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2 **TOWN OF DURHAM**  
3 **DURHAM PLANNING BOARD**

4 **Wednesday, April 10, 2024**  
5 **Town Council Chambers, Durham Town Hall**  
6 **7:00 pm**

7 **DRAFT MINUTES**

8  
9 **MEMBERS PRESENT:** Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Peyton McManus, Tom  
10 DeCapo (Alternate)

11 **MEMBERS ABSENT:** Richard Kelley, Bill McGowan, Heather Grant (Alternate Council Rep), Chris  
12 McClain (Alternate), Erika Naumann Gaillat (Alternate), Emily Friedrichs (Council Rep)

13 **ALSO PRESENT:** Town Planner Michael Behrendt  
14

15 **I. Call to Order**

16 Chair Paul Rasmussen called the meeting to order at 7:00 pm.  
17

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

19 Chair Rasmussen called the roll; Tom DeCapo approved as a regular member but not yet sworn  
20 in; seated Tom DeCapo as Alternate for the vacancy; four voting members=quorum.  
21

22 **III. Approval of Agenda**

23  
24 ***Vice-Chair Tobias MOVED to approve the Agenda for April 10, 2024 as presented;***  
25 ***SECONDED by Tom DeCapo; APPROVED 4-0, Motion carries.***  
26

27 **IV. Town Planner's Report**

28 No Report.  
29

30 **V. Reports from Board Members who serve on Other Committees**

31 Reporting from Agricultural Commission: Tom DeCapo said the AG Commission met Monday and  
32 continued to work on focus group of residents for collaborative agriculture; further discussion of  
33 high-quality soils in parcel being discussed for workforce housing.  
34

35 Mr. Behrendt said at least 50% of gross acreage will be set aside as permanent open space and  
36 prime soils will be part of that.  
37

38 Reporting from Housing Task Force (HTF): Chair Rasmussen said Housing Task Force met Monday  
39 with presentations from Al Howland and Jim Lawson re School District funding and analysis of  
40 number of school-age kids to try to convert number of bedrooms to financial cost to Town; basically  
41 said no effect.  
42  
43

1 **VI. Public Comments**

2

3 **Beth Olshansky** said she appreciated Dr. Morse coming this evening to share information  
4 regarding school district capacity and asked about the prediction for increased kindergarten class  
5 sizes and the long and short-term plans to deal with overpopulation in a given year.

6

7 **VII. Review of Minutes (old):**

8

9 **VIII. 9 Dover Road – Conditional Use.** Conditional Use application for retaining an existing  
10 parking lot for parking as a principal use (i.e., for parking that can be rented to people from  
11 off site). Fred Kell, c/o Tyche Capital Group, LLC, property owner. Map 108, Lot 43.  
12 Courthouse District. Recommended action: Set public hearing.

13

14 Fred Kell said this is a multiunit building in Durham with a parking lot on one side and driveway  
15 on the other, with fewer tenants than can occupy all open parking spaces allowing rental to non-  
16 residents. The parking lot exists with 8 spaces on the right and room for 4 more in lot.

17

18 Chair Rasmussen said no changes to site, no structural or engineering changes, and no lot  
19 expansion. The board discussed the issues. Mr. Kell said there are currently 7 tenants with 6 cars  
20 and anticipates 12 spaces total with 4 rented annually.

21

22 Chair Rasmussen set the Public Hearing for April 14, 2024.

23

24 **IX. Discussion with Dr. James Morse, Superintendent of the Oyster River School District.** The  
25 board will discuss with Dr. Morse school capacity, expected changes in enrollment, the  
26 school funding formula, and potential impacts from a possible workforce housing project.  
27 Recommended action: No particular action recommended.

28

29 Dr. James Morse provided official school enrollment from October 1, 2023 and said every spring  
30 and fall they make sure to meet School Board goals for recommended class sizes: max of 18 for  
31 Kindergarten, 22 for grades 2-12. He spoke about aggregate capacity and projected enrollment  
32 and said in some instances grade capacity increases or decreases year over year, and the total  
33 number of children in primary school is now less than it was 6 years ago.

34

35 Dr. Morse said Moharimet Elementary School in the past usually exceeded recommended class  
36 sizes and a neighborhood was redirected to Mast Way to help balance the two schools;  
37 Moharimet now has about 300 and Mast Way about 330. He said to address the question raised  
38 earlier, the School Board does not assign Kindergarten until August to be able to balance  
39 enrollment by monitoring closely from now until June to keep class sizes within policy.

