

This set of minutes was approved at the September 12, 2022 Town Council meeting

**DURHAM TOWN COUNCIL**  
**MONDAY, JUNE 20, 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 Sally Needell; Councilor Carden Welsh.

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Administrator Selig; Town Assessor Jim Rice

**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 – Not applicable**

**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 Lonske--Yes; Councilor Tobias--Yes; Councilor Lund--Yes; Councilor Marple--Yes; Councilor Needell--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 9-0.*

**V. Special Announcements**

Chair Marple noted the celebration of Juneteenth, a holiday that commemorates the date when a group of black enslaved people learned they were free in Galveston, Texas.

**VI. Public Comments (\*) – Please state your name and address before speaking**

**Joshua Meyrowitz, 7 Chesley Drive,** continued his presentation on the Church Hill Woods, reviewing the letter sent to the Planning Board by attorney Mark Puffer. He then

overviewed some of the issues with the property, including it not technically being at 19/21 Main Street and not being an ideal area for parking. Lastly, he spoke on the recent ZBA ruling in their favor, and its effects on the Planning Board's proposal.

**William Hall, Smith Park Lane**, asked for the Council to be more specific in its Unanimous Consent Agenda Item calling for an update to all utilities.

## **VII. Approval of Minutes – April 18, 2022**

Minor edits were submitted to Administrative Assistant Jennie Berry ahead of the meeting.

***Councilor Marple MOVED to APPROVE the minutes as amended, which was SECONDED by Councilor Needell and PASSED 9-0.***

## **VIII. Councilor and Town Administrator Roundtable**

### Councilor Lonske--Agriculture Commission

- Councilor Lonske was able to attend the last Commission meeting, but she expressed frustration over not being able to attend many meetings due to conflicts with the Town Council meetings. Councilor Lawson noted that he also struggled with that issue when he was the Council representative and proposed moving the Commission meetings to the third Tuesday of every month.

### Councilor Tobias--Housing Task Force

- The Housing Taskforce met on Monday, June 13th. A representative from the Seacoast Housing Association gave a presentation on housing costs, which continue to remain high. Interest rates similarly remain high.
- Conversation continued on tweaking conservation subdivision zoning.

### Councilor Tobias--Planning Board

- Planning Board met on June 8th.
- Great Bay Animal Hospital has a proposed an addition to the back of its building. The application has been accepted as complete and the public hearing will take place on June 22nd.
- A public hearing was held on the 15 Newmarket Road property, which will continue on July 13th. Some items have been sent for review to the Traffic Advisory Committee concerning the property.
- A public hearing was held on the 19-21 Main Street proposal. In addition to public comment, the applicant provided some new information to the Board. That public hearing will continue July 27th. Comments will be restricted at that hearing to the new information.

### Councilor Lund

- Councilor Lund had nothing to report.

Councilor Needell--IWMAC

- IWMAC met last week, where members discussed incorporating composting and recycling plans as part of Planning Board discussions with applicants. The rest of the meeting pertained to discussion on the display of sustainability signage.

Councilor Needell--Land Stewardship Subcommittee

- Tom Brightman provided the subcommittee with an update of various Town projects, which included discussion of rerouting the White trail in the UNH Thompson Forest
- Doug Tallamy's presentation is now available to the public for online viewing.
- A native plant tour will take place on August 13th. This will involve going to multiple locations and learning more about local plants.
- Discussion also took place on aligning the subcommittee's concerns with the goals of DPW and local school districts.
- The Rev. Larry Brickner-Wood gave an update on the HDC's plans for the Bickford-Chesley House at Wagon Hill.
- Discussion was also held on the pros and cons of requiring the property on Woodridge Road to engage in wetland restoration. The subcommittee concluded that it needed more information to make a judgment.
- Managing Our Lands working group is now working on the questionnaire for Wagon Hill Farm.

Councilor Hotchkiss

- Councilor Hotchkiss had nothing to report.

