

*These minutes were approved at the June 14, 2023 meeting.*

**TOWN OF DURHAM  
DURHAM PLANNING BOARD  
WORKSHOP MEETING**

**Wednesday, May 24, 2023  
Town Council Chambers, Durham Town Hall  
7:00 pm**

**MEMBERS PRESENT:** Heather Grant (Vice Chair), Sally Tobias, William McGowan, Tom DeCapo (Alternate), Chuck Hotchkiss (Alternate Council Rep), Chris McClain (Alternate); Peyton McManus (on Zoom)

**ARRIVED LATE:** Emily Friedrichs (Council Rep), Richard Kelley, Paul Rasmussen (Chair)

**ALSO PRESENT:** Town Planner Michael Behrendt

**I. Call to Order**

Acting Chair Heather Grant called the meeting to order at 7:00 pm.

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

Acting Chair Grant seated Tom DeCapo for Richard Kelley, Chuck Hotchkiss for Emily Friedrichs, and Chris McClain for Paul Rasmussen; Peyton McManus is out of the State and on Zoom.

**III. Approval of Agenda**

***Ms. Tobias MOVED to approve the Agenda as presented; SECONDED by Mr. McClain; Roll Call Vote: Peyton McManus-aye, Tom DeCapo-aye, Sally Tobias-aye, Chuck Hotchkiss-aye, Chris McClain-aye, Bill McGowan-aye, Heather Grant-aye; APPROVED 7-0, Motion carries.***

*Emily Friedrichs arrived at the meeting at 7:04 pm.*

**IV. ATO Fraternity – 18 Garrison Avenue.** Request for extension of timeframe for conditional use approvals – for use as fraternity, building height to exceed 30 feet, and activity within the wetland overlay district.

Project Contractor Pete Middleton said there have been no changes in plans and they are just asking for a simple extension. Councilor Hotchkiss asked what caused the delay and if factors that caused the extension request would go away. Mr. Middleton said he believed they would go away, and said the project was delayed due to escalation of pricing in buildings and they are close to working it towards the Budget.

Ms. Tobias said Chair Rasmussen had asked about whether the fencing needed to be kept up, and Mr. Middleton said he hopes to be starting in 3 months and it will then become a construction fence. Councilor Friedrichs said she attended a Safety Walk at UNH and students identified the area

as being a safety concern as the fence blocks visibility. Mr. McManus suggested just taking down the screen on the fence would then be visible; the Board agreed.

***Mr. McGowan MOVED to approve the request for an extension of timeframe for Conditional Use approvals for Fraternity building height to exceed 30 ft and Activity in the WCOD, at ATO Fraternity, 18 Garrison Avenue with additional condition that screening on fence be removed, and timeline as stated commence by November 1, 2024 and completion by November 1, 2027; SECONDED by Ms. Tobias; Roll Call Vote: Peyton McManus-aye, Tom DeCapo-aye, Sally Tobias-aye, Emily Friedrichs-aye, Chris McClain-aye, Bill McGowan-aye, Heather Grant-aye; APPROVED 7-0, Motion carries.***

- V. **Discussion with Newmarket Officials.** Discussion about planning issues of common concern with Bart McDonough, Newmarket Director of Planning and Community Development and Ellen Snyder, Chair of the Newmarket Conservation Commission.

Mr. Behrendt said Neil Slepian is a member of the Durham Conservation Commission and volunteered to join the Board tonight.

**Bart McDonough, Newmarket Director of Planning and Community Development**  
**Current Challenges Newmarket is Facing:**

Mr. McDonough said they are here to explain what they are doing in Newmarket, the challenges they are facing, and to identify some areas where there could be some joint collaboration. He said Ms. Snyder will go over what the Conservation Commission is doing in Newmarket and how it ties into joint collaboration between different municipalities and the region as a whole.

**Housing Affordability and Inventory:** Currently 2 subdivisions are being built in Newmarket with no other applications for other types of development; cost of housing is astronomical and rents are going up with people on the lower side starting to be displaced.

**Transportation Options:** Wildcat Transit no longer services Newmarket; looking at ways to try to bring Wildcat service back, looking at alternative bicycling networks; trying to be creative working with partners and stakeholders to find more transportation options.

**Economic Development:** Newmarket conducted a study in 2019 about gateways, which ties into the re- zoning effort; looking to improve downtown for economic vibrancy; identified 3 areas for potential gateway development: (1) Newfield border; (2) Durham border on Route 108; (3) Route 152, Wadleigh Falls Road near Epping/Lee. Newmarket is on the Lamprey River and close to Great Bay and is looking for ways to bolster resiliency as well as how to envision using the waterfront better in future.

**Downtown Preservation:** Recent concern for preserving downtown feel and need to explore new options for better design standards.

