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DRAFT
DURHAM TOWN COUNCIL
MONDAY, MARCH 23, 2026
DURHAM TOWN HALL - COUNCIL CHAMBERS
7:00 PM

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

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MEMBERS ABSENT: None

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OTHERS PRESENT: Town Administrator Todd Selig, Deputy Town Clerk-Tax Collector Audrey MacKenzie, Planning Board Chair Paul Rasmussen, Town Treasurer Karl Van Asselt, Town Assessor Darcy Freer (on Zoom)

I. Call to Order

Chair Friedman called the meeting to order at 7 p.m.

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

III. Roll Call of Members

Councilor Heather Grant, Councilor Robin Vogt, Councilor Emily Friedrichs, Chair Joseph Friedman, Councilor Darrell Ford, Councilor Mike Lehrman, Councilor Jim Lawson, Councilor Carden Welsh and Councilor Curtis Register.

IV. Swearing-in of new Council Members

Deputy Town Clerk-Tax Collector Audrey MacKenzie swore in newly elected Town Council members Jim Lawson, Mike Lehrman, Carden Welsh, and Emily Friedrichs, who was re-elected for another term in the March 10 Town Election.

V. Election of Chair and Pro Tem

Councilor Welsh NOMINATED Councilor Friedman as Chair. Councilor Grant SECONDED the nomination.

Chair Friedman asked if there were other nominations.

Councilor Register NOMINATED Councilor Ford as Chair. No one SECONDED the nomination.

Councilor Friedman was elected Chair by a unanimous roll call vote of 9-0. He thanked everyone and said he hopes to serve everyone well.

Chair Friedman opened the nominations for Chair Pro Tem and NOMINATED

1 **Councilor Ford. Councilor Grant SECONDED the nomination.**

2
3 Chair Friedman asked if there were any additional nominations.

4
5 **Chair Pro Tem Ford was ELECTED on a unanimous roll call vote of 9-0.** He thanked
6 everyone and Councilors congratulated him.

7
8 **VI. Approval of Agenda**

9 **Chair Friedman MOVED that the Council approve the agenda. Councilor Vogt**
10 **SECONDED the motion.** There was no discussion. **The agenda was APPROVED by a**
11 **unanimous show-of-hands vote of 9-0.**

12
13 **VII. Special Announcements**

14 Councilor Friedrichs read the Land Acknowledgement Statement, keeping the annual
15 tradition of reading it after the election and swearing-in of a new Town Council.

16
17 **VIII. Approval of Minutes - March 2, 2026**

18 **Chair Friedman MOVED to approve the minutes for the Town Council meeting of**
19 **March 2, 2026 as written with minor changes. Councilor Vogt SECONDED the**
20 **motion. The minutes were APPROVED on a unanimous roll call vote of 7-0. Councilor**
21 **Lehrman and Councilor Lawson abstained because they were not present at the**
22 **meeting.**

23
24 **IX. Report from the UNH Student Senate External Affairs Chair or Designee**

25 No UNH Student Senate representative was present to give a report.

26
27 **X. Public Comments**

28 Chair Friedman opened the Public Comment session, asking those who wish to speak
29 about the subjects addressed in the Public Hearings wait to speak until they are opened.
30 He said there is one resident who asked to speak in Public Comments early because of a
31 health issue and he gave him permission to do so.

32
33 **Hunt Kerrigan, 4 Razorbill Circle,** said he retired from the U.S. Army after 32 years as
34 a colonel, having served around the world and in Iraq and Afghanistan, and his wife
35 recently retired from the U.S. Air Force as a civil engineer. He said they just returned
36 from a two-year tour at Ramstein Air Base in Germany and have finally settled back in
37 Durham, raising two teenagers. He said he wanted to put a face on the service-connected
38 total disability tax credit the Council is holding a Public Hearing on at this meeting,
39 which he said demonstrates the town's strong commitment to veterans. He personally
40 thanked the town on behalf of Durham veterans who have served in Korea, Vietnam and
41 on active duty now.

42
43 **Paul Rasmussen, 5 Glassford Lane,** speaking as the chairman of the Planning Board,
44 said he was surprised that the agenda for this week's Planning Board meeting listed three
45 options for the height limit increase, which the Board is holding a Public Hearing on at its
46 March 25 meeting. He said he was expecting one option, that the additions have caused a

1 lot of confusion, and he wanted to make everyone aware and hopes to remove Option B
2 and C from consideration, but noted that will have to happen at the meeting.

3
4 **William Hall, 3 Smith Park Lane**, said he has a serious problem with this Council and
5 its predecessors. He showed a photo of a sidewalk and complained that the placement of
6 the light posts will not allow a snowplow to clear the sidewalk. He said he brought the
7 problem up to Public Works, but they placed them there anyway. He gave two more
8 examples where he feels the town didn't know what it was doing. He said the town needs
9 new lawyers and a new administrator.

