



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

NOTICE: This meeting of the Town Council is being held **completely on-line** **using Zoom teleconferencing**. Please refer to the “Zoom Call-in and Public Input Instructions” for this meeting located at the end of the agenda.

AGENDA

DURHAM TOWN COUNCIL

MONDAY, AUGUST 3, 2020

DURHAM TOWN HALL – COUNCIL CHAMBERS

7:00 PM

NOTE: *The Town of Durham requires 48 hours notice if special communication aids are needed.*

- I. Call to Order
- II. Approval of Agenda
- III. Special Announcements
- IV. Public Comments (*)
- V. Approval of Minutes
 - June 15, 2020
 - July 6, 2020 (regular & nonpublic)
- VI. Councilor and Town Administrator Roundtable
- VII. Report from the UNH Student Senate External Affairs Chair or Designee
- VIII. **Unanimous Consent Agenda** *(Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote)*
 - Shall the Town Council approve the 3rd Warrant for 2020 Water and Sewer totaling \$490,965.82 and authorize the Administrator to sign said warrant?
- IX. **Committee Appointments**
 - A. Shall the Town Council appoint Charlotte Hitchcock, 14 Stone Quarry Drive, to fill a regular member term on the Historic District Commission/Heritage Commission?

- B. Shall the Town Council, upon recommendation of the Economic Development Committee, move Sally Tobias from an alternate member to a regular member position on the Economic Development Committee to fill the unexpired term of Roger Hayden?

X. Presentation Items

Quarterly Financial Report through 06/30/20 – Gail Jablonski, Business Manager

XI. Unfinished Business

DISCUSSION AND POSSIBLE REFERRAL TO THE PLANNING BOARD FOR ITS REVIEW AND STUDY ORDINANCE #2020-10, a Council-initiated ordinance amending Chapter 175 “Zoning” of the Durham Town Code regarding height, stories, and uses in the Central Business District; method for determining building height and drive-through facilities

XII. New Business

- A. **DISCUSSION AND ACTION ON EMERGENCY ORDINANCE #2020-11**, requiring the wearing of face coverings under certain conditions within the Town of Durham
- B. **FIRST READING ON ORDINANCE #2020-12** creating a new Chapter, Chapter 71, titled “Horses on Town Trails” within the Durham Town Code prohibiting horses from traversing trails designed for pedestrian activity within the Town of Durham
- C. Discussion regarding the use of fireworks within the Town of Durham
- D. Other Business

XIII. Nonpublic Session (if required)

XIV. Extended Councilor and Town Administrator Roundtable (if required)

XV. Adjourn (NLT 10:30 PM)

() The public comment portion of the Council meeting is to allow members of the public to address matters of public concern regarding town government for up to 5 minutes. Obscene, violent, disruptive, disorderly comments, or those likely to induce violence, disruption or disorder, are not permitted and will not be tolerated. Complaints regarding Town staff should be directed to the Administrator.*

ZOOM VIDEO CALL-IN & PUBLIC INPUT INSTRUCTIONS

To Participate by Audio

AUDIO ONLY CALL-IN INSTRUCTIONS: In order to access any LIVE Zoom Public Meeting by telephone, you **MUST** be preregistered for that meeting. You may then call: **1-929-436-2866** then type in the **Meeting ID** and **Password**. Zoom Meeting ID's and Passwords are only available for **preregistered** participants. You can **preregister** [HERE](#)

To Participate by Video

VIDEO ONLY INSTRUCTIONS: In order to access any LIVE Zoom Public Meeting, you must be Preregistered. You can preregister for any Zoom Public Meetings by clicking [HERE](#).

IMPORTANT!

1. **Please be sure your full name is viewable, and you are identifiable when using Zoom.**
2. **You will be muted until the Public portion of the meeting opens.**
3. **If you're watching on Channel 22 or DCAT LiveStream be sure to mute when using Zoom.**

These are LIVE Public meetings and your audio and video should be muted when you enter the room (if not, the host will mute them for you). You will not be able to communicate directly with anyone in the Zoom meeting at this time. Participants will have the opportunity to comment during Public Comments, or when a Public Hearing is opened. We ask that you mute your audio and video after you've commented (if not, the host will mute them for you). If you wish to submit comments for public input, please submit them via email to council@ci.durham.nh.us by 5:00 PM on the day of the meeting.

If you should have difficulty, please send DCAT an email: dcat@ci.durham.nh.us or by calling **603-590-1383**.

PUBLIC INPUT INSTRUCTIONS: Due to the ongoing situation with COVID-19, the Town of Durham will be taking extra steps to allow for public input during public meetings while still ensuring participant safety and social distancing. Per Executive Order by Governor Sununu, scheduled gatherings of 10 or more people will be prohibited. Therefore, those wishing to share comments are required to do so via email to council@ci.durham.nh.us by 5:00 PM on the day of the meeting.

For Zoom Meeting **Preregistration** click [HERE](#).



TOWN OF DURHAM
8 NEWMARKET ROAD
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AGENDA ITEM: **# 5**

DATE: August 3, 2020

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
JUNE 15, 2020 AND JULY 6, 2020 (REGULAR & NONPUBLIC),

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the regular Town Council meetings held on Monday, June 15 and July 6, 2020 and also the Nonpublic session minutes for July 6, 2020. Please call or email Jennie Berry with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:
"Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the public meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A



SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION 1:

The Durham Town Council does hereby approve the Town Council regular meeting minutes for Monday, June 15, 2020 (as presented) (as amended). (ROLL CALL VOTE REQUIRED)

Sally Tobias	___	Wayne Burton	___
Dinny Waters	___	James Lawson	___
Al Howland	___	Sally Needell	___
Katherine Marple	___	Andrew Corrow	___
Kenny Rotner	___		

MOTION 2:

The Durham Town Council does hereby approve the Town Council regular meeting minutes for Monday, July 6, 2020 (as presented) (as amended). (ROLL CALL VOTE REQUIRED)

Sally Tobias	___	Wayne Burton	___
Dinny Waters	___	James Lawson	___
Al Howland	___	Sally Needell	___
Katherine Marple	___	Andrew Corrow	___
Kenny Rotner	___		

MOTION 3:

The Durham Town Council does hereby approve the Town Council Nonpublic Session meeting minutes for Monday, July 6, 2020 (as presented) (as amended). (ROLL CALL VOTE REQUIRED)

Sally Tobias	___	Wayne Burton	___
Dinny Waters	___	James Lawson	___
Al Howland	___	Sally Needell	___
Katherine Marple	___	Andrew Corrow	___
Kenny Rotner	___		



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AGENDA ITEM: **# 8**
DATE: **August 3, 2020**

COUNCIL COMMUNICATION

INITIATED BY: April Talon, Town Engineer

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE THE 3RD 2020
WARRANT FOR WATER AND SEWER TOTALING \$490,965.82
AND AUTHORIZE THE ADMINISTRATOR TO SIGN SAID
WARRANT?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's approval is the 3rd 2020 Warrant for Water and Sewer totaling \$490,965.82 in accordance with RSA 38:22 II (a) which states: "A municipality may commit bills for charges to the Tax Collector with a warrant signed by the appropriate municipal officials requiring the Tax Collector to collect them." The commitment list is available for viewing in the Town Clerk-Tax Collector's Office and will be available for viewing once the warrant is approved Monday evening.

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:	Water \$	234,235.85
	Sewer \$	256,729.97
	Total \$	<u>490,965.82</u>

with interest at twelve percent (12%) on all sums not paid thirty days (30) from the due date.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the 3rd 2020 Warrant for Water and Sewer totaling \$490,965.82 commits the bills for charges to the Tax Collector for collection, and authorizes the Administrator to sign said warrant on its behalf.

STATE OF NEW HAMPSHIRE
WATER/SEWER – 3rd WARRANT 2020

STRAFFORD SS

To Lorrie Pitt, Collector of Water and Sewer Taxes for the Town of Durham in said County.

In the name of said State, you are directed to collect the water and sewer taxes in the list herewith committed to you, amounting in all to the sum of

Five Hundred Fifteen Thousand Eight Hundred Eighty-Two Dollars and Forty-One Cents (\$515,882.41)

Water \$ 234,235.85

Sewer \$ 256,729.97

Total \$ 490,965.82

with interest at eight percent (8%) on all sums not paid thirty (30) days from the due date.

And we further order you to pay all monies collected to the Treasurer of said Town at least on a weekly basis.

As attested by the Town Clerk-Tax Collector, the list on the following pages is a correct list of the assessment of the 3rd billing of 2020 computed from the 2nd Quarter water and sewer readings of 2020.

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector

Given under our hands and seal at Durham this 3rd day of August 2020.

Todd I. Selig, Administrator
Per Town Council vote on 8/3/2020



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9A

AGENDA ITEM:

DATE: August 3, 2020

COUNCIL COMMUNICATION

INITIATED BY:

Charlotte Hitchcock, 14 Stone Quarry Drive

AGENDA ITEM:

SHALL THE TOWN COUNCIL APPOINT CHARLOTTE HITCHCOCK, 14 STONE QUARRY DRIVE, TO A REGULAR MEMBER TERM ON THE HISTORIC DISTRICT COMMISSION/HERITAGE COMMISSION?

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is an application for board appointment submitted by Charlotte Hitchcock, 14 Stone Quarry Drive, requesting appointment to the Historic District Commission/Heritage Commission. There is currently one regular member vacancy and three alternate member vacancies on the commission.

Ms. Hitchcock has viewed recorded sessions of the commission and has spoken with commission Chair, Andrew Corrow. Attached for the Council's information is Chair Corrow's endorsement of Ms. Hitchcock's appointment.

Ms. Hitchcock will attend Monday night's virtual Council meeting relative to her request for appointment.

LEGAL AUTHORITY:

Section 11.5 "Vacancies in Elected or Appointed Office" states that, *"Unless otherwise specified in this Charter, in the event of a vacancy in an elected or appointed office, board, commission or committee of the town, the Town Council shall fill that vacancy by appointment, such appointment to continue until the next town election for elected positions or the remainder of a person's term if an appointed position."*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby appoint Charlotte Hitchcock, 14 Stone Quarry Drive, to fill a regular member term on the Historic District Commission/Heritage Commission, with a term expiration of April 30, 2023.

Jen Berry

Subject: FW: HDC candidate

From: Michael Behrendt

Sent: Thursday, July 02, 2020 10:49 AM

To: Charlotte Rose Hitchcock (charlotte.rose.hitchcock@gmail.com); Jen Berry; Todd Selig; external forward for acorow

Subject: HDC candidate

Hello Charlotte,

Thank you for submitting your application. It is quite an understatement to say that you are qualified to serve on the HDC ; * } You are capable of doing much heavier lifting but I think you will still find the work of the commission to be interesting and rewarding. It is not necessary to submit any additional information but please feel free to send along your CV and/or an NR nomination if you would like.

Jen,

Can we plan on Charlotte coming to the Town Council meeting on August 3? That way, if she is appointed she could attend the next HDC meeting on Thursday, August 6?

Thanks.

Michael Behrendt

Durham Town Planner

From: Charlotte Rose Hitchcock [<mailto:charlotte.rose.hitchcock@gmail.com>]

Sent: Thursday, July 02, 2020 10:38 AM

To: external forward for acorow

Cc: Michael Behrendt

Subject: HDC nomination

Here attached is my application. I can also produce a CV and/or a copy of a NR nomination, if that seems useful.

Yours,
Charlotte

Hi Michael,

Charlotte and I have "spoken" via e-mail. I think Charlotte will make a wonderful addition to the team!

Regards, Andy



Town of Durham

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jberry@ci.durham.nh.us

Application for Board Appointment

Type of Appointment and Position Desired (Please select only one):

New appointment/regular member ✕ New appointment/alternate member ☐
Reappointment/regular member ☐ Reappointment/alternate member ☐

Name: Charlotte R. Hitchcock Date: 6/30/2020

Address: 14 Stone Quarry Drive, Apt. 104, Durham NH 03824

E-Mail Address: charlotte.rose.hitchcock@gmail.com

Telephone: 603.590.9164 cell: 203.397.3803

Board/Commission/Committee to which you are interested in being appointed. (Please list in order of preference, if interested in more than one appointment).

1. Historic District / Heritage Commission

NOTE: New applicants are asked to attend AT LEAST ONE meeting, as well as to meet separately with the Chair(s) of the committee(s) to which they are applying, prior to submitting an application for appointment.