**Opportunities:**

Zoning Reform: Newmarket recently received a grant from PLAN NH with idea to introduce a form-based code along Route 108, moving east between Dame Road and Bay Road which turns into Durham Point Road, not transforming but integrating and adding missing middle housing opportunities in areas where it makes sense, and the infrastructure is there for expansion; more a design issue than a density issue.

Master Plan Update: Some Newmarket Master Plan Chapters are 20 years old and a comprehensive overhaul is needed; saving money through the CIP process; comprehensive update will include climate resiliency, housing, recreation, art and tourism.

Exploration of Alternative Modes of Transportation: Regional trail system: looking to find gaps in Newmarket system right now; used Connect to Protect program to assist with development of maps showing existing trails and valuable lands where there are gaps to target from a recreation standpoint and as a wildlife corridor; working very long-term to get a train station in Newmarket.

Infrastructure and Environmental Improvements: Newmarket has pipes from the 1890s and very narrow streets; as pipe replacements are being made, looking at Complete Streets to make them more walkable/bikeable. Environmentally, Newmarket is identifying areas for climate resiliency, especially the waterfront area, and ensuring floodplains and other critical areas are protected. Working on Stormwater infrastructure and recently updated Stormwater regulations; working to improve Public Engagement and Education.

Mr. McDonough said Newmarket amended their ADU Ordinance and opened it up to help with housing issues, reviewed Stormwater Regulations and Impact Fee Schedules, changed Water/Sewer impact fee to a System Development Charge to allow more flexibility using funds, which can now be used anywhere in the infrastructure; did gateway study for re-zoning process.

Building Partnerships: Newmarket is looking for opportunities where they can connect with their neighbors; have Plan NH funds to help with rezoning effort and Master Plan. Councilor Friedrichs asked if Newmarket had explored building up financing options for ADUs. Mr. McDonough said Home Equity Loans are not an option with the high interest rates; Newmarket does not have a mechanism but Dover is trying to do a pilot program with financial institutions. He said a Housing Committee with a Housing Trust Fund could potentially use those funds for income-qualified loans or home repairs.

Questions: Councilor Friedrichs asked about the option to convert single-family homes into multi-family units; Mr. McDonough said Newmarket had not yet explored that but it would be a great use of a CU Permit and an option for Newmarket. Ms. Tobias said Durham created a Housing Task Force and asked if Newmarket had a Housing Committee. Mr. McDonough said he had not yet reached out to other communities for housing but wants Newmarket to be a partner in the region.

Mr. McManus asked if Newmarket was looking into a biking network for recreation, for core transportation, or both. Mr. McDonough said he and Ellen have been exploring options on where those corridors and trail networks could exist in Newmarket and neighboring municipalities and see an opportunity for a commuter-style path with neighboring towns. Neil Slepian of the Durham Conservation Commission asked if they were only thinking of publicly held land for hiking trails/bikeways or also private land with an easement to connect. Mr. McDonough said typically through an easement or by fee but are resistant to using private land because of liability.

Acting Chair Grant asked if NHDOT might be open to adding a bike lane on Route 108 the next time around. Mr. McDonough said it is also a safety issue and would involve a lot of “taking” of private land to accommodate expansion, with potential environmental impact especially through the floodplain.

*Richard Kelley arrived at the Planning Board Workshop Meeting at approximately 7:35 pm.*

**Ellen Snyder, Newmarket Conservation Commission Chairman:**

The Nature Conservancy updated the Coastal Conservation Plan in 2021; maps show existing conservation land and where remaining critical areas are for conservation and agricultural lands; using as a guide for future conservation and very interested in trail connectivity for people, aquatic connectivity, and upland connectivity with very limited opportunities to find out where those pathways are; initiative called *Pathways for People and Nature*.

Ms. Snyder said the Conservation Commission is happy to endorse ADUs because our community needs affordable housing; also working to protect and connect existing conservation land and restore waterways. She said a statewide database has assessed all culverts in the State identifying all stream crossings not working properly; partnership with Town Engineer, Water Department, and DPW collaborating within our town as well as looking to collaborate between towns.

Ms. Snyder cited examples: Newmarket Riverfront, Schanda Park, Living Shoreline, and planning charettes with NH Plan 2024 integrating all different aspects within our community. She said there are a number of areas in Newmarket to launch a kayak/canoe and wants to let people know where the locations and the importance of those areas ecologically; most of the Sliding Rock Conservation & Recreation Area is in Durham.

Ms. Snyder said Newmarket has a vision for Regional Trail Connectivity, not only within Newmarket but between towns as well; roads are getting more dangerous and they are looking to make safer connections. She said the plan is to concentrate on northern part of Newmarket, in Folletts Brook area west of Packers Falls Road and between Route 150; town owns Piscassic River-Loiselle Conservation Area, also NH Audubon land with trail, and other parcels that connect up to Durham Townline. Plan to go out and evaluate the land for opportunities for trail connectivity and a possible pathway to Durham that is not on the road.

