

DRAFT
DURHAM TOWN COUNCIL
MONDAY, AUGUST 4, 2025
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

MEMBERS PRESENT: Chair Joseph Friedman, Councilor Wayne Burton, Councilor Sally Needell, Councilor Heather Grant, Councilor Darrell Ford, Councilor Robin Vogt, Councilor Eric Lund, Councilor Curtis Register, Councilor Em Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs)

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig, Planning Board Chairman Paul Rasmussen, Business Manager Gail Jablonski, Housing Task Force Chair and Planning Board member Sally Tobias

I. Call to Order

Chair Friedman called the meeting to order at 6:59 P.M.

II. Roll Call of Members

Councilor Heather Grant, Councilor Robin Vogt, Chair Joe Friedman, Councilor Sally Needell, Councilor Wayne Burton, Councilor Darrell Ford and Chair Pro Tem Eric Lund.

III. Town Council grants permission for fewer than a majority of Councilors to participate remotely - Chair Pro Tem Lund is participating on Zoom because he is not feeling well. Councilors agreed to his participation on Zoom by a unanimous roll call vote of 6-0.

IV. Approval of Agenda

Councilor Needell MOVED to approve the agenda for the meeting. Councilor Ford SECONDED the motion. The motion PASSED on a unanimous roll call vote of 7-0.

V. Special Announcements

There were none.

VI. Public Comments

Chair Friedman noted there is a Public Hearing scheduled for this meeting and asked the public wishing to address the proposed zoning change to wait until the Public Hearing opens to comment.

Mike Hoffman, 300 Durham Point Road, spoke about the problem of speeding on Durham Point Road and asked the town to add traffic-calming measures such as installing speed tables at the intersections during the upcoming road reclamation project.

Councilor Friedrichs and Councilor Register arrive at 7:05 p.m.

1 **Julian Smith, 3 Chesley Drive**, began to speak in opposition to the height limit change
2 and Chair Friedman asked him to wait until the Public Hearing. He added that he watched
3 the Public Hearing on boarding houses and said he was disappointed the Planning Board
4 didn't continue it. He said the issue needs more thoughtful discussion and asked that
5 another Public Hearing be scheduled.
6

7 **Paul Rasmussen, 5 Glassford Lane**, chairman of the Planning Board, responded to Mr.
8 Smith's comments that it is unlikely the issue of boarding houses will come back before
9 the Planning Board because recent state legislation makes it illegal to zone them.
10

11 **Robin Mower, 6 Britton Lane**, volunteers with the statewide New Hampshire Alliance
12 For End Of Life Options and spoke in support of right-to-die legislation. Her full remarks
13 are attached to these minutes.
14

15 **Erika Nauman Gaillat, 14 Schoolhouse Lane**, spoke to clarify details about her and her
16 husband's attempt to develop a four-unit dwelling on Schoolhouse Lane last year. A
17 resident brought it up during comments at the July 7 Town Council meeting. Ms.
18 Nauman Gaillat said her property's previous owner had subdivided the lot into one parcel
19 with the house they occupy and one empty parcel. She and her husband appeared before
20 the Zoning Board last year to get approval of a four-unit dwelling they wanted to build on
21 the empty lot. The commenter said the building plan went right up to the 10-foot
22 setbacks, but Nauman Gaillat said the building went up to the 10-foot setback on the
23 borders with their property and the Three Chimneys driveway, but was set back 30 feet
24 from Schoolhouse Lane and estimated it was 1,600 feet away from the properties on Old
25 Landing Road to keep their privacy intact. She said the commenter said the building
26 would cover 75% to 80% of the lot, but she said it would cover 21.1% of the lot. She and
27 her husband thought their planned dwelling would fit the objectives of creating housing
28 walkable to downtown while maintaining the town's character and wanted to correct the
29 information because it's important to be accurate when trying to develop this kind of
30 housing downtown.
31

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

33 The UNH student representative was not present.
34

35 **VIII. Unanimous Consent Agenda**

- 36 A. Shall the Town Council table indefinitely the Public Hearing on Ordinance #2025-09
37 Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII.1, "Use and
38 Dimensional Standards," Section 175-53, "Table of Land Uses," Article XXI, "Off Street
39 Parking," Section 175-111, "General Requirements," of the Town Code to include
40 Lodging Houses within the Zoning Ordinance?
41 B. Shall the Town Council, upon recommendation of the Acting Administrator, schedule a
42 Public Hearing for Monday, September 8, 2025, on Resolution #2025-16 authorizing the
43 acceptance and expenditure of a FY 2026 New Hampshire Office of Highway Safety
44 Grant in the amount of \$16,795.75, From the New Hampshire Department of Safety,
45 Office of Highway Safety for traffic enforcement efforts and traffic speed monitoring

1 equipment and authorize the Administrator to sign and submit grant paperwork on behalf
2 of the Town of Durham?

- 3 C. Shall the Town Council, upon recommendation of the Acting Administrator, approve a
4 Special Event Permit Application submitted by Kathryn Walker, University of New
5 Hampshire, to close certain sections of Town Roads for University Day to be held on
6 Thursday, September 4, 2025 from 3:30 to 6:30 p.m. with a rain date of September 11,
7 2025?

8
9 ***Chair Friedman MOVED to accept the Unanimous Consent Agenda. Councilor***
10 ***Friedrichs SECONDED the motion. The motion passed on a unanimous roll call vote***
11 ***of 9-0.***
12

13 **IX. Committee Appointments**

14 Shall the Town Council, upon recommendation of the Planning Board Chair, appoint
15 Peter Howd, 99 Durham Point Road, to an unexpired alternate membership on the
16 Planning Board with a term expiration of April 2028?

