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

5 **Wednesday, July 22, 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), Robert Sullivan,
12 Heather Grant (Council Rep), Michael Lehrman (Alternate Council Rep), Julian Smith (Alternate),
13 Peter Howd (Alternate), Emma Hollander (Alternate)

14 **MEMBERS ABSENT:** Sally Tobias, 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 July 22, 2026 to order at 7:00
19 pm.
20

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

22 Chair Rasmussen called the roll and seated Peter Howd for Richard Kelley; seated Emma Hollander
23 and Julian Smith for absent members.
24

25 **III. Approval of Agenda**

26
27 *Peter Howd moved to accept the agenda as published; SECONDED by Robert Sullivan;*
28 *APPROVED: 7-0.*
29

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

31 Michael Behrendt said the Planning Board is meeting July 29, 5th Wednesday; team from UNH
32 Edge project will present general plans; then PUD Ordinance. House Bill 1588 affects the way we
33 can run regular multi-unit residential located in commercial zones; vaguely worded but could be
34 very restrictive. Chair Rasmussen has prepared a map, explanation, and narrative for downtown
35 adjacent zoning.
36

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

38
39 Reporting from Conservation Committee: Robert Sullivan said 561 Bay Road got a variance for
40 Permitted Use B. Conditional Use application coming in for 15 Foss Farm Road, owner will be
41 applying to ZBA for a Special Exception to build house and septic within wetland buffer.
42

43 Chair Rasmussen said Permitted Use B will come to the Planning Board for first August meeting.
44

45 Reporting from Town Council: Councilor Grant said Town Council did not meet.

VI. Public Comments - None

VII. Review of Minutes (old): None

VIII. Dunkin Donuts Sign. Presentation of proposed new freestanding sign for new Dunkin Donuts at 3 Dover Road. For nonbinding comments from the Planning Board. The owner is also applying for a variance from the Zoning Board of Adjustment as freestanding signs are not allowed in the Courthouse District. Recommended action: Provide nonbinding comments.

Jim Mitchell, from Tropic Star Development, said there was not a free-standing sign on the premises at 3 Dover Road, Dunkin Donuts, as signs are not allowed in the Courthouse District, but other businesses on Dover Road have signs. He said the sign would sit in the green area, 4 ft x 3 ft, or 12 sq ft; sign is bolted to a concrete foundation. He said the building is not visible from approach on Dover Road until you are upon it, and he is fine having it 5-6 ft off the sidewalk.

Richard Kelley arrived at the Planning Board meeting.

Councilor Lehrman said he believed there are no left turns allowed out of the lot; Mr. Mitchell said there is a left turn out and there is a stop bar in the driveway due to a crosswalk. The Board discussed sight lines. Chair Rasmussen said Mr. Mitchell followed the board's requests for a dark background in sign ordinance and gooseneck lights. Vice Chair Whittington said he felt it was reasonable to approve it as long as safety is ensured. Mr. Mitchell said he anticipates opening at end of August.

IX. Public Hearing – Single-Family in OR district and ADUs in CH, C, and CC districts. Proposed Zoning Amendment for the Table of Uses to change Single-Family Residence from Not Permitted to Permitted in the Office – Research (Route 108) district and to change Accessory Dwelling Units in the Church Hill, Courthouse, and Coe's Corner district from Not Permitted to Permitted. Recommended action: Initiate amendment if acceptable.

Julian Smith moved to open the Public Hearing for Proposed Zoning Amendment; SECONDED by Councilor Grant; APPROVED: 7-0.

Jennifer Minicucci said she is representing 81 Dover Road, a 3-bedroom house with barn and out-building, and said she is in strong support of adding single-family residences to the permitted uses in this zone. She said the Route 108 corridor is full of antique homes without Town water and sewer, but residential use is not permitted which creates a grey area. She hoped the Board would approve the amendment tonight.

1 **Dave Green**, on and off Attorney for Arts in Reach, said he echoes what Jennifer has said; they
2 have been trying to sell the house on Dover Road but cannot sell it right now as a residence, and
3 hoped the Board would support that change.

4
5 **Lori McGrath**, Real Estate agent in seacoast area and Board Chair for Arts in Reach, said we are
6 basically the impetus for this agenda item tonight. She said in attempting to sell they came across
7 the oversight that residential is not a permitted use, though they are surrounded by 18 other
8 residential properties. She asked that the Board approve the ordinance amendment to allow
9 residential as permitted use in the OR district.

10
11 **Beth Olshansky** of Packers Falls Road said she supports this amendment and said not allowing
12 residential there does not make sense. She said HB-1588 was signed into law and many of our
13 commercial zones may want to shift to being residential.

