to Route 108. Mr. Behrendt met with NH-DOT and they've indicated turning lanes might be required.

Commissioners discussed environmental concerns and made the following suggestions that Mr. Kelley will communicate to the Planning Board at their next meeting:

- Mr. Trueblood suggested if 50 percent of the property is designated for conservation easement, it should be contiguous in order to avoid wildlife fragmentation.
- Mr. Welsh said he would like to see language added to #9 in ordinance proposal: "All or most of sensitive environmental land shall be included in the open space, as determined by the Planning Board." Add: "following input from the Conservation Commission."
- Mr. Trueblood suggested adding electric vehicle charging outlets for level 2 charging for each unit. He feels strongly about supporting EV infrastructure to

help the town and region meet environmental goals.

- Mr. Welsh said #12 in ordinance proposal currently says there shall be “sidewalks, footpaths and other trails to promote walkability *through* the site.” He suggests adding, “through *and from*” the site. A sidewalk on the northern end of the property would allow residents to walk out to Route 108 and catch a bus, e.g..

Mr. Behrendt said the workforce housing and rezoning proposals will be carefully studied by the Planning Board and public input will be considered. He supports the idea of workforce housing, but it’s possible it might not be do-able in Durham, given the potential impact on the town’s schools and other infrastructure.

## VIII. Review of Minutes

There were none to review this evening.

## IX. Other Business

## X. Roundtable. Updates from Conservation Commission members.

Mr. Slepian reported after one year, the work of the Wetland and Shoreland Sub-Committee is complete. He thoroughly enjoyed the work and highly commended Dwight Trueblood for his deep technical knowledge. It was an excellent learning experience and also good to work with other community members, including Sally Needell, Paul Rasmussen and Emily Friedrichs.

Mr. Trueblood concurred and thanked Mr. Behrendt for an outstanding job leading the group. He expects they will present their recommendations to the Conservation Commission and the Planning Board in the near future.

Mr. Kelley commented on the idea of the Conservation Commission contributing to Friday Updates and suggested, “Conservation Matters.” There was brief discussion of burning bush as an invasive species, which was covered by Mr. Welsh in a previous Update.

Mr. Behrendt asked Nick Lanzer if he would consider writing something for Friday Updates about the status of trees in Durham – based on the excellent presentation he gave to the Commission at a prior meeting. Mr. Lanzer said it would be difficult to cover in a short article. He thinks the best way to educate people is getting them out into the real world.

In other news, Mr. Welsh noted this is his last meeting. While he's enjoyed his tenure, he's leaving Town Council and the Conservation Commission. He's still willing to do short write-ups for Friday Updates, if requested.

Reporting on Town Council (TC), Mr. Welsh said they awarded \$2M in grants to improve the wastewater treatment plant, which is good but in need of updates.

Other recent TC Activities:

- Extended Town Manager Todd Selig's contract through 2030.
- Reviewed draft of Durham Housing Needs Assessment. There's consensus it needs more work; the outside consultant who wrote it had limited data available, including difficulty getting accurate population numbers.
- Reviewed year-end financials for Durham. There was a lot more revenue and less spending than anticipated, resulting in the town being in a strong financial position.
- Passed resolution to oppose [NH] Housing Bill 1281 – which says you can't be more restrictive than two people per bedroom. Mr. Welsh said it would destroy Durham's restriction (no more than 3 unrelated residents) and a landlord could buy a house and rent to 10 or more un-related students.

Mr. Welsh said Town Council also ventured into foreign policy in response to citizens requests to support a ceasefire in Gaza.

Mr. Kelley then thanked Carden Welsh for his service to the town, with other Commission members expressing their appreciation as well.

**With no further business, Mr. Behrendt adjourned the meeting at 8:47 p.m.**

Respectfully submitted,  
Lucie Bryar, Minute Taker  
Durham Conservation Commission

**These written minutes provide a summary of the meeting. For more complete information, please refer to the DCAT22 On Demand videotape of the entire proceedings on the town of Durham website.**