

These minutes were approved at the February 26, 2025 meeting.

**TOWN OF DURHAM
DURHAM PLANNING BOARD MEETING**

Wednesday, January 22, 2025

Town Council Chambers, Durham Town Hall

7:00 pm

MEMBERS PRESENT: Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Peyton McManus, Robert Sullivan, Gary Whittington, Heather Grant (Alternate Council Rep); Richard Kelley; Emily Friedrichs (Council Rep)-arrived late

MEMBERS ABSENT: Erika Naumann Gaillat (Alternate)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

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

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll and seated Heather Grant as Council Rep.

III. Approval of Agenda

Planning Board made no changes to the agenda.

IV. Town Planner's Report

Town Planner Michael Behrendt said the Mill Plaza applicant postponed to February 12; Tom DeCapo submitted his resignation from the Board as Alternate; letter sent to 361 Durham Point Road, visited the site and found a number of wetland buffer violations, asked for response from representative within 3 weeks.

Mr. Kelley said as well as buffer violations, the outlet of the pond is delineated wetland, which is under DES, and when the subdivision was developed, the Nature Conservancy made it clear the Conservation Easement was over the entire parcel.

V. Reports from Board Members who serve on Other Committee

Reporting from IWMAC: Chair Rasmussen said a zoom meeting was held with Brattleboro, VT re their townwide and countywide composting program; meeting is on DCAT. He said they pick up in the core of the town and have a county drop-off center serving the towns; trademarked as Brattle Grow and sold primarily in bulk to commercial outlets.

Reporting from the Town Council: Councilor Grant said there has not been a Town Council meeting.

Mr. Behrendt said there is a Public Hearing coming up with Town Council February 3; will see where Student Rental Ordinance goes with Town Council; trying for Historic District Commission Minor Site amendment February 17; Downtown Zoning Subcommittee March 3.

Reporting from the Traffic Safety Committee: Mr. McManus said the Committee met January 9 and discussed Route 4 and Madbury Road intersection being redesigned by NH DOT as a roundabout, DOT will open for Public Comment; there was citizen request to remove a speed table on Madbury Road due to noise and vehicle damage and a discussion with UNH on how to connect with Mill Pond.

VI. Public Comments

Joshua Meyrowitz of 7 Chesley Drive said minutes and information should be provided to the public as soon as they are available. He said his comment about including the information provided by Fire Warden O'Sullivan about how the Fire Code would interact with the ordinance is critical information for Council understanding and asked the status of his request.

Councilor Friedrichs arrived at the Planning Board meeting at 7:14 pm.

VII. Review of Minutes: (old) December 11, 2024

VIII. The Edge Project. Update from Ken Weston, UNH Executive Director of Campus Stewardship, about The Edge project at UNH.

Ken Weston, UNH Executive Director of Campus Stewardship/University Architect, said he is in charge of the planning, designing, and construction for 3 campuses and is working on the Edge Project, an innovation district where industry partners can co-locate with our research programs to create a vibrant mixed-use walkable community with sidewalks and street trees to replace the industrial park model.

Mr. Weston said the project is planned for the west edge of campus on an approximately 40-acre parcel at Mast Road and Main Street. Market research and analysis of different real estate models was done; RFI published in May of 2024 with 15 responses, all interviewed; took those ideas and developed an RFP proposal which went live in December 2024. Plan is to interview all reasonable proposals from March to June 2025 and bring forward to leadership for review and approval.

Mr. Weston said they have an existing federal partnership underway with NOAA offering \$20M to sponsor us to build a Center of Design Excellence in Ocean Mapping, and UNH has a very strong research team in that sector. He said they are also partnering that NOAA Grant to co-locate UNH programs with federal partners, building 35,000 or 70,000 sq ft of high-bay space, office space, and training. NOAA has engaged directly with a consultant and UNH has partnered with a design-build firm; multiple public hearings will be held; hoping to break ground late summer or early fall.

Mr. Weston said the innovation district will provide opportunities for corporate sponsorships to create internships, fellowships, and experiential learning for students. He said bringing industry

to New Hampshire is a great opportunity for economic development with the workforce created right here in Durham. The NOAA project will be an anchor and seed project in advance of the full zoning and Master Plan for the Edge. The NOAA project is a UNH project on UNH land and other projects will be developer funded, designed, and engineered.

