



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, FEBRUARY 16, 2026
DURHAM TOWN HALL – COUNCIL CHAMBERS
6:15 PM

IAW RSA 91-A:2 I(b): Consultation with legal counsel regarding the AFSCME Collective Bargaining Unit contract and the DPFFA Collective Bargaining Unit contract.

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

AGENDA
DURHAM TOWN COUNCIL
MONDAY, FEBRUARY 16, 2026
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 – February 2, 2026
- VII. Report from the UNH Student Senate External Affairs Chair or Designee
- VIII. Public Comments (*) – **Please state your name and address before speaking**

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 Ratify the Collective Bargaining Agreement Between the Town of Durham and the American Federation of State, County and Municipal Employees (AFSCME) Council 93 and its Appropriate Affiliate Local 863 for the Period January 1, 2026 through December 31, 2028?
- B. Shall the Town Council Ratify the Collective Bargaining Agreement Between the Town of Durham and the Durham Professional Firefighter's Association (DPFFA), Local #2253 International Association of Firefighters, for the Period January 1, 2026 through December 31, 2027?
- C. Shall the Town Council, upon recommendation of the Administrator, authorize the purchase of Self-Contained Breathing Apparatus (SCBA), Confined Space, & Rescue Equipment, to be paid from Capital Fund account #07-2673-701-36-000, and authorize the Administrator to sign all associated documents?
- D. Shall the Town Council continue to keep sealed the Nonpublic Session minutes from February 4, April 7, June 16 and July 7, 2008?

X. Committee Appointments

- A. Shall the Town Council Nominate Resident David Steinberg, 271 Packers Falls Road, for a three-year re-appointment by the NHDES Commissioner as a Durham Representative to the Lamprey River Local Advisory Committee?
- B. Shall the Town Council, upon Recommendation of the Conservation Commission Chair, appoint Ben Phelps, 341 Lee Hook Road, from an Alternate Membership position to an unexpired Regular Membership position on the Conservation Commission with a term expiration of April 2028?

XI. Presentation Items

XII. New Business

XIII. Unfinished Business

- A. **Public Hearing** to Accept and Expend Unanticipated Private Donations Totaling \$10,000 to be used toward the Bickford-Chesley House Gallery.
- B. **Discussion and Possible Adoption of 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.
- C. **Continued Discussion of Ordinances for Height Changes in the Downtown Listed Below.**
 - 1. **Public Hearing and Possible Adoption of Ordinance #2026-01** Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to Set the Maximum Height in the Central Business-1 District at 4 Stories and 50 Feet.

2. **Consideration of original Ordinance #2025-08A** Amending Chapter 175, “Zoning,” Article XII, “Base Zoning Districts,” Section 175-42, “Central Business-1 District and Central Business-2 District,” and Article XII.1, “Use and Dimensional Standards,” Section 175-54, “Table of Dimensions,” of the Town Code to eliminate the three-story height limit for portions of Central Business-1 Zoning District and to change the standard for commercial in five story buildings in Central Business-1 District from requiring two floors to requiring only one floor.
 3. **First Reading on Ordinance #2025-08B** Amending Chapter 175, “Zoning,” Article XII, “Base Zoning Districts,” Section 175-42, “Central Business-1 District and Central Business-2 District,” and Article XII.1, “Use and Dimensional Standards,” Section 175-54, “Table of Dimensions,” of the Town Code to Change the three-story Height Limit to Four Stories for portions of the Central Business-1 Zoning District and to Remove the Requirement for a 2nd floor of Commercial on Five-Story Buildings. **The Public Hearing can be set for March 2, 2026.**
- D. Continue Discussion and Finalization of Administrator’s Annual Performance Evaluation for 2025 in Accordance With the Employment Agreement Between the Administrator and the Town of Durham.
- XIV. Councilor and Town Administrator Roundtable**
- 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: #6

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR
FEBRUARY 2, 2026.**

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 February 2, 2026. 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 February 2, 2026. (as presented/as amended)



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

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: SHALL THE TOWN COUNCIL RATIFY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DURHAM AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) COUNCIL 93 AND ITS APPROPRIATE AFFILIATE LOCAL 863 FOR THE PERIOD JANUARY 1, 2026 THROUGH DECEMBER 31, 2028?

CC PREPARED BY: Todd I. Selig, Administrator

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The Town officially began contract negotiations with the AFSCME in the fall of 2025. The AFSCME represents members of the Public Works Department in the Highway, Sanitation, Water and Wastewater Departments. The Town's bargaining team was comprised of the Town's Labor Attorney, Business Manager, Public Works Director and Administrator. The AFSCME bargaining team was comprised of the team's two AFSCME Staff, Labor Negotiator, the Buildings and Grounds Foreman and Highway Equipment Operator. Topics discussed as part of the negotiations included salaries and language changes.

