

D-R-A-F-T

**DURHAM TOWN COUNCIL
MONDAY, JULY 16, 2007
DURHAM TOWN HALL – COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT: Chair Neil Niman; Councilor Diana Carroll; Councilor Karl Van Asselt
Councilor Henry Smith; Councilor Julian Smith; Councilor Cathy Leach;
Councilor Peter Stanhope

MEMBERS ABSENT: Councilor Gerald Needell

OTHERS PRESENT: Town Administrator Todd Selig; Town Planner Jim Campbell; Fire
Chief Peter O’Leary; Division Chief of Operations Corey Landry

I. Call to Order

Chair Niman called the meeting to order at 7:00 PM.

II. Approval of Agenda

*Councilor Julian Smith MOVED to approve the Agenda as submitted. Councilor Leach
SECONDED the motion.*

Councilor Stanhope said as he read the language in the packet, and said he thought the issue that it was proposed the Council would take in nonpublic session failed the test. He said he didn’t understand why the recommendation was to take this matter up under nonpublic session.

Administrator Selig said that potentially, this would affect specific positions and specific employees who held those positions. He said the idea was to discuss this matter initially in nonpublic session, but he said if the Council was comfortable, the entire discussion could take place in public session.

Councilor Stanhope said he was uncomfortable with the idea of having this discussion in nonpublic session.

Chair Niman said the Council would address this issue when it got to that Agenda item.

The motion PASSED unanimously 8-0.

III. Special Announcements

There were no special announcements

IV. Approval of Minutes

June 18, 2007

Page 15, top paragraph, should read” from Lee and Madbury and Administrator Selig, in order to.....”

Councilor Morong MOVED to adopt the June 18, 2007 Minutes as amended. Councilor Stanhope SECONDED the motion, and it PASSED unanimously 8-0.

June 18, 2007 Nonpublic Session Minutes

Councilor Leach MOVED to adopt the June 18, 2007 Nonpublic Session Minutes. Councilor Van Asselt SECONDED the motion, and it PASSED 7-0-1, with Councilor Morong abstaining because of his absence from that meeting.

V. Councilor and Town Administrator Roundtable

Councilor Julian Smith said the Mill Plaza Study Committee and the NHAIA partnership would be holding a public workshop on the UNH campus on Wednesday at 7 pm, and would present their findings on the present condition of Mill Plaza and the amount of space there. He said they would take questions and suggestions from the public as to how the Plaza might best be redeveloped.

Councilor Henry Smith noted that Dennis Meadows had spoken to the Council at the last meeting regarding the TIF district concept for Stone Quarry Drive, and as part of this had offered a free survey to see what the citizens of Durham felt about this idea. Councilor Smith said the Council should respond one way or the other concerning this offer.

Councilor Carroll asked if there had been any subsequent discussion with Mr. Meadows regarding this offer.

Administrator Selig said that at the Agenda setting meeting, it was decided that Councilor Henry Smith would bring this matter up. He said he had not spoken with Mr. Meadows because he didn't yet know where the Council stood on this.

Councilor Carroll noted that Mr. Meadows had referred to a survey done in the 1990's regarding the issue of economic development in Durham. She said he was saying that it had therefore been a while since such data had been collected, and that the only way to know if things had changed was to ask people. She said this was the context within which Mr. Meadows had spoken.

Councilor Julian Smith said this was a kind offer, but said he thought the Council already had a good mechanism for hearing what the public thought about various issues. He noted that there would be another public hearing regarding the Stone Quarry TIF proposal.

Chair Niman said the Economic Development Committee would be meeting to discuss the TIF district proposal further on Thursday at 7:30 am and said if it was ready, it would be back on the Council Agendas for the August 6th and August 20th meetings.

Councilor Stanhope said members of the public were free to be part of this process. Councilor Morong said he had a feeling as to what the trend was regarding opinions on economic development in Durham, but said it would be interesting to have the results of a survey. But he said he didn't want how the Council proceeded on the TIF district proposal to depend on this survey.

Councilor Leach said she was concerned about how a survey would affect the timing of this process, and also said she was concerned about possibly setting a precedent for other projects.

Councilor Henry Smith said he didn't think the Town should finance the survey, but said he thought it would be ok if it was financed by someone else.

Councilor Carroll said the purpose of the survey that was proposed was to get the pulse of the community concerning economic development in Town. She agreed that there were hearings coming up concerning this project, but said citizens paid attention to different issues, at different times, and said that not everyone in the community understood how this particular financial strategy worked. She said she therefore wouldn't compare a public hearing to a survey.

Councilor Carroll said Mr. Meadows had been the director of the UNH survey center for many years, so really knew how to do a survey. She said he was offering money as well as his expertise, which made his offer that much more valuable.

Councilor Peter Stanhope reported on the recent IWMAC, and said the Committee had set three goals:

- To improve the efficiency of operations at the transfer station through signage and better public information at the entry point, so wastes were distributed better.
- To control waste management in the downtown area. He said the landlords had already been involved in this, and said the Committee was looking to involve UNH and the Durham Business Owners' Association.
- To do a better job of providing public information outside of the transfer station, using the Town Administrator's Weekly Update and the IWMAC newsletter.

He said the Committee had asked him to communicate two issues it felt strongly about: the idea of open access to the transfer station, and the idea that the Energy Committee and the IWMAC could possibly become one and the same committee. He noted that there were currently two vacancies on the IWMAC, and that a number of members of that committee would like to participate on the Energy Committee.

Councilor Stanhope said that regarding the downtown waste management issue, there were two components of it that were outside the purview of the IWMC, the role of the health officer and the role of the Police Department. He said the Committee would like to see the health officer

make people aware of the need to provide reasonable maintenance of their dumpsters, and said this would make a difference in terms of how people felt about the downtown area, and how carefully they disposed of their wastes.

Councilor Stanhope said another issue that was relevant to the downtown area was the extent of physical violence against property. He said an incident might not be significant individually, but did have a cumulatively impact, financially and otherwise. He said this was an issue that the Police Department needed to become involved with, and said he hoped the Town and the University would consider the idea of occasionally assigning a plain clothes officer, on foot, to police the downtown area.

