

TOWN OF DURHAM
DURHAM PLANNING BOARD MEETING

Wednesday, November 12, 2025
Town Council Chambers, Durham Town Hall

7:00 pm

DRAFT MINUTES

MEMBERS PRESENT: Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Richard Kelley, Peyton McManus, Robert Sullivan, Heather Grant (Council Rep), Darrell Ford (Alternate Council Rep), Peter Howd (Alternate), Julian Smith (Alternate)

MEMBERS ABSENT: Gary Whittington, Munish Nanda (Alternate)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Paul Rasmussen called the Planning Board meeting of November 12, 2025 to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll and seated Peter Howd for Gary Whittington.

III. Approval of Agenda

Chair Rasmussen added another item under Other Business to review the status of downtown changes made by Town Council.

Richard Kelley moved to approve the agenda as amended; SECONDED by Peter Howd; APPROVED: 7-0, Motion carries.

IV. Town Planner's Report

Mr. Behrendt said for December 10 meeting: should have rough draft of Conservation Commission WSOD. He said scammers are getting proficient at pursuing applicants by email requiring that they provide \$4,500 by wire to have their applications reviewed by the Planning Board.

V. Reports from Board Members who serve on Other Committees

Reporting from Conservation Commission: Mr. Sullivan said at the next Conservation Commission meeting they will be talking more about the overlay and figuring out more.

Reporting from IWMAC and Energy Committee: Chair Rasmussen said the *Energy Committee* and *IWMAC* met; nothing relevant to Planning Board.

Reporting from the Town Council: Councilor Grant said *Town Council* met and covered Zoning updates per State rules, Public Hearing set for November 17; presentation of Climate Action Plan

update; building heights on Main Street sent back to Planning Board; worked on budgets.
November 10: Budget-only discussion starting review of FY2026 Budget.

VI. Public Comments

Rober Hayden, owner of Hayden Sports 44-46 Main Street, said with regard to building heights on Main Street he spoke with an architect, developers, and realtors and all agreed that the 42-ft height limit was not enough room; 12 feet on ground floor leaves 10 ft maximum for the next 3 stories. He said the request was for a minimum of 45 ft for extra room and 50 ft if you really want a nice building. He said his property is for sale and he has an interested buyer.

VII. Review of Minutes (old): None

VIII. 12, 14, and 16 Jenkins Court: 2-lot subdivision. 2-lot subdivision of developed 0.28-acre parcel with three buildings. Tom Christie, Slania Enterprises, owner. Adam Fogg, Atlantic Survey. Central Business-1 District. Map 106, Lot 65. Recommended action: Acceptance and scheduling a public hearing.

Tom Christie said proposed is to separate 12 Jenkins Court, brick building with apartments above to one lot conforming, and 14 and 16 Jenkins Court with apartments above to create two separate lots. He said water and sewer lines will be shown on plans and do not cross over lots. Councilor Ford said the deck is between the two buildings; Mr. Christie said there is language of an agreement between the two different buyers; small boxes represent a condensing unit with AC units to left and an easement across.

Mr. Sullivan asked what the water tent was for; Mr. Christie said when 14 Jenkins Court was built in 2014, there was a need to balance pre- and post-flow conditions for rainwater, gutters were taken off the roof with conditions to be met, underground with an exposed end. Mr. Behrendt said there was a recommendation that it be accepted as complete with a provision that applicant revise the plans and show water, sewer, gas and electric utilities on the plan, and in front of the property, label the boxes, and explain the deck.

Mr. Kelley asked if the easement would be shown on the plan; Mr. Christie said a written document will go along with approval noting what space rather than show on the plan. Mr. Kelley asked that a note on the plan in reference to the separate easement document.

Chair Rasmussen moved that the Planning Board accept this application as complete and set a Public Hearing for December 10, 2025; Seconded by Peyton McManus; Approved 7-0; Motion carries.

IX. Dame Road: 3-lot subdivision. 3-lot subdivision of vacant 23-acre parcel located at the northwest intersection of Dame Road and Durham Point Road. Greg Miller, Dame Road Properties, owner. Valerie Shelton, agent. Residence Coastal and Rural Districts. Map 227, lot 30. Recommended action: Acceptance and scheduling a public hearing.

