

DRAFT
DURHAM TOWN COUNCIL
MONDAY, NOVEMBER 17, 2025
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

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

MEMBERS ABSENT: Councilor Wayne Burton

OTHERS PRESENT: Town Administrator Todd Selig, Recreation Committee Chair Cathy Leach, Police Capt. John Lavoie, Energy Committee Chair Michael Klein, and members of the Town leadership from the Town Hall, Police, Public Works and Fire.

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 Em Friedrichs, Chair Joseph Friedman, Chair Pro Tem Sally Needell, Councilor Darrell Ford, Councilor Carden Welsh, Councilor Curtis Register.

IV. Approval of Agenda

Chair Pro Tem Sally Needell MOVED to approve the agenda as written. Councilor Vogt SECONDED the motion. The agenda was APPROVED on a unanimous show-of-hands vote 8-0.

V. Special Announcements - None

VI. Approval of Minutes Nov. 3, 2025

Chair Pro Tem Needell MOVED to approve the minutes for the Town Council meeting of Nov. 3, 2025. Councilor Ford SECONDED the motion. The minutes were APPROVED on a unanimous show-of-hands vote 8-0.

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

Administrator Selig said he received an email from UNH Student Senate External Affairs Chair Caroline Bishop asking to meet about a recent Student Senate Cat's Cache resolution to encourage more businesses to accept Cat's Cache. He talked about referring

1 her to the Durham Business Association (DBA). Councilor Friedrichs said the town
2 should keep roles clear and not participate in the discussion.

3
4 Ms. Bishop arrived at the meeting and talked about the Student Senate Council resolution
5 noting presently about 50% of Durham businesses accept Cat's Cache. She said the
6 Senate Council believes increased acceptance would form a better relationship with
7 students and businesses, and help revitalize downtown. Chair Friedman said the
8 resolution was circulated among Councilors and it was suggested it be shared with the
9 DBA. She said one of her advisors, Jamie Silverstein, director of Off-Campus
10 Engagement and Fraternity and Sorority Life for UNH, attends DBA meetings and will
11 discuss it with them. Councilor Welsh asked how the program works. Ms. Bishop said
12 users deposit a certain amount of money into a Cat's Cache account and it works like a
13 debit card. She said there is no discount for using Cat's Cache.

14 15 **VIII. Public Comments**

16 Chair Friedman said there are three Public Hearings at this meeting and asked the public
17 to save comments on those issues for those hearings.

18
19 **Jay Gooze, 9 Meadow Road**, proposed the Council consider an amendment to require
20 one part of an accessory dwelling unit (ADU) be owner occupied. He asked the debate to
21 be sooner rather than later to be proactive. He said neighboring town Newmarket has this
22 requirement and read that town's ordinance, which he distributed to Councilors. He said
23 there is a concern some residents have sabbaticals or travel for long periods of time, and
24 wouldn't be on the premises, but feels this could be handled individually with the town.

25
26 **Roger Hayden, 44 and 436 Main St.**, reiterated he is retiring and has a signed buyer for
27 his property. He said he's been told a 42-foot maximum building height isn't enough for
28 a four-story building, that 45 feet would be the minimum, and 50 feet would be more
29 reasonable. He's hoping an increased height is set for the downtown height limit.

30
31 **David Choate of Colliers International**, the Portsmouth firm marketing Mr. Hayden's
32 property, said he's had conversations with architects and engineers since he watched the
33 last Council meeting. He said 10 feet are needed for each floor and the plenum, the space
34 between floors where the HVAC system and sprinkler system are located, adds a couple
35 feet between the floors. He said he's hearing if the town keeps the limit at 42 feet, every
36 project will have to request a variance. He said he's not a fan of flat roofs and described
37 pedestal buildings, which use them, giving the example of the apartment buildings being
38 built across from Dunkin Donuts on Route 1 in Portsmouth. He said they are less
39 expensive to build. He said going to 50 feet for the maximum height will encourage
40 pitched roofs, which would be more in keeping with what the town wants downtown. He
41 said it's important to encourage residential development because that is going to be the
42 engine that drives the retail development. He said it is very difficult to get people excited
43 about being a retailer in Durham because there's just not enough business there. He said
44 they have no idea what the proposal for Hayden's property will be, but he said someone
45 developing apartments for Durham residents aging out of their large houses, who don't
46 want to leave the town and want to walk to restaurants and the university, is not going to

1 be able to do that within the 42-foot maximum height. He said it's an unrealistic
2 constraint based on the realities of today's construction.

3
4 Councilor Welsh asked his opinion about 12 feet versus 10 feet of height on the first
5 floor. Mr. Choate said most office buildings being built today are higher than 10 feet a
6 floor to give openness and create a pleasing window line. He said most four-story
7 buildings are about 50 feet high. He thanked Councilors for their interest.

8
9 **Joshua Meyerowitz, 7 Chesley Drive**, said he believes Durham resident Beth Olshansky
10 has done the most work on the building height limit and the town should consider her
11 recommendations rather than be deferential to developers. He spoke about the clear-
12 cutting of the TooMerfs LLC property at Church Hill and said Town Planner Michael
13 Behrendt's response to his first email was that they were logging and he continues to
14 refer to it as forestry even after visiting the site. Mr. Meyrowitz said the site's
15 groundcover has been removed, which the state Department of Environmental Services
16 requires be left intact. He urged the town to follow up on this violation..

17
18 **Julian Smith, 3 Chesley Drive**, said last year he was the only person to speak at the
19 Public Hearing on the budget and his thought was either everyone trusts the Council to do
20 a good job with the budget or they've given up talking to the Council. He said he can't
21 stay for the Public Hearing, but there is nothing in the budget to fund what needs to
22 happen after the Mill Pone Dam is removed.

