

TOWN OF DURHAM
DURHAM PLANNING BOARD MEETING

Wednesday, January 28, 2026
Town Council Chambers, Durham Town Hall

7:00 pm

DRAFT MINUTES

MEMBERS PRESENT: Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Peyton McManus, Gary Whittington, Robert Sullivan, Darrell Ford (Alternate Council Rep), Julian Smith (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate)

MEMBERS ABSENT: Richard Kelley, Heather Grant (Council Rep), Munish Nanda (Alternate)

ALSO PRESENT: Town Planner Michael Behrendt

I. Call to Order

Chair Paul Rasmussen called the Durham Planning Board meeting of January 28, 2026 to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll and seated Julian Smith for Richard Kelley.

II. Approval of Agenda

No modifications

Chair Rasmussen moved to approve the agenda as presented; SECONDED by Peyton McManus; APPROVED: 7-0.

IV. Town Planner's Report

Mr. Behrendt said next meeting is February 11: 2 small projects with a 2-lot subdivision on Strafford Avenue and an amendment for a small addition at Riverwoods. Torrington is looking forward to starting Phase II, and are finishing up what they have to get comfortable with the market. Riverwoods Phase II is meeting conditions; Gerrish Drive 2nd pre-construction meeting; 74 Main Street has not yet made a decision. Mr. Sullivan asked if Torrington had found anyone for the Rite Aid; Mr. Behrendt said they are trying to find a drugstore.

V. Reports from Board Members who serve on Other Committees

Reporting from Town Council: Councilor Ford said the Council met January 12; passed resolution recognizing Housing Task Force; appointed Christopher Smith to the Energy Committee and Emma Hollander to Planning Board as Alternate; update on school by Superintendent Shaps; next meeting February 2, 2026.

Reporting from Conservation Commission: Robert Sullivan said the Conservation Commission Meeting was cancelled; Councilor Ford said the Commission is continuing on with Subcommittee Meetings.

Reporting from IWMAC: Chair Rasmussen said IWMAC met and are waiting on next Town Council meeting to approve new Waste pickup using new cans and recycle bins. He said DPW will collect the old bins. Mr. McManus asked about compost pickup and Chair Rasmussen said they did not receive the grant for a trial run.

VI. Public Comments - None.

VII. Review of Minutes (old): December 10, 2025

A correction was made by Mr. Sullivan, multiple corrections by Mr. Smith, and corrections by Councilor Ford.

No vote was taken.

VIII. Public Hearing – Amendments per New State Laws. Proposed amendments to the Zoning Ordinance to comply with recently adopted state laws affecting land use. The amendments pertain to municipal restrictions on dwelling units, accessory dwelling units, and multi-unit residential on commercial land. The Planning Board initiated a set of amendments which were forwarded to the Town Council. This revised version includes one change proposed by the Town Council to allow Mixed-Use with Residential in Coe's Corner and the four Research-Industry zones. Recommended action: Close public hearing and make recommendation on proposed change.

Peyton McManus moved to open the Public Hearing for Amendments per New State Laws; SECONDED by Councilor Ford; APPROVED: 7-0.

Al Howland of 32 Frost Drive said he would like to speak against this as proposed by the Town Council and said they are using State Laws to skirt around inclusionary zoning, and not being able to do multi-unit takes away flexibility from developers; Durham will have to realize that you try to get the highest and best value for land especially if trying to mitigate property tax. He said there is no good reason to do this and no fiscally responsible reason; this is not the right way to address zoning and not the right way to do housing.

Mr. McManus asked him to be more specific and asked what he would change to support it. Mr. Howland said first you have to do mixed-use in commercial zones, and second there are 5 zones where you cannot do multi-unit; it is more viable now to do multi-unit vs mixed-use and not a well-thought through idea for development of your community. He said he would look at the 5 zones left out and what the Housing Task Force has proposed. He said the first amendment sent to the Town Council was fine, or they could go into the Housing Task Force recommendations.

Mr. Whittington said the Board should take its time on this as it is an extremely important issue. He asked Mr. Howland about the argument by some citizens that development will incentivize developers to go outside the downtown core which is a big priority. Mr. Howland said it will be really hard to develop downtown, but focusing on it and leaving the rest of the community undeveloped is a bad idea and you have to get development done in a timely manner.

Julian Smith moved to close the Public Hearing for Amendments per New State Laws; SECONDED by Peyton McManus; APPROVED: 7-0.

Chair Rasmussen said in his mind there are 3 options: (1) send back what we originally sent and say we had it right the first time; (2) say their idea went too far; they need to make it clear either multi-unit or mixed-use are "P" across both rows and not restrict either one; or (3) not send this back while we deliberate more, throw in optional things and send the package back to Town Council.