Attached for the Town Council's review is a revised contract noting contract changes to the prior Collective Bargaining Agreement which expired on December 31, 2025, for which the Town's bargaining team and the AFSCME negotiation team have reached a Tentative 3-Year Agreement. Subsequently, the AFSCME voted to ratify the Agreement on February 6, 2026.

The Town’s bargaining team and the Administrator recommend passage of the AFSCME Collective Bargaining Agreement as presented.

LEGAL AUTHORITY:

RSA 273-A “Public Employee Labor Relations”

LEGAL OPINION:

The Town’s Labor Attorney, Joseph McKittrick, has briefed the Town Council relative to the Tentative Agreement.

FINANCIAL DETAILS:

COST IMPACT FOR AFSCME CONTRACT

FUND	2026	2027	2028
GENERAL	\$31,861.00	\$11,220.00	\$11,500.00
WATER	\$ 4,890.00	\$ 1,930.00	\$ 1,953.00
WASTEWATER	\$ 12,142.00	\$ 4,390.00	\$ 4,500.00
TOTAL IMPACT	\$48,893.00	\$17,540.00	\$17,953.00

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ratify the Collective Bargaining Agreement between the Town of Durham and AFSCME Council 93, Local 863 for the period January 1, 2026 through December 31, 2028.



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

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY: Todd I. Selig, Administrator

AGENDA ITEM: SHALL THE TOWN COUNCIL RATIFY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DURHAM AND THE DURHAM PROFESSIONAL FIREFIGHTER'S ASSOCIATION LOCAL #2253 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS FOR THE PERIOD JANUARY 1, 2026 THROUGH DECEMBER 31, 2027?

CC PREPARED BY: Todd I. Selig, Administrator

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

The Town officially began contract negotiations with the DPFFA in the fall of 2025. The DPFFA represents members of the Fire Department to include Firefighters, Fire Inspectors and Lieutenants. The Town's bargaining team was comprised of the Town's Labor Attorney, Business Manager, Fire Chief and Administrator. The DPFFA bargaining team was comprised of the team's Professional Labor negotiator, and four (4) firefighters. Topics discussed as part of the negotiations included salaries and language changes.

Attached for the Town Council's review is a revised contract noting contract changes to the prior Collective Bargaining Agreement which expired on December 31, 2025, for which the Town's bargaining team and the DPFFA negotiation team have reached a Tentative 2-Year Agreement. The DPFFA will be voting to ratify the Agreement on Friday, February 13, 2026.

The Town’s bargaining team and the Administrator recommend passage of the DPFFA Collective Bargaining Agreement as presented.

LEGAL AUTHORITY:

RSA 273-A “Public Employee Labor Relations”

LEGAL OPINION:

The Town’s Labor Attorney, Joseph McKittrick, has briefed the Town Council relative to the Tentative Agreement.

FINANCIAL DETAILS:

FUND	2026	2027
GENERAL	\$153,200.00	\$58,000.00

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby ratify the Collective Bargaining Agreement between the Town of Durham and Durham Professional Firefighter’s Association Local #2253 International Association of Firefighter’s for the period January 1, 2026 through December 31, 2027.



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AGENDA ITEM: **#9C** *TS*

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY:

David F. Emanuel, Fire Chief

AGENDA ITEM:

SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE ADMINISTRATOR, AUTHORIZE THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS (SCBA), CONFINED SPACE, & RESCUE EQUIPMENT, TO BE PAID FROM CAPITAL FUND ACCOUNT #07-2673-701-36-000, AND AUTHORIZE THE ADMINISTRATOR TO SIGN ALL ASSOCIATED DOCUMENTS?

CC PREPARED BY:

David F. Emanuel, Fire Chief
Robert Atwater, Assistant Fire Chief
Kelley Fowler, Fire Administrative Assistant

PRESENTED BY:

David F. Emanuel, Fire Chief

AGENDA DESCRIPTION:

In accordance with the Town of Durham Approved 2026 Capital Improvements Program, the Town Council previously approved funds to purchase Self-Contained Breathing Apparatus (SCBA) and air management system equipment to replace the department's vintage 2011 SCBA units, rescue team equipment, and confined space air system currently in service. The current Self-Contained Breathing Apparatus (SCBA) has not met the last two editions of NFPA 1981, the Standard on Open-Circuit Self-Contained Breathing Apparatus for Emergency Services 2019 and 2013 and has reached the equipment's end-of-service life.