Circle one: **I have / have not** attended a meeting(s) of the committee(s) listed above.

☐ I have viewed recorded sessions of the committee

Circle one: ☒ **I have** / **have not** met with the chairperson of the committee(s) listed above.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee?

Please provide a brief explanation for your interest in appointment to a particular board, commission or committee:

Before moving to Durham, I lived for 45 years in New Haven, CT where I was involved in preservation as a volunteer and as a professional. I'm looking forward to continuing to contribute to my new community here in Durham.

Please provide brief background information about yourself:

I worked as an architectural historian for the last ten years before my retirement, at the Connecticut Trust for Historic Preservation, after working as an architect since the early 1970s. I also lived for 40 years in a State Register Historic District in New Haven, CT.

I was a volunteer in the early 1980s at the New Haven Preservation Trust when we did a multi-year survey of the city's historic resources which later became the list of buildings subject to a delay-of-demolition ordinance.

Here are a couple of projects I worked on for the Connecticut Trust:

<https://connecticutbarns.org/> - surveyed hundreds of barns, worked with community volunteers state-wide to survey barns; and I wrote about 100 state register nominations of farms/barns.

<http://connecticutcreativeplaces.org/> - documentation of homes and studios of 20th century Modern artists and writers who lived and worked in Connecticut - I wrote state register nominations, and also the context statement for the thematic multiple site nomination. This web site has just gone live - it was completed after my time, and it's exciting to see the work made available like this.

After I retired in 2016 I did free-lance work writing State and National Register nominations including two Colonial-period houses, and consulting work for the New Haven Preservation Trust on their documentation of Modernist architecture from the 1960s, until I left Connecticut last year.

Please provide below the names and telephone numbers of up to three personal references:

Name: John Herzan
retired staff at the CT SHPO & New Haven Preservation Trust
Telephone: (203) 481-0377 email: johnherzan@gmail.com

Name: Chris Wigren - Deputy director at Preservation Connecticut
(formerly CT Trust for Historic Preservation)
Telephone: (203) 562-6312 email: cwigren@preservationct.org

Name: Dwight Baldwin – neighbor at RiverWoods Telephone: (603) 868-5759

[illegible]

Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 15 Newmarket Road, Durham, NH 03824.



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9B

AGENDA ITEM:

DATE: August 3, 2020

COUNCIL COMMUNICATION

INITIATED BY: Sally Tobias & Economic Development Committee

AGENDA ITEM: SHALL THE TOWN COUNCIL MOVE ALTERNATE SALLY TOBIAS TO FILL THE UNEXPIRED REGULAR MEMBER TERM OF ROGER HAYDEN ON THE ECONOMIC DEVELOPMENT COMMITTEE, WITH SAID TERM TO EXPIRE APRIL 30, 2023?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

On June 19, 2020, Roger Hayden gave notification of his resignation as a regular member on the Economic Development Committee, effective immediately.

Attached for the Council's information is email correspondence from Sally Tobias requesting that she be moved from her current alternate member position on the committee to fill the regular member vacancy of Mr. Hayden.

The Economic Development Committee concurs with Ms. Tobias' request and requests that the Council move her to fill the unexpired regular member vacancy of Mr. Hayden with said term to expire April 30, 2023.

LEGAL AUTHORITY:

Section 11.5 "Vacancies in Elected or Appointed Office" states that, "*Unless otherwise specified in this Charter, in the event of a vacancy in an elected or appointed office, board, commission or committee of the town, the Town Council shall fill that vacancy by appointment, such appointment to continue until the next town election for elected positions or the remainder of a person's term if an appointed position.*"

LEGAL OPINION:

N/A

Re: Move Alternate EDC Member Sally Tobias Fill Regular Member Term of
Roger Hayden

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby move alternate member Sally Tobias to fill the unexpired regular member term of Roger Hayden on the Economic Development Committee, with said term to expire on April 30, 2023.

From: [Sally Tobias](#)
To: [Jen Berry](#); [Al Howland](#)
Subject: Alternate position EDC
Date: Thursday, July 09, 2020 11:59:06 AM

With Roger leaving his regular position on EDC I think I will apply to take that position since I have been an alternate since 2016

I guess I have to apply for the unexpired regular position ... is that correct Jen

And ... I guess I need approval from the chair

Sally

Sent from my iPhone

Sally Tobias has indicated interest in moving from EDC alternate to filling the regular position vacated by Rodger Hayden. She has been an active member on the committee and has also spent years connecting with local businesses with Celebrate Durham. Given the challenges Covid-19 presents, Sally's experience will be a great asset to the committee. I strongly recommend this change.

Al Howland

Chair of Durham Economic Development Committee.



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AGENDA ITEM: **# 10**
DATE: **August 3, 2020**

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: **QUARTERLY FINANCIAL REPORT THROUGH JUNE 30, 2020**

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In compliance with section 5.6 of the Durham Town Charter attached for your review and consideration is a financial report for 2020 through June 30, 2020. General Fund information is broken down by function which may be helpful for your analysis and for the purpose of discussion at the Town Council Meeting. Revenue and expense reports for all other funds are presented in summary format. You will note on the attached report the last column indicates the Percent Collected/Expended as of 06/30/19 for year-to-year comparison purposes.

LEGAL AUTHORITY:

Durham Town Charter Section 5.6

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town's expenditures as of June 30, 2020 show a total expenditure of \$8,644,051 or 51.4% of the total approved budget amount of \$16,814,060. To compare, the amount expended as of March 31, 2019 was 54.1%.

To date we have expended \$313,576.74 relating to the COVID-19 pandemic, of which we estimate all but approximately \$82,000 is reimbursable from several CARES ACT grants. Attached is a breakdown of expenses to date and the grants we have or are expected to receive reimbursement from. We will continue to monitor our expenses and submit for reimbursement as required.

EXPENSES:

We continue to anticipate savings in our police and fire departments due to staff vacancies. The Recreation Department is anticipating a reduction in spending due to the cancellation of programs, however, this will also result in a reduction of revenue.

Our legal fees are running slightly under budget.

We have not yet advertised for the GIS position which was approved in the 2020 budget effective July 1st but anticipate starting this process in the coming months.

REVENUE:

Property taxes were 88% collected as of June 30th. Although we normally see a collection rate of 90-92% at this time it is noted that with the deferral of interest for a month some people may have decided to delay their payment.

We saw a loss of approximately \$75,000 of anticipated revenues from the parking meters for the first six months of the year due to the shutdown of the meters from mid-March through May 31st. This loss of revenue will impact the amount of revenue we will be able to transfer into the General Fund budget at the end of the year.

The Recreation Department is also anticipating a loss in revenue due to program cancellations of approximately 30% or \$35,000.

According to the Police Department the court fines are currently less than expected due to a backlog of approximately 100 cases at the court level. In addition, arrests have virtually stopped at both the Durham Police and UNH Police Departments due to COVID.

The Building Department did see an increase in building permit fees due to the construction of the new Middle School.

In OTHER FUNDS the only area to be noted is the decrease in revenue in the Parking Fund as noted above.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. This report is presented as information to keep the Council informed on the Town's financial position.

FY2020 Budget/Estimated January 1 - June 30, 2020					As of 06/30/19
GENERAL FUND					
REVENUES (less property taxes)	FY2020 Estimated Revenue	Revenues Ending 06/30/20	Revenues Under (Over) 2020	Percent Collected as of 06/30/20	Percent Collected as of 06/30/19
Property Taxes	\$9,571,835	\$4,142,328	\$5,429,507	43.3%	38.0%
Payment in Lieu of Taxes	\$436,000	\$0	\$436,000	0.0%	0.0%
Abatements	(\$125,000)	(\$18,156)	(\$106,844)	14.5%	41.2%
Veteran Service Credits	(\$125,000)	\$0	(\$125,000)	0.0%	0%
Interest and Penalties on Delinquent Taxes	\$50,000	\$13,690	\$36,310	27.4%	31.4%
Permit Fees	\$1,451,820	\$843,293	\$608,527	58.1%	53.9%
State/Federal Revenues	\$1,211,855	\$139,800	\$1,072,055	11.5%	11.2%
Intergovernmental Revenues (ORCSD-SRO)	\$78,725	\$39,363	\$39,362	50.0%	100.0%
UNH - Shared Services, Fire & Debt Service	\$2,467,975	\$1,364,977	\$1,102,998	55.3%	53.5%
Departmental Income	\$369,950	\$232,234	\$137,716	62.8%	81.6%
Fire and Police Special Details	\$265,000	\$183,739	\$81,261	69.3%	58.5%
Miscellaneous Revenue	\$453,500	\$302,982	\$150,518	66.8%	66.3%
Transfers In	\$615,000	\$0	\$615,000	0.0%	0.0%
Fund Balance	\$93,000	\$0	\$93,000	0.0%	0.0%
Total General Fund	\$16,814,660	\$7,244,250	\$9,570,410	43.1%	41.8%
EXPENDITURES	FY2020 Council Budget	Expended Through 06/30/20	Expenditures Under (Over) 2020	Percent Expended as of 06/30/20	Percent Expended as of 06/30/19
GENERAL GOVERNMENT					
Town Council	\$140,000	\$23,736	\$116,264	17.0%	84.3%
Town Treasurer	\$6,000	\$2,863	\$3,137	47.7%	47.9%
Town Administrator	\$396,050	\$201,006	\$195,044	50.8%	48.5%
Elections	\$20,800	\$10,860	\$9,940	52.2%	44.8%
Tax Collector/Town Clerk	\$280,000	\$124,718	\$155,282	44.5%	46.8%
Accounting	\$333,200	\$163,559	\$169,641	49.1%	49.8%
Assessing	\$215,000	\$93,391	\$121,609	43.4%	45.7%
Legal - Attorney Fees	\$85,000	\$27,644	\$57,356	32.5%	46.6%
Legal - Eversource Settlement (Great Bay Study)	\$175,000	\$175,000	\$0	100.0%	0.0%
Planning	\$187,000	\$80,741	\$106,259	43.2%	45.4%
Economic Development	\$64,700	\$25,539	\$39,161	39.5%	15.2%
Boards/Commissions/Committees	\$66,400	\$31,906	\$34,494	48.1%	40.0%
DCAT	\$104,450	\$48,450	\$56,000	46.4%	50.4%
GIS	\$51,400	\$300	\$51,100	0.6%	0.0%
MIS	\$291,960	\$174,871	\$117,089	59.9%	59.5%
Building Inspection	\$261,800	\$99,185	\$162,615	37.9%	29.4%
Other General Government	\$327,000	\$117,702	\$209,298	36.0%	46.5%
Emergency Management (COVID-19)	\$1,000	\$150,932	(\$149,932)	15093.2%	1.0%
General Government Total	\$3,006,760	\$1,552,403	\$1,454,357	51.6%	47.5%
PUBLIC SAFETY					
Police Department	\$3,092,900	\$1,345,906	\$1,746,994	43.5%	47.2%
Police Department Special Details	\$164,900	\$104,607	\$60,293	63.4%	61.2%
Fire Department	\$4,271,900	\$1,826,052	\$2,445,848	42.7%	47.2%
Fire Department Special Details	\$48,700	\$11,605	\$37,095	23.8%	33.8%
Communication Center	\$19,000	\$18,700	\$300	98.4%	96.3%
Ambulance Services	\$31,300	\$15,653	\$15,647	50.0%	74.7%
Public Safety Total	\$7,628,700	\$3,322,523	\$4,306,177	43.6%	47.6%

