

TOWN OF DURHAM
DURHAM PLANNING BOARD MEETING

Wednesday, May 13, 2026
Town Council Chambers, Durham Town Hall

7:00 pm

DRAFT MINUTES

MEMBERS PRESENT: Paul Rasmussen (Chair), Gary Whittington (Vice Chair), Sally Tobias, Peyton McManus, Heather Grant (Council Rep), Julian Smith (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate)

MEMBERS ABSENT: Richard Kelley, Robert Sullivan, Michael Lehrman (Alt Council Rep),

ALSO ABSENT: Michael Behrendt, Town Planner

I. Call to Order

Chair Paul Rasmussen called the Durham Planning Board meeting of May 13, 2026 to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll and seated Julian Smith for Robert Sullivan and Peter Howd for Richard Kelley.

III. Approval of Agenda

Julian Smith moved to approve the agenda as presented; SECONDED by Peyton McManus; APPROVED: 7-0.

IV. Town Planner's Report

Town Planner is absent.

Reporting from IWMAC: Chair Rasmussen said he missed the Energy Committee meeting. He said IWMAC is looking at reevaluating their mission and goals and expanding their scope; new trash cans will be distributed the week of Memorial Day; cans should be on the street and not too close together.

Reporting from Town Council: Councilor Grant said the Town Council met May 4 and approved Jay Gooze to fill vacancy left by Robin Vogt; approved permission for Energy Committee to add a Vice Chair to their structure; presentation on Durham Police Community Survey; Town Council goals ongoing. Postponed scheduling Public Hearing for 5 stories; wanted more time to complete Architectural Standards.

VI. Public Comments

Michael Carter of 4 Williams Road said there have been many references to the Town's 2015 Master Plan over the last few months, and said he looked back at the section related to downtown revitalization. The Chapter on Economic Development praises the development of student housing and notes its positive impact on downtown merchants. He asked why downtown malaise is different now, if at all, and why the student housing buildout was so praised there.

VII. Review of Minutes (old): March 25, 2026 and April 8, 2026

Meeting Minutes of March 25, 2026

Mr. Smith made corrections on page 1, lines 36-37, page 5, line 22, and page 7, line 19.

Julian Smith moved to approve the meeting minutes of March 25, 2026 as amended; SECONDED by Peyton McManus; APPROVED: 7-0.

Meeting Minutes of April 8, 2026

Mr. Smith said he gave corrections to Michael Behrendt and assumed the corrections were made.

Julian Smith moved to approve the meeting minutes of April 8, 2026 as presented; SECONDED by Councilor Grant; APPROVED: 7-0.

VIII. Election of Planning Board Officers.

Planning Board Chairman: Paul Rasmussen

Peter Howd moved to re-elect Paul Rasmussen as Chair of the Planning Board; SECONDED by Councilor Grant; APPROVED: 7-0.

Planning Board Vice Chair: Gary Whittington

Gary Whittington accepted the nomination for Vice Chair.

Chair Rasmussen moved to appoint Gary Whittington as Vice Chair of the Planning Board; SECONDED by Councilor Grant; APPROVED: 7-0.

Chair Rasmussen said Peyton McManus would remain as Secretary.

Chair Rasmussen moved that Peyton McManus remain as Secretary of the Planning Board; SECONDED by Julian Smith; APPROVED: 7-0.

IX. 74 Main Street Extension. Request for extension to meet precedent conditions for approved site plan for four-story mixed-use building at 74 Main Street. Submitted by Jerry Pucillo, agent for proposed project. Doug Clark, Clark Properties, owner. Map 106, Lot 59. Central Business-1 District. Recommended action: Approval.

Jerry Pucillo said given the losses entailed after their approval, what happened with interest rates, and the general climate for raising funds for the project at this time, they are requesting an extension until May 16, 2028. He said we are still committed to the project, which is fully designed, but it is challenging at this time. Mr. McManus asked the interest rate at the time of application; Mr. Pucillo said 3% for that particular loan which was lost during the lawsuit, and interest rates are now 6.5% and we are a non-profit. He explained that Democracy House is a Foundation for Civic Leadership, and said the project in Massachusetts has also been stalled.

