

This set of minutes was approved at the August 15, 2022 Town Council meeting

**DURHAM TOWN COUNCIL
MONDAY, MAY 9, 2022
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 pm**

MEMBERS PRESENT: Council Chair Kitty Marple; Councilor Joe Friedman; Councilor Chuck Hotchkiss; Councilor Sally Tobias; Councilor James Lawson; Councilor Eleanor Lonske; Councilor Eric Lund; Councilor Carden Welsh.

MEMBERS ABSENT: Councilor Sally Needell

OTHERS PRESENT: Administrator Todd Selig; April Talon, Town Engineer; Michael Behrendt, Town Planner

I. Call to Order

Chair Marple called the meeting to order at 7:00 p.m.

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely

III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in-person

Roll call was taken: *Councilor Tobias--Yes; Councilor Lonske--Yes; Councilor Lund--Yes; Councilor Marple--Yes; Councilor Hotchkiss--Yes; Councilor Lawson--Yes; Councilor Welsh--Yes; Councilor Friedman--Yes.*

IV. Approval of Agenda

No amendments to the agenda were motioned for.

Councilor Marple MOVED to APPROVE the agenda as presented, which was SECONDED by Councilor Lund and PASSED 8-0.

V. Special Announcements – None

VI. Public Comments

William Hall, Smith Park Lane, spoke on Town fire safety regulations as it relates to fraternities.

Dudley Dudley, Woodman Road, spoke on her history opposing the building of an oil refinery in Durham a few decades ago. The Council at that time also opposed the proposal but only after a long period of persuasion by residents of the town. Ms. Dudley said she hoped this experience will be a cautionary tale to the current Council not to wait

too long to be involved in the Pease Development Authority air cargo proposal. She also asked the Council to focus on questions of capacity when meeting with the Pease Executive Director, as well as how the facility might change over the years in its use.

Dr. Janet Perkins-Howland, 32 Frost Drive, noted that she had read the draft goals for the Council in the coming year and was particularly interested in the last point of thinking about what being a welcoming community means. Dr. Perkins-Howland said she would like the Council to consider that point through the lens of diversity, equity, and inclusion.

VII. Approval of Minutes--March 21st, 2022

Minor amendments to be made from some Councilors were sent to Administrative Assistant Jennie Berry.

Councilor Marple MOVED to APPROVE the March 21, 2022 Town Council meeting minutes as amended, which was SECONDED by Councilor Hotchkiss and PASSED 8-0.

VIII. Councilor and Administrator Roundtable

Councilor Friedman--Parks and Rec Committee

- Councilor Friedman followed up on a question asked at the last roundtable about whether Durham kids were on the waiting list for summer camps. He said that while Madbury and Lee kids are entitled to some spots in the camps due to Oyster River programming, Durham kids are not sidelined as a result of those spots.
- UNH Pool opens on June 1st.
- Discussion was continued on new signage at Wagon Hill and Doe Farm. There are now white trail markers along Bennett Road, so the road no longer needs to be used in navigating the trail.
- Memorial Day ceremony will take place on May 30th at 10AM, which will occur in the downtown area.
- Durham Day is scheduled for June 4th of this year.
- The ice rink had a good year, matching the number of hours of use as the previous year. The rate was raised this year for the first time in a few years, although there is still a discounted rate offered during off hours.
- The Committee continued work on its yearly goals and expressed interest in involvement with dam removal if it was going to be replaced with a park.
- Councilor Friedman noted that he also joined the Seacoast Economic Development call, where he represented Durham along with Councilor Tobias.

Councilor Welsh--Conservation Committee

- The Committee last met on April 25th, where it approved four applications for wells, docks, and wetlands. The Committee also discussed cooperation between UNH and the Town on trails systems connecting UNH and Town trails.

Councilor Welsh---IWMAC

- The Committee met on the 20th of April and discussed the development of a recycling program as well as “Sustainable Durham.” Development of a recycling logo by ORCSD students continued.
- IWMAC met again on May 4th. Councilor Welsh noted that he was not able to attend this meeting but read the meeting minutes. Most of the discussion was on preparation for Durham Day, improvements on bulky waste cleanup, and the recycling logo.

