



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

## **AGENDA**

### **DURHAM TOWN COUNCIL**

**MONDAY, SEPTEMBER 9, 2013**

**DURHAM TOWN HALL - COUNCIL CHAMBERS**

**7:00 PM**

**NOTE: THE TOWN OF DURHAM REQUIRES 48 HOURS NOTICE IF SPECIAL COMMUNICATION AIDS ARE NEEDED**

- I. Call to Order**
- II. Approval of Agenda**
- III. Special Announcements**
- IV. Approval of Minutes - None**
- V. Councilor and Town Administrator Roundtable**
- VI. Public Comments (*Not earlier than 7:45 PM*)**
- VII. Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
  - A. Shall the Town Council, upon recommendation of the Administrator, approve the special event permit application submitted by the UNH Campus Recreation Department to close portions of Town roads for the annual UNH Homecoming 5K road race on Saturday, October 12, 2013?
  - B. Shall the Town Council, upon recommendation of the Administrator, approve a special event permit application submitted by the UNH Wildcat Marching Band to close a portion of Main Street for the band to march from Main Street in front of Thompson Hall to the entrance of Cowell Stadium during 2013 UNH home football games?
- VIII. Committee Appointment**
  - A. Shall the Town Council appoint Charles (Chip) Noon, 9 Littlehale Road, to fill a vacancy on the Historic Commission/Heritage Commission?

- B. Shall the Town Council trade the appointments of Parks & Recreation Committee members Nathan Trauntvein and Doreen Wachenschwanz thereby allowing Ms. Wachenschwanz to serve as committee chair?

**IX. Presentation Items**

- A. Receive annual report from the Economic Development Committee in accordance with Town Charter, Section 11.1(I) – Ute Luxem, Chair
- B. Presentation and award of contract to Rink Services Group of Epping, NH for management of the Churchill Rink at Jackson’s Landing Recreational Area for the 2013/2014 skating season

**X. Unfinished Business**

- A. **PUBLIC HEARING AND ACTION ON ORDINANCE #2013-06**, a Council-initiated Zoning Ordinance change, proposed by the Administrator, to Sections 175-41(F), 175-43(F), and 175-54 “Table of Dimensional Requirements” to increase the setbacks along Madbury Road in the Professional Office and Central Business Districts and reduce the maximum permitted building heights from 50 feet to 35 feet
- B. **PUBLIC HEARING AND ACTION ON ORDINANCE #2013-07**, a Council-initiated Ordinance amending Chapter 175 “Zoning”, Section 175-7 “Definitions” changing Table II-1 “Dwelling Density by Type” such that the maximum number of occupants in unrelated households per 300 square feet of habitable floor area is changed from 1.5 to 1 for Dwelling Type “Apartment” (excluding the ORLI and MUDOR districts) and remains unchanged at 1.5 for Dwelling Type “Accessory Apartment”

**XI. New Business**

Other Business

**XII. Nonpublic Session (if required)**

**XIII. Extended Councilor and Town Administrator Roundtable (if required)**

**XIV. Adjourn (NLT 10:30 PM)**



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: # 4

DATE: September 9, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Council

**AGENDA ITEM:** APPROVE THE TOWN COUNCIL MEETING MINUTES FOR JULY 1, 2013

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Town Administrator

**AGENDA DESCRIPTION:**

Attached for the Council's review and approval are the minutes for the Town Council meeting held on Monday, July 1, 2013.

Please call Jennie Berry with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

**LEGAL AUTHORITY:**

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings: *"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."*

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby approve the Town Council meeting minutes for Monday, July 1, 2013 (as presented) (as amended).*



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2888  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: # **7A**  
DATE: September 9, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Linda Hayden, UNH Campus Recreation Department

**AGENDA ITEM:** SHALL THE TOWN COUNCIL APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE UNH CAMPUS RECREATION DEPARTMENT TO CLOSE PORTIONS OF TOWN ROADS FOR THE ANNUAL UNH HOMECOMING 5K ROAD RACE ON SATURDAY, OCTOBER 12, 2013?

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Linda Hayden, UNH Campus Recreation Department

**AGENDA DESCRIPTION:**

Attached is a special event permit application submitted by Linda Hayden from the UNH Campus Recreation Department. Ms. Hayden is requesting that portions of Town roads be closed from 9:00 to 11:00 AM on Saturday, October 13, 2012, for the annual UNH Homecoming 5k Road Race. Registration begins at 7:30 AM.

The UNH Campus Recreation Department began having the Homecoming 5k Road Race in 2003 and it has since become an annual event. The Administrator recommends approval of this Special Event Permit/road closure request.

**LEGAL AUTHORITY:**

RSA 41:11 and RSA 47:17 authorize the Town Council to regulate the use of public highways.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council hereby approves the special event permit application submitted by the UNH Campus Recreation Department requesting that portions of Town roads be closed between 9:00 and 11:00 AM on Saturday, October 12, 2013 for the annual UNH Homecoming 5k Road Race.*



## TOWN OF DURHAM

15 Newmarket Road

Durham, NH 03824

Tel: (603) 868-5571

Fax: (603) 868-5572

Email: jberry@ci.durham.nh.us

### PERMIT APPLICATION

**TYPE OF PERMIT (Please check one):**

Special Event

Road Closure Request

Use of Town Property

REGISTRATION BEGINS: 7:30 AM - 9 AM

DATE OF EVENT: OCTOBER 12, 2013 TIME(S) OF EVENT: RACE 9-11 AM

NAME OF APPLICANT/ORGANIZATION: LINDA HAYDEN

UNH CAMPUS RECREATION DEPT.

PERSONAL CONTACT FOR THIS EVENT: LINDA HAYDEN

ADDRESS: 128 MAIN ST DURHAM NH 03824

TELEPHONE NO.: DAY: 862-4515 work EVENING: 749-1514 home

EMAIL: LINDA.HAYDEN@UNH.EDU Cell # 988-1526

DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel. Please attach maps denoting routes and road closures):

Participants line up on Main St (near Field House) when police close the road @  
8:55 am. When the race begins, runners go towards town & turn left onto  
Garrison Rd. Runners cross Medbury Rd, pass ORHS, turn left onto Coe  
Drive, pass ORHS, turn left onto Emerson Rd, turn left onto Edgewood Rd,  
turn right onto Main St. & move onto the sidewalk in front of the Whiteacre  
Center, going around Memorial Field.  
Water stations located near ORHS &/or Edgewood Rd.

ANTICIPATED NUMBER OF PARTICIPANTS: 400, weather dependent

ANTICIPATED NUMBER OF VEHICLES: 2 (lead & follow vehicles)

CERTIFICATE OF INSURANCE INFORMATION

As evidence of its financial ability to indemnify the Town of Durham, during the term of this agreement, the applicant shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Town of Durham as an Additional Insured shall be provided.

Insurance Carrier: ON FILE  
Policy Number and Expiration Date: \_\_\_\_\_

The undersigned hereby agrees, at its sole cost and expense, to defend, indemnify and hold harmless the Town of Durham and all associated, affiliated, allied and subsidiary entities of the Town, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, and contractors (hereinafter referred to as "indemnities") from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against the indemnities by reason of any act or omission of the undersigned, its personnel, employees, agents, contractors or subcontractors which results in damage or injury of any kind to any person or any property and which arises out of or is any way connected with the activities permitted by this permit.

LINDA HAYDEN *Linda Hayden* 8/27/13  
Printed Name and Signature of Event Coordinator/applicant Date

\_\_\_\_\_  
Printed Name and Signature of Principal/Owner/Authorizing Authority Date

\*\*\*\*\*  
**FOR OFFICIAL USE ONLY**  
\*\*\*\*\*

Reviewed by DPW  *OK*  
Comments:

Reviewed by PD  OK - See Attached  
Comments: TRAFFIC CONTROL FOR FOOTBALL GAMES

Reviewed by FD  OK - See Attached  
Comments: ROADS OPEN FOR EMERG. VEHICLES

Parks + Rec  OK

Approved

\_\_\_\_\_  
Todd I. Selig, Town Administrator Date

## Barbara Gehres

---

**From:** Stefanie Frazee  
**Sent:** Wednesday, August 28, 2013 10:38 AM  
**To:** John Powers; Barbara Gehres; Melissa Perusse; Rene Kelley; Janice Richard  
**Subject:** RE: UNH road race permit

OK with P&R.

Stefanie Frazee  
Parks & Recreation Director  
Town of Durham

2 Dover Road  
Durham, NH 03824  
603.817.4074

---

**From:** John Powers  
**Sent:** Wednesday, August 28, 2013 9:00 AM  
**To:** Barbara Gehres; Melissa Perusse; Stefanie Frazee; Rene Kelley; Janice Richard  
**Subject:** RE: UNH road race permit

FD okay with following comments:

1. Roads remain open to emergency vehicles 2. Any non-DFD medical personnel planned to assist with care and treatment of participants must coordinate with Assistant Chief Cleary well in advance of the event.

Thanks.

John T. Powers, Deputy Chief  
Durham Fire Department

-----Original Message-----

**From:** Barbara Gehres  
**Sent:** Wednesday, August 28, 2013 8:08 AM  
**To:** Melissa Perusse; Stefanie Frazee; John Powers; Rene Kelley; Janice Richard  
**Subject:** FW: UNH road race permit

Please Review

-----Original Message-----

**From:** Hayden, Linda (CampRec) [<mailto:linda.hayden@unh.edu>]  
**Sent:** Tuesday, August 27, 2013 11:42 AM  
**To:** Barbara Gehres; Jen Berry  
**Subject:** FW: UNH road race permit

## Barbara Gehres

---

**From:** Rene Kelley  
**Sent:** Wednesday, August 28, 2013 8:22 AM  
**To:** Barbara Gehres; Melissa Perusse; Stefanie Frazee; John Powers; Janice Richard  
**Subject:** RE: UNH road race permit

Ok with police. Detail officers for football game will provide traffic control.

Rene

-----Original Message-----

**From:** Barbara Gehres  
**Sent:** Wednesday, August 28, 2013 8:08 AM  
**To:** Melissa Perusse; Stefanie Frazee; John Powers; Rene Kelley; Janice Richard  
**Subject:** FW: UNH road race permit

Please Review

-----Original Message-----

**From:** Hayden, Linda (CampRec) [<mailto:linda.hayden@unh.edu>]  
**Sent:** Tuesday, August 27, 2013 11:42 AM  
**To:** Barbara Gehres; Jen Berry  
**Subject:** FW: UNH road race permit

8/27/13

Attached is the permit for this year's UNH Homecoming Road Race. Please let me know if you need anything else.

Thanks very much and have a great day,  
Linda

Linda Hayden  
Assistant Director, Fitness/Wellness  
UNH Campus Recreation Department  
128 Main Street  
Durham, NH 03824  
Phone: 603-862-4515  
Fax: 603-862-4801

## Barbara Gehres

---

**From:** John Powers  
**Sent:** Wednesday, August 28, 2013 9:00 AM  
**To:** Barbara Gehres; Melissa Perusse; Stefanie Frazee; Rene Kelley; Janice Richard  
**Subject:** RE: UNH road race permit

FD okay with following comments:

1. Roads remain open to emergency vehicles 2. Any non-DFD medical personnel planned to assist with care and treatment of participants must coordinate with Assistant Chief Cleary well in advance of the event.

Thanks.

John T. Powers, Deputy Chief  
Durham Fire Department

-----Original Message-----

From: Barbara Gehres  
Sent: Wednesday, August 28, 2013 8:08 AM  
To: Melissa Perusse; Stefanie Frazee; John Powers; Rene Kelley; Janice Richard  
Subject: FW: UNH road race permit

Please Review

-----Original Message-----

From: Hayden, Linda (CampRec) [<mailto:linda.hayden@unh.edu>]  
Sent: Tuesday, August 27, 2013 11:42 AM  
To: Barbara Gehres; Jen Berry  
Subject: FW: UNH road race permit

8/27/13

Attached is the permit for this year's UNH Homecoming Road Race. Please let me know if you need anything else.

