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

4
5 **Wednesday, June 10, 2026**

6 **Town Council Chambers, Durham Town Hall**

7 **7:00 pm**

8
9 **DRAFT MINUTES**

10
11 **MEMBERS PRESENT:** Paul Rasmussen (Chair), Gary Whittington (Vice Chair), Sally Tobias, Robert
12 Sullivan, Heather Grant (Council Rep), Michael Lehrman (Alternate Council Rep), Julian Smith
13 (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate)

14 **MEMBERS ABSENT:** Richard Kelley, Peyton McManus

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

16
17 **I. Call to Order**

18 Chair Paul Rasmussen called the Durham Planning Board meeting of June 10, 2026 to order at
19 7:00 pm.

20
21 **II. Roll Call and Seating of Alternates**

22 Chair Rasmussen called the roll and seated Emma Hollander and Julian Smith as alternates.

23
24 **III. Approval of Agenda**

25
26 *Julian Smith moved to approve the agenda as presented; SECONDED by Vice Chair*
27 *Whittington; APPROVED: 7-0.*

28
29 **IV. Town Planner's Report**

30 Michael Behrendt said in the email from Dunkin Donuts regarding the Irving Station, owners
31 want to renovate their site by redoing parking and canopy, with interior changes and
32 landscaping, which does not rise to Site Plan level.

33
34 **V. Reports from Board Members who serve on Other Committees**

35
36 Reporting from Town Council: Councilor Grant said the Town Council met June 1 and finalized
37 goals; has a renter for Wagon Hill; reviewed zoning for 5th story but wants to see Architectural
38 Standards before setting the Public Hearing for August 3.

39
40 Reporting from HTF: Ms. Tobias said HTF looked at the Architectural Regulations and sent some
41 comments and concerns.

42
43 Reporting from Conservation Commission: Mr. Sullivan said the Conservation Commission is
44 continuing to talk about the overlay districts, and plans to finish over the next 6 months.

45

1 Reporting from IWMAC: Chair Rasmussen said IWMAC is down to one meeting/month for
2 summer; have not met since last meeting.

3

4 **VI. Public Comments**

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6 **VII.** Review of Minutes (old):

7

8 **VIII. Riverwoods Trails.** Stone Quarry Drive. Permitted Use B application to upgrade trails at
9 Riverwoods Phase II. Riverwoods Durham, property owner. Erik Saari, Altus Engineering,
10 agent. Map 209, Lot 33. Office Research District. Recommended action: Final action.

11

12 Eric Saari showed the current trail map, and said some trails will be interrupted during the 1 ½
13 years of construction and they are looking to set up temporary connections for trails. In lower
14 left corner a separate connection will be set up with a path through the field to the dog park and
15 a temporary culvert crossing; no wetland impact. In center of the property to the east an informal
16 trail connection will be upgraded and made permanent; approved by the Conservation
17 Commission.

18

19 Mr. Sullivan said the Conservation Commission reviewed the Permitted Use B application and
20 had no changes; no wetland impact at all. Mr. Saari said there will also be no earth disturbance.

21

22 ***Julian Smith moved that the Planning Board approve the application to upgrade the trails***
23 ***for the Permitted Use B application for Riverwoods II; SECONDED by Robert Sullivan;***
24 ***APPROVED: 7-0.***

25

26 Mr. Saari said they will start clearing trees next week and begin construction in earnest after
27 July 4, 2026.

28

29 **IX. 73 Piscataqua Road Subdivision.** Preliminary design review for proposed 3-lot subdivision
30 of 20-acre lot at 73 Piscataqua Road. Construction of new private road to access lots.
31 William Goldstein, property owner. Chris Berry, Berry Surveying & Engineering, surveyor.
32 Map 209, Lot 42. Residence Coastal District. Recommended action: Discuss and schedule
33 public hearing.

34

35 Christopher Berry of Landset Engineers, said he is representing Goldstein Trust, owner of the
36 property. Mr. Goldstein purchased the property in early-mid 2000s, built his single family home
37 at the back of the site; garage to right of driveway on entering; ADU to the left side, and has had
38 multiple subdivisions over the years. Fairly basic subdivision, did a complete survey of the project
39 site with recent wetlands delineation: a wetland system in eastern corner that drains off the site;
40 wetlands at center drain down towards Johnson Creek; wetland coming onto back of property
41 eventually reaches Johnson Creek to west. Large area of uplands.

