

**TOWN OF DURHAM
DURHAM PLANNING BOARD
WORKSHOP MEETING**

Wednesday, April 16, 2025

Town Council Chambers, Durham Town Hall

7:00 pm

DRAFT MINUTES

MEMBERS PRESENT: Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Robert Sullivan, Heather Grant (Council Rep), Eric Lund (Alternate Council Rep)

MEMBERS ABSENT: Peyton McManus, Gary Whittington, Richard Kelley

ALSO PRESENT: Town Planner Michael Behrendt, Town Administrator Todd Selig, Town Engineer April Talon

I. Call to Order

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

II. Roll Call and Seating of Alternates

Chair Rasmussen said the board has a quorum.

III. Approval of Agenda

No changes to Agenda.

IV. Discussion of Planning, Zoning, and Development Issues. Discussion with Todd Selig, Town Administrator; April Talon, Town Engineer; and Michael Behrendt, Town Planner:

A. Recent and prospective development projects including The Edge at UNH

Mr. Behrendt said he sent a memo with some recent prospective projects and said the Edge is the largest. UNH is selecting a Master Developer, Todd is on the Steering Committee, first project is a building for NOAA (National Oceanic and Atmospheric Administration) which is separate from the PUD and will not be taxable; when the project is ready University Architect Ken Weston will present to the Planning Board, and said the Board is making good progress with the PUD Ordinance which will be used to review the Edge project.

Mr. Behrendt said the board approved Phase I for Mill Plaza, Riverwoods should be back with a formal application, and at 66 Main Street we are hoping for a developer to provide a major mixed-use downtown project there. Councilor Lund asked if any proposals received by the Edge are being reviewed and asked about an optional proposal for 66 Main Street. Town Administrator Selig there was some review, and we will see which ultimately will be chosen.

Mr. Behrendt said one of the options for the Edge is a hotel, perhaps at 66 Main Street; NH Supreme Court has upheld a Planning Board approval for a 4-story building at 74 Main Street, may still be a private issue there. Chair Rasmussen clarified that the challenge to the Planning Board is done but a private issue could come up with an easement. Mr. Behrendt said he and Todd met with Brendon Kelly for R J Kelly at Technology Drive about a large possible project for a warehouse or light industry; Planning Board has approved Harmony Homes for Phase II and endorsed a preliminary for Phase III; also potential with board's approval of Attainable Housing Ordinance.

B. Recent and prospective zoning amendments

Chair Rasmussen said earlier this year the Town Council approved the Attainable Housing Overlay District Ordinance, and at request of Housing Task Force voted to adopt 3 Zoning Ordinances for downtown development to create more housing in core areas; board is close to completing a Draft PUD Ordinance which will be used by the Edge then goes to Town Council for review; Conservation Commission is close to completing its new version of Wetland & Shoreland Overlay District, combining 2 existing districts into one for simplification; existing shoreland is 150 ft off tidal waters, and existing wetland is off any waters.

Chair Rasmussen said the Housing Task Force is finishing an extensive set of amendments to Table of Uses/Table of Dimensions, focused on residential rows of table; Housing Task Force will also start work on a revision of the Conservation Subdivision Ordinance; Energy Committee has prepared a set of proposals for zoning and site plan regulations to support EV charging stations. He said significant changes were made recently to zoning of Student Housing and 3-unrelated was removed; need to clarify definition of Lodging Houses and tighten ordinance using Fire Code definitions of housing and where they are allowed in our zoning.

Town Administrator Selig said he spoke with Roger Hayden, and he is putting his properties on the market in downtown Durham, which may create an opportunity for development. Mr. Behrendt, some of these zoning amendments are responding to larger issues, but this is just good planning long overdue. Vice Chair Tobia said the changes we are making are absolutely necessary. Town Administrator Selig said the town is now absolutely meeting the Master Plan goals with these changes.

Chair Rasmussen said about 10 years ago when student housing capacity was met, the town stopped building. Town Administrator Selig said at that time the town worked very hard to set the stage and create the environment where development could occur, then public opposition to Mill Plaza showed that a developer could spend a lot of money and not get approved, so we were in a hole when all this development was happening around us.

