

1
2 **TOWN OF DURHAM**
3 **DURHAM PLANNING BOARD MEETING**

4
5 **Wednesday, March 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), Richard Kelley, Robert
12 Sullivan, Heather Grant (Council Rep), Julian Smith (Alternate), Peter Howd (Alternate), Emma
13 Hollander (Alternate), Munish Nanda (Alternate)

14 **MEMBERS ABSENT:** Peyton McManus, Gary Whittington, Darrell Ford (Alternate Council Rep)

15 **ALSO PRESENT:** Town Planner Michael Behrendt
16

17 **I. Call to Order**

18 Chairman Paul Rasmussen called the Durham Planning Board meeting of March 11, 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 Julian Smith for Gary Whittington and Emma Hollander
23 for Peyton McManus.
24

25 **II. Approval of Agenda**

26 Chair Rasmussen said he had a request to change the order of items **IX** and **X**; under Other
27 Business he added review of Town Council suggestions made while approving the downtown 4-
28 story ordinance.
29

30 ***Chair Rasmussen moved to approve the agenda as amended; SECONDED by Julian Smith;***
31 ***APPROVED: 7-0.***
32

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

34 Mr. Behrendt said there will be an application from Torrington in April for an amendment to their
35 old project on Main Street; originally the Planning Board approval variance providing that there
36 would be non-residential in 3 buildings; obtained a variance last night to only require non-
37 residential in 2 buildings and needs an amendment as it was part of the site plan. The 2-lot
38 subdivision on 20 Strafford Avenue is coming back March 25 with staff meeting the week before;
39 Mr. Sullivan will discuss 55-61 Bay Street under Conservation Commission.
40

41 Mr. Smith asked for explanation of the Orion Project. Chair Rasmussen said the area starts after
42 the Freedom Cafe; Vice Chair Tobias said it is a big yellow house next to Scorpios and colonial-
43 like buildings going up Church Hill.
44

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

1
2 Reporting from Town Council: Councilor Grant said the Council met March 2nd; scheduled a
3 public hearing on ordinance amending Chapter 132 for a tax exemption to apply Service
4 Connected Total Disability Veterans Tax Credit; resolution recognizing out-going elected officials;
5 several Madbury Complete Streets dollar values approved for each section of Phase 4-A and 4-B;
6 approval to replace dump truck and equipment; discussion of ongoing changes from RA to CH on
7 10 Cowell Drive, will hold a Public Hearing; some discussion of 5-story buildings, thinking from
8 Jenkins Court to Pettee Brook.

9
10 Reporting from Conservation Commission: Mr. Sullivan said last week they had a Permitted Use
11 B question at 561 Bay Road, approved in 2024 with different design; came back with new design
12 with retaining walls changed and expanded, proposing a 2-3-ft retaining wall down through the
13 wetlands and wetland buffer and want to bring the property to the level of the wall, not allowed
14 under current regulations; must follow current regs or application goes to ZBA for variance for
15 the project as proposed; owner wants to basically regrade down to the wetland.

16
17 Mr. Kelley said “replacement” of retaining wall is more accurate. Mr. Sullivan said Permitted Use
18 B allows for repair or replacement of a retaining wall, but impetus here is that the wall is being
19 done because of the grading. Mr. Smith said he also sits on the Conservation Commission and
20 feels they have a good case for a variance. Mr. Sullivan said the Commission meets next
21 Wednesday to continue work on WSOD.

22
23 Reporting from the Energy Committee: Chair Rasmussen said they postponed their elections;
24 looking into C-Phase update, a state based program approved by the Town Council to allow
25 commercial entities to get energy-improvement loans from a 3rd party; IR (infra-red) cameras
26 being added to items at Public Library, also provides some adapters to more easily download
27 photos to laptop. Chair Rasmussen said they can be used to find hot/cold spots where you may
28 be losing energy. CPCNH put limits on how far in advance you could buy your electricity contracts
29 by forcing them into 6-month contracts, and to do longer forces them to buy energy at higher
30 rates. No plans for Earth Day, focusing on Durham Day.

31
32 **VI. Public Comments**

33
34 **Elizabeth LaRocca** of 10 Britton Lane spoke regarding the 50-ft height limit recently approved for
35 downtown, and said she hoped the Planning Board would keep aesthetics in mind. She referred
36 to the success of the Town of Bedford, NH and said it is important that we think about our history
37 and our plans as a quaint New England town to keep aesthetics top of mind in working with
38 developers.

