



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.

DURHAM TOWN COUNCIL
MONDAY, OCTOBER 6, 2025
DURHAM TOWN HALL – COUNCIL CHAMBERS
6:00 PM

IAW RSA 91-A:2 I: (a) Strategy or negotiations with respect to collective bargaining; and
(b) Consultation with legal counsel relative to the DPFFA, DPMMA & AFSCME Collective Bargaining Unit contracts.

NOTE: *This meeting is not open to the public.*

AGENDA
DURHAM TOWN COUNCIL
MONDAY, OCTOBER 6, 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)*

Shall the Town Council Accept the Administrator's Progress Report, as of September 30, 2025, on the list of approved 2025/2026 Town Council Goals adopted on June 16, 2025?

IX. Committee Appointments

X. Presentation Items

- A. Presentation on the opening of the Oyster River Cooperative School District 2025/26 school year – Dr. Robert Shaps, Superintendent
- B. Presentation by UNH Professor Wil Wollheim about the upper College Brook restoration project.
- C. Receive annual report on the Land Stewardship Subcommittee activities and projects – Chair Neil Slepian
- D. Receive annual report on the Integrated Waste Management Advisory Committee activities and projects – Member, Mike Pazdon

XI. Unfinished Business

- A. **Public Hearing and Possible Adoption on Resolution #2025-18** Authorizing the Acceptance and Expenditure of Funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the Mill Pond Dam Removal and Oyster River Restoration Project, In the amount of up to \$3,247,201, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.
- B. Shall the Town Council, Upon Recommendation of the Administrator, Award the Construction Contract for the Mill Pond Dam Removal and Oyster River Restoration Project to SumCo Eco-Contracting, LLC of Peabody, MA in the amount of \$3,142,193, Subject to Receiving Remaining Federal Grant Funding from NOAA, and/or Subject to Funding with a FY26 Capital Improvement Program Item, and Authorize the Administrator to Sign Associated Documents?
- C. Shall the Town Council, Upon Recommendation of the Administrator, Award the Construction Phase Engineering Services Contract for the Mill Pond Dam Removal and Oyster River Restoration Project to VHB, Inc. of Bedford, NH in the amount of \$394,950, Subject to Receiving Remaining Federal Grant Funding from NOAA, and/or Subject to Funding with a FY26 Capital Improvement Program Item, and Authorize the Administrator to Sign Associated Documents?

- D. **Presentation and Discussion** with Planner Michael Behrendt and resident Doug Bencks on the possible changes to recommend to the Planning Board on the three-story building height limitation in the Central Business-1 Zone.

XII. Councilor and Town Administrator Roundtable

XIII. Approval of Minutes – September 8, 2025 & September 15, 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: **#8**

DATE: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: SHALL THE TOWN COUNCIL ACCEPT THE ADMINISTRATOR'S PROGRESS REPORT, AS OF SEPTEMBER 30, 2025, ON THE LIST OF APPROVED 2025/26 TOWN COUNCIL GOALS ADOPTED ON JUNE 16, 2025.

CC PREPARED BY: Karen Edwards, Administrative Assistant

CC PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

On Monday, June 16, 2025, the Council adopted its goals for 2025/26. In order to measure the progress of the goals adopted by Council, the Administrator believes it is important to provide the Council with periodic status reports.

Attached for the Council's information is an updated progress report prepared by the Administrator which outlines the status of each of the goals as of September 30, 2025.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive progress report of the 2025/26 Town Council goals updated by the Administrator as of September 30, 2025.

2025/26 Town Council Goals

Approved June 16, 2025

(As of 9/30/25)

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.

IT: Currently we have final drafts of four new policies circulating for comment internally namely, Acceptable Use, Business Continuity & Disaster Recovery, Information Security, and Backup Policy. We hope to wrap that up in the next week or so and move onto adoption with a small presentation to follow. In October the IT team will be attending the NH Regional Cyber Defense Training and in early November we'll be attending the Primex Cybersecurity Summit. Both events will likely have a focus on protecting critical infrastructure from emerging threats.

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

IT: Council use of the Town's email platform remains constant and consistent. We've gone through a recent password cycling and active accounts made it through successfully (for the most part). We have not had any new requests for accounts but will soon be rolling out our *pilot* tablets which will likely trigger an uptick adoption rate. At this point, we have a limited number of licensed accounts that can be opened up to BCC chairs upon request, however under our current enterprise agreement, we must wait until March 2026 to make any new purchases against our licensed pool.

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.

Fire: The fire department has continued to meet with the Administrator and UNH Leadership to explore opportunities for both parties regarding the future of the fire department and ambulance buildings. At this time, the UNH Master Plan has identified "B-Lot" as the most desirable location for at least fire facilities, and there has been conversation about an adaptive reuse of an existing UNH building. Also noted at this time, neither the Town nor University have funding to move the project forward and are uncertain about timing.

As the timeline for moving emergency services to an alternate facility location is at best between five to ten years away, the fire department is working with designers to make needed improvements and renovations to the existing fire station within the UNH General Services Building to modify kitchen, living quarters, training, and workspaces to enable the department to function and to remain in the current location for the foreseeable future. A Capital Improvements Plan (CIP) request for funding to support this initiative has been submitted to the Administrator for consideration in the FY26 CIP.

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 and 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.

Administrator: It's going to be a very challenging upcoming budget year with a general lack of significant new taxable development in town (despite numerous efforts), the potential for loss of federal and/or state funding, three union collective bargaining contracts (firefighters, middle managers, and AFSCME/DPW) expiring December 31, 2025 and in play, a projected increase in health insurance costs of around 10%, general inflation and cost increases across the operation, UNH fiscal challenges and projected future student enrollment declines, less interest earnings on investments, requests for additional personnel across departments (two additional firefighters, an additional part-time fire admin. asst., an additional part-time accreditation manager at police, potentially contracting out solid waste/recycling collection at DPW, moving the land stewardship coordinator from part-time to full-time, etc.) and relying on the one-time use of around \$420,000 in undesignated fund balance to stabilize taxes for FY 2025 that cannot be sustained indefinitely to future budget cycles. This week the Town also received notice from SchoolCare, one of our health insurers covering two separate employee groups, that around \$30 million will need to be collected in October/November across all participating NH public employers to rebuild reserves – Durham's share of which is around \$125,000 in a year in which the Council previously paired back the Town's contingency fund from the historic \$125,000 to \$50,000 as a FY 2025 cost savings.

In terms of the General Fund operating budget alone, departmental requests have come in reflective of a \$2,280,064 increase (or 17.42%) over FY 2025. Note this is before any reductions have been made by the Administrator in what will be a long 5-weeks ahead as Mr. Selig endeavors to work with departments, boards, committees, and commissions to winnow the budget down working toward the Administrator's formal proposal to the Council by October 31.

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

Planning: The Housing Task Force has developed a set of proposed zoning amendments that would significantly increase housing opportunities, expanding the types of allowed uses and making dimensions more user friendly in various ways. The Planning Board is working on a total rewrite of the Conservation Subdivision ordinance. The current ordinance is burdensome and allows very low density.

- 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.

Administrator: Councilors Friedman and Register have been meeting with businesses that are part of the Durham Business Association to try to help support that external organization.

- D. Respond to federal or state 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.

Administrator: The Town has worked diligently to address a myriad of zoning policy initiatives at the state level that would impact Durham in various ways. Some efforts have been successful while others have not. Durham has also worked through the Human Rights Commission and Council to address a variety of issues that have trickled down in one manner or another to the Town such as Federal ICE enforcement efforts and impacts for local residents, etc.

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.

DPW: Durham Public Works continues to advance the volume based, standardized solid waste and recycling cart automated collection program for implementation in the 2026 calendar year. Recent efforts include an evaluation of an outsourced curbside collection option and receipt of an extension and G&C approval of the DERA EV grant to September 2026 allowing flexibility in our decision.

- 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.

DPW: Durham public Works has completed the 2025 sidewalk improvement program and included proposed improvements within the 2026 budget. In addition, the Phase 2 Madbury Road Complete Streets segment between Main Street and Garrison Avenue has reached substantial completion with Phase 3 between Garrison Avenue and Edgewood Road under construction with expected completion in summer of 2026. Durham Public Works was successful in their TAP application for over \$1.8 million dollars to construct the Multi-use path from Edgewood Road to beyond U.S. Route 4 to Pendexter Road. The project is now included in the State of NH's 10 Year plan currently under review by GACIT, the Governor and Legislature. Durham Public Works in partnership with Torrington Companies also completed the final installation of the Rectangular Rapid Flashing Beacons (RRFB) at Mill Road and Mill Plaza. This work took place following the completion of a Pedestrian Safety Study.

Planning: We continue to support the downtown in any ways we can, including writeups in Friday Updates, responding to concerns from individual businesses and property owners, and trying to bring in new businesses when they approach the Town. With all significant site plans, such as the proposed Riverwoods project, we push for bicycle racks inside and outside and pedestrian connections, and even better access to Wildcat Transit and the Campus Connector wherever feasible. Mr. Behrendt checks with UNH annually to make sure that the bus routes to the Lodges and the Cottages, paid for by those individual property owners, continue to meet the needs of the students who live there. Mr. Selig and Mr. Behrendt meet with the UNH Transportation Policy Committee several times a year to talk about various transportation issues on campus but also some which affect the town.

- 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 ordinances/resolutions, development, and the expansion of community gardens.

Administrator: We are looking to have the coordinator of the Wagon Hill Farm Community Gardens come to a future Council meeting to do a presentation on the Garden's success this year.

