

These minutes were approved at the July 26, 2023 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD**

**Wednesday, June 14, 2023
Town Council Chambers, Durham Town Hall
7:00 pm**

MEMBERS PRESENT: Paul Rasmussen (Chair), Sally Tobias, Richard Kelley, Peyton McManus, Tom DeCapo (Alternate), Chuck Hotchkiss (Alternate Council Rep), Chris McClain (Alternate)

EXCUSED: Heather Grant (Vice Chair), William McGowan, Emily Friedrichs (Council Rep)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

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

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll and seated Chuck Hotchkiss for Emily Friederichs, Tom DeCapo for Heather Grant, Chris McClain for Bill McGowan.

III. Approval of Agenda

Mr. Kelley MOVED to approve the Agenda for June 14, 2023 as presented; SECONDED by Councilor Hotchkiss; APPROVED 7-0, Motion carries.

IV. Town Planner's Report

Mr. Behrendt said the next June meeting is next week on the 21st; on the agenda for next week is amendment for Tideline; State Law passed last year stating senior density bonus must also apply to workforce housing; Board will discuss any amendments to Zoning.

V. Reports from Board Members who serve on Other Committees

Reporting from Town Council: Councilor Hotchkiss said there were a number of items on unanimous consent; presentation by Durham Fire Department on possible reorganization oof administrative positions, no action taken; authorized acceptance of DES funds for Stormwater Management Project; approved changes to WCOD and SPOD; designated Dame Road as Scenic; discussion of Planning Board composition and possible Town Council restrictions; HTF shifting from survey to coming up with a strategy for community engagement.

Reporting from Housing Task Force: Chair Rasmussen said the HTF met Monday with bulk of discussion around survey and strategy to engage community more broadly.

Reporting from Technical Review Group: Ms. Tobias said TRG met for Minor Site Review at 56 Madbury Road for proposed parking lot expansion; settled on 5 additional parking spaces and a side road to provide access from spaces toward back; no issues with abutters.

Reporting from Conservation Commission: Mr. Kelley said the Conservation Commission met May 22nd and bashed the Planning Board; great update from Land Stewardship Coordinator Sara Callaghan on 2 projects: (1) hand scraping improvement to banks along Kenny Rotner Bridge and (2) signage for trails at Spruce Hole and Oyster River Woods; expecting SELT to close on Pike Property in June to preserve more than 1200 ft of Lamprey River and water supply; Commission established Rules & Procedures, held election of officers.

Reporting from the AG Commission: Mr. DeCapo said the AG Commission met Monday and discussed interest by Emery Farms to purchase/use adjacent Town property, more info requested on possible use; met with Eagle Scout prospect interested in developing a pollinator garden somewhere on Town property; new sustainability fellow to focus on local food production; Farm Day is August 19, 2023; Durham Farmers Market started last week.

VI. Public Comments – None

VII. Review of Minutes (old):

VIII. 28 Dover Road and 4 Old Landing Road Site Plan. Preliminary conceptual plan for two adjacent lots to move the yellow wood-frame apartment from 28 Dover Road to 4 Old Landing Road, build a carwash at 28 Dover Road, and make other site changes. Mark Henderson, property owner. Steve Haight, Civilworks New England, engineer. Map 108, Lots 48 and 49. Courthouse District. Recommended action: Discussion and close review.

Mark Henderson stated that this is a conceptual discussion tonight on what exists and what he is trying to develop; SW traffic flow questions should be directed to Engineer Steve Haight. Building at 28 Dover Road is 150 years old converted to apartments in 1960s/1970s with 4 units currently; 4 Old Landing Road is a barn moved to the property with 8 apartments owned since February 2022; both are non-conforming uses in Courthouse District and are joined by a common parking lot; both lots together = 52,000 sq ft or 1.28 acres.

Mr. Henderson said he met with Mr. Behrendt, Audrey, and Mr. Haight to come up with options; concept is to pick up and move 28 Dover Road to W; keep to two separate lots with same lot line adjustment, putting 2 non-conforming uses on one lot; will need some variances. He said he is looking at a 3-bay Carwash with an 1800-sq ft of retail space and 2nd floor; commercial on the first floor and possible office space above with less square footage; plenty of parking for proposed plan.

Mr. Kelley voiced concern with the traffic generated with queues backed up beyond that driveway every day and suggested a traffic impact analysis working with DPW and DOT, also taking into account the demand for retail use and carwash. Mr. Henderson said the way the plan is designed, even if a left-hand turn cannot be made, there is room on-site for 8-10 cars with a probable total of 100 cars/day and Old Landing Road comes through our parking lot to gain more visibility to left.

Chair Rasmussen said his concern was the actual lots with parking for residential properties shared across to commercial properties, which works as long as both lots have the same owner in perpetuity, as the Board has had issues with easements; he said his preference would be non-shared parking. Engineer Steve Haight said sharing a driveway made a lot of sense with a consolidated entrance; traffic layout was thought through and back-ups are at certain times of the day only and said the traffic study will show how much traffic is generated by different uses at peak hours.