10
11 **Kathy Brunet, 7 Hampshire Ave.**, congratulated the town and the Oyster River
12 community for a great election. She said there was a great turnout, which is a great sign
13 of democracy. She thanked those who ran, volunteered, worked and voted. She
14 congratulated the new Councilors and thanked continuing Councilors for their time and
15 energy. She invited the public to the Durham Democrats meetings. Next one is April 14
16 at 7 p.m. and noted you don't have to be a registered Democrat to attend.

17
18 **Karl Van Asselt, 17 Fairchild Drive, Town Treasurer**, distributed a handout to
19 Councilors with a list of five items he would like to see added to its agenda this year. He
20 listed a review of how the town uses the money from the downtown TIF district, reviving
21 the Economic Development Committee, finding a way to help elderly residents with their
22 taxes so they don't lose their homes, creating a citizen Budget Committee and improving
23 the lighting at the intersection Garrison Avenue and Main Street. He invited the public to
24 join him when he signs the town's checks to consider whether the town needs to spend
25 the money check by check.

26
27 **Loren Selig, 3 Nobel K. Peterson Drive, District 10 State Representative**, distributed
28 maple candy to Councilors in honor of Maple Syrup Weekend and in the hopes that all
29 comments will be sweet ones this year. She reminded the public that all hearings in the
30 N.H. House and Senate are available on YouTube, and School Board and Town Council
31 meetings are available to watch on the town's website. She encouraged the public to
32 remember that everyone serving is a volunteer and is in public service because they are
33 passionate about trying to make the world a better place. She invited the public to contact
34 her on email at lorenselig@gmail.com and said she'd be happy to meet for a coffee
35 downtown.

36
37 **Robin Mower, 6 Britton Lane**, welcomed the new and returning councilors. She said
38 democracy is alive in the towns of Durham, Lee and Madbury, with many competitive
39 races, and a citizens recount with volunteers from each town helping, challenging ballots,
40 and thoughtfully evaluating each challenge. She said it shows the town values public
41 service conducted fairly and takes voting rights seriously. She asked the public to remind
42 those not yet registered to vote to do so in advance of the Sept. 8 Primary and November
43 elections.

44
45 **Katie Ellis, 26 Coe Drive**, said that hardwood trees were planted along Madbury Road
46 directly under power lines, wondered why the town would do that, and that it is very

1 disappointing for such a huge town project.
2

3 **Julian Smith, 3 Chesley Drive**, congratulated the new Councilors. He said he didn't
4 remember anyone responding when he asked if anyone had read the report on the dam
5 removal at the last meeting. He encouraged the town to hold a public informational
6 meeting about what happens after the dam's removal. He said he had asked Administrator
7 Selig if a traffic count had been done on Mill Pond Road, saying it would be closed
8 during the removal project. He said the speakers at the last meeting who were carrying
9 arms said it was a natural and God-given right, but he reminded it's a right that comes
10 from the second amendment to the Constitution, which applied to the maintenance of a
11 well- regulated militia for the country.
12

13 **Jeff Berlin, 3 Cowell Drive**, commented on the heated interaction that broke out during
14 Public Comment between resident Bruce Fenton and several Councilors at the March 2,
15 2026 meeting. He said he feels Councilors handled it well for the most part except for
16 Councilor Register whose reaction has to be better to serve on the Town Council. He
17 praised Administrator Selig, who was the target of the comments, and Chair Friedman for
18 how they handled the matter and reflected on it later in the meeting.
19

20 **XI. Unanimous Consent Agenda**
21

- 22 A. Shall the Town Council adopt **Resolution #2026-04** establishing the regular Town
23 Council meeting dates for April 2026 through March 2027?
24 B. Shall the Town Council, Upon Recommendation of the Administrator, Approve a Special
25 Event Permit Application Submitted by Molly Flagg, Good Planet Apparel, to close
26 certain sections of Town Roads for a Block Party to be held on Saturday, April 25, 2026
27 (Rain date April 26, 2026) from 11:00 a.m. to 6:00 p.m.?
28

29 Chair Pro Tem Ford requested to pull Item A from the Unanimous Consent Agenda.
30

31 ***Chair Friedman MOVED to approve Item B. Councilor Register SECONDED the***
32 ***motion. Item B was APPROVED on a unanimous roll call vote of 9-0.***
33

34 Councilor Register praised Block Party organizer Molly Flagg for bringing people
35 downtown with her event. She said there will not be live music this year, which frees up
36 room for more vendors to participate than last year, and thanked Councilors.
37

38 Chair Pro Tem Ford said on Item A that a meeting is planned on Sept. 21, which is Yom
39 Kippur, and on Feb. 15, which is the Presidents' Day holiday. Councilor Friedrichs said
40 the town doesn't recognize Presidents' Day. It was confirmed that Yom Kippur is on
41 Sept. 21 and it was proposed to move that meeting to Sept. 28.
42

43 ***Chair Pro Tem Ford MOVED to approve the slate of meetings as written, but amend it***
44 ***by moving the Sept. 21 meeting to Sept. 28. Councilor Vogt SECONDED the motion.***
45 ***The motion PASSED on a unanimous roll call vote of 9-0.***

1
2 **XII. Citizen Committee Appointments**

3
4 **XIII. Presentation Items**

5
6 **XIV. Unfinished Business**

- 7 A. **Public Hearing and Possible Adoption of Ordinance #2026-02**, Amending Chapter
8 132, “Tax Exemptions and Credits”, Section 132-4 “Service-Connected Total Disability
9 Veteran Tax Credit” of the Durham Town Code to Increase the Veteran Tax Credit
10 Threshold for Veterans Who Are Totally and Permanently Disabled to \$4,500.

