

*These minutes were approved at the January 11, 2023 meeting.*

**DURHAM PLANNING BOARD**  
**Wednesday, November 30, 2022**  
**ADDITIONAL MEETING**  
**Town Council Chambers 7:00 p.m.**  
**MINUTES**

**MEMBERS PRESENT:** Paul Rasmussen, Chair  
Heather Grant, Vice Chair  
James Bubar, Secretary  
Richard Kelley  
Emily Friedrichs(alternate) (arrived late)  
Sally Tobias, Council Representative to the Planning Board  
Chuck Hotchkiss, Council Representative to the Planning Board (alternate)

**MEMBERS ABSENT:** Barbara Dill (alternate)  
Bill McGowan

**I. Call to Order**

Chair Rasmussen called the meeting to order at 7:00 pm. He mentioned that Nick Germain had resigned from the Planning Board.

**II. Roll Call & Seating of Alternates**

Roll call was taken.

**III. Approval of Agenda**

Planner Michael Behrendt mentioned that he had some things to discuss some things under other business.

*James Bubar MOVED to approve the agenda. Richard Kelley SECONDED the motion, and it PASSED unanimously.*

**IV. Town Planner's Report**

Planner Behrendt mentioned that there are a couple of vacancies on the Planning Board for anyone who might be interested.

**V. Reports from Board Members who serve on Other Committees**

Councilor Tobias spoke about the last Town Council meeting. She mentioned that they had received a report from the Auditors, and the Council discussed the recommendations from the Planning Board on the Solar Ordinance.

Mr. Bubar reported on the last Conservation Commission meeting. He mentioned that Tom Brightman is leaving his position, and a subcommittee is being formed to review the Wetland and Shoreland sections of the Zoning Ordinance and bring their recommendations to the Planning Board.

Chair Rasmussen reported on the last Agricultural Commission meeting. They discussed the upcoming housing amendments.

**VI. Public Comments**

There were no public comments.

**VII. Review of Minutes (old):**

There were no old minutes to review

**VIII. Public Hearing - Housing Amendments.** Consideration of numerous amendments to the Zoning Ordinance proposed by the Durham Housing Task Force to enhance housing opportunities in Durham.

Chair Rasmussen mentioned there would be no deliberations tonight. Planner Behrendt spoke about the history of how the amendments came to be and highlighted some of the amendments.

*James Bubar MOVED to open the public hearing. Sally Tobias SECONDED the motion, and it PASSED unanimously.*

**Judith Spang**, Wiswall Road, mentioned that she had worked as a land use planner for 40 years. She is known as an environmental activist. The proposal before the Planning Board is troubling to her because of some of the assumptions that are being made as part of the recommendations.

Richard Kelley asked if there were any particular amendments Ms. Spang felt were “off the mark.” She feels that the Board should ask “what is the goal of each of the changes” and what is the comprehensive impact of them all.

Mx Friedrichs asked how Ms. Spang feels about other towns’ creative ways of handling the creation of additional housing. Ms. Spang stated that you have to be very careful about increasing single family homes into multi-units. There are creative ways to increasing housing, but she doesn’t feel that this amendment is it.

Mr. Bubar asked how she felt about multi-story buildings. Ms. Spang stated that you still need to preserve the character of the Town.

Councilor Hotchkiss mentioned that the Board is trying out the idea of having an in-house transcriber at the meeting rather than waiting for the minutes to come out. He has volunteered to be the transcriber, and he reviewed Ms. Spang’s points from her talk.

**Dennis Meadows**, Laurel Lane, strongly favors policies that make housing more available and affordable. However, the amendments before the Board are really massive. He feels that more thought is required on the amendments, and he would suggest that the Planning Board table their discussion until the Housing Task Force has time to review

some of the issues. He does not feel that it is necessary to alter all Zoning to increase housing; smaller steps would be just as effective.

**Malcolm Sandberg**, Langley Road, believes that the current Zoning has protected the ecosystem of the Town. He believes that these amendments threatened that protection and the density requirements. He feels that the Planning Board should review the amendments to determine what they like or don't like prior to holding a public hearing. He feels that there is no vision behind these amendments nor any hard data to support the amendments.

**Annemarie Harris**, Oyster River Road, stated that this process is very different than how larger Zoning amendments have been addressed in the past. She mentioned that there have been charettes and community gatherings to gain public response in the past. She is also concerned that this is a major change that does not reflect the Master Plan or the expressed values of Durham.

Councilor Tobias stated that there have been Zoning changes in the past that were done through a similar process as they are doing now.

Mr. Kelley feels that the magnitude of what is being proposed is different, however. Mx. Friedrichs has heard similar concerns from others.

**Jay Gooze**, Meadow Road, feels that there could be unintended consequences from these changes. He believes that the Board should remove the Conditional Use for duplex and multi-unit housing from RA and RB Zones and possibly from the other residential zones as well. It has been difficult for the Planning Board to make decisions on Conditional Use in the past.

**Al Howland**, Ffrost Drive, stated that the intent of Housing Task Force was to diversify the housing stock, which means density has to be addressed. He stated that you cannot get workforce housing unless you offer incentives. The question is what incentives do you use? He stated that Conditional Use review adds time and cost to the planning process for developers.