42

1 Mr. Berry said this is a family plan situation to subdivide the parcel in most logical way possible,
2 with either road frontage or a conventional Road with cul-de-sac. Asking to create a private road
3 around the existing driveway, then create a hammer head at the end of the site to allow safety
4 vehicles to turn; each lot contains adequate upland area, with steeper slopes near Johnson Creek
5 within 100-ft wetland setback. Will keep the existing home there now but may be expanded.

6
7 Mr. Berry said at TRC they discussed road access in and out with the Fire Chief, agreed to have a
8 turn-off or two to reduce infrastructure for private road; need to choose a road name; address
9 how new private road would affect abutting property with shared access to site. Utilities: Utility
10 pole at street, comes up to intersection of driveway then goes underground; runs through
11 transformer at Y with single family structure on site. The project will require a number of roadway
12 waivers, mostly with cross-sectional requirements; roadway meets 8% maximum; and will send
13 the project to the Board as part of formal application. Mr. Behrendt's TRC comments will be
14 implemented as part of the project moving forward.

15
16 Mr. Howd asked how far back the private road will go; Mr. Berry said another 75 ft beyond what
17 is shown. He said NRCS mapping was done for the entire site and a soils map will be prepared.
18 Mr. Behrendt said the project will need a lot of road waivers due to technical details in road
19 regulations; mostly related to geometry of road and the structure. Mr. Sullivan asked the likely
20 outcome as far as sub-dividing. Mr. Berry said no change to existing home and new home on the
21 right parcel; he said it allows for development of one additional lot but feels this design is the
22 most reasonable.

23
24 Chair Rasmussen asked if the Board wanted to do a site walk of the property. Site Walk was
25 scheduled for June 24, 2026 at 4:00 pm with a Public Hearing at 7:00 pm.

26
27 Chair Rasmussen said it would not be wise to schedule 4 public hearings for our next meeting;
28 recommended adding Architectural Standards to the next meeting, with Lighting Standards and
29 ADUs on July 8, 2026.

30
31 **X. Amendment for ADU's.** Proposed amendment to the Zoning Ordinance to require owner
32 occupancy on single-family sites with an accessory dwelling unit. Recommended action:
33 Schedule public hearing if ready.

34
35 The Board reviewed the draft ADU amendment. Vice Chair Whittington asked about the
36 comment on financing and whether a safe harbor for foreclosing lenders was needed by a tweak
37 to the language. After discussion, the Board added under 10. Owner Occupancy: g. "Ownership
38 by Mortgage Lender: "The owner-occupancy requirement of this Section C. shall not apply to a
39 mortgage lender who takes title to the subject property by foreclosure or deed in lieu of
40 foreclosure."

41
42 Chair Rasmussen said the first part of e. does not make sense; e. Enforcement was changed to e.
43 "Noncompliance and Enforcement". Councilor Lehrman asked if in the list of ADUs in town, it is

1 known how many are non-owner occupied. Mr. Behrendt said he did not know but said the
2 effective date of the amendment also has to be included. Mr. Sullivan asked if estate
3 management had been covered. Vice Chair Whittington said estate management takes care of
4 itself because the executor is legally the personal representative in position of the owner, and
5 said estates can stay open for a long period of time.

6
7 Mr. Behrendt recommended putting something in under extraordinary circumstances that the
8 Town Administrator could, for good cause, provide appropriate minimum relief. Corrections were
9 made to language in d. Interruptions in Occupancy, and a second paragraph was added re:
10 extraordinary circumstances. Mr. Smith asked if this amendment is driven by fear of investors
11 taking advantage of the new State Law and building ADUs and renting them; Mr. Behrendt said
12 this is one remaining tool the State has left college towns to discourage investor-owned single-
13 family homes in neighborhoods. Councilor Grant said it is about ADUs being accessory to a single-
14 family home.

15
16 The Public Hearing for Amendment for ADUs was scheduled for July 8, 2026,

17
18 **XI. Architectural Regulations.** Extensive proposed amendments to Architectural Design
19 Standards in Site Plan Regulations. Recommended action: Schedule public hearing if ready.

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21 Chair Rasmussen said since we want to get this to public hearing we do not need to be perfect
22 here, just get it good enough for final approval; once we get through downtown adjacent zones
23 we will probably touch this again. Councilor Lehrman recommended trying to resolve
24 problematic issues now to avoid having hours of public comment. He said his comment is
25 regarding "encouraging contemporary architecture" which seems to be too suggestive versus
26 allowing; he pointed out examples under B. page 4, item 9 and on page 13 H. General Principles:
27 incorporation of distinct contemporary details.