He said if there were some arrests as a result of this, this might discourage further violence against properties. He noted that some business owners had stopped repairing their properties because of the property violence that had occurred, and said this encouraged further deviant behavior. He said this behavior even occurred in the summer, noting that a retail establishment had recently suffered a smashed window.

Councilor Julian Smith said the Conservation Commission had met the previous week, and said it was the third or fourth meeting where the Caldarola application had been discussed. He said this matter continued to move back and forth between the Commission and the Planning Board, but said he thought the coordination between these two entities concerning conservation subdivision applications was improving.

Councilor Henry Smith asked again what kind of response the Council should provide to Mr. Meadows concerning the offer to do a survey.

Chair Niman said his sense from the discussion was that the Council wished to thank Mr. Meadows for his offer, and was agreeable to the survey idea of he wished to do it on his own.

Administrator Selig said he would get back to Mr. Meadows concerning this.

Councilor Henry Smith said the Historic District Commission had met the previous week, and had given its approval to the proposed plans to repaint the Davis properties.

Councilor Carroll said the Energy Steering Committee met on July 6th, polished its mission statement, and began working on objectives. She said there had been a lot of good dialogue by committee members and others who were coming to the meetings, and said a progress report should be ready after one or two more meetings. She said she would be happy to bring back to the Energy Steering Committee the thoughts of the IWMAC.

In response to a question from Councilor Stanhope, Administrator Selig said he would be meeting with the consultant that week regarding the policing numbers, and said Councilor Leach and Chair Niman were interested in attending that meeting. He said that following the meeting, he planned to speak with the University in more detail concerning this issue. He said the primary focus was the cost of policing, but said there was also the issue of having one vs. two police departments. He said the cost issue would drive the second issue, so the two issues

would have to be discussed simultaneously.

Councilor Morong noted the recent editorial on this issue, and said perhaps there could be more coverage on it.

Administrator Selig said that on July 23rd, UNH would be testing a powerful alarm system, which would broadcast within a mile radius. He explained that there were four sites on the UNH campus where the alarm would broadcast from. He said the Town's emergency responders saw this as a positive development, and supported UNH concerning this, since it meant the Town would be able to quickly get a message out to the downtown area if there was an emergency. He said the Town would send a letter to residences in this area that the testing would occur.

Administrator Selig said the Economic Development Committee meeting would be held on Thursday morning, at 7:30 am., and would involve discussion on the Stone Quarry Drive TIF district.

He said he had been receiving a lot of feedback concerning the roadwork taking place downtown, and said he would put information on it his Friday Updates concerning this ongoing work.

Administrator Selig said the Durham Historical Association planned to hold a brass band concert the following weekend at the Wagon Hill picnic grounds, with a rain date of July 31st. He said this event was part of Durham's 275th anniversary celebration.

Administrator Selig said he had met the previous week with the new University President, Mark Huddleston, and said he seemed very positive about the idea of working collaboratively with the Town and appeared to have an open mind. Administrator Selig said President Huddleston had a history of forging positive town-gown relationships. He said this spoke positively of things to come.

VI. Public Comments (NLT 7:30 PM)

Robin Mower, Faculty Road, said she had attended a Mill Plaza Study Committee stakeholders meeting that day, and said it had occurred to her that it would be good for communication if the Town considered ways to reach residents other than electronically. She noted that Ed Valena had previously suggested that there might be some kind of kiosk to provide information primarily on community issues, and she asked if the Town might consider doing something like this. She suggested that some carpenters in Town could donate some of their time to create the kiosk.

Roger Speidel, 7 Noble K. Petersen Drive, said he had been writing continuously on the issue of the School Board budget over the past several weeks, and he provided copies to the Council of some of his writing. He said he would be speaking at the School Board meeting that week, and said he was going to put the School Board's feet to the fire. He said the School Board needed to curtail school budget spending, now.

He said a way to start doing this was to provide a baseline amount of \$12,000 per student per year, instead of starting with a 3% increase over the previous year. He said going from \$13,000 to \$12,000 per student would save the taxpayers over \$2 million per year, noting that the amount per student would still be above the State average.

Mr. Speidel said the best way to get the School Budget under control was by attacking the fat. He noted as an example that there were 32,000 cf of useless space as part of the high school library, which cost about \$20,000 to heat over a period of 10 years. He said unfortunately this expense couldn't be cut because the space was permanently designed into the building. He said there were other instances of fat that could be cut out.

He suggested that portions of the high school could be leased out in the summer, to generate some income. He said he felt the Town of Durham had been lazy, in not working on this issue.

He noted that a recent School board newsletter said that it was the desire for a quality education that drove people to Durham, but he said the opposite was true, stating that people were moving out of Town because of spiraling costs. He also said that no one could understand the information presented in the School Board's newsletter, including himself, someone who had been in the field of education for 31 years.

Mr. Speidel said that as deliberation took place concerning the next School Budget, it should be kept in mind that less was more. He said the rallying cry of a taxpayer's revolution should be "\$12,000 or Fight", and asked people to come to the School Board meeting on Wednesday.

William Hall, Smith Park Lane, noted that about a month ago, a student was killed adjacent to the school by a piece of equipment driven by a school employee. He said residents had recently come to a School Board meeting to speak about traffic issues and other issues, but none of these issues had been addressed. He also noted that school bus drivers had complained about skateboarders, but nothing was done about this. Mr. Hall said this was not an academic matter, or a budget matter. He said it was a matter of taking responsibility, and he said the response from the School Board had been atrocious. He said it was not doing its job.

Peter Smith, Route 4, said the policing issue had been of substantial concern to him for several years. He said he believed that there was now a great opportunity for the Town and the University system to make much progress on this issue. He urged the Council, as it proceeded to look at the policing study and thought about what it would allow the Council to say to the University in negotiations, to look at a somewhat broader way of approaching that issue than asking for financial compensation.

He said there might be an opportunity to go to the University regarding the idea of merging the two police departments. He said the fact that the University didn't have to pay taxes on its land in Town wouldn't change, but he said he did see an opportunity for a merger of the two departments, which would save the Town money. He provided details on this.

Mr. Smith noted the continuing fight of the University police department over benefits, and he

predicted that this fight wouldn't end in the near term, unless the merger of the two police departments occurred, in which case all police department employees would be eligible for insurance. He said he was optimistic that this issue would be approached with an open mind, and said he hoped the Council would look at this more global picture, as it reviewed the consultant's report.