Councilor Friedrichs assumed Site Plan Regulations would apply here, but Chair Rasmussen said this will not be part of the PUD for the Edge. Mr. Weston said the spirit of a PUD is you can look at the site collaboratively to deal with parking, stormwater management, utilities, etc. and said there would be a dialog as we go through the PUD process. Councilor Friedrichs asked about pedestrian and multi-modal transportation; Mr. Weston said complete streets have been discussed for the Edge.

Mr. Weston said he sees developers in partnership with existing downtown to make the overall development even more attractive and looking for a careful balance. Density will help downtown businesses by providing more employees to go beyond the confines of the development. Mr. Kelley asked about questions received so far and terms of the contracts; Mr. Weston said most questions were procedural; this would be a unique form of contract developed over a long period of time with no specific language to reference, and USNH legal collaborating with relocated partners.

Mr. Whittington asked if would be helpful for the Board to submit a separate guidance document along with the draft PUD Ordinance; Mr. Weston said the precedent is the Code Books with explicit legal language; developers want to know what they are getting into, know requirements, and have it laid out step by step with definitions and expectations. He said many communities in New Hampshire have PUDs, and it has been used as a successful zoning tool across the country.

Mr. Behrendt said PUDs are done in many different ways; once the PUD is in place there is a process for an applicant to develop their unique master plan with a lot of flexibility. Mr. Weston said we try to be deliberate on any project and when it is at 60% completion any issues with the Council could be raised before more work is done. He said this project is in the starting stage with planning, design, and engineering to create this development; have a vision plan for the walkable community and need developers to help us go through the PUD process with needed engineering studies for sewer, water, utilities, etc. He said breaking ground is about a year out.

IX. *Public Hearing* - 3 Dover Road – New Dunkin Donuts. Preliminary design review application for new Dunkin Donuts on ¼ acre lot with vacant one-story building located between the Holiday Inn Express and the Mobil Station. JESP Enterprises, LLC, property owner. Jim Mitchell c/o Tropic Star Development, LLC, applicant. Matt Perry, Civil Engineer, The Engineering Corp. Jeffery Dirk, Traffic Engineer, Vanasse & Assoc. Courthouse District. Map 108, Lot 38. *Recommended action*: Hold public hearing and decide how to proceed.

Chair Rasmussen said this is a Preliminary Design Review; no decisions or approvals will be made; we are here to talk about ideas, after which they will create a whole new application through the regular process.

Mr. Matt Perry, Civil Engineer with TDC said he is here along with Jim Mitchell of Tropic Star Development, and Scott Thornton, Traffic Engineer with V&A on Zoom. He said the project is located at 3 Dover Road, former Cumberland Farms; site is served by municipal water and sewer, natural gas, and overhead utilities; is mostly impervious surface with southwest street flowing into closed system on Dover Road.

Mr. Perry said the plan is to demolish the existing building, construct a new 1-story Dunkin Donuts with footprint of about 1,520 sq ft, 200 sq ft less than existing. Site layout will mimic existing with improved off-street parking capacity (15 spaces), 2-way traffic circulation, and connection to hotel, with stormwater improvements on site and Dover Road using deep sump and hooded catch basins and increased landscaping. Benefit: rejuvenating a vacant lot and improving pedestrian accommodations along Dover Road.

Mr. Jim Mitchell showed the architectural features of the site and said they are also the owners of the Irving Station across the street. He said they want to keep Dunkin Donuts in town and be mindful of the architecture and use materials that will last. Site is ¼ acre with building having a pitched roof; Dunkin sign is a shed dormer that protrudes out; tried to break up facades with different materials for definition; corner entrance on building.

Chair Rasmussen said elevations 3 and 4 are mislabeled; Mr. Kelley asked if there were jogs in the building face in the elevations; Mr. Mitchell said there is a minor transition of inches; building has a walkup window and is not a drive-through; rooftop HVAC is screened with white fencing.