Council Communication, 8/03/20 – Page 4
Financial Report through June 30, 2020

EXPENDITURES	FY2020 Council Budget	Expended Through 06/30/20	Expenditures Under (Over) 2020	Percent Expended as of 06/30/20	Percent Expended as of 06/30/19
PUBLIC WORKS					
Administration	\$367,400	\$190,085	\$177,315	51.7%	44.1%
Engineer	\$91,700	\$39,563	\$52,137	43.1%	28.7%
Stormwater Permitting	\$3,500	\$0	\$3,500	0.0%	0.0%
Town Buildings	\$284,000	\$112,355	\$171,645	39.6%	47.2%
Town Cemeteries & Trusted Graveyards	\$15,850	\$1,027	\$14,823	6.5%	11.2%
Wagon Hill & Parks & Grounds Maintenance	\$161,600	\$71,720	\$89,880	44.4%	48.0%
Equipment Maintenance	\$218,800	\$98,724	\$120,076	45.1%	36.3%
Roadway Maintenance	\$182,600	\$68,784	\$113,816	37.7%	32.8%
Drainage & Vegetation	\$118,300	\$71,752	\$46,548	60.7%	23.0%
Snow Removal	\$289,900	\$112,795	\$177,105	38.9%	66.0%
Traffic Control	\$132,300	\$53,474	\$78,826	40.4%	40.3%
Bridges & Dams	\$205,500	\$82,262	\$123,238	40.0%	48.0%
Public Works Total	\$2,071,450	\$902,541	\$1,168,909	43.6%	43.7%
SANITATION					
Solid Waste Administration	\$171,600	\$76,997	\$94,603	44.9%	48.5%
Rolloff Vehicle Operation	\$57,500	\$27,857	\$29,643	48.4%	49.0%
Curbside Collection	\$194,400	\$94,545	\$99,855	48.6%	47.8%
Litter Removal	\$23,100	\$5,957	\$17,143	25.8%	52.8%
Recycling	\$157,800	\$64,554	\$93,246	40.9%	48.5%
Solid Waste Management Facility (SWMF)	\$106,900	\$57,871	\$49,029	54.1%	65.0%
Sanitation Total	\$711,300	\$327,781	\$383,519	46.1%	50.9%
HEALTH & WELFARE					
Health Inspector	\$400	\$0	\$400	0.0%	0.0%
Social Service Agencies	\$17,050	\$17,050	\$0	100.0%	100.0%
Direct Assistance (Welfare)	\$20,000	\$7,107	\$12,893	35.5%	46.7%
Health & Welfare Total	\$37,450	\$24,157	\$13,293	64.5%	69.4%
CULTURE & RECREATION					
Parks & Recreation Department	\$249,200	\$94,448	\$154,752	37.9%	43.3%
UNH Outdoor Pool	\$6,000	\$0	\$6,000	0.0%	0.0%
Oyster River Youth Association	\$14,000	\$7,000	\$7,000	50.0%	50.0%
Parks & Recreation Committee	\$1,500	\$0	\$1,500	0.0%	0.0%
Memorial Day	\$500	\$60	\$440	12.0%	78.0%
Conservation	\$45,600	\$21,001	\$24,599	46.1%	16.4%
Culture & Recreation Total	\$316,800	\$122,509	\$194,291	38.7%	37.0%
DEBT SERVICE					
Principal	\$1,403,100	\$828,208	\$574,892	59.0%	76.4%
Interest	\$386,900	\$317,329	\$69,571	82.0%	86.2%
Debt Service Charges	\$5,000	\$0	\$5,000	0.0%	55.0%
Debt Service Total	\$1,795,000	\$1,145,537	\$649,463	63.8%	78.7%
TRANSFERS OUT					
Transfer to Library	\$514,300	\$514,300	\$0	100.0%	100.0%
Transfer to Capital Project Fund	\$662,300	\$662,300	\$0	100.0%	100.0%
Transfer to Fire Capital Reserve Fund	\$70,000	\$70,000	\$0	100.0%	100.0%
Transfers Out Total	\$1,246,600	\$1,246,600	\$0	100.0%	100.0%
TOTAL GENERAL FUND	\$16,814,060	\$8,644,051	\$8,170,009	51.4%	54.1%

OTHER FUNDS SUMMARY					
Water Fund	FY2020 Estimated	Ending 06/30/20	Under (Over) 2020	Percent as of 06/30/20	Percent as of 06/30/19
Revenues	\$1,132,000	\$531,685	\$600,315	47.0%	46.9%
Expenses	\$1,132,000	\$476,342	\$655,658	42.1%	57.4%
Sewer Fund	FY2020 Estimated	Ending 06/30/20	Under (Over) 2020	Percent as of 06/30/20	Percent as of 06/30/19
Revenues	\$2,754,700	\$1,196,434	\$1,558,266	43.4%	63.1%
Expenses	\$2,754,700	\$1,140,766	\$1,613,934	41.4%	52.9%
Parking Fund	FY2020 Estimated	Ending 06/30/20	Under (Over) 2020	Percent as of 06/30/20	Percent as of 06/30/19
Revenues	\$485,100	\$137,006	\$348,094	28.2%	47.6%
Expenses	\$485,100	\$121,049	\$364,051	25.0%	32.4%
Depot Road Fund	FY2020 Estimated	Ending 06/30/20	Under (Over) 2020	Percent as of 06/30/20	Percent as of 06/30/19
Revenues	\$138,000	\$17,532	\$120,468	12.7%	23.9%
Expenses	\$138,000	\$5,278	\$132,722	3.8%	7.6%
Churchill Rink Fund	FY2020 Estimated	Ending 06/30/20	Under (Over) 2020	Percent as of 06/30/20	Percent as of 06/30/19
Revenues	\$338,520	\$128,510	\$210,010	38.0%	47.2%
Expenses	\$338,520	\$97,954	\$240,566	28.9%	30.3%
Library Fund	FY2020 Estimated	Ending 06/30/20	Under (Over) 2020	Percent as of 06/30/20	Percent as of 06/30/19
Revenues	\$533,550	\$514,300	\$19,250	96.4%	96.1%
Expenses	\$533,550	\$238,598	\$294,952	44.7%	46.9%

Council Communication, 8/03/20 – Page 6
Financial Report through June 30, 2020

Town of Durham , New Hampshire						
COVID-19 Related Expenditures and Related Funding						
Thru June 30, 2020						
Funding Sources:				<i>Allocated</i>		
CARES ACT	First Responder Stipend (FRS)	May 4, 2020 - June 30, 2020		\$ 110,199.84		
CARES ACT	GOFERR - Municipal CRF	March 1, 2020 - October 15, 2020		\$ 376,233.00		
FEMA	Disaster Declaration	January 20, 2020 - TBD		Not specified		
TOTAL EXPENDITURE COSTS RELATED TO CORONAVIRUS		ELIGIBLE FOR REIMBURSEMENT FROM			Covered by Town Budget	
		FRS Funding	Municipal CRF	FEMA		
Supplies (PPE, sanitizing, equipment)	\$ 27,045.86		\$ 12,916.59	\$ 14,129.27	\$ -	
Remote Operation Setup Costs	\$ 29,051.90		\$ 29,051.90		\$ -	
First Responder Stipend	\$ 110,199.84	\$ 110,199.84			\$ -	
Reimbursable Wages (FFCRA, EM-OT, Employer share of taxes)	\$ 65,449.72		\$ 49,536.25	\$ 15,913.47	\$ -	
Nonreimbursable Wages (leave related to covid-19)	\$ 81,829.42				\$ 81,829.42	
	\$ 313,576.74	\$ 110,199.84	\$ 91,504.74	\$ 30,042.74	\$ 81,829.42	
Reimbursable wages include employees who used leave for the following reasons:						
Advised by health care provider to self-quarantine						
Experiencing COVID-19 symptoms and seeking a medical diagnosis						
Caring for an individual subject to self-quarantine						
Caring for child whose school or place of care is closed due to COVID-19						
Nonreimbursable wages include employees who used leave for the following reasons:						
Have been exposed to an individual being tested for COVID-19						
Staying home at request of employer						



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

AGENDA ITEM:

11

DATE: August 3, 2020

COUNCIL COMMUNICATION

INITIATED BY:

Downtown Working Group (See below)

AGENDA ITEM:

DISCUSSION AND POSSIBLE ACTION TO REFER TO THE PLANNING BOARD ORDINANCE #2020-10, A TOWN COUNCIL-INITIATED ZONING AMENDMENT TO:

1. **ALLOW AN ADDITIONAL STORY IN THE CENTRAL BUSINESS DISTRICT BY CONDITIONAL USE;**
2. **CHANGE THE CONFIGURATION OF USES IN A MIXED-USE BUILDING IN THE CENTRAL BUSINESS DISTRICT;**
3. **CHANGE THE METHOD FOR DETERMINING BUILDING HEIGHT; AND**
4. **CHANGE PROVISIONS FOR DRIVE-THROUGH FACILITIES**

CC PREPARED BY:

Michael Behrendt

PRESENTED BY:

Al Howland, Jim Lawson, Ken Rotner, and Sally Tobias

AGENDA DESCRIPTION:

Discussion and possible action to refer to the Planning Board a Town Council-initiated zoning amendment regarding building height, stories, uses, and drive-through facilities.

BACKGROUND

Town Administrator Todd Selig convened an informal working group to explore possible amendments to the Durham Zoning Ordinance to facilitate the creation of high quality development projects in the Central Business District. Members of the working group included Town Council members Al Howland, Jim Lawson, Ken Rotner, and Sally Tobias. Staff members included Town Planner Michael Behrendt, Code Administrator Audrey Cline, Town Assessor Jim Rice, Economic Development Director Christine Soutter, and Mr. Selig. The group met numerous times and developed the amendments that are proposed here.

The working group thought it beneficial to provide for greater flexibility in downtown development while ensuring high-quality design and avoiding adverse

impacts. There are four general components of the proposed amendments as follows.

Number of stories in CBD.

The current maximum number of allowed stories in the Central Business District is four except as specified in Sections 175-42. B. 8. and 9. In this area - including all of Madbury Road (The westerly side is zoned CBD) and both sides of Main Street from the Town and Campus/Ciao Italia lot to the east end of the district - the maximum is three stories. This three- story limit on Main Street was adopted in 2013 pursuant to a citizen's petition. The limit on Madbury Road was initiated by the Town Council and adopted later in 2013.

The proposed amendment, in Section 175-42. B.6., would allow one additional story (a fifth or fourth, depending on the area, above) by conditional use provided that it is set back from the street by at least ten feet and that the Planning Board determines that it will not have an adverse impact upon the streetscape. These provisions should ensure the additional story will fit in visually.

Configuration of uses in CBD.

The working group took another look at the respective requirements for commercial and residential uses in mixed-use buildings – Section 175-42.B.7. This is clearly a challenging, but important, issue that the Town has revisited continually over the years. The provisions included in subsections a. through f. are aimed at allowing for greater flexibility while more precisely addressing the specific objectives.

Subsection g. will allow for a developer to count outdoor public use areas toward the commercial area requirements for the site. We want to encourage attractive outdoor public amenities, especially on larger sites, and a developer will not have an interest in doing so unless there is a benefit to the project. We also recognize that in some cases meeting the required amount of commercial square footage can be challenging and this is one way to help meet that standard. Nonetheless, use of these areas depends upon a finding by the Planning Board that the space will be a significant public amenity.

Building height definition.

The change is made to Article II – Definitions and Section 175-56 General Dimensional Standards. The current definition is problematic. This issue came to light in the context of the working group's discussions about the number of stories in the Central Business District. A more precise method for measuring building height is needed and accordingly, this method should not be included in the Definitions section of the ordinance so it is relocated to General Dimensional Standards.

Measuring building height is complex when more than a simple box is involved. There may be variation in the underlying grade, the grade may change as part of the project, and there may be different sections of the building with different heights. The biggest shortcoming of the current definition is that the height is measured to the average roof elevation of the overall building. This could be interpreted to allow for measuring different sections (a 30-foot section, a one-story 12-foot section, etc.) with a lower section bringing down the average. It is logical that no section of the building exceed the maximum and this is what the new provision specifies.

In addition, the maximum height allowed in the Central Business District by conditional use would change from 50 feet to 60 feet. This would be allowed in conjunction with the proposal to allow a fifth floor, above, since a four-story building would rarely exceed 50 feet.

Drive-through facilities.

Presently a drive-through facility is allowed only for a bank by conditional use (in five zones). The working group thought that allowance for a drive-through facility should be expanded, albeit carefully, to better accommodate residents with disabilities for whom it is easier to purchase from a drive-up window and to enhance social distancing in situations like the current pandemic.

Drive-through windows for food service potentially have a great traffic impact so these would be allowed only in the automobile-oriented Courthouse zone. Any other drive-through window would be allowed in the five zones where bank windows are now allowed by as a permitted rather than a conditional use.

NOTE: This was an item on the Council's meeting agenda of July 6, 2020, but due to the lateness of the hour, it was not discussed at that meeting.

LEGAL AUTHORITY:

RSA 674:16, RSA 675:2, and 175-14 of the Durham Zoning Ordinance

LEGAL OPINION:

As required during review

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Discussion and consideration of the motion to refer the proposed zoning changes to the Planning Board.