Agent Valerie Shelton presented a substantially complete application for a 3-lot subdivision with proposal to have all frontages on Dame Road; survey completed by Adam Fogg of Atlantic Survey, wetlands delineated by Marc Jacobs in spring of this year. Proposal is to subdivide the 23 acres into 3 building lots; test pits witnessed by Audrey Cline, Code Enforcement Officer. Approved septic plan in place from prior owner in 2024, redone closer to road.

Ms. Shelton said Lot 30 is 5.76 acres with 300 ft of road frontage, dimensions on plan are not correct; Middle lot 8.76 acres, road frontage 358 ft; Corner lot 8.8 acres, 1250 ft of road frontage; all lots meet 150 sq ft buildable area. Corner lot may change due to 2 small wetlands to be calculated out by Adam Fogg; actual setbacks will change. Eight waivers requested based on Minor Subdivision checklist, then Subdivision Regulations. One on the checklist regarding site conditions, paths, and interior stone walls; surveying all trees, corner lot is completely tree covered.

Chair Rasmussen said Board will then know at next meeting whether poorly drained soils qualify as wetlands or not. Mr. Behrendt said they are wetlands but exempt if under 300 sq ft and not vernal pools. Chair Rasmussen said he visited the site and asked what the 3 different colored flags meant; Ms. Shelton said she would follow up. Mr. Sullivan asked the logic of buildable lots out by the road; Ms. Shelton said to avoid long driveways to properties.

Mr. Behrendt said Conditional Use would be needed for a driveway. He said the application is complete but needs more information on zoning lines, setback line for WCOD marked as such: could be a precedent condition. Chair Rasmussen said the Board will need to determine which waivers are required; Mr. Behrendt recommended just granting the 8 waivers as some are unclear and said the board can accept without granting the waivers. Mr. Sullivan said the whole place is rocks and trees.

Chair Rasmussen moved that the Planning Board accept the application as complete with Public Hearing on December 10, 2025; Seconded by Peyton McManus; Approved 7-0. Motion carries.

Site Walk for Dame Road Subdivision set for Saturday, December 6, 2025 at 10:00 am.

X. 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 55 units, a clubhouse, a maintenance building and 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, underground utilities, and other site work. Lot line adjustment for relocation of a section of Stone Quarry Drive. Riverwoods Durham, c/o Natalie Belanger, owner. Erik Saari, Altus Engineering, Engineer. Chris Boldt, , Attorney.

Office Research District. Map 209, Lot 33. Recommended action: Review draft notice of decision.

Mr. Eric Saari reviewed changes and said the plan calls out everything DPW is looking for, freshly paved when project is finished; generators near parking lots, oversized to handle fire pumps which may no longer be needed. Parking space eliminated in lot between Clubhouse and second building to allow truck turnaround; increased size of dumpster and recycling area at Maintenance building; added an ADA space. Trails were relocated, grading adjusted for generator, gas service out to generator with electrical services; 2 EV charging stations in each building parking lot as well as conduits for future EV spaces (up to 8 spaces).

Mr. Saari said there are bike racks at the second building lot, as well as internal bike racks to each building. Changed sewer alignment to cross utilities at 90-degree angle with line on edge of pavement; no changes to lighting; CU (Conditional Use) Permit sent back to Conservation Commission, shows generator on plan; approved recommendation. Landscape: added spruce trees around top end of first parking lot to hide generator.

Architect Eric Harmon said windows were added to base of building to align with windows above; Clubhouse: no real modifications, properly reflects historic front entry doorway; Maintenance Garage no significant changes.

Mr. Saari said there will be some minor tweaks to the plan; water, sewer, (electric lines may move underground); Clubhouse sidewalk back door linked to parking lot; Water & Wastewater Committee recommended approval of the project; Mr. Behrendt said they met today re approval to extend the 5,000 gals/day for water with precedent condition to extend beyond the 5,000 gals/day; meeting later on water extension (7,000-8,000 gals/day) and sewer extension.