39
40 **Robin Mower** of Britton Lane said without robust planning we now have 4 stories and 50 ft
41 height, possibly 5 stories. She agreed that Durham has an outdated under-developed downtown
42 which must be built up to accommodate changes, and said we also need a complete overhaul of
43 our architectural standards. She worked with Beth Olshansky to come up with a draft and said

1 she liked to think that Durham can both set high expectations and encourage investment in our
2 community.

3
4 **Beth Olshansky** of Packers Falls Road said she brought the draft to Michael Behrendt who agreed
5 with most of the changes; 90% of the changes were nonsubstantial. She said one big change was
6 adding the concepts of Doug Bencks regarding setbacks, pitched roofs, and respect for the
7 concept of human scale. She hoped the town would take advantage of this opportunity so the
8 community can move forward with their vision to create an attractive, vibrant, economically
9 viable downtown which everyone can be proud of.

10
11 **VII. Review of Minutes (old): None**

12
13 **VIII. Public Hearing - Amendment to allow Electric Vehicle Charging.** Proposed amendment to
14 the Zoning Ordinance to allow electric vehicle charging facilities in all zoning districts.

15 Recommended action: Vote to initiate amendment if acceptable.

16
17 ***Julian Smith moved to open the Public Hearing on Electric Vehicle Charging; SECONDED by***
18 ***Councilor Grant; APPROVED: 7-0.***

19
20 **Mike Lehrman** of Cedar Point Road said he endorses this amendment for electric vehicle charging,
21 and said he is a former member of the Energy Committee.

22
23 ***Julian Smith moved to close the Public Hearing on Electric Vehicle Charging; SECONDED by***
24 ***Councilor Grant; APPROVED: 7-0.***

25
26 ***Chair Rasmussen moved that the Planning Board initiate this amendment on Electric***
27 ***Vehicle Charging to the Town Council; SECONDED by Richard Kelley; APPROVED: 7-0.***

28
29 **X. Architectural Regulations.** Discussion about possible changes to the Durham Architectural
30 Regulations, Article II of the Site Plan Regulations. Recommended action: Discussion.

31
32 Mr. Behrendt thanked Robin and Beth for looking into the Architectural Regulations and
33 suggested that he prepare something for the April 8 meeting incorporating their comments. Chair
34 Rasmussen recommended the Board have further discussion first then look at the broader
35 picture. He said he looked at Exeter's architectural standards and they are only 2 pages long while
36 Durham's are 37 pages. He said he also talked to a few professionals and one architect said these
37 standards would be nice for an Historic District but for the entire commercial zone it is overkill,
38 and shuts the door on anything modern and the town may need to reset expectations of what
39 they are asking for and where they are asking for it.

40
41 Mr. Kelley said he liked the verbosity of the Architectural Standards document and finds the
42 photos helpful, and said architects are constantly finding new takes on older styles, typically with
43 materials. Ms. Hollander said removing the pictures would easily cut the document in half but

1 said she likes the pictures. Councilor Grant said these standards are just saying what we have
2 now, and are not really standards and questioned going to Church Hill zoning; she also liked the
3 pictures. Mr. Kelley said the length does not bother him and said pictures say a lot more than
4 words can. Vice Chair Tobias said the Historic District is very clear on what they want downtown
5 to look like. Chair Rasmussen said they end up shutting down a lot of creativity.

6
7 Chair Rasmussen asked the Board what course of action should be taken. Mr. Kelley said the
8 agenda tonight is light and suggested the Board could get through half of this document. The
9 Board started the document on page 1, Agenda: Mr. Howd asked if there was legally a difference
10 between “standards” and “regulations”. Mr. Behrendt said regulations are recommended and
11 standards are required; under B. he recommended deleting “aesthetically pleasing”. Chair
12 Rasmussen said an adjective is not needed there and it should be deleted, and said C. needs to
13 be updated with new Master Plan version.

14
15 Mr. Sullivan questioned needing a professional stamp on page 4, E.2 to work on drawings and it
16 was deleted. Chair Rasmussen questioned the first sentence on page 5, asking why the Board
17 would only entertain a waiver if it creates a hardship, and under E-4(b), (i) and (ii) were deleted.
18 Mr. Behrendt asked if it was necessary to bold all definitions as it is distracting.