Replacement SCBA units and equipment will be NFPA compliant and include the backpack/harness, air cylinders, and facepieces. A total of 40 air packs with 2 air bottles per pack, 50 masks, 6 RIT packs, and a new air cart with 1,000 feet of air hose will be procured.

Firefighter Rapid Intervention Team (RIT) rescue gear and confined space equipment such as 60-minute air cylinders, air cart, air hoses, emergency escape packs, and associated equipment will also be replaced.

The Durham Fire Department met with three separate vendors to evaluate equipment from various manufacturers as the department began the process of replacing the department's legacy equipment. Representatives from Fire Tech & Safety (representing 3M Scott); Strategic Safety Dynamics, LLC (representing Drager); and Firematic Supply Company, Inc. (representing MSA), visited the fire station, made presentations, demonstrated their equipment, and left demo equipment at the station for fire department members to examine and evaluate.

After this competitive process, the department determined that the MSA equipment is best suited to meet the fire department's needs and recommends proceeding with the equipment purchase from Firematic Supply Company, Inc. in the amount of \$661,977.

Firematic Supply Company, Inc. is the sole source vendor for MSA equipment and accessories (see attached letter from MSA dated January 21, 2026). Firematic Supply Company, Inc. is also an approved Massachusetts State Contractor (PSE01) and the vendor's bid price is based on the Massachusetts state bid price list.

LEGAL AUTHORITY:

Article 4-20 Competitive Purchasing of the Administrative Code of the Town of Durham states, in part, "all purchases or contracts in excess of \$65,000 shall require Town Council approval by affirmative vote. Purchases made through existing State of New Hampshire or other state/government contracts, Strafford County or Oyster River School District contracts, shall be deemed to meet the bid requirements of the above paragraphs."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

\$700,000 was approved in the FY 2026 Capital Improvement Plan, account #07-2673-701-36-000, for the replacement of the SCBA and air management system equipment. The Fire Department had applied four times for the FEMA Assistance to Firefighter (AFG) Grant seeing funds to offset this cost. However, Durham was never selected for an award.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Administrator, authorize the purchase of self-contained breathing apparatus (SCBA), confined space, & rescue equipment from Firematic Supply Company, Inc. to be paid from Capital Fund account #07-2673-701-36-000 and authorizes the Administrator to sign all associated documents.



QUOTE

Equipment Sales - Massachusetts
 23 Birch Street
 Milford, MA, 01757
 Phone: (845) 555-1212
 dfelix@firematic.com

QUOTED TO	SHIP TO:
DURHAM FD NH ROB ATWATER 51 COLLEGE ROAD DURHAM NH 03824 US	DURHAM FD NH 51 COLLEGE ROAD DURHAM NH 03824 US

QUOTE NUMBER	DATE	EXPIRE DATE	SALESPERSON
QT133823	2/11/2026	2/20/2026	Dan Felix
CUSTOMER NO.	PHONE NO.	CUSTOMER PO. NO.	CONTRACT NO.
C12919			PSE01

LINE	ITEM NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	EXTENDED PRICE
1	MSAAG1FS444MA2C2LAR	MSA G1 COMPLETE WITH EXTENDAIRE II, SERVICEABLE SHOULDER STRAPS	40	8,650.00	346,000.00
6	MSAAG1FPFS1S401	G1 FACE PIECE - SMALL	4	435.00	1,740.00
7	MSAAG1FPPM1M401	G1 FACEPIECE,MEDIUM,4-PT ADJUSTABLE	50	435.00	21,750.00
8	MSAAG1FPFL1L401	G1 FACE PIECE, LARGE	1	435.00	435.00
9	MSA10175707	G1 CYLINDER ASSY, 4500PSI, 30 MIN, W/QUICK CONNECT	45	1,255.00	56,475.00
10	MSA10175707F	G1 CYLINDER ASSY, 4500PSI, 30 MIN, W/QC	45	0.00	0.00
11	MSALOGOSSETUP	LOGO SET UP FEE	1	250.00	250.00
14	MSA10206313	G1 RIT SYS, 4500, QC, QF, GAUGE, QA BYPASS, UEBSS. LESS CYL	6	5,135.00	30,810.00
15	MSA10175710	G1 CYLINDER 4500PSI 60 MIN W/QC ADAPTER	9	1,850.00	16,650.00
16	MSA10175710F	G1 CYLINDER 4500PSI 60 MIN W/QC ADAPTER	9	0.00	0.00
17	TNORBL20	RBL20-L-2 RIT BAG W/SKID PLATE - RED	6	325.00	1,950.00
18	MSA485331	TRANS FILL HOSE	6	1,350.00	8,100.00
19	MSA10107819	AIR CART, TECHNICAL RESCUE, HANSEN	1	9,950.00	9,950.00
20	MSAAPCG21EA2E1	MSA G1 PREMAIRE CADET, HANSEN	4	2,700.00	10,800.00
21	MSA455022	HOSE ASSY, AIRLINE, NEOPRENE, 50', BRASS FITTINGS	10	385.00	3,850.00
22	MSA10158385	G1 BATTERY CHARGING STATION	2	1,020.00	2,040.00
23	MSA10148741SP	G1 LI-ION RECHARGEABLE BATTERY PACK	12	525.00	6,300.00
24	MSA10149702SP	QUICK CONNECT ADAPTER FOR 4500/5500PSI CYLINDERS	6	95.00	570.00
25	MSA10162403	ADAPTER ASSY,QC TO 1/4 NPT F,5000PSI	5	675.00	3,375.00
26	MSA10083875	TAGS ASSY, ELECTRONIC ID G1/M7 AIR MASK	50	60.00	3,000.00
27	MSA10009971	GERMACIDE CLEANER, 32oz.	2	100.00	200.00
28	MSA10207584	KIT, G1 SCBA, WASHING & DECON	4	550.00	2,200.00

