

These minutes were approved at the March 8, 2023 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD**

**Wednesday, February 8, 2023
Town Council Chambers, Durham Town Hall
7:00 pm**

MEMBERS PRESENT: Paul Rasmussen (Chair), Heather Grant (Vice Chair), James Bubar, Sally Tobias (Council Rep), Chuck Hotchkiss (Alternate Council Rep), Peyton McManus (Alternate)

ARRIVING LATE: Richard Kelley, Emily Friedrichs, William McGowan

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Paul Rasmussen called the meeting to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen seated newest Alternate Peyton McManus for William McGowan.

III. Approval of Agenda

Chair Rasmussen modified the Agenda as follows: Discussion re handling application for 121 Technology Drive per Mr. Behrendt; put as **Item X** between Eversource and Board Review of Definitions.

Mr. Bubar MOVED to approve the Agenda as modified by the Chair; SECONDED by Vice-Chair Grant; APPROVED 5-0, Motion carries.

IV. Town Planner's Report

Michael Behrendt said the Town has applied for two grants related to housing through the State per request of the Planning Board and Housing Task Force: a \$5,000 grant to hire a facilitator to converse with public and a \$25,000 grant to hire a consultant for a needs assessment about housing in Durham.

V. Reports from Board Members who serve on Other Committees

Reporting from Town Council: Councilor Tobias said the Council met Monday and adopted the new charge for the Durham Housing Task Force (HTF) and approved appointing 5 new members: Michael Saputo, Cathy Frierson, Judith Spang, Eileen Murphy, and said she would be a citizen representative when her council term expires in March. Presentation from Executive Councilor Joseph Kenney and Oyster River Cooperative School District on their Budget; passed Solar Amendment.

VI. Public Comments

No Public comments.

VII. Review of Minutes (old):

Chair Rasmussen stated that Emily Friedrichs and Bill McGowan arrived at 7:06 pm and seated Mr. McManus for Richard Kelley.

VIII. Recognition of Lorne Parnell. Mr. Parnell is a former Planning Board member.

Chair Rasmussen presented a plaque to former Planning Board Member Lorne Parnell expressing the deep gratitude of the Board for his longtime membership, his outstanding leadership, and his unfailing wisdom, in acknowledgement of all he has done for the Town.

Mr. Parnell said he moved to Durham in 2004 and eventually joined the Planning Board in 2005 to know more about what is going on in the Town, becoming a permanent member in 2006. He said to anyone thinking of joining a committee in Town he would recommend the Planning Board.

IX. Eversource Energy – Utility Pole in WCOD. Bennett Road. Permitted Use B application for installation of one utility pole and an anchor at the Packers Falls Substation within the Wetland Conservation Overlay District. Eversource Energy, property owner. William McCloy, wetland scientist and agent, Normandeau Associates. Recommended action: Final action.

Mr. McCloy of Normandeau Associates in Vermont said he helped with this permit application for Eversource proposing a new pole with guy anchor in WCOD Buffer site at edge of existing parking lot at Eversource Packers Falls Substation on Bennett Road; no impact to adjacent wetlands. Project necessary for Eversource to connect a communications cable from nearby transition line to Substation; project meets the 3 permit standards; Conservation Commission recommended approval January 30, 2023.

Mr. Bubar asked if the cable is solely for Eversource Administrative purposes and not commercial, and Mr. McCloy said that is correct.

Mr. Bubar MOVED that the Planning Board approve a Permitted Use B application for the installation of one utility pole with anchor at Eversource Packers Falls Road Substation within the WCOD; SECONDED by Vice-Chair Grant; APPROVED 7-0, Motion carries.

X. Discussion of Goss Property Application at 121 Technology Drive.

Chair Rasmussen said Mr. Behrendt asked the Board for guidance and recommendation for either an Administrative Staff Review or a Minor Site Review for the above proposal. He said the Goss Property is being prepared with a new skin and internal changes in preparation for a new client.

Mr. Behrendt said the building will be brought out and loading docks would be added in 3 locations. Criteria for Minor Site Review requires the building to be under 500 sq ft but can allow more at Board's discretion; bump-outs to building are small but screened area on east side to be added with concrete pad. Some loading docks will be reconfigured and the area is greater than 500 sq ft.

Richard Kelley arrived at the meeting at 7:19 pm and Mr. McManus was no longer needed as a voting member.

Mr. Behrendt said other changes to the building are small-scale in scope and straight forward with no adverse impact and consistent with intent of section. Chair Rasmussen said he did not see the loading docks changing the traffic pattern on the site and felt inclined to go with Staff Review. Mr. Behrendt said Minor Site is a formal review with notices sent and a Public Hearing.

Mr. Bubar raised the issue of drainage on the site and whether some mitigation may be needed. Mr. Behrendt recommended that a voluntary presentation be given to the Board and said there are three tenants in the works. Mr. McManus asked how much would be involved for a Minor Site Review. Mr. Behrendt explained he could set up a Staff Review in one week and finalize details from there; for Minor Site Review a Public Hearing would need to be scheduled. He said a big reason for Administrative Review here is abutters are not affected and are buffered by several hundred feet of trees.

The Board discussed the issues involved in the two options and agreed to an Administrative Staff Review with a presentation to the Planning Board when deemed appropriate.

XI. Review of Definitions in Zoning Ordinance. Continuing review of the Zoning Ordinance section by section as part of the zoning rewrite. Recommended action: Discuss and continue the review.

