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

5 **Wednesday, August 13, 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, Gary
11 Whittington, Robert Sullivan, Heather Grant (Council Rep), Munish Nanda (Alternate), Peter
12 Howd (Alternate); Eric Lund (Alternate Council Rep - on Zoom), Peyton McManus (arrived late)

13 **PRESENT: TOWN** Planner Michael Behrendt (on Zoom)

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 and seated Munish Nanda for Peyton McManus.

20
21 **III. Approval of Agenda**

22
23 *Chair Rasmussen MOVED to approve the Agenda as presented; SECONDED by Richard*
24 *Kelley; APPROVED: 7-0, Motion carries.*

25
26 **IV. Town Planner's Report**

27 Town Planner Michael Behrendt said the next meeting is in 2 weeks: Public Hearing for Riverwoods,
28 presentation by Conservation Commission on Wetland/Shoreland Overlay District; tentative Energy
29 Committee presentation for proposed changes to Site Plan regulations for electric vehicles.

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

32 Reporting from the Town Council: Councilor Grant said the Town Council met August 3: unanimous
33 consent to table ordinance for Lodging Houses, application for UNH to close town roads for
34 University Day, September 4, approved appointment of Peter Howd; Public Hearing for changing
35 number of stories in CBD from 3 to 4; motion to extend meeting time to 11:30 pm, voted to take to
36 next meeting in September.

37
38 Reporting from IWMAC: Chair Rasmussen said IWMAC did not get the grant for a composting pilot;
39 trying to include in budget.

40
41 Reporting from Housing Task Force: Chair Rasmussen said HTF met, reviewed items to be covered
42 later in meeting.

43
44 **VI. Public Comments**

1 No comments.

2
3 **VIII. Mill Plaza – Modification to approved façade design.** 5 Mill Road. Modification to the
4 approved façade design for the rear building. Torrington Properties, c/o Pete Doucet and
5 Matt Morgan, property owner. Jeff Gannon c/o PCA, Inc., architect. Gregg Mikolaïtes,
6 agent. Central Business District. Map 109, Lot 3. Recommended action: Final action.
7

8 Mr. Mikolaïtes said they were last here March 26 and received approval for upgrade to Building
9 2 at Mill Plaza: façade mostly replaced, site work and expansion of sidewalk in front of building;
10 working on Durham tenant negotiations. First change is adding a tower to front of site with
11 updated drawings, bank is moving to far end of plaza with ATM and 4 bollards, adding a
12 generator in back right corner. Mr. Behrendt said this is a Planning Board modification reviewing
13 changes in accordance with architectural regulations.
14

15 Mr. Kelley asked if the green line to generator represented a gas or electrical line. Architect Jeff
16 Gannon said it is the electrical line, but the generator will be natural gas. Mr. Kelley asked that a
17 detail of the installation be shown and asked the size of the generator. Mr. Mikolaïtes said
18 generator is 47" long x 26" wide x 32" high, a backup generator for computers (banking rule).
19 Mr. Kelley asked why the current pad is 10 ft long; Mr. Gannon said the generator was sized after
20 the information was provided. Mr. Kelley requested final pad size be indicated, bollard details
21 be included, and parking lot drawing be corrected to show saw cuts around the 2 island
22 extensions.
23

24 Peyton McManus arrived at the Planning Board at 7:08 pm.
25

26 Mr. McManus asked the timing and all the work that is now underway. Mr. Gannon said all
27 sidewalks were recently replaced in front of tenants with the exception of the bank; there is a
28 hold on that area for 2 weeks; replacing pavement adjacent to sidewalks with curbing scheduled
29 for next week. Mr. Nanda asked if the tenancy with the bank is a long-term contract; Mr. Gannon
30 said the bank lease will be extended but his focus is on the development and construction side.
31

32 ***Richard Kelley moved that the Planning Board approve modification to the approved***
33 ***façade design as well as additional improvements outlined in the revised site plan for***
34 ***Torrington Properties, Map 109, Lot 3, in CBD and to incorporate a final plan as discussed***
35 ***this evening; SECONDED by Peyton McManus; APPROVED: 7-0, Motion carries.***
36

37 **Julian Smith** of 3 Chesley Drive said he attended the first Planning Board meeting in 1965 and
38 attended the meetings having to do with development of the plaza at its first stage and later
39 served as Council representative to the Planning Board and Planning Board representative to the
40 Conservation Commission. He said he is particularly interested in housing in Durham and is going
41 to ask the Town Council to appoint him to the Planning Board of which he hopes to become a
42 regular member. He said he cannot hear what is being discussed.
43

The media assistant apologized for having an issue with assisted listening system.