Ms. Snyder said she is trying to put all information about town conservation areas on the Newmarket website; the Conservation Commission has a trails link on their website and is

working upload all trail maps. Mr. McManus said the corridors cut across a lot of different areas and asked how they would be connected. Ms. Snyder said she is Chair of the Conservation Commission and has a representative on the Riverfront Advisory Committee, as well as collaborating on ideas and working with interested landowners. She said they want to use their existing structure and not work with committees. Mr. McDonough said they are in the nascent stages of this initiative and doing a lot of exploratory investigation into possibilities; as plans advance will assess and see what is appropriate.

Councilor Friedrichs asked about connection to the Rockingham Rail Trail via downtown to Newmarket schools. Ms. Snyder said there is an outreach component in the Coastal Conservation Plan called Connect to Protect with UNH Extension and NH Fish & Game, to which you can apply to for technical assistance; Newmarket applied and had a mapmaker take existing maps from Coastal Conservation Plan and overlay on a map of Newmarket with 1 mile beyond, showing all existing conservation lands; a second map will be made using some of our trails data and overlaying trails on that information.

Mr. McManus said other states have leveraged existing utility byways as connecting corridors. Mr. McDonough said that is definitely a variable Newmarket will look at and should be considered when looking at new walk-through connectivity. Ms. Snyder said the Eversource right-of-way on Fish & Game property off Bennett Road has a trail system now from downtown Durham to Doe Farm and LaRoche Brook but a bridge is needed.

Mr. Behrendt said it seems the most natural corridor is along the active passenger rail corridor. Mr. McDonough said the railroad company is currently upgrading switches and making investments in NH. Mr. Behrendt asked about the Longmarsh Preserve, and Ms. Snyder said there is the Sweets Trail which runs all the way from Durham to Newmarket for pedestrians and snowshoes but is not bikeable, and there is Longmarsh Classic Road which runs east-west, another corridor which would need improvements.

Vice-Chair Grant asked what Newmarket has seen in their large recently approved projects and how that will tie into the future. Mr. McDonough said those projects were vested over 20 years ago for approval with no conditions or time limit and only started building them in the last few years. One was more or less a conservation subdivision and the other a traditional subdivision and from a planning perspective he would like to see better use of land, preserving land, and with density on tracts where appropriate.

Ms. Tobias asked if Newmarket has a conservation subdivision, and Mr. McDonough said they have an open-space subdivision but it may be time to revisit it. Mr. Kelley asked if Newmarket looks at infrastructure available in their analysis of housing options in terms of wastewater treatment capacity, municipal water capacity, school services and Fire & Police. Mr. McDonough said Newmarket definitely has the capacity from a water and sewer perspective, their schools are currently slightly underutilized, and they definitely have the infrastructure there to continue connections into developments; impact fees add a cost but are an investment in the community to support development. Ms. Snyder said Newmarket is also collaborating with their Recreation

Department looking at smaller neighborhood parks and sidewalks to be able to access conservation areas nearby.

Mr. Slepian asked about “other open spaces” on the first map that was put up. Ms. Snyder said it would be either Fish & Game or Land Trusts; the Town of Newmarket holds easements or owns Conservation Land, SE Land Trust owns a lot of land, and Nature Conservancy owns land, but the different ownerships were not segregated out. Mr. Slepian said he was thinking about trails in Durham owned by UNH and asked if Newmarket would enter into that discussion in terms of trail connectivity; Ms. Snyder said they would like to work with all partners.

Mr. McDonough circled back on cost and said they cannot control parking which does not promote other types of transportation and not including it would help make developments more affordable, which could lead to more affordable units and create alternative transportation demand. Mr. Behrendt asked about zoning on Route 108. Mr. McDonough said the main idea is to extend downtown Newmarket corridor further up Route 108, approaching from a form-based code aspect. He said his hypothesis is people do not mind more housing they mind the design.

Paul Rasmussen took over the meeting at 8:25 pm.

**VI. Public Hearing - Climate Action Master Plan.** Review of a draft climate action plan. This plan was prepared by Strafford Regional Planning Commission. Presentation by Jen Czysz, Autumn Scott, and Kyle Pimental, SRPC. The draft may be approved as a master plan chapter or an administrative plan. Recommended action: Review public comments.

Chair Rasmussen said the Board already decided to consider the Climate Action Plan as a new chapter of the Master Plan and needs to go over the language, hear any new public comments, and decide the scope of review. Public Hearing remains open.

