

**DRAFT**  
**DURHAM TOWN COUNCIL**  
**MONDAY, FEBRUARY 2, 2026**  
**DURHAM TOWN HALL - COUNCIL CHAMBERS**  
**7:00 PM**

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Town Administrator Todd Selig, Business Manager Gail Jablonski, Planning Board Chairman Paul Rasmussen

**I. Call to Order**

Chair Friedman called the meeting to order at 7:04 P.M.

**II. Town Council grants permission for fewer than a majority of Councilors to participate remotely.** Councilor Welsh is participating on Zoom because he is out of town. The Town Council granted permission for him to participate remotely on a unanimous roll call vote of 8-0.

**III. Roll Call of Members**

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

**IV. Approval of Agenda**

*Chair Pro Tem Needell MOVED the Council approve the agenda as written. Councilor Vogt SECONDED the motion. The agenda was APPROVED on a unanimous roll call vote of 9-0.*

**V. Special Announcements - None**

**VI. Approval of Minutes - Jan. 12, 2026**

*Chair Friedman MOVED to approve the minutes for the Town Council meeting of Jan. 12, 2026. Chair Pro Tem Needell SECONDED the motion. The minutes were APPROVED on a roll call vote of 7-0. Councilors Ford and Friedrichs abstained because they were not present at the Jan. 12 meeting.*

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

UNH Student Senate External Affairs Council Chair Deeba Ajamian reported that the Student Senate met Feb. 1 for the first time this semester. It discussed the e-scooter signage the town is installing downtown and talked about installing similar signs on

1 campus to make students aware of proper usage. Chair Pro Tem Needell asked if the  
2 Senate had discussed the House bill that would permit students to carry weapons on  
3 campus. Ms. Ajamian said the Senate hadn't, but that the Student Body as a whole is  
4 concerned about the bill. Councilor Burton said the bill will be on the floor of the House  
5 Thursday, Feb. 4. He said if it passes, New Hampshire would be the third state in the  
6 country to allow guns to be carried on campuses. Getting a statement of support from  
7 students was discussed. Ms. Ajamian said it was great to meet Council members and  
8 thanked them.

#### 9 10 **VIII. Public Comments**

11 **Michael Lehrmann, 20 Cedar Point Road**, said he is a candidate for Town Council, but  
12 was speaking as a resident. He said he was following up on his previously expressed  
13 comments on the town budget and impacts from it. He said on Dec. 1st he asked for  
14 restraint on the budget. At that time, he estimated there would be an 8.6 percent increase,  
15 but now that final figures are in, if the school warrants and county budget are approved, it  
16 will be a 9.54 percent increase. He said that is a \$1.80 per thousand of property valuation  
17 increase. For a \$500,000 home, that's a \$900 annual increase; for a \$700,000 home,  
18 which he said is closer to the average home in town, it's a \$1,260 increase, on top of the  
19 last year's increases. He said the county budget accounts for 10 percent of Durham's  
20 property tax with few understanding what it pays for and little input from towns. He  
21 suggested the Council invite the county delegation to explain its budget in a public  
22 forum. He recommended increasing communication and collaboration between the town,  
23 schools and county on their budgets, which are now decided individually, and with  
24 taxpayers. He asked the Council to endorse the building height limit ordinance that  
25 allows four stories and a 50-foot height and hold a Public Hearing at its next meeting  
26 Feb. 16. He feels it will help revitalize downtown and increase the tax base. He said it's  
27 been debated and discussed a lot, and it's time for action.

28  
29 **Caroline Singer** came to the microphone to say audience members can't hear very well  
30 and DCAT staff on duty made adjustments.

31  
32 **Kimberly Clark, 28 Cedar Point Road**, a member of the Durham Business Association  
33 Board of Directors, shared the board's perspective on the proposed building height  
34 ordinance allowing four stories and a 50-foot height downtown. She said the board  
35 understands residents' concerns about overdevelopment, but the town's zoning must  
36 evolve to support the town's infrastructure and long-term needs. She said the DBA  
37 focuses on supporting small businesses while also planning responsibly for future  
38 development, and supports the change in the amendment. Then she spoke as a private  
39 citizen and a business owner, expressed frustration with the ongoing parking situation  
40 downtown and encouraged the Council to add a discussion of it to a future agenda.

41  
42 **AnnMarie Harris, 56 Oyster River Road**, asked if the TV in the Town Hall's lobby  
43 could be turned on so attendees could watch and listen there. DCAT staff turned it on.

44  
45 **Roger Hayden, 4 Lexington, Dover, owner of 44 and 46 Main St., Durham**, said he  
46 supports the four-story, 50-foot limit. He said he has a purchase and sales agreement on

1 his buildings and hopes the developer has the ability to create a nice building there. He  
2 said he opened Hayden Sports in 1988, also owns the Durham Laundercenter, and that  
3 it's gone well over the 36 years, but the Durham business community is now in a  
4 downward spiral. Some buildings are old, and businesses can't pay the high rents  
5 landlords would need to charge in order to renovate them. He gave examples from his  
6 own businesses of the reasons this is difficult. He also noted parking for employees as  
7 another challenge. He said the zoning change could turn the downward spiral around.  
8

9 **Ben Bulkley, 569 Bay Road,** said if you take the property tax part of the town's revenue  
10 from 2021 to 2024 it's 5% growth and for 2025 to 2029 it's projected to grow 10%. He  
11 said it has felt like 5% increases, and this year it felt more substantial because it was. He  
12 said residents are going to continue to see this and that 10% is three times the rate of  
13 inflation. He said it's a pretty substantial shift in household economics for residents. He  
14 recommended when making important financial decisions as a government the Council  
15 make the long-term forecast more a part of the conversation and more visible to the  
16 town's residents so they can provide input on the decision's impact on taxpayers. He  
17 asked the Council to update the long-term forecast more regularly as these decisions are  
18 made. His second recommendation was to pass the building height limit zoning  
19 amendment. He gave the example of a childhood friend of his from Connecticut who  
20 develops affordable housing who indicated he would not want to work in the town of  
21 Durham because there's a lot of risk, unknowns and because it's difficult to build here.  
22 Mr. Bulkley said when building his own house, the town was difficult for a lot of the  
23 contractors working for him. He said he prefers the four-story, 50-foot option for the  
24 zoning ordinance because it sends a message beyond Durham that the town is open for  
25 business. Until then, you're not really going to get all the possible development options  
26 on the table, which would make development in the town more limited.  
27