Comments ALL ASPECTS OF THIS QUOTE MEET OR EXCEED THE REQUIREMENTS OF MASSACHUSETTS STATE CONTRACT PSE-01 ANNUAL FIT TESTING FREE OF CHARGE

Dan Felix



QUOTE

Equipment Sales - Massachusetts
23 Birch Street
Milford, MA, 01757
Phone: (845) 555-1212
dfelix@firematic.com

QUOTED TO	SHIP TO:
DURHAM FD NH ROB ATWATER 51 COLLEGE ROAD DURHAM NH 03824 US	DURHAM FD NH 51 COLLEGE ROAD DURHAM NH 03824 US

QUOTE NUMBER	DATE	EXPIRE DATE	SALESPERSON
QT133823	2/11/2026	2/20/2026	Dan Felix
CUSTOMER NO.	PHONE NO.	CUSTOMER PO. NO.	CONTRACT NO.
C12919			PSE01

LINE	ITEM NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	EXTENDED PRICE
29	MSP10188838	G1 AIRLINE ADAPTER, HANSEN BRASS	3	325.00	975.00
30	MSA10144230	SPECTACLE KIT FOR G1 FACEPIECE	10	185.00	1,850.00
31	MSA10126741	BAG,ULTRA ELITE FACEPIECE,BLACK	55	75.00	4,125.00
32	MSA10181022	G1 SOFT GOODS KIT	6	1,100.00	6,600.00
33	MSP471501	FEMALE SOCKET, HANSEN BRASS	3	105.00	315.00
35	MSP10146925SP	G1 REGULATOR KEEPER	10	26.00	260.00
36	MSA10144231SP	KIT,FILTER ADAPTER ASSY,G1 FACEPIECE	6	170.00	1,020.00
37	MSA10186214	AIMS RFID CONTACTLESS READER WRITER	1	845.00	845.00
38	MSA10158407	G1 RFID READER/WRITER KIT	1	1,027.00	1,027.00
39	MSA10092522	ALTAIR CO METER	5	265.00	1,325.00
40	PIE2847700	TAB,SMARTDOCK REPLACEMENT MSA BOTTLE G1 MODEL	26	37.50	975.00
41	SIEAC100152	ADAPTER, 1/4" M NPT X CGA 347	5	37.00	185.00
42	SIEAC800435	HOSE, 300 PSI, 3/8" X 5', MNPT X MNPT	3	60.00	180.00
43	RIIPB001096AA	PROBLEND DETERGENT, 2.5 GAL	2	115.00	230.00
44	ZIAUN6302SF	Bracket with short footplate- no strap - standard clips	8	94.00	752.00
45	CAIGS210003A001BA001	CAIRNS XR2 TECH RESCUE HELMET, NON-VENT, WHT, SILVER TRIM	4	192.00	768.00
46	CAIGS210003A001NA001	CAIRNS XR2 TECH RESCUE HELMET, NON-VENT, BLK, SILVER TRIM	26	192.00	4,992.00
47	CAIGS2100032001RE001	CAIRNS XR2 TECH RESCUE HELMET, NON-VENT, RED, YELLOW TRIM	4	187.00	748.00
48	CAIGA3725	XR2 INTEGRATED HEADLAMP	34	115.00	3,910.00
49	CAI3709	NAPE NECK CURTAIN, XR2	34	23.00	782.00
50	CAIGA3701	CAIRNS XR2 RESCUE PANELS, PKG OF 5	7	60.00	420.00
51	CAIGA3702	CAIRNS XR2 INTERNAL VISOR	34	44.00	1,496.00

