

*These minutes were approved at the April 3, 2023 meeting.*

**DURHAM TOWN COUNCIL  
MONDAY, MARCH 20, 2023  
DURHAM TOWN HALL - COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT:** Councilor Sally Tobias, Councilor Eric Lund, Chair Katherine (Kitty) Marple; Chair Pro Tem Sally Needell, Councilor Charles (Chuck) Hotchkiss, Councilor Eleanor (Ellie) Lonske, Councilor Carden Welsh, Councilor Joe Friedman

**MEMBERS ABSENT:** Councilor Jim Lawson

**OTHERS PRESENT:** Administrator Todd Selig

**I. Call to Order**

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

**II. Town Council grants permission for fewer than a majority of Councilors to participate remotely – Not applicable**

**III. Roll Call of Members.** Councilor Tobias—Yes, Councilor Lund--Yes, Chair Marple—Yes, Chair Pro Tem Needell--Yes, Councilor Hotchkiss--Yes, Councilor Lonske—Yes, Councilor Welsh--Yes, Councilor Friedman--Yes

**IV. Approval of Agenda**

*Chair Marple MOVED to APPROVE the agenda as presented, which was SECONDED by Councilor Pro Tem Sally Needell.*

Chair Marple noted that Councilor Needell had read the Town Charter and discovered that the Council should be voting by roll call on all matters and indicate so by saying “Aye” or “Nay”.

*The above vote PASSED unanimously 8-0 on a roll call vote as follows: Councilor Tobias—Aye, Councilor Lund-- Aye, Chair Marple— Aye, Chair Pro Tem Needell-- Aye, Councilor Hotchkiss-- Aye, Councilor Lonske— Aye, Councilor Welsh-- Aye, Councilor Friedman-- Aye*

**V. Special Announcements**

Council Chair Marple noted that the next Council meeting would be held on April 3, 2023.

## **VI. Public Comments**

**William Hall, Smith Park Lane**, said at the last Council meeting, Councilor Lawson talked about the water in the Lamprey River and mentioned the year 1964. Mr. Hall said that the amount to correct any water issues in the Lamprey are some years none, most years less than 1.7 inches, and in the year 1964 it would have meant the water would have had to drop by 6 inches. He said Durham does not have a problem at this end of the river; the problem exists in the Raymond/Epping area, which is why water has to be added. Mr. Hall also spoke on the matter of nitrogen that exists at UNH's Moore fields.

**Emily Friedrichs, 18 Garden Lane**, reminded everyone that Town and School elections will be held on Tuesday, March 28, 2023, and introduced zirselt as a Town Council candidate. Ze has lived in Durham for a little less than two years, but grew up in Exeter, NH. Ze and zir family moved back to this area because they value the quality of life it offers. Ze has been serving as an alternate member to the Durham Planning Board. Ze said ze was concerned about the Town's tax rate and that although it has been a priority of the Town Council, ze wants to continue looking at ways to lower the tax rate and keep it as a priority.

## **VII. Approval of Minutes—March 6, 2023**

Minor edits were submitted to Administrative Assistant Karen Edwards for inclusion prior to the meeting.

***Councilor Pro Tem Needell MOVED to APPROVE the March 6, 2023, Town Council minutes as amended, which was SECONDED by Councilor Lund and PASSED unanimously, 8-0, on a roll call vote as follows Councilor Tobias—Aye, Councilor Lund-- Aye, Chair Marple— Aye, Chair Pro Tem Needell-- Aye, Councilor Hotchkiss-- Aye, Councilor Lonske— Aye, Councilor Welsh-- Aye, Councilor Friedman-- Aye***

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

### Councilor Friedman

- The Parks and Recreation Committee will meet on March 28, 2023.
- The Seacoast Economic Development Stakeholders are supporting an event this coming Friday in Concord, which is Small Business Day. The event is open to the public.
- Thanked Senator Maggie Hassen for her letter supporting the Durham Fire Department equipment that has been requested.

### Councilor Welsh--IWMAC

- Councilor Welsh had nothing to report. He said there was a meeting on March 15<sup>th</sup> but he did not attend and hoped that Councilor Needell could give a brief report.