23
24 **VIX. Unanimous Consent Agenda**

25 **A. Shall the Town Council adopt the 2025-2030 Climate Action Plan?**

26
27 **B. Shall the Town Council accept a non-industrial Wastewater Discharge Permit**
28 **Application that exceeds 5,000 gallons per day, and Water/Sewer Extension for**
29 **Riverwoods Phase 2 (Tax Map 209, Lot 33) and refers this application to the**
30 **Durham Water/Wastewater/Stormwater Committee for Detailed Review and**
31 **Recommendation for Approval/Denial?**

32
33 *Chair Friedman MOVED to adopt the Unanimous Consent Agenda. Councilor Grant*
34 *SECONDED the motion. The motion PASSED on a unanimous roll call vote of 8-0.*

35
36 **X. Committee Appointments - None**

37
38 **XI. Presentation Items**

39
40 **A. Annual report on the Parks & Recreation Committee activities and projects - Chair**
41 **Cathy Leach**

42 Ms. Leach thanked and recognized the Parks and Recreation Committee members. She
43 noted there are two alternate member vacancies and invited residents to apply.

44
45 She said the last two years the committee has collaborated with the UNH Applied
46 Recreation Research Collaborative (ARRC), and professors Mike Ferguson and Matt

1 Frye to do a Community Needs Assessment and Visitor Use Management Study focused
2 on Jackson Landing and Woodridge Park, which also gauged general recreation
3 programming, and which the researchers presented to the Council in August. The study
4 included a comprehensive population survey. She said it was integral for the committee
5 and the town to understand community needs and wants for future planning and
6 highlighted the importance and impact of recreation in the community, noting its benefits
7 include psychological, emotional, mental and physical well-being as well as multi-
8 generational community building.

9
10 She said community programs such as the Gunstock ski club and community events get
11 the most participation. She said the survey showed most support building the community
12 center, creating trail connectivity between town properties and downtown, and increasing
13 the frequency programs are offered. She said there is also support for creating a revolving
14 fund, hiring more full-time staff, having non-residents pay more than residents for
15 programs, and using resident taxes to support programming.

16
17 She said the study provided data-based and managerial guidance for Jackson's Landing
18 and Woodridge Park. For Jackson, it prioritized updating the playground and building
19 more recreation infrastructure such as more trails or an outdoor classroom, renovating the
20 skating rink, and building community small boat storage at the waterfront.

21
22 For Woodridge, it prioritized building a professional skatepark or updating the skatepark,
23 building or updating pickleball courts, and updating the playground.

24
25 She said the committee's current and future work centers around parks upkeep,
26 maintenance and improvements, trail connectivity with trails leading to and from the two
27 parks, and assisting with future budget and CIP planning. The committee supports the
28 parks maintenance budget request, codifying an upkeep plan, supporting the Parks and
29 Recreation director's request in the 2026 CIP to improve the courts and create shade
30 structures, and the rink condenser purchase request.

31
32 She said the committee is working on a shorter term timeline for priorities, a CIP
33 roadmap for higher cost and longer term items, a revolving fund along with grant and
34 fundraising, and on travel connectivity with staff. She said committee members volunteer
35 at events, analyze reports and provide advisory support. She said the committee recently
36 approved the purchase of a sturdy, ADA-accessible picnic table made of recycled plastic
37 for Jackson's Landing, and a member is a liaison to the Land Stewardship Subcommittee.

38
39 She thanked Parks and Recreation Director Rachel Gasowski, Assistant Director Kelley
40 DiSimone and all staff members for their continued dedication, creativity and tireless
41 work in providing an abundance of programming and community events for all ages.

42
43 Councilor Register thanked Ms. Lynch for working so well with the Parks and Recreation
44 Department to build community.

45
46 **B. Annual report on Energy Committee activities and projects - Chair Michael Klein**

1 Mr. Klein began his PowerPoint presentation with a list of the committee's members,
2 noting there are two vacant voting positions and asking anyone interested to please
3 contact him. He also presented the committee's 2025 goals which will most likely
4 continue for next year, too.

5
6 Goal 1 was to support Durham's Climate Action Plan goals through CPCNH and its
7 100% renewable energy option, which he said they achieved. He noted Durham won the
8 Seacoast Challenge for increasing its green energy enrollment. He said the committee has
9 given regular updates on CPCNH rates. Members attended its Local Energy Solutions
10 conference in September. The committee supported exploring the Poverty Plains net
11 metering group to power the wastewater treatment plant and reviewed building codes
12 appendices to strengthen local energy efficiency standards this year.

13
14 The second goal was to teach residents more about green energy. The committee
15 collaborated with Moharimet Elementary 4th grade teachers on the school's renewable
16 energy unit. It had an info table at Durham Day and held ongoing discussions about
17 geothermal energy and environmental trade-offs.

18
19 Goal 3 is to improve energy-efficiency and reduce the town's carbon footprint. The
20 committee is looking into surveys of heat pump adoption and home electrification, home
21 green appraisals and retrofits, and the C-PACER program for commercial buildings. For
22 the Riverwoods project, it reviewed the energy checklist for new buildings for Phase 2
23 and provided feedback for the solar canopy option, high-albedo roofing, which reflects
24 the sun's energy rather than absorbs it, and all-electric design.

25
26 Goal 4 is to support EV ownership through education and infrastructure. The committee
27 drafted and refined EV ordinance language, worked with the Planning Board to integrate
28 the ordinance in site plan regulations and addressed technical concerns. With the recent
29 reduction in federal EV funding, he said the committee has tried to think of and research
30 creative ways to pay for EV progress. It supported the town's expansion of EV chargers,
31 updated the town's utilization of its EV chargers, and explored ChargePoint cost updates
32 and free charger opportunities.

33
34 Goal 5 was to improve community outreach and education with events, outreach to UNH
35 and the Oyster River schools, the UNH Sustainability Fellow, a new logo and energy tips
36 in the Friday Updates.

