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

4
5 **Wednesday, February 11, 2026**
6 **Town Council Chambers, Durham Town Hall**

7 **7:00 pm**

8
9 **DRAFT MINUTES**

10
11 **MEMBERS PRESENT:** Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Peyton McManus, Gary
12 Whittington, Richard Kelley, Robert Sullivan, Heather Grant (Council Rep), Darrell Ford (Alternate
13 Council Rep), Julian Smith (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate)

14 **MEMBERS ABSENT:** Munish Nanda (Alternate)

15 **ALSO PRESENT:** Town Planner Michael Behrendt

16
17 **I. Call to Order**

18 Chair Paul Rasmussen called the Durham Planning Board Meeting of February 11, 2026 to order
19 at 7:00 pm.

20
21 **II. Roll Call and Seating of Alternates**

22 Chair Rasmussen called the roll; all regular members were present.

23
24 **II. Approval of Agenda**

25 Chair Rasmussen asked that *Item XII. Amendment to allow Electric Vehicle Charging* be postponed
26 as links were incorrect.

27
28 ***Chair Rasmussen moved to approve the agenda as amended; SECONDED by Councilor***
29 ***Ford; APPROVED: 7-0.***

30
31 **IV. Town Planner's Report**

32
33 Mr. Behrendt said he included a hard copy of a map in the packet for the residential zoning
34 amendment items; received an email from Robin Mower with suggested revisions to Table of
35 Uses and some particulars on Zoning Amendment Item X.

36
37 **V. Reports from Board Members who serve on Other Committees**

38
39 Reporting from Conservation Commission: Mr. Sullivan said the Conservation Commission is still
40 working through the shoreland/wetland ordinance and it will be a while before it is finished.

41
42 Reporting from Town Council: Councilor Grant said the Town Council met February 2: held
43 discussion on height on limits, moved to Public Hearing for 50-ft limit on CB-1 zoning; Council
44 approved trash contract under unanimous consent, new trash and recycle containers to be
45 provided by July.

46

1 Reporting from IWMAC: Chair Rasmussen said IWMAC is putting community outreach and
2 education in place for this changeover; residents will get a 48-gallon can for regular trash picked
3 up weekly and a 96-gallon can for recyclables picked up every other week; cans will be
4 distributed in mid-May. Casella will start doing pickups July 1; Public Works will mimic Casella
5 during the transition period.

6
7 Reporting from Energy Committee: Chair Rasmussen said the Energy Committee is fine-tuning
8 the infrared monitors and working on a user guide.

9
10 **VI. Public Comments - None.**

11
12 **VII. Review of Minutes (old): December 10, 2025**

13 Chair Rasmussen said the Board never voted on the December 10 minutes at the last meeting.
14 Mr. Smith made a number of corrections.

15
16 ***Chair Rasmussen moved to approve the December 10 minutes as amended at previous***
17 ***meeting and this evening; SECONDED by Robert Sullivan; APPROVED: 6-0, with 1***
18 ***abstention.***

19
20 **VIII. Riverwoods – Amendment of site plan for addition.** 14 Stone Quarry Drive. Amendment
21 to original site plan for main campus for 3,176 square foot addition, updated landscaping
22 and pathways, drainage, and other minor improvements in courtyard on easterly side of
23 the building. Riverwoods Durham, property owner. Erik Saari, agent, Altus Engineering.
24 Map 209, Lot 37. Office Research District. Recommended action: Set public hearing for
25 February 25.

26
27 Chair Rasmussen said he discussed other possibilities with the Town Planner to move this
28 application forward as an amendment. Mr. Behrendt explained that there are 3 levels of changes
29 to approve plans: (1) Town Planner can approve as an Administrative Modification; (2) for more
30 complicated changes a Planning Board Modification with no notices or hearings; (3) larger items
31 can be handled as an Amendment with notices and public hearing.

