



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, AUGUST 4, 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 table indefinitely the Public Hearing on Ordinance #2025-09 Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," Article XXI, "Off Street Parking," Section 175-111, "General Requirements," of the Town Code to include Lodging Houses within the Zoning Ordinance?
 - B.** Shall the Town Council, upon Recommendation of the Acting Administrator, schedule a Public Hearing for Monday, September 8, 2025, on Resolution #2025-16 Authorizing the Acceptance and Expenditure of a FY 2026 New Hampshire Office of Highway Safety Grant In the Amount of \$16,795.75, From the New Hampshire Department of Safety, Office of Highway Safety for Traffic Enforcement Efforts and Traffic Speed Monitoring Equipment and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham?

- C. Shall the Town Council, Upon Recommendation of the Acting Administrator, Approve a Special Event Permit Application Submitted by Kathryn Walker, University of New Hampshire, to Close Certain Sections of Town Roads for University Day to be Held on Thursday, September 4, 2025 from 3:30-6:30 p.m. with a rain date of September 11, 2025?

IX. Committee Appointments

Shall the Town Council, upon Recommendation of the Planning Board Chair, appoint Peter Howd, 99 Durham Point Road, to an unexpired alternate membership on the Planning Board with a term expiration of April 2028?

X. Presentation Items

- A. Presentation by Gail Jablonski, Business Manager on the Quarterly Financial Report for Period Ending June 30, 2025.
- B. Presentation by Dr. Michael Ferguson and Matt Frye from UNH on the Parks & Recreation Community Needs Assessment Study looking at programming and the facilities at Jackson's Landing and Woodridge Park.

XI. Unfinished Business

Continued Public Hearing and Possible Adoption of 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," of the Town Code to eliminate the three-story height limit for portions of 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.

XII. Councilor and Town Administrator Roundtable

XIII. Approval of Minutes – July 7, 2025

XIV. New Business

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** *GJ*

DATE: August 4, 2025

COUNCIL COMMUNICATION

INITIATED BY: Joe Friedman, Chair

AGENDA ITEM: SHALL THE TOWN COUNCIL TABLE INDEFINITELY THE PUBLIC HEARING ON ORDINANCE #2025-09 AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," ARTICLE XXI, "OFF STREET PARKING," SECTION 175-111, "GENERAL REQUIREMENTS," OF THE TOWN CODE TO INCLUDE LODGING HOUSES WITHIN THE ZONING ORDINANCE?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Joe Friedman, Chair

AGENDA DESCRIPTION:

On July 21, 2025 the Town received a letter from Attorney Christopher W. Perry of the Mitchell Municipal Group reviewing Ordinance #2025-09 in light of the newly signed law House Bill #457. Due to potential conflicts between Ordinance #2025-09 and this new law, it has been suggested by the Town Attorney that the Council table indefinitely the Public Hearing, duly noticed and scheduled for this evening, on Ordinance #2025-09. If the Planning Board were to create a new Ordinance that was not in conflict with House Bill #457, a new public hearing can be noticed for a future date.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

See attached Town Attorney letter.

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council does hereby tables indefinitely the Public Hearing on Ordinance #2025-09 Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," Article XXI, "Off Street Parking," Section 175-111, "General Requirements," of the Town Code to include Lodging Houses within the Zoning Ordinance.

MITCHELL MUNICIPAL GROUP, P.A.

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LACONIA, NEW HAMPSHIRE 03246
www.mitchellmunicipalgroup.com

LAURA A. SPECTOR-MORGAN
JOSEPH H. DRISCOLL, IV
CHRISTOPHER W. PERRY

TELEPHONE (603) 524-3885

July 21, 2025

RECEIVED
Town of Durham

JUL 21 2025

Gail Jablonski, Business Manager
Town of Durham
8 Newmarket Road
Durham, New Hampshire 03824

Administration Office

Re: Proposed Lodging Houses Zoning Amendment

Dear Gail,

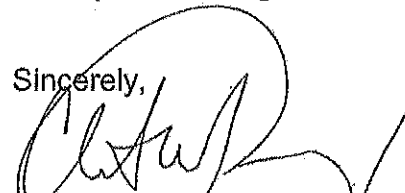
Our office has reviewed the proposed Lodging Houses Zoning Amendment. We feel it is necessary to bring to the Town's attention HB 457, which was signed by Governor Ayotte this month and will take effect later this year as RSA 674:16, VIII. This new statute prohibits an zoning ordinance "based on the familial or non-familial relationships ... among the occupants of the dwelling unit ..."

The proposed ordinance seeks to import the state fire code into the zoning context. To the extent the Town can do so, it cannot import elements that are otherwise prohibited by statute. As an example, the fire code states that a lodging house is "a building or portion thereof that does not qualify as a one- or two- family dwelling..." The fire code then states that a one- and two-family dwelling is defined, in part, as buildings in which the dwellings are "occupied by members of a single family with not more than three outsiders..." These terms will be impermissible as zoning definitions when RSA 674:16, VIII, takes effect later this year, and it will therefore be illegal to regulate the use of property based on these definitions.

As the new statute clearly states, this does not mean the Town cannot use these definitions for fire code reasons. The Town can determine that properties are, under its various life safety codes, classified differently than under its zoning ordinances. A property may be categorized as a single-family home under the zoning ordinance but a lodging house under the fire code, and the fire code may be enforced accordingly. These are separate determinations made under separate criteria.

I hope that this analysis is useful as you continues to plan for the growth and development of the Town of Durham.

Sincerely,



Christopher W. Perry, Esq.
chris@mitchellmunicipalgroup.com

CWP/

cc: Todd Selig
Michael Behrendt

ORDINANCE #2025-09 OF DURHAM, NEW HAMPSHIRE

AN ORDINANCE AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," ARTICLE XXI, "OFF STREET PARKING," SECTION 175-111, "GENERAL REQUIREMENTS," OF THE TOWN CODE TO INCLUDE LODGING HOUSES WITHIN THE ZONING ORDINANCE.

WHEREAS, It is expected that college students may become a protected class under proposed state law such that zoning for student rentals would not be allowed in Town ordinances; and

WHEREAS, There is a strong desire in the community to protect traditional residential neighborhoods where there have been significant adverse impacts from the presence of large numbers of unrelated individuals renting rooms within a dwelling unit; and

WHEREAS, The New Hampshire Fire Code defines Lodging Houses as dwellings that do not qualify as single family or two family residences and the types of potential situations with multiple unrelated individuals, or "outsiders" under the Fire Code are considered Lodging Houses; and

WHEREAS, In accordance with RSA 674:16 Grant of Power for Zoning, that Durham has the right and the responsibility to use its zoning powers to specify where particular uses - including those which may not be harmonious with each other - should be located within the town to promote health, safety, and the general welfare of the community; and

WHEREAS, The Planning Board and Town Council after much deliberation have determined that the appropriate locations for Lodging Houses are in the Professional Office, Church Hill, and Courthouse districts; and

WHEREAS, The Durham Planning Board held a public hearing and duly voted to initiate this amendment on June 25, 2025; and

WHEREAS, The Durham Town Council held a duly noticed public hearing on .

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2025-09** Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," Article XXI, "Off Street Parking," Section 175-111, "General Requirements," of the Town Code to include Lodging Houses within the Zoning Ordinance

New text to be added shown like this

~~*Existing text to be deleted shown like this*~~

➤ *Other change to be made is shown like this.*

❖ ARTICLE II - DEFINITIONS

~~**BOARDING HOUSE**—An owner-occupied residential building principally used, designed or adapted to provide living accommodations for not more than 10 occupants and having common cooking and dining facilities.~~

LODGING HOUSE/ROOMING HOUSE – A building or portion thereof that does not qualify as a one- or two-family dwelling [as defined in the New Hampshire Fire Code], that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants. (This is the current 2025 definition in the New Hampshire Fire Code, Subsection 3.3.199.17. This definition is automatically updated to match the definition in the Fire Code should that definition be amended in the future.) See definition below for "One- and Two- Family Dwelling."