37
38 Councilor Friedrichs asked if the committee could share cost updates and information on
39 EV chargers with the Council for budget and CIP planning.

40
41 Councilor Welsh asked if there is a list of companies that do green appraisals of houses.
42 Mr. Klein said Eversource does free energy audits. He said the committee in general
43 doesn't endorse companies, but will look into compiling a list. He said Councilor
44 Friedrichs had put together a self-audit in the past. Ze said the committee had talked
45 about purchasing a thermal camera that residents could check out from the library.

46

1 Chair Friedman asked about the building code work it did and Mr. Klein said they were
2 limited in what they could change by the state. Councilors discussed educational needs
3 the committee could fill and how important the committee is to the town.
4

5 **C. Presentation by Assessor Darcy Freer regarding Final Revised Residential,**
6 **Commercial and Industrial Property Tax Assessments as a result of the 2025**
7 **Statistical Revaluation**
8

9 Ms. Freer gave an overview of the 2025 Statistical Revaluation. She said Durham has
10 historically done revaluations at the minimum pace by law every five years, but when
11 there are more aggressive changes in the market, it is appropriate to reevaluate more
12 frequently. She said the goal of any revaluation is to equalize property values, not to
13 increase tax revenue, and to ensure fair distribution of the tax burden based on current
14 market conditions. She explained the process the town followed. The approaches to value
15 used in this revaluation were sales comparison and cost. The town didn't use the income
16 approach to revaluation because of low response to questionnaires from property owners
17 whose property earns income. Preliminary values were mailed to property owners in
18 October and informal hearings were held throughout that month. She said 154 hearings
19 were held, which represents 6.3% of properties. As a result of broad scope changes made
20 from the information hearings even to properties that didn't request a hearing, a total of
21 215 final letters were mailed out. She gave the example of how the town had not taken
22 into consideration homes that were on Class 6 roads, but decided to research the effect on
23 value and reevaluate all the homes on Class 6 roads after the informal hearings.
24

25 Councilor Welsh asked if any properties were visited. Ms. Freer said all sale properties
26 were visited, but no others were since the town had just visited all residences in 2023. If
27 new information was presented in the hearing, the town did inspect those properties.
28

29 She said the state accepted the assessment review standards of a median ratio of 90% to
30 110%; a coefficient of dispersion (COD) no greater than 20; and a price related
31 differential (PRD) of .98 to 1.03. A median ratio is the ratio of assessed values to sale
32 prices, which represents the middle ratio when a set of ratios is arrayed in order of
33 magnitude. The coefficient of dispersion (COD) is a measure of assessment of equity and
34 uniformity in a group. The price related differential (PRD) is the measure of uniformity
35 between low and high value properties.
36

37 Ms. Freer said the ratio for 2024 had fallen to 82.5% and included sales through Sept. 30,
38 2024. Over the next six months, the ratio continued to decline. Before the revaluation, for
39 tax year 2024, the Median Ratio was 82.5%; the COD was 13.8 and the PRD was 1.06.
40 After the revaluation, for tax year 2025, the median ratio is 97.2%; COD is 9.14 and PRD
41 is 1.01. She said overall town statistics now fall well within acceptable ranges.
42

43 She then showed slides listing two years' worth of home sales (April 1, 2023 to April 1,
44 2025) and then one year of home sales (April 1, 2024 to April 1, 2025).
45

1 The average percentage of change in value by strata are Improved Residential, 19%;
2 Waterfront Residential, 31%; Condominiums, 21%; Residential Land, 53%; Commercial
3 Housing, Non- Student, 12%; Commercial Housing, Student, includes mixed-use,
4 fraternities and sororities, 0%,
5

6 Councilor Welsh asked what the average change for the town was. Ms. Freer said it was
7 roughly around 21%. Councilors discussed how if they flat funded the budget with no
8 increase, taxpayers whose property valuations are below 21% would see their taxes go
9 down and those whose valuations are above 21% will see their taxes go up.
10

11 Administrator Selig reminded the 2026 budget being discussed now won't affect the tax
12 rate until late fall of next year, which is also the case with the school and county budget.
13

14 Councilor Welsh noted how student housing didn't increase in value at all, and Ms. Freer
15 said that is overall meaning there was no change on average. She said some individual
16 properties went up and many went down. He said the town benefitted from the increased
17 student housing downtown in the 2010 to 2015 time period, but not so much now.
18

19 Councilor Grant said the sales in the last week of two downtown properties at \$2.2
20 million and \$1.7 million were well above the town's assessed values.
21

22 Ms. Freer said the \$2.2 million sale of the Campus Convenience building at 44 Main St.
23 was not marketed as far as she could tell so she believes it was between known owners. It
24 was not an arm's length sale, a sale between unrelated owners, which is what the
25 revaluation used. She said sales where the relationship of the owners might affect the sale
26 price aren't considered as market rate. The \$1.7 million sale of the two Main Street
27 buildings where the escape room and Breaking New Grounds are located was valued at
28 \$1.3 million before the revaluation and \$1.624 million after the revaluation. She said now
29 the town valuation on that building is within 5% of the sale price which is within
30 acceptable standards.
31

32 Her next slide showed the total old and new values for each property strata and the
33 percentage change for each. She said some of the two- and three-family residential units
34 were actually student housing but not classified as such which is not fair or equitable, so
35 she reclassified some properties and the change in classification skews results a little.
36

37 The next slide showed the current lowest and highest residential assessed value by
38 property for the town's 2,183 residential parcels and 139 commercial properties. The
39 median prior to the reassessment was \$559,400; it is now \$663,800. She said the median
40 residential sale price is \$670,000.
41

42 She said the median assessed values prior to and after the reassessment in comparison to
43 the current median sale price reiterates the point and accuracy of the revaluation.
44

45 She also pointed out that the median prior residential assessment value compared to the
46 current median residential sale price is 19.77%, consistent with the results of the update.