32
33 After discussion, the Board agreed to treat the change as a Planning Board Modification. Chair
34 Rasmussen asked that the applicant present what they are doing and the Board will then make a
35 decision with no public hearing.

36
37 Mr. Eric Saari of Altus Engineering said this addition is to relocate the assembly area in the
38 residential building into a bigger space and convert the assembly space into more dining. He said
39 the building is enclosed on 3 sides in a courtyard, not visible from the road; there is now a covered
40 patio and trellis which will come out with minor modifications made to some drainage. The
41 building is 3,100 sq ft with assembly space and covered porch, redoing all walkways, opening
42 green space for outdoor activities; no new parking, utilities from larger building. Minor
43 modifications will be made to drainage; only adding 2,000 sq ft of impervious surface which goes
44 to 2 distinct stormwater measures to be treated and detained, approved by AOT (Alteration of

1 Terrain); erosion control contained within courtyard and goes into protected drainage system
2 and will not damage existing sidewalk and curb.

3
4 Vicki Martel of Sea Laurel Landscape Architecture said the idea is to recreate what they already
5 have while accommodating the new building footprint. She said the rear patio remains entirely
6 intact except for some planting and she is trying to save as much landscaping as possible in the
7 upper courtyard; creating open walking spaces with green in the middle; all residential patios will
8 stay in place with privacy screens for patios near new assembly space.

9
10 Mr. Saari showed elevations of the new space which mimic the residential building; the assembly
11 space is a one-story building with the same floor levels as residential. Mr. Kelley said there is no
12 new drainage report and asked if catch basins were modified to be able to see the effect on the
13 pond. Mr. Saari said he did not go that far as the amount of new impervious surface is so minor
14 and there is headroom in the system; the drainage analysis said *minimum adverse effects* as there
15 is no flooding, no roads overtopped, and no additional erosion seen.

16
17 Mr. Behrendt said the Board can just vote to approve as this is a modification with or without
18 conditions. Mr. Smith said he hoped those who have a vote on this will vote to pass this
19 modification as it is a very well done modification. Mr. Whittington said he agreed this can be
20 treated as a Planning Board matter, but felt the presentation should have been done first before
21 making that decision.

22
23 ***Richard Kelley made a motion that the Planning Board approve as a Planning Board***
24 ***Modification, at 14 Stone Quarry Drive, amendment to original site plan for main campus***
25 ***for a 3,176 sq ft addition, updated landscaping and pathways, drainage, and other***
26 ***improvements in courtyard in easterly side of building as presented this evening;***
27 ***SECONDED by Peyton McManus; APPROVED: 7-0.***

28
29 **IX. Strafford Avenue – 2-lot subdivision.** 20 Strafford Avenue. 2-lot subdivision placing two
30 existing houses on separate lots. Steven Kimball, Pine Ledge Holdings, property owner.
31 Phillip Yeman, surveyor, Haley Ward, agent. Map 106, Lot 11. Residence A District.
32 **Recommended action:** Accept as complete and hold public hearing on February 25.

33
34 Phillip Yeman said this is to subdivide an existing lot into 2 lots; both meet zoning for frontage
35 and area; proposed lots: 36,610 sq ft and 20,512 sq ft. Chair Rasmussen said he is not sure he is
36 ready to accept this as complete yet, as there may be an issue with his getting a driveway permit.
37 Mr. Behrendt said the plan is to raze the house on the front lot and separate driveways, putting
38 in a new driveway on westerly section. This makes sense but 3 parallel parking spaces along that
39 frontage would need to be removed and those spaces are currently leased to UNH for permit
40 parking; the Town Administrator will make the decision on this; with 85% chance it will be denied.
41 He said if the applicant wants to pursue it we will look into all the details.