Thanks very much and have a great day,  
Linda

Linda Hayden  
Assistant Director, Fitness/Wellness  
UNH Campus Recreation Department  
128 Main Street  
Durham, NH 03824  
Phone: 603-862-4515  
Fax: 603-862-4801

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

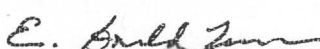
PRODUCER USI Insurance Svcs of NE, Inc. PO Box 6360 Manchester, NH 03108-6360 603 625-1100	CONTACT NAME: PHONE (A/C, No, Ext): 603 625-1100	FAX (A/C, No):	
	E-MAIL ADDRESS:		
INSURED University System Of New Hampshire 27 Concord Rd., Myers Financial Center ATTN: Justine Hebert Durham, NH 03824-0000	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : United Educators Ins, Recip Ris		10020
	INSURER B : Acadia Insurance Company		31325
	INSURER C :		
	INSURER D :		
	INSURER E :		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CGL201200027700	11/01/2012	11/01/2013	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$INCLUDED GENERAL AGGREGATE \$3,000,000 PRODUCTS - COMP/OP AGG \$
R	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS			CAA150094423	11/01/2012	11/01/2013	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$1,000,000			GLX201200027700	11/01/2012	11/01/2013	EACH OCCURRENCE \$20,000,000 AGGREGATE \$20,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability			LPD201200027700	11/01/2012	11/01/2013	\$1,000,000 Ea. Incident \$3,000,000 Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Additional Insured Status Is Provided Where Required by Contract  
 \*\*Supplemental Names\*\* University of New Hampshire at Durham, University of New Hampshire at Manchester, Keene State College, Plymouth State University, NHPB, New Hampshire Public Television(NHPTV), University of New Hampshire Foundation, Inc., UNH Alumni Association, Center for Public Responsibility and Corporate Citizenship, Granite State College, New Hampshire Fiber Network, Inc.,(NHFN, Inc.)  
 (See Attached Descriptions)

CERTIFICATE HOLDER Town of Durham ATTN: Ms. Jenny Berry 15 Newmarket Street Durham, NH 03824	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

# DESCRIPTIONS (Continued from Page 1)

E: Town of Durham is an Additional Insured for any event held by the University System of NH.



Item No.	Description	Quantity	Unit	Price	Total
1	...	...	...	...	...
2	...	...	...	...	...
3	...	...	...	...	...
4	...	...	...	...	...
5	...	...	...	...	...
6	...	...	...	...	...
7	...	...	...	...	...
8	...	...	...	...	...
9	...	...	...	...	...
10	...	...	...	...	...
11	...	...	...	...	...
12	...	...	...	...	...
13	...	...	...	...	...
14	...	...	...	...	...
15	...	...	...	...	...
16	...	...	...	...	...
17	...	...	...	...	...
18	...	...	...	...	...
19	...	...	...	...	...
20	...	...	...	...	...
21	...	...	...	...	...
22	...	...	...	...	...
23	...	...	...	...	...
24	...	...	...	...	...
25	...	...	...	...	...
26	...	...	...	...	...
27	...	...	...	...	...
28	...	...	...	...	...
29	...	...	...	...	...
30	...	...	...	...	...
31	...	...	...	...	...
32	...	...	...	...	...
33	...	...	...	...	...
34	...	...	...	...	...
35	...	...	...	...	...
36	...	...	...	...	...
37	...	...	...	...	...
38	...	...	...	...	...
39	...	...	...	...	...
40	...	...	...	...	...
41	...	...	...	...	...
42	...	...	...	...	...
43	...	...	...	...	...
44	...	...	...	...	...
45	...	...	...	...	...
46	...	...	...	...	...
47	...	...	...	...	...
48	...	...	...	...	...
49	...	...	...	...	...
50	...	...	...	...	...
51	...	...	...	...	...
52	...	...	...	...	...
53	...	...	...	...	...
54	...	...	...	...	...
55	...	...	...	...	...
56	...	...	...	...	...
57	...	...	...	...	...
58	...	...	...	...	...
59	...	...	...	...	...
60	...	...	...	...	...
61	...	...	...	...	...
62	...	...	...	...	...
63	...	...	...	...	...
64	...	...	...	...	...
65	...	...	...	...	...
66	...	...	...	...	...
67	...	...	...	...	...
68	...	...	...	...	...
69	...	...	...	...	...
70	...	...	...	...	...
71	...	...	...	...	...
72	...	...	...	...	...
73	...	...	...	...	...
74	...	...	...	...	...
75	...	...	...	...	...
76	...	...	...	...	...
77	...	...	...	...	...
78	...	...	...	...	...
79	...	...	...	...	...
80	...	...	...	...	...
81	...	...	...	...	...
82	...	...	...	...	...
83	...	...	...	...	...
84	...	...	...	...	...
85	...	...	...	...	...
86	...	...	...	...	...
87	...	...	...	...	...
88	...	...	...	...	...
89	...	...	...	...	...
90	...	...	...	...	...
91	...	...	...	...	...
92	...	...	...	...	...
93	...	...	...	...	...
94	...	...	...	...	...
95	...	...	...	...	...
96	...	...	...	...	...
97	...	...	...	...	...
98	...	...	...	...	...
99	...	...	...	...	...
100	...	...	...	...	...



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: **#7B**

DATE: September 9, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Casey Goodwin, Director, UNH Marching Band

**AGENDA ITEM:** SHALL THE TOWN COUNCIL APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE UNH MARCHING BAND TO CLOSE A PORTION OF MAIN STREET FOR THE BAND TO MARCH FROM MAIN STREET IN FRONT OF THOMPSON HALL TO COWELL STADIUM DURING 2013 UNH HOME FOOTBALL GAMES?

**PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Casey Goodwin, Director, UNH Marching Band

**AGENDA DESCRIPTION:**

Attached is a special event permit application submitted by Casey Goodwin Director, UNH Marching Band, requesting that a portion of Main Street from the area in front of Thompson Hall to the entrance of Cowell Stadium be temporarily closed for the UNH Marching band during the UNH home football games. This is an annual event held by the University of New Hampshire. The Administrator has reviewed and recommends approval of this Special Event Permit.

The home game schedule is as follows:

Saturday, September 14, 2013	11:25 AM
Saturday, October 12, 2013	11:25 AM
Saturday, October 19, 2013	11:25 AM
Saturday, November 9, 2013	11:55 AM
Saturday, November 23, 2013	11:25 AM

**LEGAL AUTHORITY:**

RSA 41:11 and RSA 47:17 authorize the Town Council to regulate the use of public highways.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby approve the special event permit application submitted by Casey Goodwin, UNH Marching Band Director, requesting that a portion of Main Street in front of Thompson Hall to Cowell Stadium be temporarily closed for the UNH Marching Band during the UNH home football games scheduled as follows:*

<i>Saturday, September 14, 2013</i>	<i>11:25 AM</i>
<i>Saturday, October 12, 2013</i>	<i>11:25 AM</i>
<i>Saturday, October 19, 2013</i>	<i>11:25 AM</i>
<i>Saturday, November 9, 2013</i>	<i>11:55 AM</i>
<i>Saturday, November 23, 2013</i>	<i>11:25 AM</i>



## TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: [publicworks@ci.durham.nh.us](mailto:publicworks@ci.durham.nh.us)

### PERMIT APPLICATION

**TYPE OF PERMIT (Please check one):**

Special Event \_\_\_\_\_  
Road Closure Request   X    
Use of Town Property \_\_\_\_\_

LOCATION WHERE EVENT WILL OCCUR: Main St. - Thompson Hall to Cowell Stadium

DAY & DATE OF EVENT: 2013: 9/14, 10/12, 10/19, 11/9, 11/23 TIME(S) OF EVENT: 11:25 a.m. (11:55 a.m. 11/9)

NAME OF APPLICANT/ORGANIZATION: UNH Wildcat Marching Band

NAME OF EVENT: UNH Wildcat Marching Band Pre-Game Parade

PERSONAL CONTACT FOR THIS EVENT: Casey Goodwin

ADDRESS: 30 Academic Way; PCAC Dept. of Music; Durham, NH 03824

TELEPHONE NO.: DAY: (603) 862-3259 EVENING: (603) 781-4259

EMAIL: Casey.Goodwin@unh.edu

DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel. Please attach maps denoting routes and road closures):

The marching band will march a brief "parade" from Main St. in front of Thompson Hall to the entrance of Cowell Stadium before football games on the Saturdays listed above. Cheerleaders may also join us on occasion.

ANTICIPATED NUMBER OF PARTICIPANTS:   95  

ANTICIPATED NUMBER OF VEHICLES:   0

CERTIFICATE OF INSURANCE INFORMATION

As evidence of its financial ability to indemnify the Town of Durham, during the term of this agreement, the applicant shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Town of Durham as an Additional Insured shall be provided.

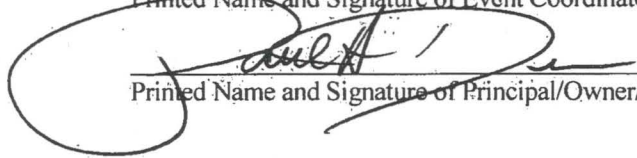
Insurance Carrier: On file

Policy Number and Expiration Date: \_\_\_\_\_

The undersigned hereby agrees, at its sole cost and expense, to defend, indemnify and hold harmless the Town of Durham and all associated, affiliated, allied and subsidiary entities of the Town, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, and contractors (hereinafter referred to as "indemnities") from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against the indemnities by reason of any act or omission of the undersigned, its personnel, employees, agents, contractors or subcontractors which results in damage or injury of any kind to any person or any property and which arises out of or is any way connected with the activities permitted by this permit.

Casey S. Goodwin   
Printed Name and Signature of Event Coordinator/applicant

8/6/2013  
Date

  
Printed Name and Signature of Principal/Owner/Authorizing Authority

8/6/13  
Date

\*\*\*\*\*

**FOR OFFICIAL USE ONLY**

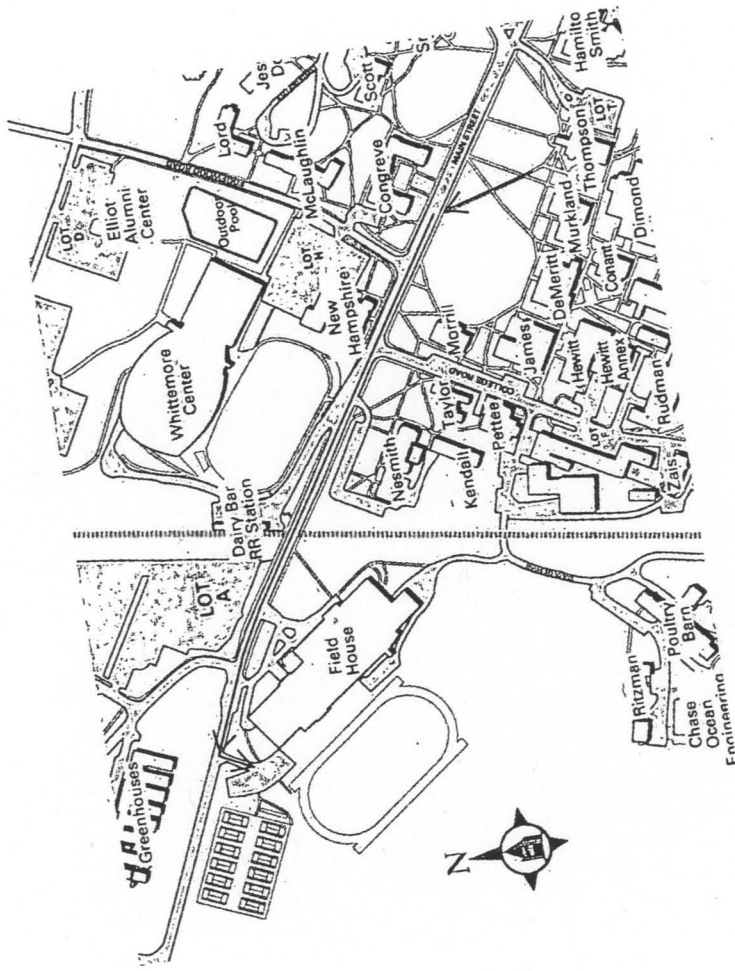
Reviewed by DPW  OK  
Comments:

Reviewed by PD  OK - SSE attached  
Comments:

Reviewed by FD  See attached  
Comments:

Reviewed by P&R  OK  
Comments:

Approved:  \_\_\_\_\_  
Todd I. Selig, Administrator Date



## Barbara Gehres

---

**From:** John Powers  
**Sent:** Monday, August 19, 2013 12:56 PM  
**To:** Barbara Gehres  
**Subject:** RE: Annual UNH Marching Band Permit Application for Home Football Games

FD is ok so long as they know the road must be yielded to emergency vehicles responding to calls.

Thanks!

-----Original Message-----

**From:** Barbara Gehres  
**Sent:** Thursday, August 08, 2013 2:46 PM  
**To:** John Powers; Rene Kelley; Stefanie Frazee; Melissa Perusse; Janice Richard  
**Subject:** FW: Annual UNH Marching Band Permit Application for Home Football Games

For your review and comments

Thanks  
Barbara

-----Original Message-----

**From:** Jen Berry  
**Sent:** Thursday, August 08, 2013 1:59 PM  
**To:** Barbara Gehres  
**Cc:** Janice Richard  
**Subject:** FW: Annual UNH Marching Band Permit Application for Home Football Games

Hi Barb,

Can you please start this through the approval process? This will need to go on the September 9th Council agenda once it comes back to us.

Jen-

-----Original Message-----

**From:** Davis, Megan [<mailto:megan.davis@unh.edu>]  
**Sent:** Thursday, August 08, 2013 1:50 PM  
**To:** Todd Selig; Dean, Paul; Janice Richard; Jen Berry  
**Cc:** Rubinstein, Mark  
**Subject:** RE: Annual UNH Marching Band Permit Application for Home Football Games

Dear Todd,

If I may take the liberty of jumping in, attached is a signed request from Paul. He attached this to his email but perhaps you didn't see it -- or is there some other paperwork required now?

