

**TOWN OF DURHAM
DURHAM PLANNING BOARD MEETING**

Wednesday, July 8, 2026

Town Council Chambers, Durham Town Hall

7:00 pm

DRAFT MINUTES

MEMBERS PRESENT: Paul Rasmussen (Chair), Gary Whittington (Vice Chair), Richard Kelley, Peyton McManus, Robert Sullivan, Heather Grant (Council Rep), Michael Lehrman (Alternate Council Rep), Julian Smith (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate)

MEMBERS ABSENT: Sally Tobias

ALSO PRESENT: Michael Behrendt, Town Planner

I. Call to Order

Chair Paul Rasmussen called the Durham Planning Board meeting of July 8, 2026 to order at 7:00 pm.

II. Roll Call and Seating of Alternates

Chair Rasmussen called the roll and seated Peter Howd for Sally Tobias.

III. Approval of Agenda

Chair Rasmussen moved to accept the agenda as submitted; SECONDED by Richard Kelley; APPROVED: 7-0.

IV. Town Planner's Report

Michael Behrendt said there is a group working on PUD: Todd Selig, Joe Friedman, people from UNH, and developer Ryan Companies; agreed to some changes to the PUD Ordinance; would like to bring to the Planning Board to start review process; July 22 or July 29, 2026.

Chair Rasmussen recommended planning it for the July 29 meeting and also work on Downtown Adjacent. He said he would have something for the next meeting for the Board to look at in preparation for in-depth discussion July 9, 2026. Mr. Behrendt said there is nothing else for next week at this point.

V. Reports from Board Members who serve on Other Committees

Reporting from Town Council: Councilor Grant said Town Council met Monday; some unanimous consent items, one related to Bennett Road culvert replacement; Councilor Lehrman said Rich Reine indicated funding is available from the Federal Government for the 80:20 part of the grant.

Councilor Grant said the Council is also receiving a grant for \$60,000 to continue work on lead service lines; asking residents to determine if water pipes to homes are lead or PVC; changes on Police Department ordinance re: metered parking areas and proposal for Wagon Hill. Jim Lawson asked that the Council start a discussion on parking in downtown Durham and there may be a council-initiated ordinance change.

Reporting from Energy Committee: Chair Rasmussen said the Energy Committee met last night; C-packs update from Jim Lawson; working on preparation for Durham Day.

VI. Public Comments

Roger Hayden of Lexington Street, Dover, owner of 44 and 46 Main Street, said a developer has shown a 4-story design with 18 parking spaces and underground parking, but with the goal of market rate housing, there is not enough to fund every unit at market rate. A PNS contract was signed and has now been cancelled; working with them on a 60-day extension to see if some of the parking issues are solved. Mr. McManus asked what the limiting factor was; Mr. Hayden said the building meets all codes to build, but he cannot provide market-rate housing with a parking space.

Jennifer Minicussi said she is also here in her role as Executive Director of Arts in Reach, the last item on the agenda, a creative youth development property on 81 Dover Road. She said she received conditional use approval to renovate the garage outbuilding on the property, purchased in November 2025. She said the board has since decided *not* to move forward with the renovation; when attempting to sell the parcel they discovered that residential use is not permitted in that district, and they have no clear way forward to market the property. Mr. Behrendt had asked that she come to the Planning Board to see if residential use can be added to that district and hold a public hearing.

VII. Review of Minutes (old):

VIII. Public Hearing – Tree Cutting by Eversource. Proposed trimming and removal of trees along three Durham scenic roads – Durham Point Road, Bay Road, Packers Falls Road. Eversource Energy. Marisa Del Corso, Certified Arborist, Eversource. Recommended action: Final action.

Marisa Del Corso said she is a local arborist for the town, and is seeking approval to pursue routine maintenance trimming along Scenic Roads, done every 5 years. Includes: removal of new growth and dead limbs to protect electric equipment; also a list of dead trees we are seeking to remove and will address DPW comments. Property owners will receive a mailer notification and can request a consult with the contractor, Lucas Tree; she will be monitoring all work and said Rich Reine thought some were questionable.

Mr. Kelley asked how many of the dead and dying trees were within the right-of-way and how many were on private property. Ms. Del Corso said many are in the right-of-way or just out of

1 it. Mr. Smith asked why there were no address listings on Packers Falls Road; Ms. Del Corso
2 said they will be trimming on Packers Falls Road but no trees are identified there. Mr. Sullivan
3 asked for her professional opinion of removing Ash trees; Ms. Del Corso said Ash trees are
4 doomed and will probably become more of a risk to the system. Mr. McManus asked if
5 property owners have a recourse to say no; Ms. Del Corso said they have the right to refuse.

