

1
2
3
4
5
6
7
8

DRAFT
TOWN OF DURHAM
DURHAM PLANNING BOARD MEETING

Wednesday, April 29, 2026
Town Council Chambers, Durham Town Hall

7:00 pm

9 **MEMBERS PRESENT:** , Sally Tobias (Vice Chair), Gary Whittington, Robert Sullivan, Heather
10 Grant (Council Rep), Michael Lehrman (Alt Council Rep), Peyton McManus, Julian Smith
11 (Alternate), Peter Howd (Alternate); Richard Kelley (arrived late)

12 **MEMBERS ABSENT:** Paul Rasmussen (Chair), Emma Hollander (Alternate), Munish Nanda
13 (Alternate)

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

15 **I. Call to Order**

16 Vice Chair Tobias called the meeting to order at 7:01 pm.

17
18 **II. Roll Call and Seating of Alternates**

19 Vice Chair Tobias called the roll and seated Julian Smith for Paul Rasmussen, and Peter Howd
20 until Richard Kelley arrived.

21
22 **III. Approval of Agenda**

23
24 ***Mr. Smith moved to approve the agenda; Mr. Howd seconded the motion; APPROVED:***
25 ***7-0.***

26
27 Richard Kelley arrived at 7:03 p.m.

28
29 **IV. Public Comments**

30
31 **Robin Mower** of Britton Lane stated that she had sent the Board an email regarding setbacks at
32 the 5th story of a building. She did not bring that email with her. She also sent an email
33 regarding the maximum height and criteria for taller buildings. She supports a 3rd story eve line
34 in pedestrian level design and didn't understand why that had been taken out of the
35 amendment. She also shared a portion of an email she received from Doug Bencks regarding
36 the tall buildings on the UNH campus.

37
38 **Beth Olshansky** of Packers Falls Road thanked the Board for working on another evening. She
39 spoke to the 5th story 20-foot setback on the agenda to be reviewed tonight. She feels it is
40 important. She mentioned that if the setback requirement was in the design standards, the
41 Planning Board would have the control to waive the requirement. Whereas, if it was in the
42 Zoning Ordinance, the ZBA would have the control.

43

1 Under the design standards, she has the same issue as Robin Mower with the deletion of the
2 words “3rd story eve line.” Planner Behrendt stated that he would support putting those words
3 back in. Ms. Olshansky referenced an email from Dough Bencks regarding eve lines.
4 There was some discussion with Ms. Olshansky about UNH buildings that were 5 stories or
5 more. Ms. Olshansky reminded the Board that Durham’s Master Plan indicated that Durham
6 wanted its own downtown environment outside of UNH.

7
8 Mr. Smith asked that the two public commenters be allowed to stay and engage in the
9 discussion of the Architectural Regulations. Chair Tobias felt that a lot of their comments had
10 been heard already. She did not want the public to feel that they were giving special attention
11 to two people.

12
13 **V. Review of Minutes (old):** None

14
15 **VI. Architectural Regulations.** Proposed changes to Architectural Design Standards in Site Plan
16 Regulations.

17 A. Proposed amendment to incorporate setbacks for the fifth floor in Central Business-
18 1 District Recommended action: Set public hearing for May 13.

19 Mr. Kelley referenced a document that they have entitled Proposed Amendment to the Site
20 Plan Regulations, Part III Development Standards, Article 2. On the 3rd page are the changes
21 proposed. He suggested they review this document.

22 Planner Behrendt stated that this proposed language was based on the Board’s discussion last
23 week. There was discussion on which buildings in CB-1 would be affected by the change and
24 which buildings would not be able to go to five stories.

25 Mr. Howd asked Planner Behrendt if this change only really affects two lots, is this spot zoning?
26 Planner Behrendt stated he didn’t think so. It is actually affecting six lots. It makes more sense
27 to have this in the Architectural Regulations rather than the Zoning Ordinance.

28 Mr. Sullivan thinks that the setbacks make sense front and back all the way to the corner.

29 There was discussion about what constitutes a built-environment in the 20-foot setback.

30 Mr. Lehrman questioned whether it be acceptable to have a 50-foot setback in front of any
31 building. He stated that he is specifically speaking of 66 Main Street. He suggests that after “a
32 & b” in the document, you could put “or there is a building setback from the street of 50-feet.”
33 In this case, someone could pass on the 20-foot setback on the façade. Mr. Sullivan stated that
34 they could always waive the standards for the right design, so this suggestion would be
35 possible. There was further discussion about whether to include this. Planner Behrendt stated
36 he would add a “c.” to the document that states that “in lieu of a. & b. the building may be set
37 back 50 feet from the front lot line from the street.”

38 Mr. Sullivan asked if Board really wants to see a five story building straight up even with the 50
39 foot street setback. Mr. Lehrman suggested amending his previous proposal to add a 2 foot
40 building setback at the 4th or 5th floor to the requirement for a 50 foot street setback. Mr.

1 Whittington suggested adding that any request for a waiver would need to be proven and be
2 within the intent of the Architectural Regulations. Chair Tobias suggested they leave “c” as it
3 was previously suggested, have the public hearing and then see how the public responds to it.

4 ***Mr. Kelley moved that the Board approve the additional language under #8***
5 ***describing the 5th story setbacks as has been discussed this evening with the idea***
6 ***that Planner Behrendt can make clarification changes. Councilor Grant seconded***
7 ***the motion. APPROVED 7-0.***

8 B. Continued review of the regulations. Recommended action: Continued review.

9 The first pass on amending these Architectural Regulations is what Beth Olshansky and Robin
10 Mower provided for changes. Planner Behrendt will incorporate all changes given by the Board
11 and bring them back to the Board for a final review, and then there will be a public hearing.
12 Mr. Sullivan mentioned that they should be looking at content only. Mr. Smith feels that they
13 should just pass all the suggestions on to Michael and have him draw up.

14
15 Vice Chair Tobias suggested they look at page 17, L2, where they had removed “3rd story eve
16 line.” She asked Ms. Olshansky to come to the podium to reiterate her concern. Ms. Olshansky
17 stated that Doug Bencks’ email said that a 3rd story eve line was appropriate whether you had a
18 4-story building or a 5-story building. There was additional discussion on this wording. Mr.
19 Whittington suggested that the wording be “with buildings that are taller than 3 stories....these
20 techniques shall include a prominent 3rd story eve line created either by a pitched roof, by a 4th
21 story setback, or by similar designed features to create the desired effect.”

22
23 There was discussion on whether the Board wanted to review more of the changes to the
24 Architectural Regulations or just allow Planner Behrendt to incorporate all comments and bring
25 the full document back at another meeting. There was some discussion on some of Mr.
26 McManus’ suggestions and comments that he had submitted.

27 28 **VII. Other Business:**

29 Planner Behrendt went over the agenda for the next meeting in two weeks.

30
31 Mr. Sullivan mentioned that there has been tree cutting at Technology Drive. Eight acres of
32 trees are already gone.

33 34 **VIII. Adjournment**

35 ***Mr. Smith moved to adjourn the Planning Board Meeting of April 8, 2026; SECONDED by***
36 ***Mr. Whittington; APPROVED: 7-0.***

37
38 The Planning Board Meeting was adjourned at 9:05 pm.

39
40 Respectfully submitted, Karen Edwards