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 approve the special event permit application submitted by the UNH Department of Presidential Events to close a portion of Main Street from Edgewood Road to Garrison Avenue for the annual University Day Picnic on Tuesday, September 18, 2007?
- B. Shall the Town Council approve the special event permit application submitted by the UNH Campus Activities Board to close a portion of Main Street and Mill Road for the annual UNH Homecoming Parade on Friday, October 12, 2007?

Councilor Van Asselt MOVED to approve Unanimous Consent Agenda Items A and B. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.

VIII. Presentation Items

- A. Annual Report of the Rental Housing Commission - (Paul Berton substituted for Chair Mark Henderson)

Mr. Berton said the decrease in police calls had leveled off after a 3 year drop, although noting that things were still positive. He said it was generally a very quiet spring semester, based on more proactive management by landlords. But he said Spring Weekend had seen some problems because of a combination of factors, including the weather and a large concert at the Whittemore Center that weekend. He noted that about 2000 of the 3500 people who had attended the concert were not from Durham. He said the Spring Weekend problems had been a reminder of the importance of looking far enough ahead to be able to anticipate these kinds of "perfect storm" situations.

Mr. Berton said the landlords continued to work with the Fire Department as new regulations came into existence, and as the expense of those regulations increased and decreased. He spoke about a new piece of technology for sprinkling apartment buildings that was much more cost effective, and said more and more rental properties should be using this in the future.

He said the Durham Landlords' Association continued to have a very active membership, and he provided details on this. He noted among other things that the tenants themselves were taking a more active role in complaining about their fellow tenants. He also said UNH was still playing a very active role in the DLA, especially regarding accessory apartments in individual houses in residential areas of Town, which generally were not managed professionally and often involving absentee landlords. He said the University had been playing a great role, through mediation, in holding tenants' feet to the fire.

He noted that two of the bigger landlords in Town, Mike Davis and Perry Bryant, had sold their properties to a large rental entity, and said it was hoped that this entity would be involved with the community, and would provide hands-on management of its properties.

Mr. Berton said the number of absentee landlords was starting to decrease, noting that this was tied to downturn in the real estate market. He provided details on this.

Councilor Peter Stanhope said he had often wondered whether the fact that the University was curtailing the activity in the Greek system meant that the fact that students were moving off campus was causing more difficulty for the landlords.

Mr. Berton said this did happen to a certain degree, but said the landlords didn't feel any big impact. He said the landlords had become active managers of their properties, and overall were having success with this.

Councilor Morong asked if the landlords in Town had a sense of whether the new rental entity in Town would maintain the kind of property management that had been occurring at those properties previously.

Mr. Berton provided details on this, and said the Durham Landlords Association would approach them. He noted that this entity did business in other university towns.

Councilor Carroll thanked the landlords for the work they had been doing, and said this was much appreciated by the Council and the residents of Durham.

Mr. Berton said it was also good for the students, and for Durham businesses.

Councilor Van Asselt said it was not simply a matter of absentee landlords of single-family homes, and he noted the situations where owners of single-family homes, who were still living in their homes, were renting out rooms in order to help pay their taxes. He said this wasn't always a safe situation, and said it was important to talk about it. He noted that Town staff was very good at keeping an eye on these kinds of situations.

Mr. Berton said he wasn't tuned into this kind of situation. But he said that when these kinds of problems came up at Rental Housing Commission meetings, the Commission was better able to respond than it had been a few years ago.

B. Annual Report of the Conservation Commission - Cynthia Belowski, Chair

Ms. Belowski noted that she had provided a report to the Council on the Commission's activities from June 2006-June 2007, and she highlighted some of these activities.

- Land protection -She said it was definitely time for the Commission to get its arms around this issue, and to develop a stewardship monitoring plan for all town lands, working closely with the Parks and Recreation Committee and the Department of Public Works. She said

the ideas were also to develop resource management plans, especially for Town properties that didn't already have them. She said the Commission would provide these plans to the Council as they were developed.

- Town Land Use/Trails Subcommittee - Ms. Belowski said the Longmarsh Trail was almost complete. She also said the Conservation Commission was working with the Lamprey River Advisory Committee on a tour guide for local residents. She said the guide would provide information on sites for boating, fishing, hiking, wildlife viewing, etc., along the portion of the river that was part of the federal Wild and Scenic River program. She said the guide would help to engage people in using this wonderful resource.
- Site Development Ms. Belowski said the degree of involvement with the Planning Board that was required because of the changes to the Zoning Ordinance and Subdivision Regulations had caught the Commission by surprise this year. She noted that the Commission was now required to submit comments on applications relative to the Wetlands conservation overlay district, the Shoreland protection overlay district, conditional use and regular use approvals, and the conservation subdivision process. She said this hadn't been an entirely smooth process in recent months, but said the Commission was working with the Planning Board and Mr. Campbell to create a cleaner process.
- Water Quality/Resources Ms. Belowski said the Commission had spoken with Mr. Cedarholm about water resources issues. She noted that the Commission was interested in water conservation, and said there had been discussion about the idea of forming a subcommittee, consisting of representation from the LRAC, UNH, etc. She said such a subcommittee could do outreach and education about the wise use of water resources as well as about potential programs that provided incentives for using low flow toilets and other techniques for reducing water usage.

Councilor Henry Smith asked if the Conservation Commission had a particular position on whether drawing down the Lamprey River further was a good idea.

Ms. Belowski said the Commission didn't have a position on this, and said it was focusing on water conservation.

Councilor Leach referred to the fact that the Commission had been working on plans for management and stewardship for Town lands, and asked her if these plans included public access and usage of these lands.

Ms. Belowski said the plans were still in the early stages, but said she imagined the Commission would be working with the Parks and Recreation Committee regarding this. She said she didn't think there was any Town- owned land that were not open to the public, and said she expected that it would be determined what the appropriate uses were for each of these properties.

There was discussion between Ms Belowski and Councilor Leach as to the responsibilities of the Parks and Recreation Committee and the Conservation Commission regarding the trails

system in Town. Ms. Belowski said the Commission was just getting into this, but said its role appeared to be developing resource management plans that considered these trails, as opposed to something like trail management.