- D. Finalize the 2025–2030 Climate Action Plan working toward reduction strategies to achieve a 42.8% carbon reduction by 2030 are integrated into long-term planning. Engage committees, departments, and most importantly the broader community in implementation.

Administrator: This is nearing the final adoption stage as our UNH Sustainability Fellow works to integrate feedback received from boards and committees into the document for adoption this fall.

- 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.

Building: There have been 16 heat pump installations since April of 2025 when they started to be tracked.

Town Clerk:

Electric: 118 in 2023 to 230 in 2025

Plugin Hybrid: 59 to 105

Hybrid (Elec/Gas): 356 to 568

Fuel-efficient/alternative vehicles now make up about 8% of all registered vehicles in Durham, up from 5% in 2023. Most vehicles (80%) registered in Durham are still gas-powered.

- 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.

DPW: Durham Public Works and their consultant Streamworks, has completed the design, specifications, permitting and bid packages for the Wagon Hill Farm Phase 2 shoreline improvement project which provides:

- stabilization of the seaward edge of up to 1,470 lineal feet of existing tidal marsh
- stabilization of up to 365 lineal feet of upland slope and rebuilding tidal marsh
- installation of up to 1,185 lineal feet of walking trail and 1,800 lineal feet of adjacent fence
- installation of one trail bridge

The project is scheduled for bid advertisement on October 3rd with contract awards planned for the fall/winter 2025.

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.

HRC: The Human Rights Commission has created two flyers to be handed out to the public regarding the rights of individuals to ICE raids.

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

Business Office: We are updating policies, collective bargaining agreements and forms on an ongoing basis. Updates will be discussed relative to three CBA agreements this year as an example.

- 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.

Parks & Rec: Parks & Rec continues to hold community-based events such as Durham Day and Downtown Trick-or-Treat, as well as various individual classes for kids and adults.

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

This is being considered by Chair of the Council, Joe Friedman.

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.

Administrator: Ongoing.

- 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.

Administrator: Ongoing.

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

Administrator: Ongoing.

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.

Administrator: Discussions continue with Town of Madbury concerning the potential for shared fire services.

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

Administrator: This has been an ongoing effort in Concord relative to zoning and other legislation that could impact local communities like Durham.

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



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AGENDA ITEM: **#10A**

DATE: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Dr. Robert Shaps, Superintendent, ORCSD

AGENDA ITEM: PRESENTATION ON THE OPENING OF THE OYSTER RIVER
COOPERATIVE SCHOOL DISTRICT 2025/26 SCHOOL YEAR – DR.
ROBERT SHAPS, SUPERINTENDENT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Dr. Robert Shaps, Superintendent, ORCSD

AGENDA DESCRIPTION:

Dr. Robert Shaps, Superintendent of the Oyster River Cooperative School District, has been invited to attend Monday evening's Town Council meeting to provide Councilors with an update on the beginning of the Oyster River Cooperative School District 2025/26 school year to date.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive progress report from Superintendent Dr. Robert Shaps relative to the Oyster River Cooperative School District and hold discussion, if desired.



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AGENDA ITEM: **#10B** *TS*

DATE: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Wil Wollheim, UNH Professor

AGENDA ITEM: PRESENTATION BY UNH PROFESSOR WIL WOLLHEIM ABOUT THE
UPPER COLLEGE BROOK RESTORATION PROJECT

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Wil Wollheim, UNH Professor

AGENDA DESCRIPTION:

UNH Professor Wil Wollheim requested to speak to the Council regarding the upper College Brook restoration plan. The planning continues to move toward funding. The UNH team is waiting to hear back from Great Bay 2030 on the final approval of the planning phase of the restoration that will daylight upper College Brook and create a floodplain wetland to store floodwater, sediment in flood water, and remove nitrogen.

For the bulk of the funding for construction phase of this restoration, Durham, on UNH's behalf, is planning to submit a Congressionally Directed Spending (CDS) request to Senator Shaheens office and Congressman Pappas' office. The remainder of the funding we expect to get from NH ARM program (viewed highly favorably last year, but awaiting the official plan we will develop using GB 2030 funds).

It turns out that there is only one account for CDS requests that would apply to this request and that is the Homeland Pre-Disaster Mitigation account. Such projects must be submitted by a municipality (not UNH).

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive presentation from Professor Wil Wollheim and hold discussion, if desired.



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AGENDA ITEM: **#10C**

DATE: **October 6, 2025**

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE LAND STEWARDSHIP
SUBCOMMITTEE – NEIL SLEPIAN, CHAIR

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Neil Slepian, Chair, Land Stewardship Subcommittee

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.*

Neil Slepian has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding the Land Stewardship Subcommittee'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 Land Stewardship Subcommittee Chair, Neil Slepian, and hold question and answer session if desired.



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AGENDA ITEM: **#10D**

DATE: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Todd Selig, Administrator

AGENDA ITEM: RECEIVE ANNUAL REPORT FROM THE INTEGRATED WASTE
MANAGEMENT ADVISORY COMMITTEE – MIKE PAZDON

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Mike Pazdon, Member, Integrated Waste Management Advisory
Committee

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.*

Nell Neal has been invited to attend Monday night's Town Council meeting to provide a brief update to Council members regarding IWMAC's current activities. Member Mike Pazdon will be presenting in her place.

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 IWMAC Member, Mike Pazdon, and hold question and answer session if desired.

Highlights of IWMAC Activities in 2024-2025

- Initiated and achieved a Council resolution banning the use of Town money to buy single-use plastic water bottles for events; eliminating the purchase and distribution of single-use plastic bags and food service products and Styrofoam food containers for use by the Town of Durham and at Town-sponsored events. We also met with the Police, Fire, and Recreation Departments to encourage them to minimize using single-use plastics.
- Encouraged the Town Office to use Mr. Fox for disposal of compostable material; this is now a reality.
- Gave DPW feedback on the changes they are proposing for the solid waste disposal operations. This has changed over this calendar year and we endorse the plans that were presented to us at our September 3rd meeting.
- Attended Durham Day, Farm Day, an ORCSD community dinner, and a Riverwoods event representing IWMAC Durham.
- Continue to investigate establishing composting town-wide, including applying for grant funding. Unfortunately, we did not get an award, but the application process gave us a good handle on how to do a successful scaled-up pilot.
- Continue to print and distribute educational pamphlets on composting, bookmarks on the 3 R's, and stickers promoting Sustainable Durham. Continue to rotate signage downtown encouraging sustainable practices
- Continue to provide information weekly in Friday updates, *Did You Know*, on reduce, reuse, and recycling, including listing outlets beyond our transfer station for recycling many materials and offering tips on reducing waste in our daily activities.
- Garnered two talented and committed citizen members as regular attendees.
- Continue to engage our UNH Sustainability contacts to foster programs that students can assist with, such as the "Compost Challenge" that we hope the Council will participate in.
- Set up a transfer of school supplies and hanging file folders from the Swap Shop to the Library, where they were offered for free to the Back-to-School community.
- Set up a recycling system with the Swap Shop to return plastic plant containers to local vendors. (Interested residents picked some up too.)
- Suggested to a council member a Summit Meeting of town boards, commissions, and committees. Todd is planning such a meeting in October.



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AGENDA ITEM: **#11A**

DATE: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: PUBLIC HEARING AND POSSIBLE ADOPTION OF RESOLUTION #2025-18 AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF FUNDING FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) COMMUNITY-BASED RESTORATION PROGRAM, FOR THE MILL POND DAM REMOVAL AND OYSTER RIVER RESTORATION PROJECT IN THE AMOUNT OF UP TO \$3,247,201, AND AUTHORIZE THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK ON BEHALF OF THE TOWN OF DURHAM.

CC PREPARED BY: April Talon, Town Engineer
Richard Reine, Director of Public Works

PRESENTED BY: April Talon, Town Engineer
Richard Reine, Director of Public Works

AGENDA DESCRIPTION:

The Council has scheduled a public hearing for Monday, October 6, 2025 on a Resolution authorizing the acceptance and expenditure of funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the Mill Pond Dam Removal and River Restoration Project, in the amount of up to \$3,247,201, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham. More information about the Mill Pond Dam removal and upstream fish passage project can be found below, including the total funding requested from NOAA, goals of the project, funding amounts, and timeline.

Following the March 7, 2022 referendum vote in which there were 1706 votes in favor of dam removal and 596 votes against representing 74% in support of dam removal, Durham Public Works began investigating potential grant programs with the overall goal of securing funding to pay for a majority of the project costs.

In November 2022, Durham Public Works and the Town's consultant VHB Engineers, submitted an extensive \$3,537,201 grant application package titled, "Restoration of the Oyster River Herring Run through Removal of the Mill Pond Head-of-Tide Dam and Installation of Fish Passage on the Oyster Reservoir Dam, Durham, NH," to NOAA as part of their funding opportunity titled Restoring Fish Passage through Barrier Removal under the Infrastructure and Jobs Act (IIJA).

Major goals of the project include 1) Advance restoration efforts for diadromous fish populations by eliminating a barrier to upstream fish passage, 2) Improve the Oyster River's declining water quality and strengthen the Oyster River's natural ecosystem, 3) Increase the Oyster River's flood resilience and reduce Durham's vulnerability to the growing risk of coastal storms, 4) Increase public safety by eliminating unsafe dam infrastructure.