28 **Michael Carter, 4 Willey Road,** said the proponents of the proposed zoning change  
29 have argued that the increased population downtown will increase foot traffic and support  
30 revitalization, and argue that the increased tax revenue from redeveloped properties will  
31 help offset residential taxes by shifting the burden to the commercial side. He said he  
32 feels both arguments are fallacious and wants the Council to carefully consider the  
33 quantitative claims. He said the increase of a few hundred residents moving downtown  
34 pales in light of the predicted decline in university enrollment. He said several of the  
35 large student housing properties are up for sale, which signals a concern about the  
36 market. He said the new residents downtown may actually be students moving closer to  
37 UNH from these outlying developments. He said they would attract businesses catering  
38 to students, not the town's residents, which is what is really needed. He encouraged  
39 Councilors to read Dennis Meadows' Jan. 10 letter to the Planning Board, which he said  
40 reflects the concerns of long-term residents. He said he thinks the switch of the tax  
41 burden to commercial properties will be minuscule because of the value of the residential  
42 properties outside the downtown. He said regardless of which option the Council passes,  
43 the changes to downtown will be permanent even if revitalization and decreased  
44 residential property taxes are not realized. He noted the town's portion of the tax rate is  
45 only 27% when the school's portion is 63% and the county's 10%. He said residents who  
46 want to lower their taxes should go to the School Deliberative Session on Feb. 3 and

1 argue for a 10% reduction in the school budget and that would be more effective than  
2 building large buildings downtown. He said he was speaking facetiously as he has voted  
3 to support local K-12 schools for 39 years.  
4

5 **Beth Olshansky, 122 Packers Falls Road**, welcomed everyone to Groundhog Day,  
6 spoke against the new proposal of four stories and 50-foot building height and presented  
7 graphic illustrations of different building heights in downtown Durham and the design  
8 elements of a pitched roof and dormers in a PowerPoint presentation. She said a 50-foot  
9 straight up building height doesn't meet the town architectural standards and is  
10 experienced very differently than a 45-foot building with an eave line at 35 feet. She gave  
11 the example of a 45-foot building recently approved in Portsmouth. She reminded the  
12 Council of the 250 people who signed the petition in the summer for the lower height  
13 limit. She said letting the Planning Board decide design standards is not a good idea.  
14

15 **Tom Daly 190 Piscataqua Road**, said he was speaking on behalf of himself, Mike  
16 Lehrman, 20 Cedar Point Road, Ben Bolkley, 569 Bay Road, Donald Golini, 557 Bay  
17 Road, and Michael Morneault, 55 Adams Point Road, and distributed a handout to  
18 Councilors. He said they've had 148 residents sign a petition in support of the Planning  
19 Board's recommendation of four stories and 50 feet as the downtown building height  
20 limit and moving it to a Public Hearing without delay. They ask that after the Public  
21 Hearing, the Council adopt the zoning amendment as they believe timely action matters.  
22 It will provide predictability and clarity for property owners, businesses and town  
23 residents, and reduce ongoing uncertainty about Durham's future. They support the  
24 Planning Board recommendation because it allows flexibility while still requiring an  
25 architectural review for all projects. He said straightforward zoning rules encourage  
26 investment and the other proposals they believe are just more complicated. He read  
27 comments from some of those who signed the petition. He said the community is ready to  
28 move forward with this and thanked the Council.  
29

30 **Julian Smith, 3 Chesley Drive**, asked if he could sit next to the next speaker so he could  
31 hear her and complained that the new sound system doesn't work as well as the old one.  
32

33 **Caroline Singer, 5 Woodridge Road**, said she wanted to finish Ms. Olshansky's  
34 presentation. She said the town's architectural design standards can easily be waived by  
35 Planning Board members who usually don't have an architectural background. She said  
36 this was evidenced by the discussion of whether 50 feet straight up meets the town's  
37 architectural design standards at the Planning Board's Jan. 14 meeting. She said it does  
38 not. She said whatever the Council decides, the building height limit should align with  
39 these standards and the current zoning ordinance to make the approval process as smooth  
40 and quick as possible to save time and money, and produce a more attractive downtown.  
41

42 **Julian Smith, 3 Chesley Drive**, told the story of how he moved to town and how  
43 convenient it was to live in. He reminisced about businesses that used to be in town that  
44 are now gone. He said the downtown has become a traffic circle. He said he is partly  
45 responsible for the changes that made the proliferation of student housing possible  
46 because he was serving the town at that point. He said the Council and Planning Board

1 has a responsibility and duty to create the demand, desire and possibility for families and  
2 couples to live downtown without being swamped by student rentals. With the right  
3 development, the downtown can be revitalized and have the commercial businesses  
4 families need. He asked the Council to amend the agenda to place Item 12 right after the  
5 Public Comment so those who came to comment can hear the Council's discussion on  
6 Item 12C and 12D right after the Comment period is done.

7  
8 **Robin Mower, 6 Britton Lane**, had technical difficulty connecting her laptop to display  
9 her presentation so she stepped away to troubleshoot.

10  
11 **Brandon Walsh, pastor of Great Bay Anglican Church, 42A Main Street**, spoke in  
12 strong support for the four-story and 50-foot building height limit amendment because  
13 commercial real estate is essential to a thriving town, and to get that level of engagement  
14 and investment it has to be economically viable. He talked about his experience working  
15 in Rwanda, planting trees and how if their roots die, the soil will erode. He said in  
16 downtown Durham you can see buildings that have lost their root system and you can see  
17 the capital leaving town. The solution is to build something that puts down roots. He said  
18 commercial real estate invests for a long time in a community, and asked that the zoning  
19 be amended to make long-term flourishing on Main Street possible.