C. Infrastructure and service capacity for development in the downtown and in rest of town

Town Administrator Selig said as far as infrastructure, if developers need to upsize it should be at their cost, but developers say the town does not do enough for them. Town Engineer Talon said when we did Orion on Main Street there was an insufficient sewer situation, and a partnership was formed to have that done. Councilor Lund said that maybe the approach is to have the developer

1 pay for some but not all of the upgrades. Councilor Grant said or balance it with 79-E as a
2 compromise.

3
4 Town Administrator Selig said the other side is finding a balance of different objectives, for example
5 the town has strict protections of wetlands. He said he met recently with Mr. Behrendt and RJ Kelly
6 about two 180,000 sq ft buildings, but the issue is building a parking lot over wetlands, which could
7 stop the project. He said Durham has high standards and a rigorous process with significant
8 community opposition and needs to overcome that. Vice Chair Tobias said we have to change the
9 narrative, and infrastructure is key to development.

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11 Chair Rasmussen said the perspective of the town has changed drastically in the last 10 years in
12 terms of focus and trying to put that together. He said with the economic and social aspects of
13 COVID and the internet and how that has changed the way people work has significantly changed
14 the economy, and the current market does not reflect any of that. Councilor Grant said she feels
15 housing is very important and said we have to have a balance; the whole country is having the same
16 challenges.

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18 Chair Rasmussen said with the Master Plan, Durham did things backwards; everyone did their
19 chapters then we tried to write a vision, and the chapters were not cohesive with each other. Mr.
20 Sullivan asked what the vision is, what the problems are, and does our zoning fix the problems. He
21 said downtown is a ghost town with empty holes along Madbury Road ready to be built on, and our
22 zoning changes will help those symptoms.

23
24 Chair Rasmussen said the Conservation Subdivision rewrite will help to create something that would
25 apply across the whole town that would allow development of attainable housing and can be done
26 in a way that allows us to be conservative and energy minded with proper use of resources to avoid
27 sprawl. Mr. Sullivan asked about the full-year population issue. Chair Rasmussen said if some
28 student housing places decide to shut down, that gives an opportunity of a rebuild for a more
29 vibrant downtown.

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31 Chair Rasmussen said we also need to talk about infrastructure outside of downtown and ask at
32 what point sewer will need an upgrade, which needs to be part of the planning. Ms. Talon said the
33 sewer plant is 2.5 MGD (million gallons/day) and there is capacity there; water and sewer are not a
34 concern, and it is more stormwater and drainage outfalls. She said we have significant infrastructure
35 in central downtown and are either redoing water service or extending mains. Chair Rasmussen
36 asked about concerns outside of downtown, and Ms. Talon said you need to think about the town's
37 rivers and streams. Chair Rasmussen said as we move forward with the Edge, there will probably be
38 issues with College Brook.

39
40 Ms. Talon said storage would be required upstream, as the Edge buildout will be increasing
41 impervious surface and the project would have to control peak volume, and there will have to
42 significant stormwater treatment facilities, detention and treatment facilities. Town Administrator
43 Selig said with the Edge there is now a limit on wastewater flow. Ms. Talon said that section of the

1 sewer goes all the way down Main Street to Old Concord Road Pump Station, winds around
2 eventually to Rudman Pump Station with the beginning of the College Brook interceptor on the
3 south side, and said the constraint is at the railroad overpass. Town Administrator Selig said we
4 know there is a wastewater constriction to the west, and we have possible plans.

5
6 Town Administrator Selig said as far as water, because we operate two systems (UNH and Durham)
7 as one, we have tremendous resiliency and sufficient capacity to meet our collective needs today
8 and into the future. Ms. Talon said any properties up along Route 108 towards the Route 4 on/off
9 ramp have a new water and gravity sewer since Riverwoods went in. She said Pettee Brook at 74
10 Main Street collected data about stormwater network pipe sizes and slopes to see if the network
11 has capacity, and with those tools we will be able to make sure the drainage network can handle
12 any increases in impervious surface there.

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14 Town Administrator Selig said the town is moving in a good direction and has made a lot of progress
15 this last year, but he does worry nationally and economically that we are moving to a recessionary-
16 type environment. He said Tariffs will raise costs and we need to be ready.

