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

5 **Wednesday, August 27, 2025**
6 **Town Council Chambers, Durham Town Hall**

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

9
10 **MEMBERS PRESENT:** Paul Rasmussen (Chair), Richard Kelley, Gary Whittington, Robert Sullivan,
11 Heather Grant (Council Rep), Peyton McManus, Peter Howd (Alternate)

12 **MEMBERS ABSENT:** Sally Tobias (Vice Chair), Munish Nanda (Alternate)

13 **ALSO PRESENT:** Town Planner Michael Behrendt (on Zoom-inaudible)
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 Peter Howd for Sally Tobias.
20

21 **III. Approval of Agenda**
22

23 *Chair Rasmussen MOVED to approve the Agenda as presented; SECONDED by Councilor*
24 *Grant; APPROVED: 6-0, Motion carries.*
25

26 **IV. Town Planner's Report - postponed**
27

28 Richard Kelley arrived at the Planning Board meeting at 7:02 pm.
29

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

31 Reporting from the Town Council: Councilor Grant said the Town Council has not met.
32

33 Reporting from Strafford Regional Planning Commission: Chair Rasmussen said the Commission will
34 be at Durham Farmer's Market September 15 doing a survey for their Regional Economic
35 Development Plan.
36

37 Mr. Kelley asked if there was any discussion of recent legislation passed in Concord pertaining to
38 housing. Chair Rasmussen said there was discussion on different pieces that will be discussed.
39

40 **VI. Public Comments**

41 **Julian Smith** said he has applied for a position on the Planning Board as Alternate and hoped the
42 Town Council would take that into consideration.
43

VII. Review of Minutes (old):

VIII. Public Hearing - Riverwoods – Phase II. Stone Quarry Drive. Site plan for development on the northerly side of Stone Quarry Drive including two senior housing buildings with a total of 55 units, a clubhouse, a maintenance building and associated parking areas, utilities, and other site improvements. Conditional use for work within the 75-foot wetland buffer including portions of the clubhouse, driveways, the relocation of a section of Stone Quarry Drive, sidewalks, stormwater facilities, grading, underground utilities, and other site work. Lot line adjustment for the relocation of a section of Stone Quarry Drive. 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 hearing and continue review to another meeting.

Eric Saari said there was a full presentation 2 weeks ago and on Monday night the Conservation Commission recommended approval of CU application; met with TRG last week: sending out for 3rd-party review. He said the Riverwoods Campus is fairly wooded, site shows 90-degree turn on Stone Quarry Drive (lot-line adjustment), moved easement to cemeteries to avoid vernal pool. Site soil plan shows wetlands, contours, soil types; 2 vernal pools with a small stream down past DPW.

Mr. Saari said the project has 4 buildings: 2 senior housing buildings with parking on exterior and on lower level, 1 clubhouse with shared parking, and 1 maintenance garage with parking and exterior dumpster; a small addition to main building on site plan not part of this application. Sidewalk on this side of street connecting across in 2 locations, runs all the way to DPW; adding crosswalk to existing trail location.

Mr. Saari said stormwater is a closed system draining to rain gardens, green area is porous pavement; grading on sides with steeper slopes, catch basins in street, similar on both sides. Standardized erosion control with blankets, stabilized construction entrance: all to be reviewed by DES for alteration of terrain permit as well as Town Engineer. Utilities already there, new water and gas lines; 1 overhead utility service going underground; EV conduits near maintenance facility; gravity sewer; lighting dark sky compliant LED with 20-ft poles in parking lots and pedestrian scale lighting on sidewalks; idea to minimize overspill to abutting properties.

Landscape Architect Vicki Martel reviewed landscaping: shade trees along street and parking lot for buffer, strategic plantings along foundations, all bio-retention seed mix in back with rain gardens; minimum grading around back parking lot; enhanced foundation planting around clubhouse with patio in rear; conservation seed mix on all slopes with a few evergreens along maintenance garage.

