

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

5 **Wednesday, March 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), Richard Kelley, Robert  
12 Sullivan, Peyton McManus, Gary Whittington, Heather Grant (Council Rep), Julian Smith  
13 (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate), Mike Lehrman (Alternate  
14 Council Rep)

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

16  
17 **I. Call to Order**

18 Chairman Paul Rasmussen called the Durham Planning Board meeting of March 25, 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  
26 *Richard Kelley moved to approve the agenda as printed; SECONDED by Peyton McManus;*  
27 *APPROVED: 7-0.*

28  
29 **IV. Town Planner's Report** - Town Planner Michael Behrendt absent.

30  
31 **V. Reports from Board Members who serve on Other Committees**

32  
33 Reporting from Town Council: Councilor Grant introduced new Town Council Representative  
34 Mike Lehrman, replacing Darrell Ford; unanimous consent agenda: Jenkins Court event with road  
35 closure April 25 approved; public hearing on Veterans Tax Credit passed; public hearing on 10  
36 Cowell Drive to change one property from RA to CH voted down, open to anything permitted in  
37 CH, prefer overlay or added zone.

38  
39 **VI. Public Comments**

40 **Jay Gooze** of 9 Meadow Road asked if the Board could look at an ordinance for ADUs requiring  
41 that one side be owner-occupied, as problems occur when students start to mix in residential  
42 areas.

43  
44 Chair Rasmussen said this would be addressed later under Housing Task Force discussion.  
45

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

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

**VIII. *Public Hearing* - Stafford Avenue – 2-lot subdivision.** 20 Stafford Avenue. 2-lot subdivision placing two existing houses on separate lots. Steven Kimball, Pine Ledge Holdings, property owner. Phillip Yetman, surveyor, Haley Ward. Map 106, Lot 11. Residence A District. *Recommended action:* Final action.

Mr. Steven Kimball said the plan has not been changed but there are comments from his attorney on the Notice of Decision. He said he owns a parcel on Stafford Avenue with 2 dwelling units which he is prepared to subdivide into 2 separate lots, both conforming with at least 100 ft frontage on each lot; existing driveway in SE corner to first house then up and around to second house with buffer and wetlands shown.

Continuing Public Hearing for Stafford Avenue, 2-lot subdivision.

Chair Rasmussen said the only open question had to do with driveway access for separate lots and asked that the Board look at the language proposed by the owner on driveway access. Mr. Kimball said re #9 in the Notice of Decision his attorney advised that there has not actually been an application for a driveway access permit to date, so “no decision has been rendered”, and statutory authority for driveway access is the Director of Public Works and it should simply reference the proper Statutory Authority. He said he has recent information from the General Council at UNH that they have no interest in being an impediment to development of private property, and driveway approval could change.

Vice Chair Tobias said the language says an application has not yet been made for a driveway permit which is the appropriate process; language is less wordy and more precise. Mr. Whittington said he accepts that argument and said the board’s job is to decide if this is a good subdivision which is different from the driveway permitting process. Mr. Howd asked if having the proposed driveway on a plan approved by the Board would cause any problems. Chair Rasmussen said #9 was changed today by the applicant. Mr. Kelley said part of the requirements is for the second driveway to be removed from the plan.

**Jay Gooze** of 9 Meadow Road said he is a direct abutter of Mr. Kimball and said a driveway in the future is Mr. Kimball’s prerogative and voiced his support of his application.

Mr. Kimball said he assumed Mr. Behrendt would do a final review. Mr. Kelley said the proposed 10-ft wide sewer easement is to be centered over the existing sewer service, but does not appear that way on the plan. Mr. Kimball said the easement is not technically centered as the exact location of the water line is unknown. Mr. Kelley said surveyors would be well served to get “existing” in note for water service.

