



TOWN OF DURHAM

8 Newmarket Rd

Durham, NH 03824-2898

603/868-8064

Michael Behrendt, Durham Town Planner

mbehrendt@ci.durham.nh.us

*****Please see sections on Zoom Access and Other Information at the end of this agenda.**

DURHAM PLANNING BOARD

Wednesday, November 13, 2024

Town Council Chambers, Durham Town Hall

7:00 p.m.

AGENDA

Planning Board members

(7 voting)

Paul Rasmussen, *Chair*

Sally Tobias, *Vice Chair*

Emily Friedrichs, *Council Rep*

Richard Kelley

Peyton McManus

Rob Sullivan

Tom DeCapo, *Alternate*

Heather Grant, *Council*

Alternate

Erika Naumann Gaillat,

Alternate

Michael Behrendt, *Town Planner*

Patricia Denmark, *Minutes Taker*

- I. Call to Order
- II. Roll Call and Seating of Alternates
- III. Approval of Agenda
- IV. Town Planner's Report
- V. Reports from Board Members who serve on Other Committees
- VI. Public Comments
- VII. Review of Minutes (old):
- VIII. **Public Hearing - 65 Durham Point Road – 2-lot Subdivision/Adjustment of Right-of-Way line.** Former owners of the subject lot made an agreement with the Town of Durham in 1985 for the Town to relocate a portion of Durham Point Road onto the subject lot in order to remove a tight bend in the road. The land underlying the newly located road was never conveyed to the Town nor was the right of way line moved. A new plat has been created to correct that omission. Sarah Ford Trust, property owner. Map 115, Lot 6. Residence Coastal District. Recommended action: Final action.
- IX. **Public Hearing - 4 Riverview Court – Conditional Use Application.** Conditional use in the Shoreland Protection Overlay District for an existing single-family house for structures to be located within the 125-foot setback line: freestanding garage, expansion of existing driveway, retaining wall, shed, and buried electric line that currently runs overhead. Arthur Mcmanus, property owner. Chris Guida, Fieldstone Land consultants, wetland and soil scientist. Map 214, Lot 11. Residence Coastal District. Recommended action:
- X. **Public Hearing - 361 Durham Point Road – Application under the Scenic Road Designation.** Request for removal of trees and removal/replacement of stone wall along Durham Point Road, a scenic road. Al Graziano, Graziano Trust, property owner. Map 230, Lot 7-1.

*****POSTPONED TO DECEMBER 11, 2024**

*****REMOVED FROM AGENDA**

(over)

- XI. **Public Hearing - 561 Durham Point Road – Application under the Scenic Road Designation.** Request for removal of trees and removal/replacement/alteration of stone walls along Bay Road, a scenic road. David and Karen Della Penta, property owner. Robbi Woodburn, Landscape Architect. Josh Henry, builder. Map 239, Lot 9.

*****REMOVED FROM AGENDA**

- XII. **Historic District Ordinance Zoning Amendment – Purview of HDC.** Review of changes to the Historic District Overlay District proposed by the Historic District Commission pertaining to purview for tree removal and minor structures. *Recommended action:* Set public hearing date.
- XIII. **Draft Ordinance regarding Student Rental, Three-Unrelated Rule, And Habitable Floor Area.** Discussion about prospective ordinance prepared by ad hoc group working with the Town Administrator. *Recommended action:* Begin discussion of proposal.
- XIV. **Planned Unit Development Ordinance.** Continued discussion about proposed Planned Unit Development (PUD) ordinance. PUD's are special zoning tools which allow for flexible and innovative planning for large-scale mixed-use projects. A draft ordinance has been prepared to accommodate the potential development of The Edge project at UNH, located westerly of the intersection of Main Street and Mast Road along with other similar potential projects. *Recommended action:* Continue discussion.
- XV. **Other Business**
- XVI. Review of Minutes (new): September 25, 2024 and October 9, 2024
- XVII. Adjournment

***ZOOM ACCESS**

*The Town of Durham offers access to meetings with Zoom and Durham Cable Access Television (DCAT) as a convenience to the public. Zoom is generally reliable for watching meetings and offering comments when allowed. However, due to factors outside our control, occasionally access on Zoom does not work properly. **We cannot guarantee that Zoom will always be available seamlessly and suggest that people who want to ensure being able to watch and participate attend the meeting in person.***

To access any LIVE Zoom Public Meeting, you must be **Registered**. This link will take you to the registration page: https://www.ci.durham.nh.us/boc_dcatgovernance/zoom-video-meeting-schedule. If you have difficulty logging in, contact DCAT: **603-590-1383**.

***OTHER INFORMATION**

- 1) **Public hearings and public comments.** *The public is welcome to speak at all public hearings and during the Public Comments time.* Comments on all matters, except those for which a public hearing is on the agenda, should be made during the Public Comments time (including comments on agenda items this evening). The public may speak and submit written/email

(over)

comments on any germane subject except active matters where the public hearing has been closed. When a public hearing will be held soon for a specific item the board may require that comments be made at the hearing.

- 2) Submission of comments in writing. Send emails and letters to Michael Behrendt, Town Planner, at mbehrendt@ci.durham.nh.us or at the address above. Substantive comments about current board matters, except where the public hearing is closed, will be a) emailed to the board; b) mailed to the board if received by the Thursday before the meeting or given to members at the meeting if received later; and c) posted on the Town's website.

Any email, letter, or document that is pertinent to a decision which the Planning Board is expected to make at the upcoming Wednesday meeting, must be received in the Planning Office by the prior Monday at 5:00 p.m. or the board will consider the material only at its discretion (This limitation does not apply to comments made at the public hearing).

- 3) Other information. Files on the agenda items above are available for review on the Town website <https://www.ci.durham.nh.us/>. Agendas marked as "Preliminary Agenda," are subject to change. The final agenda will be posted on the Town's website on the Friday prior to the meeting. To see background documents related to specific agenda items, see the agenda on the website and click on any green **highlighted** items.
- 5) Contacting us. Call (603) 868-8064 or email Michael Behrendt, above, or Tracey Cutler, Administrative Assistant, at tcutler@ci.durham.nh.us.
- 6) Recommended actions. Actions recommended by the Town Planner are shown above. The board may or may not take these actions and may take other actions not stated.
- 7) 10:00 pm. The board will take up a new item of business after 10:00 pm at its discretion.
- 8) Communication aids. Please provide the Town 48-hours' notice if any aids are needed.
- 9) Next meeting. The next regular board meeting will be on **November 20, 2024**. The only meeting scheduled for next month is **December 11, 2024**.