Architect Eric Harrmann said buildings A and B are similar with a slight variation in length, elevations matching architectural style of existing campus; 3 stories of residential above first floor entry; more color and character for clubhouse with roof modifications. Maintenance garage 2,400 sq ft facing road in upper right, small windows, same gable and architectural details on

primary. Provided updated renderings aligning with landscape; clubhouse deep blue with strong gable detail, slightly covered approach to front door; small patio and walkway.

Traffic Engineer Bob Bollinger said they filed for NHDOT driveway permit and received preliminary feedback from District 6 Office. Mr. Kelley asked what discussions entailed and Mr. Bollinger said they found no flaws with the technical analysis but are still checking Route 108 geometrics. Mr. Kelley asked about a statement in the conclusion regarding minimal adverse effects on abutting properties. Mr. Saari said they have had excellent decreases in peak rates of runoff as well as volume for analysis points, minimizing flood potential to abutter. Mr. Howd referred to a letter from a resident asking about solar. Mr. Saari said they are looking into it, but it is not a guarantee.

Chair Rasmussen moved to open the Public Hearing for Riverwoods Phase II; SECONDED by Richard Kelley; APPROVED: 7-0, Motion carries.

Public Hearing for Riverwoods Phase II was opened at 7:32 pm.

Julian Smith said he attended many different Planning Board meetings in other regions and never heard this kind of detail before. He said this was a wonderful very detailed presentation and he preferred to see this in downtown Durham.

Chair Rasmussen said they are waiting on a 3rd-party analysis on stormwater, and the Public Hearing will be continued to the first meeting in September.

Mr. McManus said his only concern is pedestrian access back and forth between primary and new buildings and said he sees a lot of people walking downtown from Riverwoods. Mr. Saari said all is tied into existing sidewalks in 2 places with added lighting; pedestrian safety at curve has over a 12-foot separation between edge of road and sidewalk with ditch to impede vehicles. Mr. Whittington asked about access to the trail system going west at intersection. Attorney Boldt said that would be an item for Town Council and DOT to agree to for crossing Route 108.

Mr. Kelley asked if there were any drainage concerns with pervious pavement right behind the retaining wall along the west building parking lot. Mr. Saari said if anything goes wrong with pervious pavement underground the water might be able to find the underdrain behind the wall to relieve that pressure. Mr. Kelley asked if there was discussion about a mill and overlay versus a trench patch and asked if there is a construction management plan. Mr. Saari said that plan was part of the original application packet prepared by C.E. Merrill our general contractor; 99% of site construction will be done by Severino Construction.

Chair Rasmussen asked about the third-party review; Mr. Saari said the contract came out Monday, waiting on payment, going in tomorrow.

1 ***Chair Rasmussen moved to continue this application and Public Hearing for Riverwoods***
2 ***Phase II to September 10, 2025; SECONDED by Richard Kelley; APPROVED: 7-0, Motion***
3 ***carries.***
4

5 **IX. Wetland and Shoreland Overlay District.** Presentation to the Planning Board of a new
6 proposed Wetland and Shoreland Overlay District. This document, prepared by the
7 Conservation Commission, would replace in entirety the current Wetland Conservation
8 Overlay District and Shoreland Protection Overlay District. Presented by Dwight Trueblood
9 and Neil Slepian, Chair and Vice Chair of the Conservation Commission. Recommended
10 action: Decide how to proceed after hearing presentation.
11

12 Chair Rasmussen said this is a presentation only to the Planning Board of new proposed Wetland
13 & Shoreland Overlay District, WSOD, which would replace in entirety the current WCOD and
14 SPOD; presented by Conservation Commission Chair Dwight Trueblood and Vice Chair Neil
15 Slepian. He said the Planning Board will not be taking any action on this tonight; when scheduled
16 will perform a pre-analysis and decide whether to modify first or go straight to public hearing.
17

