

DRAFT
DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 3, 2025
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

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

MEMBERS ABSENT: None

OTHERS PRESENT: Town Administrator Todd Selig, Business Manager Gail Jablonski, Planning Board Chair Paul Rasmussen, Town Planner Michael Behrendt

I. Call to Order

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

II. Town Council grants permission for fewer than a majority of Councilors to participate remotely - Not needed

III. Roll Call of Members

Councilor Heather Grant, Councilor Robin Vogt, Councilor Emily Friedrichs, Chair Joe Friedman, Chair Pro Tem Sally Needell, Councilor Wayne Burton, Councilor Darrell Ford, Councilor Curtis Register, Councilor Carden Welsh.

IV. Approval of Agenda

Councilor Welsh MOVED to accept the meeting's agenda. Chair Pro Tem Needell SECONDED the motion. The agenda was APPROVED by a unanimous show-of-hands vote of 9-0.

V. Special Announcements - None

VI. Approval of Minutes – October 20, 2025

Chair Friedman MOVED to approve the minutes of the Council meeting of Oct. 20, 2025. Councilor Ford SECONDED the motion. Both Chair Pro Tem Needell and Councilor Welsh said they had small changes, which they had forwarded to Karen Edwards to correct. *The minutes were APPROVED as amended by a unanimous roll call vote of 8-0.* Councilor Grant abstained because she was not present on Oct. 20.

VII. Public Comments

Beth Olshansky, 122 Packers Falls Road, gave a presentation on the proposed building height limit amendment for Central Business District 1. She said the 10-foot setback proposed for the fourth floor of a four-story building ignores the wishes of the 250 citizens who signed a petition earlier this summer. The proposed 20-foot setback is more

1 in keeping with existing zoning and design guidelines. She said the proposed 45-foot
2 roofline and 35-foot eave line is too high and gave examples of buildings of this height
3 juxtaposed next to existing buildings on Main Street to show how it feels incongruous.
4 She believes it goes against human scale and preserving the New England heritage of the
5 downtown which she said is important to Durham residents. She advocated for a height
6 of 42 feet at the roofline and 32 feet at the eave line as fitting in better with existing Main
7 Street buildings and still leaving enough room for HVAC infrastructure between floors.
8

9 **Joshua Meyerowitz, 7 Chesley Drive,** said he agrees with Ms. Olshansky's proposed
10 building height limit. He gave a presentation about the recent clear-cutting at the Church
11 Hill Woods property owned by TooMerfs LLC, presenting many before and after photos.
12 He said this is where the town denied an elevated 150-car parking lot a few years ago. He
13 said no one was alerted before they cut the urban forest trees and that they may have done
14 some regrading and ground cover stripping. He said there was a sign on the property that
15 was a note of intent to cut wood or timber. He said neighbors are very upset, want the
16 town and the state to force the owners to restore it, and are concerned that no one was
17 paying attention to this when the TooMerfs took the permit out. He said the town's
18 priorities must be put before developers' priorities.
19

20 **Glendowlyn Howard, 5 Bayview Road** spoke about building heights along the Main
21 Street corridor and said she thinks most residents are in favor of giving downtown a
22 facelift that maintains a small town feel, but not of lining Main Street with large buildings
23 and creating a tunnel effect. She said the building height limit should not go higher than
24 40 feet and encouraged the Council to keep the setback on the fourth floor at 20 feet. She
25 said she is concerned there is not a cohesive plan for the downtown, and gave the
26 example of the proposal to put a new community center at Jackson Landing and
27 questioned why the town wouldn't put it in the town center. She said the town needs a
28 more holistic, inspiring approach and encouraged the Town Council to in a thoughtful
29 way create a place where full-time residents want to shop, eat, socialize and work out
30 downtown. She also added she supports Ms. Olshansky's proposals, and hopes the
31 Council will, too.
32

33 **Roger Hayden, 44 and 46 Main St.,** wanted the Town Council to think about the ROI of
34 properties downtown. He said he is retiring and selling his properties, which are
35 becoming diminishing assets that are losing value. He said the downtown business
36 district is dying. He said the downward spiral is high rents and low business profits. He
37 said his businesses are a good example. Rents can't be increased and both his businesses
38 are down 24%. He said the solution is developing the properties, which is based on ROI.
39 He said to get someone to buy his buildings, there needs to be a reasonable ROI. The
40 only way to do this is to raise the building height limit. Building up is the only choice for
41 his property, and three stories are not viable, he said, only four or preferably five work. If
42 zoning doesn't change, he said, nothing else will. He told Councilors they were elected to
43 lead Durham into the future and now is the time to start.
44

1 **Annmarie Harris, 55 and 56 Oyster River Road**, said she is opposed to the height limit
2 going to five stories. She supports four stories with a 20-foot setback. She believes the
3 process has been thorough and is hopeful for a decision at this meeting.

4
5 **Diane McCann, 27 Oyster River Road**, said she has lived here since 1969 and feels it's
6 going to be difficult to fill five stories with people other than students, and the
7 implications for policing, parking and fire protection need consideration. She doesn't
8 want any more police, fire or equipment on the town budget. She said going to five
9 stories is just throwing the town's long-developed Master Plan away. She asked
10 Councilors to consider what citizens want, not what developers want.

11
12 **Julian Smith, 3 Chesley Drive**, gave a description of downtown when he first came to
13 town. He suggested any higher building permitted on Main Street be required to have
14 owner-occupied units, not tenants. He said downtown needs people with a vested interest
15 in protecting it and encouraging basic stores like a pharmacy or hardware to open there.

16
17 **Paul Rasmussen, 5 Glassford Lane**, also Planning Board chair, said fire support for
18 five-story buildings already exists because the fire department is equipped to protect 10-
19 story and higher buildings at UNH.

20
21 **Annmarie Harris, 55 and 56 Oyster River Road**, has lived in the Faculty neighborhood
22 since 1970 and is horrified at the clear cutting done at the Church Hill Woods lot and
23 wondered if any punishment exists for cutting the only in-town forest.