1 Councilor Welsh asked about properties on a creek or a brook, and Ms. Freer said that
2 didn't affect valuation at all. Only being on the bay or a river, which are defined as a tidal
3 water body and non-tidal rivers, affects valuation.
4

5 She then presented commercial property valuations before and after the reassessment and
6 the percentage change. Most commercial values saw an increase with the exception of
7 student housing. She said that doesn't mean no student housing increased in value, but
8 the average change was zero. She said, while not unexpected because of the decreased
9 enrollment at UNH and the rule that sophomores must live on campus, this is what is
10 responsible for the shift in taxable value between commercial and residential.
11

12 The town's total taxable value has increased by almost \$306 million by revaluation. This
13 figure is prior to any exemptions being removed and not adjusted for retained value in the
14 TIFF district. Residential properties now account for 71.17% of the town's taxable value.
15

16 She pointed out the sale prices used were for sales through April 1, 2025. Sales have
17 occurred since then and she is still looking at sales to judge the revaluation results. The
18 2025 equalization study which will be published in February 2026 will include sales up to
19 Sept. 30, 2025. She said the information will be available on the town website where they
20 post results, but not the full equalization study, which is public record and available.
21

22 She said the next step is to have the tax rate set by the state Department of Revenue.
23 Without knowing the rate, she said, the effect on taxpayers is unknown. She said
24 generally when property values increase, the tax rate decreases. She said some properties
25 will have taxes go up, some will have taxes go down, some will remain the same, which
26 she said is typical of any revaluation. She clarified the tax rate the town is about to learn
27 is based on the 2025 budget and all the information needed has been submitted to DRE.
28

29 She said if a homeowner doesn't believe their property's value is fair market value, they
30 can file an abatement request with the town after the second tax bill and before March 1,
31 2026. There are also appeal rights for any taxpayer that doesn't agree with the town's
32 abatement decision and they'd have to appeal with the state Board of Tax and Land
33 Appeals or Superior Court by Sept. 1, 2026.
34

35 She said once values are finalized, they will be available online and in town Hall, and the
36 Assessor's Online Database will be updated with new values. Upon request, the
37 Assessor's Office will email a copy of a resident's property record to them, which shows
38 the final price and all the details of a property. When asked, she said the tax bill every
39 owner receives includes abatement process details and they'll be in the Friday Updates.
40

41 Councilor Welsh said the town has \$1.64 million reserved for abatements and asked if
42 she feels confident that is enough and she said yes.
43

44 She added the entire revaluation process is monitored by the state Department of
45 Revenue, which will issue a report about it.
46

1 Councilor Welsh asked when the next assessment is and she said 2030.

2
3 Councilor Friedrichs asked what the increase in the utilities' valuation was. Ms. Freer
4 said she believed it was about 10%. The utilities' percentage of the tax burden decreased,
5 Chair Friedman said. Like commercial property, Ms. Freer explained, the utilities' value
6 went up, but not as much proportionally as the residential properties did.

7
8 Administrator Selig added the data is showing that residential property in Durham is
9 highly desirable and appreciating in value. Ms. Freer said it is greatly outpacing any other
10 classification of property. Selig said while property taxes may not be good news for
11 owners, when they go to sell, it is good news. He said it's the ying and yang of assessing
12 that everyone wants the highest price when they sell, but the lowest when they are taxed.

13
14 Councilors thanked Ms. Freer for her report.

15
16 **XII. Unfinished Business**

17 **A. Public Hearing and possible Adoption of Ordinance #2025-10 amending Chapter**
18 **153, "Vehicles & Traffic," Section 153-28, "Permitted Parking, Durham Resident**
19 **Parking Permits," of the Durham Town Code, to expand upon the explanation of**
20 **neighborhood parking passes.**

21
22 *Councilor Welsh MOVED to open the Public Hearing. Councilor Grant SECONDED*
23 *the motion. The motion PASSED on a roll call vote of 8-0.*

24
25 Administrator Selig said Capt. John Lavoie was on Zoom if there are any questions.

26
27 No one from the public was present or on Zoom to comment on the issue.

28
29 *Chair Friedman MOVED to close the Public Hearing. Councilor Grant SECONDED*
30 *the motion. The motion PASSED on a unanimous roll call vote of 8-0.*

31
32 Councilor Friedrichs asked if you have a parking permit, can you park on the street
33 during a snow ban from Nov. 15 to April 15. Capt. Lavoie said the permit doesn't exempt
34 you from the ban, which is only between the hours 1 a.m. and 6 a.m.

35
36 Administrator Selig said Micah Warnock expressed concern about the parking permit
37 process, staff and police reviewed, and proposed these changes.

38
39 Chair Friedman asked Capt. Lavoie to clarify if someone loses a parking pass, the
40 replacement fee is \$5 and the original pass number is taken out of circulation so anyone
41 else using it would be in violation, and Capt. Lavoie said that is the case.

42
43 *Chair Pro Tem Needell MOVED to adopt the ordinance. Councilor Ford SECONDED*
44 *the motion.*

45

1 Chair Friedman said \$5 seems too small and a higher fee would be more appropriate. He
2 said the ordinance doesn't specifically say the lost pass goes out of circulation and
3 doesn't address what happens if you lose a second pass. Capt. Lavoie said he didn't
4 disagree, but the department has never had a significant issue with this, and kept the fee
5 low so as not to create a burden on the owner and since the process for staff is minimal.
6

7 Councilors discussed raising the fee to pay for staff time handling lost passes, how two
8 passes are allowed per property and whether contractors are required to display a pass to
9 park on the street. Capt. Lavoie said they work with residents individually and approve
10 contractors for parking without a pass. Administrator Selig said police rarely have time to
11 patrol for parking and only follow up on complaints, which are few and usually about
12 long-term problems..