Vice Chair Tobias asked how this idea was brought to fruition at the Town Council meeting and what was the feel for it. Councilor Ford said it was definitely not unanimous and the vote was close; quite a few members of the public were in agreement with the vote. Chair Rasmussen said it starts to prevent any development from happening.

Chair Rasmussen asked if any Board member was opposed to making the residence multi-unit "P" across all 5 commercial zones: Coe's Corner, OR, ORLI, MUDOR, and DBP, which is what we proposed originally. Vice Chair Tobias said they are already required to be "P" by State Law; Chair Rasmussen said no, only if we do not make them "P" under mixed-use. Mr. Behrendt recommended giving the Town Council back what was sent originally, and said it is not a good idea to have permitted use with mixed-use in outlying areas. Board agreed to send back the original amendment.

Robert Sullivan moved that the Planning Board send back the original proposal that showed Residence multi-unit as "P" in Coe's Corner, OR, ORLI, MUDOR, and DBP, as originally submitted, and that the change for "P" in mixed-use residential not be included in that; SECONDED by Peyton McManus; APPROVED: 7-0.

IX. Prospective Rezoning – Lot on Cowell Drive. Discussion about potential rezoning of 10 Cowell Drive, Map 108, Lot 27, from Residence A to Church Hill District. Owned by Jeff Berlin/Berlin Properties. Recommended action: Discussion, possible site walk, possible public hearing.

Chair Rasmussen said the map in the packet shows Lot 27 pretty much surrounded by Church Hill and across the street; Lot 28 is the Post Office.

Mr. Berlin said the lot in the upper corner is the only lot that belongs in the RA zone, there is also a walking path on Lot 30 which goes on to Lot 26 and cuts across that corner, so this lot is completely separated from RA. He said the buildings on Lot 27 show that it is not RA, and he is

1 trying to make multi-family available there with density right outside of town; by right a
2 Fraternity House can be built there. He said to build non-student, you need to allow more units
3 with smaller bed counts per unit like studios, 1-bedroom and 2-bedroom. The lot has a grade
4 differential that could eventually allow underground parking, and any further development at
5 the Post Office will hide what we build.

6
7 Mr. Smith said he basically supports the idea but per State law you cannot mention "student",
8 and asked how this would be presented. Mr. Berlin said there is no guarantee, just start with a
9 building with units attractive to non-students. He said his whole business is rentals and he is
10 proposing 48 bedroom units with the majority studios and 2-bedroom: six 2-bedrooms on each
11 floor with 4 studios. Vice Chair Tobias said the units must be professionally managed. Chair
12 Rasmussen said the Board is talking about a zoning change here and not a project.

13
14 Mr. Sullivan said this site has natural buffers from a lot of activity and asked what is to prevent
15 Lot 26 from becoming the same thing; need to make sure creep into neighborhoods does not
16 continue in phases. Mr. Howd said UNH has graduate students as well who are looking for places
17 to live near downtown. Ms. Hollander asked if the Board can just make a recommendation, per
18 State Law, to make multi-unit residential mandatory in town. Chair Rasmussen said that is only
19 in commercial zones and this is Residence A; Mr. Berlin is asking to rezone this lot to Church Hill.

20
21 Chair Rasmussen said currently on the lot is a small cape, Jeff's house; on Lot 26 is a larger white
22 cape owned by Peter Murphy; opposite is a house that just flipped to student rental and of 3
23 other homes, 2 are student rentals. Mr. McManus said next to Lot 27 is a federal building with a
24 large parking lot in CB-1 which could also be carried across. Mr. Berlin stressed the distance of
25 the lot from RA showing an overlay of a conceptual building set back 45 ft to 50 ft from the road
26 with a tremendous amount of right-of-way and a lot of elevation from left side to right. Mr.
27 Behrendt said this lot would not allow more than 3 dwelling units without a variance.

28
29 Chair Rasmussen said we need to seriously look at our housing density because it is doing
30 essentially the opposite of what we want to happen. He asked if the Board wanted to do a site
31 walk then set a public hearing, and asked Mr. Berlin for permission to visit anytime they want
32 and to park in Sammy's lot or the Post Office lot, and added that Cowell Drive is now one-way.
33 He said the objective is to look around and see if there are other concerns about bringing Church
34 Hill so close to RA. Mr. Sullivan said property management is a real issue as well.

35
36 Chair Rasmussen said the other side is what do we see happening here in 10-20 years. Councilor
37 Ford also stressed that the neighbors to the property are already students and the lots next to it
38 are already adjacent to Church Hill. Mr. Behrendt said procedurally this would be a zoning
39 amendment pretty much identical to other zoning amendments the Board has done; Board
40 members should use their judgment; this would not be spot zoning as CH is contiguous. Mr. Berlin
41 said the lot is 15,280 sq ft.