ONE- AND TWO-FAMILY DWELLING – One- and two-family dwellings include buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms. (This is the current 2025 definition in the New Hampshire Fire Code, Subsection 3.3.199.25. This definition is automatically updated to match the definition in the Fire Code should that definition be amended in the future. This term applies only in reference to the definition for Lodging House/Rooming House.)

ROOMING HOUSE – See "~~Boarding~~ **Lodging/Rooming** House."

~~**STUDENT RENTAL**—A student rental is a residential dwelling composed of one or more dwelling units on a single parcel that includes five or more full-time undergraduate college students, as identified according to the criteria of the U.S. Department of Education's Office of Federal Student Aid. The threshold of five applies to the total number in dwelling units on a parcel (For example: a three-unit building with two full-time undergraduate college students in one unit and four in another would be classified as a student rental).~~

❖ ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS

175-53. Table of Land Uses.

Table 175-53, Table of Land Uses shows the uses that are allowed in the various zoning districts.

...All projects involving the construction or enlargement of a building or structure that will be used for a nonresidential use, ~~or~~ a multi-unit residence, *or a lodging house/rooming house* or that will create ~~2 or~~ more *than 2* dwelling units (not including accessory dwelling unit - detached and accessory dwelling unit - attached) or that involve the erection of a personal wireless service facility are subject to review and approval by the Planning Board in accordance with the provisions of the Site Plan Review Regulations of the Town of Durham, New Hampshire. A nonresidential use includes any use listed below as a Rural Use, an Institutional Use, a Recreational Use, a Utility and Transportation Use, or a Commercial and Industry Use.

In addition, a change in the occupancy of an existing building is also subject to Site Plan Review by the Planning Board if the change in use is:

1. from one category of nonresidential use to another category of nonresidential use;
2. from a residential use to a nonresidential use;
3. from a nonresidential use to a multi-unit residential use; or
4. from a single-family residential use to a multi-unit residential or a nonresidential use.

- *In the Table of Uses, in the four columns with the heading, “Residential Zones,” move the entire column throughout the table for Rural (R) to the right so that it is positioned after Residence C (RC). See Attached. Page 4 indicates change for Lodging Houses.*

ARTICLE XXI - OFF-STREET PARKING

175-111. General Requirements.

B. *Setbacks and placement of parking Spaces.*

1. The following setbacks apply to parking spaces and parking areas:
 - a. Front setback. Up to 3 vehicles per household are permitted in the front setback area.
 - b. Side setback. All vehicles must be set back at least 10 feet from side lot lines.
 - c. Rear setback. All vehicles must be set back from rear lot lines in accordance with the standard rear setbacks for the zoning district.
2. The parking requirements in 1, above, may be adjusted by special exception subject to:
 - a. a finding that it is not practical to restrict parking to the areas and setbacks specified;
 - b. a finding that allowing the parking to be situated as proposed will not have an adverse impact upon abutting properties nor upon the character of the streetscape; and
 - c. a finding that the proposed parking spaces will serve on-site dwelling units only.
3. For all uses other than single-family and duplex residences, in the Residence A, ~~and~~ Residence B, *Residence C and Rural* Districts no parking areas shall be permitted in the front court except as part of site plan or conditional use review with a finding by the Planning Board that it is not practical to place parking to the side or rear of the building.

4. For all uses other than single-family and duplex residences in all Commercial Core Districts, except the Central Business District, and in all Research-Industry Districts, no parking areas shall be located in the front court except as part of site plan or conditional use review with a finding by the Planning Board that it is not practical to place parking to the side or rear of the building.
5. For all uses, in the Central Business District no parking areas shall be located in the front court.

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-Tax Collector

CATEGORY OF USES	RESIDENTIAL ZONES					COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business (CB-1 and CB-2) See Note 4	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	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	CU	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	P	X	X	X	X	P	P	P	P	P
Bees, keeping of	P	X	X	SE	P	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	SE	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	P²	X	X	X	P ²	X	X	X	X	X	P ²	P ²	P ²	P ²
Goats and sheep, keeping of	P²	X	X	SE ²	P ²	X	X	X	X	P ²	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)	Rural (R)	Central Business (CB-1 and CB-2) See Note 4	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	Durham Business Park (DBP)
Horses, keeping of	P²	X	X	SE ²	P ²	X	X	X	X	P ²	P ²	P ²	P ²	P ²
Kennel	CU	X	X	CU	CU	X	X	X	X	X	CU	X	CU	X
Livestock – large, keeping of	P ²	X	X	SE ²	P ²	X	X	X	X	P ²	P ²	P ²	P ²	P ²
Poultry, keeping of	P ²	X	X	SE ²	P ²	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	CUA	X	X	X	X	X	P	P	P	P
Swine, keeping of	CU²	X	X	CU ²	CU ²	X	X	X	X	CU ²	CU ²	CU ²	CU ²	CU ²
Temporary sawmill (See Article XX)	P	P	P	P	P	X	X	X	X	X	P	P	P	P

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	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business (CB-1 and CB-2) See Note 4	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	Durham Business Park (DBP)
Uses Accessory to Residential Uses														
Aquaculture	P	P	P	P	P	X	X	X	X	P	P	P	P	P
Bees, keeping of	P	P	P	P	P	X	P	P	P	P	P	P	P	P
Chickens and Turkeys, keeping of	P	P	P	P	P	X	X	X	X	P	P	P	P	X
Goats and Sheep, keeping of	P	P	P	P	P	X	X	X	X	P	P	P	P	X
Horses, keeping of	P²	P ²	P ²	P ²	P ²	X	X	X	X	P ²	P ²	P ²	P ²	P ²
Livestock – large, keeping of	P²	P ²	P ²	P ²	P ²	X	X	X	X	X	P ²	P ²	P ²	X
Rabbits, keeping of	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swine, keeping of	P²	P ²	P ²	P ²	P ²	X	X	X	X	X	P ²	P ²	P ²	X
Uses Accessory to Farms														
Farmstand	P	X	X	P	P	P	X	X	P	P	P	P	P	X
III. RESIDENTIAL USES														
Principal Uses														

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Manufactured Housing	P	X	X	X	P	X	X	X	X	X	X	X	X	X
Nursing Home	X	X	X	X	X	X	X	P	P	P	P	P	P	CU
Porkchop Subdivision (See Article XX)	P	X	X	P	P	X	X	X	X	X	X	X	X	X
Residence, single-family	P	P	P	P	P	X	P	P	X	X	X	CU	CU	X
Residence, duplex	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Residence, multi-unit	X	X	X	X	X	X	CU A	X	X	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	P	X	X	P	X	P	CU	CU	CU	CU
Senior housing, duplex	P	P	P	P	P	X	X	P	X	CU	CU	CU	CU	CU
Senior housing, multi-unit	P	P	P	P	P	CU	P	P	P	CU	CU	P	CU	CU
Senior Care facility	P	X	CU	P	P	X	X	P	P	P	P	P	P	P
Student Rental	X	X	X	X	X	P	P	P	P	X	X	X	X	X
Lodging House/Rooming House		X	X	X	X	X	P	P	P	X	X	X	X	X

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Uses Accessory To Any Residential Use														
Accessory structure	P	P	P	P	P	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	P	X	P	P	P	P	P	P	X	X
Home occupation-2	P	X	X	P	P	X	CU	CU	X	P	P	P	X	X
Uses Accessory To a Single-family Residential Use														
Accessory dwelling unit - attached (See Article XX)	P	P	P	P	P	X	P	P	X	X	X	P	P	X
Accessory dwelling unit - detached (See Article XX)	P	X	X	P	P	X	P	P	X	X	X	P	P	X
Short-term rental	SE	SE	SE	SE	SE	P	P	P	P	P	SE	SE	SE	X
IV. INSTITUTIONAL USES														
Principal Uses														
Art center	X	X	X	X	X	P	X	P	P	CU	X	X	X	X

