

1 **DRAFT**
2 **DURHAM TOWN COUNCIL**
3 **MONDAY, APRIL 20, 2026**
4 **DURHAM TOWN HALL - COUNCIL CHAMBERS**
5 **7:00 PM**
6

7 **MEMBERS PRESENT:** Chair Joe Friedman, Chair Pro Tem Darrell Ford, Councilor Emily
8 Friedrichs (who uses the pronouns ze/zir/zirs/zirself and the title Mx. Friedrichs), Councilor
9 Heather Grant, Councilor Jim Lawson, Councilor Michael Lehrman, Councilor Robin Vogt,
10 Councilor Carden Welsh

11
12 **MEMBERS ABSENT:** Councilor Curtis Register

13
14 **OTHERS PRESENT:** Town Administrator Todd Selig, Business Manager Gail Jablonski,
15 Planning Board Chair Paul Rasmussen

16
17 **I. Call to Order**

18 Chair Friedman called the meeting to order at 7:01 p.m.
19

20 **II. Town Council grants permission for fewer than a majority of Councilors to**
21 **participate remotely** - Councilor Carden Welsh participated via Zoom because he is out
22 of town. The Council voted to give him permission when he joined the meeting at
23 approximately 7:17 p.m.
24

25 **III. Roll Call of Members**

26 Councilor Jim Lawson, Councilor Mike Lehrman, Chair Pro Tem Darrell Ford, Chair
27 Joseph Friedman, Councilor Emily Friedrichs, Councilor Robin Vogt, Councilor Heather
28 Grant
29

30 **IV. Approval of Agenda**

31 *Chair Friedman MOVED that the Council approve the agenda. Councilor Friedrichs*
32 *SECONDED the motion.* There was no discussion. *The agenda was APPROVED by a*
33 *unanimous roll call vote of 7-0.*
34

35 **V. Special Announcements - None**
36

37 **VI. Approval of Minutes - April 6, 2026**

38 *Chair Friedman MOVED to approve the minutes for the Council meeting of April 6,*
39 *2026. Chair Pro Tem Darrell Ford SECONDED the motion.*
40

41 Councilor Lawson said he had a change on Page 4, Line 21, said it should be “pending
42 litigation in the Council packet and believed the Council denied it as part of the
43 Unanimous Consent Agenda.”
44

45 On Page 5, Line 33, Councilor Friedrichs said the suggestion ze had made about the
46 Planning Board having someone in the role of notes taker was not about the professional

1 minutes taker that the Planning Board already has. Ze meant to have someone in more of
2 an active listening role.

3
4 Chair Friedman said on Page 11, last line, he would talk to the DBA, not the ZBA.

5
6 ***The minutes as amended were APPROVED on a unanimous roll call vote of 7-0.***

7
8 **VII. Report from the UNH Student Senate External Affairs Chair or Designee**

9 UNH Student Senate External Affairs Council Chair Deeba Ajamian was not present at
10 the meeting.

11
12 **VIII. Public Comment**

13
14 **Colin Blake Butler, 3 Spencer Lane, Lee**, a parent in the Oyster River Cooperative
15 School District, spoke about the challenge the district is facing with 90 percent of
16 teachers expressing no confidence in School Superintendent Robert Shaps. He expressed
17 the concern that the Friday Update of April 17, 2026 included a summary of the
18 superintendent's response to the situation with no link to the actual survey results and no
19 mention of the teachers' concerns, leaving the community with an incomplete picture of
20 the situation. He encouraged the town to present communication from both sides of the
21 matter in the future. He made residents aware of the website orcnc.org, which includes
22 direct source materials from the district's teachers. He said he hoped the Council would
23 support "a spirit of balanced transparency" going forward and make sure all voices are
24 given equal weight. He thanked them for the time and their service to the community.

25
26 **William Hall, 3 Smith Park Lane**, displayed a photo of a dam and said the town had its
27 consultant VHB write an environmental impact report and it never studied fixing the dam
28 instead of removing it. He also cited the 401 discharge permit for sewage and said both
29 are examples of the town providing false or misleading information to residents. Mr. Hall
30 yielded his unused time to Mr. Smith.

31
32 **Julian Smith, 3 Chesley Drive**, spoke on the issue of building height downtown and the
33 town's need to promote itself. He proposed a committee of volunteers with experience in
34 public relations. He said Durham has a lot to offer citing Amtrak access, I-95, hospitals,
35 and historic buildings, and the committee could promote the area and its history. He cited
36 the need to attract downtown businesses and provide more parking in new developments.
37 Mr. Smith thought he could continue talking after five minutes were up because Mr. Hall
38 had yielded his remaining speaking time to him. Councilors said he could not and noted
39 their earlier decision to not allow a Public Comment or Public Hearing speaker to yield
40 their unused time to another speaker.

41
42 Councilor Welsh joined the meeting on Zoom at 7:17 p.m. ***Councilor Friedrichs***
43 ***MOVED to allow him to participate remotely. Councilor Grant SECONDED the***
44 ***motion. The motion PASSED on a unanimous 7-0 roll call vote.***

45
46 **Jeff Berlin, 3 Cowell Drive**, agreed with what Mr. Smith expressed. He said he thinks

1 there are plenty of locations and opportunities to build out housing for non-students. He
2 said it feels like the town is focusing on limiting students in certain areas. He said the
3 only ones being hurt are non-students because the town is limiting the supply. He
4 encouraged the town to work with people it doesn't necessarily agree with like himself to
5 increase supply. He complimented Councilor Lawson for bringing up the thought of
6 consolidating the town and UNH police departments at the Council's last meeting, and
7 said the idea should be discussed and researched further.
8