20  
21 **Robin Mower, 6 Britton Lane**, spoke about building height, human scale, and her  
22 support of Ms. Olshansky's argument. She said urban planning has been AWOL in this  
23 process. She said experts know what they're doing for people-oriented architecture, and  
24 flat roofs on too tall buildings could be the kiss of death for downtown. She cited  
25 descriptions of human scale by planners and encouraged designing for pedestrians. She  
26 gave examples of area towns which require pitched roofs, which drop the eave line to  
27 human scale, such as Exeter. She urged the Council to approve a limit of 45 feet  
28 maximum with pitched roofs or dormers in the center of downtown.

29  
30 **Larry Harris, 56 Oyster River Road**, spoke about the earlier suggestion to cut the  
31 school budget by 10 percent. He said the government in Concord would be more than  
32 happy to have residents it because it wants to kill public education. He said the sticker  
33 shock everyone is feeling is due to there being no broad-based tax in the state and no  
34 state support for schools. He said when he moved here in 1969 30% of the budget was  
35 from the state and now it's 3 percent or less. He said Concord is the real problem, not  
36 rebuilding the town's vitality. He urged residents to read Dennis Meadows' letter to the  
37 Planning Board. He said residents' costs are skyrocketing because Concord is doing  
38 everything it can to destroy public education and make everyone pay through property  
39 taxes rather than having a realistic system of funding for the state.

40  
41 **Diana Carroll, 54 Canney Road, reading a letter for Eileen Sahagian 4 Briarwood**  
42 **Lane**, which said she appreciates the work and passion around the issue of roof heights  
43 downtown, that the town should maintain its small town feel and mandate the height of  
44 45 feet with pitched roofs. Flat roofs do not have the small town feel referenced in the  
45 town's standards, and 50 feet with no architectural stipulation will result in an out-of-

scale, ugly downtown. Ms. McCann added her own opinion has not changed from when she spoke in the past and hopes the scale downtown is a human scale.

**Diane McCann, 27 Oyster River Road, reading a letter from Jo and Maggie Moore, 138 Lee Road,** which said they respectfully ask the Council to consider lessons learned from neighboring communities, gave the example of Dover where St. Charles Church was demolished and Bradley Commons built, and Portsmouth where parking is an issue. They said the town's limited parking keeps people from being active, intown customers as they themselves once were. They urged the Council to take this into consideration as well as residents' concerns and the expertise of Doug Bencks when making its decision.

**Jeff Berlin, 3 Cowell Drive,** said once when he was working for Capstone Collegiate Communities, which owns The Cottages of Durham, Julian Smith visited him at his office, provoked him into a friendly debate, and he asked him to leave. Mr. Berlin apologized to Mr. Smith for doing that and said residents are all human and should respect each other despite their differences. He said there's a human scale and an economic scale, and that a healthy economy equals a prosperous humanity.

**Judith Spang, 55 Wiswall Road,** said the town shouldn't kill the goose that lays the golden egg and to attract businesses downtown you have to make it an inviting town to be in architecturally and choose the right kind of businesses, which she feels could be improved. She said the last-minute concern on this is over increased taxes and building a building isn't going to alleviate taxes for homeowners. She said the town shouldn't trade its charm for development that it doesn't know will help or not. She said there are other opportunities like the 500,000-square-foot building going up in the industrial park or the West End and that's where the town can get tax revenue. She reminded the Council about the petition with 250 signers who wanted to retain the town's small town feel.

Chair Friedman said the change to the agenda that was requested during the Public Comment period will not be made. The Council has already approved the agenda.

#### **IX. Unanimous Consent Agenda**

- A. Shall the Town Council approve the 1<sup>st</sup> 2026 warrant billing computed from the 4<sup>th</sup> quarter water and sewer readings of 2025 totaling \$736,857.83, commit the bills for charges to the Tax Collector for collection, and authorize the Administrator to sign said warrant?
- B. Shall the Town Council schedule a Public Hearing for Monday, Feb. 16, 2026, to accept and expend unanticipated private donations totaling \$10,000 to be used toward the Bickford-Chesley House gallery?
- C. Shall the Town Council ratify the collective bargaining agreement between the town of Durham and the Durham Professional Municipal Managers Association (DPMMA) for the period Jan. 1, 2026 through Dec. 31, 2029?
- D. Shall the Town Council, upon recommendation of the Administrator, award a solid waste collection contract of both the single stream recycling and solid waste collection to Casella Waste Services of Rutland, Vermont for an annual value of \$378,684.00, commencing on or around July 1, 2026 (~ 6-month Duration in Year 1) and subsequent

1 annual periods, extending through Dec. 31, 2031, with a five-year renewal upon mutual  
2 consent of both parties, subject to available funding, and authorize the Administrator to  
3 sign associated documents?

4 E. Shall the Town Council accept the Administrator's Progress Report, as of Dec. 31, 2025,  
5 on the list of approved 2025/2026 Town Council goals adopted on June 16, 2025?

6 F. Shall the Town Council, upon recommendation of the Town Assessor and Administrator,  
7 approve a Payment in Lieu of Taxes (PILOT) agreement pursuant to NH Revised Statutes  
8 Annotated (RSA) 72:23-n between the town of Durham and Riverwoods Durham, and  
9 authorize the Administrator to sign all associated documents necessary to effectuate said  
10 agreement?

11  
12 Chair Pro Tem Needell asked to pull Item IX-F from the Unanimous Consent Agenda  
13 and vote on it separately after the other items to recuse herself from that item because of  
14 a conflict of interest. Councilor Friedrichs asked to pull Item IX-C.

15  
16 ***Chair Friedman MOVED that the Town Council approve Items IX-A, IX-B, IX-D and***  
17 ***IX-E. Councilor Register SECONDED the motion. The motion PASSED on a***  
18 ***unanimous vote of 9-0.***

19  
20 ***Chair Friedman MOVED the Town Council approve Item IX-F. Councilor Grant***  
21 ***SECONDED the motion.***

22  
23 Administrator Selig said subsequent to the publication of the agenda a few things had  
24 changed in the PILOT agreement. The current tax rate was corrected, the address of the  
25 rear building was added and the minimum base payment amount was changed.