Mr. Haight said moving the house will allow a farther setback from the property line on Durham Road (Zoning variance needed), allowing more green space in front, stacking, and alignment with other buildings on Dover Road. Another variance is density relative to a lot; request is to move building to "residential lot" with two distinct lot uses and parking behind buildings; provide connectivity for sidewalks and carry that back into the site. Some of front area is DOT land and hope to work with them to enhance the scrub area. He said there has been a lot of interest in this site due to the amount of traffic on the road attracting high-volume type businesses.

Councilor Hotchkiss asked about moving the entrance off Route 108 further away from the corner to ease traffic problems and Mr. Haight said the sight distance they have now is the best they can get. Chair Rasmussen said the site is right at the edge of boundary of next property over, Coe's Corner, but the properties will be evened up. Mr. Haight said buildings should be about 75 ft off edge of road, building at 57 ft from property line plus another 25 ft making a nice transition area.

Ms. Tobias asked if the original intention was to tear down the yellow house; Mr. Henderson said it is cost-related and picking up the building up and moving it will allow for needed renovations; expensive to tear down and rebuild is greater. Chair Rasmussen brought up the bus stop right in front of the property and asked about time needed to inform the public of potential inaccessibility to the bus stop. Mr. Haight said he would work the details into the plan as well, and said the lot line adjustment separates residential use from commercial.

Mr. Kelley said issues raised by the Chair with easements could be resolved by defining where the easements are with metes and bounds. Mr. Haight said it would be a legal matter between the two owners.

Mr. McManus said the 3-D perspective was very helpful and has a nice look to it, not inexpensive to build, and will vastly improve the area. Mr. McManus asked about the vacuum cleaners being

loud. Mr. Henderson said it is essential to have them for the business. The newer style is quieter. Mr. McManus said the yellow house is nonconforming and there is a question if it shifts if it is an expansion of a nonconforming use. Mr. Henderson said they can allow a nonconforming use by up to 50%. He could add 6 new units and he is abandoning the expansion of the attic that was approved earlier. Mr. Behrendt asked if the attic was added; Mr. Henderson said it was not because it would have taken 50% of his 50% expansion. Mr. Kelley asked about the 14 gallons of new water use per car and 20 gallons recycled; Mr. Henderson said that amounts to approximately 35 gallons per car; Chair Rasmussen asked about solar.

Mr. Behrendt said in terms the density variance, the density is not changing for the two lots; in terms of setbacks, reason for maximum setback is for aesthetics and needs to be set back in this case because of the drive island in front to accommodate use; Courthouse Zone is the only one with maximum setbacks. He said re the 2 variances, everything generated by the carwash will go into the Town sewer but into a separate stormwater management system; great idea to save building, move it over, and anchor the corner; site plan is really good; suggested owner reach out to 3 nearby single-family houses as soon as possible.

IX. 121 Technology Drive – Plans for the building. Informal presentation by Brandon Kelly, President of R. J. Kelly, owner of 121 Technology Drive (formerly known as the Goss Building) about plans for the building. *Recommended action:* For presentation and discussion only.

Chair Rasmussen provided a brief synopsis for new members and said modifications were requested last year to the site plan at 121 Technology Drive to allow extra loading docks to sublet out to multiple tenants, and Mr. Kelly is back to tell us about the tenants.

Mr. Brandon Kelly said that R. J. Kelly is an integrated commercial real estate investment, development, and construction company based in Burlington, MA, with holdings throughout New England and 40-50 assets in New Hampshire. He said this is the largest utilized platform to improve buildings and make investment successful; building is huge and on a tremendous amount of land. Every part of this building is in pretty rough shape but we have amazing clear heights (floors 12 ft high to joist), good strong bases, and decided we can use this structure and make it better; before there were a few tenants for warehouse base and additions.

Mr. Kelly said they went hunting for tenants to push us to redevelopment and were fortunate to land Raytheon Technologies, now RTX, and a division of their company called Brazonics, moving here from Hampton, NH. Everything in the building will be redone to meet today's standards: adding loading docks for building access on both sides, creating 26,000 sq ft lobby with meeting spaces/conference rooms, adding a full-service cafeteria depending on number of employees, renovation of building entry and façade, and work with tenants to create outside amenity spaces; upgrade all parking lots, add new entry way for employees and additional loading, new gas service replacing propane, all new HVAC and electrical distribution.

Mr. Kelly said he will keep the large granite tree well, mature trees that are in good shape, and repurpose as much as possible throughout the site. He said there will be a full-blown curtain wall in the front with same panel system as rest of building. The current lobby was demoed and cleaned up to 2 columns, taking out one column bay; skylights will be added above to flood lobby area with natural light; first floor common area of 13,500 sq ft with second floor above showing atrium, café and kitchen area on balcony; adding a gym with all new fenestrations; showed egress from top floor and corridor

Mr. Kelly and said he has had strong interest from other groups since starting this project: research & development and manufacturing from a spinoff of UNH, and a company called Airthro, now in the Olson Center, taking up a space for doing research & development and manufacturing. He said second and third floors were used for light assembly, hope to bring that back and attract other tenants. Second floor is all amenity space with café, conference rooms, gym, and locker rooms. He said right now there are 5 tenants and there could be 7 on the first floor; upper-level office space is challenging to subdivide; created common corridor from partial loading to freight elevator; vacancy of 36,421 sq ft on the third floor.

