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3 **TOWN OF DURHAM**
4 **DURHAM PLANNING BOARD**
5 **WORKSHOP**

6 **Wednesday, May 28, 2025**
7 **Town Council Chambers, Durham Town Hall**

8 **7:00 pm**
9 **DRAFT MINUTES**

10
11 **MEMBERS PRESENT:** Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Peyton McManus, Gary
12 Whittington, Robert Sullivan, Heather Grant (Council Rep), Eric Lund (Council Alternate), Munish
13 Nanda (Alternate); Richard Kelley (late)

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

15
16 **I. Call to Order**

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

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

20 Chair Rasmussen called the roll; seated Munish Nanda for Richard Kelley.

21
22 **III. Approval of Agenda**

23 Chair Rasmussen said 4 items on the agenda are mandatory tonight (4, 5, 8,9); and moved items
24 8 and 9 to front of the agenda then items 4 and 5; items 6,7,10 not critical.

25
26 ***Agenda approved as amended.***

27
28 Mr. Sullivan asked that Dunkin Donuts be added under other business as it was not consistent
29 with what 3 board members thought they were voting for.

30
31 **VIII. Election of Officers.** Annual election of Chair and Vice Chair of the Planning Board.

32 Chair Rasmussen asked if anyone would like to serve as an officer: Chair, Vice Chair, or Secretary,
33 and asked if all current officers wish to remain in their seats.

34
35 ***Chair Rasmussen moved that the Planning Board maintain the current slate of officers by***
36 ***unanimous consent; SECONDED by Robert Sullivan; APPROVED: 7-0, Motion carries.***

37
38 **IX. Appointment of Planning Board members to other Boards and Commissions**

39 Chair Rasmussen said there are vacancies and asked if anyone wanted something new. He said there
40 are vacancies on the Agricultural Committee and Energy Committee, and said he is currently sitting
41 on HTF and IWMAC committees. Vice Chair Tobias said HTF should be finishing soon and volunteered
42 to take Agricultural Commission. Chair Rasmussen said he would take the Energy Committee.

1 **IV. Proposed Zoning Amendment – Multi-Unit Residential.** *The public hearing is closed.*
2 Proposed amendment to allow multi-unit residential in the Professional Office, Church Hill,
3 and Courthouse Zoning Districts by right. This proposed amendment was initiated by the
4 Town Council on March 17. Recommended action: Make a recommendation if ready.

5
6 Chair Rasmussen said the public hearing is already closed and the Board will deliberate on a
7 proposal to send to the Town Council, either support the idea, reject the idea, or make
8 suggestions for improvement. Councilor Lund asked the state of the current proposed legislation.
9 Chair Rasmussen said problem ones have been tabled, back next year with different version.

10
11 Vice Chair Tobias said senior housing, nursing home, single family duplex, multi-unit senior care
12 facility and student rental are already allowed by right. She said she talked with property owners
13 and renting to students is not on the horizon as there is no need. Councilor Lund said 55 and over
14 now includes Gen-X.

15
16 Richard Kelley arrived at the Planning Board meeting at 7:16 pm.

17
18 Mr. Kelley said he will no longer be available for the Conservation Commission or any other
19 committee as his work is getting busy again. Chair Rasmussen said we are discussing multi-unit
20 residential. Mr. McManus said this is flavored by the Durham Climate Action Plan which found
21 41% of emissions are related to transportation; should try to locate as many people as possible
22 close to the center of town to limit that impact, and said he is in favor of adopting this
23 amendment.

24
25 Mr. Whittington said if we want more density with more energy for Central Business District, this
26 is where it needs to happen. If the goal is to increase population close to town, we should hear
27 from Michael whether this aligns with his vision as Town Planner. Mr. Behrendt said more density
28 is more urban, and consensus on more density in core areas makes a lot of sense in planning
29 terms. Councilor Lund said he has the impression this town is under pressure to densify; it is
30 better to put in core areas where infrastructure already exists.

31
32 Mr. Kelley said he has heard concerns that increased density with multi-units in downtown will
33 mean more students and asked for the opposing argument. Chair Rasmussen said more students
34 on this type of multi-unit scale is not going to “pencil out” anymore and we need more year-
35 round residents. Mr. Kelley asked If more parking would be needed for non-students. Chair
36 Rasmussen said absolutely and there could be first-level parking; Mr. Kelley asked how many
37 stories could go up with first-level parking. Chair Rasmussen said it depends on how it is handled
38 in site plan review.