9 **Catherine Michel, 31 Edgewood Drive**, has lived in town for nine years and
10 volunteered at Oyster River Middle School for five. She said she has many friends who
11 are teachers and two grandchildren in the schools. She said the town cannot ignore the
12 situation at the schools, and she's seen a real change in the attitude in school. She said for
13 over a year teachers have been subjected to a harsh and non-collaborative type of
14 management. She said in December teachers took a National Education Association
15 survey called the Climate and Culture survey and the results were upsetting, and showed
16 the school's atmosphere is very different from when there was a considerate and
17 inclusive type of management system. In last week's Friday Update, she said there was a
18 response from the current superintendent without the survey it referenced. She feels the
19 survey should have been included and everyone should read it. She said being transparent
20 in everything is the best way to make headway on this problem. She said she has seen a
21 steady decline in teachers' morale over the past year and a half, and encouraged everyone
22 to read the survey, the superintendent's comments and learn all they can. She said the
23 town's children deserve a good school system.
24

25 **Paul Rasmussen, 5 Glassford Lane**, said there is a dichotomy in the meeting's agenda
26 where several Councilors are discussing increasing the tax base, and then later in the
27 agenda there are some fairly large 25-foot setbacks being proposed for fifth-floor
28 developments. Before making any decision, he encouraged Councilor to thoroughly
29 analyze if the fifth floor is still viable with these setbacks.
30

31 **Kalika Bower of Lee** said decisions made in Durham affect the shared school district.
32 She said the April 17th Friday Update included the superintendent's response and she
33 was disappointed the teachers' perspective was missing entirely. She noted there was no
34 link to the survey's results or the teachers' concerns that led 90 percent to a vote of no
35 confidence. She said when a public office uses its reach to amplify one side of a conflict
36 while the other is silent in the same space, it creates an imbalance that's hard to ignore
37 and makes it difficult for the average person to get the full story. She asked the Council to
38 encourage a more inclusive approach to the Updates and if the town is going to provide a
39 platform for the superintendent, it should also provide the source materials for the
40 teachers available at orcnc.org. She said she feels it is important to apologize to the
41 community or draw attention to the fact that it didn't include the teachers' perspective in
42 the Friday Update. She said one of the issues is the School Board not taking
43 responsibility for errors made in the hiring process and not responding appropriately to
44 the teachers. She said the district losing longtime educators and staff across is suffering.
45

46 **Tom Daly, 190 Piscataqua Road**, said he and his wife chose to move to Durham after

1 researching it and deciding it was an educated, thoughtful, university-adjacent
2 community and a stable, predictable place to raise a family. He said his family will
3 celebrate its second anniversary living in Durham and to date it has not been stable or
4 predictable. He listed areas he suggested the Council include in its discussion of goals.
5 He said the Oyster River school district leadership is in turmoil with staff not supporting
6 it, and citizens forced to modify the proposed budget to retain key staff members during
7 the deliberative session, adding over half a million dollars. A 9.8 million bonded project
8 was proposed and failed, a first in the recent history of the district, he said noting the
9 uproar in media coverage and on social media has been substantial. He said he feels the
10 town and schools should have an integrated relationship though they are separate entities.
11 The town has shown it can do this with UNH and needs to do it with the school district as
12 well. The shifting of tax burden from the state and from the town's commercial taxbase,
13 which he said the town failed to address though it saw it coming, is hurting residential
14 taxpayers. He encouraged the town to take advantage of any development opportunity
15 and savings no matter how small. He encouraged the Council to consider the \$227,000 in
16 bond and interest payments that will roll off the budget in 2027 as a reduction, not
17 replace it with other spending. He said he supports resurrecting the Economic
18 Development Committee and feels the town needs to stop the zoning debate. He said the
19 town continues to use zoning as a punitive tool that discourages investment. He said he
20 supports opening all of Central Business District 1 to five stories. Further delay
21 discussing options and comments puts real projects in play at risk. He said residents trust
22 the Council to come up with practical solutions that help every community member,
23 using communication, expectation-setting and acting with clear intention.

24
25 **Joshua Meyerowitz, 7 Chesley Drive**, wanted to make everyone aware that former
26 owner of the Durham Book Exchange and well-known musician William Zecker passed
27 away April 10 at age of 76, noting his passing is a real loss to the town. He said he does
28 not think allowing 60-foot, five-story buildings with no setbacks is going to be conducive
29 to revitalizing downtown. He said he supports the discussion of restoring the setbacks
30 that is scheduled for this meeting. He said setbacks are more consistent with the Master
31 Plan, with human scale and create a more inviting downtown. He noted these aren't
32 temporary changes to see how they work; they are permanent changes. He said the
33 discussion now is allowing five stories by right, and what the town does by right should
34 be right for the town and for the people it wants to bring downtown.

35
36 Administrator Selig asked to respond to some of the Public Comments and apologized
37 about the school district item included in the April 17th Friday Update. He said he
38 included it because it was an official communication from the district. He said his
39 position focuses on the town and can't often focus on what's happening at the school, but
40 he was aware of acrimony, hadn't read the survey and didn't know about the teachers
41 website. He said he will try to provide more in this week's Friday Update, and apologized
42 if last week's was offensive or misleading in any way. He said it was not intended to be.
43 It was merely intended to convey an official school district communication to the rest of
44 the community who would not have received it from the district because they don't have
45 kids in schools. He thanked the speakers for their feedback.

1 **IX. Unanimous Consent Agenda**

2 A. Shall the Town Council approve the second 2026 Warrant for Water and Sewer totaling
3 \$746,155.32 and commit the bills for charges to the Tax Collector for collection, and
4 authorize the Administrator to sign said warrant on its behalf?

5 *Chair Friedman MOVED to approve the Unanimous Consent Agenda. Councilor Vogt*
6 *SECONDED the motion. The motion PASSED on a unanimous roll call vote of 8-0.*
7

8 **X. Citizen Committee Appointments**

9 A. Shall the Town Council, upon recommendation of the Energy Committee Chair, appoint
10 Harrison Potter, 5 Meader Lane, to a regular membership position on the Energy
11 Committee with a term expiration of 4/29?