40

41 Dr. Morse said you cannot assign students based on aggregate numbers and said it is the work of  
42 administration and the school principals to make sure classes are not overenrolled. He said right

1 now the concern is with Kindergarten and with grade 3, and proposals will be made to School  
2 Board on how to address that; 134 children coming into Kindergarten with a possible 5<sup>th</sup> class at  
3 Mast Way. He said enrollment projections are educated estimates.

4  
5 Dr. Morse said Oyster River High School includes Lee, Madbury, Durham, and actively recruiting  
6 tuition kids from Barrington to utilize its fullest potential and ensure robust programming.  
7 Barrington pays \$19,000/year per student with \$4,100/student State subsidy in fall; tuition  
8 students become a major source of revenue at approximately \$3.5 Million.

9  
10 He said though enrollment is full by definition that does not mean more kids cannot be taken in:  
11 High School can take in more if numbers do not trigger new building, Middle School grades 5-8  
12 seeing slight decline, Elementary School would be grade by grade; new teachers can be added at  
13 Mast Way for additional kindergarten class. He said about a dozen teachers are now retiring and  
14 young teachers are not able to find housing in Durham, and he sees workforce housing  
15 accommodating new teachers.

16  
17 Dr. Morse said he does not see much of a difference in fixed costs with increased enrollments,  
18 but wear and tear on buildings would be more significant as well as maintenance costs. Over the  
19 last few years, they have invested money in upgrading both Elementary Schools, building a new  
20 Middle School, and making sure the High School facility is in good shape. For High School every  
21 100 students will require 4 new teachers in core curriculum areas which could restrain the  
22 number of electives on offer due to space. He said all changes under his tenure have been  
23 deliberate and designed to enhance efficiency.

24  
25 Dr. Morse said homelessness has gone up and students would usually go to Dover as they have  
26 the space; Durham is required to service the children but would have to pay for transportation.  
27 He said Assistant Superintendent Suzanne Filippone takes this very seriously with 2-3 dozen  
28 families today; a significant societal problem just reaching the area; also have people barely  
29 getting by who do not qualify for services and are struggling financially to keep students in the  
30 schools.

31  
32 Mr. Behrendt asked what kind of pupil generation Durham might see from a good-sized potential  
33 workforce housing project. Dr. Morse said enrollment across New England has seen a dramatic  
34 decrease and does not see a dramatic impact on students from a project. He said currently homes  
35 have less than 20% of children in school; data supports some students but not hundreds; average  
36 is 1.2 children per 2-BR.

37  
38 Mr. DeCapo asked whether under-enrollment or over-enrollment is more of a concern. Dr. Morse  
39 said he is concerned about over enrollment in Kindergarten, as that is a critical point in a child's  
40 education, and about under enrollment at the Middle School with fewer elementary students  
41 going in; continues to monitor student/teacher ratios and programs. He said another issue is  
42 whether they may want to bring in tuition students to the Middle school; right now, have 3-4

1 students paying full tuition due to the Strings Program and Robotics. He said if projections hold  
2 true there will be no tipping point in the near future.

3  
4 Dr. Morse said the High School has room inside the building, Moharimet is landlocked with  
5 nowhere to push a building; Mast Way has been enlarged twice and property footprint could be  
6 expanded again; for High School would need to handle Barrington tuition students (currently 180,  
7 max 200). He said employees living and working in a community are more committed to that  
8 community and it becomes more than a job and part of their life.

9  
10 Dr. Morse said the secret to workforce housing is the proportion of units, and being deliberate  
11 about it will control the number of students. Chair Rasmussen asked how home-educated  
12 students are allocated to a school. Dr. Morse said Durham supports home education to the extent  
13 desired by the parents and supports participation in desired programs; the more we support the  
14 parents, the more likely their children will be ready to enter our school system.

15  
16 Chair Rasmussen said it sounds like there is enough capacity for additional Kindergarten students;  
17 Dr. Morse said they will evaluate in June to prepare for fall and if a 5<sup>th</sup> class is made at Mast Way,  
18 he will make a recommendation to the School Board before leaving. He said he felt this project  
19 was important for the community and he will offer whatever support he can.

20  
21 **X. Public Hearing – Rewrite of Article II. Definitions in Zoning Ordinance.** The article has  
22 been substantially rewritten including related changes to the Table of Uses. One can review  
23 the draft at [https://www.ci.durham.nh.us/boc\\_planning/zoning-re-write-definitions-0](https://www.ci.durham.nh.us/boc_planning/zoning-re-write-definitions-0).  
24 Recommended action: Hold public hearing and decide on next steps.

25  
26 ***Peyton McManus MOVED to open the Public Hearing for Definitions in Zoning Ordinance;***  
27 ***SECONDED by Vice-Chair Tobias; APPROVED 4-0, Motion carries.***

28  
29 **Beth Olshansky** asked that the definition of Surface Parking be corrected to open-air parking area  
30 situated on the ground at “existing” grade.