26  
27 ***The motion PASSED on an 8-0 unanimous roll call vote. Chair Pro Tem Needell***  
28 ***abstained from voting.***

29  
30 ***Chair Friedman MOVED to approve Item IX-C. Councilor Ford SECONDED the***  
31 ***motion.***

32  
33 Chair Friedman invited Councilor Friedrichs to discuss his concern. Ze expressed his  
34 concern that the town can't continue to compensate its employees at this rate at this time.  
35 Ze said the 10 percent raise puts the town in the 75th percentile in compensation in the  
36 state. Ze said with what's going on with the town's tax base and the increases the town  
37 anticipates in the next few years, there needs to be a discussion about this before the  
38 Council. Ze said ze doesn't want to undermine the negotiation efforts that went into this  
39 agreement, but said ze thinks the Council needs to be discussing compensation rates.

40  
41 ***The motion PASSED on a unanimous roll call vote of 9-0.***

42  
43 **X. Committee Appointments**

44 A. Shall the Town Council, upon recommendation of the Integrated Waste Management  
45 Advisory Committee Chair, appoint Allison Jumper, 23 Mathes Cove Road, to an  
46 alternate membership position on IWMAC with a term expiration of 4/29?

- 1 B. Shall the Town Council, upon recommendation of the Integrated Waste Management  
2 Advisory Committee Chair, appoint Steven Fellows, 14 Stone Quarry Drive Apt. 115, to  
3 an alternate membership position on IWMAC with a term expiration of 4/28?  
4

5 Chair Pro Tem Needell said she is glad to see regular IWMAC attendees becoming  
6 committee members. *She MOVED the Council appoint Ms. Jumper to an alternate*  
7 *membership position on IWMAC. Councilor Register SECONDED the motion.*  
8

9 Ms. Jumper introduced herself to Councilors and said she is looking forward to serving  
10 on the committee. Councilors thanked her for volunteering.  
11

12 *The motion PASSED on a unanimous roll call vote of 9-0.*  
13

14 *Chair Pro Tem Needell MOVED the Council appoint Steven Fellows to an alternate*  
15 *membership position on IWMAC. Councilor Vogt SECONDED the motion. The*  
16 *motion PASSED on a unanimous roll call vote of 9-0.*  
17

18 Chair Friedman thanked both Ms. Jumper and Mr. Fellows for volunteering to serve.  
19

20 **XI. Presentation Items**

21 **End of Year Financial Report through Dec. 31, 2025 by Business Manager Gail**  
22 **Jablonski**

23 Ms. Jablonski gave an overview of the End of the Year Financial Report for 2025. She  
24 said it is unaudited and a few things have come in since she finalized it, but they are not  
25 of significant value.  
26

27 She said the town ended the year on a good note. At the end of the year, only 66 percent  
28 of taxes were collected, but the due date on the tax bill was Jan. 12. As of that date, the  
29 town had collected 96 percent of taxes, which is typical for Durham, she said, but higher  
30 than what many other communities collect. She said the town is lucky in that aspect.  
31

32 Expenses for the year came in at 96 percent of plan, leaving a little under \$1 million  
33 unspent, which will roll into the general fund balance. She said the exact amount is  
34 \$993,000. The town's other funds all came in under budget as well and revenues were up  
35 in the parking and Depot Road lot funds, and the surplus will go into the general fund.  
36

37 Councilor Welsh asked what has happened to the town's reserves. Ms. Jablonski replied  
38 the 2025 amount is not definite until the audit is completed, but it should be around \$4  
39 million, which includes the county and school payments the town has to make. She said  
40 the 2024 balance was \$4.5 million or about 7.5 percent of total expenses.  
41

42 Chair Friedman noted the town at the end of 2024 withdrew \$442,000 from undesignated  
43 fund balance to balance the budget, but the balance dropped to \$3.4 million so he  
44 wondered where the other approximately \$600,000 went. Ms. Jablonski said it is the  
45 Eversource abatement refund money that is being held until the appeal is decided.  
46



1 Ms. Jablonski said auditors look at the fund balance as of when the resolution for the  
2 2026 budget is passed so when the Council passed the resolution that included the money  
3 for abatements for Eversource in 2025 it falls into the 2025 fund balance.  
4

5 Councilor Welsh asked about the reserve fund levels for 2023, 2024 and 2025 to compare  
6 them. Ms. Jablonski said they were \$7.7 million, \$4.5 million and \$3.5 million  
7 respectively. She said the \$3.5 million is before the audit and before the excess in  
8 expenditures of about \$1 million rolls in.  
9

10 Councilor Welsh about the reserve fund policy and she said the town's policy is to keep  
11 the reserve at 5 to 8 percent of total expenses. She said the expected 2025 balance falls at  
12 about 6 percent. Councilor Welsh congratulated her for making the budget.  
13

14 Chair Friedman said these are excellent results both on revenue and expenditures. Ms.  
15 Jablonski commended all the departments and their managers for working diligently to  
16 stay within or under their budgets.  
17

18 Councilor Burton noted some speaking during the Public Comment period expressed  
19 worry about the town budget and mentioned Concord is a problem. He said he serves on  
20 the Education Funding Committee and it's not an exaggeration to say the Legislature is  
21 trying to destroy public education. He said legislators voted to put \$50 million in  
22 Education Funding Accounts so the state has the money, but legislators chose to use it  
23 that way. He said the open enrollment bill will pass Wednesday, Feb. 4, which will allow  
24 any student in the state to go to any school district in the state. He said this creates  
25 uncertainty for school districts. He said the bill had no hearing in the House or the Senate  
26 and is anxious to see what Gov. Ayotte says in her State of the State Address on  
27 Thursday, Feb. 5. He said the town budget is reasonable for a town this size and it's  
28 expensive because the town has residents with high expectations and in the school  
29 system. He said the problem is the lowest financial support of any state in the country. He  
30 asked Ms. Jablonski about ways the state has reduced financial support to the town and  
31 she cited how it stopped the retirement contributions and this year the significant drop in  
32 the rooms and meals tax, among other reductions over the last few years.  
33