24
25 **Carol Birch, 17 Garden Lane**, asked the Council not to allow tall buildings over 42 feet
26 because they are out of proportion and said she supports Ms. Olshansky's proposals.

27
28 **VIII. Report from the UNH Student Senate External Affairs Chair or Designee**

29 UNH student representative Caroline Bishop introduced John Micucci, Campus Structure
30 Council Chairperson, who also wants to address the Council. Ms. Bishop said the Student
31 Senate had passed a resolution that asks the town and Torrington Properties to recruit
32 another drug store to Mill Pond Plaza or downtown Durham. She said it also condemns
33 UNH for closing its pharmacy knowing Rite Aid was bankrupt. She announced the
34 upcoming Listening Session with the state legislative delegation on Wednesday, Nov. 5
35 from 6 to 8 p.m. at the MUB in Theater 1. Mr. Micucci read a resolution adopted by the
36 Student Senate asking the town to consider placing a crosswalk across Main Street where
37 students cross between the Durham House of Pizza and 53 Main St., marked with
38 flashing notification lights. He said the Senate has been updated on why this spot may not
39 be the best for a crosswalk, but many students have requested it so the Senate moved
40 forward with it. Chair Friedman said the traffic committee will consider the request.

41
42 **IX. Unanimous Consent Agenda**

- 43 A. Shall the Town Council approve on First Reading **Ordinance #2025-10** amending
44 Chapter 153, "Vehicles & Traffic," Section 153-49, "Schedule XVII: Parking prohibited
45 certain hours" of the Durham Town Code, to expand upon the explanation of
46 neighborhood parking passes; and set the Public Hearing date for Nov. 17, 2025?

- 1 B. Shall the Town Council approve on First Reading **Ordinance #2025-11** amending
2 Chapter 175, "Zoning," Article II, "Definitions," Article XII. 1, "Use and Dimensional
3 Standards," Article XVIII, "Attainable Housing Overlay District," Article XX,
4 "Standards for Specific Uses," and Article XXI, "Off Street Parking," of the Durham
5 Town Code to align the Zoning Ordinance with recent changes in state legislation. The
6 Public Hearing can be set for Nov. 17, 2025.
- 7 C. Shall the Town Council adopt **Resolution #2025-20** proclaiming Saturday, Nov. 29, 2025,
8 as "Small Business Saturday" in Durham and urge Durham residents to support small
9 businesses and merchants in Durham on this day and throughout the year?
- 10 D. Shall the Town Council unseal the Nonpublic Session minutes from Sept. 17, 2007
11 regarding the discussion about the conservation easement on the Roselawn Farm
12 property?

13 *Chair Friedman MOVED that the Town Council adopt the Unanimous Consent*
14 *Agenda. Chair Pro Tem Needell SECONDED the motion. The Unanimous Consent*
15 *Agenda PASSED on a roll call vote of 9-0.*
16

17 **X. Committee Appointments - None**
18

19 **XI. Presentation Items**

20 **A. Presentation by UNH Sustainability Fellow Sophie Goodwin and adoption of 2025-**
21 **2030 Climate Action Plan**

22 UNH Sustainability Fellow Sophie Goodwin presented the 2025-2030 Climate Action
23 Plan Update. She said she's been working on the plan since May 2024 and that this is the
24 town's second Climate Action Plan with the first being adopted in 2022.

25
26 She defined a Climate Action Plan as a document strategizing greenhouse gas reductions
27 in a community, mitigating climate impacts and preparing for future vulnerabilities.
28 These aren't enforced in any way, she said, but the town commits to the plan. It includes
29 an emissions inventory, reduction targets, sector-based actions to reduce emissions based
30 on sources, and a Resident Reduction Guide.

31
32 Durham's carbon footprint was 104,472 metric tons of carbon dioxide equivalents
33 (MTCDE) in 2019; 83,622 in 2021; and 97, 019 in 2022. The goal is for it to be 59,758 in
34 2030, down 48.2% from 2019. The sectors included are UNH (the largest), commercial,
35 residential and municipal (smallest at .3% of total). On a person-by-person scale, Durham
36 (6.2) is low by comparison to Portsmouth (7.5) , the state (11) and the country (13.8).
37

38 Administrator Selig added the decrease in Durham's carbon footprint coincided with the
39 pandemic period, which he said had a profound impact on people's living and working
40 patterns, and rebounded somewhat in 2022. Ms. Goodwin said she expects it to increase
41 more when the 2023 data is in.
42

43 The plan contains three forecasts to get to the 2030 goal. The first forecast is if the town
44 does nothing where most of the reduction in the town's carbon footprint would come
45 from commercial and business reductions and amount to a 22.5% decrease from 2019
46 levels. The second is a moderate reduction of 36%. The third is a strong reduction in the

town's footprint, which would reach the goal of 42.8% reduction from 2019 levels by 2030, and would require a full implementation of reduction measures and a strong community commitment. Each forecast contains four focus goals: transportation goals, the built environment, solid waste and resource consumption, and natural resources.

The transportation goal includes working on the quality of active transportation in Durham, promoting public transportation options, improving electric vehicle infrastructure, promoting and supporting the benefits of EV ownership, and supporting the electrification of UNH and town fleets. She listed specific actions to take to reach the transportation goals. For example, working with residents and UNH to reduce single vehicle occupancy and to encourage carpooling. She also mentioned reducing traffic on Route 4. Councilor Welsh asked if it was difficult to gauge the emissions from or the percentage of people who are driving through Durham. Ms. Goodwin replied yes unless the town wanted to mount an intense study and hire a consultant, and said the action plan is only addressing what the town can address on its own.

Chair Friedman asked if the Oyster River School District school buses' impacts are included where one slide indicated they weren't. Ms. Goodwin said the greenhouse gas inventory didn't include them, but the action plan focuses on the school district, too.

She presented specific actions the town can take to promote the adoption of electric and hybrid vehicles, some already in progress. She said a major amount of emissions comes from the town's built environment and named actions to reduce them, including expanding renewable energy use, and promoting increasing energy efficiency and electrification of structures.