11 *Chair Joe MOVED to open the Public Hearing on Ordinance No. 2026-02. Chair Pro*
12 *Tem Ford SECONDED the motion. The motion PASSED on a unanimous roll call*
13 *vote of 9-0.*

14
15 Resident **Hunt Kerrigan, 4 Razorbill Circle**, spoke in favor of the Council adopting this
16 ordinance earlier in the meeting during the Public Comment period.

17
18 **Julian Smith, 3 Chesley Drive**, said he opposes the ordinance because it does not
19 increase the tax credit enough, but supports the Council approving it.

20
21 *Chair Friedman MOVED to close the Public Hearing. Councilor Grant SECONDED*
22 *the motion. The motion PASSED a unanimous roll call vote of 9-0.*

23
24 *Chair Friedman MOVED to adopt the ordinance. Councilor Vogt SECONDED the*
25 *motion. The ordinance was ADOPTED on a unanimous roll call vote of 9-0.*

- 26
27 B. **Public Hearing and Possible Adoption of Ordinance #2026-03** Amending Chapter
28 175, “Zoning,” the Zoning Map of the Durham Town Code to re-zone Map 108, Lot 27,
29 10 Cowell Drive from Residence A (RA) to Church Hill (CH) Zone.

30
31 *Chair Friedman MOVED to open the Public Hearing on the rezoning of 10 Cowell*
32 *Drive. Chair Pro Tem Ford SECONDED the motion. The motion PASSED on a*
33 *unanimous roll call vote of 9-0.*

34
35 **David Richman, 16 Cowell Drive**, said he taught theater and humanities at UNH for
36 many years and in many works there’s a running theme of fundamental conflict between
37 property rights and life rights. Turning a part of a residential neighborhood into a limited
38 commercial development has this theme. He said it changes the character of the
39 neighborhood. He said traffic will increase, injuries to the elderly and children will
40 increase and the quality of the neighborhood will inevitably change. He said it doesn’t
41 have to be a binary choice and that the new Council should think anew and act anew. He
42 suggested considering a new zoning category that allows multi-unit housing, but not
43 commercial development. He said they must weigh properly the lives of the residents of
44 this neighborhood and preserve the quality of this residential neighborhood.

45
46 **Andrew Sharp, 20 Cowell Drive**, spoke in opposition to rezoning the parcel at 10

1 Cowell Drive. He said the character and infrastructure of the neighborhood are designed
2 for residential use. The street has low visibility and no outlet. Changing the zoning for
3 more intensive use would alter the character of the neighborhood fundamentally. If the
4 town rezones the parcel despite residents' concerns, the town will have to make an
5 investment in infrastructure to ensure the safety of the neighborhood. Residents should
6 not be expected to absorb the impact without infrastructure upgrades such as traffic
7 calming, pedestrian safety measures, visibility improvements, and others.
8

9 **Susan Richman, 16 Cowell Drive**, said she's lived there for 38 years and her home is
10 her lifetime investment. She showed a map where Madbury Road and Cowell Drive meet
11 and said it is already very busy. She encouraged the Council to schedule a site walk of the
12 area and do a traffic study of the intersection. She said 10 Cowell Drive is 238 feet from
13 Madbury Road and really is a part of the residential neighborhood. She said the town's
14 Master Plan stresses preserving and enhancing existing neighborhoods. She said six
15 homes there are rental housing. She said a speaker at the Planning Board meeting said the
16 rezoning is inevitable. She asked the Council not to alter the integrity of a family
17 neighborhood, noting it's not a gateway to a commercial district. If the parcel is rezoned,
18 abutting property owners will want to do the same thing, beginning a domino effect. She
19 said it's only inevitable if the Council permits it.
20