Peter Howd moved to approve the extension for 74 Main Street Extension until May 16, 2028; SECONDED by Julian Smith; APPROVED: 7-0.

- X. **Presentation on Lighting Standards.** Presentation by UNH students as part of Capstone Project about proposed Nature-Friendly Lighting Standards. Recommended action: Presentation.

UNH Capstone Project students: Bennett Murphy, Hayden Anastasio, Alex Soucy, and Will Cleaveland presented a Lighting Studies project; Advisor: Paul Rasmussen.

Presentation: Outdoor lighting is very important for nighttime activities and over time the negative effects have become apparent to humans (eye and sleep health) and the environment. Light pollution can disturb wildlife behavior, circadian rhythms, and limit observations of the night sky. The main resource is DarkSky, an organization originally dedicated to reducing light pollution through education, community engagement, and projects that will limit skyglow.

The group looked at DPW recommendations, reviewed the DarkSky website and combined their research into a lighting guide; reviewed Town's lighting decisions and discussed categorical areas in Durham that use lighting in different ways. DarkSky recommends using lighting only when needed with lights shaded towards warm regulated colors, no brighter than necessary, and be directed wherever possible.

Illumination is measured in Lux, a measurement of how much light reaches the intended surface; color temperature: measured visual tint and color of light glow in Kelvin; flood: horizontal spread of light over a surface, measured in Lux from a distance, with high Lux >6 and low Lux <2; cost of purchase or installation of fixtures: low intensity amberish light about \$250, high intensity light greater than \$2,000. Lighting around properties: ambient lighting, yellow; task lighting, high illumination to focus on task; accent lighting which draws attention to objects or features, downward light not shining beyond intended area.

Durham was categorized into 3 different types of properties: (1) residential, (2) commercial properties in downtown; (3) properties near ecological zones. Ranges of illuminance are low: <5 Lux, and high >20 Lux. Color temperature: warm 2200K, cold >4000K; flood minimum 0-2, maximum >6. Residential: focus on personal safety and basis navigation, avoid trespass to

neighboring properties. Sidewalks: accent lighting with low illumination, color warm; driveway: task, high illumination, color white, flood minimum; entrance/exit: shielded light, ambient; accent low, ambient medium; sidewalks: task, high, minimum flood. Showed images of residential property lighting with friendly dark sky lighting versus overly bright light spreading outside the property and possibly into important ecological areas. For property lighting, brighter is not always safer.

Commercial: Priority is public safety, comfort, and visibility with more people and activity. Goal is to reduce glare and skyglow; fully shielded and directed light. Parking lot: higher level of brightness with controlled sidewalk accents; crosswalks: task light. Examples were again shown with top image brighter and bottom image putting light where needed creating a welcoming atmosphere. Ecological: woodline accent lighting, low, warm; waterways: ambient, medium, mix; park: warm colors and shielding with timers and motion sensors.

As part of the group's research, they read the Site Plan Regulations and found the language not always relevant; text was amended and will be posted; maximum for outdoor lighting is 3000 Kelvin, temporary areas could be specifically limited to a maximum of 1 Lumen. DarkSky also set a maximum of illuminance per acre and a color temperature into the ordinance applying to all properties in Durham. More study and outreach could encourage adoption of these principles; Planning Board can refer lighting guide to Site Plan regulations; nature friendliness and human safety can work in harmony. Portsmouth has set outdoor lighting per acre at 55,000 lumens which is very bright; mostly applies to commercial entities as well as places like Pease.

Chair Rasmussen opened the meeting to questions from the Board and reviewed the changes made by the students to lighting standards in the Site Plan Regulations. The floor was also opened to the Public for questions and comments.