6
7 ***Vice Chair Whittington moved to open the Public Hearing for tree cutting by***
8 ***Eversource; SECONDED by Peter Howd; APPROVED: 7-0.***

9
10 **David Hadley** of Edgerly Garrison Road said he was impacted by 3 trees that hit the power
11 lines during a storm, one tree on Durham Point Road, one on Colony Cove Road and another
12 on Edgerly Garrison Road.

13
14 Mr. Kelley said the Board also got emails from Mr. Berry, who said the trees he saw on Dover
15 Point Road were dead.

16
17 ***Councilor Grant moved to close the Public Hearing for tree cutting by Eversource;***
18 ***SECONDED by Peyton McManus; APPROVED: 7-0.***

19
20 ***Chair Rasmussen moved to approve tree trimming and cutting by Eversource along***
21 ***Durham Point Road, Bay Road, and Packers Falls Road according to Durham tree***
22 ***cutting ordinance policy on scenic roads; SECONDED by Vice Chair Whittington;***
23 ***APPROVED: 7-0.***

24
25 Mr. Kelley asked when to expect operations; Ms. Del Corso said Lucas Tree is ready to go and
26 it should be done over the next couple of months.

27
28 **IX. Public Hearing - Amendment for ADU's.** Proposed amendment to the Zoning Ordinance
29 to require owner occupancy on single-family sites with an accessory dwelling unit.
30 **Recommended action:** Vote to initiate amendment if acceptable.

31
32 ***Chair Rasmussen moved to open the Public Hearing for Amendment for ADUs;***
33 ***SECONDED by Richard Kelley; APPROVED: 7-0.***

34
35 **Susan Richman** of 16 Cowell Drive said the house next door has an ADU with no owner living
36 on the property. The house is not appealing to look at with paint peeling, storm windows
37 falling off, and not being fully cared for. There are motorcycles, music playing at all hours, cars
38 illegally parked on Cowell Drive and drinking on the roof; as a result, property values for the
39 town are lowered.

40
41 **Frank Belito** of 41 Emerson Road said he is in favor of adding this restriction to properties with
42 ADUs. He said he felt the State overstepped their bounds in terms of history of this State and
43 zoning. He said he and his wife live next door to a rental with 4 students living there which
44 does not look like the other properties, and suggested that if the owner lived on the property

1 the place would look different. He has heard the owner now plans to build an 850 sq ft ADU
2 to increase his rental income. He said he understands the owner has the right to do as he
3 wants but the floodgate was opened by the state. He said he is happy to see the town taking
4 this step.

5
6 **Ruth Davis** said she supports this plan to have one of the property owners living in one of the
7 units. She said she lives across from a home with an attached accessory apartment and said it
8 would impact her if a large number of students lived in both units. She said her daughter is
9 looking for an apartment with a property manager present.

10
11 **Al Howland** said he is here to speak in favor of this amendment, and said though we want
12 developers to come, buying up single-family residences is not what we are looking for them
13 to do. An ADU becomes a valuable tool for someone trying to offset their mortgage or for
14 someone living on a fixed income. He said House Bill 577 does exactly what this ordinance
15 would do and works well in our community.

16
17 **Jay Gooze** of 9 River Road said he is in favor of this amendment. He said when developers
18 start buying single-family homes and renting them out, it is obvious that neighborhoods are
19 being affected. He said this is one way to do it and the State allows it; should not affect anyone
20 adversely.

21
22 **Beth Olshansky** of Packers Falls Road said she is in support of this ordinance and said we
23 protect our neighborhoods by making sure part of the property is owner-occupied. She said
24 she agrees with what has been said and hopes this will be approved.

25
26 ***Chair Rasmussen moved to close the Public Hearing for Amendment for ADUs;***
27 ***SECONDED by Peter Howd; APPROVED: 7-0.***

28
29 Mr. Howd asked Mr. Behrendt to remind the board of the advice from Counsel for 10-f non-
30 conforming situations. Mr. Behrendt said the existing situation, prior to when a new ordinance
31 comes into play, is protected in almost every case against the change in the ordinance (grand-
32 fathered); the Attorney said consistent with non-conforming law it remains grandfathered in
33 perpetuity. Mr. Howd said the privilege is lost after a lapse of so many years, according to the
34 general zoning ordinance

35
36 Mr. Behrendt said under Article 9, noncompliance 175-28C "any non-conforming use may be
37 continued except if use is abandoned or desisted or caused to be dismissed after 1 year", after
38 which it must be in conformity. The Board agreed to add language to F: "subject to Section
39 175-28C". Vice Chair Whittington said he reviewed the language in g) Ownership by Mortgage
40 Lenders who own the property, if they foreclose or take title: and added "However, the
41 requirement shall apply to a purchaser from such a mortgage lender".