Re: Ordinance #2020-10 TC-Initiated Zoning Changes for building height, stories, uses, and drive-through facilities

SUGGESTED MOTION:

The Durham Town Council does hereby refer to the Durham Planning Board for its review and study Ordinance #2020-10 amending Chapter 175 "Zoning" of the Durham Town Code, Section 175-7. "Definitions," Section 175-42. B. "Development Standards in the Central Business District," Section 175-53. "Table of Land Uses," Section 15-54. "Table of Dimensions," and Section 175-56. "General Dimensional Standards." (ROLL CALL VOTE REQUIRED)

Sally Tobias _____
Dinny Waters _____
Al Howland _____
Katherine Marple _____
Kenny Rotner _____

Wayne Burton _____
James Lawson _____
Sally Needell _____
Andrew Corrow _____

ORDINANCE #2020-10 OF DURHAM, NEW HAMPSHIRE

A TOWN COUNCIL-INITIATED ZONING ORDINANCE AMENDING CHAPTER 175 “ZONING” OF THE DURHAM TOWN CODE:

- A. SECTION 175-7. “DEFINITIONS,” REGARDING ‘BUILDING HEIGHT,’ ‘RESTAURANT,’ RESTAURANT, CARRYOUT,’ AND ‘STORY;’**
- B. SECTION 175-42. B. “DEVELOPMENT STANDARDS IN THE CENTRAL BUSINESS DISTRICT,” REGARDING SUBSECTIONS 6-10;**
- C. SECTION 175-53. “TABLE OF LAND USES,” REGARDING DRIVE-THROUGH FACILITIES;**
- D. SECTION 15-54. “TABLE OF DIMENSIONS,” REGARDING BUILDING HEIGHT AND NOTE 7; AND**
- E. SECTION 175-56. “GENERAL DIMENSIONAL STANDARDS” REGARDING MINIMUM HABITABLE FLOOR AREA FOR APARTMENTS AND BUILDING HEIGHT**

WHEREAS, it is important to establish maximum heights for buildings in the Central Business District but it is appropriate to allow for an additional story to enhance economic development where the quality of the design does not adversely impact the streetscape; and

WHEREAS, the current definition for Building Height is insufficient, provides inadequate guidance in determining height, and potentially allows for sections of the building to significantly exceed the intended height because the mean for the height is used as the standard ; and

WHEREAS, the configuration of commercial and residential uses within a mixed-use building in the Central Business District must be carefully provided for in order to promote economic development, allow for flexibility in the layout of the building, maintain an attractive commercial frontage, and maintain an appropriate balance between uses within the building and in the downtown; and

WHEREAS, a developer who provides outdoor areas for use by the public on site should receive credit for those amenities toward the commercial requirement for the building where those areas are deemed to offer a significant public benefit; and

WHEREAS, drive-through facilities should be allowed in selective zoning districts to enhance convenience for the public especially for those with disabilities and during times when public health concerns encourage social distancing ; and

WHEREAS, an informal working group convened by the Town Administrator met a number of times to develop proposed ordinance amendments to facilitate economic development in the Central Business District while maintaining the high standard of development; and

WHEREAS, the Town Council may initiate Zoning Ordinance amendments in accordance with Section 175-14 (B) of the Durham Zoning Ordinance; and

WHEREAS, on July 6, 2020 the Durham Town Council voted to refer the proposed Zoning Ordinance amendment to the Durham Planning Board for its review and study; and

WHEREAS, on _____, 2020 the Planning Board held a duly posted Public Hearing on the proposed ordinance; and

WHEREAS, on _____, 2020 the Durham Town Council conducted a First Reading on Ordinance #2020-10; and

WHEREAS, on _____, 2020 the Durham Town Council held a duly posted Public Hearing on Ordinance #2020-10.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, does hereby adopt Ordinance #2020-10, a Council-initiated Ordinance, that amends sections within Chapter 175 “Zoning”, including Section 175-7. “Definitions,” Section 175-42. B. “Development Standards in the Central Business District,” Section 175-53. “Table of Land Uses,” Section 15-54. “Table of Dimensions,” and Section 175-56. “General Dimensional Standards.” as indicated below. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

ARTICLE II – DEFINITIONS

➤ Make the indicated changes.

~~**BUILDING HEIGHT**—The vertical distance from the mean grade elevation (average grade around the perimeter of the building) to the mean roof elevation. For sloped roofs this is equal to one-half (1/2) of the vertical distance from eave to ridge. For flat roofs, including those with parapets, this is measured to the surface of the roof. Approved roof-mounted~~

~~appurtenances such as solar arrays, utilities, and telecommunications structures are not considered part of the “building height.”~~

BUILDING HEIGHT – See Section 175-56. General Dimensional Standards. for procedure to determine building height.

RESTAURANT – A commercial establishment open to the general public where food and beverage are prepared, served and consumed primarily within the principal building. Adequate seating shall be provided. ~~Drive-through facilities are prohibited.~~

RESTAURANT, CARRYOUT – A commercial establishment open to the general public which, by design of physical facilities or by service or packaging procedures, permits or encourages the purchase, either within or outside the premises, of prepared ready-to-eat foods intended to be consumed either on or off the premises. ~~Drive-through facilities are prohibited.~~

STORY - The complete horizontal division of a building, situated at or above ground level, comprising the usable space or room(s) on one level. Each such division is considered one full story, except for the top level when it is under a sloped roof, which is considered a half story. For the purpose of determining the total number of permitted stories, a sloped roof that does not contain usable space (other than crawl-type storage space) is not considered a half story. For the purposes of this ordinance, a lower level is considered to be a story if the front exterior wall of the lower floor level rises more than two feet above the finished grade. Cupolas with areas of 100 square feet or less do not count as a story.

ARTICLE XII - BASE ZONING DISTRICTS

175-42. Central Business District (CB)

- Make the indicated changes.

B. *Development Standards in the Central Business District*

In addition to the dimensional standards, development in the Central Business District shall conform to the following additional requirements:

6. Maximum number of stories – The maximum number of permitted stories is four except as restricted in sections 8 and 9, ~~9 and 10~~, below.

However, the maximum number of permitted stories may be increased by one story subject to all of the following provisions:

- a. Adding a story is permitted by conditional use.

- b. In the case of buildings limited to three stories in sections 8 and 9, below, this provision allows for a fourth story. In other cases, this provision allows for a fifth story.
 - c. The provisions regarding percentage of office/retail use apply.
 - d. The additional top story must be set back from the first floor by at least ten feet on all sides that front a public street.
 - e. The Planning Board must determine that the additional story will not have an adverse impact upon the streetscape, giving particular consideration to scale and mass (See Architectural Regulations for guidance).
 - f. Building height. When an additional story is incorporated under this section the maximum building height is 60 feet.
- 7. ~~Configuration of Required office/retail~~ uses for a mixed-use with residential building ~~Where the building fronts on a public road, the portion of the building facing the road must be office/retail to a depth of at least 50 feet. In addition, the minimum percentage of gross floor area that is office/retail is based on the number of building stories as follows:~~
 - a. One-story building: ~~100% of the gross floor area must be office/retail. A mixed-use with residential use is not allowed in a one-story building.~~
 - b. Two-story building stories: ~~A minimum of 50% of the gross floor area~~ The entire first floor must be office/retail.
 - c. ~~Three stories:~~ Frontage - three-, four-, or five-story building: Where the building fronts on a public road, the first floor of the portion of the building facing the road must be office/retail to a depth of at least 50 feet. A minimum of 33-1/3% of the gross floor area must be office/retail.
 - d. Three- or four story building: The entire first floor must be office/retail. Alternatively, office/retail uses may be located anywhere on the first, second, third, and fourth floors provided the amount of office/retail equals or exceeds the square footage of the first floor and the requirement regarding frontage in c, above, is met.
 - e. Five-story building: The entire first floor must be office/retail. Also, one additional floor (any floor) or an area equal to the square footage of the fifth story must be office/retail.

~~f. **Three Stories – Increased Nonresidential Option:** For a three-story building where a minimum of 66-2/3% of the gross floor area is used for office/retail, the habitable square footage per occupant for unrelated households is established as specified in Section 175-56 – General Dimensional Standards.~~

~~g. **Four stories:** A minimum of 50% of the gross floor area of the building must be office/retail. Alternatively, the entire first floor plus one other entire floor must be office/retail.~~

f. For a building where there are distinct sections with a different number of stories and for sites where there are multiple buildings, the required minimum overall office/retail gross square footage is determined by the sum of the minimum office/retail area required by each distinct section, or by each separate building, using the required office retail space specified above. For these sites ~~where there are multiple buildings~~, the disposition of office/retail and residential space on the site is flexible provided ~~this minimum percentage of office/retail area is met~~ the minimum overall amount of office/retail required is included and the Planning Board determines that the configuration of the building and its uses meets the intent of this subsection 7.

g. Outdoor public use areas. Outdoor space on the subject property that is dedicated in perpetuity to public use may be used to meet the office/retail square footage requirement on a one-to-one basis provided that: a) the Planning Board determines that the design, location, management, and other aspects of the space will add a significant public amenity to the project; and b) the outdoor space may be used to meet a maximum of 50% of the overall required office/retail square footage.

8. Maximum Height of Mixed-Use Buildings, Section of Main Street – No building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 2, Lot 14-4 to the easterly boundary of the district, shall exceed three (3) stories. This provision specifically includes the following properties: Tax Map 2, Lot 14-4; Tax Map 4, Lot 7-0; Tax Map 4, Lot 6-0; Tax Map 4, Lot 5-0; Tax Map 4, Lot 4-0; Tax Map 4, Lot 3-0; Tax Map 4, Lot 2-0; Tax Map 4, Lot 1-0; Tax Map 5, Lot 1-0; Tax Map 5, Lot 1-2; Tax Map 5, Lot 1-3; Tax Map 5, Lot 1-17; Tax Map 5, Lot 1-4; Tax Map 5, Lot 1-5; Tax Map 5, Lot 1-6; Tax Map 5, Lot 1-7; and Tax Map 5, Lot 1-8. (See 6. b, above for exception.)

9. Maximum Height of Mixed-Use Buildings, Madbury Road – No building in the Central Business District on any lot with frontage along Madbury Road shall exceed three (3) stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 2, Lot 12-2; Tax Map 2, Lot 12-3; Tax Map 2, Lot 12-4; Tax Map 2, Lot 12-5; Tax Map 4, Lot 1-0; Tax Map 4, Lot 11-0; Tax Map 4, Lot 12-0; Tax Map 4, Lot 13-0; and Tax Map 4, Lot 14-0. (See 6. b, above for exception.)

ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS

Section 175-53. Table of Land Uses.

- Delete line 5. following the second paragraph as shown below and renumber lines 6. 7. and 8. accordingly.

The following uses are specifically prohibited in all zoning districts:

~~5. Drive-through facilities other than as an accessory to a financial institution as set forth in the table below~~

- Make the following changes to the Table of Land Uses under **VIII. Uses Accessory to an allowed non-residential use:**

Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research	Office Research Light Industry	Durham Business Park (DRP)
<u>Drive through facility serving prepared food or beverages</u>												
<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Any drive through facility other than one serving prepared food or beverages</u>												
X	X	X	X	CU	P	CU	P	X	X	X	CU	P
<u>X</u>												

Section 175-54. Table of Dimensions.

- Change the standard in the left column as follows:

Maximum Permitted Building Height in Feet by special exception in the four residential zones and by conditional use in the other zones.

- Change the maximum permitted height in feet by conditional use in the Central Business (CB) District as follows:

~~50~~ 60.

- Change note 7 as follows:

7. No building along the sections of Main Street or Madbury Road delineated in Subsections 175-42(B)(9) and (10) shall exceed thirty five (35) feet in height except by conditional use in Subsection 175-42. B. 6.

Section 175-56. General Dimensional Standards.

- Make the following changes in Table 175-56 B.

Apartment (but not including accessory apartments; and apartments in the ORLI and MUDOR districts, ~~and apartments in the CB District conforming to the provisions of Section 175-42 B.7.d).~~ 400

~~Three-story apartment in the CB District conforming to the provisions of Section 175-42 B.7.d.~~
~~—300~~

- Add the provision below and reletter the subsections that follow accordingly.