17
18 Councilor Grant recommended the Council appoint Peter Howd to the Planning Board.
19 Mr. Howd introduced himself saying he has experience serving on the Planning Board in
20 the town of Wilton, that he has attended meetings here about the housing issues, and that
21 he is looking forward to serving on the Planning Board. Councilor Register thanked him
22 for being willing to serve.
23

24 ***Councilor Needell MOVED that the Town Council appoint Peter Howd to the***
25 ***Planning Board as an alternate. Councilor Grant SECONDED the motion. The motion***
26 ***PASSED on a unanimous vote of 9-0.***
27

28 **X. Presentation Items**

- 29 A. Presentation by Gail Jablonski, Business Manager, on the Quarterly Financial Report for
30 the period ending June 30, 2025.
31

32 Ms. Jablonski said the town is doing well with everything in the budget and she sees no
33 discrepancies. She said she has talked with the town's departments and they are all
34 comfortable with their budgets.
35

36 Councilor Register asked if the town's revenues were on track to come in the same as last
37 year. Ms. Jablonski said at this point the town is on target. She said two areas that may
38 come in lower than anticipated are interest costs because interest rates have gone down a
39 little bit, but that will be balanced by overages in other accounts. Councilor Register
40 asked if that meant the town was going to have a half-million gap between revenues and
41 costs again this year. Ms. Jablonski said she can't answer that because it depends on the
42 departments and how they spend. Chair Friedman asked why state and federal revenues
43 were off by a large amount, and she said that is a timing issue because the meals and
44 rooms tax and some other tax revenues are not received until December. Chair Friedman
45 also noted the miscellaneous revenue is down a lot, and Ms. Jablonski said that is a
46 transfer in from Parking Fund and Depot Road Fund that comes in at the end of the year.

1 Councilors asked about several other items that looked to be a discrepancy, but were also
2 timing issues. Chair Friedman asked why the Churchill Rink looks down from expected
3 when Councilors were told the rink had a very good year this year. Ms. Jablonski said she
4 believed the number was accurate, but said she would talk with Rink Manager Bill Page.
5

6 Councilor Burton asked if the town is facing any cutbacks in federal aid or money that it
7 is in danger of losing. Ms. Jablonski said she doesn't have an answer yet and that the
8 town has reached out to several grantors who are federally funded, but they were still
9 uncertain if and how they would be affected.
10

- 11 B. Presentation by Associate Professor Michael Ferguson and Clinical Associate Professor
12 Matt Frye from UNH on the Parks and Recreation Community Needs Assessment Study
13 looking at programming and the facilities at Jackson's Landing and Woodridge Park.
14

15 Dr. Ferguson introduced himself and his colleague Matt Frye, both are professors of
16 recreation department management and policy at UNH, and run the Applied Recreation
17 Research Collaborative lab. He said the report and their presentation is now publicly
18 available. He gave an overview of the methods used for the study, which was designed to
19 take the pulse of the community to inform the Parks and Recreation Department's master
20 plan.
21

22 He said they interviewed focus groups in April 2024. They installed on-site survey QR
23 codes on signs at both Jackson's Landing and Woodbridge Park, and received responses
24 from 101 active park users. They received 555 responses from a wider population-level
25 written survey, which represents a strong 15.1 percent response rate. He said they also
26 canvassed 3,000 houses - 60 percent in Durham, 30 percent in Lee and 10 percent in
27 Madbury - and that 60 percent of the visits included resident contact.
28

29 The study found a typical visitor to Jackson's Landing is a long-term, high-income
30 Durham-area resident that uses the area year-round for the rink, the playground and the
31 waterfront. They are generally happy with the experience, but noted the restroom, facility
32 upkeep, playground accessibility, poison ivy, standing water and shoreline overgrowth as
33 problems.
34

35 The study recommends replacing the playground equipment, closing in the rink, creating
36 additional recreation infrastructure and boat storage, and upgrading the restrooms to
37 create a year-round facility for adult and youth needs.
38

39 A typical visitor to Woodridge Park is a longtime Durham area resident who walks their
40 dog, uses the playground or watches a baseball game. Visitors to Woodridge Park
41 reported a good experience overall, liking its open layout, neighborhood feel, and multi-
42 use space for sports and walking, but expressed dissatisfaction with the aging playground
43 equipment, limited seating and shade, and poor accessibility for stroller and mobility
44 devices. They also listed drainage, vegetation upkeep and limited parking during high-use
45 events like baseball games as problems. Those surveyed also suggested possible upgrades

1 such as building a professional skatepark and pickleball courts at the park, creating a
2 permanent pavilion, adding a basketball court and improving the restrooms.

3
4 The study report provides estimates of the cost of the improvements and additions
5 residents would like to see at Jackson's Landing and Woodridge Park.

6
7 The study found residents thought the more general needs for Durham in terms of Parks
8 and Recreation are a community center, indoor recreational space and trail connectivity.
9 The first priority to them was a community center, and the study report includes several
10 sizes and price points for the town to consider.

11
12 The second priority was to increase trail connections between parks, schools, downtown
13 and neighborhoods to improve walkability, recreation equity, climate resilience and
14 alternative transportation. Several sizes and scopes of improvement and costs were
15 presented.