21 **Kathy Brunet, 7 Hampshire Ave.**, doesn't live in the Cowell Drive neighborhood, but
22 said she knows it well. She said there is no place to turn around and drivers have to make
23 a three-point turn in the middle of the road. She said rezoning this parcel would set a
24 precedent for Durham. She said she respects the Planning Board and its members'
25 willingness to volunteer, and her comments are about the process and precedent, not the
26 people. She opposes rezoning 10 Cowell Drive because she thinks the framing of the
27 request to rezone has been misleading. She said his presentation of the project as being
28 surrounded by commercial use is not accurate. She said it is clearly in a residential
29 neighborhood. She said he has presented it as a binary choice. It will either be a boarding
30 house or if rezoned a 28-unit apartment building on a .34-acre lot with underground
31 parking even though the Church Hill zone doesn't allow that because of the density rules
32 in place. She said the Town Planner made it clear to the Planning Board that what he is
33 proposing doesn't work. She said it's been discussed it could be affordable housing but
34 Mr. Berlin's business is student housing. In any zone, there is no requirement that this be
35 affordable housing. She said if the zoning is changed he can use the lot anyway he wants
36 including as a daycare center, a community center, a small retail store or light
37 manufacturing. She said the plan fails the test for intelligent infill laid out in the Master
38 Plan, noting infill has to be compatible with current land uses. She said the Planning
39 Board discussed the limitations of the roadway and how it isn't walkable. She said the
40 2024 Housing Needs Assessment identifies the place for multi-family development is the
41 Northwest corner of Durham near Route 4, not Cowell Drive. She said it doesn't have the
42 requirements for more density and the board talked about studying this but no decision
43 was made about doing one before they approved it. She said the Town Planner
44 recommended not allowing any further rezoning if this is approved, but she said there is
45 no mechanism for ensuring that happens. She said there seems to be an urgency to
46 increase density downtown, which she doesn't understand because UNH has lost 2,200

1 students since 2017. Durham has added 2,400 beds since 2008. The Housing Needs
2 Assessment identified a shortage of workforce housing, not a shortage of market-rate
3 units near campus. She said any kind of construction is going to be at market-rate until
4 the town requires affordable housing. She said the Council can't pass this rezoning and
5 assume infrastructure problems; the affordability gap and the encroachment risk will
6 resolve themselves later.
7

8 **Nina Berlin, 3 Cowell Drive**, who lives across the street from 10 Cowell, said her son
9 Jeff, the property owner of 10 Cowell, was excited when HB1281 passed and thought it
10 freed the housing market in Durham and put the town on the right track. HB1281
11 prohibits a zoning ordinance or regulation from restricting the number of occupants in a
12 residential rental property to less than 2 occupants per bedroom. She said he loves
13 Durham, he and his businesses will always be located in town, his motivation is in good
14 faith, and he wants to supply the town with housing. She explained how she came to
15 support his proposal that individual studio and one-bedroom units in an apartment
16 building are better than multiple people living in a single family home. She said she
17 encouraged him to approach the town about changing the zoning so that his proposal
18 would be allowed on his lot. She said she has talked with young, single employees who
19 are frustrated there is no sufficient housing opportunity in Durham for a professional. She
20 said Durham wants to be inclusive and diverse, but that is lacking in some areas.
21

22 **Tom Bebbington, 25 Park Court**, formerly of 15 Cowell Drive, said he understands the
23 property owner's motivation and is not opposed to redevelopment of the property if it
24 addresses the town's housing need for multi-family workforce housing, but is concerned
25 about the uses that Church Hill zoning would allow. He said zoning decisions are not
26 about one owner at one point in time. He said commercial uses don't belong in the
27 middle of a quiet neighborhood, will alter its character, and a better path would be to send
28 the issue back to the Planning Board and direct it to explore a housing overlay for these
29 areas like the attainable housing overlay that was created. He asked the Council to vote
30 no on this ordinance and find an alternative to increase density, but remain residential.
31

32 **Sam Flanders, 6 Glassford Lane**, said he feels there has been some misinformation
33 spread about the property owner's proposal for the parcel. He said he served at the rental
34 zoning chair and has personal experience with student rental housing. He said the purpose
35 of zoning is to separate incompatible uses of land to avert conflicts. He said the Planning
36 Board didn't adequately consider how this request would alter the neighborhood and that
37 it makes no sense to introduce commercial use in this neighborhood. Most importantly, it
38 would set a precedent, Pandora's Box would be opened and other landlords will want the
39 same consideration, opening the town to lawsuits and potentially losing control of future
40 rezoning requests. He said Mr. Bebbington's suggestion is more of what the town needs.
41

42 **Jeff Berlin, 3 Cowell Drive**, said he understands why people think the way they do about
43 him, but it hurts him, and gossip doesn't help. He said he's not interested in mixed-use
44 and that an overlay district would make sense and allow his plan. He said the way to
45 affect the market rental rate is to increase the supply. He said he feels the proposed
46 apartment building is the most thoughtful way to do this, poses the least fire risk, and is

1 the best use of this property for the neighborhood and the town.

2
3 **Katie Ellis, 26 Coe Drive**, said rezoning the lot would be a dangerous precedent. She
4 said everyone will begin trying to pick away pieces of zones and that the owner knew
5 what they were buying. She said when she moved to her eight-unit neighborhood, six
6 units were owner-occupied, but now only three are, and she wouldn't wish it on another
7 neighborhood.

8
9 **Sridharan Gopal, 3 Glassford Lane**, said he and his neighbors all have children. He
10 said he is concerned about the traffic at that end of Cowell Drive and the intersection with
11 Madbury especially as some teens begin driving, and is concerned that congestion would
12 increase with more cars and bikes if the lot is redeveloped. He said he has nothing against
13 redevelopment, but his main concern is the street is not designed for more traffic.