13
14 ***Chair Friedman MOVED to amend the ordinance to raise the fee to \$50 fee. Councilor***
15 ***Friedrichs SECONDED the amendment.*** Discussion occurred with general agreement.
16 The motion PASSED on a roll call vote of 7-1.

17
18 ***Chair Pro Tem Needell - aye; Councilor Ford - nay, noting he feels \$50 is high for***
19 ***accidentally losing a parking pass; Councilor Welsh - aye; Councilor Register - aye;***
20 ***Councilor Grant - aye; Councilor Vogt - aye; Councilor Friedrichs - aye; Chair***
21 ***Friedman - aye.***

22
23 The Council then voted on the overall original motion.

24
25 ***The motion PASSED on a roll call vote of 7-1.***

26
27 ***Councilor Friedrichs - aye; Councilor Vogt - aye; Councilor Grant - aye; Councilor***
28 ***Register - aye; Councilor Welsh - aye; Councilor Ford - nay; Chair Pro Tem Needell -***
29 ***aye; Chair Friedman - aye.***

30
31 Chair Friedman thanked Officer Lavoie and Chief Kelley, and Micah Warnock for
32 helping move this forward.

33
34 **B. Public Hearing and Possible Adoption of Ordinance #2025-11 amending Chapter**
35 **175, "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional**
36 **Standards," Article XVIII.1, "Attainable Housing Overlay District," Article XX,**
37 **"Standards for Specific Uses," and Article XXI, "Off Street Parking," of the**
38 **Durham Town Code to align the Zoning Ordinance with recent changes in state**
39 **legislation.**

40
41 ***Chair Friedman MOVED to open the Public Hearing. Councilor Grant SECONDED***
42 ***the motion.***

43
44 Councilor Friedrichs said the state laws that require some of the changes to the town
45 ordinance were not included in the packet, believing it an oversight. Chair Friedman

1 pointed to Section 12-B of the Council Communication packet, Page 2, which contained
2 the pertinent excerpts of HB 457, HB 577, HB 631 and HB 674.

3
4 ***The motion PASSED on a unanimous roll call vote of 8-0.***

5
6 No one was present in person or on Zoom to comment on the issue.

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

10
11 ***Chair Friedman MOVED to adopt Ordinance #2025-11. Chair Pro Tem Needell***
12 ***SECONDED the motion.***

13
14 ***Councilor Friedrichs MOVED to amend the ordinance to permit mixed use with***
15 ***residential in the five zoning districts Coe's Corner, Office Research, Mixed Use and***
16 ***Other Research, Office Research Light Industrial and Durham Business Park instead***
17 ***of permitting multi-unit residence use there.***

18
19 This change would be to the Table of Land Uses on Page 3 of the ordinance. She said
20 they are identified as commercial and business zones and the change will encourage them
21 to continue to have a business on at least the first floor of buildings, which ze said is a
22 much better tax benefit to the community than an all residential use, which increases
23 costs to the town in terms of services more than it contributes to the tax base. Ze said it
24 also keeps those zones focused on commercial and research efforts.

25
26 Ze also proposed to change language on Page 2 to require a detached ADU if not pre-
27 existing be located within 20 feet of the property's main building. Ze said the goal is to
28 condense development and to control how an ADU affects street access.

29
30 Ze also proposed striking the language in No. 10 on Page 4, which reads "Existing
31 structures on site may be converted to accessory dwelling units even if those existing
32 structures do not conform with setback or lot coverage requirements," from the amended
33 ordinance. Ze said it is unfair to neighbors if an existing structure on a property line or
34 very close to a property line could be converted to a rental and submit the neighbor to
35 visitors, vehicles and activities such as parties without consideration for a setback.

36
37 Ze said ze feels the town should be conservative in doing what the town needs to comply
38 with the new state laws, but not change the existing character of zoning districts without
39 further consideration of the effects on residents and the tax base.

40
41 Councilor Register said he would be willing to second the first two proposed
42 amendments if the language was clarified. Ze restated the proposed amendments.

43
44 Councilor Welsh said he thought the town was not able to make changes like this because
45 of the new laws. He asked Mr. Behrendt if these changes could be made.
46

1 Mr. Behrendt said the first proposed change would be OK because it continues to allow
2 residential in those zones; the second would be allowed because he believes it's
3 consistent with the statute; but he'd need to review the statute about zir's third proposed
4 change. He said he would confirm that and if the Council wishes to make the changes, the
5 ordinance would go back to the Planning Board for review. He said there's no problem
6 taking more time on it because the state law went into effect almost immediately after it
7 passed and the state law supersedes the local ordinance.

8
9 ***Councilor Register SECONDED the first two amendments proposed.***

10
11 Councilors discussed considering each proposed change one at a time.

12
13 Councilor Friedrichs restated her motion to make the first proposed change. ***Ze MOVED***
14 ***to amend the Table of Land Uses so that residences multi-unit remain prohibited as***
15 ***written in Coe's Corner, Office Research, Mixed Use and Other Research, Office***
16 ***Research Light Industrial and Durham Business Park and permit mixed use with***
17 ***residential. Councilor Register SECONDED the motion.***

18
19 Councilors discussed why prohibit multi-unit residential development in these zones and
20 why not permit both uses in them. They discussed why multi-unit residential use was
21 once permitted, but was taken out of some of the zones.

22
23 Councilor Friedrichs said ze is trying to encourage more quality commercial space and
24 making it mixed-use ensures some sort of commercial space will be built. Ze said if you
25 permit multi-unit then only residences would be built, not commercial space. Councilor
26 Ford agreed, but said the town is trying to encourage additional housing as well.

