

These minutes were approved at the October 11, 2023 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD**

**Wednesday, September 13, 2023
Town Council Chambers, Durham Town Hall
7:00 pm**

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

ABSENT: William McGowan, Heather Grant (Vice Chair), Chris McClain (Alternate), Emily Friedrichs (Council Rep)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

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

II. Roll Call and Seating of Alternates

Chair Rasmussen seated Chuck Hotchkiss for Emily Friedrichs and Tom DeCapo for Heather Grant. He said Emily Friedrichs will arrive at 7:30 pm.

III. Approval of Agenda

Chair Rasmussen said the August 9, 2023 minutes are in the packet but the Agenda says August 23 minutes which were only received Monday and Board had not had time to review; Board will be approving the August 9 minutes this evening.

Ms. Tobias MOVED to approve the Agenda for September 13, 2023 as modified; SECONDED by Mr. McManus; APPROVED 5-0, Motion carries.

IV. Town Planner's Report

Mr. Michael Behrendt said the ATO building at 18 Garrison was on hold due to increased costs and they are going forward with the project. He said the Board needs to discuss the unit development process and figure out a future agenda; Chair Rasmussen suggested addressing it at the Workshop coming up in November. Mr. Behrendt said he had a tour of the UNH Olson Center and tour of the Cottages in Dover is also being arranged; Ms. Tobias recommended Planning Board and Town Council members attend that tour.

V. Reports from Board Members who serve on Other Committees

Reporting from Town Council: Councilor Hotchkiss said the Town Council met and had several presentations, one a survey report on the public's attitude towards the Police Department; approved an updated set of property tax exemptions.

Reporting from the Housing Task Force: Chair Rasmussen said the HTF met and discussed the tour of the Cottages; in process of surveying community businesses to see how housing affects them as business owners and their employees.

Reporting from the Agricultural Commission: Mr. DeCapo said the Ag Commission August meeting did not make quorum; September meeting reviewed Farm Day as successful; discussion of changing the date next year to align with return of students; discussed project to assess interest in collaborating with food production in Durham and identifying participants for a focus group.

Mr. Behrendt said there were some great signs in town about recycling; Chair Rasmussen said it would be wise for everyone who recycles to review what is and is not recyclable as it ends up contaminating containers and said better sorting is needed at home.

VI. Public Comments – None

VII. Review of Minutes (old):

VIII. Technology Drive – WCOD Conditional Use. 121 Technology Drive. Conditional use for new gas line in the Wetland Conservation Overlay District (WCOD) to serve existing office, research, and light industrial building. R. J. Kelly/121 Technology LLC, property owner. Christal Ripley, Unitil, applicant. Stephen Herzog, VHB, engineer. Map 204, Lot 2. Office Research Light Industry District. Recommended action: Discuss and set public hearing date.

Stephen Herzog of VHB said as part of improvements at 121 Technology Drive, they are receiving new gas service; Until will install a natural gas main extension under pavement from Technology Drive onto the property, and there is a short area in which the path of the pipe will pass through WCOD 75-ft buffer, offset from jurisdictional wetlands. An application was sent for Planning Board approval for that work which will only cause temporary disturbance; reviewed by Conservation Commission.

Mr. Behrendt said everything in the application is in order and a Public Hearing needs to be set.

Chair Rasmussen set the Public Hearing for Technology Drive-WCOD for September 27, 2023.

IX. Public Hearings – Amendments about Procedures.

- A. Site Plan Regulations - Section 1.6.1 and Subdivision Regulations - Section 5.05A. Amendments to provide for notices to be sent by verified mail rather than certified mail.
- B. Site Plan Regulations - Section 1.6.2 and Subdivision Regulations - Section 5.05B. Amendments to provide for notices to be posted on the Town website rather than in a local newspaper.

- C. Planning Board Rules of Procedure - Section 5.5b). Amendment to provide that the Town Planner sets the date for public hearings for site plan and subdivision applications.

