



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, NOVEMBER 3, 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. Approval of Minutes – October 20, 2025
- VII. Public Comments (*) – **Please state your name and address before speaking**
- VIII. Report from the UNH Student Senate External Affairs Chair or Designee
- IX. **Unanimous Consent Agenda** (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - A. Shall the Town Council approve on First Reading **Ordinance #2025-10** amending Chapter 153, "Vehicles & Traffic," Section 153-49, "Schedule XVII: Parking prohibited certain hours," of the Durham Town Code, to expand upon the explanation of neighborhood parking passes; and set the Public Hearing date for November 17, 2025?
 - B. Shall the Town Council approve on First Reading **Ordinance #2025-11** Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional Standards," Article XVIII.1, "Attainable Housing Overlay District," Article XX, "Standards for Specific Uses," and Article XXI, "Off Street Parking," of the Durham Town Code to align the Zoning Ordinance with recent changes in State legislation. The Public Hearing can be set for November 17, 2025.

- C. Shall the Town Council Adopt **Resolution #2025-20** Proclaiming Saturday, November 29, 2025, as “Small Business Saturday” in Durham, NH and urge Durham residents to support small businesses and merchants in Durham on this day and throughout the year?
- D. Shall the Town Council unseal the Nonpublic Session minutes from September 17, 2007 regarding discussion about the conservation easement on the Roselawn Farm property?

X. Committee Appointments

XI. Presentation Items

- A. Presentation by UNH Sustainability Fellow, Sophie Goodwin, and adoption of 2025-2030 Climate Action Plan.
- B. Presentation of the 2024 Audit Report – Plodzik & Sanderson, Concord, NH.

XII. Unfinished Business

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.

XIII. Councilor and Town Administrator Roundtable

XIV. New Business

Initial presentation of the Administrator’s proposed FY 2026 Operating, Capital, and Special Fund Budgets and the 2026-2035 Capital Improvement Plan.

XV. Nonpublic Session (if required)

XVI. Adjourn (NLT 10:30 PM)

(*) <i>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.</i>
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AGENDA ITEM: **#6**

DATE: **November 3, 2025**

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR OCTOBER 20, 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 October 20, 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 October 20, 2025. (as presented/as amended).



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AGENDA ITEM: **# 9A** *TS*

DATE: November 3, 2025

COUNCIL COMMUNICATION

INITIATED BY: Police Captain John Lavoie

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE ON FIRST READING ORDINANCE #2025-10 AMENDING CHAPTER 153, "VEHICLES & TRAFFIC," SECTION 153-28, "PERMITTED PARKING, DURHAM RESIDENT PARKING PERMITS," OF THE DURHAM TOWN CODE, TO EXPAND UPON THE EXPLANATION OF NEIGHBORHOOD PARKING PASSES; AND SET THE PUBLIC HEARING DATE FOR NOVEMBER 17, 2025?

CC PREPARED BY: Police Captain John Lavoie

PRESENTED BY: Police Captain John Lavoie

AGENDA DESCRIPTION:

Chapter 153 "Vehicles and Traffic," Section 153-28, "Permitted Parking, Durham Resident Parking Permits," of the Durham Town Code, describes resident parking permits in neighborhoods. Guest passes are mentioned, but were requested to be clarified by concerned citizens and Town staff.

After review of the chapter and section, new language was created to address the concerns and create new guidance on the issuance of guest passes, limiting the amount to be distributed and creating rules on what defines a guest and who they may be released to.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve on First Reading (as presented/as amended), Ordinance #2025-10 amending Chapter 153 “Vehicles and Traffic”, Section 153-28, “Permitted Parking, Durham resident Parking Permits,” of the Durham Town Code, to expand upon the explanation of neighborhood parking passes; and sets the Public Hearing date for November 17, 2025.

ORDINANCE #2025-10 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 153, "VEHICLES & TRAFFIC," SECTION 153-28, "PERMITTED PARKING, DURHAM RESIDENT PARKING PERMITS," OF THE DURHAM TOWN CODE, TO EXPAND UPON THE EXPLANATION OF NEIGHBORHOOD PARKING PASSES

WHEREAS, Chapter 153, "Vehicles & Traffic," section 153-28, "Permitted Parking, Durham Resident Parking Permits" of the Durham Town Code addresses neighborhood, resident parking passes; and

WHEREAS, further clarification of the issuance of guest parking passes and rules was requested by citizens and Town staff; and

WHEREAS, on November 17, 2025 a duly posted and published Public Hearing was held by the Durham Town Council on the proposed ordinance change;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **ADOPT Ordinance #2025-10** and does hereby amend Chapter 153 "Vehicles and Traffic," Section 153-28 "Permitted Parking, Durham Resident Parking Permits," to expand upon the explanation of Neighborhood Parking Passes. Wording to be omitted is annotated with **strikeout** type. New wording is annotated with underscoring.

153-28. Permitted Parking, Durham ~~Resident~~ Neighborhood Parking Permits.

The locations denoted with an asterisk (*) in Schedule XVII are areas where permit parking is authorized. ~~The parking permit system within the Town of Durham will be regulated by the Durham Police Department with approval by the Town Administrator. Resident parking permits will be issued to all legally registered vehicles with addresses in the affected areas. Each residence with an address on the annotated roadways will be issued three (3) guest parking permits. Persons who fail to display a valid permit shall be in violation of the permit process.~~ Durham Neighborhood Parking Permits are available to vehicle owners with a physical residential address on Woodman Road, Bayview Road, Maple Street, Meadow Road, and in the Faculty Neighborhood Development. Each registered vehicle receives one resident sticker, and each property, not individual address, may receive up to two free guest passes. Guest passes are for

temporary visitors who do not reside at the property and are actively visiting the residence. Passes may not be sold, transferred, or used by regular commuters, high school/college students, or employees seeking on-street parking. Lost or stolen permits may be replaced, once, for a \$5.00 fee. All permits remain Town property and may be revoked for misuse at the discretion of the Police Chief or Administrator.

The locations denoted with two asterisks (**) in Schedule XVII allow parking with Oyster River High School parking permits which are issued by the Oyster River High School. The locations with three asterisks (***) are municipal parking lots that allow overnight parking with the purchase, or issuance, of a valid permit. Persons who fail to display a valid permit shall be in violation of the permit process

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 Frieman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#9B** *TS*

DATE: November 3, 2025

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: SHALL THE TOWN COUNCIL APPROVE ON FIRST READING ORDINANCE #2025-11 AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," ARTICLE XVIII.1, "ATTAINABLE HOUSING OVERLAY DISTRICT," ARTICLE XX, "STANDARDS FOR SPECIFIC USES," AND ARTICLE XXI, "OFF STREET PARKING," OF THE DURHAM TOWN CODE TO ALIGN THE ZONING ORDINANCE WITH RECENT CHANGES IN STATE LEGISLATION. THE PUBLIC HEARING CAN BE SET FOR NOVEMBER 17, 2025.

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

Background. The Planning Board has prepared the attached proposed amendments to the Zoning Ordinance in response to several recently enacted state laws affecting land use.