27 Councilor Friedrichs said adding residences impacts the town budget more. Discussion
28 continued about the nature of mixed-use residential, the definition of the Office Research
29 and Research Industry zones, how the value of a building is not in the commercial space
30 on the first floor from a cost per square footage perspective, and the lack of foot traffic in
31 some of the areas under consideration.

32
33 Councilor Friedrichs said ze wants the town to be in compliance with the state laws, but
34 big changes in zoning need to be part of a larger community conversation. Ze said the
35 town should be conservative at this point and later have broader conversations with
36 community input. Chair Friedman pointed out the Council had a Public Hearing on the
37 matter, and no one from the public commented. Councilor Grant pointed out the Planning
38 Board had a Public Hearing as well and recommended the changes.

39
40 Councilor Friedrichs restated her amendment again noting to keep the multi-unit
41 residential as not permitted in the Coe's Corner and Research Industry zones and as
42 permitted in the Professional Office, Churchill and Courthouse zones and to permit
43 mixed use residential in the Coe's Corner and the four Research Industry zones to keep
44 them focused on creating commercial space rather than a primary residential use. Mr.
45 Behrendt said that does expand the type of commercial use in some of those zones to
46 include retail, etc., but only in the mixed-use buildings.

1 In the middle of voting, Councilors discussed how the state law allows residential in all
2 the zones, even the Durham Business Park, so the town zoning has to change to allow
3 multi-unit residential and/or mixed-use residential in these zones.
4

5 ***The amendment PASSED on a roll call vote of 5-3.***
6

7 ***Chair Pro Tem Needell - aye; Councilor Ford - nay; Councilor Welsh - aye; Councilor***
8 ***Register - aye; Councilor Grant - nay; Councilor Vogt - aye; Councilor Friedrichs -***
9 ***aye; Chair Friedman - nay.***
10

11 Chair Friedman said the proposed ordinance amendments go back to the Planning Board.
12

13 ***Councilor Friedrichs MOVED to amend the ordinance on Page 2, adding a point “D,”***
14 ***saying a detached ADU must be located within 20 feet of the main building on a***
15 ***property.***
16

17 Councilor Grant said locating an ADU depends on the lot and its shape, and defining it is
18 unnecessary and a burden to the owner.
19

20 ***Councilor Register SECONDED the motion.***
21

22 Councilors discussed existing setbacks and how those limit ADU placement.
23 Administrator Selig read RSA 674.72, the state law that would override any setbacks the
24 town has mandated. Ze said any pre-existing building doesn't count as ADU detached,
25 only new buildings and reiterated her concern about allowing an ADU to be built
26 anywhere on a lot and its impact on traffic flows, and the importance of keeping a
27 condensed group of outbuildings on a lot. Councilors discussed how this could be
28 addressed at the building permit process and when deciding if a second driveway needs to
29 be created, and how to prevent the sprawl and the creation of two houses on a single lot
30 instead of having one be an accessory to the main house. They discussed which zones the
31 change would apply to or not. Mr. Behrendt proposed changing this in Residence A and
32 Residence B only. He said changing it in the Residence Coastal and Rural zones would
33 take something away from property owners where ADU placement isn't restricted.
34

35 ***The motion FAILED on a roll call vote of 4-4.***
36

37 ***Councilor Grant - nay; Councilor Vogt - aye; Councilor Friedrichs - aye; Chair***
38 ***Friedman - nay; Chair Pro Tem Needell - nay; Councilor Ford - nay; Councilor Welsh***
39 ***- aye; Councilor Register - aye.***
40

41 Councilor Friedrichs declined to make her third amendment as originally stated based on
42 the clarification about the state law, which Administrator Selig provided. Ze said the
43 Planning Board should have this conversation about ADUs in more detail at some point.
44

45 Councilor Welsh noted the Council voted to restrict the placement of a detached ADU in
46 all the residential zones.

1 ***Councilor Welsh MOVED to amend the amendment restricting ADU placement to***
2 ***apply in just the Residence A and Residence B zones. Councilor Register clarified the***
3 ***wording to be “that a 20-foot constraint be added to detached ADUs in the Residence A***
4 ***and Residence B zones” and SECONDED the motion.***

5
6 ***The amendment FAILED on a roll call vote of 4-4.***

7
8 ***Chair Pro Tem Needell - nay; Councilor Ford - nay; Councilor Welsh - aye, Councilor***
9 ***Register - aye, Councilor Grant - nay, Councilor Vogt - aye; Councilor Friedrichs -***
10 ***aye; Chair Friedman - nay.***

11
12 Councilor Register brought up Mr. Gooze’s proposal that ADUs be owner-occupied.
13 Councilors discussed and decided to ask the Planning Board to consider that as a new
14 initiative. Administrator Selig gave some background when this came up earlier in the
15 year when Durham was under scrutiny in its zoning so they decided to hold off on
16 making any change for a year or two to see if any problems arose. In talking with other
17 town planners, he said it was a non-issue. He said it is really up to the Council.

18
19 Councilor Friedrichs said zir family chose to locate in Durham because it didn’t have this
20 rule. Ze said some conservative towns require it and doesn’t think the state Legislature
21 will change it. Chair Friedman said the Lakes Region and northern region have a long
22 tradition of not requiring owner occupancy and lobbied against it. Councilor Friedrichs
23 said ze would support the Planning Board taking this issue up.

24
25 Chair Friedman called the vote on the original motion with the additional amendment
26 Councilor Friedrichs proposed. Administrator Selig said the original motion was to adopt
27 the ordinance changes from the Planning Board and the Council can’t adopt such a
28 significant change without Planning Board review and approval so the vote is really
29 about referring it back to the Planning Board.

30
31 ***Councilor Register MOVED the Council amend the motion to change “approve’ to***
32 ***“refer to the Planning Board.” Councilor Friedrichs SECONDED the motion.***

33
34 Councilors clarified this includes the first amendment that Councilor Friedrichs proposed.