Recommended action: Adoption of amendments.

Councilor Hotchkiss MOVED to open the Public Hearing for Amendments about Procedures; SECONDED by Mr. McManus; APPROVED 5-0, Motion carries.

Richard Kelley arrived at the Planning Board meeting at approximately 7:16 pm.

Chair Rasmussen asked if anyone from the public wished to speak to the amendments; no Public Comment.

Councilor Hotchkiss MOVED to close the Public Hearing for Amendments about Procedures; SECONDED by Ms. Tobias; APPROVED 6-0, Motion carries.

Chair Rasmussen asked if there was anything in the changes not approved by the Planning Board; no objections were raised.

Councilor Hotchkiss MOVED that the Planning Board adopt the Amendments as presented; SECONDED by Mr. McManus; APPROVED 6-0, Motion carries.

- X. **Capital Improvements Program.** Review of proposed Capital Improvements Program (CIP) with Todd Selig, Town Administrator, and Gail Jablonski, Business Manager. Recommended action: Offer nonbinding comments and recommendations.

Town Administrator Todd Selig, accompanied by Business Manager Gail Jablonski, Fire Chief David Emanuel, and Fire Marshall Brendan O'Sullivan, with Public Works Director Rich Reine and Police Chief Rene Kelley on Zoom. He said items in the Draft Plan were submitted by various departments and entities supported by the Town of Durham. They are being reviewed and he is talking to departments.

Town Administrator Selig said the Capital Improvements Plan (CIP) in Durham is required by Charter to take a 6-year view into the future but Durham took a 10-year view; items are typically valued at \$10,000 or more and have a life span of 5 or more years. The first year in the proposed CIP will be incorporated into the Budget proposed for FY2024; fiscal year is a calendar year that begins January 1 and runs through December 31st and several department heads will present highlights this evening.

Police Chief Rene Kelley said his department is looking for 2 new cruisers (Ford Explorers) and has a 3-year replacement strategy: years one and two purchase 2 vehicles; year three purchase 1 vehicle; currently using 2 hybrid cruisers at 20% fuel savings; vehicles get shifted down to

detectives and administration. Parking Enforcement has 2 vehicles with the goal to replace them with EVs. He said a Master Class at UNH will do a research project on electric vehicles to provide more data and said there are a lot of cost considerations involved with charging stations and infrastructure;

Mr. Richard Kelley asked what a frontline cruiser puts on for miles in one year and Chief Kelley said approximately 30,000 miles/year but with more wear and tear on vehicles.

Fire Chief David Emanuel said the department put 2 items on the FY2024 CIP: Replace 2007 Ford F-350 Forestry and replace apparatus bay overhead doors. He said he met with Town of Durham and UNH Financial Oversight Committee regarding deficiencies at the fire station they are unable to correct; funds are allocated every year to replace or upgrade quarters for health and safety; currently they do not have enough square footage and some equipment is outside. They have looked at possible sites over the years to accommodate the Fire Department, EMS, and UNH Law Enforcement.

Town Administrator Selig said the concept estimated at \$20 Million for 2026 was a site identified on Waterworks Road on UNH campus, which would be a joint Durham Fire Department/UNH Police Department/McGregor EMS Public Safety facility with Fire Department cost shared 50/50 with UNH; construction costs today are running at 100% more. In the near term they are providing enhancements to existing departments; hope to secure Federal funding but no grants so far for this type of facility; share a joint Capital Reserve Fund with UNH for Fire Department.

Mr. DeCapo said it sounds like the timing of the building replacement is very much in flux and asked if there were any current deficiencies that impede health and safety. Chief Emanuel said the greatest would be the apparatus desk or engine room where doors from one truck hit the other; administration spaces were moved and integrated and they invested in painting and floor replacements; next project is a kitchen. He said in 2022 the department applied for \$1.8 Mil grant funding to offset some of those small projects but were not successful; did received \$983,000 for communication system and have \$600,000 out in Federal Grant funds for SCBAs.