18 Conservation Commission Vice Chair Neil Slepian said he and Conservation Commission Chair
19 Dwight Trueblood have been working on this for 2 ½ years starting with a Subcommittee. He said
20 he will explain why they felt it necessary to create an ordinance to replace the 2 separate existing
21 overlay districts, go through the reasoning and how it aligns with Durham's Master Plan.
22

23 Mr. Slepian said the mission of the Conservation Commission was put together by the New
24 Hampshire Association of Conservation Commissions, involved with all natural resources for the
25 town. The focus was on Wetlands and Shorelands to protect the Great Bay, rivers, streams, vernal
26 pools and bogs from climate change, contaminants, and provide habitat connectivity. He said the
27 2 separate ordinances have been in effect since 1974 and are redundant and confusing with 75%
28 overlap; purpose is to simplify and streamline by merging together.
29

30 Mr. Slepian said 50 years ago climate change and sea-level rise was not expected to accelerate
31 as quickly as it has and we need to provide an ordinance that sets things up for the next
32 generation; purpose became to employ current climate science and frame the ordinance to
33 protect the town's natural resources with intelligent and thoughtful regulations. He said the
34 subcommittee was set up as Phase I with members appointed by the Conservation Commission
35 for a 16-month review and research; Phase II included a 1-year review by the entire Conservation
36 Commission with resources including NOAA, NHDES, etc.
37

38 Mr. Slepian said they considered a larger buffer for wetlands to protect and restore saltwater
39 and other wetlands and used best available data for projected sea-level rise to inform landowners
40 about setbacks and vegetative screenings and encourage property owners to manage properties
41 for wildlife habitats.
42

1 Conservation Commission Chairman Dwight Trueblood reviewed the key points and highlights of
2 the revised ordinance with tables showing all primary changes. He said the proposed changes
3 were unanimously agreed to by all Conservation Commission members. He said as far as
4 definitions and purposes, applicability was expanded to be more comprehensive with eye toward
5 conserving Durham's natural beauty and resources; list of the town's water bodies is more
6 comprehensive requiring more documentation of any proposed work in and around buffers, and
7 applicants will be responsible for identifying impacted wetlands on abutting properties.

8
9 Mr. Trueblood said they spent a lot of time talking about buffers and showed a buffer schematic
10 for Great Bay, funded by NOAA. Goal is to buffer the land adjacent to wetlands and water bodies
11 and provide ecological services to protect surface water and adjacent wetlands. He said a 35-ft
12 buffer will influence the water temperature by cooling runoff, extending to 100 ft also helps
13 remove pollutants, nutrients, and pesticides and provide habitat for aquatic inhabitants; another
14 150-160 ft helps reduce runoff and stabilize channel banks; expand 300-320 ft adds all other
15 services plus more habitat for terrestrial wildlife adjacent to water bodies.

16
17 Mr. Trueblood said the Conservation Commission is recommending that many of Durham's buffer
18 widths be expanded for more protection and to meet Town Council goal to pursue long-term
19 environmental sustainability taking predicted impacts of climate change and sea-level rise into
20 consideration.

21
22 Mr. Trueblood showed a Table listing habitat types with current buffer widths and proposed
23 width to provide additional protection and improve habitats, expand vernal pool buffers, and
24 endangered habitat; no changes to non-tidal wetlands in zones R and RC; non-tidal wetlands in
25 Core Commercial to be reduced to reflect actual conditions; tidal waters and wetlands increased.
26 He said he Lamprey River and Durham Reservoir buffers were increased to 200 ft as they serve
27 as our backup water source.

28
29 Mr. Trueblood showed a comparison of numbers for tidal waters, surface waters, tidal wetlands
30 and inland wetlands in Durham with other seacoast communities. The changes in this ordinance
31 will make Durham proposed the highest and also improves Durham's climate resiliency with more
32 coastal flooding protection. He said naturalized vegetation performance standards, new septic
33 system setbacks, salt and snow storage requirements also provide protections.