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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	X	P	X	CU	CU	CU	X	X	X	X
Community center	X	X	X	X	X	P	P	CU	P	CU	CU	CU	CU	CU
Educational facility	X	X	X	X	X	CU	P	CU	P	X	X	CU	CU	CU
Fraternity/sorority house	X	X	X	X	X	CU	CU A	X	X	X	X	X	X	X
Hospital	X	X	X	X	X	X	X	X	X	X	X	CU	CU	X
Library	X	X	X	X	X	P	P	P	P	P	P	X	X	X
Museum	CU	X	X	CU	CU	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	CU	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	CU	X	X	X	X	CU	CU	CU	CU	CU

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Recreational playing fields, outdoor	P	P	P	P	P	X	X	X	X	CU	P	P	P	CU
VI. UTILITY & TRANSPORTATION USES														
Principal Uses														
Parking garage	X	X	X	X	X	CU	X	X	X	X	X	X	X	X
Parking lot	X	X	X	X	X	CU	X	X	CU	X	X	X	X	X
Public utility facility	CU	X	X	CU	CU	X	X	X	X	X	P	P	P	P
Personal Wireless Service Facility (See Article XVIII)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Single-family or duplex residential solar energy system – accessory use (See Article XX)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Uses:														
Multi-unit residential or nonresidential solar energy system – accessory use (See Article XX)														
• Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P
• Freestanding	P	P	P	P	P	X	P	P	P	P	P	P	P	P

CATEGORY OF USES	RESIDENTIAL ZONES					COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business (CB-1 and CB-2) See Note 4	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	Durham Business Park (DBP)
Small Group Net Metering Host- accessory use to a single-family or Duplex residence (See Article XX)														
• Building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	P
• Freestanding (The limits specified in Section 175-109 N.4.a apply)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
VII. COMMERCIAL & INDUSTRY USES														
Principal Uses														
Animal care	CU	X	X	CU	CU	X	X	X	X	X	CU	CU	CU	CU
Boatyard	X	X	X	CU	X	X	X	X	X	X	X	X	X	P
Car wash	X	X	X	X	X	X	X	X	P	X	X	X	X	X
Conference center	X	X	X	X	X	CU	P	CU	P	P	CU	X	X	CU
Financial institution	X	X	X	X	X	P	P	CUA	P	X	X	X	CU	CU
Funeral homes	X	X	X	X	X	X	P	X	P	CU	X	X	X	X
Hotel	X	X	X	X	X	P	P	CU	P	CU	CU	CU	CU	CU

[illegible]

[illegible]



TOWN OF DURHAM

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

AGENDA ITEM: **#8B** *GJ*

DATE: August 4, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Police Department

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ACTING ADMINISTRATOR, SCHEDULE A PUBLIC HEARING FOR MONDAY, SEPTEMBER 8, 2025, ON RESOLUTION #2025-16 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF A FY 2026 NEW HAMPSHIRE OFFICE OF HIGHWAY SAFETY GRANT IN THE AMOUNT OF \$16,795.75, FROM THE NEW HAMPSHIRE DEPARTMENT OF SAFETY, OFFICE OF HIGHWAY SAFETY FOR TRAFFIC ENFORCEMENT EFFORTS AND TRAFFIC SPEED MONITORING EQUIPMENT AND AUTHORIZE THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK ON BEHALF OF THE TOWN OF DURHAM?

CC PREPARED BY: John Lavoie, Captain

PRESENTED BY: John Lavoie, Captain
Rene Kelley, Chief of Police

AGENDA DESCRIPTION:

On May 21, 2025, Durham Police was notified that the Town was selected for FY 2026 New Hampshire Department of Safety - Office of Highway Safety grant funding in the amount of \$16,795.75 from the program towards enforcement of traffic laws and speed monitoring equipment to further highway safety. This grant program does require a match commitment for equipment, which can be satisfied with cash match in the amount of \$2,365.25. A match in-kind for enforcement efforts

is completed through receipts showing the purchase of a new patrol car, which is used for enforcement purposes.

The following is the current approved Scope of Work:

The Town of Durham will perform the following tasks as described in the proposal titled *Durham PD Highway Safety Grant*:

Objective 1: Speed Enforcement. Speed is a leading primary cause of fatal and serious injury crashes in the State of New Hampshire. To have the greatest impact, among other areas of enforcement, local law enforcement should utilize Speed Enforcement funding in focused efforts to enforce speed limits in areas where state and local data identifies the locations, days and times that speed violations and crashes are occurring. In four hour increments, officers will conduct speed enforcement supported by documented stops/contacts with motorists and the issuance of tickets and written warnings.

Objective 2: Driving Under the Influence (DUI) Enforcement. Impaired Driving is a leading primary cause of fatal and serious injury crashes in the State of New Hampshire. In order to have the greatest impact, local law enforcement should utilize Impaired Driving Enforcement funding in focused efforts aimed at removing the impaired driver from New Hampshire's roadways, in areas where state and local data identifies the locations, days and times that DUI related crashes and arrests are occurring. Saturation patrols in duration of no less than four (4) hours, and no more than six (6) hours will be conducted enforcing motor vehicle and traffic safety laws.

Objective 3: Distracted Driving Enforcement. Distracted Driving enforcement patrols should focus on enforcing New Hampshire's Hands-Free Electronic Device Law. Patrols should remain vigilant for any other moving violations, such as lane usage, following too closely, move over, reckless driving, which may be the result of other forms of driver distraction and potentially negligent behavior.

Objective 4: Pedestrian Bicycle Enforcement. Pedestrian/Bicycle enforcement patrols should be aimed at enforcing the state's pedestrian/bicycle laws; however, adherence to all traffic laws shall be enforced.

Objective 5: Seatbelt mobilization. This Seatbelt Mobilization coincides with the National "Click It or Ticket" campaign. In NH the purpose of this seatbelt mobilization is to enforce the Child Restraint Law for anyone under 18 years of age, as well as to educate unbelted occupants 18 years and older regarding the importance of wearing seatbelts. May 11, 2026 - May 31, 2026.

Objective 6: Impaired driving mobilization. Participation in two mobilizations.
First Mobilization: Wednesday December 10, 2025 – Thursday January 01, 2026.
Second Mobilization: Wednesday August 19, 2026 – Tuesday September 1, 2026.

Objective 7: Distracted Driving Mobilization. Participation in a mobilization
between April 6, 2026, and April 13, 2026.

Objective 8. Purchase a moveable speed sign, which is solar powered (battery
backup), and is capable of recording speed and vehicle count data.

**Objective 9: Purchase a Kustom Signals handled LiDAR (Light Detection And
Ranging) device** for speed monitoring and enforcement by officers in their patrol
cars.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Funding Source	Amount	Cash/In-Kind	Federal/Non Federal	Pending/Committed
NH Office of Highway Safety Grant	\$16,795.75	Cash	Non Federal	Committed
Durham Police Department budget	\$2,365.25	Cash	Non Federal	Committed

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby schedule a public hearing on Monday, September 8, 2025, on Resolution #2025-16 Authorizing the Acceptance and Expenditure of a FY 2026 New Hampshire Office of Highway Safety Grant in the Amount of \$16,795.75 From the New Hampshire Department of Safety – Office of Highway Safety for the enforcement of Traffic Laws and Traffic Safety Equipment and Authorizes the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.