34 Administrator Selig added the state retirement contribution was 35 percent of the town's  
35 retirement costs. Now the town receives zero and the retirement costs have gone up.  
36

37 Councilor Register congratulated her for balancing the budget and said the money that is  
38 being requested by town departments is not fluff, it is the cost of doing business, which is  
39 skyrocketing, and managers are doing a good job using taxpayers' money responsibly.  
40

41 Councilors thanked Ms. Jablonski for her report.

## 42 **XII. New Business**

### 43 **A. Discussion of Planning Board's Ordinance Recommendations for Height Changes in** 44 **the Downtown.**

### 45 **B. Consideration of original Ordinance #2025-08A amending Chapter 175, "Zoning,"** 46 **Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and**

1 Central Business-2 District,” and Article XII.1, “Use and Dimensional Standards,”  
2 Section 175-54, “Table of Dimensions,” of the Town Code to eliminate the three-story  
3 height limit for portions of Central Business-1 Zoning District and to change the standard  
4 for commercial in five-story buildings in Central Business-1 District from requiring two  
5 floors to requiring only one floor.

6 **C. First Reading on Ordinance #2025-08B** amending Chapter 175, “Zoning,” Article XII,  
7 “Base Zoning Districts,” Section 175-42, “Central Business-1 District and Central  
8 Business-2 District,” and Article XII.1, “Use and Dimensional Standards,” Section 175-  
9 54, “Table of Dimensions,” of the Town Code to change the three-story height limit to  
10 four stories for portions of the Central Business-1 Zoning District and to remove the  
11 requirement for a second floor of commercial in five-story buildings. **The Public Hearing**  
12 **can be set for Feb. 16, 2026.**

13 **D. First Reading on Ordinance #2026-01** amending Chapter 175, “Zoning,” Article XII,  
14 “Base Zoning Districts,” Section 175-42, “Central Business-1 District and Central  
15 Business-2 District,” and Article XII.1, “Use and Dimensional Standards,” Section 175-  
16 54, “Table of Dimensions,” of the Town Code to set the maximum height in the Central  
17 Business-1 District at four stories and 50 feet. **The Public Hearing can be set for Feb.**  
18 **16, 2026.**

19  
20 Chair Friedman opened the discussion with an overview of where the process is now. He  
21 said the Planning Board sent back to the Town Council a recommendation for the  
22 building height limit to be four stories and 50 feet high in all of the downtown area.

23  
24 He said this recommendation would allow a lot of areas where there is a three-story limit  
25 to go to four stories, but would reduce the limit in the areas that now allow five stories.  
26 He gave the example of 66 Main St., which is a parcel of more than an acre where five  
27 stories is allowed now, but with this ordinance the town would downzone its own  
28 property as well as other properties in the west end of the Central Business District. He  
29 said the Council has been back and forth with the Planning Board on improving and  
30 amending the Council’s original proposal and put in specific language for the Planning  
31 Board to consider. He said the Council has been advised by lawyers the change the  
32 Council suggested from 42 feet to 44 feet is significant enough that the ordinance has to  
33 be sent back to the Planning Board for a Public Hearing, then come back to the Council.

34  
35 He said what has been recommended by the Planning Board is not what the Council  
36 asked for and he was not sure that residents realize if the Council approves the Planning  
37 Board recommendation, it would downzone the rest of downtown. He said the rationale is  
38 that conditional use is not the proper way to do this, but the ordinance wasn’t initially  
39 talking about that section of downtown and now it is because of this proposal.

40  
41 He said the need for human scale was mentioned a lot during the Public Comment period  
42 and the Town Council understands that, but the Planning Board set the limit at 50 feet  
43 everywhere ignoring human scale. He said a modern building needs 12 feet of height per  
44 story and that is reasonable to account for space for utilities between floors. He said  
45 there’s been a lot of conversation about flat and pitched roofs also.

1 He said the Master Plan was cited by many residents in their Public Comments over the  
2 past months and read parts of it that pertain to downtown. "In order for downtown to  
3 prosper, it has to achieve critical mass." "Reevaluation of the town's regulations could  
4 encourage such growth." "Downtown does not currently achieve necessary critical mass."  
5 "Without the critical mass, businesses cannot operate efficiently and thus sustain  
6 growth." "A vibrant and healthy downtown and commercial core can create opportunities  
7 for establishing and maintaining a strong and positive sense of community. It could also  
8 maximize the value of properties downtown for assessment purposes."  
9

10 He said Councilors need to consider passing one of the Items XII-B to D, or pick one to  
11 focus on, improve and return to the Planning Board. He opened the discussion to others.  
12

13 Councilor Ford said the Planning Board recommendation establishes four stories  
14 everywhere and removes five stories by conditional use in certain parts of CBD 1.  
15

16 Councilor Needell said a West Edge project developer is interested in the town's property  
17 at 66 Main St., and may need five stories to make a project such as a hotel work and  
18 asked if Councilors are willing to give up that opportunity.  
19

20 Councilor Ford said passing this ordinance doesn't prohibit five stories in the future,  
21 perhaps even next month or three months from now, but it sets four stories and it doesn't  
22 mean a developer will use the entire 50 feet of height if it's not necessary.  
23

24 Councilor Grant said in the areas where five stories are allowed by conditional use now,  
25 no one has used it. She said that's because it's a lot of work to get a conditional use and  
26 the town has a reputation of being difficult to work with on a conditional use. She said  
27 there's a general feeling from comments that there is a right place for five stories and a  
28 wrong place. She said the Planning Board's recommendation is a good baseline starting  
29 point to set and takes away the fear of five stories until the town can pinpoint strategically  
30 where they should be allowed.  
31

32 Councilors discussed possibly approving the Planning Board recommendation setting the  
33 limit at four stories and 50 feet, and then forming a subgroup to look at where the five  
34 stories make sense.  
35

36 Planning Board Chair Paul Rasmussen was invited to comment. He said he was asked to  
37 attend the meeting by Town Planner Michael Behrendt who couldn't attend the meeting.  
38

39 Councilor Friedrichs asked the Council to think back to September when it spent a lot of  
40 time coming up with different iterations of the height limit ordinance and was anxious to  
41 have something in place soon. Ze said community consensus was four stories and just a  
42 small section of downtown was at issue. Ze said the low end was 40 feet and now the  
43 high end is 50 feet. Ze said one of the speakers in Public Comment gave the example of a  
44 45-foot building with a sloped roof being built in Portsmouth that shows 45 feet of height  
45 is economically viable. Ze said why not move forward with something the community

1 can agree on. Ze said if the town defines the pitched roof requirement from the beginning  
2 it will speed the approval processes, and then later consider more changes.

