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

5 **Wednesday, February 25, 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, Robert Sullivan, Heather Grant (Council Rep), Darrell Ford (Alternate Council Rep),
13 Julian Smith (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate), Munish Nanda
14 (Alternate); Richard Kelley arrived late.

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 25, 2026 to order
19 at 7:00 pm.

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

22 Chair Rasmussen called the roll and seated Munish Nanda for Richard Kelley.

23
24 **II. Approval of Agenda**

25 No modifications

26
27 *Chair Rasmussen moved to approve the agenda as presented; SECONDED by Peyton*
28 *McManus; APPROVED: 7-0.*

29
30 **IV. Town Planner's Report**

31
32 Mr. Behrendt said *Item IX. 561 Bay Road* is postponed to March 11 at applicant's request,
33 Conservation Commission rescheduled meeting due to weather; Site Walk on Saturday for
34 Strafford Avenue with quorum of 4 Planning Board members present.

35
36 **V. Reports from Board Members who serve on Other Committees**

37
38 Reporting from Town Council: Councilor Grant said the Town Council met February 16 with active
39 public hearing prior to "heights" public hearing; mostly re guns on campus and taxes and
40 affordability in Durham. Largest point 50 ft-4 stories was approved; current State changes passed
41 easily; question re depth of retail floors, look at that and identify 5th story.

42
43 *Richard Kelley arrived at the Planning Board meeting at 7:04 pm.*
44

1 Chair Rasmussen said he spoke with Joe Friedman about an item on the next Council Agenda to
2 determine how best to continue trying to figure out what to do with downtown; could be
3 committees or open to a broader section of people with more expertise. Mr. Behrendt said
4 architectural standards could be updated. Mr. Smith said Architectural Standards are 10 years
5 old and need to be updated; he also spoke to the Town Council about policies with a plan to
6 remove Mill Pond Dam; nothing budgeted recently.

7
8 Reporting from Conservation Commission: Mr. Sullivan said Conservation Commission
9 postponement caused the cascade on 561 Bay Road; continuing work on WCOD/SPOD.

10
11 Chair Rasmussen said this is potentially our last meeting with existing councilors and thanked
12 them for their service; asked members to think about what committees they would like to cover.
13 Mr. Smith said he filed an application to be a “citizen representative” to the Conservation
14 Commission.

15
16 **VI. Public Comments** - None

17
18 **VII. Review of Minutes (old):** None

19
20 **VIII. Public Hearing - Stafford Avenue – 2-lot subdivision.** 20 Stafford Avenue. 2-lot
21 subdivision placing two existing houses on separate lots. Steven Kimball, Pine Ledge
22 Holdings, property owner. Phillip Yetman, surveyor, Haley Ward, agent. Map 106, Lot 11.
23 Residence A District. Recommended action: Discuss and continue to March 11.

24
25 Discussion: Mr. Behrendt said staff is going to walk the site to look at parking and the request for
26 a second driveway to be scheduled after March 11 meeting. He said unless the Board has
27 particular concerns, it may make sense to postpone it to the March 25 meeting. Mr. McManus
28 asked for confirmation that the printed handouts are the same as the digital version; Mr.
29 Behrendt said the only change was to the small wetland which was not part of the buffer.

30
31 Ms. Hollander said she drove by the site and said some of the parking spaces are currently
32 unusable because of snow. Councilor Ford said with the proposed driveway those spaces would
33 be lost permanently and the issue of the agreement between the Town and UNH is not addressed.

34
35 Mr. Steve Kimball said he is hoping to find a resolution to having a single-family home with their
36 own driveway access. He pointed out that there are existing breaks along there for driveways; the
37 university has 4 or 5, with one to a large parking lot off Stafford Avenue and there is a precedent
38 to leave gaps for driveways there. Chair Rasmussen said the town staff is walking the site March
39 13 and Mr. Kimball will be rescheduled to come back March 25, 2026.

40
41 ***Chair Rasmussen moved to open the Public Hearing on Stafford Avenue 2-lot subdivision;***
42 ***SECONDED by Gary Whittington; APPROVED: 7-0.***

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2 ***Chair Rasmussen moved to continue this Public Hearing on Stafford Avenue to March 25,***
3 ***2026; SECONDED by Gary Whittington; APPROVED: 7-0.***
4

5 **IX. 561 Bay Road Permitted Use B.** Permitted Use B application for retaining walls, stone walls,
6 steps, regrading and landscaping within the Wetland Conservation Overlay District for a
7 single family house. A Permitted Use B approval was granted in 2023 for a different design.
8 David and Karen Della Penta, property owner. Eric Weinrieb and Erik Saari, engineers, Altus
9 Engineering. Map 239, Lot 9. Residence Coastal District. Recommended action: Final action
10 if ready.