39
40 Mr. Whittington said we cannot provide absolute assurance as far as undergraduates, as there is
41 a very large population now, and increasing supply is not a completely controllable process
42 through zoning. Mr. Nanda said the life and character of downtown needs to be preserved;
43 emissions will be mostly from people coming in and out of Durham. Mr. McManus said UNH is

1 the largest employer in the area and there are a lot of people coming in from out of town. Chair
2 Rasmussen said we already have 10,000 students living in town, and if we keep building, we will
3 be able to get year-round residents. Councilor Grant said a lot of housing in those districts is
4 already student housing. Vice Chair Tobias said downtown is not just filled with student
5 businesses.

6
7 Mr. Sullivan asked if it is realistic that things will change in PO; Chair Rasmussen said there is a
8 difference between what I see happening in the short term and what my wishes would be for
9 long term. Mr. McManus said it is difficult to anticipate what will happen; need a low-risk model
10 to take down and build out. Councilor Lund said if students do move into that area it frees up
11 student rental housing elsewhere in town. Chair Rasmussen said as an abutter he would much
12 rather have managed property there. Mr. Whittington said if you want to change the town you
13 can provide a forecast by increasing housing supply, which is not specifically tailored to students.

14
15 Chair Rasmussen said in Church Hill there is the Red Tower property; as a planning board we are
16 planning for the future from a smart growth perspective. We have a vision of increased density
17 and inappropriate structures may get replaced; poorly placed single-family homes put a big gap
18 in your smart growth plan and should not be protected. Mr. Kelley said there will also be a line
19 between our commercial and our residential districts, and for PO to flip we would need to see
20 some fraternities or sororities leave town as they have the biggest lots. Mr. McManus asked
21 about the concern in Church Hill; Councilor Lund said there are some legitimate concerns from
22 abutters on Chesley Drive.

23
24 Chair Rasmussen asked if there were any recommendations for the Town Council. He said in the
25 Table of Uses he would like to see CBD-1 and CBD-2 as two separate columns. Board agreed to
26 make that change as part of this amendment. Chair Rasmussen said minimum lot sizes for all 3
27 zones are not all in line. Councilor Lund said there is no reason they need to be the same.

28
29 ***Richard Kelley moved that the Planning Board endorse this Council-initiated proposed***
30 ***zoning amendment Multi-Unit Residential to allow Multi-Unit Residential in PO, Church***
31 ***Hill, and Courthouse Districts by right, and along with that to endorse the changes to the***
32 ***Table of Uses; SECONDED by Councilor Grant; APPROVED: 7-0, Motion carries.***

33
34 **V. Proposed Zoning Amendment – Three-Story Height Limit.** *The public hearing is closed.*
35 Proposed amendment to remove the three-story height limitation in sections of the Central
36 Business District (CBD) and to allow four floors of residential with only one floor of
37 commercial (on the first floor) in a five-story building in the CBD. Presently, a five-story
38 building in the CBD must contain at least two floors of commercial. The first item was
39 initiated by the Town Council on March 17. Recommended action: Make a recommendation
40 if ready.

41
42 Chair Rasmussen said the public hearing is already closed. Councilor Lund said we should clarify
43 that we mean CBD-1 (not CBD-2). Mr. Whittington asked Mr. Behrendt if the 5th floor in a 5-story

1 building would be by CU or by right. Mr. Behrendt said the 5th floor would be available by CU.
2 Chair Rasmussen said he has some changes. Mr. McManus said he thought about Durham as a
3 whole and wondered about building heights and floor counts at UNH: 29% of 5 or more floors,
4 43% of 4 or more floors, so downtown is out of character with the rest of the buildings already
5 in Durham and it is reasonable to allow those heights to expand. Vice Chair Tobias said the central
6 core of our downtown is almost an iconic look with 1-story buildings, and agreed that certain
7 aspects of downtown are out of step.

8
9 Mr. Kelley said he found nothing alarming about the photo montage presented by Mr. Meyrowitz
10 because it is looking over the triangle and looked like a gateway. Chair Rasmussen said that is
11 exactly what Thompson Hall does. Mr. Whittington said he was also not aghast at the appearance
12 and asked if the architectural controls as part of approval process are sufficient so that we can
13 give the town assurance that the character of that little strip be preserved.