Mr. Cleveland said a definition was added under Article 6 for correlated color temperature and Kelvin (measuring the warmth of the light); *shielding*: added language that the Planning Board may require additional shielding to protect neighboring residential properties and added environment as well. He said shielding specifies fixtures should be full cut-off so the source of light cannot be seen. For *flood lighting*: Planning Board should determine there are no negative impacts on neighboring properties and comply with shielding requirements as described.

Mr. Cleveland said under *timing of lights*: all lighting non-essential for safety and security be turned off outside business hours unless specifically needed for safety, and may be required by the Planning Board. *Natural Areas*: light sources should not be visible from stands of trees and habitat areas and "light trespass" into natural areas should not exceed 1/8 footcandle or 2 Lux. *Correlated Color Temperature* of lamps shall not exceed 3000 Kelvin except when focused, neutral white light is necessary for safety or performance of a specific outdoor task.

Chair Rasmussen thanked the students for their presentation and asked that they get final copies to him.

XI. Public Hearing - Architectural Regulations. Proposed setbacks for the fifth floor.

Recommended action: Adopt or make changes and post for new hearing

Chair Rasmussen moved to open the Public Hearing for Architectural Regulations; SECONDED by Julian Smith; APPROVED: 7-0.

Carolyn Singer of Woodridge Road proposed that language re 5th-story setbacks be crystal clear in the Architectural Design Standards: (1) 8a needs to be changed to include 72 Main Street with 5th-story setbacks; (2) 8d is confusing and should be removed; (3) 8c should be deleted. She read a letter from Amanda Merrill of 8 Meadow Road re changes to building height regulations and the impact on the character of Durham, requiring a 20-ft setback in top floors on any 5-story building and applies to 60, 66, 70 and 72 Main Street..

Dianna Carroll of Caney Road said in August 2025 she presented the Town Council with a letter signed by 250 Durham residents urging the Council to reject 4 stories by right and 5 stories by CU along Main Street. She said the public should know what 5 stories look like and said Jim Lawson provided renderings demonstrating that a 20-ft setback will virtually hide the fifth story from pedestrians which allows some buildings closer to UNH to have 5 stories, She said Doug Bencks has made it clear that 5 stories is not human scale, and she opposes 5 stories 60 ft straight up and asked that item 8c be eliminated.

Faith Northrup of 9 Britton Lane said she is totally in agreement with the amendments of Carolyn Singer and read a letter from Pamela Shaw on Madbury Road recommending the Planning Board consider an amendment to Architectural Design Standards requiring 5th-story setbacks to certain designated downtown buildings to mitigate height and massing. She said there are consequential ambiguities in the document, she supports specific language in the amendment to include 72 Main Street, and remains opposed to 5-story buildings in downtown,

John Carroll of 54 Caney Road read a statement by Theodore Howard of 12 Burnham Avenue, who said the purpose of our Master Plan, Architectural Design Standards, and Zoning Ordinances is to ensure thoughtful development of our small New England town and said the ambiguity of Sections 8a to 8d suggest further work is needed. He said there is the issue of how buildings adjacent to Ballard Street (paper only) would be treated in any proposed development and asked that the Board make sure the framework to be put in place will be appreciated.

Elizabeth Larocca of 10 Britton Lane read a letter from Mark and Jean McPeak re the proposed amendments to the Architectural Design Standards concerning 5th story setbacks in the Town Center District; it is important to reduce the visual impact on pedestrians; 5-story setbacks should apply consistently to all buildings with frontage on Main Street and the ordinance language should be written clearly enough to avoid ambiguity. Design standards should be carefully moderated through setbacks and concern was expressed about 5-story buildings in downtown.