RESOLUTION #2025-16 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF A FY 2026 NEW HAMPSHIRE DEPARTMENT OF SAFETY – OFFICE OF HIGHWAY SAFETY GRANT IN THE AMOUNT OF \$16,795.75 FROM THE NEW HAMPSHIRE DEPARTMENT OF SAFETY – OFFICE OF HIGHWAY SAFETY FOR THE ENFORCEMENT OF TRAFFIC SAFETY LAWS AND THE PURCHASE OF TRAFFIC SAFETY EQUIPMENT AND AUTHORIZING THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK ON BEHALF OF THE TOWN OF DURHAM

WHEREAS, the Town of Durham submitted a grant application titled, “Durham PD Highway Safety Grant,” to the New Hampshire Department of Safety – Office of Highway Safety as part of their project solicitation on May 20, 2025; and

WHEREAS, the Town was notified that they were selected to receive a FY 2026 New Hampshire Department of Safety – Office of Highway Safety Grant for this project in the amount of \$16,795.75; and

WHEREAS, New Hampshire Revised Statutes Annotated (RSA) 31:95-b permits municipalities to authorize acceptance and expenditure of funds from the state, federal or other governmental unit, or a private source, which becomes available during the fiscal year if they first adopt an article authorizing this authority indefinitely until specific rescission of such authority; and

WHEREAS, Resolution #99-19 adopting the provisions of RSA 31:95-b authorizing the Town Council to apply for, accept, and expend unanticipated funds from a Federal, state, or other governmental unit or a private source which becomes available during the Fiscal Year; and

WHEREAS, Council approval is required for the acceptance and expenditure of these funds; and

WHEREAS, RSA 31:95-b III(a) requires that a Public Hearing be held on unanticipated funds in excess of \$10,000; and

WHEREAS, on September 8, 2025, a duly posted and published Public Hearing was held by the Durham Town Council on the \$16,795.75 Office of Highway Safety Grant monies in accordance with RSA 31:95-b;

NOW, THEREFORE, BE IT RESOLVED, that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby approve **Resolution #2025-16** authorizing the acceptance and expenditure of a FY 2026 Office of Highway Safety Grant in the amount of \$16,795.75 and authorizes the Administrator to sign and submit appropriate paperwork on behalf of the Town of Durham.

PASSED AND ADOPTED this _____ day of _____, by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes , and 0 abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachael Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#8C**

DATE: August 4, 2025

COUNCIL COMMUNICATION

INITIATED BY: UNH Student Activities

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ACTING ADMINISTRATOR, APPROVE A SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY KATHRYN WALKER, UNIVERSITY OF NEW HAMPSHIRE, TO CLOSE CERTAIN SECTIONS OF TOWN ROADS FOR UNIVERSITY DAY TO BE HELD ON THURSDAY, SEPTEMBER 4, 2025 FROM 3:30-6:30 P.M. WITH A RAIN DATE OF SEPTEMBER 11, 2025?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

Attached is a special event/road closure permit application submitted by Kathryn Walker of UNH requesting that certain portions of town roads be closed beginning from 3:30 p.m. to 6:30 p.m. on Thursday, September 4, 2025, for University Day.

The application has been reviewed by the appropriate town departments and has been approved by them. The Durham Police Department and Public Works Department require the following:

1. UNH must provide message boards indicating detour routes. The Durham Public Works must approve the message boards. **Kathryn Walker, Assistant Director of Programming & Leadership, has confirmed that message boards will be available to direct traffic.**
2. Three detail UNH officers must be at the following locations:
 - a. Main Street at Edgewood Road
 - b. Main Street at Garrison Avenue
 - c. Edgewood Road at Strafford Avenue**Kathryn Walker, Assistant Director of Programming & Leadership, has confirmed that UNH Police Officers will be available at the requested positions.**

3. Water filled barriers must be in place to close off Main Street at Edgewood Road and Main Street at Garrison Avenue. **Shelby Hoffman, Facilities Control Manager, has confirmed that water-filled orange jersey barriers will be provided.**

LEGAL AUTHORITY:

RSA 41:11 “Regulation of Use of Highways, Etc.”, and RSA 47:17 VII “Use of Public Ways” authorize the Town Council to regulate the use of public highways.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council, upon recommendation of the Acting Administrator, does hereby approve a Special Event Permit Application Submitted by Kathryn Walker, University of New Hampshire, to close certain sections of Town Roads for University Day to be held on Thursday, September 4, 2025 from 3:30-6:30 p.m. with a rain date of September 11, 2025.



TOWN OF DURHAM

100 Stone Quarry Drive, Durham, NH 03824

TEL: (603) 868-5578

FAX: (603) 868-8063

Email: publicworks@ci.durham.nh.us

PERMIT APPLICATION

Revised: 2/18/19

TYPE OF PERMIT (Please check one):

Special Event

Road Closure Request ☒

Use of Town Property

LOCATION WHERE EVENT WILL OCCUR: ~~Durham~~ Main Street between Edgewood & Garrison

DAY & DATE OF EVENT: Thurs. Sept. 4 / Rain Sept 11

TIME(S) OF EVENT: 3:30-6:30pm

DURATION OF EVENT (Including set up and breakdown time): 10 hours

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

NAME OF EVENT: University Day 2025

PERSONAL CONTACT FOR THIS EVENT: Kiley Martel

ADDRESS: 83 Main St, Durham, NH 03824

TELEPHONE NO.:

DAY: 603-868-0063

EVENING:

EMAIL:

978-284-9361 (day of)
Kiley Martel@unh.edu

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

Annual UDay celebration. There will be amplified music from 3:00-6:30 for the event. It will take place on UNH's great lawn and Scott Hall lawn, as well as Main Street. We hope to close the road between Garrison Ave & Edgewood Rd, with detours to go around the event via Madbury Rd. Map is attached! Similar set up to last year.

ANTICIPATED NUMBER OF PARTICIPANTS:

10,000

ANTICIPATED NUMBER OF VEHICLES:

50

CERTIFICATE OF INSURANCE INFORMATION

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

Insurance Carrier:

Fred C. Church

Policy Number and Expiration Date:

126812439110/31/25

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

Kathryn Walker
Printed Name and Signature of Event Coordinator/applicant

5/13/25
Date

Printed Name and Signature of Principal/Owner/Authorizing Authority

Date

FOR OFFICIAL USE ONLY

Reviewed by DPW
Comments:

- ☒ OK w/ CONDITIONS AS DISCUSSED w/
Dep. Chief Daulton relative to VARIASK message
Banno + DETOUR sign PLACEMENT Along w/
POLICE DETAILS

Reviewed by PD
Comments:

- ☒ * Request UNH post two Durham detail officers
at the intersection of Main St./Garrison Ave
and Main St./Edgewood Rd.

Reviewed by FD
Comments:

- ☒ See attached Fire Department conditions of permit approval
* Support with police detail.

Reviewed by P&R
Comments:

☒

Approved:

☐

Todd I. Selig, Administrator

Date

John Baker

From: Rachel Gasowski
Sent: Monday, July 21, 2025 11:41 AM
To: John Baker; Brendan O'Sullivan; David Emanuel; Jack Dalton; Kelley Fowler; Richard Reine; Shannon Shaw
Subject: Re: Special Event Permit Application - University Day 2025 - 9-4-2025

OK with P&R.

Thank you,
Rachel

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

From: John Baker <jbaker@ci.durham.nh.us>
Date: Monday, July 21, 2025 at 11:33 AM
To: Brendan O'Sullivan <brendan.osullivan.dfd@unh.edu>, David Emanuel <david.emanuel@unh.edu>, Jack Dalton <jdalton@ci.durham.nh.us>, Kelley Fowler <Kelley.Fowler@unh.edu>, Rachel Gasowski <rgasowski@ci.durham.nh.us>, Richard Reine <rreine@ci.durham.nh.us>, Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: Special Event Permit Application - University Day 2025 - 9-4-2025

Good morning:
Please see attached Special Event Permit Application - University Day 2025 - 9-4-2025 (3:30pm – 6:30pm).

This event will take place on UNH's Great Lawn (T-Hall) and the Scott Hall Lawn, with a road closure on Main Street in between the two.

Also attached is a detour and road closure map supplied by applicant.

Thank you for your review and comments.

John C. Baker
Administrative Assistant at Durham Public Works
Phone: 603-868-5578
Web: www.ci.durham.nh.us/publicworks
Email: jbaker@ci.durham.nh.us
100 Stone Quarry Drive Durham, NH 03824

John Baker

From: O'Sullivan, Brendan (DFD) <brendan.osullivan.dfd@unh.edu>
Sent: Monday, July 21, 2025 12:01 PM
To: Jack Dalton; John Baker; David Emanuel; Kelley Fowler; Rachel Gasowski; Richard Reine; Shannon Shaw
Subject: RE: Special Event Permit Application - University Day 2025 - 9-4-2025

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.