C. Building height. The height of the building may not exceed the maximum permitted height.

1. Measuring height. Building height shall be measured as the vertical distance from the mean elevation of the finish grade, six feet offset from the building foundation (or at the property line if the building is less than six feet from the property line), around the perimeter of the building to the following points for the various roof types shown:

a. gable, hip, and curved roofs: the midpoint between the ridge/high point and the corresponding eave;

b. gambrel and mansard-type roofs and roofs that are fully dormered: the deck or curb line (the top of the lower roof slope) or the eave above the dormer for fully dormered roofs;

c. flat roofs (including those with parapets) and situations where there is no discernible roof (such as the higher wall under a shed roof): the eave, cornice, or fascia at the top of the wall.

2. Appurtenant elements. Cupolas and towers with an area of 100 square feet or less and roof-mounted appurtenances such as solar arrays, utilities, roof decks, and telecommunications structures are not considered part of the building

height. However, these elements may not exceed the maximum permitted building height by more than 15 feet (unless otherwise explicitly permitted).

3. Additions. For new building additions, the mean grade elevation shall be measured around the addition only.

4. Difference in elevation. Where there is more than an eight foot difference in elevation between the highest and lowest points along the finish grade, six feet offset from the building foundation around the perimeter of the building, the mean elevation shall be calculated separately for appropriate sections or sides of the building.

5. Excavations. Where an area is excavated adjacent to the foundation to provide a light well or outdoor use area for a lower level, such that the excavated area would not be prominently visible from any property line, the grade may be measured to the ground surface beyond the excavated area.

6. Spot elevations. Measurements of the elevation of the grade around the foundation may be taken at specific points as directed by the zoning administrator.

PASSED AND ADOPTED this ____ day of __, **2020** by a ____ to ____ roll call vote of the Durham Town Council as follows:

Sally Tobias _____
Dinny Waters _____
Al Howland _____
Katherine Marple _____
Kenny Rotner _____

Wayne Burton _____
James Lawson _____
Sally Needell _____
Andrew Corrow _____

Kitty Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

AGENDA ITEM:

12A

DATE: August 3, 2020

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: DISCUSSION AND ACTION ON EMERGENCY ORDINANCE #2020-11 REQUIRING THE WEARING OF FACE COVERINGS UNDER CERTAIN CONDITIONS WITHIN THE TOWN OF DURHAM

CC PREPARED BY: Todd I. Selig, Administrator

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Since March of this year there has been a pandemic situation with Coronavirus Disease 2019 (COVID-19) with many areas within the United States greatly impacted as case numbers are still rapidly increasing. It has been determined that the virus which causes COVID-19 spreads very easily and sustainably between people, particularly within indoor environments with limited fresh air exchange but also amongst persons in close physical proximity, indoors or outdoors, who cannot adequately social distance. COVID-19 can be spread by people who do not have symptoms (asymptomatic carriers) and therefore are unaware they are infected. It is therefore important that everyone wear cloth face coverings in public settings whether or not they are feeling ill.

The Town of Durham has an interest in protecting all persons within the community from unnecessary exposure to COVID-19. With its risk of contracting a devastating illness, it follows that the wearing of a face covering under certain circumstances is crucial. Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings as they reduce the spray of respiratory droplets, particularly when combined with social/physical distancing and other sanitary measures such as washing hands or utilizing hand sanitizer.

On May 28, 2020, the Town Administrator issued Order #7 requesting the voluntary use of cloth face coverings by community members to help slow the spread of COVID-19 and similar recommendations by the NH Department of Health and Human Services. Despite this order, the use of face covering use in Durham by residents has been less than desired. At this time, health officials in the United States anticipate a second wave of the Covid-19 virus this fall.

On August 10th, approximately 15,000 University of New Hampshire students begin to return to Durham to resume in-person classes, traveling to the community from across the United States and countries around the world. Numerous community members have communicated with Town officials that unless mask wearing is mandated within downtown establishments, they will avoid downtown Durham and shop elsewhere out of a fear for their own health.

Section 3.9 “Emergency ordinances” of the Durham Town Charter allows the Town Council to adopt emergency ordinances by a two-thirds affirmative vote of those present and voting “to meet a public emergency affecting life, health, property or the public peace.” Because COVID-19 presents a clear and present danger to the general Durham population it behooves the community for the Town Council to adopt an emergency measure requiring the wearing of face coverings in certain situations to protect the public health.

Attached for the Council’s consideration is a draft Emergency Ordinance requiring the wearing of face coverings under certain conditions within the Town of Durham. Section 3.9 of the Town Charter states that “Every emergency ordinance, except one made pursuant to 3.10 of this Charter, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.” It’s adoption requires a two-thirds (2/3) affirmative vote of those present and voting.

LEGAL AUTHORITY:

Section 3.9 “Emergency ordinances” of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ADOPT (as presented) (as amended), Emergency Ordinance #2020-11 requiring the wearing of face coverings under certain conditions within the Town of Durham, which will automatically stand repealed as of Friday, October 2, 2020. (2/3 AFFIRMATIVE ROLL CALL VOTE REQUIRED)

Sally Tobias ___
Dinny Waters ___
Al Howland ___
Katherine Marple ___
Kenny Rotner ___

Wayne Burton ___
James Lawson ___
Sally Needell ___
Andrew Corrow ___

EMERGENCY ORDINANCE #2020-11 OF DURHAM, NEW HAMPSHIRE

AN EMERGENCY ORDINANCE REQUIRING THE WEARING OF FACE COVERINGS UNDER CERTAIN CONDITIONS WITHIN THE TOWN OF DURHAM

**-WORKING DRAFT -
7/29/2020**

The Town of Durham, through the Town Council ordains that:

WHEREAS, there is a pandemic situation with Coronavirus Disease 2019 (COVID-19) with many areas within the United States greatly impacted as case numbers are still rapidly increasing; and

WHEREAS, infectious diseases are caused by germs such as viruses, bacteria, and parasites. COVID-19 is a viral illness that has the ability to be spread from person to person very easily through respiratory droplets. Public Health Officials have determined that it is well established that an individual infected with COVID-19 can transmit the disease whether or not they are exhibiting any symptoms; and

WHEREAS, it is clinically established that the best means of slowing the spread of a virus is through minimizing close personal contact with individuals in a public environment, social/physical distancing, covering one's mouth and nose by wearing a face covering, and utilizing frequent and proper hand washing. For optimal protection, the following key factors should be considered while wearing a face covering. The safe use of face coverings requires the wearer to maintain proper hand hygiene by hand washing frequently with either soap and water or hand sanitizer for at least 20 seconds. The wearer should prevent the spread of disease by avoiding touching their face, nose, or eyes and not touching the outside of the face coverings at all times; and

WHEREAS, social/physical distancing by keeping a distance of at least six feet between yourself and others also greatly protects against the spread of our respiratory droplets whether an individual is indoors or outdoors; and

WHEREAS, cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings as they reduce the spray of

respiratory droplets, particularly when combined with social/physical distancing and other sanitary measures such as washing hands or utilizing hand sanitizer; and

WHEREAS, it has been determined that the virus which causes COVID-19 spreads very easily and sustainably between people, particularly within indoor environments with limited fresh air exchange but also amongst persons in close physical proximity, indoors or outdoors, who cannot adequately social distance; and

WHEREAS, as previously noted, COVID-19 can be spread by people who do not have symptoms (asymptomatic carriers) and therefore are unaware they are infected. It is therefore important that everyone wear cloth face coverings in public settings whether or not they are feeling ill; and

WHEREAS, the Town of Durham has an interest in protecting all persons within the community from unnecessary exposure to COVID-19 with its risk of contracting a devastating illness, it follows that the wearing of a face covering under certain circumstances is crucial; and

WHEREAS, the more closely a person interacts with others and the longer that interaction occurs, the higher the risk of COVID-19 spread; and

WHEREAS, the Town's Emergency Management Director and Health Officer have discussed this matter in detail while keeping current with the latest guidelines put forward by the Centers for Disease Control and Prevention (CDC) and other trustworthy organizations and recommend the following emergency ordinance measures to the Town Council for adoption; and

WHEREAS, on August 10th, approximately 15,000 University of New Hampshire students begin to return to Durham to resume in-person classes, traveling to the community from across the United States and countries around the world; and

WHEREAS, despite the issuance of Administrative Order #7 by the Town Administrator on May 28, 2020 requesting the voluntary use of cloth face coverings by community members to help slow the spread of COVID-19 and similar recommendations by the NH Department of Health and Human Services, the use of face covering use in Durham by residents has been less than desired; and

WHEREAS, health officials in the United States anticipate a second wave of the Covid-19 virus this fall; and

WHEREAS, numerous community members have communicated with Town officials that unless mask wearing is mandated within downtown establishments, they will avoid downtown Durham and shop elsewhere out of a fear for their own health; and

WHEREAS, the Durham Police Department has limited resources and numerous responsibilities critical to public safety; and

WHEREAS, the Town Council understands that the Durham Police Department may handle complaints regarding non-compliance with this Ordinance as lower priority calls for service with a delayed response or follow-up, or may use the complaint solely as information to identify future directed patrol areas and times; and

WHEREAS, because COVID-19 presents a clear and present danger to the general Durham population it behooves the community for the Town Council to take this emergency measure requiring the wearing of face coverings in certain situations to protect the public health.

WHEREAS, Section 3.9 “Emergency ordinances” of the Durham Town Charter allows the Town Council to adopt emergency ordinances by a two-thirds affirmative vote of those present and voting,

NOW, THEREFORE BE IT RESOLVED that the Town of Durham, through the Town Council ordains that in accordance with Section 3.9 of the Charter of the Town of Durham, the Town of Durham, through the chief of police, shall take immediate action to ensure that persons wear facial coverings under the conditions listed below within the Town of Durham.

WEARING OF FACIAL COVERINGS IN THE TOWN OF DURHAM:

1. Employees of all businesses shall wear a face covering over their mouth and nose when interacting with the public and whenever they are within six feet of a co-worker or a customer.
2. Members of the public entering or queued to enter, remaining in, or exiting from any business, including without limitation any outdoor area where business of any sort is conducted, work site, or Town of Durham government building, including the designated polling place at the Oyster River High School while elections are being held, must wear a face covering. The Oyster River Cooperative School District, University of New Hampshire, and State and Federal authorities may have different regulations for their facilities.
3. Members of the public entering or queued to enter a restaurant or establishment serving alcoholic beverages for the purpose of picking up food for takeout or any other purpose must wear a face covering. Members of the public dining indoors or outdoors at a restaurant may remove face covering while seated at their table. Members of the public must wear a face covering when entering, using, or leaving the restroom of a restaurant.

4. Members of the public utilizing sidewalks and other public ways within the Central Business, Professional Office, Church Hill, and Courthouse zoning districts as defined by the Durham Zoning Ordinance (https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_and_zoning/page/21561/zoning_map_downtown_march_2012_22x34.pdf), Chapter 175 of the Town Code, must wear a face covering when coming into contact with others and social/physical distancing of at least six feet is not be possible. *[For informational purposes only, these zoning districts generally encompass the following roads: Main St. from Garrison Ave. to Rt. 108 intersection; Dover Rd./Rt. 108 from Young Dr. to Newmarket Rd./Rt. 108; Newmarket Rd./Rt. 108 from Mill Pond Rd. to Dover Rd./Rt. 108; Schoolhouse Ln., Mill Rd. from Mill Plaza entrance to Main St.; Madbury Rd. from Main St. to Bagdad Rd.; Bagdad Rd. from Madbury Rd. to Dennison Rd.; Garrison Ave.; Strafford Ave. from Garrison Rd. to curve by Adams Tower; Woodman Rd. from Madbury Rd. to Dennison Rd.; Dennison Rd.; Pettee Brook Ln., Mathes Terr.; Rosemary Ln. Cowell Dr. from Madbury Rd. to Sauer Terr.]*
5. Members of the public utilizing public recreational lands are strongly encouraged but not required to wear a face covering over their nose and mouth to the fullest extent practicable and especially where there is a high likelihood of coming into contact with others and social/physical distancing of at least six feet may not be possible.
6. Residents, visitors, and members of the public entering or present at a residential complex of greater than two (2) units, whether inside or outside, are strongly encouraged but not required to wear a face covering in common areas and communal spaces to the fullest extent practicable and especially when there is a high likelihood of coming into contact with others and social/physical distancing of at least six feet may not be possible.
7. As used herein “face covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose, mouth, and surrounding areas of the lower face. A face covering may be factory made or homemade and improvised from ordinary household material.
8. Notwithstanding the above this order does not require children under 10 years of age to wear face covering (parents should make their own judgment). Face covering is not recommended for children less than 2 years of age.
9. A face covering is also not required to be worn by any person if said person can show a medical professional has advised that wearing a face covering may pose a risk to said person for health-related reasons.