12 Mr. Potter introduced himself and said he is looking forward to serving on the committee.
13 Councilor Lawson thanked him for his interest in volunteering and said the committee is
14 a good group of people. Mr. Potter said he agreed, and that he is a former science teacher
15 and had attended several of the committee's meetings.

16 *Chair Friedman MOVED to appoint Mr. Potter to the Energy Committee. Councilor*
17 *Grant SECONDED the motion. The motion PASSED on a unanimous roll call vote of*
18 *8-0.*
19

20 B. Shall the Town Council, upon recommendation of the Zoning Board Chair, appoint
21 Micah Warnock, 45 Woodman Road, to an unexpired alternate membership position with
22 a term expiration of 4/28 and appoint Joseph Warzin, 102 Madbury Road to an unexpired
23 regular membership position with a term expiration of 4/27?

24 *Chair Friedman MOVED to appoint Mr. Warnock to an unexpired alternate*
25 *membership position expiring April 2028 and Mr. Warzin to an unexpired regular*
26 *membership position expiring April 2027. Councilor Grant SECONDED the motion.*
27 *The motion PASSED on a unanimous roll call vote of 8-0.*
28

29 **XI. Presentation Items**

30 **Quarterly Financial Report through March 31, 2026 by Business Manager Gail**
31 **Jablonski**

32 Ms. Jablonski said everything is tracking pretty as it should with 24 percent of the budget
33 expended. She noted unexpected expenses of approximately \$50,000 that were paid from
34 the contingency fund including \$8,200 to repair the library's solar panel, \$7,900 to repair
35 the library's elevator, and a little over \$17,000 for replacement of the Town Hall's boiler
36 system. She said the information systems budget is up slightly because of payments for
37 software agreements that come due at the beginning of the year. She said the snow budget
38 has been spent. Department of Public Works Director Rich Reine is closely monitoring
39 expenditures, noting in a report to her that this winter has been "challenging and costly,"
40 with 25 emergency response events and 77½ inches of snow when the norm is 48 inches
41 of snow and 15 emergency response events. She said he reports the town has a good
42 supply of salt that will carry it through the beginning of next winter. She said DPW has
43 filled two open positions and two employees have returned from injury so hopefully the
44 department won't have to rely on outside winter maintenance next year.
45

1 Chair Friedman asked how old the town's HVAC system is and remarked eleven years is
2 a short time for it to fail. Administrator Selig said when the Town Hall was renovated the
3 HVAC system used some existing components and some new, and what failed was one
4 of the new components. He said there had been ongoing issues in recent years of
5 condensation and rusting of the condenser, replacement parts were difficult to find, and
6 the model itself had been discontinued so it made sense to replace it.

7
8 Councilor Welsh noted there were a lot of abatements this year, well up from last year.
9 Ms. Jablonski explained they were in three separate categories: \$1.1 million for student
10 housing abatements of which \$971,500 has been paid out and the town has a little
11 leftover, \$360,000 set aside for the Eversource abatement which she believes will be
12 finalized soon and she said whatever the settlement it will be within that range, and
13 \$175,000 set aside for regular residential abatements. She said Town Assessor Darcy
14 Freer feels the town should be able to stay within that limit. She said she doesn't see any
15 abatement problems at this point.

16
17 Councilor Welsh said revenues are down from last year and asked if there was any
18 overall concern about meeting revenue this year, noting the town is at 21 percent
19 collected as opposed to 26.5 percent collected at this time last year. Ms. Jablonski noted
20 the Department of Parks and Recreation registration fees aren't in yet, the town hasn't
21 gotten paid for 50% of the School Resource Officer yet and the billing for UNH for the
22 first quarter was late and came in April as some of the reasons for the lower revenue in
23 the first quarter this year. He asked if she had any overall concern that the town won't
24 achieve the budget this year and she said she didn't.

25
26 She said the 2025 audit is ahead of schedule, will be done in June, and presented to the
27 Town Council in July. She said she believes \$430,000 will roll over into the fund
28 balance, which is mostly due to personnel vacancies in the DPW, fire and police
29 departments. Councilor Welsh said he thought the town had saved about \$900,000, but
30 Ms. Jablonski said that was her January unaudited report and then expenses continued to
31 roll in.

32
33 Administrator Selig said he's talked with the fire and police departments about holding
34 any vacancies open in case the town faces a reduction in force in 2027 and he would
35 prefer to cut open positions rather than laying anyone off.

36
37 Chair Friedman said, in the Other Funds Summary, there was a spread between what the
38 Churchill Rink Fund brought in this year and last year in the positive, and the expenses in
39 the Water Fund were much higher. Ms. Jablonski explained she would have to talk with
40 the Rink Director but she said he did raise his rates and opened up more ice time to
41 organizations. On the Water Fund, she said last year the town had not paid UNH in the
42 first quarter, which it did this year. Chair Friedman said it seemed overall water use was
43 down in 2026. Ms. Jablonski agreed water revenues are down and she will look into it.

44
45 Councilor Friedrichs noted expenditures in the solid waste management facility are up,
46 double from last year. Ms. Jablonsky said it was due to lack of staff, and needing to

1 contract out the roll off to the Turnkey Landfill. She said when the town goes to the new
2 collection system in July, it will be able to cut back on contracting services and
3 expenditures will be lower by the end of the year.

4
5 Councilor Friedrichs noted lawyer's fees are up this year, and Ms. Jablonski explained
6 that was the payment to the town's labor lawyer, Joseph McKittrick, for the three
7 collective bargaining contracts that were finalized this year.

8
9 Chair Friedman thanked Ms. Jablonski for her report and for the work that she does.

10
11 **XII. Unfinished Business**

- 12
13 A. **Public Hearing and Possible Adoption of Ordinance #2026-04** amending Chapter 175
14 "Zoning," Article II, "Definitions," and Article XII.1, "Use and Dimensional Standards,"
15 Section 175-53, "Table of Uses," of the Town Code to permit electric vehicle charging
16 stations as an accessory use in all zoning districts and as a principal use in all commercial
17 zoning districts.