Mr. Saari reviewed the Town Planner's recommendations and said many are already on the plans. Bicycle Racks: 2 at each building, 1 at Community Center (outside); Construction Management Plan: done by contractor later, better as separate document and not part of plan: Board made it a subsequent condition. Number 60, Irrigation System: usually a design-build by contractor; Mr. Behrendt asked it be submitted as a subsequent condition. Number 7, Light fixtures: all on plan, sheet C-22.

Mr. Behrendt said Board will need to verify lights are fully dark sky compliant; change condition #7 to: *Applicant shall comply with Town to ensure all fixtures are dark-sky compliant*. Mr. Saari said for number 21, you would not see an evacuation plan on a sewer and trench at all and asked that it be stricken. Mr. Behrendt said it was in the Tighe & Bond report and in Public Works comments. Mr. Sullivan said he spoke with April Talon, Town Engineer and is comfortable not requiring it as a competent contractor has to comply with OSHA. Board agreed to eliminate #21.

Number 23, Fire Department turnaround: Mr. Saari said they have seen the most recent plans and Board agreed to eliminate. Number 25; Confirm interior spaces meet ADA requirements: part

1 of building permit. Number 27, submit long-term operations/maintenance plan for drainage
2 already provided: Board agreed to remove. Number 40, Stone Quarry Drive reclamation is now
3 in plans, goes all the way to Route 108 from realignment at corner; also shown at limit of existing
4 pavement joint. Monument Sign, removed.

5
6 Permit Update: Mr. Saari said the Alteration of Terrain Permit was submitted Friday, hard copy
7 for Mr. Behrendt. Water & Sewer DOS Permit sent to April Monday, waiting for DPW review
8 before going to state. He said DOT approved our concept for the offsite, waiting on survey for
9 design. AOT went in Friday, hard copy for Mr. Behrendt. Mr. Sullivan asked about water control
10 and solenoid; Mr. Saari said in lieu of a fire pump or a tank in one building, valve at Tech Drive
11 tank is now manually activated; asked for something remote controlled as upgrade to town
12 system, looking at pricing. Attorney Chris Boldt said we would be paying to have something
13 installed in your system. Mr. Behrendt said he preferred it as a precedent condition; Mr. Boldt
14 said it is already in number 24.

15
16 Mr. Sullivan asked about erosion control prior to construction and whether that included tree
17 clearing. Mr. Saari said disturbing dirt would be the pulling of stumps and said this is not a true
18 timbering operation. He said typically erosion control is done when the logs are pulled and
19 stumps removed and there are details for stump grindings and silt socks on the plans. Board
20 agreed to correct language to “no significant ground disturbance” and strike the parenthetical
21 portion of number 31.

22
23 Mr. Smith asked about bedroom sizes of the 55 units. Mr. Harmon said there are some 2-
24 bedrooms with den, with 1-bedroom and 2-bedrooms fairly evenly distributed. Mr. Smith asked
25 the average cost per unit; Mr. Harmon said he did not have that information but said it is senior
26 occupancy at around the cost of a single-family home. Mr. McManus asked the height of the
27 buildings and Mr. Harmon said 49 ft tall. Mr. McManus asked about the EV chargers and Mr. Saari
28 said there are 4 spaces functional and 2 spaces EV ready.

29
30 Mr. Kelley asked about the recommendation by Underwood Engineers to repeat a flow test. Mr.
31 Saari said it did not make sense with 2 mains at 1,000 and one at 750 and said it is on the list for
32 maintenance. He said the Fire Suppression system goes to the State Fire Marshal as well. Mr.
33 Kelley asked about the irrigation system; Mr. Saari said the main campus has a well now for
34 irrigation purposes and they may add a well or two on the site.

35
36 **Conditional Use General Criteria:**

- 37
38 1) Site Suitability for Proposed Use: ZBA approved encroachments into buffer zones with
39 buildings and parking; additional impacts expected with building in general. NA.
40 2) External Impacts: No impact on abutting property.
41 3) Character of Site Development: In support of approved structures.
42 4) Character of Buildings and Structures: Neighborhood is defined by Riverwoods.