The Planning Board held a public hearing on the amendments on October 8, 2025 and voted to formally initiate the amendments that same evening. These are now presented to the Town Council for First Reading and to schedule a Public Hearing.

New state laws. Here is an overview below of the pertinent new state laws and the action required of the Town to comply with the legislation.

Other proposed amendments. Several related changes are included regarding parking (a separate new statute addresses parking but that affects the Site Plan Regulations),

boarding houses and rooming houses, and one reference to the three-unrelated rule which was not removed earlier.

HB 457 - Zoning restrictions on dwelling units.

ALL NEW BELOW

674:16 Grant of Power

VIII. In its exercise of the powers granted under this subdivision, the legislative body of a city, town, village district, or county in which there are located unincorporated towns or unorganized places shall not adopt any ordinance that restricts the number of occupants of any dwelling unit to less than 2 occupants per bedroom, and the governing body thereof shall not enforce any such ordinance. Such legislative body shall not adopt any ordinance based on the familial or non-familial relationships or marital status, occupation, employment status, or the educational status, including but not limited to scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students, and the governing body thereof shall not enforce any such ordinance. Nothing in this section shall prohibit the enforcement of the state building code or state fire code.

Effective Date: September 13, 2025

- ❖ Delete references to “Student Rental” in Definitions and in the Table of Uses

HB 577 - Modifying the definition of ADUs

ADDITIONS AND DELETIONS AS MARKED

674:71 Definition

- I. “Accessory dwelling unit” means a residential living unit that is ~~within or attached to~~ **located on a lot containing** a single-family dwelling [, and] that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies. *Accessory dwelling units may be constructed at the same time as the principal dwelling unit.*
- II. “Attached unit” means a unit that is within or physically connected to the principal dwelling unit, or completely contained within a preexisting detached structure.

III. “Detached unit” means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

674:73 Detached Accessory Dwelling Units. A municipality ~~is not required to but may~~ **shall** permit **one** detached accessory dwelling ~~units~~ **unit**. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. ~~If a municipality allows detached accessory dwelling units, it may require an increased lot size.~~

Effective Date. July 1, 2025

- ❖ Allow detached ADU’s in all four residential zones (required only in zones where single family is allowed).

HB 631 - Multi-Family Residential Development on Commercially Zoned Land.

ALL NEW BELOW

674:77 Definitions. In this subdivision:

- I. "Commercially zoned land" means land zoned for such commercial activities as retail and office space.
- II. "Mixed-use" means a type of development that combines residential, commercial, cultural, institutional, or entertainment uses within a single building or development area.
- III. "Adaptive reuse" means the repurposing of existing buildings or structures in whole or in part for residential purposes.

674:78 Amendment to Zoning Regulations.

- I. Notwithstanding any provision to the contrary, municipalities shall allow multi-family residential development on commercially zoned land, provided that adequate infrastructure, including roads, water, and sewage systems, shall be available or provided to support the development.
- II. Nothing in this section shall be interpreted to prohibit municipalities from restricting residential development in zones where industrial and manufacturing uses are permitted which may result in impacts that are incompatible with residential use, such as air, noise, odor, or transportation impacts.

- III. A municipality may require all available ground floor space or a percentage thereof to be dedicated to retail or similar uses.
- IV. A municipality shall provide an exemption to any requirements regarding setbacks, height, or frontage of a building being converted to multi-family or mixed-use through adaptive reuse, provided that the building's floor area, height, and setbacks do not change.

Effective Date. This act shall take effect July 1, 2026.

- ❖ Allow multi-unit residential or mixed-use with residential by right in all of the Core Commercial and Research-Industry zones.

LEGAL AUTHORITY:

RSA 674:16, RSA 674:71 and 73, RSA 674: 77 and 78, RSA 675:2, and Section 175-14 of the Durham Zoning Ordinance

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby approve on First Reading Ordinance #2025-11 Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional Standards," Article XVIII.1, "Attainable Housing Overlay District," Article XX, "Standards for Specific Uses," and Article XXI, "Off Street Parking," of the Durham Town Code to align the Zoning Ordinance with recent changes in State legislation. The Public Hearing is set for November 17, 2025.

ORDINANCE #2025-11 OF DURHAM, NEW HAMPSHIRE

AN ORDINANCE AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," ARTICLE XVIII.1, "ATTAINABLE HOUSING OVERLAY DISTRICT," ARTICLE XX, "STANDARDS FOR SPECIFIC USES," AND ARTICLE XXI, "OFF STREET PARKING," OF THE DURHAM TOWN CODE TO ALIGN THE ZONING ORDINANCE WITH RECENT CHANGES IN STATE LEGISLATION.

WHEREAS, the New Hampshire State Legislature recently enacted several laws affecting land use, including RSA's 674:16, 674:71, 674:73, 674:77, and 674:78; and

WHEREAS, These new statutes require municipalities to adopt amendments to their Zoning Ordinances to comply with the new statutes, including changes affecting accessory dwelling units, student housing, familial relationships in dwelling units, and multi-unit housing in commercial zoning districts; and

WHEREAS, The Durham Planning Board prepared the following set of amendments to comply with the requirements, held a public hearing on the amendments on October 8, 2025 and voted to formally initiate the changes on October 8 2025; and

WHEREAS, Several other minor amendments related to those mandated by the new legislation are included in this set of amendments; and

WHEREAS, The Durham Town Council duly reviewed the proposed amendments and found them to be sufficient to come into compliance with state law; and

WHEREAS, The Durham Town Council held a duly noticed public hearing on November 17, 2025.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt **ADOPT Ordinance #2025-11** and does hereby amend Chapter 175, "Zoning," Article II, "Definitions," Article XII.1, "Use and Dimensional Standards," Article XVIII.1, "Attainable Housing Overlay District," Article XX, "Standards for Specific Uses," and Article XXI, "Off Street Parking," of the Durham Town Code to align the Zoning Ordinance with recent changes in State legislation.

New text to be added shown like this

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

❖ ARTICLE II – DEFINITIONS

175-7. Definitions.

ACCESSORY DWELLING UNIT (ADU) – ATTACHED – A dwelling unit *that is* located in, or attached to, a single-family residence as an accessory use. A single-family residence with an accessory dwelling unit is considered a single-family residence (not a duplex residence). *See Article XX.*

ACCESSORY DWELLING UNIT (ADU) – DETACHED – A dwelling unit *that is: a)* not attached to a single-family residence; *b) not contained within a single-family residence; and c) not contained within a pre-existing detached structure.* A single-family residence with an accessory dwelling unit is considered a single-family residence (not a duplex residence). *See Article XX.*

~~**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.~~

~~**ROOMING HOUSE**—See “Boarding 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.**

CATEGORY OF USES	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
III. RESIDENTIAL USES														
Principal Uses														
Residence, single-family	P	P	P	P	X	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	P	P	P	X P	X P	X P	X P	X P
Student Rental	X	X	X	X	P	P	P	P	P	X	X	X	X	X
Uses Accessory To a Single-family Residential Use														
Accessory dwelling unit - attached (See Article XX)	P	P	P	P	X	X	P	P	X	X	X	P	P	X
Accessory dwelling unit - detached (See Article XX)	P	X P	X P	P	X	X	P	P	X	X	X	P	P	X
VII. COMMERCIAL & INDUSTRY USES														
Principal Uses														
Mixed Use with residential (office/retail down, multi-unit residential up) (See Note 1)	X	X	X	X	P	CU P	X	X	X	X	X	X	X	X

Notes

- For the use “Mixed use with residential (office/retail down, multi-unit residential up),” see the definition. The layout of uses within the building or lot may also be specified by zone in Article XII, including some flexibility allowed by conditional use in the Central Business District under Development Standards.