Hard to believe football season is just around the corner...

## Barbara Gehres

---

**From:** Rene Kelley  
**Sent:** Thursday, August 08, 2013 3:24 PM  
**To:** Barbara Gehres; John Powers; Stefanie Frazee; Melissa Perusse; Janice Richard  
**Subject:** RE: Annual UNH Marching Band Permit Application for Home Football Games

Ok with police. UNH Police will provide traffic control and Main Street will be blocked for only a short period of time.

Rene

-----Original Message-----

**From:** Barbara Gehres  
**Sent:** Thursday, August 08, 2013 2:46 PM  
**To:** John Powers; Rene Kelley; Stefanie Frazee; Melissa Perusse; Janice Richard  
**Subject:** FW: Annual UNH Marching Band Permit Application for Home Football Games

For your review and comments

Thanks  
Barbara

-----Original Message-----

**From:** Jen Berry  
**Sent:** Thursday, August 08, 2013 1:59 PM  
**To:** Barbara Gehres  
**Cc:** Janice Richard  
**Subject:** FW: Annual UNH Marching Band Permit Application for Home Football Games

Hi Barb,

Can you please start this through the approval process? This will need to go on the September 9th Council agenda once it comes back to us.

Jen-

-----Original Message-----

**From:** Davis, Megan [<mailto:megan.davis@unh.edu>]  
**Sent:** Thursday, August 08, 2013 1:50 PM  
**To:** Todd Selig; Dean, Paul; Janice Richard; Jen Berry  
**Cc:** Rubinstein, Mark  
**Subject:** RE: Annual UNH Marching Band Permit Application for Home Football Games

Dear Todd,

If I may take the liberty of jumping in, attached is a signed request from Paul. He attached this to his email but perhaps you didn't see it -- or is there some other paperwork required now?

Hard to believe football season is just around the corner...

**Barbara Gehres**

---

**From:** Stefanie Frazee  
**Sent:** Monday, August 12, 2013 3:02 PM  
**To:** Barbara Gehres  
**Subject:** RE: Special Event-marching band

OK with P&R.

**Stefanie Frazee**  
Parks & Recreation Director  
Town of Durham

2 Dover Road  
Durham, NH 03824  
603.817.4074

---

**From:** Barbara Gehres  
**Sent:** Monday, August 12, 2013 2:48 PM  
**To:** Stefanie Frazee  
**Subject:** RE: Special Event-marching band

Welcome Back.... Do you have a response for UNH Wildcat Marching Band?

---

**From:** Stefanie Frazee  
**Sent:** Monday, August 12, 2013 1:21 PM  
**To:** Barbara Gehres; John Powers; Janice Richard; Rene Kelley; Melissa Perusse  
**Subject:** RE: Special Event

OK with P&R.

**Stefanie Frazee**  
Parks & Recreation Director  
Town of Durham

2 Dover Road  
Durham, NH 03824  
603.817.4074

---

**From:** Barbara Gehres  
**Sent:** Friday, August 02, 2013 1:29 PM  
**To:** John Powers; Stefanie Frazee; Janice Richard; Rene Kelley; Melissa Perusse  
**Subject:** Special Event

Hi All,

Please see attached for you review

CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

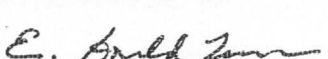
PRODUCER USI Insurance Svcs of NE, Inc. PO Box 6360 Manchester, NH 03108-6360 603 625-1100	CONTACT NAME: PHONE (A/C, No, Ext): 603 625-1100	FAX (A/C, No):	
	E-MAIL ADDRESS:		
INSURED University System Of New Hampshire 27 Concord Rd., Myers Financial Center ATTN: Justine Hebert Durham, NH 03824-0000	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : United Educators Ins, Recip Ris		10020
	INSURER B : Acadia Insurance Company		31325
	INSURER C :		
	INSURER D :		
INSURER E :			
INSURER F :			

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CGL201200027700	11/01/2012	11/01/2013	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$INCLUDED GENERAL AGGREGATE \$3,000,000 PRODUCTS - COMP/OP AGG \$
R	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CAA150094423	11/01/2012	11/01/2013	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$1,000,000			GLX201200027700	11/01/2012	11/01/2013	EACH OCCURRENCE \$20,000,000 AGGREGATE \$20,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability			LPD201200027700	11/01/2012	11/01/2013	\$1,000,000 Ea. Incident \$3,000,000 Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Additional Insured Status Is Provided Where Required by Contract  
 \*\*Supplemental Names\*\* University of New Hampshire at Durham, University of New Hampshire at Manchester, Keene State College, Plymouth State University, NHPB, New Hampshire Public Television(NHPTV), University of New Hampshire Foundation, Inc., UNH Alumni Association, Center for Public Responsibility and Corporate Citizenship, Granite State College, New Hampshire Fiber Network, Inc.,(NHFN, Inc.)  
 (See Attached Descriptions)

CERTIFICATE HOLDER Town of Durham ATTN: Ms. Jenny Berry 15 Newmarket Street Durham, NH 03824	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

DESCRIPTIONS (Continued from Page 1)

E: Town of Durham is an Additional Insured for any event held by the University System of NH.



Item No.	Description	Quantity	Unit	Price	Total
1	...	...	...	...	...
2	...	...	...	...	...
3	...	...	...	...	...
4	...	...	...	...	...
5	...	...	...	...	...
6	...	...	...	...	...
7	...	...	...	...	...
8	...	...	...	...	...
9	...	...	...	...	...
10	...	...	...	...	...
11	...	...	...	...	...
12	...	...	...	...	...
13	...	...	...	...	...
14	...	...	...	...	...
15	...	...	...	...	...
16	...	...	...	...	...
17	...	...	...	...	...
18	...	...	...	...	...
19	...	...	...	...	...
20	...	...	...	...	...
21	...	...	...	...	...
22	...	...	...	...	...
23	...	...	...	...	...
24	...	...	...	...	...
25	...	...	...	...	...
26	...	...	...	...	...
27	...	...	...	...	...
28	...	...	...	...	...
29	...	...	...	...	...
30	...	...	...	...	...
31	...	...	...	...	...
32	...	...	...	...	...
33	...	...	...	...	...
34	...	...	...	...	...
35	...	...	...	...	...
36	...	...	...	...	...
37	...	...	...	...	...
38	...	...	...	...	...
39	...	...	...	...	...
40	...	...	...	...	...
41	...	...	...	...	...
42	...	...	...	...	...
43	...	...	...	...	...
44	...	...	...	...	...
45	...	...	...	...	...
46	...	...	...	...	...
47	...	...	...	...	...
48	...	...	...	...	...
49	...	...	...	...	...
50	...	...	...	...	...
51	...	...	...	...	...
52	...	...	...	...	...
53	...	...	...	...	...
54	...	...	...	...	...
55	...	...	...	...	...
56	...	...	...	...	...
57	...	...	...	...	...
58	...	...	...	...	...
59	...	...	...	...	...
60	...	...	...	...	...
61	...	...	...	...	...
62	...	...	...	...	...
63	...	...	...	...	...
64	...	...	...	...	...
65	...	...	...	...	...
66	...	...	...	...	...
67	...	...	...	...	...
68	...	...	...	...	...
69	...	...	...	...	...
70	...	...	...	...	...
71	...	...	...	...	...
72	...	...	...	...	...
73	...	...	...	...	...
74	...	...	...	...	...
75	...	...	...	...	...
76	...	...	...	...	...
77	...	...	...	...	...
78	...	...	...	...	...
79	...	...	...	...	...
80	...	...	...	...	...
81	...	...	...	...	...
82	...	...	...	...	...
83	...	...	...	...	...
84	...	...	...	...	...
85	...	...	...	...	...
86	...	...	...	...	...
87	...	...	...	...	...
88	...	...	...	...	...
89	...	...	...	...	...
90	...	...	...	...	...
91	...	...	...	...	...
92	...	...	...	...	...
93	...	...	...	...	...
94	...	...	...	...	...
95	...	...	...	...	...
96	...	...	...	...	...
97	...	...	...	...	...
98	...	...	...	...	...
99	...	...	...	...	...
100	...	...	...	...	...



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: **# 8A**

DATE: September 9, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Charles A. (Chip) Noon, 9 Littlehale Road

**AGENDA ITEM:** SHALL THE TOWN COUNCIL APPOINT CHARLES (CHIP) NOON, 9 LITTLEHALE ROAD, TO FILL A VACANCY ON THE HISTORIC DISTRICT/HERITAGE COMMISSION?

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Todd Selig, Administrator

**AGENDA DESCRIPTION:**

On April 1, 2013, the Council made its annual appointments to various Town boards, commissions, and committees. The Historic District/Heritage Commission currently has a vacancy to be filled with a term expiration of April 30, 2016.

Please find attached an application for board appointment submitted by Charles (Chip) Noon, 9 Littlehale Road, requesting appointment to the HDC/HC.

Mr. Noon has attended a meeting of the HDC/HC, and the Commission recommends Mr. Noon for appointment (see attached). Mr. Noon has been invited to and plans to attend Monday evening's meeting relative to his request for appointment to the commission.

**LEGAL AUTHORITY:**

Section 11.5 "Vacancies in Elected or Appointed Office" states that, *"Unless otherwise specified in this Charter, in the event of a vacancy in an elected or appointed office, board, commission or committee of the town, the Town Council shall fill that vacancy by appointment, such appointment to continue until the next town election for elected positions or the remainder of a person's term if an appointed position."*

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION:**

*The Durham Town Council does hereby appoint Charles (Chip) Noon, 9 Littlehale Road, to fill a vacancy on the Historic District/Heritage Commission with a term to expire on April 30, 2016.*

## Jen Berry

---

**Subject:** FW: HDC board member application

**From:** Peter Stanhope [<mailto:pestanhope@stanhopegroup.com>]

**Sent:** Thursday, August 29, 2013 11:57 AM

**To:** Jen Berry

**Subject:** RE: HDC board member application

Jennie

Mr. Noon attended our last meeting at my invitation. I know Mr. Noon from when we both had occasion to be involved in Portsmouth activities. He is someone who will add to our current diverse mix of points of view on the HDC I encourage the TC to appoint Mr. Noon to the open seat on the HDC.

Regards

Peter Stanhope

---

**From:** Jen Berry [<mailto:jberry@ci.durham.nh.us>]

**Sent:** Wednesday, August 28, 2013 11:08 AM

**To:** [pestanhope@stanhopegroup.com](mailto:pestanhope@stanhopegroup.com)

**Cc:** Michael Behrendt

**Subject:** FW: HDC board member application

Hi Peter,

Please find attached an application for appointment from Chip Noon who is interested in serving on the HDC/HC. Once you and/or the committee has had an opportunity to meet with Mr. Noon, please forward comments along to me with regard to his appointment. Once I hear from you, I can then schedule a Council meeting date for this appointment to be brought forward if that is the Commission's desire.

Thank you.

Jennie-

**From:** Chip Noon [<mailto:chip@csnoon.com>]

**Sent:** Monday, August 26, 2013 6:56 PM

**To:** Jen Berry

**Cc:** [pestanhope@stanhopegroup.com](mailto:pestanhope@stanhopegroup.com); Todd Selig; Michael Behrendt

**Subject:** HDC board member application

Hi Jen,

Attached please find my application for the HDC opening and a resume. If there is anything else you need, please contact me.

Thank you.

Chip

---

Charles A. Noon III  
9 Littlehale Road  
Durham, NH 03824  
603-866-1121  
[chip@csnoon.com](mailto:chip@csnoon.com)



## Town of Durham

15 Newmarket Road  
Durham, NH 03824-2898  
Tel: 603/868-5571  
Fax 603/868-5572  
jberry@ci.durham.nh.us

### Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member       New appointment/alternate member   
Reappointment/regular member       Reappointment/alternate member

Name: Charles A. Noon III

Date: August 26, 2013

Address: 9 Littlehale Road, Durham, NH 03824

E-Mail Address: chip@csnoon.com

Home Telephone: 603-866-1121

Board/Commission/Committee you are interested in being appointed to. (Please list in order of preference, if interested in more than one appointment).

1. Historic District Commission
- 2.
- 3.

**NOTE: New applicants are asked to please attend a meeting(s), as well as meet separately with, chairperson(s) of the committees for which they are applying prior to submitting an application for appointment.**

Circle one: I **have** / ~~have not~~ attended a meeting(s) of the committee(s) listed above.

Circle one: I **have** / ~~have not~~ met with the chairperson of the committee(s) listed above.

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee: I've been an advocate of historic districts since Portsmouth first introduced the concept (I used to live in Portsmouth). I feel that it is important, indeed, vital that towns preserve their cultural and architectural heritage, not only for future generations, but also for economic considerations favoring historically intact communities. I am, however, keenly aware of the sometimes added costs when renovating a structure and therefore feel that it is important to work with a homeowner/developer to assure that all parties are satisfied.