Councilor Lawson--Energy Committee

- The Earth Day event was a success. Despite the short organization timeline, there were excellent displays of EVs from both dealerships and residents, along with plenty of information on solar energy, community power aggregation, and GCOM.
- The Committee hopes to start planning much earlier next year, which will allow for a broader outreach and ability for other boards and committees to participate.
- Durham Day is going to be an important educational and outreach opportunity for the DEC on a number of topics, focusing on community power aggregation and greenhouse gas reduction.
- Councilor Lawson noted that he would be reviewing a draft of the Energy Action Plan with another member of the Energy Committee. An additional member of the Committee will also be meeting with Administrator Selig about a proposed rate change for EV charging stations.
- The current longtime Energy Committee Chair would like to remain active in the Committee but take a break from leadership. Councilor Lawson has agreed to step up as Chair in the interim. Additionally, four residents have expressed interest in joining the Energy Committee. The Committee will be looking into expanding.

Councilor Hotchkiss

- Councilor Hotchkiss had nothing to report.

Chair Marple

- Chair Marple noted that she was able to attend the opening of the ORYA baseball franchise, which included t-ball through middle school players. Marple thanked the ORYA Staff and Keith O'Brian for their hard work developing the program.

Councilor Lund--Historic District/Heritage Commission

- The May 5th scheduled meeting was cancelled due to lack of agenda items. However, the Commission will have a special meeting on May 12th to discuss a \$20,000 grant application for the Bickford-Chesley house at Wagon Hill Farm.
- The Plaque commemorating Lafayette's NH tour has arrived. The dedication ceremony will take place on May 20th at 10AM.

Councilor Lonske--Agricultural Commission

- Councilor Lonske said she was unable to attend tonight's Agricultural Commission meeting as it conflicted with the tonight's Town Council meeting.

Councilor Tobias--Planning Board

- At the April 20th special meeting, the Laurel Lane lot line adjustment was approved. The apartment expansion at 32/34 Madbury Road was also approved at that meeting.
- The Board met again on April 27th, where it approved a conditional use application for a new driveway that required crossing the wetland buffer for a property on Durham Point Road. The Board also heard on the 52 Oyster River Road property, which includes a steep riverbed, and approved an application to regrade that site in order to build a new family home.
- 74 Main Street has been postponed to May 11th, along with 19/21 Main Street.
- The coming Wednesday will be the final Mill Plaza development votes.

Councilor Tobias--Housing Taskforce

- DPW Director Rich Reine gave a presentation to the Taskforce on the needs and challenges of expanding Town water, wastewater management, and housing development.
- The Town of Lee has also established a Housing Committee.

Administrator Selig

- This year's Top Dog winner, Hunter, will be at next week's Council meeting.
- There has been an ongoing issue with false alarm activations at the new ORMS building, although they are believed to have come up with a solution to the issue. Senators Hassan and Shaheen have both toured the new ORMS building.
- The New Hampshire Commission of Education will be holding its meeting this coming Thursday.
- Installation of the new computers at DPD is now complete.
- The DPD has hired three new candidates to send to the Police Academy in August. The Academy runs through November 18th, at which point training in Durham can begin. Two positions are still vacant.
- The Council will hear a presentation from Durham residents this evening on the Pease air cargo development project.
- Administrator Selig followed up on a question at the last roundtable about reaching out to the Oyster River Local Advisory to schedule a presentation. The Town is in contact with the ORLAC chair to schedule that presentation for a future Council meeting.
- Public Works and UNH facility staff have teamed up to complete the annual hydrant flushing. This may cause pressure drops in municipal water systems.
- Administrator Selig authorized Public Works to move forward with applying a binding course of pavement to the 66 Main Street property. That is now complete, although it still needs to be striped.
- Durham is currently at 99 active COVID-19 cases. Administrator Selig said there was a mandatory testing program on campus, which can suggest there are more cases in Durham than surrounding areas.