Comments ALL ASPECTS OF THIS QUOTE MEET OR EXCEED THE REQUIREMENTS OF MASSACHUSETTS STATE CONTRACT PSE-01 ANNUAL FIT TESTING FREE OF CHARGE

Dan Felix



QUOTE

Equipment Sales - Massachusetts
23 Birch Street
Milford, MA, 01757
Phone: (845) 555-1212
dfelix@firematic.com

QUOTED TO

DURHAM FD NH
ROB ATWATER
51 COLLEGE ROAD
DURHAM NH 03824
US

SHIP TO:

DURHAM FD NH
51 COLLEGE ROAD
DURHAM NH 03824
US

QUOTE NUMBER	DATE	EXPIRE DATE	SALESPERSON
QT133823	2/11/2026	2/20/2026	Dan Felix
CUSTOMER NO.	PHONE NO.	CUSTOMER PO. NO.	CONTRACT NO.
C12919			PSE01

LINE	ITEM NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	EXTENDED PRICE
53	CAIGA371900	SET OF 5 PRISMATIC SILVER STICKERS, XR2	1	96.00	96.00
54	INFIDA03BK	IDENTIFIRE COMBO ACCOUNTABILITY SYSTEM, BLACK	80	99.00	7,920.00
55	INFIDA10BL	IDENTIFIRE CYLINDER DECAL, BLUE	108	19.50	2,106.00
56	INFIDM03BL	IDENTIFIRE, MSA G1 MASK, BLUE	40	15.75	630.00
57	SERVICE	10 YEARS SERVICE, ANNUAL FLOW TEST, 2 CYLINDER HYDROSTATIC TESTING	1	65,000.00	65,000.00
58	SERVICE	ANNUAL SERVICE, YEARS 11-15	1	26,000.00	26,000.00
59	FREIGHT	FREIGHT - TBD AND ADDED TO INVOICE	1	0.00	0.00

*****Please note: Prices are subject to change, at any time, due to potential tariff adjustments.*****

Comments	ALL ASPECTS OF THIS QUOTE MEET OR EXCEED THE REQUIREMENTS OF MASSACHUSETTS STATE CONTRACT PSE-01 ANNUAL FIT TESTING FREE OF CHARGE	Amount:	661,977.00
		By:	Dan Felix



January 12, 2026

MSA Corporate Center
1000 Cranberry Woods Drive
Cranberry Township, PA 16066
800.MSA.2222
www.MSAnet.com

To Whom It May Concern:

This letter confirms that Firematic Supply Co is the sole authorized distributor of MSA SCBA and SCBA accessories for the Municipal Fire Service Market for the State of New Hampshire. In addition, Firematic Supply Co is the only CARE certified MSA SCBA repair center for the Municipal Fire Service Market for the State of New Hampshire.

By way of background, in the fire service / first responder markets, MSA imposes specific requirements upon our distributors, which can result in a small number of distributors authorized to call upon a particular region. We impose these requirements because the equipment we manufacture and sell requires the involvement of partners with special knowledge, training and experience. Accordingly, MSA's distributors are obligated to acquire and maintain extensive knowledge, training, and experience necessary to properly educate, assist and service our end user customers before, during and after the sale. MSA's fire service / first responder distributor qualification requirements are likewise intended to ensure the highest possible end user customer experience.

If you desire additional information about MSA, its product lines, or channel partners, please do not hesitate to contact me. Thank you for your interest in our products.

Sincerely,

A handwritten signature in black ink that reads "Brittney Carr". The script is cursive and fluid.

Brittney Carr
North America Sales Channels Specialist
Phone: 724-741-7653
Email: brittney.carr@msasafety.com



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AGENDA ITEM: **#9D**

DATE: **February 16, 2026**

COUNCIL COMMUNICATION

INITIATED BY: Administrator Todd Selig

AGENDA ITEM: SHALL THE TOWN COUNCIL CONTINUE TO KEEP SEALED THE NONPUBLIC SESSION MINUTES FROM FEBRUARY 4, APRIL 7, JUNE 16 AND JULY 7, 2008?

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 will be brought to the Council to determine if they should remain sealed or be unsealed for public viewing. At this meeting the nonpublic minutes from the years 2008 will be reviewed. The Administrator has reviewed the minutes from the meetings listed and **has determined that these minutes should remain sealed.**

LEGAL AUTHORITY:

RSA 91 A:3

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Town Council does hereby continue to keep sealed the Nonpublic Session minutes from February 4, April 7, June 16 and July 7, 2008.



