

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

**TOWN OF DURHAM
DURHAM PLANNING BOARD MEETING**

Wednesday, February 12, 2025

Town Council Chambers, Durham Town Hall

7:00 pm

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

MEMBERS ABSENT: Erika Naumann Gaillat (Alternate), Emily Friedrichs (Council Rep)

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

Chair Rasmussen said Item IX. *Mill Plaza Public Hearing* was rescheduled for first meeting in March (3/12); map item distributed will be discussed under Other Business.

IV. Town Planner's Report

Town Planner Michael Behrendt said the Public Hearing for Mill Plaza is postponed to March 12; 361 Durham Road issues discussed with applicant claiming wetland pond is agricultural and exempt from ordinance, also a lot of activity on the site and in the 100-ft wetland buffer. Meeting with Town Attorney to discuss next steps.

V. Reports from Board Members who serve on Other Committee

Reporting from the Town Council: Councilor Grant said the Council met February 8; Councilor Burton, NH State Representative will be on Education/Financial Committee in Concord; discussed downtown zoning changes from Downtown Area Sub-Committee; Town Administrator Selig discussed retention of Police officers with 4 employees leaving for other towns; purchase of new Dominion Voting System approved. Discussed 3-unrelated changes and moved for Public Hearing; Budget came in slightly under.

Reporting from the Conservation Commission: Mr. Kelley said the Commission met January 27, 2025; updates from Conservation Commission Educational Work Group, continuing to work with Parks & Rec with program discovering Durham's trails: February 16 at 10:00 am at West Foss Farm

focusing on tracking and identifying animal footprints; March 14 Full Moon Oyster River Walk, 6:30 pm-8:00 pm; UNH Capstone group working with Newmarket mapping vernal pools.

Reporting from IWMAC: Chair Rasmussen said IWMAC met last week and started on plan for moving forward on composting as a several-year plan.

VI. Public Comments

No public comments.

Gary Whittington joined the meeting on Zoom at 7:10 pm.

VII. Review of Minutes:

VIII. Public Hearing - 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 Engineering, Engineer. Chris Boldt, DTC Lawyers, Attorney. Office Research District. Map 209, Lot 33. Recommended action: Hold public hearing and then decide whether to close or continue public hearing.

Erik Saari of Altus Engineering said he and Attorney Chris Boldt will present the changes made to the plan. He said last time we talked about 55 units with a clubhouse and maintenance facility on Stone Quarry Drive and realignment of the corner curve. This plan slides everything forward with reduced front setbacks at 30 ft, allowing for a substantial reduction in Wetland Buffer impact, with Building B now completely out of the buffer; shows what we want for parking, access, landscaping and stormwater treatment.

AG Architect Eric Harrmann said elevations are largely unchanged, 3-story residential over parking plinth on first floor with entry sequence, in line with architectural character and height of existing buildings. He showed a perspective view on Stone Quarry Drive heading into campus; close-up view of new building; additional amenity spaces of accessory building front entry sequence with dining venue, adjacent parking, and covered entry.

Attorney Chris Boldt said the parking area and maintenance building have moved over and garage moved to central-right location rather than at property line; completely out of buffer eliminating any conflict with Verizon easement.

Chair Rasmussen opened the Public Hearing for Riverwoods-Phase II at 7:21 pm.

Mr. Kelley asked the intended schedule for formal application. Mr. Boldt asked Mr. Behrendt when they would get staff determination of which variances are needed, as they plan to apply to ZBA for variances and offer this plan in more detail, then file a variance application. Once with

ZBA, our plan preparations will be going parallel and come to Planning Board in late summer-early fall. Mr. Behrendt requested a meeting be set up.

Mr. Saari said they still intended to incorporate the “student housing” part, meaning graduate student or professor; 4 units out of 55. Mr. Sullivan recommended not using the word “student” in their description.

Mr. Kelley said with Phase I now completed will staging and laydown need to be in the parking area then building your way out. Mr. Saari said they were not at that point yet; probably start with hybrid homes and clubhouse and use maintenance garage as a staging area; then do garage and associated parking lots: very preliminary. Mr. Whittington asked if the former laydown area was fully restored and if there would be a discussion about parking issues raised by Rich Reine in his email.