She went over actions to reduce solid waste and resource consumption and encourage the maximization of natural resources such as greenspace, recreational trails and public lands, and their use by residents. Ms. Goodwin said maximizing natural resources won't necessarily reduce emissions, but the town's overall emissions are sequestered by the active greenspace in the community by 29% annually so protecting them is important. She listed specific actions the town is already taking and will take to achieve that goal.

Ms. Goodwin summarized the main themes of the Climate Action Plan: significant reductions can only come from commitment by the community; the biggest reductions will come from structures' energy efficiency and electrification, EV infrastructure, and renewable energy expansion; and protecting natural resources is critical.

The third forecast to meet the town's goal would require a 12% reduction in vehicle miles traveled (VMT); electric and hybrid vehicles at 22% of VMT; diverting 10% of solid waste through composting; 10% of population using active or public transportation as its primary mode; 5% of residential and commercial units getting efficiency refits each year; 5% of units electrifying annually (about 145 households); new construction is 100% electric; and Clean100 (100% renewable energy) becomes the default option in the Community Power Coalition partnership with Eversource with high enrollment.

1 New in this plan is a Resident Reduction Guide to help make community change happen
2 and be more approachable with everyday suggestions to reduce. She asked Councilors if
3 they had any questions.
4

5 Councilor Register thanked her and complimented the plan's visual presentation, the
6 resident guide, the measurable concepts that seem obtainable and realistic, and the
7 responsibility of town government to engage citizens in reaching the goals.
8

9 Councilor Welsh asked what electrifying houses means. Ms. Goodwin gave the example
10 of using heat pumps instead of oil or gas furnaces, and mentioned incentive programs.
11

12 Councilor Burton said legislators were shocked to learn Durham has solar-powered town
13 buildings and he said a statewide plan is needed. He said UNH has a smaller footprint
14 because they pipe methane gas from the Turnkey Landfill and turn it into energy, and he
15 asked what will happen when the landfill closes and if it will have a big impact if they
16 can't find another source. Ms. Goodwin said in her research there is no other town of
17 Durham's size with a university campus of UNH's size that has as low a greenhouse gas
18 inventory as Durham and that's because of the co-gen plant at Turnkey. If UNH can't
19 find a replacement and returns to campus energy generation, it would impact the
20 inventory
21

22 Councilor Needell said it was her understanding that after Turnkey's closure there would
23 be another 25 years of methane still coming to Durham. Ms. Goodwin confirmed it will
24 continue to produce methane, but UNH still needs to begin planning for the future.
25

26 Chair Friedman asked Councilor Vogt if the Energy Committee would be considering the
27 plan next. Councilor Vogt said it has been working with Ms. Goodwin and will take it up.
28

29 Councilor Needell noted all the Councilors are composting now to help raise awareness.
30

31 Administrator Selig said if the Council is comfortable with the plan, Ms. Goodwin will
32 next present to the Energy Committee.
33

34 Councilor Friedrichs said it is important that the plan isn't an Energy Committee only
35 responsibility. Ze said it really has to come from all around the town and the community
36 and it will take everyone working to make the best case scenario happen. Councilor Vogt
37 said it's not just the Energy Committee taking this on, but work and role modeling on
38 everyone's part is needed to inform the public and increase their understanding.
39

40 Administrator Selig noted that going forward the town only has Ms. Goodwin for three to
41 five hours a week. Next summer, he said the Sustainability Fellow would update the
42 greenhouse gas initiative and get a new score. Ms. Goodwin said that would be helpful
43 because the 2022 number is still COVID-influenced. Ms. Goodwin noted the 2022 plan
44 named actors who were responsible for each action. She said they removed that in new
45 plan because it needs to be a full community effort.
46

1 Administrator Selig said the one challenge they faced when developing the plan is how to
2 engage the community. He recalled Councilor Friedrich's plan to hire a coordinator to
3 engage residents a few years ago. He said they still need to work to effectively engage the
4 community, help them understand what they can do and give them the resources to do it.

5
6 He said when the town first started planning, it joined the Global Covenant of Mayors to
7 learn more, but is going to drop its membership and has joined ICLEI (iclei.org), which
8 provides the Clear Path analytics tools, and has many more educational opportunities.

9
10 Councilor Burton noted UNH is a member of a group like that and brought up the issue
11 of nuclear energy and the debate over its use as opposed to solar energy and other
12 renewables. Ms. Goodwin said the town's plan doesn't take a position on nuclear energy.

13
14 Councilors thanked Ms. Goodwin for all her work on the plan.

15
16 **B. Presentation of the 2024 Audit Report - Plodzik & Sanderson, Concord, N.H.**

17 Mike Campo, a partner at Plodzik & Sanderson, the firm which compiles the town's
18 annual audit, presented the 2024 Audit Report on Zoom. He began with the summary of
19 revenue and expenditures vs. the budget approved by town voters on Page 17.

20
21 He said it shows activity during the course of the year and a change in the fund balance
22 from \$7.8 million to \$4.6 million. In that change, there's an increase in committed fund
23 balance that was done by a town vote to use fund balance for future expenditures without
24 having to go back to the taxpayers to increase taxes to fund those items.

25
26 He then directed Councilors to Pages 58-61 where the same information is presented in a
27 lot more detail with Schedule 1 showing revenue, Schedule 2 showing appropriations vs.
28 expenditures for the year, and how they performed against the budget, and Page 61 has
29 the summary for how the fund balance breaks out for the year from start to finish. He
30 highlighted the parts of the information required in an audit and for setting the tax rate.

31
32 He then directed Councilors back to Page 1, which contains the independent auditor's
33 report. He said the town received an unmodified or clean opinion, which means during
34 the operations the auditor performed it found nothing that would have the auditors deem
35 these financial statements unreliable for use. He said this is a result of the diligent work
36 of the town's finance department and management team. He said the firm does many
37 town audits and doesn't always see the quality financial work Durham produces. He said
38 he was open to going into more detail if the Council desired and answer questions.

