

DRAFT
DURHAM TOWN COUNCIL
MONDAY, SEPTEMBER 8, 2025
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

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

MEMBERS ABSENT: Councilor Sally Needell

OTHERS PRESENT: Town Administrator Todd Selig, Town Clerk and Tax Collector Rachel Deane, Library Director Sheryl Bass, Assistant Library Director Audra Lewis, Planning Board Chairman Paul Rasmussen, Housing Task Force Chair and Planning Board member Sally Tobias, Police Chief Rene Kelley, Town Planner Michael Behrendt

I. Call to Order

Chair Friedman called the meeting to order at 7:00 P.M.

II. Roll Call of Members

Councilor Robin Vogt, Chair Joe Friedman, Councilor Wayne Burton, Councilor Darrell Ford, Councilor Heather Grant, Councilor Curtis Register

III. Moment of Silence for Dr. Eric J. Lund

Chair Friedman asked everyone to take a moment to remember Chair Pro Tem Eric Lund, who passed away on Aug. 17, 2025 after a recent diagnosis of a brain tumor. He was elected to his first term on the Durham Town Council in March 2023 and was reelected in 2025. He served on the Historic District Commission, the Cemetery Committee, and as an alternate on the Planning Board. Even during his illness, he continued to attend meetings virtually. Chair Friedman concluded the moment by saying how much he is missed.

IV. Approval of Agenda

Councilor Grant suggested moving the presentation by Sally Tobias, chair of the Housing Task Force, from Item XVI-A under New Business to Item XIII-C under Presentation Items. The change was approved by a unanimous show of hands vote of 6-0.

V. Appointment and swearing-in of new Council member to fill vacancy from September 2025 to March 2026

Chair Friedman MOVED to appoint Carden Welsh, 3 Fairchild Drive, to fill the vacant position on the Council left by Chair Pro Tem Lund. Councilor Burton SECONDED the motion. Chair Friedman asked if there was any discussion of the motion. There was not. *The motion PASSED on a unanimous roll call vote of 6-0.* Chair Friedman welcomed Mr. Welsh and asked him to join the meeting. Town Clerk Rachel Deane administered the oath of office to Mr. Welsh, who signed the oath.

Councilor Burton briefly introduced Councilor Welsh, noting his past service on the Council and his corporate experience, and thanked him for being willing to serve. Councilor Welsh took a seat at the Council table and recognized Councilor Lund's hard work and contributions to the town and said he felt honored to replace him for the remainder of his term.

VI. Election of New Chair Pro Tem

Chair Friedman MOVED that the Council elect Councilor Needell as the Council's new Chair Pro Tem. Councilor Burton SECONDED the motion. Chair Friedman asked if there was any discussion on the nomination. Councilor Grant asked if Councilor Needell knows he is nominating her since she is not present at the meeting, and Chair Friedman confirmed she does know. **The motion PASSED on a unanimous roll call vote of 7-0.** Chair Friedman thanked Councilor Needell for being willing to take on the Chair Pro Tem role.

VII. Appointment of new representatives to the Historic District/Heritage Commission and Cemetery Committee, a new alternate representative to the Planning Board.

Chair Friedman opened the discussion inviting Councilors to volunteer for the open positions. Councilor Grant volunteered to serve on the Cemetery Committee. Councilor Burton said he was asked to serve on the Historic District/Heritage Commission and cautioned he may not decide to run again in the spring so he may only fill the vacancy until then. Councilor Ford volunteered to serve on the Planning Board. Chair Friedman asked if anyone else was interested in any of the positions and no one responded.

Chair Friedman MOVED to appoint Councilor Grant to the Cemetery Committee, Councilor Burton to the Historic District-Heritage Commission, and Councilor Ford to the alternate position on the Planning Board. Councilor Register SECONDED the motion. Chair Friedman asked if there was any further discussion. **The motion PASSED on a unanimous roll call vote of 7-0.** Chair Friedman thanked Councilors and said the town is fortunate to have so much talent on its committees and commissions.

VIII. Special Announcements

Durham Fire Department annual 9/11 Commemoration event and UNH 9/11 National Day of Service and Remembrance with campus-wide blood and food drive

Chair Friedman said residents are invited to the fire department's 9/11 Ceremony and Commemoration on Thursday, Sept. 11. College Road will close at 8:15 and the ceremony begins at 8:30 a.m. College Road will reopen at 9:30 a.m. The blood and food drives will run from 10 a.m. to 3 p.m. in the Granite State Room at the MUB. There will also be a kindness card station where residents can leave messages for firefighters.