42
43 Mr. McManus said there has been an inventory of ADUs; Chair Rasmussen said the Town
44 Council will have to establish methods to identify which ADUs in town right now are not

1 owner-occupied. Mr. Sullivan said he did not think the number of houses would be very high
2 and it could be easily enforced. Mr. Smith recommended dropping the second sentence under
3 item 10a, owner-occupancy "that property shall be their primary residence". After further
4 discussion Board agreed to leave it there.

5
6 Mr. Behrendt said under 10e the title should be Compliance and Enforcement rather than *Non-*
7 *compliance and Enforcement*. Chair Rasmussen said it should start with "When" and not "If".

8 ***Robert Sullivan moved to adopt this Amendment for ADUs, then withdrew his motion.***

9
10 ***Richard Kelley moved that the Planning Board vote to initiate the Amendment for***
11 ***ADUs, proposed amendment to Zoning Ordinance to require owner-occupancy on***
12 ***single-family sites with an Accessory Dwelling Unit, as we amended this evening;***
13 ***SECONDED by Vice Chair Whittington; APPROVED: 6-0, with 1 abstention.***

14
15 Chair Rasmussen said he abstained due to his previously voiced concerns.

16
17 **X. Public Hearing - Lighting Regulations.** Proposed amendments to Article 6 of the
18 Site Plan Regulations. Recommended action: Vote to adopt amendment if acceptable.

19
20 Chair Rasmussen said there is some literature, but the Board should first do the Public Hearing.
21 Mr. Kelley asked what the impetus was for this amendment. Chair Rasmussen said it was a
22 year in the making and resulted from a Capstone Project trying to meld nature-friendly lighting
23 with safety and security in different areas of town; lighting standards have to do with Site Plan
24 Regulations and these are updating the current lighting standards; does not apply to single-
25 family.

26
27 ***Richard Kelley moved to open the Public Hearing for Lighting Regulations; SECONDED***
28 ***by Councilor Grant; APPROVED: 7-0.***

29
30 **James Bubar** of Old Piscataqua Road thanked the Board for trying to improve the environment
31 for wildlife in Durham and improve quality of life. He said the Conservation Commission
32 provided much of the initial funding for the yellow lightbulb give-away last year. He also
33 recommended that this amendment be removed from Sight Plan Regulations and moved to
34 General Ordinances.

35
36 **Michael Carter** of 4 Willey Road said he was also part of the bug light giveaway but is a retired
37 professor of Electrical Computer Engineering and a licensed professional engineer in NH. He
38 said he supports the amendment as written but is concerned about having more measurable
39 quantitative criteria. He said the Illuminating Engineering Society has a best-practices
40 document for environmentally sensitive exterior lighting, and recommended referencing that
41 document and incorporating its practices. Councilor Lehrman asked if a maximum and a
42 minimum were always defined; Mr. Carter said it is usually a range. He said a collaborative
43 process would be worthwhile as the Board would like to have some quantitative basis by which

1 to assess whether an applicant meets the standards. Chair Rasmussen said this discussion is
2 better held under deliberations.

3
4 **Beth Olshansky** of Packers Falls Road said she is in support of this ordinance. She asked why
5 not include it for residential use as well, and said she was glad to see Durham taking this
6 environmentally friendly direction.

7
8 **Em Friedrichs** of 18 Garden Lane said zi was part of the ad hoc group to discuss working on
9 lighting standards to determine a quality of life in terms of Durham's ecosystems, as well as
10 Dark Sky. Zi said zi reviewed Mr. Carter's comments and also recommended looking towards
11 Dark Sky International to help with understanding the intent. Zi agreed that this should be
12 looked at as an ordinance that encompasses all zoning.

13
14 **Diana Carroll** of 54 Caney Road said one member of our committee could not be here tonight,
15 John Gianforte, who also teaches astronomy at UNH. She said the yellow light bulb give-away
16 was printed in Friday updates for last year's Durham Day and Farm Day; she explained that
17 insects cannot see yellow light but they see white.

18
19 ***Richard Kelley moved to close the Public Hearing for Lighting Regulations; SECONDED***
20 ***by Councilor Grant; APPROVED: 7-0.***

21
22 Mr. Kelley asked if the Board's best course of action should be to adopt these tonight and then
23 amend them when the "committee" comes back. Chair Rasmussen said he was okay with that
24 but wanted to review Planning Board meetings for the next few months. He said top priority
25 will be PUD; then downtown adjacent: 8-12 months of work. He said the Planning Board would
26 not have time but a committee doing the work and bringing something back could be handled.

27
28 Councilor Lehrman suggested allowing the fine tuning to take place first then adopt these
29 later; Mr. McManus agreed. Chair Rasmussen said 90% of what he is objecting to is already in
30 play as part of existing conditions; he said things are missing that should be in here and there
31 are things that do not need to be here.