42
43 Mr. Yemen said using the current driveway would go through the 75-ft wetland buffer, will impact
44 more area, and the driveway will be longer. He said he is presently looking at options and said it

1 was definitely worth some discussion. Chair Rasmussen asked if both could be done at the same
2 time; Mr. Behrendt said he did not see a problem accepting it and scheduling a public hearing
3 while the board simultaneously looks at another access point. Mr. Whittington said he likes to
4 know what it is the board is accepting as complete and asked if this really meets the board's
5 standards for accepting.

6
7 Councilor Ford said other than the parking, the new driveway would not have much of an impact
8 at all and the existing driveway goes through a wetland buffer. Chair Rasmussen said that would
9 make it a CU (conditional use) application, which should then be part of this approval of the
10 subdivision vs applicant coming back a second time. Mr. Yemen said there are 2 separate lots, so
11 having a separate driveway takes the maintenance issue off the table. Chair Rasmussen said
12 because these parking spaces are contractually obligated to a third party there is an issue. Mr.
13 Howd said he parks in those spots and they are prime parking spaces for that side of town.

14
15 Mr. Behrendt said the lease will be reviewed again and we will get particulars; this is a town road
16 leased to UNH for their exclusive use and would require a change to the agreement. He said the
17 Town Administrator's response was that this was something he would not support, but the
18 applicant has the right to meet with administration and we will dig deeper into it. Mr. Yemen
19 said the spaces are not metered and are just leased by permit. Mr. Sullivan asked the applicant if
20 he could come up with an alternative plan for a shared driveway.

21
22 Mr. McManus said from his view he hates to see 2 parking spaces jam forward progress being
23 made somewhere. Mr. Whittington said he does not feel this application is complete and ready
24 for a public hearing because of an open issue. Mr. Behrendt said acceptance does not mean issues
25 are resolved, just that the applicant provided the correct information; if this subdivision is
26 approved then all of this will have to be resolved as part of that approval and there should be no
27 questions left.

28
29 Chair Rasmussen said the Board could not accept the application to give everyone more time, or
30 move forward, not being sure a public hearing 2 weeks ahead gives enough time. Mr. Smith said
31 he cannot see why the current driveway cannot access both lots to the satisfaction of the
32 applicant, and asked about changing the parallel parking to angled parking, or if the applicant
33 could give some land to the town to allow it. He recommended a site walk to understand the
34 conditions better.

35
36 Mr. Yemen said angled parking may not be possible as there is a detention area which slopes
37 down where drainage goes. Property owner Steven Kimball said the idea is so the 2 lots can be
38 sold to different families. Mr. Sullivan said he does not see the driveway issue as a good reason
39 to not accept the application. Mr. Behrendt said acceptance can be done simultaneously with the
40 subdivision, and asked the applicant about any new utilities or disturbances. Mr. Yemen said
41 there will definitely be new disturbance in the wetland buffer which they are trying to avoid. Mr.
42 Kimball said the buffer has already been disturbed and the new house will be located in the
43 northwest corner outside of the buffer.

44

1 Mr. Whittington asked the applicant if he is prepared to say now whether he wants the
2 subdivision regardless of whether a second driveway can be put in. Mr. Kimball said the driveway
3 issue is under review and he was not sure there is a viable subdivision without an independent
4 driveway, and there is not enough information to make a decision at this point. Mr. Kelley said
5 the idea of angled parking makes sense though there would be costs associated.

6
7 Chair Rasmussen said there are 3 things to do: accept the application, set a public hearing, and
8 possibly hold a site walk.

9
10 Public Hearing for Strafford Avenue – 2-lot subdivision was scheduled for February 25, 2026.

11
12 ***Chair Rasmussen moved that the Planning Board accept the application as complete;***
13 ***SECONDED by Robert Sullivan; APPROVED: 6-0, with 1 abstention.***

14
15 Mr. Whittington said he abstained because the only feasible option for subdivision of the lot
16 has not been accepted by the applicant as something they certainly want to do.

17
18 Site-walk for Strafford Avenue – 2-lot subdivision set for Saturday, February 21, 2026 at 1:00
19 pm.