Councilor Lawson--Energy Committee

- Energy Committee last met on June 7th. This was the first meeting the fifth UNH Sustainability Fellow, Rafidah Rahman, was able to attend
- The Committee was very receptive to the idea of alternate members. Members plan to work out some of the logical details of procedure and seating before Councilor Lawson brings it to the Council.
- The Committee plans to update its resources page, as much of the information on it currently isn't relevant to current Energy Committee priorities, including information on EVs, solar systems, and community power.
- Councilor Lawson noted that the EV charging stations at Pettee Brook Lot will be having a change in rate. This change will help the Town recuperate costs needed to provide that station, as well as discourage longer-term parking after the vehicle is charged.
- Councilor Lawson thanked DEC member Steve Holmgren for his presentation on community power that occurred on the 15th. Mr. Holmgren received many good questions and plans to update the presentation to better answer those questions during future presentations.
- A speed study was just completed on Faculty Road, which captured the speed profiles of about 10,000 cars. Councilor Lawson thanked the vast majority of the local drivers that drive safely through the neighborhood. He also empathized with residents of all neighborhoods for their concern over the minority of drivers that are not conscientious in neighborhoods.

Councilor Needell asked if the student population largely being gone for the summer influenced the study. Councilor Lawson replied that the issue had already been brought up, and that DPW Director Rich Reine wanted to repeat the study when the students return.

Councilor Welsh

- Councilor Welsh had nothing to report.

Councilor Friedman--Parks and Rec

- The Parks and Rec Committee will be meeting tomorrow night. Some of the agenda items include reviewing feedback from Durham Day and preparation for the summer camp season.

Councilor Friedman

- Councilor Friedman participated in the latest Seacoast Development call, where they described their GIS mapping with Strafford Planning Commission. The Commission is putting together an inventory of Arts and Culture locations around the Seacoast and has asked Durham if they had to have any locations to contribute.

Councilor Welsh asked if UNH was involved at this point. Councilor Friedman responded that he knew UNH had representation on the call but was unsure what they had submitted in terms of their locations, noting that it would probably be a good idea to get into contact with them on the issue.

Administrator Selig asked what kind of items they were looking for, and Councilor Friedman replied that they were looking for programs or locations.

- Councilor Friedman participated in the recent Business and Industry Association Roundtable on economic development issues. The Association is essentially the state Chamber of Commerce, and held that roundtable for Seacoast towns like Durham, Portsmouth, and Exeter. Another Roundtable will be held tomorrow in Dover for towns such as Dover, Rochester, and Somersworth. The top three agenda items of the meeting were current challenges facing NH businesses, prioritization of those challenges, and action steps. The biggest issue, for the 10th year in a row, is housing, with mental health being the second biggest issue.
- Councilor Friedman noted that he had also seen the ORMS letter pertaining to trash issues in Town and appreciated their awareness and involvement. He also noted the similar letter on graffiti.
- Lastly, Councilor Friedman attended the DPW presentation on the future of Madbury Road.

Administrator Selig

- Administrator Selig had nothing to report.

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

There was no designee present to give a report.

Councilor Welsh asked whether it was necessary to continue to have the UNH Student Senate Report on the agenda, as there often isn't a designee present to give a report and reports lack depth.

Councilor Friedman noted that he had met the UNH Student Senate President and Vice President at Durham Day, and they had expressed that they very much wanted to be more involved with the Town of Durham and were hoping to in the upcoming year.

Chair Marple noted that there had been a previous discussion on removing the report from the agenda, but the Council at the time agreed to keep it on. However, she was more than happy to have an open discussion about removing it at the next Council meeting.

Councilor Lawson suggested that instead of removing it, it might benefit everyone to have reports quarterly or once a semester, rather than at every meeting.

Councilor Tobias noted how the yearly shuffle of Student Senate membership definitely plays a role in the inconsistent nature of the reports. She also noted that students that join the senate tend to be very active and assertive individuals.

Councilor Lonske suggested that there might be ways for the Council to reach out to UNH, citing a recent experience of hers in one of her UNH classes where a professor inquired about Councilor Lonske giving a presentation about local government.