A head-of-tide dam, the Mill Pond Dam is the lowest barrier in the Oyster River watershed, located approximately 2.9 miles from the river's discharge into the Great Bay. Historically, the river herring returns to the Oyster River have been one of the highest yearly returns among all coastal rivers monitored by New Hampshire Fish and Game Department (NHFGD). However, the numbers of returning river herring have been declining since 1990 and are now less than 5% percent of those seen at the peak from 1990–1992. This decline is largely attributed to a decrease in water quality and water levels along the river and throughout Mill Pond, as well as impediments to downstream migration. Removing the Mill Pond Dam and installing a new fish ladder at the Oyster Reservoir Dam, the next upstream barrier, would substantially contribute to the restoration of this important fish run. Other sea-run species that could benefit from unobstructed passage include the Oyster River's declining American eel population and brook trout. Rainbow smelt, as head-of tidespawners, would also likely reap significant benefits from dam removal.

In the spring of 2023, the Town was formally notified that NOAA accepted the Town's full proposal for \$3,537,201. This grant program does not require a local match commitment. The Town Council previously accepted the first grant installment of \$290,000 for this project from NOAA via Resolution 2023-23 at the October 16, 2023 Town Council meeting. The Town has received the second grant installment of \$1,924,701 from NOAA and the remaining grant installment of \$1,322,500 is currently under a federal review process. NOAA grants management does not have a timeline of when this funding will be released.

Data collection, final design, environmental permitting, and Section 106 consultation efforts began in May 2022 and are expected to be completed by the end of 2025. The Implementation Start Date (i.e., removal of the dam and restoration of the river channel) would be fall 2025/spring 2026 (likely spring 2026), subject to available funding. Installation of the fishway at the Oyster Reservoir Dam is expected to occur in a future year subject to additional local or grant funding availability.

At the meeting of September 8, 2025 the Town Council scheduled a Public Hearing on this item for the meeting of Monday, October 6, 2025. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, September 18, 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.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town accepted the first partial grant installment of \$290,000 for this project via Resolution 2023-23 at the October 16, 2023 Town Council meeting.

The Town has received the second partial grant installment of \$1,924,701 from NOAA.

The remaining grant installment of \$1,322,500 is currently under a federal review process and NOAA grants management does not have a timeline of when the funding will be released.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1:

The Durham Town Council does hereby OPEN the Public Hearing on Resolution #2025-18 Authorizing the Acceptance and Expenditure of Funding from the National Oceanic and Atmospheric Administration Community-Based Restoration Program, for the Mill Pond Dam Removal and River Restoration Project, In the Amount of up to \$3,247,201, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.

MOTION #2:

The Durham Town Council does hereby CLOSE the Public Hearing on Resolution #2025-18 Authorizing the Acceptance and Expenditure of Funding from the National Oceanic and Atmospheric Administration Community-Based Restoration Program, for the Mill Pond Dam Removal and River Restoration Project, In the Amount of up to \$3,247,201, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.

MOTION #3:

The Durham Town Council does hereby ADOPT Resolution #2025-18 Authorizing the Acceptance and Expenditure of Funding from the National Oceanic and Atmospheric Administration Community-Based Restoration Program, for the Mill Pond Dam Removal and River Restoration Project, In the Amount of up to \$3,247,201, and Authorize the Administrator to Sign and Submit Grant Paperwork on Behalf of the Town of Durham.

RESOLUTION #2025-18 OF DURHAM, NEW HAMPSHIRE

AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF FUNDING FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) COMMUNITY-BASED RESTORATION PROGRAM, FOR THE MILL POND DAM REMOVAL AND OYSTER RIVER RESTORATION PROJECT, IN THE AMOUNT OF UP TO \$3,247,201, AND AUTHORIZE THE ADMINISTRATOR TO SIGN AND SUBMIT GRANT PAPERWORK ON BEHALF OF THE TOWN OF DURHAM

WHEREAS, on March 7, 2022, there was a referendum vote with 1706 votes in favor of dam removal and 596 votes against dam removal, representing 74% in support of dam removal; and

WHEREAS, the Town of Durham submitted an extensive \$3,537,201 grant application package titled, "Restoration of the Oyster River Herring Run through Removal of the Mill Pond Head-of-Tide Dam and Installation of Fish Passage on the Oyster Reservoir Dam, Durham, NH," to NOAA as part of their funding opportunity titled Restoring Fish Passage through Barrier Removal under the Infrastructure and Jobs Act (IIJA); and

WHEREAS, in the Spring of 2023, the Town was formally notified that NOAA accepted the Town's full project proposal in the amount of \$3,537,201; and

WHEREAS, the Town accepted the first partial grant installment of \$290,000 for this project via Resolution #2023-23 at the October 16, 2023 Town Council meeting; and

WHEREAS, the Town has received the second partial grant installment of \$1,924,701 from NOAA; and

WHEREAS, the remaining grant installment of \$1,322,500 is currently under a federal review process and NOAA grants management does not have a timeline of when the funding will be released; 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 Monday, October 6, 2025, a duly posted and published Public Hearing was held by the Durham Town Council on the \$3,247,201 NOAA 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 #2025-18** authorizing the acceptance and expenditure of funding from the National Oceanic and Atmospheric Administration (NOAA) Community-Based Restoration Program, for the Mill Pond Dam Removal and Oyster River Restoration Project, in the amount of \$3,247,201, and authorize the Administrator to sign and submit grant paperwork on behalf of the Town of Durham.

PASSED AND ADOPTED this 6th day of October, 2025, by a majority vote of the Durham Town Council with _____ affirmative votes, _____ negative votes , and _____ abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel 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: **#11B & 11C** *TS*

DATE: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Public Works Department

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE CONSTRUCTION CONTRACT FOR THE MILL POND DAM REMOVAL AND OYSTER RIVER RESTORATION PROJECT TO SUMCO ECO-CONTRACTING, LLC OF PEABODY, MA IN THE AMOUNT OF \$3,142,193, SUBJECT TO RECEIVING REMAINING FEDERAL GRANT FUNDING FROM NOAA, AND/OR SUBJECT TO APPROVAL OF A FY26 CAPITAL IMPROVEMENT PROGRAM ITEM, AND AUTHORIZE THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS?

AND

SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AWARD THE CONSTRUCTION PHASE ENGINEERING SERVICES CONTRACT FOR THE MILL POND DAM REMOVAL AND OYSTER RIVER RESTORATION PROJECT TO VHB, INC. OF BEDFORD, NH IN THE AMOUNT OF \$394,950, SUBJECT TO RECEIVING REMAINING FEDERAL GRANT FUNDING FROM NOAA, AND/OR SUBJECT TO APPROVAL OF A FY26 CAPITAL IMPROVEMENT PROGRAM ITEM, AND AUTHORIZE THE ADMINISTRATOR TO SIGN ASSOCIATED DOCUMENTS?

CC PREPARED BY: Richard Reine, Public Works Director
April Talon, P.E. Town Engineer

PRESENTED BY: Richard Reine, Public Works Director
April Talon, P.E. Town Engineer

AGENDA DESCRIPTION:

The purpose of this Council Communication is to request the Town Council's approval to award the Construction Phase Contract for the Mill Pond Dam Removal and Oyster River Restoration Project to SumCo Eco-Contracting, LLC of Peabody, MA in the amount of \$3,142,193 and secondly to award the Construction Inspection and Contract Administration contract with VHB, Inc. of Bedford, NH in the amount of \$394,950. The award of both contracts are subject to receiving remaining Federal Grant Funding from NOAA, and/or subject to funding with a FY26 Capital Improvement Program Item.

Given the complex nature of dam removal and river restoration construction, the Town's process included a pre-qualification step to ensure that only bids from well qualified contractors were considered. In March 2024 the Town issued a public notice soliciting qualifications packages from all interested contractors. The Town received prequalification statements from six contractors including AJ Coleman, Cairns, S&R Corp, Sargent, SumCo, and TFord, all based in NH, Maine, and Massachusetts. Upon reviewing those statements, the Town notified five of those contractors that they met the pre-qualification criteria and would be allowed to bid on the project. Construction bids for this project were opened at the public bid opening on June 20, 2025 at Durham Public Works Office.

Four bids were received and reviewed. A tabulation of the bids is attached. The basis for award is Total Bid (Base Bid plus Bid Alternate A). SumCo had the lowest total bid of \$3,142,193. The second lowest bid was approximately 7.8% higher and the third and fourth bids were approximately 12.2% and 46.3% higher than SumCo's bid, respectively. SumCo has successfully completed projects in Durham and VHB as well at Durham Public Works is confident that they are qualified to complete this important project for the Town.

Following the March 7, 2022 referendum vote, Durham Public Works began investigating potential grant programs with the overall goal of securing funding to pay for a majority of the project costs.

In November 2022, Durham Public Works and the Town's consultant VHB Engineers, submitted an extensive \$3,537,201 grant application package titled, "Restoration of the Oyster River Herring Run through Removal of the Mill Pond Head-of-Tide Dam and Installation of Fish Passage on the Oyster Reservoir Dam, Durham, NH," to NOAA as part of their funding opportunity titled Restoring Fish Passage through Barrier Removal under the Infrastructure and Jobs Act (IIJA).

Major goals of the project include 1) Advance restoration efforts for diadromous fish populations by eliminating a barrier to upstream fish passage, 2) Improve the Oyster River's declining water quality and strengthen the Oyster River's natural ecosystem, 3) Increase the Oyster River's flood resilience and reduce Durham's vulnerability to

the growing risk of coastal storms, 4) Increase public safety by eliminating unsafe dam infrastructure.