14
15 **Melissa Capen, 2 Glassford Lane**, echoed that she wasn't aware of the proposal because
16 only abutters receive official notice, but she lives in the neighborhood and said a lot of
17 her neighbors were not aware also. She lives on a corner with Cowell Drive and observes
18 multiple times a day all day long cars driving down Cowell and turning around in the
19 middle of the roadway and driving back out. She said it is a very thin road and visibility
20 issues are a big concern.

21
22 **Beth Olshansky, 122 Packers Falls Road**, said Durham has a long history of protecting
23 family neighborhoods. The three unrelated rule worked for many years until Mr. Berlin
24 and his associates in Concord decided that wasn't going to be allowed anymore. She said
25 the town needs more workforce housing and the Cowell Drive neighborhood is a very
26 modest workforce neighborhood and she doesn't know why the town would want to
27 threaten that. She said the Master Plan states encouraging infill development compatible
28 with current land use and compatible in scale to existing surroundings. She asked Mr.
29 Rasmussen if the property is not rezoned, what the constraints for the property are. She
30 said perhaps an accessory dwelling unit could be used to increase its density.

31
32 Chair Friedman said it wasn't appropriate to have a discussion with Mr. Rasmussen
33 during the Public Hearing.

34
35 **Julian Smith, 3 Chesley Drive**, said the Church Hill zone is the result of long-forgotten
36 compromises. He said he supported residential development of the downtown area
37 without parking for a number of reasons when he was on the Planning Board and City
38 Council. He said now the town has no need for the student housing as enrollment has
39 dropped, but families and single professionals don't want to live near student housing and
40 he sympathizes with that. He said the intersection needs to be made safer and the post
41 office should relocate to the Mill Road Plaza and make that site upscale residential. He
42 said the town should modify the permitted uses to encourage long-term leases for any
43 new development in the Church Hill zone.

44
45 **Chair Friedman *MOVED to close the Public Hearing. Councilor Register***
46 ***SECONDED the motion. The motion was APPROVED by a unanimous roll call vote***

1 *of 9-0.*

2
3 Chair Friedman opened discussion and invited motions. Councilor Lawson asked Mr.
4 Rasmussen what the constraints on the property are and it was discussed that if he wants
5 more than three dwelling units, the property owner would need to get a variance from the
6 Zoning Board of Adjustment. Councilor Lawson said the conceptual design he's seen
7 would be contingent on the zoning change and ZBA approval.
8

9 Mr. Rasmussen said he has submitted to the Council a list of varying zoning goals to
10 work on in the coming year, asking the Council to prioritize them. He said one of those is
11 reviewing the density values on the Tables of Dimensions to promote the infill of a
12 number of zones around downtown. It would be a different mechanism for allowing
13 higher density to occur on that lot.
14

15 Councilor Lehrman asked if the lot remains zoned residential (RA), what is its
16 development potential. Mr. Rasmussen said the town can't regulate how many bedrooms
17 go into a home and that only a building permit is needed to build more. If the property
18 were zoned Church Hill, any development goes through site plan review, which would
19 trigger discussion with the developer about fixing the road and adding sidewalks to
20 improve safety.
21

22 Councilor Welsh asked why the town was considering this since the property owner's
23 proposal would not work in the Church Hill zone because he would need to obtain many
24 variances and that is unrealistic. He said it's putting the cart before the horse.
25

26 Mr. Rasmussen said the town has two doors - one where you can't see what's behind it
27 and one where you can see exactly what it is and it's not what Durham wants. He said if
28 it's left in RA, there's the potential of becoming more like a fraternity house, but if you
29 want something like apartments for young professionals or for starting families, then the
30 property has to go into the Church Hill zone. Mr. Rasmussen said from the sketches he's
31 seen, the project would be multi-unit and he would rather encourage that instead of
32 shared living spaces. He said separate units are a better overall environment for those
33 living around them.
34

35 Councilor Welsh said the Council should hold off on the change until it knows what
36 Church Hill will definitely look like as changes are proposed for that zone.
37

38 Councilor Lawson said he's served on the ZBA and foresees a lot of challenges to the
39 project based on the variance process. Councilors discussed the Planning Board's
40 decision to approve and advance the change to the Town Council and various properties
41 that are now in the Church Hill zone.
42

43 Councilor Lehrman asked if the Planning Board had considered how Church Hill
44 frontage on Cowell would be very different. Mr. Rasmussen said it came up in Public
45 Comment that a sidewalk would be required and he said that would be created on the side
46 of Cowell where St. Thomas More Church is.

1
2 ***Councilor Vogt MOVED to adopt the ordinance. Councilor Register SECONDED the***
3 ***motion.***

4
5 Councilor Friedrichs suggested an amendment that, rather than adopt, the Council
6 remand the ordinance back to the Planning Board to examine an option for multi-unit
7 housing without commercial uses and have a larger discussion about the downtown area
8 and more variety of housing types to that are that don't include commercial or industrial
9 use on sites like this lot.