Councilor Leach noted that she was the Council representative to the Parks and Recreation Committee. She said there had been a bit of a difference of opinion on the management of these trails, and said the more these groups could work together, the better it would be for the entire community. She noted that public access was allowed for two of the four conservation easements that had been approved within the past year, and said for people who were not too happy about them, the more accessible they could be made, the better.

There was discussion about the proposed changes to the guidelines for conservation easement proposals. Ms. Belowski said the Commission felt pretty comfortable with them, noting that there had been discussion with the Land Protection Working Group, which had had some concerns about them. She said it had been agreed that Duane Hyde would bring some suggested changes to Administrator Selig.

Councilor Van Asselt asked whether the role of the Conservation Commission concerning the provisions of the Wetlands protection overlay district and the conservation subdivision provisions represented an increase as compared to what the Commission's role had been before.

Administrator Selig said it did represent an increased role, and said because of this, it had been considered whether the Commission might need some professional support, and possibly a minutes taker, so it could be freed up to do other tasks.

In response to comments from Councilor Van Asselt regarding the need to balance doing due diligence on applications while moving the process forward, Administrator Selig said the Planning Board and the Commission were going to meet to discuss these issues.

Ms. Belowski agreed that this was definitely an issue that needed to be addressed. She said the Commission currently met once a month, and said that special meetings would perhaps be needed. She said the process hadn't worked very smoothly over the past year, but said Commission members were getting more accustomed to it.

She said the Commission hadn't been brought into the Planning Board's application process as early as it should have been. But she said the Commission and the Board would be meeting on August 1st to discuss this process. She noted that she and Mr. Campbell had recently come up with an approach that made a lot of sense, and said that among other things, it would involve having the applicant speak with the Conservation Commission earlier on.

Councilor Henry Smith asked for an update on the issue of the dredging of Mill Pond.

Administrator Selig said it was unlikely this would happen in October, as had been scheduled. He noted that the permit to do the dredging was limited to the October timeframe, when the

species in the pond wouldn't be endangered. He said if the dredging could be done at another time, the National Guard might be more available to do the work. He said this matter would be explored further.

The Council stood in recess from 8:25 – 8:39 PM.

C. Workforce Housing Coalition

Town Planner Jim Campbell introduced the speakers: Diane Hartley of the Workforce Housing Coalition of the Greater Seacoast; Stephanye Schuyler, Chair of the Workforce Housing Coalition; and Ben Frost, of the Housing Finance Authority.

Ms. Schuyler said The Workforce Housing Coalition of the Greater Seacoast was one of six regional coalitions, and was a catalyst for the development of a range of housing options for a diverse workforce. She said the organization's ultimate goal was to see more buildings built, but she said it was realized that this could take a substantial amount of time to achieve.

She said workforce housing meant a variety of housing options for working households, and incorporated quality design as well as the issues of conservation and environmentalism.

Who Needs Workforce Housing - the people who are part of the basic infrastructure of the community

- Entry-level teachers, firefighters, police officers
- Municipal and University employees
- Nursing assistants and other medical workers
- Hospitality industry employees
- Retail employees

Housing is not affordable for many Seacoast employees

- Affordability is a function of income
- Housing shouldn't require more than 30% of monthly income
- The lower your income, the harder it is to find housing you can afford
- It's not just very low income people who feel the pinch. The shortage of affordable workforce housing is an increasingly middle class problem

Understanding income lingo

AMI = Area Median Income, (HUD publishes this annually, based on region; Durham is located in the Portsmouth - Rochester NH, York Maine MSA

AMI = \$71,900 (2007) HUD determines this based on household size; we are looking at a typical entry level household, - a family of four

The Affordability Challenge

A family of four at 100% of AMI can usually afford rent. For Durham, the median rent is \$1700, but they can't afford to buy a house. This assumes that 40% of income is devoted to housing.

We need more Workforce housing: both rental and home ownership

- Workforce housing targets households between \$60,000-120,000 AMI
- Rental housing 60-80% AMI
- Homeownership 80-120% AMI

Example - Durham family of four- seeking to rent a house

- Income: \$57,500 (80% of median income)
- An affordable apartment is \$1,438 including utilities.
- Median price for a 2-3 bedroom apartment is \$1726. A family of four will need to spend more than 30% of its income on a rental unit; the income needed to afford a median priced apartment is \$69,040

Councilor Carroll noted that people also needed to be able to save, in order to be able to afford to buy a house in the future. She said if the rent was lower, they could possibly set funds aside to buy a house.

Example - Durham family of four seeking to buy a house

- Income \$71,900 (100% AMI)
- Affordable purchase price \$198,000
- Median selling price for home in Durham \$294,000
- Income needed to afford a home priced at the median selling price \$104,200, which is 45% more than what the family currently earns
- Median price of home currently on the market \$399,000
- Median price of condominium currently on the market \$294,900

Municipally Sponsored Solutions

- the objective of these solutions is to lower the cost of housing, by makes more efficient use of land, reducing infrastructure costs, etc.
- Workforce housing overlay districts
- Density incentives
- Smaller lot requirements
- Accessory apartments
- Narrower road ways
- Sidewalk waivers (eliminate one of both sidewalks)
- Substitute for granite curb or eliminate curb
- Reduce parking requirements, narrower spaces
- Clustering to maintain rural feel
- Community water and sewer systems

Developer-Sponsored Solutions

- Use of manufactured housing - the industry is getting more innovative
- Smaller living spaces 750-1200 sf
- Use slab vs. full basement
- Unfinished 2nd floors in capes
- Foundation only for future garage (if one is planned)

Examples of some Workforce Housing in the region

Pepperidge Woods, Barrington

- 44 manufactured/modular homes on 25 acres
- Single family homes; all are Energy Star rated systems
- Community center and playground
- Price range \$164,000-187,000

Watson Woods, Exeter

- 28 condominium units, 20 of which are affordable
- Uses Exeter's open space density bonus ordinance
- Targets households earning 80-120% of AMI
- Mixed use housing -Mix of market rate housing with workforce housing (It was noted that this trend is growing, and is a way to make it easier for developer to make the numbers of a project work)

Ms. Hartley noted that Exeter was currently revising its ordinance to make it even more attractive to developers.

Councilor Morong noted that Watson's Woods had been developed by Chinburg Builders.