31  
32 **Robin Mower** asked that the Public Hearing remain open as several members of the Planning  
33 Board are absent and might want to weigh in on presentations. Chair Rasmussen said a Board  
34 can do business with a quorum. The board agreed and recommended going through written  
35 comments of Robin Mower and Liz Durfee.

36  
37 **Review of Written Comments on Definitions**

38 Page 1, adding a comma after the last item in a series for consistency.

39 Accessory Dwelling Unit: Questioning suggested abbreviations; left as is.

40 Awning: Say “cloth and metal” and eliminate *similar material*.

41 Boarding House: Creating definition for potential future use; currently not allowed anywhere.

- 1 Buffer/Buffering: Add “thereof” after combination.
- 2 Buildable Area: Keep as is.
- 3 Daycare Facility: “Daytime” deleted; no further change.
- 4 Club: No changes
- 5 Community Center: Keep “or portion thereof”; delete second part.
- 6 Condominium: Leave as is.
- 7 Driveway: Change to “one or more structures on site”; delete the rest.
- 8 Floor Area, Habitable: Submitted and approved implied; add “Under this definition”.
- 9 Grade: Keep as is.
- 10 Grade, Existing or Natural: Leave as is.
- 11 Lot Line c. Through Lot: Moving last line to beginning.
- 12 Mixed Use with Residential: Delete extra period; no other changes.
- 13 Motor Vehicle Gas Station: Keep as is.
- 14 Office: No changes.
- 15 Older Single-Family Residence: Left as is.
- 16 Overlay District: Delete end quotes.
- 17 Parking Lot: Add “at *finished* grade” and replace “surface parking” with *parking lot*.
- 18 Parking Garage: Second sentence: “A parking garage may be completely enclosed or supported  
19 by open columns and the parking or portions of the parking may be situated below ground”.
- 20 Performance Guaranty: No qualifier added.
- 21 Planned Unit Development: Keep as is.
- 22 Public Utility: Add after regulations “where the recipients pay for the service directly”; add “and  
23 sometimes transportation services” at end of second sentence after comma.
- 24 **Robert Sullivan** suggested adding district heating and district cooling; Board left as is.
- 25 Public Way: Hyphenate “right-of-way” and make consistent throughout document.
- 26 Residence, Single-Family: Eliminate “including” in last sentence.
- 27 Screen (or Screening): No changes.
- 28 Senior Care Facility: Change last sentence to “residents *who* require assistance”.
- 29 Senior Housing: Discussed changing senior housing to “age-restricted housing”.
- 30 Shore Frontage: Wait to coordinate with WCOD/SPOD rewrite

1 Structure: Change second sentence to “structure includes but is not limited to...patio, *and* minor  
2 installations such as flagpole, light pole, and mailbox”.

3 Student Housing: Add after c) “*there is* limited shared living space”.

4 Workforce Housing Board agreed definition needs to be included; Ms. Mower recommended  
5 splitting it into 2 parts, one for sales and one for rental. The board discussed the issue and agreed  
6 to keep as is.

7 Section 175-120. General Provisions. 2: Add language in blue as written.

8

9 **Table of Uses**

10 Added *Residence, Multi-Unit Complex* as “P” in MUDOR.

11 Added *Student Housing* as “CU” in Professional Office (PO).

12 Switch *Parking Lot* and *Parking Garage* on table (as noted by Liz Durfee).

13

14 ***Vice-Chair Tobias MOVED to close the Public Hearing for Definitions in Zoning Ordinance;***  
15 ***SECONDED by Tom DeCapo; APPROVED 4-0, Motion carries.***

16

17 **XI. Workforce Housing – Potential Zoning Amendment.** (Time permitting) Continued  
18 discussion about issues related to potential zoning amendments to facilitate the creation  
19 of workforce housing. The Planning Board put aside an earlier proposal and is now working  
20 on a new/revised draft. Recommended action: Continued discussion.

21 Not addressed.

22

23 **XII. Other Business**

24

25 **XIII. Review of Minutes** (new): February 28, 2024 & March 13, 2024

26 Postponed to next meeting.

27

28 **XIV. Adjournment**

29

30 ***Vice-Chair Tobias MOVED to adjourn the Planning Board Meeting; SECONDED by Peyton***  
31 ***McManus; APPROVED 4-0, Motion carries.***

32

33 Chair Rasmussen adjourned the meeting at 10:09 pm.

34

35 Respectfully submitted,

36 Patricia Denmark, Minute Taker

37 Durham Planning Board