14
15 ***Julian Smith moved to close the Public Hearing for Proposed Zoning Amendment;***
16 ***SECONDED by Councilor Grant; APPROVED: 7-0.***

17
18 Mr. Kelley asked for a point of clarification: if he owned a home on that road he would be unable
19 to sell it. Mr. Behrendt said you lose your non-conforming status after a year. Chair Rasmussen
20 said a realtor by law cannot market to a client as a place to live in a single-family home; there has
21 to be disclosure in real estate. Mr. Smith said to be allowed to have a commercial use but not a
22 residential does not make any sense, and should have been changed years ago.

23
24 ***Chair Rasmussen moved that the Planning Board initiate the Single-Family in OR District***
25 ***and ADUs in Church Hill, Courthouse, and Coe's Corner Districts to the Town Council;***
26 ***SECONDED by Julian Smith; APPROVED: 7-0.***

27
28 Mr. Behrendt said it would hopefully be on the Town Council agenda in August and be adopted
29 by September.

30
31 **X. *Public Hearing – Maximum of 2-bedroom units in CB districts.*** Proposed Zoning
32 Amendment to change the restriction for a maximum of 2 bedrooms in any dwelling unit in
33 a building in the Central Business-1 and -2 Districts to a maximum *average* of 2 bedrooms
34 for all of the units in a building. *Recommended action:* Initiate amendment if acceptable.

35
36 ***Chair Rasmussen moved to open the Public Hearing for 2-Bedroom Maximum in CB***
37 ***Districts; SECONDED by Julian Smith; APPROVED: 7-0.***

38
39 **Beth Olshansky** of Packers Falls Road said not long ago the Planning Board purposely decided to
40 shield the number of units to move away from student apartments, and said a 3-bedroom
41 apartment on Main Street is not an appealing place to raise a family.

1 Chair Rasmussen said it was when the board was reducing square footage for occupancy rules
2 2016-2017. Mr. Kelley asked about impacts to doing it now; Chair Rasmussen said due to falling
3 real estate market across the state, 3-bedroom apartments are hard to find. Mr. Sullivan asked
4 what the practical effect of this would be. Chair Rasmussen said it would generate a mix of studios
5 to 3-bedroom units.

6
7 ***Julian Smith moved to close the Public Hearing for 2-Bedroom Maximum in CB Districts;***
8 ***SECONDED by Vice Chair Whittington;***
9

10 Mr. Kelley asked if changing the language would result in scheduling a new Public Hearing.
11 Councilor Lehrman said most developers do a mix of 1, 2, and 3 bedrooms, and the board could
12 place a percentage limit on the number of 3 bedrooms. Ms. Hollander agreed 3 bedrooms should
13 be an average.

14
15 Ms. Olshansky pointed out that every fall she registers students to vote and the overwhelming
16 majority want to live downtown; also, sharing a wall with students is not a realistic idea. Vice
17 Chair Whittington said they need to be honest with themselves and the public that there is no
18 way to expand housing supply for rentals without taking the risk students will live in the houses.
19 Mr. Howd stressed that Durham is a college town and said he did not think Durham would survive
20 without the university there.

21
22 Mr. Kelley said the landlords in Durham need to have their markets protected; if their values drop,
23 our town revenues drop. Vice Chair Whittington said developers are incentivized to meet market
24 demand. Chair Rasmussen said he is not against the percentage idea and is just trying to open the
25 flexibility. Councilor Lehrman said his concern is about the methodology being proposed. Mr.
26 Behrendt said a study at UNH said the number of bedrooms most requested for grad students
27 and foreign students was a studio or a 1-bedroom.

28
29 Councilor Grant said the age of young adults who can afford to buy a home is creeping up to 40
30 years old, and recommended being realistic about a blend of apartment sizes. Vice Chair
31 Whittington said the board does not have really good data in terms of real estate economics and
32 should let the market decide. Mr. Kelley suggested adding: "no dwelling unit may have more than
33 3 bedrooms, and 3-bedroom units cannot constitute more than X%". Mr. Howd calculated the
34 numbers and said leaving it the way it is, with average not exceeding 2.0, and a 25% cap on 3-
35 bedrooms would be: 25% 3-bedrooms, 25% 1-bedroom, and 50% 2-bedrooms.

36
37 Ms. Hollander said that is mandating how many 1-bedroom units have to be built, and a developer
38 has better market data. Councilor Lehrman said the Board should just cap the number of 3-
39 bedrooms to a certain percentage. Mr. Sullivan asked for clarification that this change would be
40 in CB-1 and CB-2 with commercial on the first floor; Chair Rasmussen said that is correct. The
41 Board discussed the percentage for 3-bedrooms and decided on 20%.

42
43 ***MOTION to close the Public Hearing: APPROVED: 7-0.***

Chair Rasmussen said he would post the new Public Hearing for the August 12, 2026 meeting.