Councilor Lonske – Ag Commission

- Councilor Lonske said the Agricultural Commission has been communicating with Administrator Selig and the Council regarding some concerns it has.

Councilor Hotchkiss--Planning Board

- Councilor Hotchkiss had nothing to report.

Chair Pro Tem Needell - Integrated Waste Management Advisory Committee and Land Stewardship Subcommittee

- The next Land Stewardship meeting will be held on Tuesday, March 28<sup>th</sup> at 8:30 AM in the Council chambers.
- IWMAC has been working on what it might contribute to Earth Day on Saturday, April 22<sup>nd</sup>, in collaboration with the Durham Energy Committee. Local businesses have been encouraged to participate as well.
- The Swap Shop will open on April 1, 2023, weather permitting.

Councilor Lund – Historic District/Heritage Commission

- The HDC/HC has received a proposed draft text from the Durham Historic Association for the replacement plaque on Route 108/Newmarket Road. He said they were not close in agreement with the DHA and Penacook/Abenaki group relative to the proposed wording. The HDC reached out to Dartmouth College Professor Colin Calloway to have him give a presentation relative to the debate about rewording the Oyster River Raid historical marker. Professor Calloway has declined to do a presentation.
- It is likely that the Town will lose a historic 18th century home at 48 Bagdad Road because the new owner has applied for a demolition permit. The Town delayed issuing the permit by 30 days hoping to talk the owner out of the demolition. However, the new owner is adamant that he wants to tear down the old house and build a new one on the property.

Councilor Tobias – Planning Board

- Planning Board met on March 8, 2023, and accepted an application for 14 Riverview Road to build stairway leading to existing dock within the Shoreland Protection Overlay District
- Continued discussion on “definitions” within the Zoning Ordinance.

Councilor Tobias – Housing Task Force

- The Housing Task Force met on March 13, 2023, and discussed the \$25,000 grant application which will be used to develop a housing needs analysis. This is one of three grants the Task Force is applying for.

Administrator Todd Selig

- The Town and School elections scheduled for March 14, 2023, were postponed due to inclement weather, and will be held on Tuesday, March 28, 2023, at the Oyster River High School from 7AM to 7PM.

- The Town is working with researchers, UNH and staff at the NH Department of Environmental Services Coastal Office to pursue an additional grant through the National Fish and Wildlife Foundation to continue shoreline restoration efforts at Wagon Hill Farm.
- Trustees of Trust Fund member Craig Seymour has notified the Town of his resignation as a Trustee. Alternate Trustee member Tom Bebbington has requested to be appointed to replace Mr. Seymour until the 2024 Town Election.
- A meeting was held with election officials from Durham and the Town of Hanover, NH, as well as a representative from the NH Municipal Association, to talk about the election registration process; particularly focused on college students who choose to vote in local elections.
- On Thursday, March 23, 2023, the Town and UNH are expecting their one millionth rider on the Amtrak Downeaster. A welcoming celebration is being planned that day for the 12:55 PM train that stops in Durham.
- At the Town's request, the NH Department of Transportation has been evaluating a redesign of the intersection at Route 4 and Madbury Road as it is a difficult intersection that has experienced many accidents over the years. NHDOT officials will likely make a presentation to the Town Council on April 17, 2023, with some of the top contender solutions. Town staff has one strong preference which would be a modified roundabout configuration.

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

Adam Kania, UNH Student Senate External Affairs Chair, noted that the UNH Student Body election debate will occur on Thursday, March 23, 2023, and the election will be held on Tuesday, March 28<sup>th</sup> through March 31<sup>st</sup>. He said there were a few resolutions being considered by the Student Senate and he would update the Council on their progress at the next Council meeting.

**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, review and readopt the Town's Investment Policy as required by New Hampshire Revised Statutes Annotated (RSA) 41:9?