IX. Public Comments

Nancy Sandberg, 15 Langley Road, reiterated the position of the Durham Historic Association on the downtown building height limit amendment, noting there is history in the downtown core that needs to be recognized and worked with in any changes. She noted the west side of Main Street from the Gorham Block to the building that held Young's Restaurant to the Hardy Philbrick Block to the Ballard House, many of which

1 were built in the 1920s and '30s. The Historic Association's position is that four- and
2 five-story buildings are incompatible in terms of human scale and it is very much
3 opposed to the proposed zoning changes.
4

5 **Allison Jumper, 23 Mathes Cove Road**, said residents in her neighborhood realized the
6 street had been sprayed to kill knotweed without any advance notice and have sent a
7 letter, signed by 16 neighbors, requesting a meeting to discuss weed management policies
8 going forward. She said they did receive a reply from Department of Public Works
9 Director Rich Reine and know the town is not legally required to provide advance
10 notification of spraying pesticides and herbicides. They would like to look at options like
11 Dover's non-toxic weed management policy or residents opting out of spraying all
12 together and doing mechanical removal. Administrator Selig thanked Ms. Jumper for
13 bringing the matter back up as he thought it had been resolved and will look into it. He
14 said there would be no spraying in that neighborhood until the discussion takes place.
15

16 **Nick Isaak, 35 Oyster River Road**, spoke in favor of the ordinance raising the building
17 height limit. He said it is more an economic issue than a physical one. He said he has
18 talked with builders and developers who say three floors don't work financially and that
19 the retail space doesn't drive the project, the residential space does. He also said with the
20 region's housing shortage, it doesn't make sense to limit building height to three floors.
21

22 **Tolu Afolayan, 9 Willey Road**, who is a board member of the Durham Business
23 Association, spoke in support of raising the building height limit downtown and creating
24 a vibrant and socially cohesive downtown and community as a whole. He said the town
25 needs to address the problems, concerns and pressures Durham business owners face to
26 sustain a strong commercial base for the future.
27

28 **Michael Carter, 4 Willey Road**, a 35-year resident, said he hears a note of stridency and
29 imperativeness bordering on panic that the town must do something, and he urged
30 Councilors to stop, take a breath and not feel compelled to act. He said many of the
31 factors affecting downtown vitality are beyond the control of any town board from online
32 shopping habits to remote telework to the proximity of Portsmouth and Dover for in-
33 person dining and shopping. He said the town has a Master Plan developed over time and
34 asked the Council not to jettison it for short-term gains. He said Councilors should not be
35 afraid to tax him or other residents more to make up the 0.4 percent increase in the tax
36 base that is predicted to come from raising the building height limit.
37

38 Chair Friedman paused Public Comments at 7:29 p.m. because Councilor Friedrichs
39 joined the meeting on Zoom. Councilor Friedrichs said ze could not attend the meeting in
40 person because ze doesn't have childcare. ***Zir participation on Zoom was APPROVED***
41 ***by a unanimous roll call vote of 7-0.***
42

43 **Maeve Nolan** of the Workforce Housing Coalition of the Greater Seacoast, who serves as
44 an advisor to the Durham Housing Task Force, expressed support for increasing the
45 building height limit as a way to address the regional housing shortage. She said the goal
46 is to have people live in the town where they work and that can be done through vertical

1 development, diversifying housing options and improving the economics of projects. She
2 urged the Council to approve the ordinance to achieve thoughtful, equitable housing
3 growth in Durham.
4

5 **Peter Murphy, 37 Main St.**, who also owns 3, 5 and 7 Jenkins Court, spoke in favor of
6 raising the height limit, noting as a developer that four-story buildings are more attractive
7 to developers and builders, and three-story buildings are undoable. He said the process of
8 proposing a project, and doing all the prep work for a project's permitting with the
9 chance that a fourth or fifth story might not be allowed is too costly and discourages
10 potential buyers. The higher limit makes projects more economically viable.
11

12 **Larry Harris, 56 Oyster River Road**, who taught marine biology at UNH for 51 years,
13 said raising the building height limit will destroy the atmosphere of downtown and only
14 increase student housing, which is already overbuilt. He said it doesn't make sense at this
15 time.
16

17 **Caroline Singer, 5 Woodridge Road**, said she submitted the letter from the Historic
18 District Commission to the Council, but is speaking as an individual. She supports Ms.
19 Sandberg's assertion that the town needs to protect the historic aesthetic of the
20 downtown. She said the process requires a well-thought-out plan, and hiring a planner to
21 address issues. She said raising building height is not going to protect downtown from
22 Amazon. She said it took years to create the town residents have chosen to live in, and
23 they should listen to the objections of those who made the town they want to live in.
24

25 **Joshua Meyerowitz, 7 Chesley Drive**, said he wanted to add to Mr. Harris' comments
26 that it's the town's small-town atmosphere that attracts students and families, and,
27 because it's been two months since the first part of the Public Hearing on the ordinance,
28 he wanted to reiterate Ms. Spang's concerns about a lack of serious deliberation and
29 public vetting of the proposal and Deborah Hirsch Mayer's concerns about the process
30 and that just a small group of people pushing it through. He also asked the Council to pay
31 attention to Beth Olshansky's points and presentation.
32

33 **Julian Smith, 3 Chesley Drive, called attention to the** first whereas in the ordinance,
34 which reads "Whereas activity in the downtown has decreased in recent years and a boost
35 to activity is important." He asked what activity the ordinance is referring to -
36 commercial activity, tax revenue, etc. He would like to see more activity downtown, but
37 he doesn't see how the increase in building height makes that possible. He gave the
38 example of having to tear down a building that already has a business in it.
39

40 **Beth Olshansky, Packers Falls Road**, on Zoom went over the key points in her earlier
41 presentation during the Public Hearing. She said the compromise of a 3 ½-story height
42 limit applies to 10 parcels in a very small part of downtown. She said the concept of
43 human scale is designated in the town's Master Plan and Architectural Design Standards,
44 and is a precise calculation, which for Durham's Main Street in 30 feet to the eave line.
45 She said the Master Plan Survey found 86 percent of residents want Durham to retain its