Mr. Saari said we are looking at an excessive amount of parking in relation to your ordinance to address a current issue on the existing campus; maintenance garage will be existing staff members and existing uses and cars; looking for 2 parking spaces per unit. Mr. Behrendt asked about the sidewalk; Mr. Saari said they can extend the sidewalk to DPW or leave as currently shown. Mr. McManus said Rich Reine is suggesting the sidewalk extension to access trail heads. Chair Rasmussen asked Mr. Behrendt to discuss the different opinions with Rich and Todd Selig.

Councilor Grant said the issue was brought up as Durham would be responsible for plowing and maintenance. Mr. Saari said it depends on where it ends up; Mr. Boldt said this plan shows the sidewalk on our side of the property line. Mr. Harrmann said they mapped and walked the trails for overall integration into the site plan, and the area being talked about is really a “crossing” of a trail; applicant agreed to include a crosswalk. Mr. McManus said he would like to see a complete streets design with the goal of getting both pedestrians and bicycles off the street.

Mr. Sullivan asked if there was any discussion with the Planning Board or TRG about the relocation of the curve on Stone Quarry Drive[Mr. Behrendt said it is still under discussion; Mr. Sullivan asked if there were any objections to it. Mr. Kelley said he liked the idea of flattening out that radius allowing vehicles to maintain 20 mph through the turn; Mr. Sullivan said the proposed curve makes sense and pulls buildings in tighter; Chair Rasmussen said he is ambivalent about the traffic flow but appreciates being able to pull out of wetland buffer; Mr. Whittington said the curve is good as a matter of road engineering and facilitates a more controlled turn.

Mr. Behrendt said he would convey to the Town Administrator and DPW Director that the sense of the Board was generally in support of increasing the radius.

Chair Rasmussen closed the Public Hearing for Riverwoods-Phase II at 7:47 pm.

IX. *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. Torrington Properties, c/o Pete Doucet and Matt Morgan, property owner. Steve Mayer c/o Allen & Major, engineer. Jeff Gannon c/o PCA, Inc., architect. Central Business District. Map 109, Lot 3. Recommended action: Hold public hearing and continue review to another meeting.

POSTPONED UNTIL MARCH 12 AT APPLICANT'S REQUEST.

- X. **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: Ongoing discussion.

Chair Rasmussen asked for ideas from the Board on the new draft PUD Ordinance and the best way to proceed. Mr. Sullivan said most of his questions were about allowed uses, non-residential uses and how extensive the list should be.

Mr. Whittington said he tried to review some of the literature, and said he sees a very small urban area in a town unlikely to have multiple PUDs. He said an ordinance as a piece of legislation should first establish a clear form for the application with everything the Town wants to see procedurally, and not so much the broad-brush town master planning idea but more how legal relationship works between the ordinance, existing zoning, site and subdivision rules and regulations; something that gives specific guidance on what needs to be in it, then authorize the creation as a separate guidance document that is non-binding which can be more cooperative, with Town retaining total discretion.

Chair Rasmussen said it sounds like 2 different documents keeping an informal discussion between Planning Board and Developer. Mr. Whittington said the ordinance would provide the timetable, say what must be in the application, more a procedural document with chart showing variances from standards and descriptions of the different elements of PUD, formal requirements for a complete application so every issue is addressed there: maintain a separate guidance document with a description of what we are looking for instead of amending an ordinance.

Mr. Kelley said Mr. Whittington's idea has merit, but what created this ordinance in front of us is the fact that UNH has an RFP out for a PUD; we have to respond to all the requirements of the RFP and see what we can come up with to facilitate that process and make it easier; could look at PUD with that particular area in mind. Chair Rasmussen said we now have a document that is discretionary; the other side is the community saying how do we know this document is something we agree with.

Mr. Whittington said his point is not that we do not need to give guidance, as what we have now is totally discretionary and it should be, but this PUD has to be okay with the town. Mr. Kelley said the RFP directs what the PUD is going to entail, already determined, and this will be the process for town approval. Mr. Behrendt said it will probably be privately owned; UNH will retain the land, buildings will be leased, and all buildings will be subject to Durham review and control, perhaps providing a 99-yr land-lease to developers.

Mr. Behrendt said this PUD was already written with a strong eye to the Edge Project; he recommended it be one document and said the intent is to be discretionary; UNH Architect Ken Weston reviewed this and was generally comfortable with it. He said the Board needs to discuss whether the process should just be the Planning Board *or* a rezoning with Planning Board and Town Council.