Councilor Carroll said she had spoken with the Town planner in Exeter, who had worked closely with Chinburg Builders to make Watson Woods a reality. She said that was what it took to make this kind of thing happen, and said it seemed to be a real success story.

Ms. Hartley said developers were realizing that the high end housing market had stopped, and had become more interested in doing things that were more in line with workforce housing.

Norton Street, South Berwick, ME

- 20 rental apartments
- Targets households earning up to 60% AMI; uses subsidies from the Maine Housing Authority
- Helped to revitalize a rundown neighborhood. The Town worked with the Housing Partnership and the property owner. Some of the units were rehab, some were newly constructed.

Exeter Workforce Housing Ordinance

- 15% density bonus (affordable housing) for open space developments that guarantee that 20% of the total number of units are set aside as affordable (2 tiered approach - for 15% or more of the units, the initial sale is at a price that is affordable to households with an income not more than 120% of AMI; for 5% or more of the units - the initial sale is at a price that is affordable to households earning not more than 80% AMI)
- Units are sold with deed restrictions, and a recorded housing agreement that limits for a period of 30 years, renewable upon sale or transfer, the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index.

Portsmouth Affordable Housing Ordinance

- Up to 50% density bonus for inclusion of workforce housing
- Targets households earning 120% AMI or less
- Resale restrictions used
- Limited to parcels of at least one acre in GRB/GRA zones; this is a pilot project, which is limited to these two zoning districts

Kittery Clustered Residential Development Ordinance

Allows minimum lot size of 20,000 sf in areas without community sewage collection in return for preserving open space and creating a recreational area.

Services provided by the Workforce Housing Coalition

- Presentations to municipalities and businesses
- Forums
- Technical assistance - to planning departments, developers
- Advocacy
- Networking

What Can Businesses Do

- the availability of workforce housing affects their growth and development because it impacts employee recruitment and retention
- Educate others on the value of workforce housing
- Advocate for workforce housing in your home and business towns
- Support your local workforce housing coalition with your time, talent and treasure
- Raise the bar of success

Housing and Conservation Planning Program

- Growth and development roundtable
- Matching grants available for municipal planning, in four stages
 - Data gathering and analysis
 - Growth and development strategy
 - Integration with master plan
 - Regulatory implementation
- Each stage must address housing and conservation together, and engage in communication and education
- \$400,000 included in State budget for biennium for this program; hopefully will be continued with future budgets
- NH OEP to administer; rulemaking underway; anticipated launch in December 2007

Ben Frost, one of the moving forces behind this program, spoke before the Council. He said the program was an initiative of the NH Charitable Foundation, and could last longer than two years. He said the goal was to find ways that housing and conservation interests could find common ground. He said the program, established in SB 217, would soon be signed by the Governor.

Mr. Frost said another program with a narrower focus that would promote workforce housing was the **NH Housing Finance Authority's Local Technical Assistance Program**, which provided the following:

- Inclusionary zoning assistance - voluntary inducements to developers, such as density bonuses, to build affordable housing
 - Grants up to \$10,000 ; no match required;
 - Can't use for town administrative costs, need to use the funds to hire qualified consultants
 - Create a zoning amendment ready for adoption
 - Voter education component required
- Ready in August of 2007

Ms. Hartley asked if this was a one time program, and Mr. Frost said it was envisioned that it would be short term project, lasting 1-2 years. He said the goal was to keep it small and really focus on those communities that were ready to do this work. He said about \$100,000 was available for the program right now.

Administrator Selig said Mr. Frost, Ms. Hartley and Ms. Schuyler would be attending the Mill Plaza forum on Wednesday.

Councilor Leach noted that this presentation had also been presented before the Housing Task Force. She asked if there had been any recommendations from the Task Force.

Administrator Selig said not at this time. He said the task force was continuing to focus on occupancies in the downtown areas, and would be focusing on affordability issues in the future. He said that it perhaps would be more beneficial for the Planning Board to look at these kinds of possibilities.

Councilor Van Asselt said he couldn't disagree more with Administrator Selig's statement. He also asked the Council to look at the list of possible solutions, and to decide whether Durham was prepared to do these kinds of things. He said the Town had just spent three years rewriting the Zoning Ordinance, and said one wouldn't find any of these kinds of ideas in it. He said he didn't have a problem with the things on the list, but said he wondered how many people would be in the room when this list was discussed.

Administrator Selig said Durham would follow a different model for affordable housing than other towns because of the presence of the University. He said the fastest route to affordable housing in Durham would be to encourage new construction of student-focused development in professionally managed properties, which would pull students out of the residential neighborhoods, and would free up residential properties near the downtown core.

He said providing new student rental properties would also help provide more affordable housing regionally, because it would pull students out of Dover and Newmarket as well. He said he didn't see that Durham was ready for the Pepperidge Woods model.

Councilor Morong said a place like Watson's Woods provided a range of housing sizes, including workforce housing, and said it was all attractively done. He noted that he had grown

up in Durham, but now found the Town and surrounding areas was less diverse socio-economically than it had been in the past. He said he didn't own a median house when he was starting out. He noted that there had been houses that had recently been marked down to the lower \$200,000 range, and said they would have been good enough for him when he was in an entry level position.

Mr. Frost said in 2001, 19% of what was on the market was affordably available to renter families who made the median income for renter families while in 2006, this percentage had dropped to about 3.5% . He noted that first time homebuyers were by definition, renters. He said this meant that people had to drive further and further to find place a place they could afford. He said people could make the gas payments involved with commuting, on a weekly basis, but then had no money for the down payment or the mortgage payments on a house.

Councilor Van Asselt said he didn't disagree with what Administrator Selig was saying, but he said this then raised a big question regarding what a municipality had to do, in terms of encouraging major student housing development somewhere outside of the downtown area.

Administrator Todd Selig said the development could occur in the downtown area as well, as part of the Mill Plaza redevelopment, or as part of adding to or tearing down and rebuilding existing multi-unit buildings in order to allow increased density. He said addressing the parking issues would encourage this.

Councilor Van Asselt said if the Council had any interest in moving forward with this issue, it shouldn't give this issue to the Planning Board. He noted the lengthy agendas facing the Board at present, and said they therefore didn't have the time to get beyond the surface on these kinds of issues.