Mr. McManus asked if the town is a tenant of the building owned by UNH. Town Administrator Selig said Durham leases the space and there is a net square footage allocation; full cost of lease is included in FD Operating Budget and UNH covers half; McGregor Memorial Ambulance sub-leases and reimburses Durham. Chief Emanuel said their 2023 allocation for building rent was \$231,000 (50/50). Town Administrator Selig said an architectural evaluation found the building more or less deficient in every modern metric; selecting a location for a Fire Station is complicated and needs to be centrally located to ensure appropriate response times.

Public Works Director Rich Reine said the department is broken down into Public Works, Buildings & Grounds, Operations Division, Sanitation, Water Fund and Wastewater Fund, with Road Program critical to maintain infrastructure. Roads to be improved this year: Dennison Road

including significant drainage work and work on ADA Facilities (curb ranges and sidewalks); Assessment tools allow us to program which roads are priorities and pair with underground work.

Director Reine said Public Works Operations put in a request for \$864,250 for a Drainage System Rehabilitation Program to address the entire drainage network of outfalls, culverts and catch basins; department was also successful in getting \$2,040,000 for 3 major Bennett Road culverts, 2 are failing and in poor condition; funding includes design and construction to supplement funding received for Bennett Road improvements. Other requests include \$40,000 for winter maintenance program for least impact on water resources, working with treated salt for roadways with less environmental impact, and storage for liquid materials and equipment.

Director Reine said another project is Madbury Road Complete Streets project with bids received for first phase of project to repair Littlehale culvert; next phase: roadway work as well as drainage Main Street to Garrison Road, design being finalized with construction in 2024. Chair Rasmussen asked what Phase I represents in the Madbury Road project. Director Reine said it includes 2 major culverts on Madbury and Edgewood Roads, with third culvert on Pettee Brook bid as alternate.

Mr. McManus asked the difference between reclamation and shim and oil. Director Reine explained that in paving there are certain treatment bands you want to address for roadways before stresses appear and explained the process in detail. All roadways were assessed with Street Logics software and roads rated on a pavement condition index of 0-100 to determine road conditions.

Town Administrator Selig said page 55 of CIP lists \$123,200 for road repaving at UNH, working with Town of Durham to get better prices on pavement. Director Reine said they have worked several years now with Continental Paving; the goal is to have 80% network wide; Performance Contracting software allows assessment of different scenarios. He said tomorrow is a meeting for a Stormwater Asset Management Grant received from the State to assess all stormwater infrastructure which also affects the potable water base with more turbidity in rivers; also related to MS4.

Director Reine reviewed two more projects: (1) proposing significant upgrades to Transfer Station to replace open-top containers for solid waste and recycling with compactors, 2 for solid waste and 2 for recycling, and spread the traffic queue over 2 locations; looking to retool the whole program. (2) Replacement of all 3 collection vehicles and proposed change to way solid waste is collected: containers will be provided to all residents and collected with a single split-body truck; grant being submitted which provides up to 45% funding for EV vehicles.

Director Reine said a crosswalk and pedestrian safety study has been taken with UNH to determine any immediate deficiencies at crosswalks; assessed by traffic operations engineer to come up with near-term solutions. Phase I includes rapid, rectangular, flashing beacons (RRFBs)

for pedestrian safety and visibility. Mr. McManus asked about using “vision zero” in the event of a pedestrian accident and if it would be adopted by the town. Director Reine said any kind of pedestrian conflict or incident is very concerning and the Traffic Safety Committee has 15-20 years of data; some capital money is available for a new dynamic speed board.

Mr. Kelley asked Town Administrator Selig if the town was anticipating years further out to be more in line with 2024 and 2025. Town Administrator Selig said they just started meetings with departments and have not had time to look at combined vision for the future; Business Manager Gail Jablonski said every year there are new unanticipated projects and it is very likely there will be increases. Mr. Kelley also asked about bonding amounts of \$5-7 Million year after year; Town Administrator Selig said the overall bonded indebtedness is in very good condition and the town’s credit rating is very good as well; Business Manager Jablonski said municipal bonding rates have not gone up that much.