There was discussion around the statements from Mr. Howland.

**Robin Mower**, Britton Lane, feels that the previous comments on the overall issues of the amendments are important enough to put a pause on this process until there is more public discussion. She feels that there is much more to learn.

**Janet Perkins-Howland**, Ffrost Drive, feels that there is agreement that there is a housing crisis. She is also concerned when she hears that "Durham is unique" and does not want that to sound like elitism. She also agrees that they need to take a step back, and the process should be professionally facilitated.

Mr. Kelley asked if it is Durham's responsibility to solve the housing crisis. He asked if Durham had already done enough with all of the student housing that has been created-- how do they know when they've achieved the goal?

**Deborah Hirsch Meyer**, Garden Lane, stated that she agrees with what has been said. She believes that the amendments have not been discussed enough.

**Joshua Meyrowitz**, Chesley Drive, feels that Durham is unique in being a University Town, and future University enrollment changes needs to be considered. He loves the idea the having someone transcribing during the meeting.

**Beth Olshansky**, Packers Falls Road, feels that the amendments represent a redesign of the entire town. She feels that they need to look at the impact to the Town. She is alarmed by the proposal. She is not in favor to redesigning Durham to accommodate housing. She is in favor of a community-wide conversation.

**Nick Taylor**, Executive Director of the Workforce Housing Coalition Greater Seacoast, feels that the discussion at the community level is important. He is grateful that Durham is bringing these amendments forward and having a discussion around them. Councilor Tobias asked about the Municipal Technical Assistance grant. Mr. Taylor mentioned that there are two grants available for Towns – a mini grant program from NH Housing for facilitator conversation and the Housing Opportunity Grant through NH Housing for technical assistance.

There was discussion around the grant opportunities.

**Gail Kelley**, Ambler Way, feels that these are not new problems that they are facing with housing, and residential development does not decrease property taxes. She stated that this is a complex problem, and increasing the density is not the answer.

**Richard Kelley** *MOVED to continue the public hearing to the December 14, 2022 meeting. James Bubar* **SECONDED the motion, and it PASSED unanimously.**

Chair Rasmussen doesn't feel that the process they are going through is anything out of ordinary. He read comments he had been given from the Agricultural Commission.

There was discussion on density and the need for community involvement. There was discussion on trying to do some smaller changes to the Ordinance to meet the July deadline, and then taking longer to discuss bigger changes.

**IX. Review of Planning Definitions in Zoning Ordinance.** Continuing review of the Zoning Ordinance section by section as part of the zoning rewrite.

Due to the time, Chair Rasmussen suggested that the Board send comments to Michael, and the next time this item is on the agenda, they will review the comments. There was agreement that this was a good idea.

## **X. Other Business**

Planner Behrendt mentioned that, as time allows, they need to review the Zoning Ordinance in view of the Master Plan. The Conservation Commission has created a subcommittee that is planning to work on the Wetland Conservation Overlay District and Shoreland Protection Overlay District sections of the Zoning Ordinance. Planner Behrendt questioned whether it might make sense for the Conservation Subcommittee to look at Conditional Uses as well. Chair Rasmussen stated that he is not sure the subcommittee should be dealing with the Conditional Use article. There was discussion on this. Mx. Friedrichs mentioned that ze was willing to work with the subcommittee. It was decided that the Conservation Subcommittee should only look at the Conditional Uses dealing specifically with the wetland and shoreland ordinances.

There was discussion on the Orion trash area. It is now a very nice area; much nicer than the Board had expected. Chair Rasmussen suggested that Planner Behrendt write the owners a letter commending them on what they did.

***Richard Kelley MOVED to have Planner Behrendt write the owners, Torrington Properties, a letter commending them on the work they did to re-landscape the Orion trash area. James Bubar SECONDED the motion, and it PASSED unanimously***

Mx. Friedrichs mentioned that she attended the Durham Landlords Association meeting last week regarding the sprinkler ordinance. Ze stated that there was a suggestion at the meeting of removing “firewall” as part of the definition of multi-family housing in the Zoning Ordinance. Chair Rasmussen said that change was already in the document of proposed changes to the Zoning Ordinance.

## **XI. Review of Minutes (new): October 26, 2022 minutes – discuss proposed changes**

Chair Rasmussen stated that the minutes do not need to be verbatim, but Mx. Friedrichs had suggested substantial changes. Mx. Friedrichs is concerned that with the legal cases they have seen in the past, there should be more details in the minutes. Ze stated that ze did not mean to offend anyone. Ze is willing to defer to the Planning Board as to what they feel is best.

There was further discussion around this.

Chair Rasmussen suggested that if the Board was not comfortable approving all of Mx. Friedrichs’ corrections tonight, that they should postpone the approval of the minutes until the next meeting to give Mx. Friedrichs time to review zer corrections to see if any of them are important enough to zer to be included. There was agreement on this.

**XII. Adjournment**

*Paul Rasmussen MOVED to adjourn the meeting. Sally Tobias SECONDED the motion and it PASSED unanimously.*

Adjournment at 9:58 p.m.

Karen Edwards, Minutes taker