❖ **ARTICLE XVIII.1 - ATTAINABLE HOUSING OVERLAY DISTRICT**

K. Other Zoning Parameters. All other standards in the Zoning Ordinance shall apply to a project unless superseded by a specific provision in this overlay district. ~~The limitation allowing for a maximum of three unrelated occupants in a dwelling unit does not apply to any project developed through this overlay district.~~

❖ **ARTICLE XX – STANDARDS FOR SPECIFIC USES**

175-109. Compliance Required.

- C. *Accessory dwelling unit - attached and Accessory dwelling unit - detached.* Accessory dwelling unit - attached and accessory dwelling unit - detached shall conform to the following standards:
1. Only 1 accessory dwelling unit - attached or 1 accessory dwelling unit - detached shall be located on a lot with a single-family residence. The location of an accessory dwelling unit - attached and an accessory dwelling unit - detached in conjunction with 1 single-family residence shall not be permitted.
 2. An accessory dwelling unit - attached shall contain a minimum of 300 and a maximum of 850 square feet of floor space.
 3. An accessory dwelling unit - detached shall contain a minimum of 300 and a maximum of 850 square feet of floor space.
 4. ~~*The location and design of the accessory dwelling unit—attached or accessory dwelling unit—detached shall maintain the single-family character and appearance of the premises.*~~
 5. ~~*An interior door shall be provided between the single-family dwelling and the accessory dwelling unit—attached, but the door may be locked or not at the option of the property owner.*~~
 6. One parking space shall be provided for the accessory dwelling unit - attached or accessory dwelling unit - detached, in addition to parking required for the single-family dwelling. The parking space may be situated within a driveway along with other vehicles provided it is readily accessed. *The parking space may be established on site or off site but must be legally dedicated if the space is located off site.*
 7. The property owner shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit - attached or accessory dwelling unit - detached in accordance with RSA 485-A:38. However, systems for the accessory dwelling unit - attached or accessory dwelling unit - detached separate from those serving the single-family dwelling are not required.
 8. There are no additional requirements for lot size, frontage, space limitations, or other dimensional controls for an accessory dwelling unit - attached or accessory dwelling unit - detached beyond what would be required for a single-family residence without an accessory dwelling unit - attached or accessory dwelling unit - detached.
 9. *Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared with the single-family residence, at the option of the property owner.*
 10. *Existing structures on site may be converted to accessory dwelling units even if those existing structures do not conform with setback or lot coverage requirements.*

❖ **ARTICLE XXI - OFF-STREET PARKING**

175-111. General Requirements.

A. *Parking – General Provisions.*

1. ~~*There is no minimum parking requirement for single-family and duplex residences. However, a driveway must be provided for each lot.*~~ *A driveway accommodating at least one parking space must be provided for each lot serving a single-family or duplex residence. Otherwise there is no minimum parking requirement for single-family and duplex residences.*

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 Frieman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#9C**

DATE: November 3, 2025

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2025-20 PROCLAIMING SATURDAY, NOVEMBER 29, 2025, AS "SMALL BUSINESS SATURDAY" IN DURHAM, NH AND URGE DURHAM RESIDENTS TO SUPPORT SMALL BUSINESSES AND MERCHANTS IN DURHAM ON THIS DAY AND THROUGHOUT THE YEAR?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Durham Town Council

AGENDA DESCRIPTION:

Small Business Saturday is an American shopping holiday held on the Saturday after US Thanksgiving during one of the busiest shopping periods of the year and is a national effort to drive consumers to shop at local independently owned businesses. This Saturday is always the last one in November, so it falls between November 24 and November 30. First observed in the United States on November 27, 2010, it is a counterpart to Black Friday and Cyber Monday, which feature big box retail and e-commerce stores respectively. By contrast, Small Business Saturday encourages holiday shoppers to patronize brick and mortar businesses that are small and local. Small Business Saturday is a registered trademark of American Express.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby adopt Resolution #2025-20 proclaiming Saturday, November 29, 2025, as "Small Business Saturday" in Durham, NH and urges Durham residents to support small businesses and merchants in Durham on this day and throughout the year.

RESOLUTION #2025-20 OF DURHAM, NEW HAMPSHIRE

PROCLAIMING SATURDAY, NOVEMBER 29, 2025, AS “SMALL BUSINESS SATURDAY” IN DURHAM, NH

WHEREAS, the Town of Durham celebrates its local, small businesses and the contributions they make to the local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 145,314 small businesses in New Hampshire, which represents 99% of all New Hampshire businesses; and

WHEREAS, according to the United States Small Business Administration, small businesses in New Hampshire contributed to a net increase of 6,023 jobs in 2024; and

WHEREAS, according to the United States Small Business Administration, small businesses account for 50.3% of New Hampshire employment; and

WHEREAS, a 2024 American Express survey reported that 75% of consumers agree that small businesses are essential to their community and 64% of consumers say they shop small because a portion of their purchase directly impacts the community; and

WHEREAS, the Town of Durham supports its local businesses that create jobs, boost local economy, and preserve communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday,

NOW, THEREFORE BE IT RESOLVED by the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby approve **Resolution #2025-20** proclaiming **Saturday, November 29, 2025, as “Small Business Saturday”** and urges the residents of the community to support small businesses and merchants in Durham on Small Business Saturday and throughout the year.

PASSED AND ADOPTED this 3rd day of November, 2025 by a majority vote of the Durham Town Council with _____ voting in favor, _____ voting against, and _____ abstentions.

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#9D**

DATE: **November 3, 2025**

COUNCIL COMMUNICATION

INITIATED BY: Administrator Todd Selig

AGENDA ITEM: SHALL THE TOWN COUNCIL UNSEAL THE NONPUBLIC SESSION MINUTES FROM SEPTEMBER 17, 2007 REGARDING DISCUSSION ABOUT THE CONSERVATION EASEMENT ON THE ROSELAWN FARM PROPERTY?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The process for Nonpublic Session minutes is stated in RSA 91 A:3 as follows:

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the

date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

IV. (a) A public body or agency may adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that those circumstances no longer apply, the minutes shall be available for release to the public pursuant to this chapter.

(b) In the absence of an adopted procedure to review and determine whether the circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall review and determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91 A:3, III no longer apply. This review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by the public body or agency within 10 years of the effective date of this paragraph shall be subject to public disclosure without further action of the public body.