Administrator Selig suggested removing the agenda item for the rest of the summer and waiting to meet with the new External Affairs chair to see what they might want reports to look like.

- X. Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*
- A. Resolution #2022-11 waiving the Standardized Purchasing Requirement within Section 7 of the Town of Durham Purchasing Policy dated November 19, 2012, designating George Sansoucy of George Sansoucy, PE, LLC as the Sole Source Vendor to provide engineering consulting, revaluation, and updates of all utilities in the Town of Durham for a period of five (5) years from 2023 thru 2027. This contract includes a revaluation of all utilities for tax year 2023, and yearly utility updates for tax years 2024 through 2027 for ad valorem taxation purposes, and authorizing the Administrator to sign a contract with Mr. Sansoucy in an amount of \$17,200 per year for said services as part of the approved FY 2023 Budget and subsequent budgets
  - B. Request for an extension to August 29, 2022, for the Planning Board to provide its recommendations on the proposed Solar Energy Systems Ordinance initiated by the Durham Town Council on May 9, 2022

Councilor Friedman asked for Item A to be removed for separate discussion.

***Councilor Marple MOVED to APPROVE the Unanimous Consent Agenda Item B as presented, which was SECONDED by Councilor Tobias and PASSED 9-0.***

Chair Marple asked if Item A was primarily referring to power lines, which Administrator Selig confirmed in addition to communication and gas lines.

Councilor Hotchkiss noted that the contract for Item A does contain a list of what would be defined under “All utilities”. Councilor Lonske suggested adding wording to the motion that would imply this.

Councilor Friedman asked a question about the financial details section, which gives the Town the ability to cancel the contract with written notice in section 2.7. Friedman notes that the contract does not contain this clause, a concern that Councilor Lund seconded.

Administrator Selig noted that Jim Rice, Town Assessor, was present via Zoom and asked for his comment. Mr. Rice responded that he would provide the wording of that section to the Council.

Councilor Lawson noted that he was going to vote against this item, and noted he was not trying to convince anyone else to vote the same way but wanted to explain his rationale regardless. Councilor Lawson said he believes the Council should do an RFP into the market of an assessor, as he was unsatisfied with the work by George Sansoucy the last five years.

Councilor Needell asked Mr. Rice if he had an idea of who else might be available for this service. Mr. Rice responded that the current assessor was the only private utility assessor in the state of New Hampshire. Any Town that can’t afford private services uses the Department of Revenue Administration, whose rates are notably low.

Mr. Rice also noted that many Assessors outside of the state use the unit method, which takes nationwide data and assigns a percentage to the municipality. This doesn’t work in the state of New Hampshire, as it does not capture the value of added infrastructure in the area.

Administrator Selig asked if there would be any disadvantage to testing the market for a new assessor, even if it is from out of state. Mr. Rice replied that there was no disadvantage, and no time constraints, as the current contract rolls through to the end of the year.

Administrator Selig noted the most pressing issue of the current contract is the lack of a cancellation clause. He also agreed with the idea of testing the market, suggesting that the Council not act on this item during this meeting. Councilor Lawson noted a town like Deerfield would be a good municipality to seek advice from, as they have similar levels of infrastructure to Durham.

Councilor Welsh asked if the recent changes in state utility law made the process prescriptive enough to not need utility assessment. Mr. Rice responded that the recent laws pertained to assessments of poles and conduits, but still leave areas like transmission/distribution lines complex enough to need appraisal.

Councilor Welsh asked if the current Assessor has won cases for the Town, which Mr. Rice confirmed that he had.

**XI. Committee Appointments - None**

**XII. Presentation Item**

Groundwater Modeling Study – Kyle Pimental, Strafford Regional Planning Commission (SRPC)

Kyle Pimental greeted Council members and thanked them for their time. He noted that the report he was presenting today is also available on the Strafford Regional Planning Commission website, if anyone was interested in learning more.

Mr. Pimental noted that most people have seen the impacts of rising surface water. The SRPC holds an annual photo contest in the region to raise awareness of the issue, which is expected to increase its impact in the coming years.