He said the Housing Task Force was the logical committee to take this on and do something with it. He said this still raised the question of whether the Council was serious about providing leadership, or a municipally sponsored approach of changing the Zoning Ordinance in a variety of ways in order to do something about providing affordable housing. He said he was not sure the Council and/or the community was willing to address this issue.

Councilor Morong said that might depend on how the approach was presented. He said he thought the community was interested in having places where people who worked in the trades and worked at the University could live in Town.

Chair Niman said the question was whether the Council was interested in charging the Housing Task Force with looking at this issue. He said that the Mill Plaza redevelopment might be an opportunity to do something like Exeter did with affordable housing, and said there might be an affordable housing component to the residential portion of the development.

He noted that he knew someone in Town who had an apartment building he wanted to expand, and would be interested in making the top floor affordable. He said this raised the question of whether the Council would be interested in changing the Zoning Ordinance to make this kind of thing possible.

Chair Niman said another thing to keep in mind was that the University owned a lot of land. He said if the Council wanted to support the idea of affordable housing in Durham, it could ask the Housing Task Force to move forward with an initiative to partner with the University to come up with affordable housing, so University employees and Town employees could afford to buy properties. He asked whether the Council was committed enough concerning this issue to move forward with something like this. He noted that he knew of someone in Town with a big tract of land who would like to do affordable housing.

Chair Niman said it came down to what kind of community residents wanted to live in. He said Councilor Van Asselt was asking if there was enough interest to move forward with this. He said the Housing Task Force had thought the affordable housing presentation was impressive enough that the Council should see it.

There was discussion about how affordability carried on over time with affordable housing properties, and also about how this worked with rentals. Mr. Frost said deed restrictions were used, and also said there was a large enforcement arm. He said people were income qualified each year, and also said the NH Housing Authority did an audit each year, so these things were monitored well.

There was detailed discussion about the idea of having a multi-town approach to providing affordable housing. Councilor Van Asselt said as was the case with the Oyster River School district, this was the kind of issue that involved a broader community than just Durham. He said he would be interested in looking at affordable housing in Lee and Madbury, where there was more land and possibly more support for this kind of thing.

Councilor Carroll said one thing that was learned from the planning that took place in the 1960's and 1970's was that moderately priced housing shouldn't all be built in the same place, because it could turn into ghettos. She said one of the things that therefore needed to be talked about was where affordable workforce housing should be located. She noted that the Chinburg Builders development that had been cited blended together well housing of various prices.

Mr. Frost agreed. Ms. Hartley said the number of projects involving density bonuses and mixed income projects in exchange was increasing.

Ms. Schuyler said the exteriors of units in a mixed income project looked similar, but the differences were in the amenities inside, such as architectural details, number of bedrooms, etc. She said this made the difference concerning the variation in the cost of the different units.

Ms. Hartley said ordinances could stipulate that the Planning Board had the latitude to approve a project after reviewing how the different units fit together, and how the whole development fit within the surrounding area.

Mr., Frost noted the book *Homes for NH's Future*, which was developed by the NH Workforce Housing Council. He said it included an outline of an ordinance that dealt with retaining affordable housing over the long run, through rentals and home ownership.

Chair Niman said these affordable housing experts would be speaking with the Mill Plaza Study Committee on Wednesday, and said Councilor Julian Smith would keep the Council posted on this. He also said the Housing Task Force needed to resolve the density issue, and said the Council could then decide whether it wanted to task the Housing Taskforce with looking further into the affordable housing issue.

Administrator Selig noted that the Housing Task Force was not a formal Town board, and said if the Council was going to charge this group with something like that, the membership of the Task Force would need to be formalized.

IX. Unfinished Business

PUBLIC HEARING AND ACTION ON ORDINANCE #2006-07 amending the following sections of Chapter 175 “Zoning” of the Durham Town Code pertaining to timber harvesting/forestry:

1. Article II, Section 175-7 “Definitions”
2. Article XIII, Sections 175-60, 175-61, and 175-65 “Wetland Conservation Overlay District”
3. Article XIV, Sections 175-69, 175-71, 175-72, and 175-75.1 (A & C) “Shoreland Protection Overlay District”
4. Article XX, Sections 175-109 (L) “Performance Standards”
5. Article XII, Section 175-54 “Zone Requirements”

Councilor Leach MOVED to open the Public Hearing, Councilor Carroll SECONDED the motion, and it PASSED unanimously 7-0. (Councilor Van Asselt was not in the room for this vote.)

William Hall, Smith Park Lane, said he had carefully followed the process of reviewing these ordinance provisions, and had spoken with foresters, forest land owners, and several other key entities regarding the provisions. He reviewed the process of developing changes to the provisions over the past year, and said he supported the wording of the provisions as currently proposed by the Planning Board. He said it was time to get on with things.

Rob Keefe, Piscataqua Road, reviewed his previous concerns about the ability to practice forestry in Durham, given the Town’s regulations. He said forestry was quite common in Durham, and he provided details on this. He noted specifically the conflict between the time scales reflected in the planning process as reflected in the Zoning Ordinance, a document that changed fairly regularly, as compared to the longer time frames involved with forest planning.

He reviewed some of the changes represented by these proposed revisions, including the removal of buffers for property boundaries. He noted that the State Basal area law allowed a property owner to cut trees up to a property boundary, but said at some point the Town had required a 50% density of trees that could be cut and a 50 ft buffer, and then had required a 100 foot buffer, with a density decrease allowed of 20%.

He said some of these things were counterintuitive from a forest management perspective. He said the intention was probably to provide visual protection between neighbors, but he said

trees that were desirable as timber needed lot of light in order to regenerate. He provided details on this. He noted that some landowners had internal lot lines, so these buffers especially didn't make sense with these properties.

He said no forester he knew would encourage a lot of timber harvesting in wetland areas, but said there might be a need to do this from time to time, He also said that foresters needed to cross intermittent streams to access a property, and that NHDES already handled this for forest management activities.

Mr. Keefe said the shoreland issue was the one discussed the most, and he provided details on this. He said a consensus was not really reached on how to distinguish incoming development from forest management activities, in terms of tree cutting. He said with the current proposal, a forester had to stop tree cutting at 50 ft from the shore, with the exception of dead or dying trees, and a homeowner had to stop cutting at 150 ft.