XI. Downtown Adjacent Zoning. Discussion about potential zoning changes in areas adjacent to the downtown core. Recommended action: Discussion.

Chair Rasmussen asked if the Board could agree on this as a process for changing boundaries and establishing what is permitted in each zone and how it affects the regulations. Mr. Sullivan said part of the intent is so there are not public hearings all along the way, with public input in the form of letters to Mr. Behrendt. Chair Rasmussen said the intent is we will be getting public input ahead of our actually doing the work.

Mr. Kelley suggested putting in a sub-step at some point to consult DPW re water and sewer capacity to have an idea at what point significant capital improvements would be required; Vice Chair Whittington said also sidewalks and traffic changes. Mr. Smith said he really likes the idea of a waterfront commercial mix of R-4 and retail or other commercial. Once the dam is removed and Oyster River is a narrow channel and setbacks have been determined by the Conservation Commission, he would love to see a riverwalk.

Chair Rasmussen said he would explain tonight what is in front of the Board and give them time to study it at home. He said Peyton's tool created this map as it is best to use GIS boundaries, but creates some difficulties understanding the map. He said the dark boundaries mean he made a change, otherwise just showing the underlying zone. He said this is an accumulation of every request he has received in the last year or so. For Madbury Road, looking at extending multi-unit to Davis Court apartments, brought Bagdad Woods into that space as a pure residential buffer; color legend does not come out with the map and hoping it can be added.

Chair Rasmussen said the large dark green university area does not show CB-2 (purple) which is part of it; dorms in that area are scheduled to be demolished, now zoned RA; he said he has heard that the Board of Trustees has given UNH permission to sell off properties. He said along Mill Road (High Density Residential) red squares are R-4 with up to 4 families on a form-based code, now ⅔ student rentals; light blue squares have 30 beds. Mr. Smith asked why Mill Plaza is pink; Chair Rasmussen said it is CB-2; he made Church Hill core HDR and is taking out commercial; pushed CB-1 across Madbury Road onto the PO zone.

Chair Rasmussen said the property at 10 Cowell is in Church Hill, buffered by property next to it being R-4 (light blue). Built waterfront commercial initially to include 3 Chimneys; Waterfront Coastal is much different from Courthouse; could become a destination. R-4 behind waterfront coastal, and jumped into RA again on top of all commercial districts; push Courthouse up Route 108 to Beard's Creek (orange color) and have zone boundaries going through properties themselves; thinking form based code for R-4s.

Chair Rasmussen said the area after the big yellow house is part CH and part residential, now all RA. Young Drive to Coe's Corner would go into RA, with Young Drive becoming OR; rest of Coe's Corner to R-4. He said the white area is lots he cannot touch, all R-4. Everything from Durham Business Park back to Beard's Creek will be R-4; the pocket of apartments on Madbury Road is ripe for development, blue HDR residential, other side R-4; light gray area is PO, goes to the Library. He said he is thinking RA for single- and 2-family dwelling units, R-4 single-family to 4 multi-unit or HDR, everything allowed.

Vice Chair Whittington said one of the main purposes is to increase density in downtown core area but is there enough parking to support it. Chair Rasmussen said the Town Council has a discussion on its next agenda to submit for shared parking as primary use and shared with CBD; CB-1 cannot self-sustain parking. Mr. Howd said it would be helpful to show the same areas with existing zoning, then a separate map with proposed new zoning. Chair Rasmussen said Peyton will give access to this tool to anyone who wants it.

Mr. Sullivan said he looks at buildings that will be knock-downs in the next 20 years, where to put something new to replace it, and whether it aligns with these changes. Chair Rasmussen said 3 houses in Park Court are currently in RA surrounded by apartment buildings. Courthouse right now only supports high density, not mixed-use. Mr. Kelley said it would be helpful to "X" out lots that would be prime examples of redevelopment, and asked about the historical district.

Chair Rasmussen said he also shared these proposed maps with Strafford Regional and they are evaluating it. Mr. Kelley suggested that UNH might be in a better position with 100-year leases. Mr. Howd said the university is also changing staff parking to student parking. Mr. Kelley asked about the project in Lee using Durham water supply; Councilor Grant said there is an agreement on that. Mr. Sullivan said the Lee Traffic Circle has PFAS under it and that is why the 7,000-ft water line was extended to Lee. Mr. Behrendt said he forwarded Lee's plan to board members.

XII. Review of Minutes (new): None

XIII. Other Business:

XIV. Adjournment

Richard Kelley moved to adjourn the Planning Board Meeting of July 22, 2026; SECONDED by Julian Smith; APPROVED: 7-0.

The Planning Board Meeting was adjourned at 9:17 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board