16
17 The study also found that residents support creating a dedicated Recreation Revolving
18 Fund that reinvests Parks and Rec user fees, grants and donations into Parks and Rec
19 facilities, services and programs. The study said 82 percent of the state's municipalities
20 have one. The study also found residents support expanding Parks and Rec staff, and
21 several scenarios and estimated costs were presented. The study found residents support
22 Parks and Rec and think it's a core community asset that promotes health, identity and
23 connection in town.

24
25 The study report also includes grants and revenue sources that may be available to the
26 town to help fund the projects and upgrades prioritized by residents.

27
28 Councilors and presenters discussed the inclusion of Lee and Madbury residents in the
29 household canvassing, and how the focus groups were chosen. The size and type of
30 community center that would be ideal for Durham to create multi-use, multi-generational
31 space was discussed. Administrator Selig brought up the need to balance needs and be as
32 equitable as possible, but also said paying for these improvements and projects is a
33 financial stretch for the town. Ways to phase in improvements and funding sources
34 outside of the town's coffers were discussed. Presenters suggested consulting the
35 National Recreation and Parks Association website [NRPA.org](https://www.nrpa.org) to learn more and said
36 there are many links to information on the NRPA site throughout the study report.

37 38 **XI. Unfinished Business**

39 **Continued Public Hearing and Possible Adoption of Ordinance #2025-08** amending
40 Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central
41 Business District, and Article XII.1, "Use and Dimensional Standards," Section 175-54,
42 "Table of Dimensions," of the Town Code to eliminate the three-story height limit for
43 portions of CB-1 Zoning District and to change the standard for commercial in five-story
44 buildings in CB-1 District from requiring two floors to requiring only one floor.
45

Chair Friedman explained two attendees wish to give presentations longer than the allotted five minutes per speaker. He advised speakers can concede their remaining time to these presenters. Councilor Friedrichs said ze thought it would be helpful for the public to hear a brief explanation of how this zoning change came about and why it is being recommended at this time. Chair Friedman gave a brief overview of the process, explaining this is the continuation of a Public Hearing that was opened at the Council's last meeting, but didn't want to take the time away from the public's comments to review its history and asked Councilors for their opinion. Councilor Register agreed the time was the priority because members of the public had taken off work to speak at the Public Hearing. Chair Friedman said the Council would have plenty of time to talk about the amendment after the public has spoken. He said Ms. Olshansky has a 20-minute presentation and Ms. Tobias has a 15-minute presentation, and others have ceded time to them. If anyone else wants to talk longer than their five minutes, Chair Friedman said they could come back to the mike after everyone else has had a chance to comment.

Chair Friedman MOVED to continue the Public Hearing on Ordinance #2025-08. Councilor Needell SECONDED the motion. The motion PASSED on a unanimous vote of 9-0.

Beth Olshansky, 122 Packers Falls Road, gave a PowerPoint presentation against raising Central Business l's height limit to five stories and offering an alternative to the proposed amendment. She noted residents Faith Northrup and Larry Harris gave her their five minutes to speak, and resident Julian Smith ceded four minutes of his five to her.

Ms. Olshansky said she understands the town's goal to create more housing, revitalize downtown and broaden the tax base, but wants to create an attractive downtown that retains its small-town, New England character. She reviewed photos of three- and four-story buildings in neighboring towns, noting five-story buildings are really an exception in many downtowns. She juxtaposed the larger buildings on photos of Durham's Main Street to show how they would change its landscape. She noted the Durham Master Plan requires development of a human scale, which she indicates is a mathematical equation and which the Master Plan establishes as a maximum of 30 feet high to the eave line of buildings on Main Street. She said the proposed amendment violates the town's existing planning documents. She said the town needs to recognize the downtown is an architecturally sensitive area that can attract businesses, and zone it for 3-½ stories which would provide nearly the same amount of rentable space as a four-story building. She said essentially this would apply to just seven potentially redevelopable lots. She urged the Council to reject the current proposal and adopt a height ordinance raising the limit from three stories to 3 ½ stories. She said the town needs redevelopment that reflects the community's vision.

Chair Friedman asked that Councilors and others hold their questions until the rest of the public has spoken.

Sally Tobias, 107 Madbury Road, chairman of the Housing Task Force and a member of the Planning Board, said the Housing Task Force was tasked with finding more

1 housing opportunity downtown to help revitalize the area and to look at the height limit.
2 She said the task force did extensive outreach from August to December 2024, presenting
3 and listening to every town board and committee about their ideas for how to encourage a
4 new population to move downtown. They looked at buildings downtown that have
5 redevelopment potential and past proposals by downtown property owners which
6 involved four and five stories that were never brought forward because the zoning in
7 place would require variances and approvals. She pointed out that residential density in
8 CB1 is less than that of the other three commercial zones. She stressed that something
9 needs to be done to make the area more viable.

10
11 **Diane McCann, 27 Oyster River Road**, reading for **Dudley Dudley, 25 Woodman**
12 **Road**, who said she was born, raised and has spent most of her nine decades in Durham,
13 and who was honored to be elected the first woman on New Hampshire's Executive
14 Council for four terms and to serve in the state's House of Representatives working with
15 hundreds of Durham residents to oppose the Onassis proposal to build the world's largest
16 oil refinery in town. She said Durham has long benefited from listening to citizens'
17 voices and the Council should reject this amendment outright because it is not in line
18 with the town's Master Plan and architectural design standards. She said 3 ½ stories
19 would incentivize developers without varying from what citizens have agreed upon.