1 small-town feel. She gave photo examples of four-story and five-story buildings
2 transposed on Main Street next to existing buildings.
3

4 **Robin Mower, 6 Britton Lane**, continued Ms. Olshansky's presentation, noting five
5 stories violate all the town's document and community trust, and 3 ½-stories is the ideal
6 compromise height. The presentation asked the Council to respect the 250 residents who
7 signed a letter to it and vote no on this ordinance. Ms. Mower, speaking for herself, said
8 the compromise proposed really gives developers four stories of space to rent. She asked
9 the Council to remand the ordinance to the Planning Board, which should consider the 3
10 ½-story alternative. She said the downtown needs a comprehensive vision and local
11 planning professionals should study the downtown and create a win-win.
12

13 **Elizabeth Larocca, 10 Britton Lane**, said she supports the Durham Historic Association
14 position, and Ms. Olshansky's and Ms. Mower's opinion. She had a long career in
15 economic development with Eversource and saw many times that successful downtowns
16 respect the unique character of each community, which is a basic principle of the Main
17 Streets program.
18

19 **Gail Kelley, 11 Gerrish Drive**, who has lived in Durham for more than 60 years, said
20 the downtown vitality is gone because Durham faces challenges many towns do not and
21 said she doesn't believe families will move downtown because there is no parking. She
22 said she believes only students will live downtown and it's difficult to overcome
23 Durham's reputation as a student town. She said its urgency is working against the
24 Council.
25 She said the Main Street program is terrific, but takes time, vision and professional
26 planning. Durham is less approachable than other towns, because there is no
27 entertainment gathering space or sufficient parking, which could be solved with a garage.
28

29 **Nick Isaak, 35 Oyster River Road**, returned to the microphone to say that there is no
30 such thing as a three-and a half-story building. It is a four-story building. He asked
31 everyone to agree the town should allow four-story buildings.
32

33 **Malcolm Sandberg, 15 Langley Road**, who served on the Council for nine years, and as
34 chairman for five years, took issue with some of the Council's meeting procedures and
35 the five-minute limit for speaking during the Public Hearing. He said it's the Council's
36 decision to decide to hear someone speak longer. He said there was confusion at the end
37 of the last meeting because of the way the motions were made. He said after making a
38 motion, Councilors should define what a yes or a no vote means to eliminate the
39 confusion. He also said no motions should be made to not do something. They should
40 state doing something, and then Councilors say yes or no. He also reminded speakers to
41 get close to the microphone when speaking.
42

43 **Judith Spang, 55 Wiswall Road**, said before she was a state legislator, she had a career
44 in economic development planning, and feels the town shouldn't do something as
45 meaningful as changing zoning without doing it in an integrated way with the rest of
46 downtown. She urged Councilors to take a step back and make a fresh start getting a

professional and objective look at what is really happening. She said the town needs to have someone with experience with other communities' development look at downtown. She urged them to vote the ordinance down, send it back to the Planning Board, get a study committee going and get public input again before making major changes.

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

The UNH student representative Carolyn Bishop was not present on Zoom.

XI. Unanimous Consent Agenda

- A. Shall The Town Council schedule special meeting dates on November 10, 2025 and December 8, 2025 for the purpose of deliberating the proposed FY 2026 Operating, Capital, and Special Fund Budgets and the 2026-2035 Capital Improvement Plan, and schedule a Public Hearing on the proposed FY 2026 Budget and 2026-2035 Capital Improvement Plan for Monday, November 17, 2025?
- B. Shall the Town Council Adopt Resolution #2025-17 amending Resolution #2023-07 by updating the completion date of a FY22 Legislative Pre-Disaster Mitigation (LPDM) grant from the New Hampshire Department of Safety, Division of Homeland Security and Emergency Management, for the Durham Emergency Generator Project, in the amount of \$427,612.49 with a required 25% Match of \$142,537.51 – for a total project cost of \$570,150.00 - and authorize the Administrator to sign and submit grant paperwork and all documents related to the grant on behalf of the Town of Durham?
- C. Shall the Town Council authorize the Administrator to sign the Amicus Brief supporting the plaintiffs in the case New Hampshire Indonesian Community Support, et al. v. Donald J. Trump, et al., stating Durham's opposition to the executive order that would deny birthright citizenship to certain U.S.-born children and supporting the existing constitutional and federal statutory definition of citizenship?
- D. Shall the Town Council schedule a Public Hearing for Monday, October 6, 2025 on Resolution #2025-18 authorizing the acceptance and expenditure of funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the Mill Pond Dam removal and Oyster River Restoration Project, in the amount of up to \$3,247,201, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham?

Chair Friedman asked if there was anything Councilors wanted to remove from the Unanimous Consent Agenda. Councilor Burton said he would like to hold Item D.

Chair Friedman MOVED to approve Items A, B and C. Councilor Register SECONDED the motion. The motion PASSED on a unanimous roll call vote of 8-0.

By approving Item A, the Special Meeting Dates for discussing the town's FY2026 budgets are set for Nov. 10 and Dec. 8, 2025, and the Public Hearing on the budgets is set for Nov. 17, 2025.