TOWN OF DURHAM

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

AGENDA ITEM: **# 10A** *TS*

DATE: **February 16, 2026**

COUNCIL COMMUNICATION

INITIATED BY: David Steinberg

AGENDA ITEM: SHALL THE TOWN COUNCIL NOMINATE RESIDENT DAVID STEINBERG, 271 PACKERS FALLS ROAD, FOR A THREE-YEAR RE-APPOINTMENT BY THE NHDES COMMISSIONER AS A DURHAM REPRESENTATIVE TO THE LAMPREY RIVER LOCAL ADVISORY COMMITTEE?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd Selig, Administrator

AGENDA DESCRIPTION:

In 2019, the state House of Representatives passed House Bill 228 which changed the appointing body for local river management advisory committee members from the Commissioner of the Department of Environmental Services to the Department of Environmental Services Rivers Management Advisory Committee, upon the recommendation of the Town Council. The term is for three (3) years from the time the appointment is made by the Advisory Committee.

Attached for the Council's information is a Local River Management Advisory Committee nominee form completed submitted by Mr. Steinberg which must be submitted to the NHDES Commissioner.

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

1. To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment and tributary drainage areas. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.

Re: Appoint David Steinberg to the Lamprey River Local Advisory Committee

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

LEGAL AUTHORITY:

New Hampshire Revised Statutes Annotated (RSA) 483:8-a, New Hampshire Rivers Management and Protection Program (RMPP).

Section 11.1(G) “Administrative Committees” of the Durham Town Charter.

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby nominate resident David Steinberg for a three-year appointment by the NHDES Commissioner as a Durham Representative to the Lamprey River Local Advisory Committee.



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

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

Nominee Information

Nominee Name: David Steinberg		Date: 02/04/2026
Street Address: 271 Packers Falls Road		
Town: Durham		Zip Code: 03824
Phone (home): N/A	Phone (cell): 215-262-0214	Phone (work): N/A
Email: steinbds@gmail.com		

Nomination Information

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

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

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

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Additional Information

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

I teach in the Department of Biological Sciences at UNH and conduct research on native amphibian and turtle populations, including those in the Lamprey River watershed. I've served on the LRAC for the past three years, including as Treasurer for the past two years or so (a position I still hold).

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

- ☐ Grant Writing ☒ Public Education ☒ Committee Administration
☐ Event Organization ☐ Public Relations ☐ Management Plan Preparation/Implementation
☐ Other, please specify: _____

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

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

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):

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

RMPP Staff recommends appointment to the Rivers Management Advisory Committee -

☐ Approve RMPP staff: _____ Date: _____

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

Appointment letter and information packet sent on (date):

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

From: [Suzanne Petersen](#)
To: [Karen Edwards](#); [Grace Levergood](#)
Subject: Re: David Steinberg reappointment
Date: Wednesday, February 4, 2026 10:37:27 AM

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

Hi, Karen,

David has been a valued member of the committee and is currently serving as treasurer. He has actively helped us with several wildlife issues and co-led an important research project on American toads. He is helping to create a new interactive public display called Frogsong. He is also an important link between the LRAC and UNH. We have no reservations about reappointing him.

Suzanne Petersen, coordinator
copied to Grace Levergood, chair

On 02/04/2026 10:20 AM EST Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Suzanne,

David Steinberg's term on the Lamprey River Advisory Committee expires on March 9. He has requested to be reappointed for another term. The Durham Town Council will take up whether to recommend him for reappointment at their Feb. 16 meeting. Do you recommend that he be reappointed?

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-5571

www.ci.durham.nh.us

She/her/hers



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#10B**

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY: Benjamin Phelps

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE CONSERVATION COMMISSION CHAIR, APPOINT BENJAMIN PHELPS, 341 LEE HOOK ROAD, FROM AN ALTERNATE MEMBERSHIP POSITION TO AN UNEXPIRED REGULAR MEMBERSHIP POSITION ON THE CONSERVATION COMMISSION WITH A TERM EXPIRATION OF APRIL 2028?

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Attached for the Council's information and consideration is an application for board appointment submitted by Benjamin Phelps, requesting appointment from an alternate member to a regular member on the Conservation Commission. His appointment will fill the vacancy left by Nicholas Lanzer. Attached for the Council's information is Chair Trueblood's endorsement of Mr. Phelps's appointment.

Mr. Phelps will not be in attendance at Monday night's meeting.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Conservation Commission Chair, appoint Benjamin Phelps, 341 Lee Hook Road, from an Alternate Membership position to an Unexpired Regular Membership position on the Conservation Commission with a term expiration of April 2028.