20
21 Mr. Kelley said he could not make that time and asked for permission to walk the driveway in the
22 morning. Mr. McManus said he is surprised that a contract between the Town and UNH is
23 creating an issue with a driveway, and asked if there is a normal process to mitigate this. Mr.
24 Behrendt said it is a decision of the Town Administrator. If it were an empty lot we would have
25 to accommodate that in some reasonable way, but this is a developed lot with access and the
26 Town has the decision here.

27
28 **X. *Public Hearing – Rezoning of 10 Cowell Drive.*** Proposed rezoning of 10 Cowell Drive,
29 Map 108, Lot 27, from Residence A to Church Hill District. Owned by Jeff Berlin/Berlin
30 Properties. ***Recommended action:*** Decide whether to initiate a zoning amendment.;

31
32 Chair Rasmussen said the Planning Board held a site-walk last Saturday and minutes were
33 distributed for determining the suitability of rezoning this property at 10 Cowell Drive.

34
35 ***Chair Rasmussen moved to open the Public Hearing for Rezoning of 10 Cowell Drive;***
36 ***SECONDED by Robert Sullivan; APPROVED: 7-0.***

37
38 **Erin Sharp** of 20 Cowell Drive said she has lived for 17 years in her pocket neighborhood of single-
39 family homes, and said there is only one entry and the main issue is traffic and safety of
40 pedestrians due to poor visibility on the curve. She asked that the current zoning be maintained
41 for this unique pocket neighborhood.

42
43 **David Richman** of 16 Cowell Drive said he was particularly concerned about the attractiveness of
44 the neighborhood and the safety of children and disabled persons being injured by traffic.

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Susan Richman of 16 Cowell Drive urged the Planning Board to keep the property at 10 Cowell Drive as Residence A. She said changing it to Church Hill will permit new uses for the property in perpetuity for future owners, would change the character of the family neighborhood, and put more strain on dangerous traffic patterns. She said Durham faces a shortage of housing for middle income families and asked that the Planning Board not rezone 10 Cowell Drive.

Robin Mower of Britton Lane said the pocket neighborhood of Cowell Drive, Sauer Terrace, and Glassford Lane is a lovely, cohesive community and the Planning Board must address their vision for downtown neighborhoods and whether they will lose the very characteristics that makes them attractive, and to focus on people living in Durham now. She said she is not in favor of rezoning this property.

Beth Olshansky of Packers Falls Road said she does not live in the neighborhood but cares about what happens, and asked how this concept came about.

Chair Rasmussen said the reason is that the current owner wants to redevelop that property and is faced with 2 options: (1) build a large single-family home with lots of bedrooms; or (2) create a building with separate unit apartments for a larger selection of tenants; it would be considered a Planning Board initiated zoning change.

Ms. Olshansky said there has been a push by the Town Council to try to protect and preserve our family neighborhoods.

Nina Berlin of 3 Cowell Drive said she lives across the street from 10 Cowell Drive which is owned by her son Jeff Berlin. She said he loves this town and he and his business will be here for the rest of his life. She said his motivations are in good faith and he is committed to affecting the supply of housing in Durham. She said a building of studios and 1-bedroom apartments with possible underground parking is significantly better than a rooming house, and asked that the Board make this happen.

Jeff Berlin said the beginning of Cowell Drive is very narrow and is actually a Town right-of-way, and can accommodate more than just a sidewalk with shrubbery and landscaping.

Robin Mower asked Mr. Behrendt to explain why this would not be spot zoning. Mr. Behrendt said spot zoning is an illegal measure with good reason to believe that the re-zoning was not based on good planning and not consistent with the Master Plan. But he said if the re-zoning can be reasonably defended as consistent with what is around it, that is not spot zoning; this property is bordered by Church Hill on three sides.

Mr. Smith asked if after the public hearing and the start of discussion, a map of downtown zoning could be put up.