By approving Item B, Resolution #2025-17 which amends Resolution #2023-07, The Durham Town Council, in a majority vote, accepted the terms of the Legislative Pre-Disaster Mitigation (LPDM) amendment, as presented, to reflect the change of Period of

Performance dates from September 18, 2025 to September 18, 2026. Durham Administrator Todd Selig is authorized to sign all documents related to the grant.

By approving Item C, the Council authorized Administrator Selig to sign the Amicus Brief supporting the plaintiffs in the case New Hampshire Indonesian Community Support, et al. v. Donald J. Trump, et al., which states the town's opposition to the executive order that would deny birthright citizenship to certain U.S.-born children and its support of the existing constitutional and federal statutory definition of citizenship.

Councilor Burton said he proposed pulling Item D because the town has learned the last installment of federal funding for dam removal has not been received. He is concerned that the town's voters approved the referendum when voters thought the town was going to receive all the expected federal money for the project, which may not be the case anymore. The motion in the Unanimous Consent Agenda is to set the Public Hearing on accepting the NOAA grant, he said, not deciding any course of action on the dam removal, but he said he wanted to raise the question and get a briefing on the project's status and what the town's options might be. Administrator Selig said the plan was to give an update on the project's status as part of the Public Hearing at the Oct. 6 Council meeting. Councilor Burton agreed with that plan and said he feels the project has changed because the town voted to approve the removal of the dam because of the presence of the federal money.

Chair Friedman MOVED to approve Item D. Councilor Grant SECONDED the motion. Chair Friedman asked if there was any further discussion and there was none. The motion PASSED on a unanimous roll call vote of 8-0.

By approving Item D, the Council set the Public Hearing for Resolution #2025-18 for Oct. 6. If approved, the resolution will authorize using the NOAA grant for the Mill Pond Dam removal project and authorize Administrator Selig to sign and submit grant paperwork on behalf of the town.

XII. Committee Appointments

Shall the Town Council, upon recommendation of the Planning Board Chair, appoint Julian Smith, 3 Chesley Drive, to an unexpired alternate membership on the Planning Board with a term expiration of April 2027?

Councilor Grant MOVED that the Council appoint Julian Smith to the Planning Board as recommended by the Planning Board Chair. Chair Friedman SECONDED the motion. Chair Friedman asked if there was any discussion and there was not.

The appointment was APPROVED by a roll call vote of 6-2.

Councilor Register - nay; Councilor Grant - aye; Councilor Ford - aye; Councilor Burton - aye; Chair Friedman - aye; Councilor Vogt - nay; Councilor Welsh - aye; Councilor Friedrichs - aye.

Chair Friedman thanked Mr. Smith for being willing to serve.

XIII. Presentation Items

A. Presentation on the Durham Public Library, Director Sheryl Bass

Durham Public Library Director Sheryl Bass thanked Councilors for the opportunity to speak at such a busy meeting and introduced the library's Assistant Director Audra Lewis. She said the 2022-2024 Strategic Plan was a success. Its four priorities - community connections, access for all, literacy and lifelong learning, and focus on the future - were achieved and she wanted to demonstrate its impact and the library's role as a cornerstone in the community.

Ms. Bass gave a presentation highlighting statistics such as the library's physical item circulation of 72,013 items, down 3%; digital item collection of 31,905, up 48 percent; 4,765 interloan transactions, up 58%; 69,089 patron visits, up 5%; 5,631 cardholders, up 11%; 687 programs presented, up 144%; 9,687 program attendees, up 144%.

Ms. Bass noted that during this growth in programming and use, staff was increased by only 12 hours. She gave examples of programs and events where the library did outreach to the community and became a gathering place for the community.

She said what shone through was the qualitative feedback from patrons, describing what the library means to the town including as a refuge for those who work at home and a lifeline against isolation. She thanked the Council, library super users, its Board of Trustees and the Friends of the Durham Library.

Councilor Burton noted the state law prohibiting Diversity, Equity and Inclusive efforts and asked if the current efforts to ban what the public can read and see affected the library and if it had the means to fight it. Ms. Bass said the library does. She said she's had conversations of concern about material but no challenges. She said the library stands by the principle of the freedom to read and people's intellectual freedom, and will defend its materials which are professionally chosen.

Councilor Vogt said the library's numbers and growth were impressive, and asked what its biggest challenge in coming years will be to keep the numbers growing. Ms. Bass said the library is adequately staffed now, but said it will be difficult to keep increasing services with no staff increase in the future.

Councilor Register thanked her and library staff for engendering trust in the community and for creating a community space where everybody's welcome.

B. Annual report on the Planning Board activities, Chair Paul Rasmussen

Planning Board Chair Paul Rasmussen said he submitted a written report in the Councilors' meeting packet and asked if they had any questions for him.

Councilor Welsh asked what the status of the Planned Unit Development at the West Edge is. Mr. Rasmussen said UNH is running late in the process of selecting a developer for the project. He said the Planning Board wanted the project's developer to review and

1 give input on the town's draft for a PUC before going to a Public Hearing. So the town is
2 in a holding pattern and estimated the project would break ground in 2007.

3
4 Councilor Register asked about the building height increase amendment and what he
5 thought after all the public input. He said an independent study is needed and what to do
6 if its results come back in conflict with the Master Plan. It may be a starter for a new
7 Master Plan development, he said, if the Council picked the study's direction over the
8 Master Plan, it would be a hard sell to the community. Discussion continued about how
9 to do a study of the downtown and what it needs to be revitalized.

