



TOWN OF DURHAM

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

NOTICE: Although members of the Town Council will be meeting in the Council chambers, the Council meetings are still available for members of the public to participate via Zoom or in-person.

AGENDA

DURHAM TOWN COUNCIL

MONDAY, APRIL 18, 2022

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. Town Council grants permission for fewer than a majority of Councilors to participate remotely
- III. Roll Call of Members. Those members participating remotely state why it is not reasonably practical for them to attend the meeting in-person
- IV. Approval of Agenda
- V. Special Announcements – None
- VI. Public Comments (*) – **Please state your name and address before speaking**
- VII. Approval of Minutes
- VIII. Councilor and Town Administrator Roundtable
- IX. Report from the UNH Student Senate External Affairs Chair or Designee
- X. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - A. Shall the Town Council approve the 2nd 2022 Warrant for Water and Sewer totaling \$583,088.51 and authorize the Administrator to sign said warrant?
 - B. Shall the Town Council approve a Special Event/Road Closure Permit request submitted by the UNH MUB Student Activities Undergraduate Student Senate to hold a “Unity Day” event on Saturday, May 7, 2022 (rain date: Sunday, May 8, 2022) from 12:00 Noon to 5PM?

- C. Shall the Town Council, In accordance with Section 5.5 of the Durham Town Charter, schedule, a Public Hearing for Monday, May 9, 2022, on a resolution authorizing the raising, appropriating, and expenditure of an additional One Hundred Five Thousand Eight Hundred Fifteen Dollars (\$105,815.00) within the FY 2022 General Fund Budget, to refund an unexpended building permit fee deposit associated with the Oyster River Middle School Project, and approve said refund to be paid to Bauen Corporation, initiator of the building permit fee fund?

XI. Committee Appointments

Shall the Town Council nominate resident James Hornbeck for reappointment by the NHDES Commissioner as Durham's Representative to the Oyster River Local Advisory Committee?

XII. Presentation Items

- A. Sustainable Durham – Nell Neal, Chair, IWMAC
B. Quarterly Financial Report through 3/31/22 - Gail Jablonski, Business Manager

XIII. Unfinished Business

- A. Discussion on a new proposed solar system ordinance and its referral to the Planning Board – Councilor Jim Lawson
B. Continued discussion on the draft 2022-23 Town Council goals

XIV. New Business

Other Business

XV. Nonpublic Session (if required)

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

XVII. 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.*



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AGENDA ITEM:

10A

DATE: April 18, 2022

COUNCIL COMMUNICATION

INITIATED BY:

April Talon, Town Engineer

AGENDA ITEM:

**SHALL THE TOWN COUNCIL APPROVE THE 2ND 2022
WARRANT FOR WATER AND SEWER TOTALING \$583,088.51
AND AUTHORIZE THE ADMINISTRATOR TO SIGN SAID
WARRANT?**

CC PREPARED BY:

April Talon, Town Engineer
Gail Jablonski, Business Manager

PRESENTED BY:

Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's approval is the 2nd 2022 Warrant for Water and Sewer totaling \$583,088.51 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.

At the July 12, 2021, Town Council meeting Councilors Lawson and Welsh asked that additional information be included with all water and sewer warrants. Particularly how the warrant is calculated, what the usage was, and how it compares to the budget.

Water and/or sewer bills are issued quarterly and are based on meter readings which are taken at the beginning of each quarter (on or about January 1, April 1, July 1 and October 1). Bills are calculated on the actual cubic foot (CF) of water used for each account. The Durham Public Works Water Division obtains the necessary readings using an automatic meter reading system and software which collects meter data including account numbers and water meter readings. This information is uploaded into the Town's utility billing software to generate the warrant. Some accounts are water only as is the case for irrigation meters or for properties that have a septic system. Some accounts are sewer only if they have a residential well.

The Town obtains the total number of cubic feet used and converts it to a dollar amount using the cost per cubic foot which is determined during the budget cycle. The amount of cubic feet used can fluctuate from year to year for the same period due to changes in weather (for example when there is more rain, people use less irrigation), time of year (summer versus winter), and whether UNH is in or out of session.

The attached charts compare the actual water and sewer usage and fees for 2019, 2020, 2021 and the first three months of 2022 compared to the budget.

LEGAL AUTHORITY:

RSA 38:22 II (a)

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The warrant details are as follows:	Water \$	287,414.79
	Sewer \$	295,673.72
	Total \$	<u>583,088.51</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 2nd 2022 Warrant for Water and Sewer totaling \$583,088.51, 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 – 2nd WARRANT 2022

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 Eighty-Three Thousand Eighty-Eight and Fifty-One Cents
(\$583,088.51)

Water \$ 287,414.79

Sewer \$ 295,673.72

Total \$ 583,088.51

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 2nd billing of 2022 computed from the 1st quarter water and sewer readings of 2022.

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector

Given under our hands and seal at Durham this 18th day of April, 2022.

Todd I. Selig, Administrator
Per Town Council vote on 4/18/2022

2022 ESTIMATED VS ACTUAL USAGE
January 1 - March 31, 2022

YEARLY COMPARISONS	ESTIMATED WATER			ACTUAL WATER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	14,391,134	\$ 6.05	\$ 870,664	14,383,549	\$ 6.05	\$ 870,205	(7,585)	(\$459)	100%
2019	14,420,835	\$ 7.08	\$ 1,020,995	14,035,194	\$ 7.08	\$ 993,692	(385,641)	(\$27,303)	97%
2020	14,853,460	\$ 7.35	\$ 1,091,729	13,863,777	\$ 7.35	\$ 1,018,988	(989,683)	(\$72,742)	93%
2021	14,853,460	\$ 7.74	\$ 1,149,658	14,427,696	\$ 7.74	\$ 1,116,704	(425,764)	(\$32,954)	97%
2022 - 1st quarter	3,576,076	\$ 8.43	\$ 301,463	3,409,428	\$ 8.43	\$ 287,415	(166,648)	(\$14,048)	95%

*Estimated for 2022 - 1st quarter is determined by dividing total 2022 estimate by four quarters.

YEARLY COMPARISONS	ESTIMATED SEWER			ACTUAL SEWER			VARIANCE		
	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	Cubic Feet (cf)	Rates per 100 cubic feet	cf/100 * Rate	CF Estimate vs. Actual	\$ Estimate vs. Actual	% Estimated to Actual
2018	13,898,594	\$ 8.96	\$ 1,245,314	13,316,231	\$ 8.96	\$ 1,193,134	(582,363)	(\$52,180)	96%
2019	13,444,655	\$ 8.71	\$ 1,171,029	13,208,897	\$ 8.71	\$ 1,150,495	(235,758)	(\$20,535)	98%
2020	13,713,549	\$ 8.97	\$ 1,230,105	12,843,156	\$ 8.97	\$ 1,152,031	(870,393)	(\$78,074)	94%
2021	13,713,549	\$ 8.97	\$ 1,230,105	13,653,420	\$ 8.97	\$ 1,224,712	(60,129)	(\$5,393)	100%
2022 - 1st Quarter	3,379,175	\$ 8.98	\$ 303,450	3,292,580	\$ 8.98	\$ 295,674	(86,595)	(\$7,776)	97%

*Estimated for 2022 - 1st quarter is determined by dividing total 2022 estimate by four quarters.

1st QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,593,015	3,527,540	3,241,246	3,442,141	3,409,428
Sewer	3,356,917	3,382,932	3,095,327	3,286,030	3,292,580

2nd QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,495,620	3,355,258	3,186,882	3,689,323	
Sewer	3,255,271	3,194,670	2,862,096	3,455,094	

3rd QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,645,321	3,448,551	3,817,406	3,412,971	
Sewer	3,264,997	3,159,604	3,449,128	3,205,142	

4th QUARTER ACTUALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	3,649,592	3,703,845	3,618,243	3,883,261	
Sewer	3,439,047	3,471,691	3,436,605	3,707,154	

YEARLY TOTALS	2018 (total cubic feet)	2019 (total cubic feet)	2020 (total cubic feet)	2021 (total cubic feet)	2022 (total cubic feet)
Water	14,383,548	14,035,194	13,863,777	14,427,696	3,409,428
Sewer	13,316,231	13,208,897	12,843,156	13,653,420	3,292,580

2022 BUDGETED VS ACTUAL EXPENDITURES					
January 1 - March 31, 2022					
FUNDS	Budgeted Ending 03/31/22	Actual Ending 03/31/22	Under (Over) 2022	Percent as of 03/31/22	Percent as of 03/31/21
Water	\$311,875	\$199,073	\$112,802	63.8%	80.9%
Sewer	\$742,000	\$706,838	\$35,162	95.3%	91.2%

*Budgeted is determined by dividing total 2022 budget by four quarters.



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10B
AGENDA ITEM:

DATE: April 18, 2022

COUNCIL COMMUNICATION

INITIATED BY: UNH MUB Student Activities Undergraduate Student Senate

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE A SPECIAL EVENT/ROAD CLOSURE APPLICATION REQUEST SUBMITTED BY THE UNH MUB STUDENT ACTIVITIES UNDERGRADUATE STUDENT SENATE TO CLOSE A PORTION OF MAIN STREET BETWEEN COLLEGE ROAD AND GARRISON AVENUE FOR A "UNITY DAY" EVENT ON SATURDAY, MAY 7, 2022 (RAIN DATE: SUNDAY, MAY 8, 2022) FROM 12:00 NOON TO 5PM?

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by the UNH MUB Student Activities Undergraduate Student Senate to close a portion of Main Street between College Road and Garrison Avenue for a "Unity Day" event scheduled for Saturday, May 7, 2022 (rain date: Sunday, May 8, 2022) from 12:00 Noon to 5PM.

The Administrator has reviewed and recommends approval of this Special Event Permit.

LEGAL AUTHORITY:

RSA 41:11 and RSA 47:17 authorize the Town Council to regulate the use of public highways.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the Special Event/Road Closure application submitted by the UNH MUB Student Activities Undergraduate Student Senate to close a portion of Main Street between College Road and Garrison Avenue for a “Unity Day” event scheduled for Saturday, May 7, 2022 (rain date: Sunday, May 8, 2022) from 12:00 Noon to 5PM.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event _____
Road Closure Request x _____
Use of Town Property _____

LOCATION WHERE EVENT WILL OCCUR: Main Street in front of THall at UNH

DAY & DATE OF EVENT: Saturday, 5/7 (rain date Sunday, 5/8) TIME(S) OF
EVENT: 12-5pm

DURATION OF EVENT (Including set up and breakdown time): 10 hours (9am-7pm)

NAME OF APPLICANT/ORGANIZATION: University of New Hampshire: Memorial Union & Student
Activities, Undergraduate Student Senate

NAME OF EVENT: Unity Day

PERSONAL CONTACT FOR THIS EVENT: Melissa Beecher

ADDRESS: 83 Main Street Durham, NH 03824

TELEPHONE NO.: Cell: 207-281-2611

EMAIL: melissa.beecher@unh.edu

DETAILED DESCRIPTION OF REQUEST (Pertaining to amplified music, location, route of travel. Please attach maps denoting routes and road closures):

What: A collaborative event to bring together and reenergize the university community

Where: T-Hall Lawn, Fishbowl, Edgewood Parking Lot

Music: 4-5 local bands on a stage facing toward the Hamel Rec Center, away from downtown

Food: primarily managed through UNH Dining, working on permits for 3-4 food trucks, still pending approval

Activities: student orgs will showcase, there will be lawn games, opportunities for small service projects

 ANTICIPATED NUMBER OF PARTICIPANTS: 2500 over the course of 5 hours
ANTICIPATED NUMBER OF VEHICLES: ~15 (food trucks, vendors, production for
bands)

CERTIFICATE OF INSURANCE INFORMATION

As evidence of its financial ability to indemnify the Town of Durham, during the term of this agreement, the applicant shall obtain and pay premiums for Commercial General Liability insurance protecting the parties hereto, their agents, officers, elected officials, representatives, or employees because of bodily injury, property damage, personal injury or products liability incurred by the parties in the performance of the terms of this lease, such policy to provide limits no less than \$1 million per occurrence. A Certificate of Insurance naming the Town of Durham as an Additional Insured shall be provided.

Insurance Carrier: _____

Policy Number and Expiration Date: _____

The undersigned hereby agrees, at its sole cost and expense, to defend, indemnify and hold harmless the Town of Durham and all associated, affiliated, allied and subsidiary entities of the Town, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, and contractors (hereinafter referred to as "indemnities") from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses which may be imposed upon, incurred by or asserted against the indemnities by reason of any act or omission of the undersigned, its personnel, employees, agents, contractors or subcontractors which results in damage or injury of any kind to any person or any property and which arises out of or is any way connected with the activities permitted by this permit.

Melissa A. BeecherMelissa A. Beecher4/1/22

Printed Name and Signature of Event Coordinator/applicant

Date

James W. Dean Jr.

James W. Dean Jr., President, UNH

April 6, 2022

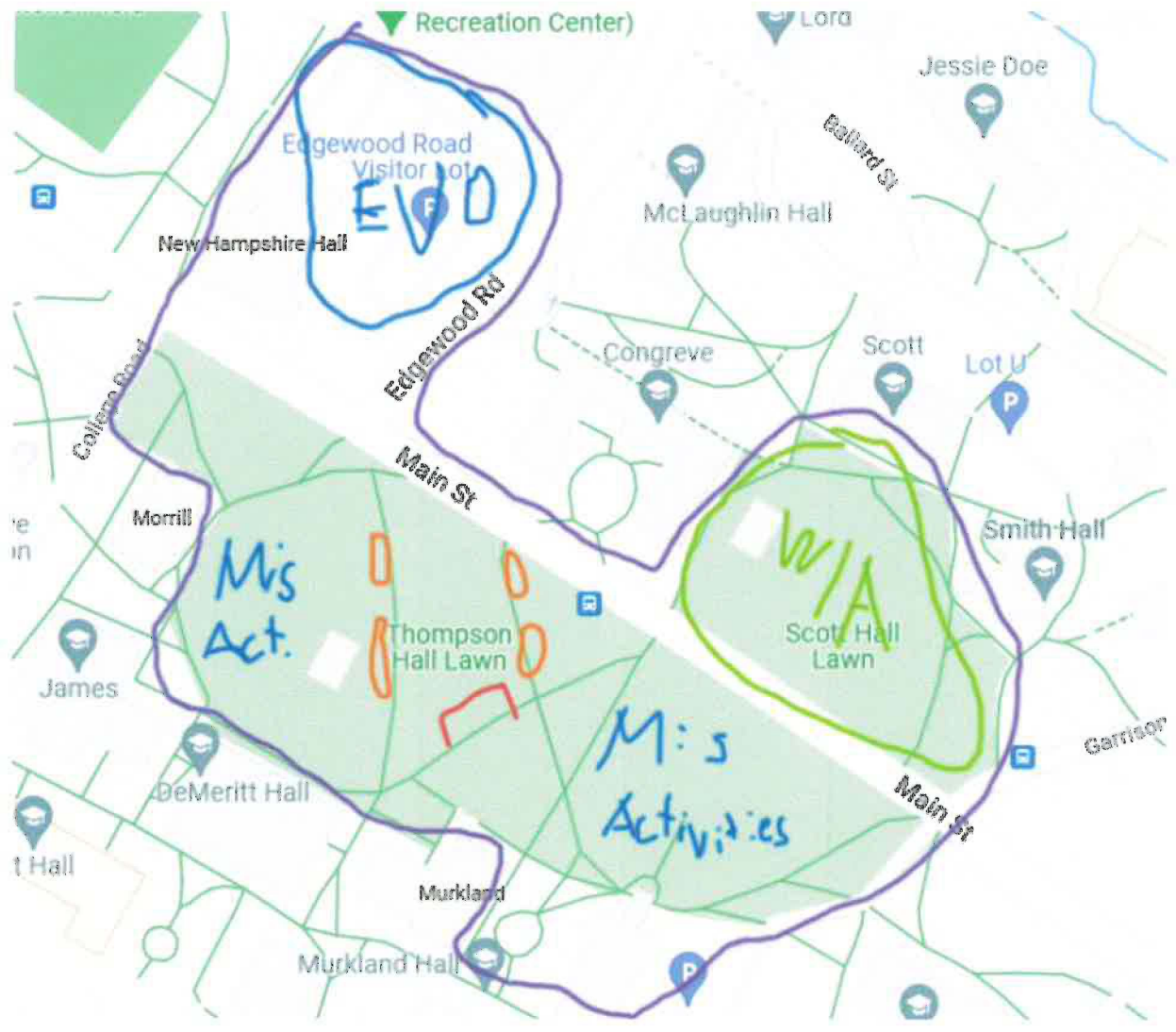
Printed Name and Signature of Principal/Owner/Authorizing Authority

Date

FOR OFFICIAL USE ONLYReviewed by DPW
Comments:

ok
Review
4.12.22
☒ - ALL TRAFFIC/PEDESTRIAN CONTROLS SETUP/
BROKEN DOWN BY UNH
☒ - TRASH, DEBRIS TO BE REMOVED FROM TOWN
PROPERTY AT END OF EVENT AND APPROPRIATELY
MANAGED DURING EVENT

Reviewed by PD
Comments:☒ *see attached comments*Reviewed by FD
Comments:☒ *ok*
☒ See attached Fire Department conditions of permit approvalReviewed by P&R
Comments:☒Approved: ☐_____
Todd I. Selig, Administrator_____
Date



Durham PD Permit Application Requirements
UNITY DAY PERMIT APPLICATION

1. Barriers will be needed at the intersection of Main Street and Garrison Avenue and Main Street and Edgewood as it would appear the road needs to be shut down between both.
2. If there is no road closure requested, which is not defined on the permit, UNH PD will need to provide officers at both intersections to enable the safe and orderly passage of participants back and forth across each intersection.
3. Two additional Durham Officers will be required to be available for any additional calls for service created by the event.

