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3 **TOWN OF DURHAM**
4 **DURHAM PLANNING BOARD MEETING**

5 **Wednesday, June 11, 2025**
6 **Town Council Chambers, Durham Town Hall**

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

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

13 **MEMBERS ABSENT:** Robert Sullivan

14 **OTHERS 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. He stated that he expected Richard Kelley to join soon by Zoom.
21 He seated Munish Nanda for Robert Sullivan.
22

23 **III. Approval of Agenda**
24

25 *Chair Rasmussen MOVED to approve the Agenda as presented; SECONDED by Mr.*
26 *McManus; APPROVED: 6-0, Motion carries.*
27

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

29 There was nothing to report.
30

31 Chair Rasmussen indicated that Peter Howd was attending the meeting and was considering
32 becoming an alternate member on the Planning Board.
33

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

35 Reporting for the Town Council: Councilor Grant said the Council met on June 2. She reviewed the
36 items on the Council agenda. She mentioned that the Durham Business Association was getting
37 organized again.
38

39 Reporting for the Housing Task Force: Vice Chair Tobias stated that the Task Force had completed
40 their work on general Zoning suggestions and moved them on to the Planning Board. Chair
41 Rasmussen mentioned that the Housing Task Force was reviewing whether there was anything else
42 that they needed to do. Their tasks have been completed.
43
44

Prior to Public Comments Chair Rasmussen recognized former Planning Board member Erika Naumann Gaillat and presented her with a certificate.

VI. Public Comments

Joshua Meyrowitz, Chesley Drive, encouraged the Board to keep track of housing developments along the commutable routes to and from Durham. Planner Behrendt stated that the Town relies on the Strafford Regional Planning Commission for that type of information.

Annmarie Harris, Oyster River Road, suggested that the information Mr. Meyrowitz is speaking of could be made public through the Friday Updates. She mentioned that she had read that Torrington was planning to close Fox Run Mall and put in housing.

Matt Komonchak, Thompson Lane, agrees with Mr. Meyrowitz that citizens require more transparency from the Town. He would like to see more communication from the Board to the public due to the many Zoning changes that are being approved and proposed.

VII. Review of Minutes (old): April 23, 2025 & May 14, 2025

Chair Rasmussen moved to accept the Planning Board Meeting Minutes of April 23, 2025; SECONDED by Mr. McManus; APPROVED: 6-0. Motion carries.

Councilor Lund mentioned that on Page 5, Line 28, of the May 14 minutes, "Ms. Birch" should be "Carol Birch."

Richard Kelley arrived at the meeting at 7:38 p.m.

Councilor Grant mentioned that she will abstain from voting on the May 14 minutes. Chair Rasmussen seated Councilor Lund as a voting member for this vote.

Chair Rasmussen moved to accept the Planning Board Meeting Minutes of May 14, 2025 as amended; SECONDED by Mr. McManus; APPROVED by Roll Call Vote: 6-0. Motion carries.

IX. 121 Technology Drive – Two industrial/warehouse buildings. Conceptual review of site plan to develop two 162,000 square foot industrial/warehouse buildings. Map 204, Lot 2. Shawn Smith, c/o RJ Kelly property owner and applicant. Office Research Light Industry District. Recommended action: Discussion for one meeting only.

Chair Rasmussen mentioned that this is for discussion only. Mr. Shawn Smith was in attendance and reviewed the proposal through a PowerPoint presentation.

Mr. Kelley asked what the impact was to the buffer zone. Mr. Smith stated he would have to find out. Mr. Kelley asked if they could keep the work out of the buffer. Mr. Smith stated that with

1 this development, they need to spread out across a greater area in order to make it economically
2 feasible. Mr. Kelley stated that when they come back to the Board with the full proposal, selling
3 the need to work in the buffer will be important. Mr. Kelley also spoke to the proposed ponds
4 and wetland impact. He would also like to know more about the geology below the ground.

5
6 Chair Rasmussen stated that Rob Sullivan called him before the meeting with a few things he
7 wanted to have brought up. Specifically, stormwater management is going to be key to this
8 project.

9
10 Mr. McManus asked if they needed 370 parking spaces. Mr. Smith stated that they want to be
11 forward thinking and wanted to entice other businesses to their property. They didn't want to
12 just be warehouses.

13
14 Planner Behrendt asked about traffic, specifically on Technology Drive. Mr. Smith stated that
15 they will do a full traffic study, but asked how the Board would like them to proceed with the
16 traffic studies. There was discussion about this.

17
18 Mr. Kelley asked Mr. Smith to walk him through the process of how this site plan came to be. Mr.
19 Smith went through the ideas for the development and stated that right now you are seeing more
20 multi-tenant buildings for commercial developments. Mr. Nanda asked if they had considered
21 the development's carbon footprint. Mr. Smith stated that at this point they hadn't gotten that
22 far in the planning. It is difficult to pre-plan for something like solar because you don't know
23 what a potential tenant is going to need.

24
25 Mr. McManus asked to have Mr. Smith bring up a Google plan of Technology Drive, which he did.
26 Mr. McManus was concerned about the traffic on Technology Drive with the student housing
27 being close by. There are pedestrians and bikers coming out of the student housing
28 developments onto Technology Drive. There was also discussion about light brightness
29 disturbance.

30
31 There was some discussion of how this development will differ from the proposed The Edge
32 project at UNH.

33
34 **X. Public Hearing - Lodging House – Zoning Ordinance.** Proposed change adding Lodging House
35 as a new use and eliminating Student Rental as a use. Recommended action: Vote to initiate
36 amendment if acceptable.

37
38 Chair Rasmussen mentioned that although the recommended action is a vote to initiate, he does
39 not plan on going that far tonight. He is waiting to see if some State legislation is passed that
40 may affect this.