A more complex and uncertain consequence is the effects sea water rise has underground, mixing saltwater with groundwater. The purpose of the study was to determine the susceptibility to groundwater rise and saltwater intrusion of Durham's drinking water supplies (public and private), private septic systems, contaminated sites, stormwater infrastructure, utilities, roads, and other critical municipal infrastructure

The study had three overarching goals. It aimed to improve Durham's understanding of future groundwater vulnerabilities, as well as build off UNH's ongoing research on the impacts of sea-level rise on groundwater. Lastly, the study aimed to enable Durham decision-makers to better plan for the Town's future conditions and improve water quality in the Great Bay Estuary.

Mr. Pimental then spoke briefly on the process behind the study. A Clean Water State Revolving Loan (CWSRL) pre-application was submitted in June 2018, with the full application submitted in June of 2019. The Governor and Council approved the application in January 2020, and all contracting was completed by April of 2020.

A kickoff meeting started the project in June of 2020, with an update meeting that following November. In April of 2021, the results of the groundwater model were received and next steps for the vulnerability study were discussed. A draft of the technical report was ready by December of 2021, with the final results of the non-technical report being presented in February of 2022. Mr. Pimental explained that the Town had possession of the technical report, which contained mapping information that wouldn't be appropriate to make public. The non-technical report is what is available online.

Mr. Pimental noted that modeling techniques were beyond his realm of expertise, so his presentation will not be focusing on them much. However, he did note that the study was mainly a GIS exercise that took shapefiles generated by the model and overlaid them with existing infrastructure data.

Mr. Pimental then spoke on the structure of the report, which was broken into six sections. The first was an introduction, which provided a brief discussion on historic and future sea level rise and its impact on groundwater, background and purpose, goals, and plan development process.

Other sections included: Modeling, Mapping, and Assessment Methods, Modeling Results and Mapping Analysis, Vulnerability Assessments, Goals and Recommendations, and Possible Funding Sources.

Mr. Pimental spoke briefly on the GIS mapping method, which he explained as an overlay of three layers. The top layer consists of groundwater level data, underneath its depth to groundwater, with the bottom layer being saltwater intrusion. Councilor Welsh asked if depth of groundwater meant how far one would have to dig at a spot to reach water, which Mr. Pimental confirmed.

Councilor Lawson noted that those who have wells in proximity to the Bay and Oyster River that are deeper do not get water from groundwater, instead from beneath the rock burden, and asked if that was addressed in the study. Mr. Pimental answered that those deeper wells likely weren't as affected as other Durham wells.

Councilor Lund asked what criteria determined the boundary of the study. Pimental answered that to his understanding, based on the different scenarios they were given, the boundary is the furthest extent where groundwater was impacted.

The Modeling, Mapping, and Assessment Methods section also described the assets and resources evaluated in the vulnerability assessment, which were evaluated into different categories. The first category was Stormwater Infrastructure, which included Best Management Practices, catch basins, culverts, drainage manholes, outfalls, stormwater pipes, and swales. Municipal Critical Facilities included emergency and non-emergency response facilities, facilities and populations to protect, potential resources, water resources, and transportation assets. Private Infrastructure included private wells and septic systems. Contaminated sites included leaking underground storage tanks, underground injection control, and non-hazardous, non-sanitary holding tanks. Other Utility Infrastructure, the last category, included sewer pipes and water pipes.

Mr. Pimental then transitioned to talk about the results and analysis section. He noted a major takeaway from the study was that the Town could expect groundwater rise to range from 1 to 8 feet, occurring up to 1.5 miles inward from the coast. An analysis was conducted to determine where the most vulnerable areas were.

Saltwater intrusion data was also analyzed. Mr. Pimental noted that properties closest to the coast of the Oyster River would feel the most effect. He also noted the study's correspondence with UNH, who had noticed a slight salinity to their drinking water. Other public wells mapped in the study looked to be safe.

Chair Marple noted that one of her relatives, living in Cedar Point Road, installed a reverse osmosis filter due to saltwater in their well.