A head-of-tide dam, the Mill Pond Dam is the lowest barrier in the Oyster River watershed, located approximately 2.9 miles from the river's discharge into the Great Bay. Historically, the river herring returns to the Oyster River have been one of the highest yearly returns among all coastal rivers monitored by New Hampshire Fish and Game Department (NHFGD). However, the numbers of returning river herring have been declining since 1990 and are now less than 5% percent of those seen at the peak from 1990–1992. This decline is largely attributed to a decrease in water quality and water levels along the river and throughout Mill Pond, as well as impediments to downstream migration. Removing the Mill Pond Dam and installing a new fish ladder at the Oyster Reservoir Dam, the next upstream barrier, would substantially contribute to the restoration of this important fish run. Other sea-run species that could benefit from unobstructed passage include the Oyster River's declining American eel population and brook trout. Rainbow smelt, as head-of-tide spawners, would also likely reap significant benefits from dam removal.

In the spring of 2023, the Town was formally notified that NOAA accepted the Town's full proposal for \$3,537,201. This grant program does not require a local match commitment. The Town Council previously accepted the first grant installment of \$290,000 for this project from NOAA via Resolution 2023-23 at the October 16, 2023 Town Council meeting. The Town has received the second grant installment of \$1,924,701 from NOAA and the remaining grant installment of \$1,322,500 is currently under a federal review process. NOAA grants management does not have a timeline of when this funding will be released.

Data collection, final design, environmental permitting, and Section 106 consultation efforts began in May 2022. The Town received the NHDES Wetlands permit for this project on June 13, 2025 (although the permit is entitled "Partial" Wetlands Permit, there is not a separate required permit process to follow. Condition #2 requires that the town submit a final channel construction design, restoration and planting plan.). The Implementation Start Date (i.e., removal of the dam and restoration of the river channel) would be spring 2026, subject to available funding. Installation of the fishway at the Oyster Reservoir Dam is expected to occur in a future year subject to additional local or grant funding availability.

The dam removal is subject to review under Section 106 of the National Historic Preservation Act, which requires the federal agencies leading the project to identify and evaluate the impacts the project may have on historic and archaeological resources. Section 106 is a four step consultation processes, and as part of that process the Town, US Army Corps of Engineers (Corps), the National Oceanic and Atmospheric Administration (NOAA), NH Division of Historical Resources (NHDHR) have been regularly meeting with a large number of "consulting parties," which include property owners, the Durham Historic District/Heritage

Commission, Durham Historic Association, Tribal representatives, conservation organizations, and others with an interest in historic resources. The agencies and consulting parties have worked through the first three steps, identifying the historic and archaeological resources through research and surveys and assessing the adverse effects that would be caused by the dam's removal. A consulting party meeting was held on March 26, 2024 where the Town, agencies, and consulting parties developed a mitigation package to offset the adverse effect caused by the project. These mitigation measures will be written into a Memorandum of Agreement to be signed by the Town, NHDHR, NOAA, and the Corps.

Current Grant Funding

In February 2023 the Town received \$284,226 in American Rescue Plan Act (ARPA) grant monies for the design and permitting of the Mill Pond Dam Removal/ River Restoration project through the New Hampshire Department of Environmental Services (NHDES) Critical Flood Infrastructure Grant (CFRING).

The Town received a NHDES Watershed Assistance Grant in the amount of \$150,000 (Resolution #2023-15)

The Town was awarded a U.S. Fish and Wildlife Service Grant in the amount of \$100,000 (Resolution#2023-24)

The Town has received a partial NOAA grant installment of \$1,924,701 from NOAA. (Pending Resolution)

The remaining grant installment of \$1,322,500 is currently under a federal review process and NOAA grants management does not have a timeline of when the funding will be released.

Under Scenario #1 below - Total grant funding received is \$3,728,199 and construction costs for SumCo and VHB are \$3,537,143, therefore Mill Pond Dam Removal project would be more than 100% federally funded.

Under Scenario #2 below - Total grant funding received is \$2,405,699 and costs are \$3,537,143, therefore Mill Pond Dam Removal project would be 68% federally funded.

If we account for necessary construction contingency and Section 106 costs (for total costs of \$4,089,256), those percentages are 91% and 59% respectively.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Both Funding scenarios below are for the total combined SumCo Contract \$3,142,193
+ VHB Contract \$394,950 = \$3,537,143 Total

Scenario 1 Below is subject to Receiving Remaining Federal Funding Amount of
\$1,322,500

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	REQUESTED	REMAINING
07-2285-801-36-000	Oyster River Dam (Mill Pond)	\$1,600,000* (Approved as Bonded FY22)	\$127,964	\$0	\$1,472,036
Acct# TBD	NOAA Grant Received	\$1,924,701 Res# 2025-18	\$0	\$1,924,701	\$0
Acct# TBD	NOAA Grant Pending	\$1,322,500 Res# 2025-18	\$0	\$1,131,444	\$191,056
Acct# TBD	NHDES Watershed Assistance Grant	\$150,000 Res#2023-15	\$0	\$150,000	\$0
Acct# TBD	USFWS	\$100,000 Res#2023-24	\$0	\$100,000	\$0
07-2185-801-36-000	ARPA Grant Funds	\$284,226 Res#2022-13	\$53,228	\$230,998	\$0
TOTAL				\$3,537,143	\$1,663,092**

**A portion of the remaining \$1,663,092 could be allocated for required Section 106 costs and construction contingency, if required.

Scenario 2 Below is Approval of a FY26 Capital Improvement Program Item
(Highlighted below) and assumes that the remaining federal funding from NOAA is
NOT Received

ACCOUNT	TITLE	BUDGETED	EXPENSED/ ENCUMBERED TO DATE	REQUESTED	REMAINING
07-2285-801-36-000	Oyster River Dam (Mill Pond)	\$1,600,000* (Approved as Bonded FY22)	\$127,964	\$1,472,036	\$0
Acct# TBD	NOAA Grant Received	\$1,924,701 Res# 2025-18	\$0	\$1,924,701	\$0
Acct# TBD	NOAA Grant Pending	\$1,322,500 Res# 2025-18	This scenario assumes that this funding is NOT received.		
Acct# TBD	NHDES Watershed Assistance Grant	\$150,000 Res#2023-15	\$0	\$150,000	\$0
Acct# TBD	USFWS	\$100,000 Res#2023-24	\$0	\$100,000	\$0

07-2185-801-36-000	ARPA Grant Funds	\$284,226 Res#2022-13	\$53,228	\$230,998	\$0
FY26 CIP **If Approved in FY26	FY26 CIP Mill Pond Dam Removal Const.	\$900,000	\$0	\$340,592	\$559,408**
TOTAL				\$3,537,143	\$559,408**

**A portion of the remaining \$559,408 could be allocated for required Section 106 costs and construction contingency, if required.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION# 1:

The Durham Town Council does hereby, upon Recommendation of the Administrator, Award the Construction Contract for the Mill Pond Dam Removal and Oyster River Restoration Project to SumCo Eco-Contracting, LLC of Peabody, MA in the amount of \$3,142,193, Subject to Receiving Remaining Federal Grant Funding from NOAA, and/or Subject to Approval of a FY26 Capital Improvement Program Item, and Authorize the Administrator to Sign Associated Documents.

MOTION 2:

The Durham Town Council does hereby, upon Recommendation of the Administrator, Award the Construction Phase Engineering Services Contract for the Mill Pond Dam Removal and Oyster River Restoration Project to VHB, Inc. of Bedford, NH in the amount of \$394,950, Subject to Receiving Remaining Federal Grant Funding from NOAA, and/or Subject to Approval of a FY26 Capital Improvement Program Item, and Authorize the Administrator to Sign Associated Documents.