10
11 It was noted that in a recent list of the municipalities in the state with the highest
12 population density, Durham ranks first.

13
14 Councilor Friedrichs asked about the work on the conservation subdivision, and how the
15 work force housing component of it may be effective in increasing density in other parts
16 of town outside of downtown and how the town needs to control the shape of that process
17 taking into consideration community input.

18
19 Councilor Burton said the state Legislature took away the town's ability to zone with a
20 bill passed this session and asked if the town actually could make these choices. Mr.
21 Rasmussen said it hadn't completely taken it away, but they are chipping away at it.
22 Councilor Burton thanked Mr. Rasmussen for his incredibly hard work and Chair
23 Friedman echoed that thanks.

24
25 **C. Presentation on the Housing Task Force's accomplishments, how it has addressed**
26 **its**

27 **charge, and discussion on whether there is other work for it and whether it should**
28 **continue on in any manner, HTF Chair Sally Tobias**

29 Housing Task Force Chair Sally Tobias said the Task Force first met on June 8, 2020 on
30 Zoom.

31
32 In May 2024, it performed a housing needs assessment, which was done by RKG, which
33 found the housing need of the non-student population in town in 2040 will be 455 units.
34 It found families were disappearing from town, and that 3.6 new homes are built per year.

35
36 Over the last year, the Task Force did outreach, surveying the town's business owners,
37 employers and employees, sponsored overlay amendment, developed four initiatives to
38 revitalize the downtown core, created a quick access sheet to explain why and what it
39 would look like, which is on the Planning Board site, and reviewed the state legislative
40 initiatives about housing and zoning.

41
42 She said the Task Force feels that it's done what it was asked to do and is wondering
43 what the direction is going forward. It could advocate for proposed suggestions, look for
44 new options, work on education on housing, or create a housing committee that pulls
45 resources together in one place where people can go to find housing. Chair Friedman said
46 the Council will consider what to do next at a future meeting. Councilor Register said

1 sunsetting the task force is appropriate. Administrator Selig said the Task Force's
2 extension automatically sunsets on Oct. 2, 2025. Chair Tobias agreed with Councilor
3 Register. Councilor Friedrichs said there is work to be done on drafting language for
4 zoning ordinances, which the Planning Board doesn't have time to do, and the Task Force
5 members might help with that. Chair Tobias said that person would have to have a lot of
6 Planning Board experience and that it might be better to have a couple Planning Board
7 members form a subcommittee. She said the Task Force has gone through zoning
8 regulations and marked up suggestions about housing and that will go to the Planning
9 Board.

10
11 Chair Friedman thanked Ms. Tobias for all her work and he said even though the Task
12 Force is sunsetting on Tuesday, Oct. 2, it doesn't mean it can't come back in some form.

13
14 Ms. Tobias said Task Force members will make a presentation on its zoning suggestions
15 and process on Tuesday, Oct. 7 at 10 a.m. and then will present to the Planning Board.

16 17 **XIV. Unfinished Business**

- 18
19 **A. Public Hearing and Possible Adoption of Resolution #2025-16** Authorizing the
20 acceptance and expenditure of a FY 2026 New Hampshire Office of Highway Safety
21 Grant In the amount of \$16,795.75, From the New Hampshire Department of Safety,
22 Office of Highway Safety for traffic enforcement efforts and traffic speed monitoring
23 equipment and authorizing the Administrator to sign and submit grant paperwork on
24 behalf of the Town of Durham.

25
26 *Chair Friedman MOVED to open the Public Hearing on Resolution #2025-16.*
27 *Councilor Welsh SECONDED the motion. The motion PASSED on a unanimous roll*
28 *call vote of 8-0.*

29
30 No one was present or online to speak about the issue.

31
32 *Chair Friedman MOVED to close the Public Hearing. Councilor Ford SECONDED*
33 *the motion. The motion PASSED on a unanimous roll call vote of 8-0.*

34
35 Chair Friedman announced the Public Hearing was closed.

36
37 Councilor Friedrichs asked Durham Police Chief Rene Kelley if the only equipment being
38 purchased with this grant is the radar. He said it would purchase the handheld radar as
39 well as another speed sign. Ze asked if any part of the grant would pay for one of the
40 already scheduled patrol cars and Chief Kelley said it would not. Ze asked if some of the
41 grant would cover officer patrol hours, and he said the town would be reimbursed for the
42 officers' time on enforcement patrols. Ze also asked if the town is required by the grant to
43 give advance notice of some patrols. Chief Kelley said it's up to the department to
44 research when and where patrols happen to best serve the purpose of the patrol and there
45 wouldn't necessarily be any advance notice of enforcement patrols given to the public.