Janice Richard

From: David Emanuel <David.Emanuel@unh.edu>
Sent: Wednesday, April 13, 2022 11:25 AM
To: Janice Richard; Rachel Gasowski; Kelley Fowler
Cc: Jen Berry; Randall Trull; Brendan O'Sullivan; David Holmstock
Subject: RE: UNH Permit Application for 5.7.22
Attachments: UNH_050722_permit-special_events_application_revised_february_2019.pdf

Janice,

The FD supports the UNH Unity Day event on 5/7 or 5/8 as submitted.

We understand that this event will close Main Street for the program – that was not clear to me in the event application, but we support the closure for safety reasons.

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.

From: Janice Richard <jrichard@ci.durham.nh.us>
Sent: Wednesday, April 13, 2022 9:27 AM
To: David Emanuel <david.emanuel@unh.edu>; Rachel Gasowski <rgasowski@ci.durham.nh.us>; Kelley Fowler <Kelley.Fowler@unh.edu>
Cc: Jen Berry <jberry@ci.durham.nh.us>
Subject: FW: UNH Permit Application for 5.7.22

CAUTION: This email originated from outside of the University System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello all- did I miss a response on this one from you all?



Janice Richard
Assistant to DPW Director

Janice Richard

From: Rachel Gasowski
Sent: Wednesday, April 13, 2022 1:43 PM
To: Janice Richard; David Emanuel; Kelley Fowler
Cc: Jen Berry
Subject: Re: UNH Permit Application for 5.7.22

OK with P&R.

Thanks
Rachel

Rachel Gasowski
Park & Recreation Director
Town of Durham
(603) 817-4074
durhamrec.recdesk.com
follow us on Facebook "Durham Rec"

From: Janice Richard <jrichard@ci.durham.nh.us>
Date: Wednesday, April 13, 2022 at 9:27 AM
To: David Emanuel <david.emanuel@unh.edu>, Rachel Gasowski <rgasowski@ci.durham.nh.us>, Kelley Fowler <Kelley.Fowler@unh.edu>
Cc: Jen Berry <jberry@ci.durham.nh.us>
Subject: FW: UNH Permit Application for 5.7.22

Hello all- did I miss a response on this one from you all?



Janice Richard
Assistant to DPW Director
Town of Durham
(603) 868-5578

From: David Holmstock <dholmstock@ci.durham.nh.us>
Sent: Wednesday, April 6, 2022 3:54 PM
To: Janice Richard <jrichard@ci.durham.nh.us>
Cc: Melissa Beecher <Melissa.Beecher@unh.edu>; David Holmstock <dholmstock@ci.durham.nh.us>
Subject: FW: UNH Permit Application for 5.7.22

Hi Janice,

This copy is signed by President Dean as noted below.

Dave



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AGENDA ITEM:

10C

DATE: April 18, 2022

COUNCIL COMMUNICATION

INITIATED BY: Audrey Cline, Code Administrator

AGENDA ITEM: SHALL THE TOWN COUNCIL, IN ACCORDANCE WITH SECTION 5.5 OF THE DURHAM TOWN CHARTER, SCHEDULE, A PUBLIC HEARING FOR MONDAY, MAY 9, 2022, ON A RESOLUTION AUTHORIZING THE RAISING, APPROPRIATING, AND EXPENDITURE OF AN ADDITIONAL ONE HUNDRED AND FIVE THOUSAND EIGHT HUNDRED AND FIFTEEN DOLLARS (\$105,815.00) WITHIN THE FY 2022 GENERAL FUND BUDGET TO REFUND AN UNEXPENDED BUILDING PERMIT FEE DEPOSIT ASSOCIATED WITH THE OYSTER RIVER MIDDLE SCHOOL PROJECT, AND APPROVE SAID REFUND TO BE PAID TO BAUEN CORP, THE INITIATOR OF THE BUILDING PERMIT FEE FUND?

CC PREPARED BY: Audrey Cline, Code Official

PRESENTED BY: Todd Selig, Town Administrator
Audrey Cline, Code Administrator

AGENDA DESCRIPTION:

The Town of Durham and the Oyster River Cooperative School District reached an agreement in April of 2020 that in lieu of the standard building permit fee for the Middle School project, the general contractor for the project, Bauen Corporation, would place an initial deposit of \$135,000 with the Town. The Town would keep track of any inspections done by the Town at a rate of \$75.00 an hour, as well as any other costs incurred by outside sources and third-party consultants and draw down the \$135,000. An accounting would be completed throughout the project and at the end of the project the Town would either refund any monies not expended or invoice Bauen Corporation for any additional costs.

At this time as the building of the new school is near completion the Town has recorded expenses in the amount of \$29,185.25 leaving a balance of \$105,814.75. It is anticipated there may be a few more inspections required during the demolition

phase of the old school so we are recommending releasing \$100,000 back to Bauen Corporation.

When the funds were received in 2020, they were not segregated as an escrow payment, as intended, but were recorded as Building Permit Revenue. All revenue accounts are closed at year end, increasing the Town's Fund Balance. The \$135,000 received from Bauen Corporation in 2020 followed that path increasing the General Fund Unassigned Fund Balance. As a result, the Town will need to raise, appropriate, and authorize the expenditure from the General Fund Unassigned Fund Balance the funds necessary to fulfill the building permit fee arrangement. We are requesting the amount of \$105,815 which is the total of the unused funds, however, we will only be releasing \$100,000 at this time. The remaining \$5,815 will be released upon completion of the project, less any additional expenses incurred.

Attached is Resolution #2022-05, which will amend the 2022 General Fund budget to raise and appropriate \$105,815.00 from the unassigned fund balance for refunding said amount to Bauen Corporation.

LEGAL AUTHORITY:

Section 5.5 of the Durham Town Charter states: *No appropriation shall be made for any purpose not included in the annual budget as adopted unless approved by a two-thirds majority of the Council after a public hearing. The Council shall, by resolution, designate the source of any money so appropriated. This provision shall not apply, however, to emergency appropriations adopted pursuant to 3.10 of this Charter.*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Bauen Corporation will receive a refund in the amount of \$100,000.00 at this time and the remaining amount of \$5,815 authorized will be held until the project is completed.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, in accordance with Section 5.5 of the Durham Town Charter, schedule a Public Hearing for Monday, May 9, 2022, on a resolution authorizing the raising, appropriating, and expenditure of an additional One Hundred and Five Thousand Eight Hundred and Fifteen Dollars (\$105,815.00) Within the FY 2022 General Fund Budget to refund an unexpended building permit fee deposit associated with the Oyster River Middle School Project, and approve said refund to be paid to Bauen Corp, the initiator of the building permit fee fund. (TWO-THIRDS 2/3 VOTE REQUIRED).

RESOLUTION #2022-0 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE RAISING, APPROPRIATING, AND EXPENDITURE OF AN ADDITIONAL ONE HUNDRED AND FIVE THOUSAND EIGHT HUNDRED AND FIFTEEN DOLLARS (\$105,815.00) WITHIN THE FY 2022 GENERAL FUND BUDGET TO REFUND AN UNEXPENDED BUILDING PERMIT FEE DEPOSIT ASSOCIATED WITH THE OYSTER RIVER MIDDLE SCHOOL PROJECT, AND APPROVE SAID REFUND TO BE PAID TO BAUEN CORP, THE INITIATOR OF THE BUILDING PERMIT FEE FUND

WHEREAS, the Town and the Oyster River Cooperative School District reached an agreement in April of 2020 that in lieu of the standard building permit fee for the Middle School project, the general contractor for the project, Bauen Corporation, would place an initial deposit of \$135,000 with the Town; and

WHEREAS, the Town would keep track of any inspections done by the Town at a rate of \$75.00 an hour, as well as any other costs incurred by outside sources and third-party consultants and draw down the \$135,000; and

WHEREAS, an accounting would be completed throughout the project and at the end of the project the Town would either refund any monies not expended or invoice Bauen Corporation for any additional costs; and

WHEREAS, at this time, the building of the new school is near completion and the Town has recorded expenses in the amount of \$29,185.25, leaving an unexpended balance of \$105,815.00; and

WHEREAS, in accordance with Section 5.5 of the Town Charter, the Durham Town Council may approve additional appropriations not included in the annual budget by resolution designating the source of the additional appropriation with a two-thirds vote of the Council after a public hearing; and

WHEREAS, the \$105,815.00 was not included in the approved FY 2022 budget and is recommended to come from the Unassigned Fund Balance; and

WHEREAS, a public hearing notice was published in the *Foster's Daily Democrat* on _____ and was posted on the public bulletin board

located outside of the Town Hall, at the Department of Public Works, and the
Durham Public Library; and

WHEREAS, on _____, a public hearing was held in
accordance with Article 5, Section 5.5 of the Durham Town Charter on Resolution
#2021-02 to raise, appropriate, and expend an additional \$105,815.00 within the FY
2022 General Fund budget to refund the excess building permit fee associated with
the new Oyster River Cooperative School District Middle School Project.

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 Resolution #2022-XX** authorizing the raising, appropriating, and
expenditure of an additional One Hundred and Five Thousand Eight Hundred and
Fifteen Dollars (105,815.00) within the FY 2022 General Fund Budget, to refund an
unexpended building permit fee refund associated with the Oyster River Middle
School project, and approve said refund to be paid to Bauen Corp, the initiator of the
building permit fee fund.

PASSED AND ADOPTED this 18th day of April, 2022 by a **two-thirds**
(2/3) majority vote of the Durham Town Council with _____ affirmative votes, _____
negative votes, and _____ abstentions.

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector



TOWN OF DURHAM
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AGENDA ITEM:

11

DATE: April 18, 2022

COUNCIL COMMUNICATION

INITIATED BY:

James Hornbeck, Durham representative on the
Oyster River Local Advisory Committee

AGENDA ITEM:

**SHALL THE TOWN COUNCIL NOMINATE RESIDENT JAMES
HORNBECK FOR REAPPOINTMENT BY THE NHDES
COMMISSIONER AS DURHAM'S REPRESENTATIVE TO THE
OYSTER RIVER LOCAL ADVISORY COMMITTEE?**

CC PREPARED BY:

Jennie Berry, Administrative Assistant

PRESENTED BY:

Todd Selig, Administrator

AGENDA DESCRIPTION:

In 2011, legislation was enacted to designate segments of the Oyster River as a protected river under New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP). When the designation became effective on June 2, 2011, the Oyster River joined a select group of rivers already designated under the RMPP. Designation calls for protection and management of New Hampshire's outstanding rivers through a two-tiered approach: state protection of instream values, and local management of riparian lands. The RMPP is administered by the Department of Environmental Services (DES) under RSA 483.

In the spring of 2011, the town received notification from DES requesting that it identify at least three individuals to serve on an Oyster River Local Advisory Committee. The committee must be composed of at least seven members. All must reside in New Hampshire in the vicinity of the Oyster River and represent a broad range of interests. These interests must include, but are not limited to: local government, business, conservation, recreation, agriculture, and riparian landowners (those who own property adjacent to the river). Each member, to be nominated by their respective local governing body, serves a term of three years.

One of Durham's representatives on the ORLAC, James (Jim) Hornbeck, has requested reappointment to the committee. His term expired on October 5, 2021.

Re: Reappoint Jim Hornbeck to the Oyster River Local Advisory Committee

Attached for the Council's information is a Local River Management Advisory Committee nominee form completed by Mr. Hornbeck and submitted by ORLAC Chair Eric Fiegenbaum, which must be submitted to the NHDES Commissioner.

The duties of the local advisory committee under RSA 483:8-a include:

1. To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment and tributary drainage areas. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.
2. To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.
3. To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.
4. To report biennially to the advisory committee and the commissioner, and annually to municipalities on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment, its corridor, and tributary drainage areas.

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 483, New Hampshire Rivers Management and Protection Program (RMPP).

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby nominate James Hornbeck for a three-year reappointment to the Oyster River Local Advisory Committee by the Commissioner of New Hampshire Department of Environmental Services.



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

Please complete both sides of this form and email to riversprogram@des.nh.gov. Please type "NOMINEE FORM" and nominee's name in the subject line. Forms can also be sent by mail to: Rivers Coordinator, NHDES, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095. For questions, please contact the Rivers Coordinator at 271-2959.

Nominee Information

Nominee Name: Jim Hornbeck		Date: 3/24/2022
Street Address: 19 Woodridge Rd.		
Town: Durham		ZIP Code: 03824
Phone (home): 868-5419	Phone (cell):	Phone (work):
Email: jhornbeck@comcast.net		

Nomination Information

Type of Appointment -	<input type="checkbox"/> New Appointment	<input checked="" type="checkbox"/> Reappointment
River Name: Oyster River		
Type of Representation -	Municipality: Durham	Other:
Please state your interest(s) in serving on the Local River Management Advisory Committee: <input type="checkbox"/> Local Government <input checked="" type="checkbox"/> Conservation <input type="checkbox"/> Agriculture <input type="checkbox"/> Business <input type="checkbox"/> Recreation <input type="checkbox"/> Riparian Landowners <input type="checkbox"/> Other, please specify: _____		

Board of Selectmen or Authorized Signature(s) – REQUIRED (e-signature acceptable)

Name:	Title:
Name:	Title:
Name:	Title:
Note: By statute, the New Hampshire Rivers Management Advisory Committee appoints the Local River Management Advisory Committee (LAC) members for each Designated River from nominees submitted by the local governing bodies through which the Designated River flows (RSA 483:8-a).	

Additional Information

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection:

Retired hydrologist with the U.S. Forest Service.

Two prior terms on the Oyster River LAC.

Participant in the NH DES Volunteer River Assessment Program (water quality monitoring) on the Oyster River since 2002.

50 year resident of Durham with a longtime interest in the Oyster River.

Most Local Advisory Committees engage in a variety of activities. Reviewing those activities listed below, please check those that are of most interest to you:

- | | | |
|---|--|--|
| <input type="checkbox"/> Grant Writing | <input checked="" type="checkbox"/> Public Education | <input type="checkbox"/> Committee Administration |
| <input type="checkbox"/> Event Organization | <input checked="" type="checkbox"/> Public Relations | <input checked="" type="checkbox"/> Management Plan Preparation/Implementation |
| <input type="checkbox"/> Other, please specify: | | |
-

Most Local Advisory Committees meet monthly. In some cases, they may meet more frequently to complete specific tasks, while in other cases your attendance may not be required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings:

- ☒ I can attend monthly meetings on most weeknights.
- ☐ I can attend monthly meetings only if scheduled on a specific weeknight.
- ☐ I can only attend a limited number of monthly meetings.
- ☐ I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Committee.

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):

LAC Chair and Nominee have been contacted regarding nomination on (date):

RMPP Staff recommends appointment to the Rivers Management Advisory Committee -

☐ Approve RMPP staff: Date:

Appointment confirmation sent to municipality and LAC Chair on (date):

Appointment letter and information packet sent on (date):



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AGENDA ITEM:

12B

DATE: April 18, 2022

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: QUARTERLY FINANCIAL REPORT THROUGH MARCH 31, 2022

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 2022 through March 31, 2022. 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 03/31/21 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 March 31, 2022 show a total expenditure of \$4,258,748 or 24.2% of the total approved budget amount of \$17,591,550. To compare, the amount expended as of March 31, 2021 was 22.1%.

There are no abnormalities to report at this time.

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.