18
19 *Chair Friedman MOVED to open the Public Hearing on Ordinance #2026-04.*
20 *Councilor Vogt SECONDED the motion. The motion PASSED on a unanimous roll*
21 *call vote of 8-0.*

22
23 **William Hall, 3 Smith Park Lane**, showed a bound copy of the Electric Code and one
24 year's changes. He said there is no way any rule or ordinance is going to keep a private
25 home from having a charging outlet where or when they want it. Saying he is an expert
26 on the subject, he gave past examples of when he felt the town tried to tell residents what
27 to do with their electricity and it should stay out of that area. He said EV charging
28 stations should be encouraged, but the town needs to be careful how it regulates them. He
29 said no town in the state has a reputation like Durham in terms of electrical inspections
30 because past inspectors were unreasonable. He said as long as a charger is installed
31 correctly, the town has no control over it. He thanked those in attendance for
32 accommodating his dog, which is a rescue he is trying to get him acclimated to people.

33
34 *Councilor Ford MOVED to close the Public Hearing. Councilor Vogt SECONDED the*
35 *motion.*

36
37 Chair Friedman called for a vote. Councilor Lawson voted aye.

38
39 Councilor Lehrman asked to clarify that this ordinance originated with the Energy
40 Committee which he was on at the time. He said this was not in reference to charging in
41 individuals' homes or garages, but the question from the public was to allow charging
42 stations at a commercial location as an auxiliary use in any zone, and likewise if someone
43 wants to set up a charging station business, that would not be limited to just gasoline
44 alley along Route 108. He said it was not intended to have any impact on private
45 residential dwellings where charging is allowed by all rights already. Councilor
46 Friedrichs said the only time it is regulated by special exception is if it is the principal use

1 at a residence, for example, if you're selling power. Ze said the ordinance was designed
2 to make it explicit EV charging is an allowed use across all zones.

3
4 Councilor Ford called a point of order that there is a motion on the table, voting should
5 continue, and the discussion could continue later.

6
7 ***The motion to close the Public Hearing was PASSED by a unanimous roll call vote of***
8 ***8-0.***

9
10 Chair Friedman said the Council could discuss the ordinance or a Councilor could make
11 the motion, have it seconded and then they could discuss. Councilor Lawson said it is
12 always his preference to make the motion and have it seconded before discussing so the
13 question can be called.

14
15 ***Chair Friedman MOVED that the Council adopt Ordinance #2026-04. Councilor Ford***
16 ***SECONDED the motion.***

17
18 Chair Friedman asked Councilors Lehrman and Friedrichs if they had anything else to
19 add. Councilor Lehrman did not, but Councilor Friedrichs said ze had wanted to clarify
20 the ordinance for the public before the Council closed the Public Hearing and lost the
21 window to speak with the public.

22
23 Councilor Lawson said he will vote for this ordinance, but he agrees with Mr. Hall's
24 point that the town doesn't need to codify this as an accessory use and people are able to
25 do it no matter what. He said the principal use is permitted in all commercial zones and as
26 a special exception in residential zones, and he thinks that's more than adequate to
27 address realistically what might happen. Chair Friedman asked and Councilor Lawson
28 confirmed the special exception runs with the land, not the applicant. Councilors
29 discussed that if a resident wanted to set up a commercial charging station as a principal
30 use that the special exception has restrictions that it can't be detrimental to the
31 neighborhood, neighbors or public health and safety and concluded there are lots of
32 protections in the ordinance.

33
34 ***The motion PASSED on a unanimous roll call vote of 8-0.***

35
36 **B. Discussion of the draft 2026/2027 Town Council goals**

37 Administrator Selig said it was difficult to create a single document from the Councilors'
38 feedback so he created a matrix to show their suggestions. He said Councilor Grant and
39 he had also submitted feedback that was included in the Council Communication. He said
40 after this meeting's discussion, he will integrate everything into one draft.

41
42 Council Friedman invited suggestions about how to proceed with the discussion.
43 Councilors and the Administrator discussed and decided to proceed through Goals 1
44 through 7 in chronological order.

45

1 Councilor Lawson said he thought the best place for a budget goal was in No. 1 and he
2 likes to tie the goal to the tax rate. He said the tax rate is controlled by expenditures, the
3 tax base and its increase, and non-property tax revenue. If you tie the budget goal to the
4 tax rate, the staff and the administrator are watching all three. He said the town will
5 extinguish a couple of bonds next year and existing bonds continue to decline each year.
6 He said in 2027 there will be a \$227,000 reduction in bond payments and he doesn't want
7 the town to set a goal that's easy to meet because of that reduction. He said the problem
8 is that the bond payments go up \$1 million in 2028. He said the town should account for
9 the reduction and for any money the town is able to save this year. He said if you set the
10 tax rate at 5.89% or less, you can't spend the money you've saved and need to look for
11 additional efficiencies which he thinks are attainable.

12
13 Chair Friedman asked Ms. Jablonski how the \$15.9 million increase in valuation was
14 forecasted. Councilors discussed it was increased by .75% of current valuation, not based
15 on individual projects expected to come online.

16
17 Councilor Lehrman said he has a reservation about basing it on the tax rate, because if a
18 big project comes in, it basically gives the town free rein to spend money as the tax rate
19 would stay the same. In a year or two if there is another revaluation, it's based on its
20 whims and the chance it could possibly go down if there is a recession. He said just
21 basing it on plain dollars based on the prior year's expenses is a sturdier goal because the
22 town can't get in the habit of spending money just because of valuation coming online.
23 He said property taxes have become more of an issue, and local communities need to take
24 a different outlook in the future than in the past as far as expenditures go.

25
26 Councilors discussed the merits of both methods.