## Charles A. Noon III

9 Littlehale Road, Durham, NH 03824  
Telephone: 603-866-1121 - Email: chip@csnoon.com

### QUALIFICATIONS:

Expertise in long- and short-range planning; organizational development  
Demonstrated ability to train and motivate employees and volunteers  
Demonstrated success in marketing retail, consumer, arts, entertainment, and professional services  
Polished communicator; spokesperson in print and broadcast media  
Proficient in MS Office applications, Adobe Creative Suite, Dreamweaver, ACT, WS\_FTP Pro

### EDUCATION

MA in Counseling Psychology, Antioch-New England Graduate School, Keene, NH  
Post Graduate work in Literature at *l'Universita degli Stranieri*, Pisa, Italy  
BA in English, with Distinction, Rutgers College, New Brunswick, NJ

### PROFESSIONAL EXPERIENCE

- 2000-Present Consultant  
**CS Noon Marketing & Communications, Durham, NH**  
Specialists in nonprofit and small business communications  
**Publisher:** *Arts, Crafts & Historic Sites of New Hampshire, Map & Guide*
- 2007-2009 Director  
**Rochester Main Street**  
Responsibilities: Plan and implement the National Main Street program for the re-development of Downtown Rochester, NH
- 2004-2005 Adjunct Faculty  
**University of New Hampshire** - Introduction to Public Relations
- 1998-2000 Teacher – Pre-K to Middle School  
**Sacred Heart School-Hampton, NH and St. Patrick School-Portsmouth, NH**  
Responsibilities: Lesson planning and the delivery of music education
- 1996-1998 Production Manager/HR Director  
**Beswick Engineering**  
Responsibilities: production of miniature fluid power parts and assemblies, including supervision of staff of fifteen assemblers, four machinists, working in conjunction with engineers and designers.  
Accomplishments:
  - Stabilized hourly employee staff
  - Introduced health and safety policies and procedures where none had existed before
  - Developed policies and procedures for the human resources department
  - Developed and implemented policies and procedures for production department
- 1995-1996 Director of Network Development  
**PhyMatrix, Inc., West Palm Beach, FL/Needham, MA**  
A physician practice management, integrated delivery service, and disease management company developing networks of healthcare providers.  
Responsibilities: Purchase of physician practices and the development of an Integrated Delivery System in the Northeast.
- 1993-1995 Director of Marketing & Physician Relations  
**Jupiter Medical Center, Jupiter, FL**  
156-bed not-for-profit community hospital, 120-bed nursing home, ambulance company, home health agency, and cancer center serving Palm Beach and Martin Counties.  
Responsibilities: Market research, physician and patient satisfaction surveys, competitor analysis; advertising; telecommunications; internal publications; operational planning; community relations; physician liaison and promotion; development and promotion of outreach clinics.

1987-1993 President

**Noon & Company, Portsmouth, NH**

Specialized in marketing, advertising, communications, healthcare, economic development, political issues, and organizational development for a variety of industries.

Accomplishments:

- Designed and implemented sales program for a psychiatric/chemical dependency hospital
- Designed and implemented a complete sales program for an acute care hospital
- Orchestrated for a travel agency the opening of one branch office and the closing of two others
- Designed a complete corporate identity program for an engineering/real estate/appraisal company
- Brought six political and land-use campaigns to successful conclusions

1981-1987 Director of Marketing

**HCA Portsmouth Regional Hospital, Portsmouth, NH**

A 144-bed, for-profit acute-care facility serving Seacoast New Hampshire and Southern Maine.

Responsibilities: Marketing, public relations, professional recruitment and physician relations, primary care office development, and business development.

Accomplishments

- Successfully introduced a for-profit organization to the community to rescue a failing hospital
- Designed the successful damage control response after an accidental death in the operating room
- Created and staffed three primary care outreach physician offices
- Appointed by Corporate to the national marketing advisory council for HCA

1977-1981 Consultant/Business Manager

**The Center for Constructive Change, Durham, NH**

The Center is an international consulting firm whose mission is to teach organizations and individuals a method for planning and managing change. Clients include Fortune 500 companies, state and local governments, Federal agencies, school districts, and a variety of other companies and organizations.

Consulted in human resource development, training, strategic and tactical planning for organizations; led seminars and in-house consulting projects.

Accomplishments:

- Created and facilitated a community-wide redevelopment organization that involved over 1,000 volunteers and 150 projects
- Facilitated the reorganization of a community hospital focused on measurable outcomes

**ADDITIONAL EXPERIENCE**

- Instructor: University of New Hampshire, Intro to Public Relations; Antioch-New England Graduate School (Professional Seminar); Golden Gate University (Marketing; Healthcare Policy and Planning); University System of NH, College for Lifelong Learning (Marketing)
- Portsmouth City Councilor (two terms, undefeated), 1987-1991; Member, City of Portsmouth Planning Board, 1987-1989; Taxi Commissioner, 1987-1991; Trustee, Portsmouth Public Library
- Past President, Portsmouth Men's Chorus; Past Chair, Board of Governors, South Church, Portsmouth; Past Board Memberships for the American Cancer Society, the American Heart Association, Association of Retarded Citizens, Boy Scouts of America, New Hampshire State Veterans Council, Portsmouth, NH and Jupiter, FL Rotary Clubs, The Center for Constructive Change; First President of Pro-Portsmouth, Durham-Great Bay Rotary Club Board
- Columnist, *Portsmouth Press*; Host of radio talk show, "Health Talk;" Co-host of local TV program, "Inside the Issues"
- Players Ring, actor
- Singer: NH Choral Society, Portsmouth Men's Chorus, Granite State Opera Company, York Singers, Palm Beach Opera, Baltimore Opera
- Unitarian Church, Choir Director
- Publisher/Editor *Penumbra Arts Quarterly*
- Military Service: 1st Lieutenant, Platoon Leader and Military Intelligence Special Agent, US Army, Vietnam, Bronze Star



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: **# 8B**

DATE: September 9, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Nathan Trauntvein and Doreen Wachenschwanz, Parks and Recreation Committee

**AGENDA ITEM:** SHALL THE TOWN COUNCIL TRADE THE APPOINTMENTS OF PARKS & RECREATION COMMITTEE MEMBERS NATHAN TRAUNTVEIN AND DOREEN WACHENSCHWANZ THEREBY ALLOWING MS. WACHENSCHWANZ TO SERVE AS COMMITTEE CHAIR?

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Administrator

**AGENDA DESCRIPTION:**

Parks and Recreation chair Nathan Trauntvein notified the Administrator's office that he desires to step down as the current chair and that alternate member Doreen Wachenschwanz would like to assume the position of committee chair (see attached email correspondence). In order for this to occur, Ms. Wachenschwanz must have a regular member appointment. There are currently no vacancies on the Parks and Recreation Committee. Therefore, it is recommended that the Town Council "swap" the appointments of Mr. Trauntvein and Ms. Wachenschwanz thereby allowing committee members to appoint Ms. Wachenschwanz as the Parks & Recreation Committee chair.

**LEGAL AUTHORITY:**

Section 11.5 "Vacancies in Elected or Appointed Office" states that, "Unless otherwise specified in this Charter, in the event of a vacancy in an elected or appointed office, board, commission or committee of the town, the Town Council shall fill that vacancy by appointment, such appointment to continue until the next town election for elected positions or the remainder of a person's term if an appointed position."

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION 1:**

*The Durham Town Council does hereby appoint Doreen Wachenschwanz to the regular member position on the Parks & Recreation Committee currently filled by Nathan Trauntoein with a term expiration of April 30, 2015.*

**MOTION 2:**

*The Durham Town Council does hereby appoint Nathan Trauntoein to the alternate member position on the Parks & Recreation Committee currently filled by Doreen Wachenschwanz with a term expiration of April 30, 2016.*

## Jen Berry

---

**From:** bikeyooohoo@gmail.com on behalf of Nate Trauntvein <neh34@unh.edu>  
**Sent:** Sunday, August 25, 2013 6:04 PM  
**To:** Jen Berry; Stefanie Frazee; Doreen Wachenschwanz  
**Subject:** DPR Approved Meeting Minutes for July 11 meeting.  
**Attachments:** DPR 7.11.13 July Meeting Minutes.docx

Hey Jen,

Attached are the meeting minutes for the DPR July 11 meeting. They have been approved by the committee at our August 22 meeting.

We also had a change in leadership at our last meeting. Doreen Wachenschwanz has agreed to serve as our new committee chair. Since she was serving as our committee's alternate, I will be switching roles and terms with her. I will take her alternate position and she can take my position and role as chair. Does that work for you and the town? If so, this change will be effective in September. I will still be presenting to the town council in September, but Doreen will otherwise be serving as our committee chair.

Please do not hesitate to call or email me if you have any questions. I have cc'd Doreen and Stefanie on this email as well.

Thanks,

Nate

--

Nate Trauntvein  
University of New Hampshire  
Recreation Management & Policy Department  
109 Hewitt Hall  
Durham, NH 03824  
Office: (603) 862-0670  
Cell: (435) 770-7430  
Email: [neh34@unh.edu](mailto:neh34@unh.edu)

**Jen Berry**

---

**Subject:** FW: DPR Approved Meeting Minutes for July 11 meeting.

---

**From:** doreen wachenschwanz [<mailto:lilmscaddy@yahoo.com>]  
**Sent:** Thursday, August 29, 2013 12:24 PM  
**To:** Jen Berry; [bikeyoohoo@gmail.com](mailto:bikeyoohoo@gmail.com)  
**Cc:** Stefanie Frazee  
**Subject:** Re: DPR Approved Meeting Minutes for July 11 meeting.

Jen.

Please pursue with having me appointed as a regular members position on the Park & Rec board.

Thanks,

Doreen Wachenschwanz



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

AGENDA ITEM: # **9A**

DATE: September 9, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Durham Town Charter

**AGENDA ITEM:** RECEIVE ANNUAL REPORT ON THE ECONOMIC DEVELOPMENT COMMITTEE (EDC) – UTE LUXEM, CHAIR

**CC PREPARED BY:** Jennie Berry, Administrative Assistant

**PRESENTED BY:** Ute Luxem, EDC Chair

**AGENDA DESCRIPTION:**

Section 11.1 (I) of the Durham Town Charter requires that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year.

Attached for the Council's information is a written report submitted by EDC Chair Ute Luxem. Ms. Luxem will be present at Monday night's meeting to provide a brief update to the Town Council regarding current activities of the Committee.

**LEGAL AUTHORITY:**

Section 11.1 (I) of the Durham Town Charter.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

*No formal action required. Hear presentation by Ute Luxem regarding the Economic Development Committee and hold question and answer session if desired.*

## **Economic Development Committee**

Ute Luxem, Chair

The mission of the Durham Economic Development Committee is to foster the stabilization of the residential tax burden through thoughtful economic development that encourages diverse business, commercial, office, and research activities, maintains and creates jobs, creates a good mix of uses, builds the dynamism and vitality of our downtown, and maintains the rural character of Durham. When appropriate, we seek to make recommendations to the Town Council as well as other boards and committees.

The EDC views its role as a catalyst for economic development, an advocate for local businesses, and a champion for innovation through the facilitation of research, ideas, and creativity.

Durham is very fortunate to have the energy and dedication of EDC Member and vice chair Ray Rodon, Town Councilor Carden Welsh, Anthony Raimondo, and Rene Capicchioni Vannetta and Planning Board member Andrew Corrow focused on Economic Development in the year ahead.

We thank Town Planner Michael Behrendt and Town Administrator Todd Selig for their support and guidance.

The EDC meets monthly, typically on the third Tuesday. We welcome and encourage public participation in our meetings and activities and are pleased to welcome the Durham Business Association to our meeting scheduled on September 17, 2013 at the Town Council Chambers.

Accomplishments since the 2012 presentation:

### **New and existing businesses**

- The EDC offers an opportunity to local retailers and service providers to advertise their business at the beginning of a meeting. This is an excellent and free marketing tool to our local businesses as these EDC meetings are widely watched on local TV within our community.
- We are very happy to see new businesses come to Town. We wish them and our existing, long time business community the most of success. If you see processes that can be made more customer friendly, please make sure to let us know. We want our businesses to be successful and do what we can to support you.
- Businesses that spoke to the EDC were Karen Larson of the Candy Bar, Steve Weglarz of Proactive Energy, Tom Elliott on Elliott Rand LLC, Ken Rubin of Golden Goose, LLC, Colleen Fuerst and Jim Dreher of Durham

Boat Company, and Eric Chinburg and Bob Machewka on the Durham Business Park.

## Education

Members of the EDC strive to provide guidance based on information. Since the last presentation, we invited:

- January:** Michael Bergeron of the Department of Resources and Economic Development (DRED) to give a presentation on how Durham can use State Resources to attract businesses to our Town. We learned that major obstacles to traction of incoming businesses were:
- Lack of inventory of commercial space (The only listing in January was the future location of the Durham Town Hall which was under contract at that time)
  - Lack of information readily available on the Town web site
  - Single point of contact within the community for incoming businesses.