Chair Rasmussen said before starting definitions there is a guest here in the audience.

Erika Naumann Gaillat of 14 Schoolhouse Lane said she has been in contact with Michael Behrendt, watching Planning Board meetings, and considering becoming part of the group. She said everything going on here affects her and future generations. Chair Rasmussen said he would chat with her after the meeting about joining the Board.

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

Signs: Mr. Behrendt said the Board will be going through the whole sign article and it makes sense to hold off on definitions and incorporate them at that time.

Significant: Chair Rasmussen said he was not sure this should be used in the Ordinance. Mr. Behrendt said it is used in a number of places and is an important concept because it underlies judgements the Board has to make. Mr. DeCapo said he agrees with the plan that when the work comes up the Board should examine it in each instance but he would not define the term. After further discussion the Board agreed to delete “significant” from definitions.

Site Plan: Mr. Kelley said the Board has an exhaustive list of what is required in Site Plan Regulations despite what we put for a definition. The board agreed to leave the definition.

Steep Slopes: Chair Rasmussen asked about adding Steep Slopes as a definition; Board agreed to table it.

Sludge: Chair Rasmussen said he sees no comments for the next few definitions.

Soil, Poorly Drained: Done through Solid Waste.

Special Exception: References Article 8.

Start of Construction: Mr. DeCapo questioned “a use that would not be appropriate generally”. Board agreed on: A use that is not permitted by right and requires approval of the Zoning Board of Adjustments. Chair Rasmussen asked if this was basically for Staff and Mr. Behrendt said it would take a look at it and get back to the Board.

Story: Chair Rasmussen said this is only for multi-use in Central Business District.

Street, Arterial: Highest order roads are listed. Mr. Kelley said Route 4 has controlled access and not arterial; cannot put a driveway. Chair Rasmussen said you can put a driveway with State permission.

Street, Collector: Middle order Roads listed; Board added Emerson and Bagdad Roads.

Street, Minor: Not arterial or collector.

Street, Private: Mr. DeCapo said he did not see this term being used and questioned the last sentence. The board agreed to delete the last sentence.

Street, Public: Mr. Behrendt asked that the Board come back to this definition and he will add where it is used and some of the parameters.

Structured Parking: Mr. Kelley asked that “garage” be removed and changed to “a stand-alone parking facility including at least 2 levels of parking” or incorporated within residential dwelling units within the multi-use; asked to delete “heavy duty” before concrete. Ms. Tobias asked to remove “substantial” before structure. Mr. Behrendt said he would clean up the first sentence; the Board agreed to strike last sentence and keep 2nd sentence.

Chair Rasmussen asked if Student Housing should be added. Mr. DeCapo said he would vote *not* to define it, and said the Board knows well enough what they are talking about and where they do not, they disagree. Chair Rasmussen agreed and the Board decided against defining it.

Subdivision: Mr. DeCapo asked about leasing a subdivided lot; Mr. Kelley asked to delete “for the purpose” and say *subdivision of land or a condominium trust or conveyance*. Mr. Behrendt suggested: “division of a lot into 2 lots or more or the creation of a condominium”.

XII. Other Business

XIII. Review of Minutes (new): August 23, 2023; reviewing August 9, 2023

Chair Rasmussen said Emily is forwarding comments to Karen.

Chair Rasmussen MOVED to accept the Planning Board Minutes of August 9, 2023; SECONDED by Councilor Hotchkiss; APPROVED 6-0, Motion carries.

XIV. Adjournment

Ms. Tobias MOVED to adjourn the Planning Board Meeting; SECONDED by Mr. Kelley; APPROVED 6-0, Motion carries.

Durham Planning Board Meeting

September 13, 2023

Page 8

Chair Rasmussen adjourned the meeting at 9:33 pm

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board