27
28 Councilor Friedrichs pointed out how new development is most valuable at the beginning
29 and creates a sudden spike, but its impact on the tax rate starts to decline over time and
30 stagnates, while services and their costs to service the development remain steady. Ze
31 said if the town ties its expansion of services to that spike, it eventually runs into trouble.
32 Ze said ze prefers a two-part budget goal where the Council uses the method Councilor
33 Lawson outlined, but also focuses on just the amount raised through taxation so not to
34 penalize for revenue or grants, and tie that to inflation as Councilor Ford suggested.

35
36 Councilor Lawson said the town could use both methods, but he said he would focus on
37 the amount of property taxes the town needs to raise. He said he is trying to set aside to
38 be on a more affordable track in 2028 when the sharp increase in bonds hits.

39
40 Councilor Ford said making the goal any less than the rate of inflation would be very
41 difficult, giving the example of this year's large increases in health and other insurances.
42 He said the combination of looking at both the tax rate and total expenses would work.

43
44 Lehrman said it's important to set a goal prospectively and then iron out details to give
45 guidance to the Administrator and departments.
46

1 Administrator Selig said he likes the approach Councilor Lawson outlined because it
2 makes everyone part of the process. It helps department heads think about how the town
3 needs to broaden development to cover the operation of the town and how to make
4 decisions to that end. He said it's also helpful to have department heads think about what
5 else they can do to drive revenue. It even helps members of committees, commissions
6 and boards to be more open to development and offer ideas for revenue if they realize
7 they might lose things they value if the town can't reach the Council's budget goal.
8

9 Councilor Welsh said the town has always achieved a prospective goal until the past year
10 when it passed a budget with a 15 percent tax increase. He reminded taxpayers won't
11 experience that tax hit until December. He said he likes tying it to the tax rate because it
12 has an incentivization of valuation, and you want people thinking of ways to raise
13 revenue. The tax rate helps people focus on revenue. He said a revaluation in a certain
14 year doesn't help you or hurt you. He said he likes the simplicity of the goal. If the tax
15 rate is this now, it's going to be less next year, and if there's no development, that's too
16 bad, the town just has less money to spend. He said he likes Councilor Lehrman's
17 suggestion to not just budget for the next year and the town does have a five-year plan in
18 the budget, but no one pays attention to it. He said he thinks this more extensive five-year
19 budget review should be part of this year's budget process to get more buy-in from staff.
20

21 Administrator Selig asked how the five-year budget forecast that's already in the budget
22 each year could be improved or could be better presented or publicized for the public to
23 use. Councilor Lehrman said it needs to be in a form and format with sufficient detail so
24 people can understand what it's saying and read the writing on the wall.
25

26 Councilors discussed how to soften the sharp increase the town will see in 2028 and how
27 to make the public more aware of the impact of bonding decisions so residents
28 understand how capital improvements will affect the budget and taxes in the future.
29 They discussed pursuing options for merging services with UNH and other towns. They
30 discussed how to compare the town's spending online items compared to other towns its
31 size, and how comparing the cost of programs as a whole instead of line items might be
32 better for decision-making. They discussed how some departments' budgets differ and
33 which form is most helpful. Ms. Jablonski noted the business office will be implementing
34 a new software system in 18 months and that would be a good time for any budget
35 structure changes. She said some of the bonding increase could be brought into 2027 late
36 in the year so the increase in 2028 is not so sharp, but she would need to begin ramping
37 that up soon if the Council decides to do so.
38

39 Administrator Selig said it's very difficult in New Hampshire to make intermunicipal
40 arrangements because of culture, staff, UNH's desire for control, and other factors that
41 take time to work through so having an extra year would be helpful to leverage change.
42

43 Councilors discussed how the Municipal Bonding Bank works and if it would be possible
44 to refinance some of the bonds. Ms. Jablonski explained its policies and said she will ask
45 about refinancing and see if that could provide some relief.
46

1 Chair Friedman said the small group examining the idea of resurrecting the Economic
2 Development Committee did meet and concluded the amount of time spent was not
3 proportional to the benefit. They suggested instead to hold a periodic forum for economic
4 development throughout the year. Councilor Lawson said he served on the committee for
5 three years, and in general it was not effective in part because of the complexities of the
6 opportunities the town faces, often involving UNH. He said he feels it would not be a
7 good time to introduce a committee.
8

9 Councilors discussed how the Administrator is the contact with interested developers, and
10 his reaching out to a handful of knowledgeable residents to share ideas and new lines of
11 inquiry and promotion is a better idea, and keeping the lines of communication open.
12 They discussed keeping the goals concise, taking out goals that are the town's normal
13 responsibilities, using more succinct language, and adding quantification to help assess a
14 goal's success.
15

16 Councilor Lehrman asked about cybersecurity testing, and Administrator Selig said there
17 are some new policies in his inbox, and that they did try to have insurance company do an
18 infiltration but it was never scheduled. They have instituted dual factor sign-in and have
19 backups in place, and he feels the town is relatively secure.
20

21 Administrator Selig said he will synthesize what was submitted for the goals and bring a
22 new draft next meeting. He said there are three projects that will be all-encompassing this
23 year: removal of Mill Pond Dam, which will create a deluge of feedback; the Madbury
24 Road Complete streets project; and the shoreland restoration at Wagon Hill Farm.
25

26 **C. Continued Discussion of the priorities for future Planning Board amendments to the** 27 **Zoning Ordinance**

28 Chair Pro Tem Ford said he agrees with Councilor Lawson that the Council needs to give
29 the Planning Board a written document because the reason we're doing this is the
30 Planning Board chair asked for guidance. He said the Planning Board will act on these as
31 it sees fit, but at least it will have the Council's priority guidance. He presented the
32 priorities he's proposing.