5) Preservation of Natural Resources: Trails maintained and rerouted as appropriate.

6) Impact on Property Values: Not happening.

7) Availability of Public Services and Facilities: Yes.

8) Fiscal Impacts: None.

WCOD Criteria:

1) No alternative design location on parcel for proposed project that would: a) have less adverse impact, b) be workable, c) be reasonable to expect applicant to utilize. No other way with less impacts on WCOD.

2) Design, construction, maintenance, operation will minimize soil disturbance. Ensured by discussion.

3) Mitigation and restoration activities for area being disturbed. On plan.

4) Proposed project will not have substantial adverse impacts to rare species/habitations. Not seen.

Mr. Kelley asked why the Community Center could not be located across the street. Attorney Boldt said there are similar issues on the other side of the street plus setback.

Richard Kelley moved that the Planning Board approve for Conditional Use for work in 75-foot wetland buffer, including portions of the clubhouse, driveways, relocation of section of Stone Quarry Drive, sidewalks, stormwater facilities, underground utilities, and other site work; Seconded by Councilor Grant; Approved 7-0. Motion carries.

Mr. Kelley asked about Tighe & Bond existing 24" culvert. Mr. Saari said it is located on the plan north to south in good shape, RPC pipe true-to-grade, perfectly straight. Mr. Behrendt said Section 5.811 of Site Plan regulations states parking should be broken up into smaller areas not to exceed 40 spaces unless approved by Planning Board. Chair Rasmussen said the lot has 48 spaces, is far from road and is a private parking lot; willing to allow the 48 spaces as approved by Planning Board with our acceptance of the application.

School Impact Fees: In Pilot negotiations with Town Administrator but we officially have to waive it. Mr. Boldt said the text is finalized, just waiting for two numbers. Chair Rasmussen said the second sentence should reference the pilot negotiations.

Chair Rasmussen moved that the Planning Board approve the application for Riverwoods-Phase II Site plan; site plan for 2 senior housing buildings, community center, maintenance building and other site improvements; Stone Quarry Drive, Map 209, Lot 33 per Notice of Decision as amended this night of November 12, 2025; Seconded by Councilor Grant; Approved 7-0. Motion carries.

1
2 **XI. Conservation Subdivisions.** Presentation by Town Planner Michael Behrendt about
3 conservation subdivisions as part of plan to rewrite Article XIX. Conservation Subdivisions in the
4 Zoning Ordinance. Recommended action: Presentation.

5
6 Town Planner Michael Behrendt presented a PowerPoint based on information from Randall
7 Arendt, considered the godfather of conservation subdivisions, showing a conventional
8 subdivision versus a conservation subdivision which preserves significant space. He said the
9 Transect is the proper design orientation for planning from center to edges; progresses from
10 rural, along gradient, to most dense center with gradual changes designed properly for location.

11
12 Mr. Behrendt said *Urban* is a town or village core center which is dense and walkable with no
13 need to preserve significant urban space; *Suburban* is sprawl with large 2-5 acre lots, conserves
14 land inefficiently, expensive utility service, not dense or community oriented with traffic often
15 funneled to collector roads; *Rural* is opposite of urban, open space in outlying areas, low density,
16 mostly single-family. He said conservation subdivisions are the right way to develop housing in
17 rural areas.

18
19 Mr. Behrendt said a conservation subdivision ordinance should state where it is required,
20 exemptions, amount of open space required, what is allowed and required in open space area,
21 and how to protect it; determine developable areas designating number of dwelling units,
22 housing types, and other uses; whether a common area should be designated, design goals and
23 street layout with dimensional parameters. There should be a process for developing and
24 reviewing proposals with incentives to affordable housing. Should be required in Durham in
25 Rural, Residence Coastal, ORLI, MUDOR, and not allowed in other zones.