**2022 Budget/Estimated General Fund
January 1 - March 31, 2022**

PROPERTY TAXES/ABATEMENTS/CREDITS	Estimated Revenue 2022	Revenues Ending 03/31/22	Revenues Under (Over) 2022	Percent Collected 03/31/22	Percent Collected 03/31/21
Property Taxes	\$10,108,550	\$0	\$10,108,550	0.0%	0.0%
Payment in Lieu of Taxes	\$965,000	\$0	\$965,000	0.0%	0.0%
Abatements	(\$900,000)	(\$507,375)	(\$392,625)	56.4%	90.6%
Veteran Service Credits	(\$125,000)	\$0	(\$125,000)	0.0%	0.0%
REVENUES	Estimated Revenue 2022	Revenues Ending 03/31/22	Revenues Under (Over) 2022	Percent Collected 03/31/22	Percent Collected 03/31/21
Interest and Penalties on Delinquent Taxes	\$35,000	\$22,939	\$12,061	65.5%	22.5%
Permit Fees	\$1,461,000	\$321,469	\$1,139,531	22.0%	24.1%
State/Federal Revenues	\$1,397,600	\$57,273	\$1,340,327	4.1%	5.5%
Intergovernmental Revenues (ORCSD-SRO)	\$83,950	\$43,875	\$40,075	52.3%	50.0%
UNH - Shared Services, School, Fire & Debt Service	\$2,526,750	\$705,059	\$1,821,691	27.9%	29.2%
Departmental Income	\$240,400	\$66,267	\$174,133	27.6%	54.3%
Fire and Police Special Details	\$295,000	\$14,530	\$280,470	4.9%	3.3%
Miscellaneous Revenue	\$728,300	\$202,695	\$525,605	27.8%	27.9%
Fund Balance	\$775,000	\$0	\$775,000	0.0%	0.0%
Total General Fund Revenues	\$7,543,000	\$1,434,107	\$6,108,893	19.0%	21.5%
EXPENDITURES	Council Budget 2022	Expended Through 03/31/22	Expenditures Under (Over) 2022	Percent Expended 03/31/22	Percent Expended 03/31/21
GENERAL GOVERNMENT					
Town Council	\$164,500	\$13,028	\$151,472	7.9%	9.1%
Town Treasurer	\$6,000	\$1,292	\$4,708	21.5%	18.3%
Town Administrator	\$450,600	\$106,019	\$344,581	23.5%	23.1%
Elections	\$17,550	\$2,057	\$15,493	11.7%	0.3%
Tax Collector/Town Clerk	\$298,450	\$68,521	\$229,929	23.0%	21.6%
Accounting	\$379,000	\$93,641	\$285,359	24.7%	21.1%
Assessing	\$218,600	\$59,723	\$158,877	27.3%	17.7%
Legal - Attorney Fees	\$75,000	\$24,941	\$50,059	33.3%	18.6%
Legal - Eversource Settlement (Great Bay Study)	\$175,000	\$175,000	\$0	100.0%	100.0%
Planning	\$189,000	\$47,273	\$141,727	25.0%	21.4%
Economic Development	\$0	\$0	\$0	0.0%	18.9%
Boards/Commissions/Committees	\$71,400	\$10,520	\$60,880	14.7%	32.6%
DCAT	\$129,250	\$26,734	\$102,516	20.7%	22.7%
GIS	\$112,950	\$26,458	\$86,492	23.4%	0.10%
MIS	\$408,800	\$97,928	\$310,872	24.0%	32.3%
Building Inspection	\$250,100	\$51,960	\$198,140	20.8%	17.5%
Emergency Management	\$1,000	\$140	\$860	14.0%	31.6%
Other General Government	\$251,300	\$62,020	\$189,280	24.7%	35.1%
General Government Total	\$3,198,500	\$867,255	\$2,331,245	27.1%	26.8%
PUBLIC SAFETY					
Police Department	\$3,178,950	\$711,340	\$2,467,610	22.4%	19.2%
Police Department Special Details	\$169,300	\$5,237	\$164,063	3.1%	2.4%
Fire Department	\$4,492,650	\$1,094,914	\$3,397,736	24.4%	20.5%
Fire Department Special Details	\$43,300	\$6,327	\$36,973	14.6%	0.0%
Communication Center	\$20,700	\$18,700	\$2,000	90.3%	0.0%
Ambulance Services	\$40,000	\$0	\$40,000	0.0%	0.0%
Public Safety Total	\$7,944,900	\$1,836,518	\$6,108,382	23.1%	19.3%

EXPENDITURES	Council Budget 2022	Expended Through 03/31/22	Expenditures Under (Over) 2022	Percent Expended 03/31/22	Percent Expended 03/31/21
PUBLIC WORKS					
Administration	\$412,450	\$100,268	\$312,182	24.3%	25.4%
Engineer	\$152,700	\$28,563	\$124,137	18.7%	17.4%
Stormwater Permitting	\$3,500	\$0	\$3,500	0.0%	0.0%
Town Buildings	\$282,750	\$84,740	\$198,010	30.0%	18.8%
Town Cemeteries & Trusted Graveyards	\$15,650	\$0	\$15,650	0.0%	0.0%
Wagon Hill & Parks & Grounds Maintenance	\$174,500	\$22,168	\$152,332	12.7%	9.0%
Equipment Maintenance	\$244,600	\$65,434	\$179,166	26.8%	11.7%
Roadway Maintenance	\$165,600	\$19,671	\$145,929	11.9%	9.8%
Drainage & Vegetation	\$133,500	\$21,472	\$112,028	16.1%	5.6%
Snow Removal	\$321,800	\$164,507	\$157,293	51.1%	51.4%
Traffic Control	\$137,900	\$20,094	\$117,806	14.6%	7.3%
Bridges & Dams	\$227,450	\$38,004	\$189,446	16.7%	15.1%
Public Works Use of Donations	\$0	\$0	\$0	0.0%	0.0%
Public Works Total	\$2,272,400	\$564,921	\$1,707,479	24.9%	20.0%
SANITATION					
Solid Waste Administration	\$173,500	\$54,339	\$119,161	31.3%	39.2%
Rolloff Vehicle Operation	\$60,500	\$10,670	\$49,830	17.6%	9.9%
Curbside Collection	\$211,400	\$38,129	\$173,271	18.0%	16.3%
Litter Removal	\$31,800	\$5,122	\$26,678	16.1%	22.1%
Recycling	\$161,300	\$29,994	\$131,306	18.6%	16.3%
Solid Waste Management Facility (SWMF)	\$125,900	\$17,576	\$108,324	14.0%	12.7%
Sanitation Total	\$764,400	\$155,830	\$608,570	20.4%	20.1%
HEALTH & WELFARE					
Health Inspector	\$400	\$0	\$400	0.0%	0.0%
Social Service Agencies	\$12,200	\$12,200	\$0	100.0%	97.9%
Direct Assistance (Welfare)	\$30,000	\$8,889	\$21,111	29.6%	32.5%
Health & Welfare Total	\$42,600	\$21,089	\$21,511	49.5%	55.9%
CULTURE & RECREATION					
Parks & Recreation Department	\$336,500	\$59,818	\$276,682	17.8%	13.9%
UNH Outdoor Pool and ORYA	\$0	\$0	\$0	0.0%	0.0%
Parks & Recreation Committee	\$1,500	\$78	\$1,422	5.2%	0.0%
Memorial Day	\$500	\$0	\$500	0.0%	0.0%
Conservation	\$58,450	\$3,486	\$54,964	6.0%	27.0%
Culture & Recreation Total	\$396,950	\$63,382	\$333,568	16.0%	15.4%
DEBT SERVICE					
Principal	\$1,327,800	\$593,648	\$734,152	44.7%	43.5%
Interest	\$343,600	\$151,105	\$192,495	44.0%	51.9%
Debt Service Charges	\$5,000	\$5,000	\$0	100.0%	0.0%
Debt Service Total	\$1,676,400	\$749,753	\$926,647	44.7%	45.0%
TRANSFERS					
Transfer to Library	\$542,900	\$0	\$542,900	0.0%	0.0%
Transfer to Capital Project Fund	\$707,500	\$0	\$707,500	0.0%	0.0%
Transfer to Fire Capital Reserve Fund	\$45,000	\$0	\$45,000	0.0%	0.0%
Debt Service Total	\$1,295,400	\$0	\$1,295,400	0.0%	0.0%
TOTAL GENERAL FUND EXPENDITURES	\$17,591,550	\$4,258,748	\$13,332,802	24.2%	22.1%

2022 Budget/Estimated Other Funds Summary

January 1 - March 31, 2022

Water Fund	Estimated 2022	Ending 03/31/22	Under (Over) 2022	Percent as of 03/31/22	Percent as of 03/31/21
Revenues	\$1,247,500	\$324,839	\$922,661	26.0%	24.6%
Expenses	\$1,247,500	\$199,073	\$1,048,427	16.0%	20.2%

Sewer Fund	Estimated 2022	Ending 03/31/22	Under (Over) 2022	Percent as of 03/31/22	Percent as of 03/31/21
Revenues	\$2,968,000	\$578,200	\$2,389,800	19.5%	19.5%
Expenses	\$2,968,000	\$706,838	\$2,261,162	23.8%	22.8%

Parking Fund	Estimated 2022	Ending 03/31/22	Under (Over) 2022	Percent as of 03/31/22	Percent as of 03/31/21
Revenues	\$362,000	\$87,712	\$274,288	24.2%	18.9%
Expenses	\$362,000	\$64,213	\$297,787	17.7%	14.7%

Depot Road Fund	Estimated 2022	Ending 03/31/22	Under (Over) 2022	Percent as of 03/31/22	Percent as of 03/31/21
Revenues	\$130,000	\$10,844	\$119,156	8.3%	10.1%
Expenses	\$130,000	\$1,482	\$128,518	1.1%	0.8%

Churchill Rink Fund	Estimated 2022	Ending 03/31/22	Under (Over) 2022	Percent as of 03/31/22	Percent as of 03/31/21
Revenues	\$325,400	\$59,950	\$265,450	18.4%	23.0%
Expenses	\$325,400	\$79,516	\$245,884	24.4%	20.2%

Library Fund	Estimated 2022	Ending 03/31/22	Under (Over) 2022	Percent as of 03/31/22	Percent as of 03/31/21
Revenues	\$568,650	\$2,575	\$566,075	0.5%	0.3%
Expenses	\$567,900	\$141,443	\$426,457	24.9%	20.8%



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AGENDA ITEM:

13A

DATE: April 18, 2022

COUNCIL COMMUNICATION

INITIATED BY: Jim Lawson, Town Councilor

AGENDA ITEM: DISCUSSION REGARDING A PROPOSED SOLAR SYSTEM ORDINANCE AND IT'S REFERRAL TO THE PLANNING BOARD.

CC PREPARED BY: Jim Lawson, Town Councilor

PRESENTED BY: Jim Lawson, Town Councilor

AGENDA DESCRIPTION:

The Planning Board initiated a draft Ordinance for Solar Energy Systems in April 2019, and forwarded it to the Town Council for review and possible action in Accordance with Section 175-14.A "Amendments Initiated by the Planning Board". The Planning Board's proposal was based on a draft developed the previous year by the Durham Energy Committee. The Board made modifications to the Energy Committee's draft and held public hearings, as required, before referring the ordinance to the Town Council. It should be noted that the Planning Board worked on the Ordinance despite having over thirty-five completed applications and actions on their 2018 agenda.

Residents raised a number of concerns at the Planning Board hearings about the ordinance that were not resolved or mitigated in the Planning Board's final proposal. Specifically, allowing utility scale solar systems in the Rural and Rural Coastal Districts as a Conditional Use. Other issues were also noted, including eliminating the maximum size of residential freestanding solar systems recommended by the Energy Committee. Note that the Town Council cannot make substantive changes to a zoning proposal initiated by the Planning Board.

The Town Council decided not to move the proposed ordinance to First Reading, and instead, have Town Councilors Lawson and Welch along with Planning Board and Energy Committee representatives work on issues with the proposed ordinance. Most recently, Councilor Lawson has worked on the ordinance the Town Planner Michael Behrendt.

Proposed changes to the Solar Ordinance have been presented to the Town Council, Energy Committee and Planning Board at various times by Councilor Lawson. All of the meetings resulted in comments, some from the public, that were considered for incorporating into the Ordinance. The most substantive changes to the new proposal are as follows:

1. The definitions of large utility scale systems have been aligned with the definitions used in State RSAs and by the Public Utilities Commission.
2. Group Net-Metering hosts are better defined, and residential solar systems are permitted to be a Group Net-Metering Host.
3. The size of freestanding residential systems is limited to an area of 1,800 sf. This is based on the original Energy Committee recommendation, and calculations were made to ensure this area was sufficient for residential needs, including Electric Vehicles and geothermal heating.
4. More options are provided for the placement of residential freestanding solar systems.
5. Large utility scale systems are only permitted in specific Research-Industry zones as a Conditional Use. Utility scale systems are not permitted in the Rural and Rural Coastal zones.
6. Solar Parking Canopies are allowed as a Conditional Use in all Commercial Core and Research-Industry zones except the Central Business district.

The attached proposed ordinance can be referred to the Planning Board for its review per Section 175-14.B "Amendment Initiated by the Council". However, it is recommended that the Town Council first provide a presentation of the ordinance, similar to the attached presentation provided to the Planning Board, at the Council's May 9, 2022 meeting, and accept public comments about the ordinance both at that time and before referring it to the Planning Board at a subsequent meeting. This may allow the Council to address any concerns before the proposed ordinance is referred to the Planning Board.

LEGAL AUTHORITY:

This would be a Council initiated zoning change in accordance with Section 175-14.B "Amendment Initiated by the Council".

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby schedule a presentation and Public Hearing for May 9, 2022 on the Solar Energy System ordinance being considered for referral to the Planning Board.

SOLAR ENERGY SYSTEMS
DRAFT ORDINANCE VERSION 4.6 - Durham, New Hampshire
Initiated by the Town Council on [Date to be Determined]

Proposed amendments to the Durham Zoning Ordinance to accommodate solar energy systems.

❖ ***Make the following changes in Article II. Definitions.***

- ***Add this new section for “Solar Energy Systems.” Place this section right before “Solid Waste” and retain the order as shown here.***

SOLAR ENERGY SYSTEMS – Specific definitions pertinent to solar energy systems follow.

Building-Mounted Solar Energy System – A solar energy system attached to and completely supported by a building that does not extend more than 5 feet beyond the building footprint. The system may include necessary accessory equipment that is ground mounted.

Freestanding Solar Energy System – A ground-mounted solar energy system, including a stationary or tracking system (either single axis or dual axis). A Solar Photovoltaic (PV) Parking Canopy is not a Freestanding Solar Energy System.

Group Net Metering Host, Small – A Solar Photovoltaic (PV) System less than or equal to 100 KW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Group Net Metering Host, Large – A Solar Photovoltaic (PV) System greater than 100 KW and less than 5 MW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Multi-unit Residential or Nonresidential Solar Energy System – An accessory use designed to provide solar energy for the principal and accessory uses of Multi-Unit Residential, mixed Use with Residential and other Nonresidential uses. Solar Energy – Radiant energy emitted by the sun.

Shared Solar Energy System – A solar energy system that serves single family or duplex residential buildings situated on two or more separate and contiguous lots. The system is considered accessory to the uses on each of the lots that it serves.

Single-Family or Duplex Residential Solar Energy System – A Solar Energy System that is an accessory use designed to generate energy for use at the property. A Single-Family or Duplex Residential Solar System may also be a Small Group Net Metering Host up to the size limits specified in 175-109R.4.

Solar Energy System – A structure and the related components used to transform solar energy into electricity (through a solar photovoltaic system) or heat (through a solar thermal system).

Solar Photovoltaic (PV) Parking Canopy – An elevated structure that supports solar panels over Surface Parking.

Solar Photovoltaic (PV) System – A solar collection, mounting, inversion, storage and distribution system that converts sunlight into electricity.

Solar Thermal System – A solar collection system that directly heats a heat-transfer medium.

Utility-Scale Solar Energy System, Small - A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity equal to or less than 100 kW that generates energy for use off site by customers. A Small Utility-Scale Solar Energy System does not function as a Small Group Net Metering Host.

Utility-Scale Solar Energy System, Large – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of greater than 100 kW and less than 5 MW that generates energy for use off site by customers. A Large Utility-Scale Solar Energy System does not function as a Large Group Metering Host.

➤ ***Add this new section in Article II definitions***

CARPORT – A roofed structure designed to shelter motor vehicles and that is open on at least two sides. A carport may be a freestanding structure or attached to a building.

❖ *Modify the Table of Uses as follows:*

Add the new uses below in the Table of Uses in Section 175-53 under Subsection VI. Utility & Transportation Uses at the end after Personal Wireless Services Facility:

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	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 (MUR)	Office Research Light Industry (OL)	Durham Business Park (DBP)
VI. UTILITY & TRANSPORTATION USES													
Single family or duplex residential solar energy system - accessory use (See Article XX)	P	P	P	P	P	P	P	P	P	P	P	P	P
Multi-unit residential or nonresidential solar energy system - accessory use (See Article XX)													
• Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P
• Freestanding	P	P	P	P	SE	P	P	P	P	P	P	P	P

Small Utility-Scale solar energy system - principal use (See Article XX)													
• Building-mounted	X	X	X	X	P	P	P	P	P	P	P	P	P
• Freestanding	X	X	X	X	X	X	X	X	X	X	P	P	P
Large Utility-Scale solar energy system - principal use (See Article XX)													
• Building-mounted	X	X	X	X	X	X	X	X	X	X	P	P	P
• Freestanding	X	X	X	X	X	X	X	X	X	X	X	CU	CU
Small Group Net Metering Host - principal use (See Article XX)													
• Building-mounted	X	X	X	X	P	P	P	P	P	P	P	P	P
• Freestanding	X	X	X	X	X	X	X	X	X	X	P	P	P
Large Group Net Metering Host - principal use (See Article XX)													
• Building-mounted	X	X	X	X	X	X	X	X	X	X	P	P	P
• Freestanding	X	X	X	X	X	X	X	X	X	X	X	CU	CU
Solar PV Parking Canopy - accessory use to surface parking (See Article XX)	X	X	X	X	X	CU	CU	CU	CU	CU	CU	CU	CU

Small Group Net Metering Host -
accessory use to a single-family or
Duplex residence (See Article XX)

• Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P
• Freestanding (less than 30 kW of capacity as Specified in Article XX)	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P

❖ ***Modify the Wetland Conservation Overlay District and Shoreland Preservation Overlay District as follows:***

➤ ***Add the following use at the end of Section 175-60. Permitted Uses in the WCOD Subsection A.:***

10. Building-mounted solar energy system.

➤ ***Add the following use at the end of Section 175-71. Permitted Uses in the SPOD Subsection A.:***

10. Building-mounted solar energy system.

➤ ***Add the following use at the end of Section 175-61. Conditional Uses in the WCOD:***

6. Freestanding solar energy system.

➤ ***Add the following use at the end of Section 175-72. Conditional Uses in the SPOD:***

6. Freestanding solar energy system.

❖ ***Add the following as a new section in Article XX – Standards for Specific Uses, Section 175-109, and reletter R. Temporary Sawmill (including the table shown at the end).***

R. ***Solar Energy Systems.*** Solar energy systems shall be allowed in conformance with the following standards and procedures (See Definitions for solar energy systems).