39
40 Councilor Welsh asked when looking at Page 6 Government Wide Financial Analysis,
41 the total net position at the end of 2024 has improved from \$25 million to \$28.5 million.
42 He said the audit says this may serve as a useful indicator of the town's financial position
43 over time. He noted the unassigned fund balance going down from \$7.7 million to \$4.5
44 million and Councilors know it is going to go down further than that next year, he
45 wondered how you compare those two and what Mr. Campo thinks about the unassigned
46 fund balance and how far down it can go before the town should be concerned.

1 Mr. Campo said when you look at the Government Wide Financial Analysis you should
2 look at exhibits A and B on Pages 11 and 12. He said the Government Wide funds
3 include long-term activity such as capital assets, long-term debt, net pension and other
4 elements., which are not in the governmental funds. If you look at C1 on Page 13 better
5 comparison is governmental funds that shows \$13.4 million.
6

7 He said the Council should be reviewing its policy on the unassigned fund balance and
8 determine if the actions they are taking in developing it are meeting the needs of the
9 community. If you feel it's not adequate, that's the first place to start, he said. In his
10 professional opinion, he feels it's healthy at this point as long as you are able to meet
11 your financial obligations without short-term borrowing.
12

13 Administrator Selig said the unassigned fund balance policy sets the range of 5% to 8%.
14 The \$4.5 million number is 8%. The recommendation in the proposed budget would
15 bring it down to the 5% level. He said that includes significant abatements put aside in
16 case they need to be paid out. In 2025, he said the town intentionally drew down the fund
17 balance because it was in excess of 8% and consensus was that level wasn't needed. Staff
18 recommended and the Council approved expending it on one-time projects - the Wagon
19 Hill Farmhouse and a portion of the Madbury Road Complete Streets Project.
20

21 Councilor Ford asked if it was around 8%, which is about \$1.75 million, what is the rest
22 of that money? Administrator Selig said it's the full tax obligation of the town, including
23 the school, town and county budget, so it's a percentage of all that, not just the town
24 budget. This allows the town cash on hand to pay tax obligations when due or if an
25 unexpected cost comes up. Mr. Campo said even with cash on hand, the town has to stay
26 within the appropriation.
27

28 Chair Friedman asked about a problem that was recognized in capital project activity that
29 was resolved, and Mr. Campo confirmed it was. Chair Friedman asked about the strong
30 recommendation to improve its cyber security and Mr. Campo said they're stressing this
31 with all clients now and is not specific to something Durham is doing.
32

33 Mr. Welsh asked about the town's police and fire unfunded pension liability and how that
34 is calculated. Mr. Campo said adding one right now would not have a significant impact
35 on liabilities in place.
36

37 Administrator Selig asked Mr. Campo if the water and sewer funds looked acceptable and
38 if he had any concerns. Mr. Campo said they do look acceptable and show positive fund
39 balances. His recommendation to any community is to make sure rates are appropriate.
40 He said the problem some have is borrowing that ends up affecting the rates. He said he
41 doesn't comment on rates in place, and acknowledged the town is a unique situation with
42 UNH and the amount of usage. He said the town could have a professional evaluate the
43 rates and make recommendations in accordance with the governing body's goals.
44 Councilor Welsh said there is a resident who believes interest earned on the water funds
45 should go only to the water system, but it goes to the town in general, and asked if that is
46 a problem. Mr. Campo confirmed they were referring to the use of pooled cash for the

1 water and sewer funds, said he's seen it both ways, specific vs. general, and it goes back
2 to what the board wants to do. He confirmed in his knowledge it is legal to have them
3 commingled and does not break any utility law.

4
5 Chair Friedman thanked him for his report. Mr. Campo thanked the Council, especially
6 for accommodating his attendance on Zoom. Administrator Selig thanked Ms. Jablonski
7 and her team for its hard work and getting a clean report year after year. Councilor
8 Register lamented losing Ms. Jablonski. Saying his firm does 230 town audits each year
9 and rarely sees the quality of Durham's work, Mr. Campo said it's a pleasure to work
10 with Ms. Jablonski, Financial Analyst Deborah Ahlstrom and everyone in the Business
11 Department, who take a lot of pride in their jobs.

12
13 Councilor Grant commented on any department head's turnover and the need for process
14 controls, and having the right training and documentation of processes.

15
16 Councilor Burton said there are bills now to control all municipalities with rigid rules,
17 and Durham is a good example that if you leave the responsibility in the town's
18 governing body with competent people that it works best.

19 20 **XII. Unfinished Business**

21 **Presentation and Discussion with Planner Michael Behrendt and resident Doug** 22 **Bencks on possible changes to recommend to the Planning Board on the three-story** 23 **building height limitation in the Central Business-1 Zone.**

24 Mr. Behrendt gave an overview of the two perspectives - the original amendment going
25 to five stories by conditional use and a lot of community response opposed to going to
26 five stories and wanting to see some real constraints. The Council directed him and Mr.
27 Bencks to come back to it with some language on four stories with either a flat roof or a
28 pitched roof with dormers. He said he thought it was the right decision to compromise
29 between the two because the town has two goals: the feeling that three stories in this part
30 of town are not sufficient enough to incentivize the redevelopment of properties, and "the
31 sweet spot" of how much height will encourage redevelopment.

32
33 He said they modified the amendment with language that deals with the two options in an
34 effective and sensitive way, and also removed the second commercial floor on five-story
35 buildings. One other change is because the three-story limit applied to lots on Main Street
36 and Madbury Road, and one property on the corner of Jenkins Court is so deep that it
37 seemed unreasonable for it to be restricted to three stories throughout. So, they included
38 language for situations where a deeper lot could go to five in the back. He invited
39 questions from the Councilors.

40
41 Councilor Needell asked if the building height maximum of 60 feet in the document
42 should still be included. She suggested 52 feet might make more sense as the amendment
43 is written now. Mr. Behrendt agreed and said it could be changed now before it goes back
44 to the Planning Board with a request they review it. Chair Friedman asked if 12 feet for
45 each floor is enough to include infrastructure and build a modern building. Mr. Bencks

1 said he thinks the town will find out and it could well be a limitation. He said they took
2 residents' concerns and tried to find a balance.

