

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

Wednesday, January 14, 2026

## **Town Council Chambers, Durham Town Hall**

7:00 pm

## **DRAFT MINUTES**

**MEMBERS PRESENT:** Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Richard Kelley, Peyton McManus, Gary Whittington, Robert Sullivan, Heather Grant (Council Rep), Munish Nanda (Alternate), Peter Howd (Alternate), Emma Holland (Alternate)

**MEMBERS ABSENT:** Darrell Ford (Alternate Council Rep), Julian Smith (Alternate)

**ALSO PRESENT:** Town Planner Michael Behrendt

## I. Call to Order

Chair Paul Rasmussen called the Durham Planning Board meeting of January 14, 2026 to order at 7:00 pm.

## II. Roll Call and Seating of Alternates

Chair Rasmussen welcomed Emma Hollander to the Planning Board as a new Alternate.

## II. Approval of Agenda

Chair Rasmussen asked that **Item X. New State Laws**, be placed in front of Public Hearings.

*Richard Kelley moved to approve the agenda as just amended; SECONDED by Peyton McManus; APPROVED: 7-0, Motion carries.*

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

Mr. Behrendt said for the next meeting on January 28, nothing yet on the agenda; could start Conservation Subdivision. Project updates: Pre-construction meeting for Gerrish Drive; Dunkin Donuts approved; Riverwoods pursuing State approvals; last Friday Update a great recap of 2025.

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

Reporting from Town Council: Councilor Grant said the Council met on Monday, short meeting; Resolution 2026-01 recognizing the Durham Housing Task Force; presentation from Oyster River Cooperative School District; Resolution 2026-02 to allow guns on campus; Mr. Howd said that moved out of committee today with an affirmative vote. Vice Chair Tobias said the Housing Task Force award was from the Greater Seacoast Workforce Housing Coalition for the Workforce Housing Overlay District.

1    Reporting from Energy Committee: Chair Rasmussen said the *Energy Committee* is working  
2    through what's next; providing educational support; infrared heaters now available for loan at  
3    the Library.

4  
5    Reporting from IWMAC: Chair Rasmussen said *IWMAC* was happy for Christmas tree utilization  
6    for the goat farm held this past Saturday by NH PR on radio.

7  
8    Reporting from Conservation Commission: Robert Sullivan said they are working through a  
9    deliberate process to figure out what to do on setbacks for Wetland and Shoreland, meeting in  
10   small subgroups.

11  
12   **VI. Public Comments**

13  
14   **Bruce Fenton** of Durham Point Road said he watched every meeting for the last 2 years and said  
15   the Planning Board is very heavy-handed. He said this could be a vibrant college town but there  
16   are a lot of restrictions that make it hard for people to do things here.

17  
18   **Al Graziano** of 361 Durham Point Road said he is a new resident since September, and agrees  
19   that there has been nothing but harassment and bullying, and no one had a conversation with  
20   him while building his home. He said he would like to build restaurants in Durham but feels it is  
21   impossible here.

22  
23   **VII. Review of Minutes (old): None**

24  
25   **X. New State Laws.** Proposed amendments to the Zoning Ordinance to comply with recently  
26   adopted state laws affecting land use. The amendments pertain to municipal restrictions  
27   on dwelling units, accessory dwelling units, and multi-unit residential on commercial land.  
28   The Planning Board initiated a set of amendments which were forwarded to the Town  
29   Council. The Town Council has sent back the proposal with one recommended change.  
30   Recommended action: Schedule a public hearing on the draft with the change proposed by  
31   the Town Council.

32  
33   Chair Rasmussen asked that the Planning Board schedule the Public Hearing on the draft with  
34   Town Council change for January 28, 2026. He said the Board had sent to Town Council that  
35   Residence Multi-Unit be permitted in all Research Industry zones as well as Coe's Corner, OR,  
36   ORLI, MUDOR, and DBP. He said new State Law also allowed that a community could make it  
37   mixed-use or require it to be mixed-use; Town Council did that by X-ing out Multi-Unit and  
38   making it "permitted as Mixed-Use only". He said the last thing we should do is try to create more  
39   commercial businesses outside of our Downtown.