46

1 **Chair Friedman MOVED to adopt Resolution #2026-16. Councilor Burton**

2 **SECONDED the motion.** Chair Friedman asked if there was any additional discussion of
3 the motion. There was none. **The motion PASSED on a unanimous roll call vote of 8-0.**
4

- 5 B. **Discussion of Ordinance #2025-08** amending Chapter 175, “Zoning,” Article XII, “Base
6 Zoning Districts,” Section 175-42, “Central Business District, and Article XII.1, “Use and
7 Dimensional Standards,” Section 175-54, “Table of Dimensions,” of the Town Code to
8 eliminate the three-story height limit for portions of CB-1 Zoning District and to change
9 the standard for commercial in five-story buildings in CB-1 District from requiring two
10 floors to requiring only one floor.
11

12 Chair Friedman asked if anyone wanted to make a motion to table this ordinance.

13 Councilor Register asked for a review of the options for residents. Chair Friedman said
14 one option is to take the latest motion off the table, and he said if the Council doesn’t take
15 it off the table at this meeting, it will die. Discussion ensued about taking it off the table
16 and voting it down or taking it off the table and sending the zoning amendment to the
17 Planning Board, and about making motions in the negative as the one under discussion is,
18 and how the Council should proceed.
19

20 **Councilor Register MOVED to take the ordinance off the table, but it was pointed out**
21 **that the motion on the table is the negative motion. Councilor Friedrichs SECONDED**
22 **the motion.**
23

24 Councilor Burton asked if the Council moves the ordinance off the table, will there then
25 be a motion to kill the ordinance before the Council or will it just be the ordinance itself.
26 Consensus was there would then be a motion to kill the ordinance. Discussion continued
27 about the process of voting on motions.
28

29 Councilor Register said he is not in favor of passing the ordinance that changes the height
30 limit downtown as it is written now. He said the public has made clear how it feels. He
31 reiterated the point that came up in discussion that resident Doug Bencks said four- and
32 five-story buildings downtown would not be to human scale and create a canyon effect,
33 but that there might be a place for them at Mill Plaza. He said we can’t ignore the needs of
34 struggling business owners and developers, and the need to increase the tax base. He said
35 every resident’s voice matters no matter how long they’ve lived here.
36

37 Councilor Grant said she researched what Council has done since the earlier building
38 boom in 2012 to 2014, listing the actions, and said all the tweaks had made development
39 harder. She said assessed values for businesses downtown are going down and decreasing
40 the town’s tax base, and at some point the town needs to listen to building owners who are
41 trying to build. She said she would vote for the ordinance zoning amendment.
42

43 Councilor Burton said Councilors represent the citizens of the town, not business owners,
44 and the citizens have been clear they want to keep the character of the town the way it is.
45

1 Chair Friedman said it is clear adding density to downtown would benefit the downtown
2 and he would support taking the ordinance off the table and sending it back to the
3 Planning Board to take all the public comment into consideration.
4

5 Councilor Friedrichs noted the Council is discussing the actual ordinance and should have
6 already voted to take it off the table before discussing it.
7

8 Chair Friedman called for a vote to take the motion off the table.
9

10 ***The motion was moved off the table on a roll call vote of 6-2.***
11

12 ***Councilor Welsh - nay; Councilor Vogt - aye; Chair Friedman - aye; Councilor Burton***
13 ***- nay; Councilor Ford -aye; Councilor Grant -aye; Councilor Register - aye; Councilor***
14 ***Friedrichs - aye***
15

16 Chair Friedman said the motion on the table next is the “Town Council hereby does not
17 adopt Ordinance #2025-08,” which was already moved and seconded at the last meeting.
18

19 Discussion opened with Councilor Friedrichs saying there is no resident buy-in for this
20 ordinance and she believes a win-win possibility does exist. She said a piecemeal
21 approach is not going to help revitalize downtown, that she doesn’t think that Planning
22 Board wants to take this on, but that there are several residents who are willing to work on
23 it, and that there may be ways to increase rentable space with setbacks and other ideas and
24 the town should hold out for that.
25

26 Councilor Vogt said young families and residents newer to the town may feel unwelcome
27 by the tone of some of the comments from the public on this matter and that everyone
28 needs to recognize the community conversation is for everyone. Chair Friedman said
29 residents’ opinions are just as important if they’ve lived here one year or 50 years.
30

31 Councilor Burton said he didn’t believe young families would live downtown, and asked
32 Mr. Behrendt how many units the total potential development of downtown with the new
33 height limit would create, but the number is not known. He lamented the lack of
34 affordable housing it would create and ongoing problem of not enough parking.
35

36 ***Councilor Register MOVED to extend the meeting to 11:15 p.m. Vogt SECONDED the***
37 ***motion.***
38

39 Discussion started about whether to cancel the Sept. 15 meeting or not, and if all the
40 Council’s business could be completed tonight. Councilor Friedrichs said it’s a
41 discourtesy to the public to continue this matter to another meeting after extending it from
42 the August meeting and a vote needs to happen and decide the matter at this meeting.
43

44 ***The motion PASSED on a unanimous roll call vote of 8-0 and the meeting was***
45 ***extended to 11:15 p.m.***
46

1 Councilor Welsh encouraged Councilors to focus on the specific ordinance at hand and
2 not speak about other issues. He believes the suggested compromises of 3-and-a-half
3 stories from the public should be considered and the ordinance should go back to the
4 Planning Board with clear direction about adjustments to make.

5
6 Administrator Selig agreed with Councilor Welsh.

7
8 Councilor Friedrichs said ze thought that compromise would be minor enough of a change
9 that the Council could modify the ordinance and vote on it without going back to the
10 Planning Board and asked Mr. Behrendt if that would be OK.