Mr. Scott Thornton presented the traffic study findings submitted to the town, and said he met with NHDOT in October 2024 to discuss the project. The intersection of Newmarket Road with Main Street and Dover Road has access and egress to the Irving Station and the site driveway. DOT felt not all the traffic would be new to the area; door counts were conducted of trip rates to Dunkin in the Irving Station and were adjusted to size of new store; estimated new trips 174, existing 128, net new 46.

Mr. Thornton said 73% of new traffic redistributed from existing Irving was added to new site driveway; applied data to intersection and did traffic analysis; at traffic signal no change in overall level of service except on Saturday. Driveway is projected to operate with some delay realized onsite and not affecting traffic flow on Dover Road. DOT requested a right turn and a left turn lane; we determined left turn lane warranted at site. He said the intent is to remove eastbound left turn going to site from eastbound through movement to minimize traffic backup and concern of left-turning traffic to site crossing 2 lanes of traffic; study submitted to DOT.

Mr. Thornton said in answer to the question submitted by Mr. Sullivan, counts were done in October, with 9% decrease in November accounting for some increase in Table 7. He said they dealt with the queue space for westbound left turn movements based on calculation and level of service analysis with storage averages of 211-333 feet, probably spilling into through movement

lane. He said middle turning lanes were proposed as a safety improvement, and as a way to discourage cars from using the center turn lane as a de facto left-turn lane.

Mr. Sullivan said his question was if queue space is lost in lane to Route 108 S, what happens to the backup; losing 3-4 spots for Route 108 S and would increase delay overall. Mr. Kelley said the queue lines reported during peak hours are at times closer to 2,000 feet, and it is used as a left-hand turn lane all the way to Bayview Road. Mr. Whittington said another factor is looking at Durham's potential development to the south to measure traffic counts with projected populations of Newmarket and Newfields. Vice-Chair Tobias said some conservatism is built into the model with 1% growth over 10 years.

Mr. Kelley said there is about 50 ft between the proposed driveway and the Irving driveway across the street serving the existing Dunkin. He said he cannot think of a time when the dual turn lane is terminating in an exclusive left-turn lane for opposing traffic and said the lane will be used as a west-bound left-turn lane at peak hours and drivers will realize they are in the wrong lane which is servicing the opposing direction of traffic. Chair Rasmussen said that lengthens the queue by 40%.

Mr. Kelley said he had real reservations and asked if there was any discussion about doing a Vissim analysis to see the queue through the area. Mr. Thornton said he did not feel it would be beneficial and said it was a question of the configuration and transition areas. Mr. McManus questioned the projected counts and said it looked like a 36% increase. Mr. Thornton said he used ITE data and observed trip rates to develop existing numbers, and factored up current store size of 1,100 sq ft to proposed 1,500 sq ft.

Mr. McManus said the Irving parking lot is always full as well and asked if there were any projections on how full the 15 proposed on-site spaces would be. Mr. Thornton said he did not look at that and said there will be a quick turnover. Mr. Mitchell said he tried to mitigate the roadway by adding 15 more parking spaces which will enhance traffic movement by separating the 2 uses, as Irving will continue to sell coffee.

Councilor Friedrichs praised the architecture but expressed concern around traffic; a restaurant in Courthouse is allowed by right and they have the right to develop the driveway; DOT will help redesign as they see fit. Mr. Behrendt said the traffic has to be workable to receive Site Plan approval; Route 108 is a State road, and they have jurisdiction, but Planning Board has jurisdiction over everything related to the site, to application on-site and off-site, and Durham and DOT both need to be satisfied with the traffic.

Councilor Friedrichs asked if there would be any difference for any other business on that site. Chair Rasmussen agreed there would be no difference but does not like the current traffic pattern. Councilor Friedrichs also questioned the parking minimum; Chair Rasmussen said parking is needed there for profitability of the business, and asked how the number of spaces was determined. Mr. Mitchell said it was based on the layout of the lot and size of the building.

Mr. Sullivan said he is not convinced by the traffic study that the left-hand turn on eastbound lane is viable and will not cause significant traffic problems on Route 108 and is not convinced the safety increase is that much, and said he does not support it the way it is now. Councilor Grant said that left-hand turn backs up many times; drivers would also have to cross the left-hand turn lane to get to the Irving parking lot, and the whole thing creates risks.