3
4 Chair Friedman asked about how the two differ on the 10- and 20-foot setbacks.

5
6 Mr. Behrendt said they started at 30 feet at the top of the third-floor eave, and consensus
7 was that's too tight after speaking with Nick Isaac, an active local architect. So, they went
8 to 35 feet to the eave line and 45 feet to the total building height, but after speaking with
9 Ms. Olshansky, they settled on 32 feet to the eave line and 42 feet in building height.

10
11 On the setbacks, Mr. Behrendt said Mr. Bencks doesn't agree with the 20-foot setback,
12 but agreed to go with it to move the process forward. Mr. Bencks said he was encouraged
13 by Ms. Olshansky and others to come forward and talk about his perspective on human
14 scale, and said he has been consistent in using the eave of the third story as the start of a
15 fourth floor with either a pitched roof or a setback of 10 feet, which is equivalent to a
16 pitched roof in the way it recedes from a viewer on the street and is consistent with
17 human scale perspective. He's heard about concerns about the fourth floor and how it
18 might look from an architectural perspective, but that's separate from human scale.
19 Looking at various buildings with setbacks, he said he became more convinced that a 10-
20 foot setback is the right amount in terms of having something equal to a pitched roof. He
21 said some say putting it back to 20 feet makes it disappear from certain vantage points, he
22 said, but not from all.

23
24 He said there is some impact on developers. He created a table, which had been shared
25 with Councilors, with what he stressed as rough details. For a pitched roof, he said, a
26 fourth floor loses 3% to 5% of its usable space; for a 10-foot setback, it loses 6% to 11%;
27 for a 20-foot setback, it loses 12% to 22%, which starts to get significant. He said he feels
28 there isn't the real gain some have been arguing for. To move forward, he said he
29 acquiesced and agreed with the 20-foot setback.

30
31 Chair Friedman asked if overall height is under 48 feet, are you allowed to put HVAC
32 equipment on top of that and it doesn't count as part of height, and Behrendt confirmed
33 that is the case.

34
35 Chair Friedman said he believes the difference in 10 to 20 feet and the loss of usable
36 space is significant in terms of building and a developer making a project work.

37
38 Councilor Needell asked about the safety of a flat-roof setback. Mr. Behrendt confirmed
39 the building code would ensure safety. Councilors discussed different scenarios of safety,
40 and how there are no side or rear setbacks so developers can build out full sites.

41
42 Councilor Ford said he preferred the 10-foot setback to give more usable space, agreed
43 with Mr. Bencks, and said a quick calculation is that might make \$2,000 difference a
44 month, \$24,000 a year, and that may be enough to make a redevelopment project viable.
45 Chair Friedman said if that's the return, it adds \$240,000 in value to the property.

1 Councilor Friedrichs thanked Mr. Bencks for the diagram and said if that's a part of the
2 ordinance, it provides the necessary guidance. Ze said pitched roofs are more expensive
3 to build than a flat roof with a setback, and if the town wants to see viable options for
4 pitched roofs that are more in keeping with the town's architectural guidance, then they
5 should be financially incentivized. One way to do that is to increase the square footage to
6 help pay for the pitched roof. Councilor Friedrichs brought up sunlight as an issue and
7 Councilors discussed the ramifications of different options allowing sunlight to filter
8 through and avoid a tunnel effect.

9
10 Councilor Needell pointed out properties that are not part of the limited height section in
11 the ordinance, including Tax Map 106 Lot 49 on Garrison. Mr. Behrendt said it would be
12 removed. Other adjustments to maps were discussed.

13
14 Councilors discussed if developers build higher just because they can, and how more
15 height gives more flexibility in construction and trying to go smaller might make
16 construction more expensive. They also discussed how to indicate the affected properties
17 on the map of CBD1 and Mr. Behrendt said highlighting certain properties in a zone isn't
18 the best way to indicate this, but perhaps inserting a footnote. A misspelling,
19 improvements to maps, clarifications and other small corrections in language were
20 discussed.

21
22 Mr. Rasmussen proposed making the properties with the special requirements their own
23 zone named Central Business-3 or creating an overlay district, instead of using too much
24 notation or footnotes, to make it clearer. Mr. Behrendt agreed that is possible.

25
26 Councilor Friedrichs praised Mr. Rasmussen's suggestion and said a lack of clarity in
27 ordinances has plagued the planning process, planning board and staff, and the public,
28 and that ambiguity discourages developers. Ze proposed the Council ask the Planning
29 Board to consider creating a CB3.

30
31 Chair Friedman said he supports creating the new zone and that the new CB3 could in the
32 future be expanded.

33
34 Administrator Selig asked if the Council was going to keep the maximum building height
35 at 60 feet or reduce it in CB1. Chair Friedman said that's not the focus of this discussion,
36 but could be considered in future. Councilor Grant said five stories at that height would
37 still be allowed in the westerly side of the downtown, and she agrees with creating a CB3.

38
39 Administrator Selig asked if the consensus was that the 20-foot setback was agreeable,
40 and Councilors disagreed.

41
42 ***Chair Friedman MOVED that the Town Council request that the Administrator send***
43 ***the attached recommendations with changes to the Planning Board and request that it***
44 ***incorporate them into the existing Council-initiated Ordinance #2025-08 language for***
45 ***a Planning Board Public Hearing and subsequent recommendations by the Planning***
46 ***Board back to the Council, He specified what would change in the proposed zoning***

1 *amendment from what was given to the Council would be on Page 4 No. 9 delete Tax*
2 *Map 106 lot 49; in No. 10 that same page, third line, should read “which shall include*
3 *either a pitched roof or a flat roof,”; Page 5, in B, the “20 feet” would change to “10*
4 *feet;” Page 7, No. 7, after Madbury Road, “the height limit is 42 feet.”, “delineated in”*
5 *would be deleted and C would be in front of subsections; provision that parcels shown*
6 *on the last page would be labeled CB3 and would show in an updated map on Page 7*
7 *what the CB3 parcels are and their relationship to the overall downtown.*

8
9 *Councilor Vogt SECONDED the motion.*

10
11 Councilor Welsh asked what was being changed from the original proposal.