10. A person may temporarily remove a mask when in a business if obtaining a service or product that requires verification of the person's identity or age.

PENALTIES:

Anyone who violates this ordinance AND refuses to comply with local, county, or state law enforcement officers to meet the requirements outlined herein shall be subject to a fine in the amount of \$100 for the first offence, \$200 for the second offense, and \$500 for the third and subsequent offense, and/or shall be summoned to the Dover District Court.

EFFECTIVE DATE

In accordance with Section 3.9 of the Town Charter, this Emergency Ordinance shall be effective upon adoption and shall stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance by the Town Council in the manner specified in Section 3.9 of the Charter if the emergency still exists.

PASSED AND ADOPTED this ___ day of ___, **2020** by a two-thirds (2/3) affirmative roll call vote of ___ to ___ of the Durham Town Council as follows:

Sally Tobias ___
Dinny Waters ___
Al Howland ___
Katherine Marple ___
Kenny Rotner ___

Wayne Burton ___
James Lawson ___
Sally Needell ___
Andrew Corrow ___

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



Zoning Map March 2012 Durham, NH

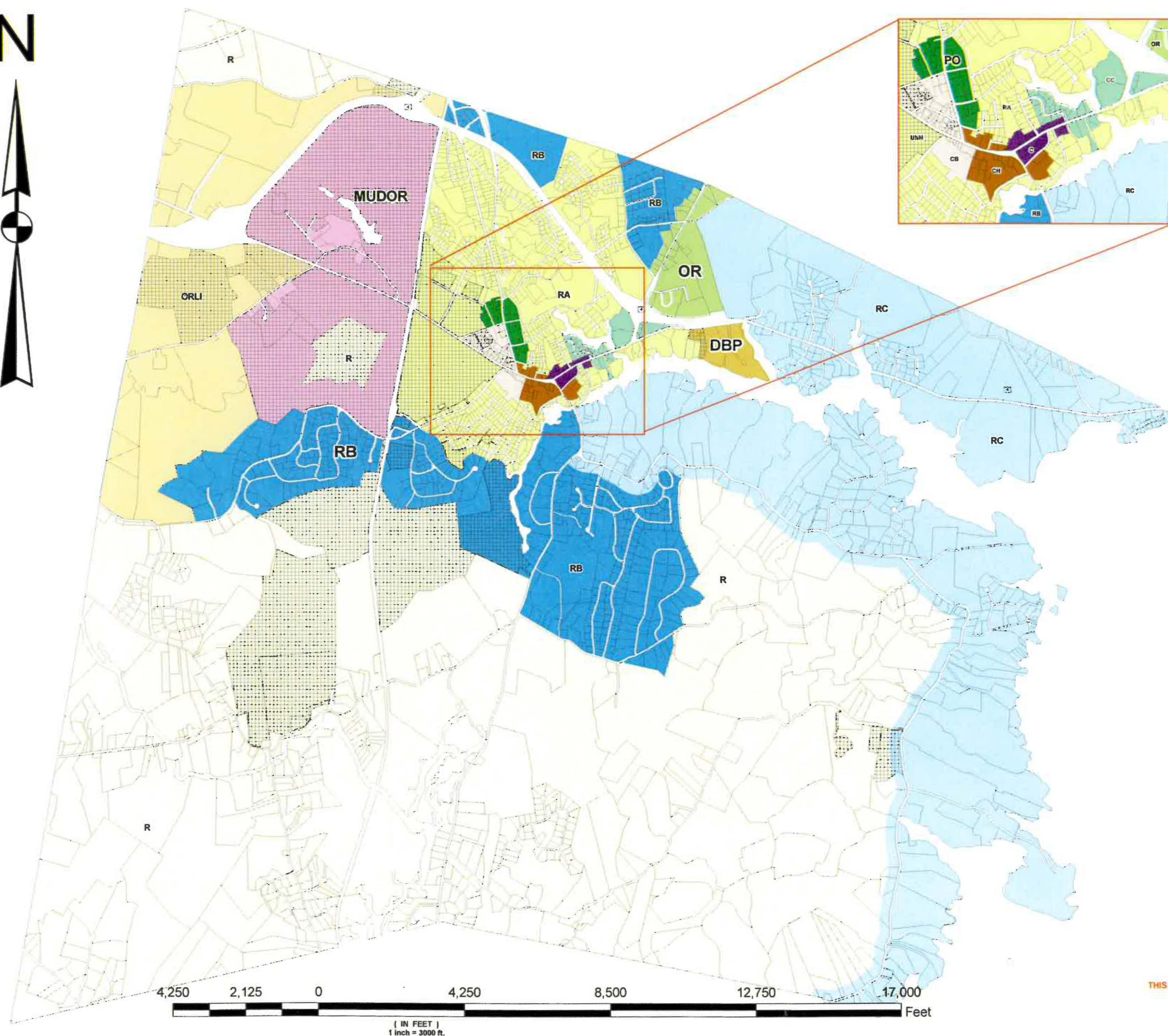
LEGEND

- CB - Central Business
- CC - Coe's Corner
- C - Courthouse
- CH - Church Hill
- DBP - Durham Business Park
- OR - Office And Research Rte. 108
- ORLI - Office And Research & Light Industry
- MUDOR - Multi-Unit Dwelling/Office Research
- PO - Professional Office
- RA - Residence A
- RB - Residence B
- RC - Residence C
- R - Rural
- UNH - UNH Properties

The RC/R Zoning Boundary along Durham Point Road/Bay Road runs 350 feet from and parallel to the center line of the road.

FOR PLANNING PURPOSES ONLY
THIS MAP IS NOT INTENDED TO REPRESENT LEGAL DESCRIPTION OR CONVEYANCE

Map produced by
Karen Edwards
October 2008
Updated March 2012





TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5571
Fax: 603/868-1858

12B

AGENDA ITEM:

DATE: August 3, 2020

COUNCIL COMMUNICATION

INITIATED BY: Ellen Snyder, Land Stewardship Coordinator

AGENDA ITEM: FIRST READING ON ORDINANCE #2020-12 CREATING A NEW CHAPTER, CHAPTER 71, TITLED "HORSES ON TOWN TRAILS" WITHIN THE DURHAM TOWN CODE PROHIBITING HORSES FROM TRAVERSING TRAILS DESIGNED FOR PEDESTRIAN ACTIVITY WITHIN THE TOWN OF DURHAM

CC PREPARED BY: Ellen Snyder, Land Stewardship Coordinator

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The issue of horses on Town trails was discussed at the June 22, 2020, Conservation Commission meeting and at the July 9, 2020 Land Stewardship Subcommittee meeting. The issue was raised because visitors to Doe Farm were noting a truck and horse trailer parked at the Doe Farm trailhead on Bennett Road and that horse riders were using the trail system, including out to Moat Island.

There are several issues related to horses on Town trails that are different from other trail users:

- The parking areas at Durham conservation area trailheads were not designed to handle large vehicles that include trailers. We recently expanded the Doe Farm parking area to handle the popularity of this property – space is suited for individual vehicles. The same is true for most other conservation areas.
- During the past two years we have built eight trail bridges on Doe Farm, to allow visitors to walk, ski, bike, or run across wet or muddy sections of trails. These bridges were not designed to handle horses. The possibility of a horse breaking through or horse riders walking around the bridge is a concern. Similar bridges have been or will be built at other conservation areas.
- Horses leave behind large piles of waste in the trail. This is a detraction for other trail users. A Town ordinance requires dog walkers to pick up and remove their dog's waste.

Ellen Snyder contacted Emma Tutein, UNH Cooperative Extension Land Conservation Field Specialist, about this issue. She works with land trusts and towns on trail-related issues. She said there is not much guidance available, noting the lack of such in the NH State trail BMP guide, and that most relevant information is focused on the western U.S. where horse riding and horse trails are more prevalent. Ellen also spoke with Pam McPhee, Director of the UNH Browne Center; she also rides horses. Pam agreed that these are important issues to discuss and that horses can cause degradation of trails. She felt that the bridges were the biggest issue as riders would be unlikely to use the bridges due to safety concerns and thus would have to ride around the bridge. Given the higher risk to the land versus the benefit to only a few people, she thought it was fine to consider prohibiting horseback riding on the town trails. She noted that there are other places where people can ride: Rockingham Recreation Trail, dirt roads, and some state parks. The Southeast Land Trust (SELT) does not allow horseback riding on most of its trails. When horseback riding is allowed, it is only on a trail that has a solid surface such as a woods road. SELT parking lots are also not designed for horse trailers so typically riders have to get there some other way. The Forest Society also does not promote horseback riding on its reservations in the Seacoast. Most conservation entities don't outright prohibit, but also don't encourage given the nature of trails and access points in this region.

Following the discussion, the Land Stewardship Subcommittee passed the following **MOTION**: Knowing that there are alternative places to ride horses and that Durham trails and bridges were not built to accommodate horses, the LSC recommends that the Town Council adopt an ordinance that prohibits horses and horseback riding on town trails.

LEGAL AUTHORITY:

The Town Council may enact Ordinances pursuant to Section 3.8 of the Durham Town Charter.

LEGAL OPINION:

The draft ordinance presented to the Town Council was fully vetted by Town Attorney Laura Spector-Morgan.

FINANCIAL DETAILS:

There are no direct financial implications for this proposed amendment. However, the oversight and management of the registration will have implications for the Durham Police Department.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby move on First Reading (as presented) (as amended) Ordinance #2020-12 creating a New Chapter, Chapter 71, titled "Horses on Town Trails" within the Durham Town Code prohibiting horses from traversing trails designed for pedestrian activity within the Town of Durham and schedules a Public Hearing for Monday, September 14, 2020. (ROLL CALL VOTE REQUIRED)

Sally Tobias ___
Dinny Waters ___
Al Howland ___
Katherine Marple ___
Kenny Rotner ___

Wayne Burton ___
James Lawson ___
Sally Needell ___
Andrew Corrow ___

ORDINANCE #2020-12 OF DURHAM, NEW HAMPSHIRE

ORDINANCE #2020-12 CREATING A NEW CHAPTER, CHAPTER 71, TITLED "HORSES ON TOWN TRAILS" WITHIN THE DURHAM TOWN CODE PROHIBITING HORSES FROM TRAVERSING TRAILS DESIGNED FOR PEDESTRIAN ACTIVITY WITHIN THE TOWN OF DURHAM

WHEREAS, the Durham Conservation Commission, Land Stewardship Subcommittee, volunteers, town staff, and partners have invested significant time and public and private funds to improve trails and bridges on Durham conservation areas to improve the experience for visitors--hikers, runners, dog walkers, cyclists, cross-country skiers, snowshoeing and to protect the ecological health of the soils, fields, woods, and wetlands; and

WHEREAS, trail bridges have been built or re-built across wet or muddy trail sections to protect the sensitivity of these locations and to provide safe, sustainable passage for pedestrians and cyclists; and

WHEREAS, the trail bridges are not built to sustain the weight of a horse; and

WHEREAS, horses can damage trails and trail bridges designed for hiking, jogging and pedestrian activity, while also leaving significant waste behind; and

WHEREAS, many trails on town-owned conservation areas are narrow, and thus unable to accommodate horses along with pedestrians and cyclists; and

WHEREAS, trailhead parking areas owned by the Town of Durham were not designed to accommodate larger vehicles with horse trailers, and

WHEREAS, the higher potential risk of damage to the land and infrastructure outweighs the smaller benefit of a few visitors that may want to ride horses, especially since there are other, better places for riders to enjoy a day on the trail, such as the Rockingham Recreational Trail or nearby state parks,

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt Ordinance #2020-12 and does hereby amend the Durham Town Code to add a new chapter, Chapter 71, titled "Horses on Town Trails" prohibiting horses from traversing

trails designed for pedestrian activity within the Town of Durham. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

CHAPTER 71

HORSES ON TOWN TRAILS

[HISTORY: Adopted by the Town Council of the Town of Durham through Ordinance #2020-12 dated XXXXXXXXXX].

No person shall ride a horse on any property owned by the Town of Durham

71.1 Authority

This ordinance has been enacted pursuant to the authority granted the Durham Town Council by NH RSA 41:11-a (Town Property), which allows the Durham Town Council to adopt ordinances to regulate the use of Town owned lands.