Mr. Behrendt said if this is to be rezoned the only option is Church Hill, and with current density the only option for the lot would be 3 units with 4,200 sq ft per unit. Chair Rasmussen said given the current numbers for Church Hill the lot itself does not even qualify for multi-unit.

Chair Rasmussen scheduled the Site Walk for Prospective Rezoning on Colwell Drive for Saturday, February 7, 2026 at 10:30 am.

X. Zoning Amendments recommended by Housing Task Force. Discussion about amendments proposed by the task force to expand opportunities for residential development with changes to the Table of Uses, Table of Dimensions, and Zoning Text affecting single-family residential; two, three, and four-unit residential; multi-unit residential; senior housing; mixed-use with residential; lot sizes; density; setbacks; a; and other elements. Recommended action: Discussion.

Vice Chair Tobias said Housing Task Force (HTF) final recommendations for town-wide adjustments in zoning involved analysis of NH Seacoast regional housing to advocate for a housing mix. They found plenty of student housing and senior housing, but none for a significant demographic: 25-45 years old. She said they did a housing needs assessment, surveys, outreach, and sponsored the Attainable Housing Overlay District, housing in downtown core, and review of all State legislature and all zoning codes; some zones currently zoned to *not* allow single-family housing are now out of compliance.

Vice Chair Tobias said the Housing Task Force recommends renaming Office Research Route 108 (OR) to Business Residential (BR) and allowing residences with 2, 3, and 4 units, removing the definition for residence-duplex, and encouraging general housing that is multi-generational. Mr. McManus asked if there are any special tax rates given for senior housing; Vice Chair Tobias said yes, they get the school tax refund. Mr. Behrendt said it is only for continuous care facilities and nursing homes; a payment in lieu of taxes.

Housing Task Force also recommends removing Senior Housing single-family, duplex, and multi-unit, allowing porkchop subdivisions, known as Flag Lots, in RA and RB, and allowing for rear areas of lots. For ADUs: allow attached and detached (now allowed by right) in all zones. Multi-unit residential now approved by Town Council for PO, Church Hill, and Courthouse; HTF is pushing for allowing in all other commercial zones by right: Business Residential (OR), MUDOR, ORLI, and DBP.

Mr. McManus asked why mixed-use with residential is CU in CB-2. Chair Rasmussen said we can make it "P" but need to take a close look at the Table of Dimensions to make sure it is an actual transition zone as intended. Mr. Behrendt said mixed-use with residential is still CU. Vice Chair Tobias said Councilor Friedman was interested in extending CB-2 down Mill Road and that could become valuable in extending our commercial core. Mr. McManus said the link on the agenda for HTF presentation is incorrect.

1 Special Situations Affecting Dimensions: Replace Density with *Special density standards*, remove
2 senior housing; for workforce housing: a studio or 1-bedroom counts as 0.33 dwelling units, a 2-
3 bedroom as 0.50 dwelling units, for the purpose of the density calculation; for senior care and
4 nursing 4 beds that do not count as separate units count as one dwelling unit. Chair Rasmussen
5 said the RSA for Workforce Housing has a really bad definition and Al Howland will try to fix it in
6 Concord.

7
8 Standards for Specific Uses: Permit construction of any 2-, 3-, or 4-unit residences in any of the
9 four residential districts; sites projected to have only 2 residences are not subject to Planning
10 Board Site Review. Mr. McManus questioned #3 re garage doors not facing the street except with
11 a 4-ft setback from primary facade. Mr. Behrendt said it has to be recessed so the garage is not
12 sticking out.

13
14 Changes to Table of Dimensions: Residence A minimum lot size down from 20,000-10,000 sq ft;
15 Residence B minimum lot size down 40,000-20,000 sq ft; suggesting OR be Business Residential
16 (BR). Mr. Behrendt said the HFT did not reduce the lot size for Residence C and Rural and left that
17 to be done with Conservation Subdivision. Chair Rasmussen said we should probably look at
18 every column as lot size in RA is smaller than any of the commercial zones. Mr. Behrendt said lot
19 size in RA and RB are cut in half but density is increasing 8-fold.

20
21 Mr. Whittington said he needs help looking at all of these and being able to connect them to
22 physical reality and how they will affect actual development in each zone, with more visual
23 context. Chair Rasmussen said we should identify some lots which are easy for us to show exactly
24 where dimensions are. Mr. McManus asked if anyone knew of modeling software. Mr. Behrendt
25 said he could prepare visuals.