35
36 ***Motion PASSED on a unanimous roll call vote of 8-0***

37
38 Mr. Behrendt said he will take it back to the Planning Board, which will hopefully
39 discuss it at its Dec. 10 meeting.

40
41 **C. Public Hearing and Continued Deliberation on the Administrator’s proposed**
42 **FY2026 Operating, Capital and Special Fund Budgets.**

43
44 ***Chair Friedman MOVED to open the Public Hearing. Chair Pro Tem Needell***
45 ***SECONDED the motion. The motion was APPROVED by a unanimous roll call vote***
46 ***of 8-0.***

Chair Friedman announced the Public Hearing on the budget is now open.

Scot Calitri, 125 Longmarsh Road, spoke about the removal of the Mill Pond Dam. He said it's a hazard that needs action after 20 years of discussion and a decision in 2022. He said the clock is ticking and the environmental damage of leaving it in place is increasing, and grant money is threatened. He said the town needs to do what is fiscally prudent, environmental redemption, and publicly endorsed by environmental organizations.

Neil Slepian, 12 Fairchild Drive, spoke in support of making the part-time land stewardship coordinator full-time even though it's a difficult budget year for the town. He said it's a very minimal amount of money and won't affect the tax burden.

Administrator Selig said no one was on Zoom to speak.

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

Council Friedrichs added that the Council has received several emails from residents all expressing concerns about the budget.

Councilor Welsh expressed concerns about the Madbury Road projects. Councilor Friedrichs proposed postponing the project's next phase until another year. Councilors discussed with Mr. Reine the project's current status, the coordination with the state on the timing of the Route 4/Madbury Road roundabout project and what would need to still be done to stabilize the road if the next phase is delayed.

Mr. Reine said the two biggest impacts would be continued cost escalation and the \$1.8 million in state and federal grant money the town is expecting to receive for the multi-use path along that road. He said hopefully it's included in the state 10-year plan, which we'd find out next June, but noted the multi-use path can't be constructed until Phases 4A and 4B of the project are done. He estimated he's seeing costs rise at 15% to 25% per year now. He said some vendors are holding their pricing for the town but not sure that could continue if there is a delay.

Councilors discussed the conditions of Madbury Road and how it would need work to improve its walkability, drivability and safety until the project is restarted. They debated doing Phase 4A in 2026, 4B in 2027, and waiting on the multi-use path to see if funding is received. They talked about how Madbury Road is a gateway into town, its winter safety, and the risk to walkers and runners if the project is delayed.

Administrator Selig observed how the town works long and hard on the budget, but not on development, which would help solve some of its budget problems. Councilor Welsh said to make the town more affordable, you either have development or reduce services, and the town hasn't been doing either of those. They talked about how just two residents commented at the Public Hearing and they received four emails so they're not hearing a

1 huge outcry from the public. They talked about how at one of the Public Hearings this
2 summer, a resident said they would pay more to live here because they value the
3 community and the services; and about cutting a service so there wouldn't be an 18
4 percent tax increase and then seeing how the public reacts and the direction it wants
5 going forward. Councilors discussed services that can and can't be cut, and how they
6 would impact taxpayers. They considered how taxpayers would feel if paying more and
7 getting less services; how growing the tax base is the only solution; and how the town's
8 infrastructure is set up on growth and perhaps needs to shrink because the town is not
9 growing. They noted 2,000 households are carrying most of the tax burden.

10
11 Chair Friedman asked Mr. Reine if any part of the road program could be delayed.
12 Councilor Welsh asked what other projects in general could be delayed. Councilors
13 discussed how road maintenance program keeps costs stable over time by doing some
14 roads each year, and other items that could be cut from the budget including road
15 resurfacing. Administrator Selig said the town partners with UNH on road resurfacing
16 since it gets a better price, and budgeted \$535,000 for it, but UNH will reimburse the
17 town \$275,000.

18
19 He listed other budget line items that could potentially be cut: road crack seal program,
20 stormwater management compliance, \$15,000 for building maintenance including \$5,000
21 for the HVAC system at the police station, \$79,000 for a new DPW dump truck. Mr.
22 Reine said the department keeps x pieces of equipment, which are used for snowplowing
23 and other uses, and the plow routes are already longer than most so that's as small as he
24 feels the town can go. Administrator Selig also mentioned the purchase of police
25 department vehicle, which if delayed would mean two will be in next year's budget;
26 possibly delaying a Madbury Road project phase; not repairing the tennis and pickleball
27 courts; and the letters the Council received from Cedar Point residents who are concerned
28 about the budget's impact on the tax rate since the revaluation and suggested ideas like
29 charging more to use the skating rink. He said the rink operates separately from the town
30 budget so that wouldn't have an impact on the tax rate. Councilors discussed whether
31 residents could use the high school tennis courts instead of fixing the town's courts.

32
33 Administrator Selig said he is not sure if trying to ensure Durham is affordable for
34 families is realistic. He said it is an affluent community and with rising land prices it
35 won't ever be affordable. Working families in Durham have to choose childcare during
36 the summer, and many Durham families send kids away and travel, but there are some
37 who can't and look to Parks and Recreation and the town library to provide quality safe
38 programming so it is difficult to cut those budgets.

39
40 ***Councilor Register MOVED to extend the meeting to 11 p.m.***

41
42 Councilor Welsh asked about the Sammy's Lot purchase. Administrator Selig said UNH
43 has approached Durham about taking ownership of the Sammy's parking lot on Pettee
44 Brook Road, which UNH owns, but transferring it would involve the state Legislature
45 because it is part of one of the original Ben Thompson land grants and decided not to
46 pursue it at this time.