12
13 Chair Friedman said the 10-foot setback vs. the 20-foot setback; taking a parcel out that
14 was improperly labeled; improving the maps with better description; adding the CB3
15 designation for the parcels. He added one language change he’d missed earlier which is
16 on Page 3 under No. 2, “they” should be “there.”

17
18 Chair Needell pointed out the amendment still has 60 feet as the maximum building
19 height and asked if Councilors were comfortable leaving that in. Councilors expressed
20 confusion and she said it is part of the ordinance on Page 3 in Item 6E. Councilor Welsh
21 asked since an additional story cannot be added why not delete it. Councilors agreed to
22 delete Item 6E. Chair Friedman explained as the CB3 comes forward, that item would not
23 be appropriate.

24
25 Mr. Behrendt said all of Section 6 applies to CB1. He said it helpful to leave that in there
26 for clarification that comes into play for the conditional use, unless the Council wants to
27 lower the height limit. Councilors and Mr. Behrendt discussed how best to indicate the
28 distinction and Mr. Behrendt said he will discuss it with the Planning Board.

29
30 Mr. Rasmussen pointed out that this is not the case since there won’t be a conditional use
31 for a fifth story. Councilor Grant said the discrepancy could be ironed out at the Planning
32 Board and noted the ordinance is coming back to the Council so it will be able to review
33 it. Councilor Register said he thought the Council needed to be as proscriptive as possible
34 to avoid another round of rehashing this issue for residents, the Planning Board and the
35 Council. Councilors discussed. Chair Friedman said he believes it is time for a
36 comprehensive look at all of downtown and that discussion could address this issue.
37 Councilor Grant pointed out that the 60-foot building height is not allowed out right, it’s
38 only conditional use and would require review.

39
40 Councilor Register thanked Mr. Bencks and Mr. Behrendt for their recommendations,
41 and reiterated he wants to be cautious about the reaction of residents to the changes the
42 Council has made to the building height proposal and the creation of a new zoning
43 district given the input the Council has already received. He said one way to assuage that
44 reaction is to guarantee a collaborative, comprehensive downtown charrette will happen
45 and there will be opportunity for resident input. He said he supports the ordinance, but
46 doesn’t want to alienate a significant portion of residents.

Councilor Welsh said he disagrees with Councilor Register and doesn't believe there's a point where all residents will be happy with the ordinance. He said a charette would be difficult to hold and would just be more repetitive discussion. He said the Council should not make it a part of a guarantee. He said if citizens want that, they can push for it.

Councilors discussed the 20-foot setback and why it strikes a balance between the need to create growth downtown and creating a space that's inviting to pedestrians and that's appropriate for this amendment.

The motion PASSED on an 8-1 roll call vote.

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

Councilors thanked Mr. Bencks and Mr. Behrendt for their work and input.

XIII. Councilor and Town Administrator Roundtable

Chair Pro Tem Needell - IWMAC

She reported IWMAC has not met since the last Council meeting, but will meet Wednesday, Nov. 5 at 8 a.m. in Council Chambers. The Swap Shop will be open until Dec. 13. Councilor Welsh said it's really nice to know when discarding an item that it's going to be reused and not thrown out, and that the shop's volunteers are knowledgeable and friendly. Councilor Friedrichs said there should be state legislation mandating every town have a Swap Shop.

Councilor Burton

He thanked the police chief for erecting safety barriers around the construction equipment at Wagon Hill. He said he gives tours and many are impressed with the project.

Councilor Ford - Conservation Commission

He said Oct. 27th was a lively meeting with a Public Hearing where it was good for the commission to hear residents' comments about the buffer under consideration, and it will take the comments under advisement. Councilor Friedrichs asked if it seemed the public is receiving correct information and has a clear understanding of the proposal. Councilor Ford said he thought they are and some of it was cleared up at the hearing. He said those in attendance were concerned about the Great Bay and protecting its resources so they are informed. He said the ordinance is for those who don't show up and aren't concerned. He said most were supportive, but asked them not to do things that don't need to be done.

Councilor Register - Agricultural Commission

He said he had missed two meetings, but the commission is hosting beekeeper classes with Lee at Emery Farm; and Brian Cassidy teaching corn growing at Tuckaway Farm, and fruit and tree pruning classes. Interested students should check the Friday Updates to

1 register. Growing Together Durham is working on food preservation training, seeding,
2 and planting out the garden for spring. Next meeting is Nov. 10.

3
4 **Councilor Register - School Board**

5 The School Board last met on Oct. 16 and its next meeting is Nov. 5. He said it is
6 working on new state curriculum standards for high school students and the new credit
7 hour impacts toward their graduation. He said they decided current students at the high
8 school will use the old scale. The new scale will be used for new classes as they arrive at
9 the high school. Dr. Shaps gave a presentation on AI use in academia, and will be
10 reporting quarterly to the board about it. Dr. Shaps said he will hold community
11 discussions about how it will shape learning in the future. He said the renovation of
12 Moharimet and Mast Way will cost just under \$10 million. He said Moharimet physical
13 education teacher Jessica Whalen was named the 2026 Agriculture in the Classroom
14 Teacher of the Year. She is involved in the maple sugaring and pumpkin growing
15 projects and gets agricultural in the hands of students. He reminded everyone of the high
16 quality teachers and staff members the Oyster River School District is lucky to have
17 working with students.

18
19 **Councilor Register - Durham Business Association**

20 He said the next meeting of the DBA is Nov. 12 at 5:15 p.m. at Clark's American Bistro.

21
22 **Councilor Register - Strafford County Commissioners**

23 He said new commissioner Leslie Feliciano, vice chair, is an interim through March. He
24 said commissioners heard about the new nursing home, which is a five-story, 128,900-
25 sq.-foot building estimated to cost \$146 million to \$164 million. Next meeting is
26 Wednesday, Nov. 5 at 9 a.m. Chair Friedman asked if the new building had more units.
27 Councilor Burton said the project has a long way to go with the county delegation.
28 Councilor Ford researched and said the new building is planned to have 215 units.

