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

5 **Wednesday, June 24, 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,
12 Peyton McManus, Robert Sullivan, Heather Grant (Council Rep), Michael Lehrman (Alt Council
13 Rep), Julian Smith (Alternate), Peter Howd (Alternate), Emma Hollander (Alternate); Richard
14 Kelley (arrived late)

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 24, 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 Peter Howd until Richard Kelley arrived.

23
24 **III. Approval of Agenda**

25 Additions were made under Other Business for: Peyton McManus to discuss a neighbor's
26 backyard structure, separate from the house, which would require ZBA approval to permit heat
27 and AC; Mr. Behrendt to discuss single family residences in zones not currently permitted and
28 minor tweaks to ordinances.

29
30 ***Gary Whittington moved to approve the agenda as amended; SECONDED by Peyton***
31 ***McManus; APPROVED: 7-0.***
32

33 **IV. Town Planner's Report**

34 Mr. Behrendt said there was a Site Walk today at 73 Piscataqua Road, first on agenda; July 8
35 meeting: Public Hearing for lighting changes; proposed tree cutting by Eversource on Durham
36 Point Road, Bay Road, and Packers Falls Road; Public Hearing on ADUs.

37
38 **V. Reports from Board Members who serve on Other Committees**

39
40 **Reporting from the Town Council:** Councilor Grant said Town Council met June 15, number of
41 unanimous consent items, recommendations for tax abatements; some citizen committee
42 appointments: 2 for ZBA, 1 for HD-HC; Strafford County operations team: budgets and
43 constraints, State shifted \$0.5 Mil in Medicare costs to County; Conservation Commission
44 summary of what has been done in the last 12 months.
45

Richard Kelley arrived at the Planning Board meeting at 7:06 pm.

Reporting from Conservation Commission: Mr. Sullivan said the Conservation Commission is working on the wetland and shoreland regulations and trying to get it to a draft document by this fall. Mr. Kelly asked if there will be a public hearing before the document leaves the Conservation Commission; Mr. Sullivan said a grant may be awarded to help fund some public engagement; want it to be a joint document between the Conservation Commission and the Planning Board that is approvable.

Vice Chair Whittington said he attended the Parks and Recreation meeting last night and Bill Page, the manager of the Ice Rink, presented his vision of a very comprehensive renovation of the rink to make it a facility with space for a Town Recreation Center, now in the concept phase.

Councilor Lehrman said the Strafford Regional Planning Commission last week approved a 5-year development strategy for the County, plus a few towns, on current status and looking at future areas.

Chair Rasmussen said he attended a meeting of the New Hampshire Regional Planning Commission, an organization made up of all RPCs in the State: re HB-1588; did not start out as a zoning bill, but Senate did a delete and rewrite, currently on the Governor's desk, and he asked that everyone email the Governor tomorrow. He said what he objects to is: for multi-family dwelling units in commercial zones, planning boards may only regulate frontage, setbacks, and building height and nothing else; unclear what it means for a mixed-use building; planning boards cannot enforce additional requirements and it is allowed by right. If an applicant is required to file suit against the town, they will be reimbursed for reasonable attorney fees.

Mr. Behrendt said this would apply in all Durham's commercial zoning districts: 6 commercial core areas and 4 research industry zones, which is 10 out of our 14 zones. Concord is throwing out all our Site Plan Regulations: no architectural standards, no construction management plan, cultural resources, landscaping, screening, no environmental protections, and no stormwater management which he found astonishing. Chair Rasmussen said there is another bill: SB-564 that includes language at the end to work retroactively, mainly dealing with private roads. Mr. Howd pointed out that MS4 is a federal law.

VI. Public Comments

VII. Review of Minutes (old): None

VIII. Public Hearing - 73 Piscataqua Road Subdivision. Preliminary design review for proposed 3-lot subdivision of 20-acre lot at 73 Piscataqua Road. Construction of new private road to access lots. William Goldstein, property owner. Chris Berry, Berry Surveying &

Engineering, surveyor. Map 209, Lot 42. Residence Coastal District. Recommended action: Hold hearing and discuss project.

Surveyor Chris Berry said the proposal is for a 3-lot subdivision, creating a minimum of 50 ft right-of-way for a roadway around the existing driveway. The parcel will be divided into 3 separate lots: current existing single-family home at rear of site, single-family home to left, and garage to right with a likely future home. A site-walk was held today, and existing lots and driveway infrastructure were reviewed; all owners would have a one-third interest in the roadway with a private road agreement created for maintenance and rehabilitation. Driveway line on right side will be extended past the garage and will be shortened on the left.

Mr. Berry said he is looking for Planning Board input to finalize test pitting, and get additional soils info to TRC as requested and provide a healthy list of waivers for roadway requirements. He said he discussed the potential for a turnout with the Fire Chief for large vehicles to pull off and allow life safety vehicles to get through. He said we have the ability for utilities to go underground and pointed out the location of transformers; additional details required for well and septic locations. He said each of the lots would have the potential for an ADU, which requires an updated permit from NHDOT because of change of use on Route 4.