20
21 Ms. McCann, speaking as herself, said she supports Ms. Dudley's statement and what
22 Ms. Olshansky said in her presentation.

23
24 **Nancy Sandberg, 15 Langley Road**, read a statement by **Deborah Hirsch Mayer, 19**
25 **Garden Lane**, who wrote in opposition to increasing the height-limit downtown. She
26 said she didn't think this proposal had been properly vetted and said her review of the
27 Housing Task Force and Planning Board meetings and minutes found there has been little
28 time or effort given to studying the possible impacts of the changes. She questioned if
29 there were any assurances or commitments that the new housing units would be designed
30 for individuals or families or remain affordable. She asked where these residents would
31 park and if the units would attract students, and wondered if new development would
32 draw students out of the Cottages and the Lodges, and how that would affect the tax base.
33 She felt the Public Hearing at the Planning Board and at the July 7 Town Council
34 meeting were too limited and not adequately publicized. There's been no outreach and
35 publicity as there was for the Master Plan or the Mill Plaza discussions. She feels more
36 debate and vetting is needed. She agrees with those who spoke at the July 7 meeting and
37 with Ms. Olshansky. She urged the Council to reject the proposal and asked that it be
38 remanded back to the Planning Board.

39
40 Ms. Sandberg speaking for herself noted she made a statement at the last Council meeting
41 on behalf of the Durham Historic Association and reiterated it included the DHA found
42 allowing up to four or five stories in CB1 is out of human scale and out of scale with
43 historic structures, most of which are 2 1/2 stories. She submitted the two statements for
44 the record.
45

1 **Pete Murphy, property owner of 3, 5 and 7 Jenkins Court**, spoke in support of raising
2 the height limit because of the current high cost of developing buildings. He said his
3 property is an eyesore, needs redevelopment and that he didn't think the building which
4 went up across the street from him was out of human scale, but rather his building is out
5 of scale with its redeveloped neighbors. He cited the change in the rentals market in just
6 the last year and the shrinking demand for student housing. He said downtown needs to
7 attract different people, and that he believes there is pent-up demand for one to two-
8 bedroom apartments instead of the student housing model. He added the town's
9 Memorial Day Service was wonderful and he was glad to attend and be a part of it.

10
11 **Joshua Meyerowitz, 7 Chesley Drive**, said there is great intent behind the zoning
12 change, but as he presented at the Planning Board, he doesn't see a mechanism to bring
13 non-students downtown and believes it's wishful thinking. He cited Roger Hayden's
14 comments at the July 7 Council meeting that the lack of downtown parking, changes in
15 buying patterns, and competition from neighboring, more attractive downtowns make it
16 unrealistic that non-students will want to move there. He echoed others' comments that
17 the lack of any discussion and of accessible information about the amendment is really
18 disconcerting. He said the proposal needs a lot more vetting.

19
20 **Holly Harris, 154 Packers Falls Road**, said she has lived on Packers Falls for 35 years,
21 worked on different committees for the town and cares very much about it. She said she
22 thinks most people come here because it has a small-town feel, not an urban feel. She
23 supports Ms. Olshansky and the others who have spoken in opposition to increasing the
24 height limit. She said the nicest places in her travels are the old part of the towns. She is
25 really worried about opening the floodgates to four and five stories, tarnishing the town,
26 and said you can't go back to human scale after that happens.

27
28 **Doug Bencks, 7 York Drive**, said he supports the Planning Board's effort to update the
29 downtown, believes it's the right time to do it, but not do it piecemeal. Instead, it should
30 be done more holistically in terms of both Central Business districts. He supports the
31 effort to expand the types of housing in town, encourage development with greater
32 density, and create a more vibrant walkable downtown. He agreed with splitting the
33 Central Business District, but it is important to limit building heights that face the street
34 to 3 ½ stories, and to four stories when set back from the street. He said he appreciated
35 Mr. Murphy's development ideas. He cited the redevelopment of the Juicery at 30 Main
36 Street and the development of Madbury Commons as ones that retained the feel of the
37 town, but increased density. He said he feels there is an opportunity for four- and five-
38 story buildings at the Mill Pond Plaza site provided there are buffers facing the residential
39 districts to its south and east. He said the town needs to do a computer-generated model
40 to illustrate various zoning options of increasing density while keeping human scale
41 along the street, quantify the development potential, offer a better streamlined and clearer
42 vision of zoning impacts on economics and on downtown.

43
44 **Michael Hoffman, 300 Durham Point Road**, said he is a former student of Professor
45 Bencks and that the town has an expert in him, and said he supports Bencks' comments.
46 He said the town needs to look at the "localnomics," which he defined as the cash flow

1 within the community. He said big buildings are typically not owned by local people. He
2 said he was a member of the Durham Landlord Association, has been a landlord for 35
3 years, and now is involved in Newmarket successfully. He said people moved to
4 Newmarket because downtown Durham is too loud and too expensive. He said we have
5 to create that small-town downtown feel to make it viable. The big buildings are
6 generally owned by real estate investment trust companies just interested in return on
7 investment, and raising rents every year, not small landlords owning two-story buildings.
8 He said one thing that has been found at this meeting is the consensus to do the right
9 thing for Durham, hold off a little bit and relook at this proposal. He said the town should
10 see what else it can do to increase density and attract young professionals living
11 downtown. He said it's not going to be families living in a downtown environment.
12