Town of Durham

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

Application for Board Appointment

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

New appointment/regular member ☒

New appointment/alternate member ☐

Reappointment/regular member ☐

Reappointment/alternate member ☐

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

Applicant has:

☒ ATTENDED A MEETING

☒ SPOKEN WITH CHAIR/V CHAIR

☐ BEEN RECOMMENDED FOR MEMBERSHIP

Name: Ben Phelps

Date: 02.05.2026

Address: 341 LEE Hook RD DURHAM, NH 03824

E-Mail Address: ben.phelps@gmail.com

Telephone: 207.807.0718

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

1. Conservation Commission
- 2.
- 3.

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

(Over)

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

I would like to move from alternate to regular member, filling the vacant position.

Please provide brief background information about yourself:

Lived in Durham about 5 years and am an avid user of Durham public lands. I've been an alternate member of the Conservation Commission for almost a year.

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

Please see references from previous alternate application.

Name:

Telephone:

Name:

Telephone:

Name:

Telephone:

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

From: [DWIGHT TRUEBLOOD](#)
To: [Karen Edwards](#)
Subject: Re: Ben Phelps
Date: Thursday, February 5, 2026 11:11:59 AM

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

Yes I do.

On 02/05/2026 11:07 AM EST Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Dwight,

I have received an application from Ben Phelps to move from an alternate to a regular member on the Conservation Commission. Do you recommend this move?

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-5571

www.ci.durham.nh.us

She/her/hers



TOWN OF DURHAM

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Fax: 603-868-1858
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AGENDA ITEM: **#13A**

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY: Carolyn Singer

AGENDA ITEM: PUBLIC HEARING TO ACCEPT AND EXPEND UNANTICIPATED PRIVATE DONATIONS TOTALING \$10,000 TO BE USED TOWARD THE BICKFORD-CHESLEY HOUSE GALLERY.

CC PREPARED BY: Carolyn Singer

PRESENTED BY: Carolyn Singer or Wayne Burton as TC representative on the Heritage Commission

AGENDA DESCRIPTION:

The rehabilitation and adaptive reuse of the historic Bickford-Chesley House at Wagon Hill Farm is nearing completion. With support from LCHIP (\$286,600), Moose Plate grants, and local capital funding from undesignated fund balance, a rental apartment is located on the second floor, public exhibit and meeting space on the first floor, with safe, code-compliant three-season use of the barn. The Bickford-Chesley House Gallery will host rotating exhibits on Durham's history, showcase the work of local artists, and honor the site's Indigenous and agricultural heritage while expanding cultural and educational programming opportunities for residents.

The Town has received a \$10,000 donation from the Mackie Family Charitable Trust for the Wagon Hill Farm Heritage Expendable Trust to be used for the purchase of exhibit cases and information panels for the public gallery at the Bickford-Chesley House.

At their meeting on February 2, 2026, the Town Council scheduled a Public Hearing on this item for their meeting of Monday, February 16, 2026. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, February 5, 2026. 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:

New Hampshire Revised Statutes Annotated (RSA) 31:95-b authorizes the Town Council to apply for, accept and expend, without further action by the town or village district meeting, unanticipated money 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. On July 12, 1999, the Town Council adopted Resolution #99-19 granting this authority to the Town Council.

RSA 31:95 III. (a) states that: **“For unanticipated moneys in the amount of \$10,000 or more, the selectmen or board of commissioners shall hold a public hearing on the action to be taken.** Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the relevant municipality at least 7 days before the hearing is held.”

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

The Town of Durham has received a private donation of \$10,000 totaling deposited to the Wagon Hill Farm Heritage Expendable Trust per the donor’s instructions.

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION #1

The Durham Town Council does hereby OPEN the Public Hearing to recommend the acceptance and expenditure of unanticipated private donations totaling \$10,000 to be used toward the public gallery at the Bickford-Chesley House.

MOTION #2

The Durham Town Council does hereby CLOSE the Public Hearing to recommend the acceptance and expenditure of unanticipated private donations totaling \$10,000 to be used toward the public gallery at the Bickford-Chesley House.

MOTION #3

The Durham Town Council does hereby recommend the acceptance and expenditure of unanticipated private donations totaling \$10,000 to be used toward the public gallery at the Bickford-Chesley House.



TOWN OF DURHAM

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

AGENDA ITEM: **#13B** *TS*

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: DISCUSSION AND POSSIBLE ADOPTION OF 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.

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner

UPDATE FROM PRIOR COUNCIL COMMUNICATION:

Here is an update from an earlier Council Communication. The text below starting at the AGENDA DESCRIPTION is the same information that was included in the November 3, 2025 Council Communication.