IX. *Public Hearing* - 35 Madbury Road – Drive Reconfiguration. Site Plan Application to extend driveway behind building, install a new curb cut, convert driveway to one-way pattern, install parking spaces, and make other site changes. Conditional use application to convert an existing room to a bedroom to accommodate one more resident. Scott Drapeau, c/o DWS 35 LLC, property owner. Paige Libbey, Jones & Beach, Engineer. Professional Office Zone. Map 106, Lot 19. *Recommended action*: Final action.

Richard Kelley recused himself from the discussion due to friendship with the Drapeaus.

Paige Libbey said Mr. Behrendt sent a list of comments from last meeting; biggest change to plans with all parking switched to perpendicular allowing us to move back from property line, widened aisle width to 20 ft, total pavement overall width 2 ft wider; clearing more trees and adding additional; added van-accessible handicap space with 12 spaces total; changed snow storage area and added bike rack. She said construction hours will be 7:00 am to 5:00 pm during school hours starting August 15 to May 15. Mr. Drapeau is coordinating with DPW, spoke with April Talon today, all set for installation; utility pole in front will be relocated as part of roadway widening.

Chair Rasmussen moved to open the Public Hearing for 35 Madbury Road – Drive Reconfiguration; SECONDED by Councilor Grant; APPROVED: 7-0, Motion carries.

Chair Rasmussen opened the Public Hearing for 35 Madbury Road at 7:29 pm.

Seeing no public comments, Vice-Chair Tobias closed the Public Hearing for 35 Madbury Road at 7:30 pm.

Mr. Kelley said drainage was resubmitted and asked if there was a material change there. Ms. Libbey said the only change was the shape of the parking lot with slight change to square footage, plus shape of porous pavement. Mr. McManus asked about the snow storage location; Ms. Libbey said it will not block the stairway into the building, and the handicap spot will never have a vehicle in it.

Chair Rasmussen asked if they had read the Notice of Decision and Ms. Libbey said they did. He told Mr. Behrendt he had a slight correction to findings of fact. He asked the timing and Mr. Drapeau said probable start this school year, waiting for full approval for parking lot, curb cut is in the works with the construction job.

Conditional Use:

1. Site Suitability: Site already providing this use, expansion of existing use; stormwater plan to deal with additional impervious surface.

2. External Impacts: Only parking and car movement are changing; less than 4% increase in occupancy of structure. Mr. Behrendt said CU is only to convert 1 room to a bedroom.
3. Character of Site Development: External design not changing at all.
4. Character of Buildings and Structures: No change to structures on the site.
5. Preservation: Conversion of room inside not affecting any of these things.
6. Impact on property values: None seen.
7. Availability of Public Services and Facilities: No impact and also safer, extending sprinkler system to room.
8. Fiscal Impacts: None.

Chair Rasmussen moved that the Planning Board grant the Conditional Use application to convert an existing room into a bedroom to accommodate 1 more resident at 35 Madbury Road; SECONDED by Robert Sullivan; APPROVED: 7-0, Motion carries.

Vice Chair Tobias moved that the Planning Board approve the Site Plan Application to extend a driveway behind the building at 35 Madbury Road, to install a new curb cut and convert driveway to a one-way pattern, install parking spaces and make other necessary site changes, in respect of Notice of Decision and additional requirements; SECONDED by Robert Sullivan; APPROVED: 7-0, Motion carries.

- X. Riverwoods – Phase II. Stone Quarry Drive. Site plan application for development on the northerly side of Stone Quarry Drive including two senior housing buildings with a total of 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: Accept as complete and set hearing for August 27.

Engineer Eric Saari said the parcel on Stone Quarry Drive is bordered by Route 4 at the bottom and Route 108 to the left towards Dover; it is approximately 22.5 acres, primarily wooded with a few trails. Soils Map shows wetlands (green), not a lot of contiguous areas, mostly marine clay. He said they have a lot line adjustment application to adjust the lot line and add radius to the right-of-way on Stone Quarry Drive and relocation of an existing easement.

Site Plan: Mr. Saari said the property is 2.63 acres after lot line adjustment: West Building, Community Center in middle shares parking with East Building, Maintenance Building on the side. Clearing brush along Route 108 for sight lines. Bob Bollinger, NH DOT Engineer, said a traffic study was required and on a typical week 185 extra vehicles are expected; accident information was updated by the town.