40  
41   **VIII. Public Hearing - Proposed Zoning Amendment to Change Three-Story Height Limit.** An  
42   amendment to remove the three-story height limitation in a section of the Central Business-  
43   1 District where there is a maximum of three stories allowed. The original amendment  
44   would allow for four stories by right and five stories by conditional use. This revision to the

1        original amendment prepared by the Town Council would allow four stories with either a  
2        pitched roof with dormers or a fourth story with a setback and no fifth story. Recommended  
3        action: Recommendation from the Planning Board back to the Town Council.

4  
5        Chair Rasmussen said comments tonight are relevant for both Public Hearings and no action will  
6        be taken on them until both are done; process: have both public hearings then deliberate on  
7        both.

8  
9        ***Chair Rasmussen moved that the Planning Board open the first Public Hearing re 3-story***  
10      ***height limit; SECONDED by Councilor Grant; APPROVED: 7-0, Motion carries.***

11  
12      **Roger Hayden** of 4 Lexington Street, Dover, NH, said concerning both proposals he is in favor of  
13      4 stories with a 50-ft height limit, which would allow businesses to make more spacious  
14      apartments, with a ceiling higher than 8 ft, and give the developer/builder more flexibility.

15  
16      **Dennis Meadows** of 34 Laurel Lane said he listened to hours of Town Council and Planning Board  
17      conversations and considers both amendments to be totally irrelevant to what the Board should  
18      be attending to. He said Housing Task Force goals to add more workforce housing and revive the  
19      Central Business District have both totally failed. He said housing prices will continue to rise and  
20      Central Business District will continue to languish, and said Durham has no chance to compete  
21      with surrounding towns as a shopping destination or for low-cost housing. He said complicated  
22      problems require expert solutions and said Durham needs new major ideas.

23  
24      **Tom Daly** of 190 Piscataqua Road spoke on behalf of himself and others, and said from January  
25      6 - January 13 we have collected the support of 105 community members for a petition for a  
26      resilient downtown, aligning Durham zoning with economic goals. The petition asks the Planning  
27      Board to: adopt one of the CB-1 zoning amendments; both would minimally allow 4-story  
28      buildings in all CB-1 zones to foster business vitality, enhance long-term resiliency, allow enough  
29      density, and broaden the tax base, allowing more housing in Downtown Durham.

30  
31      **Gail Kelley** of 11 Gerrish Drive said she endorses Dennis Meadows' comments and said this is  
32      being approached from the wrong angle: building height has nothing to do with creating a vibrant  
33      downtown, and it is time to enlist the expertise of experts. She said UNH students will live in  
34      those buildings as there is no place to park. She said people in Durham really care about this  
35      town, that's why they are here; let's pay attention to them and go about this in a measured  
36      manner.

37  
38      **Al Howland** of 32 Frost Drive said he was one of the 10 amateurs on the Housing Task Force that  
39      proposed the 4-story height and 5-story with Conditional Use (CU). He said we are back to the  
40      same conversation and nothing has changed in Downtown at all; the cost of building is up  
41      exponentially with absolutely no help from the state and a height of 50 ft is a reasonable  
42      requirement. He said we missed building when interest rates were low and economic incentives  
43      were available and we are now facing a challenging time, and said he is in favor of the second  
44      amendment for 4 stories with 50 ft height.

1  
2 **Jeff Berlin** of 3 Cowell Drive said we can purposely build things and work with supply and demand.  
3 He said if not subsidizing, which he is not in favor of, you have to build out the units to effect the  
4 supply; to stop students you have to change the number of units you allow in a building. He said  
5 there are also strategic lots abutting or touching the downtown core where you could put a lot  
6 of units. He said he is in favor of the highest anyone can build and said there are opportunities  
7 there if you will let people work with you.

8  
9 **Daniel Day** of Bagdad Road said he believes there needs to be a discussion about height limit in  
10 downtown and said Durham is not a small town anymore. He said the University has buildings as  
11 high as 10 stories, and the university is becoming less and less relevant. If Durham adopts its own  
12 identity independent of the university we need to start thinking about what our future will be  
13 like. He said we should let developers work with the Planning Board and talk about what is best  
14 for projects.