34
35 Mr. Trueblood a review is not required for Permitted Use A; Permitted Use B requires
36 Conservation Commission and Planning Board review; 14 activities with consolidated and
37 clarified criteria, key elements, and clarified process for Conservation Commission. Conditional
38 Use in WSOD has 6 categories: outdoor recreation prohibited, single family setback 150 ft. Four
39 elements of general CU do not apply; 8 CU approved criteria in Section 175-23 of Zoning
40 Ordinance; written notice to abutters within 300 ft; requires majority vote not super-majority.
41 Special Exception for single family in WSOD; moved Zoning Ordinance Article IX to WSOD with
42 revised language, allows flexibility for applicant with Conservation Commission input.

1 Mr. Trueblood listed 12 specified prohibited uses, key uses not allowed, and found fences
2 detrimental to wildlife corridor. Compliance: where conflict exists between WSOD and town or
3 State, the more stringent regulations apply. Challenges to wetland classifications: clarified
4 process, designated Town Planner to oversee process instead of Zoning Administrator. Variance
5 applications pertinent to WSOD to be forwarded to Conservation Commission for optional
6 review; Planning Board designated as final authority; outlines provisions to address violations of
7 the ordinance.

8
9 Mr. Slepian said the appendix greatly expands reference documents, updated with listed sources.
10 The WSOD: *protects* Durham's natural resources, *reflects* current environmental and climate
11 change science, *connects* clarity, consistency and flexibility in application of regulations; *directs*
12 how ordinance is applied; *respects* balance between resource protection and practical
13 enforcement; *resurrects* key recommendations from Durham's Natural Resources Plan.

14
15 Mr. McManus asked that data collected comparing other towns be made available. Mr.
16 Trueblood said information was pulled from their individual ordinances, but he may have a
17 spreadsheet. Mr. McManus asked for comparison of current ordinances, proposed changes, and
18 what the State is asking for. Mr. Trueblood said the 125 -ft buffer width around tidal waters and
19 wetlands is less than recommended. Mr. Howd said the State has some form of gradational
20 regulations up to 250 ft away. Mr. Whittington said another approach is using story problems to
21 explain the application of the regulations with typical scenarios and how they might be applied.

22
23 Chair Rasmussen clarified that this is not a Public Hearing which will be held in a few months, and
24 recommended comments be put in writing. Mr. Howd raised the question of having a buffer stop
25 in an adjacent lot and start up again if zoning district changed and asked why buffers around
26 Lamprey River and Durham Reservoir are lower than tidal wetlands and waters. Mr. Trueblood
27 said 160-200 ft is where you get maximum absorption of runoff water; 330 ft creates more
28 wildlife habitat per se but is not really protecting the water resource. Mr. Howd said he is thinking
29 of perpendicular corridors and asked if side setback increases were considered.

30
31 Mr. Trueblood said they talked about having dynamic buffers, using a hard number that will stand
32 up in a review process. Mr. Kelley asked about Cedar Point Road and whether the existing "as-
33 built" condition, as it pertains to buffers and requirements we have in the ordinance, was
34 considered. Mr. Slepian said Cedar Point Road came up quite a bit and is a good example of where
35 a buffer will encompass a person's entire property. He said in that case an applicant would need
36 to apply for a Conditional Use (CU) Permit on impact to shoreland, taking sea-level rise and septic
37 runoff into consideration. Chair Rasmussen said if the use is prohibited it would go to a variance
38 first and CU may no longer be needed.

39
40 Mr. Kelly asked if a lot of terrestrial wildlife near tidal wetlands and open bodies of water was
41 expected in an area like Cedar Point. Mr. Trueblood said they already exist as well as birds and
42 said riparian areas like this are often hard to find. Mr. Kelley asked if they were putting too much
43 burden on property owners there. Mr. Trueblood said it would depend on distance of house

1 from tidal waters and said Great Bay is considered an impaired estuary. Mr. Whittington assumed
2 the source of most concern regarding nutrients is either from fertilizer applications or climate
3 change and rising sea levels. Mr. Trueblood added there are nutrients in rainwater from nitrogen,
4 and leach fields put nutrients in the ground.