1 Mr. McManus asked about pedestrian crossings and width of sidewalks. Mr. Saari said units total
2 55, all sidewalks 6 ft wide, 2 pedestrian crossings, existing trail crossing at lower right. Have
3 retaining wall in middle to prevent wetland impacts, all crossings will have lighting except the
4 trail. West Building is larger of the two with 29 units over 3 floors with above-grade garage
5 underneath, 28 parking spaces with 29 surface spaces; Community Center: 49 surface spaces
6 shared with East Building: parking garage on bottom with 28 units; 17 staff moving to
7 Maintenance Garage with another 19 parking spaces.

8
9 Mr. Saari said there are 2 driveways coming off new Stone Quarry Drive curve and a trail to
10 cemeteries tied into parking lot. Proposed addition to existing campus in lower left will be
11 coming as a site plan modification and is not part of this application. Drainage: rain gardens at
12 building corners, a closed system providing treatment and detention of stormwater runoff
13 before discharge to wetland; tiny rain garden at maintenance building and parking lot; erosion
14 control is standard operating procedures: control blankets for stabilization, rip rap at outfalls and
15 catch basins for protection.

16
17 Utilities: sewer available on existing campus being extended towards DPW with small pumping
18 station at maintenance garage, extending water and gas, new water hydrants. Overhead utilities
19 on Stone Quarry Drive underground to buildings; relocating existing utility pole, also extending
20 sidewalk to DPW. Lighting will be subdued but more than adequate, full LED dark sky compliant
21 fixtures with minimal overspill; pedestrian style lighting along sidewalks; larger lights for
22 intersection, pedestrian crossings, and curve on Stone Quarry Drive.

23
24 Mr. Saari said a Conditional Use permit is required for wetland buffer impacts: parking lots and
25 residential buildings need a variance, but earth disturbance, driveways, and non-residential
26 buildings need a Conditional Use permit; some cases have already been approved; just under
27 70,000 sq ft of disturbance, not a huge impact in terms of impervious surface.

28
29 Landscape Architect Vicki Martel reviewed the landscape plan with shade trees along street and
30 around parking lots, Birch trees around stormwater detention basins, slopes to be seeded with
31 conservation mix to prevent erosion, small amount of foundation plantings around critical areas,
32 birches and maples in bioretention area behind residential buildings; plan illustrates trees closer
33 to maturity; shade trees 20 ft to 25 ft, birches 15 ft, at about 15 years of growth.

34
35 Architect Eric Harrmann showed elevations of the buildings with stone structure at base, middle
36 incorporating fiber cement panel, gabled roof at top, with strong base-middle-top design
37 mirroring main campus. Building height: 49 ft 3 in at midpoint of overall roof at highest point;
38 materials: manufactured stone at base with front door smooth stone and smooth panel at base
39 corners. Projected bays in upper units 6 ft back to fiber cement panel; 2 windows between 2
40 gable forms on rear elevation; building layouts same as primary building. Slightly different
41 architecture for clubhouse with modern take on a barn; maintenance building has attractive
42 gable form and more openness with windows.

43

1 Mr. Behrendt suggested lowering the bottom stone base and called for red or blue detailing as
2 an accent. Mr. Harrmann said they brought the stone up to the window line of second floor to
3 show material transition which allows for cleaner detailing. He said it is a challenging point in the
4 building having a concrete base with a pre-cast structure, and this is also where the floor line
5 occurs; for color he looked at the residential character of the adjacent building. Councilor Grant
6 said they are basically mirroring the design concept for a cohesive development.

7
8 Mr. Sullivan asked about workforce housing; Mr. Harrmann said they have considered different
9 types of housing but are now concentrated on residences for senior living. Mr. McManus asked
10 about EV charging and Mr. Saari said there area several places on the site where we are going to
11 run a conduit in anticipation of EV chargers. Mr. Nanda asked if they expected occupancy to go
12 to 100% as soon as the project is completed; Mr. Saari said they expect to sell out in a day.

13
14 Mr. Kelley said you have your ZBA variance, NH DOT driveway permit is in the works, and for CU
15 Permit you may have to go to Conservation Commission. Mr. Saari said Conservation Commission
16 is scheduled for last Monday of the month, alteration of terrain filing with DES to be submitted
17 after tech review here; also have sewer discharge permit with DES. Mr. Sullivan suggested having
18 trees all the way down to DPW; Mr. Saari said here is a power line there. Mr. Kelley suggested
19 using mature trees of a larger caliper; Ms. Martel said trees of 2.5 inches transplant and establish
20 well with good growth early on.