71.2 Purpose and Intent

- A. To prevent potential conflict of the pedestrian users of Town property that may result from horseback riding at these locations.
- B. To prevent damage to Town property including, trails, parking areas, wetlands, activity areas and other improvements such as bridges designed for pedestrians, thereby reducing the cost to the taxpayers of Durham for operating and managing these facilities.
- C. To prevent soil erosion, damage to vegetation and turf, and other injury to the environment.
- D. To limit the Town's exposure to liability for any injuries that might result from the act of horseback riding on Town property.
- E. Such prohibitions shall *not* include:

The use of horses in the harvesting of trees on Town owned property if approved by the Town of Durham

71.3 Definitions

“Town-owned Land” shall mean any and all land acquired by the Town of Durham whether by purchase, gift, tax deeding, or any other means in accordance with the laws of the State of NH, which may include but not be limited to recreational facilities and sports fields.

71.4 Penalties

The penalty for the violation of this ordinance shall be a fine not to exceed one hundred dollars (\$150.00) for each instance.

PASSED AND ADOPTED this ____ day of ____, 2020 by a ____ to ____ roll call vote of the Durham Town Council as follows:

Sally Tobias ____
Dinny Waters ____
Al Howland ____
Katherine Marple ____
Kenny Rotner ____

Wayne Burton ____
James Lawson ____
Sally Needell ____
Andrew Corrow ____

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603/868-5554
Fax: 603/868-1858

AGENDA ITEM:

12C

DATE: August 3, 2020

COUNCIL COMMUNICATION

INITIATED BY:

Katherine Marple, Council Chair

AGENDA ITEM:

DISCUSSION REGARDING THE USE OF FIREWORKS WITHIN THE TOWN OF DURHAM

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Katherine Marple, Council Chair
Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The State of New Hampshire gives wide latitude to municipalities to allow or restrict permissible fireworks displays. Currently, Durham allows permissible kinds of fireworks with a permit so that the Fire Department may provide information on their safe use. I did not know how many residents actually apply for a permit (Live Free or Die seems to be a state of mind for some) and therefore some might be more likely to disregard things like drought conditions or personal/neighborhood safety.

Based on the attached document, 22 municipalities in NH have banned firework use. This is a pretty significant list which includes the largest cities. Banning fireworks is draconian but is a pretty open and shut case when it comes to bad behavior. The only issue for law enforcement would be to find who is setting them off which will be difficult in some cases. Should Durham follow their lead?

Todd provided feedback from Fire Chief Dave Emmanuel which states that he will support whichever direction the council chooses. The current \$25 permit is not obtained by too many citizens. Chief Rene Kelley states that there has been relatively little complaint about personal fireworks.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Hold discussion regarding whether fireworks should continue to be allowed within Durham's town limits and provide direction to staff if needed.

Subject: Durham Fireworks Data 2016-2020
Date: Thursday, July 16, 2020 at 10:35:27 AM Eastern Daylight Time
From: Emanuel, David <David.Emanuel@unh.edu>
To: mduffy@comcast.net <mduffy@comcast.net>
CC: Todd Selig <tselig@ci.durham.nh.us>, external forward for kmarple <kittyfmarple@comcast.net>, Kelley Fowler <Kelley.Fowler@unh.edu>, Aimee Routhier <Aimee.Routhier@unh.edu>, Randall Trull <randall.trull@unh.edu>
Attachments: image001.png, 2020_07_08_Fireworks_Permits_Issued_4_Year_Comparison.xlsx

Mark,

I've attached a summary sheet for fireworks permits that the Durham Fire Department has issued from 2016 to present – FYI.

We have created a simple table of raw data to help all of us understand the volume of permits that are being issued in our community.

If we need to prepare a more polished presentation for publication or distribution, please let me know.

I've copied Kitty and Todd to be inclusive in our discussion and permit data.

DE

Dave Emanuel, MPA, EFO, CFO
Fire Chief - Durham Fire Department
51 College Road, Durham, NH 03824
david.emanuel@unh.edu
(603) 862-1426 (Office) - (603) 397-7447 (Mobile)
"Our Family Protecting Your Family"



Please note the email address change as the Durham Fire Department migrated from the Town of Durham to University of New Hampshire IT platform on May 27, 2020. The best email address for Dave Emanuel from this point forward is david.emanuel@unh.edu. Please update your address book.

Fireworks Permits Issued 2016-2020

<u>Permit #</u>	<u>Year Issued</u>	<u>Address</u>	<u>Cost</u>	<u>Date (Issued-Expiration)</u>
FW-16-297	2016	86 Wiswall Road	\$200.00	11/23/2016-11/27/2016
2016 Fireworks Permits Issued:				1
2016 Fees Collected:				\$200.00
FW-17-080	2017	145 Main Street	\$0.00	5/10/2017-6/3/2017
FW-17-102	2017	145 Main Street	\$0.00	6/2/2017-6/9/2017
FW-17-157	2017	145 Main Street	\$0.00	8/13/2017
FW-17-158	2017	145 Main Street	\$0.00	9/30/2017
FIREWRKS-17-210	2017	145 Main Street	\$0.00	9/18/2017-11/11/2017
			Unable to link to occupancy, permit not listed on any 145 Main Street listings	
FIREWRKS-17-2	2017	145 Main Street		9/18/2017-11/11/2017
FIREWRKS-17-3	2017	87 Packers Falls Road	\$0.00	12/29/2017-1/2/2018
2017 Fireworks Permits Issued:				7
2017 Fees Collected:				\$0.00
FW-18-87	2018	145 Main Street	\$0.00	6/1/2018-6/3/2018
FW-18-116	2018	145 Main Street	\$0.00	7/3/2018-7/5/2018
2018 Fireworks Permits Issued:				2
2018 Fees Collected:				\$0.00
FW-19-375	2019	2 Cedar Point Road	\$25.00	8/9/2019-8/11/2019
FW-19-388	2019	3 Littlehale Road	\$0.00	8/16/2019-8/18/2019
FW-19-452	2019	2 Ellison Lane	\$25.00	10/26/2019
2019 Fireworks Permits Issued:				3
2019 Fees Collected:				\$50.00
FW-20-098	2020	279 Durham Point Road	\$25.00	7/4/2020
FW-20-099	2020	14A Old Landing Road	\$25.00	7/4/2020
FW-20-100	2020	8 Palmer Drive	\$25.00	7/4/2020
FW-20-101	2020	33 Oyster River Road	\$25.00	7/4/2020
FW-20-102	2020	21 Deer Meadow Road	\$25.00	7/4/2020
2020 Fireworks Permits Issued:				5
2020 Fees Collected:				\$125.00
5 Year Total (Issued):				18
5 Year Total (Fees Collected):				\$375.00

Abbreviated...

Fireworks Permits Issued 2016-2020

<u>Permit Year</u>	<u>Fees Collected</u>	<u># Permits Issued</u>
2016	200	1
2017	0	7
2018	0	2
2019	50	3
2020	125	5



Robert L. Quinn
Commissioner

State of New Hampshire

DEPARTMENT OF SAFETY

Division of Fire Safety

Office of the State Fire Marshal

Mailing Address: 33 Hazen Drive, Concord, NH 03305

Telephone: 603-223-4289 • **Fax:** 603-223-4294

Email: fmo.fireworks@dos.nh.gov



Paul J. Parisi
State Fire Marshal

UPDATED: June 5, 2020

PERMISSIBLE FIREWORKS COMMUNITY RESTRICTIONS

Please Note: This list denotes specific community restrictions enacted per NH RSA 160-C:6 "Local Option", to further restrict the use of Permissible Fireworks beyond the requirements of NH RSA 160-C. Consult your local town ordinances for further information.

DEFINITIONS

"Permissible – No local restrictions" – The local municipality has no adopted ordinance for the possession and/or display of what are defined by law as Permissible Fireworks, NH RSA 160-C:11 still applies.

"Permissible – Permit required" – The consumer must obtain a local permit to display Permissible Fireworks, this is in addition to any applicable state law requirements. Contact the local fire department for further information.

"Permissible – Restrictions" – The local municipality allows the possession and/or display of consumer fireworks, but there are certain restrictions that apply beyond the requirements in the state law. Contact the local fire or police department for further information.

"Prohibited" – The sale, possession, and display of Permissible Fireworks is prohibited by a consumer.

"Prohibited – Display Only" – Only the public display of Permissible Fireworks is allowed through the municipal permitting process.

"Contact your Local Department" – The municipality has not responded to this survey, and therefore the most current local restrictions are unknown. Please contact the local fire or police department for the most up to date information. NH RSA 160-C:11 still applies in all jurisdictions.

"Permissible Fireworks" – Means consumer fireworks, except those items that are prohibited pursuant to RSA 160-B:16

"Consumer Fireworks" – Means consumer fireworks as defined in 27 C.F.R. section 555.11 and formerly known as Class C common fireworks.

ACWORTH	PERMISSIBLE – No local restrictions
ALBANY	PROHIBITED
ALEXANDRIA	PERMISSIBLE – No local restrictions
ALLENSTOWN	PERMISSIBLE – No local restrictions
ALSTEAD	PERMISSIBLE – No local restrictions
ALTON	PROHIBITED (Town Ordinance 7/7/1988)
AMHERST	PERMISSIBLE – No local restrictions
ANDOVER	PERMISSIBLE – No local restrictions
ANTRIM	Contact your local Department.
ASHLAND	PERMISSIBLE – Permit required (Town Ordinance)
ATKINSON	PERMISSIBLE – No local restrictions
AUBURN	PERMISSIBLE – Restrictions Fireworks Ordinance adopted June 20, 2016
BARNSTEAD	PERMISSIBLE – No local restrictions
BARRINGTON	PERMISSIBLE – No local restrictions
BARTLETT	PERMISSIBLE – No local restrictions
BATH	PROHIBITED (Town Ordinance 7/3/2006)
BEDFORD	PERMISSIBLE – Permit required
BELMONT	PERMISSIBLE – Restrictions Fireworks Ordinance adopted June 20, 2016
BENNINGTON	PERMISSIBLE – No local restrictions
BENTON	PERMISSIBLE – No local restrictions
BERLIN	PROHIBITED (Town Ordinance 16:500)
BETHLEHEM	PERMISSIBLE – No local restrictions
BOSCAWEN	PERMISSIBLE – No local restrictions
BOW	PERMISSIBLE – No local restrictions
BRADFORD	PERMISSIBLE – No local restrictions
BRENTWOOD	PERMISSIBLE – No local restrictions
BRIDGEWATER	PERMISSIBLE – No local restrictions
BRISTOL	PERMISSIBLE – Permit required Disorderly Actions Ordinance III-4.c
BROOKFIELD	PERMISSIBLE – No local restrictions
BROOKLINE	PERMISSIBLE – No local restrictions
CAMPTON	PERMISSIBLE – Permit required
CANAAN	PERMISSIBLE – No local restrictions
CANDIA	PERMISSIBLE – No local restrictions
CANTERBURY	PERMISSIBLE – Restrictions (Town Noise Ordinance)
CARROLL	PERMISSIBLE – Restrictions Prohibited Use 10:30 pm to 8:00 am (2/27/2012)
CENTER HARBOR	PERMISSIBLE – No local restrictions
CHARLESTOWN	PERMISSIBLE – Permit required (Town Ordinance Chap. 11)
CHATHAM	Contact your local Department.
CHESTER	PERMISSIBLE – No local restrictions
CHESTERFIELD	PERMISSIBLE – Permit required (as of Nov. 1, 2017)