- UNH Sustainability Fellow Cathy Fletcher is beginning the process of presenting a sustainability plan to multiple boards and committees to gather feedback. The public is also able to give feedback.

IX. Report from UNH Student Senate External Affairs Chair or Designee

There was no designee present to provide a report.

X. Unanimous Consent Agenda (Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)

Shall the Town Council, upon recommendation of the Administrator, approve a contract with Municipal Resources, Inc. totaling \$142,400 to conduct a full revaluation for the residential and commercial properties in Durham for Tax Year 2023 and authorize the Administrator to sign said contract to commit an expense of \$75,000 for Tax Year 2022 and \$75,000 for Tax Year 2023?

Councilor Marple MOVED to APPROVE the above unanimous consent agenda item as presented, which was seconded by Councilor Welsh and PASSED 8-0.

XI. Committee Appointments

- A. Shall the Town Council, upon recommendation of the Durham Public Library Board of Trustees, appoint Martha Gooze to fill the unexpired Library Trustee vacancy created by the resignation of Stanley Reczek until the March 2023 Town Election?

Councilor Tobias MOVED to APPOINT Martha Gooze to the Durham Public Library Board of Trustees, which was SECONDED by Councilor Lund and PASSED 8-0.

- B. Shall the Town Council, upon recommendation of the Durham Public Library Board of Trustees, appoint Lai Lai Jenkins, Karen (Kam) Damtoft, and Kimberly Sweetman as alternate members to the Library Board for a period of one year with terms ending April 2023?

Councilor Tobias MOVED to APPOINT Lai Lai Jenkins, Karen Damtoft, and Kimberly Sweetman as alternate members to the Library Board. This motion was SECONDED by Councilor Lund and PASSED 8-0.

- C. Shall the Town Council nominate resident Catherine Ashcraft for appointment by the NHDES Commissioner as a Durham representative to the Oyster River Local Advisory Committee?

Councilor Marple MOVED to NOMINATE Catherine Ashcraft for the Oyster River Local Advisory Committee, which was SECONDED by Councilor Lund and PASSED 8-0.

XII. Presentation Items

A. Durham Public Library Strategic Plan – Sheryl Bass, Library Director

Administrator Selig noted that he was able to see an Advance copy of the DPL's Strategic Plan and was very impressed by it and had asked Library Director Sheryl Bass to give a presentation to the Town Department leadership on the process and findings of the plan. Mr. Selig then asked if Ms. Bass would be willing to give a similar presentation to the Council.

Ms. Bass introduced herself and the new Library Board of Trustees Chair Robin Glasser, as well as the former Chair Charlotte Ramsay, who still remains active on the Library's Board of Trustees.

The DPL Strategic Plan is designed to run from 2022 to 2024 and is the result of many months of community input, as well as internal discussions and meetings. Ms. Bass gave a brief definition of a strategic plan, which is a flexible and dynamic framework to direct goals and programming. This allows libraries to adapt to the growing needs of the community.

Ms. Bass also noted how library strategic planning can differ from other organizations. Library strategic planning relies heavily on public input, as the goal of the library is to meet community needs. It is also not staff directed.

Development of the plan began in late 2020. The first step of the process was defining roles. Library Trustees set long-term policy for the library working closely with the Library Director, advocating for, and approving the final plan. The Library Director helped formulate the process, educate the trustees, conducted research, helped set goals and actionable items, drafted the final plan, and managed the library to be in line with the plan.

The next step to keep the process moving was forming a Steering Committee, which happened in the first two months of 2021. They wanted the committee to be relatively small, but still contain representation from Friends of the DPL, the Board of Trustees, the Director, and another town department head. This led to a group of six members, three coming from the Board, and one Library Friend, Town department head, and the Director. Town Planner Michael Behrendt was the representative from the Town.

From February to June of 2021, the Steering Committee defined the process. In bi-weekly meetings and nailed down the must-haves and the wants of the community.