13 **Tim Horrigan, 7 Faculty Road**, the state representative for Strafford 10, spoke as a
14 private citizen, saying five-story buildings would be out of scale. He noted how many of
15 the four-story buildings in Concord are underutilized. He said this is an uncertain moment
16 in the evolution of town, noting downtown properties on the market, including the one on
17 the corner of Main Street and Jenkins Court, which he believes was bought a couple
18 months ago by a business entity owned by the family who owns the Friendly Toast.
19

20 **Malcolm Sandberg, 15 Langley Road**, thanked Ms. Olshansky for her presentation and
21 said that he believes you can increase living space downtown with a 3 ½-story limit and
22 maintain the wish to have an attractive downtown. He said there was a time when you
23 could buy anything you want in Durham, but that has changed. Raising the height limit is
24 not good enough, and the town can do better, accomplishing what landlords need, provide
25 opportunity and still meet its commitment to residents to maintain an attractive place. He
26 said the Council should send the proposed ordinance back to the Planning Board and
27 involve professionals to create a vision that makes sense.
28

29 **Robin Mower, 6 Britton Lane**, spoke against raising the height limit for the downtown.
30 She said the town needs to create aesthetics that continue to attract visitors and residents,
31 and that there was no evidence put forth in public that four or five stories by right will
32 attract more development or be better for the town in the long run. She asked the Council
33 to vote down the proposed amendment and take up Mr. Bencks' and Ms. Olshansky's
34 suggestions. She noted the town needs to keep in mind the three historic UNH brick
35 buildings that are across Main Street on campus, and look for development that works
36 with them, the beautiful Grange and the 1 Madbury Road project, and meshes with a
37 small town character.
38

39 **Diane Carroll, 54 Canney Road**, read a written statement signed by 252 town residents
40 that said they strongly oppose the zoning amendment proposal because it conflicts with
41 the community consensus of the Durham Master Plan and they believe the town can meet
42 the objective in a way that enhances rather than detracts from the town. They asked the
43 Council to vote down the amendment and create a new one for a 3 ½-story limit for that
44 part of town.
45

1 Ms. Carroll said she and her husband attended many of the Master Plan meetings, and
2 many residents needed to spend that time to develop that consensus, as well the meetings
3 around the proposal for redevelopment of the plaza. She said it takes time, meeting by
4 meeting, person to person, to make decisions for the town, and that the Council should
5 consult many of the experts in town, or other resources, even paid ones if necessary.
6

7 **Julian Smith, 3 Chesley Drive**, apologized for speaking out of turn earlier and said he
8 believes the best way to handle development is by special exceptions for buildings higher
9 than three stories, and considering proposals on a case-by-case basis. The four-term
10 Councilor and member of the Planning Board noted he was not able to properly use the
11 headset to listen to the DCAT audio and that he was unable to hear during the meeting,
12 and looks forward to reading the minutes. He said asking why someone would want to
13 build a building higher than three stories is what the town needs to consider by special
14 exception.
15

16 **James Lawson, 24 Deer Meadow Road**, participating on Zoom, presented a diagram
17 that showed how much redevelopment in the downtown area the town has already
18 experienced in the last 15 years and how the town's zoning has not aligned itself with
19 what developers need.
20

21 He said a 3 ½-story height limit combined with the new mix of commercial and
22 residential development could incentivize developers to redevelop the parcels that remain
23 and which they haven't been able to develop in the past.
24

25 He said the redevelopment of these parcels in the downtown will lead to remedying the
26 town's tax situation. He said there wasn't a fiscal impact study of this area of the
27 downtown since Madbury Commons was built so he decided to do one himself.
28

29 Lawson said he analyzed the multi-unit housing assessments in Durham and surrounding
30 communities. He updated UNH's and Durham's rental housing data including assessing
31 the town's single family home rentals and accessory dwelling units. He used data from
32 the UNH Department of Institutional Research to characterize graduate and
33 undergraduate enrollment. He said UNH provided him with detailed commuter data, too.
34

35 He projected what the properties with potential for redevelopment would look like. He
36 said in the past the town expected significant increases in its tax base due to
37 redevelopment downtown but, he said, going forward the town can expect less than a 40
38 percent increase in its tax base. He said the core reason for this is how multi-unit and
39 mixed-use is assessed for students versus market rate. He said he also found that the
40 redevelopment of every parcel available downtown with a five-story building would only
41 result in a .4 percent increase in the town's tax base.
42

43 He asked the Town Council to ask the Planning Board to continue working on this. He
44 asked that a 3 ½-story limit be considered as it would still bring about positive change in
45 the downtown and maintain trust in the Town Council as the town begins to tackle some

1 bigger opportunities that will lead to a more significant increase in its tax base such as
2 development on Main Street closer to UNH and at the West Edge project.

3
4 Councilors discussed how to proceed after closing the Public Hearing and whether to
5 hold their discussion of the zoning amendment proposal at their next meeting so they
6 could finish the rest of the agenda for this meeting.

7
8 ***Councilor Grant MOVED to close the Public Hearing. Councilor Register***
9 ***SECONDED the motion. The motion PASSED by a unanimous roll call vote of 9-0.***

10
11 Chair Friedman announced the Public Hearing was closed. Discussion ensued among
12 Councilors about whether to discuss the proposed amendment at this meeting or take it up
13 fresh at the next meeting. Councilor Friedrichs said ze thought the Council should finish
14 discussing and deciding on the amendment at this meeting out of consideration for
15 residents in attendance specifically for this issue and defer the Council's other unfinished
16 business to its next meeting. Chair Friedman said he was reluctant to not have the
17 Councilors' and Administrator's Roundtable for a second meeting in a row.