Since this meeting,

- The Durham Business Park is listed with One Commercial Real Estate Broker, Bob Machewka.
- Stone Quarry Drive is listed with David Garvey Companies
- Garvey Companies are listing the downtown inventory
  
- EDC members Anthony Raimondo and Renee Capicchioni Vannetta worked on the Economic Development section of the Town web site to make it more user friendly and provide information necessary for businesses seeking information.
  
- Town Planner Michael Behrendt has information available for incoming businesses and developers to inform them of our inventory, rules and regulations.

- May:** Cynthia Copeland and Michelle Miers of the Strafford Regional Planning Commission (SRPC) visited in May and shared information about the Comprehensive Economic Development Strategy (CEDS) for Strafford County.
- The CEDS recognizes that no town and city can accomplish much in Economic Development without working together with their neighbors to create a community.
  - The CEDS recognizes a regional approach to job creation, workforce training, and many more aspects of economic development.

- Members of the CEDS committee represent different educational institutions, municipalities, Economic Development organizations, and private businesses.

SRPC was looking for support in creating an Economic Development District (EDD) which makes it easier for municipalities to apply for EDA funds. With an EDD in place, a municipality will not be required to provide proof of hardship for every single project applying for EDD funds. As an example, Rochester received a significant grant to extend water and sewer lines into East Rochester which will help Stonewall Kitchen and the Market Basket Plaza. In addition, the project will increase the water pressure in this area, improving private residences.

After discussion, the EDC asked the Town Administrator to draft a letter of support to SRPC for their application as an EDD district, which he did.

**August:** Town Code Enforcement Officer Tom Johnson gave an overview about codes in general and enforcement in Durham.

### **Up-coming:**

We initiated contact between the Durham Business Association and the Greater Dover Chamber of Commerce to give businesses the opportunities to explore ways to work together for the benefit of our Durham business community. We are very interested in learning of any news and updates at our September meeting.

### **Master Plan Updating**

- The EDC created a Master Plan Subcommittee with members Carden Welsh, Jim Lawson and Ute Luxem. Please allow me to thank our former member Yusi Wang Turrell for many hours of draft work during 2011 and 2012. The subcommittee is tasked with bringing a workable draft to the full EDC, which will then help to finalize the chapter before it will be presented to the Master Plan Advisory Committee. The chair of the EDC serves as a member of the Master Plan Advisory Committee as well. We held a workshop in January and are planning on a second one this fall.

### **Downtown Streetscape Improvements**

- The EDC has supported the creation of a sign highlighting Jenkins Court businesses and wants to thank Town staff for creating a thoughtful and visible design that meets our communities' desire for quality and guides our residents and guests to the nice businesses as Jenkins Court.

## **Impact of necessary Capital Improvements on local taxes**

The EDC is concerned about the town's many necessary Capital Improvements; some of which have been deferred for many years. The town needs to address them in the near future, and this puts further urgency into our efforts to increase the commercial tax base in order to avoid large increases in the residential tax rate.

## **Zoning Changes to Encourage Downtown Redevelopment**

- We are pleased with Town Planner Michael Behrendt's Design Guidelines and Standards for the non-residential commercial core. This measure adds clarity to our expectation of quality construction in Durham and provides guidance to a developer. We are very hopeful that this measure will support the Planning Boards efforts to create an aesthetically pleasing downtown.

## **Stafford County Comprehensive Economic Development Strategy (CEDS)**

- Committee members continue to participate in the public process to update Stafford County's CEDS document. Currently, four potential public funding opportunities in support of Durham' redevelopment goals are listed in the document.

## **Investor, Developer, and Supporting Organization Outreach**

- Extended Durham's profile and relationships with current and potential partners in Durham's development, including banks, developers, business owners, and other economic development entities.
- Durham hosted a Commercial Realtor meeting at Pease International Tradeport in August at which about 50 people attended. Tom Johnson shared information about Code enforcement and Michael Beherendt about the Planning Process. The Town of Durham generated positive responses from many participants about the professionalism they encountered with Town staff.
- An EDC member is assigned to the newly created Technical Review Committee to support business applicants through the early stages of the application process

## **EDC Goals for 2013**

- Completion of the Economic Development Chapter of the Master Plan updates

- Reach out to potential investors and developers.
- Reach out to businesses that have an interest in locating in Durham's new commercial space, especially those that create desirable jobs.
- Keep an open door policy with UNH's commercialization efforts.
- As we have learned, we cannot stop change from happening – but we can shape its direction. Volunteers at the EDC donate many hours of dedicated time to address Durham's economic development needs. Many have reached the limits of what they can reasonably provide without constraining their actual jobs. Please consider the need to hire a staff person responsible for Economic Development. The search for a part time person has been less than successful during the last year, partly because highly qualified part time employees are hard to find. I would like to encourage the Town Council to consider hiring a full time person.

Respectfully submitted

Ute Luxem  
Chair of the  
Economic Development Committee



DEPARTMENT OF PUBLIC WORKS  
TOWN OF DURHAM  
100 STONE QUARRY DRIVE  
DURHAM, N.H. 03824  
603/868-5578  
FAX 603/868-8063

AGENDA ITEM: # **9B**

DATE: May 20, 2013

## COUNCIL COMMUNICATION

**INITIATED BY:** Public Works Department/Parks and Recreation

**AGENDA ITEM:** PRESENTATION AND AWARD OF CONTRACT TO RINK SERVICES GROUP OF EPPING, NH FOR MANAGEMENT OF THE CHURCHILL RINK AT JACKSON'S LANDING RECREATIONAL AREA FOR THE 2013/2014 SKATING SEASON

**CC PREPARED BY:** Michael Lynch, Public Works Director  
Stefanie Frazee, Parks and Recreation Director

**PRESENTED BY:** Todd I. Selig, Administrator  
Michael Lynch, Public Works Director  
Stefanie Frazee, Parks and Recreation Director

### **AGENDA DESCRIPTION:**

The ice skating rink at Jackson's Landing is celebrating its 40<sup>th</sup> season this year and Town Staff investigated several ways to manage the rink for the upcoming skating season. Staff chose to advertise for a professional management company and try a one year trial contract for this professional service.

This communication gives a brief history of the rink. Outlines the Request for Proposal process and results, and makes a recommendation to the Town Council supported by the Town Administrator, Business Manager, Parks & Recreation Director and Public Works Director.

### **Rink History**

- 16 acres of land purchased from the Jackson Family by the Town for a skating rink and other recreational options specified in the deed by the Jackson Family.
- Built by Dr. Robert Barth and Bill Davison in 1973.
- Managed by the Department of Public Works, 1973-1993, 2007-2013.
- Managed by Oyster River Youth Association, 1994-2006.

- Rink provides rental ice times, structured hockey programs, public skates and special skating events.

Request for Proposal

The Departments of Public Works & Parks & Recreation developed and advertised a Request for Proposal (RFP) on July 24, 2013. The RFP specifications included the following:

- Rink Staffing
- Facility Opening & Closing
- Maintenance of all Operating Equipment
- Ice in and out
- Cash Management
- Invoicing
- Collections
- Scheduling
- Notices
- Operation of Snack Bar & Skate Sharpening Services
- Assist with Annual Budget Preparation
- One Year Contract
- Incentive Program

Request for Proposals were also mailed out to the five companies listed below:

- FMC Ice Sports, Pembroke, Massachusetts
- Rink Services Group, Epping, New Hampshire
- North Shore Skating Rink Management, Inc., Newburyport, Massachusetts
- American Skating & Entertainment Centers, Elmsford, New York
- Firland Management, LLC, Lewiston, Maine

Rink Services Group was the only RFP the Town received. Parks and Recreation & DPW met with Gary Warriner, founder of Rink Services Group recently and found Mr. Warriner very knowledgeable about the rink business and intimately familiar with the Churchill Rink. Both Parks and Recreation Director Stefanie Frazee and Public Works Director Mike Lynch believe Rink Services Group is qualified and capable of performing this service for the town.

**See attached Rink Services Group company profile.**

**LEGAL AUTHORITY:**

Article VI, Section 4-20 of the Administrative Code of the Town of Durham states: Professional Services contracts of \$15,000 or more may be entered into after receiving proposals from various interested firms, evaluating those proposals and anticipated quality of service to be rendered, and Town Administrator

\$15,000 may be procured in a manner deemed responsible and prudent by the Town administrator

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

4 Year Average for Churchill Rink:

Revenues \$166,863  
 Expenditures \$144,902 (including capital expenses)

Rink Services Group Proposal

\$74,000 per Skating Season (October 2013 - March 2014) PLUS Incentive Proportion of Profits (33% of profits before capital expenses)

4 year average of profits before capital expenses = \$48,937  
 33% Incentive Proportion of Profits estimated at \$16,150

Total estimated cost of contract with Rink Services Group of Epping, NH - \$90,150

A significant financial reason to contract out the management of the rink is the Affordable HealthCare Act which will require employers to offer health benefits effective January 1, 2014 to any employee who works 30 or more hours per week. Three rink employees may be eligible for these benefits if they were town employees.

Skating Season 4-Year Comparison					
	2009 - 2010 Season Total	2010 - 2011 Season Total	2011 - 2012 Season Total	2012 - 2013 Season Total	4-Year Average
Total Revenue	\$ 157,648.35	\$ 159,793.74	\$ 166,683.37	\$ 183,326.68	\$ 166,863.04
Payroll Related Expenditures	40,669.63	53,370.17	53,703.36	63,669.49	52,853.16
Electricity	38,561.49	36,613.25	32,106.37	27,663.24	33,736.09
Heating Fuel	2,547.98	4,230.87	5,959.99	3,960.62	4,174.87
General Supplies	6,594.72	10,131.31	9,072.67	18,828.95	11,156.91
Contracted Services	5,323.11	6,286.15	10,161.64	5,712.40	6,870.83
Princ - 2008 General Obligation Bond	3,650.00	3,650.00	3,350.00	3,350.00	3,500.00
Int - 2008 General Obligation Bond	991.25	1,082.75	977.50	815.00	966.63
Miscellaneous Expenditures	11,431.37	7,502.91	4,806.61	12,794.81	9,133.93
Capital	19,599.40	23,172.19	10,759.90	36,510.81	22,510.58
Total Expenditures	129,368.95	146,039.60	130,898.04	173,305.32	144,902.98
Season Surplus	\$ 28,279.40	\$ 13,754.14	\$ 35,785.33	\$ 10,021.36	\$ 21,960.06

**SUGGESTED ACTION OR RECOMMENDATION:**

Receive presentation from Public Works Director Mike Lynch and act upon proposed rink management contract.

**MOTION:**

*The Durham Town Council, upon recommendation by the Town Administrator, hereby awards the Churchill Rink @ Jackson's Landing 2013/2014 seasonal management contract to Rink Services Group of Epping, NH for the sum of \$74,000 plus incentives and authorizes the Town Administrator to sign said contract with the monies coming from account #09-4520-814-36-000.*



## COMPANY PROFILE

P.O. Box 238 ♦ Epping, NH 03042 ♦ (603) 498-7005 ♦ gary@rinkservicesgroup.com

### COMPANY PROFILE

Rink Services Group, LLC, was founded in 2008 by Gary Warriner, to provide Municipalities, investors, banks and operators with a single source company to provide expertise and services to design, build and operate ice skating facilities. RSG has a successful track record of turning around bankrupt and financially stressed facilities, as well as writing and executing business plans for start-up facilities. RSG also has a wealth of experience in private and public partnerships that have proven to be mutually beneficial relationships, enhancing the recreational opportunities of a community, while maintaining solid business practices guiding the facility to a financial viability.

RSG prides itself on providing clients with accurate and detailed information throughout all aspects of their project. It is a company philosophy to ensure that clients be fully informed and understand all aspects of their business through the decision making process.

### SERVICES

#### Management

- ♦ RSG offers various levels of facility management.
- ♦ RSG can handle the day to day operations of a start-up facility or be the turn-around management team in a crisis situation.

#### Start Up

- ♦ RSG will have an operational budget in place, an ice schedule complete and contracts in place prior to the opening of your facility.
- ♦ Whether managing or staffing a new facility, RSG has a proven track record of opening organized facilities organized with positive cash flow and a qualified management team in place.

#### Facility Review and Recommendations

- ♦ Operations Review
  - Refrigeration
  - Ice resurfacers
  - Ice condition and maintenance
  - Building condition
  - Overall maintenance
  - Energy consumption
- ♦ Financial Review
  - Profit & Loss
  - Expense
  - Operating budgets
  - Cash flow
  - Reconciliation process
  - Collection procedures
  - Leased space and tenants
- ♦ Facility Utilization Review
  - Ice scheduling
  - Programming
  - Contracted clients and pricing
- ♦ Staffing Review
  - Evaluate organizational chart
  - Evaluate individual staff members and job descriptions
  - Staff training
- ♦ Ancillary Income Review
  - Food service
  - Fitness
  - Retail
  - Sponsorships and Advertising
- ♦ Other
  - Purchase and Sales assessment
  - Day to day short term facility management
  - Turn-key operations

## SERVICES (cont.)

### Architectural Assistance

- ◆ RSG has worked with many of the leading sports recreation architects, assisting in the overall design of recreational facilities with an emphasis on ice skating rinks.
- ◆ RSG provides architects with written specifications and drawings on dasher boards, refrigeration and dehumidification systems.