- 33 1. Complete a review and update of architectural standards because of their need to
34 be updated prior to new development.
- 35 2. The Edge PUD because of its potential to provide needed revenue for the town
36 needs to be moved along quickly. It's understood this is currently on hold, but as
37 soon as it comes back it should be moved to the top of the priority list.
- 38 3. Commercial core zones and adjacent zones should have their boundaries reviewed
39 and updated to better align with a new high-density residential zone and include a
40 discussion of owner occupied ADUs. Affordable housing has been decided as a
41 significant need in the community and one way to meet the need is to increase the
42 supply of housing. The best location for this as recommended by the Housing
43 Task Force is infill in the areas serviced by town water and sewer.
- 44 4. The conservation subdivision zoning has needed updating for some time, but
45 won't provide as much revenue potential as the infill downtown so should be a
46 lower priority.

- 1 5. The Wetland and Shoreland Overlay District zoning update is needed, but is not a
2 priority as the town has an adequate ordinance in place to handle situations that
3 may arise while a careful rewrite takes place.
4

5 Councilor Welsh agreed with Councilor Ford’s priorities, and said “in a way that is
6 consistent with the Master Plan” should be added to the commercial core zone priority or
7 perhaps to the overall preface. Councilor Ford said all of these should be done in
8 accordance with the Master Plan so he will highlight that at the top.
9

10 Councilor Friedrichs said ze thinks Nos. 4 and 5 should be switched. Ze said the
11 subcommittee working on the WSOD has come much farther than the conservation
12 subdivision work. Councilor Grant disagreed because the conservation subdivision
13 requires a lot of land to create and the town doesn’t have much of that left.
14

15 Councilors discussed rewording No. 3 to “the desire to create higher density residential
16 downtown consistent with the Master Plan” and how to not change the character of a
17 neighborhood.
18

19 Administrator Selig said Mr. Berlin raised a fair point earlier in the meeting. He said for
20 decades UNH grew faster than the town, students began to have significant impacts on
21 neighborhoods and the town created rules and regulations to mitigate the unintended
22 impact of students living next door. He said UNH is now in a phase of contraction.
23 Durham expanded off-campus housing to take the pressure off neighborhoods, and
24 houses returned to single family homes. Now the town needs to make innovative
25 changes to create housing stock for working adults without the fear that the best use is
26 off-campus rentals. He said the town has to be careful not to let that old paradigm
27 handcuff it to inaction out of fear students will live in a proposed development.
28

29 Councilors talked about how zoning changes could affect the value of land and
30 assessments, and the cost of services to support density, upgrade the streetscape, and the
31 need to be mindful of tax implications.
32

33 Administrator Selig said he will send the list to the Planning Board as a memo.
34

35 Mr. Rasmussen said “downtown” is an improper description and not specific enough. It
36 was decided to change it to “commercial core.”
37

38 **D. Continued Discussion regarding Council Appointments to Boards/
39 Commissions/Committees.**
40

41 Councilor Lawson proposed deferring Item D to a Council meeting in May because of the
42 lateness of the hour. Chair Friedman agreed to move it to a future agenda.
43

44 **XIII. Councilor and Town Administrator Roundtable**
45 **Councilor Vogt - Land Stewardship Subcommittee**
46

 The committee met April 8 and discussed many issues. Wendy Moreau from the group

1 working on dogs at Wagon Hill Farm spoke about the dog waste situation. She is
2 educating people about it and gathering public input. He said the subcommittee heard a
3 presentation by UNH Capstone students on “Examining Shifting Vernal Windows at
4 Spruce Hole Bog,” which he said was well done. It is working on updating information
5 and condition of the Doe Farm kiosk signs, and moving forward with a graphics group. It
6 will do the same at Wagon Hill Farm and Packers Falls. He said he presented new logos
7 to the Conservation Commission and the subcommittee and is working on final concepts.
8 There is an Astronomy Night at Wagon Hill Farm on April 24 open to the public.

9
10 **Councilor Vogt**

11 He announced that this would be his final Council meeting and he is resigning his May 1.
12 He said he is taking a new job that will require a lot of travel while still growing a small
13 business, which won’t leave him time to serve. He said he’d like to participate in the
14 town in some form in the future, and thanked the community for its support.

15
16 Councilors discussed filling the soon-to-be vacant position with some being hesitant to
17 appoint someone and suggesting it might be time to rethink the Council’s makeup. They
18 consulted the Town Charter, which requires the Council to appoint a new member when
19 one leaves at its next meeting, which will be May 4. They discussed how historically the
20 Council has looked to former councilors, at the most recent election results, and at times
21 has required those interested to fill out an application. Administrator Selig said he would
22 announce Councilor Vogt’s departure in the Friday Update.

23
24 **Councilor Grant - Planning Board**

25 She reported the board met April 8 and discussed 31 Main St., which is looking to
26 convert office space to housing units, either one four-bedroom unit or two two-bedroom
27 units. She said there will be a Public Hearing. She said they are also reviewing the
28 architectural design standards and are on Page 21 of 37. Next meeting is April 22.

29
30 **Councilor Welsh - Historic District and Heritage Commission**

31 The commission met April 9, and went over the Army Corps of Engineers memo about
32 the mitigation that needs to be done for the dam removal and discussed the role of the
33 commission. He said they are in the process of installing signs on every house in the
34 historic district, which requires a lot of research and said sometimes they can’t find out
35 who built the house. He said it is possible they’ve named the wrong person in some cases.

36
37 **Councilor Lawson**

38 He said it’s the second week of the parking survey and they’re continuing to gather data.

39
40 **Councilor Lawson - Agricultural Committee**

41 He reported Theresa Walker was elected chair again. The committee was scheduled to
42 hear a Capstone presentation, but it was postponed. The committee discussed the impact
43 of the Wetlands Shoreland Overlay District ordinance on farmland, and planning for its
44 13th annual Farm Day Aug. 15. He said the focus will be on hands-on participation and it
45 will be hosted at LaRoche Farm and several other venues for special setups. He said the
46 Farmers Market will be located at the M&T Bank parking lot. The Community Gardens

1 will open on April 25. The committee continues to discuss its mission statement and will
2 ask for Council feedback at some point.