15  
16 **Mary Alice Schatzle** said she lives with her wife, Glendowlyn Howard, at 5 Bayview Road and they  
17 are both opposed to the 50-ft second amendment. She read a letter Lyn wrote saying they  
18 recognize the importance of affordable housing and the importance of vitality in downtown but  
19 are discouraged with the process. She said over the past 6 months the Housing Task Force and  
20 the Planning Board have moved forward rapidly with zoning changes that will forever change the  
21 small-town feel of Durham, but without seeing any cohesive vision in place that enhances the  
22 downtown and draws residents back into town.

23  
24 **Beth Olshansky** of Packers Falls Road addressed just the first proposed amendment. She said Mr.  
25 Behrendt sent out the Architectural Standards which are followed by Site Plan Review. She asked  
26 how new buildings on the streetscape will fit in with the existing. She said 42 ft was too short and  
27 increased to 45 ft which can work with current zoning standards, and said we all want our  
28 downtown to be revitalized.

29  
30 **Willilam Hale** of 3 Smith Park Lane said you have to solve a problem before you can think about  
31 improving the downtown and said no other town has a reputation like Durham. Fifty years ago,  
32 it was busy from morning until night; we just had Madbury Road developed and the radius of the  
33 curbing does not accommodate turning school buses and the shoulder has been removed. He  
34 said as long as this sort of thing goes on in Durham you will have a tough time developing.

35  
36 **Aaron Williams** of 51 6th Street in Dover, NH said he is here with **Eric Leaver** of 42 Main Street,  
37 Dover, NH, representing *Strong Towns Seacoast*, a local advisory group advocating for safe and  
38 productive streets and residences, here to support the Planning Board proposed amendment to  
39 relax the height limits and allow CB-1 District to include 4-story developments up to 50 ft. He said  
40 Durham needs the finances to maintain itself, which means the amount of private investment  
41 being made has to exceed the cost of that maintenance by increasing the tax base, which will  
42 allow and attract further investment in Durham.

1   **James Tobias** of 107 Madbury Road said he is in favor of the amendment for 50 ft, 4-story  
2   buildings in downtown Durham. He said we need to give developers room to develop and make  
3   Durham a place where more people can live.

4  
5   **Brian Walsh**, Pastor of Great Bay Anglican Church, 42A Main Street next to Roger Hayden, and  
6   said he heartily endorses the 50-ft 4-story change. He said developers are not your enemy and  
7   are investing millions of dollars on Main Street trying to bring their resources to bear in our town,  
8   creating jobs and resources for Durham.

9  
10   **Carolyn Singer** of 5 Woodridge Road said she totally agrees with Dennis Meadows and worries  
11   about the aesthetic impact of tall buildings in the downtown. She said buildings have to be to  
12   scale and beautiful, not a lot of square boxes. She said taking into consideration a more  
13   comprehensive plan of 45 ft with pitched roofs is a reasonable compromise.

14  
15   Chair Rasmussen asked Councilor Grant, the Town Council Representative, the likelihood of the  
16   Town Council funding a comprehensive review of this issue. Councilor Grant said we are behind  
17   and have tweaked things to hold them together, and did not expect funding for the next 3 years.

18  
19   **Judith Spang** of 55 Wiswall Road said she was part of the Housing Task Force, and said we are  
20   not accomplishing any solutions in a way we would like to. She said we are talking about whether  
21   to keep or not keep the small-town character of our town, and 360 people signed a petition to  
22   maintain the small-town beauty of Durham. She said there is a lot businesses can do to bring  
23   vitality to this town that does not require a change of our zoning, and said she is not in favor of  
24   increasing the building height to 50 ft.

25  
26   **Ben Bulkey** of 569 Bagdad Road said to him it seems the point for allowing height limits is to send  
27   a message that we are open for business and want conversations about what we can do with our  
28   downtown. He said it has stagnated and we are now closed for business, and we have an  
29   economic imperative right now that affects everybody. We need to allow developers to explore  
30   the options to create something new and vibrant to add to the community.

31  
32   **Joshua Meyrowitz** of 7 Chesley Drive said he thought the potential of 50 ft would have a reverse  
33   impact. He said he would like to see a more vibrant town but we need to be able to distinguish  
34   between the scale of the University and the Town. He said he echoes Dennis Meadows that  
35   building height is not going to solve our problems, and said it is a much larger systemic issue and  
36   a loss of features that originally brought people to Durham. He said we need to be careful about  
37   what we add and do it with wisdom.