Deborah Hirsch Mayer of 19 Garden Lane said once again residents are coming forward to urge the Planning Board to mitigate the height and massing of buildings facing a public street in downtown. She said the Town Council has heard from over 350 residents advocating for moderation in building height and Architectural Design Standards, and is now on the verge of approving 5 stories and asked if 20-ft setbacks will be required. She said she opposes alternate language which adds unnecessary complexity and agrees strongly with Mark and Jean McPeak, and agreed proposed item 8c should be removed.

Judith Spang of Wiswall Road said he has a big problem with making such major changes as going to a 5th story, and said over 300 people did not want 4 stories. She said she did not think a 20-ft setback would ameliorate a massive 5-story building and said more people from the public should have been involved in this process. This is a massive change to the character of our town and we need professionals and a better feeling for members of the community.

Mr. McManus said Durham does have 46 buildings greater than 5 stories as part of the university system, and stressed that the Planning Board is always reflecting on the Master Plan. Ms. Spang said 5 stories should be by special exception. Mr. Howd said the terminology “partially abuts” is incorrect; it either abuts or it does not. Vice Chair Whittington said the 45 degree argument was a response to a specific comment coming from outside this Board.

Ms. Spang asked about the back of the building and Ms. Tobias said a 10-ft setback was requested by the Town Council. Chair Rasmussen said there is a lot of misinformation coming at the Board and we are trying our best. Ms. Spang asked that the town get a traditional town planning process going which is collaborative

Timothy Horrington, State Representative of 46 Emerson Road, said in the Architectural Standards 8b and 8c are not good compromises. He said the Edge project is taking a long time to become reality and might be a better location for 5-story buildings keeping downtown to 2 or 3 stories. He said the Edge will have more mixed-use and will be an additional center for the town. He said there is not a lot of urgency to this, and demand for residential property is also softening. He recommended the Board keep the standards the way they are and continue working on them as well as the ordinance..

Diane McCann of Oyster River read a letter from Nancy Sandberg of 15 Langley Road stating that many residents have continued to urge the Planning Board to use the guiding principles of our Master Plan and existing Architectural Design Standards to guide further amendments to our small downtown, and adding a 5th story to downtown buildings is not going to fix Durham's tax problem. She said our taxes reflect the increasing costs of our district school system, negotiating employee wages, and our commitment to health, safety and security of our citizens. She said downtown is not serving its residents and needs 3 essentials to be viable: a hardware store, drug store, and competitive grocery store. We need to revitalize our downtown in a way that will draw new residents.

Chair Rasmussen said a recent newspaper article is very confusing because the building being constructed right now is strictly a research building to be completed 10 or 15 years from now in the Edge. He said the Board has not even been approached for the first phase of zoning approvals for the Edge and assumes now there is nothing there.

Robin Mower of Britton Lane said we need to have a sense of a big picture rather than a piecemeal approach to a problem and asked in whose interest we establish these regulations. She said 5-story setbacks are more consistent with our Master Plan, and even extensive development will not change our tax base significantly. She asked that residents who have shaped Durham as a good place to live be respected. She said under Architectural Standards, she supports 8a and 8b but does not support subsection 8c, with 50-ft lotline setbacks from Main Street, and said the term “abut” leads to confusion. She said the Aroma Joe’s parcel defines the westerly entrance to Durham’s downtown as distinct from the UNH campus; design standards matter and promote creativity.

Beth Olshansky of Packers Falls Road said the current language proposed for 5th story setbacks is still confusing. She said 8a does not make sense and asked that the second sentence be deleted. She said she did not like item 8c as public spaces and green spaces are not required and it would more likely be a circular drop-off area. Mr. McManus said he was in Hanover recently and saw the downtown integrated with the campus in a thoughtful way. Ms. Olshansky said according to Doug Bencks, with the width of Main Street, a front face of the building at human scale is 30 ft to 35 ft.

Vice-Chair Whittington asked why we should not be more optimistic and not assume a worst-case scenario. Ms. Olshansky said there is always give and take and compromise and some sense of disappointment. Vice-Chair Whittington said he integrated the 50-ft setback as something to benefit the town not the developers and was very surprised at the reaction of the public. Chair Rasmussen said the value is taken from the opposite side of the street or center of the street, not from the sidewalk.