The Board started the discussion with *Aquifer*; Councilor Hotchkiss said he did not find a distinction between bedrock aquifer and stratified drift aquifer in the Ordinance. Mr. Friedrichs said the Board should be mindful of the Zoning Ordinance getting ever longer and unless a definition is used in the Ordinance it should be eliminated. Mr. Behrendt suggested the Board keep aquifer and delete stratified bedrock. Mr. Bubar also asked that they delete *Aquifer Protection District* and the Board agreed.

The Board agreed *Area Median Income* was not needed and should be added back as part of Housing Amendments if they are approved and will be defined by the State in July. Councilor Hotchkiss said he did find area median income referenced in the Zoning Ordinance text; Mr. Bubar felt it should be defined in both places; Mr. Kelley felt it should be listed under definitions. Mr. Behrendt suggested moving the three definitions under Workforce Housing option to the definitions and the Board agreed.

The Board next discussed *Art Center* and whether retail was part of the primary purpose. Chair Rasmussen said they did not need both Art Center and Museum; Councilor Tobias said they are two distinctly different things. After discussion the Board agreed to merge art center with craft shop; Chair Rasmussen asked that this issue be taken offline and have someone bring back a suggestion for Art Center, Craft Shop, Gallery, and Museum; Councilor Hotchkiss volunteered.

Automotive Car Wash: Mx. Friedrichs said the definition should match the Table of Uses and suggested "Car Wash" for both and the Board agreed. Under the definition for *Automotive Service Station*, Chair Rasmussen asked that sale of gasoline and lubricants be removed. After discussion the Board agreed to delete Automotive Service Station under definitions and in the table of uses.

Awning: Mr. Bubar asked that "made of cloth or similar material" be deleted. Mr. Behrendt said canopy is hard materials versus awning which is specifically cloth or similar. Chair Rasmussen said he sees awning as retractable and canopy as fixed, and asked Mr. Behrendt to review where both terms are used throughout the Ordinance and whether they could be combined. Mr. Kelley read further definitions that distinguished the two types; after further discussion Mr. Behrendt agreed to work on combining the two and reviewing the Ordinance.

Basement: Mr. Bubar recommended using "finished grade" versus "existing grade"; Chair Rasmussen said existing grade represents what the grade is without the building on it; Mx. Friedrichs said finished grade was clearer. Mr. Behrendt said a basement is not a story and is a floor or level 2 ft below the ground. After discussion the Board agreed to eliminate the text highlighted in blue and use "finished grade" instead of existing grade.

The Board discussed the definition of *Bedroom*: Chair Rasmussen said this definition is important as a lot of the Ordinance is built around the number of bedrooms. Vice-Chair Grant said "intended primarily for sleeping" should be left and Mr. Bubar felt "primarily" should be omitted.

Mr. McGowan left the meeting at 7:45 pm and Mr. McManus was seated for him.

Boarding House: Mr. Behrendt said "Inn" is listed under definitions but not rooming house; Board agreed rooming house merged with boarding house. Mr. Kelley asked if Boarding House is included under residential uses; Mr. Behrendt said it is not a use allowed in Durham. *Boat Yard*: Chair Rasmussen questioned whether a Boatyard could sell accessories; Councilor Tobias suggested deleting the last line.

Buffering: Mr. Bubar suggested buffering should include the degree of transparency allowed or disallowed. Councilor Hotchkiss said he did not know if a definition is needed for Buffer Zone but it appears in the Ordinance. Chair Rasmussen said a Buffer Zone is not a thing in and of itself and is an area based on what it is buffering; it should be in WCOD and SPOD. The Board discussed the difference between buffering and screening. Chair Rasmussen said screening means fully hiding and buffering is softening; the Board agreed to "partially block or soften the view".

Buildable Area: The Board agreed to keep it in definitions; not used under site plan. *Building*: The Board agreed to keep the terms support and protection in the definition. No changes were made to *Building Footprint* or *Building Height*; self-explanatory. *Building Inspector*: Councilor Tobias said it does not explain what they are; Chair Rasmussen said it is a member of staff that has a specific role and asked that it be deleted.

Business Services: Mr. Bubar asked that the word “primarily” be deleted; Councilor Tobias asked that they get rid of “photo-finishing and personal supply services”.

XII. Review of Minutes (new): December 12, 2022 and January 11, 2023

Approval of the Planning Board Regular Meeting Minutes of December 12, 2022

Mx. Friedrichs asked Mr. Behrendt if he heard back from the Town Attorney; he said he did not and would forward her email to the Board.

Chair Rasmussen MOVED to approve the Regular Meeting Minutes of December 12, 2022 the Planning Board Meeting; SECONDED by Vice-Chair Grant; APPROVED 6-0 with 1 abstention, Motion carries.

Approval of the Planning Board Regular Meeting Minutes of January 11, 2022

Mx. Friedrichs said ze had changes ze was unable to send in as there was no mention as to why ze voted “nay” to Young Drive application. Chair Rasmussen asked that zir changes be sent in and postponed the approval to the next meeting.

XIII. Other Business

Mr. Behrendt said the June 28, 2023 meeting is a Muslim Holiday and there is a Town resolution that asks all boards/committees to consider significant holidays when scheduling meetings. Vice-Chair Grant said it bumps right into the July 4th holiday anyway and said she preferred 2 meetings in a row. The Board agreed to move the meeting to June 21, 2023.

XIV. Adjournment

Mr. Kelley MOVED to adjourn the Planning Board Meeting; SECONDED by Vice-Chair Grant; APPROVED 7-0, Motion carries.

Chair Rasmussen adjourned the meeting at 9:16 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board