1. **Authority.** This ordinance is adopted pursuant to RSAs 362-F, 374-G, 477:49, 672:1 III-a, and 674:17 (I)(j).

2. **Purpose.** The purpose of this ordinance is to:

- a. Encourage the implementation of solar energy systems in accordance with the recommendations stated in the Energy Chapter of the 2015 Durham Master Plan;
- b. promote environmental sustainability while respecting the rural character and scenic landscape of Durham and the use of productive agricultural lands; and

- c. comply with and support the State of New Hampshire’s goal of developing clean, safe, renewable energy resources as provided for in the statutes referred to in 1., above.
- 3. **Applicability.** Solar installations that are designed to generate less than one kilowatt and are not connected to the electrical grid are not covered by this ordinance, though they may be subject to other specific regulations.
- 4. **Single-Family or Duplex Residential Solar Energy System – accessory use.** The following provisions apply to single-family or duplex residential solar energy systems.
 - a. **Basic requirements.** This accessory use serves single-family or duplex residences situated on the same lot. A Freestanding Solar Energy System may occupy a ground area of up to 1,800 square feet. Solar Energy Systems complying with b. and c. below, as applicable, require only a building permit. A building mounted Solar Systems require only a building permit.
 - b. **Placement –** A Freestanding Solar Energy System shall be placed in a location conforming to the setbacks of Table 175-51 “Table of Dimensions” and shall meet one or more of the following criteria.
 - (1) The system is placed where it is largely not visible from a public road abutting the property, as determined by the Code Enforcement Officer, due to land topography or existing structures or vegetation that are expected to be maintained until the Solar Energy System is decommissioned.
 - (2) The system is placed 150 feet or more from any portion of a public road.
 - (3) When a system is equal to or less than 12 feet in height and does not meet the requirements of (1) or (2) above, the system shall be placed beyond the fully enclosed part of the residence closest to the public road and shall not extend beyond 100’ from the side of the residence.
 - (4) When a system is greater than 12 feet in height and does not meet the requirements of (1) or (2) above, the system shall be placed beyond the fully enclosed part of the residence that is furthest from the public road and shall not extend beyond 100’ from the side of the residence.

- c. Carport Mounted Solar Energy System – A solar energy system may be mounted on a carport when the carport is attached to the single-family or duplex residence and the carport is located beyond the fully enclosed part of the residence closest to the public road.
 - d. Special Exception. A proposed Single-Family or Duplex Residential Solar Energy System that does not conform with a. or b. or c. above may be approved by a special exception.
5. **Multi-unit or Nonresidential Solar Energy System – accessory use.**
The following provisions apply to multi-unit or nonresidential solar energy systems.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding multi-unit residential or non-residential systems.

- a. Site plan review and approval by the Planning Board is required.
- b. No part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the part of the fully enclosed principal building closest to the street. In addition, for a system that exceeds 12 feet in height (any part of the system), no part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the fully enclosed part of the principal building furthest from the street.
- c. In cases where there is no building or no distinct principal building on the lot or where there are multiple lots, the system shall be set back at least 100 feet from the front property line and buffered from the road.
- d. A proposed system that does not conform with b. or c. above, may be approved by a special exception.
- e. The Solar Energy System shall be sized to provide up to the projected annual energy needs of the multi-unit or nonresidential use including approved ancillary uses.

- f. Where the nonresidential use is Commercial Agriculture, the system may be sized to generate up to 100 kW more than the projected annual energy needs of the Principal Use, and the Solar Energy System may function as a Small Utility-Scale Solar Energy System or Small Group Net Metering Host.

6. **Small and Large Utility-Scale Solar Energy System – principal use.**
The following provisions apply to Utility-Scale Solar Energy Systems.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding Utility-Scale Solar Energy Systems.

- a. Site plan review and approval is required.
- b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from single family homes, neighboring roads and abutting properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.

7. **Small and Large Group Net Metering Host – principal use.** The following provisions apply to Group Net Metering Hosts.

Only a building permit is required for a building-mounted system.

The following standards and procedures apply to freestanding Group Net Metering Hosts.

- a. Site plan review and approval is required.
- b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from single family homes, neighboring roads and abutting properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.

8. **Solar PV Parking Canopy – accessory use.** The following apply to a Solar PV Parking Canopy.
 - a. A Site plan review is required for all systems.
 - b. The parking must be an approved use specified in Section 175-53 “Table of Uses” excluding parking for Single-Family and Duplex Residences.
 - c. The height of the canopy, including panels, above the ground shall not exceed the height limit permitted in the zone and be no greater than 25 feet.
 - d. The structure supporting the photovoltaic panels and the panels of a Solar PV Parking Canopy must be located on or over the surface parking.
 - e. A Solar PV Parking Canopy may function as a Multi-unit or Non-Residential Solar Energy System, a Utility-Scale Solar Energy System (Large or Small) or a Group Net Metering Host (Large or Small).
9. **Other provisions.** The following additional provisions apply to all solar energy systems.
 - a. **Building permit.** A building permit is required for the installation of any system.
 - b. **Setbacks.** Every part of a freestanding system, including components elevated above the ground, components that track and move, and necessary accessory equipment that is ground mounted, shall conform to required setbacks for the zoning district.
 - c. **Maximum height.** For building-mounted systems, the maximum height for any part of the system is ten feet above the ridge of the roof of the primary building or ten feet above the highest part of the roof of the primary building where there is no ridge. The maximum height for freestanding systems is 25 feet (excludes Solar PV Parking Canopy).

- d. Impervious surface. The maximum impervious surface ratio in the Table of Dimensions does not apply to solar energy systems.
- e. Submission requirements. Applicants for projects that require a site plan shall submit all pertinent information, including specifications for the equipment, to the Planning Board, as specified in the Site Plan Regulations. Applicants for a special exception shall submit plans showing all pertinent aspects of the project and all elements specified by the Zoning Board of Adjustment.
- f. Decommissioning. Applicants for a Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structures and reclamation of the site when the system is no longer in use. It is expected that the decommissioning plan will specify the removal and disposal of photovoltaic panels using a means allowed by applicable state and federal regulations at the time of decommissioning.
- g. Historic District. Additional procedures and standards for proposed solar energy systems located within the Durham Historic District are contained in Article XVII of this ordinance.

Solar Ordinance Update

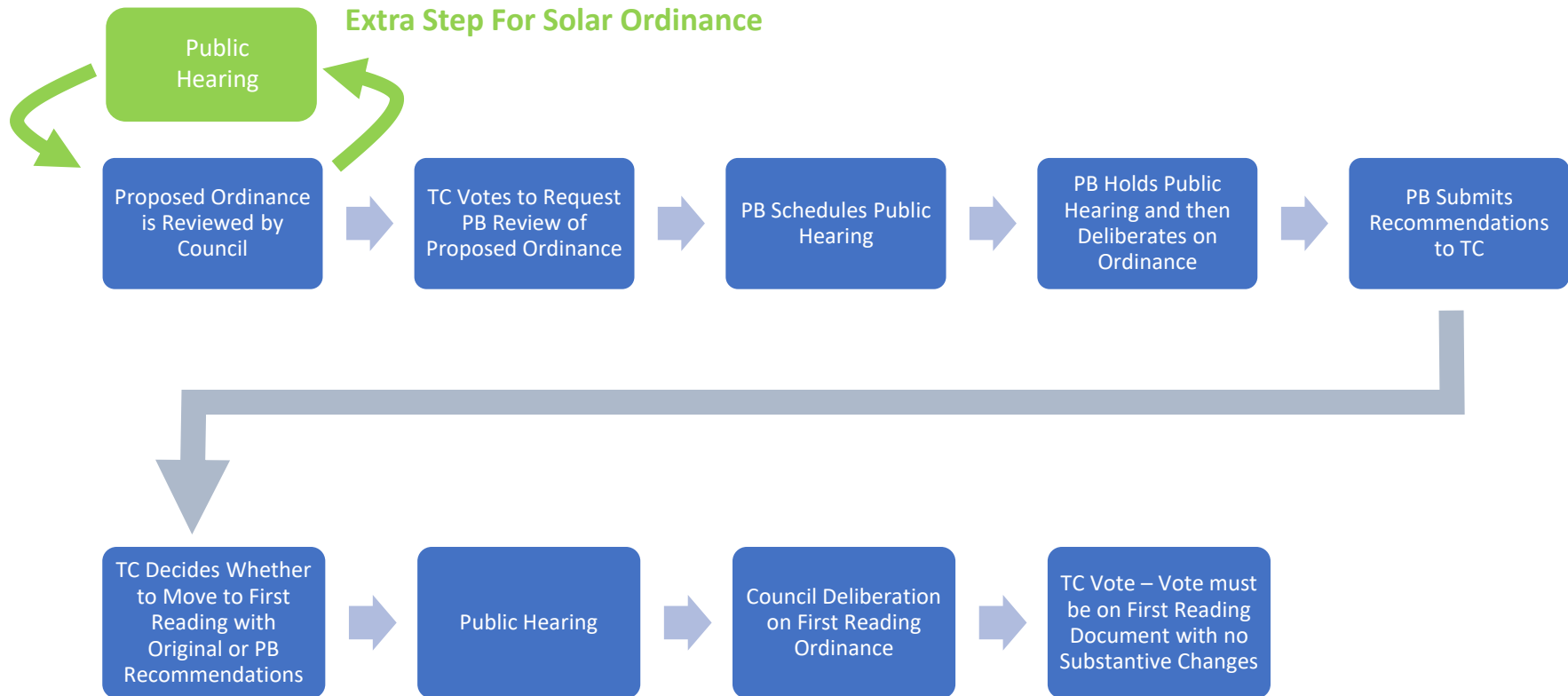
January 26, 2022

Jim Lawson

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603-397-7921

Process for Council Initiated Ordinance



Ordinance Use Much of the Planning Board's Original Proposal

<p>SOLAR ENERGY SYSTEMS DRAFT ORDINANCE – Durham, New Hampshire <i>Initiated by the Town Council on TBD</i></p> <p>Proposed amendments to the Durham Zoning Ordinance to accommodate solar energy systems</p> <p>❖ Make the following changes in Article II, Definitions:</p> <p>➤ Add this new section for "Solar Energy Systems." Place this section right before "Solid Waste" and retain the order as shown here.</p> <p>SOLAR ENERGY SYSTEMS – Specific definitions pertinent to solar energy systems follow.</p> <p>Solar Energy – Radiant energy emitted by the sun.</p> <p>Solar Energy System – A structure and the related components used to transform solar energy into electricity (through a solar photovoltaic system) or heat (through a solar thermal system).</p> <p>Solar Photovoltaic (PV) System – A solar collection, mounting, inverter, storage and distribution system that converts sunlight into electricity.</p> <p>Solar Thermal System – A solar collection system that directly heats a heat-resistant medium.</p> <p>Building-Mounted Solar Energy System – A solar energy system attached to and completely supported by a building, that does not extend more than 3 feet beyond the building footprint. The system may include necessary accessory equipment that is ground-mounted. A single-family or duplex residential solar energy system or a multi-unit residential or nonresidential solar energy system that is installed on a carport is considered a building-mounted solar energy system.</p> <p>Freestanding Solar Energy System – A ground-mounted solar energy system, including a structure or tracking system (either single-axis or dual-axis). A Solar Photovoltaic (PV) Parking Canopy is not a Freestanding Solar Energy System.</p> <p>Single-Family or Duplex Residential Solar Energy System – A Solar Energy System that is necessary and designed to generate energy for use at the property. A Single-Family or Duplex Residential Solar System may also be a Small Group Net Metering Host up to the size limits specified in 175-008.4.</p> <p>Multi-unit Residential or Nonresidential Solar Energy System – An accessory use designed to provide solar energy for uses other than single-family or duplex residences, including the principal use listed under the categories of Retail, Institutional, Commercial & Industrial, and Utility & Transportation in Table 175-53.</p>	<p>Small Utility-Scale Solar Energy System – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of equal to or less than 100 kW that generates energy for use off-site.</p> <p>Large Utility-Scale Solar Energy System – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of greater than 100 kW that generates energy for use off-site.</p> <p>Small Group Net Metering Host – A Solar Photovoltaic (PV) System less than or equal to 100 kW that shares surplus energy with members of a registered group per N.H. P.U.C. 909.</p> <p>Large Group Net Metering Host – A Solar Photovoltaic (PV) System greater than 100 kW that shares surplus energy with members of a registered group per N.H. P.U.C. 909.</p> <p>Shared Solar Energy System – A solar energy system that serves single-family or duplex residential buildings, situated on two or more separate and contiguous lots. The system is considered accessory to the uses on each of the lots that it serves.</p> <p>Solar Photovoltaic (PV) Parking Canopy – An elevated structure that supports solar panels over surface parking or structured parking.</p> <p>➤ Add this new section to Article II, Definitions CARPORT – A roofed structure designed to shelter motor vehicles and that is open on at least two sides. A carport may be a freestanding structure or attached to a building.</p>	<p>❖ Modify the Wetland Conservation Overlay District and Shoreland Preservation Overlay District as follows:</p> <p>➤ Add the following use at the end of Section 175-6d, Permitted Uses in the WCOO Subsection 4:</p> <p>1d. Building-mounted solar energy systems.</p> <p>➤ Add the following use at the end of Section 175-7i, Permitted Uses in the SPOO Subsection 4:</p> <p>1d. Building-mounted solar energy systems.</p> <p>➤ Add the following use at the end of Section 175-8d, Conditional Uses in the WCOO Subsection 4:</p> <p>6. Freestanding solar energy system.</p> <p>➤ Add the following use at the end of Section 175-7i, Conditional Uses in the SPOO Subsection 4:</p> <p>6. Freestanding solar energy system.</p> <p>❖ Add the following as a new section in Article XX – Standards for Specific Uses, Section 175-109, and retitle R. Temporary Signage (including the table shown at the end).</p> <p>R. Solar Energy Systems. Solar energy systems shall be allowed in conformance with the following standards and procedures (See Definitions for solar energy systems).</p> <p>Authority. This ordinance is adopted pursuant to RSA 362-B:1, 376-62, 477-06, 672:1 III a, and 676:17 (I)(b).</p> <p>Purpose. The purpose of this ordinance is to encourage the implementation of solar energy systems in accordance with the recommendations stated in the Energy Charter and the 2023 Durham Master Plan.</p> <p>➤ promote environmental sustainability while respecting the rural character and scenic landscape of Durham and the uses of productive agricultural lands, and</p> <p>➤ comply with and support the State of New Hampshire's goal of developing clean, safe, renewable energy resources as provided for in the statute referred to in 1, above.</p> <p>Applicability. Solar installations that are designed to generate less than one kilowatt and are not connected to the electrical grid are not covered by this ordinance, though they may be subject to other specific regulations.</p>	<p>4. Single-Family or Duplex Residential Solar Energy System – accessory use. The following provisions apply to single-family or duplex residential solar energy systems:</p> <p>a. Basic requirements. This accessory use serves single-family or duplex residences situated on the same lot. A Freestanding Solar Energy System may occupy 1,800 square feet of surface area or less (equivalent to a rated maximum capacity of approximately 30 kW or less). Only a building permit is required, except under c. below.</p> <p>b. Placement. A Freestanding Solar Energy System may be placed in a location conforming to Table 175-51 "Table of Dimensions" and other applicable zoning subject to meeting one or more of the following criteria:</p> <p>(1) The system is placed where the system will not be visible from a public road abutting the property due to land topography or existing vegetation as determined by the Code Enforcement Officer.</p> <p>(2) The system is placed 150 feet or more from any portion of a public road.</p> <p>(3) When a system is equal to or less than 12 feet in height and does not meet the requirements of (1) or (2) above, the system may be placed behind the fully enclosed part of the residence closest to the public road.</p> <p>(4) When a system is greater than 12 feet in height and does not meet the requirements of (1) or (2) above, the system may be placed no closer to the public road than the fully enclosed part of the residence that is furthest from the public road.</p> <p>❖ Special Exception. A proposed Single-Family or Duplex Residential Solar Energy System that does not conform with a, and b, above may be approved by a Special Exception.</p> <p>5. Multi-unit or Nonresidential Solar Energy System – accessory use. The following provisions apply to multi-unit or nonresidential solar energy systems:</p> <p>Only a building permit is required for a building-mounted system.</p> <p>The following standards and procedures apply to freestanding multi-unit residential or nonresidential systems:</p> <p>a. Site plan review and approval by the Planning Board is required.</p> <p>b. No part of the system may be placed closer to the front property line (and side property line in the case of a system less than the part of the fully</p>
<p>Solar Energy Systems – Draft Revision 3.3 1</p>	<p>Solar Energy Systems – Draft Revision 3.3 2</p>	<p>Solar Energy Systems – Draft Revision 3.3 6</p>	<p>Solar Energy Systems – Draft Revision 3.3 7</p>
<p>enclosed principal building closest to the street. In addition, for a system that exceeds 12 feet in height (any part of the system), no part of the system may be placed closer to the front property line (and side property line in the case of a corner lot) than the fully enclosed part of the principal building furthest from the street.</p> <p>c. In cases where there is no building or no distinct principal building on the lot or where there are multiple lots, the system shall be set back at least 100 feet from the front property line and buffered from the road.</p> <p>d. A proposed system that does not conform with b, or c, above, may be approved by a special exception.</p> <p>e. The Solar Energy System shall be sized to provide up to the projected annual energy needs of the multi-unit or nonresidential use. Where the nonresidential use is Commercial Agriculture, the system may be sized to generate up to 100 kW and the Solar Energy System may function as a Small Utility-Scale Solar Energy System or Small Group Net Metering Host.</p> <p>6. Small and Large Utility-Scale Solar Energy System – principal use. The following provisions apply to Utility-Scale Solar Energy Systems.</p> <p>Only a building permit is required for a building-mounted system.</p> <p>The following standards and procedures apply to freestanding Utility-Scale Solar Energy Systems:</p> <p>a. Site plan review and approval is required.</p> <p>b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from neighboring roads and properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board.</p> <p>7. Small and Large Group Net Metering Host – principal use. The following provisions apply to Group Net Metering Hosts.</p> <p>Only a building permit is required for a building-mounted system.</p> <p>The following standards and procedures apply to freestanding Group Net Metering Hosts:</p> <p>a. Site plan review and approval is required.</p>	<p>b. Freestanding systems shall be set back at least 100 feet from the front property line. The system shall be buffered from neighboring roads and properties in accordance with the Site Plan Regulations and as reasonably determined by the Planning Board. (Same language as above)</p> <p>8. Solar PV Parking Canopy – accessory use. The following apply to a Solar PV Parking Canopy:</p> <p>a. A Site plan review is required for all systems.</p> <p>b. The parking must be an allowed accessory use to an Institutional, Commercial or Industrial use specified in Section 175-53 "Table of Uses".</p> <p>c. The height of the canopy, including panels, above the ground shall not exceed the height limit permitted in the zone.</p> <p>d. The structure supporting the photovoltaic panels and the panels of a Solar PV Parking Canopy must be located on or over the surface or structure parking.</p> <p>e. A Solar PV Parking Canopy may function as a Multi-unit or Non-Residential Solar Energy System, a Utility-Scale Solar Energy System (Large or Small) or a Group Net Metering Host (Large or Small).</p> <p>9. Other provisions. The following additional provisions apply to all solar energy systems:</p> <p>a. Building permit. A building permit is required for the installation of any system.</p> <p>b. Setbacks. Every part of a freestanding system, including component elevated above the ground, components that track and move, and necessary accessory equipment that is ground-mounted, shall conform to required setbacks for the zoning district.</p> <p>c. Maximum height. For building-mounted systems, the maximum height for any part of the system is two feet above the ridge of the roof of the primary building or ten feet above the highest part of the roof of the primary building where there is no ridge. The maximum height for freestanding system is 25 feet (excludes Solar PV Parking Canopy).</p> <p>d. Impervious surface. The maximum impervious surface ratio in the Table of Dimensions does not apply to solar energy systems.</p>	<p>e. Submission requirements. Applicants for projects that require a site plan shall submit all pertinent information, including specifications for the equipment, to the Planning Board, as specified in the Site Plan Regulations. Applicants for a special exception shall submit plans showing all pertinent aspects of the project and all elements specified by the Zoning Board of Adjustment.</p> <p>f. Decommissioning. Applicants for a Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structure and relocation of the site when the system is no longer in use. It is expected that the decommissioning plan will specify the removal and disposal of photovoltaic panels using a method allowed by applicable state and federal regulations at the time of decommissioning.</p> <p>g. Historic District. Additional procedures and standards for proposed solar energy systems located within the Durham Historic District are contained in Article XVII of this ordinance.</p>	<p>Solar Energy Systems – Draft Revision 3.3 10</p>

