



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, JUNE 16, 2025
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
- VI. Public Comments (*) – **Please state your name and address before speaking**
- VII. Report from the UNH Student Senate External Affairs Chair or Designee
- VIII. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - A. Shall the Town Council, Upon Recommendation of the Town Assessor and Administrator, Approve FY2024 Property Tax Abatements At The Local Level Totaling \$15,760.12?
 - B. Shall the Town Council adopt **Resolution #2025-14** Recognizing the 200th Anniversary of General Marquis de Lafayette’s visit to Durham?
 - C. Shall the Town Council, Upon Recommendation of the Administrator, Award the Purchase of both the Single Stream Recycling and Solid Waste Collection Containers to Be Used In the Automated Solid Waste Collection Program to WasteQuip (Toter® Brand) of Charlotte, NC for a Value Not to Exceed \$245,000, Subject to Available Funding and Authorize the Administrator to Sign Associated Documents?

IX. Committee Appointments

Shall the Town Council, upon Recommendation of the Energy Committee Chair, appoint Steven Fellows, 14 Stone Quarry Drive, Apt. 115, to an unexpired regular membership on the Energy Committee with a term expiration of April 2027?

X. Presentation Items

Receive annual report on the Conservation Commission activities and projects – Dwight Trueblood, Chair

XI. Councilor and Town Administrator Roundtable

XII. Unfinished Business

Continued Discussion and Possible Adoption of Town Council Goals for FY 2025/26.

XIII. Approval of Minutes – June 2, 2025

XIV. New Business

A. **First Reading on Ordinance #2025-07** Amending Chapter 175, “Zoning,” Article XII.1, “Use and Dimensional Standards,” Section 175-53, “Table of Uses,” and Section 175-54, “Table of Dimensions,” to separate CB-1 and CB-2 in the tables and to permit by right multi-unit residential in the PO, CH and C Zoning Districts. The Public Hearing can be set for Monday, July 7, 2025.

B. **First Reading on Ordinance #2025-08** Amending Chapter 175, “Zoning,” Article XII, “Base Zoning Districts,” Section 175-42, “Central Business District, and Article XII.1, “Use and Dimensional Standards,” Section 175-54, “Table of Dimensions,” to eliminate the three-story height limit for CB-1 Zoning District and to change the standard for commercial in five story buildings in CB-1 District from requiring two floors to requiring only one floor. The Public Hearing can be set for Monday, July 7, 2025.

C. Discussion and Possible Approval of relocation of a portion of the Easement ROW known as Stone Quarry Drive due to the Riverwoods Project and Authorizing the Administrator to sign all associated documents.

XV. Nonpublic Session (if required)

XVI. 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: #8A TS

DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Darcy Freer, Assessor

AGENDA ITEM: **SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE TOWN ASSESSOR AND ADMINISTRATOR, APPROVE FY2024 PROPERTY TAX ABATEMENTS AT THE LOCAL LEVEL TOTALING \$15,760.12?**

CC PREPARED BY: Darcy Freer, Assessor

CC PRESENTED BY: Todd Selig, Town Administrator
Darcy Freer, Assessor

AGENDA DESCRIPTION:

Each year the Town receives requests for property tax abatements. The deadline for filing abatement requests is March 3, 2025. The Town must respond to the applicants in writing by July 1, 2024, or the application is automatically denied.

The Assessor's Office has reviewed abatement requests received to date, conducted site inspections, and met with those property owners or tax representatives who requested a meeting. These inspections and meetings have been held on an ongoing basis. Once these meetings concluded, the Assessor reviewed the requests in more detail and formulated recommendations. If the taxpayer has appealed their assessment with the municipality and is dissatisfied with the decision of the Town, they may appeal the abatement to either the New Hampshire Board of Tax and Land Appeals or Superior Court, but not both.

These items are the remainder of the Tax Year 2024 property tax abatements.

Attached for the Council's review and information are abatement recommendations for the following properties:

- 1. Chase - 271 Durham Point Road**
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$1,301.97 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 2. Clark Properties LLC - 74 Main Street**
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$1,131.00 not including interest (To date, the taxes have not been paid, therefore no interest is due). See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 3. Stoxen & Tisa - 100 Mill Road**
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$822.56 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 4. Slipknot Properties LLC - 15 Newmarket Road**
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$9,486.49 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 5. Berlin - 81 Piscataqua Road**
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$2,507.25 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 6. Griffin - 24 Fellows Lane**
Recommendation: GRANT (for Tax Year 2024). The Assessor recommends granting the abatement request in the amount of \$510.85 including interest. See attached abatement recommendation from the assessor outlining the reasons for granting this request.
- 7. Shloke Hospitality LLC - 2 Main Street**
Recommendation: DENY (for Tax Year 2024). The Assessor recommends denying the abatement request. See attached abatement recommendation from the assessor outlining the reasons for denying this request.

8. **Fairpoint (No NE Telephone Operations LLC) – McDaniel Drive**
Recommendation: DENY (for Tax Year 2024). The Assessor recommends denying the abatement request. See attached abatement recommendation from the assessor outlining the reasons for denying this request.

9. **Eversource (PSNH) – Mill Road & Bennett Road**
Recommendation: DENY (for Tax Year 2024). The Assessor recommends denying the abatement request. See attached abatement recommendation from the assessor outlining the reasons for denying this request.

LEGAL AUTHORITY:

RSA 76:16 describes the process for the apportionment, assessment, and abatement of property taxes.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

As part of the FY 2025 budget, the Town of Durham has appropriated \$125,000 to be used for tax abatement/appeal purposes. To date, the Town has abated \$64,369.88 to taxpayers who have appealed their assessments with the municipality, to the Board of Tax and Land Appeals or Superior Court.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Assessor and consent of the Administrator, approve the FY 2024 property tax abatements at the local level totaling \$15,760.12 pertaining to the properties noted above.



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AGENDA ITEM: **#8B** *TS*
DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Charlotte Hitchcock, Historic District/Heritage Commission

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2025-14 RECOGNIZING THE 200TH ANNIVERSARY OF GENERAL MARQUIS DE LAFAYETTE'S VISIT TO DURHAM?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Charlotte Hitchcock, Historic District/Heritage Commission

AGENDA DESCRIPTION:

The American Friends of Lafayette, the Durham Historic District Commission/Heritage Commission and the National Society Daughters of the American Revolution have scheduled a celebration of the Bicentennial of General Lafayette's visit to Durham on his "Farewell Tour" of the United States in 1825. This celebration will be held on Sunday, June 22, 2025, from 10:15-11:15 a.m. at the Lafayette historic marker, Durham Town Hall, 8 Newmarket Road.

The program will include:

- Arrival of General Lafayette by horse-drawn carriage, escorted by the New Hampshire SAR
- Welcome remarks by Alan Hoffman, President of the American Friends of Lafayette
- A re-enactment of the speech welcoming Lafayette, featuring John Herman as Stephen Mitchell, Esq. of Durham
- Lafayette's reply to the citizens of Durham
- Lafayette mingles with the citizenry and is available for photos.

In conjunction with this celebration, it was requested that the Town Council approve a resolution recognizing this important historical event.

General Marquis de Lafayette was a Revolutionary hero and a strong ally to General George Washington. On June 23, 1825, Lafayette visited Durham as part of his Farwell Tour. According to local accounts at the time, Lafayette “was met at the line of the town of Durham by the Committee of Arrangements, consisting of Messrs. George Ffrost, Benjamin Mathes, Jr., Joseph W. Page, Alfred Smith, Moses Noble, John A. Richardson, George Hull, William J. Thompson, and William P. Ffrost – together with a large number of citizens and strangers.” “When near the village, a salute of 24 guns was fired by the company of artillery, under the command of Captain Langley, stationed on Chesley’s Hill.”

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2025-14 Recognizing the 200th Anniversary of General Marquis de Lafayette’s visit to Durham.

RESOLUTION #2025-14 OF DURHAM, NEW HAMPSHIRE

RECOGNIZING THE 200TH ANNIVERSARY OF GENERAL MARQUIS DE LAFAYETTE'S VISIT TO DURHAM

WHEREAS, the American Friends of Lafayette, the Durham Historic District Commission/Heritage Commission and the National Society Daughters of the American Revolution are celebrating the Bicentennial of the Marquis de Lafayette's Farewell Tour of America in 2024 - 2025, and

WHEREAS, during the American Revolutionary War, the young Marquis de Lafayette was a courageous Revolutionary hero who played a vital role in the success of our nation's struggle for independence and was a strong ally to General George Washington; and

WHEREAS, General Lafayette tirelessly fought for America's independence from Great Britain. He was wounded at the Battle of Brandywine, and successfully led an independent command during the Virginia Campaign; and

WHEREAS, in recognition of his valiant service, General Lafayette was made an honorary citizen of the United States of America; and

WHEREAS, General Lafayette was a selfless leader, a constant advocate for freedom and independence, and an ardent supporter of the abolition of slavery. During his 13-month tour of America, he visited the then 24 states always speaking about the ideals of liberty, justice, and democracy; and

WHEREAS, General Lafayette traveled to the State of New Hampshire and in June 1825 came to Durham where he was welcomed and honored with a 24-gun salute under the command of Capt. Langley; and

WHEREAS, a Lafayette Trail Marker has been placed on the corner of Main Street and Newmarket Road where General Lafayette was greeted as a cherished hero by local students and citizens on June 23, 1825;

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 #2025-14** recognizing the 200th Anniversary of General Marquis de Lafayette's visit to Durham.

PASSED AND ADOPTED this 16th day of June, 2025 by a majority vote of the Durham Town Council with _____ voting in favor, _____ voting against, and _____ abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Dean, Town Clerk-Tax Collector



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AGENDA ITEM: **#8C** *TS*
DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Public Works

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE PURCHASE CONTRACT OF BOTH THE SINGLE STREAM RECYCLING AND SOLID WASTE COLLECTION CONTAINERS TO BE USED IN THE AUTOMATED SOLID WASTE COLLECTION PROGRAM TO WASTEQUIP (TOTER® BRAND) OF CHARLOTTE, NC FOR A VALUE NOT TO EXCEED \$245,000, SUBJECT TO AVAILABLE FUNDING AND AUTHORIZE THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS?

PREPARED BY: Richard Reine, Director of Public Works

CC: Todd Selig, Administrator
Gail Jablonski, Business Manager
Sam Hewitt, Assistant Public Works Director
John Baker, Administrative Assistant

PRESENTED BY: Richard Reine, Director of Public Works

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request the Town Council's approval to award the purchase of Toter® single stream recycling and solid waste containers to Wastequip of Charlotte, NC. Funding for this purchase is included within the fiscal year 2024 approved capital budget.

Automated Curbside Collection Program Background:

Durham Public Works currently operates a curbside municipal solid waste collection program using two diesel-powered vehicles. These vehicles run five days a week, inclusive of our Friday commercial recycling collection, and are each staffed by a single collection equipment operator for residential collection. On average, each vehicle

services approximately 1,900 collection points weekly, collecting around 20 tons of household trash and 12 tons of recycling.