Mill Pond Dam Removal Bid Form

		SR				SumCo		T Ford		Sargent	
Item #	Description	Qty	Unit	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
202.81	Site Staging - Accessory Items (Including Site Clearing)	1	U	\$ 165,000.00	\$ 165,000.00	\$ 52,792.00	\$ 52,792.00	\$ 50,000.00	\$ 50,000.00	\$ 89,000.00	\$ 89,000.00
202.82	Site Staging - Roadway Restoration	1	U	\$ 160,000.00	\$ 160,000.00	\$ 50,749.00	\$ 50,749.00	\$ 50,000.00	\$ 50,000.00	\$ 56,000.00	\$ 56,000.00
202.11	Dam Removal (Including concrete repairs and safety railing)	1	U	\$ 175,000.00	\$ 175,000.00	\$ 129,373.00	\$ 129,373.00	\$ 100,000.00	\$ 100,000.00	\$ 65,000.00	\$ 65,000.00
203.35	Sediment Excavation and Handling	1	U	\$ 450,000.00	\$ 450,000.00	\$ 328,933.00	\$ 328,933.00	\$ 1,100,000.00	\$ 1,100,000.00	\$ 440,000.00	\$ 440,000.00
203.351	Off-Site Sediment Disposal (Landfill)	5300	TN	\$ 130.00	\$ 689,000.00	\$ 59.00	\$ 312,700.00	\$ 65.00	\$ 344,500.00	\$ 157.00	\$ 832,100.00
203.352	Off-Site Sediment Disposal (unrestricted)	1350	TN	\$ 90.00	\$ 121,500.00	\$ 59.00	\$ 79,650.00	\$ 55.00	\$ 74,250.00	\$ 26.00	\$ 35,100.00
203.6	Import Common Fill	320	CY	\$ 72.00	\$ 23,040.00	\$ 73.00	\$ 23,360.00	\$ 50.00	\$ 16,000.00	\$ 65.00	\$ 20,800.00
211.11	Vibration Monitoring (Pre- and Post- construction surveys)	1	U	\$ 40,000.00	\$ 40,000.00	\$ 24,606.00	\$ 24,606.00	\$ 10,000.00	\$ 10,000.00	\$ 8,000.00	\$ 8,000.00
503.101	Cofferdams and Water Diversion (Including Dewatering and Turbidity Monitoring)	1	U	\$ 950,000.00	\$ 950,000.00	\$ 523,861.00	\$ 523,861.00	\$ 600,000.00	\$ 600,000.00	\$ 181,000.00	\$ 181,000.00
585.2	Stone Fill, Class B	110	CY	\$ 92.00	\$ 10,120.00	\$ 143.00	\$ 15,730.00	\$ 50.00	\$ 5,500.00	\$ 95.00	\$ 10,450.00
585.25	Streambed Mix	2900	CY	\$ 110.00	\$ 319,000.00	\$ 114.00	\$ 330,600.00	\$ 50.00	\$ 145,000.00	\$ 175.00	\$ 507,500.00
587.1	Keyed Stone Fill	435	CY	\$ 260.00	\$ 113,100.00	\$ 330.00	\$ 143,550.00	\$ 50.00	\$ 21,750.00	\$ 160.00	\$ 69,600.00
619	Maintenance of Traffic	1	U	\$ 57,000.00	\$ 57,000.00	\$ 76,386.00	\$ 76,386.00	\$ 25,000.00	\$ 25,000.00	\$ 49,000.00	\$ 49,000.00
641	Loam	310	CY	\$ 68.00	\$ 21,080.00	\$ 92.00	\$ 28,520.00	\$ 50.00	\$ 15,500.00	\$ 85.00	\$ 26,350.00
645.254	Coir Fiber Rolls	2300	LF	\$ 43.00	\$ 98,900.00	\$ 27.00	\$ 62,100.00	\$ 20.00	\$ 46,000.00	\$ 11.00	\$ 25,300.00
645.455	Root Wads and Log Vanes	1	U	\$ 9,500.00	\$ 9,500.00	\$ 4,189.00	\$ 4,189.00	\$ 30,000.00	\$ 30,000.00	\$ 40,000.00	\$ 40,000.00
646.51	Turf Establishment	1	U	\$ 235,000.00	\$ 235,000.00	\$ 223,750.00	\$ 223,750.00	\$ 50,000.00	\$ 50,000.00	\$ 75,000.00	\$ 75,000.00
650	Landscape Plantings	1	U	\$ 340,000.00	\$ 340,000.00	\$ 235,131.00	\$ 235,131.00	\$ 100,000.00	\$ 100,000.00	\$ 345,000.00	\$ 345,000.00
670.0491	Temporary Access Road	1	U	\$ 290,000.00	\$ 290,000.00	\$ 209,690.00	\$ 209,690.00	\$ 485,000.00	\$ 485,000.00	\$ 165,000.00	\$ 165,000.00
692.1	Mobilization and Demobilization	1	U	\$ 140,000.00	\$ 140,000.00	\$ 219,605.00	\$ 219,605.00	\$ 50,000.00	\$ 50,000.00	\$ 344,700.00	\$ 344,700.00
699	Construction Erosion and Sediment Control	1	U	\$ 130,000.00	\$ 130,000.00	\$ 44,688.00	\$ 44,688.00	\$ 50,000.00	\$ 50,000.00	\$ 65,000.00	\$ 65,000.00
692.2	Additive Bid Item: Second Mobilization and Adaptive Management	1	U	\$ 60,000.00	\$ 60,000.00	\$ 22,230.00	\$ 22,230.00	\$ 20,000.00	\$ 20,000.00	\$ 76,650.00	\$ 76,650.00
Base Bid				\$ 4,537,240.00		\$ 3,119,963.00		\$ 3,368,500.00		\$ 3,449,900.00	
Base Bid + Additive Bid Item				\$ 4,597,240.00		\$ 3,142,193.00		\$ 3,388,500.00		\$ 3,526,550.00	



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#11D** *TS*

DATE: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: PRESENTATION AND DISCUSSION WITH PLANNER MICHAEL BEHRENDT AND RESIDENT DOUG BENCKS ON THE POSSIBLE CHANGES TO RECOMMEND TO THE PLANNING BOARD ON THE THREE-STORY BUILDING HEIGHT LIMITATION IN THE CENTRAL BUSINESS-1 ZONE.

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner, and Doug Bencks, retired UNH Campus Architect

AGENDA DESCRIPTION:

Background. The Town Council initiated the original current amendment on March 17, 2025. That amendment would eliminate the current three-story restriction in a section of the Central Business - 1 District and allow the standard in the rest of the CB-1 District to apply. That standard allows four stories by right and a fifth story by conditional use. This proposal originated with the Housing Task Force.

The Planning Board held a public hearing on the proposal on May 28, 2025 and voted unanimously (7-0) to support it. The amendment came back to the Town Council and numerous residents expressed their opposition. After much discussion, the Town Council referred the amendment back to the Planning Board on September 18, 2025 and then required the Town Planner, in consultation with Doug Bencks, retired UNH Campus Architect, to develop new language that could subsequently be forwarded to the Planning Board to replace the three-story limit with an allowance to build to four stories, using either a pitched roof (referred to earlier as a 3-1/2 story building) with dormers or a flat roof where the fourth story is set back from the front façade.

Doug Bencks and the Planner Micheal Behrendt prepared suggested language which is attached. Regarding the setback for a building with a flat roof, originally Mr. Bencks and Mr. Behrendt thought a 10-foot setback made the most sense because the visibility of a

building set back 10 feet and one with 45 degree gable in front would be comparable. Mr. Behrendt gave this more thought afterward and believed the 20-foot setback was better because: a) it would push back the flat roof further recognizing that a number of residents would like the flat roof to be less prominent and b) the two options should be equally attractive and Mr. Behrendt is concerned that with the complexity of the pitched roof option, developers would just choose the flat roof option. Mr. Behrendt notes that this is the only point on which Mr. Bencks and he disagree. Mr. Bencks thinks the 10-foot setback makes more sense but deferred to Mr. Behrendt on this point regarding the figure included in the proposed amendment.

Mr. Behrendt has been in contact with Beth Olshansky. Ms. Olshansky told him of her preference for a 20-foot setback, with which he agreed as noted above. She also told Mr. Behrendt that she thinks that the 35 and 45-foot height limits included are too high. Mr. Behrendt believes those limits make sense since there is variation in floor heights and the Town does not want to set a tight limit that unduly frustrates a good project or requires a variance. In Mr. Behrendt's view, the more important factor is the number of stories that is allowed. Plus, the Architectural Regulations provide over two pages about building height. If a proposed building at 45 feet seemed out of scale, the Planning Board could require adjustments.

Attachments. Provided by Doug Bencks: Renderings showing a 10-foot setback and a 20-foot setback, an analysis in the difference in possible square footage, and a map of the most developable lots,

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 review and request the Administrator send the attached recommendations (as presented or with changes) to the Planning Board and request that the Planning Board incorporate them into the existing Council-initiated Ordinance #2025-08 language for a Planning Board public hearing and subsequent recommendations by the Planning Board back to the Council.

PROPOSED ZONING AMENDMENT

Central Business - 1 District – Change three-story height limit to four stories and remove requirement for a second floor of commercial on five-story buildings

For Presentation to the Town Council – October 6, 2025

Proposed additions to existing text are shown like this.

~~*Proposed deletions of existing text are shown like this.*~~

➤ **Directions for changes to the 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. The Central Business District is separated into two zoning districts, Central Business-1 District and Central Business-2 District for the purpose of treating aspects of Central Business-2 District that vary from the character of Central Business-1 District differently, in particular the presence of large parking lots on the two sites in CB-2 and the specific character of a shopping plaza on one site and university buildings on the other. Central Business-2 District also functions as a transition zone between the traditional downtown commercial character of Central Business-1 District and the residential neighborhoods situated to the south.
- 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. *If there are any inconsistencies between this Section C and any other section of the Zoning Ordinance or the Architectural Design Standards, then the provisions of this Section C shall prevail.*
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~~ (See sections 8, 9, and 10, below). However, the maximum number of permitted stories in the ~~remainder section~~ of the district outside of the area covered in sections ~~8 and 9~~ 8, 9 and 10, below, may be increased to 5 stories subject to all of the following provisions. This allowance for a fifth story applies in the Central Business-1 District, but not in the Central Business-2 District.
 - 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 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 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. (See subsection 6., above. A fifth story is not allowed in the Central Business-2 District.)~~
 - ~~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. *Limited Height Section of CB1 - ~~Maximum Height of Mixed-Use Buildings~~*, Section of Main Street – No building in the Central Business – *1* 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~~ *4 stories (See section 10., below)*. 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.

Upon a lot identified above, a) if there is any freestanding building that is separate from, or any portion of a building whose character, mass, and façade is such that it reads as being distinctly separate from, the building or section fronting on Main Street; and b) if that freestanding building or portion of a building does not front directly on Main Street then this provision does not apply to that freestanding building or portion of the building not fronting on Main Street.

9. *Limited Height Section of CB1 - ~~Maximum Height of Mixed-Use Buildings~~*, Madbury Road – No building in the Central Business – *1* District on any lot with frontage along Madbury Road shall exceed ~~3-stories~~ *4 stories (See section 10., below)*. 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.

Upon a lot identified above, a) if there is any freestanding building that is separate from, or any portion of a building whose character, mass, and façade is such that it reads as being distinctly separate from, the building or section fronting on Madbury Road; and b) if that freestanding building or portion of a building does not front directly on Madbury Road then this provision does not apply to that freestanding building or portion of the building not fronting on Madbury Road.