11
12 Behrendt recommended taking a vote to kill the amendment and have the Planning Board
13 draft a new amendment moving the height limit to four stories by right with a setback or
14 3-½ stories with a pitched roof with no setback. He said he believed the Planning Board
15 would have to craft that ordinance. Administrator Selig asked if the Council could amend
16 the draft and vote, and Mr. Behrendt discouraged it. Discussion continued on the
17 complications that would need to be clarified for the ordinance and the problems the
18 Council acting unilaterally could create.

19
20 Chair Friedman called a vote on whether to approve the motion on the floor. He said a
21 Yes vote is a vote to not adopt the ordinance as written and a No vote is a vote to continue
22 discussion about the ordinance.

23
24 **The motion FAILED on a roll call vote of 4-4.**

25
26 ***Councilor Welsh - aye; Councilor Vogt - nay; Chair Friedman - nay; Councilor Burton***
27 ***- aye; Councilor Ford - aye; Councilor Grant - nay; Councilor Register - nay;***
28 ***Councilor Friedrichs - aye.***

29
30 Discussion included that the original question is now before the Council.

31
32 ***Councilor Friedrichs MOVED to send the ordinance back to the Planning Board with***
33 ***very specific direction. Councilor Burton SECONDED the motion.***

34
35 Councilor Register agreed this is a good way to go, taking a holistic approach that blends
36 with the Master Plan but is feasible and incorporates outside expertise.

37
38 Councilor Grant opposed sending the ordinance back to the Planning Board without first
39 developing the new language. Administrator Selig agreed developing specific, tangible
40 suggestions that reflect what the Council wants would be best before sending it back.

41
42 Discussion continued about how to proceed and the timing of sending the ordinance to the
43 Planning Board. Administrator Selig noted in the discussion that he and staff members
44 had talked about doing a rewrite of the Master Plan in two years.

45

Chair Friedman called a vote and said a Yes vote sends it back to the Planning Board and a No vote means continuing to decide to vote on it.

The motion PASSED on a roll call vote of 6-2.

Councilor Register - aye; Councilor Grant - nay; Councilor Ford - aye; Councilor Burton - aye; Chair Friedman - aye; Councilor Vogt - nay; Councilor Welsh - aye; Councilor Friedrichs - aye.

XV. Approval of Minutes – July 7, 2025 and Aug. 4, 2025

Chair Friedman MOVED to accept the minutes of the July 7, 2025 Council meeting. Councilor Ford SECONDED the motion. The minutes were APPROVED on a unanimous roll call vote of 7-0. Councilor Welsh abstained because he was not a member of the Council at the time of this meeting.

Chair Friedman MOVED to accept the minutes of the Aug. 4, 2025 Council meeting without Robin Mowers' written comments, but with changes to her comments as she suggested during Public Comments, and without the note that Mower's comments are attached to the minutes. Councilor Ford SECONDED the motion.

Chair Friedman explained there was no precedent for including written comments by residents in the meeting minutes.

The motion PASSED on a unanimous roll call vote of 7-0. Councilor Welsh abstained because he was not a member of the Council at the time of this meeting.

XVI. New Business

B. Shall the Town Council cancel the Council meeting of Sept. 15, 2025?

This agenda item was addressed and voted on later in the Roundtable session.

XVII. Councilor and Town Administrator Roundtable

Councilor Vogt - Human Rights Committee

He said the Linktree list of resources for those concerned about ICE enforcement is on the committee's website and will be updated.

Councilor Vogt - Energy Committee

He said the Energy Committee met on Sept. 2. Moharimet Elementary School Fourth Grade Teacher Matt VanLedtje spoke to the committee and invited them to present to his class about what's going on in town and what resources are available. The committee is looking for two new members and needs to appoint a vice chair. He said the town's EV registration data needs to be updated and the committee may make it a UNH capstone project. He said the committee discussed the Climate Action Plan and the Community Power Coalition of New Hampshire rates and the concerns they have raised, and getting more information out to residents.

1 **Councilor Needell - IWMAC**

2 Chair Friedman read Councilor Needell's notes in her absence. The Sept. 3 meeting
3 focused on DPW Director Rich Reine and Assistant Director Sam Hewitt about the
4 current status of curbside trash collection and recycling. The challenges with insufficient
5 staffing and failing trucks are further complicated by the lack of a mechanic to maintain
6 the trucks. The committee appreciated the update and is supportive of the process of
7 determining next steps. Next meeting is Sept. 17 at 5 Garden Lane weather permitting or
8 in Town Hall.

9
10 **Chair Friedman - Parks & Recreation Committee**

11 He said the September Parks and Recreation meeting was cancelled, and the committee is
12 following up on the AARC report released in the summer and discussing how to further
13 recommendations in the report.

14
15 **Chair Friedman - Seacoast Economic Stakeholders**

16 He said the Seacoast Economic Stakeholders call focused on parking, which he said the
17 Council should take up in the near future, too, noting that parking garages are in the
18 town's Master Plan.

19
20 **Chair Friedman - Arts Commission**

21 He said creating an Arts Commission is one of the Council's goals for this year, but due
22 to lack of time, he hopes to discuss it at the next meeting.

23
24 **Councilor Burton - Historic District-Heritage Commission**

25 He said he's looking forward to serving on this commission. He said he has in the past
26 and now has a connection in the Wagon Hill farmhouse renovation.