18
19 ***Councilor Register MOVED to extend this meeting to 11:30 p.m. or earlier if the***
20 ***agenda is completed. Councilor Grant SECONDED the motion.***

21
22 Councilors discussed what business would be accomplished during the rest of the
23 meeting.

24
25 ***The motion PASSED on a roll call vote of 6 to 3.***

26
27 ***Councilor Register - aye, Councilor Ford - nay, Councilor Burton - aye, Councilor***
28 ***Needell - aye, Chair Friedman - nay, Councilor Friedrichs - nay, Councilor Vogt - aye,***
29 ***Councilor Grant - aye, Councilor Lund - aye.***

30
31 Chair Friedman initiated discussion about the zoning amendment and the Public Hearing.
32 Councilor Register said Councilors should gauge their stance on the issue and if it's
33 contentious to defer discussion to the next meeting. Councilors discussed how to do this.

34
35 Administrator Selig said if someone makes a motion and it fails, Councilors could talk at
36 a subsequent meeting about what guidance to give the Planning Board. He said it if
37 passes, then the matter is settled.

38
39 ***Councilor Needell MOVED that the Town Council does not adopt Ordinance #2025-***
40 ***08. She clarified she isn't proposing the Council remand the ordinance to the Planning***
41 ***Board yet, but rather allow for further Council discussion after not adopting it.***

42
43 ***Councilor Burton SECONDED the motion.***

44
45 Councilors discussed the motion.

46

1 Administrator Selig said he indeed encouraged the Housing Task Force to look at
2 changing the height limit downtown. He said they worked hard over a couple of years
3 and thanked them, the Planning Board and town planners for their efforts. He said it is a
4 complicated issue and intended to increase the tax base, to revitalize downtown, but also
5 to increase housing opportunities. He said even if downtown development only attracted
6 students, it would free up housing in outlying areas of town that are less desirable and
7 more affordable when they move downtown. He thanked the public for its engagement
8 and said there is a focus on process when there is disagreement on an issue where people
9 complain about a lack of discussion and vetting. He noted there was a real effort by the
10 Housing Task Force to do outreach in a variety of ways and thanked it for that. He said
11 he agrees with Ms. Olshansky's presentation, Mr. Bencks' comments and those of many
12 other residents. He encouraged the Councilors to approve Councilor Needell's motion,
13 which gives the Council the opportunity to give the Planning Board additional direction
14 to finetune the ordinance to create something the whole community can get behind.

15
16 Councilor Burton noted it was impressive how many former Councilors spoke on the
17 issue, reminding the Councilors of the legacy to do the right thing by the people of the
18 town. He complimented Ms. Carroll on the impressive number of signees she gathered
19 for the statement she presented. He said the process went well and the Planning Board did
20 what Administrator Selig asked it to do. He said he was interested in Mr. Bencks'
21 comments about the Mill Plaza and would like to see that issue resolved. He said he
22 supports Councilor Needell's motion.

23
24 Councilor Register said he appreciated all the feedback from the community and also
25 complimented Ms. Carroll's collection of so many signatures. He said he is grateful for
26 residents who give their time to invest in their neighbors. He said he believes the town
27 and state have a significant challenge with housing. He said he's done a lot of outreach to
28 learn what works well. He said he found implementing 79-E, increasing density
29 downtown and embracing the process between residents, landlords, business owners and
30 the town government work. Also recommended, he said, was zoning by building not
31 acreage, taking advantage of SPRC's planning resources, hiring consultants, and resident
32 focus groups. He gave the example of PlanNH which will do a two-day workshop for the
33 town and canvass how committee members and residents feel about the issue. He
34 suggested the ordinance go back to the Planning Board, and that the downtown
35 subcommittee be reconvened and expanded to include more residents and at least one
36 business owner and one landlord association member. He encouraged residents to make
37 an effort to shop and patronize restaurants downtown.

38
39 Councilors discussed whether Councilor Needell's motion would kill the zoning change
40 or not, if it should be tabled instead and if the language would be scrapped. Councilor
41 Needell said she wanted to continue the process at the Council and Councilor Vogt said
42 that would be tabling it.

43
44 ***Councilor Register MOVED to table the zoning amendment until the Council's next***
45 ***meeting instead of rejecting it.***
46

Discussion continued about how to proceed and how a tabling motion takes precedence over any other motion.

Chair Friedman SECONDED the motion to table.

Councilors consulted Roberts' Rules about how to proceed and proceeded to vote on the tabling motion.

The motion to table the amendment to the next Council meeting PASSED on a roll call vote of 5-4.

Councilor Grant - aye, Councilor Vogt - aye, Councilor Friedrichs - nay; Chair Friedman - aye, Councilor Needell - nay, Councilor Burton - nay; Councilor Ford - nay; Councilor Register - aye, Chair Pro Tem Lund - aye.

Chair Friedman said the tabling of the amendment proposal gives time for everyone to digest the information they heard at the Public Hearing and take up the discussion at the next meeting. He thanked the public for participating.

Administrator Selig noted in Robert's Rules that when a motion is laid on the table, the Council would have to pick it up at its next meeting or it dies.

XII. Councilor and Town Administrator Roundtable

Councilor Needell - IWMAC

Discussion in recent meetings has been around a grant for a pilot composting program, but she said they found out July 30 they did not get the grant. She said only 6 percent of the applications were accepted. The committee has been brainstorming possible capstone projects UNH students can help with. The Swap Shop has coordinated with Durham Public Library to send new or like-new school supplies to them so residents can pick them up at the library. She said one Saturday in the last few weeks, more than 1,000 cars came into the transfer station, in part because of the Swap Shop, causing parking and traffic jam issues.