Significant Changes From the Planning Board's Proposal

- Solar as an Accessory Use to a Single Family or Duplex
 - Set reasonable limits on freestanding system size
 - Allow a residential solar system to be a Group Net Metering Host
 - More options for placement of freestanding system when the visual impact is negligible from public road
- Alignment of Ordinance Definitions With NH PUC and RSA Definitions for Utility-Scale and Group Net Metering Host Systems.
 - “Enterprise Solar” is now “Utility Scale Solar”
 - “Community Solar” is now “Group Net Metering Host”
 - Proposed as a CU in specific commercial zones
 - Not Permitted the RC or Rural Zones
 - Two sizes based on RSA and PUC thresholds
- Introduction of Solar Photovoltaic Parking Canopies

Single Family and Duplex – Accessory Use

Residential Solar in New Hampshire

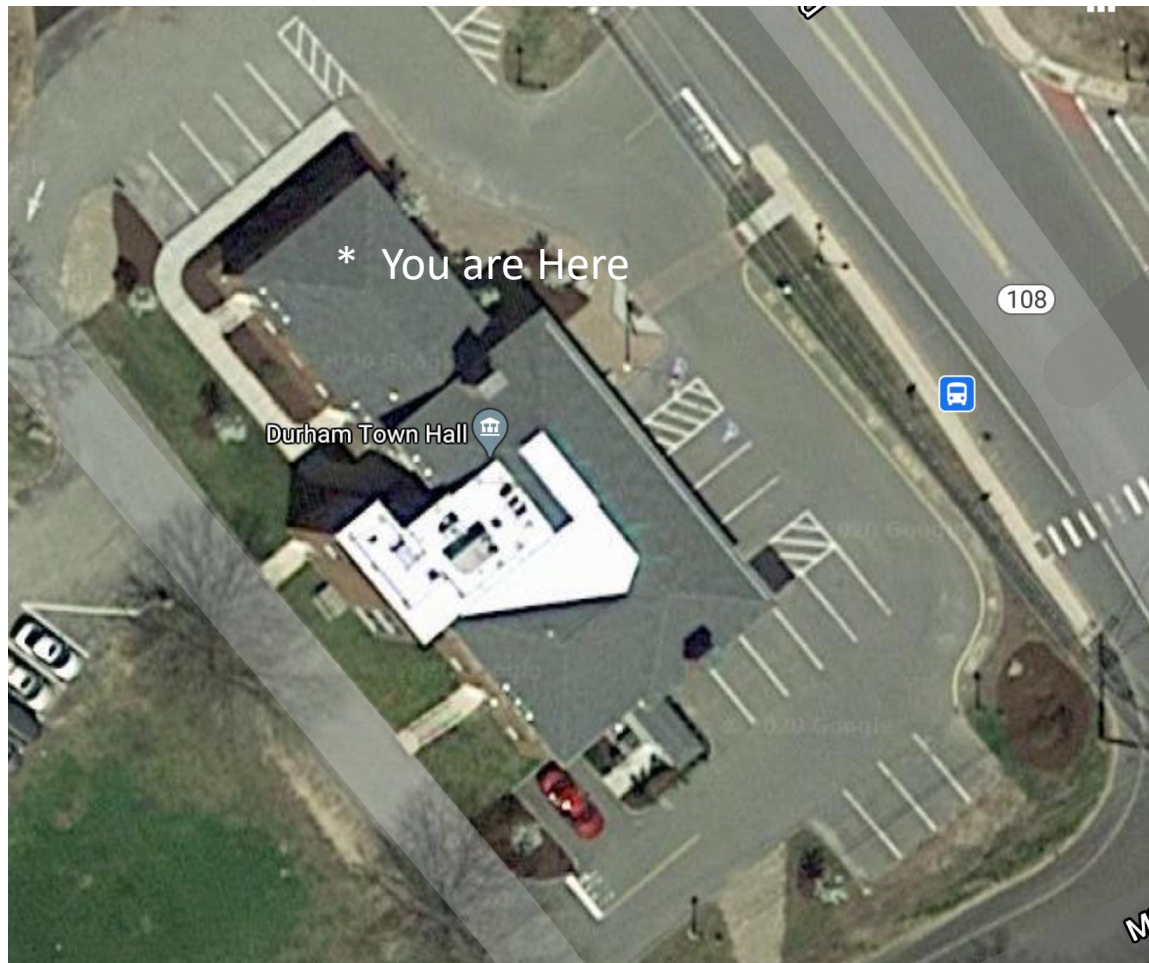
NH Residential Solar System Sizing				
Annual Energy Use (kWH)	Average Solar System Rating (kW) in NH to Meet Annual Energy (1)	Number of 355 fixed watt panels required	Freestanding (Frame) area required for solar panels (ft^2) (2)	
4,000	3.5	10	220	
6,000	5.2	15	330	
8,000	7.0	20	440	<-- Average NH Residence uses 7,308 kWH/Year
10,000	8.7	25	550	<-- Average NH 2,000sf Home uses 9,600 kWH/Year
12,000	10.4	30	660	
14,000	12.2	35	770	
16,000	13.9	40	880	
18,000	15.7	45	990	
20,000	17.4	49	1,078	
22,000	19.1	54	1,188	
24,000	20.9	59	1,298	
26,000	22.6	64	1,408	
28,000	24.3	69	1,518	
30,000	26.1	74	1,628	
32,000	27.8	79	1,738	
34,000	29.6	84	1,848	
(1) 1,150 kWH/year per 1KW of Solar Panels in NH				
(2) Average freestanding fixed frame space per panel is 22sf				

Electrical Vehicles Charging			
Miles Per Year	Energy Required (kWH) (1)	Solar System Rating for Charging (kW)	Number of fixed 355 watt panels required
8,000	2,720	2.4	7
10,000	3,400	3.0	9
12,000	4,080	3.5	10
14,000	4,760	4.1	12
16,000	5,440	4.7	14
18,000	6,120	5.3	15
(1) 34 kWH per 100 miles			
(2) 1,150 kWH/year per 1KW of Solar Panels in NH			

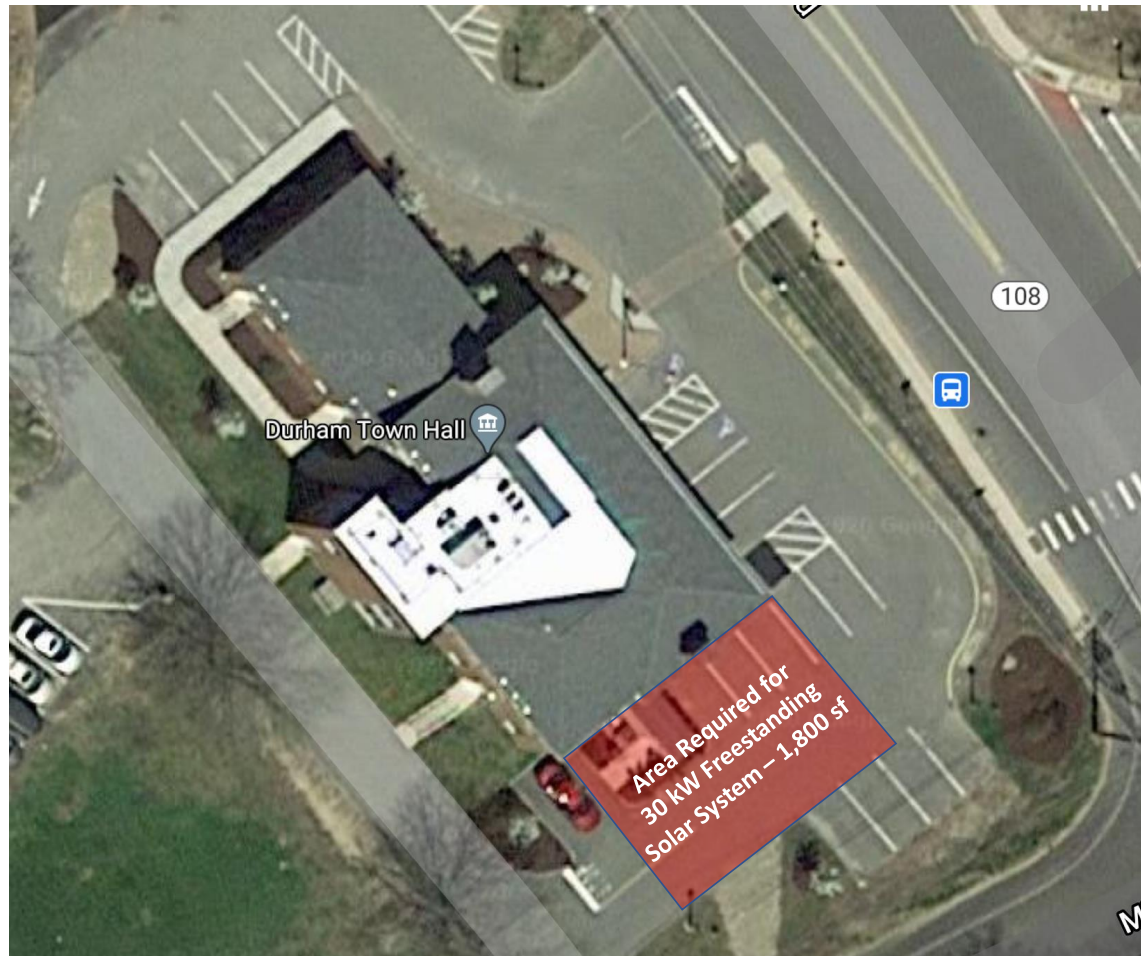
Residential Solar Systems Changes

- Concerns about financial incentives to oversize freestanding system and the resulting impact
 - Reintroduced 30kW size for a residential free standing system
 - Most homes require 6-10 kW solar system
 - Homes with an EV driven 16,000 miles would require 5.3 kW system
 - Geothermal for 2,000 sf homes require 8 kW system
 - 30 kW freestanding system – 1,800 sf ground area
- Maximum creates an opportunity for residential systems to be a Group Net Metering Host

Size of a 30kW Freestanding System



Size of a 30kW Freestanding System



Residential Freestanding System Placement – Original Proposal

- Placed anywhere behind the front of house if freestanding system is <12'
 - Behind house if >12'
- Special Exception (ZBA) to locate anywhere else
- Works well in the RA - But what about other zones?
 - Average RA Lot - .65 Acres
 - Average RB Lot – 1.78
 - Average R Lot – 4.72



Durham Home in RB District

Example of Rural Durham Lots



Residential Placement in Original Proposal



Residential Placement in Revised Proposal



Single Family Group Net Metering Host is Permitted

- Old Definition – “An accessory use that is designed to provide energy for the property.”
- New Draft Definition – “A Solar Energy System that is an accessory use designed to generate energy for use at the property. A Single-Family or Duplex Residential Solar System may also be a Small Group Net Metering Host up to the size limits specified in 175-109R.4”

What is a Group Net Metering Host??

- Allowed by RSA-362 and Codified by PUC-9000 Rules

RESIDENTIAL HOST



↑
Monetary
bill credit

DISTRIBUTION UTILITY

Excess generation is valued based on applicable net metering tariff.

Utility applies on-bill monetary credit on Member and/or Host electric bills each billing cycle based on pre-defined percentage allocations.