The vehicles have been in service since 2014 and 2015, and continuous wear and tear has led to increasing unplanned downtime. This has required significant investments in repairs to their electrical, mechanical, hydraulic, and diesel exhaust fluid treatment systems. Photos of the two frontline vehicles currently in use are included below for reference.



While the vehicles are semi-automated and can mechanically lift certain containers, the majority of curbside containers placed by residents must still be manually loaded. Collection efficiency is further impacted by uncontained trash and recycling, which is often scattered by wind or animals, contributing to litter and reducing overall community satisfaction. These challenges hinder the Department's ability to keep public rights-of-way clean.

In addition, a shift to the volume-based collection system approved within the 2024 Capital budget aligns with the Town Council's goal of reducing solid waste generation per resident through full implementation of such a system. On November 4th, 2024, the Town Council held a public hearing and approved Ordinance 2024-08, amending the Chapter 118 - Solid Waste Ordinances. This was a required step in facilitating the modernization of Durham's solid waste collection and management program.

Over the past three years, Durham Public Works, in collaboration with the Integrated Waste Management Advisory Committee (IWMAC), has studied opportunities to improve the program. Our efforts have focused on transitioning to a fully automated

curbside collection system - now considered an industry standard. This system features standardized carts for both solid waste and single-stream recycling, typically serviced by split-body or single cavity collection vehicles.

Automated collection vehicles use a robotic arm controlled by the driver to empty carts, eliminating the need for operators to exit the vehicle. This not only improves collection efficiency but also enhances safety by reducing physical strain and the risk of injury, helping operators remain in their physically demanding roles longer. A photo of an automated collection vehicle and standardized cart is shown below.



A Mack Automated Collection Vehicle with Labrie Body and Toter® Cart on Right NTS

In parallel with this transition, Durham Public Works is evaluating the option of contracted collection services and redeployment of existing solid waste collection team members. Waste Management has received detailed program data from Durham Public Works and is preparing a cost proposal for our evaluation and comparison. This analysis will help the Town assess the financial and operational trade-offs between continuing in-house collection versus contracted solid waste collection services. Final recommendations to the Council will be based on several considerations, including financial and operational.

Regardless of the selected approach, standardized carts are a critical component for implementing a modernized collection system and any contracted service provider would require the use of standardized carts at each collection point. It is important to note that while Durham Public Works is not requesting approval to purchase new trucks at this time, the Toter carts being requested are fully compatible with the Town's existing semi-automated truck fleet.

Cart Procurement Process:

During the cart procurement phase of this program, the Department met several times with multiple vendors that manufacture, supply and distribute collection carts for municipal solid waste programs. We evaluated various factors, including:

- Price
- Warranty
- Durability
- Corporate commitment to sustainability
- Use of recycled content
- Ergonomics
- Manufacturing process
- Ease of storage, maintenance, and assembly
- Options for existing cart recycling
- Aesthetics

While many vendors offered high-quality carts, the Toter cart consistently stood out across all evaluation criteria. Notably, the structural components of Toter carts are made using up to 50% recycled content, and their 12-year body warranty is the longest in the industry. The carts were competitively procured from Toter through its nationwide distributor, Wastequip, and following receipt of order, are expected to ship from the factory in Fall 2025. This purchase will be made using the Sourcewell contract (formerly the National Joint Powers Alliance), Contract #120324-TOT. This ensures the Town receives the most competitive pricing available.

Sourcewell is a government agency authorized under Minnesota Statute 123A.21, originally established in 1977 and revised in 1995. It enables municipalities and other public entities to lower procurement costs by leveraging collective purchasing power through competitively solicited contracts available to member organizations.

This procurement approach aligns with the Durham Purchasing Policy. The competitiveness of the purchase was further validated by soliciting costs for comparable collection cart specifications from other vendors, including Cascade and Rehrig Pacific.

Durham Public Works respectfully requests the Town Council's approval of this recommendation.

Legal Authority:

Section 5 and 6 of the Town's Purchasing Policy states, "Every Town purchase or contract of greater than thirty thousand (\$30,000.00) dollars in amount, with the exception of the valid exceptions noted in Section 7 of these Policies, shall be made only after the receipt of publicly invited sealed competitive bids on uniform specifications".

The Policy also states “Purchases made through existing State of New Hampshire or other State/Government Contracts, Strafford County or Oyster River School District contracts shall be deemed to meet the competitive pricing requirements of the preceding purchasing procedures. Nothing herein shall be construed to prevent joint bidding and contracting by the Town and other public jurisdictions, and in fact, such joint procurement programs are encouraged”.

Financial Details:

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	REQUESTED	REMAINING
07-2408-801-36-000	Collection Vehicle Replacement	\$1,213,919	\$0	\$ 245,000	\$968,919
TOTAL		\$1,213,919	\$0	\$245,000	\$968,919

Suggested Action or Recommendations:

Motion:

The Durham Town Council Does Hereby, Upon Recommendation of the Administrator, Award the Purchase Contract of both the Single Stream Recycling and Solid Waste Collection Containers to Be Used In the Automated Solid Waste Collection Program to WasteQuip (Toter® Brand) of Charlotte, NC for a Value Not to Exceed \$245,000, Subject to Available Funding, and Authorize the Administrator to Sign Associated Documents



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AGENDA ITEM: **#9**

DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Steven Fellows

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ENERGY COMMITTEE CHAIR, APPOINT STEVEN FELLOWS, 14 STONE QUARRY DRIVE, APT. 115, TO FILL AN UNEXPIRED REGULAR MEMBERSHIP POSITION ON THE ENERGY COMMITTEE WITH A TERM EXPIRATION OF APRIL 2027?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is an application for board appointment submitted by Steven Fellows, requesting appointment as a regular member to the Energy Committee. His appointment will fill the last vacancy on the Energy Committee.

Mr. Fellows has attended one meeting of the Energy Committee and has spoken with Vice Chair, Charles Forcey. Attached for the Council's information is Chair Klein's endorsement of Mr. Fellows's appointment.

Mr. Fellows has been invited to attend Monday night's meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Energy Committee Chair, appoint Steven Fellows, 14 Stone Quarry Drive, Apt. 115, to fill an unexpired Regular Membership position on the Energy Committee with a term expiration of April 2027.



Town of Durham

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Fax 603/868-1858

kedwards@ci.durham.nh.us

Application for Board Appointment

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

New appointment/regular member New appointment/alternate member
Reappointment/regular member Reappointment/alternate member

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

Applicant has:

_____ X ATTENDED A MEETING
_____ X SPOKEN WITH CHAIR/V CHAIR
_____ BEEN RECOMMENDED FOR MEMBERSHIP

Name: Steven Fellows

Date: 6/7/2025

Address: 14 Stone Quarry Dr., Apt. 115

E-Mail Address: Steven_Fellows@hotmail.com

Telephone: 603-590-9173

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

1. Energy Committee
2. IWMAC
- 3.

Are you willing to attend ongoing educational sessions offered by the New Hampshire Municipal Association, Strafford Regional Planning Commission, et al, and otherwise develop skills and knowledge relevant to your work on the board/committee? YES X NO

(Over)

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

I am passionate about sustainability and committed to advancing climate action. As an active member of RiverWoods' Sustainability Committee and SSAFE—a national nonprofit focused on sustainability in senior living communities—I have led initiatives to reduce emissions and promote environmental stewardship. I recently used the U.S. DOE's Portfolio Manager to inventory RiverWoods' campus carbon footprint. I bring strong analytical skills, experience in community engagement, and a collaborative spirit. I would like to contribute these strengths to the Durham Energy Committee and the Integrated Waste Management Advisory Committee in support of the town's climate and sustainability goals.

Please provide brief background information about yourself:

I am a long-time Durham resident, having lived on Bay Road for 24 years before moving to RiverWoods in 2019. I have an educational and professional background in Electrical Engineering. Since 2009, I've been an active volunteer at the Waysmeet Center, where I help with food rescues to reduce waste and support food security.

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

Name: Steve Holmgren Telephone: sholmgren2@outlook.com

Name: Ellie Lonske Telephone: 603-590-9183

Name: Tom Young Telephone: 603-969-5085



Thank you for your interest in serving the Town. Please return this application, along with a resume, if available, to: Town Administrator, 8 Newmarket Road, Durham, NH 03824, or email Karen Edwards at kedwards@ci.durham.nh.us.

From: [Michael Klein](#)
To: [Karen Edwards](#)
Subject: Fwd: Steven Fellows application
Date: Wednesday, June 11, 2025 10:07:13 PM

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

Hello Karen, having conferred with others I would like to recommend Steven fellows for the energy committee.

Thanks,
Mike Klein

Sent from my mobile. Please excuse any typos.

Begin forwarded message:

From: Charles Forcey <cforcey@me.com>
Date: June 11, 2025 at 8:40:34 PM EDT
To: Michael Klein <mike@pwiconsulting.net>
Cc: matthiasdeancarpentier@gmail.com
Subject: Re: Steven Fellows application

Steven Fellows did attend — he gave a great introduction, is a stalwart energy efficiency leader at RiverWoods, and a long time Durham Resident. He joined us at the table at our invitation and made great contributions. I am especially happy to have a RiverWoods representative! My 2 cents :)

On Jun 11, 2025, at 9:42 AM, Michael Klein
<mike@pwiconsulting.net> wrote:

Steven Fellows



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AGENDA ITEM: **#10**
DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE CONSERVATION COMMISSION – DWIGHT TRUEBLOOD, CHAIR

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Dwight Trueblood, Chair, Conservation Commission

AGENDA DESCRIPTION:

Section 11.1 (I) of the Durham Town Charter used to require that the Town Council meet annually with all Chairpersons of standing Town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activities for the coming year. At the March 10, 2020 Town Election, Charter amendment (Article 16 on the ballot) was adopted which amended the language within this section to now read:

- I. On an annual basis, Chairs of the Town of Durham committees will be provided the opportunity to present to the Town Council any significant actions or projects taken by their respective committee. This report can be in the form of a written summary or a formal presentation. No action is required if there is nothing of significance to report, although the Town Council can ask for a presentation if there is interest.*

Dwight Trueblood has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the Conservation Commission's current activities.

LEGAL AUTHORITY:

Section 11.1 (I) of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Conservation Commission Chair, Dwight Trueblood, and hold question and answer session if desired.



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AGENDA ITEM: #12 *TS*

DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUED DISCUSSION AND POSSIBLE ADOPTION OF TOWN COUNCIL GOALS FOR FY 2025/26

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

At the April 7, 2025 Town Council meeting, Council members began discussing the process for the development of goals for the upcoming year. At the April 21 Town Council meeting, the Council was presented with a draft document including the Administrator and Council members' suggestions for changes to the goals.

At the May 5 Town Council meeting there was additional discussion on a working draft of goals that Administrator Selig had created based on suggestions by Councilors. Councilors began to make modifications at the May 19 meeting and asked Administrator Selig to make changes as part of a future working draft that would be shared with Councilor Friedman and Councilor Register. Those two Councilors would then make sure the changes looked accurate given all of the discussion that took place and the many ideas the Council chose to drop or consolidate/re-order.