Councilor Grant said if and when Town Council approves the PUD, there will be a preliminary application, a formal application, Planning Board then Town Council, and suggested putting the Town Council upfront that they agree with this as part of Planning Board approval. Vice-Chair Tobias said the PUD needs to be approved as an ordinance by the Town Council. Mr. Behrendt said this is written with a specific development plan, treated like a Zoning Amendment, which can be cumbersome. He said the applicant submits a site plan or subdivision plan and the Board has 2 options: (1) involve the Town Council as a Zoning Amendment, or (2) treat it as CU and write your own criteria.

Vice-Chair Tobias said two members of the Town Council sit on the Planning Board and are capable of letting the Town know what is going on; anything that comes up can be dealt with in a meeting. Councilor Grant said either that or have them approve it at preliminary design review and delete paragraph 6. *Town Council Review* on page 8. Chair Rasmussen said because it is an amendment to the zoning map, it requires Town Council approval.

Mr. Sullivan said the Town Council is approving the formal submission, and asked if *H. Submission Requirements* is high-level or in the details. Mr. Behrendt said it is not the details but a general plan, with Site Plan submitted later. Mr. Sullivan suggested too much detail under submission requirements could bog down the formal submission. Mr. Behrendt said the applicant submits a “development plan” as the guiding document for the subsequent submission of the Site Plan, the process for reviewing and approving that development plan.

Mr. McManus said he is in favor of Town Council approval because this is a substantial change to the town. Mr. Behrendt said once the development plan is approved, if Council is involved and adopts the Zoning amendment, their involvement ends there. Chair Rasmussen said the formal application may not look like the preliminary review; can there be enough in the preliminary review for the Town Council to approve the zoning change then have it come back to the Planning Board to polish the details.

Mr. Kelley asked if the PUD could be specific enough for that location that it constitutes the Zoning Amendment, with everything that needs to be amended in the zoning included in this PUD, only for that location, hand-in-hand with the RFP put out by UNH. He said it defines the process with a workflow and milestones, so the developer has a better grasp of what they are supposed to do, and approve this PUD specifically for West Edge so when Council votes on PUD, they are voting on the amendment to zoning; after that we have 2 capable Town Council members on the Planning Board to go through all the details. Vice-Chair Tobias said she agreed with that.

Mr. McManus said it needs to be flexible enough to give the developer the opportunity to do what they need to do. Chair Rasmussen said what is being proposed is, rather than creating Article 4. PUD, we create an article for a new zone in town, and does not see much difference between writing a PUD to be used once for a specific area, and simply creating the zone. Mr. Whittington said it is a zoning amendment that establishes a special procedure.

Mr. Behrendt said it is probably possible but in terms of saving time for UNH, it is the Town going through this now and adopting this PUD Ordinance; once in place with original plan as a zoning amendment, it would be almost identical to UNH creating this as a zoning district. He said the advantage of a PUD is it lays out the parameters and sets the criteria upfront; the PUD ordinance spells out all potential things and gives a process. Vice-Chair Tobias said the Town Councils would need to understand they are approving a preliminary application in the same context as the Planning Board does.

Mr. Behrendt said it is helpful for the Board to first decide: whether you treat it as a zoning amendment with general plan adopted by Town Council and go through the zoning process; treat it as a development the Planning Board approves, by CU or another way, with input and review from the Town Council; or ask for some kind of endorsement early on, but not as a zoning amendment. Mr. McManus said he sees that enough of the application has to be there to indicate what is going to take place, has scope but no details, and the formal application language is the scoping document/design document.

Chair Rasmussen asked if it would be somewhat like a preliminary design review; Mr. Behrendt said sort of, but with less details. Councilor Grant said this draft PUD does not sound like what you just said. Mr. Behrendt said the formal application is their development plan with a lot of built-in flexibility, the basic scheme without all the details, and subsequent site plans have to be consistent with their adopted development plan. He said it is better if you never have to do paragraph 9; just submit site plans consistent with development plan.