1 Mr. Kimball said #5 on Notice of Decision should say to relocate the shed on the rear lot and not  
2 physically remove it; for #10 Driveway Easement his attorney suggested adding “as needed”.  
3 Chair Rasmussen said the shed should be removed or relocated out of the buffer. Mr. McManus  
4 said the board is essentially accepting the edits as delivered.

5  
6 ***Peyton McManus moved to close the Public Hearing for 20 Stafford Avenue; SECONDED***  
7 ***by Councilor Grant; APPROVED: 7-0.***

8  
9 ***Richard Kelley moved that the Planning Board approve a 2-lot subdivision at 20 Stafford***  
10 ***Avenue, Map 106, Lot 11 in Residence A District, and the Notice of Decision as amended***  
11 ***this evening; SECONDED by Vice Chair Tobias; APPROVED: 7-0.***

12  
13 **IX. Public Hearing – Zoning Amendment to increase maximum height in section of CB-1 to**  
14 **5 stories and 60 feet.** Amendment for Central Business-1 District affecting section  
15 bounded by Main Street, Jenkins Court (west of Jenkins Court), and Pettee Brook Lane  
16 to change from a 4-story, 50-foot height limit. Also proposed for entire Central Business-  
17 1 District to allow first floor structured parking provided the area fronting on the street  
18 is commercial to a depth of at least 50 feet. Presently, the entire first floor must be  
19 commercial. ***Recommended action:*** Initiate amendment if acceptable or modify the  
20 amendment and set a new public hearing.

21  
22 Chair Rasmussen explained that the Board had asked for Option A but something got messed up  
23 in translation and they cannot change what is up for public hearing tonight which is Option C.  
24 Councilor Grant said a change from the Town Council is to include lot 60, small pocket park, in  
25 Option A. Mr. Kelley said what is on the screen now is what was advertised for this Public Hearing  
26 which does not remove Jenkins Court.

27  
28 ***Chair Rasmussen moved to open the Public Hearing for Zoning Amendment to increase***  
29 ***maximum height in CB-1 section to 5 stories, 60 feet; SECONDED by Peyton McManus;***  
30 ***APPROVED: 7-0.***

31  
32 **Robin Mower** of Britton Lane read excerpts from a letter by Doug Bencks, former UNH Architect,  
33 who opposes the amendment to allow 5 stories, 60 ft in delineated area, and said heights are  
34 critical to human scale throughout downtown, and allowing on Jenkins Court would create a  
35 hostile environment. Councilor Carden Welsh said trying to attract more vitality to downtown will  
36 continue Durham's academic small town feel, and planning that incorporates community can also  
37 attract investment capital.

38  
39 **Beth Olshansky** of Packers Falls Road said it was her understanding that the board's discussion  
40 began with Jenkins Court and went to Pettee Brook corner but the Board is saying they are  
41 anticipating the option that is up on the screen now.

1 **Carol Birch** of 17 Garden Lane read a letter from John Hart of 13 Mill Road expressing his  
2 opposition to the proposed increase in building height in downtown as it is way out of character  
3 and goes against our architectural guidelines, zoning regulations, and Master Plan. She said local  
4 taxes have become oppressive and taller buildings would have a pronounced negative effect.

5  
6 **Jay Gooze** of 9 Meadow Road said he enjoys walking and biking in downtown and said the  
7 Durham Master Plan is important and the letter from Doug Bencks is important, and said Jenkins  
8 Court would become an alley of inhuman scale.

9  
10 **Carolyn Singer** of 5 Woodridge Road said over the past several months many planners have  
11 reflected on negative implications of 50 ft or higher building heights. Former UNH Architect Doug  
12 Bencks has written to you about the necessity of limited building heights in Durham's downtown  
13 to foster human scale and says 30 ft to 35 ft buildings are ideal; if higher it must include pitched  
14 roofs and setbacks and 50 ft to 60 ft is a mistake that cannot be undone and Jenkins Court would  
15 result in a hostile environment for pedestrians.