3
4 **Councilor Lawson - Energy Committee**

5 He said Matthias Dean Carpentier will continue as chair through the summer and they
6 discussed vice chair candidates. He said the committee is not a statutory committee and
7 will present to the Council at some point about its structure. He said there was no
8 presentation on C-PACER, but there is an online workshop April 23, “Mythbusting for
9 N.H. Municipalities,” which the public can register for.

10
11 **Councilor Lawson**

12 He said all the dam scenarios were evaluated, and the costs compared, and he said
13 Councilors at the time, of which he was one, did carefully decide what to do. He said
14 zoning shouldn’t be punitive, and he can think of a couple times where it did seem that
15 way, but that in his time serving the town, there have been 22 large projects in the
16 commercial district that totaled \$402 million in taxable assessed value. He said many in
17 town did a lot of work and the town does have some success in economic development.

18
19 **Councilor Lehrman**

20 He said the Pease Noise Compatibility meeting is April 21, he will attend and invited
21 feedback from residents to bring to the meeting. He said he circulated a document among
22 Councilors about rethinking budgeting. He said the main reason he shared it was that the
23 section on public engagement was very good and encouraged them to read it.

24
25 **Chair Pro Tem Ford - Conservation Commission**

26 The commission has not met since the last Council meeting so nothing to report. He said
27 he was unable to attend the subcommittee’s meeting. The commission next meets April
28 28 and the subcommittee meets April 30. He added that the commission held a workday
29 at the Milne Sanctuary on April 18 to pull invasives and a lot of work was done.

30
31 **Chair Friedman - Parks and Recreation Committee**

32 He said the committee will meet April 28 and elect a chair and vice chair. It has not met
33 since the last Council meeting and is still looking for a regular member and three
34 alternates. There is an Astronomy Night at Wagon Hill Farm April 28 at 7:30 p.m. and
35 the Bio Blitz is May 16. He said the rink report would be presented at the next meeting.

36
37 **Chair Friedman - Tri Region Economic Development Stakeholders**

38 He said the group hadn’t met since last Council meeting, but will meet April 28 on Zoom.

39
40 **Councilor Friedman - Durham Business Association**

41 He said the DBA met April 8 and will meet May 13. He said that is the same day the
42 Town Gown Collaborative Program will meet for the first time and he thinks the DBA
43 may join in those coordinating efforts.

44
45 **Chair Friedman - Economic Development Strategy Committee**

46 He said the committee will meet April 28 and talk about goals for the next year.

1 **Chair Friedman**

2 Chair Friedman said the proposed Epping Waste Transfer Station on Epping Road in
3 Exeter may affect the water quality of the Lamprey River, which would affect Durham.
4 He said the state Department of Environmental Services is holding a meeting on April 28
5 at 232 Calef Highway at 5:30 p.m. The public can attend in person or remotely. He said
6 written Public Comment is due by 4 p.m. on May 12. He said it's good news that they
7 voted to fix their sewage plant, but is worried about this transfer station.

8
9 **Councilor Friedrichs**

10 Ze said anyone who received a yellow light bulb from the Energy Committee may be
11 interested in attending the May 13 Planning Board meeting for a UNH Capstone
12 presentation on how lighting affects wildlife. Ze said Aug. 6 is Durham Day and
13 reminded boards and committees to begin planning for that.

14
15 **Administrator Selig**

16 He said the town is actively vetting renters for the apartment in the Bickford-Chesley
17 House at Wagon Hill Farm. He feels it will be rented beginning May 1 at market rate. He
18 said the tenant might also be interested in caretaker duties.

19
20 He said the second half of the year's 24-hour parking permits downtown went live. Thirty
21 percent were renewed and the rest sold out in 10 minutes. The sales generated \$52,000
22 for July to December, and \$134,000 in total. He congratulated the police department on
23 the success of implementing the program.

24
25 He said NOAA has notified the town won't receive the remaining \$1.3 million of its
26 grant. It has the first \$1.9 million in hand. He said the application for the third round was
27 submitted, but he is doubtful that will move forward.

28
29 He said he met with town staff, Parks and Recreation staff and with the schools to
30 brainstorm ideas for generating more interest among children and families in a Memorial
31 Day commemoration. They are planning to expand the event for next year.

32
33 He explained the 401 Certificate Mr. Hall referred to in Public Comment was well
34 studied and that several attorneys over the years have given the town the opinion that it is
35 subject to the restrictions for a variety of reasons. He said it comes up year after year as it
36 did at this meeting. He said incidentally he agrees with Mr. Hall that the town should not
37 have been subject to it, but that's not what the attorneys have said. He said in reality the
38 401 Certificate is now irrelevant because there are instream flow regulations on the
39 Lamprey River

40
41 He said the town has been notified by the Department of Environmental Services that
42 there are three rivers under study in terms of instream flow in the future and the Oyster
43 River is one of them. He said the town water system, combined system and UNH system
44 will be providing feedback to the DES at an upcoming Public Hearing. He said the DES
45 water representative met with the wastewater committee to discuss potential instream
46 flow restrictions that might mean additional restrictions on the water system, which

1 would be a challenge. The town suggested to DES it probably doesn't make sense for
2 them to consider this now because, once the dam is removed, the river will change, but
3 the town will have to see how that plays out.

4
5 He said the first Farmers Market is set for June 1 and the town appreciates M&T Bank
6 hosting the markets this summer.

7
8 He said in regard to the upcoming solid waste hearing in Epping, the town had sent a
9 letter to the DES raising concerns when it held a prior Public Hearing and it has
10 submitted the same letter again for this hearing so it is officially part of the record.