The process was split into two parts. The first part was community focused to include developing a flexible timeline for completing the plan, revisiting the mission statement, information gathering and analysis, and developing areas of priority. The second part was staff and Board focused to include developing activities, identifying measures, and evaluation.

The first task of the Committee was to evaluate the Library mission statement, which Ms. Bass provided: *“The mission of the Durham Public Library is to enhance the quality of life in Durham through open access to ideas and information, encourage exploration and learning in people of all ages, and support cultural enrichment by establishing the library as the center of our community.”*

The next task of the Committee was collecting and analyzing data, which occurred from March to the fall of 2021. Quantitative research included an online survey, as well as analyzing integrated library systems data. The latter is circulation data that allowed the Committee to see broad patterns in who was visiting the library, popularly checked out materials, and the demographics of those checking out certain kinds of materials. Qualitative research included observation, comments/complaints, focus groups of different stakeholders, and individual interviews.

Some key quantitative findings were that borrowing physical materials, interlibrary loan, children’s programming, access to Wi-Fi, and staff assistance in acquiring information were the primary Library Services used. 75% of respondents said that the library was important or very important to their family, 25% of respondents were 65 or older, and 42% of respondents were using both digital resources and the physical collection.

Key findings in the qualitative data were themes of community/culture, collaboration/cooperation, reading and learning, access/meeting space, diversity/equity/inclusion, and library visibility/promotion of services that appeared across many interviews and focus groups.

Regarding community and collaboration, respondents wished for more cooperation with Lee and Madbury libraries. One stated that they wished Oyster River library cards worked at all three. Others wanted to see more information put out around the towns to show what they offer as well.

Using that feedback, the Committee identified areas of priority, their objectives, and the activities planned to achieve them. Priorities are the long-term aims of what the community will receive. Objectives are the steps for how the Library plans to achieve the priorities, and activities are specific actions that will be taken to achieve the priorities.

The areas of priority that the Committee identified were community connections, access for all, literacy and lifelong learning, and focus on the future.

Community Connections was the first priority identified by the Committee, which they developed four objectives to achieve. One objective was to facilitate community conversations to support informed civic engagement and nurture civility. The second was to actively represent the library beyond the four walls by encouraging staff to foster relationships in the community and to utilize their knowledge and resources to further develop it. Third was to increase awareness and use of library services, resources, and programs by promotion using the most effective platforms and media tools available. And finally, the fourth objective is to seek out partners in the public, private, and non-profit sectors to develop joint programming.

Access for all was the second priority identified by the Committee. The objectives identified to achieve that priority includes finding creative ways to connect with underserved patrons, providing a friendly and civil space, and ensuring that library services are delivered with sensitivity and accessibility, regardless of demographic.

Literacy/lifelong education was the third priority identified by the Committee. Objectives intended to achieve this goal included promoting reading and expanding the mind, nurturing readers of all ages and backgrounds, maintaining a position as a source of reliable information, and actively participating in Durham's intellectual and cultural life.

Focusing on the future was the last priority identified. Objectives to complete this priority included maintaining and seeking out new 21st century library services, developing the libraries digital and print collections, and forming new relationships with community stakeholders like the University, Town Hall, and ORCSD.

The current operational plan runs from January of 2022 to April of 2022. Some of those activities include partnering with Oyster River Community Reads and Durham United, as well as Oyster River Middle and High Schools. The goal of these partnerships is to increase use of the library as a destination for civic events. Partner engagement numbers and patron exit surveys are some of the tools that are being used to determine the success of these partnerships.

Continued monitoring and evaluation to ensure that the plan continues to connect with the community, mission, and values, and looking into what might need to be changed.

Councilor Lonske noted that as a resident of Riverwoods, she was impressed by the level of outreach DPL has had with the senior living community.

Councilor Marple asked when the current facility opened. Ms. Bass replied in 2013.