3  
4 Mr. Rassmussen said the town needs to have the same rules as those towns that are  
5 currently getting investments from developers. He said Dover, Newmarket, Portsmouth  
6 all have 50-foot limits, if not higher in some cases. He noted that Dover has five zones,  
7 two that allow five-story buildings. He noted local developer Eric Chinburg builds five  
8 stories often. He said Durham needs to be playing the same game as everyone else, not  
9 indicating it will be more challenging to build here than other places.

10  
11 Councilor Grant said the town's zoning should have some flexibility for people to  
12 propose buildings that provide architectural diversity and that professionals know what  
13 elements and designs draw people in.

14  
15 Councilor Welsh said it's important to attract capital to downtown, but more important to  
16 attract vitality to downtown, which is where human scale comes in. He remembered the  
17 250 residents who signed last summer's petition and now the 150 who signed the new  
18 petition presented during the Public Comment period. He said they all have their reasons,  
19 which are sound and good, and he appreciates the efforts. He said there is no consensus  
20 and a compromise between the two wouldn't satisfy anyone, which may be a good thing,  
21 but it should maintain the town's singular academic small town feel, saying four stories  
22 and 46 feet with a recessed roof requirement would give developers quite a bit of  
23 opportunity. He said the Council should decide on something at this meeting to send back  
24 to the Planning Board and move forward.

25  
26 Chair Friedman asked Mr. Rasmussen about provisions the Town Council might want to  
27 change and how the Planning Board would feel about them, for example the prohibition  
28 on more than two bedrooms, and the setting of the depth of retail at 50 feet. He said  
29 retailers are concerned about width in front, not the depth.

30  
31 Mr. Rasmussen said he thinks the town should do this iteratively and asked why create  
32 the perfect ordinance now. He said if one of these is a good enough base, pass it now. He  
33 said the Councilors and Planning Board members can come back and pass something to  
34 adjust, or create a subgroup. He said the more the town tries to package into one  
35 ordinance, it draws out the process, the more it tries to get in, the less it gets done. Chair  
36 Friedman noted the Planning Board voted 7-0 to recommend this proposal to the Council.

37  
38 ***Councilor Grant MOVED that the Town Council approve option Item XII-D, which***  
39 ***she read. Councilor Vogt SECONDED the motion.***

40  
41 Councilors reiterated the results of passing the ordinance recommended by the Planning  
42 Board and setting a Public Hearing for Feb. 16. Administrator Selig said if a fifth story is  
43 wanted somewhere, the Council would have to come up with potentially a subgroup to  
44 work on another change to make that possible. He said the town is in conversation with  
45 UNH and Ryan Companies about the town's property at 66 Main St., but there is nothing  
46 concrete yet. Chair Friedman said the town needs to settle the five-story issue in 2026 and

1 that more than one developer is interested in building a significant property there.  
2 Administrator Selig said the parties he referred to may be ready to move forward on that  
3 property in about three months.  
4

5 Councilor Burton said he is in support of the 45-foot limit and a sloped roof. He said the  
6 town doesn't want to look like Portsmouth or Dover because it's a small village.  
7 Industrial and commercial development should be the Council's focus because that's  
8 where the money is. He said whatever the town does downtown is not going to produce a  
9 lot of money. He said being a village will attract people downtown.  
10

11 Councilor Vogt said Durham is a college town, not a village. He said other college towns  
12 have made the transition and commitment to get college employees to live there and be  
13 part of the community, and the town needs to do something that sets it apart.  
14

15 Councilor Burton disagreed and said other college towns have more separation from the  
16 college than Durham. He said Durham is a university with a town in it. He wondered  
17 what the difference in tax revenue from a 45-foot building with a pitched roof and from a  
18 50-foot building with a flat roof would be.  
19

20 Councilor Ford said the town needs to make it flexible enough that somebody wants to  
21 come here and develop. Councilor Friedrichs said flexibility is sometimes the problem  
22 because a project gets hung up in the discussion of architectural standards. Ze said it's  
23 helpful for a developer to know a project's not going to get hung up from the outset.  
24

25 Councilor Needell said stipulating that buildings have an eave line no matter the roof  
26 design would keep the human scale. She said she prefers to include a pitched roof  
27 requirement in the ordinance.  
28

29 Councilor Register asked if those changes would be substantive enough to have to go  
30 back to the Planning Board. Mr. Rasmussen said if they were in the last one, then there's  
31 already been a Public Hearing on them. Saying he's not an expert, he said you could  
32 schedule a Public Hearing at the Council and then check and confirm that would work.  
33

34 Councilor Burton pointed out the large amount of land at Mill Plaza with parking and  
35 asked about its future. Councilors discussed what he meant and Administrator Selig said  
36 Torrington has no major redevelopment plan, is making cosmetic improvements to  
37 Building 2, where the anchor tenant will be Chipotle, and is looking for a tenant for the  
38 former Rite Aid site.  
39

40 Chair Friedman called for a vote. ***The motion PASSED on a 5-4 roll call vote.***  
41 ***Councilor Register - aye, Councilor Ford - aye, Councilor Burton - nay; Chair Pro***  
42 ***Tem Needell - nay, Chair Friedman - aye, Councilor Friedrichs - nay, Councilor Vogt***  
43 ***- aye, Councilor Grant - aye, Councilor Welsh - nay.***  
44

45 Chair Friedman said this was the First Reading of the ordinance and its Public Hearing  
46 will take place at the Council's next meeting.

Councilors discussed the possibility of making another motion that could go through the process at the same time as the one it just passed does.

