

These minutes were approved at the February 14, 2024 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD**

Wednesday, January 10, 2023

Town Council Chambers, Durham Town Hall

7:00 pm

MEMBERS PRESENT: Heather Grant (Vice Chair), Sally Tobias, Richard Kelley, Tom DeCapo (Alternate), Chuck Hotchkiss (Alternate Council Rep), Erika Naumann Gaillat (Alternate), Peyton McManus

MEMBERS ABSENT: Paul Rasmussen (Chair), William McGowan, Chris McClain (Alternate), Emily Friedrichs (Council Rep)

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 Bill McGowan, Erika Naumann Gaillat for Paul Rasmussen, and Chuck Hotchkiss for Emily Friedrichs as Council Representative.

Ms. Tobias MOVED to approve the Agenda for January 10, 2024 as presented; SECONDED by Councilor Hotchkiss; APPROVED 7-0, Motion carries.

IV. Town Planner's Report

Mr. Behrendt said Housing Needs Assessment was received and a Public Hearing held on proposed changes with two distinct comments: (1) have not reached out to the community to know what people really want; (2) where is the data supporting all those changes. He said the Housing Task Force (HTF) applied for a Housing Needs Assessment Grant of \$25,000, used 20,000, and have \$5,000 for a community forum in summer; HTF also completed a questionnaire. Councilor Hotchkiss asked for the deadline for comments; Mr. Behrendt said about 2-3 weeks, and he would give back one set of comments/questions to the consultant.

V. Reports from Board Members who serve on Other Committees

Reporting from Town Council: Councilor Hotchkiss said Town Council met and had presentations from Dr. Morse at School District, Energy Committee Chair Mathias Dean Carpentier, and Steve Holmgren re Community Power Aggregation; voted on Fire Department equipment purchase; approved set of changes to Town Ordinances by Karen Edwards; began TA evaluation process.

Reporting from AG Commission: Mr. DeCapo said the Agricultural Commission did not meet.

Reporting from Conservation Commission: Mr. Kelley said the Commission has not met; next meeting January 22, 2024.

Reporting from the Housing Task Force: Ms. Tobias reported that HTF had John and Maggie Randolph of Harmony Homes, builders of cottages in Dover, who are in contact with a property owner interested in creating the same experience in Durham and discussed options they would have; would require a zoning change; property mentioned in housing assessment as a potential location for workforce housing; HTF reviewing on January 29, 2024.

Mr. DeCapo asked how many units the property support might. Mr. Behrendt said this 120-acre lot is the most developable for Workforce Housing and would not be visible from the road. Acting Chair Grant said there is also a Class 6 road on the other side.

Reporting from IWMAC: Vice Chair Grant said the Committee met January 3 with light attendance; discussed acceptance into a Capstone project with UNH for students to help with targeted communications and other ways to reach out.

VI. Public Comments

VII. Review of Minutes (old):

VIII. Review of Definitions in Zoning Ordinance. Review of the Zoning Ordinance as part of the zoning rewrite. The board completed a first pass through the Definitions. The board is starting the second review. Once the board is satisfied with the proposed changes an amendment will be presented for a public hearing. Recommended action: Continued review.

Pages 34, 35, 36: No changes.

Page 37: Planned Unit Development (PUD) – added.

Page 38: Principal Use – Mr. Kelley asked if “or most” was deleted; Mr. Behrendt said they were keeping it because sometimes there are 2 principal uses. The board decided to strike “or most”.

Page 39: Recreational Facility Indoor/Outdoor – For *Outdoor*, Board agreed on “outdoor sports and leisure, and recreational activities”. Mr. McManus asked why “non-commercial” was used; Mr. Kelley said it was prohibited in all Residential Zones; Mr. Behrendt asked if commercial would fall under outdoor facility, allowed by CU in some zones with playing fields allowed by right.

Page 40: Reference Line – Should be moved to Wetland and Shoreland Zones; add “see that district”.

Residence, Student Housing – Mr. Behrendt said this is described on page 48.

Residence, Multi-Unit – Mr. DeCapo compared to *Residence, Duplex* and said definition seems to cover dwelling units in separate, stand-alone buildings. Suggestion changing Duplex to “one or

more buildings with a total of 2 dwelling units". Board discussed in depth. For *Multi-Unit* suggestion of "1 or more buildings with a total of 3 or more dwelling units, attached or detached". Mr. Behrendt said multi-unit is not allowed anywhere but that will probably be expanded. Councilor Hotchkiss asked if the Board was conflating definitions that relate to a building with definitions that relate to what sits on a parcel of land. Mr. Kelly suggested *Residence, Multi-Units*, plural. Mr. Behrendt asked if multiple single units should be allowed, and a category assigned.

Residence, Multi-Unit Complex – Multiple buildings with 2 or more dwelling units of any residential type. Mr. Behrendt said there could be a category of *Single-Family Compound*. Mr. Kelley said a much bigger discussion is the subsequent conveyance of all these parcels.

Page 41: *Restaurant* – Changed "within the principal building" to "on site".

Rooming House – Mr. McManus asked if the discussion on Boarding House was the same thing; Mr. Behrendt said it was.

Page 42: *Senior Housing* – Changed to "senior housing refers to a development in which".

Page 43: *Shore Frontage* – Mr. Behrendt said in the Table of Dimensions shore frontage is listed in feet and is 200 ft in the 4 residential zones. Board added: "see Table of Dimensions"; water bodies also specified in Ordinance.

Short-Term Rental – Deleted "accommodating no more than 3 unrelated persons".

Signs – Moved to Article XXIII.

Page 45: *Solid Waste* – Ms. Naumann Gaillat said it says solid, but definition includes liquids and gases. Mr. Behrendt said it distinguishes from wastewater/sewage and asked if the Board should keep "putrescible" and Board agreed.

Page 46: *State of Construction* – Mr. Kelley asked why this was being deleted. The board felt it was obvious and not needed; Mr. Behrendt said he would discuss it again with Audrey.

Street, Arterial – Mr. Behrendt said there are different setbacks for *Street, Collector*. Mr. Kelley said often those orders of streets refer to traffic volume.

Page 47: *Structured Parking* – Board changed "at least 2 levels" to "2 or more levels".

Page 48: *Student Housing* – Suggested definition of Student Housing; Acting Chair Grant recommended allowing this in only in professional area zone and be done with the argument. The board liked the definition; Mr. Behrent said it conveys what is thought of as student housing but did not think it could be included in the Table of Uses and questioned its legality. Board discussed in depth. Suggestion to restrict the unit design and business plan; put burden of proof on developer; Mr. McManus said student housing is also expensive and subsidized by parents.

Mr. Behrendt said to put in the Table of Uses it must say it is rented by the bed with limited shared living space, must be equal to at least 25% of gross area of unit, and some bedrooms have

bathrooms attached. The Board did not feel details needed and agreed to start with the definition; Board agreed to “ a development designed for full-time college students”.

XI. Other Business

Rescheduling April 10 Meeting

It was suggested that this be moved to the next meeting when there was the possibility that all of the members were present.

XII. Review of Minutes (new): November 29, 2023; December 13, 2023

Mr. DeCapo said he sent a correction to Karen.

Ms. Tobias MOVED to accept the Planning Board Minutes of November 29, 2023 as amended; SECONDED by Councilor Hotchkiss; APPROVED 7-0, Motion carries.

Acting Chair Grant MOVED to accept the Planning Board Minutes of November 29, 2023; SECONDED by Mr. McManus; APPROVED 5-0 with 2 abstentions, Motion carries.

XIII. Adjournment

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

Acting Chair Grant adjourned the meeting at 9:02 pm

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board