11
12 ***Councilor Friedrichs MOVED to extend the meeting to 10:45 p.m. Councilor Vogt***
13 ***amended the motion to extend to 11 p.m. Councilor Welsh SECONDED the motion.***
14 ***The motion PASSED on a roll call vote of 7-1.***

15
16 ***Councilor Ford - nay; Councilor Lehrman - aye; Councilor Lawson - aye, Councilor***
17 ***Welsh- aye; Councilor Grant - aye; Councilor Vogt - aye; Councilor Friedrichs - aye,***
18 ***Chair Friedman - aye.***

19
20 **XIV. New Business**

21 **Discussion and possible endorsement of recommendation by Councilor Carden**
22 **Welsh to add back design standards for allowing a fifth story in portions of the CB-**
23 **1 Zoning District.**

24 Councilor Welsh said in May 2020, there was a meeting that considered moving some
25 three story zoning to four stories and adding conditional use for five stories in some
26 areas. He read from the July 20, 2020 minutes that said Administrator Selig formed an
27 informal working group to explore possible amendments to the Durham zoning ordinance
28 to facilitate the creation of high quality development and projects in the Central Business
29 District. Members of the working group included Council members Al Howland, Jim
30 Lawson, Ken Rotner and Sally Tobias, staff members Town Planner Michael Behrendt,
31 Code Enforcement Officer Audrey Cline, Town Assessor Jim Rice, Economic
32 Development Director Christine Soutter and Administrator Selig. The group met
33 numerous times and developed the amendments proposed here.

34
35 Councilor Welsh said this was done with a lot of thought. It was sent back to the Planning
36 Board and made more rigorous. It was brought back in May of 2021 for a Council vote.
37 He said the Council voted unanimously 9-0 to adopt this. He said they were appropriately
38 removed technically when we moved to four stories, but in spirit they shouldn't have
39 been removed because a lot of work went into it. He said he endorses going to five stories
40 by right, and if the Council does, this ordinance should be reinstated. He said it requires
41 setbacks on the fifth story - if it's facing the street, it's 10 feet; if it's facing a public
42 street, 20 feet; in some cases, it's 25 feet. He said the Planning Board is taking this up on
43 April 22. Councilor Lawson said he was part of a working group working with UNH and
44 developers on 66 Main St., and he realized this area would be best served with a five-
45 story building due to the proximity of UNH and larger buildings like Huddleston Hall and
46 Holloway Commons. Most importantly it has very large parcels of land owned by the

1 town and the bank. He said the dilemma was tension with the Master Plan. He said now
2 the town is considering five stories by right, which he said he agrees with, and feels
3 without a setback it would stray too far from the Master Plan. Crafting the ones they did
4 was the result of a lot of discussion and feedback from all sides. He said the last thing
5 he's worried about is losing the valuation of that setback when the parcels in that area are
6 so large. He said many local towns don't allow five stories, but those who do use
7 setbacks to enhance the street environment. He said he supports Councilor Welsh's
8 recommendation.

9
10 Councilor Lehrman said he looked at other town's standards and clarified that a step back
11 is the mitigation on the fifth floor, which is what the proposal addresses, not a setback
12 from a lot line, and Councilor Lawson agreed. He said the regulation in Portsmouth is if
13 the width of the street facing another building is less than 60 feet, the step back is
14 required on the fifth floor. He said in Durham all the parcels have that much space except
15 Jenkins Court. He said previously the entire CB1 was under discussion for conditional
16 use and now it has narrowed to just three potentially developable properties: 66 Main,
17 M&T Bank and the two adjacent properties - the one the Clarks own and the building
18 with the Subway. Those two separately aren't large enough but they could be combined
19 into one. He said the town has to consider if it does want a setback from the lot line, too.
20 He said height is just one of many attributes of human scale. He gave examples of
21 downtown perspectives and the scenario if a hotel were built on the 66 Main St. parcel.
22 He said the setbacks may impact the viability of a five-story building and distributed a
23 graphic.

24
25 Councilor Lawson responded to Councilor Lehrman and said Portsmouth has a more
26 complex way of calculating other setbacks and that five-story setbacks are not so great
27 that it makes a fifth floor unviable. He said he wants a developer to have the freedom to
28 decide where they would put a building. He said the setbacks make it more consistent
29 with the town's Master Plan, are reasonable, and seem to be used in towns with higher
30 building heights. He said the Council has to decide whether to adopt something consistent
31 with the Master Plan or standards with no setbacks and developers can do what they think
32 is best. It was six months of work and community discussion, he said, and Councilors
33 listened to people and came up with something that made five stories work consistent
34 with the Master Plan. He said if the Council continues to trample it, it will lose the
35 community trust it needs.

36
37 Councilor Grant said the discussion was from six years ago, and asked if developers
38 today would say this is doable. She said what's affordable today is completely different
39 from six years ago.

40
41 Councilor Friedrichs reached out to zir sibling who is an urban planner and land use
42 lawyer, and they referred zir to "Street Design" by Victor Dover and John Massangill.
43 The book said if you picture a 45-degree angle coming up from the centerline of the street
44 and keep the roof of the building under that angle, you'll keep human scale. Ze said it is a
45 live debate in practice now, which means it's economically viable. Councilor Lawson
46 said that is similar to what Portsmouth uses.

1
2 Councilor Welsh said the reason he read the names of the committee is because many of
3 the same people are here now. The decision was well vetted, well done and should be
4 preserved, and he endorses it.

5
6 Councilors discussed the setbacks and their impact on designs and the views.

7
8 ***Councilor Welsh MOVED to endorse his recommendation and forward it to the***
9 ***Planning Board. Councilor Lawson SECONDED the motion. The motion PASSED on***
10 ***a roll call vote of 5-3.***

11
12 ***Chair Pro Tem Ford - aye; Councilor Lehrman - nay; Councilor Lawson - aye;***
13 ***Councilor Welsh - aye; Councilor Grant - nay; Councilor Vogt - nay; Councilor***
14 ***Friedrichs - aye; Chair Friedman - aye.***

15
16 **XV. Nonpublic Session (if required) - Not needed**

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

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

22
23 The meeting was adjourned at 10:57 p.m.

24
25 - Jane Murphy, Minutes Taker