11 ***POSTPONED TO MARCH 11***
12

13 Mr. Kelley asked for clarification on what Permitted Use B the applicant is applying for. Mr.
14 Behrendt said the Board decided to hear it as Permitted Use B but it could also be Conditional
15 Use (CU) if the Board wants to make that call.
16

17 **X. Amendment to allow Electric Vehicle Charging.** Proposed amendment to the Zoning
18 Ordinance to allow electric vehicle charging facilities in all zoning districts. Recommended
19 action: Schedule a public hearing if ready.
20

21 Chair Rasmussen asked why a definition for electric vehicle is needed here and said he has a lot
22 of issues with this definition. Board agreed to remove the definition for electric vehicles. Mr.
23 Whittington suggested adding: equipment for plug-in powered transfer to a vehicle powered by
24 electricity. Chair Rasmussen defined Electric Vehicle Charging Station as: equipment and structure
25 necessary for the safe charging of an electric vehicle.
26

27 Table of Uses: Councilor Grant asked about Special Exception (SE) under Residential Zones. Chair
28 Rasmussen said it makes sense for RA and RB, not sure about R and RC because Route 4 and Route
29 108 are basically good options and there may be issues with "P". Mr. Howd asked if the Board
30 needs to differentiate between a residential charging station and a commercial charging station
31 and asked about chargers put in homes; Chair Rasmussen said that would be an accessory use to
32 a home permitted by right.
33

34 Mr. Whittington said when the Board talks about a use for a parcel, an Electrical Vehicle Charging
35 Station is always an accessory use but not parking. Chair Rasmussen said we allow accessory
36 parking, just not a parking lot. Mr. Kelley said certainly pavement is required, taken into context
37 site-specifically and SE (special exception) is spot on for certain residential zones and maybe some
38 commercial cores as well. Mr. Sullivan said the genesis of this was saying we want the market to
39 take care of this, and here we have incentivized people to put in electric vehicle charging stations.
40

41 ***Gary Whittington moved that the Board schedule a Public Hearing on Electric Vehicle***
42 ***Changing Stations for March 11, 2026; SECONDED by Councilor Grant; APPROVED: 7-0.***
43

1 **XI. Zoning Amendments recommended by Housing Task Force.** Discussion about amendments
2 proposed by the task force to expand opportunities for residential development with
3 changes to the Table of Uses, Table of Dimensions, and Zoning Text affecting single-family
4 property; two, three, and four-unit residential; multi-unit residential; senior housing;
5 mixed-use with residential; lot sizes; density; setbacks; frontage; and other elements.
6 Recommended action: Ongoing discussion.

7
8 Chair Rasmussen said the Board should first look at the Table of Uses and determine what styles
9 and types of housing belong in each zone, then take the Table of Dimensions and ensure the
10 density numbers make sense, and lastly address the text. The Board agreed. Chair Rasmussen said
11 we noticed in our research that the OR 108 Zone did not go in the direction originally expected
12 and is now just business and residential on Route 108 north of Route 4. Vice-Chair Tobias said the
13 residential there is non-compliant at this point.

14
15 Chair Rasmussen said this is a chance to rename the OR zone more appropriately and Business
16 Residential (BR) was suggested; also renaming the category to Residential-Commercial Zones
17 from Research-Industry Zones; looking to bring back family housing to those four zones; can only
18 build them as part of a Conservation Subdivision. Mr. Behrendt said the intention is to not cut out
19 one or two lots for single-family.

20
21 Chair Rasmussen said duplexes were changed to 2-, 3-, or 4-unit with same permitted uses as
22 single-family except in Coe's Corner and said we are talking about taking single-family and making
23 it denser, getting density where we already have it in downtown and surrounding neighborhoods.
24 Mr. Kelley said this is not selling units or dividing lots but building a housing complex for rent,
25 which is not a Conservation Subdivision. Vice Chair Tobias said the Housing Task Force approach
26 was property "to purchase" as missing middle home ownership.

27
28 Mr. Kelly said he sees the situation as dominoes permitted in all rural districts, then someone
29 knocks down their house and builds apartment units with parking in between and 4 units to rent;
30 it addresses the need but at some point new infrastructure will be needed. Mr. McManus said it
31 would be easier to have infill closer to downtown; in Rural and RC would have to have wells. Chair
32 Rasmussen said other towns actually have specific zones split into R-1, -2, -3 or -4.

33
34 Mr. Smith said it might make sense in rural zones to have multi-unit development surrounded by
35 open land with its own sewage system, etc. Chair Rasmussen said they can do that with
36 Conservation Subdivision. Councilor Grant said multi-unit was allowed for senior housing and
37 permitted anywhere, why not envision them for multi-age groups. Mr. Sullivan said he agrees that
38 they could undo the 55-and-older restriction and accomplish the same goal. Mr. Behrendt said
39 we have to guard against putting a 4-unit house in the middle of a family neighborhood and need
40 to figure out what works on different kinds of sites.

41
42

1 Mr. Behrendt advised that the Board balance the need for housing with neighborhood character.
2 Mr. Kelley asked what document Mr. Behrendt was referring to; Mr. Sullivan said it was a map
3 showing all the lots with scaling through RA and RC. He suggested making Rural and RC P4; Chair
4 Rasmussen P4 is only conservation subdivisions. Mr. McManus asked if being in an HOA could
5 prevent denser housing within their controlled environment; Mr. Behrendt said definitely. Ms.
6 Hollander said it seems like over complicating something that is not even a current problem and
7 said huge houses would not look out of place with a 4-unit development next door.