The Council further discussed the goals at the June 2 Council meeting. Administrative Selig has brought back a list of goals that he believes generally reflect the suggestions made at that meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt the Town Council Goals for FY 2025/26.

2025/26 Town Council Goals

Working Draft

Revised as of 5/27/25

Revised as of 6/3/25

Revised 6/4/25

Mission

To provide ongoing stewardship for the Durham community including effective and efficient municipal services.

Core Values

Excellence, Honesty, Integrity, Justice, Resilience, Respect, Transparency

Goal 1 - Facilitate optimal functioning of Town government through continuous improvement, new efficiencies, waste reduction, and inter-agency collaboration.

- A. Continuously assess cybersecurity risks and address vulnerabilities, with a focus on enhancing security at the Wastewater Facility.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Analyze options for Councilors and potentially committee chairs to use municipal email accounts.

Timeline: Short-Term | Priority: Low

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 2 - Conduct planning and take steps as necessary to protect public health and safety and provide ongoing service continuity given the anticipated impacts of climate change, the post-pandemic era, and general operational challenges.

- A. Update long-term feasibility planning with UNH for the future Durham Fire Station capital project (Waterworks Road or B-Lot, as determined), and raise awareness of improvements needed for MacGregor Memorial EMS buildings.

Timeline: Long-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 3 - Pursue long-term economic strength and resiliency, anticipating the community's, the region's, and the nation's economic characteristics and opportunities.

A. The Council, Administrator, local Boards, and Departments will work collaboratively to broaden and diversify Durham’s tax base as the primary strategy for maintaining a stable municipal tax rate, adjusted over time for inflation using the Boston-Cambridge-Newton CPI-U and trends in construction and labor markets. This includes promoting taxable business development in the commercial core, guided by smart growth principles, at key locations such as Technology Drive and Stone Quarry Drive. It also involves partnering with UNH on economic development projects like The Edge at West End and potentially 66 Main Street. At the same time, we will continue to manage spending and reserve levels prudently, increase non-tax revenues and external grant funding where possible, and make the strategic personnel and capital investments necessary to support the ongoing delivery of high-quality services for residents and businesses.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

~~B. The Council and Administrator together will strive to hold the municipal tax rate at the 2025 level plus inflation (CPI-U for Boston-Cambridge-Newton, MA-NH) or less, continuing efforts to control spending, enhance revenues, broaden the tax base, and explore innovative ways to stabilize or reduce the municipal tax rate, while accounting for potential increases in expenses, personnel costs, equipment needs, and the recent use of fund balance for property tax relief.~~

~~Timeline: Short-Term | Priority: Medium~~

~~Quarterly Progress: Q1: Q2: Q3: Q4: (See new 3 A)~~

B. Continue to develop and adopt ordinance and policy changes that increase the availability of a full range of housing options.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4: **(This goal language has been modified.)**

C. Increase connection and collaboration between the Town and local businesses to help foster a supportive and beneficial atmosphere to increase the desirability and profitability of downtown Durham.

Timeline: Short-Term | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

~~D. Work toward continued progress with UNH on The Edge at West End project, including the development and adoption of a Planned Unit Development (PUD) Zoning Overlay District, evaluation of infrastructure needs for economic expansion, and exploration of public-public-private opportunities and mixed-use housing.~~

~~Timeline: Short-Term | Priority: High~~

~~Quarterly Progress: Q1: — Q2: — Q3: — Q4: (See new 3 A)~~

D. Respond to federal or state ~~restrictions~~ **economic policy changes** that **negatively** impact the Town, acting swiftly to protect essential operations and community services. The Council may issue statements or resolutions as needed.

Timeline: As Needed | Priority: Medium

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 4 - Pursue long-term environmental sustainability and resiliency, taking into account existing and predicted impacts of climate change in multiple areas including drinking water, wastewater, stormwater, agriculture, food, society, transportation, ecology, solid waste, and economy.

A. Work toward continued Town-wide reductions in solid waste generation per resident through full implementation of a volume-based collection system.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

B. Support pedestrian, public and active transportation alternatives to the automobile, and continue taking steps to address downtown multi-modal options such as the Cat Trax bikeshare program.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

C. Encourage and enable local and residential food production, preservation, and storage, and protect existing farming businesses and infrastructure, through policies that aid in or remove barriers to local food production and consumption to include ordinance/resolution development, and the expansion of community gardens

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Finalize the 2025–2030 Climate Action Plan ~~using the UNH Sustainability Fellow program, ensuring~~ **working toward** reduction strategies to achieve a 42.8% carbon reduction by 2030 are integrated into long-term planning. ~~Actively e~~**Engage** committees, and departments, **and most importantly the broader community** in implementation.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4: **(Note, the draft CAP is clear that it CANNOT be accomplished unless the broader community is fully engaged. The municipal-only impact is di minimis at this point.)**

- E. Improve accuracy of the greenhouse gas (GHG) inventory by tracking electric vehicle registrations and heat pump installations in collaboration with the Town Clerk and Assessor Offices.

Timeline: Short-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- F. Align long-range capital improvement planning (CIP) with the 2024 Durham Multi-hazard Climate Mitigation Plan and the 2023 Climate Adaptation Chapter of the Master Plan.

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 5 - Pursue long-term social resiliency and quality of life in Durham intended to strengthen the community in a welcoming and inclusive manner.

- A. Proactively anticipate, monitor and respond to changes in federal and state laws and policies, particularly those that may affect human rights or the well-being of residents, students, and employees, through coordinated action with UNH and other relevant partners. When necessary, express clear and timely concerns to safeguard the safety and rights of the entire Durham community.**

Timeline: Long-Term | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

- ~~B. Proactively anticipate and respond to federal and state policies that could negatively impact residents' human rights through local action in conjunction with relevant parties.~~

Timeline: Long-Term | Priority: High
Quarterly Progress: Q1: ~~Q2:~~ ~~Q3:~~ ~~Q4:~~ **(See new 5 A)**

- B. Make all Town operations inclusive of non-binary options.

Timeline: Long-Term | Priority: High
Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Support the recreational, educational, and social needs of residents through Parks & Recreation, Durham Public Library, and programming for all ages **including the celebration of Durham's rich history.**

Timeline: Long-Term | Priority: Medium
Quarterly Progress: Q1: Q2: Q3: Q4:

- D. Explore establishing an Arts Commission for the Town of Durham.

Timeline: Long-Term | Priority: Low
Quarterly Progress: Q1: Q2: Q3: Q4:

Goal 6 - 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.

- A. Encourage the UNH administration to collaborate with Durham's Administrator on decisions and planning that affect the university, the town, local businesses, and residents.

Timeline: Long-Term | Priority: High
Quarterly Progress: Q1: Q2: Q3: Q4:

- B. Encourage UNH to actively promote awareness among Durham residents and invite their participation in the university's athletic, cultural, social, health and fitness, recreational, and educational programs.

Timeline: Long-Term | Priority: High
Quarterly Progress: Q1: Q2: Q3: Q4:

- C. Endeavor to establish Durham as an epicenter of off-campus volunteerism and research by UNH students, faculty, and staff.

Timeline: Long-Term | Priority: High
Quarterly Progress: Q1: Q2: Q3: Q4:

~~D. Review ongoing changes to federal/state laws and policies in partnership with UNH, ensuring the safety of families, students, and employees of both entities, and forcefully communicate responses and expressions of concern as needed.~~

~~Timeline: As Needed | Priority: Medium~~

~~Quarterly Progress: Q1: Q2: Q3: Q4: **(See new 5 A)**~~

Goal 7 - Lead efforts to promote inter-municipality awareness and collaboration on issues of mutual interest and concern.

A. Establish working relationships with municipal officials in surrounding communities to foster a timely and collaborative regional network.

Timeline: Long-Term | Priority: Low

Quarterly Progress: Q1: Q2: Q3: Q4:

B. ~~Reject~~ **Oppose** state attempts to undermine local authority and control through vocal, visible, collaborative opposition.

Timeline: As Needed | Priority: High

Quarterly Progress: Q1: Q2: Q3: Q4:

Note: The numerical order of the goals does not imply priority.



TOWN OF DURHAM

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

AGENDA ITEM: #13
DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR JUNE 2, 2025.**

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's review and approval are the minutes for the meeting held on June 2, 2025. Please call or email Karen Edwards with any grammatical/spelling changes prior to the meeting. Discussion at Monday evening's meeting should be limited only to substantive changes.

LEGAL AUTHORITY:

RSA 91-A:2 (II) specifies what must be contained in minutes of public meetings:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve the Town Council meeting minutes for June 2, 2025. (as presented/as amended).



TOWN OF DURHAM

8 Newmarket Road
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Fax: 603-868-1858
www.ci.durham.nh.us

AGENDA ITEM: **#14A** *TS*
DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Zoning Amendment initiated by Town Council. Proposed by the Durham Housing Task Force

AGENDA ITEM: **FIRST READING ON ORDINANCE #2025-07 AMENDING CHAPTER 175, "ZONING," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF USES," AND SECTION 175-54, "TABLE OF DIMENSIONS," TO SEPARATE CB-1 AND CB-2 IN THE TABLES AND TO PERMIT BY RIGHT MULTI-UNIT RESIDENTIAL IN THE PO, CH AND C ZONING DISTRICTS. THE PUBLIC HEARING CAN BE SET FOR MONDAY, JULY 7, 2025.**

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

Background. The Town Council initiated this amendment on March 17. The Planning Board held a public hearing on the proposal on May 28 and voted unanimously (7-0) to support it. The amendment comes back to the Town Council now for prospective first reading, public hearing, and final disposition.

This amendment was one of four initiatives prepared by the Durham Housing Task Force along with removing the three story limit in a section of the Central Business District (also before the Town Council this evening), creating separate Central Business-1 and Central Business-2 Districts (already adopted), and making RSA 79E easier to use (the new resolution has been adopted).

Multi-unit residential. This amendment would allow this use by right in the Professional Office, Church Hill, and Courthouse districts. The present ordinance is very restrictive for multi-unit residential. Prior to the 2000 Master Plan it was likewise restrictive but the master plan recommended expanding the zoning to allow for new high quality student housing and to broaden the tax base. The zoning was expanded and the town realized over 2,000 new beds of student housing. In response, the Town once again tightened up the zoning over the last dozen years.

With flat enrollment at UNH and the addition of many new beds, it would seem that the Town could allow for more multi-unit residential that might attract non-students as well as students. The task force recommended adding this use to three of the five core commercial districts - Professional Office (PO), Church Hill (CH), and Courthouse (C).

There are already numerous student housing developments in the PO and CH districts but they are nonconforming now. Coes Corner is not included as the district is further away and less walkable to the downtown. Central Business District is not included because the first floor of buildings in the CB district should be reserved for commercial uses, not for apartments.

There was some debate with the Planning Board about allowing multi-unit residential by right in the Church Hill District given the proximity of the Faculty Road neighborhoods and concerns with the parking lot proposed behind the Red Town Building several years ago (the plan was denied by the Planning Board). The board acknowledged the concerns but decided to support including this use by right as the CH zone, located in the core area, seemed an appropriate area for this intensive use.