38  
39   **Tolu Afolayan** of 9 Willey Road said he is president of the Rotary Club and a member of Durham  
40   Business Association. He said he sees a lot of different sides of Durham and said he is here to  
41   voice his support for the Town's business community. He said he appreciates the visual character  
42   but also sees businesses continue to struggle. He said having a healthy and thriving business base  
43   is a necessity and he is here to voice support to change the height limit in CB-1 to 50 ft and 4

1 stories along with 5 stories Conditional Use. He said the town should find a way to chart a path  
2 forward together with the University.

3  
4 **Doug Banks** of 7 York Drive said he is here to speak to both amendments. He said he was invited  
5 by the Council to work together with Michael Behrendt to prepare what ended up being sent to  
6 the Planning Board as a compromise between an original proposal for 4 floors and the desire to  
7 keep the 3-story limit on the eastern end of CB-1. He said the idea was to allow a 4th floor where  
8 visual impact would be mitigated by using a sloped roof or a 10-ft setback, which reads as 3  
9 stories from the street. He said the Board immediately went to 50 ft with no setbacks or pitched  
10 roofs which is a concern for some people.

11  
12 **Deborah Hirsch** said she could not hear the speakers but agreed with Dennis Meadows that we  
13 need to be taking a much more comprehensive approach and look at all the issues that feed into  
14 what we want: an attractive, vibrant downtown appealing to residents and developers. She said  
15 Doug's compromise may be the best thing we can do now; after that think about how to address  
16 the issue; raising building heights to 50 ft is not going to solve that problem.

17  
18       *Chair Rasmussen moved that the Planning Board close the first Public Hearing re 3-story  
19 height limit; SECONDED by Peyton McManus; APPROVED: 7-0, Motion carries.*

20  
21 **IX. Public Hearing - Proposed Zoning Amendment to Change Height Limit in CB-1.** An  
22 amendment proposed by the Planning Board to establish a new height limit for all of the Central  
23 Business-1 District. Four stories and a 50-foot height would be permitted by right through all of  
24 CB-1. Presently, the limit in the westerly section of CB-1 is four stories by right and five stories  
25 by conditional use. The limit in the Easterly section of CB-1 is three stories by right.  
26 Recommended action: Decision whether to initiate the amendment.

27  
28       *Chair Rasmussen moved that the Planning Board open the second Public Hearing to  
29 change height limit in CB-1; SECONDED by Peyton McManus; APPROVED: 7-0, Motion  
30 carries.*

31  
32 **Beth Olshansky** of Packers Falls Road said the Planning Board decision to propose 50 ft was based  
33 on incomplete information about local height limits. She showed a PowerPoint presentation and  
34 talked about Architectural Standards and human scale, which she said should be compatible with  
35 our heritage showing sensitivity to adjacent buildings to avoid a canyon effect. She said all our  
36 amendments should align with our existing planning documents. She said a letter signed by 250  
37 residents calls for 3.5-story buildings, 4 stories with a pitched roof and dormers, which will get us  
38 started on redevelopment, and said Main Street is the face of our community.

39  
40 **Diane McCann** of 27 Oyster River Road said the Planning Board has already done a good job  
41 because there are 4 houses in the faculty neighborhood full of students, owned by one owner.  
42 She said I think we need to try this compromise and need to work with the sentiment of the town  
43 at this point; she suggested contacting the Carsey School of Public Policy at UNH as the source of  
44 a possible study.

1  
2 **Maeve Nolan** of Hampton Falls, representing the Workforce Housing Coalition of the Greater  
3 Seacoast, said we work to enhance housing opportunities for our workforce and families. She  
4 said she is here tonight to express support for the proposal to change the building heights to 4  
5 stories with a 50-ft limit. She said students already live in Durham and demand just displaces  
6 them to family neighborhoods; this proposal is targeted and measured and only applies to the  
7 CB-1 District; changing the height limit does not eliminate the Planning Board's role in reviewing  
8 scale and context, and she encouraged the Planning Board to move forward with this  
9 amendment.