Good Afternoon,
I support permit along with the idea of police officers at each end.
Thank You,
Brendan

Brendan J. O'Sullivan
Fire Marshal/ A-EMT
51 College Road
Durham NH 03824
603.833.9836
603.862.2522
Brendan.OSullivan.DFD@UNH.edu

From: Jack Dalton <jdalton@ci.durham.nh.us>
Sent: Monday, July 21, 2025 11:44 AM
To: John Baker <jbaker@ci.durham.nh.us>; O'Sullivan, Brendan (DFD) <brendan.osullivan.dfd@unh.edu>; David Emanuel <david.emanuel@unh.edu>; Kelley Fowler <Kelley.Fowler@unh.edu>; Rachel Gasowski <rgasowski@ci.durham.nh.us>; Richard Reine <rreine@ci.durham.nh.us>; Shannon Shaw <sshaw@ci.durham.nh.us>
Subject: RE: Special Event Permit Application - University Day 2025 - 9-4-2025

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

Hello,

Considering all that's going on around the country, with vehicles intentionally/unintentionally driving through large events (barricades), I would request that UNH post two Durham detail officers at the intersection of Main/Garrison and Main/Edgewood.

Jack

Deputy Chief Jack Dalton
Durham Police Department
86 Dover Road
Durham, NH 03824
603-868-2324

To: Kathryn Walker <Kathryn.Riddinger@unh.edu>

Cc: Shelby Hoffman <Shelby.Hoffman@unh.edu>; Aaron Allen <Aaron.Allen@unh.edu>; Paul Chaloux <Paul.Chaloux@unh.edu>; Steven Lee <Steven.Lee@unh.edu>; Rene Kelley <rkelley@ci.durham.nh.us>; Karen Edwards <kedwards@ci.durham.nh.us>

Subject: RE: University Day- Road Closures and Traffic Concerns

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

Thank you for the email, Kally.

The urgency on our part is presenting this plan to the Durham Town Council for approval for their meeting on Monday, August 4, 2025. The proposal will need to be submitted no later than Tuesday, July 29th.

That said, with Madbury Road being under construction and down to one lane, we will be using the alternative route of Strafford Avenue for vehicles re-routed on Garrison Avenue and Edgewood Road.

Per my meeting with Durham Public Works, we will require UNH to provide message boards, indicating the detour routes. Please make sure the message boards are sent to Durham Public Works for approval. In addition, we will require three detail officers at the following locations:

- Main Street at Edgewood Road
- Main Street at Garrison Avenue
- Edgewood Road at Strafford Avenue

As previously discussed, please have at a minimum, water filled barriers to close off Main Street at Edgewood Road and Main Street at Garrison Avenue (concrete barriers are recommended and preferred by the Durham Police).

From a police perspective, our major concern is a vehicle intentionally or unintentionally driving through a large event. I believe the above precautions will assist in keeping our community safe.

Please let me know if you have any questions.

Jack

Deputy Chief Jack Dalton
Durham Police Department
86 Dover Road
Durham, NH 03824
603-868-2324



From: Kathryn Walker <Kathryn.Riddinger@unh.edu>

Sent: Tuesday, July 22, 2025 12:01 PM

To: Jack Dalton <jdalton@ci.durham.nh.us>

Cc: Shelby Hoffman <Shelby.Hoffman@unh.edu>; Aaron Allen <Aaron.Allen@unh.edu>; Paul Chaloux <Paul.Chaloux@unh.edu>; Steven Lee <Steven.Lee@unh.edu>

Subject: University Day- Road Closures and Traffic Concerns



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#9**

DATE: August 4, 2025

COUNCIL COMMUNICATION

INITIATED BY: Peter Howd

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE PLANNING BOARD CHAIR, APPOINT PETER HOWD, 99 DURHAM POINT ROAD, TO FILL AN UNEXPIRED ALTERNATE MEMBERSHIP POSITION ON THE PLANNING BOARD WITH A TERM EXPIRATION OF APRIL 2028?

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 Peter Howd, requesting appointment as an alternate member to the Planning Board. There are currently three additional alternate vacancies on the Planning Board.

Mr. Howd has attended one meeting of the Planning Board and has spoken with Chair, Paul Rasmussen. Attached for the Council's information is Chair Rasmussen's endorsement of Mr. Howd's appointment.

Mr. Howd 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 Planning Board Chair, appoints Peter Howd, 99 Durham Point Road, to fill an unexpired Alternate Membership position on the Planning Board with a term expiration of April 2028.



Town of Durham

8 Newmarket Road
Durham, NH 03824-2898
Tel: 603/868-5571
Fax 603/868-1858
jberry@ci.durham.nh.us

Application for Board Appointment

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

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

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:

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

Name: Peter Howd

Date: 6/9/2025

Address: 99 Durham Point Road, Durham, NH 03824

E-Mail Address: peterhowd@icloud.com

Telephone: (727) 439-6517

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. Planning Board - Alternate
- 2.
- 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** NO

(Over)

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 or Michael Behrendt at mbehrendt@ci.durham.nh.us.

Short Biography for Peter Howd, PhD
99 Durham Point Road
Durham, NH 03824

After a career as an oceanographer, Peter Howd has immersed himself in two areas of community service. In the area of land use planning and policy he served on the Town of Wilton (NH) Conservation Commission, Zoning Board of Adjustment (alternate), Planning Board (alternate) and the Town's MS4 Stormwater Management Team. He also served regionally as a Wilton representative to the Souhegan River Local Advisory Committee (SoRLAC, appointed by NH-DES) and as a commissioner on the Nashua Regional Planning Commission (NRPC). His second focus is expanding science literacy through service on the Wilton Public and Gregg Free Library's Board of Trustees and state-wide as an outreach and enrichment volunteer in both the UNH STEM Docent and NH Sea Grant Marine Docent programs. He has also been serving on UNH graduate thesis committees and is currently an Affiliate Research Professor in the School of Marine Science and Ocean Engineering.

Dr. Howd received his BA from Williams College in 1979 (majors in Geology and Economics), and MS (1984) and PhD (1991) degrees in Oceanography from Oregon State University. He completed graduate minor studies in marine resource management, with an emphasis in environmental/resource economics and policy, and in physical oceanography. He has been a Research Oceanographer for the US Geological Survey and the US Army Corps of Engineers, and has been on the faculty at the Duke University Marine Laboratory in Beaufort, NC and the College of Marine Science, University of South Florida in St. Petersburg, FL. The Office of Naval Research and the U.S. Geological Survey funded the majority of his university-based research program on the physical oceanography of the inner shelf and nearshore zone (ONR), and coastal responses to storm events (USGS). He ended his scientific career as a Research Oceanographer contracted by the USGS Center for Coastal and Marine Studies in St. Petersburg, FL where his work focused on coastal responses to a series of hurricane landfalls using lidar surveys of beach/dune/island systems and on regional-scale patterns in the acceleration of sea level rise along the east coast of the US. His funded research projects have been located on the Pacific coast (HI, WA, CA), Gulf of Mexico (FL), and the Atlantic (NC, NJ and MA.)

Professionally, Dr. Howd is most proud of the contributions his former graduate students and mentees are making to our society. Among many are included Dr. Chad Nelson, CEO of the Surfrider Foundation, Dr. Rebecca Beavers, former head of Coastal Geology and Adaptation for the National Park Service, Ms. Laura Fauver, Middle School Science Teacher, and Dr. Katy Serafin, Dept. of Geography, University of Florida.

His full academic CV is available on request.

From: [paul.rasmussen](#)
To: [Karen Edwards](#)
Subject: Re: Peter Howd
Date: Tuesday, July 22, 2025 1:19:21 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.

To Town Council,
I recommend Peter Howd as an alternate to the Durham Planning Board.

Paul Rasmussen
Planning Board Chair

On Tue, Jul 22, 2025, 11:10 Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Paul,

Please email me a recommendation as to whether Peter Howd should be an alternate to the Planning Board or not. I'm assuming you have had a chance to speak with him by now and he has had a chance to attend a meeting.