Dimensions are provided for multi-unit residential in the PO, CH, and C districts in the Table of Dimensions now. They seem workable and no changes are proposed now. The maximum building height in these zones is 30 feet and 35 feet by conditional use. Those heights accommodate a 3-story, or possibly a 3-1/2 story, building (The maximum number of stories specified in PO is three).

This amendment is effected simply by changing the CUA (adaptive reuse of an existing building by conditional use), X, and X to P for the PO, CH, and C districts, respectively. Note: the Planning Board also recommends changing the tables of uses and dimensions to make separate columns for CB1 and CB2 (Both presently are included in one column for Central Business District with a note in the Table of uses specifying the one difference between them). It makes sense to separate them out as there will likely be amendments in the future making distinctions between the two zones. The two separate columns are shown in the tables in the attached ordinance change.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

It is expected that this change will result in more development in the Professional Office, Church Hill, and Courthouse districts including the creation of new taxable value.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve on First Reading Ordinance #2025-07 Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Uses," to permit by right multi-unit residential in the PO, CH and C Zoning Districts and sets the Public Hearing for Monday, July 7, 2025.

ORDINANCE #2025-07 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF USES," AND SECTION 175-54, "TABLE OF DIMENSIONS," TO SEPARATE CB-1 AND CB-2 IN THE TABLES AND TO PERMIT BY RIGHT MULTI-UNIT RESIDENTIAL IN THE PO, CH AND C ZONING DISTRICTS.

WHEREAS, it is desirable to support the downtown by having more residents living in close proximity to the downtown; and

WHEREAS, there is a recognized housing shortage in New Hampshire and in the Seacoast Region and Durham acknowledges the need to accommodate more housing opportunities; and

WHEREAS, many residents in Durham have stated that the most appropriate locations for multi-unit housing is in the core areas and there are already many multi-unit sites in the core areas, which are nonconforming in these three zoning districts; and

WHEREAS, the Durham Downtown Zoning Subcommittee and the Durham Housing Task Force developed this proposed zoning amendment for the purpose of strengthening the downtown and enhancing housing opportunities;

WHEREAS, the chair of the Housing Task Force presented this zoning amendment along with three other initiatives to the Town Council on March 3 and March 17, 2025; and

WHEREAS, the Town Council voted to initiate this zoning amendment on March 17, 2025; and

WHEREAS, the Planning Board held a public hearing on this amendment on May 28, 2025 and notified the owners of all land within the three affected zones of the proposal, and voted unanimously to support the amendment; and

WHEREAS, the Town Council held a public hearing on this amendment and supports it as offering a boost to much needed new housing and development in the downtown;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2025-07** Amending Chapter 175, "Zoning," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Uses," and Section 175-54, "Table of Dimensions," to separate CB-1 and CB-2 in the tables and to permit by right multi-unit residential in the PO, CH and C Zoning Districts.

See attached documents for changes

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of _____ by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk

175-53 Table of Uses

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
I. NATURAL RESOURCE USES														
Principal Uses														
Conservation activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Excavation and/or mining	CU	X	X	X	X	X	X	X	X	X	X	X	X	X
II. AGRICULTURAL USES														
(See Article XX.1)														
Principal Uses														
Agricultural Sales, Commercial	P	SE	SE	P	P	P	P	P	P	P	P	P	P	P
Aquaculture	P	X	X	SE	X	X	X	X	X	P	P	P	P	P
Bees, keeping of	P	X	X	SE	P ³	P ³	P	P	P	P	P	P	P	P
Crop Cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farmers' Market	SE	X	X	SE	P	P	P	P	P	P	P	P	P	P
Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fur-bearing animals, keeping of	P ²	X	X	X	X	X	X	X	X	X	P ²	P ²	P ²	P ²

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Goats and sheep, keeping of	P ²	X	X	SE ²	X	X	X	X	X	P ²	P ²	P ²	P ²	P ²
Horses, keeping of	P ²	X	X	SE ²	X	X	X	X	X	P ²	P ²	P ²	P ²	P ²
Kennel	CU	X	X	CU	X	X	X	X	X	X	CU	X	CU	X
Livestock – large, keeping of	P ²	X	X	SE ²	X	X	X	X	X	P ²	P ²	P ²	P ²	P ²
Poultry, keeping of	P ²	X	X	SE ²	X	X	X	X	X	P ²	P ²	P ²	P ²	P ²
Rabbits, keeping of	P	X	X	SE	P	P	P	P	P	P	P	P	P	P
Reuse of existing agricultural building (See Article XX)	CUA	X	X	CUA	X	X	X	X	X	X	P	P	P	P
Swine, keeping of	CU ²	X	X	CU ²	X	X	X	X	X	CU ²	CU ²	CU ²	CU ²	CU ²
Temporary sawmill (See Article XX)	P	P	P	P	X	X	X	X	X	X	P	P	P	P
Uses Accessory to Residential Uses														
Aquaculture	P	P	P	P	X	X	X	X	X	P	P	P	P	P
Bees, keeping of	P	P	P	P	X	X	P	P	P	P	P	P	P	P
Chickens and Turkeys, keeping of	P	P	P	P	X	X	X	X	X	P	P	P	P	X
Goats and Sheep, keeping of	P	P	P	P	X	X	X	X	X	P	P	P	P	X

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Residence, multi-unit	X	X	X	X	X	X	CUA P	X P	X P	X	X	X	X	X
Residence, multi-unit complex	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Senior housing, single-family	P	P	P	P	X	X	X	P	X	P	CU	CU	CU	CU
Senior housing, duplex	P	P	P	P	X	X	X	P	X	CU	CU	CU	CU	CU
Senior housing, multi-unit	P	P	P	P	CU	CU	P	P	P	CU	CU	P	CU	CU
Senior Care facility	P	X	CU	P	X	X	X	P	P	P	P	P	P	P
Student Rental	X	X	X	X	P	P	P	P	P	X	X	X	X	X
Uses Accessory To Any Residential Use														
Accessory structure	P	P	P	P	X	X	P	P	P	P	P	P	P	P
Day care home (See Article XX)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupation-1	P	P	P	P	X	X	P	P	P	P	P	P	X	X
Home occupation-2	P	X	X	P	X	X	CU	CU	X	P	P	P	X	X

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Uses Accessory To a Single-family Residential Use														
Accessory dwelling unit - attached (See Article XX)	P	P	P	P	X	X	P	P	X	X	X	P	P	X
Accessory dwelling unit - detached (See Article XX)	P	X	X	P	X	X	P	P	X	X	X	P	P	X
Short-term rental	SE	SE	SE	SE	P	P	P	P	P	P	SE	SE	SE	X
IV. INSTITUTIONAL USES														
Principal Uses														
Art center	X	X	X	X	P	P	X	P	P	CU	X	X	X	X
Day care center (See Article XX)	P	X	X	P	P	P	P	P	P	P	P	P	P	P
Club	X	X	X	X	P	P	X	CU	CU	CU	X	X	X	X
Community center	X	X	X	X	P	P	P	CU	P	CU	CU	CU	CU	CU
Educational facility	X	X	X	X	CU	CU	P	CU	P	X	X	CU	CU	CU
Fraternity/sorority house	X	X	X	X	CU	CU	CUA	X	X	X	X	X	X	X
Hospital	X	X	X	X	X	X	X	X	X	X	X	CU	CU	X

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Library	X	X	X	X	P	P	P	P	P	P	P	X	X	X
Museum	CU	X	X	CU	P	P	P	P	P	CU	X	X	CU	CU
Religious use/facility	CU	CU	CU	CU	CU	CU	P	P	X	CU	CU	X	X	X
V. RECREATIONAL USES														
Principal Uses														
Golf course	CU	X	X	CU	X	X	X	X	X	X	X	X	X	X
Recreational facility, indoor	X	X	X	X	X	X	X	X	X	X	P	P	P	P
Recreational facility, outdoor	CU	X	X	CU	X	X	X	X	X	CU	CU	CU	CU	CU
Recreational playing fields, outdoor	P	P	P	P	X	X	X	X	X	CU	P	P	P	CU
VI. UTILITY & TRANSPORTATION USES														
Principal Uses														
Parking garage	X	X	X	X	CU	CU	X	X	X	X	X	X	X	X
Parking lot	X	X	X	X	CU	CU	X	X	CU	X	X	X	X	X

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Drive-through facility accessory to a financial institution	X	X	X	X	CU	CU	CU	X	CU	X	X	X	CU	CU
Restaurant or cafeteria accessory to a nonresidential use	X	X	X	X	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
IX. USES ACCESSORY TO ANY ALLOWED USE														
Caretaker apartment	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Off street parking on the lot to serve the allowed use	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking garage	X	X	X	X	P	P	P	P	P	P	P	P	P	P
Parking lot	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Notes

1. For the use “Mixed use with residential (office/retail down, multi-unit residential up),” see the definition. The layout of uses within the building or lot may also be specified by zone in Article XII, including some flexibility allowed by conditional use in the Central Business District under Development Standards
2. The use is permitted only on lots of 3 acres or greater. Roosters are permitted only in the Rural District.
3. In the Central Business Districts the use is permitted only on rooftops.
4. ~~All uses under Central Business District (CB) apply to both Central Business 1 District (CB-1) and Central Business 2 District (CB-2) except where otherwise noted.~~
5. ~~Mixed use with residential is P in CB-1 and CU in CB-2.~~



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
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AGENDA ITEM: **#14B**
DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Zoning Amendment initiated by Town Council. Proposed by the Durham Housing Task Force.

AGENDA ITEM: **FIRST READING ON ORDINANCE #2025-08 AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS DISTRICT, AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," TO ELIMINATE THE THREE-STORY HEIGHT LIMIT FOR CB-1 ZONING DISTRICT AND TO CHANGE THE STANDARD FOR COMMERCIAL IN FIVE STORY BUILDINGS IN CB-1 DISTRICT FROM REQUIRING TWO FLOORS TO REQUIRING ONLY ONE FLOOR. THE PUBLIC HEARING CAN BE SET FOR MONDAY, JULY 7, 2025.**

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

Background. The Town Council initiated this amendment on March 17. The Planning Board held a public hearing on the proposal on May 28 and voted unanimously (7-0) to support it. The amendment comes back to the Town Council now for prospective first reading, public hearing, and final disposition.

This amendment was one of four initiatives prepared by the Durham Housing Task Force along with allowing multi-unit residential in the PO, CH, and C districts (also before the Town Council this evening), creating separate Central Business-1 and Central Business-2 Districts (already adopted), and making RSA 79E easier to use (the new resolution has been adopted).

Three-story height limit and second floor of commercial. This amendment was proposed for the purpose of expanding commercial and housing opportunities in the Central Business District (now applicable only to the Central Business-1 District). When the Town Council initiated the change pertaining to the three-story limit it also included a provision to require only one floor of commercial in a five-story building in the district where two floors of commercial are now required.