10. *Maximum Number of Stories in Limited Height Section of CB1 – The maximum number of stories in the Limited Height Section of CB1 delineated in sections 8. and 9., above is 4 stories which may include a pitched roof or a flat roof as specified in subsections a. and b., below.*

For both buildings with a pitched roof and those with a flat roof, the eave height atop the third story shall not exceed 35 feet. The height of the eave of the fourth story on buildings with a flat roof and of the ridge at the top of buildings with a

pitched roof shall not exceed 45 feet. See sections in the Durham Architectural Design Standards, in the Site Plan Regulations, addressing Scale and Massing, Height, and The Roof.

- a. *Pitched Roof.* *The intention for this approach is that the space under the pitched roof is for occupation. The primary eave line is located atop the third story. The building has a gable roof with the gable either facing the front or turned 90 degrees from the front. When the gable faces the front of the building the slope of the gable may not exceed 10/12 (This limitation does not apply to dormers). When the gable is turned 90 degrees from the front (with the ridge line parallel to the front façade), the slope of the gable may not exceed 12/12. The gable may incorporate any type, number and width of dormer(s) but the dormer(s) must be set in from the eave (See exception below), ridge, and left and right edges/sloping eaves, such that the eave, ridge, and edges, are clearly visible, in order that the gable face and sloping roof are not obscured. In addition, the dormer(s) must be setback from the front façade of the building at the third floor at least 1 foot. A hipped roof, comparable in form may be used in place of a gable roof.*

The front façade of the building may extend above the eave line, (without being set back from the front façade of the building at the third floor) to the fourth floor, either as a vertical extension of the front wall from the third floor or as dormers, provided that the total/cumulative width of this section placed in line with the front façade of the building does not exceed 2/3 of the width of the façade at the third floor below.

The sides and rear of the fourth story need not be sloped but appropriate architectural devices shall be employed on both sides of the fourth floor in order that the fourth floor read as being a gable (or hipped) roof, such as with the use of a pent roof, false roof line, sloping parapet, or sloping sides (of any pitch).

- b. *Flat Roof.* *Where the building faces Main Street or Madbury Road, the fourth floor must be set back from the façade of the third floor by at least 20 feet. On a corner lot where the side of the building fronts another Town street, that side of the building shall be set back at least 10 feet from the façade of the third floor.*

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

❖ Section 175-54. Table of Dimensions.

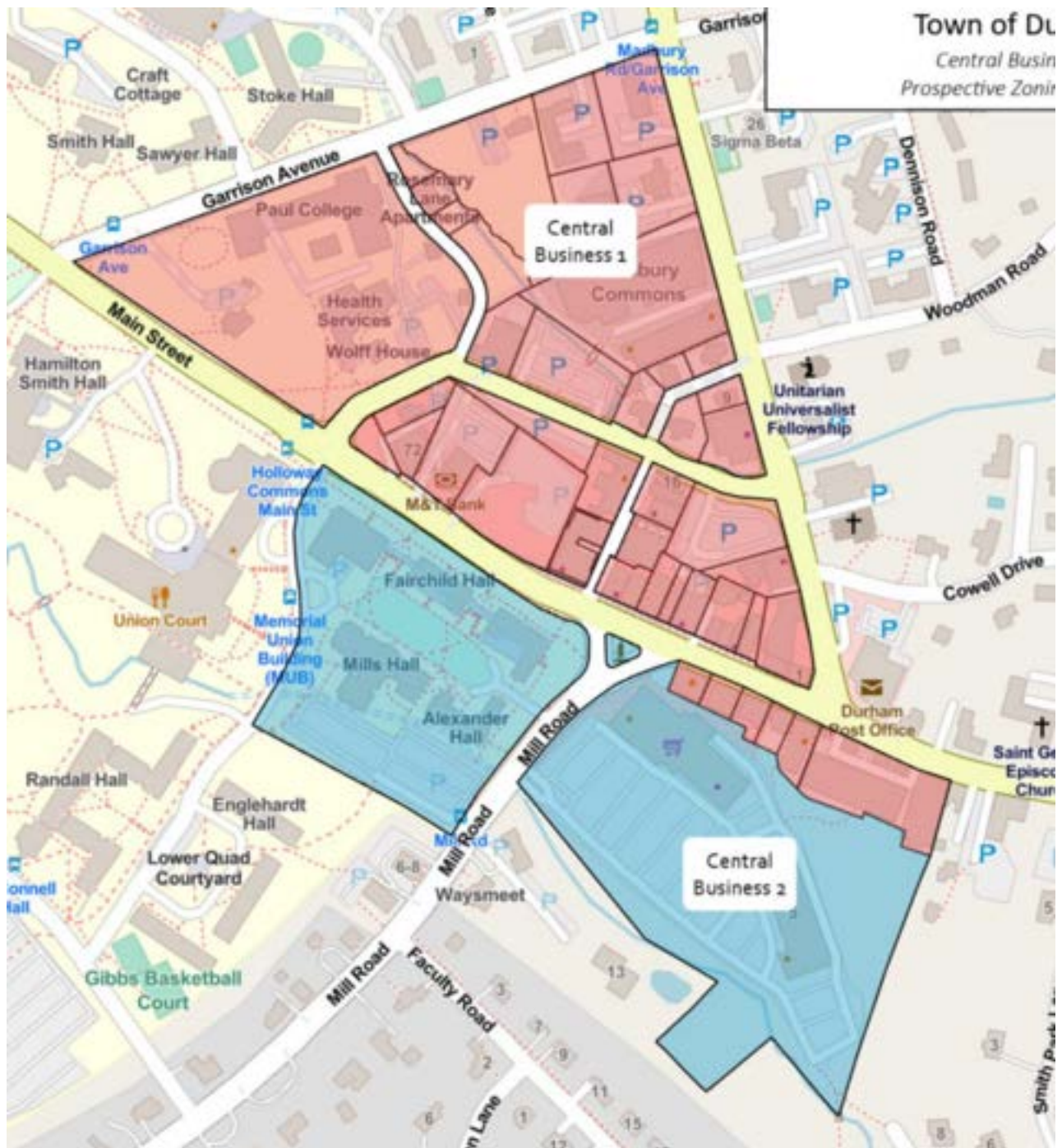
STANDARD	ZONING DISTRICTS														
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	OR, Route 108 (OR)	Mixed Use and Office Res. (MUDOR)	Office, Research Light Ind. (ORLL)	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	NA See Note 5	NA	NA	25	NA	NA	NA	NA	NA	NA
Minimum Side Setback ² in Feet	10	20	50	50	NA	NA	15	5	10	15	25	20	20	20	25
Minimum Rear Setback ² 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 43 See Note 7	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%

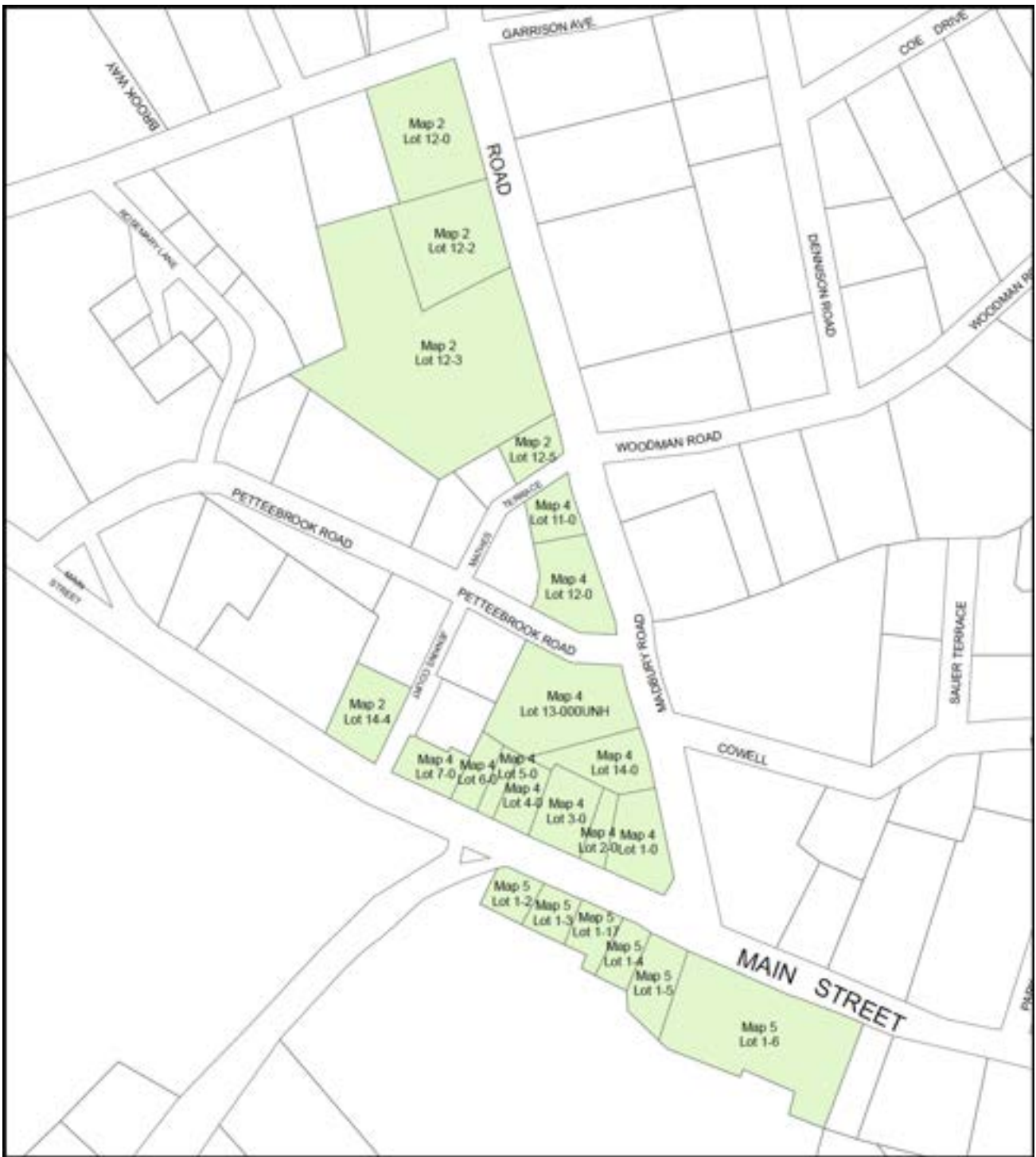
NOTES:

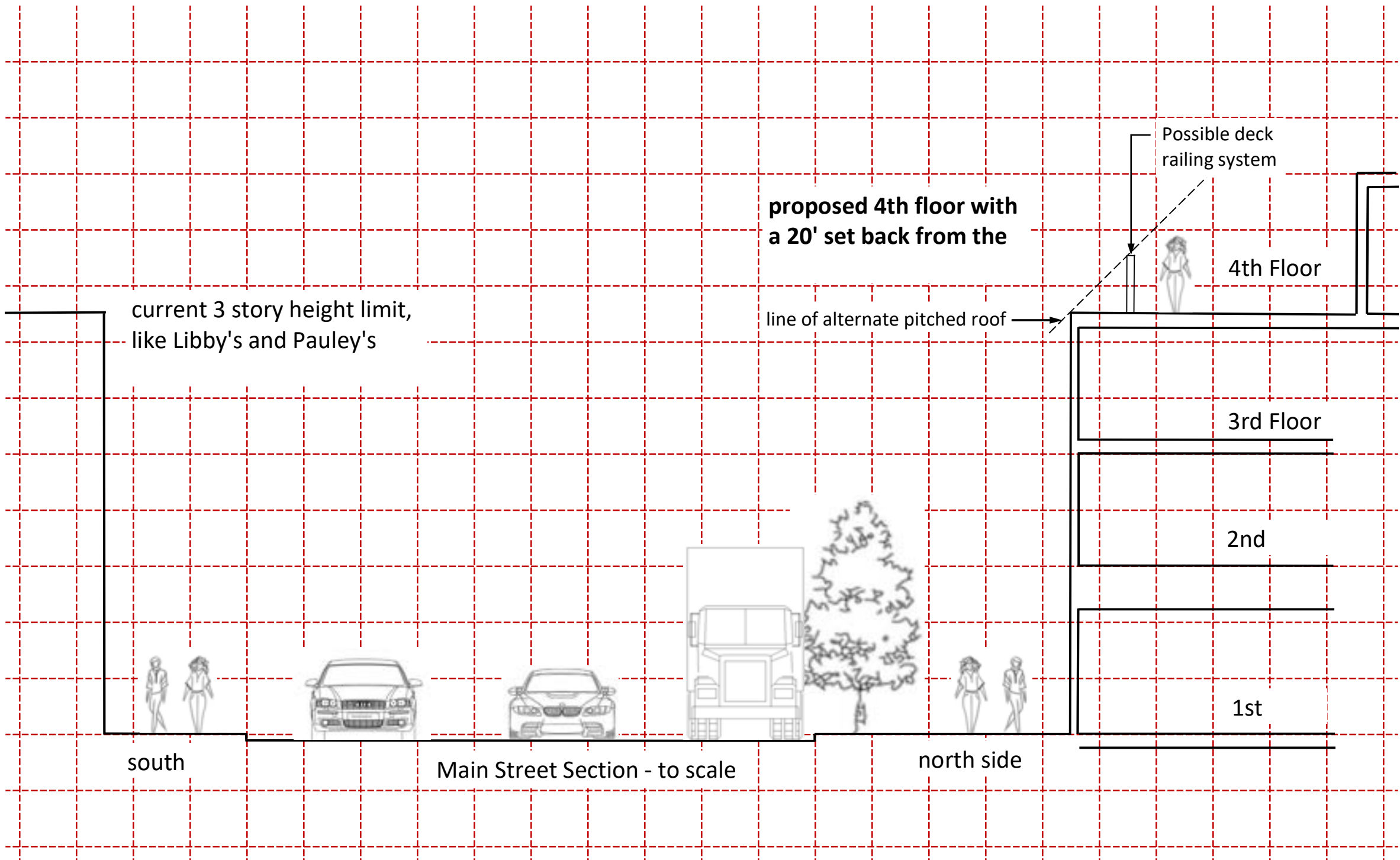
1. When the average front yard setback of other buildings within 300 ft. each way on the same side of a minor street is less than 30 feet, the front yard setback may be reduced to the average existing setback.
2. Any single-family lot in the R and RC Districts existing as of July 1, 2003, including lots 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.

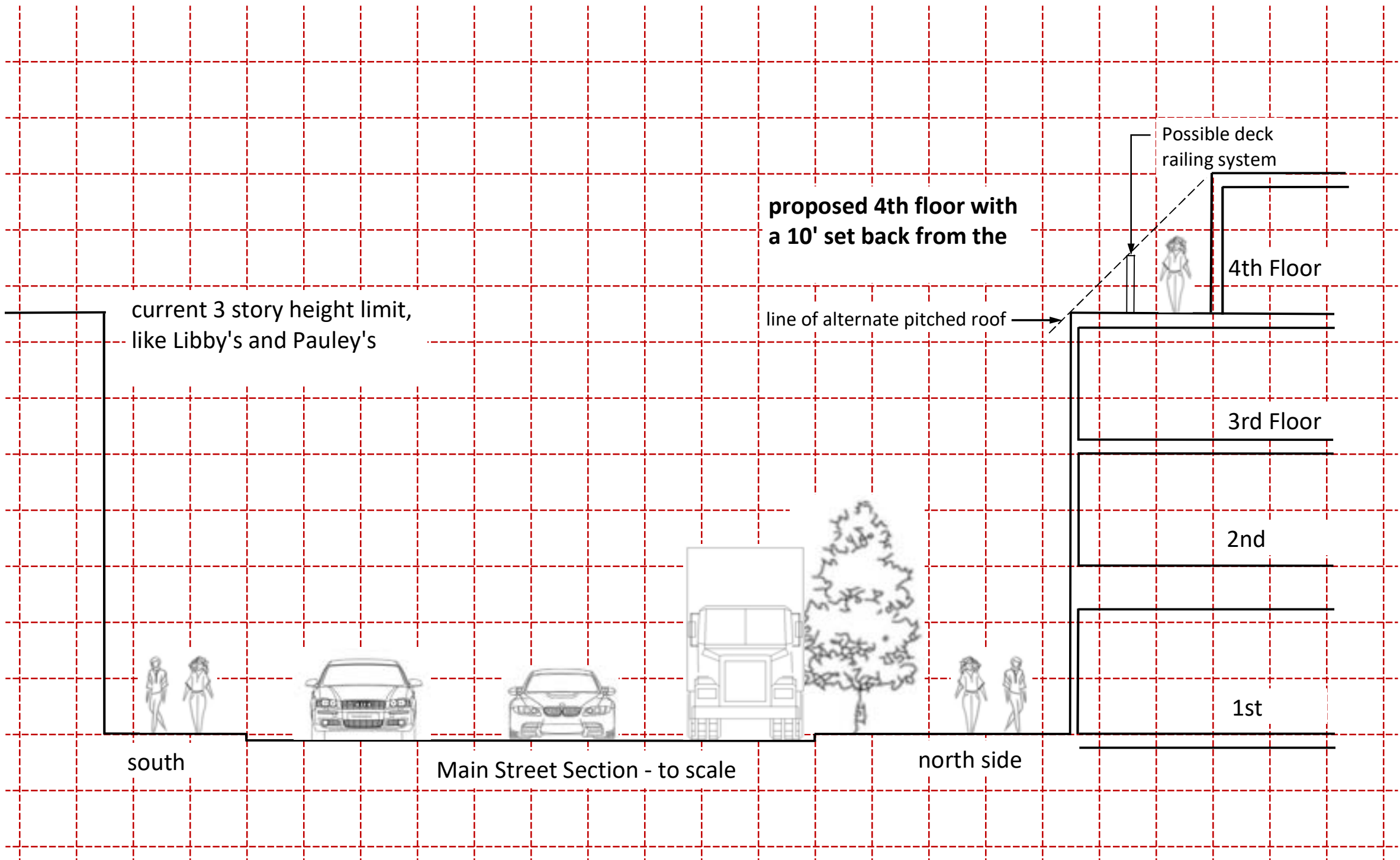
6. The minimum front yard setback from Route 108 shall be 100 feet plus 2 feet for each foot of building height in excess of 25 feet.