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18 Possible Planning Board Alternate:

19 **Munish Nanda** said he has been here for 25 years and follows Planning Board discussions. He said
20 Durham is a university town but is more vibrant today with families and children, empty nesters,
21 talking about revitalizing the downtown area, which would be a fantastic opportunity for our
22 community. He said today downtown is geared to serving the university population, and when they
23 leave in summer, downtown is geared toward another population. He said Exeter has Phillips Exeter
24 Academy, but their downtown also serves people in general as well. He said serving as a Planning
25 Board Alternate would be a privilege and a gratifying experience.

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27 **V. Planned Unit Development.** Continued review of the proposed zoning amendment.

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29 Chair Rasmussen said on page 1, C. Location: the lot at Leawood Orchards on Mast Road concerns
30 him. Mr. Behrendt said it is only in proximity to Mast Road, but he will get the dimensions. Councilor
31 Lund said it is in the Historic District and only a certain distance from the specified street, probably
32 Lots 5, 6, and 7. Councilor Grant said on page 1, B. Definition and Purpose: last sentence of
33 paragraph 2 has "exceptional". Chair Tobias suggested "quality of new development by providing
34 attractive and beneficial features."

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36 Councilor Grant said on page 6, item 5 she does not recall talking about a committee and said this
37 sounds very fraught; it brings together too many people and seems wrong. Mr. Behrendt said the
38 reason for this is that things can get complicated and the committee can meet with the applicant.
39 Chair Rasmussen said if the committee can work more often to expedite the process it can help to
40 work out details. Councilor Grant questioned "members of Durham and the UNH community".
41 Board agreed to: "staff or members of Durham boards" and deleted "other members of the Durham
42 and UNH community".
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Councilor Lund asked if #7 on page 6 is entirely the Planning Board's call. Chair Rasmussen said it will be, and he has already spoken with Strafford Regional Planning who will schedule their own public hearing and inform all commission members; traffic impacts will be mostly on Lee. He said, ideally, we want all the traffic to come from the south up Route 125 to Route 4 and off the exit and do not want Route 125 to Route 155. Councilor Grant said in 11c on page 7 we talk about increases in building heights and asked the definition of "significant" in the second paragraph. Mr. Behrendt said building heights are on page 4, and it is open. Councilor Lund said the paragraph on building heights does not set any limits.

Chair Rasmussen said when developers come to us, they will have a plan with specific building heights in different locations, and we will look at that. Councilor Grant asked if the board would be deciding if it is significant or minor for any building height change. Chair Rasmussen said the key thing is they have a change that will come to the Planning Board, Mr. Behrendt will say it is de minimis and either the board agrees or disagrees. Councilor Lund said 11c is saying in some circumstances the Board will want to get the Town Council involved.

After further discussion, the Planning Board agreed to 3 categories: de minimis, moderate, and significant; the Planning Board would decide between moderate and significant with Council reps having a say. Mr. Behrendt suggested getting rid of the last paragraph under 11c and saying: "anything determined by Council reps would go to the Town Council". Chair Rasmussen said it gives the community two chances, and it needs to be flexible without being too restrictive, and the board determines the level on any given change; the idea of going to the Town Council is that the plan has changed significantly from the original Town Council approval.

Chair Rasmussen said under H. Submission Requirements, 6e lists general approach to stormwater management with plan for mitigating potential impact on neighboring properties. He said under 8 they will have to demonstrate that the plan will handle the workload. The Board agreed to specify "sewer" and "utility capacity" in number 8.

Mr. Behrendt said he would send out a cleaned-up version for the May 14, 2025 Public Hearing. Chair Rasmussen said the board also needs to schedule Committee Assignments.

VI. Other Business

VII. Adjournment

Robert Sullivan MOVED to adjourn the Planning Board Workshop Meeting of April 16, 2025; SECONDED by Vice Chair Tobias; APPROVED: 5-0, Motion carries.

Chair Rasmussen adjourned the meeting at 9:28 pm.

Respectfully submitted,
Patricia Denmark, Minute Taker
Durham Planning Board