32
33 ***Richard Kelley made a motion to adopt the Lighting Regulations in front of us this***
34 ***evening; SECONDED by Peter Howd;***

35
36 Mr. Kelley said it puts something in place now and a small committee can come in front of us
37 with amendments to the standards in a short time. Mr. Howd said they are making an
38 incremental improvement which is not doing harm. Mr. Smith said there are many vague
39 statements; Chair Rasmussen said some of it is already existing code and the committee will
40 revise this. Mr. Smith said the light source is a fixture; Chair Rasmussen said the light source is
41 defined as being the bulb. Councilor Lehrman said the statement is unenforceable. Mr. Sullivan
42 said he took a common sense reading of it and did not get hung up on definitions, and the
43 document makes sense to him. Chair Rasmussen said we are approving this tonight with the
44 red and blue edits.

Lighting Regulations: Motion APPROVED: 7-0.

The committee was set up with Peter Howd and Michael Carter. Mr. Behrendt said it is not a town committee and has no agenda; he said he would also take part and coordinate with Mr. Carter, and James Bubar if he wishes.

XI. Single-Family Residences and Accessory Dwelling Units and Table of Uses. Discussion whether single-family residences should be permitted in the Office Research, MUDOR, and ORLI zoning districts and whether accessory dwelling units should be permitted in all zoning districts. Recommended action: Schedule public hearing if proposal is acceptable.

Chair Rasmussen said two things came up: (1) when we have zones with single-family residences but have removed the right to permit them from the Table of Uses, it seems unfair to current property owners; (2) State Law says all single family residences should be permitted an ADU; since we were not allowing single-family homes, we were also not allowing ADUs in the Table of Uses for those zones.

Mr. Kelley said the Board is voting on a "P" for residence, single-family in Office Research, Court House, and Coe's Corner. Mr. Behrendt said the Board will have a Public Hearing in 2 weeks on the change to allow single-family by right in OR zone, approve it and initiate it to go to Town Council. Public Hearing will be at the next Planning Board meeting July 22, 2026.

XII. Review of Minutes: June 10, 2026 and June 24, 2026

Approval of Regular Meeting Minutes of June 10, 2026

Mr. Smith said on page 1, line 30: owners should refer to owners of Irving Station; it was pointed out that they were the same owners. On page 2, line 14: "lower left corner" should be the *southwest corner*; references to "homes" should be *houses*.

Chair Rasmussen moved to accept the minutes of June 10, 2026 as amended; SECONDED by Councilor Grant; APPROVED: 5-0 with 2 abstentions due to absence.

Approval of Site Walk Minutes of June 24, 2026

Chair Rasmussen moved to accept the minutes of June 24, 2026 Sitewalk; SECONDED by Peter Howd; APPROVED: 4-0 with 3 abstentions due to absence.

XIII. Other Business:

Chair Rasmussen said there was a discussion earlier about parking and asked if the idea of changing the 2-bedroom limit to 3-bedrooms in CB zone was covered. He said he would like a draft of that by the end of the month. Mr. Behrendt suggested changing to: "an average of 2 bedrooms but no more than 3 bedrooms in any one unit"; Chair Rasmussen asked that a draft be ready for the June 22 meeting.

PUD Update/Parking:

Chair Rasmussen said UNH staff have finished their meetings with developers and are ready to come to the Planning Board to work on revisions to make the project work. Mr. Sullivan asked about parking; Councilor Grant stated that it came up at the Town Council meeting after Mr. Hayden brought it up; we need to talk more about parking and make decisions. Mr. Lawson has been in charge of doing parking studies which will be brought forward with statistics.

Councilor Lehrman said there are 2 issues: (1) downtown parking for merchants, part of Mr. Lawson's study; (2) to accommodate parking for multi-family for development purposes, dedicated parking will be needed. Chair Rasmussen said we opened up multi-unit housing but did not provide parking for residents of those units.

Mr. Kelley left the Planning Board meeting at 9:05 pm.

Councilor Grant said the Council has not seen any of the designs, but supposedly there is a possibility of putting 18 parking spots on Mr. Hayden's lot. Mr. Behrendt said that will be hard to do without allowing parking as a principal use. Vice Chair Whittington said in New York they entered into land leases; the Torrington property only allows accessory use. Councilor Grant said Torrington also has obligations with Hannaford.

XIV. Adjournment

Julian Smith moved to adjourn the Planning Board Meeting of July 8, 2026; SECONDED by Peter Howd; APPROVED: 7-0.

Julian Smith was sitting in for Richard Kelley.

The Planning Board Meeting was adjourned at 9:14 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board