Richard Kelley moved to open the public hearing for 73 Piscataqua Road Subdivision; SECONDED by Councilor Grant; APPROVED: 7-0.

Mr. Kelley said typically the board would get a plan of existing boundaries; Mr. Berry said it will be part of the formal application, and said the western boundary is Johnson Creek itself. He said the third plan with the cul-de-sac was an attempt to test the property as a more conventional subdivision, but found the current plan to have the least site impact. Mr. Sullivan said the Conservation Commission had no significant conditions.

Chair Rasmussen moved to close the public hearing for 73 Piscataqua Road Subdivision; SECONDED by Peyton McManus; APPROVED: 7-0.

Chair Rasmussen moved to close the Design Review for 73 Piscataqua Road Subdivision; SECONDED by Peyton McManus; APPROVED: 7-0.

IX. Public Hearing - Architectural Regulations. Extensive proposed amendments to Architectural Design Standards in Site Plan Regulations. Recommended action: Adopt the amendments if acceptable.

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

1 **Beth Olshansky** of Packers Falls Road questioned the inclusion of language on pages 19-20
2 under Height with regard to a 3rd-story eave line: "or by other features that accomplish the
3 purpose of this section". She said a prominent 3rd-story eave line without a pitched roof does
4 not actually mitigate height and she showed examples of both, emphasizing the difference
5 between a "structural 3rd-story eave line" versus a "cosmetic 3rd-story eave line". She also
6 suggested "mitigation techniques" might be more appropriate than "criteria for taller
7 buildings." Vice Chair Whittington asked that she think about how to allow more architectural
8 creativity sensitive to context.

9
10 Ms. Olshansky said the Board can issue a waiver by 4 votes, and she preferred to have clear
11 standards. She also asked that on pages 20-21, a) through k) be removed as it is superfluous
12 information and confusing, and questioned 6) on page 21 changing "shall" to "will". She said
13 on page 22, 8 a), the 45-degree angle is confusing. Under Roof, she asked that the benefits of a
14 pitched roof be included; on page 36 she asked to add: "a canyon effect shall be avoided". She
15 said as far as the definition of human scale by Laura Spector-Morgan she asked that "people in
16 public realm" be changed to "pedestrians".

17
18 **Carolyn Singer** of 5 Woodridge Road thanked the board for adding the Historic District
19 Commission to the list of consultants. She said over the past few months, Durham residents
20 have been outspoken about how they want to avoid boxy massive buildings in downtown, and
21 said Architectural Standards should be clear and reflect what the residents want. She agreed
22 with Ms. Olshansky that the 3rd-story eave line be structural and not cosmetic, with a pitched
23 roof or upper story setbacks of 20 ft. Mr. Behrendt said the setbacks are now 20 ft on Main
24 Street and 10 ft on any other public street.

25
26 **Deborah Hirsch Mayer** of 19 Garden Lane asked that the Board make sure Architectural Design
27 Standards are clear as to how to maintain human scale, significantly 4-5 story buildings
28 downtown. For the Roof, she favored the suggestion of the Historic District Commission as the
29 wording in the current draft is awkward. She said the definition of Human Scale, page 38, should
30 be revised to more accurately express the meaning of the word, and said the language of Laura
31 Spector is not technically definitional. She said she favored the language providing the value of
32 human scale and how it can be achieved.

33
34 **Diana Carroll** of 54 Caney Road said she is not in favor of 5-story buildings because the canyon
35 effect is not welcoming. She said architectural design from the back street is also important;
36 she said she would rather see 3 ½-story buildings on Jenkins Court and referred to talk of
37 making it a pedestrian street and said it would be wonderful to have that at a very human scale
38 and it would be attractive. She thanked the Board for giving such attention to the people who
39 come before them.

40
41 **Sally Tobias moved to close the Public Hearing for amendments to Architectural**
42 **Regulations; SECONDED by Councilor Grant; APPROVED: 7-0.**
43

1 Chair Rasmussen said the goal is to make any reasonable requirements needed to get this done.
2 Mr. Kelley asked how that fits in with what Emma is doing and asked if she is going to cut things
3 as well in her formatting. Chair Rasmussen said if we decide to make drastic cuts we will need
4 to set another public hearing and we have 3 weeks to adopt it or 5 stories for Town Council
5 Public Hearing scheduled for August will get pushed out.

6
7 Mr. Smith said someone should make a motion to delete items a) - k) on pages 20 and 21; Board
8 agreed to delete them as redundant. Mr. Behrendt said they are difficult and plodding to read
9 but there are some valuable things in there. Councilor Lehrman said he agrees that Jenkins
10 Court is a unique situation, and suggested something be put in saying that trees create a canopy
11 so you do not see the side of the building. Mr. Behrendt said this article deals only with
12 buildings; Chair Rasmussen said those are already architectural standards.

13
14 Vice Chair Whittington said one of the most important issues is the concept of a 3rd-story eave
15 line and whether it is necessary that structural elements be present. Councilor Grant asked that
16 they leave it the way it is. Mr. Kelley said he felt "human scale" had been misused during much
17 of the letter writing and testimony; he understood what they meant, but said height does not
18 equate to human scale.