16  
17 **Larry Harris** of 56 Oyster River Road read a letter composed by his wife based on options A, B,  
18 and C, and read the letter in full, which expressed that the speed zoning is going forward is mind  
19 boggling. It said the Town Council approved 4 stories, 50 ft and 2 weeks later Mr. Behrendt  
20 proposed 5 stories for Jenkins Court, Pettee Brook, and Main Street; Option A is the most  
21 balanced of the proposals. The letter asked for 3D models and 2D drawings and said Options B  
22 and C would look seriously out of scale in our small New England town and urged the Board to  
23 vote for Option A. He said 4- and 5-story buildings would only serve one clientele: students.

24  
25 **David Hadley** of 15 Edgerly Garrison Road said he supports the proposed amendment for Durham  
26 Business District because it preserves development standards that are in place now: setbacks,  
27 pedestrian areas, front entrance standards, storage and service areas and minimum building  
28 heights, and the proposed amendment provides additional guidance for maximum building  
29 height; as written today it allows property owners to build 4 story buildings at any height; also  
30 allows for first-floor parking in some cases for more flexibility. He said the Town owns most of the  
31 land inside the limited area and will have significant control on what could go there.

32  
33 **Ben Bulkley** of 569 Bay Road said he supports Option A as it invites new ideas, considerations,  
34 and more energy. He said a building is more than a structure, it's a place for people, and said he  
35 wants to open the aperture to the community and invite new possibilities for new solutions; he  
36 does not underestimate the town's ability to throttle bad ideas and as there are many provisions  
37 to regulate. He said he does not know what is possible until we allow new ideas to come in.

38  
39 **Beth Olshansky** of Packers Falls Road said she enthusiastically supports the map shown on the  
40 screen now as it is respectful of our community documents. She said she understands the logic  
41 with the 66 Main Street parcel which can support multiple steps up, and is glad the pocket park  
42 was taken out of the mix.

43

1 **John Carroll** of 54 Caney Road said he is here on behalf of his colleague, Ted Howard of 12  
2 Burnham Avenue, to read his statement in full. The statement said Mr. Howard recognizes the  
3 need for thoughtful development of downtown and supports Option A as it is consistent with the  
4 town's Master Plan and architectural standards recommending the human scale of New England  
5 small towns and he also cited the letter of Doug Bencks. He said amendments should foster not  
6 counter the town's shared visions, and urged the Planning Board to support Option A.

7  
8 **Judith Spang** of Wiswall Road said she has worked in legislature and is familiar with how things  
9 come, frequently from people with very strong opinions, and said we have a very narrow group  
10 of special interest people. She asked how the Board and Town Council could ignore a petition  
11 from 340 people and pass what they have been passing, and could not believe the democratic  
12 process has fallen to this level. She said she is not in favor of any of the three options.

13  
14 Ms. Spang said the Housing Task Force said the town must increase density downtown but not  
15 how to do it. She said we need to look at the housing issue, economic benefits to the town, and  
16 the aesthetics, commercial revitalization, and market response. She said that is way too much for  
17 a Board with no expertise and asked what these changes will mean for taxes. She said the Planning  
18 Board should continue talking to the community.

19  
20 **Nancy Sandberg** of 15 Langley Road said she has come tonight to say no to the planning board  
21 proposed zoning amendment allowing 5 story buildings at 60 ft by right throughout the triangle  
22 bound by Main Street, Jenkins Court, and Pettee Brook Lane. She said the small triangle would  
23 darken, dominate and degrade out downtown and flies in the face of careful community-based  
24 planning. She said people need a reason to come to town and attractiveness will draw them.  
25 Option A recognizes and protects the historic Gorman block and is a good start; she said a 5 story  
26 building within 66 Main Street block could be permitted by CU, which gives more control over  
27 what gets built.