14
15 Chair Rasmussen said they could remove the 5-story option and have a Sub-Committee add a list
16 of lots that are 5 stories by right; putting that out as an option. Vice Chair Tobias said the setback
17 for the 5th story was to lower the visual impact from Main Street. Mr. McManus said CU allows
18 developers flexibility in placing the 5th floor and it should be kept as an available option. Councilor
19 Grant said it is another \$100,000 to get CU through and approved. Chair Rasmussen said it is also
20 another 4-5 meetings. Board agreed to leave as is and have the Sub-Committee figure out which
21 lots could be by right. Mr. Behrendt said it would have to be a cohesive area.

22
23 Mr. Whittington said the strip along Main Street has a much higher aesthetic value to the town,
24 and asked if the Board can assure the public that what happens will be aesthetically consistent.
25 Chair Rasmussen said historic buildings have to be kept as is. Mr. Sullivan asked if the board has
26 a plan for the Town Council now to vote on. Chair Rasmussen said they are approving as
27 presented and making a suggestion that a sub-committee be created to review where 5 stories
28 should be permitted by right.

29
30 Chair Rasmussen said the Conservation Commission just dropped their new zoning ordinance for
31 overlay districts; hope to get to it this summer; Energy Committee is also getting ready to drop
32 one on us as well.

33
34 ***Councilor Grant moved that the Planning Board endorse and support the Amendment for***
35 ***Removal of 3-story Height Limits in section of CBD-1 and allow 4 floors residential and a***
36 ***5th floor of commercial by CU, and suggest that after passing removal of 3-story***
37 ***limitation we also have a Sub-Committee that would look at 5 stories by right in certain***
38 ***areas; SECONDED by Peyton McManus; APPROVED: 7-0, Motion carries.***

39
40 **VI. Lodging House – Zoning Ordinance.** Discussion about proposed change adding Lodging
41 House as a new use and eliminating Student Rental as a use. Recommended action:
42 Discussion.
43

Chair Rasmussen said when the Board did Student Rental as we needed to come up with a definition of Lodging House that aligned with the Fire Code to be able to define where they belonged. Student Rental will be struck from the Table of Uses and replaced with Lodging House. Councilor Grant asked the difference between “lodging” or “rooming” house and said there are rooming-house properties in town. Mr. Behrendt said both could be listed: *Lodging/Rooming House*. Chair Rasmussen said he would like to see them in the Rural Zone: “X” in RA and RB. “P” in R and RC. Councilor Grant said she did not think the Board should use “P” in Coes Corner; Mr. Kelley said Young Drive should also be rezoned.

Definition of 1-family dwelling: a single dwelling unit situated on a separate lot with no other dwellings except accessory; Duplex Building: 2 dwelling units part of the same building; difference between second dwelling unit and ADU in size. Councilor Lund said ADUs are limited to 850 sq ft; Chair Rasmussen said the State is trying to make them 900 sq ft. Mr. Kelley said years ago we had Boarding Houses; Vice Chair Tobias said they are still there but are not allowed anywhere. The Board discussed parking spaces per resident and allowing flexibility.

Chair Rasmussen scheduled the Public Hearing for Lodging House Ordinance for June 23, 2025.

Chair Rasmussen called for a 5-minute break at 8:54 pm; meeting resumed at 9:00 pm.

VII. Conservation Subdivision – Zoning Ordinance. Discussion about prospective changes to Article XIX - Conservation Subdivisions. Recommended action: Discussion.

Chair Rasmussen said the goal for tonight is to get a feel for whether or not to pursue Conservation Subdivision at this time or if it needs significant rewrite. Mr. Kelley said his reservation is that it seems the chairman and town planner are not on the same page. Chair Rasmussen said the Board can spend time talking about it tonight and go deeper at the next meeting. He said he tried to keep major elements of the Overlay District rewrite in place to keep in line with what they are doing. He said where he and Michael disagree is that he sees the buffer between the road and the dwelling as wasted open space.

Chair Rasmussen said they need to figure out what part of the property the development will be located on and let the developer be creative to make best use of that property. Mr. Kelley said he understands the idea of creating a home-ownership model that is affordable as the Conservation Subdivision is the only way to divide in our town; by removing the large acreage requirements you could get a denser development that will reduce overall costs. Chair Rasmussen said the buffers of the underlying zones still apply. Mr. Kelley said in Section L, perimeter buffer: to minimize impact of abutting properties.