In 2012 the Town received a citizen's petition to change the Zoning Ordinance limiting the building height along a section of Main Street to three stories (This has been the only citizen's petition regarding zoning that has been submitted over at least the past 12 years). The Town

Council adopted the amendment. Shortly afterward, the Town Council initiated a similar amendment to limit the building height along a section of Madbury Road to three stories. That amendment was also adopted. (*See two maps at the end showing the new CB1 and CB2 districts and the lots subject to the three-story height limit.*)

In the rest of the Central Business-1 District one can build to four stories by right and, by conditional use, to five stories with some required setbacks of the fifth story. If the three-story limitation is removed then this same standard for the rest of the Central Business-1 District would apply for these sections of Main Street and Madbury Road. A four-story building must include commercial on the first floor and may include residential for the upper three stories. A five-story building must include commercial on the first floor and commercial on one other floor, but this amendment herein also would remove the requirement for a second floor of commercial.

Fifth story by conditional use. A fifth story in the Central Business-1 District is allowed by conditional use. The conditional use requirement implies that a fifth story may be appropriate in some sections of CB-1 and not in others (It also recognizes that one particular design may be appropriate and another may not be). The Planning Board stated that it would be more efficient to determine where a fifth story is appropriate and to allow it there by right. In other sections of the CB-1 it could be allowed still by conditional use or simply not allowed (with a map akin to the existing three-story limit map). The board does not recommend that any action be taken on this proposal now. Rather, the board recommends that a subcommittee be appointed in the near future (by the Town Council or the Planning Board), consisting of council and board members, to examine the CB-1 District and develop a recommendation for this change.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

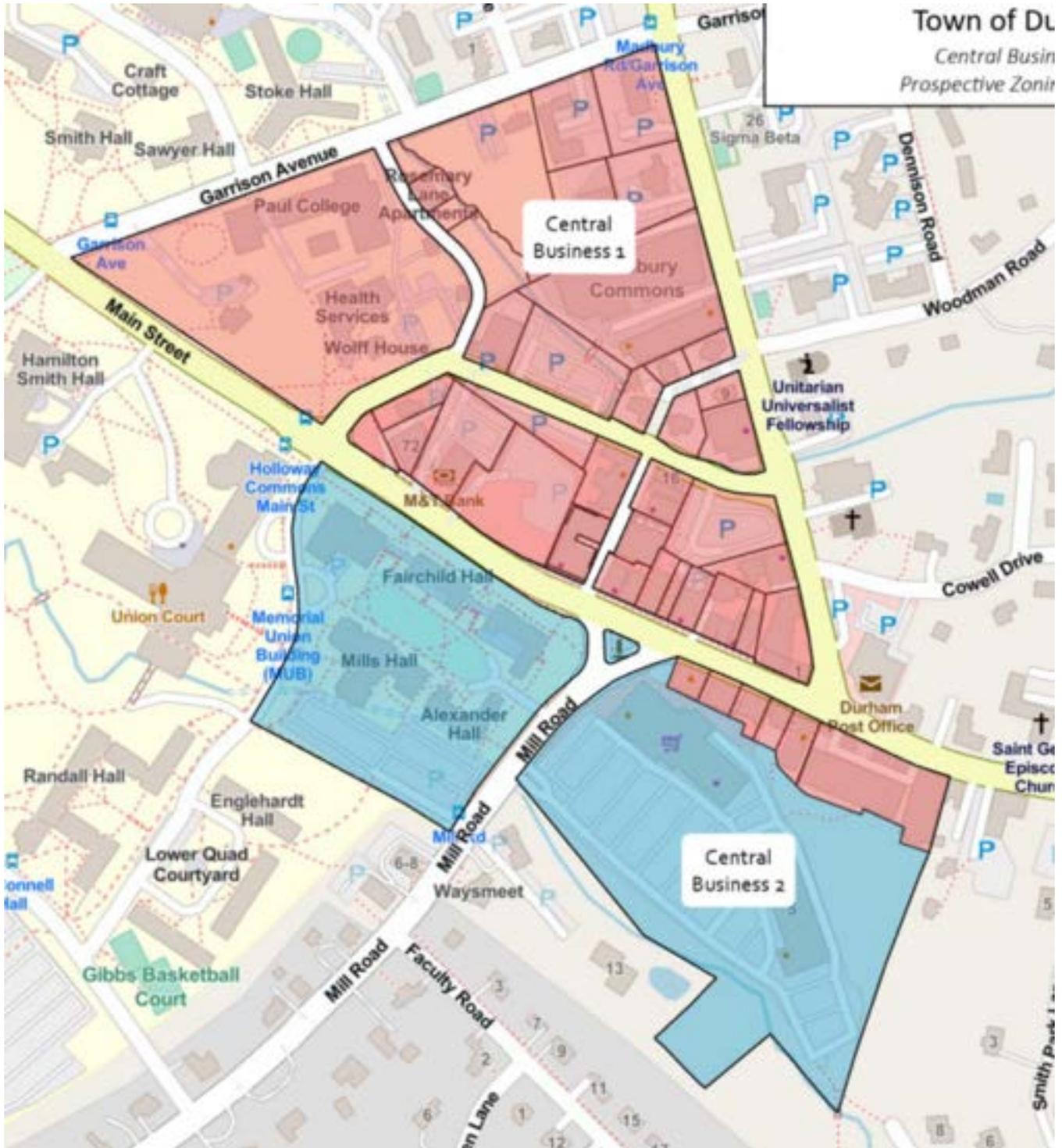
It is expected that this change will result in more development in the Central Business-1 District including the creation of new taxable value.

SUGGESTED ACTION OR RECOMMENDATIONS:

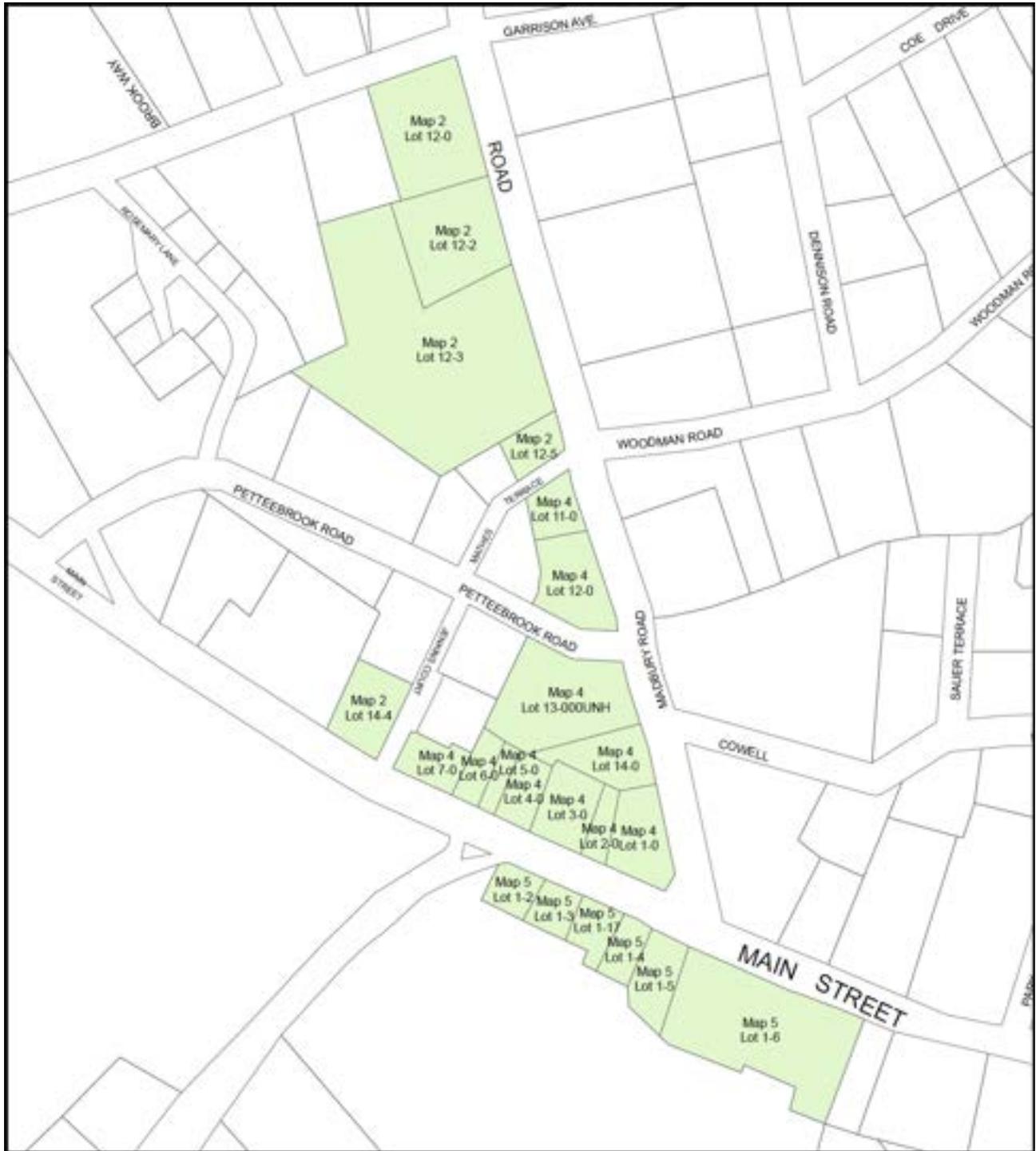
MOTION:

The Durham Town Council does hereby approves on First Reading Ordinance #2025-08 Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business District, and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," to eliminate the three-story height limit for CB-1 Zoning District and to change the standard for commercial in five story buildings in CB-1 District from requiring two floors to requiring only one floor and sets the Public Hearing for Monday, July 7, 2025.

New (recently adopted) Central Business-1 and Central Business-2 Districts



Lots in the Central Business-1 District (formerly the Central Business District) that are presently limited to three stories



ORDINANCE #2025-08 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS DISTRICT, AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," TO ELIMINATE THE THREE-STORY HEIGHT LIMIT FOR CB-1 ZONING DISTRICT AND TO CHANGE THE STANDARD FOR COMMERCIAL IN FIVE STORY BUILDINGS IN CB-1 DISTRICT FROM REQUIRING TWO FLOORS TO REQUIRING ONLY ONE FLOOR.

WHEREAS, activity within the downtown has decreased in recent years and a boost to the level of activity is important and whereas a sizable portion of the Central Business-1 District is now limited to three stories in height; and

WHEREAS, removing the three-story height limit is expected to provide an incentive to developers to build downtown; and

WHEREAS, requiring two floors of commercial in a five-story building may be a disincentive to development, having a mix of commercial and residential above the first floor can cause conflicts, and the most important place for commercial in a downtown is on the first floor; and

WHEREAS, it is desirable to support the downtown by having more residents living in close proximity to the downtown; and

WHEREAS, there is a recognized housing crisis in New Hampshire and in the Seacoast Region and Durham acknowledges the need to accommodate more housing opportunities; and

WHEREAS, the Durham Downtown Zoning Subcommittee and the Durham Housing Task Force developed this proposed zoning amendment for the purpose of strengthening the downtown and enhancing housing opportunities; and

WHEREAS, the chair of the Housing Task Force presented this zoning amendment along with three other initiatives to the Town Council on March 3 and March 17, 2025; and

WHEREAS, the Town Council voted to initiate this zoning amendment on March 17, 2025; and

WHEREAS, the Planning Board held a public hearing on this amendment on May 28, 2025 and voted unanimously to support the amendment; and

WHEREAS, the Town Council held a public hearing on this amendment and supports it as offering a boost to much needed new housing and development in the downtown;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2025-08** Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business District, and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," to eliminate the three-story height limit for CB-1 Zoning District and to change the standard for commercial in five story buildings in CB-1 District from requiring two floors to requiring only one floor.