28
29 On advice of Mr. Brucker-Wood, Chair of the Heritage Commission, the Board made several
30 changes to the document. The Board agreed to add on page 6 under E. 5) Review of proposed
31 designs: the Historic District/Heritage Commission. Mr. Smith said he had gone through the
32 document and made many corrections and said he appreciated very much what the HDC did in
33 sending the email; he said there is a lot of vagueness and aspirational language and he is not
34 happy with the draft as it is now.

35
36 Mr. Behrendt said the Town wants to have attractive buildings and without regulations there is
37 no control at all. He said a lot of it will be aspirational, but it will educate an applicant by sending
38 a message to take this seriously. Ms. Tobias said the word *harmonious* says a lot, and said
39 subjective terms are suggestions. Vice Chair Whittington said when he looks at the big picture
40 here, the Board is trying to write a document that enables us to make an aesthetic decision, and
41 provide us with a legal basis to not be challenged in court, but ultimately our decisions must be
42 reasonable.

43

1 Councilor Grant said on page 30 it was agreed that brick had to be a quality product; high-quality
2 simulated brick was moved as the last bullet. Councilor Lehrman said the HDC went through all
3 this stuff, and out of recognition to another town committee the Board should go through the
4 changes suggested. He asked that under Commercial Core, page 13, second paragraph the last
5 word “welcome” be changed to “possible” or “permissible”; language was changed to “may also
6 be considered”.

7
8 Councilor Lehrman also suggested a change under S. Color, regarding bright colors. Language was
9 rewritten to: “Bright, bold or primary colors may be appropriate if used for small accent areas or
10 decorative details but not if they dominate or stand out significantly in the streetscape.” Mr.
11 Sullivan asked that on page 3, a.6, “forward-looking” be deleted. The Board discussed the HDC
12 definition of Human Scale; under the definition, page 39 deleted “including contemporary
13 architecture”.

14
15 Councilor Lehrman said windows should be: “single or paired windows” but not long strip
16 windows. Mr. Behrendt said on page 12 photo #25 should read “Old Brick Town Hall”. Councilor
17 Lehrman said on page 30 slate should be changed to fieldstone; Mr. Behrendt said shale is
18 correct. He also said on page 9, 5a), “reasonably determined by the Planning Board” should be
19 deleted, and when adopted put in the enactment date.

20
21 Vice Chair Whittington said on page 6, paragraph 5, the first sentence should read: “To assist its
22 review, the Planning Board may obtain guidance from:” He said b) should be the public, including
23 residents of Durham with a background in architectural history and design; Board agreed on
24 simply “The Public”. Vice Chair Whittington said c) should be a qualified professional at the
25 Town’s expense, and d) a committee appointed by the Planning Board, or e) The Historic
26 District/Heritage Commission; last paragraph was deleted.

27
28 Chair Rasmussen said it is now ready for Public Hearing on June 24, 2026.

29
30 **XII. Lighting Regulations.** Proposed amendments to Article 6 of the Site Plan Regulations.

31 Recommended action: Discuss and schedule public hearing if ready.

32
33 Mr. Behrendt said one area of concern is page 3 towards the bottom: 6.3.14 Natural areas:
34 second paragraph: “Light sources shall not be visible from stands of trees and habitat areas in
35 order to not disrupt animal behavior”. Vice Chair Whittington said “stand of trees” cannot be
36 defined technically; Mr. Smith said stands of trees are not always natural areas. Mr. Howd said
37 the definition of Light Trespass is “the shining of light beyond the subject property boundary.”

38
39 After further discussion the Board agreed to schedule this for Public Hearing July 8, 2026

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41 **XIII. Review of Minutes: May 13, 2026**

42 Mr. Smith made corrections on page 6, line 12: “he” should be *she*; page 7, line 41: corrected
43 spelling of *Hanover*.

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Chair Rasmussen moved to accept the meeting minutes of May 13, 2026 as amended; SECONDED by Julian Smith; APPROVED: 7-0.

XIV. Other Business:

- Town Planner Selection Committee

Mr. Behrendt said Peter Howd and Gary Whittington volunteered to serve on the selection committee and the Town Administrator will select the best fit; deadline is within the week. Chair Rasmussen said a third party was hired to vet applicants and will provide a select list for interviews.

XV. Adjournment

Julian Smith moved to adjourn the Planning Board Meeting of June 10, 2026; SECONDED by Heather Grant; APPROVED: 7-0.

The Planning Board Meeting was adjourned at 9:18 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker
Durham Planning Board