This statute was revised in 2023 to contain the last highlighted section. The Town of Durham has sealed nonpublic minutes dating back to 2000. Throughout this year, these minutes have been brought to the Council to determine if they should remain sealed or be unsealed for public viewing. At the meeting of October 20, 2025, the Council voted on a batch of minutes to remain sealed. The minutes of September 17, 2007, regarding discussion about the conservation easement on the Roselawn Farm property were determined to be adequate to unseal. The Council requested that these minutes be brought back at the next meeting to have a vote to unseal them.

LEGAL AUTHORITY:

RSA 91 A:3

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council does hereby unseal the Nonpublic Session minutes from September 17, 2007, regarding discussion about the conservation easement on the Roselawn Farm Property.



TOWN OF DURHAM

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

AGENDA ITEM: **#11A**

DATE: November 3, 2025

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: PRESENTATION BY UNH SUSTAINABILITY FELLOW, SOPHIE GOODWIN, AND ADOPTION OF 2025-2030 CLIMATE ACTION PLAN

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Sophie Goodwin, UNH Sustainability Fellow

AGENDA DESCRIPTION:

In January 2021, Durham joined the Global Covenant of Mayors for Climate and Energy (GCoM), in which local governments commit to the GCoM pledge to:

- Undertake measures to reduce/limit greenhouse gas emissions.
- Prepare for the impacts of climate change.
- Increase access to sustainable energy.
- Track progress toward these objectives.

In the summer of 2021, UNH Sustainability Fellow Cathy Fletcher was selected to begin work on the Climate Action Plan for Durham. In July 2022, Durham welcomed new UNH Sustainability Fellow Rafidah Rahman to continue working on finalizing the Climate Action Plan, as well as other projects and outreach in conjunction with the Durham Energy Committee and Administrator's Office.

At the October 17, 2022, Town Council meeting, the 2021-2023 Climate Action Plan was adopted. This plan outlined mitigation and adaptation actions, measured how much each activity will contribute to Durham meeting its mitigation and adaptation goals, and included a plan for implementing the actions. Mitigation actions focused

on reducing Durham's greenhouse gas emissions, while adaptation actions focused on adapting Durham to climate change impacts.

Durham's current UNH Sustainability Fellow, Sophie Goodwin, has been assisting the town in drafting and submitting the next CAP for 2025-2030. On November 4, 2024, Sophie presented an update to the Council on the process. Now she has finished the Plan and will present it to the Council Monday night for adoption.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Receive presentation from UNH Sustainability Fellow Sophie Goodwin on the updated Climate Action Plan for 2025-2030, and vote to adopt the Plan.



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AGENDA ITEM: **#11B**

DATE: **November 3, 2025**

COUNCIL COMMUNICATION

INITIATED BY:

Plodzik & Sanderson
Gail Jablonski, Business Manager

AGENDA ITEM:

PRESENTATION OF THE 2024 AUDIT REPORT – PLODZIK & SANDERSON, CONCORD, NH

CC PREPARED BY:

Karen Edwards, Administrative Assistant

PRESENTED BY:

Plodzik & Sanderson
Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

Council members will be provided with copies of the Independent Auditor's Report on Friday, October 31, for the Fiscal Year ending December 31, 2024, prepared by Plodzik & Sanderson from Concord, NH. A representative from this company will attend Monday evening's meeting to provide a brief presentation and to answer any questions Councilors may have relative to the audit report.

LEGAL AUTHORITY:

Section 4.10(D) of the Town Charter states: *"The Town Council, after inviting requests for proposals and appropriate verification of qualifications, experience and integrity, shall select a certified public accountant or firm of the same who shall perform an annual audit of all town financial transactions after the close of each fiscal year. Said audit shall include all revenues, expenditures and accounts maintained by any officer, elected or appointed, agency, board, commission or recipient of town funds; may include a compliance audit to ensure conformity with any state or federal laws and regulations and town work programs and policies; and shall include a management letter setting forth recommendations for changes and improvements in finance management systems as are deemed necessary."*

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

Please refer to the 2024 Audit Report.

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action is required. Receive audit report presentation from Plodzik & Sanderson, Concord, NH and hold a question-and-answer session if desired.



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AGENDA ITEM: **#12** *TS*

DATE: November 3, 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:

**Note this Council Communication is updated for the November 3 meeting.*

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 (now sunsetted).

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 by right**, 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. Bencks may speak to this issue at the meeting.

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, shown in the prior draft, included are too high. Mr. Behrendt met with Ms. Olshansky who showed him numerous images and after further discussion both agreed that limits of 32 feet to the third floor eave and 42 feet to the fourth floor eave/ridge makes sense. Mr. Behrendt has made this adjustment on the updated amendment.

There is detailed language about the proposed configuration of the pitched roof in the attached amendment. It may make sense to include this information in the Architectural Regulations (which are adopted by the Planning Board) rather than in the ordinance. We will discuss this with the board.

Attachments. The following prepared by Doug Bencks were provided in the *prior packet*: renderings showing a 10-foot setback and a 20-foot setback, an analysis of the difference in possible square footage, and a map of the most developable lots. A new image showing 32 and 42 foot height limits prepared by Doug Bencks and an image provided by Beth Olshansky showing the 10 and 20 foot setbacks are provided in this packet.

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 – November 3, 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 32 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 42 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 at least one foot from the eave, ridge, and left and right edges/sloping eaves, such that the eave, ridge, and edges, are clearly visible, in order that the sloping roof is not obscured. The total width of the dormer(s) may not exceed 75% of the width of the pitched roof. A hipped roof, comparable in form may be used in place of a gable roof.*

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.