19
20 Chair Rasmussen said the problem he has with G. is CB-1 which he sees as 2 different zones: the
21 area around Main Street and Pettee Brook and then Garrison and Madbury, which are 2
22 completely different styles. Ms. Hollander asked if the zones are meaningfully different. Chair
23 Rasmussen said it is talking about the ideal prototype of the zone, but said he does not see a 3-
24 story brick building working on Garrison. He said it is an example but on page 9 it does say “a
25 redevelopment shall strictly adhere to these standards”. Mr. Behrendt said he would not include
26 that second sentence.

27
28 Mr. Smith questioned the last sentence of the first paragraph on page 9 under Church Hill
29 beginning with “the rural past is evident”. Mr. Behrendt said “rural” is not the right word and “the
30 past” should be deleted. Mr. Sullivan suggested the Board just flag questionable sentences as
31 they will get another edit from Mr. Behrendt; he said he had no changes on pages 10 or 11. Chair
32 Rasmussen asked that the Board flag the first sentence in the second paragraph on page 10,
33 beginning with “New development *shall* be”, and agreed with Mr. Nanda to flag the second
34 paragraph on page 11 for the same reason.

35
36 Chair Rasmussen questioned “convey a sense of seriousness and dignity” on page 13, under H.2
37 Integrity. Mr. Howd suggested putting all descriptive stuff and all “shalls” for redevelopment
38 together in one section, and expressions of what is existing be separated to not get them mixed
39 up. Mr. Smith asked that the word “respectful” in paragraph 2 on page 12 be deleted. Mr. Sullivan
40 said on page 16, K-1 Proportion, this is human scale. Chair Rasmussen said the 2 new items under
41 Proportion belong under scale and not proportion.

1 Chair Rasmussen said on page 15, 3 and 4 seem to contradict each other: in middle of 3 “a well-
2 designed building”...”aesthetically pleasing”; 4 talks about breaking up large structures into
3 smaller masses. Councilor Grant said on page 17, second paragraph under 3: "Buildings shall be
4 designed to convey a sense of proportion”, she does not understand what that means and asked
5 if it adds any value. Mr. Behrendt said it is the transept idea that rural is more horizontal.

6
7 Mr. Sullivan questioned the last sentence of paragraph 2 under Height, relating to the Police Chief.
8 Mr. Smith recommended deleting that whole sentence. Chair Rasmussen agreed and said Safety
9 Code manages the decks, and asked how this will change with regard to the eave line when we
10 have 5-story buildings. Mr. Behrendt said this is what the Town Council had in their draft. Chair
11 Rasmussen said he does not want to do this twice.

12
13 ***Julian Smith moved the Planning Board go to page 20 tonight and continue the discussion***
14 ***at a later date; SECONDED by Robert Sullivan; APPROVED: 7-0.***

15
16 Mr. Howd said on page 19, under 2-e, top-most story language should be consistent with what is
17 on the previous page. Chair Rasmussen said if a building is within the height limit of the zone it is
18 permitted. Mr. Behrendt agreed to delete the first sentence for determining height and said the
19 Board will look at those elements. Chair Rasmussen said building height is not what we are
20 determining, it is the architectural style. Mr. Howd said to also look at i and j. Chair Rasmussen
21 said i should be deleted and the Board needs to revisit all of page 19 as it is related to height.

22
23 **IX. Zoning Amendments recommended by Housing Task Force.** Discussion about amendments
24 proposed by the task force to expand opportunities for residential development with
25 changes to the Table of Uses, Table of Dimensions, and Zoning Text affecting single-family
26 property; two, three, and four-unit residential; multi-unit residential; senior housing;
27 mixed-use with residential; lot sizes; density; setbacks; frontage; and other elements.
28 **Recommended action:** Ongoing discussion.

29 Mr. Behrendt said the Board left off at Dimensions and Chair Rasmussen said this is where it gets
30 tricky. He said he was considering the need for a new zone type and where that new zone
31 belongs. He said the numbers under dimensions were starting concept numbers sent to the
32 Board to flesh out and confirm they make sense. He said in his head there would be a 5th
33 residential zone with higher density which becomes a transition zone; a potential area could be
34 starting at Davis Court apartments down Madbury Road to town.

35
36 Chair Rasmussen said if you look at where RA abuts the commercial core, it is not difficult to draw
37 out properties that make sense to convert. Mr. Sullivan said there are 2 levers: 1) size of the lots,
38 and 2) what building you want on that lot; need minimum lot size. Chair Rasmussen said under
39 the new zone, RA would cap at 2-family duplexes, and new zone would be all 4-unit residential.
40 Mr. Kelley suggested making it an overlay.