He said the only thing he had reservations about with the revised provisions was that the requirement that forestry activities be practiced with a forest management plan prepared by a state licensed forester was taken out. He said this requirement would have been helpful in separating out potential development activities from longer term forest management activities. He said this might be something that should be looked at in the future.

Councilor Van Asselt returned to the table.

There was discussion that a professional licensed forester was required for forestry/timber harvesting in the shoreland overlay district, but not in the wetlands protection overlay district.

Mr. Keefe said one of the reasons this was confusing was that separate forestry related performance standards were required for the shoreland protection overlay district, the wetland protection overlay district, and the Town in general. He recommended having the same performance standards throughout, but said he was reluctant to see the provisions sent back concerning this at this point in the process.

Ted McNitt, Durham Point Road, said the revised provisions were a big improvement, although they hadn't come quite far enough. He said someone wanting to do serious forestry in Durham would have to decide if it could be done on an economic basis, and said the Town would then see where it stood on this.

Mr. Hall said that regarding the professional forester issue, foresters weren't needed because most of the forestry jobs in Durham were small.

Mr. Keefe said the key thing he had wrestled with overall was that most people were content that good forestry was going on in Durham on the farm properties, but it was realized that people also cut trees when they were going to build a house. He said there was still a bit of ambiguity in the Ordinance changes, but said he didn't envision terrible things happening because of this.

He suggested that the licensed forester requirement for all forest land in Durham be put back in, and also said as Don Quigley had suggested, forestry could be permitted on land enrolled in the Current Use program. But he said he didn't encourage the Council to send these proposed provisions back to the Planning Board at the present time.

Councilor Morong MOVED to close the public hearing. Councilor Julian Smith SECONDED the motion, and it PASSED unanimously 8-0.

Councilor Leach MOVED to approve ORDINANCE #2006-07 amending the following sections of Chapter 175 "Zoning" of the Durham Town Code pertaining to timber harvesting/forestry:

- 1. Article II, Section 175-7 "Definitions"***
 - 2. Article XIII, Sections 175-60, 175-61, and 175-65 "Wetland Conservation Overlay District"***
 - 3. Article XIV, Sections 175-69, 175-71, 175-72, and 175-75.1 (A & C) "Shoreland Protection Overlay District"***
 - 4. Article XX, Sections 175-109 (L) "Performance Standards"***
 - 5. Article XII, Section 175-54 "Zone Requirements"***
- Councilor Carroll SECONDED the motion.***

Councilor Carroll said she had been at Planning Board meetings where these proposed changes were discussed, and said she would like to speak in favor of adoption of them. She said before the Zoning Rewrite was done, there weren't any complaints that the Planning Board was aware of concerning the existing provisions, and weren't problems with timber harvesting.

But she said that somehow, during the Zoning Rewrite process these provisions were rewritten, and became very restrictive. She said they were so restrictive that the forestry community, inside and outside of Town, came in and asked the Planning Board if it realized what it was doing to landowners who were trying to do some timber harvesting on their properties. She said this was when the discussion started on these provisions, and it went on for some time.

She said she had checked with Assessor Rob Dix, and determined that Durham didn't have that many large pieces of property left in Town where timber harvesting/forestry was taking place. She said that last year, three residents had filled out timber harvesting applications, and explained that a reason they had to do this was that if they were doing timber harvesting, they had to pay a 10% tax to the Town. But she said these people really depended on the money from timber harvesting to help pay their taxes.

Councilor Carroll said the Planning Board had decided to look at the issue of the restrictiveness of the Ordinance concerning forestry/timber management. She said the section that had caused the most discussion was the provisions concerning the shoreland protection area. She said the Planning Board had taken a few measures to make sure that this area was protected, including the requirement that there be a licensed forester. She said the reason this requirement was not included for areas that were not in the shoreland protection area was that it was felt that residents had been doing a good job developing forest management plans as part of having their land in Current Use, so something more restrictive wasn't needed.

Councilor Carroll said she hoped the Council would adopt the Ordinance as presented that evening.

The motion PASSED unanimously 8-0.

Chair Niman thanked those people who had worked so hard on this process.

Councilor Julian Smith MOVED to suspend the adjournment time of 10:00 PM. Councilor Henry Smith SECONDED the motion, and it PASSED 6-2, with Councilor Morong and Councilor Stanhope voting against it.

XII. Nonpublic Session (if required)

Administrator Selig said he had planned that the Council would discuss a personnel matter under Nonpublic Session. But he said Councilor Stanhope had appropriately raised the question of whether it was appropriate to address the issue in nonpublic session. He said he had thought about this more, and decided that the Council would proceed with a more limited discussion in public. He said Fire Chief Peter O'Leary and Division Chief of Operations Corey Landry were present to talk the Council on some of what had been planned.

He noted that several months ago, there had been discussion as to whether it made sense to fill the fire marshall position after the existing fire marshall, who had been there for a long time, left this position. He said that at the time, he and the Fire Department felt it was important to retain that position. But he said at the present time, the decision had been made to move forward with another position than the fire marshall position. He said the plan was to reorganize the Fire Department to create a division Chief for fire Prevention and Safety, and said Chief O'Leary would provide the rationale for this change.

Chief O'Leary said he had come before the Council several months ago, hoping to persuade people that there were some organizational changes needed at the Department in order for it to run more efficiently. He said in trying to make these changes, a challenge was the Assistant Chief position, which was part of the middle manager bargaining unit. He said that when labor questions came up at the Department, there was nobody there to talk to about labor issues. He suggested that it was always good to have some place, beyond the Department, to bounce ideas off concerning labor issues.

He said that in restructuring the division chief of operations position, the goal was to eventually have a division chief in fire prevention. He said at that time, there was discussion that this could happen, but not anytime soon. He said the Town searched for a fire marshall through regular channels, but it was found that there wasn't a great deal of interest in this position. He said they therefore went back to the drawing board, to see if the job could be enhanced to make it more attractive for someone inside or outside of the Department. Chief O'Leary said in doing so, a few things needed to be considered. He said before he came to Durham, there was a captain of safety training position that had been eliminated. He said hiring Mr. Landry was part of the plan to address the need for someone to focus on training issues. But he said the safety part was still a big concern, and he noted that fire prevention had

suffered since the beginning of the year, when the Fire Marshall had left.