Chair Rasmussen said in figure 7 the projected traffic counts in and out of the site do not add up with 73 trips leaving and 61 going in. Mr. Thornton said based on the rate it does not always balance out. Mr. Kelley asked why in 10 years of traffic growth, figures 9 and 10, no additional vehicles were entering or exiting the site. Mr. Thornton said during background growth he would not expect site volumes to change with nothing changing on the site.

Chair Rasmussen opened the Public Hearing for 3 Dover Road-New Dunkin Donuts.

Scott Mitchell, Principal of Traffic Star Development, was on zoom but connection was not working.

Chair Rasmussen closed the Public Hearing for 3 Dover Road-New Dunkin Donuts.

Chair Rasmussen said he could have the Board give their opinions then close the design review; applicant can come back for another review, or decide they have enough information to create the full application.

Mr. Mitchell said he understands the traffic concerns and everything presented and will continue to work on improvement. Chair Rasmussen asked if the second exit shown on the original is still there for the new plan, and Mr. Mitchell said he was still planning on 2 exits. Mr. Behrendt said a waiver may still be needed for number of parking spaces per site plan regulations.

Richard Kelley said hopefully the plan still has life in it; Durham could bring in their own traffic consultant and he would also want District 6 to weigh in on it. He said the project looks good and landscaping and materials can be worked out in the final application.

Peyton McManus said the building design looks good; primary concern is traffic flow as it is the main entryway into downtown and would be an unnecessary imposition to drivers at peak hours

Chair Rasmussen agreed and said he understands the road change is being presented to protect the safety of people entering and exiting the site, but it creates other unintended unsafe areas, and the greater safety would be to leave the road as it is.

Sally Tobias said the site is in dire need and the problem is the site, not the business. She said she did not know what could be put there that would not have the same problems; it is a viable lot for a business and should be encouraged by the town.

Emily Friedrichs said ze appreciated the architecture and details of screening around the HVAC; and said for landscaping Durham appreciates native species.

Robert Sullivan said he is mostly concerned with the traffic.

Heather Grant said it has all been said.

Gary Whittington said anything that reduces the holding capacity of the left turn lane onto Route 108 is presumptively not a good idea because of spillover; the legality of proceeding across that left-hand turn lane would have to be resolved and he hoped there was some creative solution.

Mr. Mitchell said he was satisfied with the feedback and thanked everyone involved.

- X. Riverwoods – Phase II.** Stone Quarry Drive. Preliminary Design Review application for development on the northerly side of Stone Quarry Drive including two senior housing buildings with 55 units, a club house, a maintenance building and associated parking areas, utilities, and other site improvements. Riverwoods Durham, c/o Natalie Belanger, property owner. Erik Saari, Altus Engineer, Engineer. Chris Boldt, DTC Lawyers, Attorney. Office Research District. Map 209, Lot 33. Recommended action: Presentation and scheduling of public hearing.

Mr. Erik Saari of Altus Engineering said Attorney Chris Boldt is present as well as Natalie Belanger and Patrick O’Keefe from Riverwoods, with Eric Harrmann of AG Architecture. He said the site is shown in red with Route 4 at the bottom; Route 108 to Dover with Police Station on the corner, cemeteries, and DPW on Stone Quarry, providing access to existing Riverwoods campus. He said demand has been astronomical for this continuing care retirement community with an extensive wait list and they are at peak capacity.

Mr. Saari said they are looking at a parcel of 22.5 acres with 2 senior housing buildings at bottom with surface parking, garages underneath, and a new clubhouse and maintenance garage with parking to service the whole campus. He said the main issue is existing parking is too tight, and most residents are couples with 2 cars; looking to relocate maintenance vehicles and employees out of main lot to their own dedicated facility with path to cemeteries. He said there is also an addition to the main building as a separate site plan amendment not part of this application.