1 Councilor Grant said overlay would be easier by locating the larger lots there. Chair Rasmussen
2 said an overlay and a new zone geographically have to follow the same rules but with a new zone
3 it is all in one. Vice Chair Tobias said a zone can also allow you to put in a more transitional area.
4 Mr. Kelley said he did not think individual lots were going to happen in many of the districts and
5 minimum lot frontage in RA will still be 100 ft, which may be a problem.

6
7 Chair Rasmussen said some of these numbers are a little high in terms of lot frontage, and with a
8 pork chop subdivision by default the back lot does not have frontage; Mr. Kelley said a pork chop
9 still has a 30 ft setback to rear of the existing house. Chair Rasmussen said Durham needs to be
10 looking at a Vision 2050 on where we see us growing; if we want to protect RA and control growth,
11 allow a new transitional zone. Mr. Smith said the faculty neighborhood is no longer a faculty
12 neighborhood and is in need of redevelopment.

13
14 Chair Rasmussen said we need to be more nuanced and all of these zones have some level of
15 undevelopment, particularly rural, and the Board needs to figure out how to guide it. He said we
16 could allow duplex in RA and create a zone next to it that allows 4-family and use that as the
17 buffer. Both the faculty neighborhood and Mill Road are close to downtown. Mr. Nanda said 25
18 years ago homes were affordable and there is an element of affordability there as well. Vice Chair
19 Tobias asked where Chair Rasmussen would put this new zone.

20
21 Chair Rasmussen said he sent out black and white maps to color, and asked the Board to think
22 about where they want a 5th story and where they think the possible new zone should go and
23 color in the map as homework. He said the idea of a new zone (R4) is to be a transition zone
24 between commercial and residential by right. He also asked the Board think about where
25 commercial core zones should be. Mr. Behrendt asked that the Board also look at GIS maps
26 starting at Faculty Road, which shows lot sizes and building footprints.

27
28 **XI. Review of Minutes: February 11, 2026 and February 21, 2026 Site Walk**

29
30 Regular Minutes of February 11, 2026

31 Mr. Sullivan said he voted *no* on Cowell Drive, not abstain; Mr. Smith submitted corrections to
32 Mr. Behrendt.

33
34 ***Richard Kelley moved to approve the Planning Board meeting minutes of February 11,
35 2026 as amended; SECONDED by Julian Smith; APPROVED: 7-0.***

36
37 Site Walk Minutes for Strafford Avenue, February 21, 2026

38 Mr. Behrendt said the reference to the Richmonds should be removed

39
40 ***Julian Smith moved to approve the Site Walk Minutes of February 21, 2026 as amended;
41 SECONDED by Richard Kelley; APPROVED: 2-0 with 5 abstentions.***

42
43 **XIII. Other Business:**

1

2 **Town Council Changes to 4-Story Ordinance:**

3 Chair Rasmussen said when the Council approved 50 ft 4-story, some councilors recommended a
4 requirement for a certain depth of the property for first-floor commercial of 50 ft or 60 ft
5 minimum, with 50 ft for commercial on first two floors, and allow remainder of the lot to be on-
6 site parking in the rear or underground parking, and recommending 60 ft height for possible 5
7 stories for 66 Main Street to Pettee Brook.

8

9 Chair Rasmussen asked the Board to look at other areas that already have 5-story buildings and
10 do a target of 60-ft height. Mr. Kelley said his concern for that area is the phenomenal cost to go
11 below ledge. Councilor Grant said the Town Council wants the 5 stories put back in ASAP. Mr.
12 Behrendt said do 50 ft of depth for all of CB-1 with the only commercial requirement of 50 ft of
13 depth, then do 5 stories with 60 ft height on the westerly side. He said the whole first floor has to
14 be retail/office space, but beyond 50 ft parking is an option; hold public hearing in 2 weeks.

15

16 **XIV. Adjournment**

17

18 ***Julian Smith moved to adjourn the Planning Board Meeting of March 11, 2026; SECONDED***
19 ***by Councilor Grant; APPROVED: 7-0.***

20

21 The Planning Board Meeting was adjourned at 9:54 pm.

22

23 Respectfully submitted,

24 Patricia Denmark, Minute Taker

25 Durham Planning Board