Councilor Welsh asked if DPL had received feedback on books that they should not have. Ms. Bass responded that the library had not received any challenges recently. She also noted that most challenges would be books reclassified from a younger category, rather than removal entirely. Councilor Welsh asked if DPL sponsors any book clubs, to which Ms. Bass replied that it did sponsor an adult book club focused on the classics.

B. Potential air cargo facility at Pease – Michael Lehrman, Durham representative on the PDA Noise Compatibility Study Committee

Mr. Lehrman greeted the Council and began by playing a short video that provided an overview on the issue.

Mr. Lehrman noted local concern over the plan between private developers and Pease Development Authority for the construction of an air cargo facility. The concern is that the marked change in activity, including increased flights and truck support, could have detrimental effects on the local environment and health.

Mr. Lehrman estimates that there are at least 800 homes in Rye, Portsmouth, and Durham that would be under or around the proposed flight path, showing the Council the most recent noise map that he made that estimation with. He also noted that the disturbances caused by aircraft landing and taking off is a well-documented issue in the aviation industry.

The developers (PROCON, Inc.) claimed that this proposal was in response to increased air cargo demand. Their proposal included schematics for 724,000 square feet of buildings. On February 1st, the developers obtained an exclusive lease option for 40 acres of land adjacent to the airport, which will be subjected for renewal in July of 2022 for another six-month period.

The PDA has been aware of the potential operators since the beginning of December of last year, but has not made those names public knowledge, citing Non-Disclosure Agreements. However, the PDA did note that these companies were "*well known, Fortune 500-type companies*". Documents obtained through Freedom of Information requests also show meetings as early as November of 2020 about e-commerce facilities at Pease involving the PDA and PROCON. In November of 2021, a non-public Board meeting was held with discussion of two e-commerce warehouse buildings at Pease. That email stream included a schematic plan from October of 2021.

East-West Aviation, a second developer, has also proposed an air cargo and museum project in the Pease area, although it did not secure a lease option and does not seem to be encouraged by Pease to continue planning. Mr. Lehrman noted that all of these efforts put together points to a sincere effort for air cargo development at Pease.

Pease was an active Air Force base from 1957 to 1988, officially closing as a base in 1989. The NH Air National Guard continues to fly refueling groups through Pease but the level of aviation through Pease is much less than its days as an Air Force base. Civil aviation of various scheduled services has been off and on throughout the year, with the rare big air cargo load.

Mr. Lehrman spoke about the Pease Development Authority structure and the state law that governs it. The PDA is a state-created public entity mandated to serve public interest. Knowing that the closure of Pease would have an effect on the entire seacoast, the legislature formed a committee to evaluate and manage redevelopment of the base. This committee turned into the Pease Development Authority.

The scope of the PDA are any issues relating to the closure of Pease and optimal use of the property, with its primary concerns being the impact of redevelopment of Pease on economy, environment, and quality of life for the seacoast area. As Pease sits between Portsmouth and Newmarket, the two towns have some input in the commercial zones. Beyond that, the PDA has its own land use regulations and acts as a municipal planning board. The PDA leases land to developers for construction, who in turn will lease to tenants. The vast majority of the PDA's revenue comes from these land leases.

The FFA also regulates land use, requiring land use for aeronautical or aeronautical support, as well as providing financial assistance.

Mr. Lehrman explained why an air cargo facility of any size could be problematic. A small facility can still handle a number of flights per day, as cargo planes usually stay grounded for only two or three hours. It would also be difficult to regulate the growth of the facility as air cargo demand rises steadily.

Mr. Lehrman invited Dr. Joseph Ullman to discuss the health and environmental impacts.

Dr. Ullman noted that there are various types of possible pollution related to air cargo facilities, including noise, light, air, and water risk. Recent research has suggested that noise pollution can cause childhood reading and learning impairments, sleep impairments, and cardiovascular risk. Recent reports also suggest that current regulations on noise pollution are inadequate, not only for aviation traffic, but railroad and vehicular traffic as well.