10
11 ***At the Councilors' request, ze restated her motion. Ze MOVED to amend the current***
12 ***motion to change the language to be that the Council is remanding the ordinance back***
13 ***to the Planning Board and requesting the creation of a zoning option that allows for***
14 ***multi-unit development, but excludes commercial or industrial use for consideration***
15 ***around the downtown core. Councilor Register SECONDED the amendment.***

16
17 Councilor Lawson said it is an interesting idea because the discussion could include if
18 light manufacturing, a restaurant, or a retail store should be in the Church Hill zone.

19
20 Chair Friedman suggested broadening the amendment to cover downtown-adjacent
21 properties, not just this specific property or just looking at Church Hill.

22
23 Chair Pro Tem Ford said he would be in favor of rejecting the amendment, voting down
24 the original motion and then directing the Planning Board to consider what Councilor
25 Friedrichs proposed with zir amendment and not combine the two. Councilor Lehrman
26 agreed and said it would make more sense to thoughtfully look at the whole core area not
27 just Church Hill and noted future changes could make something possible there without
28 rezoning the parcel.

29
30 Councilor Friedrichs said that zir amendment did broaden consideration to the whole core
31 downtown area. Councilor Register asked if there was a procedural way to do this
32 without an amendment. Chair Friedman said there was an amendment made and
33 seconded which the Council needs to vote on. Councilor Ford agreed. Chair Friedman
34 said the vote will be on the amendment.

35
36 Councilors discussed how to proceed. Chair Friedman said the amendment is on the table
37 and made a last call for discussion or comments.

38
39 Councilor Friedrichs restated the amendment at Administrator Selig's request. Ze said the
40 motion is to change the language of the original motion, which is to adopt the ordinance
41 in the Council packet, to remand the question back to the Planning Board and to ask them
42 to look for areas around the core of downtown that could be rezoned to offer options for
43 multi-unit housing, but to exclude commercial and industrial uses.

44
45 Councilor Register shortened the amendment to read "amend the motion on the table to
46 direct the Planning Board to research options available in the district in question to

1 include multi-unit housing, but exclude commercial and industrial.”

2
3 Councilor Friedrichs said it should read not “the district in question,” but “the area in and
4 around the commercial core.”

5
6 Administrator Selig said if the amendment passes and the ordinance goes back to the
7 Planning Board for review, make changes and send it back, it would nix what came to the
8 Council. He said he feels it’s kinder to put something out of its misery if the Council is
9 unhappy with it, which would put the neighborhood and landowner out of their misery of
10 wondering what’s going to happen. He said he respects the amendment, but
11 recommended voting no on the original motion and then asking the Planning Board to
12 come up with something else.

13
14 Councilors Ford and Lehrman agreed. Councilor Lehrman said that would allow more
15 time to think about what the Planning Board’s goal should be.

16
17 ***Councilor Register WITHDREW his second of the amendment. Councilor Friedrichs***
18 ***WITHDREW the amendment.***

19
20 Chair Friedman said the Planning Board will have heard the comments of the Council
21 and during the Public Hearing and will know how the Council feels. He called for a vote
22 on Councilor Vogt’s original motion.

23
24 ***The motion FAILED on a unanimous roll call vote of 8-1.***

25
26 ***Councilor Register - nay; Councilor Welsh - nay; Councilor Lawson - nay; Councilor***
27 ***Lehrman - nay; Chair Pro Tem Ford - nay; Chair Friedman - nay; Councilor***
28 ***Friedrichs - nay; Councilor Vogt - aye; Councilor Grant - nay.***

29
30 Chair Friedman said Mr. Rasmussen has heard how the Council feels and asked if he
31 wanted to continue the discussion. Mr. Rasmussen said this issue is on his goal list and
32 asked Councilors to review the list and make sure this is what they want at the top. They
33 thanked Mr. Rasmussen.

34
35 **XV. Councilor and Town Administrator Roundtable**

36
37 **Administrator Selig**

38 In response to Ms. Ellis’ question in Public Comment, he read an answer he received
39 from Public Works Director Rich Reine, who said the selection of tree on Madbury Road
40 was deliberate and the kind chosen is on the 30 Under 30 List from Eversource because it
41 won’t grow higher than 30 feet so it won’t interfere with the powerlines above and it is
42 salt- and heat-tolerant so it will do well in the urban environment. He said his motto is
43 “Right tree in the right place.”

44
45 On Julian Smith’s question about the Mill Pond Road closure during dam removal, he
46 read a response he received. He said Mill Pond Road will be closed between Smith Park

1 Lane and Church Hill Road. Church Hill Road will remain open for those residents to
2 enter from Newmarket Road. It said no vehicle count had been done and that the
3 residents of the Faculty neighborhood will appreciate the closure because there won't be
4 through traffic cutting over to Mill Road. It said sediment will be dewatered on site and
5 trucked off site to a landfill, or used in unrestricted land use. The process will be
6 managed by the contractor who is experienced in this and the cost is included in the bid.
7 Town Engineer April Talon is happy to speak with Mr. Smith at any time. Also
8 responding to Mr. Smith, Councilor Welsh said virtually every Councilor read the dam
9 removal report and sat through many presentations and discussions about it. Councilor
10 Grant said she was not on the Council at the time, but promoted the removal of the dam
11 and did read the report, and said the town has to move forward. Councilor Vogt said he
12 read the report for his professional work. Councilor Register said he hadn't read it.
13