21
22 Mr. Kelly said some parts of the sewer extension are rather deep and asked if a trench patch or
23 mill and overlay would be used. Mr. Saari said the intent is to use trench patch, but will discuss
24 with DPW after TRG review, doing ledge probes next week. Mr. Sullivan asked the applicant if
25 there was anything in zoning architecturally that constricted the applicant in any way. Mr. Saari
26 said they are pretty content, just the wetland buffer issues which were worked around.

27
28 ***Mr. Sullivan moved that the Planning Board accept the Riverwoods Phase II proposal as***
29 ***complete; SECONDED by Richard Kelley; APPROVED: 7-0, Motion carries.***

30
31 Chair Rasmussen set the Public Hearing for Riverwoods Phase II for August 27, 2025.

32
33 Chair Rasmussen called for a 5-minute break at 8:56 pm and the meeting resumed at 9:01 pm.

34
35 **XI. New State Laws.** Overview of recently adopted state laws affecting land use and required
36 changes to the zoning ordinance. Recommended action: Staff will prepare draft
37 amendments for September 10.

38
39 The Board reviewed and discussed the following new State Laws:

40
41 HB-457 – Cleaning up references to student rental and definitions in Table of Uses; making
42 students a protected class, 3-unrelated already removed; Lodging House shut down.

HB-577 – ADU definition modified: Town must allow 1 detached ADU with any single-family house (attached already allowed); must meet setbacks and square footage for the district; must allow either attached or detached and could allow 2 ADUs; owner occupancy can be required; building capped at maximum of 950 sq ft, with maximum not less than 750 sq ft; garage can be used as ADU.

HB-631 – Multi-family residences on Commercial properties: Adaptive reuse repurposing buildings in whole or in part for residential purposes. Currently allowed everywhere except the 4 residential districts in Table; would have to extend to other areas; Caveat: not in effect until July 2026.

Chair Rasmussen said there are 4 things we can do with this: (1) let it go live as is; (2) review for places where we do not want this; (3) remove the office and retail thing; (4) look at our zoning boundaries. Need to think about which options make sense for different parts of town. Mr. Behrendt asked that the Board hold off until October/November; possible a sub-committee.

SB-284 – Authority for municipalities to regulate mandatory on-site parking requirements. Mr. Behrendt said this is straightforward and he will bring this to the Board in Site Regulations.

HB-399 – Signed into law: Commission created to study historical evolution of New Hampshire Zoning Enabling Act and amend RSA 674 for review; commission members appointed. Goal is to see how Zoning Enabling Act has changed over time and consider making recommendations for future legislation on the balance of zoning powers between State and municipalities.

Charge: To study whether or not the policy problems this was first created to handle have been dealt with and determine if it caused other problems along the way (i.e. that local zoning caused our housing problems). Commission will make regulations which they will quickly try to put in place. Councilor Grant said this calls for suggestions by November 1, 2025.

Vice Chair Tobias said the State completely overrode the Housing Task Force by suggesting this over us. Chair Rasmussen said the public is complaining that we are rushing things, but there is something much worse on the horizon in Concord they should be paying attention to as well. Mr. Behrendt said he has not heard about any national movement by a particular group to eviscerate the standards of zoning procedures and this eviscerates the powers of government; could be very threatening to the way of life of many states in this country.

XII. Other Business

Discussion about 2026 Planning Board Budget

Chair Rasmussen said budget is typically to do training or conduct a study.

XIII. Review of Minutes: July 9, 2025; July 23, 2025; and July 30, 2025

Minutes of July 9, 2025:

Richard Kelley moved to approve the minutes of July 9, 2025; SECONDED by Peyton McManus; APPROVED: 7-0, Motion carries.

Minutes of July 23, 2025:

Mr. Kelley corrected line 43 from "Robert" to *Richard*.

Chair Rasmussen moved to approve the minutes of June 11, 2025 as amended; SECONDED by Richard Kelley; APPROVED: 6-0 with 1 abstention, Motion carries.

Minutes of July 30, 2025:

Richard Kelley moved to approve the minutes of June 25, 2025; SECONDED by Chair Rasmussen; APPROVED: 6-0 with 1 abstention, Motion carries.

XIV. Adjournment

Vice Chair Tobias moved to adjourn the Planning Board Meeting of August 13, 2025; SECONDED by Richard Kelley; APPROVED: 7-0, Motion carries.

Chair Rasmussen adjourned the Planning Board meeting at 9:46 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board