### Owners Representation

- ◆ RSG provides owners with an expertise that will ensure their project will be designed, built and operated by qualified professionals.

### Feasibility Studies

- ◆ Scope of work, executive summary and recommendations
  - RSG will provide a summary of study finding and specific recommendations upon which owners can base next step decisions for the planning and construction of the ice rink.
- ◆ Introduction & Industry overview
  - RSG will provide an industry overview detailing the current condition of the ice skating industry, both locally and nationally. The overview will identify specific trends in ice skating which will assist owners with ice scheduling to maximize revenues.
- ◆ Site analysis
  - RSG will analyze the owners site location to determine the suitability of the property in relation to site development, local permitting and user access.
- ◆ Construction costs
  - RSG will develop a complete line item cost for construction of an ice rink. The price of construction will be based upon local costs conditions and will provide the owner with a clear picture of the total financial commitment necessary to open the facility.
- ◆ 3 Year Performa
  - RSG will take your core facility mission and incorporate it into a 3 year Performa, giving bank, investors and municipalities the ability to evaluate your project in a clear and realistic manner.
  - RSG prides itself on delivering real and achievable financial data.
- ◆ Ice scheduling template
  - RSG will assist you in designing an optimum facility schedule to maximize revenue and utilization. This template will tie into your 3 year Performa, making it obvious to banks and investors the achievability of the Performa.

## EXPERIENCE

### Facilities currently under RSG Management

- ◆ Nashua Ice Skating Center Corporation, Conway Arena  
5 Stadium Drive, Nashua, NH 03062 | 603-595-2400 | [www.conwavarena.com](http://www.conwavarena.com)
- ◆ Friends of Flynn Rink, Inc., Flynn Rink  
300 Elm Street, Medford, MA 02155 | 781-396-8500 | [www.flynnrink.com](http://www.flynnrink.com)

### Consulting

- ◆ Governor's Academy, Whiston-Bragdon Arena  
1 Elm Street, Newbury, MA 01922 | 978-465-1763
- ◆ Foxboro Sports Center  
10 East Belcher Road, Foxborough, MA 02035 | 508-698-0505
- ◆ Tri-Town Ice Arena  
311 West River Road, Hooksett, NH 03106 | 603-485-1100
- ◆ Proctor Academy  
204 Main Street, Andover, NH 03216 | 603-765-6000
- ◆ Philips Exeter Academy  
55 Court Street, Exeter, NH 03833 | 603-772-4311
- ◆ Boston University, Agganis and Walter Brown Arenas  
925 Commonwealth Avenue, Boston, MA 02215 | 617-358-7000



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

**# 10A**

**DATE: September 9, 2013**

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Todd I. Selig, Administrator

**AGENDA ITEM:** PUBLIC HEARING AND ACTION ON ORDINANCE #2013-06, A COUNCIL-INITIATED ORDINANCE AMENDING CHAPTER 175 "ZONING", SECTION 175-41(F) "CENTRAL BUSINESS DISTRICT", SECTION 175-43(F) "PROFESSIONAL OFFICE DISTRICT", AND SECTION 175-54 "TABLE OF DIMENSIONAL REQUIREMENTS" TO INCREASE THE SETBACKS ALONG MADBURY ROAD IN THESE TWO DISTRICTS AND REDUCE THE MAXIMUM PERMITTED BUILDING HEIGHTS FROM 50 FEET TO 35 FEET

**CC PREPARED BY:** Todd I. Selig, Administrator  
Jennie Berry, Administrative Assistant

**PRESENTED BY:** Todd I. Selig, Administrator

### **AGENDA DESCRIPTION:**

The Administrator has been developing a proposal with assistance from Durham resident Beth Olshansky and Director of Planning & Community Development Michael Behrendt to institute additional height and setback protections along the Madbury Road corridor.

At the present time, the setback for new development in the Central Business District (CBD) along Madbury Road between Main Street and Garrison Avenue (the left west side of Madbury Road heading out of town (traveling from Main Street toward Bagdad Road)) is 0'. Administrator Selig is recommending that the setback along Madbury Road in the CBD between Main Street and Pettee Brook Lane be increased to between 15' (min) 20' (max), and that the setback along Madbury Road in the CBD be increased to between 20' (min) and 30' (max).

At the present time, Durham's Zoning Ordinance allows for four-story buildings in the CBD and in the Professional Office (PO) district along the Madbury Road corridor. Administrator Selig recommends that the height of new construction along Madbury Road in the CBD be capped at three stories. The proposal also caps the height of new construction in all of the PO district to three stories. The PO District is essentially the transition zone between the more intense CBD and the

Re: Public Hearing and Action on Ordinance #2013-06, A Council-Initiated Zoning Ordinance to Increase Setbacks in the CB and PO Districts Along Madbury Rd. and Reducing the Maximum Building Heights from 50 to 35 Feet

neighborhoods beyond in the RA districts (Woodman Road, Strafford Avenue, Madbury Road beyond Bagdad, etc.). Heights exceeding three stories are inconsistent with the intent of such a transition zone.

At the June 3, 2013 Town Council meeting, the Council voted to refer this proposed ordinance to the Planning Board for its review and recommendations in accordance with Section 175-14(B) of the Zoning Ordinance. The Planning Board held a Public Hearing on the proposed ordinance at its meeting on June 26, 2013 and subsequently voted at its meeting on July 24, 2013 to recommend its adoption to the Council, without further amendments.

On August 19, 2013, the Town Council reviewed and discussed the ordinance further and subsequently voted to move the ordinance on First Reading (as presented) and schedule a Public Hearing for September 9, 2013. A public hearing notice was published in the *Foster's Daily Democrat* on Thursday, August 22, 2013. The notice was also posted on the public bulletin board located outside of the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

Attached for the Council's consideration is Ordinance #2013-06, A Council-Initiated Ordinance Amending Chapter 175 "Zoning", Section 175-41(F) "Central Business District", Section 175-43(F) "Professional Office District", and Section 175-54 "Table of Dimensional Requirements" to Increase the setbacks along Madbury Road in these two districts and reduce the maximum permitted building heights from 50 feet to 35 feet.

**LEGAL AUTHORITY:**

RSA 674:16, RSA 675:2, and 175-14 of the Durham Zoning Ordinance.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

Re: Public Hearing and Action on Ordinance #2013-06, A Council-Initiated Zoning Ordinance to Increase Setbacks in the CB and PO Districts Along Madbury Rd. and Reducing the Maximum Building Heights from 50 to 35 Feet

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION 1:**

*The Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2013-06, a Council-initiated Ordinance, to amend Chapter 175 "Zoning", Section 175-41(F) "Central Business District", Section 175-43(F) "Professional Office District", and Section 175-54 "Table of Dimensional Requirements" to increase the setbacks along Madbury Road in these two districts and reduce the maximum permitted building heights from 50 feet to 35 feet.*

**MOTION 2:**

*The Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2013-06, a Council-initiated Ordinance, to amend Chapter 175 "Zoning", Section 175-41(F) "Central Business District", Section 175-43(F) "Professional Office District", and Section 175-54 "Table of Dimensional Requirements" to increase the setbacks along Madbury Road in these two districts and reduce the maximum permitted building heights from 50 feet to 35 feet.*

**MOTION 3:**

*The Durham Town Council does hereby ADOPT (as presented) (as amended) Ordinance #2013-06, a Council-initiated Ordinance, to amend Chapter 175 "Zoning", Section 175-41(F) "Central Business District", Section 175-43(F) "Professional Office District", and Section 175-54 "Table of Dimensional Requirements" to increase the setbacks along Madbury Road in these two districts and reduce the maximum permitted building heights from 50 feet to 35 feet.*

## **ORDINANCE #2013-06 OF DURHAM, NEW HAMPSHIRE**

**A COUNCIL-INITIATED ORDINANCE AMENDING CHAPTER 175 "ZONING", SECTION 175-41(F) "CENTRAL BUSINESS DISTRICT", SECTION 175-43(F) "PROFESSIONAL OFFICE DISTRICT", AND SECTION 175-54 "TABLE OF DIMENSIONAL REQUIREMENTS" TO INCREASE THE SETBACKS ALONG MADBURY ROAD IN THESE TWO DISTRICTS AND REDUCE THE MAXIMUM PERMITTED BUILDING HEIGHTS FROM 50 FEET TO 35 FEET**

**WHEREAS**, the Administrator developed a proposal to institute additional height and setback protections along the Madbury Road corridor; and

**WHEREAS**, at the present time the setback for new development in the Central Business District (CBD) along Madbury Road between Main Street and Garrison Avenue (the west left side of Madbury Road is 0'); and

**WHEREAS**, Administrator Selig recommends that the setback along Madbury Road in the CBD between Main Street and Pettee Brook Lane be increased to between 15' (min) 20' (max), and that the setback along Madbury Road in the CBD be increased to between 20' (min) and 30' (max); and

**WHEREAS**, at the present time Durham's Zoning Ordinance allows for four-story buildings in the CBD and in the Professional Office (PO) district along the Madbury Road corridor; and

**WHEREAS**, Administrator Selig recommends that the height of new construction along Madbury Road in the CBD be capped at three stories. The proposal also caps the height of new construction in all of the PO district to three stories; and

**WHEREAS**, the PO District is essentially the transition zone between the more intense CBD and the neighborhoods beyond in the RA districts (Woodman Road, Strafford Avenue, Madbury Road beyond Bagdad, etc.) and heights exceeding three stories are inconsistent with the intent of such a transition zone as articulated in the 2000 Master Plan; and

**WHEREAS**, the Town Council may initiate Zoning Ordinance amendments in accordance with Section 175-14 (B) of the Durham Zoning Ordinance which states: "The Town Council May, upon its own initiative, from time to time, consider changes to the Zoning Ordinance, including Overlay districts. All such Council-initiated changes shall be referred to the Planning Board for its review and study. The referral shall be

made in writing by the chair of the Town Council. The planning Board shall, after following the public notice and hearing requirements contained in Subsection D below, submit a recommendation regarding the changes to the Town Council members within sixty (60) day of their referral"; and

**WHEREAS**, on June 3, 2013, the Town Council discussed the proposed ordinance and referred said ordinance to the Planning Board for its review and study; and

**WHEREAS**, the Planning Board moved to recommend the passage of the proposed ordinance; and

**WHEREAS**, on August 19, 2013, the Durham Town Council conducted a first reading on Ordinance #2013-06; and

**WHEREAS**, on September 9, 2013, the Durham Town Council held a public hearing on Ordinance #2013-06;

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, does hereby adopt Ordinance #2013-06 a Council-initiated Ordinance amending Chapter 175 "Zoning", Section 175-41(F) "Central Business District", Section 175-43(F) "Professional Office District", and Section 175-54 "Table of Dimensional Requirements" to increase the setbacks along Madbury Road in these two districts and reduce the maximum permitted building heights from 50 feet to 35 feet. Wording to be deleted is annotated with **strikeout** type. New wording is annotated with **underscoring**.

---

#### 175-41. Central Business District (CB)

##### F. *Development Standards in the Central Business District*

In addition to the dimensional standards, development in the Central Business District shall conform to the following additional requirements:

1. Parking - No new parking shall be located on the portion of the lot between the front wall of the principal building and the front property line. This restriction shall apply to the full width of the lot. For corner lots, this restriction shall apply to all frontages abutting a public street.
2. Building Setback - Along the westerly side of Madbury Road from Main Street to Pettee Brook Lane, the ~~The~~ front wall of the principal building shall be located ~~within fifteen (15) feet of~~ no closer than fifteen (15) feet to, and no farther than twenty (20) feet from, the front property line. Along the westerly

side of Madbury Road from Pettee Brook Lane to Garrison Avenue, the front wall of the principal building shall be located no closer than twenty (20) feet to, and no farther than thirty (30) feet from, the front property line. For corner lots, this requirement shall apply to all frontages abutting a public street. Up to fifty percent (50%) of the front façade may be recessed beyond the maximum setback distance if the space between the front wall and the front property line is used as pedestrian area in accordance with paragraph 4. below. The expansion or modification of an existing building shall be exempt from this requirement if the Planning Board finds that conformance with this requirement would not be consistent with the character of the existing building.