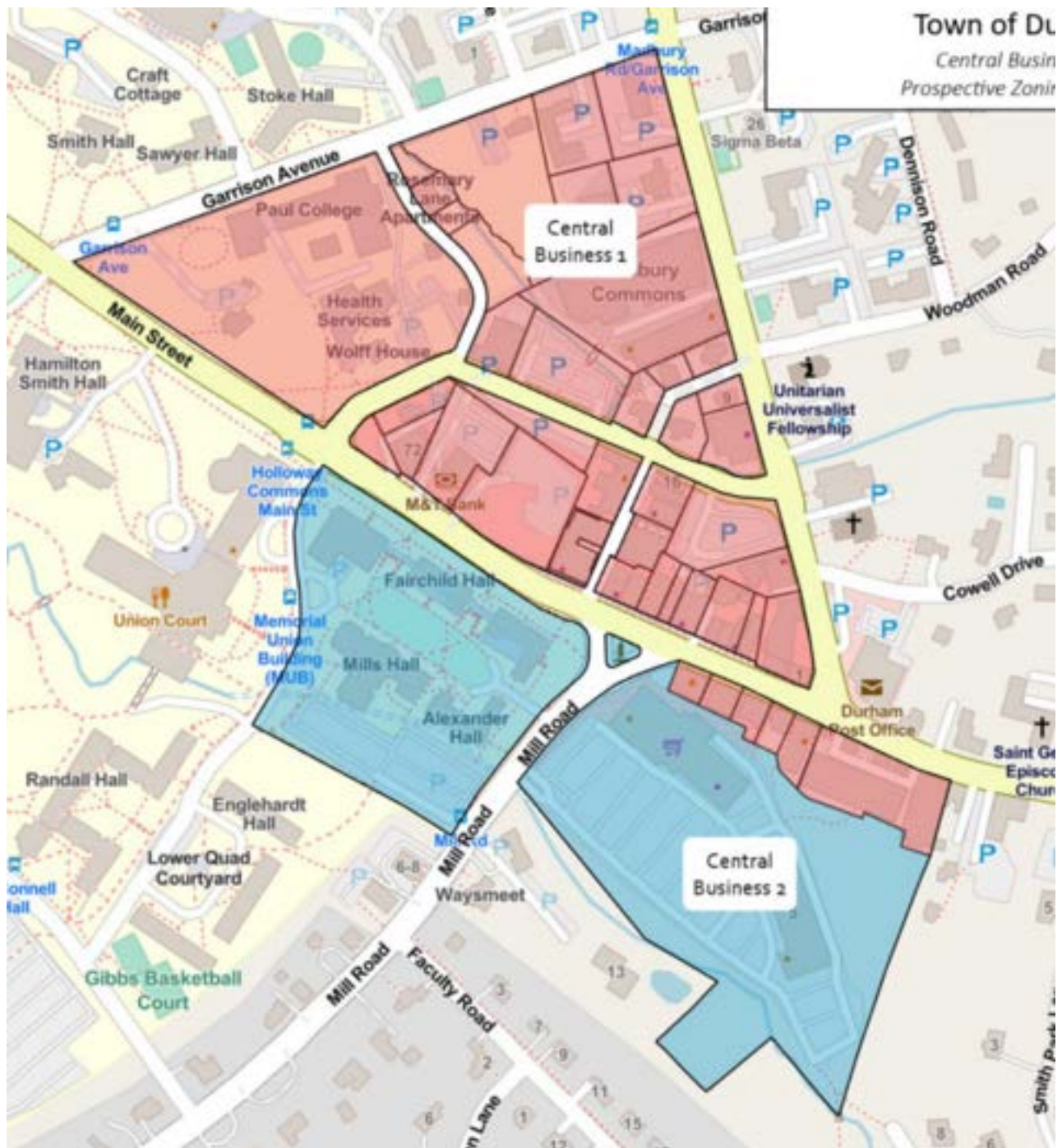
STANDARD	ZONING DISTRICTS														
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	OR, Route 108 (OR)	Mixed Use and Office Res. (MUDOR)	Office, Research Light Ind. (ORLL)	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%

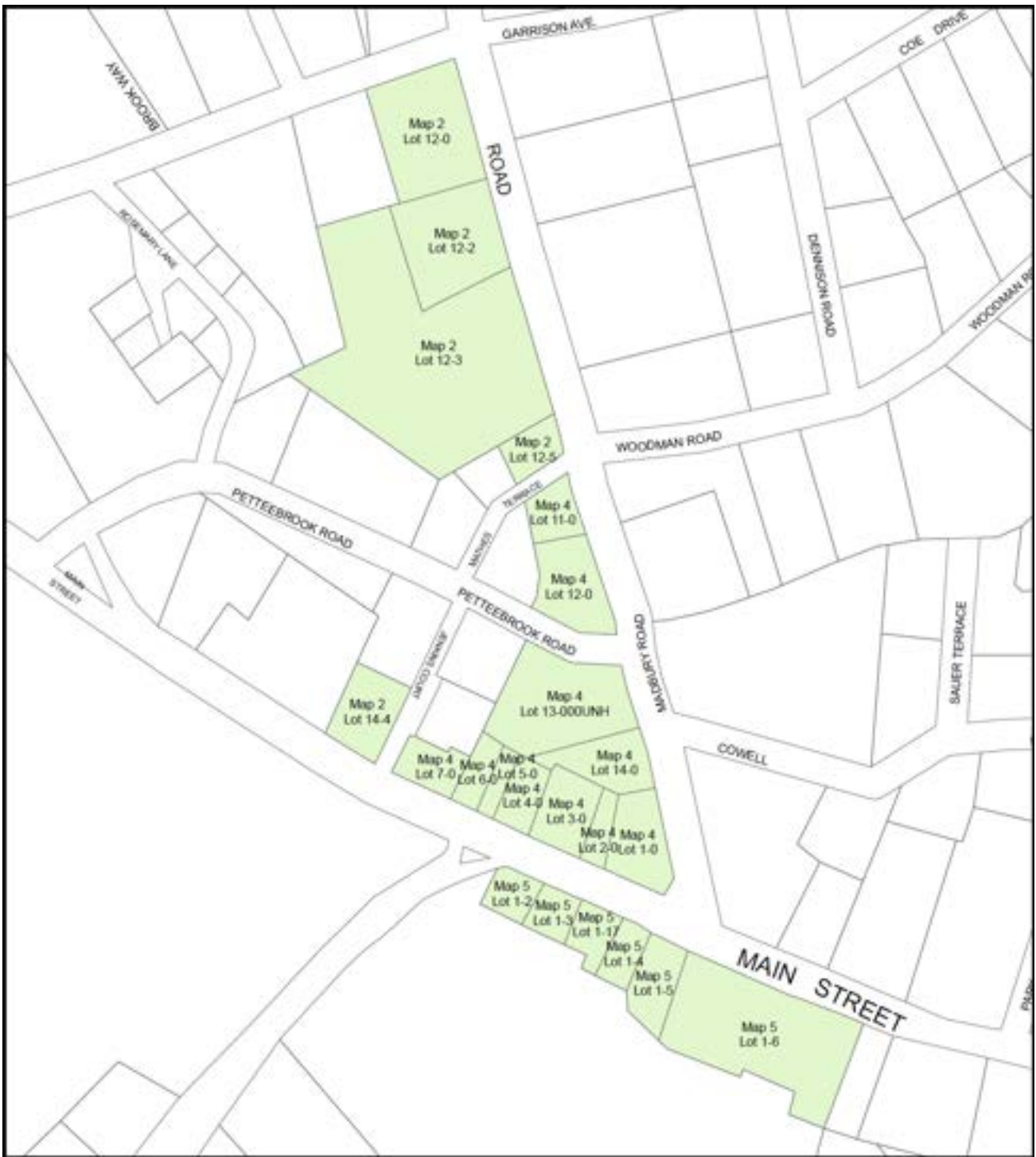
NOTES:

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.