Em Friedrichs of 18 Garden Lane encouraged the Planning Board to include Ballard Street. Ze said there is a transition from campus to downtown and creating human scale at that point is important, as we do not have the density to allow for economy of scale, and it is also important to work through this process together.

Joshua Meyrowitz of 7 Chesley Drive said the public has spoken very loudly and endorses what was said. He said he understands the potential of something special, but said that is why we have CU (conditional use).. He said Hannover is a much bigger town in scale; and said he resists gigantism from the Council and the Planning Board.

Peter Howd moved to close the Public Hearing for Architectural Regulations; SECONDED by Julian Smith; APPROVED: 7-0.

Chair Rasmussen said several people asked why not just build 2- or 3-story buildings as that is all we want, but there is a developer who cannot afford to get funding for a non-profit 4-story building, and the reality is 2- or 3-story buildings are not viable.

The Board discussed changes to the Architectural Design Standards; Vice Chair Whittington said he is happy to withdraw 8c, and said what 8c does is provide additional square footage on the 5th floor to make the proposal more viable with more density. Ms. Hollander said she sees the vision the Board is trying to create, but said we are talking about very specific parcels and she does not see any way for it to be viable. Mr. Smith said 8c is not needed. Mr. Howd said there is currently no place to linger in downtown. The board agreed to delete Option 8c.

Mr. Howd provided new language for 8a: "For lots that abut Main Street, the 5th story should be set back by at least 20 ft from any side of the building aligned within a 45 degree angle of Main Street." He explained that the 50-ft setback is so you cannot rotate the building to avoid Ballard Street or rotate a square lot with only a corner facing Main Street, which would cover either of the sub parallel sides. Mr. Smith said 45 degrees confuses things. Ms. Hollander suggested adding "in either direction".

Vice Chair Whittington suggested: "On lots that abut Main Street, the 5th story should be set back by at least 20 ft. This requirement applies to any side of the building that forms an angle of 45 degrees or less with Main Street". Ms. Tobias said she is concerned about this meaning being understood.

Chair Rasmussen moved that the Planning Board accept the Site Plan Regulations, Section 8a as amended by Mr. Howd's language, and 8b but not 8c for incorporation into the Site plan Regulations; SECONDED by Councilor Grant; APPROVED: 6-1.

Julian Smith voted against the motion and said it was a very confusing and unnecessary statement and recommended the Board take this matter to some other meeting. Chair Rasmussen said the Town Council is waiting for this and changes can be made later.

XII. Assignment of Planning Board members to other Town Committees.

Chair Rasmussen said assignments would remain the same for now.

XIII. Amendment for ADU's. Discussion of proposed amendment to the Zoning Ordinance to require owner occupancy on single-family sites with an accessory dwelling unit.

Recommended action: Discussion

Chair Rasmussen said he would send out his language for ADUs and post it on the website.

XIV. Review of Minutes: April 22, 2026 and April 29, 2026

Minutes of April 22, 2026

Mr. Smith made corrections to page 5, lines 18-20, and bottom of page 9.

Julian Smith moved to accept the meeting minutes of April 22, 2026 as amended; SECONDED by Sally Tobias; APPROVED: 7-0.

Minutes of April 29, 2026

Mr. Smith said on the last page “eve” should be corrected to *eave*.

Julian Smith moved to accept the meeting minutes of April 29, 2026 as amended; SECONDED by Sally Tobias; APPROVED: 6-0 with 1 abstention.

Chair Rasmussen abstained as he was not present at that meeting.

XV. Other Business:

XVI. Adjournment

Sally Tobias moved to adjourn the Planning Board Meeting of May 13, 2026; SECONDED by Julian Smith; APPROVED: 7-0.

The Planning Board Meeting was adjourned at 10:30 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board