5
6 Mr. McManus said he is very supportive of this consolidation but concerned about these buffer
7 requirements. He said he was surprised to see the buffer in core commercial being reduced to 30
8 ft which is where you have a lot of runoff. Mr. Trueblood said the point reflected what was
9 already there; i.e. College Brook is developed right up to the edge on both sides. Chair Rasmussen
10 said also in core commercial everything goes through site plan review and stormwater
11 management can be applied. Mr. McManus said he is concerned with property owners with
12 houses on water bodies having yet another set of constraints applied.

13
14 Mr. Trueblood said the preferred approach is to continue to have a back and forth with the
15 Planning Board and work together to come up with equitable solutions to all issues brought up
16 here tonight. Chair Rasmussen they are invited to all meetings where the Board will be discussing
17 the WSOD. Mr. Sullivan said he agrees from an ecological perspective that existing lawns within
18 30 ft must not be moved and new lawns cannot be established; but a landowner can get a special
19 exception or CU for behaviors in the buffers. Mr. Kelley said the 30-ft buffer is a subtle change
20 from the current 25-ft buffer in core commercial.

21
22 Councilor Needell said the 30 ft often has to do with sea level rise, and we can guess about 5 ft is
23 coming and it would be nice to already have a good-sized buffer; the homeowner would need to
24 keep track of that as it approaches their property. Chair Rasmussen said if the reference line
25 changes, you would have to accommodate it. Mr. Howd said it also matters hugely what the slope
26 of the lot is. Mr. McManus said one could also make the case that wildlife corridors could traverse
27 everywhere in the town. Mr. Sullivan said they are only making the case for wetlands.

28
29 Mr. Trueblood said buffers also provide protection for aquatic wildlife and said the key difference
30 of 98 ft to 164 ft is in reducing runoff with more intense rain events; larger wildlife buffers are
31 more optimal. He said these are ranges most beneficial to natural habitat and protection to
32 residences about what is practical and reasonable. Mr. Kelley said we all need to understand that
33 this is the Conservation Commission's purpose which they should not have to further explain.

34
35 Mr. Sullivan asked that language under Challenges to Classification of Wetlands be added that if
36 the challenge comes from a property owner who has an approved project, that the approval be
37 suspended until the issue is resolved. Chair Rasmussen said that is for Planning Board discussion.
38 He asked Mr. Slepian for his position on marinas which are used to fuel vehicles in a safe and
39 stable environment and are listed as prohibited in the ordinance.

40
41 Mr. Howd asked if the prohibition of free-standing solar in buffers is a runoff concern. Mr.
42 Trueblood said not from panels but from negative impacts on flora and fauna by shading

1 outgrowth; it is also not an appropriate use of the buffer. Mr. Slepian said they can place panels
2 anywhere but in the buffer and it does not prevent solar on a roof.

3
4 Chair Rasmussen said we have the WSOD as coming onboard after Conservation Subdivisions and
5 we are looking until at least October for further discussion. Mr. Kelley suggested bringing both
6 along at the same time as the information is now out in the public. Chair Rasmussen said the
7 Board could just ask for public input; site plan review updates for EV charging stations will be
8 coming up, and he wants to avoid 3 things at the same time.

9
10 **X. Review of Minutes**

11
12 Other Business: Chair Rasmussen said he received information on lighting temperatures which
13 he is holding back for now and is trying to get more science on the topic. He said he is waiting
14 to see if a Capstone Project will be picked up this fall.

15
16 **XI. Adjournment**

17
18 ***Richard Kelley moved to adjourn the Planning Board Meeting of August 27, 2025;***
19 ***SECONDED by Councilor Grant; APPROVED: 7-0, Motion carries.***

20
21 Chair Rasmussen adjourned the Planning Board meeting at 9:41 pm.

22
23 Respectfully submitted,

24 Patricia Denmark, Minute Taker
25 Durham Planning Board