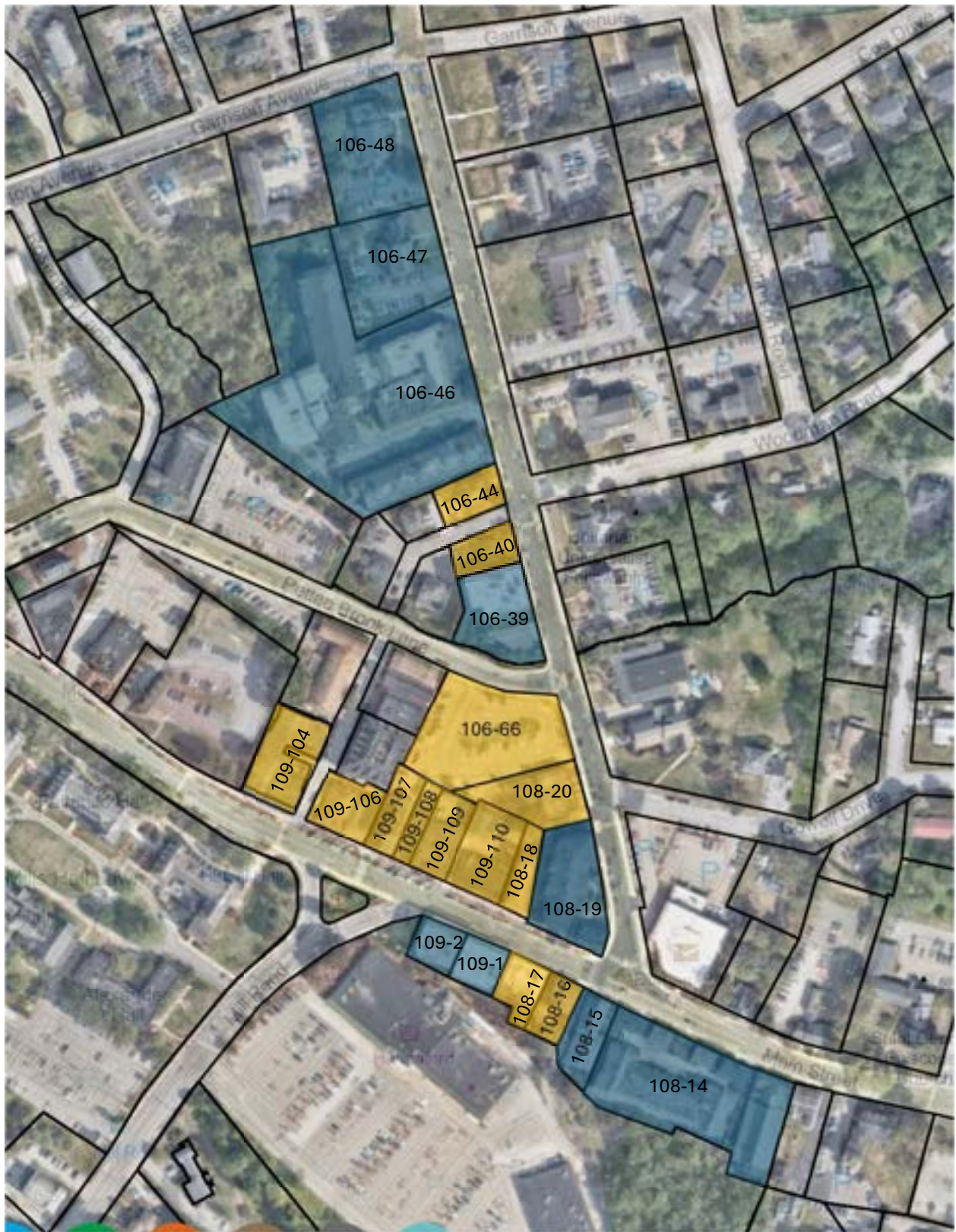
6. The minimum front yard setback from Route 108 shall be 100 feet plus 2 feet for each foot of building height in excess of 25 feet.

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 (B)(8) and (9), height limits are given in Subsection 175-42 (B)(10).



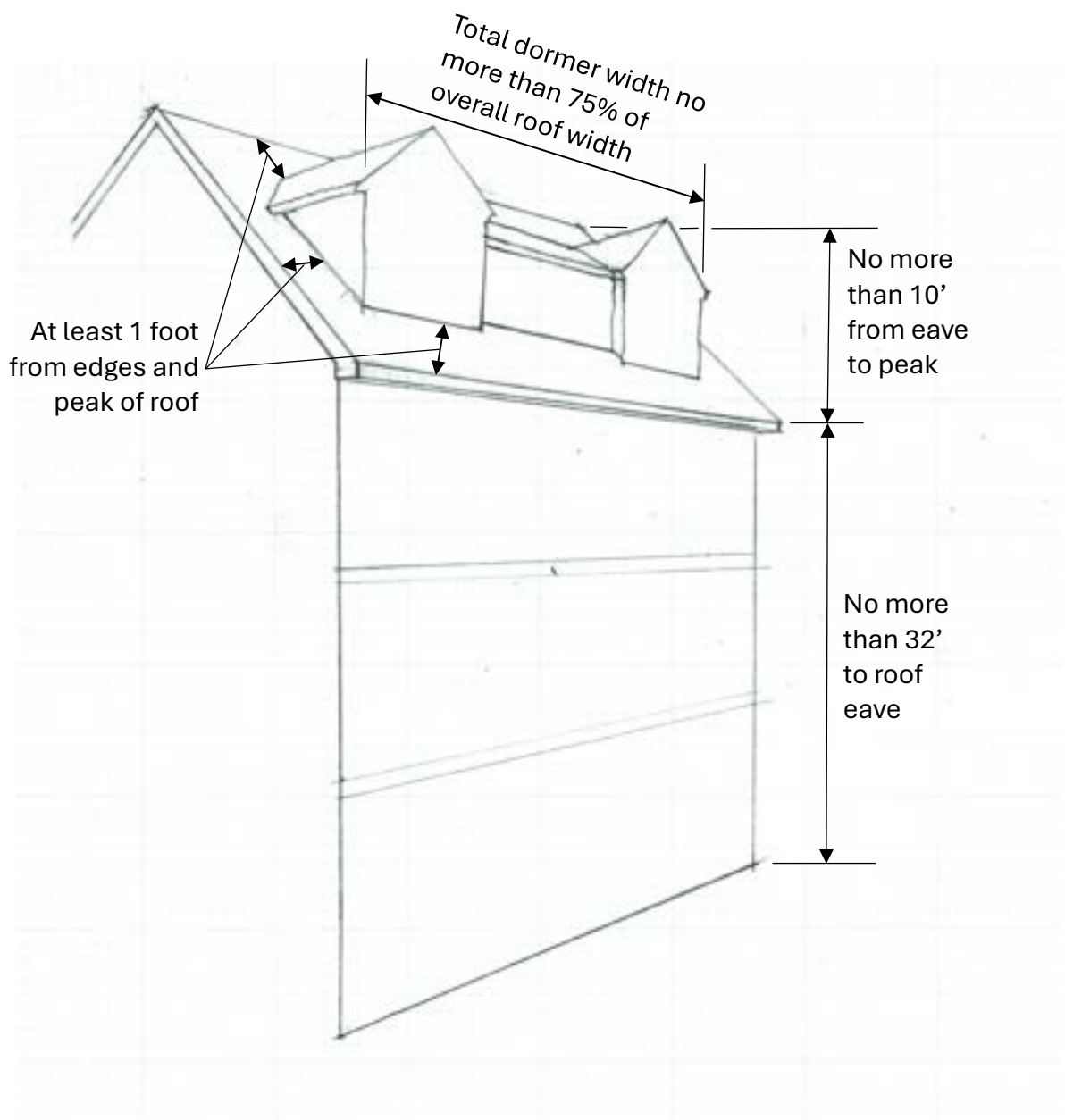


PARCELS CURRENTLY ZONED WITH THE 3 STORY LIMIT



 3 story limited parcels with redevelopment potential

 3 Story limited parcels already redeveloped or not expected to change



WHAT DOES 42 FEET LOOK LIKE?