***Councilor Friedrichs MOVED to hold a Public Hearing for a version of the ordinance amendment with the changes that it would be restricted to the area of CB1 affected by Section 175-42 C8, 9 and 10, increase the stories allowed to four, remove the second floor requirement for commercial space, set an eave line between the third and fourth story and set the maximum building height at 45 feet.***

Councilors discussed the motion, how to proceed and if it had to go back to the Planning Board, and consensus was that it does have to because any change in the height limit in either direction needs to be reheard as well as some of the other changes proposed.

Councilor Welsh amended Councilor Friedrichs' motion to include a requirement for a pitched roof. ***Councilor Welsh SECONDED the amended motion.***

He said the Council shouldn't ignore the experts' and residents' recommendations for what is a very special part of the downtown. Councilor Friedrichs agreed to amend zir motion as Councilor Welsh suggested and reread zir proposed motion with the change.

Councilor Friedrichs restated zir motion to change the original zoning amendment to allowing four stories, eliminating the requirement for a second floor of commercial space, requiring a pitched roof and an eave line between the third and fourth story, and setting the maximum height at 45 feet.

Councilors discussed how to proceed with the original motion and the amended motion. Administrator Selig said the Council should consider going with Option 1 on the agenda, and then amend it later. Chair Friedman proposed also changing it to allow three bedrooms and eliminating the requirement for 50 feet of depth in the retail space at the same time. Councilors discussed whether there'd been a Public Hearing on Option 1 already or not, and what could be approved at this meeting.

There was also a discussion of which buildings in the downtown core would be affected by the zoning changes under each option's scenario.

Councilor Ford said the 45-foot Portsmouth building cited earlier in Councilor Friedrichs' motion was built in a zone that allows 50 feet, but the developer didn't use all 50 feet and they had the flexibility to decide that. Councilor Grant said the developer made it different as a design choice to play off other buildings in the development.

Chair Friedman called a vote. ***The motion FAILED on a roll call vote of 4-5.***

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

Chair Friedman invited additional discussion of the issue. He said the Public Hearing on the four stories, 50-foot maximum height amendment will be scheduled for the next meeting on Feb. 16. Councilor Friedrichs added it also removes the five stories by conditional use for the entire downtown including the town's property at 66 Main St., to be reconsidered in the future.

**XIII. Unfinished Business - None**

**XIV. Councilor and Town Administrator Roundtable**

**Chair Pro Tem Needell - Integrated Waste Management Advisory Committee**

DPW Assistant Director Sam Hewitt reported to the committee about the training of new employees including those who drive the town's snowplows. She said the Council's approval of the Casella contract allows DPW to move forward on curbside collection. She said it is important residents know not to buy a new toter because everyone in town will be given one during the switch to Casella and residents will not be able to use their own after the switch. She said DPW is still waiting for approval from DES for the transfer station upgrade plan. She said it is creating a subcommittee on PFAS. It received an update on the sustainability newsletter from Julie Kelley who is contacting eight different town groups to submit regular quarterly reports. Creating compost teams in neighborhoods to teach people about composting was discussed. Administrator Selig added that the Casella contract will save the town about \$35,000 per year. Councilor Register said the Compost Challenge has created a new habit in his household.

**Councilor Burton**

He said a bill he filed about extending special ed funding to higher ed is progressing. He said he has an agreement with Republicans to put \$100,000 into a fund to follow special ed students into community colleges. He said he hopes maybe this is a sign Democrats and Republicans can get along again.

**Councilor Ford - Conservation Commission**

He said a subcommittee is continuing to work on the Wetland and Shoreland Overlay District and will meet Wednesday, Feb. 4 to compile all the feedback its received.

**Councilor Register - Agricultural Commission**

He said the committee met Jan. 12 and reviewed the Wetland and Shoreland Overlay District. He said it is working on a reorganization due to a departure. He said he will soon have a Farmers' Market and a Farm Day update.

**Councilor Register - Oyster River School Board**

He said there's a deliberative session on Tuesday, Feb. 3 at the Morse Recital Hall at the middle school and the ORSB will meet at the Moharimet Cafeteria on Feb. 4.

**Councilor Register - Strafford County Commissioners**

He said the Commission cancelled its meeting on Jan. 21 so there is nothing to report. He said he was made aware he's been going to the County Commissioners meetings and not

1 the Stafford Regional Planning Commission meetings so he is going to try to attend both  
2 going forward. SRPC meets Friday, Feb. 6.

3  
4 **Councilor Register - Durham Business Association**

5 He said the DBA last met Jan. 12. They compiled a petition. Their next meeting is Feb.  
6 11 at 5:15 p.m. at Clark's American Bistro.

7  
8 **Councilor Welsh - Land Stewardship Subcommittee**

9 He said the subcommittee reviewed the Doe Farm management plan. He said the town  
10 cuts trees down to raise money, take care of invasives, and keep a healthy forest. He said  
11 it looked at kiosk construction underway and is working with Boy Scouts who are  
12 building benches to be placed at town properties. He said the subcommittee is using a  
13 project tracker to monitor progress. Next meeting is Feb. 11 and the subcommittee will  
14 look at a proposal to restrict parking at Wagon Hill Farm to Durham residents.

15  
16 **Councilor Grant - Planning Board**

17 She said the Planning Board has met twice, the first time on Jan. 14 where the board  
18 reviewed changes in state law and held the building height Public Hearing. EV charging  
19 stations were discussed and the board decided not to act at this time. At last week's  
20 meeting, it made decisions on building height ordinance changes from the Town Council  
21 and on the prospective rezoning at a property at 10 Cowell Drive to go with more density.  
22 Zoning amendments by the Housing Task Force were taken up and discussion continues.

23  
24 Councilor Ford added on the EV charging station proposal from the Energy Committee  
25 that the board didn't think it was necessary to regulate EV stations at this time and felt  
26 the market would take care of it. They talked about making EV charges an allowed  
27 accessory use in every zone so a separate ordinance isn't needed. He said they very much  
28 appreciated the Energy Committee's work.