On-bill Credits to Host & Members

Host assigns allocation to Host and each Member as a % of total monetary credit

Monetary
bill credit



and/or
Business(es)

Monetary
bill credit



and/or
Residential Customer(s)

Monetary
bill credit



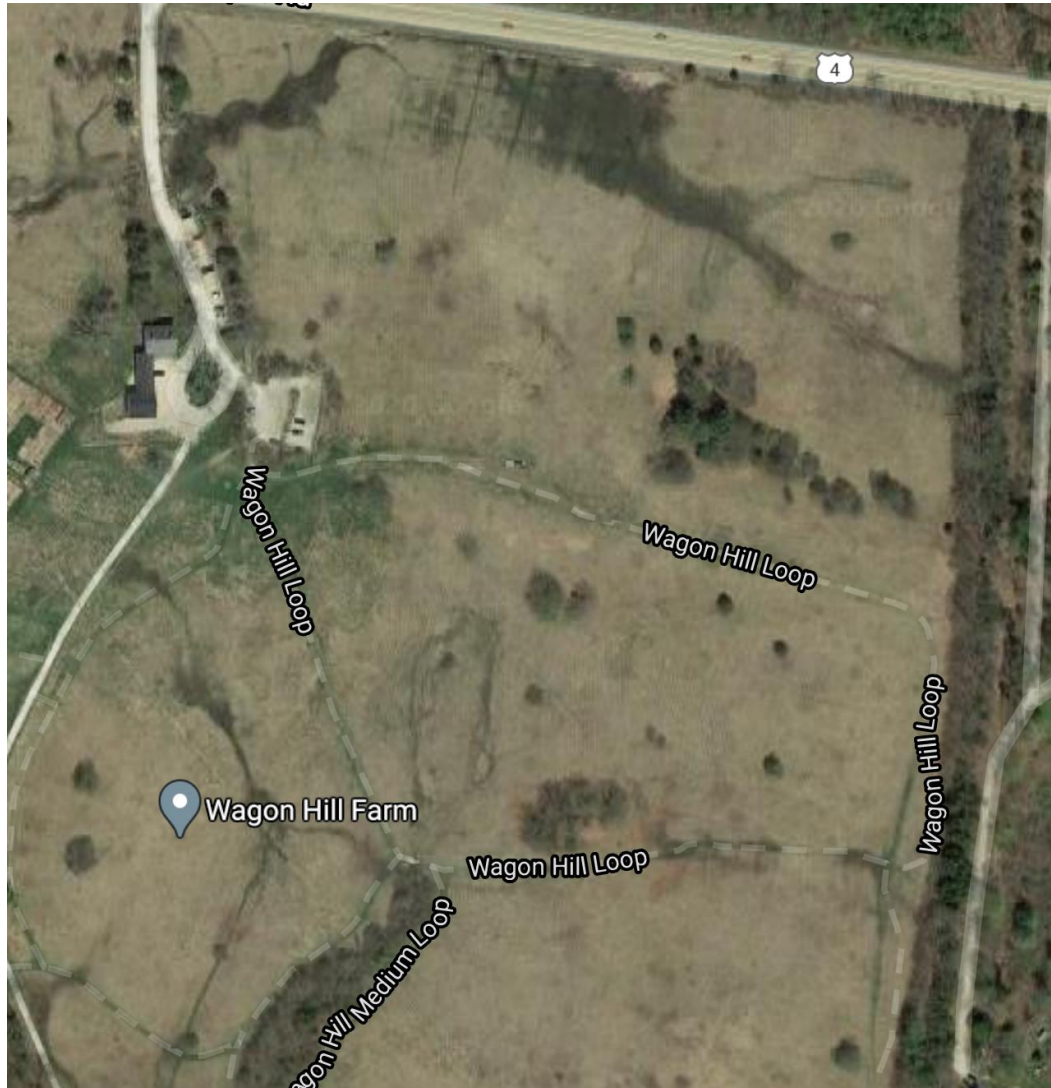
Within Single Distribution Utility Service Territory

Large Scale Solar Systems

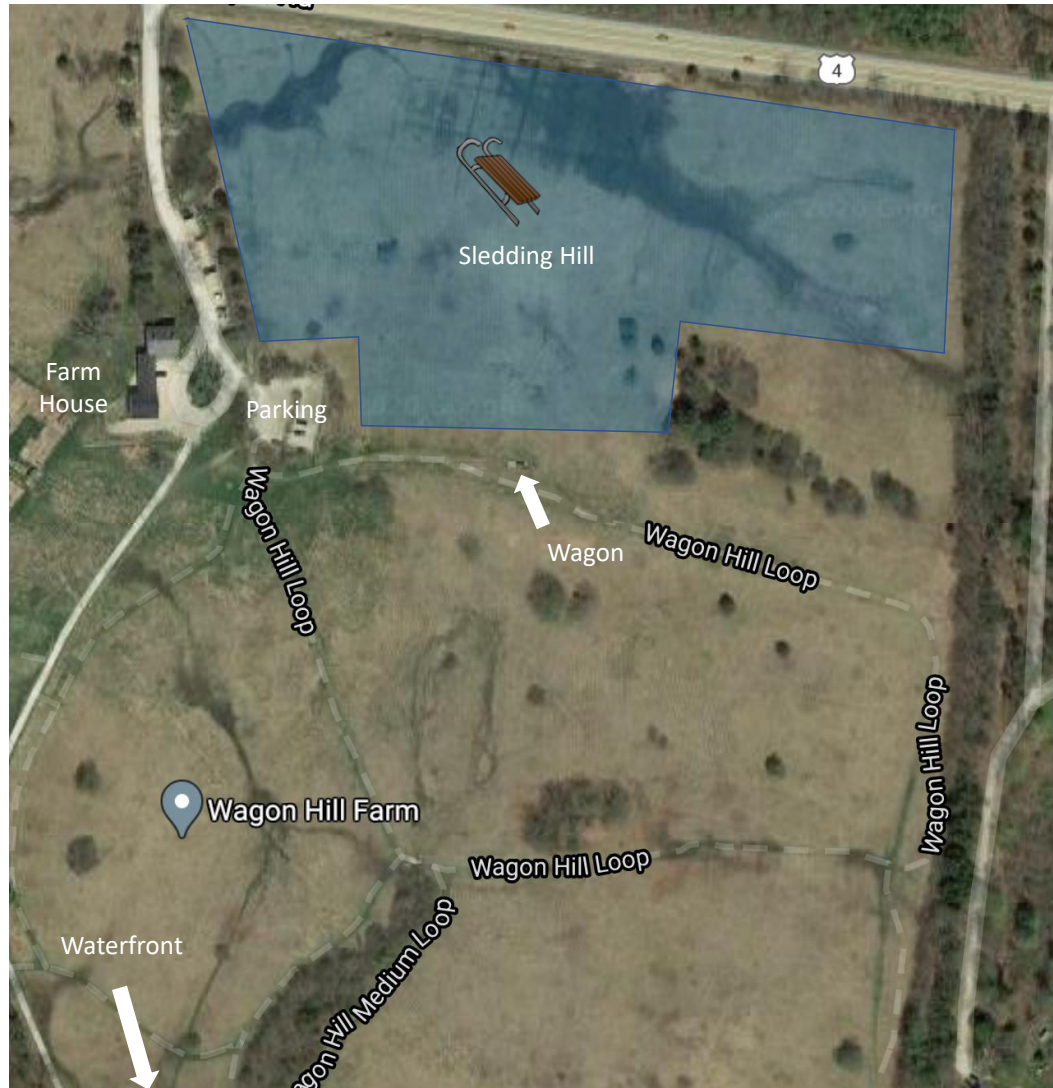
Large Utility and Group Solar Systems

- Revised Definitions based on PUC 9000 and RSA-362-A
- Defined system sizes based on the PUC 9000 Small and Large Customer Generator definitions.
 - Creates more options in the Table of Uses
- Utility-Scale Definitions
 - **Small Utility-Scale Solar Energy System** - A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity equal to or less than 100 kW that generates energy for use off site by customers. A Small Utility-Scale Solar Energy System does not function as a Small Group Net Metering Host.
 - **Large Utility-Scale Solar Energy System** – A limited electrical energy producer as defined in RSA 362-A:1 with a solar energy generating capacity of greater than 100 kW and less than 5 MW that generates energy for use off site by customers. A Large Utility-Scale Solar Energy System does not function as a Large Group Metering Host.
- Group New Metering Host
 - **Small Group Net Metering Host** – A Solar Photovoltaic (PV) System less than or equal to 100 kW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.
 - **Large Group Net Metering Host** - A Solar Photovoltaic (PV) System greater than 100 kW and less than 5 MW that shares energy and Net Metering benefits with members of a registered group per N.H. PUC 909.

Visualizing the size of a 100 kW, 1 MW and 5 MW System

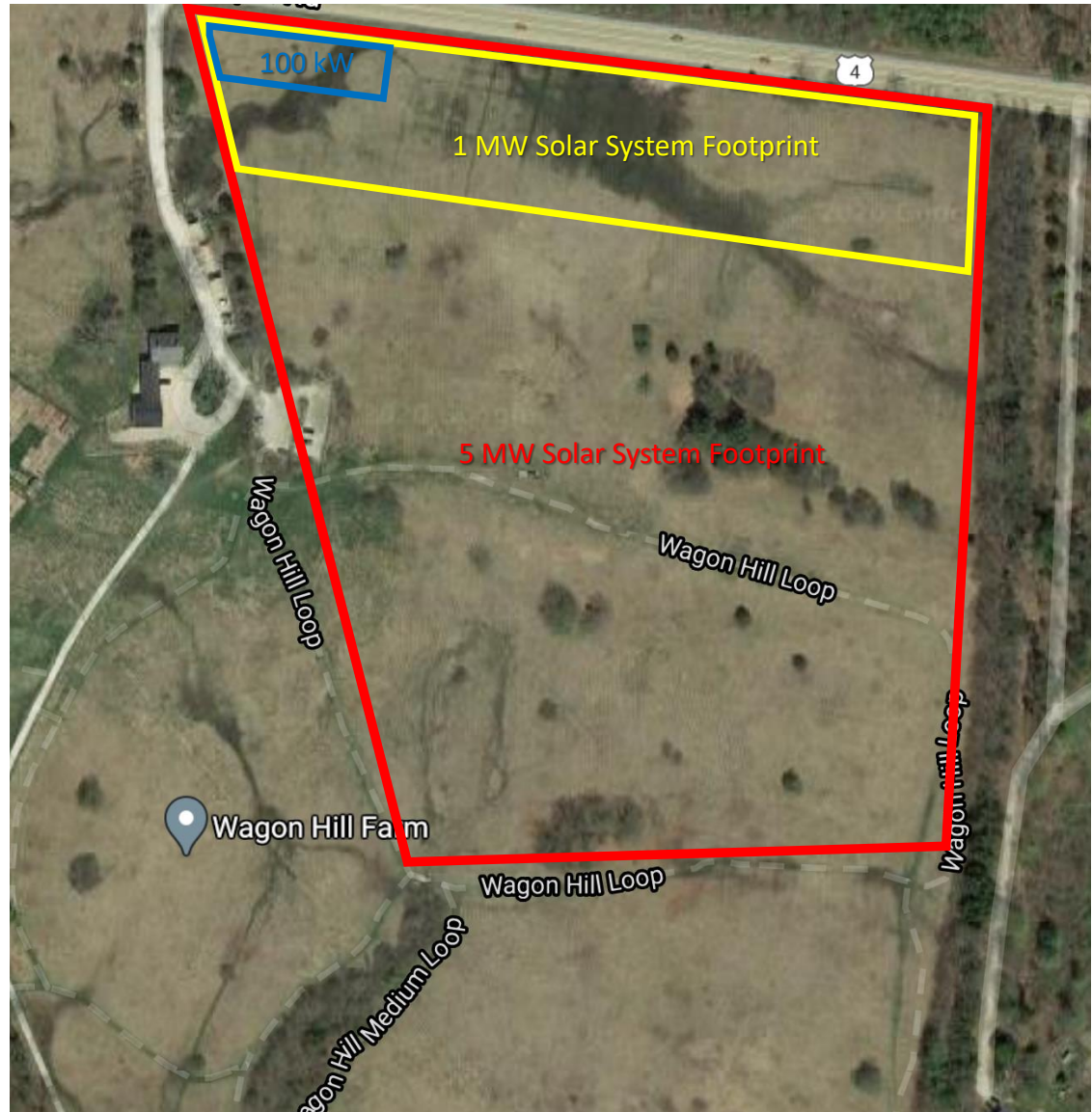


Visualizing the size of a 100 kW, 1 MW and 5 MW System



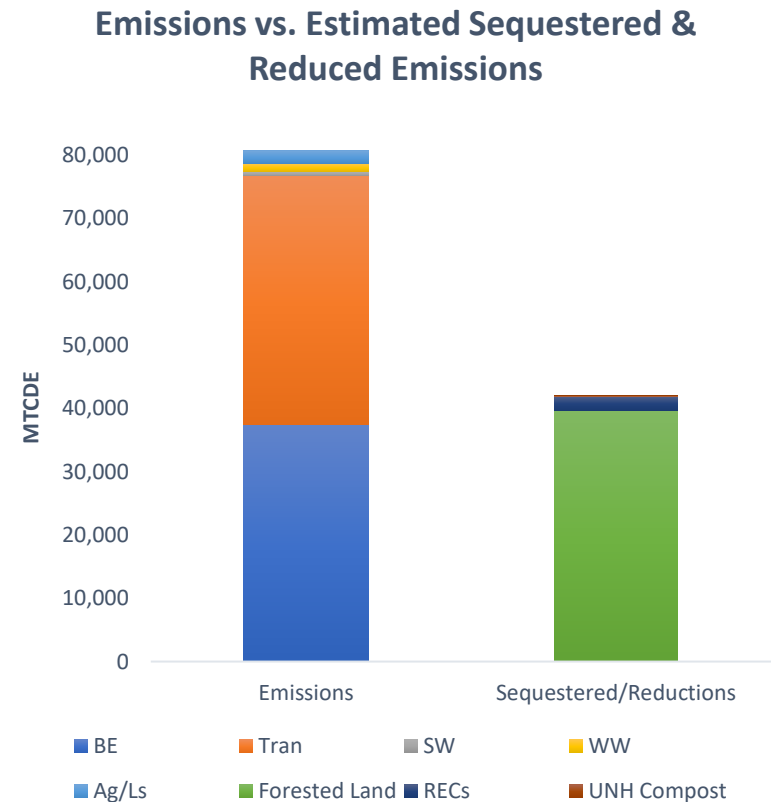
Visualizing the size of a 100 kW, 1 MW and 5 MW System

- To be clear, no commercial solar is being suggested for Wagon Hill Farm!
- 100 kW system – Approx. 20,000 sf
- 1 MW System – Approx. 4.5 acres
- 5 MW System – Approx. 22.5 acres

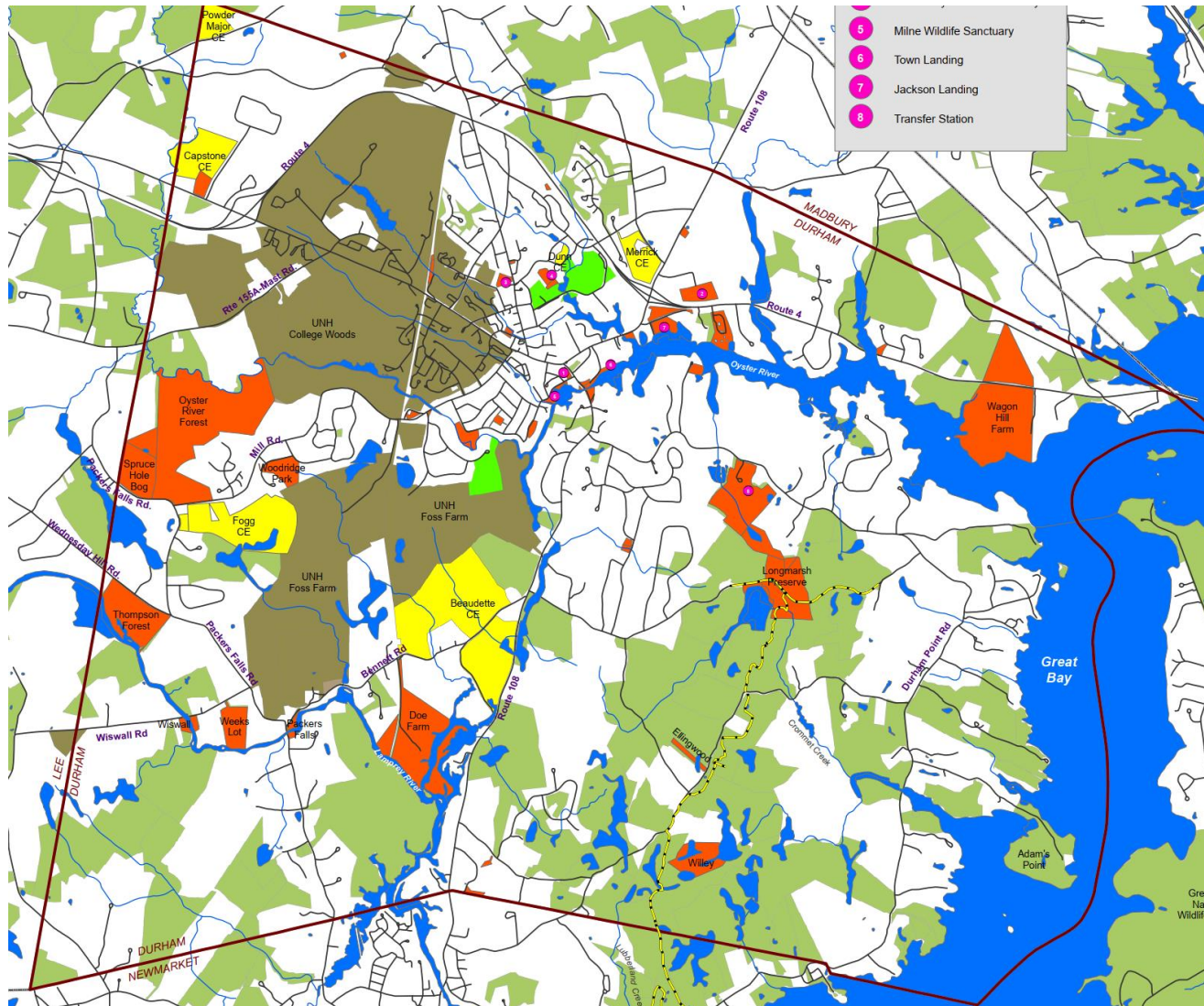


Where Should Large Scale Solar Be Located?

