

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

**TOWN OF DURHAM
DURHAM PLANNING BOARD**

Wednesday, October 11, 2023

Town Council Chambers, Durham Town Hall

7:00 pm

DRAFT MINUTES

MEMBERS PRESENT: Paul Rasmussen (Chair), Heather Grant (Vice Chair), Richard Kelley, Peyton McManus, Sally Tobias, Chuck Hotchkiss (Alternate Council Rep), Chris McClain (Alternate); Emily Friedrichs (Council Rep – arrived late)

ABSENT: William McGowan, Tom DeCapo (Alternate)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Rasmussen called the meeting to order at 7:01 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen seated Chris McClain for Bill McGowan and Chuck Hotchkiss for Emily Friedrichs.

III. Approval of Agenda

Mr. Kelley MOVED to approve the Agenda for September 13, 2023 as presented; SECONDED by Mr. McManus; APPROVED 7-0, Motion carries.

IV. Town Planner's Report

Mr. Behrendt said there would be a tour of the Cottages in Dover tomorrow at 9:00 am, developer John Randolph is here tonight, and everyone is welcome.

V. Reports from Board Members who serve on Other Committees

Reporting from IWMAC: Vice-Chair Grant said IWMAC met and discussed more on composting and getting word out on "recycle, reuse, reduce"; Library to host in-depth composting discussion.

Reporting from Town Council: Councilor Hotchkiss said the Town Council met 10/2/2023 and had a long unanimous consent agenda; report from Jake Kritzer from Conservation Commission, from School Superintendent Morse; presentation from Jen Czysz of Strafford Regional Planning Commission; Paul Rasmussen spoke about HTF, created a sub-committee to work on wording of HTF Mission Statement.

VI. Public Comments – None

VII. Review of Minutes (old):

VIII. Harmony Homes – Day Care Center. 55 Briggs Way (off Route 4). Conditional use application to convert existing accessory day care facility to day care center open to the public. Grant Circle LLC, c/o John Randolph, property owner. John Randolph and Maggie Randolph, applicant. Tax Map 209, Lot 77. Durham Business Park Zone. Recommended action: Schedule public hearing.

John Randolph of Grant Circle LLC said his childcare has been up and running for a year now. The facility is licensed for 9 children and with 3 open positions he decided to open the facility to the public to better serve the community; the State is also short 29,000 slots for childcare. He said financially it is a benefit to his employees and he would keep the charge at cost; number of slots based on licensing at location and amount of space. Hours of operation: 7 am to 4:30 pm; increasing staff would open more hours.

Mr. Kelley asked if the application was complete; Mr. Behrendt said application is not required for CU and Board has everything they need.

Chair Rasmussen scheduled the Public Hearing for Harmony Homes for October 25, 2023.

Chair Rasmussen welcomed Emily Friedrichs at 7:10 pm as voting Council representative.

IX. Lot Line Adjustment – Back River Road. Lot line adjustment between two lots:

- a) 33 Back River Road, Map 209, Lot 5, Durham/117 Piscataqua Bridge Road, Map 11, Lot 9, Madbury – owned by Lisa Beaudoin Trust
- b) 115 Piscataqua Bridge Road, Map 11, Lot 9B, Madbury – owned by Jay and Susan Trahan.

Scott Boudreau, Surveyor. Residence Coastal. Recommended action: Accept as complete and schedule public hearing.

Scott Boudreau, Land Surveyor, said he is putting together a lot line adjustment for 115 and 117 Piscataqua Road in Madbury and in Durham; approved by Madbury Planning Board pending approval by Durham; adjustment to fit lot to what it feels like already. Plan shows existing dashed lot line which is being moved to dark line with a portion in Durham. Total area for Parcel A, with portion in Durham Parcel B; triangular piece being conveyed to 115 Piscataqua.

Councilor Friedrichs asked how much the lot size would change and Mr. Boudreau said by 0.51 acre (Parcel A area). Mr. Behrendt said the application is complete.

Chair Rasmussen MOVED to accept the application for Lot Line Adjustment - Back River Road as complete; SECONDED by Mr. Kelley; APPROVED 7-0, Motion carries.

Chair Rasmussen scheduled the Public Hearing for Lot Line Adjustment for October 25, 2023.

- X. Presentation about Planned Unit Development tool.** Presentation by the Durham Town Planner about a planning tool useful for accommodating and reviewing large scale mixed-use projects, potentially to be used for the proposed UNH West Edge project. *Recommended action:* Discussion only at this time.

Mr. Behrendt said the reason for the proposed PUD Ordinance is that UNH is hoping to develop the West Edge between Main Street and Mast Road, using land for high-value purposes to create a high-tech village with a small network of streets, a walkable area with mixed-use residential and retail. This is being driven by high-tech demand from private companies to associate with UNH and be located nearby; UNH getting money in grants for tech area connections with private industry creating partnerships.

Mr. Behrendt said West Edge development would be private companies, buildings may be privately owned but limited to UNH activities, and will be subject to Town Zoning and taxation. UNH may retain ownership of land and lease buildings but has to partner with the Town for project approval; best way for large mixed-use areas precisely designed is with a PUD. With mixed use today everything is separated with traffic on arterial roads.

Planned Unit Development (PUD) allows innovative, carefully designed mixed-use development on a large parcel; allows landowner to propose plan independent from zoning; specifies its own uses and design parameters; functions as special zoning designation for a particular tract of land; incorporates site drawings and narrative plan; should be superior to what could be developed under conventional zoning; should yield significant benefits to landowner and community with density, flexibility, and good design.