14 Administrator Selig said the election and recount had been keeping him busy so he had
15 nothing else to report.
16

17 **Councilor Friedrichs**

18 Councilor Friedrichs thanked volunteers who supported the recount. Ze said if any
19 resident has questions about the accuracy of elections, they should volunteer to work an
20 election and see the process, and all the effort, dedication and hard work that goes into
21 them. Ze said ze has never felt prouder as an American than on the days ze has
22 volunteered for an election. Ze said seeing what town staff and volunteers do to guarantee
23 the accuracy of elections is very heartening. Ze asked residents to honor their work and
24 respect their time.
25

26 Ze also wanted to make sure that the dam report is available at the library as has been
27 suggested.
28

29 **Councilor Vogt - Energy Committee**

30 He said the committee met March 3, and he attended via Zoom. He said there are two
31 thermal guns at the library available for residents to check out. He said committee
32 member Steve Holmgren worked on getting information out about the status of the
33 Community Power Coalition of New Hampshire amid concerns about its price increases
34 and clarified some misinformation in the Friday Update of March 20. He said he will
35 continue to provide updates. He said the committee will choose a new chair and vice
36 chair at next meeting.,
37

38 **Councilor Vogt - Human Rights Commission**

39 He said he couldn't attend the last meeting and is working to get an update for the
40 Council.
41

42 **Councilor Grant - Planning Board**

43 She said the board met March 11 and heard Public Comment about the 50-foot height
44 limit downtown. It advanced the EV zoning change to the Council. It discussed
45 architectural regulations proposals and adjustments made by residents reviewing them. It
46 started the discussion of zoning recommendations from the Housing Task Force to allow

1 four-unit residential where duplexes are now allowed. It will meet March 25 when it will
2 hold a Public Hearing on the fifth story that was requested by the Council.

3
4 **Councilor Register - Oyster River School Board**

5 He said it met March 18. All its proposals on the ballot passed except for the elementary
6 schools improvement project. He said the Dear Colleague Letter lawsuit against the
7 federal Department of Education was decided in the district's favor and will impact state
8 law.. He said the board announced a lawsuit against the contractor who built the Middle
9 School over quality issues on the facade and other issues. He said high school hockey
10 Coach Peter Harwood was named Div. 2 Boys Coach of the Year for the state. He said
11 the high school is hosting a National History Day event from 5 to 7 p.m. on March 25 for
12 the public. Next meeting is March 31. Councilor Welsh asked if the board plans to bring
13 back the elementary school project and Councilor Register said he didn't know.

14
15 **Councilor Register - Agricultural Commission**

16 He said it met March 9 and continued to work on the database with capstone students on
17 historical farmland use and soil and crop types that will be available for public use. He
18 said it is working on its mission statement and looking for other opportunities to
19 encourage agricultural production in small ways, and asked the Council to include
20 protecting farmlands in its goals as farmers are struggling. Farm Day will be Aug. 1 at
21 Laroche Farm. The annual Grange Hall Breakfast, which the committee is co-hosting,
22 will be April 12 at Lee Grange Hall from 7 a.m. to noon. Next meeting is May 11.

23
24 **Councilor Register - Strafford County Commissioners**

25 He said the county budget didn't pass so it defaulted to the 2025 budget which is \$3
26 million less than the proposed budget. He said there is angst among employees at the
27 county. He said from what he understands it failed because of the ICE contracts.

28
29 Councilor Welsh asked Councilor Lehrman if he had any insight into the county budget's
30 failure. He said he watched the video of the meeting because he was interested in the
31 proposed county nursing home. He said there was a strong showing of negativity against
32 the ICE contract and consternation about the budget. He said the nursing home proposal
33 is not dead yet, but it may be in the near future, and bears watching.

34
35 **Councilor Welsh - Land Stewardship Subcommittee**

36 He said he missed the last meeting because he was on vacation and unable to use Zoom.
37 Administrator Selig was there and said a UNH class is doing a study on invasive species
38 in the Mill Pond impoundment area and will compile a report to present to the town. He
39 said there is a group meeting on the issues with dogs at Wagon Hill Farm and will report
40 in three months. He said the hope is dogwalkers will deal with their dogs' waste. He said
41 the Durham Police Department has been on site as time allows. The kiosk working group
42 is looking at the kiosks at trailheads to better explain what's allowed or not at the site
43 through iconography. He said there is a small group of residents meeting with Public
44 Works and experts on weed prevention and herbicides because they were concerned
45 about Japanese knotweed being treated with herbicides instead of manual pulling. The
46 town is considering changes given its resources at 9 a.m. on March 25.

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Councilor Lawson

He said he is working with parking staff to update the parking survey to capture how many spaces are utilized at different times of the day and on weekends. The last one was done in 2024. He said it's beneficial for evaluating parking policies and to see how it's working and estimate impacts of new development or new parking leases. He asked for volunteers to help count empty spots during April.