Water and air are other areas that can be affected by pollution. Ground support for aviation (ground equipment, fuel storage, fire training, and increased road traffic) can lead to contaminants like sulfates and combustion gas emissions seeping into the air and groundwater. Dr. Ullman turned the presentation back over to Mr. Lehrman.

Mr. Lehrman noted that while there was no definitive proposal or client, there is enough evidence to support the desire for an air cargo facility, making now an appropriate stage to voice concerns.

Mr. Lehrman noted the main concern is the inability to regulate the size and amount of traffic from an air cargo facility under FFA regulations. He said he hoped that early intervention will be the most effective, before the PDA or developers make further commitments.

Mr. Lehrman suggested further steps for the Council. Regardless of what occurs at the May 19th PDA meeting, Mr. Lehrman encouraged the Council to invite PDA Executive Director Paul Brean to a Council meeting, in order to ask questions. He also asked for members of the public to be allowed to ask questions of Mr. Brean and noted that Newmarket allowed this at their Selectperson's meeting.

Mr. Lehrman also suggested some specific questions that could be asked of Mr. Brean, including development of a new Pease Master Plan (last updated in 2010), plans for future Pease development, and his understanding of aspects of the PDA charter.

Finally, Mr. Lehrman asked that the Durham Town Council submit a letter to the PDA prior to its May 19th Board of Director's meeting, informing them of Durham's concerns with regard to air cargo.

Chair Marple asked Mr. Lehrman if a legacy carrier airline wanted to bring in about ten flights a day from Pease, would he have the same issues with it. Mr. Lehrman replied that

he would not, as passenger flights generally wouldn't be running during late hours, like air cargo flights.

Councilor Lawson noted his support for the idea of the Council submitting a letter to the PDA, voicing concern over air cargo. He explained that a 700,000 square foot facility could handle 100,000 tons of cargo each year. He also noted that the average Boeing 67 has a capacity for 50-58 tons per flight, meaning a large number of flights would be going through the facility. He noted that the goal of the Council is to advocate for Durham residents, which he believes the PDA and FFA are not able to do in this case.

Durham resident and Attorney Malcolm McNeill, who was hired by the Town of Newton to help advocate for them in the Pease transition to civilian use, reiterated that the time to voice concerns is now, as regulation becomes even more difficult post-approval. He also asked the Council to submit a letter to the PDA voicing Durham's concerns, and encouraged involvement of public comments. Attorney McNeill also noted that the effect of an air cargo on Great Bay is severely understudied and another issue with the project.

Councilor Lonske thanked Mr. Lehrman for an informative presentation and noted her approval of Councilor Lawson's suggested approach. Councilor Lonske in turn suggested that Councilor Lawson and Administrator Selig develop a plan of action to bring to the Council's next meeting.

Councilor Friedman noted that nighttime noise seemed to be the greatest concern among residents. He also expressed confusion about the regulatory use of curfews, and how the idea of curfews was unlikely to succeed. Mr. Lehrman clarified that generally speaking, there is no practical and effective way to implement a mandatory curfew on nighttime flights, or a curfew that limits noise.

Administrator Selig asked if Mr. Lehrman had additional information on the proposal previous to the Kane / PROCON proposal. Mr. Lehrman replied that the first previous proposal came from East-West Aviation, a small entity that does not seem to have the support of the PDA.

Administrator Selig also asked what residents would be satisfied or equally concerned with in terms of development projects at Pease. Attorney McNeill said that compiling a list of permissible aviation-related activities would be a good place to start.

Councilor Welsh asked Attorney McNeill why the focus of a letter wouldn't be on just the environment and the quality of life. Attorney McNeill responded that he was of the opinion that the PDA needed to be reminded of their mandate as it relates to nighttime operations.

Administrator Selig reiterated that the PDA Board of Director's meeting was coming up on May 19th, and if the Council wanted to submit a letter, he suggested that a few members of the Council spend some time between now and next Monday to have a draft

to review for the Council's May 16th meeting. Mr. Selig noted that he was planning to attend the May 19th meeting as well. Councilor Welsh seconded Mr. Selig's suggestion.