Mr. Saari said there will be 2 buildings, A and B, with a clubhouse in between, 55 units total: 51 senior housing and 4 for graduate student/professionals. The site has wetland issues: blue line shows wetland buffer setback, red line is potential relocation of Stone Quarry Drive to enhance traffic motion at corner, allowing changes to Site Plan and footprint reduction in setbacks. Roadway realignment involves a small land swap with the Town, allowing us to rotate Building B and slide it forward reducing wetland impact, curve the parking lot and eliminate big lot in back. He said TRG asked us to relocate the maintenance building with no wetland buffer impact, consolidate driveways, and extend sidewalk down to DPW.

Attorney Chris Boldt said the trail going back to the cemeteries is by deed and can be relocated. In bottom corner near DPW is an easement for Verizon, which is broad and gives them access from right-of-way on Stone Quarry Road; question how Board wants to handle that. Chair Rasmussen said our front setback in OR is 50 ft and said he would like to push through an amendment to bring the front setback in OR inline with ORLI and industrial zones at 30 ft, which would allow the applicant another 20 ft to get out of wetland buffer.

Mr. Saari said it would reduce wetland impact significantly and Attorney Boldt agreed. Mr. Kelley said he agrees and makes a lot of sense for Building B, but not for Building A. Mr. Saari said that area is already heavily disturbed as original staging area during construction; it was regraded and moving it forward 20 ft will eliminate some of the wetland impact. Councilor Friedrichs said the number could be lower to maintain a landscape buffer there. Attorney Boldt said applicant may still need to go to ZBA for a variance, but it would eliminate a large portion.

Mr. Eric Harrmann said he is the original architect for Riverwoods and for this expansion and there is a waiting list for new residences and for units already in place. He said he is looking for continuity with existing building language with height and style consistency. He said the overall design is a simple concept with first floor parking 1:1 for all residents with door to outside, trash enclosure within building footprint, and HVAC equipment in that space. Second floor is residences with shared social space; student units above for professionals; consistent material palette to emulate existing buildings.

Attorney Boldt said residents in the new units have full rights and privileges as other residents and buy into the same healthcare program; all current residents can use clubhouse. Mr. Harrmann said the front door aspect of each building first floor connects directly to sidewalk allowing residents back into main campus and said there would be a food service amenity in the clubhouse in addition to dining in the main building.

Mr. Whittington asked if there was any study of the hydrology of the site on surface and groundwater. Mr. Saari said they have not yet gotten to stormwater, but it will be a standard drainage analysis package; wetland scientists have flagged everything and two vernal pools are being protected. He said there is a small stream crossing Route 4 to the Oyster River and the rest is wetland hydrology. Chair Rasmussen said he wants to see the right-of-way out of the vernal pool buffer; Mr. Saari said it will follow the trail or be relocated and is an easement/access way to the cemetery.

Councilor Friedrichs raised the issue of the view of Riverwoods from Route 108 and the lighting at night. Mr. Saari said one issue with the original campus was the elevation of the building, with parking lot and site built up with a retaining wall. Mr. Harrmann said most of the lighting comes from common spaces in the buildings. Councilor Friederichs raised the concern of having a separate clubhouse not integrated with the other buildings as a separate building use within the zoning. Mr. Behrendt said a determination has not yet been made and he will meet with zoning administrators; if not a variance would be needed.

Attorney Boldt asked how long the process would be to amend the wetland setbacks. Chair Rasmussen asked the timeframe for the formal application right now; Attorney Boldt said with this feedback and a better idea of variances needed, the sooner the better. Chair Rasmussen said about 3 months or early June to prep setback changes, hold public hearings, and send them on to Town Council for approval. Mr. Behrendt said with this public hearing, under a design review, the applicant is protected from any other zoning changes being worked on.

Mr. Kelley said this is a significant capital improvement and CU has to be a strong argument to get his approval because of Building A. Mr. Behrendt said they will probably not be looking for a CU as parking and buildings are not allowed by CU. Attorney Boldt said if you are supportive of the change in the road angle that allows us to move a lot of parking and buildings out of the buffer, and with front setback amendment they can see if more can be done.

Mr. Sullivan asked why they were talking about a land swap with the town about the small triangle of land, and said he does not see any other beneficial use of that land for the town. Mr. Saari said reducing the front setbacks will allow us to move Building B forward and get the whole building out of the buffer. Councilor Friedrichs said from a budgeting perspective ze would not be in favor of extending the sidewalk all the way to DPW.