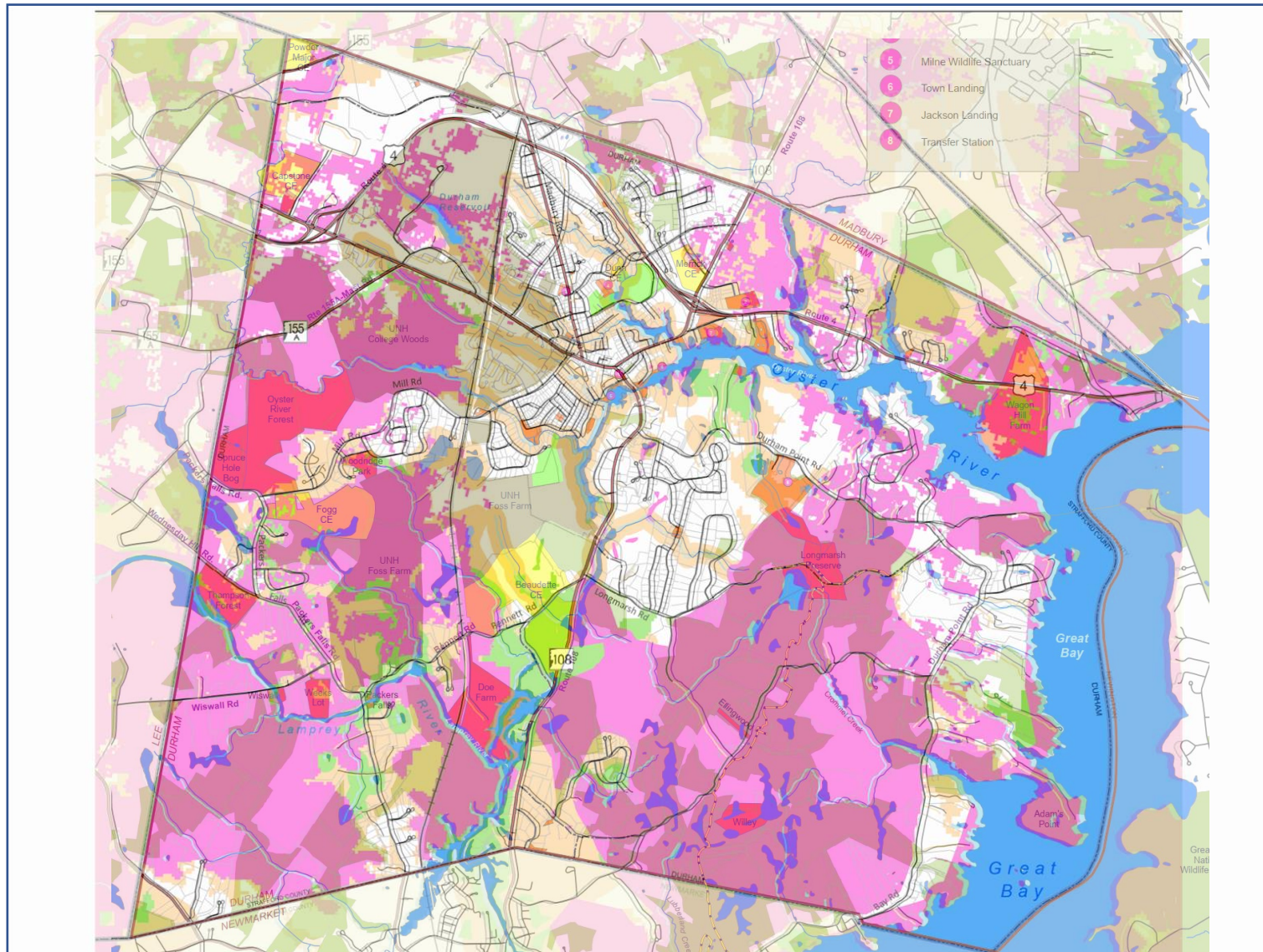
- Guidance from the Work of Durham's UNH Sustainability Fellow and the Greenhouse Gas Inventory Filed with GCOM
 - 8,300 Acres of Durham Forested Land Sequester 40,000 MTCDE Annually
 - 49% of the Town's Emissions, Including Transportation, are sequestered by forests!
 - 4.8 tons sequestered per acre
- Large Scale Solar System are NOT Always Installed in Open Space and Fields
 - Stumpage Value of Timber
 - High Quality Timber Value



Durham Conservation Land

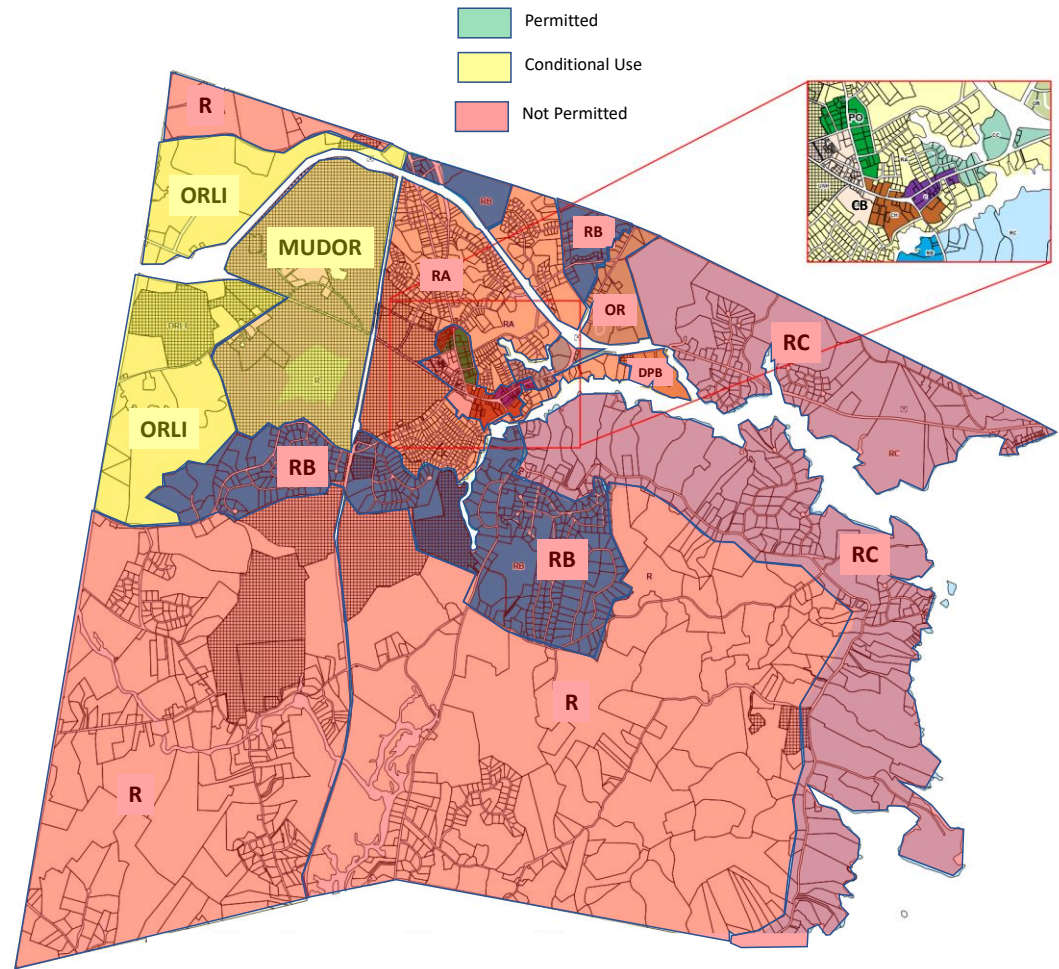


Conservation Land and High Value Wildlife Areas



Utility-Scale and Group NET Metering Host Principal Use (Freestanding)

- Permitted by Conditional Uses in ORLI and MUDUR zones
- Setback requirements Remain the same - 150'
- Screening requirements remain the same



Solar Photovoltaic Parking Canopy - New

- Accessory Use to Parking
- Parking must be an approved use
 - Excludes Single Family and Duplex Parking
- Solar System is limited to the parking area
- Height Limits
 - Max of 25' above ground and not exceeding the limit in the zone
- Conditional Use in all Commercial and Research-Industry zones excluding the CBD
- Site Plan Review



Multiunit and Nonresidential Solar

Multiunit and Non-Residential Definition Update

- Old Definition – “An accessory use that is designed to provide energy for all uses other than single-family or duplex residences – multiunit developments, commercial uses, other nonresidential uses, mixed uses, and Shared Solar Energy Systems.
- New Draft Definition – “An accessory use designed to provide solar energy for the principal and accessory uses of Multi-Unit Residential, Mixed Use with Residential and other Nonresidential uses.”
- No other changes



TOWN OF DURHAM
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AGENDA ITEM:

13B

DATE: April 18, 2022

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUED DISCUSSION REGARDING THE DEVELOPMENT OF
TOWN COUNCIL GOALS FOR 2022/23

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

At the March 21, 2022 Town Council meeting, Council members began discussing the process for the development of goals for the upcoming year.

Council members were asked to submit any suggested changes to the Administrator's office for incorporation into the draft 2022/23 goals, which will be further discussed at Monday night's meeting.

Attached for the Council's information is the draft goals list for 2022/23 with comments and suggestions submitted by Councilors and Administrator Selig. Also attached for the Council's review are Councilor Lund's suggestions, which he incorporated into the quarterly update document dated December 31, 2021.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Continue discussion and working toward adopting a final list of Council goals for FY 2022/23.



TOWN OF DURHAM
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2022-2023 Council Goals *

DRAFT – 4-18-2022

Note: These goals are intended to convey 1-3 year time horizon.

Comment: This document is being edited and there is another document with updates to 12/31/22. That could be edited too. Some of the goals in this document include methods to complete those goals. That may be the intent. (JF)

Core Values

- Embrace openness in the transaction of public business while conducting Town affairs in a manner that is just and best demonstrates a genuine respect for different ideas, opinions, and perspectives.
- Honesty and integrity.
- Excellence in all endeavors.

Comment: Presumably, core values guide all actions. Therefore, in the Quarterly Update version of this document, I wouldn't have specific, numbered activities under Core Values. (CH)

Standards of Performance

Ensure smooth and, to the extent possible, transparent functioning of all aspects of Town government. **Comment:** I think this qualifies as a Standard of Performance and provides a place to list Quarterly Update items previously listed under the "Embrace openness" core value. (CH)

Continue monitoring taking steps as needed locally to respond to the COVID-19 pandemic, including a multitude of potential impacts to include public health, social economic, budgetary, personnel, and more. using information available from state and federal agencies. Convey timely information to the community when necessary, and ensure the town has an adequate supply of Personal Protection Equipment for its emergency services and town staff. (JL) **Comment:** At what point should we conclude that Covid-19 is "normal" and therefore build its existence into all of our goals, rather than singling it out? (Not a rhetorical question.) (CH)

Finalize the Update of Durham's Emergency Management Plan (EMP) and the Continuity of Operations Plan (COOP). (CW) **Comment:** Update this. See also updates 12/31/21. (JF) **Comment:** Could this be broadened to, say, "Conduct all planning necessary to protect public safety and provide service continuity, especially in emergencies"? That could cover items such

as the Hazard Mitigation Plan update and the ongoing DFD strategic planning; perhaps also the Climate Action Plan, though that could go under the next Standard of Performance as well.

(CH)

Update Durham's Hazard Mitigation Plan and create a Climate Action Plan, as specified by GCOM, to reduce Durham's Greenhouse gas emissions 62 million pounds by 2030. (JL)

Pursue long-term economic and environmental sustainability and resiliency, anticipating ~~the~~ community's and ~~the~~ region's al economic characteristics and opportunities. ~~future needs by considering multiple elements including society, ecology, economics, transportation, agriculture, food and drinking water, and energy resources, specifically taking into account existing and predicted impacts of climate change.~~ (JL)

- Evaluate how to market Durham as a destination. Comment: I agree that this should be removed or rephrased. Perhaps: "Conduct planning and economic development initiatives sufficient to ensure Durham's long-term fiscal health." (CH)
- ~~Evaluate how to market Durham as a destination.~~ (CW)
~~Evaluate how to~~ Continue efforts to market Durham as a destination. (JL)
- Finalize a plan for the re-development of 66 Main Street that is economically viable, will add to the tax base, and will help make the downtown more vibrant. (JL)
- Take steps ~~as appropriate~~ to promote the long-term health of the Oyster River, the Lamprey River, and Great Bay. (CW)
- ~~Take steps as appropriate to promote the long-term health of the Oyster River, the Lamprey River, and Great Bay.~~ (JL)
- Continue to support the Town's efforts ~~and investments~~ around its MS-4 stormwater program ~~implementation~~ to support water resources in collaboration with UNH. (CW)
- ~~Continue to support the Town's efforts and investments around MS-4 stormwater program implementation to support water resources in collaboration with UNH.~~ (JL)
- ~~Finalize process of closing out construction of the Eversource Seacoast Reliability Project to ensure local infrastructure, environmental, scenic, cultural, and historic resources are protected consistent with appropriate conditions of approval from the NH Site Evaluation Committee and relevant agreements with the Town of Durham.~~ (CW), (JL), and (JF) Comment: Since this is marked as complete, can it be removed? (CH)
- ~~Enable continuation of current land stewardship activities through a seamless transition of duties of the Land Stewardship Coordinator position in spring 2021. This~~

~~will p~~Preserve and protect the environmental well-being of town-owned lands and other lands held in conservation and easement with nonprofit organizations while improving public access and use of those lands (CW and CH) **Comment:** Note the editing here. With the land steward transition completed, specific language about it doesn't seem necessary--but this performance standard continues to be important. (CH)

- ~~• Enable continuation of current land stewardship activities through a seamless transition of duties of the Land Stewardship Coordinator position in spring 2021. This will preserve and protect the environmental well-being of town-owned lands and other lands held in conservation and easement with nonprofit organizations while improving public access and use of those lands. (JL) **Comment:** Update or Delete. (JF)~~
- ~~• Enable continuation of current land stewardship activities through a seamless transition of duties of the Land Stewardship Coordinator position in spring 2021. This will preserve and protect the environmental well-being of town-owned lands and other lands held in conservation and easement with nonprofit organizations while improving public access and use of those lands. Support the work of the Land Stewardship Subcommittee to increase the utilization and responsible management of Durham Town lands by residents and visitors in a substantial and sustainable manner. (SN)~~
- ~~• Work toward a final determination concerning the future of the Mill Pond Dam on the Oyster River and initiate engineering/design in 2021 with construction in 2022 dependent upon permit/funding availability. (CW) and (JL)~~
- ~~• Work toward the removal a final determination concerning the future of the Mill Pond Dam on the Oyster River, including engineering plans and pursuit of external funding; with community input, plan for the use of the resulting public open space that incorporates opportunities for gathering and recreation as well as recognition of the location's historical significance. and initiate engineering/design in 2021 with construction in 2022 dependent upon permit/funding availability. (CH) **Comment:** Note the editing here as well, reflecting the recent vote on dam removal (CH)~~
- ~~• Establish a committee to plan for the preservation of the valuable history of the dam and its unique engineering, and of the Mil Pond impoundment. (SN)~~
- ~~• Development of a user-friendly direct access point on the town's website to keep community up to date on the Mill Pond Dam removal process. (ST)~~
- Take proactive steps as a new member of Global Covenant of Mayors for Climate and Energy initiatives. (CW) (JF)
- ~~• Take proactive steps as a new member of Global Covenant of Mayors for Climate and Energy initiative. (JL)~~

- ~~• Work toward redesign of Madbury Road corridor as part of a complete streets framework in 2021/22 with construction planned for 2023. (JL)~~
- Examine/act upon ~~potential~~ reconfiguration of roadways around Oyster River Middle School as part of new middle school construction project process. (CW) **Comment:** Does this need to remain, or is it essentially complete? (CH)
- ~~• Examine/act upon potential reconfiguration of roadways around Oyster River Middle School as part of new middle school construction project process. (JL)~~
- Continue to offer support to Celebrate Durham and the Durham Business Association as appropriate for various events. (ST)

Pursue long-term and environmental sustainability specifically taking into account existing and predicted impacts of climate change. (JL)

- Design and implement Durham Community Power Aggregation fulfilling the objective of reducing residential electricity costs and increasing the use of Green Energy to produce electricity. (JL)
- Take steps as appropriate to promote the long-term health of Great Bay. (JL)
- Continue to support the Town's efforts and investments around MS-4 stormwater program implementation, working in collaboration with UNH when possible. (JL)
- Continue using the Global Covenant of Mayors for climate and energy initiatives, and to drive the 2022 Durham Climate Action Plan. (JL)

Continue the planning, design and engineering for the Mill Pond Dam removal and Oyster River restoration in a manner that reflects Durham's Core values and seeks community involvement and ideas. Work to secure Grant funding for all aspects of the project. (JL)

Review, discuss, and develop a more sustainable solid waste and recycling management program for the community.

- Continue development of a long-range plan for improvements to the Transfer Station to address effective and efficient handling of waste and recyclable materials. (JL) **Comment:** With the re-opening of the Swap Shop, does this item need to remain? Are there activities under this heading that are still to be completed? (CH)
- Support combined efforts of IWMAC, DPW, the Agriculture Commission, and the ORCSD Sustainability committee ~~to increase in the development of a curbside~~ composting initiative ~~and to~~ reduce MSW landfill use. (CW) **Comment:** Update. (JF)
- Support ~~combined~~ efforts of IWMAC, DPW, the Agricultural Commission, and the ORCSD Sustainability Committee in their ~~development of a curbside~~ continuing pursuit

~~of an expanded use of~~ composting initiative ~~and to reduce MSW landfill use.~~ reduction in Municipal Solid Waste by residents and businesses. (SN)

- Support combined efforts of IWMAC, DPW, the Agricultural Commission, and the ORCSD Sustainability ~~C~~committee in the development of a ~~curbside~~ composting initiative ~~that will to~~ reduce ~~both~~ MSW landfill use ~~and Durham's carbon footprint.~~ (JL)

Strengthen the community by supporting the needs of residents, families, and other stakeholders by offering a wide array of active and passive recreational opportunities, programming and events celebrating Durham's history, and encouraging community walkability and bikeability.