8
9 Mr. Behrendt suggested starting with one particular thing and figuring out what would make
10 sense for that lot. Chair Rasmussen asked to go back to Coe's Corner for single-family residential
11 and asked why it is X on the chart. Mr. Behrendt said it is core commercial and a key intersection
12 of Route 108 and Route 4. Chair Rasmussen said it is Young Drive and asked that the Board make
13 it commercial like BR. Vice Chair Tobias said not all lots will be workable for 4 units; Mr.
14 Whittington said there will be incremental gains. Board agreed to make all Residential zones "P"
15 including Coe's Corner.

16
17 Mr. McManus said he wants this to be data-driven as people are going to want to know the
18 impact. Chair Rasmussen said the Table of Uses lets us say what is the largest thing we can possibly
19 put there and the Table of Dimensions lets us fine tune it and determine how many times it can
20 happen, then you can do the data-driven analysis and make some estimates. Mr. Kelley said
21 before we vote to make something happen we certainly need that data in front of us, but not
22 tonight. Vice Chair Tobias said cost data will be needed to prove the validity of these changes to
23 the community.

24
25 Chair Rasmussen reminded the Board that RA does not have Architectural Standards and has
26 always grown organically. Mr. Kelley said what is being proposed answers the bell in terms of
27 what the Board is trying to do. Chair Rasmussen said the Board has to go through this to get input
28 to the models. Mr. Sullivan said this is months away from anything approvable, but decisions need
29 to be made that seem reasonable. Councilor Grant suggested assigning 2 people to have
30 discussions with Rich Reine.

31
32 Mr. Smith said if the Board decides to make things "P" where they are now "X", that might drive
33 extension of water and sewer service. Chair Rasmussen said currently there is not a huge appetite
34 to extend services and said it is just infill not expansion. He asked for comments on 2-, 3-, or 4-
35 unit Residential: Mr. McManus asked why Courthouse is "X". Vice Chair Tobias said Courthouse
36 is multi-unit already. Board agreed to get rid of sub-note 5 taking away Senior Housing bonus.

37
38 Chair Rasmussen asked to allow Pork-Chop Subdivisions for RA and RB which allows subdivision
39 vertically vs horizontally. Vice Chair Tobias asked why it could not be allowed in BR; Chair
40 Rasmussen said because you would rather have single-family homes vs multi-unit, and you want
41 pork-chops on 3rd tier residential streets not on Route 108. ADUs: Mr. Behrendt said per State
42 Law you have to allow detached ADUs wherever you allow single-family by right. The board
43 agreed to remove distinction between attached and detached and mark as "P" for all zones.

1
2 Mr. Smith said Child Care Home should be Child Care Facility, but Chair Rasmussen said per State
3 Law all towns are allowed to have home-based childcare in private homes. Mr. Behrendt said the
4 Board has already gone through this. Vice Chair Tobias said the Board decided to allow Mixed-
5 Use with Residential in all commercial zones; Chair Rasmussen asked it be allowed as an option,
6 but did not want to make mixed-use required.

7
8 Councilor Grant asked about reaching out to Rich Reine; Mr. Kelley said the Board needs to ask
9 about sewer and water capacities. Chair Rasmussen asked if there were particular areas where
10 there is concern about bottlenecks, and said what we really need to know is our excess capacity.
11 Mr. Sullivan recommended asking him about the overall capacity and where there are
12 chokepoints. Mr. Nanda said they should also ask what it would take to exceed overall capacity.

13
14 Chair Rasmussen said concerns about RA are probably non-issues; the big jump will be in multi-
15 unit in commercial. He asked Mr. Kelley to draft a question as a place to start in determining
16 dimensions. Councilor Ford volunteered to speak with Rich Reine as they have a long history
17 together.

18
19 **XII. Review of Minutes: February 7, 2026 Site Walk**
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21 ***Vice Chair Tobias moved to approve the Site Walk Minutes of February 7, 2026; SECONDED***
22 ***by Councilor Grant; APPROVED: 4-0 with 3 abstentions.***

23
24 **XIII. Other Business:**
25
26 Mr. Sullivan asked about revision of Architectural Standards to make sure they are consistent and
27 up to date. Chair Rasmussen said if that is what the Board wants to address next; Councilor Grant
28 asked about Conservation Subdivisions. Chair Rasmussen said that for downtown the Board needs
29 to look at where they will be allowing 5 stories and modify how retail on the first floor is written.
30 He said he could bring a black and white GIS map of our zoning districts and use colors to
31 designate where commercial zones would be or where to do as 5th story.

32
33 **XIV. Adjournment**
34
35 ***Vice Chair Tobias moved to adjourn the Planning Board Meeting of February 25, 2026;***
36 ***SECONDED by Councilor Grant; APPROVED: 7-0.***

37
38 The Planning Board Meeting was adjourned at 10:00 pm.

39
40 Respectfully submitted,
41 Patricia Denmark, Minute Taker
42 Durham Planning Board