Ms. Sharp said we are very supportive of more housing being developed but emphasized the traffic and safety issues of the narrow road. Ms. Richman asked if it could be elderly housing,

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2 Chair Rasmussen said once it is zoned, allowed uses would be permitted and new restrictions
3 cannot be added. Vice Chair Tobias said multi-family is now allowed in Church Hill by right but
4 not in Residence A.

5
6 ***Chair Rasmussen moved to close the Public Hearing for Rezoning of 10 Cowell Drive;***
7 ***SECONDED by Peyton McManus; APPROVED: 7-0.***

8
9 Mr. Kelley said he was in the Cowell Drive area and he was unable to turn around because of the
10 snowbanks and had to pull over into the parking spaces. Chair Rasmussen said the top area there,
11 because of the parking spaces, creates a one-lane bridge effect. He said the parallel parking along
12 the Church property is where a sidewalk should have been put in at some point, and it forces
13 pedestrians to walk down the middle of the road. Mr. Smith said he has not heard anything from
14 the public hearing that he does not agree with, and asked to provide comments about zoning
15 after hearing from other board members.

16
17 Mr. Whittington said we cannot stop Cowell Drive from changing because over time the demand
18 for rental will only increase. He said the question is whether we should pay close attention to the
19 character of the neighborhood and the location of the rezoning. He said this property is
20 practically surrounded by Church Hill and is next to the Post Office, and he can envision this being
21 rezoned; by adding even greater density, we should look at the infrastructure issue and
22 undertake planning to balance these interests.

23
24 Ms. Hollander asked who is responsible for traffic and crosswalk signage or signals. Chair
25 Rasmussen said through the Traffic Safety Committee. Mr. McManus said he is on the Traffic
26 Safety Committee and typically Public Works Director Rich Reine is in charge. Mr. Howd said
27 residence multi-unit is permitted in the current Table of Uses in Church Hill, but it allows for 3
28 residential units, and without a variance this property would be limited to 3 normal apartments.
29 Mr. Behrendt said a boarding house would be considered 1 dwelling unit but could have 12
30 occupants; with 3 dwelling units, there would be no limit on how many in each dwelling.

31
32 Chair Rasmussen said a lot of what Mr. Whittington said he agrees with, and said the Board's role
33 is to guide the town through changes; because this location is so close to downtown it will change
34 over the decades. Mr. Sullivan said he is not convinced all these neighborhoods are going to turn
35 over and said they are not changing rapidly. He said these pocket neighborhoods are really worth
36 defending and said the Board should be thinking about a worst-case scenario, and it seems we
37 are making things worse with 3 buildings.

38
39 Chair Rasmussen said we could put a 4-family house on this lot, but we are not allowed, though
40 we can put a 3-family house with 16 tenants and said this is something we need to look into in a
41 hurry. He said they should ask what is a reasonable sized house from a developer's point of view,
42 then calculate out what your density will allow, times the number of those sizes of apartments.
43 He said right now our zoning does not allow that but it is something the Housing Task Force has
44 asked us to look at. He said the property is surrounded on 3 sides by Church Hill and next to the

1 Post Office, and said infill makes sense to him. Vice Chair Tobias said the best result would be to
2 create a professionally managed apartment building complex.

3
4 Mr. McManus said he believed a case could be made that infill makes sense on that property; the
5 separation does not seem natural and it is surprising it was ever laid out that way. Mr.
6 Whittington said here you add density and do not change the historic architecture, it is an easy
7 walk to downtown, but is not walkable safely. Mr. Smith said there would be a rapid change to
8 the faculty neighborhood because we can now build unattached Accessory Dwelling Units
9 (ADUs). He said a lot of residences there have big back yards and there is a lot more room for
10 development and redevelopment without tearing down existing houses.