Mr. Kelley said "general plan" is never really defined and asked what it entails and the level of detail. Mr. Behrendt said it is covered under *H. Submission Requirements*, calling it a "development plan": what they need to submit in accordance with goals and standards;

Board reviews their application for the PUD, makes changes, and negotiates. Mr. Sullivan said in *H.5 General Information* he does not see anything that requires a significant monetary investment by owners. Mr. Behrendt said once their development plan is adopted, it should not be too difficult to review their site plan; with a PUD you are giving a lot to a developer with density and flexibility in uses; objectives for the general plan are shown on page 3 under *D. Standards & Objectives of Development*.

Mr. Kelley asked when square footage and breakdown of uses is put on the table. Mr. Behrendt said under *8. Development* when site plan applications come in. Mr. Sullivan said he is okay with 1-7 as long as we define the general/development plan as very general, general enough to attract interest and get approval. Mr. Behrendt said the general plan should be specific enough that you know what you are getting. He said the Board needs to talk about how changes would be handled and the amount of flexibility within the general development plan.

Mr. Sullivan said perhaps the responses to the RFP are good enough for the general plan. Mr. McManus asked if there would be an end-state showing how this will look, to ensure the RFP vision is actually delivered as conceived. Mr. Kelley said the selected Master Development Partner has to work with the Edge Governance Committee as initial step and work to get their review and approval using district design guidelines, maintenance standards, neighborhood model, and infrastructure analysis; after approval Planning Board comes in with Edge PUD Settlement negotiations and approval.

Chair Rasmussen said Mr. Kelley's point is that by the time they come to us for preliminary review, they pretty much already have their finalized plan; that's why PUD Ordinance has to be in place so they can look at it. Mr. Kelley said RFP says "as soon as entity is selected, predevelopment activities should begin immediately" as led by Master Development Partner. Mr. Behrendt asked what the ideal process is to get this approved. Mr. Kelley asked if there had been any discussion of Town Council or Planning Board members also being on the governance committee. Mr. Behrendt said he would speak to Ken Weston at UNH.

Vice-Chair Tobias said once the developer comes to Board and also meets with Council getting feedback, the developer can take that feedback and create their actual site plans; if Board finds some drastic change in site plan review, they will mitigate and address the situation. Mr. Behrendt said that would work once they figure out exactly when the Council would look at it. Mr. Sullivan asked what things would make the Town Council say no.

Chair Rasmussen said he could name people in town right now who would say no just based on the location; it does not matter what you do there. Vice-Chair Tobias said sometimes the Town Council needs explanations as to what is happening and what it means. Chair Rasmussen said the Board made good progress on the process and asked that they look at *E. Allowed Uses* on page 5.

The Board discussed Allowed Uses: deleted *2.n. Storage facilities*; deleted *1.d. Rowhouses*; deleted *4.d. Drive-Through*; deleted *4.h. Short-term Rentals*; deleted *4.e. Heavy Industry*. Board discussed adding “anything that creates ambient noise or anything inconsistent with residential uses” under *Prohibited Uses & Designs*.

Chair Rasmussen said the Board made some decent progress and next time will start at the beginning and look at comments and make decisions. Mr. Kelley said we need to get this off our plates as the schedule for UNH starts February 14, with interviews February 24, 2025.

XI. Other Business

Discussion of Downtown Redistricting

Chair Rasmussen said on March 3, 2025 the Housing Task Force is going to the Town Council to present several ideas for downtown renovation/renewal. One is the idea of breaking the Central Business District into CB1 and CB2; CB1 includes all of our CBD except Mill Plaza property; CB2 is Mill Plaza and everything between College Brook, Main Street, and all UNH property up to Quad Way. The idea is to use CB2 as a transition zone, allowing us to make changes to CB1 without making changes to properties that abut faculty neighborhoods and Church Hill.

Mr. Behrendt said the Town Attorney was open to including some UNH land. Chair Rasmussen said that section on Main in CB2 is currently zoned RA. Councilor Grant said there is a concept of having a hotel there.

XII. Review of Minutes (new):

XIII. Adjournment

Chair Rasmussen MOVED to adjourn the Planning Board meeting of February 12, 2025; SECONDED by Vice-Chair Tobias; Roll Call Vote: Richard Kelley-aye, Peyton McManus-aye, Paul Rasmusen-aye, Sally Tobias-aye, Heather Grant-aye, Robert Sullivan-aye, Gary Whittington-aye; APPROVED: 7-0, Motion carries.

Chair Rasmussen adjourned the meeting at 9:34 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board