Councilor Grant - Housing Task Force

She said the task force last met June 19 and will meet Aug. 11.

Councilor Grant - Planning Board

She said the board has met July 9, 23 and 30. She said on July 9th the Cottages was before the board for a wooden boardwalk, which it wanted to dismantle, which was approved. The board also approved gravel use on an Oyster River property under shoreland protection. She said there has been discussion on ways to improve public communication such as creating a summary of what the board is working on and publicizing it, during meetings showing more items on the screen. The board began the Conservation Subdivision overlay district, which is where there is an opportunity to

1 create more affordable single family home housing for sale. At the July 23 meeting, the
2 board considered a reconfiguration of parking at 35 Madbury Road, which was not
3 approved. There was a lighting regulation discussion where the board realized it's more
4 complicated than it originally thought. The Conservation Subdivision discussion
5 continued, noting the intent is to get more land into conservation and work on wildlife
6 corridors. The board discussed its priorities which are conservation, EV charging,
7 wetland shoreland, residential development, the PUD, and the lodging house issue, which
8 went away when the legislation banning zoning them was enacted.

9
10 **Councilor Vogt - Human Rights Commission**

11 The commission met on July 29, and discussion was about gratitude the Council's
12 Resolution #2025-15, which it felt spoke to the HRC's work, and serves as groundwork
13 for future possibilities. He said the Linktree resources list is ready to go on the
14 commission's website. Additional resources proposed are cards, etc., and will be
15 presented at the next meeting.

16
17 **Councilor Vogt - Energy Committee**

18 The committee next meets Aug. 5.

19
20 **Councilor Friedrichs - Land Stewardship Subcommittee**

21 The group discussed the redesign of kiosks, resolved e-bike issues allowing most classes
22 except one. There was discussion on hunting, expansion for deer population control. The
23 subcommittee next meets Aug. 6. Ze reminded that Durham Day is Thursday, Aug. 7 at
24 5:30 p.m. and encouraged everyone to turn out.

25
26 **Administrator Selig**

27 This is his first day back on duty after his sabbatical. He thanked Councilors for the
28 opportunity to take a sabbatical.

29
30 **Chair Friedman - Parks and Rec Committee**

31 He said the committee discussed the recreation study report. The trail connection piece
32 involves other committees and boards. They made a field trip to Jackson Landing and
33 Woodridge Park. It discussed moving the Jackson Landing playground into the area
34 where the parking lot is now to allow for expansion of the skating rink and to connect it
35 to trails. Staff is busy getting ready for Durham Day, which will run 5:30 to 8 p.m. at 66
36 Main St. and Jenkins Court with an outdoor movie night afterward. Fall afterschool
37 program registration opens Wednesday, Aug. 6. Parks and Rec Committee next meets
38 Aug. 26.

39
40 **Chair Friedman - Seacoast Economic Development Stakeholders**

41 He said SEDS is regrouping, dealing with budget cuts, and reestablishing themselves, and
42 will likely change its name because it gets confused with other acronyms. It will maintain
43 its mission to further economic development among all the towns of the Seacoast in
44 Strafford and Rockingham counties and even Southern Maine.

45
46 **Chair Friedman - Durham Business Association**

1 He said the reconvening of the DBA is struggling to get going. It has held two meetings,
2 but a third isn't scheduled.

3
4 **Chair Friedman**

5 He noted one of the Town Council's goals is to work on creating an arts council. He said
6 the Council will discuss that group's mission at the next meeting.

7
8 **Councilor Burton**

9 He reported that Joe Petri, one of three Strafford County commissioners has resigned
10 because he's moving to Tennessee, which will change the dynamics on the commission
11 and on the nursing home issue. He said it's Legislative Service Requests time in Concord
12 and deadline is Sept. 17. He said he's representing the House Education Committee on
13 the Free Speech bill.

14
15 **Councilor Ford - Conservation Commission**

16 He said the commission met on July 28 and heard a presentation from John Gianforte and
17 James Bubar on outdoor illumination. They requested funds to hand out yellow bulbs on
18 Durham Day and Farm Day. The commission discussed a workshop series with
19 Piscataqua Region Estuaries Partnership and ideas for what to include in the series.
20 Discussion of the commission's priorities continued. It continued planning for a
21 Conservation Corner in the Friday Updates, which hopefully will start in October.

22
23 **Councilor Register - Agricultural Commission**

24 He said the Farmers' Market is doing well. The commission has revived its Facebook and
25 Instagram page, and will publish minutes, current events and information on them. Farm
26 Day is Aug. 16. Brochures promoting the day have been distributed.

27
28 **Councilor Register - Durham Business Administration**

29 He said the DBA is experiencing turbulence, conflicting timelines and a search for a
30 sense of purpose. It would like the town to have a paid economic development position to
31 support businesses. It'll have a table at Durham Day, and discussed mailers and coupon
32 books, and a pizza contest. He said it would be a good faith gesture for the town to update
33 the Jenkins Court sign for free, listing new businesses. He said he has been visiting
34 downtown business owners and hasn't heard anything good. There is no meeting
35 scheduled going forward.

