

July 24, 2025

Dear Durham, NH, Town Council members.

I am Dennis Meadows. I live at 34 Laurel Lane in Durham. I moved here in 1989 to serve on the faculty of the University of New Hampshire.

During my 36 years as a Durham voter I have always accepted the decisions of the Durham Town Council, even when they were different than I would have preferred. But now I am writing to ask that you formally reconsider your vote at the July 7 meeting where a one-vote plurality changed a zoning regulation that has served Durham for decades. You voted 5 to 4 for Ordinance #2025-07, permitting BY RIGHT construction of multi-unit residential in the Professional Office, Church Hill, and Courthouse Zoning districts of our town, an activity formerly prohibited.

Normally representative democracy works well for our town. Many believe that this time it did not. There are 4 reasons for you to reconsider your vote.

1. The vote contradicted the overwhelming opinion that the proposal should be paused and sent back to the Planning Board for further consideration.

According to the official minutes of the meeting,

- Council Chairman Friedman stated, "there is no urgent deadline for settling this issue. The state law that prompted the amendment does not become law until July 2026."
- Mr. Horrigan, our NH state representative, said, "the town should not rush to deal with the amendment."
- Mr Rasmussen, the current chair of the Planning Board "said he wanted to take it back to the Planning Board so it can review it and submit a new version that would be in compliance when the state law takes effect on July 1, 2026."

- Mr. Meyrowitz said he, "agrees with Mr. Rasmussen. ... the town needs to look more closely at protecting the buffer areas around single family homes."
- Mr. Gooze formerly chair of the Durham Zoning Board of Adjustment and formerly Chair of the Town Council "urged the Council to let the Planning Board study this ordinance again in light of the new state law."
- Malcolm Sandberg, former chair of the Town Council said the town should "send the package back to the Planning Board to consult with legal counsel."
- Mr. Komonchak asked "that this zoning change be sent back to the Planning Board the town should not throw away a tool that protects the town"
- Council chair Friedman mentioned "sending the entire proposal back to the Planning Board to sort out the issues." He said, "It's not clear what the Council would be voting on at this point."
- Mr. Behrendt said "sending the multi-unit residential proposal back to the Planning Board is doable."

Their suggestions were rejected by the vote.

2. The Durham Master Plan stresses the importance of preserving the historic character of the town. Yet the ordinance was formally opposed by representatives of both the Durham Historic Association and the Durham Historic District Commission. The Commission, "believes the Town Council should table these changes until Durham citizens have a much better understanding of the zoning impacts on the Historic District."

Their objections were ignored by the vote.

3. In the public hearing those opposing immediate adoption of the amendment greatly outnumbered those favoring its adoption.

Their statements were ignored by the vote.

4. The Town Administrator was absent and thus unable to contribute his wisdom during the deliberations.

The Town Council members sincerely work to reflect voters' opinions and to serve the interests of the town as they each understand them. But it can take time to understand those interests. I believe the vote on this amendment was divided because there is a great disparity of experience on the Council. Three of those supporting the amendment have completed a combined total of only 2 years service on the Town Council. They have collectively lived in Durham about 15 years. Three of those opposing the amendment have collectively completed 18 years of service on the Council; they have lived in our town for a total of about 120 years.

Council representatives learn through debate and reflection. Often they explain to each other the reasons for their vote. Especially on contentious issues it has often been the practice to go around the table, so Council members could each justify their vote. However, neither the councilor who moved to close the public hearing, nor the councilor who moved to approve the ordinance as written, nor the councilor who seconded the motion to approve as written made any recorded comments during the public hearing.

Nor was any other relevant new objective information provided. The response of other towns to the new state law was not considered, and no data were presented on the impacts of the proposal - only a few personal opinions were offered. It seems, therefore, that the vote to make this drastic change in zoning was based not on new learning but rather on existing preconceptions.

The Town Charter acknowledges the possibility of reconsidering a vote, and Roberts Rules of Order specifies in detail how to do it¹. I urge you to consider taking that action at your August 4 meeting.

Cordially,

Dennis Meadows

¹ ChatGPT's summary of the relevant excerpt from Roberts Rules of Order is provided in the attachment to this letter

Robert's Rules of Order provides clear guidance on how a deliberative body may *reconsider* a vote. Here's a summary of the key points regarding the **motion to reconsider**:

What is "Reconsider"?

The motion to reconsider allows a group to **revisit a motion that was previously adopted or rejected**. It provides a way to correct hasty, ill-informed, or mistaken decisions.

Key Rules:

1. Who Can Make the Motion:

- Only someone who **voted on the prevailing side** (i.e., voted "yes" if the motion passed, or "no" if it failed) can make the motion to reconsider.
- This is to prevent abuse of the motion by those who lost the vote.

2. When It Must Be Made:

- It must be made **on the same day** as the original vote, or on the next business day **before any action is taken as a result of the original motion**.

3. Effect of the Motion:

- If adopted, it brings the original motion **back before the body as if the vote had not yet occurred**.
- The motion is then **open for debate, amendment, and a new vote**.

4. Debate Rules:

- The motion to reconsider is **debatable only if the motion to be reconsidered is debatable**.
- Debate on the motion to reconsider can go into the **merits of the underlying motion**.

5. Majority Vote:

- It requires only a **simple majority** to pass.

6. Limitations:

- Cannot be used on votes that **cannot be undone**, such as actions already carried out (e.g., if someone was elected and has taken office).