10  
11 **Mike Lehrman** of Cedar Point Road said this is a difficult decision to make and he did not think  
12 more studies would help with the decision. He said he would support either amendment as a  
13 step forward and said no one can predict what a particular developer is going to do. He said he  
14 does not think Durham is in any danger of having a canyon effect, dormers are fine for existing  
15 buildings, and developers need the flexibility of higher ceiling heights for the modern  
16 marketplace.

17  
18 **Jeff Berlin** of 3 Cowell Drive said a developer is someone here trying to make a living. Any barriers,  
19 not just this one, restrict development and he hopes everyone will support this.

20  
21 **Tom Daly** of 190 Piscataqua Road said the Planning Board also received a petition for a resilient  
22 downtown with 105 signatures that is supportive of either proposal and seeks to foster business  
23 vitality, enhance long-term resiliency, and broaden the tax base in Durham. He said it is a real  
24 and serious ask to support a step forward in economic development in CB-1.

25  
26 **Gail Kelley** of 11 Gerrish Drive said 50-ft buildings would do nothing more to increase the  
27 occupancy of the building and they do not meet the need of affordable housing or attract more  
28 business to this town, and they will just be out of scale with what we have.

29  
30 **Roger Hayden** of Dover, NH said at some point in life you have to make a decision and you are at  
31 that point now. He said the business community in the Downtown is in a downward spiral, and  
32 said currently he has not raised the rent of his tenants for 8 years. He said taxes are up, water  
33 has doubled, and both of his buildings cannot afford to pay him rent, only their bills, and he will  
34 be closing Hayden Sports in May for lack of rent and closing the laundry center in summer.

35  
36 Chair Rasmussen asked Mr. Hayden whether either building had a basement because of parking.  
37 Mr. Hayden said the sports store has a 4-ft crawl space and the laundry has a partial basement.  
38 Chair Rasmussen said in that zone now only underground parking is allowed, or street level, not  
39 the first story. Mr. Hayden said I think you are getting bogged down with the details and need to  
40 make something happen; why not renovate downtown and give developers a little discretion.

41  
42 **Daniel Day** of Bagdad Road said the feedback on the mikes is killing my ears. He said we are losing  
43 a store and a laundromat that has been a part of downtown for a long time and said building

1 height will not change a lot of these issues. He said it is a desperate time for our town and  
2 encouraged the Board to err on the side of flexibility right now.

3  
4 **Joshua Meyrowitz** of 7 Chesley Drive said he supports adding more housing, just not the 50-ft  
5 height. He said UNH may have support for a parking structure. He said student activity at night is  
6 not compatible with families. He said he supports Beth Olshansky and Rob Sullivan's proposal;  
7 increase in height but within reason.

8  
9 Mr. Nanda asked Roger Hayden for his perspective of what has changed in downtown to cause  
10 business to dwindle. **Mr. Hayden** said when he moved here there were 2 hardware stores, a  
11 men's store, and it was full of townspeople. He said it was at the beginning of internet shopping  
12 and gift stores had gone out of favor. He said it is a student downtown now, and said he saw the  
13 spiral years ago but Durham plods along

14  
15 **Gail Kelley** said in the time Mr. Hayden was talking about there was no grocery or restaurants;  
16 she said Newmarket is a vibrant town now and Durham is dead, but that was a town using an  
17 asset that it already had; Durham has torn everything down. She said they should look into what  
18 Durham can offer that others cannot, but said Durham is a student town.

19  
20 Mr. Sullivan asked if there was anything specific that applies to the decision the Board has to  
21 make tonight. Ms. Kelley said those are specific matters. Mr. McManus said he remembers when  
22 Newmarket Mills was nothing and some might say it is not human scale, but redevelopment  
23 brought a lot of housing right downtown.

24  
25 **Robin Mower** said she listened to lots of people who know nothing about the State-enabled  
26 legislation. She said some comments were good like sending a message that Durham is open for  
27 business. She strongly urged that the Board give great weight to Doug Bank's comments as he is  
28 a professional and we really need professional advice. She said we do not want to give away the  
29 soul of Durham and urged the Board to consider the central section of downtown to be unique.

30  
31 Mr. Meyrowitz said the Mills in Newmarket are partly underground. Mr. Whittington said the  
32 point is that residential density adds retail vibrancy.