Councilor Lund asked if he was correct in recalling a draft letter that Administrator Selig and Councilor Lawson wrote. Councilor Lawson confirmed that a letter had been drafted but noted that today's presentation warrants revisiting the draft and making some revisions. Administrator Selig suggested that he, Councilor Lawson, and Councilor Welsh work on fine-tuning the letter to bring to the next meeting, which was agreed upon.

XIII. Unfinished Business

- A. PUBLIC HEARING AND ACTION ON RESOLUTION #2022-05** authorizing the raising, appropriating, and expenditure of an additional One Hundred Five Thousand Eight Hundred Fifteen Dollars (\$105,815.00) within the FY 2022 General Fund Budget, to refund an unexpended building permit fee deposit associated with the Oyster River Middle School Project, and approve said refund to be paid to Bauen Corporation, initiator of the building permit fee fund?

Councilor Lund MOVED to OPEN the Public Hearing on Resolution #2022-05, which was SECONDED by Councilor Lonske and PASSED 8-0.

William Hall, Smith Park Lane, noted that it was important to emphasize that the project came in under budget and ahead of schedule, due to good planning and management, among other factors. Administrator Selig seconded Mr. Hall's comments.

Councilor Lund MOVED to CLOSE the Public Hearing, which was SECONDED by Councilor Hotchkiss and PASSED 8-0.

Councilor Lund MOVED to APPROVE Resolution #2022-05 (as presented), which was SECONDED by Councilor Hotchkiss and PASSED 8-0.

- B. PUBLIC HEARING ON AND POSSIBLE ACTION** to refer a new proposed Council-Initiated Solar Energy Ordinance to the Planning Board for its review and recommendations

Councilor Lawson began by asking for advice on how to proceed. He noted that he had given presentations to some Councilors, and that he had a few slides ready describing changes if the Council would find it helpful. He also noted that his objective was not to get the Council to send the ordinance to the Planning Board, but to simply move the process forward.

Councilor Lawson also noted that he had the time to look at the feedback the draft ordinance had received, and that he took the liberty of adding additional requirements to accommodate that feedback.

Chair Marple suggested showing the slides, for the benefit of the public, and asked if Councilor Lawson wanted to go through them during the public hearing or before it.

Councilor Lawson suggested opening the public hearing, which would allow the public to ask questions while he went over the slides.

Councilor Lawson MOVED to OPEN the Public Hearing, which was SECONDED by Councilor Lund and PASSED 8-0.

Councilor Lawson noted that the slides were separated into the different regulations for different types of solar usage. He began with single-family and duplex accessory use. Roof mounted systems have no size limit, while ground mounted systems are limited to 1800 sq. ft. or 30 KW. Councilor Lawson noted that the average residential system is 12-15 KW, and that residential systems can be a Group Net Metering Host with other Eversource customers.

The 30 KW limit was reintroduced due to public concern over financial incentive to oversize freestanding systems, but still allows for residential systems to be Group Metering Hosts.

Placement of freestanding systems is also regulated. A system less than 12 feet tall can be placed behind the front of a house, while any system taller must be behind the house and cannot extend beyond 100 feet from the house.

There was also a second option for regulation of system placement, which accommodates large properties in the rural and RC districts. This option permits freestanding solar systems less than 12 feet high in the front of the house, with any systems taller required to be 150 feet from a public road or screened from the road due to topography or vegetation. The 150 feet regulation was an addition to address an issue caused by older, vintage houses having a closer setback to the road, which would allow for solar placement closer to the road.

Councilor Lawson moved on to large scale systems. He noted that while he was not going to go over the definitions of various systems again, a lot of careful wording went into those definitions.

He noted that Large Scale systems are usually not installed in already open fields but instead land is bought and then forested before installation of a solar system. He also noted that according to Durham's Greenhouse Gas inventory, 8,300 acres of forested land sequesters 40,000 metric tons of carbon a year. He also noted conservation and high value wildlife land in Durham. Because of those reasons, Councilor Lawson noted that he was of the opinion that large-scale utilities did not have a place in the rural or RC districts of Durham.