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-5571

www.ci.durham.nh.us

She/her/hers



TOWN OF DURHAM

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

AGENDA ITEM: **#10A** *GJ*

DATE: August 4, 2025

COUNCIL COMMUNICATION

INITIATED BY: Gail Jablonski, Business Manager

AGENDA ITEM: QUARTERLY FINANCIAL REPORT THROUGH JUNE 30, 2025

CC PREPARED BY: Gail Jablonski, Business Manager

PRESENTED BY: Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In compliance with section 5.6 of the Durham Town Charter attached for your review and consideration is a financial report for 2025 through June 30, 2025. General Fund information is broken down by function which may be helpful for your analysis and for the purpose of discussion at the Town Council Meeting. Revenue and expense reports for all other funds are presented in summary format. You will note on the attached report the last column indicates the Percent Collected/Expended as of 06/30/24 for year-to-year comparison purposes.

LEGAL AUTHORITY:

Durham Town Charter Section 5.6

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town's expenditures as of June 30, 2025 show a total expenditure of \$12,286,621 or 54.1% of the total approved budget amount of \$22,731,901. To compare, the amount expended as of June 30, 2024 was 50.2%.

There is no abnormal activity to report in the revenue or expenditure lines.

SUGGESTED ACTION OR RECOMMENDATIONS:

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

2025 Budget/Estimated General Fund January 1 - June 30, 2025					
PROPERTY TAXES/ABATEMENTS/CREDITS	Estimated Revenue 2025	Revenues Ending 06/30/25	Revenues (Under) Over 2025	Percent Collected 06/30/25	Percent Collected 06/30/24
Property Taxes	\$11,211,371	\$5,016,380	(\$6,194,991)	44.7%	39.6%
Payment in Lieu of Taxes	\$992,850	\$0	(\$992,850)	0.0%	0.0%
Abatements	(\$485,000)	(\$78,461)	\$406,539	16.2%	26.0%
Veteran Service Credits	(\$158,000)	\$0	\$158,000	0.0%	0.0%
REVENUES	Estimated Revenue 2025	Revenues Ending 06/30/25	Revenues (Under) Over 2025	Percent Collected 06/30/25	Percent Collected 06/30/24
Interest and Penalties on Delinquent Taxes	\$40,000	\$19,369	(\$20,631)	48.4%	33.2%
Permit Fees	\$1,586,550	\$822,556	(\$763,994)	51.8%	49.1%
State/Federal Revenues	\$1,742,000	\$115,117	(\$1,626,883)	6.6%	12.9%
Intergovernmental Revenues (ORCSD-SRO)	\$102,480	\$51,242	(\$51,238)	50.0%	50.0%
UNH - Shared Services, School, Fire & Debt Service	\$2,962,395	\$1,612,059	(\$1,350,336)	54.4%	52.4%
Departmental Income	\$412,600	\$270,456	(\$142,144)	65.5%	91.6%
Fire and Police Special Details	\$138,000	\$61,647	(\$76,353)	44.7%	42.1%
Miscellaneous Revenue	\$1,086,230	\$132,317	(\$953,913)	12.2%	24.8%
Fund Balance	\$3,100,425	\$0	(\$3,100,425)	0.0%	0.0%
Total General Fund Revenues	\$11,170,680	\$3,084,763	(\$8,085,917)	27.6%	38.1%
EXPENDITURES	Council Budget 2025	Expended Through 06/30/25	Expenditures (Under) Over 2025	Percent Expended 06/30/25	Percent Expended 06/30/24
GENERAL GOVERNMENT					
Town Council	\$87,250	\$24,347	(\$62,903)	27.9%	26.7%
Town Treasurer	\$6,030	\$2,756	(\$3,274)	45.7%	46.4%
Town Administrator	\$450,500	\$202,002	(\$248,498)	44.8%	53.1%
Elections	\$14,050	\$5,580	(\$8,470)	39.7%	51.0%
Tax Collector/Town Clerk	\$311,390	\$140,515	(\$170,875)	45.1%	48.3%
Accounting	\$563,300	\$247,637	(\$315,663)	44.0%	41.7%
Assessing	\$299,175	\$115,029	(\$184,146)	38.4%	48.3%
Legal - Attorney Fees	\$80,000	\$25,135	(\$54,865)	31.4%	26.1%
Planning	\$241,900	\$105,196	(\$136,704)	43.5%	46.3%
Boards/Commissions/Committees	\$58,950	\$24,477	(\$34,473)	41.5%	44.9%
DCAT	\$161,488	\$72,855	(\$88,633)	45.1%	51.0%
GIS	\$124,410	\$54,567	(\$69,843)	43.9%	44.00%
MIS	\$598,770	\$356,807	(\$241,963)	59.6%	64.5%
Building Inspection	\$226,600	\$80,386	(\$146,214)	35.5%	45.8%
Emergency Management	\$1,000	\$0	(\$1,000)	0.0%	47.0%
Other General Government	\$372,100	\$154,065	(\$218,035)	41.4%	33.8%
General Government Total	\$3,596,913	\$1,611,354	(\$1,985,559)	44.8%	47.0%
PUBLIC SAFETY					
Police Department	\$3,898,855	\$1,772,818	(\$2,126,037)	45.5%	43.3%
Police Department Special Details	\$72,300	\$32,366	(\$39,934)	44.8%	36.0%
Fire Department	\$5,437,350	\$2,275,234	(\$3,162,116)	41.8%	45.6%
Fire Department Special Details	\$38,700	\$13,321	(\$25,379)	34.4%	54.7%
Communication Center	\$40,400	\$36,190	(\$4,210)	89.6%	71.4%
Ambulance Services	\$153,600	\$38,401	(\$115,199)	25.0%	25.0%
Public Safety Total	\$9,641,205	\$4,168,330	(\$5,472,875)	43.2%	44.4%

EXPENDITURES	Council Budget 2025	Expended Through 06/30/25	Expenditures (Under) Over 2025	Percent Expended 06/30/25	Percent Expended 06/30/24
PUBLIC WORKS					
Administration	\$429,800	\$182,479	(\$247,321)	42.5%	46.1%
Engineer	\$163,500	\$46,257	(\$117,243)	28.3%	28.8%
Stormwater Permitting	\$1,100	\$1,441	\$341	131.0%	0.0%
Town Buildings	\$351,850	\$149,636	(\$202,214)	42.5%	40.6%
Town Cemeteries & Trusted Graveyards	\$11,150	\$66	(\$11,084)	0.6%	2.9%
Wagon Hill & Parks & Grounds Maintenance	\$222,660	\$92,742	(\$129,918)	41.7%	50.6%
Equipment Maintenance	\$300,400	\$154,680	(\$145,720)	51.5%	40.1%
Roadway Maintenance	\$200,800	\$46,861	(\$153,939)	23.3%	40.1%
Drainage & Vegetation	\$147,600	\$37,593	(\$110,007)	25.5%	44.3%
Snow Removal	\$349,800	\$171,629	(\$178,171)	49.1%	50.1%
Traffic Control	\$179,100	\$72,395	(\$106,705)	40.4%	47.3%
Bridges & Dams	\$310,550	\$75,556	(\$234,994)	24.3%	36.7%
Public Works Use of Donations	\$0	\$0	\$0	0.0%	0.0%
Public Works Total	\$2,668,310	\$1,031,335	(\$1,636,975)	38.7%	42.8%
SANITATION					
Solid Waste Administration	\$244,575	\$107,048	(\$137,527)	43.8%	48.7%
Rolloff Vehicle Operation	\$76,600	\$14,218	(\$62,382)	18.6%	37.2%
Curbside Collection	\$236,400	\$102,328	(\$134,072)	43.3%	43.9%
Litter Removal	\$27,800	\$8,782	(\$19,018)	31.6%	29.4%
Recycling	\$174,800	\$54,060	(\$120,740)	30.9%	39.2%
Solid Waste Management Facility (SWMF)	\$151,000	\$71,603	(\$79,397)	47.4%	54.1%
Sanitation Total	\$911,175	\$358,039	(\$553,136)	39.3%	44.9%
HEALTH & WELFARE					
Health Inspector	\$150	\$0	(\$150)	0.0%	0.0%
Social Service Agencies	\$13,925	\$13,925	\$0	100.0%	100.0%
Direct Assistance (Welfare)	\$50,000	\$6,401	(\$43,599)	12.8%	100.3%
Health & Welfare Total	\$64,075	\$20,326	(\$43,749)	31.7%	99.9%
CULTURE & RECREATION					
Parks & Recreation Department	\$565,385	\$218,175	(\$347,210)	38.6%	49.4%
UNH Outdoor Pool and ORYA	\$0	\$0	\$0	0.0%	0.0%
Parks & Recreation Committee	\$1,500	\$0	(\$1,500)	0.0%	0.0%
Memorial Day	\$500	\$245	(\$255)	49.0%	41.4%
Conservation	\$68,150	\$20,418	(\$47,732)	30.0%	16.1%
Culture & Recreation Total	\$635,535	\$238,838	(\$396,697)	37.6%	45.0%
DEBT SERVICE					
Principal	\$1,314,480	\$1,000,340	(\$314,140)	76.1%	60.6%
Interest	\$298,300	\$262,151	(\$36,149)	87.9%	51.0%
Debt Service Charges	\$6,000	\$0	(\$6,000)	0.0%	34.0%
Debt Service Total	\$1,618,780	\$1,262,491	(\$356,289)	78.0%	58.6%
TRANSFERS					
Transfer to Library	\$635,683	\$635,683	\$0	100.0%	100.0%
Transfer to Capital Project Fund	\$2,915,225	\$2,915,225	\$0	100.0%	100.0%
Transfer to Capital Reserve Fund	\$45,000	\$45,000	\$0	100.0%	100.0%
Debt Service Total	\$3,595,908	\$3,595,908	\$0	100.0%	100.0%
TOTAL GENERAL FUND EXPENDITURES	\$22,731,901	\$12,286,621	(\$10,445,280)	54.1%	50.2%