29
30 **Councilor Welsh - Land Stewardship Subcommittee**

31 He said the subcommittee has not met, but he was able to listen to the accessibility and
32 trails discussion he had missed earlier, and the subcommittee is looking at all the trails
33 and prioritizing which to make accessible. Some are more ready and closer to being
34 accessible than others. He also noted how expensive it is. He said the next meeting is
35 Nov. 12.

36
37 **Councilor Grant - Planning Board**

38 She said the Planning Board heard an interesting presentation on the NOAA building, and
39 encouraged those interested to watch it on DCAT. She said the planning is nearing
40 completion. She said there was a special meeting with the Strafford Regional Planning
41 Commission to update the Master Plan and it is visiting all towns, asking questions about
42 who Durham is, its pluses and minuses, and its goals. She said the EV charging proposal
43 from the Energy Committee is still in discussion. Councilor Ford noted the new building
44 is owned by UNH and NOAA is a tenant. He said they are planning to bring the
45 Advanced Manufacturing people to the new building, too, and that it is a research facility.

1 **Councilor Vogt - Energy Committee**

2 He said the committee will meet Nov. 4 at 7 p.m. and take up the Climate Action Plan.

3
4 **Councilor Vogt - Human Rights Commission**

5 He said the commission will meet on Dec. 4 at 4:30 p.m.

6
7 **Councilor Vogt**

8 He urged Councilors to be conscientious in emails, exercising professionalism and
9 mindful of the language they use. He said some issues should be discussed in person.

10
11 Councilor Welsh asked how many Councilors can be on an email chain and not have it be
12 public. Administrator Selig replied four. He said Councilors need to use basic common
13 sense: it's one thing to send a quick FYI, but if it's more complicated, it should be
14 directed back to a meeting for discussion. Administrator Selig explained there was a
15 recent email about Wagon Hill Farm parking issues that went back and forth longer than
16 it should have and had a heatedness to it. He asked if there is a significant issue, whether
17 it should be brought to a meeting or requested to be put on an agenda.

18
19 Councilor Friedrichs asked if the Energy Committee had the Community Power Coalition
20 on its agenda. Councilor Vogt said he just received the agenda and did not see it at first
21 glance. Ze asked if the town is still considering a solar array at the capped transfer
22 station. Councilor Vogt said it hadn't come up, but said he did miss one meeting.
23 Administrator Selig said there has been no more activity on it since the federal incentives
24 went away, seeming to make it not viable. He said the company that owns the array at the
25 Packers Falls pit is interested in a meeting so that may start the discussion again.

26
27 Twenty years ago, Administrator Selig said Durham was the first community in the state
28 to adopt and became a leader in adopting property assisted clean energy. The town tried
29 to gather grant money to pursue it, the state enabled the law and then changed it within a
30 year because banks didn't want municipalities to be in the first position on residential
31 mortgages. He said recently it's been amended and the town has to revisit it and decide
32 whether to move forward or not. He said the Energy Committee will need to take a look
33 at it. Councilor Burton asked if with the closure of the landfill is there any opportunity for
34 the town to partner with UNH as it does now with sewer and water. Administrator Selig
35 said the challenge is where the arrays would go, the town sites aren't large enough to
36 power UNH, and UNH's focus on the methane-burning plant as a way to provide clean
37 energy.

38
39 **Chair Friedman - Parks and Recreation**

40 He said the Downtown Trick or Treat went well. Frost Fest is Dec. 6 from 6 to 8 p.m. He
41 said there will be another Discover Durham Day on Nov. 16 at the Thompson Forest. He
42 said Chair Cathy Leach will report to the Council on Nov. 17.

43
44 **Chair Friedman - Seacoast Economic Development Stakeholders**

45 He reported Councilors got an email from SEDS saying the group is restructuring,
46 changing its name due to ongoing confusion, expanding its territory to include Maine and

1 Rockingham County communities along its border, and including regional governments,
2 the private sector and other players to cooperate in economic development. He said
3 maybe the town can do something around the train station such as an economic
4 development event because it is a valuable resource.

5
6 **Chair Friedman**

7 He said the housing-related legislative bills have taken a lot of power away from town
8 and that the present legislative session will have to pay some attention to what it means
9 for Durham and what control the town does have.

10
11 On Oct. 23, he said the Transportation Hearing went over the status Durham projects and
12 said the Route 4 roundabout is happening for 2027 and is a \$3.9 million project. He said
13 others are a red-listed bridge on Bennett Road, which will be planned in 2032 and
14 constructed in 2036, and cost \$2 million; the Mill Road bridge over the Oyster River will
15 be constructed in 2034 and cost \$9 million; the Mast Road roundabout on Route 155A,
16 which is part of the EDGE project, will have preliminary planning in 2027, be
17 constructed in 2028, and cost \$1.2 million; the Madbury Road reconstruction of the
18 segment with the multi-use path and crosswalk across Route 4 will get preliminary
19 planning in 2028, and be constructed in 2033. Councilors discussed the problem of not
20 having that constructed for such a long time, expressing confusion about the scope of that
21 project, and Administrator Selig said he would look into it to get a clarification.

22
23 Chair Friedman said he attended an open house at the new part of the 121 Tech Center
24 off Technology Drive, and was impressed with the facility and cafeteria. He said leaders
25 were very complimentary of the administrator, town planner and engineer, and said they
26 were thrilled to be in Durham. Chair Friedman said it is a real win for Durham.

27
28 Chair Friedman commented that the Council vote on the downtown building height limit
29 amendment is good for Durham, passing it back to the Planning Board, and he hopes to
30 follow it up with a comprehensive look at the whole downtown.

31
32 Councilor Burton noted the family who lives on the northeast side of the Madbury Road
33 roundabout project is upset all the trees on that corner will be cut down as part of the
34 project. He is concerned that during construction traffic will be directed through Durham.