Ms. Tobias asked about possible housing; Mr. Kelly said single family is conditional use here and he also looked at multi-family; the entire site is huge with lots of room for potential future development with one area to the west of the current structure and an area in the trees behind the parking to the east. Ms. Tobias said it was a great location for some type of mixed housing. Mr. Kelly said they have to figure out how to make this work and are starting to fine-tune what could be done here and are open to dialogue. He said the site and building are unique to the region; the site covers 170 acres. He said he loves outside amenity spaces, and some trails are already carved out in the back. He said the building will be beautiful and screened with trees and said with all the industry waste it is nice to be able to take something like this and repurpose it.

The Planning Board recessed for a 5-minute break at 8:56 pm.

X. Public Hearing - Climate Action Master Plan. Review of a draft climate action plan. This plan was prepared by Strafford Regional Planning Commission. The draft may be approved as a master plan chapter or an administrative plan. *Recommended action:* Review proposed changes to the draft, close public hearing, and continue final review.

Chair Rasmussen with last discussion there had been an 8-page response to public comments from Strafford Regional that had not been distributed to the Planning Board; goal for tonight is to provide Strafford Regional with our final suggestions for the last draft. He said he pretty much agreed with Strafford responses and the request to add a paragraph or two in Natural and Working Lands section. Board decided to notify DPW and determine what steps need to be taken to do that; can be done after adoption. Mr. McManus suggested the Board mark certain things for later and move on things actionable.

Robin Mower's Letter was reviewed by the Board one item at a time: Chair Rasmussen said there was a formatting question, but the chapter was set up exactly the same as current chapters; Energy and Conservation Commission did have a chance to comment; question of overreach for regional goals: SRP disagreed; recommendations do not clearly recognize distinction between municipal versus community: true for all goals and recommendations; update chapter on disasters: this is a Master Plan and not a disaster plan; connections to chapters already being done.

Change in affordability will change town attractiveness: SRPC not aware of any studies on this issue; Chair Rasmussen clarified that making more affordable housing tends to be smaller housing and denser Ms. Tobias said it is also related to migration of people. Question on student beds deleted; consider adding actions under goals to lower total greenhouse gas emissions (parking), Board agreed to look at parking maximums and minimums, and Mr. Behrendt suggested adding a review of Site Plan Regulations into the document.

Chair Rasmussen said Ms. Mower's statement that Durham does not have access to transportation is incorrect, has regional bus service and train; service is limited and could be better and year-round. Mr. McManus asked the Board's ability to do anything regarding public transit; Chair Rasmussen said it is a budgetary constraint and something the Board can address with every new development. Concern raised about adding local, state, and federal legislation on climate action in Durham Friday updates: SRPC revised this action to rely more heavily on sharing relevant climate action legislation highlighted by Coastal Adaptation Workgroup, Board agreed. Improvement to locally sourced food not part of town government decision and better handled by AG Commission, no changes made.

SRPC said language was already added to CAC-22; for flooding SRPC recommended SLR latest data, NH Coastal Flood Risk project coming this year; Board may incorporate at that time; co-occurring storm surge and river, stormwater runoff and flooding estuarine shoreline. Mr. Behrendt said SRPC agrees it is important to consider flood risk and sea level rise. Question about preparing for predicted climate changes based on NH 2022 Climate Assessment Report: SRPC said they incorporated the best available science at the time of the chapter. Need for town to reduce carbon footprint already broadly addressed by goals and actions.

Chair Rasmussen MOVED to close the Public Hearing; SECONDED by Mr. Kelley; APPROVED 7-0, Motion carries.

Mr. Kelley MOVED that the Planning Board adopt the Climate Action Plan Chapter for our Master Plan; SECONDED by Mr. DeCapo; APPROVED 7-0, Motion carries.

XI. **Review of Definitions in Zoning Ordinance.** Review of the Zoning Ordinance as part of the zoning rewrite. ***Recommended action:*** Continued review.

Mr. Behrendt recommended moving definitions to the next Planning Board Meeting.

XII. Other Business

XIII. Review of Minutes (new): April 26, 2023, May 10, and May 24, 2023

Review of Planning Board Minutes of April 26, 2023:

Councilor Hotchkiss said he submitted his line edits.

Mr. Kelley MOVED that the Planning Board approve the minutes of April 26, 2023 as amended; SECONDED by Mr. McManus; APPROVED 7-0, Motion carries.

Review of Planning Board Minutes of May 10, 2023:

Chair Rasmussen MOVED that the Planning Board accept the minutes of May 10, 2023 as presented; SECONDED by Councilor Hotchkiss; APPROVED 6-0 with 1 abstention, Motion carries.

Review of Planning Board Workshop Minutes of May 24, 2023:

Mr. DeCapo MOVED that the Planning Board accept the draft minutes of May 24, 2023 as presented; SECONDED by Mr. Kelley; APPROVED 7-0, Motion carries.

XIV. Adjournment

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

Chair Rasmussen adjourned the meeting at 9:42 pm

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board