2025 Budget/Estimated Other Funds Summary January 1 - June 30, 2025					
Water Fund	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25	Percent as of 06/30/24
Revenues	\$1,585,707	\$781,609	(\$804,098)	49.3%	49.1%
Expenses	\$1,585,707	\$605,104	(\$980,603)	38.2%	44.7%
Sewer Fund	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25	Percent as of 06/30/24
Revenues	\$3,299,084	\$1,682,573	(\$1,616,511)	51.0%	75.4%
Expenses	\$3,299,084	\$1,561,313	(\$1,737,771)	47.3%	46.2%
Parking Fund	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25	Percent as of 06/30/24
Revenues	\$448,000	\$266,655	(\$181,345)	59.5%	59.7%
Expenses	\$448,000	\$167,601	(\$280,399)	37.4%	33.1%
Depot Road Fund	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25	Percent as of 06/30/24
Revenues	\$141,000	\$27,444	(\$113,556)	19.5%	20.9%
Expenses	\$141,000	\$1,327	(\$139,673)	0.9%	2.0%
Churchill Rink Fund	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25	Percent as of 06/30/24
Revenues	\$480,000	\$199,087	(\$280,913)	41.5%	62.2%
Expenses	\$480,000	\$135,540	(\$344,460)	28.2%	39.2%
Library Fund	Estimated 2025	Ending 06/30/25	Under (Over) 2025	Percent as of 06/30/25	Percent as of 06/30/24
Revenues	\$654,933	\$635,683	(\$19,250)	97.1%	97.8%
Expenses	\$654,933	\$310,419	(\$344,514)	47.4%	47.1%



TOWN OF DURHAM

8 Newmarket Road
Durham, NH 03824
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AGENDA ITEM: **#10B**

DATE: **August 4, 2025**

COUNCIL COMMUNICATION

INITIATED BY: Rachel Gasowski, Durham Parks & Rec Director

AGENDA ITEM: PRESENTATION BY DR. MICHAEL FERGUSON & MATT FRYE FROM
UNH ON THE PARKS & RECREATION COMMUNITY NEEDS
ASSESSMENT STUDY LOOKING AT PROGRAMMING AND THE
FACILITIES AT JACKSON'S LANDING AND WOODRIDGE PARK.

CC PREPARED BY: Rachel Gasowski, Durham Parks & Rec Director

PRESENTED BY: Dr. Michael Ferguson & Matt Frye

AGENDA DESCRIPTION:

In 2023 Durham Parks & Recreation and the Parks & Recreation Committee selected UNH Applied Recreation Research Collaborative (ARRC) to complete a Community Needs Assessment and Visitor Use Management Study for the Town of Durham Parks & Recreation Department. The primary areas of focus for the study were on the current Durham parks and playgrounds: Jackson's Landing and Woodridge Park. The goals of the study were to identify the recreation facility and programs wants, needs, overall visitation, and priorities for the Durham citizens. Additionally, the study was designed to generate scientifically grounded, representative, and legally defensible data to support DPR's planning, programming, and policy development moving forward.

To assess community perceptions and needs regarding Durham's parks and recreation, a three-phase, mixed-methods research design was implemented during the summer of 2024. This approach combined qualitative and quantitative methods to capture input from current users, non-users, and potentially displaced users of Durham Parks and Recreation (DPR) facilities. The three phases included focus groups with stakeholders, a population-level survey, and an on-site QR code survey at DPR park locations. This approach was selected to ensure broad participation and collect both in-depth feedback and generalizable data.

Ultimately, this report is intended to support DPR in making informed, strategic decisions about the future of Jackson's Landing and Woodridge Park. It offers specific managerial guidance based on community input and rigorous social science methods and is intended to serve as a foundational resource in the town's development of a Parks and Playground Master Plan.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The total cost of the Community Needs Assessment and Visitor Use Management Study was \$28,559.00.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Accept presentation and hold question & answer session if desired.



TOWN OF DURHAM

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AGENDA ITEM: **#11**
DATE: August 4, 2025

COUNCIL COMMUNICATION

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

AGENDA ITEM: CONTINUED PUBLIC HEARING AND POSSIBLE ADOPTION OF 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," OF THE TOWN CODE TO ELIMINATE THE THREE-STORY HEIGHT LIMIT FOR PORTIONS OF 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.

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.

At the meeting of June 16, 2025 the Town Council scheduled a Public Hearing on this item for the meeting of Monday, July 7, 2025. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, June 26, 2025. The notice was also posted at the Town Hall and on the Town Website, as well as at the Durham Public Library and Department of Public Works.

On July 7, 2025, the Town Council held a Public Hearing and then voted to continue the Public Hearing until the August 4, 2025 meeting.

The August 4, 2025 Council packet includes images of streetscapes taken from Google Maps showing those sections of downtown streets that are presently limited to three stories. The images will help convey a sense of which sites would be most ripe for redevelopment or additional development, in general and if the three-story limit is removed.

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 #1:

The Durham Town Council does hereby CONTINUE the Public Hearing 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," of the Town Code to eliminate the three-story height limit for portions of 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.

MOTION #2:

The Durham Town Council does hereby CLOSE the Public Hearing 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," of the Town Code to eliminate the three-story height limit for portions of 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.