19
20 Mr. Behrendt suggested the board change "criteria" to "mitigation" at bottom of page 19,
21 paragraph 2; delete a) through k) and delete the next paragraph. Councilor Lehrman asked
22 about the term "solar" in k). Mr. McManus said the paragraph in blue starting with "the
23 following criteria" on page 20 is redundant. Chair Rasmussen asked if anyone had a problem
24 with Laura Spector's definition of "human scale". Mr. McManus said it codifies what we are
25 looking for and provides a lot of context of what the goal is.

26
27 Chair Rasmussen said at bottom of page 15, Scale and Massing, talks about human scale in the
28 first paragraph and there is also the definition. Board agreed to leave as is. Vice Chair
29 Whittington said there were some comments about referencing Contemporary Architecture.
30 Board discussed using *Architectural Regulations* or *Architectural Standards*. Mr. Behrendt said
31 standards are required and guidelines are not; but these are actually regulations. Board agreed
32 to change to: Architectural Regulations.

33
34 Mr. Behrendt said on page 7, Durham Historic Association is adding 40 Main Street as "Hardy-
35 Philbrick Block", and 60 Main Street as the "Foreman Block" and asked Ms. Hollander if these
36 should be changed; she agreed to change the terms. Historic District wants to add Ebenezer
37 Smith House on page 10 as an example of "Federal style". Ms. Hollander recommended moving
38 all the photographs to the end to make reading easier; the Board did not agree; Mr. McManus
39 said it needs to be in line with the reference. The board discussed 8 a), page 22, and agreed to
40 keep all of 8 as written.

41

Mr. Behrendt said he would clean it up and give it to Emma Hollander, and she would give it back to the board to see if they like it. Ms. Hollander asked about changing punctuation; Mr. Behrendt specified only if it is a typo.

Richard Kelley moved that the Planning Board approve the Architectural Design Regulations as discussed this evening; SECONDED by Councilor Grant; APPROVED: 7-0.

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

Chair Rasmussen asked about language for "non-compliance and enforcement" paragraph e, on page 3 using Jay Gooze's language. Mr. Behrendt said the reference should be "to have existed, as provided in Section 175:10 of this ordinance" and said Mr. Gooze agreed. Mr. Howd said 175:10 does reference the ordinance.

Public Hearing for Amendment for ADUs was scheduled for July 8, 2026.

Mr. Behrendt said July 8 will also be the public hearing for Lighting Regulations and Eversource Tree Removal.

XI. Review of Minutes: May 27, 2026

Mr. Smith said there were minor corrections but nothing crucial.

Chair Rasmussen moved to accept the meeting minutes of May 27, 2026; SECONDED by Richard Kelley; APPROVED: 7-0.

XII. Other Business:

Michael Behrendt stated that Arts in Reach, an office-nonprofit approved in 2023 for 81 Dover Road, have decided that the site will not work for them (Office Research Zone). The site is virtually all developed now and majority are single-family residences, all non-conforming, in a zone where single-family residences are not allowed as a primary use and ADUs are not allowed as accessory use.

Ms. Tobias said the Housing Task Force suggested changing the zone to Business-Residential and making single-family homes available. Chair Rasmussen said he would like to propose that in OR, ORLI, and MUDOR the Board permit single-family homes as well as ADUs as accessory use so existing owners can make appropriate use of this property. Mr. Behrendt said they would make ADUs "P" across the board in the table of uses.

1 Chair Rasmussen said right now in CB-1 and CB-2 we have a 2-bedroom maximum, and should
2 amend that to 3-bedroom maximum for families to generate a healthy mix of rental options.
3 Mr. McManus asked how a Studio would be counted; Chair Rasmussen said that needs to be
4 determined, but to count it as 1-bedroom.

5
6 Peyton McManus said his neighbor built a small building in his back yard for his son to practice
7 in, separated from the house, but AC and heat are not allowed unless approved by special
8 exception; they are now going to the ZBA for approval. He said he wanted to consider reviewing
9 the language of 175-109(F)(4) in the zoning ordinance to see if it still makes sense. Ms. Tobias
10 said it is perfectly logical today to want heat, AC, and electricity.

11
12 Vice Chair Whittington said it was originally so people could build a garden storage shed but
13 not occupy it. Councilor Grant suggested taking out F.4. Mr. Behrendt said it could be an ADU
14 which is exempt from this section, and said the purpose is to prevent somebody from renting
15 it out. Councilor Lehrman said the intent here is not to use it as an occupied dwelling. Mr. Kelley
16 asked what is wrong with leaving the whole thing there; the ZBA can add conditions on special
17 exception based on dialogue in the application. Chair Rasmussen suggested getting input from
18 the building inspector, and if there are no issues the Board can take a look at it.

19
20 **XIII. Adjournment**

21
22 ***Sally Tobias moved to adjourn the Planning Board Meeting of June 24, 2026; SECONDED***
23 ***by Councilor Grant; APPROVED: 7-0.***

24
25 The Planning Board Meeting was adjourned at 9:50 pm.

26
27 Respectfully submitted,

28 Patricia Denmark, Minute Taker
29 Durham Planning Board
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31