**Autumn Scott** of Strafford Regional Planning Commission (SRPC) said public comments were forwarded to Mr. Behrendt with recommendations but did not have time to make substantive changes to the content. Mr. Kelley asked if there were any model ordinances out there and what sort of changes she may have seen. Ms. Scott said there are model ordinances out there for complete streets, stormwater regulations, and sea level rise and she would be happy to send the links. Mr. Kelley asked if Ms. Scott has seen more communities adopting a user fee or tax associated with stormwater. Ms. Scott said as far as Strafford Regional there are some communities looking into it and it is now a huge issue in Dover.

**Kyle Pimental**, Principal Regional Planner for SRPC, said no community in New Hampshire has adopted a formal stormwater utility yet. He said right now, the City of Dover is the farthest along, and last year their City Council approved development of a stormwater utility and what an ordinance would look like; Concord and Manchester have also explored this. Mr. Kelley asked if there had been any ordinances with regard to sea-level rise. Ms. Scott said there is data from

FEMA on flood zones and on sea-level rise which is not yet at an integrated status. Chair Rasmussen said Seabrook and Hampton have some overlay districts for sea-level rise zoning.

Chair Rasmussen said the Board had feedback on the Chapter as a whole and suggestions were made to the body of the chapter and in recommendations and goals, and asked the Board to reach a consensus on how much rewriting and editing should be done. Ms. Tobias said she did not want to go through the chapter and start rewriting it. Chair Rasmussen said requests were made to add more to agriculture and urban forestry.

Mr. Behrendt said the Planning Board budget with SRPC will cover finalizing the document and addressing specific, discreet recommendations but would not cover any significant additional research or analyses. Chair Rasmussen said the Board could thank Strafford Regional for all they have done, take ownership of the document, and add to it at their own cost; Ms. Tobias said she did not see that as productive at all. Mr. Kelley said the document warrants our attention on an availability of our time basis.

Mr. DeCapo recommended the Board allow SRPC to implement minor changes that do not require additional research; he said most of the comments did not seem objectionable in any way and the revised draft will in all likelihood be acceptable. Mr. Kelly suggested that the Board update the science in the Climate Action Chapter annually. Ms. Scott stressed that the Board consider this a living document as it is, and said in the memo provided by SRPC those minimal changes were made for you, and other valuable comments would take time and research.

Chair Rasmussen suggested the Board do a minimal review of recent feedback to see what might be incorporated. Ms. Scott said in the memo SRPC tried to give direction to the Board as to what they should consider incorporating; the memo was sent to Mr. Behrendt Tuesday morning. Mr. Behrendt said he may have missed it and would send it out to Board members. Chair Rasmussen asked Mr. Behrendt to schedule a Board review of the memo for the next meeting and draft a response; Strafford does not have to attend.

## **VII. Discussion of Town Council Goals**

Chair Rasmussen said the Town Council sets goals at the beginning of each new Council and sends copies to all chairs for review to see what they can do to help the Town Council meet their goals. The Board discussed the goals which are listed on the bulletin board in Council Chambers and members found the goals fairly clear.

Chair Rasmussen said the Planning Board also has goals to get through all zoning and complete a Zoning Rewrite to be in line with Master Plan chapters. He said the Board has a lot of work and a lot of other people working on sections for us, making our job easier. He suggested the Board put a moratorium on future subdivisions and focus on getting the central downtown area already on water and sewer built up more, get that density using transfer development rights, and focus density where it belongs allowing the Town to get density for mass transit.

Chair Rasmussen asked that right now the Board work to get through the zoning definitions. Mr. Behrendt said the Zoning Review done several years ago has over a dozen items and is a multi-year process. He said the Table of Uses and Table of Dimensions are the big ones and should be handled last. Vice-Chair Grant suggested each Board member come up with 3 priorities and start with the ones with the highest weighting.

Mr. Behrendt said he would resend the memo from Strafford Regional and give the Board a suggested order. Mr. DeCapo said for him it would be most helpful to hear Mr. Behrendt's views on what comes next, frequency, and what areas are most out-of-date and need the most work; Chair Rasmussen also added the ones that are the most out of sync with the Master Plan. Mr. Behrendt suggested the Board do a miscellaneous cleanup after definitions.

#### **VIII. Other Business**

#### **IX. Adjournment**

***Mr. McGowan MOVED to adjourn the Planning Board Meeting; SECONDED by Ms. Tobias; Roll Call Vote: Peyton McManus-aye, Paul Rasmussen-aye, Sally Tobias-aye, Emily Friedrichs-aye, Richard Kelley-aye, Bill McGowan-aye, Heather Grant-aye; APPROVED 7-0, Motion carries.***

Chair Rasmussen adjourned the meeting at 9:27 pm

Respectfully submitted,

Patricia Denmark, Minute Taker  
Durham Planning Board