- Continue ~~D~~developing scope of work, firm pricing, and a funding plan for the rehabilitation of both the Old Town Hall/Courthouse and the Wagon Hill Farmhouse (Captain John Bickford House), taking into consideration the anticipated use of the Wagon Hill Farm barn and ell will be for recreational purposes, educational programming, and special events; and use of the Captain John Bickford House will be for small public meetings, permitted gatherings and events, exhibits (historical, environmental, and art), and a Resident Caretaker's apartment. (JL)
- ~~Assess and document interior environmental conditions and exterior fabric of the Smith Memorial Chapel. Take action as needed to plan for, and address, deficiencies found.~~ (JL)

Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university, including redevelopment of 66 Main St., ~~Hetzel/Alexander Halls,~~ and the creation of a West Edge Innovation District. (CW)

Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university, ~~including redevelopment of 66 Main St., Hetzel/Alexander Halls, and the creation of a West Edge Innovation District.~~ (JL)

- Review zoning for West-end Research Park initiative and consider modifications as needed in conjunction with our UNH partners.

Continue revitalizing Durham's commercial core and neighborhoods in ways that enhance our sense of community; better provide for the needs of our residents and businesses, strengthen the fiscal health of the Town and University, and align with the Master Plan.

- Continue to pursue and reevaluate the development/redevelopment needs of the CBD, identify opportunities to enhance and develop the CBD, and align our zoning to be consistent with fiscal plans and community goals. ~~meet the requirements as needed.~~ (CH) Comment: Note the editing here. The "identify opportunities" clause was inspired by recent questions about the Post Office site. (CH)

- Continue to investigate the needs of the downtown business owners and the post pandemic challenges they have to be successful in town and to develop strategies to help Durham be more business friendly. **Comment: Is it time to remove this? (CH)**
- Continue to pursue a relationship with the downtown property owners that provides open and informed communication, including working with the Durham Business Association and Celebrate Durham. **Comment: Could these two be combined, since the first one is marked "Complete" in the last Quarterly Update? (CH)**
- Continue to work toward addressing downtown parking challenges for both today and the future, and explore potential partnerships, funding sources, and opportunities that will result in either enhanced surface or new structured parking controlled by the Town. **Comment: Though this is marked "Complete" in the last Quarterly Update, I think it should remain as a Standard of Performance. (CH)**
- Support the new Work Force Housing Subcommittee to investigate opportunities, challenges, and options for affordable quality housing in Durham.

Task the administrator with meeting the following budget goals for 2023². Hold the municipal tax rate at the 202²₄ level or less. For the medium and long-term, the Town will continue to make an effort to control its spending, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate. **(CW) and (JL)**

Pursue opportunities to broaden the tax base that are consistent with Council goals and be mindful of the economic impact they may have on the Town's operational and long-term fiscal health.

Encourage residents to explore joining one of the Town's boards, committees or commissions. ~~As part of scheduled 4-year cycle, pursue successful reaccreditation for the Durham Police Department with the Commission on Accreditation for Law Enforcement Agencies (CALEA).~~ **(JL)** **Comment: This was originally a separate item. However, I think it can be deleted entirely. (CH)**

Encourage all Town boards, committees, commissions, ~~and Durham's legislative delegation to align their efforts with the Council goals~~ and the Master Plan, actively collaborate and communicate with each other, and communicate with the community at large. to review their missions and discuss and record their goals for the upcoming year. **(SN)**

Refine plans for new or existing public facilities/infrastructure, including, among others, downtown surface or structured parking, a replacement building for the Fire Department, ~~and Complete the rollout of the new~~ public safety ~~radio communication improvements, to LMR network.~~ ~~meet the present and future needs of the community.~~ **(JL)**

Durham 300th in Celebration in 2032. This item was brought up by current Trustees of the Trust Funds Chair Mike Everngam. It is being placed on the Council goals list to be carried forward so it does not become forgotten. Planning for this event would begin at least two years prior (2030). Mike Everngam offered his thoughts and suggestions regarding planning for such an event as follows:

- Funding: The 250 Committee established a NH Non-Profit Corporation in which to receive and expend monies for the celebration. This was particularly useful in their purchase and sale of mementos for a profit, a practice which I don't believe is legitimate for towns to undertake except indirectly, through such a non-profit. I don't remember seeing any significant contribution of "public money" to the Committee's effort. If spending budgeted money is contemplated for the 300th, then I would recommend we establish a trust in which to contribute relatively modest annual amounts over the preceding years so that untoward budget impact is avoided. Additionally, a Patron's Trust could be created to accept private donations for use during the actual celebration.
- Membership: The 300th Committee should represent various groups so that the celebration is one for the whole town to value. Certainly, these would include the Council, the HDC/HC, the Durham Historic Association, Parks and Recreation, the Agricultural Commission, and some at-large members.
- Initial Work: Organizing the Committee; establishing a project/planning time line; establishing a list of potential events for consideration; forecasting annual budgets leading up to the celebration; opening the non-profit (if opted); researching materials to support selection of presentations, and more. (Mike Everngam & TS)

** Note that the order of the goals does not imply priority.*

Councilor Eric Lund Amendments to Goals



TOWN OF DURHAM
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*2021-2022 Council Goals ** *Adopted April 19, 2021*

Note: These goals are intended to convey 1-3 year time horizon.

Core Values

- Embrace openness in the transaction of public business while conducting Town affairs in a manner that is just and best demonstrates a genuine respect for different ideas, opinions, and perspectives.
 - 1. Inform Councilors of Right to Know Law rules regarding email use and electronic communications shortly following March election.
 - 2. Hold orientation for incoming Councilors following 2nd Tuesday in March.
 - 3. Hold orientation for new board chairs/officers/interested members on RSA 91-A and good board practices. ~~Due to Covid-19 we recirculated video of past orientation session.~~
 - 4. Hold orientation session for public and staff on Right to Know Law annually.
 - 5. Production of weekly "Friday Updates" & use of various forms of social media (Facebook/Twitter) to communicate effectively with the public.
 - 6. Air public meetings & events on DCAT as widely as possible ~~during the pandemic.~~
 - 7. Share Council goals with all boards and commissions, the public via the "Friday Updates," and post in Council chambers.
 - 8. Councilors assigned to boards provide update at each Council/board meeting as needs require.
 - 9. ~~Human Rights Commission studying the topic of reparations and how to celebrate the new national holiday called Juneteenth. Adopted a land acknowledgement statement, plan to focus on programming for Juneteenth.~~
 - 10. ~~Working to resolve outstanding abatement appeals with utilities (Consolidated Communications, Unitil, Eversource, Prefco (Goss), Xemed fraternities to ensure equity in assessments.~~
 - 11. Developed Bi-Weekly DPW Director's report for Town Administrator providing rolling project and program updates to share with the Council/community.
 - 12. [Work toward providing town-based e-mail addresses for Town Councilors and board/commission chairs.](#)
-
- Honesty and integrity.
 - Excellence in all endeavors.
 - 1. ~~Successfully transitioned to new leadership at DPW & DPD upon retirement of several long-time senior staff members.~~
 - 2. ~~DPD has instituted a new Cancer Risk Reduction initiative to protect staff after a fire.~~
 - 3. Following a fall 2020 public forum, DFD working to update the department's strategic plan.

Councilor Eric Lund Amendments to Goals

4. Staff is continuing to do their best to maintain operations despite many staffing challenges. *[need updated examples—EJL]*
5. Development of GIS tax map base layer and orthographic imagery in Assessing Office using contractor Cartographic Associates is well into the development process.

Standards of Performance

Continue taking steps as needed locally to respond to the COVID-19 pandemic, including a multitude of potential impacts to include public health, social economic, budgetary, personnel, and more.

Finalize the Update of Durham's Emergency Management Plan (EMP) and the Continuity of Operations Plan (COOP)

Update the Town's Hazard Mitigation Plan as part of a 5-year cycle. Per GCoM requirements, we will also need to create a Climate Action Plan in 2022 spearheaded by our UNH Sustainability Fellow.

Pursue long-term economic and environmental sustainability and resiliency, anticipating the community's and the region's future needs by considering multiple elements including society, ecology, economics, transportation, agriculture, food and drinking water, and energy resources, specifically taking into account existing and predicted impacts of climate change.

- Evaluate how to market Durham as a destination.
- Take steps as appropriate to promote the long-term health of Great Bay.
 1. Continue to financially support the Piscataqua Region Estuaries Partnership (PREP) for the Critical Advances for our Estuary (CArE) Initiative utilizing \$525,000 in financial support from the Eversource Seacoast Reliability project.
 2. Mr. Selig serves as a member of the Piscataqua Region Estuaries Partnership's (PREP) Management Committee (board of directors).
 3. Applied for several grants including National Fish and Wildlife Foundation and Moose Plate Grant **Plan and implement projects** to leverage Seacoast Reliability Funding in an effort to improve Wagon Hill Farm bridge and trail network along with shoreline restoration.
- Continue to support the Town's efforts and investments around MS-4 stormwater program implementation to support water resources in collaboration with UNH.
 1. DPW began development of **Implement** Standard Details for drainage, roadway, sidewalk and utility infrastructure to provide consistent design standards and guidance for new development.
 2. Began **Finalize** development of Drainage Connection Policy establishing standards and requirements for connection to Town's stormwater conveyance and treatment systems.
- ~~Finalize process of closing out construction of the Eversource Seacoast Reliability Project to ensure local infrastructure, environmental, scenic, cultural, and historic resources are protected consistent with appropriate conditions of approval from the NH Site Evaluation Committee and relevant agreements with the Town of Durham.~~

Councilor Eric Lund Amendments to Goals

- Enable continuation of current land stewardship activities through a seamless transition of duties of the Land Stewardship Coordinator position in spring 2021. This will preserve and protect the environmental well-being of town- owned lands and other lands held in conservation and easement with nonprofit organizations while improving public access and use of those lands.
- Work toward a final ~~determination concerning the future~~ **engineering design for the removal** of the Mill Pond Dam on the Oyster River ~~and initiate engineering/design in 2021~~ with construction in ~~2022~~ **2023** dependent upon permit/funding availability.
- Take proactive steps as a new member of Global Covenant of Mayors for Climate and Energy initiative.
- 3. Grant via SRPC to fund/develop a Climate Change chapter of the Master Plan secured. Integrating in with Global Covenant of Mayors for Climate Action Commitment.
- 4. Work with scientific partners at UNH and staff at SRPC on \$75,000 principal forgiveness loan Durham has secured from state to evaluate impact of sea level rise on freshwater resources along coastal areas within the community.
- 5. **Pursue adoption of** a solar ordinance to more strictly regulate the placement of solar panels due to aesthetic concerns.
 1. **Encourage** the Energy Committee ~~was tasked~~ to develop a Community Power Aggregation Plan (CAP). Authorized under RSA 53-E , a CAP will outline the plan to provide electricity supply service for the Town's residents, businesses, and other types of customers.
 2. **In coordination with** the Energy Committee ~~plans to evaluate in 2022 whether it makes sense for Durham to expand~~ **consider expanding** Electric Vehicle (EV) charging stations beyond our two current sites – the Library and the Pettee Brook Parking Lot.
 3. **In coordination with** the Energy Committee, ~~plans to~~ evaluate whether it is possible to provide additional resources to community members who want to lower their carbon footprints.
- Work toward redesign of Madbury Road corridor as part of a complete streets framework in ~~2021/22~~ with construction planned for 2023.
- Examine/act upon potential reconfiguration of roadways around Oyster River Middle School as part of new middle school construction project process.
- **Negotiate and ratify contracts with DPOA (Durham Police Officers Association) and CBA [acronym needs expanding—EJL].**
- **Continue with Traffic Safety Committee involvement on matters concerning residents' questions, problems perceived and/or anticipated with recommendation to the Administrator.**

Review, discuss, and develop a more sustainable solid waste and recycling management program for the community.

- Develop a long-range plan for improvements to the Transfer Station to address effective and efficient handling of waste and recyclable materials.

Councilor Eric Lund Amendments to Goals

- Support combined efforts of IWMAC, DPW, the Agriculture Commission, and ORCSD Sustainability committee in the development of a curbside composting initiative to reduce MSW landfill use.
 1. ~~Durham Parks & Recreation, IWMAC, and Durham Public Works teamed up to create the Durham Compost Challenge, beginning in October 2020. 25 households registered for the Challenge and for 6 weeks they removed all organic waste from normal household waste using Biobucket & BioBags (included in the registration), measured the weight of compost vs. household waste using a household scale or the scale at the Transfer Station when bucket was full, recorded weight of compostable bag using provided tracking chart, and brought compost to the compost toters at the Durham Transfer Station, or disposed of it in personal household composting bin. This initiative was extended into early 2021 and provided some nice data. A new composting initiative is currently under way with a number of Durham household participants. The committee continues to evaluate~~ Work with DPW to implement how a more comprehensive composting program might be initiated in Durham.

Strengthen the community by supporting the needs of residents, families, and other stakeholders by offering a wide array of active and passive recreational opportunities, programming and events celebrating Durham's history, and encouraging community walkability and bike-ability.

- Develop scope of work, firm pricing, and a funding plan for the rehabilitation of both the Old Town Hall/Courthouse and the Wagon Hill Farmhouse (Captain John Bickford House), taking into consideration the anticipated use of the Wagon Hill Farm barn and ell will be for recreational purposes, educational programming, and special events; and use of the Captain John Bickford House will be for small public meetings, permitted gatherings and events, exhibits (historical, environmental, and art), and a Resident Caretaker's apartment.
- Continue to support initiatives as appropriate that promote public transportation options and ensure safe walking and biking downtown and in other portions of the community.

Assess and document interior environmental conditions and exterior fabric of the Smith Memorial Chapel. Take action as needed to plan for, and address, deficiencies found.

Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university, including redevelopment of 66 Main St., Hetzel/Alexander Halls, and the creation of a West Edge Innovation District.

- Review zoning for West-end Research Park initiative and consider modifications as needed in conjunction with our UNH partners.
- Work toward developing a future combined public safety complex (Durham Fire, UNH Police, McGregor EMS) on Water Works Rd.
- Continue/complete construction of Lee Water Line extension to the Lee Traffic Circle

Continue revitalizing Durham's commercial core and neighborhoods in ways that enhance our sense of community; better provide for the needs of our residents and

Councilor Eric Lund Amendments to Goals

businesses, strengthen the fiscal health of the Town and University, and align with the Master Plan.

- Continue to pursue and reevaluate the development/redevelopment needs of the CBD and align our zoning to meet the requirements as needed.
- Continue to investigate the needs of the downtown business owners and the post pandemic challenges they have to be successful in town and to develop strategies to help Durham be more business friendly.
- Continue to pursue a relationship with the downtown property owners that provides open and informed communication, including working with the Durham Business Association and Celebrate Durham.
- Continue to work toward addressing downtown parking challenges for both today and the future, and explore potential partnerships, funding sources, and opportunities that will result in either enhanced surface or new structured parking controlled by the Town.
- Support the new Work Force Housing Subcommittee to investigate opportunities, challenges, and options for affordable quality housing in Durham.

Task the administrator with meeting the following budget goals for ~~2022~~ 2023.

Hold the municipal tax rate at the ~~2021~~ 2022 level or less. For the medium and long-term, the Town will continue to make an effort to control its spending, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate.

Pursue opportunities to broaden the tax base that are consistent with Council goals and be mindful of the economic impact they may have on the Town's operational and long-term fiscal health.

Encourage residents to explore joining one of the Town's boards, committees or commissions.

As part of scheduled 4-year cycle, pursue successful reaccreditation for the Durham Police Department with the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Encourage all Town boards, committees, commissions, and Durham's legislative delegation to align their efforts with the Council goals and the Master Plan, actively collaborate and communicate with each other, and communicate with the community at large.

Refine plans for new or existing public facilities/infrastructure, including, among others, downtown surface or structured parking, a replacement building for the Fire Department, and public safety radio communication improvements, to meet the present and future needs of the community.

1. ~~Although we had planned to build a new radio tower at Beech Hill in summer 2019 and then 2020, staffing time limitations (2019) followed by above anticipated bid results in 2019/2020 (\$100,000+ over estimates) pushed this out to 2022.~~ **Install the new radio communication system at the Foss Farm water tower.**

Councilor Eric Lund Amendments to Goals

2. In conjunction with UNH, we need to develop support over the long-term for funding a new fire station at the Water Works Road location.
3. ~~Acquire~~ **Lease** approximately 900+ SF of additional space from UNH that is contiguous to the existing fire station to provide temporary relief to space constraints of the existing building.
4. Work to develop solution to address impact of human and dogs use at Wagon Hill Farm (exacerbated by pandemic).

** Note that the order of the goals does not imply priority.*