33  
34 **Annmarie Harris** of 56 Oyster River Road said she is one of the longest residents of this town,  
35 and watched many projects that would have enhanced long-term vibrancy of the community like  
36 the Mill Pond Center, but it was defeated. She said she endorses the perspective of Doug Banks  
37 and caring about the community character. She said it would be wonderful to have vibrancy but  
38 is not expecting her taxes to go down and said stabilizing the tax base would be quite an  
39 accomplishment. She did not think going to 50 ft would be a successful venture.

40  
41 **Tom Daly** of Piscataqua Road pointed out that UNH enrollment is going down, and said we have  
42 shifted at least \$3.6 Million from commercial to residential directly related to supply of student  
43 housing in downtown Durham. He said as a business person, he cannot imagine building student  
44 housing in downtown right now.

1  
2        ***Richard Kelley moved that the Planning Board close the second Public Hearing to change***  
3        ***height limit in CB-1; SECONDED by Councilor Grant; APPROVED: 7-0, Motion carries.***

4  
5        Chair Rasmussen said before the Board begins deliberations, we essentially have 3 plans on the  
6        table: the two we just held public hearings on and the original one we sent to the Town Council.  
7        He said we could choose to just send that one back and provide reasons behind that choice: the  
8        original was to allow 4 stories everywhere and allow a 5th story by CU, no mention of height.

9  
10       Mr. Whittington asked if it would be more efficient if the Board focused on exactly where we  
11       want to end up, based on what we have heard and what is before us, and sort of back into it as  
12       the best mechanism to get there. Chair Rasmussen said he is hoping for a decision tonight; if we  
13       modify too much we will need another public hearing.

14  
15       Mr. Behrendt said the standard is that after a public hearing on an amendment, the Board should  
16       deal with the issues on the two we had. The Council's version has 2 height limits, 32 ft and 42 ft,  
17       where the Planning Board has only one height limit at 50 ft. He said in his opinion you have the  
18       flexibility on those numbers tonight to go forward or change them. Mr. Kelley asked that the  
19       Board start now to discuss specifics on this zoning. Mr. McManus recommended going with one  
20       of the two and not introducing a third.

21  
22       Chair Rasmussen said architectural standards are part of Site Plan Regulations, and things like  
23       slope of roof belong in Site Plan Regs with architectural standards, not in the zoning. Mr. Sullivan  
24       asked about the proposal to allow a 4th floor with a pitched roof ending at 45 ft; not a big  
25       difference to go up to 50 ft. Mr. McManus said he is for maximum flexibility and does not want  
26       to impose restrictions for some aesthetic judgement. Mr. Sullivan said so we are saying we don't  
27       think human scale should be the driving factor.

28  
29       Chair Rasmussen said 95% of the zone does not have a human scale issue; only in a tiny part of  
30       downtown. Mr. Whittington said as a Planning Board we should not chill the creativity of  
31       professionals, and asked if the Board can rely on Site Plan Review and Architectural Standards to  
32       provide sufficient protection. Mr. Behrendt said Architectural Standards are strong with a lot of  
33       detail. Chair Rasmussen said another reason for 50 ft is that we don't live in our own bubble and  
34       compared standards in neighboring towns like Dover and Newmarket. He said he is at 4 stories,  
35       50 ft and open to CU for 5 stories.

36  
37       Mr. Kelley said he is for the pitched roof requirement on certain lots in the town center, and  
38       outside that 4 stories, 50 ft. Mr. McManus said he is against having a 3-story zone in downtown;  
39       he asked to simplify it and say "the zone"; developers will make the best judgment because they  
40       want to attract tenants and shoppers.

41  
42       Chair Rasmussen said I think we have already made a decision as a majority that we want 4 stories  
43       with 50 ft throughout. Mr. Sullivan said the question is setback or no setback. Chair Rasmussen  
44       said that is an architectural standard in his opinion and said he is against a setback; Vice Chair

1 Tobias agreed. Ms. Holland asked for verification that every new building or proposal has to be  
2 presented before the Planning Board for review and has to align with those design standards.  
3 Mr. Behrendt said every building in that zone and all core commercial zones; except for single  
4 family and duplex.