MOTION #3:

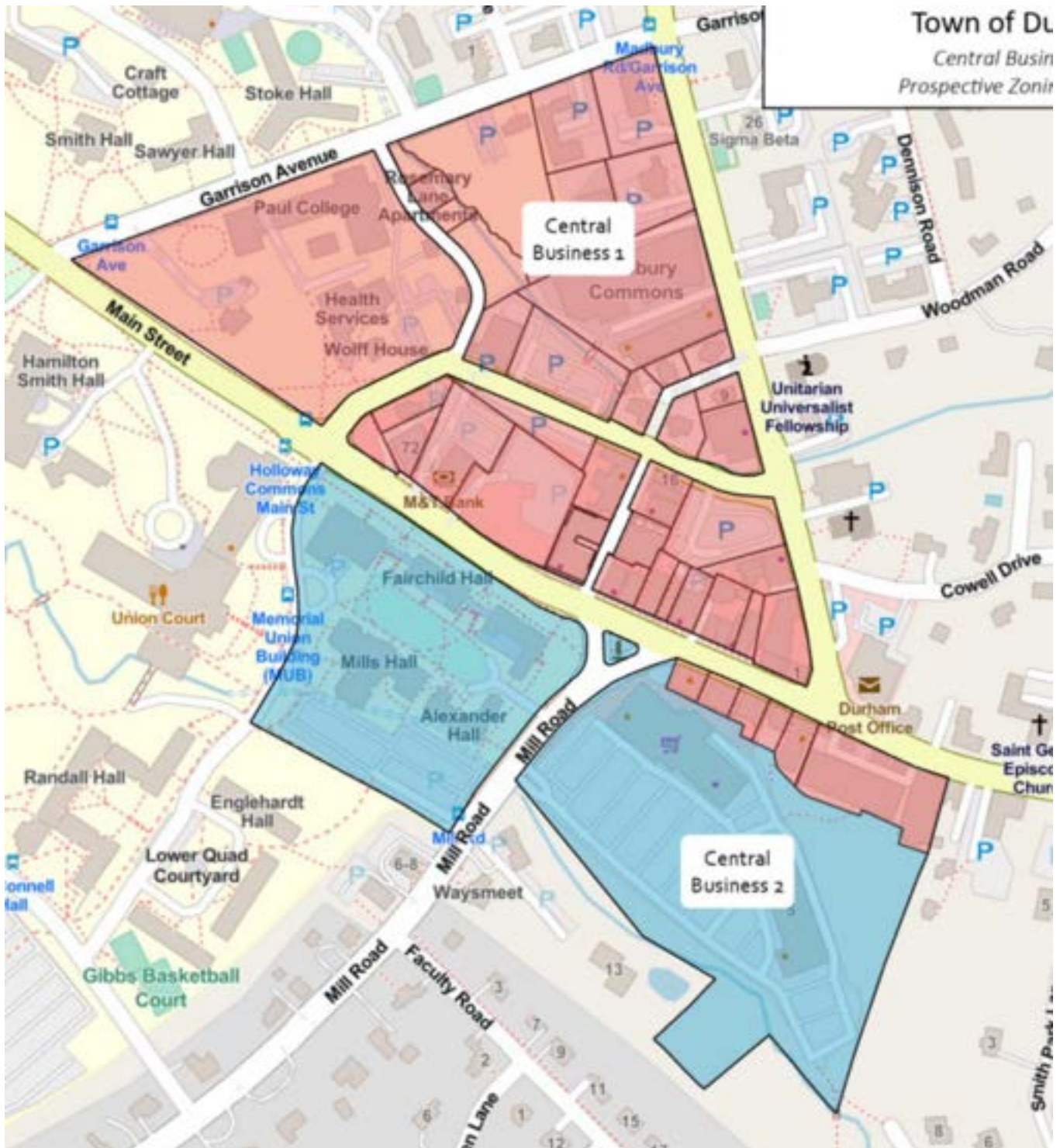
The Durham Town Council does hereby ADOPT Ordinance #2025-08 Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business District, and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to eliminate the three-story height limit for portions of 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.

OR

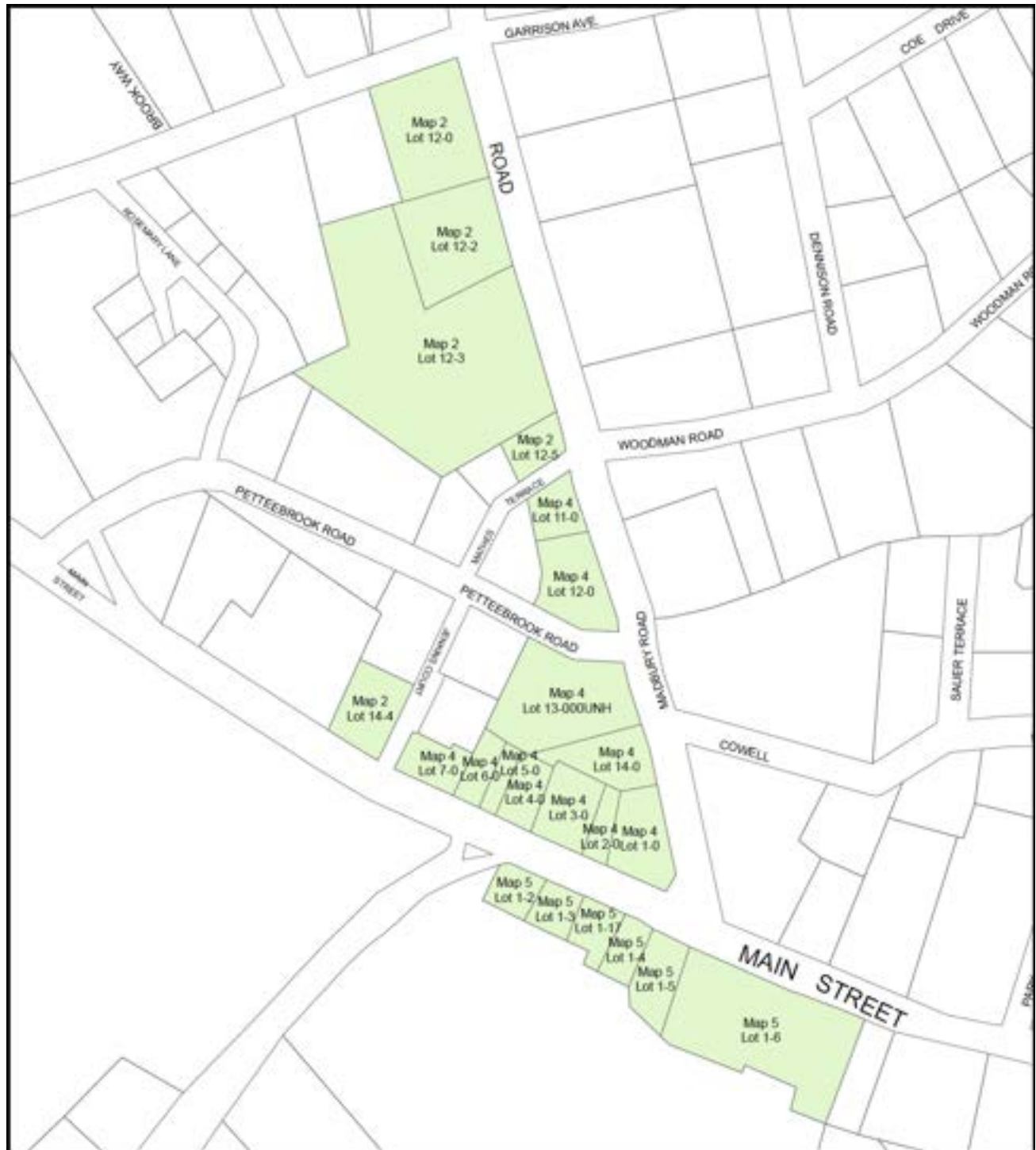
MOTION #4:

The Durham Town Council does hereby REMAND 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," of the Town Code to eliminate the three-story height limit for portions of 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 back to the Planning Board for further consideration and discussion.

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," OF THE TOWN CODE TO ELIMINATE THE THREE-STORY HEIGHT LIMIT FOR PORTIONS OF 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 14, 2025 and voted unanimously on May 28, 2025 to support the amendment; and

WHEREAS, the Town Council held duly noticed public hearings on this amendment on July 7, 2025 and August 4, 2025;

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. (ORLL)	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.~~

**PROPOSED ZONING AMENDMENT PERTAINING TO THREE-STORY LIMIT IN CENTRAL BUSINESS-1 DISTRICT
STREETSCAPES OF AREA THAT IS PRESENTLY LIMITED TO THREE STORIES**

North Side of Main Street, proceeding west to east





South Side of Main Street, proceeding west to east





West Side of Madbury Road, proceeding south to north









TOWN OF DURHAM

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AGENDA ITEM: #13
DATE: August 4, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR JULY 7, 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 July 7, 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 July 7, 2025. (as presented/as amended).