Proposed additions to existing text are shown like this.

Proposed deletions of existing text are shown like this.

❖ **175-42. Central Business-1 District (CB-1) and Central Business-2 District (CB-2)**

A. Central Business-1 District (CB-1) and Central Business-2 District (CB-2).

Central Business-1 District and Central Business-2 District are two separate zoning districts. However, all of the provisions in this ordinance referred to as "Central Business District(s)" apply to both Central Business-1 District and Central Business-2 District except where otherwise stated.

B. Purpose of the Central Business District. The purpose of the Central Business District is to maintain the mixed-use, pedestrian-oriented character of the downtown area while accommodating new development, redevelopment, and enlargement of existing buildings in a manner that maintains and enhances the small town character of the downtown. Downtown Durham should be an attractive and vibrant community and commercial center where desirable residential, retail, office, and other nonresidential growth can occur in a clean, safe, pedestrian-friendly environment. The Central Business District is intended to accommodate a range of uses in a manner that encourages fuller utilization of the limited area of Downtown through denser building construction and modified parking requirements.

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

1. Building Setback – Along the westerly side of Madbury Road from Main Street to Pettee Brook Lane, the front wall of the principal building shall be located no

closer than 15 feet to, and no farther than 20 feet from, the front property line. Along the westerly side of Madbury Road from Pettee Brook Lane to Garrison Avenue, the front wall of the principal building shall be located no closer than 20 feet to, and no farther than 30 feet from, the front property line. For corner lots, this requirement shall apply to all frontages abutting a public street. Up to 50 percent of the front façade may be recessed beyond the maximum setback distance if the space between the front wall and the front property line is used as pedestrian area in accordance with paragraph 4. below. The expansion or modification of an existing building shall be exempt from this requirement if the Planning Board finds that conformance with this requirement would not be consistent with the character of the existing building.

2. Pedestrian Area – The area directly in front of the front wall of the building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian and/or customer use of this space. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
3. Front Entrance – The front wall of the principal building shall contain a front door providing access to the building for tenants, customers, or other users of the building, unless the Planning Board determines that placement of the front door on another façade is a practical approach and the design of the front façade will engage the street in an effective and attractive manner. If the front wall of the building is located behind the front property line, a paved sidewalk or other appropriate pedestrian way shall be provided from the sidewalk to the front door. This provision shall not be interpreted to prevent the creation of other entrances to the building. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
4. Storage and Service Areas – All storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be visible from a public street. Dumpsters and storage areas shall be screened or landscaped in accordance with the provisions of Article XXII and Chapter 118, Article 3, Section 118-18 of the Solid Waste Ordinance.
5. Minimum Building Height – All new principal buildings or additions to existing principal buildings that increase the building footprint by more than 20 percent, shall have a minimum of 2 usable stories or a height equivalent of 2 stories above adjacent grade at the front wall of the building.
6. Maximum number of stories – The maximum number of permitted stories is 4 ~~except as restricted in sections 8 and 9 below~~. However, *in CB-1* the maximum number of permitted stories ~~in the remainder of the district outside of the area covered in sections 8 and 9 below~~, may be increased to 5 stories subject to all of the following provisions:

- a. Adding a story is permitted by conditional use.
- b. The provisions regarding percentage of office/retail use apply.
- c. The additional fifth story must be set back from the first floor as follows:
 - i. by at least 10 feet where any side of the building faces a public street;
and
 - ii. by at least 20 feet where any side of the building faces Main Street. *;*
and

~~iii. —by at least 25 feet where any side of the building faces an adjacent lot (not separated by a street) situated in the section of the Central Business District that is restricted to 3 stories (Section 175-42 B. 8. and 9., or as those subsections may be renumbered in the future).~~

The setback in i. and ii., above, also applies where ~~they~~ *there* may be any intervening street or road that has never been built but which appears on an approved plat or other Town plan.

- d. The Planning Board must determine that the additional story will not have an adverse impact upon the streetscape, giving particular consideration to scale and mass (See Architectural Regulations for guidance).
 - e. Building height. When an additional story is incorporated under this section the maximum building height is 60 feet.
7. Required office/retail uses for a mixed-use with residential building
- a. One-story building: A mixed-use with residential use is not allowed in a one-story building.
 - b. Two-story building: The entire first floor must be office/retail.
 - c. ~~Three- or four-story~~ *Three-, four- or five-story* building: The entire first floor must be office/retail. Alternatively, office/retail uses may be located ~~anywhere on the first, second, third, and fourth floors~~ *on any floor* provided: 1) the amount of office/retail equals or exceeds the square footage of the first floor and 2) where the building fronts on a public road, the first floor of the portion of the building facing the road must be office/retail to a depth of at least 50 feet.
 - ~~d. —Five-story building: The entire first floor must be office/retail. Also, 1 additional floor (any floor) or an area equal to the square footage of the 1/5 story must be office/retail.~~

- ~~e.~~ *d.* For a building where there are distinct sections with a different number of stories and for sites where there are multiple buildings, the required minimum overall office/retail gross square footage is determined by the sum of the minimum office/retail area required by each distinct section, or by each separate building, using the required office retail space specified above. For these sites, the disposition of office/retail and residential space on the site is flexible provided the minimum overall amount of office/retail required is included and the Planning Board determines that the configuration of the building and its uses meets the intent of this subsection 7.
- f.* *e.* Outdoor public use areas. Outdoor space on the subject property that is dedicated in perpetuity to public use may be used to meet the office/retail square footage requirement on a one-to-one basis provided that: a) the Planning Board determines that the design, location, management, and other aspects of the space will add a significant public amenity to the project; and b) the outdoor space may be used to meet a maximum of 50 percent of the overall required office/retail square footage.

~~8. ***Maximum Height of Mixed-Use Buildings, Section of Main Street***—No building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 109, Lot 104 (A-E) to the easterly boundary of the district, shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 109, Lot 104 (A-E); Tax Map 109, Lot 106; Tax Map 109, Lot 107; Tax Map 109, Lot 108; Tax Map 109, Lot 109; Tax Map 109, Lot 110; Tax Map 108, Lot 18; Tax Map 108, Lot 19; Tax Map 109, Lot 3; Tax Map 109, Lot 2; Tax Map 109, Lot 1; Tax Map 108, Lot 17; Tax Map 108, Lot 16; Tax Map 108, Lot 15; Tax Map 108, Lot 14; and Tax Map 108, Lot 13.~~

~~9. ***Maximum Height of Mixed-Use Buildings, Madbury Road***—No building in the Central Business District on any lot with frontage along Madbury Road shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 106, Lot 48; Tax Map 106, Lot 49; Tax Map 106, Lot 44; Tax Map 108, Lot 19; Tax Map 106, Lot 40; Tax Map 106, Lot 39; Tax Map 106, Lot 66; and Tax Map 108, Lot 20.~~

~~10.~~ **8.** Number of bedrooms – There shall be a maximum of 2 bedrooms in any dwelling unit within a mixed use with residential building or development.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of _____ by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk

175-54. TABLE OF DIMENSIONS.

Table 175-54, Table of Dimensions shows the dimensional requirements that apply to buildings and structures in the various zones.

TABLE 175-54 TABLE OF DIMENSIONS

STANDARD	ZONING DISTRICTS														
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	OR-Route 108 (OR)	Mixed Use and Office Res. (MUDOR)	Office, Research Light Ind. (ORLI)	Durham Business Park (DBP)	Attainable Housing Overlay District (AHOD)
Minimum Lot Size in Square Feet - Single-Family Residence (that is not part of a Conservation Subdivision) - Multi-unit Housing - Allowed Nonresidential Use - Any Other Allowed Use	20,000	40,000	150,000	150,000	NA	NA	10,000	5,000	5,000	30,000	40,000	40,000	150,000	40,000	NA
	NA	NA	NA	NA	5,000	5,000	10,000	5,000	5,000	30,000	80,000	40,000	150,000	40,000	5,000
	20,000	40,000	150,000	150,000	5,000	5,000	10,000	5,000	5,000	30,000	80,000	40,000	150,000	40,000	5,000
	20,000	40,000	150,000	150,000	5,000	5,000	10,000	5,000	5,000	30,000	80,000	40,000	150,000	40,000	5,000
Minimum Lot Area Per Dwelling Unit³ in Square Feet	20,000	40,000	150,000 ²	150,000 ²	NA	NA	3,000	4,200	4,200	4,200	4,200	40,000	150,000	20,000	4,200 (The density bonus under footnote 3 does not apply in the AHOD)
Minimum Usable Area Per Dwelling Unit in a Conservation Subdivision³ in Square Feet	20,000	40,000	150,000	150,000	1,200	1,200	3,000	4,200	4,200	4,200	4,200	40,000	150,000	NA	NA

STANDARD	ZONING DISTRICTS														
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	OR-Route 108 (OR)	Mixed Use and Office Res. (MUDOR)	Office, Research Light Ind. (ORLI)	Durham Business Park (DBP)	Attainable Housing Overlay District (AHOD)
Minimum Lot Frontage in Feet - Minor Street - Collector Street - Arterial Street	100	150	300	300	50	50	100	50	50	100	50 100 200	100 100 200	150	150	50
Minimum Front Setback in Feet - Minor Street ¹ - Collector Street - Arterial Street	30 30 40	30 30 40	30 30 40	30 30 40	None – except per Note 5	None – except per Note 5	30 30 50	15 15 15	15 15 15	30 30 50	50 50 See Note 6	30 30 100	30 30 50	30 30 50	50 50 50
Maximum Front Setback in Feet	NA	NA	NA	NA	See Note 5	See Note 5	NA	NA	25	NA	NA	NA	NA	NA	NA
Minimum Side Setback⁴ in Feet	10	20	50	50	NA	NA	15	5	10	15	25	20	20	20	25
Minimum Rear Setback⁴ in Feet	20	30	50	50	NA	NA	20	15	15	20	25	20	20	20	25
Minimum Shoreland Shore frontage in Feet	200	200	200	200											See underlying zone
Maximum Permitted Building Height in Feet	30	30	30	30	30	30	30	30	30	30	50	40	40	40	NA – See AHOD ordinance
Maximum Permitted Building Height in Feet by Special Exception in the Four Residential Zones and by Conditional Use in Other Zones.	35	35	35	35	60 See Note 7	60 See Note 7	35	35	35	35	75	50	50	50	NA – See AHOD ordinance
Maximum Impervious Surface Ratio	33%	30%	20%	20%	100%	100%	50%	80%	80%	30%	50 %	50%	50%	50%	50%

NOTES: 1. When the average front yard setback of other buildings within 300 ft. each way on the same side of a minor street is less than 30 feet, the front yard setback may be reduced to the average existing setback.