Mr. Behrendt said if Durham adopts a PUD Ordinance, requirements can set location (only in ORLI and MUDOR), specify minimum parcel size under unified control, require use of Town water & sewer, mix of uses, minimum amount of open space. Components must include detailed architectural plans and plans for landscaping, lighting, pedestrian ways, etc.

The Planning Board and Town Council then develop criteria of review for proposals: conforms with intent, requirements, and objectives; includes a general standard of excellence; uses elements of traditional neighborhood developments; harmonious design; provides strong positive benefit for Durham consistent with Town Master Plan (Land Use Chapter); is generally consistent with 8 CU criteria.

Once PUD Ordinance is in place it would have to be adopted as part of Zoning; process: applicant meets with Planning Board for preliminary review, formal submission, public hearing, negotiation, approval with a new zoning designation given to parcel: i.e., "PUD-Oyster River". Chair Rasmussen asked if the Board needs to write an ordinance that creates the process or

creates the details of what the PUD has to have. Mr. Behrendt said he put together a draft ordinance to spell things out which would be a separate article in Zoning.

Vice-Chair Grant said it seems similar to a Conservation Subdivision. Mr. Behrendt said yes but it will be a separate article and process with its own standards and the ordinance will spell out criteria, requirements, and process for any application. He said the Planning Board has to find it high quality and harmonious and said he preferred a PUD somewhere in the middle with parameters that define what you want but still keep it open with a high degree of flexibility.

Mr. Behrendt said if an application does not conform with intent and differs significantly, the PUD would have to be amended so the site plan conforms. If an amendment is required it could involve submitting the amendment to Planning Board, then going to Town Council, or require a super-majority for approval. If a PUD is extinguished could revert to prior zoning or different zoning district; anything built in conformance would be grandfathered.

Mr. Kelley said there was a Planners Review 3 ½ years ago discussing PUDs and entertaining recognizing them. Chair Rasmussen said at that time UNH Board of Trustees had a major change in personnel and took everything potentially revenue generating off the table, and these were smart ideas. He said there was a big backlash that UNH was moving away from its agricultural roots.

Jeff Kanable said UNH is considering the team of Stiletto and another company to help UNH plan and implement The Edge at UNH. He said the West Edge is approximately 35 acres across, 45 acres if you include additional parcels east of Mast Road and the buildings in West Edge are all inclusive of the land. He shared his screen with a map of the West Edge area. Chair Rasmussen said there are 3 steps for the PUD: define where it would be appropriate (ORLI, MUDOR), PUD could be anywhere in those zones, it is approved only for that particular area of it.

Mr. McClain asked what safeguards can be put in place to make sure the project is financially viable and Mr. Behrendt said it should be a large developer who undertakes the project. Mr. Kelley asked if that could be a condition in the PUD that developer demonstrate financial means. Chair Rasmussen said the trouble with the upcoming project is it will be a family of bidders; he asked if UNH is doing the buildout then bringing in tenants or selling parts within the PUD to partners.

Mr. Behrendt said UNH does not have the money to provide infrastructure and erect buildings and is still figuring out their strategy with consultants on how to leverage the private parties to build the infrastructure with a mechanism for a fair share. Mr. Kelley asked why UNH needs the town as all UNH is public land. Chair Rasmussen said because partnerships are not part of the mission of UNH which makes it a private enterprise. Mr. Behrendt said privately owned but subject to town zoning and taxation.

Vice-Chair Grant asked who owns the PUD and who would be presenting. Chair Rasmussen said the company UNH hires to get through the process, and once the PUD is adopted it is effectively our zoning. Mr. Behrendt said UNH will retain control in perpetuity. Chair Rasmussen said some of the infrastructure in the Edge as a whole is vital to the Town and will need to be moved first: State has fueling pumps there and all tanks will have to be moved someplace else, which will matter significantly.

XI. Proposed 2024 Planning Board Schedule.

The board agreed to schedule all 5th Wednesdays as meetings to work on zoning edits and updates and 4 dates were added in.

XII. Other Business

Next steps for Zoning Rewrite

Chair Rasmussen said the Board would get the zoning definitions back for a final check and he hoped to have them to the Town Council by January. He suggested the Board next do a quick pass through the Table of Uses and fix what does not make sense, saving longer conversations for later. Councilor Friedrichs said the Board should look at the Table of Uses and try to get rid of CU as much as possible. Mr. McManus asked that the Chair share pertinent information on Table of Uses review before the Board's discussion.

Mr. Behrendt said the Board will probably be getting a CU application on October 25th; a non-profit organization called Arts in Reach with programs for young girls is looking at buying a single-family house at 81 Dover Road. He said they are under a tight timeframe with seller and are hoping for approval at Public Hearing (November 8); will also send a site plan approval after CU.

Councilor Friedrichs said ze did not know if that property did septic work and said it also has wells, and that information will be crucial for CU approval. Mr. Behrendt said for this CU the site is existing (house and barn) and there would be a condition they subsequently get a Site Plan approved and address any issues. He said probably permission from DOT will also be needed as the property is on Route 108, and he recommended a site walk.

XIII. Review of Minutes (new): September 13, 2023

Mr. Kelley made corrections on page 6: Line 10 – Billion should be “Million”; line 17 – name should be “Erika Naumann-Gaillat”.

Councilor Friedrichs passed zir vote to Councilor Hotchkiss as ze did not attend the meeting.

Mr. Kelley MOVED to approve the Planning Board Minutes of September 13, 2023 as amended; SECONDED by Ms. Tobias; APPROVED 5-0 with 2 abstentions, Motion carries.

XIV. Adjournment

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

Chair Rasmussen adjourned the meeting at 8:35 pm

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board