eave line now at 32 ft, just 2 ft > 30-ft human scale

At 20-ft setback sightline: from opposite sidewalk

[No Title]

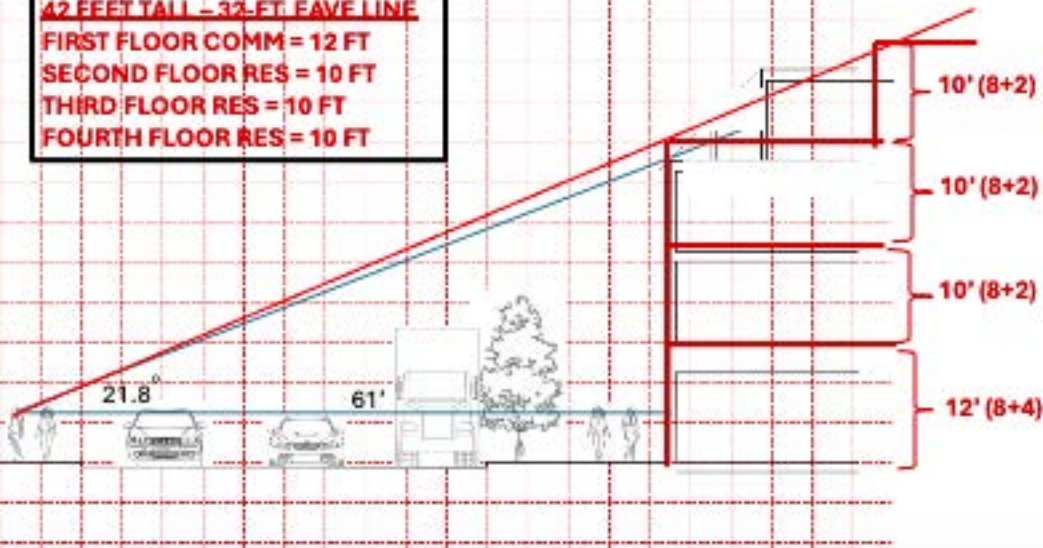
42 FEET TALL - 32-FT EAVE LINE

FIRST FLOOR COMM = 12 FT

SECOND FLOOR RES = 10 FT

THIRD FLOOR RES = 10 FT

FOURTH FLOOR RES = 10 FT





TOWN OF DURHAM

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AGENDA ITEM: **#14**

DATE: **November 3, 2025**

COUNCIL COMMUNICATION

INITIATED BY:

Todd I. Selig, Administrator
Gail Jablonski, Business Manager

AGENDA ITEM:

INITIAL PRESENTATION OF THE ADMINISTRATOR'S PROPOSED FY 2026 OPERATING, CAPITAL, AND SPECIAL FUND BUDGETS, AND THE 2026-2035 CAPITAL IMPROVEMENT PLAN

CC PREPARED BY:

Karen Edwards, Administrative Assistant

PRESENTED BY:

Todd I. Selig, Administrator
Gail Jablonski, Business Manager

AGENDA DESCRIPTION:

In accordance with Section 5.2 of the Durham Town Charter, the Administrator is required to submit to the Town Council their recommended budget for the upcoming Fiscal Year "...no later than the last workday prior to November 1 of the current year." The proposed 2026 Operating, Capital, and Special Fund Budgets, and the 2026-2035 Capital Improvement Plan will be available to Council members on October 31, 2025.

The Administrator and Business Manager will provide a brief presentation of these documents for the Town Council at Monday night's meeting.

NOTE: **A Public Hearing on the proposed budget is scheduled to be held at the Town Council meeting of November 17, 2025.**

LEGAL AUTHORITY:

Durham Town Charter, Article 5 "Finance", Sections 5.1 – 5.12.

LEGAL OPINION:

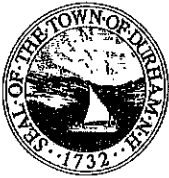
N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal action required. Receive brief presentation on the proposed FY 2026 Operating, Capital and Special Fund Budgets, and the 2026-2035 Capital Improvement Plan. from the Administrator and Business Manager and hold question and answer session if desired.



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October 31, 2025

The Durham Town Council
Durham, New Hampshire 03824

Re: **Administrator's Proposed 2026 Operational & Capital Budgets**
Administrator's Proposed 2026-2035 Capital Improvement Plan

Dear Honorable Members of the Council:

I am pleased to present for your review and consideration the Administrator's proposed 2026 budget, which includes the General Fund, Water Fund, Sewer (Wastewater) Fund, Library Fund, Parking Fund, Depot Road Lot Fund, Churchill Rink Fund, and Downtown TIF Fund budgets, as well as the Administrator's proposed 2026-2035 Capital Improvement Plan incorporating the FY 2026 Capital Fund budget utilizing a ten-year time horizon. The proposed budget allocates limited resources and supports funding for targeted initiatives. It is consistent with Town Council goals, to the extent that has been responsibly accomplished while still meeting the budgetary requirements of departments in order to safely and reliably meet the needs of the Durham community based on historical levels of service delivery and evolving challenges.

Due to public sector wage pressures driven by the post-pandemic environment, a high rate of inflation over the last three years, increasing healthcare and energy costs, and low growth in the tax base, this is intended to be a status quo budget to ensure Town operations remain ready to accomplish needed tasks as efficiently and effectively as possible for a community of our size, complexity, and demographics, taking into consideration the reality that Durham is host to UNH, the State of New Hampshire's flagship public university.

The development of the proposed budget was part and parcel of a rigorous, yet inclusive process. Staff within the various departments of the Town prepared and submitted thoughtful, responsible, and lean budgets. The Business Manager and I subsequently met with departments, evaluated, and modified as needed each budgetary line item in an effort to assure ourselves, and thereby the Council and the community, that requests are justified and reflect meaningful efforts on the part of our boards, committees, commissions, trustees, and departments, as well as our various external partners, to accomplish the broad objectives of the town. Our effort was intended to eliminate unnecessary requests and waste altogether, identify and take advantage of new efficiencies and opportunities where possible, strategically pivot as needed within a complex and ever-changing world, and align spending with the 2025-2026 Town Council goals, thereby allowing the Council to focus its limited time on broad policy issues impacting the overall community.

Because 2025 statistical revaluation update for all Durham property valuations is still in progress at this time and we do not yet possess 2025 updated valuation data, and with minimal

new value through construction beyond home improvements anticipated to occur as of April 1, 2026, we're projecting only a modest increase in the overall assessed valuation in 2026 (using 2024 value data) of just 1/2% or around \$9.5 million. As such, I note for the record once again that without meaningful future tax base growth generated from new development and construction, significant TBD new efficiencies across operations, or a dramatic increase in non-property tax revenues, it simply will not be possible to hold the Durham tax rate in line with the rate of inflation without cutting services. That reality is unfortunately evidenced by this FY 2026 budget proposal.