1 ***Councilor Grant MOVED to extend the meeting to 10:45 p.m. Councilor Welsh***
2 ***SECONDED the motion. The motion PASSED on a roll call vote of 6-2.***

3
4 ***Councilor Register - aye; Councilor Welsh - aye; Councilor Ford - nay; Chair Pro***
5 ***Tem Needell - aye; Chair Friedman - aye; Councilor Friedrichs - nay; Councilor Vogt***
6 ***- aye; Council Grant - aye.***

7
8 Chair Friedman said the Council would move to the Roundtable and dismissed the
9 department heads who were present for questions about their budgets.

10
11 **XIII. Councilor and Town Administrator Roundtable**

12
13 **Councilor Grant**

14 She said she thinks the town should review all its properties for possible sale. Councilors
15 mentioned several properties where there is outside interest.

16
17 **Councilor Friedrichs**

18 Ze said ze believes Wagon Hill Farm should be set up to operate like the skating rink and
19 be self-sustaining. Chair Friedman said the Council will look at it.

20
21 **Councilor Register - Agricultural Commission**

22 He said the Agricultural Commission will meet Dec. 8 in the police station.

23
24 **Councilor Register - School Board**

25 He said the School Board had a finance meeting on Nov. 12 and will meet Nov. 19 at the
26 Morse Recital Hall at the middle school.

27
28 **Councilor Register**

29 He said he supports Dr. Gooze's recommendation that ADUs be owner-occupied and
30 creating a variance process for extended absences to make the work in Durham.

31
32 He said over the last several months at Public Hearings there have been violations of the
33 time or topic constraints and the Council can't continue to allow people to speak past
34 their time and how it invites criticism and escalates conflicts.

35
36 He said he will not be at the next two Council meetings because he is going to run
37 convoys in Ukraine for several weeks and will try to attend on Zoom.

38
39 Administrator Selig said he agrees with Councilor Register on the Public Comments
40 violations and doesn't think the Council should allow residents to cede time to speakers
41 because it's impossible to track. Councilor Welsh suggested that speakers be given a
42 warning at 4 minutes and 30 seconds that they have 30 seconds left to speak.

43
44 **Councilor Welsh - Land Stewardship Subcommittee**

45 He said a good number of people attended the discussion about Japanese knotweed, with
46 many from the Mathes Cove Road neighborhood. He said there is no good answer,

1 spraying bothers people and people don't really buy the science. He said there was no
2 final resolution. He said it is working on the kiosk design for town properties.

3
4 **Councilor Needell**

5 She asked Councilors for a list of specific cuts they'd like to make in advance of the Dec.
6 1 meeting. She said there's been too many generalizations. Administrator Selig said to
7 send them to him and he will compile and send to Councilors in one email.

8
9 **Chair Friedman - Parks and Recreation**

10 He praised Committee Chair Cathy Leach for giving a good annual report to Councilors.

11
12 **Chair Friedman - Seacoast Economic Development Stakeholders**

13 He said the group will next meet Dec. 2.

14
15 **Chair Friedman**

16 He said he supports a maximum building height of 48 feet downtown, increasing it from
17 the 42 feet they had agreed upon in the amendment that went back to the Planning Board.
18 He said many have said 42 feet is unrealistic for a four-story modern building and he
19 doesn't see a good reason not to give builders this flexibility.

20
21 **Councilor Friedrichs**

22 Ze expressed concern about a pattern of repeat violations and non-enforcement from the
23 town. Ze specifically mentioned the possible violations at 1921 Main Street where the
24 ground cover was reportedly removed and asked if the town has been out to inspect it.
25 Administrator Selig said Mr. Behrendt had been there and said there was no violation.
26 Councilors Ford and Welsh said they had walked the site and it was really hard to tell, but
27 they didn't see any violations.

28
29 ***Councilor Register MOVED to extend the meeting to 11 p.m. Grant SECONDED the***
30 ***motion. The motion PASSED on a roll call vote of 6-2.***

31
32 ***Councilor Welsh - aye; Councilor Ford - nay; Councilor Needell - aye; Chair***
33 ***Friedman - aye; Councilor Friedrichs - nay; Councilor Vogt - aye; Councilor Grant -***
34 ***aye; Councilor Register - aye.***

35
36 Administrator Selig said the town hasn't detected any violations of local ordinances at
37 this time at the 1921 Main St., property so won't be contacting NHDES.

38
39 Councilor Friedrichs departed the meeting at 10:46 p.m.

40
41 **Councilor Vogt - Human Right Commission**

42 He said the commission will meet Dec. 9 at 4:30 p.m.

43
44 **Councilor Vogt - Energy Commission**

45 He praised Mr. Klein for his presentation to the Council and invited all residents to attend
46 the Dec. 2 meeting at 7 p.m.

1 **Councilor Grant - Planning Board**

2 She said the Riverwoods architect was at the last meeting and was asked about his
3 opinion on the maximum building height downtown. He said in his opinion 42 feet is not
4 going to work. He said 44 feet would be minimum and luxury apartments would require
5 59 feet. He said 45 feet are really needed below the roof. She said a two-lot subdivision at
6 12, 14 and 16 on Jenkins Court was before the board and a three-lot subdivision in the
7 Dame Road area, where she said there is a site walk scheduled for Dec. 6.

8
9 **Administrator Selig**

10 He said he has been very busy with collective bargaining, with the payment in lieu of
11 taxes agreement (PILOT) for the Riverwoods Phase 2 project, and with the budget.

12
13 **XIV. New Business**

14
15 **XV. Nonpublic Session (if required)**

16
17 **XVI. Adjourn (NLT 10:30 PM)**

18
19 ***Councilor Vogt MOVED to adjourn the meeting. Councilor Register SECONDED***
20 ***the motion. The motion PASSED on a unanimous show of hands vote of 7-0.***

21
22 The meeting was adjourned at 10:49 p.m.

23
24 - Jane Murphy, Minutes Taker