Councilor Welsh asked for Mr. Pimental to clarify that the saltwater intrusion at 1100 feet (in the purple zone of the provided graphic) would impact wells dug at 400 feet, making them saltier. Mr. Pimental answered that it was less likely that the wells Welsh described in the purple zone would be affected in that way, but more likely for wells directly next to the coast.

Councilor Welsh asked why that was the case. Mr. Pimental noted that this wasn't his area of expertise but would assume it was due to the rock formation drilled through to those well systems.

Administrator Selig remembered a video taken a few years ago during a strong tide at Strawberry Banke, which showed the impact of extreme high tides on groundwater, which leaked into the property's basements. Mr. Selig then asked if Mr. Pimental would comment on how that scenario might occur in Durham. Mr. Pimental answered that the groundwater in that area was likely shallow, making it easier for tide water to displace it.

Mr. Pimental then transitioned to talk about study results of the study, which operated under the assumption of 6 feet of sea level rise and depth of groundwater less than five feet.

Of the Town's Stormwater infrastructure, 1 of the BMPs, 71 catch basins, 92 culverts, 2 drainage manholes, and 14 outfalls would be affected by groundwater rise.

In terms of Municipal Critical Facilities, 1 Emergency and 1 Non-Emergency Response facilities, 4 potential resources, and 7 water resources would be affected. Some of these facilities include Town Hall, Jackson's Landing Ice Rink, Durham Wastewater Plant, and pump station on Rt. 108.

Of Durham's Private Infrastructure, 110 private wells and 110 septic systems would be affected. Those systems were grouped into 8 clusters, located near Cedar Point Road, Watson Road, Morgan Way, Riverview & Shearwater Roads, Sunnyside Drive neighborhood, Deer Meadow/Fox Hill/Mathes Cove Road, Colony Cove Road, and Bay Road. Septic systems averaged with a depth of 7 feet, with wells averaging with a depth of 303 feet.

Finally, in terms of the Town's contaminated sites, 2 leaking underground storage tanks, 1 underground injection control, and 1 non-hazardous, non-sanitary holding tank would be affected. Those sites are located at Durham Village Garage, the former Cumberland Farms, Jackson's Lab, and Public Works Department.

Mr. Pimental also touched on the effects of pipes and roadways specifically. 1030 and 4637 feet of stormwater pipes and swales respectively would be affected. 9.8 miles of roadway would be affected. Some of the roadways include Route 4, Back River Road, Watson Road, Riverview Road, and Briggs Way.

A few miles of utility pipes would also be affected, namely 2.2 miles of sewer and 3.3 miles of water pipes. These are mostly in areas stemming from the WWTP. Pimental also noted that a stretch of pipe affected did belong to Portsmouth.

Mr. Pimental highlighted some recommendations from the study, namely, to keep an eye on the pump rate for Johnson Creek at Jackson's Landing, and to a lesser extent the water supply at Public Works. Pimental also noted some potential funding sources to achieve those--and other--goals, the Critical Flood Risk Infrastructure Grant Program and the Clean Water State Revolving Fund.

Councilor Welsh asked what structures the Johnson Creek supplied water to. Administrator Selig answered that it was a private well that supplied that subdivision.

Councilor Welsh also asked if it was accurate to generalize and say Durham is relatively not vulnerable. Mr. Pimental answered that he would caution against generalizations, specifically noting the roadways that are vulnerable. However, data suggests that Public Wells seem relatively safe, but that there was definitely some infrastructure that needed further study.

Administrator Selig asked if Mr. Pimental would comment on how this study might be used to update Durham's Hazard Mitigation Plan. Mr. Pimental answered that it did not seem like groundwater rise was a central concern of the last plan, meaning that this data could be very useful in integrating the topic into the plan.

Chair Marple and the Council thanked Pimental for his time.

**XIII. Unfinished Business - None**

**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 Tobias MOVED to ADJOURN the meeting, which was SECONDED by Councilor Hotchkiss and PASSED 9-0.*

The meeting was ADJOURNED at 8:53 p.m

Evie Wiechert, Minute Taker