Mr. Behrendt said he would need to talk with zoning administration and the Town Attorney about accessory uses and ask if a clubhouse would be accessory to a residential community, and is the concern because it is serving uses on 2 lots. Chair Rasmussen said he has no issues with buildings, accessory building, or maintenance building, and these 2 lots are all part of the same facility, which is a unique scenario. Mr. Behrendt said he assumes the clubhouse and maintenance are accessory for senior housing, partly serving uses on same lot and main use on an adjacent lot; should meet definition of accessory use.

Vice-Chair Tobias said the clubhouse and garage are accessory to the main campus and service the residential units. Councilor Grant said it is common to have a small meeting space with multi-unit apartment buildings. Mr. Kelley said the issue is being on separate lots divided by a Town right-of-way. Councilor Friedrichs said Zoning as written says accessory use on the same lot; need to look at definitions of club and community center and suggested a variance.

Mr. Behrendt said it is classified as a senior use facility; Chair Rasmussen said it is not commercial and is for their own private use for other residential properties; zoning does not specify that a garage on a residential property cannot be used elsewhere. Attorney Boldt said this usually comes into play when there is nothing else on the lot; here it is accessory to the buildings we are proposing and buildings are sharing dining facilities. Chair Rasmussen said it is not a primary use and is permitted. Mr. Behrendt said he would meet with the Zoning Administrator.

Public Hearing for Riverwoods-Phase II was scheduled for February 12, 2025.

XI. Planned Unit Development Ordinance. Proposed Planned Unit Development (PUD) ordinance. PUD's are special zoning tools which allow for flexible and innovative planning

for large scale mixed-use projects. A draft ordinance has been prepared to accommodate the potential development of The Edge project at UNH, located westerly of the intersection of Main Street and Mast Road, and other potential large mixed-use projects. Recommended action: Continued discussion.

NOT ADDRESSED.

XII. Public Hearing - Mill Plaza – Façade Improvements and Site Enhancements. Site plan application for Phase 1 – façade improvement to rear building and Phase 2 – site enhancement around rear building. Conceptual application for Phase 3 – hardscape enhancements between front building and Mill Road, Phase 4 – façade improvement to front building, and Phase 5 – improvements to parking lot and installation of walking path along College Brook. Pete Doucet c/o Torrington Properties, property owner. Steve Mayer c/o Allen & Major, engineer. Jeff Gannon c/o PCA, Inc., architect. Central Business District. Map 109, Lot 3.

POSTPONED AT APPLICANT'S REQUEST TO FEBRUARY 12

XIII. Other Business

Discussion of setback limits for OR District

Chair Rasmussen said the 30-ft setback for OR conforms and would involve minimal pushback, but making a change will require justification. Mr. Behrendt said single family on Route 108 does not need a 100-ft setback and did not know the real reasons setback regulations were originally required for Riverwoods. Chair Rasmussen said in the OR Zone section the purpose was light industry and to make sure it was set back; Durham never got light industry which is a driver for bringing this back into line with our other residential areas. Mr. Kelley said it is also the zone where Durham allows its highest building height, and Stone Quarry is only a minor street.

Councilor Friedrichs left the Planning Board meeting at 10:05 pm.

Chair Rasmussen said he would like to write into the code that the Planning Board can allow a different front setback if it is allowed for other buffer infringements, case by case; allow 30-ft setback for minor street as one small change. Mr. Behrendt suggested moving the Public Hearing to February 26; email sent out regarding Aquifer Overlay District which can also be scheduled for February 26; issue is site drainage runoff must go into an underground storm system and directed to a holding tank outside the aquifer.

Mr. Behrendt said for the next meeting, February 12, the Board will continue the Public Hearing for Mill Plaza and the Public Hearing for Riverwoods.

XIV. Review of Minutes (new):

XV. Adjournment

***Vice-Chair Tobias MOVED to adjourn the Planning Board meeting of January 22, 2025;
SECONDED by Peyton McManus; APPROVED: 6-0, Motion carries.***

Chair Rasmussen adjourned the meeting at 10:12 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board