35
36 **Administrator Selig**

37 He said he heard from a resident who watched the Conservation Commission Public
38 Hearing on the buffer, was reassured by how the exchanges took place and how
39 commissioners acted and responded to residents who were heated and frustrated. He said
40 he wanted to pass along the kudos to commission members.

41
42 He said the owners who clear-cut at Church Hill Wood are required to follow state
43 regulations, and if they didn't, it is an issue for the state Department of Environmental
44 Services. He said he will ask Code Enforcement Officer Audrey Cline, who isn't back in
45 the office until Tuesday because she is now part-time, to look into violations if any.

46

1 He said he was able to get to the RJ Kelly Open House at the very end, thought it quite
2 remarkable, and will look into scheduling a site visit for Councilors. He said the project's
3 estimated additional value is \$3.3 million, added to the taxbase for 2026. He said it's
4 already built into the budget for next year.

5
6 He said the increase in the School District budget is estimated at 5.7%. He said they have
7 two labor unions in flux, which may impact that somewhat.

8
9 He said a resident expressed concern about the presentation IWMAC heard about the
10 PFOS and PFAS in sludge that the wastewater treatment plant produces, which is further
11 processed and applied to land by a company the town partners with. The committee is
12 talking further about this with Public Works to see if this is a concern and how to resolve
13 it.

14
15 At the Land Stewardship Subcommittee meeting, there was a concern raised by a resident
16 about spring herbicides to control invasives and the committee is researching it.
17 Councilor Welsh said the resident also brought it up at the Conservation Commission.

18
19 Administrator Selig talked about some of the things he observed and learned about in
20 parts of Tampa's downtown that are undergoing redevelopment. He was in Tampa to
21 attend the International City County Management Association conference.

22 23 **XIV. New Business**

24 **Initial presentation of the Administrator's proposed FY 2026 Operating, Capital** 25 **and Special Fund Budgets, and the 2026-2035 Capital Improvement Plan**

26 Administrator Selig introduced the proposed town budget document, Capital
27 Improvement Plan and the Budget Information Booklet. He said the budget book in print
28 is available at Town Hall and the library, and online at the town's website. The Public
29 Hearing is scheduled for Nov. 17. A Council work session is set for Nov. 10.

30
31 He pointed out the Table of Contents and said the budget letter is self-explanatory. He
32 gave an overview that spending is up 9%, which is an 18% tax rate increase on the
33 municipal local portion of the tax rate. Revenues are down by a significant amount for
34 reasons in the budget letter. He said the water fund budget projects a 3% increase in user
35 fees. The sewer fund budget projects a 4% increase in user fees. He said all the items in
36 the Capital Improvement Plan are baked into the budget if they are scheduled for 2026.

37
38 A comparison on Page 5 shows function to function how much it is up overall and by
39 what percentage. On Page 7, there is an organizational chart that shows how many
40 employees are in each department and division. On Page 8, a personnel comparison
41 shows how the proposed changes result in a reduction of .25 of a position, bringing the
42 town from 103.8 full-time equivalents to 103.55. He said DCAT coordinator and code
43 enforcement officer went from full-time to part-time. The land stewardship coordinator is
44 recommended to go from part-time to full-time as of April 1. The vehicle inventory on
45 Page 11 shows the total number is down by 11.

1 The fiscal forecast on Page 14 looks out over 10 years. In 2026, there is an 18.02%
2 increase in the municipal part of the tax rate. He reminded there is a state school, local
3 school and county part of the tax rate also. The forecast then projects a 5% increase in
4 2027; 10% in 2028; and then increases level off to something more manageable, he said.

5
6 He said it's worthwhile to look at the CIP projects and how they impact the 2027 and
7 2028 budgets. Page 17 shows the debt service for the town - all the projects bonded and
8 to be bonded. Page 19 has the chart of accounts for General Fund revenues.

9
10 He said they've used the best data they have as of now, but might have to revisit to see if
11 anything changes from the estimates. Page 42 is the line item (292) for the land
12 stewardship coordinator, which should indicate a start date of April 1, not July 1.

13
14 Page 63 is an example of a budget letter from a department that shows what it asked for,
15 not what he recommended. From there, the budget line items for each department are
16 listed. Page 75, Line 472, lists part-time wages suppression at \$35,240 and should be
17 \$12,000, so that error saves \$23,240. The fiscal forecast for the water fund and
18 wastewater fund is in the budget document as well as information about the parking fund,
19 which includes turning 70 spaces into an overnight residential permit for renters. He said
20 details are still being worked out. The annual revenue of \$1,200 per spot can fund a
21 CALEA part-time position, which will help the police department manage the new
22 overnight spaces. He said it might also require some ordinance changes. Councilor
23 Friedrichs asked if it made more sense to do 2-year permits instead of annual ones.
24 Administrator Selig said that's possible and they might be able to find more spaces such
25 as on Dennison Road, which is used for many overflow issues. Councilor Burton asked
26 about a discrepancy in Madbury Road and Wagon Hill Farm projects. Chair Friedman
27 said the time to discuss all these details is next Monday's workshop.

28
29 Administrator Selig said the separate Library Fund budget is on Page 216. The CIP
30 includes items that cost \$10,000 or more and a lifespan of five or more years, and
31 provides a 10-year look ahead. The Budget Information Book includes frequently asked
32 questions. He said the town's bonding capacity used is about 25%. It has the tax rate
33 history over time. Page 37 shows requests from outside entities.

34
35 He confirmed all the departments will be represented at the budget workshop next week
36 and will take questions. If the Council doesn't get through them all, it will continue Nov.
37 17.

38
39 **XV. Nonpublic Session (if required)**

40
41 **XVI. Adjourn (NLT 10:30 PM)**

42
43 *Councilor Vogt MOVED to adjourn the meeting. Councilor Ford SECONDED the*
44 *motion. The motion PASSED on a unanimous show of hands vote of 9-0.*

45
46 The meeting was adjourned at 10:30 p.m.

1

2 - *Jane Murphy, Minutes Taker*