2. Any single-family lot in the R and RC Districts existing as of July 1, 2003, including lots in approved subdivisions, shall only be required to have a minimum lot area of 120,000 square feet and shall not be subject to the minimum usable area per dwelling unit requirement. Pre-existing lots with a minimum of 120,000 square feet of area shall be deemed to be conforming lots for the purpose of the minimum lot size and minimum usable area provisions but shall conform to all other current applicable standards for the district in which they are located.

3. See 175-57(A) for the special density requirements for senior housing, senior care facilities, and nursing homes.

4. See Article XX for requirements for accessory buildings.

5. Additional setback requirements for this district are provided in the Development Standards section for the zone.

6. The minimum front yard setback from Route 108 shall be 100 feet plus 2 feet for each foot of building height in excess of 25 feet.

~~7. No building along the sections of Main Street or Madbury Road delineated in Subsections 175-42(B)(8) and (9) shall exceed 35 feet in height.~~



TOWN OF DURHAM

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

AGENDA ITEM: **#14C** *TS*
DATE: June 16, 2025

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: **DISCUSSION AND POSSIBLE APPROVAL OF RELOCATION OF A PORTION OF THE EASEMENT ROW KNOWN AS STONE QUARRY DRIVE DUE TO THE RIVERWOODS PROJECT AND AUTHORIZING THE ADMINISTRATOR TO SIGN ALL ASSOCIATED DOCUMENTS.**

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

As part of the RiverWoods Durham Expansion Project, the Applicant has asked the Town to consider agreeing to relocate a portion of the ROW Easement known as Stone Quarry Drive to eliminate the hard/ninety degree turn and to create a gentler curve as shown on the attached drawing. The right of way for this road is held by the Town as an Easement rather than as fee title to the dirt, as shown in the attached Easement Deed (SCRD Book 1879, Page 135).

The Applicant and Town Staff have met several times to discuss this potential relocation; and the Applicant has previously raised this relocation as a potential element of this Project with both the Planning Board and the Conservation Commission, who were both generally supportive of the concept. The Town's Assessor has determined that, in light of the existence of the Easement and the fact that part of the land upon which the relocated ROW will be placed is owned by the Applicant, the fair market value of the area of this exchange is \$69,329.75. The Applicant has agreed to pay that amount as part of the future conditions of approval associated with any approval by the Planning Board of the necessary Site Plan for this project.

If the Council is so inclined to support this relocation, an appropriate motion to approve should include authorization of the Administrator to sign all appropriate documents to implement this relocation.

LEGAL AUTHORITY:

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

\$69,329.75

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby Approve the Relocation of a portion of the Easement ROW known as Stone Quarry Drive due to the Riverwoods Project and Authorizing the Administrator to sign all associated documents.



*TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824-2898
Tel: 603/868-8064
Fax: 603/868-8033*

June 4, 2025

**Todd Selig, Administrator
8 Newmarket Road
Durham, NH 03824**

**Re: Riverwoods Durham
14 & 20 Stone Quarry Drive (PID 209-37)
Dover Road (PID 209-33)**

**Town of Durham
100 Stone Quarry Drive (PID 209-36)
Durham, NH 03824**

Dear Mr. Selig:

Per your request, I have prepared an opinion of value regarding a potential land exchange between the Town of Durham and Riverwoods Durham. As a part of the exchange approximately 5,684 +/- square feet (0.13 acre) of the Town of Durham's right of way easement over Stone Quarry Drive will be converted into the existing Riverwoods Durham parcel 209-33. Additionally, approximately 1,359 +/- square feet (0.03 acre) of parcel 209-37, owned by Riverwoods Durham, will be converted into the Town of Durham's right of way easement over Stone Quarry Drive. Finally, 787 +/- square feet (0.02 acre) of parcel 209-36, owned by the Town of Durham, will be converted into the Town of Durham's right of way easement. For this analysis, I will focus on the 4,325 +/- square feet (0.10 acre) that will be net to Riverwoods Durham in the exchange and not the 787 +/- square feet that will be absorbed by the Town into the right of way. The intended use of the report is for negotiation purposes between Riverwoods Durham and the Town of Durham.

To provide full disclosure, as of June 2024 I have been employed by the Town of Durham as the municipal property tax assessor on a full-time basis. I have no present or prospective interest in the property that is under review and have no personal interest with respect to the parties involved.

History:

Riverwoods Durham is in the planning stages for the Phase II expansion of their continuous care facility currently located at 14 & 20 Quarry Drive. This expansion would be located on an adjacent but separate parcel of land currently listed as a Dover Road address, parcel 209-33. To facilitate the plan design, Riverwoods Durham has approached the Town to relocate the current configuration of the roadway known as Stone Quarry Drive. The Town's Department of Public Works is located at the end of Stone Quarry Drive.

The relocation/reconfiguration of the roadway will allow for the Riverwoods Durham Phase II plan to reconfigure the buildings' locations, which will lessen the encroachment into the wetlands buffer. This will allow the project to move forward with fewer variances needed from the Zoning Board of Adjustments.

During discussions with Riverwoods Durham it was discovered that the road known as Stone Quarry Drive is held by the Town of Durham in a right of way easement only. The underlying land is owned by Riverwoods Durham.

The land was surveyed by Atlas Engineering (see attached survey). As shown on the survey, the amount of land to be converted to Riverwoods Durham from the Town of Durham’s right of way easement is 5,684+/- square feet, minus the 1,359+/- square feet that will be transferred to the Town of Durham’s right of way easement from Riverwoods Durham. Total right of way conversion amount will be 4,325+/- square feet.

Methodology & Analysis:

Typically, market value is the focus of most real property appraisal assignments. To estimate market value, appraisers make certain assumptions about what constitutes the market. The current definition agreed upon by agencies that regulate financial institutions in the United States is:

The most probable price which a property should bring in a competitive and open market under all condition’s requisite to a fair sale, the buyer and seller each acting prudently and knowledgably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from buyer to seller under conditions whereby:

- 1) Buyer and seller are typically motivated.
- 2) Both parties are well informed or well advised, and act in what they consider their best interests.
- 3) A reasonable time is allowed for exposure to the open market.
- 4) Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
- 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

However, an individual owning abutting property may have a special interest or specific motivation in acquiring an abutting piece of property and is where the usefulness of our assumption of the general market breaks down. Based on the abutter’s interests or motivations, the value to an abutter may greatly exceed that in the general market.

Upon researching commercial land sales, none were found in Durham. However, several were found in abutting Towns and Cities. All sales were listed and sold on the open market and are considered to be arms-length transactions. The sales that were utilized represent those that are close to an acre in size. Due to the small size of the acquisition, these sales were determined to be the best representation for this analysis.

The following commercial land sales were analyzed, as follows:

Commercial Land Sales											
Date of Value:		6/1/2025									
Location	Sale Date	Lot Size Ac	Lot Size	Sale Price	Time in Month	Time Adj Sale Price	XS AC Value	Site Valu	\$/AC	\$/SF	
64 Concord Road, Lee NH	5/1/2023	0.63	27,442.80	\$ 150,000	25	\$ 187,500	-4440	\$ 191,940	\$ 304,667	\$ 6.99	
135 Rockingham Road, Windham NH	6/5/2023	1.18	51,400.80	\$ 350,000	23	\$ 430,500	2160	\$ 428,340	\$ 363,000	\$ 8.33	
201 Kearsarge Way, Portsmouth NH	3/28/2024	1.08	47,044.80	\$ 800,000	14	\$ 912,000	960	\$ 911,040	\$ 843,556	\$ 19.37	
00 Court Street, Dover NH	5/14/2024	1.39	60,548.40	\$ 570,000	12	\$ 638,400	4680	\$ 633,720	\$ 455,914	\$ 10.47	
28 Dover Point Road, Dover NH	10/15/2024	0.76	33,105.60	\$ 312,500	7	\$ 334,375	-2880	\$ 337,255	\$ 443,757	\$ 10.19	
455 Calef Highway, Lee NH	12/30/2024	1.42	61,855.20	\$ 192,500	5	\$ 202,125	5040	\$ 197,085	\$ 138,792	\$ 3.19	
9 Buttrick Road, Londonderry NH	5/19/2025	1.50	65,340.00	\$ 275,000	0	\$ 275,000	6000	\$ 269,000	\$ 179,333	\$ 4.12	
796 Central Avenue, Dover NH	5/22/2025	0.25	10,890.00	\$ 215,000	0	\$ 215,000	-9000	\$ 224,000	\$ 896,000	\$ 20.57	
								Average:	\$ 453,127	\$ 10.40	
Estimated Excess Acreage Value:	\$ 12,000										
Site Size:	1 acre										
Market Appreciation per Month:	1%										

As is indicated by these sales, the smaller the lot size, the more valuable it is per square foot. However, the difficulty using the sales comparison approach to establish the conversion value for the subject property is that the interests and motivations between the buyers and sellers of abutting properties may vary greatly. Conversely, the Town does not own the underlying land in fee simple, which also breaks down the sales comparison approach.

Due to the difficult nature of using the sales comparison approach, I also reviewed the current land assessed values for all three areas shown on the survey. It's important to note that only the primary acreage of each parcel was reviewed. Any excess acreage on the parcels should not be considered; this is due to the fact that the excess acreage is determined based upon factors that would not support any current or future development, in this case wetlands.

Additionally, the current land assessed values are based upon the 2023 Revaluation. Since this time, through our equalization ratio study, it has been determined that our assessed values are at 82.5% of market value. This ratio must be applied to bring assessed values to market values.

Current land assessed value analysis, as follows:

Current Land Assessed Value									
Parcel ID	Total Lot Size AC	Total Lot Size SF	Total Lot Assessed Value	Primary Acre Assessed Value	\$/AC	\$/SF	Eq. \$/AC	Eq. \$/SF	
209-33	22.50	980100.00	\$ 478,734	\$ 464,000	\$ 464,000	\$ 10.65	\$ 562,424	\$ 12.91	
209-37	11.29	491792.40	\$ 8,926,000	\$ 790,611	\$ 790,611	\$ 18.15	\$ 958,316	\$ 22.00	
209-36	10.10	439956.00	\$ 517,600	\$ 474,400	\$ 474,400	\$ 10.89	\$ 575,030	\$ 13.20	
							Average:	\$ 698,590	\$ 16.04
Primary Acre:	43,560 SF								
2024 Equalization Ratio:	82.5								
Parcel 209-33 contains current use land									

Conclusion:

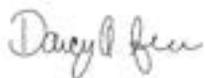
When concluding the value both the sales comparison and the current assessed values analysis were reviewed, with more weight being placed on the current assessed values, due to the specific interests of Riverwoods Durham in obtaining the abutting land. Additionally, worth noting again, the Town of Durham does not own the land in fee simple but rather holds a right of way easement over the land. The sales comparison approach resulted in a square foot value of \$10.40, while the current assessed values lend to a square foot value of \$16.04. With noting the specific interest of Riverwoods Durham a value of \$16.04/sf was utilized.