27
28 **Councilor Burton - State Legislator**

29 He said he is working on preserving special education funding at this point. He invited
30 residents to submit ideas for legislation to him as it's the time in the process for that.

31
32 **Councilor Ford - Conservation Commission**

33 He said the commission approved the Riverwoods conditional use for its expansion
34 project. He said Anne Welch stepped down, and Neil Slepian is the new chair of the Land
35 Stewardship committee. He said the commission approved its proposed budget. He said
36 Dwight Trueblood and Neil Slepian will give a presentation about the WSOD to the
37 Planning Board.

38
39 **Councilor Grant - Planning Board**

40 At its Aug. 13 meeting, she said the board approved a change to the Mill Plaza site plan,
41 including the facade on the left side of the back building and adding a tower there. It
42 approved a change to the driveway of the fraternity at 35 Madbury Road. It accepted the
43 Riverwoods site plan. At its Aug. 27 meeting, it kept the Riverwoods Public Hearing
44 open pending the delivery of some studies.

45

1 *Because the time is approaching 11:15 p.m., Chair Friedman MOVED to extend the*
2 *meeting by 10 more minutes in order to vote on whether to cancel the next Council*
3 *meeting and to finish the Roundtable. Councilor Register SECONDED the motion.*
4 *The motion was approved on a 7-2 roll call vote.*
5

6 *Councilor Register - aye; Councilor Grant - aye; Councilor Ford - nay; Councilor*
7 *Burton - aye; Chair Friedman - aye; Councilor Vogt - aye; Councilor Welsh - aye;*
8 *Councilor Friedrichs - nay.*
9

10 Noting he inadvertently skipped this earlier agenda item, Chair Friedman called a vote on
11 whether the Town Council should cancel its next meeting scheduled for Sept. 15.
12

13 *Councilor Ford MOVED to cancel the Sept. 15 meeting. Councilor Burton*
14 *SECONDED the motion. The motion FAILED on a 4-4 roll call vote.*
15

16 *Councilor Register - nay; Councilor Grant - nay; Councilor Ford - aye; Councilor*
17 *Burton - aye; Chair Friedman - aye; Councilor Vogt - nay; Councilor Welsh - aye;*
18 *Councilor Friedrichs - nay.*
19

20 **Councilor Friedrichs**

21 Ze commended the work of Minutes Taker Jane Murphy for filing minutes that are a
22 thorough but not verbatim record of meetings. When ze was out of the country at times
23 this summer, she was able to rely on the written minutes to be fully informed about the
24 meetings she could not be present for or access online.
25

26 **Councilor Friedrichs - Land Stewardship Committee**

27 Ze said the committee is still working on updating kiosks around town. Ze said the
28 committee is moving its meetings from Wednesday mornings at 8:30 a.m. to Monday
29 mornings at 8:30 a.m. Ze said some committee members worked Farm day to pass out
30 yellow lightbulbs that have environmental and agricultural benefits to residents. Ze said
31 the committee discussed how the conservation subdivision change will affect residents
32 and how the bulk of future residential development will happen under conservation
33 subdivisions. Ze said the housing density is the financial gain and that currently 20
34 percent of Durham is in current use where it's not being developed because it's not
35 financially viable to do so. Adjusting the numbers could make it financially attractive to
36 develop them going forward, ze said, impacting the town's landscape, finances and
37 infrastructure concerns. The committee feels, ze said, that the Planning Board needs to
38 consider the great context of the additional environmental and financial concerns where it
39 takes up the conservation subdivision discussion. Ze feels the town needs to have a larger
40 Master Plan-type discussion and talk about it from various perspectives.
41

42 **Councilor Register - Durham Business Association**

43 He said business owners are joining the Durham Business Association. The next meeting
44 is Wednesday, Sept. 10 at 5:15 p.m. where the Halloween event will be discussed.
45

46 **Councilor Register - Agricultural Committee**

1 He asked if residents have photos from Farm Day they'd like to submit for promotion and
2 social media, to send them to him or Chair Theresa Walker.

3
4 **Councilor Register - Strafford County Commissioners**

5 He said county commissioners met a couple times recently and are designing a county
6 public safety training area. He said they are researching energy efficiency programs from
7 Eversource, and solar options to reduce its dependence on gas generators. At their Sept.
8 19 meeting, they will discuss developing a new long-term care facility, warming center
9 and homeless shelter in the next few years.

10
11 **Councilor Register - School Board**

12 He said the board's next regular meeting is Sept. 17. He said the district is dealing with
13 significant transportation issues due to a bus driver shortage and encouraged residents to
14 consider applying to be a driver and get their CDL. He noted how the tragic murder-
15 suicide of a Madbury family has significantly impacted the district's students and
16 personnel, and encouraged residents to be kind to district staff.

17
18 **XVIII. Nonpublic Session - Not Required**

19
20 **XIX. Adjourn (NLT 10:30 PM)**

21
22 ***Councilor Grant MOVED to adjourn the meeting. Councilor Burton SECONDED the***
23 ***motion to adjourn. The motion PASSED on a unanimous roll call vote of 8-0.***

24
25 The meeting was adjourned at 11:24 PM.

26
27 *- Jane Murphy, Minutes Taker*