Mr. Behrendt said in a conservation subdivision there are smaller lots and dense development, whereas in Rural there are 2-3 acre lots. Chair Rasmussen said he struck the paragraph that said you have to do what the zone requires as it is redundant. He said this is a rewrite of the current Conservation Subdivision replacing the current chapter; if this model does not have the backing of

1 enough of the Board, we will have to go back and build a new model. Councilor Grant said
2 simplification is extremely important and allows us to put more housing in a logical design built by
3 people who know what they are doing, and 50% of it in writing is not needed. Mr. Sullivan said here
4 is so much here that you cannot see the point through all the words.

5
6 Chair Rasmussen said he would first focus on one of the biggest discrepancies between Mr.
7 Behrendt, representing the traditional zoning professional, and my new model which is outside the
8 box. He said he is saying that based on the zone you are in, a particular percentage of the property
9 could be used as developable area, with the rest open space (all wetlands, etc.). If the amount of
10 wetlands is greater than the amount of allowed open space the wetland will have to be preserved.
11 All residential uses in zone will be allowed plus townhouses and up to 4-family houses, which are
12 allowed under current subdivision rules with Planning Board approval.

13
14 Mr. Whittington said the intent is then the amount of built space and a proportion of built space to
15 open space, changing from single-family to a denser models like duplexes and 4-plexes. Chair
16 Rasmussen said he is envisioning a condo-type ownership model; can now do a single-family home
17 on a quarter-acre. He said the numbers work out so that we have more open space than we should
18 usually be getting; potentially giving up a bit on aesthetics. Mr. Kelley asked what would be done
19 with the dimensional table setbacks.

20
21 Chair Rasmussen said underlying zone applies and clarified that there will be flexibility with the
22 building setbacks in the development. He said on 10 acres in RC you would have 2.5 acres to cut
23 into ¼-acre lots, or about 10 houses; any yard or park area in between is not part of the open space;
24 open space is area that was not cleared. Mr. Sullivan said this is a good way to do concentrated
25 building without sprawl; a good look and a cohesive neighborhood. Mr. Behrendt said the current
26 ordinance does that but required density is too low and the process is too complicated. Mr. Nanda
27 said houses on small lots with wetlands have open space concentrated.

28
29 Mr. McManus said he agreed with just about everything and brought up the idea of having 2 types
30 of subdivision with one closer to town and one further out. Councilor Grant said clusters would be
31 more effective in Rural and would take less rural land. Mr. Whittington said it can be used
32 commercially or residentially with all open space in common and maintenance costs shared. Mr.
33 Kelley asked about the Master Plan and Chair Rasmussen said there are a lot of things in the Master
34 Plan this is supporting. Mr. Whittington said it should be done without adversely affecting the rural
35 character.

36
37 Board agreed to bring this to the next meeting.

38
39 **X. Review of Prior Year and Priorities for Upcoming Year.**

40 Moved to June 11, 2025 meeting.

41
42 **XI. Other Business**

Dunkin Donuts:

Mr. Sullivan said in his view when approving projects the Board is approving engineered drawings in site plan approval. He said what we approved for Dunkin Donuts is different from approval letter and what I thought we approved; it is not on the website, and it has been approved which is a problem. Chair Rasmussen said the Site Plan was brought in 2 weeks ago.

Mr. Whittington said the first he saw a left out of the main driveway was to be allowed was the email from Mr. Behrendt. Mr. Kelley said it was not a true splitter island because existing was just a tangent and not a curve so it would allow a left turn out of primary lane. Mr. Sullivan said NH DOT was concerned about sight lines from the stop light, and we understood left turns out not allowed. Mr. Kelley said the snippet of the driveway in the email includes a raised concrete median to inhibit left turns in but not left turns out.

Chair Rasmussen said he has no problem with left turn out there. Mr. Whittington said he would have deferred to NH DOT. Mr. Behrendt said the Board would have had to hire a third-party traffic engineer to review. Councilor Lund said NH DOT providing an update was not communicated but he would still have voted for it. Mr. McManus said we do not want late-communicated information that is significantly different. Vice Chair Tobias said the memo is dated May 1, 2025.

Mr. Behrendt read part of the memo from DOT Engineer Roger Appleton that said: "based on visits and observations, the below comments show configurations I am willing to commit to and also document additional safety concerns: left and right out of main driveway but no left at Holiday Inn site".

XII. Adjournment

Richard Kelley moved that the Planning Board meeting be adjourned; SECONDED by Vice Chair Tobias; APPROVED: 7-0, Motion carries.

Chair Rasmussen adjourned the meeting at 10:07 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board