11
12 Mr. Kelley said we are talking about increasing density in downtown and it would be nice to know
13 our current capacity in terms of water, wastewater treatment plant, and schools and when we
14 would start hitting thresholds where big increases in Capital Improvement costs are required for
15 infrastructure to drive that density downtown, and said he was on the fence about this small
16 change. Mr. Howd said this is a problematic spot but if the board is really going to be serious
17 about housing issues there will have to be infill. He said there may not be a better lot in Durham
18 in terms of a zoning change, it is in the right place and is the frontline in that argument and should
19 probably be rezoned.

20
21 Vice Chair Tobias said in addressing the concerns of the neighborhood, right now it is being
22 rented to students. She said the rezoning would result in creating more multi-generational
23 housing and would fit right into the neighborhood and would be professionally managed, and
24 said she believes the owner is trying to optimize what can be done now.

25
26 ***Chair Rasmussen moved that the Planning Board initiate a Zoning Change to rezone 10***
27 ***Cowell Drive, Map 108, Lot 27 from Residence A District to Church Hill District; SECONDED***
28 ***by Peyton McManus;***

29
30 Discussion: Mr. Whittington said he is prepared to vote yes, but because this is only one
31 incremental change, his support for anything that would result in much greater density than
32 currently permitted for development in Church Hill would depend on some mechanism for
33 addressing infrastructure issues. Chair Rasmussen said it still has to go to Town Council, Public
34 Hearing after first reading, and then Council has to make a decision on their own.

35
36 Mr. Kelley said any sort of multi-unit residential would require Site Plan Review; Mr. Behrendt
37 said if it is 3 units there will also be an architectural review. Councilor Grant said at that point a
38 traffic safety study could also be done. Mr. Kelley said he feels a little bit of a hostage here; Chair
39 Rasmussen said we are more of a hostage to our own zoning at this point.

40
41 Mr. Behrendt said having 2 units is exempt from Site Plan Review, 3 or more is subject to site
42 review; there is no control over the number of bedrooms or occupants; maximum impervious
43 surface is 80%; height 30 ft or 35 ft with CU; 1 parking space per unit and parking would not be
44 in front. He said Church Hill also allows other uses.

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Motion: APPROVED: 6-0, with 1 abstention.

Mr. Sullivan said he abstained because he feels pocket neighborhoods are important, he is not sure the board has enough controls to prevent a higher density than we want right now, and said that is what the neighborhood wants.

XI. 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 property; two, three, and four-unit residential; multi-unit residential; senior housing; mixed-use with residential; lot sizes; density; setbacks; frontage; and other elements. ***Recommended action:*** Ongoing discussion.

ITEM POSTPONED.

XII. Amendment to allow Electric Vehicle Charging. Proposed amendment to the Zoning Ordinance to allow electric vehicle charging facilities in all zoning districts. ***Recommended action:*** Set public hearing if acceptable.

ITEM POSTPONED.

XIII. Review of Minutes: January 14, 2026 and January 28, 2026

Minutes of January 14, 2026 : Mr. Smith made corrections to pages 1, 2, 5, 7, 8 and 11.

Robert Sullivan moved to accept the meeting minutes of January 14, 2026 as amended; SECONDED by Peyton McManus; APPROVED: 7-0.

Minutes of January 28, 2026 : Mr. Smith made corrections to pages 3, 4, 5, 6, 7, and 8.

Robert Sullivan moved to accept the meeting minutes of January 28, 2026 as amended; SECONDED by Vice Chair Tobias; APPROVED: 5-0, with 2 abstentions.

XIV. Other Business:

Chair Rasmussen said he looked at height limits in neighboring towns and Durham is the only place not using a 50-ft height limit; he said he would collect a number of density ideas for the next meeting.

XV. Adjournment

Mr. Smith moved to adjourn the Planning Board Meeting of February 11, 2026; SECONDED by Richard Kelley; APPROVED: 7-0.

The Planning Board Meeting was adjourned at 10:00 pm.

- 1 Respectfully submitted,
- 2 Patricia Denmark, Minute Taker
- 3 Durham Planning Board