Councilor Friedrichs asked if the survey would gather information about what it would look like to add more 15-minute spots, or to close down Jenkins Court during the summer. Councilor Lawson said it's more about understanding the status quo by gathering core data so the town can adjust policies knowledgeably.

Councilor Lehrman

He said he attended two housing conferences to learn more about zoning. He said "From Plans to Projects - Why Some Things Get Built" was helpful and has two more sessions - one in Ossipee on May 1 and one in Dover on June 25 if anyone wants to learn more.

Chair Pro Tem Ford

Earlier he had passed out cookies made by resident Julie Thompson who wanted to let the Councilors know they are appreciated. He said he is gathering information on water/sewer availability that may affect zoning and will have a report to the Planning Board before its March 25 meeting.

Chair Pro Tem Ford - Conservation Commission

He said it considered a single-family home that's impacting wetlands on Durham Point Road and discussed the Wastewater Sewer Overlay District. He said a small subgroup was formed to do the detailed rewrite of the WSOD to go before the Planning Board and then the Town Council. The subgroup is made up of Dwight Trueblood, Neil Slepian, Rob Sullivan and him, and will meet twice a month.

Chair Friedman - Parks and Rec Committee

He said it next meets March 24 and will work on its strategic planning. He said the rink closed March 15 and had a successful year. It will receive a rink report in April and then bring it to the Council.

Chair Friedman - Tri Region Economic Development Stakeholders

He said the group will meet March 24 and look at demographic trends and the economy.

Chair Friedman - Durham Business Association

He said he didn't have anything to report and he was uncertain if they had a next meeting scheduled. Councilor Register said it was decided they'd meet on the second Wednesday of the month at 5:15 p.m. at Clark's.

Chair Friedman - Economic Development Strategy Committee

He said it will meet March 27 and review a draft of its goals that will set priorities for the

1 committee for the years 2026 to 2030.

2
3 Councilor Friedrichs noted the synergy between this group and the Piscataqua Regional
4 Estuaries Partnership (PREP), which is the only other group where the two counties and
5 Southern Maine meet. Administrator Selig said he serves on the PREP Advisory Board,
6 which works on best practices in conservation and land management to support
7 development and does collaborate with TRENDS.

8
9 **XVI. New Business**

10 **A. Discussion on whether to reinstate an Economic Development Committee.**

11
12 *Chair Friedman MOVED that the Town Council reinstate the town's Economic*
13 *Development Committee. Councilor Register SECONDED the motion.*

14
15 Councilor Lawson said the EDC was defined almost 20 years ago in 2007 and before
16 reinstating it, he thinks the Council needs to look at Article 4 and review what its
17 expectations for the group are. He suggested a UNH representative should be added.
18 Councilor Lehrman agreed.

19
20 Councilors discussed the process for rewriting the charge for the committee and how to
21 proceed on the motion on the table. They discussed a subgroup meeting to review it and
22 bring something to the Council to consider at the next meeting or the one after that.

23
24 *Chair Friedman WITHDREW his motion. Councilor Register WITHDREW his second*
25 *of the motion.*

26
27 Administrator Selig noted he has been working with the university to stand up a new
28 working committee with a UNH representative, town representatives, a Durham Business
29 Association representative and a landlords association representative to talk through
30 downtown issues and get everyone communicating and working together. He said the
31 Councilor assigned to working with the DBA and Councilor Register should be on that
32 committee, too.

33
34 **B. Annual appointments of Council representatives to the various town boards,**
35 **commissions, and committees.**

36
37 Councilors discussed what committees they were interested in serving on and Chair
38 Friedman read the slate of proposed appointments.

39
40 Agricultural Committee: Councilor Lawson
41 Conservation Commission: Councilor Ford
42 Cemetery Committee: Councilors Ford, Register and Friedrichs
43 Durham Business Association: Councilors Friedrichs and Friedman
44 Energy Committee: Councilor Lawson
45 Historic District and Heritage Commission: Councilor Welch
46 Human Rights Commission: Councilor Vogt

1 Integrated Waste Management: Councilor Register
2 Land Stewardship Subcommittee: Councilor Vogt
3 Parks and Recreation Committee: Councilor Friedman
4 Planning Board: Councilor Grant, Councilor Lehrman will be an alternate.
5 Strafford Regional Planning Commission: Councilor Lehrman
6 Tri-Region Economic Development Commission: Councilor Friedman
7

8 Chair Friedman said if the Council decides to reinstate the Economic Development
9 Committee, a Council representative will be chosen at that time.

10
11 ***Chair Friedman MOVED that the Council approve the slate of appointments.***
12 ***Councilor Ford SECONDED the motion. The motion PASSED and the slate was***
13 ***APPROVED on a unanimous roll call vote of 9-0.***
14

15 **XVII. Nonpublic Session (if required)**

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

18
19 ***Councilor Ford MOVED to adjourn the meeting. Councilor Friedrichs SECONDED***
20 ***the motion. The motion PASSED on a unanimous hand vote of 9-0.***
21

22 The meeting was adjourned at 10:08 p.m.

23
24 *- Jane Murphy, Minutes Taker*