28  
29 **Gail Kelley** of 11 Gerrish Drive said official responses of Planning Board and Town Council have  
30 been dismissive of the Master Plan relevance. She said it is the responsibility of the Planning Board  
31 to consult with other organizations and citizens and asked that the Board pay more attention to  
32 the Master Plan and not make a permanent decision on a height limit, which is a very small part  
33 of revitalization, no one here has the expertise to assemble all the information.

34  
35 **Deborah Hirsch Mayer** of 19 Garden Lane said she endorses what Judith Spang said and prefers  
36 Option A to Option C, but said the Board should be looking much more broadly at this and none  
37 of the options are what the town wants. She said the Board should be working collaboratively  
38 with professionals, looking at economics, housing, aesthetics, and commercial appeal to develop  
39 a comprehensive plan. She said the proposals conflict with planning documents and principles of  
40 human scale design and asked that the Board move forward with caution and balance and not  
41 obliterate Durham's special character.

42

1 **Diana Carroll** of 54 Caney Road read a letter from Mark and Jean McPeak and underscored the  
2 remarks made by Nancy Sandberg. She said the letter encourages the Board to support Option A,  
3 which keeps Jenkins Court out of the 5-story zone. She said the McPeaks understand the push for  
4 housing and a broader tax base. Option A strikes a balance adding additional height where  
5 appropriate and protects the human scale of Jenkins Court.

6  
7 **Emily Poworoznek**, of 17 Emerson Road, pointed out that the idea of a first-floor parking  
8 structure in Option A is applicable within the entire commercial business district if there is a 50-  
9 ft depth of commercial space. She said commercial blends in with other districts and parking  
10 behind will abut a different kind of use; she asked that the Planning Board consider whether that  
11 can be amended to a section. Chair Rasmussen said we will determine whether or not your  
12 concern exists.

13  
14 **Diana Carroll** of 54 Caney Road suggested that a visual would help the planning process along.  
15 She said residents know what 3 stories feels and looks like but not 4 or 5 stories. She said we need  
16 to be reminded that we are stewards of this land and should plan so we will enjoy and benefit  
17 from our downtown for the wellbeing of the Town.

18  
19 **Jeff Berlin** of 3 Cowell Drive said he did not believe the tax base should be the reason to develop  
20 downtown, but just to see that there is no real vitality. He said we need to compete and drastic  
21 change is needed; instead of 3D modeling people can go to neighboring towns to look at buildings  
22 they have thoughtfully created.

23  
24 **Elizabeth Larocca** of 10 Britton Lane said she worked for PSNH (now Eversource) when  
25 Portsmouth redeveloped in the 1960s and tried to take advantage of their unique history through  
26 the National Main Street Program. She said she endorses what Judith Spang said, which is outlined  
27 well in Architectural Standards, to maintain the character and identity of the community, not  
28 degrade our quality of life, and ensure that decisions being made reflect our community values.

29  
30 **Joshua Butkus** of 190 Piscataqua Road said he recently moved to Durham and said he hears the  
31 desire from everyone to preserve the character of the community and the value of this town. He  
32 said human scale is defined by the hand first and foremost, and brick is the element of human  
33 scale. He said zoning exists to create opportunity and there are constraints, and zoning clearly  
34 determines what can happen; what it will look like is not chosen in zoning; Design Review  
35 determines the outcome and it is there that your voice really does matter. He said residents want  
36 change but do not want anything to change to allow it to happen. He said he supports Option C  
37 as a positive step forward for the CB-1 District; Durham needs redevelopment and thoughtful  
38 design can happen.

39  
40 ***Councilor Grant moved to close the Public Hearing for Zoning Amendment to increase***  
41 ***maximum height in CB-1 section to 5 stories, 60 feet; SECONDED by Vice Chair Tobias;***  
42 ***APPROVED: 7-0.***

1 Chair Rasmussen asked the Board to deliberate on Option C in front of us tonight; he said right  
2 now Option C is official law as it was posted, and action needs to be taken tonight to take it off.  
3 Vice Chair Tobias said the Town Council did ask the Planning Board to get 5 stories in downtown.  
4 Councilor Grant said right now Option A is better than Option C. Mr. Sullivan said Option C is not  
5 anybody's idea of the way to go right now. Mr. Kelley said the motion has to be in support of it  
6 and we vote it down.