36
37 **Councilor Register - Strafford County Commission**

38 He said the roof is being updated at the county commissioners' complex so dispatch is
39 temporarily relocated. A tower will be installed to keep equipment off the roof, where it
40 was damaging it. He said they are studying building new nursing home facilities and how
41 much it will cost municipalities, and a new homeless shelter. He explained how the
42 county takes a loan to operate until payments from municipalities are received at the end
43 of the year, but is considering switching to having municipalities front the cash. The
44 county is building a new firefighter training area and will invite Durham to use it as well.
45 The next meeting is Aug. 15.

Councilor Register - School Board

The School Board last met on July 23. Teachers and administration are participating in a research project to increase the overall efficiency of teaching time. The board discussed the ambiguity of the recently passed legislation about DEI and how it leaves the district open to being in violation of the new changes for which they could lose that funding immediately. It also discussed the ramifications of the new legislation banning cell phones and the new parental rights bill. The board next meets Aug. 6.

Councilor Register

He said he spoke with Alan Cronheim about the multi-municipal letter in support of the Fourteenth Amendment that he submitted to the town for consideration on July 3. He sent a summary to Councilors and proposed it be put on a future agenda. He reminded that Julie Kelly had proposed an intercommittee meeting to better connect committees and commissions on a biannual or quarterly basis. He said DPW is still experiencing staffing shortages and putting in extra effort to keep the town running. He said the Madbury Complete Streets project discovered an area of damage at Pettee Brook and Madbury Road, which had the potential to become a sinkhole, noting the project is increasing safety for drivers as well as beautifying.

Councilor Needell

She added that Julie Kelly will also be compiling a newsletter about sustainability efforts across department to put information in one place for residents.

Chair Pro Tem Lund - Historic District/Heritage Commission

The Commission met July 10. Its August meeting has been moved to Aug. 14.

Chair Pro Tem Lund MOVED to adjourn the meeting.

XIII. Approval of Minutes – July 7, 2025

Chair Friedman said the Town Council could approve the minutes of its July 7, 2025 meeting at its next meeting on Sept. 8 since a Motion to Adjourn had been made

XIV. New Business - There was none.

XV. Nonpublic Session - Not Required

XVI. Adjourn (NLT 10:30 PM)

Councilor Vogt SECONDED the motion to adjourn. The motion PASSED on a unanimous roll call vote of 9-0.

The meeting was adjourned at 11:13 PM.

- Jane Murphy, Minutes Taker

August 4, 2025 Mower Public Comments to Town Council

Good evening. First, I want to welcome back Todd. It's good to see you at this table again.

For the past couple of years, I have been volunteering with a statewide grassroots organization, the nonprofit New Hampshire Alliance for End of Life Options, to support legislation that would legalize medical aid in dying. This option would allow mentally competent adults with a diagnosis of six months or less to live who meet strict criteria to die peacefully in their sleep and avoid needless suffering through the self-administration of prescribed medication.

Champions of this legislation are our own State Representative Marjorie Smith and her very conservative Republican colleague Bob Lyn. The legislation is similar, including safeguards, to laws already enacted in 11 other states and Washington, D.C. We're making progress: Last year a medical aid in dying bill passed our state House of Representatives—the very first time such a bill has passed a Republican-majority legislative body in the U.S.

The legislation respects individual choice every step of the way. It is all about compassion. And a UNH survey found that 71 percent of New Hampshire respondents across the state and across all demographics—religion, age, political party, living with a disability—support the concept, including many Durham residents.

Some people object to the legislation, saying that we need to do better in providing both healthcare access for the disability community and mental health support for the general population, but particularly for veterans and for teens

at risk. With respect, I emphasize that this specific legislation is not targeted to those goals: Equally important but distinctly different efforts are needed.

The advocates have created legislation that draws on the expertise of hospice, palliative, oncology, and other medical and mental health care professionals. Through thoughtful conversations and outreach, both awareness and the grassroots base are growing—even given the current political environment, where it's hard to find a space in which to have any conversation to address bipartisan issues. (After all, death and dying really are about as nonpartisan as you can get.)

The strength of the grassroots organization lies in a dedication to these conversations—to listening, to learning, to reflecting back, and to finding ways to help people who are coming from different places to feel safe, both in the conversations and with the language and terms of proposed legislation. Trust is key, and that is what this movement is dedicated to building.

Which brings me to the relationship between the Council and the Durham community. In my letter emailed earlier to you today, I state that you are on the verge of losing the public trust.

I would say that most Durham residents recognize that we need change to survive. But at least some of us also believe that we should find a way to respect the disparate perspectives that make up our community, to at least try to satisfy competing needs—providing housing and respecting aesthetics. But if you won't wait to make sweeping zoning changes until the update of a Master Plan, then it becomes even more important that you show respect for what we say in public hearings—and that you explicitly acknowledge, if not respond to, public input in your deliberations, as prior Councils have done.

It would also be advisable for Councilors who appear to have a personal agenda to recognize that you serve a diverse community of people who may see things differently than you do.

Finally, I would remind Councilors who are new or new-ish to Durham or to the Council to recognize that you do not have the institutional knowledge that has informed decisions made in this room over decades. Own what you don't know. Seek out expertise that you or other boards and committees lack.

I probably sound preachy. But I do care about Durham. As some of you know, I have dedicated hundreds, if not thousands, of hours to helping our community thrive. Please safeguard our trust in local government. It's one place where we truly can make a difference. Do everything you can to help make your decisions earn the trust of the community.

*

I would appreciate the minutes including my comments in their original and entire version due to the sensitive nature of the topic and the need for precision in referencing it and will submit them via email to the Administrator.

Robin Mower, 6 Britton Lane, Durham, NH

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