Solar parking canopies are also a new addition to the ordinance. They are considered accessory use and must be approved, not including single family and duplex properties. The system is limited to the parking area and should be a maximum of 35 feet above the ground. Canopies in all Commercial and Research-Industry districts (excluding CBD) are conditional use and will be subject to a site plan review.

There was also a slight change made to the definition of Multi Unit and Non-residential. The definition change did not impact setbacks or screenings, and they are still required to be no closer to the road than the side of the building, or 100 feet from the road if there is no distinct building on the lot.

Beth Olshansky, Packers Falls Road, thanked the Councilors for their attention and concern on the Pease issue before turning to the subject of the ordinance. She then thanked Councilor Lawson for his work on the proposed solar ordinance, in particular for his quick response to her email that included her concerns and incorporating them into the revision.

Sarah Sherman, 179 Packers Falls Road, spoke in support of the draft ordinance. She directed her remarks primarily to the section regulating single-family or duplex residents, noting the balance between encouraging solar power and maintaining natural landscape.

William Hall, Smith Park Lane, noted the thought and hard work that went into the draft ordinance. He also noted additional steps the town took to conserve energy, including traffic pattern changes.

Chair Marple asked if there were any reservations about sending the draft ordinance to the Planning Board today. Councilor Lawson noted that he would leave that for the Council to decide. However, he would prefer the flexibility to make non-substantive edits, noting periods and commas as examples. Councilor Welsh seconded this idea.

Sarah Sherman, 179 Packers Falls Road, suggested a small edit replacing the word “beyond” for a more concrete word choice.

Councilor Welsh MOVED to APPROVE the draft ordinance, as modified, and send it to the Planning Board, which was SECONDED by Councilor Tobias and PASSED 8-0.

Councilor Marple MOVED to CLOSE the Public Hearing, which was SECONDED by Councilor Lund and PASSED 8-0.

C. Continue discussion and development of the draft FY 2022-23 Town Council goals

Chair Marple asked if anyone had any problems with the suggested revisions made by Administrator Selig. Mr. Selig noted many of the ideas shared in the process were great, and most of his work was to consolidate all of those ideas into a digestible document. He also noted that he had reintroduced a mission statement, which had been previously cut for brevity. Inspired by the Land Stewardship Statement made by the town, this mission statement revolves around the theme of stewardship.

Mr. Selig continued, noting how he tried to group goals based on the three pillars of sustainability: people, planet, and profit. He also added resilience as a fourth core value. Lastly, he noted a concern that one budget goal might be too difficult to achieve, given complications with rising inflation without making revenue gains.

Councilor Friedman suggested that they remove some of the wording in the 66 Main Street goal, which currently aims for the Council to start considering it in 2023. Councilor Friedman hoped this will allow the Council to be able to start that project sooner. He also suggested adding a sentence including Parks and Recreation in the Community Resilience section. Administrator Selig added that they also might want to include the DPL in that section.

Councilor Tobias seconded Councilor Friedman's suggestions. She noted that while she liked the philosophy of the "welcoming" idea, she suggested perhaps using a more specific word choice. Councilor Lawson noted that a lot of thought and discussion went into using the term "welcoming".

Councilor Lawson drew attention to the section pertaining to protecting public health and safety. The last bullet point pertains to community food security, which Councilor Lawson pointed out was a regional, multi-state issue. Due to the nature of the issue, it might not be productive to focus on it in Town-level goals.

XIV. New Business

Other Business

XV. Nonpublic Session (if required)

XVI. Extended Councilor and Town Administrator Roundtable (if required)

XVII. Adjourn (NLT 10:30 PM)

Councilor Lonske MOVED to ADJOURN the meeting, which was SECONDED by Councilor Lund and PASSED 8-0.

The meeting was ADJOURNED at 10:30 p.m.

Evie Wiechert, Minute Taker