3. Pedestrian Area – The area directly in front of the front wall of the building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian and/or customer use of this space. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
4. Front Entrance – The front wall of the principal building shall contain a “front” door providing access to the building for tenants, customers, or other users of the building. If the front wall of the building is located behind the front property line, a paved sidewalk or other appropriate pedestrian way shall be provided from the sidewalk to the front door. This provision shall not be interpreted to prevent the creation of other entrances to the building. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
5. Storage and Service Areas – All storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be visible from a public street. Dumpsters and storage areas shall be screened or landscaped in accordance with the provisions of Article XXII and Chapter 118, Article 3, Section 10 of the Solid Waste Ordinance.
6. Minimum Building Height – All new principal buildings or additions to existing principal buildings that increase the building footprint by more than twenty percent (20%), shall have a minimum of two usable stories or a height equivalent of two stories above adjacent grade at the front wall of the building.
7. Maximum Height of Mixed-Use Buildings – The height of a new or redeveloped mixed use building that provides both residential and nonresidential space shall be a maximum of three (3) stories notwithstanding other height limitations. The first floor shall be nonresidential. However, if the building contains nonresidential uses on the first floor and one additional

story of nonresidential, the maximum permitted height shall be four (4) stories. If the proposal is for a four (4) story building, the first floor shall be nonresidential and the remaining three floors shall consist of two residential and one nonresidential. However, see Sections 8. and 9., below, for limitations to this provision. ~~However, no building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 2, Lot 14-4 to the easterly boundary of the district, shall exceed three (3) stories. This provision specifically includes the following properties: Tax Map 2, Lot 14-4; Tax Map 4, Lot 7-0; Tax Map 4, Lot 6-0; Tax Map 4, Lot 5-0; Tax Map 4, Lot 4-0; Tax Map 4, Lot 3-0; Tax Map 4, Lot 2-0; Tax Map 4, Lot 1-0; Tax Map 5, Lot 1-0; Tax Map 5, Lot 1-2; Tax Map 5, Lot 1-3; Tax Map 5, Lot 1-17; Tax Map 5, Lot 1-4; Tax Map 5, Lot 1-5; Tax Map 5, Lot 1-6; Tax Map 5, Lot 1-7; and Tax Map 5, Lot 1-8.~~

8. Maximum Height of Mixed-Use Buildings, Section of Main Street - No building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 2, Lot 14-4 to the easterly boundary of the district, shall exceed three (3) stories. This provision specifically includes the following properties: Tax Map 2, Lot 14-4; Tax Map 4, Lot 7-0; Tax Map 4, Lot 6-0; Tax Map 4, Lot 5-0; Tax Map 4, Lot 4-0; Tax Map 4, Lot 3-0; Tax Map 4, Lot 2-0; Tax Map 4, Lot 1-0; Tax Map 5, Lot 1-0; Tax Map 5, Lot 1-2; Tax Map 5, Lot 1-3; Tax Map 5, Lot 1-17; Tax Map 5, Lot 1-4; Tax Map 5, Lot 1-5; Tax Map 5, Lot 1-6; Tax Map 5, Lot 1-7; and Tax Map 5, Lot 1-8.
9. Maximum Height of Mixed-Use Buildings, Madbury Road - No building in the Central Business District on any lot with frontage along Madbury Road shall exceed three (3) stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 2, Lot 12-2; Tax Map 2, Lot 12-3; Tax Map 2, Lot 12-4; Tax Map 2, 12-5; Tax Map 4, Lot 1-0; Tax Map 4, Lot 11-0; Tax Map 4, Lot 12-0; Tax Map 4, Lot 13-0UNH; and Tax Map 4, Lot 14-0;
- 8.10. Treatment of the Front Façade - The front wall of the principal building shall be designed to include windows appropriate to the proposed use. On the first floor, not less than twenty (20) percent of the surface area of the front wall shall be windows. On upper floors, not less than ten (10) percent of the surface area shall be windows.

#### 175-43. Professional Office District (PO)

##### F. Development Standards in the Professional Office District

In addition to the dimensional standards, development in the Professional Office District shall conform to the following additional requirements:

1. Parking - No new parking shall be located on the portion of the lot between the front wall of the principal building and the front property line. This restriction shall apply to the full width of the lot. For corner lots, this restriction shall apply to all frontages abutting a public street.
2. Pedestrian Area - The area directly in front of the front wall of the principal building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian use of this space. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
3. Storage and Service Areas - All storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be visible from a public street. Dumpsters and storage areas shall be screened or landscaped in accordance with the provisions of Article XXII and Chapter 118, Article 3, Section 10 of the Solid Waste Ordinance.

**4. Maximum Height - The maximum height of any new or redeveloped building in the Professional Office District shall be three (3) stories.**

**175-54. Dimensional Standards.**

**Table 175-54 - TABLE OF DIMENSIONAL REQUIREMENTS - *SEE ATTACHED***

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this \_\_\_\_\_ day of \_\_\_\_\_, **2013** by \_\_\_\_\_ affirmative votes, \_\_\_\_\_ negative votes and \_\_\_\_\_ abstentions.

\_\_\_\_\_  
Jay B. Gooze, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Lorrie Pitt, Town Clerk

Code of the Town of Durham, NH  
Chapter 175 – Zoning

STANDARD	DISTRICTS												
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	OR-Route 108 (OR)	Multi-Unit Dwelling/ Office Res. (MUDOR)	Office, Research Light Ind. (ORLI)	Durham Business Park (DBP)
Minimum Lot Frontage - Minor Street - Collector Street - Arterial Street	100 FT	150 FT	300 FT	300 FT	50 FT	100 FT	50 FT	50 FT	100 FT	50 FT 100 FT 200 FT	100 FT 100 FT 200 FT	150 FT	150 FT
Minimum Front Yard Setback - Minor Street <sup>1</sup> - Collector Street - Arterial Street <i>(Amended by Ord. #2008-02 dtd 3/3/08)</i>	30 FT 30 FT 40 FT	30 FT 30 FT 40 FT	30 FT 30 FT 40 FT	30 FT 30 FT 40 FT	None, except per Also see Note 5	30 FT 30 FT 50 FT	15 FT 15 FT 15 FT	15 FT 15 FT 15 FT	30 FT 30 FT 50 FT	50 FT 50 FT See Note 6	30 FT 30 FT 100 FT	30 FT 30 FT 50 FT	30 FT 30 FT 50 FT
Maximum Front Yard Setback	NA	NA	NA	NA	See Note 5	NA	NA	25 ft	NA	NA	NA	NA	NA
Minimum Side Yard Setback <sup>4</sup>	10 FT	20 FT	50 FT	50 FT	NA	15 FT	5 FT	10 FT	15 FT	25 FT	20 FT	20 FT	20 FT
Minimum Rear Yard Setback <sup>4</sup>	20 FT	30 FT	50 FT	50 FT	NA	20 FT	15 FT	15 FT	20 FT	25 FT	20 FT	20 FT	20 FT
Minimum Shoreland Shorefrontage	200 FT	200 FT	200 FT	200 FT									
Maximum Permitted Building Height	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	50 FT	40 FT	40 FT	40 FT
Maximum Permitted Building Height with Planning Board Approval under RSA 674-16 <i>(Amended by Ord. #2008- 02 dtd 3/3/08 and Ord. #2013-02 dtd 1/28/13)</i>	35 FT	35 FT	35 FT	35 FT	50 FT (see Note 7)	50 FT 35 FT	35 FT	35 FT	35 FT	75 FT	50 FT	50 FT	50 FT
Impervious Surface Ratio	33%	30%	20%	20%	100%	50%	80%	80%	30%	50 %	50%	50%	50%

Code of the Town of Durham, NH  
Chapter 175 – Zoning

- NOTES: 1. When the average front yard setback of other buildings within three hundred (300) ft each way on the same side of a minor street is less than thirty (30) feet, the front yard setback may be reduced to the average existing setback.
2. Any single-family lot in the R and RC Districts existing as of July 1, 2003, including lots in approved subdivisions, shall only be required to have a minimum lot area of 120,000 square feet and shall not be subject to the minimum usable area per dwelling unit requirement. Pre-existing lots with a minimum of 120,000 square feet of area shall be deemed to be conforming lots for the purpose of the minimum lot size and minimum usable area provisions but shall conform to all other current applicable standards for the district in which they are located.
3. See 175-56. A. for the special density requirements for elderly housing, eldercare facilities, and nursing homes.
4. See 175-109 (O) for requirements for accessory sheds.
5. Additional setback requirements for this district are provided in the Development Standards section for the zone.
6. The minimum front yard setback from Route 108 shall be 100 ft plus 2 feet for each foot of building height in excess of 25 feet.
7. No building along the sections of Main Street or Madbury Road delineated in Subsections 175-41 (F)~~(7)~~ **(8) and (9)** shall exceed thirty-five (35) feet in height. *(Added by Ord. #2013-02 dtd 1/28/13)*
-



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

**# 10B**  
**AGENDA ITEM:**

**DATE: August 19, 2013**

## **COUNCIL COMMUNICATION**

**INITIATED BY:** Jay Gooze and Jim Lawson, Councilors

**AGENDA ITEM:** PUBLIC HEARING AND ACTION ON ORDINANCE #2013-07, A COUNCIL-INITIATED ORDINANCE AMENDING CHAPTER 175 "ZONING", SECTION 175-7 "DEFINITIONS" CHANGING TABLE II-1 "DWELLING DENSITY BY TYPE" SUCH THAT THE MAXIMUM NUMBER OF OCCUPANTS IN UNRELATED HOUSEHOLDS PER 300 SQUARE FEET OF HABITABLE FLOOR AREA IS CHANGED FROM 1.5 TO 1 FOR DWELLING TYPE "APARTMENT" (EXCLUDING THE ORLI AND MUDOR DISTRICTS) AND REMAINS UNCHANGED AT 1.5 FOR DWELLING TYPE "ACCESSORY APARTMENT"

**CC PREPARED BY:** Jay Gooze, Jim Lawson and Michael Behrendt

**PRESENTED BY:** Jim Lawson and Jay Gooze

**AGENDA DESCRIPTION:**

The purpose of this agenda item is to discuss and take possible action on a Council-initiated zoning change affecting the characteristics of new apartments and mixed use redevelopments. The change is applicable to all zoning districts, and will have the greatest impact in the Central Business District (CBD). The purpose of the change is to:

- 1) Better align zoning with the 2000 Master Plan,
- 2) Reduce the occupants density in downtown redevelopment projects,
- 3) Encourage redevelopments with apartments appealing to housing markets beyond student needs, and
- 4) Better align the occupant density with the current Dwelling Unit density in the CBD such that developers are not incentivized to design apartments with a high numbers of occupants (exceeding 6).

## **BACKGROUND**

In August 2008, the Durham Town Council unanimously passed Council-initiated Ordinance #2008-14 to amend Chapter 175 "Zoning", Section 175-54 "Table of Dimensional Standards" to lower the minimum lot area per Dwelling Unit from 1,200 to 900 square feet in the CBD.

As detailed in the Town Council Minutes of August 18, 2008, the intent of the change was to "encourage redevelopment" and "create a better downtown". As summarized by Councilor Julian Smith "one of the benefits of this Zoning change was that it made it more economically attractive for property owners to redevelop their property, and do developments where there was housing above shops or offices or parking...."

Councilor Smith's assessment was accurate, and the zoning change had the predicted effect with five redevelopment projects undertaken in the downtown (Central Business District) after the change - 2-10 Jenkins Court, 9 Madbury Road, 37 Main Street (The Grange), 10 Pettee Brook Lane (not yet completed), and 22 Rosemary Lane. Eight businesses lease commercial space in three of the completed projects. Five of these businesses are new to Durham, and six provide retail or other services used by Durham residents.

### **The Current Challenge of Downtown Mixed Use Redevelopment - Apartments Only Suitable for the Student Housing Market with High Occupant Density**

The current CBD zoning requires 900 square feet of lot area for each Dwelling Unit, which when coupled with two floors of mixed-use residential space and an occupant density of 200 square feet per occupant encourages large apartments with many small bedrooms - often exceeding six. This apartment characteristic is not desirable or economically attractive in most markets; however, local developers can lease these apartments to students due the CBD's close proximity to the University. Simply stated, the occupant density of 1.5 occupants per 300 square feet (200 square feet per occupant) encourages apartments designed only for students with small bedrooms and six or more occupants per apartment.

Recent developments have characteristics similar to that described above. Figure 1 provides the floor plans for 8 Jenkins Court showing its large apartments having a high number of occupants.