*Councilor Chair Marple MOVED that the Durham Town Council does hereby, upon recommendation of the Administrator, READOPT the Town's Investment Policy as required by New Hampshire Revised Statutes Annotated (RSA) 41:9. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0, on a roll call vote as follows Councilor Tobias—Aye, Councilor Lund-- Aye, Chair Marple— Aye, Chair Pro Tem Needell-- Aye, Councilor Hotchkiss-- Aye, Councilor Lonske— Aye, Councilor Welsh-- Aye, Councilor Friedman-- Aye*

**XI. Committee Appointments - None**

**XII. Presentation Items – None**

**XIII. Unfinished Business - None**

**XIV. New Business**

- A. Public Hearing on Resolution #2023-04 to Accept and Expend Unanticipated Grant Funds Totaling \$25,000 to be used to hire a consultant to perform a Housing Needs Analysis document and hold a Community Forum.

Councilor Tobias said this grant will allow the Housing Task Force to get a feel of what the Town currently has for housing and what its' needs may be. She said the task force is looking at various strategies, including prospective zoning changes, to build multifamily projects that will also serve a population beyond undergraduate college students, and to promote missing middle housing (duplexes, triplexes, fourplexes, townhouses, rowhouses, courtyard apartments, cottage clusters, cohousing, etc.) to increase the range of housing types.

*Councilor Tobias MOVED that the Durham Town Council does hereby OPEN the public hearing on Resolution #2023-04 to accept and expend unanticipated grant funds totaling \$25,000 to be used to hire a consultant to perform a Housing Needs Analysis document and hold a community forum. The motion was SECONDED by Pro Tem Needell and PASSED unanimously, 8-0, on a roll call vote as follows Councilor Tobias—Aye, Councilor Lund-- Aye, Chair Marple— Aye, Chair Pro Tem Needell-- Aye, Councilor Hotchkiss-- Aye, Councilor Lonske— Aye, Councilor Welsh-- Aye, Councilor Friedman—Aye*

**William Hall, Smith Park Lane**, said it is UNH that is driving the housing issue because when UNH built graduate student housing in Forrest Park and then found out it would have to start paying tuition to the Oyster River School District, they knocked it down so they did not have to pay tuition.

Mr. Hall also spoke about the proposed expansion of the Strafford County Nursing Home and use of the existing building for transitional housing, indicating that there is a need for such housing; especially for individuals 65 years of age and older that are experiencing dementia.

Administrator Selig said he knew there was a survey component of the work for the Needs Assessment and asked Councilor Tobias if the Task Force has spoken with the UNH Survey Center about assisting with administering the survey.

Councilor Tobias responded that the Task Force has not approached the Survey Center. She said at this time, Town Planner Michael Behrendt and Task Force member Heather Grant are working to identify the specifics of what needs the Town wants the consultant to be focusing on.

Councilor Welsh suggested closing the public hearing before the Council continued any further discussion regarding the resolution.

***Councilor Lund MOVED that the Durham Town Council does hereby CLOSE the public hearing on Resolution #2023-04 to accept and expend unanticipated grant funds totaling \$25,000 to be used to hire a consultant to perform a Housing Needs Analysis document and hold a community forum. The motion was SECONDED by Councilor Welsh and PASSED unanimously, 8-0, on a roll call vote as follows Councilor Tobias—Aye, Councilor Lund-- Aye, Chair Marple—Aye, Chair Pro Tem Needell-- Aye, Councilor Hotchkiss-- Aye, Councilor Lonske—Aye, Councilor Welsh-- Aye, Councilor Friedman—Aye***

Councilor Lund referred to the Scope of Work and Budget, item #7, within the Grant Agreement which reads “7) Consultant for needs analysis presents draft document to Housing Task Force or Planning Board for comments, including comments by the public. Time - 16 weeks.” He asked if the 16-week mark included everything in the Scope of Work up to that point and not just what is noted in item #7.

Councilor Tobias replied that yes, everything in items #1 through #7 would be accomplished at the 16-week mark.

Councilor Welsh said he was trying to understand whose needs would be addressed in the study: the residents in Town, the workers in Durham, UNH, the County, the State, the region? He also asked what tasks are being given to the consultant, RKG Associates, to be addressed.

Councilor Tobias said that the study will be focusing on the type of housing Durham already has, what type of group is missing, and what is the need in that group for what type of housing.