5  
6 Ms. Holland said as her final point for the record, she appreciates all the residents that came out  
7 to voice their opinions, but there are also residents that are potential developers and businesses  
8 voicing support for the 50 ft to have that flexibility that will also have to conform to the design  
9 standards.

10  
11 Mr. Howd addressed how we define roof heights in Durham: with a sloping roof it is defined as  
12 the midpoint, so we need to be careful throwing around 45 ft and 50 ft and changing the rules in  
13 how height is defined in this district. Mr. Sullivan said to him maximum height is the top shingle.  
14 Mr. Behrendt said the one from the Council gives its own definition of maximum height with a  
15 sloped roof which assumes a flat roof on top. He said the Planning Board proposal relies on the  
16 standard language of the ordinance which is to the eave or to the midpoint with a pitched roof.  
17 Vice Chair Tobias said she is not really in favor of the Town Council's interpretation.

18  
19 Mr. Behrendt said Council is saying your 4th floor either has to have a pitched roof or a setback  
20 but you can raise those numbers. Chair Rasmussen said he does not like the setback. Mr. Holland  
21 said if you were going to amend the Town Council proposed with raised height, why not just go  
22 with flexibility and no enforcement of roof line. Mr. Behrendt said our approach is saying we  
23 want assurance that the 4th floor will be treated carefully in the sensitive easterly section; our  
24 other option says: 50 ft, 4 stories, rely on architectural standards.

25  
26 Ms. Holland said the design standards do call for architectural diversity; with enforcements on  
27 how every building has to look, you reduce those options of diversity. Mr. Sullivan suggested that  
28 the Board not send something to the Town Council that will not be approvable. Mr. McManus  
29 said the 5-ft difference is a very minor aesthetic judgment, and said he is in favor of 4 stories with  
30 50-ft limit and no setback. Mr. Kelley said he sees limits applying to 2 lots in town, the others are  
31 all built out and won't change.

32  
33 ***Chair Rasmussen moved that the Board initiate the proposed Planning Board proposal for  
34 4 stories throughout CB-1, 50 ft maximum, without a Conditional Use (CU) option for 5th  
35 floor; SECONDED by Richard Kelley;***

36  
37 ***Robert Sullivan moved to modify the motion to have a setback requirement for a flat roof  
38 at 50 ft; SECONDED by Richard Kelley; NOT IN FAVOR: 6-1, amendment fails.***

39  
40 ***Motion APPROVED: 7-0, Motion carries.***

41  
42 Chair Rasmussen said he drafted a reply and had Peyton proofread it. Mr. Behrendt said the  
43 Board should have a second vote on the first Public Hearing and recommend against the Council's

1 motion and include the original. Councilor Grant said the Council sent back a modification. Chair  
2 Rasmussen said he would reject the Council changes but not the original one sent by the Board.  
3

4 ***Chair Rasmussen moved that the Planning Board reject the Town Council's amendment  
5 and its original; SECONDED by Richard Kelley; APPROVED: 7-0, Motion carries.***

6 The Board reviewed and edited the draft response to read:  
7

8 *The Town Council requested the Planning Board review a modification to the zoning amendment to  
9 remove the three-story height restriction in the Central Business District. During the January 14, 2026  
10 Planning Board meeting, the Board unanimously determined the modifications suggested by the Town  
11 Council to be insufficient to the needs of revitalizing the downtown. The Planning Board unanimously  
12 believes that a 4-story height limit, with a building height of 50 feet, should be approved.*

13 **XI. Electric Vehicle Charging Stations**. Continued discussion of proposed amendments to the  
14 Site Plan Regulations to create more electric vehicle charging stations. Developed by the  
15 Durham Energy Committee. Recommended action: Continued discussion if time allows.

16 ***POSTPONED TO JANUARY 28, 2026***

17 **XII. Review of Minutes: December 10, 2025**

18 ***Not Addressed.***

19 **XIII. Other Business: None.**

20 **XIV. Adjournment**

21 ***Vice Chair Tobias moved to adjourn the Planning Board Meeting of January 14, 2026;  
22 SECONDED by Robert Sullivan; APPROVED: 7-0, Motion carries.***

23 Chair Rasmussen adjourned the Planning Board meeting at 9:50 pm.  
24

25 Respectfully submitted,  
26

27 Patricia Denmark, Minute Taker  
28 Durham Planning Board