He said he had started thinking of ways to enhance the fire prevention position in order to give it more authority. He noted that the fire marshall rank was somewhat less than the rank of captain. He said it was therefore difficult for the person in the fire marshall position to give directions on a daily basis, and said this had been undermining the effectiveness of this position. He said the concern was that this would continue to be the case if the Town simply hired someone to fill the fire marshall position.

He said there were several discussions between himself, Administrator Selig, Business Manager Jablonski, and the Town Attorney on ways to enhance the position of operations chief for fire prevention and safety. He said the idea was to add more responsibility and supervision, safety evaluations, and distance from the bargaining unit in order to allow the administration of the Fire Department to reflect more depth of judgment, which he believed it really needed.

He said having this would allow company officers to be able to put more concentrated effort on day to day activities of managing their personnel. He said these ideas resulted from careful evaluation, and said in the long term, there were some long term benefits for the Fire Department and the Town.

Administrator Selig said they were continuing to drill down within the Fire Department to see how they could be more efficient with the Town's resources in maintaining the level of service people wanted, but at a lower cost. He said the initial step as part of this effort would be to move ahead with this new position.

Councilor Leach said she wanted to be clear on whether this new position was replacing a fire marshall position as well as a training position.

Administrator Selig said that three years ago, he had presented a budget to the Council that eliminated a fifth captain position, for safety and training. He said those duties were supposed to be taken up by the duty shift captains, but said this had not been a particularly effective solution. He said safety needs were going un-met, and there were a lot of inconsistencies between shifts.

He said the proposed position replaced the fire marshall position, but he explained that by bringing someone on with additional skills, some of the safety issues that were currently going un-met could be addressed. He noted that Division Chief Landry was taking on some of the training responsibilities.

He said the primary benefit of this new position would be that the person in that role would outrank the duty shift captains, so could direct them to undertake fire inspection and follow-up duties. He said it had been challenging at times to effectively get them to undertake this fire prevention role. He said by taking some of this on, they would free the person in the Operations Chief for Fire Prevention and Safety Prevention role to take on more of the safety issues.

Chief O'Leary said having this position exempt from overtime compensation would be a huge benefit to him as an administrator. He noted that once the University was back in session, a lot

of fire prevention-related activity at the Department occurred after 10 pm. He said the Town would have greater flexibility to cover these issues with someone who was exempt from overtime. He provided details on this, and said this approach would be a benefit to everyone.

He said he couldn't emphasize enough how important it was to have a clear line of authority between the ranks, especially in the fire prevention arena. He said having a chief officer to provide information and direction to the captains on this issue was something that had been missing in Durham.

Administrator Selig said they simply wanted to inform the Council that they were moving forward with this, and to answer any questions the Council might have, before they went on and approached someone with a job offer.

Councilor Van Asselt asked if the full time employees and the call force were aware of these plans, and had bought into them.

Chief O'Leary said they did know about it, stating that he had been open about the difficulties the Department had had in filling the fire marshall position. He said the employees knew the Town had sought someone to fill the fire marshall job, but only one person had responded, and was not qualified for the position. He said they knew how important it was to him to fill this position.

He said they had also known about the idea he had of giving the fire marshall position the rank of captain, and having people from the firefighter ranks go for this position, which would involve having to go through fire prevention training first. He noted that this idea had been considered, but it was realized it was not a solution, because it would have created a revolving door effect in that position, a position that the Town couldn't afford to have a lot of turnover with.

He said he didn't make this present plan a secret, and said some Department employees did know he was coming there that evening to speak about this. He said that with the endorsement of the Council, he would like to spread the word the following day of how excited he was about making this happen. He said buy-in was very important, and said he worked on this every day, and kept employees informed. He noted that having Division Chief Landry at the Department had already provided an important link, one which hadn't existed prior to this in his experience working for the Town.

Councilor Henry Smith said the memo to Councilors said this plan would result in savings of almost \$70,000 per year, when implemented. He asked what the time frame was for this implementation.

Administrator Selig said they were still working these things out, and said this would be a topic of a future presentation before the Council.

Councilor Leach noted that the Council had previously talked about some of these issues in nonpublic session. She said one of the questions she had asked then was concerning the morale of the Fire Department. She said it was important to be really careful, in order not to jeopardize this morale.

Chief O’Leary said absolutely, noting that he personally stood to gain or lose the most if the morale at the Department wasn’t good. He said it was always difficult to implement change in fire service work, and said a lot of this was because of fear of the unknown. He said he was confident Town staff was doing due diligence, in thinking through these plans. He said he had spent a lot of time thinking about the needs of the Department, and was also doing his best every day to keep Fire Department employees happy about working in Durham.

He said this was evident from the recent fire fighters contract negotiations, which were very positive. He said this happened in part because he had helped to keep things on point, and didn’t make the negotiations personal. He said people met each other half way, and worked together. He said the focus was on protecting the people of the community.

Councilor Stanhope asked, regarding the morale question, whether the way the two “white shirt” positions had been built from the outside suggested that there weren’t opportunities to move up from the inside. He said he had heard some frustration expressed concerning this.

Chief O’Leary said that with the fire marshall position, there were several employees in-house who could have move laterally to take on the challenge of the fire marshall exam, but chose not to do so. He said there were a lot of possible reasons for this, and he provided details on this. He also noted that captains earned substantially more than he did in 2006, noting that they received overtime and he did not. He said they might physically have been at the fire house more than him, but he said when he was in Durham, he was always working. He said he didn’t think there was a lack of opportunity, noting that with the position that Division Chief Landry had filled, any of the four captains could have chosen to apply, but did not.

Administrator Selig said the gross pay for each of the four captains in 2006 was over \$80,000. He said this figure did include a lot of overtime, but he noted that the captains made more than all other staff in Durham besides the Town Administrator and the Police Chief. He said he and other Town staff were looking hard at cost structures and cost centers, and ways to be more effective and efficient. He noted that with a salary like this, it was hard to entice those employees to take a position involving more responsibility and a fairly significant pay cut.

He said morale in Town employees was very important to him, and said he was also focused on cost centers, in an overall effort to run the Town more efficiently.

XIII. Adjourn

Councilor Henry Smith MOVED to adjourn the meeting. Councilor Leach SECONDED the motion, and it PASSED unanimously 8-0.

Adjournment at 10:25 pm

Victoria Parmele, Minutes taker