29  
30 **Councilor Vogt - Energy Committee**

31 He said the committee will meet on Tuesday, Feb. 3 at 7 p.m. and discuss the Planning  
32 Board's decision not to enact the committee's proposal for EV charging stations.

33  
34 **Councilor Vogt - Human Rights Commission**

35 The commission will meet Feb. 12 at 3:30 p.m. He urged going into Super Bowl weekend  
36 that when the Pats win everyone needs to be responsible and stay safe.

37  
38 Administrator Selig said the town has a long history of managing the aftermath of major  
39 regional sporting events and that it's all hands on deck at the police department, which  
40 has scheduled mutual aid from around the region and there'll be an extra shift on at the  
41 fire department deployed downtown.

42  
43 **Administrator Selig**

44 He said post-COVID pandemic he's observed the town has lost its venue for meeting  
45 with the downtown business community and the landlord community and to work



1 collaboratively on issues of joint concern. He said he and UNH Student Services staff are  
2 working on developing a new forum for this and hope to roll it out in a month or so.

3  
4 He said the town has reached a tentative agreement with the American Federation of  
5 State, County and Municipal Employees (AFSCME), which represents the town's Public  
6 Works employees, and will bring the agreement to the Council on Feb. 16. He said the  
7 town is still in active negotiations with firefighters on their contract.

8  
9 He said Town Clerk Rachel Deane and election officials will test the new ballot counting  
10 machine on Wednesday, Feb. 11 at 11 a.m. and the public is welcome to observe.

11  
12 He said there'll be a candidates' forum on Feb. 18 at 7 p.m. in Council Chambers.  
13 Moderator Chris Regan will moderate. Residents are asked to send questions to  
14 Administrative Assistant Karen Edwards and she will forward them to Mr. Regan, who  
15 will decide what will be asked. The forum will be available on DCAT and candidate  
16 biographies are being posted on the town website.

17  
18 He said he is sad that the town will not be taking delivery of the state's first electric EV  
19 trash truck. The town had gotten a grant and done a lot of work on it.

20  
21 He said there is a lot of information in the Quarterly Goals Update in this week's Council  
22 packet and linked in the Friday Update.

23  
24 He said he attended an interesting Great Bay 2030 meeting. He said the effort is led by  
25 the Great Bay National Estuarine Research Reserve, Nature Conservancy, NHDES and  
26 Piscataqua Region Estuaries Partnership and funded by a \$12 million grant from New  
27 Hampshire Charitable Foundation from a donor who lives in the Great Bay area. He said  
28 residents can learn more at its website.

29  
30 He said the town is leaving the Global Covenant for Mayors for Climate and Energy and  
31 becoming a member of Local Government for Sustainability, which has a lot of  
32 information useful to the town.

33  
34 He said there was a special police detail for sledding at Wagon Hill Farm after the recent  
35 snowstorm and there were no issues with parking.

36  
37 He said the new UNH Student Senate representative Deeba Ajanian and student Ben  
38 Doyle met with him to introduce themselves and discuss the building height ordinance,  
39 the campus carry bill and Super Bowl planning among other issues.

40  
41 He said it's been very busy as indicated by the long list of Unanimous Consent Agenda  
42 items this week. He said it takes a lot to pull those together for a vote.

43  
44 **Councilor Burton**

45 He said the court in the state education funding lawsuit said adequate funding is \$7,700  
46 per student, but it's still at \$4,000 ignoring the court's decision. He said it actually costs

1 about \$22,000 per student. He said he is working with a group in the Legislature on  
2 special education funding and is awaiting the Governor's State of the State address on  
3 Thursday, Feb. 5 to see what she says, and then they'll continue to work on it. He said it's  
4 not the Town Administrator's fault that the town is losing its money. He said it's hard for  
5 him to watch the town's longtime residents and newer residents go at it and hopes the  
6 town can maintain a level of civility to work together. He said he only has a few meetings  
7 left as he is not running for re-election as a Councilor.

8  
9 **Chair Friedman - Parks and Rec Committee**

10 He said the committee met on Jan. 27. There'll be a Sweetheart Skate at Churchill Rink  
11 on Saturday, Feb. 14 from 3:45 to 5 p.m. He said Parks and Rec does a great job  
12 promoting their events. Upcoming also are a Slush Pond Hockey Tournament on Sunday,  
13 March 15 and the Easter Egg Hunt on Saturday, April 4 at 9:30 a.m. at the high school.  
14 He said the trail subgroup is working closely with the Land Stewardship Committee on  
15 signs and kiosks at Jackson's Landing to increase accessibility. The Committee also  
16 discussed Wagon Hill Farm parking and its impacts. He said it is also working on  
17 strategic planning and committee goals for 2026. The next meeting is Feb. 24.

18  
19 **Chair Friedman - Tri Region Economic Development Stakeholders**

20 There was a Zoom meeting on Jan. 27 with about 30 participants and presentations from  
21 the chambers of commerce from Portsmouth, Hampton and Dover. He said he is serving  
22 on the Economic Strategy Committee and it will meet Feb. 27.

23  
24 **Chair Friedman**

25 He said at the last meeting the Council discussed Administrator Selig's performance  
26 evaluation process and the Town Council will take that up again at its next meeting.

27  
28 He said in the goals is his proposal for creating an Arts Commission and he has gathered  
29 information about the commissions in Portsmouth, Dover and some other towns. He said  
30 he hasn't advanced the idea and wondered if the Council is interested in pursuing it.  
31 Councilor Register said he sees the value in it because it brings the community together.  
32 He said he would put together a group to discuss who should be members, what their  
33 charge would be and how often it would meet. He said there are a lot of creative people  
34 in town and hopes to find people who will do this for the betterment of all.

35  
36 **XV. Nonpublic Session (if required)**

37  
38 **XVI. Adjourn (NLT 10:30 PM)**

39  
40 ***Chair Friedman MOVED to adjourn the meeting. Councilor Grant SECONDED the***  
41 ***motion. The motion PASSED on a unanimous roll call vote of 9-0.***

42  
43 The meeting was adjourned at 10:01 p.m.

44  
45 - Jane Murphy, Minutes Taker