26
27 Chair Rasmussen suggested going back and looking at all recommendations to see what was
28 missed and the best way for the Planning Board to address it; may mean breaking up into
29 subgroups; need someone to crunch numbers, do some modeling for the Table of Dimensions,
30 and make a first pass. Mr. Behrendt said it will be a lot of work and you will have a response from
31 the public. Mr. Whittington said we know a lot of the public concerns; we could come up with a
32 presentation that boils things down to be coherent for all and explain the reasoning behind it.

33
34 Chair Rasmussen said one of the things the Housing Task Force did not touch on is redoing our
35 zoning map for the commercial core; might be a good time to do this and bring the two together
36 in a package showing which commercial zones are morphing and what they are morphing into.
37 Mr. Smith asked about the requirement for all buildings to be placed parallel within a 10-degree
38 angle to the street. Mr. Behrendt said otherwise it disrupts the streetscape. Vice Chair Tobias
39 said the Board will be going through this word for word and come to agreement and it will be
40 one topic alone.

41
42 Chair Rasmussen asked if there will be Site Plan Review for multiplex; Vice Chair Tobias said only
43 for 3-unit and up. Mr. Behrendt said it is not allowed for single family or Duplex. Chair Rasmussen
44 said we know what a certain segment of citizens want, and asked what our decisions about supply

1 will do to the economics of the Town and how it will impact. Mr. Whittington said we should at
2 least try to provide some data in a presentation before the public, which will give us a better idea
3 of what the public is saying. Mr. Behrendt said we should provide some images of how things
4 could change with lot sizes, building footprints, and show what kind of infill could occur.

5
6 **XI. Electric Vehicle Charging Stations.** Continued discussion of proposed amendments to the
7 Site Plan Regulations to create more electric vehicle charging stations. Developed by the
8 Durham Energy Committee. Recommended action: Continued discussion.

9
10 Chair Rasmussen said the Board left EV Charging in the middle of a discussion about what should
11 be mandated and what should be encouraged. Mr. McManus said he was involved in a large
12 parking lot redo at an existing complex and it was very complex and costly and he would not be
13 in favor of mandating anything; but as a town we could provide land for level 3 chargers. Mr.
14 Whittington agreed but said there is something else before us now. Chair Rasmussen said it may
15 be something to address faster.

16
17 Councilor Ford said the Board left off debating whether we should require this of anyone at any
18 time or let it be market driven. Vice Chair Tobias said we can allow it so the market can come in
19 and do it, which we are not allowing now. Mr. Sullivan said the Energy Committee proposal of
20 requiring and making it mandatory should be decided on now.

21
22 ***Robert Sullivan moved that the Energy Committee proposal of requiring or mandating EV***
23 ***chargers be decided on as a proposal in front of us; SECONDED by Peyton McManus;***

24
25 Chair Rasmussen suggested doing a roll call instead and Mr. Sullivan withdrew his motion and
26 *Mr. McManus withdrew his second.*

27
28 Mr. Howd said requiring it is improper for us to do, he is not convinced the technology is evolving
29 fast enough, and it will not work in an apartment complex with 10-12-hr charging times;
30 Councilor Ford agreed; Mr. McManus agreed no mandates and said a natural place for level-3
31 chargers is in front of Hannaford; Vice Chair Tobias agreed to let the market do it; Mr. Whittington
32 was not sure; Mr. Sullivan asked that there be an incentive for a new build; Mr. Smith said it was
33 premature to spend a lot of time on to make costly requirements; Ms. Hollander said she agreed
34 mandatory was a bad idea and questioned the timeliness of the data.

35
36 Chair Rasmussen asked the Board if they should have Mr. Behrendt draft something for EV
37 Chargers everywhere. Mr. Behrendt said he would add "P" to the Table of Uses across the board.
38 Chair Rasmussen said he would be at the Energy Committee meeting on Tuesday, and Councilor
39 Ford said the Town Council will know Monday.

40
41 **XII. Review of Minutes: (new)**

42
43 **XIII. Other Business:**

1 Mr. Sullivan asked board members to visit Technology Drive as a lot is changing and the building
2 is filling up. Chair Rasmussen reminded the board that the Olson Center will be moving out in a
3 few years.

4
5 **XIV. Adjournment**

6
7 ***Councilor Ford moved to adjourn the Planning Board Meeting of January 28, 2026;***
8 ***SECONDED by Vice Chair Tobias; APPROVED: 7-0.***

9
10 Chair Rasmussen adjourned the Planning Board meeting at 9:57 pm.

11
12 Respectfully submitted,

13 Patricia Denmark, Minute Taker

14 Durham Planning Board