CHICHESTER	PERMISSIBLE – No local restrictions
CLAREMONT	PERMISSIBLE – Restrictions Town Ordinance Sec. 11-33(a)(5)
CLARKSVILLE	PERMISSIBLE – Permit required
COLEBROOK	PERMISSIBLE – No local restrictions
COLUMBIA	PERMISSIBLE – No local restrictions
CONCORD	PERMISSIBLE – No local restrictions
CONWAY	PROHIBITED (Town Ordinance)
CORNISH	PERMISSIBLE – No local restrictions
CROYDON	PERMISSIBLE – No local restrictions
DALTON	PERMISSIBLE – No local restrictions
DANBURY	PERMISSIBLE – No local restrictions
DANVILLE	Contact your local Department.
DEERFIELD	PERMISSIBLE – No local restrictions
DEERING	Contact your local Department.
DERRY	PERMISSIBLE – No local restrictions
DORCHESTER	PERMISSIBLE – No local restrictions
DOVER	PERMISSIBLE – Permit required Town Ordinance Chapter 109-11
DUBLIN	PERMISSIBLE – Permit required
DUMMER	PERMISSIBLE – No local restrictions (See Milan)
DUNBARTON	PERMISSIBLE – No local restrictions
DURHAM	PERMISSIBLE – Permit required
EAST KINGSTON	PERMISSIBLE – Permit required
EASTON	PERMISSIBLE – Restrictions After 10:00 pm
EATON	PERMISSIBLE – No local restrictions
EFFINGHAM	PERMISSIBLE – No local restrictions
ELLSWORTH	PERMISSIBLE – No local restrictions
ENFIELD	PERMISSIBLE – Restrictions (Friday, Saturday, New Year's Eve, 4 th of July, and Labor Day only until 10:30 pm)
EPPING	PERMISSIBLE – No local restrictions
EPSOM	PERMISSIBLE – No local restrictions
ERROL	PERMISSIBLE – No local restrictions
EXETER	PROHIBITED (Town Ordinance Chapter 805)
FARMINGTON	PERMISSIBLE – No local restrictions
FITZWILLIAM	PERMISSIBLE – No local restrictions
FRANCESTOWN	PERMISSIBLE – No local restrictions
FRANCONIA	PERMISSIBLE – No local restrictions
FRANKLIN	PERMISSIBLE – Restrictions Prohibited Use 9:30 pm to 12:00 pm (Town Ord. 215-4.1)
FREEDOM	PERMISSIBLE – Restrictions Dates & Times – Contact the Fire Department
FREMONT	PROHIBITED (Town Ordinance)
GILFORD	PERMISSIBLE – Restrictions
GILMANTON	PERMISSIBLE – No local restrictions

GILSUM	PERMISSIBLE – No local restrictions
GLEN	PERMISSIBLE – No local restrictions
GOFFSTOWN	PERMISSIBLE – Permit required (6/30/2015)
GORHAM	PROHIBITED – Display Only (Town Ordinance Chapter 148)
GOSHEN	Contact your local Department.
GRAFTON	PERMISSIBLE – No local restrictions
GRANTHAM	PERMISSIBLE – No local restrictions
GREENFIELD	Contact your local Department.
GREENLAND	PERMISSIBLE – Permit required (Article 29)
GREENVILLE	PERMISSIBLE – Permit required Town Ordinance 05-01 Section A
GROTON	PERMISSIBLE – No local restrictions
GROVETON	PERMISSIBLE – See Town of Northumberland
HAMPSTEAD	PERMISSIBLE – Permit required
HAMPTON	PROHIBITED (Town Code – 167 Article VII 167:50)
HAMPTON FALLS	PERMISSIBLE – Permit required by F.D.
HANCOCK	PERMISSIBLE – No local restrictions
HANOVER	PERMISSIBLE – Permit required (Town Ordinance 34)
HARRISVILLE	Contact your local Department.
HART’S LOCATION	PERMISSIBLE – No local restrictions
HAVERHILL	PERMISSIBLE – No local restrictions
HEBRON	PERMISSIBLE – No local restrictions
HENNIKER	PROHIBITED (Town Ordinance Chapter 50)
HILL	PERMISSIBLE – No local restrictions
HILLSBOROUGH	PERMISSIBLE – No local restrictions
HINSDALE	PERMISSIBLE – No local restrictions
HOLDERNESS	PERMISSIBLE – No local restrictions
HOLLIS	PERMISSIBLE – No local restrictions
HOOKSETT	PERMISSIBLE – No local restrictions
HOPKINTON	PERMISSIBLE – No local restrictions
HUDSON	PERMISSIBLE – Permit required (Town Ordinance 210-4)
JACKSON	PERMISSIBLE – No local restrictions
JAFFREY	PERMISSIBLE – No local restrictions
JEFFERSON	PERMISSIBLE – No local restrictions
KEENE	PERMISSIBLE – Permit required (Town Ordinance 42-61)
KENSINGTON	PROHIBITED (Town Ordinance 5/1988)
KINGSTON	PERMISSIBLE – No local restrictions
LACONIA	PERMISSIBLE – No local restrictions
LANCASTER	Contact your local Department.
LANDAFF	PERMISSIBLE – No local restrictions
LANGDON	PERMISSIBLE – No local restrictions
LEBANON	PERMISSIBLE – Permit required (Town Ordinance 72-4)
LEE	PERMISSIBLE – No local restrictions
LEMPSTER	PERMISSIBLE – No local restrictions

LINCOLN	PERMISSIBLE – Permit required Town Ordinance Chapter 11 – Issued by F.D.
LISBON	PERMISSIBLE – Permit required
LITCHFIELD	PERMISSIBLE – No local restrictions
LITTLETON	PERMISSIBLE – Permit required
LONDONDERRY	PERMISSIBLE – Permit required
LOUDON	Contact your local Department.
LYMAN	PERMISSIBLE – No local restrictions
LYME	Contact your local Department.
LYNDEBOROUGH	PERMISSIBLE – No local restrictions
MADBURY	PERMISSIBLE – No local restrictions
MADISON	PROHIBITED (Town Ordinance 6/25/2005)
MANCHESTER	PROHIBITED (City Ordinance Chapter 92.05)
MARLBOROUGH	PERMISSIBLE – No local restrictions
MARLOW	PERMISSIBLE – Permit required (Town Ordinance)
MASON	PERMISSIBLE – No local restrictions
MEREDITH	PERMISSIBLE – Permit required From Police Chief – Town Ordinance Chapter 20-19(9)
MERIDEN	Contact your local Department.
MERRIMACK	PERMISSIBLE – Permit required (After 11:00 pm)
MIDDLETON	PERMISSIBLE – No local restrictions
MILAN	PERMISSIBLE – No local restrictions
MILFORD	PERMISSIBLE – No local restrictions
MILTON	PERMISSIBLE – No local restrictions
MONROE	PERMISSIBLE – No local restrictions
MONT VERNON	PERMISSIBLE – Permit required (Town Ordinance)
MOULTONBOROUGH	PERMISSIBLE – Restrictions Prohibited Use 11:00 pm to 12:00 pm (Town Ord. 215-4.1)
NASHUA	PROHIBITED (City Ordinance Chapter 160)
NELSON	PERMISSIBLE – No local restrictions
NEW BOSTON	PERMISSIBLE – No local restrictions
NEW CASTLE	PERMISSIBLE – No local restrictions
NEW DURHAM	PERMISSIBLE – No local restrictions
NEW HAMPTON	PERMISSIBLE – No local restrictions
NEW IPSWICH	PERMISSIBLE – Permit required (Town Ordinance 15-0003)
NEW LONDON	PERMISSIBLE – No local restrictions
NEWBURY	PERMISSIBLE – Permit required (Town Ordinance Chapter 40)
NEWFIELDS	PERMISSIBLE – No local restrictions
NEWINGTON	PERMISSIBLE – Permit required Fireworks Ordinance #15-01
NEWMARKET	PERMISSIBLE – No local restrictions
NEWPORT	PERMISSIBLE – No local restrictions
NEWTON	PERMISSIBLE – No local restrictions
NORTH HAMPTON	PROHIBITED (Town Ordinance)
NORTHFIELD	PERMISSIBLE – No local restrictions
NORTHUMBERLAND	PERMISSIBLE – No local restrictions

NORTHWOOD	PERMISSIBLE – No local restrictions
NOTTINGHAM	PERMISSIBLE – No local restrictions
ORANGE	PERMISSIBLE – No local restrictions
ORFORD	PERMISSIBLE – No local restrictions
OSSIPEE	PERMISSIBLE – No local restrictions
PELHAM	PERMISSIBLE – No local restrictions
PEMBROKE	PERMISSIBLE – No local restrictions
PETERBOROUGH	PERMISSIBLE – No local restrictions
PIERMONT	PERMISSIBLE – No local restrictions
PITTSBURG	PERMISSIBLE – No local restrictions
PITTSFIELD	PERMISSIBLE – No local restrictions
PLAINFIELD	<i>Contact your local Department.</i>
PLAISTOW	PROHIBITED (Town Code Chapter 73 Article 73-2)
PLYMOUTH	PERMISSIBLE – No local restrictions
PORTSMOUTH	PERMISSIBLE – Permit required Town Ordinance Chapter 8 Articles I, II
RANDOLPH	PERMISSIBLE – No local restrictions
RAYMOND	PERMISSIBLE – Restrictions Town Ordinance Chapter 238
RICHMOND	PERMISSIBLE – No local restrictions
RINDGE	PERMISSIBLE – Permit required (Town Ordinance 10-11)
ROCHESTER	PERMISSIBLE – Restrictions (Town Ordinance Chapter 23)
ROLLINSFORD	PERMISSIBLE – Permit required (Town Ordinance 10-03)
ROXBURY	<i>Contact your local Department.</i>
RUMNEY	PERMISSIBLE – No local restrictions
RYE	PERMISSIBLE – Permit required (Town Ordinance 34)
SALEM	PROHIBITED (Municipal Code Chapter 260)
SALISBURY	PERMISSIBLE – No local restrictions
SANBORNTON	PERMISSIBLE – Restrictions Prohibited Use 9:30 pm to 11:00 am (Town Ord. 215-4.1)
SANDOWN	PERMISSIBLE – No local restrictions
SANDWICH	PERMISSIBLE – No local restrictions
SEABROOK	PERMISSIBLE – Permit required
SHARON	PERMISSIBLE – No local restrictions
SHELBURNE	PERMISSIBLE – Restrictions (Town Firework Ordinance)
SOMERSWORTH	PERMISSIBLE – Permit required (Town Ordinance Chapter 21)
SOUTH HAMPTON	PERMISSIBLE – No local restrictions
SPOFFORD	PERMISSIBLE – Permit required
SPRINGFIELD	<i>Contact your local Department.</i>
STARK	<i>Contact your local Department.</i>
STEWARTSTOWN	PERMISSIBLE – No local restrictions
STODDARD	PERMISSIBLE – No local restrictions
STRAFFORD	PERMISSIBLE – No local restrictions
STRATHAM	PERMISSIBLE – Permit required (Town Ordinance Chapter 6)
SUGAR HILL	PERMISSIBLE – No local restrictions
SULLIVAN	PERMISSIBLE – No local restrictions

SUNAPEE	PERMISSIBLE – Permit required (Town Ordinance)
SURRY	PERMISSIBLE – No local restrictions
SUTTON	PERMISSIBLE – No local restrictions
SWANZEY	PERMISSIBLE – Permit required (Town Ordinance)
TAMWORTH	PERMISSIBLE – Permit required
TEMPLE	PROHIBITED (Town Ordinance 6/16/1997)
THORNTON	PERMISSIBLE – No local restrictions
TILTON	PERMISSIBLE – Restrictions (Town Fireworks Ordinance)
TROY	PROHIBITED (Town Ordinance 6/15/1992)
TUFTONBORO	PERMISSIBLE – No local restrictions
TWIN MOUNTAIN	PERMISSIBLE – Restrictions Between 8:00 am and 10:30 pm
UNION	PROHIBITED
UNITY	PERMISSIBLE – Permit required
WAKEFIELD	PROHIBITED (Town Ordinance 5/18/1988)
WALPOLE	PERMISSIBLE – No local restrictions
WARNER	PERMISSIBLE – No local restrictions
WARREN	PERMISSIBLE – No local restrictions
WASHINGTON	PERMISSIBLE – No local restrictions
WATERVILLE VALLEY	PERMISSIBLE – Permit required (Town Ordinance #14)
WEARE	<i>Contact your local Department.</i>
WEBSTER	PERMISSIBLE – No local restrictions
WENTWORTH	<i>Contact your local Department.</i>
WESTMORELAND	PERMISSIBLE – No local restrictions
WHITEFIELD	PERMISSIBLE – No local restrictions
WILMOT	PERMISSIBLE – Contact your local Fire Department
WILTON	PERMISSIBLE – No local restrictions
WINCHESTER	PERMISSIBLE – Permit required (Town Ordinance)
WINDHAM	PERMISSIBLE – No local restrictions
WINDSOR	PERMISSIBLE – No local restrictions
WINNISQUAM	<i>See Town of Belmont, NH</i>
WOLFEBORO	PROHIBITED (Town Ordinance Chapter 61)
WOODSTOCK	PERMISSIBLE – No local restrictions
WOODSVILLE	<i>Contact your local Department.</i>