Projected non-tax General Fund revenues are down by \$1.2 million or about 10% for 2026.

The Town Council opted to utilize \$442,000 of unassigned fund balance to smooth out the 2025 tax rate as part of the FY 2025 budget approval process. The FY 2026 proposed budget does not utilize unassigned fund balance for this purpose as such a practice is unsustainable over time. In addition, the Town utilized unassigned fund balance to pay for two major FY 2025 non-recurring projects: Restoration of the Bickford/Chesley House at Wagon Hill Farm (\$1,173,423) & Madbury Road Complete Streets contribution (\$1,000,000). Because these two projects are complete and the \$442,000 used to smooth out the 2025 rate is non-recurring, the cash reserve revenue used to fund them has been backed out of our fiscal forecast showing a corresponding FY 2026 revenue loss. Revenues have also been negatively impacted by weakening federal and state support. Revenues do include an additional projected \$84,000 by creating a new classification of downtown year-round parking passes (70 total) for downtown renters along Garrison Ext (15 spaces), Strafford Avenue (12 spaces), and 66 Main Street (43 spaces).

Revenue projections continue to include an annual approx. \$150,000 payment from UNH to compensate the community for the University's financial impact upon the Town in the area of policing services, plus certain actual roadway costs associated with the upkeep and maintenance/resurfacing of Main Street running through the UNH campus between Pettee Brook Lane and the Rt. 155A intersection. UNH also supports 50% of the Fire Department operational and capital budgets, 2/3 of the cost of joint water and wastewater capital projects, and a pro rata (rolling 36 mo. average) share of the water and wastewater operating budgets for Durham and UNH, as outlined below:

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
<u>Town Water Share:</u>	39.4%	41.7%	41.6%	40.7%	41%	44.3%	47.6%	48.6%	46.8%	46.7%
<u>UNH Water Share:</u>	60.6%	58.3%	58.4%	59.3%	59%	55.7%	52.4%	51.4%	53.2%	53.3%
<u>Town Wastewater:</u>	40.6%	43%	42.8%	42%	42.3%	45.6%	48.9%	49.9%	48.1%	48%
<u>UNH Wastewater:</u>	59.4%	57%	57.2%	58%	57.7%	54.4%	51.1%	50.1%	51.9%	52%

Budgetary projections not only take into account revenue and very modest growth in the tax base as outlined above, but also setting Overlay at \$175,000 to cover potential abatements for 2026, an additional \$360,000 associated with outstanding 2018 and 2019 Eversource abatement litigation still in Superior Court, and \$1,105,000 associated with abatement appeals for 2023 & 2024 multi-unit rentals in Durham. Abatements will be funded through the use of unassigned fund balance. The Town contingency account has been increased from \$50,000 to \$100,000 (0.45% of the proposed FY 2026 budget) to address unforeseen issues that might arise over the course of the year, which is less than the \$125,000 historically allocated for this purpose.

A primary driver within Durham's municipal operation are personnel-related costs, which account for 62.7% of total spending as part of the proposed 2026 budget. **In total, fixed costs comprise 75.14% of the total FY 2026 proposed budget.**

Fiscal Year 2026 Budgetary Proposal

This year's budget cycle has resulted in a proposed 2026 General Fund budget totaling \$22,449,335, an overall spending decrease of \$282,566 or 1.24% compared to the FY 2025 approved budget of \$22,731,901. The projected decrease is due to the 10% revenue reduction described above. When the use of unassigned fund balance from 2025 is backed out, we show a real increase in proposed FY 2026 spending of approximately \$1.89 million or 9.2%.

Departmental budgetary changes are due in large part to \$836,850 in personnel related increases -- including three of our four unions in which collective bargaining is ongoing for successor agreements to contracts that expire December 31, 2025 – the Durham Professional Firefighters Association (DPFFA), Durham Professional Municipal Managers Association (DPMMA), and AFSCME (representing DPW staff). Debt service also shows a significant increase \$807,305 for past capital projects. And there is the loss of \$442,000 in unassigned fund balance used to smooth out the 2025 tax rate. The budget carries a 3% COLA for non-union personnel, a 16% health insurance increase, energy/fuel cost changes, increases in various supplies, materials, and construction services, and other miscellaneous requests that will be discussed as part of the upcoming budget process.

The twelve-month year-over-year, August to August change in **Consumer Price Index (CPI-U)** data follows for informational purposes:

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
CPI-U Boston-Cambridge-Newton, MA-NH	8.2%	2.6%	3.4%	3.2%

In total, this year's budgetary proposal is projected to increase the 2026 local municipal portion of the tax rate from the projected \$5.95 (using 2024 valuation data) by \$1.07 to \$7.02 per thousand dollars of assessed valuation (using 2024 valuation data), an increase of 18.02%. A \$1.07 increase in the local portion of the tax rate would increase the annual tax bill on a \$500,000 home by approximately \$535. For contextual purposes, you will find below a matrix showing the allocation of the town, local school, state school, county, and full tax rates for Durham from 2013 to the present.

[illegible]

Once again, the proposed budget generally represents a status quo operational budget with the following exceptions:

- The Code/Zoning Officer position has been reduced in hours from full to part-time. (\$46,000 reduction)
- The Durham Community Access Television (DCAT) Coordinator position has been reduced in hours from full to part-time. (\$54,000 reduction)
- The part-time Land Stewardship Coordinator position has been increased to a 35 hr./wk. full time position as of April 1, 2026. (\$26,000 increase)
- A part-time 24 hr./wk. CALEA (Commission on Accreditation for Law Enforcement Agencies) Coordinator position has been added at the Police Department as of July 1, 2026. (\$17,000 increase)
- Solid waste curbside collection is recommended to be outsourced as of July 1, 2026. (\$70,000 increase per initial estimate. Currently under review.)

The proposed 2026-2035 Capital Improvement Plan incorporating the FY 2026 Capital Fund budget is self-explanatory and provided as part and parcel of this budget proposal. It is recommended that the Council pay special attention to projects listed therein in terms of both policy and cost implications, with particular attention to the 2028 budget year in our fiscal forecast.

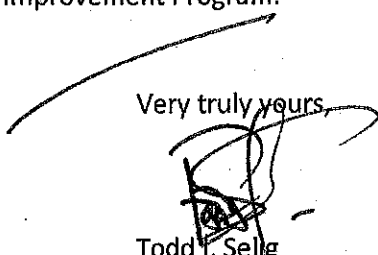
The proposed **Water Fund budget** carries an anticipated 3% increase in user fees (a rate of \$11.25 per hundred cubic feet) for FY 2026.

The proposed **Sewer (Wastewater) Fund budget** reflects a 4% increase in user fees in FY 2026 (a rate of \$11.08 per hundred cubic feet).

Details associated with the budget can be found within this FY 2026 budget book, the 2026-2035 Capital Improvement Program document, or within a separate informational book being prepared by the Business Office that will offer high-level analysis concerning the proposal for Town Council and community information.

I look forward to talking more with the Council concerning the FY 2026 proposed budgets and the proposed 2026-2035 Capital Improvement Program.

Very truly yours,



Todd T. Selig
Administrator

Enclosures