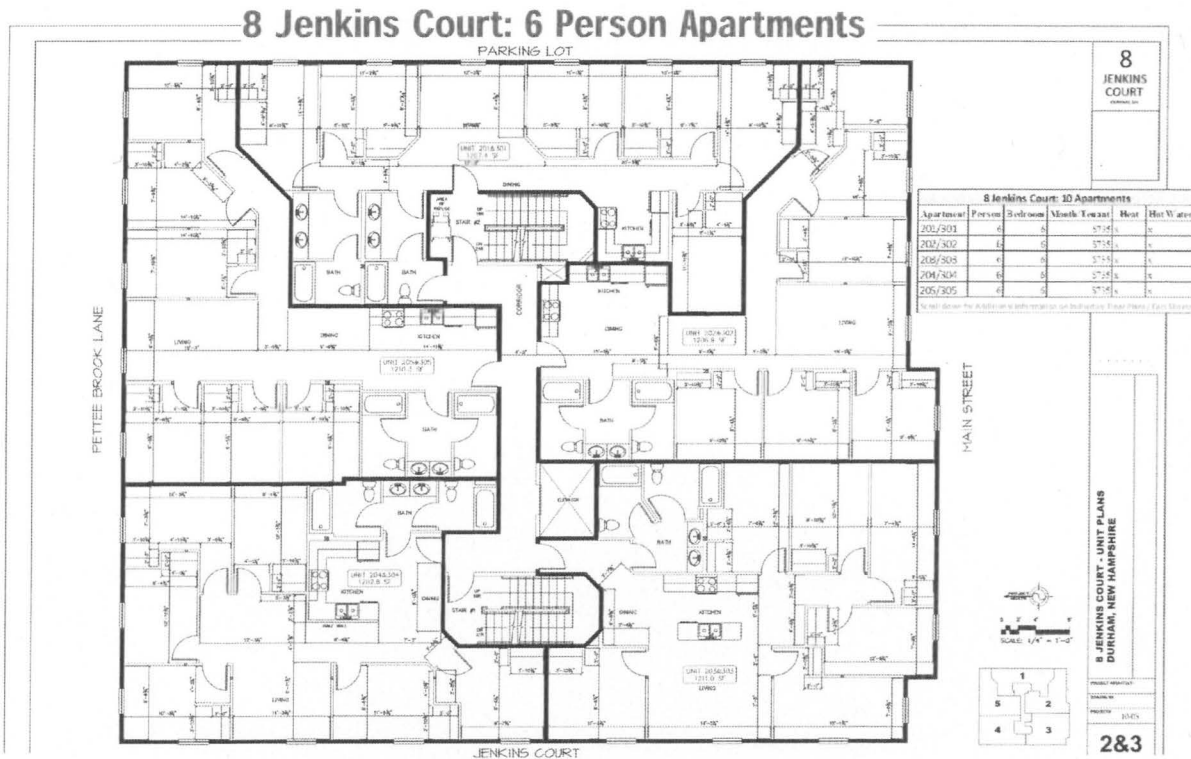


Figure 1: 8 Jenkins Court floor plans

### Zoning changes to better align apartment characteristics with the 2000 Master Plan and to address community concerns about high occupant density

*“Encourage a variety of multi-unit housing that serves the needs of the community and minimizes impact on town services.” “Encourage construction of units with few bedrooms per unit in new multi-unit developments.”*

***Durham 2000 Master Plan, Chapter 1 - Demographics, Housing and Growth Management.***

The intent of this zoning change is to align our zoning with the Master Plan and address community concerns about occupant density in new mixed-use redevelopments. The intent is not to eliminate the opportunity for mixed-use redevelopment, but rather to encourage mixed-use redevelopment with apartments attractive to the broader housing markets that may develop as the characteristics of Durham’s downtown evolve. The change will also reduce occupant density in redevelopments.

There are three “levers” available in the current zoning that can change the characteristics of apartments in mixed-use redevelopment: The levers include:

- Changing the lot area required per Dwelling Unit
- Changing the number of occupants per 300 square feet of habitable space
- Imposing the provision of a maximum of 3 unrelated occupants in a dwelling unit where not presently applicable (not recommended for the CBD)

The zoning change proposed is to decrease the number of unrelated occupants per 300 square feet from 1.5 to 1.0. Changing the lot area per dwelling unit will not achieve the intended objectives.

A model was developed to assess the impact of the current and proposed zoning. As expected, the model predicts the current zoning will result in downtown mixed-use apartments having the high number of occupants that is consistent with recent redevelopments (see Figure 4).

The model also predicts that the zoning change will result in mixed-use apartments that are smaller with fewer occupants and more space per occupant. There will also be a decrease in the total number of occupants in the redevelopment.

	Current Zoning	Proposed Change
<b>VARIABLES</b>		
Lot size (Acres)	0.25	0.25
Lot size (Sq. Ft) - Calculated	10,890	10,890
Minimum lot size (sq. ft) per DU	900	900
Percent of Lot Used for Building Structure	90.0%	90.0%
Percent lost building space for Service & Infrastructure	25.0%	25.0%
Residential Floors	2	2
<b>Occupants per 300 Sq. Feet</b>	<b>1.50</b>	<b>1.00</b>
Unrelated Rule ("No" or Number)	No	No
<b>CALCULATIONS</b>		
Max DU Allowed for Lot	12	12
<b>Min Area (Sq. ft) per Occupant</b>	<b>200</b>	<b>300</b>
Residential Floor Space in Development	14,702	14,702
Average APT/DU Size (Sq. Ft)	1,225	1,225
Average Residents per Apt/DU	<b>6.1</b>	4.1
<b>Total Residents</b>	<b>73</b>	<b>49</b>
Floor Space Per Resident	201	300

Figure 2: Estimating mixed use apartment characteristics and number of occupants under the proposed zoning change in the CBD (quarter acre lot example)

In summary, the proposed change will have the following benefits to the community:

- Encouraging fewer bedrooms per Dwelling Unit: The number of occupants in each apartment will be reduced when the maximum permitted number of dwelling units is built.
- Encourage a variety of multi-unit housing: The change will encourage apartments with increased space per occupant (although not excessive) that can address broader housing needs and markets, and arguably provides a superior living environment for those occupants.
- Minimize the Impact on Town services and serve the needs of the community: The change will reduce the number of occupants in redevelopment projects.

At the May 20, 2013 Town Council meeting, the Council voted to refer this proposed ordinance to the Planning Board for its review and recommendations in accordance with Section 175-14(B) of the Zoning Ordinance. The Planning Board held a Public Hearing on the proposed ordinance at its meeting on June 26, 2013 and subsequently voted at its meeting on July 24, 2013 to recommend to the Town Council its adoption, excluding ORLI and MUDOR from the density change as well as a non-substantive change to the language concerning accessory apartments.

On August 19, 2013, the Town Council reviewed and discussed the ordinance further and subsequently voted to move the ordinance on First Reading (to include the Planning Board's recommendations) and schedule a Public Hearing for September 9, 2013. A public hearing notice was published in the *Foster's Daily Democrat* on Thursday, August 22, 2013. The notice was also posted on the public bulletin board located outside of the Town Hall, as well as at the Durham Public Library and the Department of Public Works.

Attached for the Council's consideration is Ordinance #2013-07, a Council-initiated ordinance to amend Chapter 175 "Zoning", Section 175-7 "Definitions" changing Table II-1 "Dwelling Density by Type" such that the maximum number of occupants in unrelated households per 300 square feet of habitable floor area is changed from 1.5 to 1 for Dwelling Type "Apartment" (excluding the ORLI and MUDOR districts) and remains unchanged at 1.5 for Dwelling Type "Accessory Apartment".

**LEGAL AUTHORITY:**

RSA 674:16, RSA 675:2, and 175-14 of the Durham Zoning Ordinance.

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**MOTION 1:**

*The Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2013-07, a Council-initiated ordinance to amend Chapter 175 "Zoning", Section 175-7 "Definitions" changing Table II-1 "Dwelling Density by Type" such that the maximum number of occupants in unrelated households per 300 square feet of habitable floor area is changed from 1.5 to 1 for Dwelling Type "Apartment" (excluding the ORLI and MUDOR districts) and remains unchanged at 1.5 for Dwelling Type "Accessory Apartment".*

**MOTION 2:**

*The Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2013-07, a Council-initiated ordinance to amend Chapter 175 "Zoning", Section 175-7 "Definitions" changing Table II-1 "Dwelling Density by Type" such that the maximum number of occupants in unrelated households per 300 square feet of habitable floor area is changed from 1.5 to 1 for Dwelling Type "Apartment" (excluding the ORLI and MUDOR districts) and remains unchanged at 1.5 for Dwelling Type "Accessory Apartment".*

**MOTION 3:**

*The Durham Town Council does hereby ADOPT (as presented) (as further amended) Ordinance #2013-07, a Council-initiated ordinance to amend Chapter 175 "Zoning", Section 175-7 "Definitions" changing Table II-1 "Dwelling Density by Type" such that the maximum number of occupants in unrelated households per 300 square feet of habitable floor area is changed from 1.5 to 1 for Dwelling Type "Apartment" (excluding the ORLI and MUDOR districts) and remains unchanged at 1.5 for Dwelling Type "Accessory Apartment".*

## **ORDINANCE #2013-07 OF DURHAM, NEW HAMPSHIRE**

**A COUNCIL-INITIATED ORDINANCE AMENDING CHAPTER 175 "ZONING", ARTICLE II, SECTION 175-7 "DEFINITIONS" CHANGING TABLE II-1 "DWELLING DENSITY BY TYPE" SUCH THAT THE MAXIMUM NUMBER OF OCCUPANTS IN UNRELATED HOUSEHOLDS PER 300 SQUARE FEET OF HABITABLE FLOOR AREA IS CHANGED FROM 1.5 TO 1 FOR DWELLING TYPE "APARTMENT" (EXCLUDING THE ORLI AND MUDOR DISTRICTS) AND REMAINS UNCHANGED AT 1.5 FOR DWELLING TYPE "ACCESSORY APARTMENT"**

**WHEREAS**, the current allowable maximum number of occupants in unrelated households per 300 square feet of habitable floor area is 1.5 for Dwelling Type "Apartment, including accessory apartments"; and

**WHEREAS**, the minimum lot area per Dwelling Unit in the Central Business District is 900 square feet; and

**WHEREAS**, the minimum lot area per Dwelling Unit when combined with the minimum habitable space encourages redevelopment in the Central Business District having Apartments of six or more occupants; and

**WHEREAS**, such Apartments appeal primarily to the student housing market due to the number of occupants and limited space; and

**WHEREAS**, a high number of students in redevelopments located in the Central Business District may have adverse impacts on Town services; and

**WHEREAS**, the 2000 Master Plan encourages construction of a variety of multi-unit housing with fewer bedrooms that reduces the impact on Town services; and

**WHEREAS**, increasing the habitable space per occupant in Apartments encourages Apartments with fewer bedrooms and thus better serves the Town by offering a variety of multi-unit housing that may reduce the impact on town services; and

**WHEREAS**, changing the habitable floor area for accessory apartments does not impact redevelopment and is not necessary; and

**WHEREAS**, the Town Council may initiate Zoning Ordinance amendments in accordance with Section 175-14 (B) of the Durham Zoning Ordinance which states: "The

Town Council May, upon its own initiative, from time to time, consider changes to the Zoning Ordinance, including Overlay districts. All such Council initiated changes shall be referred to the Planning Board for its review and study. The referral shall be made in writing by the chair of the Town Council. The planning Board shall, after following the public notice and hearing requirements contained in Subsection D below, submit a recommendation regarding the changes to the Town Council members within sixty (60) day of their referral"; and

**WHEREAS**, on May 20, 2013, the Town Council discussed the proposed ordinance and referred said ordinance to the Planning Board for its review and study; and

**WHEREAS**, the Planning Board moved to recommend the passage of the proposed ordinance with a change to exclude the ORLI and MUDOR districts from the density change and a non-substantive change to the language about accessory apartments; and

**WHEREAS**, on August 19, 2013, the Durham Town Council conducted a first reading on Ordinance #2013-07 as amended; and

**WHEREAS**, on September 9, 2013, the Durham Town Council held a public hearing on Ordinance #2013-07;

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, does hereby adopt Ordinance #2013-07 amending Chapter 175 "Zoning", Article II, Section 175-7 "Definitions" changing Table II-1 "Dwelling Density by Type" such that the maximum number of occupants in unrelated households per 300 square feet of habitable floor area is changed from 1.5 to 1 for Dwelling Type "Apartment" (excluding the ORLI and MUDOR districts) and remains unchanged at 1.5 for Dwelling Type "Accessory Apartment" as shown below. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

---

Table II-1. DWELLING DENSITY BY TYPE

Dwelling type	Maximum number of occupants in unrelated household per 300 square feet of habitable floor area
Single-family dwelling	1
Duplex or townhouse	1
<del>Apartment, including accessory apartments</del>	<del>1.5</del>

<u>Apartment (excluding accessory apartments), except in the ORLI and MUDOR districts</u>	<u>1</u>
<u>Apartment (excluding accessory apartments) in the ORLI and MUDOR districts</u>	<u>1.5</u>
<u>Accessory Apartment</u>	<u>1.5</u>
Rooming/boarding, including accessory rooming/boarding	2
Dormitory	3
Fraternity or sorority	2
Nursing home	2
Elderly housing	1.5

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New  
Hampshire this \_\_\_\_\_ day of \_\_\_\_\_, **2013** by \_\_\_\_\_ affirmative votes,  
\_\_\_\_\_ negative votes and \_\_\_\_\_ abstentions.

\_\_\_\_\_  
Jay B. Gooze, Chair  
Durham Town Council

**ATTEST:**

\_\_\_\_\_  
Lorrie Pitt, Town Clerk