26
27 Exemptions from Requirement: up to a 3-lot subdivision, 2 new lots with no allowance for future
28 subdivision or *with* future subdivision allowance; creation of 40,000 sq ft lots of 9 across, should
29 be reduced to 7 or 8 across; subdividing one lot no more often than 7 years. Open space
30 requirement: generally 50%-80% of gross parcel area, can be higher for rural, have formula for
31 determining amount of open space (keep separate from density formula): area of wetlands and
32 open water, possibly buffer areas; what resources should be protected, open space will be
33 designated permanent on the plat, easement not necessary.

34
35 Determine number of dwelling units in developable area; should be determinable, come up with
36 some acreage and divide by some factor; presently very restrictive. Housing types: single family
37 or smaller lots with concentrated clusters, co-housing arrangements, duplexes or small multi-
38 family; located on interior of parcel not visible by abutters. Design of developable areas: compact
39 areas to left; middle separate pods; right more rectilinear modified grid. Priorities: 1) preserving
40 meaningful open space; 2) housing can be built without impacting rural character; 3) design in a
41 way to foster community.

42

Overall design goals and site layout: setback from road, rural collector roads, limit smaller lots on existing roads (cul-de-sac appropriate); town roads receiving town services, one continuous developable area preferred; connecting trails is valuable. Dimensional parameters: lot sizes, frontages, setbacks, etc. Flexibility desired, can be separate lots or land owned in common by association; some limited minimum lot size and setbacks are needed but frontage requirements can be eliminated with shared driveway to back lots.

Process for developing and revising a proposal: Most of the land is Residential, Residence Coastal, Rural. Process currently is very complicated and burdensome with miniscule density. Affordable housing incentives: hard to do and hard to make the numbers work; more housing with more choices.

XII. 2026 Schedule of Planning Board meetings and deadlines.

Not reviewed.

XIII. Review of Minutes: October 8, 2025 and October 22, 2025

Approval of the meeting minutes of October 8, 2025:

Richard Kelley moved to approve the Planning Board meeting minutes of October 8, 2025; SECONDED by Councilor Grant; APPROVED: 7-0 Motion carries.

Approval of the meeting minutes of October 22, 2025:

Mr. Smith made several corrections on page 8 which were conveyed to Karen Edwards.

Chair Rasmussen moved to approve the Planning Board meeting minutes of October 22, 2025 as amended; SECONDED by Robert Sullivan; APPROVED: 7-0 Motion carries.

XIV. Other Business:

Changes to Downtown by Town Council

Chair Rasmussen said there was a presentation at the last Town Council meeting re 4-story buildings with gabled roofs and setbacks for downtown areas; sent to Planning Board for consideration. He said the town was looking at aesthetics only and missed looking at the whole package. Councilor Grant said it was focused on compromise of 3-story maximum in general and trying to compromise on height for that area. She said 42 ft is not a good number and the Planning Board has good facts about it; need to talk about it as a group and decide what can be adjusted to make buildable housing in downtown.

Chair Rasmussen said the Board should bring the downtown discussion back to our front desk. Councilor Ford asked if he received the information from the Town Council; Councilor Grant said it was 37 ft to an eave of 42 ft maximum height with 10-ft setback for flat roof. Chair Rasmussen said the Planning Board goal was to get rid of zoning by footnote; might need to break up CB-1

again for different zoning rules (should all be the same in a zone). Board agreed to switch focus to downtown.

Vice Chair Tobias asked that information sent out also list what is where in C-1 and CB-2, She said zoning is to create communities that are viable and allow people to make their properties profitable. Chair Rasmussen said HTF (Housing Task Force) proposed some information for us which will overlap with this and said he would like the HTF presentation to be done next. He asked Mr. Behrendt to send an email this week to Planning Board members showing location of that material, or links. Key thing for Town Council is a viable redevelopment plan; Planning Board task is to do it again and consider all suggestions.

December 10 meeting: 1) proposed amendments from Housing Task Force; 2) EV Chargers; 3) 4-story height issues and council recommendations.

XV. Adjournment

Vice Chair Tobias moved to adjourn the Planning Board Meeting of November 12, 2025; SECONDED by Peyton McManus; APPROVED: 7-0 Motion carries.

Chair Rasmussen adjourned the Planning Board meeting at 9:37 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board