41
42 Planner Behrendt summarized what this amendment would include and not include and why this
43 amendment is being brought forward.

1 Mr. Whittington asked about the permitting of Lodging House in the R and RC zones. Vice Chair
2 Tobias stated that R and RC are zones outside the center of town and not attractive to students.
3 Mr. Whittington would like to know the reasoning as to why the changes were done. Chair
4 Rasmussen stated that this is the discussion they should have after the public hearing.

5
6 ***Chair Rasmussen MOVED that the Planning Board open the Public Hearing; SECONDED by***
7 ***Mr. McManus; APPROVED: 6-0. Motion carries.***
8

9 **Malcolm Sandberg**, Langley Road, spoke to the proposed definition increasing the occupancy to
10 16. Just because it can be 16, it does not have to be. The current Zoning definition limits lodging
11 houses to 10 occupants. This new definition creates a commercial use of lodging house. It
12 basically becomes a dormitory that is unsupervised. The lodging house would be best located
13 closer to the center of town, not in the Rural zone.

14
15 Planner Behrendt clarified that lodging houses fall under residential uses.

16
17 **Diane McCann**, Oyster River Road, stated that she would like to see a forum scheduled for all
18 the citizens of Durham before the Council decides on this change. She then read a letter from
19 Carden Welsh which described his objection to having lodging houses in the R and RC zones.

20
21 **Beth Olshansky**, Packers Falls Road, gave a short PowerPoint presentation outlining her concerns
22 with these Zoning changes. She is concerned about the number of people allowed in lodging
23 houses and the allowing of lodging houses in R and RC zones. She feels that lodging houses
24 should have some licensing and management requirements.

25
26 Mr. McManus stated that he felt offended that someone would say he could not make proper
27 judgements about housing in Durham because he had only lived here 25 years.

28
29 ***Mr. Nanda left the meeting at 9:23 p.m.***
30

31 **Diane McCann** stated that she could understand Mr. McManus's perspective. However, she
32 feels that there has to be a balance between what is available for students and what is available
33 for the rest of the citizens. She thought the concern was to try and find housing for the working
34 population. Chair Rasmussen stated that this amendment came about because the current State
35 laws may give Durham no control over where students could live. So this is being put forth in
36 response to that. Chair Rasmussen stated that he would like this amendment ready to be
37 reviewed by the town attorney once the State bill passes. The it would be brought to the Town
38 Council.

39
40 **Joshua Meyrowitz**, Chesley Drive, stated he watched the video of the Planning Board Workshop
41 and there was about 22 minutes of discussion on this lodging house amendment. In addition,
42 none of the concerns voiced tonight were brought up at the Workshop. He stated he is not
43 critiquing the intentions of the Planning Board, but that he feels that the tradition of changes in

1 Durham has been through workshops and forums. And that is not being done now. It is a
2 question of procedure. He is concerned about the bare minimums of public notice being given
3 for Planning Board actions.

4
5 **Matt Komonchak**, Thompson Lane, stated that he was concerned about the definition of
6 transient as well as the idea of large unsupervised housing. Chair Rasmussen stated that
7 transient by Zoning definition is "less than 6 months." Mr. Komonchak stated that Hotel and Inn
8 are defined as commercial operations. Lodging houses are not that different from hotels or inns
9 except that they are unsupervised. He would like to see lodging housing to be owner occupied.
10 He does not think a commercial enterprise should be placed in the Rural district. Mr. Kelley
11 asked if professional management would address Mr. Komonchak's concerns as opposed to
12 owner-occupied. Mr. Komonchak stated yes.

13
14 There was discussion on whether to keep the public hearing open or not. Planner Behrendt
15 stated that if significant changes were made, the public hearing would need to be readvertised.

16
17 ***Mr. Whittington MOVED that the Planning Board close the Public Hearing; SECONDED by***
18 ***Mr. Kelley; APPROVED: 6-0. Motion carries.***

19
20 Chair Rasmussen feels that any ill will that Durham has generated towards student housing has
21 built up over a while, and Concord now wants to allow students to live wherever they want. Mr.
22 McManus stated that he has a child going to college soon in Hanover, and he is having difficulty
23 finding housing for that child.

24
25 Chair Rasmussen read the proposed State law that is of concern. Planner Behrendt stated that
26 this Zoning amendment is the opposite of what many people are concerned about. This is not
27 trying to create more housing. It is hopefully the one remaining tool to regulate student housing.
28 Chair Rasmussen feels that Concord wants towns to control the bad behavior with nuisance
29 ordinances.

30
31 Mr. Kelley would like to see lodging houses removed as permissive use from R and RC zones.
32 Chair Rasmussen stated that it was originally added to those zones to start the conversation and
33 see if it would be acceptable. It looks like that is not going to work, and they will be changing
34 the use back to what it was originally. There was additional discussion regarding housing.

35
36 There was discussion about the items for the next meeting agenda. Mr. Kelley believes that an
37 introduction as to why a Zoning change is taking place should be included with the change itself.

38
39 **XI. Conservation Subdivision – Zoning Ordinance.** Continued discussion about prospective
40 changes to Article XIX - Conservation Subdivisions. Recommended action: Ongoing
41 discussion.

42 ***POSTPONED***

XII. Review of Prior Year and Priorities for Upcoming Year.

POSTPONED

XIII. Other Business

- **Discussion whether to amend Rules of Procedure for late submission of information**

POSTPONED

XIV. Review of Minutes (new): None

XV. Adjournment

Vice Chair Tobias moved to adjourn the Planning Board Meeting; SECONDED by Councilor Grant; APPROVED: 6-0, Motion carries.

Chair Rasmussen adjourned the meeting at 10:09 pm.

Respectfully submitted,

Karen Edwards