Based on this information, I estimate the market value of the subject properties to be the following as of the effective date 6/1/2025:

Estimated Market Value 4,325 sf: \$69,329.75

If you have any questions pertaining to this information, please do not hesitate to contact me.

Respectfully Submitted,



Darcy A Freer, CNHA
Durham Assessor

DRAFT

NOT FOR CONSTRUCTION

ISSUED FOR: DISCUSSION

ISSUE DATE: DECEMBER 20, 2024

REVISIONS
NO. DESCRIPTION BY DATE

0 CONCEPTUAL EBS 12/20/24

DRAWN BY: EBS

APPROVED BY: EBS

DRAWING FILE: 5440-C05.dwg

SCALE:
24" x 36" - 1" = 20'
11" x 17" - 1" = NTS

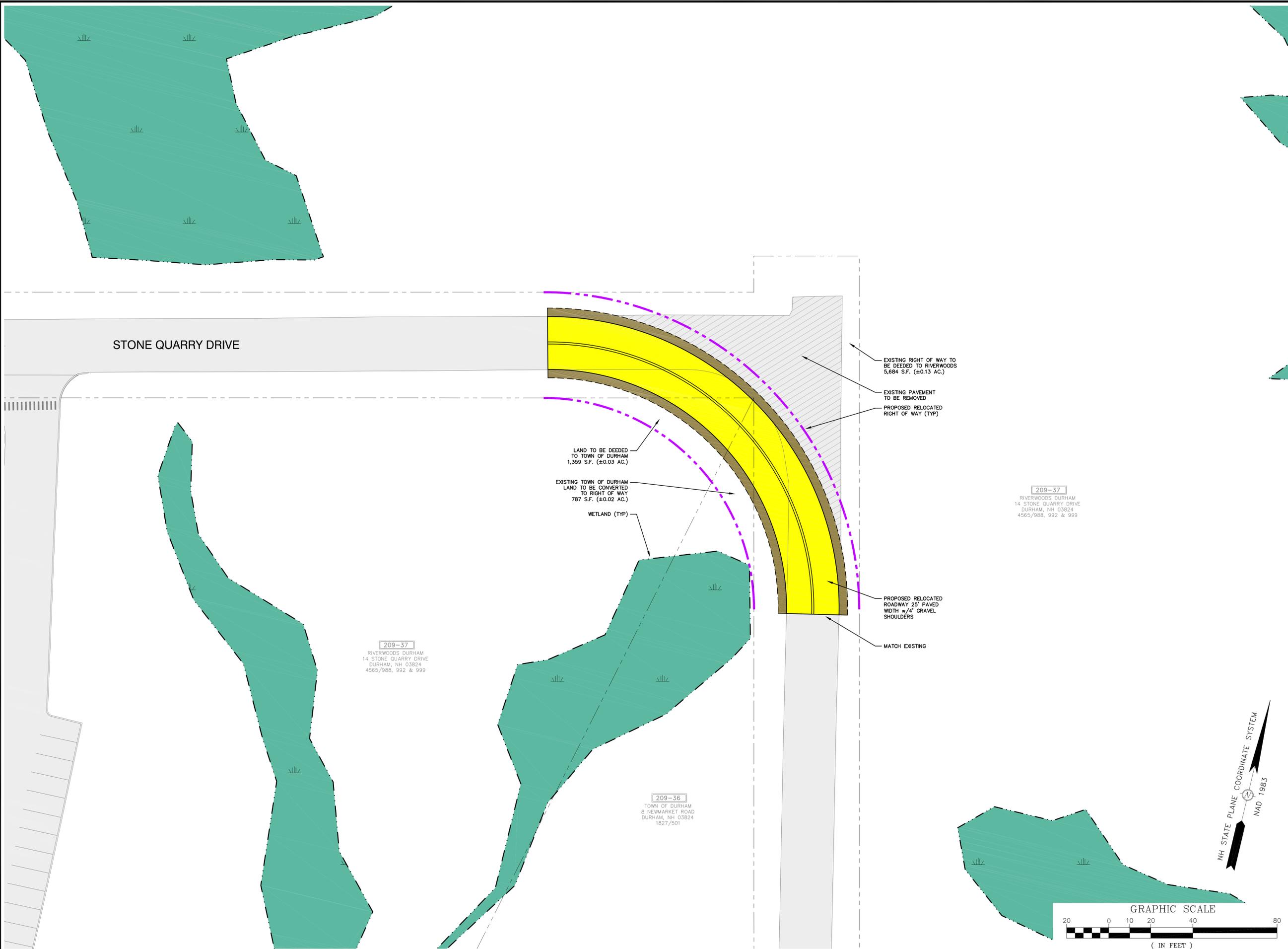
OWNER:
RIVERWOODS DURHAM
14 STONE QUARRY DRIVE
DURHAM, NH 03824

APPLICANT:
RIVERWOODS DURHAM
14 STONE QUARRY DRIVE
DURHAM, NH 03824

PROJECT:
RIVERWOODS DURHAM PHASE II
TAX MAP 209 LOT 33
STONE QUARRY DRIVE & DOVER ROAD (NH 108)
DURHAM, NH

TITLE:
ROADWAY REALIGNMENT EXHIBIT

SHEET NUMBER:
EXH-1



EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, that ~~ROCKINGHAM PROPERTIES I~~ a New Hampshire limited partnership, with an address of 68 Leonard Street, P.O. Box 432, Belmont, Massachusetts 02178, for consideration paid, grants to the TOWN OF DURHAM, a New Hampshire municipal corporation having an address at 15 Newmarket Road, Durham, County of Strafford, State of New Hampshire 03824-2898, WITH WARRANTY COVENANTS, an easement over a certain parcel of land located in the Town of Durham, County of Strafford, State of New Hampshire, located on the easterly side of Dover Road (N.H. Route 108), and being fifty (50) feet in width, and being more particularly bounded and described as follows:

Beginning at a point on the easterly side of Dover Road at a capped 5/8" re-bar, said re-bar being south 46° 48' 25" west 220.24 feet from a New Hampshire highway bound, said New Hampshire highway bound being approximately 720 feet more or less northeast of the NH Route 4 westbound off ramp; thence running through the land of grantor in a generally easterly direction along an arc of a curve to the left with a delta angle of 39° 12' 21" having a radius of 575 feet and a length of 393.46 feet to a capped 5/8" re-bar; thence turning and running south 86° 21' 15" east through land of grantor 549.26 feet to a capped 5/8" re-bar; thence turning and running north 3° 38' 45" east 17 feet through land of grantor to a capped 5/8" re-bar; thence turning and running south 86° 21' 15" east through land of the grantor 50.00 feet to a capped 5/8" re-bar; thence turning and running south 3° 38' 45" west through land of the grantor 460.79 feet to a capped 5/8" re-bar at land of the Town of Durham; (said re-bar being north 89° 22' 42" west a distance of 32.09 feet from a drill hole found in a stonewall); thence turning and running south 89° 22' 42" east 50.07 feet along land of the Town of Durham to a capped 5/8" re-bar; thence turning and running north 3° 38' 45" east 396.43 feet to a capped 5/8" re-bar; thence turning and running north 86° 21' 15" west through land of the grantor a distance of 549.26 feet to a capped 5/8" re-bar; thence continuing along an arc of a curve to the right with a delta angle of 39° 31' 22" having a radius of 625 feet and a distance of 431.13 feet to a point on the easterly side of Dover Road; thence turning and running north 46° 48' 25" east along the easterly sideline of Dover Road 50.11 feet to the point of beginning.

Meaning and intending to convey an easement fifty (50) feet in width over land acquired by Rockingham Properties I by a deed of Charlotte M. Clark, dated November 30, 1994 and recorded in the Strafford County Registry of Deeds at Book 1780, Page 450 and a deed of Dennis W. Chalmers and Elinor J. Murphy, dated November 12, 1993 and recorded in the Strafford County Registry of Deeds at Book 1709, Page 791. Said right of way being shown on a plan entitled "Base Map for the Town of Durham, N.H. Route 4, Durham, New Hampshire, dated June 22, 1996, revised as of July 26, 1996" prepared by Doucet Survey, Inc. of 80-A Main Street, Newmarket, NH 03857, to be recorded in the Strafford County Registry of Deeds.

96 AUG -2 AM 11:52
REGISTER OF DEEDS
STRAFFORD COUNTY

010595

BK 1879PG 135

EASEMENT DEED - PAGE 2

Said easement may be used for all purposes for which a roadway may be used and includes the right to pass and repass, install underground and/or overhead electric telephonic and cable tv and similar utilities, the right to install water, sewer and drainage pipes and do all other things associated with reasonable road use.

Grantor also conveys a ten (10) foot wide right of way to grantee to provide access to the Town of Durham Cemetery described in a deed to Owen V. Henderson to George S. Frost dated April 19, 1927 and recorded in the Strafford County Registry of Deeds. Said easement beginning at a point on the northerly side of the easement described above which beginning point is approximately 820 feet more or less in a straight line southeasterly/easterly from a New Hampshire highway bound located on the easterly side of NH Route 108, said New Hampshire highway bound being north 46° 48' 25" east 220.24 feet from a capped 5/8" re-bar and approximately 720 feet more or less northeast of the NH Route 4 westbound off ramp; which beginning point is on a course designated as south 86° 21' 15" east 50 feet; thence running from said beginning point in a northerly and northeasterly direction to the Cemeteries. Said right of way to the Cemeteries being shown, in part, on a plan entitled "Base Map for Town of Durham, N.H. Route 4, Durham, N.H." dated June 22, 1996 revised as of July 26, 1996, prepared by Doucet Survey, Inc., to be recorded. Said right of way to the Cemeteries may be located by mutual agreement to the parties.

The Grantor hereby certifies to the Grantee that there are no mortgages, liens, or other encumbrances on or affecting the above-described premises which could gain priority over or terminate the easement rights being deeded to the Grantee by this Easement Deed.

Signed this 27th day of July, 1996.

ROCKINGHAM PROPERTIES I, a New Hampshire limited partnership

By: ROCKINGHAM PROPERTIES MANAGEMENT, INC., Its Sole General Partner

By: Jonathan P. Schwartz, Its President -- Duly Authorized

Cheryl Lasser
Witness

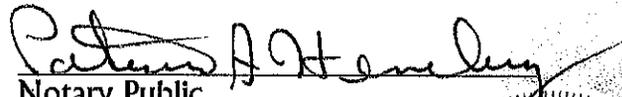
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EASEMENT DEED - PAGE 3

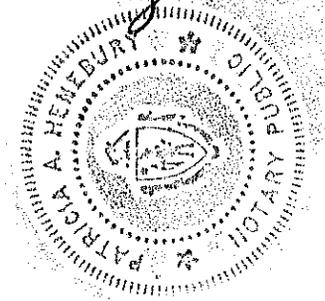
COMMONWEALTH OF MASSACHUSETTS

COUNTY OF Middlesex

On this 27 day of July, 1996, before me personally appeared Jonathan Schwartz known to me, or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same as his free act and deed for the purposes therein contained.


Notary Public

PATRICIA A. HENEBURY
Notary Public
My Commission Expires
April 12, 2002



BK 1879P00187