Administrator Selig said he did not believe there is necessarily a consensus of whose needs the study is trying to address. He said there are a lot of different perspectives that are being driven in part by a statewide challenge in providing adequate housing. He said there are individuals in Durham who want Durham to do its fair share part in solving that problem. He said there are individuals in Durham who would like to see additional housing for young professionals moving to Durham. There are also individuals in Durham moving toward retirement who would like to downsize and move into smaller homes. He said his perception of the report was to help objectively answer some of those questions.

Councilor Tobias said the study was intended to provide facts and information about what Durham’s status is, what buildable property is available, land prices, who is moving into the community, etc.

Councilor Welsh asked if the community outreach (which is indicated as being done at week 20 out of 22 weeks) should start earlier.

Councilor Pro Tem Needell said that factual data would need to be gathered before the community outreach could occur to be able to answer questions that citizens may have.

Councilor Welsh said he hoped that the report would focus on the opportunities as opposed to the needs. He felt that “needs” was perhaps not the right word and using “opportunities” would be better. He said that facts are facts and needs are opinions, so if one wanted to stay away from opinions, then the use of the word needs is not correct.

Councilor Tobias said the intent of the report is to gather information.

Councilor Friedman asked if the report is focusing on opportunities as well, were the consultants expected to point out places in Town where development might be possible.

Councilor Tobias replied that identification of possible building/development sites would be a part of the next step in reviewing the Town’s Zoning Ordinance and possibly making changes to that ordinance.

Councilor Pro Tem Needell noted the following paragraph within the Council communication prepared by Planner Michael Behrendt: *“Upon completion of the Housing Needs Analysis, the Community Forum, the Housing Survey, and other outreach efforts by the Housing Task Force, the task force will prepare a revised set of proposed zoning amendments, grounded in the information that is obtained in this effort, to present to the Planning Board.”* She said that seems to indicate the intent and that it was nice to have a grant to be able to pay for the work.

Administrator Selig said that UNH is undertaking its own Housing Needs Analysis focusing on graduate students and junior faculty staff and is using RKG Architects to prepare that study. He felt there is a natural alignment between the work that RKG is doing for UNH and the work RKG will be doing for the Town. He said it was the Town’s intent to share this information with UNH so that they would be fully informed.

***Councilor Tobias MOVED that the Durham Town Council does hereby ADOPT Resolution #2023-04, as presented, to accept and expend unanticipated grant funds totaling \$25,000 to be used to hire a consultant to perform a Housing Needs Analysis document and hold a community forum. The motion was SECONDED by Councilor Lund and PASSED unanimously, 8-0, on a roll call vote as follows Councilor Tobias—Aye, Councilor Lund-- Aye, Chair Marple— Aye, Chair Pro Tem Needell-- Aye, Councilor Hotchkiss-- Aye, Councilor Lonske— Aye, Councilor Welsh-- Aye, Councilor Friedman—Aye***

Administrator Selig noted that UNH and the Town had been talking about 66 Main Street with a private developer, Elliott Sidewalk Communities, and eventually broke off communications with that developer. He said Planner Michael Behrendt suggested that since it has been almost a year since that occurred, it would be good to have a meeting of Town and UNH representatives to talk about where they are today regarding that parcel. Mr. Selig said they held a meeting and the consensus was to leave the parcel as it currently exists for at least another year based upon several factors surrounding the activities and landscape in the downtown area. They agreed to commit having discussions periodically to keep each other informed.

Mr. Selig said that UNH is also interested in the potential at the West End property for mixed use, research, private development, housing, and some level of retail services.

B. Other Business - None

**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. The motion was SECONDED by Councilor Pro Tem Needell and PASSED unanimously, 8-0, on a roll call vote as follows Councilor Tobias—Aye, Councilor Lund-- Aye, Chair Marple— Aye, Chair Pro Tem Needell-- Aye, Councilor Hotchkiss-- Aye, Councilor Lonske— Aye, Councilor Welsh-- Aye, Councilor Friedman—Aye*

The meeting ADJOURNED at 8:08 PM.

Jennie Berry, Minutes Taker