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.~~ For buildings along the sections of Main Street and Madbury Road delineated in Subsections 175-42 (C)(8) and (9), height limits are given in Subsection 175-42 (C)(10).









current 3 story height limit,
like Libby's and Pauley's

**proposed 4th floor with
a 10' set back from the**

line of alternate pitched roof

Possible deck
railing system

4th Floor

3rd Floor

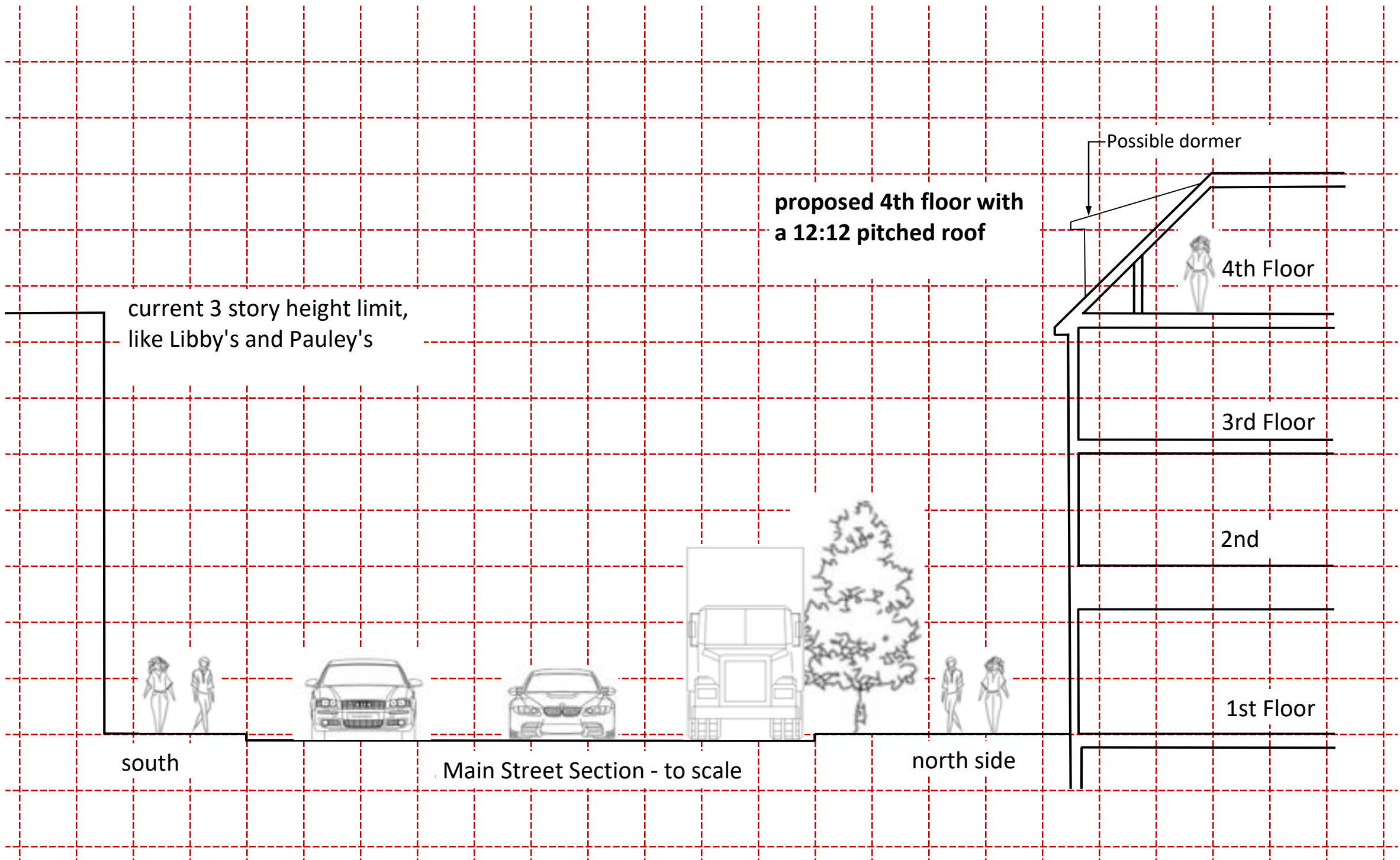
2nd

1st

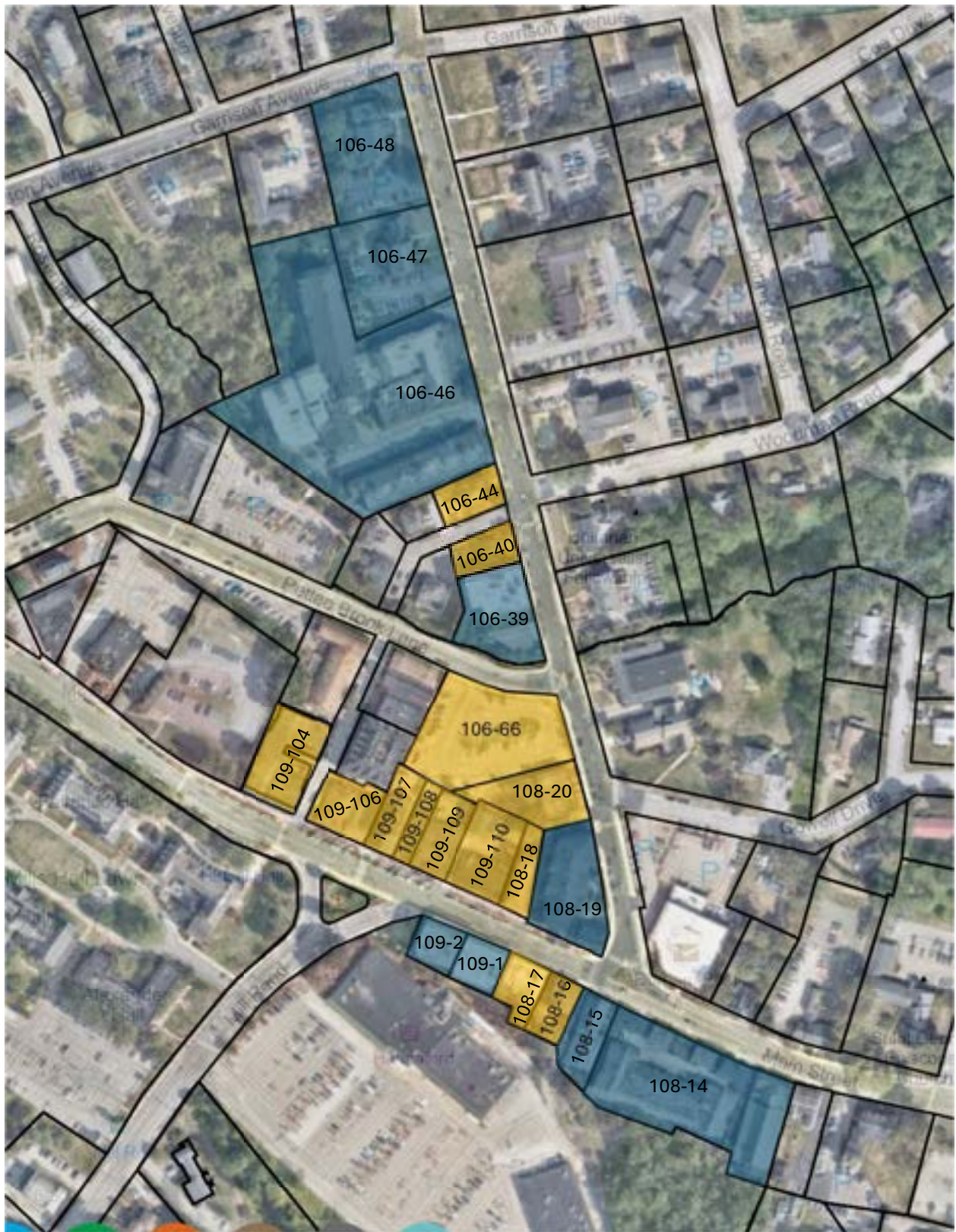
south

Main Street Section - to scale


north side



PARCELS CURRENTLY ZONED WITH THE 3 STORY LIMIT



 3 story limited parcels with redevelopment potential

 3 Story limited parcels already redeveloped or not expected to change

(all calculations are based on a full parcel build-out. Actual build-outs will vary based on numerous factors. All base data from Town's GIS maps)

Madbury Rd Lots		Lot SF	Street frontage	3 story full build SF	pitched 4th full bld SF	10' setback full bld SF	20' setback full bld SF	4 story full bld SF	pitched 4 vs 4 full	reduced % 4th fl	10' setback vs 4 full	reduced % 4th fl	20' setback vs 4 full	reduced % 4th fl
Map	Lot													
106	48	30,490		sorority house, no change expected										
106	47	27,440		sorority house, no change expected										
106	46	113,260		recently redeveloped, no change expected										
106	44	6,530	60	19,590	25,820	25,520	24,920	26,120	300	4.6%	600	9.2%	1,200	18.4%
106	40	5,660	60	16,980	22,340	22,040	21,440	22,640	300	5.3%	600	10.6%	1,200	21.2%
106	39	16,120		recently redeveloped, no change expected										
106	66	24,000	225	72,000	94,880	93,750	91,500	96,000	1120	4.7%	2250	9.4%	4,500	18.8%
108	20	13,070	90	39,210	51,830	51,380	50,480	52,280	450	3.4%	900	6.9%	1,800	13.8%
Subtotal SF		236,570		147,780	194,870	192,690	188,340	197,040	2,170	4.4%	4,350	8.8%	8,700	17.7%
Subtotal land already built out		129,380												
Total SF		394,120		361,680	477,230	472,180	462,120	482,240	5,010	4.2%	10,060	8.3%	20,120	16.7%
Total land already built out		215,630												



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: October 6, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
SEPTEMBER 8, 2025 AND SEPTEMBER 15, 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 meetings held on September 8, 2025 and September 15, 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 #1:

The Durham Town Council does hereby approve the Town Council meeting minutes for September 8, 2025. (as presented/as amended).

MOTION #2:

The Durham Town Council does hereby approve the Town Council meeting minutes for September 15, 2025. (as presented/as amended).