7  
8 Mr. McManus said he is not opposed to Option C as we are talking about such a small space. Mr.  
9 Whittington said speaking against Option C, zoning should encourage experimentation and not  
10 preclude imaginative projects, but if a particular height is a non-starter the zoning should reflect  
11 that fact to provide accurate disclosure to the community, and said Option A is the best solution  
12 overall. Chair Rasmussen said he understands changes are needed in Jenkins Court, but first there  
13 are other things in our zoning that need to happen.

14  
15 ***Richard Kelley moved that the Planning Board approve the Zoning Amendment to increase***  
16 ***maximum height in section CB-1 to 5 stories, 60 feet; this amendment as advertised would***  
17 ***be bounded by Main Street, Jenkins Court west side and Pettee Brook Lane to change from***  
18 ***a 4-story, 50 ft height limit; also included in this amendment was first floor structured***  
19 ***parking; SECONDED by Peyton McManus; Motion Denied: 0-7.***

20  
21 Chair Rasmussen asked that the Board go through language changes to make sure they are clear.  
22 He said paragraph 6 mentions the maximum height in CB-2. Councilor Grant said CB-1 and CB-2  
23 were separated, and CB-2 should be left out. Chair Rasmussen said they have to put something  
24 to make sure they get a new Public Hearing on this item; the Board agreed to put 3 stories and 30  
25 ft for CB-2 as written; lot numbers in paragraph 7 will be corrected.

26  
27 Chair Rasmussen said paragraph 7, C.i says the total commercial in the building has to be equal  
28 to the first floor; Board agreed not that much commercial is needed now; Chair Rasmussen said  
29 we are not precluding it just not requiring it. Mr. Whittington said it just says we want to control  
30 the street front. Parking Garage: Chair Rasmussen said he is not sure parking garage is the right  
31 name; Councilor Lehrman asked if it is on a corner, are both sides considered frontage, as parking  
32 should be hidden from any street. Chair Rasmussen asked how you get to a parking garage if you  
33 cannot access it from the street, and said parking access is part of site review.

34  
35 Chair Rasmussen said the Board does not vote on a draft and asked that the Board look at the  
36 other articles before the next meeting which cover fresh research over the last 20 years.  
37 Regarding human scale it says building height is one of the least important things that affect scale.  
38 Councilor Lehrman said he read the articles, and there is competing discussion about having a  
39 uniform street wall to allow continuity walking along with notches to create interest and viability.

40  
41 Councilor Lehrman said in reference to public comments, State Law does not require special  
42 architects and engineers on a zoning board and said we have bits and pieces of expertise and  
43 long-term experience and he does not see a need for a professional zoning expert. Councilor

1 Grant said the Town Council discussed the possibility of an Economic Development Committee  
2 coming back. Vice Chair Tobias said the Planning Board is made up of citizen representatives who  
3 are also members of the town.  
4

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

11 **NOT ADDRESSED.**

12  
13 **XI. Review of Minutes: February 25, 2026 and March 11, 2026**

14 **POSTPONED TO NEXT MEETING.**

15  
16 **XIII. Other Business:**

17  
18 **XIV. Adjournment**

19  
20 ***Vice Chair Tobias moved to adjourn the Planning Board Meeting of March 25, 2026;***  
21 ***SECONDED by Robert Sullivan; APPROVED: 7-0.***

22  
23 The Planning Board Meeting was adjourned at 10:16 pm.

24  
25 Respectfully submitted,

26 Patricia Denmark, Minute Taker

27 Durham Planning Board