The Planning Board initiated this amendment on October 8, 2025 to bring the Zoning Ordinance into compliance with recent state laws. The amendment was presented to the Town Council on November 3 on the Consent Agenda for first reading and scheduling the public hearing. The hearing was held on November 17. Nobody spoke and the hearing was closed.

The Town Council then voted to make one change: allowing mixed-use with residential rather than multi-unit residential in Coe's Corner and four Research-Industry zones. Both options comply with the state law. The proposal was sent back to the Planning Board for consideration. This different version is reflected in a different table. The rest of the text in the amendment would not change. See the **original version** from the Planning Board and the **revised version** from the Town Council at the end of this Council Communication.

The Planning Board held a public hearing on the ordinance with the proposed change on January 28, 2026. There were two comments recommending against making the change - Al Howland spoke at the hearing and Beth Olshansky sent an email. The board closed the hearing and then voted (7-0) to recommend against including the change from the Town Council and to adopt the amendment as written originally by the Planning Board.

The Planning Board recommends allowing multi-unit residential in the Coe's Corner and four Research Industry zones by right (P). The Planning Board supports the original version because of concern that requiring first floor commercial in the outlying zones (as specified with mixed-use with residential) would:

- a) discourage needed residential development due to the difficulty of adding commercial uses in those five zones;
 - b) allow for commercial uses in inappropriate outlying areas (limited commercial uses are allowed in those zones: e.g., office but not retail); and
 - c) adversely impact the downtown where retail type uses should be focused.
- I recommend that the Town Council adopt the **original version** initiated by the Planning Board. Since the Town Council has already held first reading and the public hearing for the original amendment, the Town Council can simply adopt it now if desired.

On the other hand, if the Town Council wishes to adopt the **revised version** with the proposal it included on November 17, the Town Council would need to hold first reading on that version and then schedule a public hearing.

The original ordinance is attached. If the Town Council wishes to move forward with the revised version, then it can simply vote to do so: the table will simply be dropped into the ordinance replacing the table in the original version.

From November 3, Council Communication

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 ~~located 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:

Suggested Motion:

MOTION:

The Town Council does Hereby Adopt 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.

Original version initiated by Planning Board. Incorporated into attached Ordinance.

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
<i>Student-Rental</i>	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

Revised version proposed by Town Council. Will be dropped into the Ordinance in place of original version if so decided by Town Council.

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	X	X	X	X
<i>Student Rental</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>
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	<i>X P</i>	<i>X P</i>	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	<i>CU P</i>	X	X	X	<i>X P</i>	<i>X P</i>	<i>X P</i>	<i>X P</i>	<i>X P</i>

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.

WHEREAS, on November 17, 2025 the Council remanded the Amendment back to the Planning Board with a suggestion of changes; and

WHEREAS, the Planning Board held a Public Hearing on the proposed changes on January 28, 2026; and

WHEREAS, the Planning Board closed the public hearing and then voted (7-0) to recommend against including the change from the Town Council and to adopt the amendment as written originally by the Planning Board;

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.

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~~*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 DIMENSIONL 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 Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



TOWN OF DURHAM

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AGENDA ITEM: **#13C1** *TS*
DATE: **February 16, 2026**

COUNCIL COMMUNICATION

INITIATED BY: Town Council and Planning Board

AGENDA ITEM: PUBLIC HEARING AND POSSIBLE ADOPTION OF ORDINANCE #2026-01 AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," OF THE TOWN CODE TO SET THE MAXIMUM HEIGHT IN THE CENTRAL BUSINESS-1 DISTRICT AT 4 STORIES AND 50 FEET.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

At the Council meeting of February 2, 2026, the Council decided to schedule a public hearing on an amendment initiated by Planning Board where the entire CB-1 District would have a four story and 50-foot height limit. The allowance for a fifth story by conditional use in the westerly section and the three-story limit in the easterly section would be eliminated.

On January 14, 2026, following a public hearing, the Planning Board voted (7-0) to formally initiate this amendment and to reject two other amendments initiated by the Town Council. Town Planner, Michael Behrendt, believed that the Planning Board took this action in order to simplify the standards across CB-1 and to eliminate the conditional use which is sometimes a challenge for developers.

At their meeting on February 2, 2026, the Town Council scheduled a Public Hearing on this item for their meeting of Monday, February 16, 2026. A Public Hearing notice was published in *Foster's/Seacoast Online* on Thursday, February 5, 2026. 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:

RSA 674:16, 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 #1:

The Durham Town Council does hereby OPEN the Public Hearing on Ordinance #2026-01 Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to Set the Maximum Height in the Central Business-1 District at 4 Stories and 50 Feet.

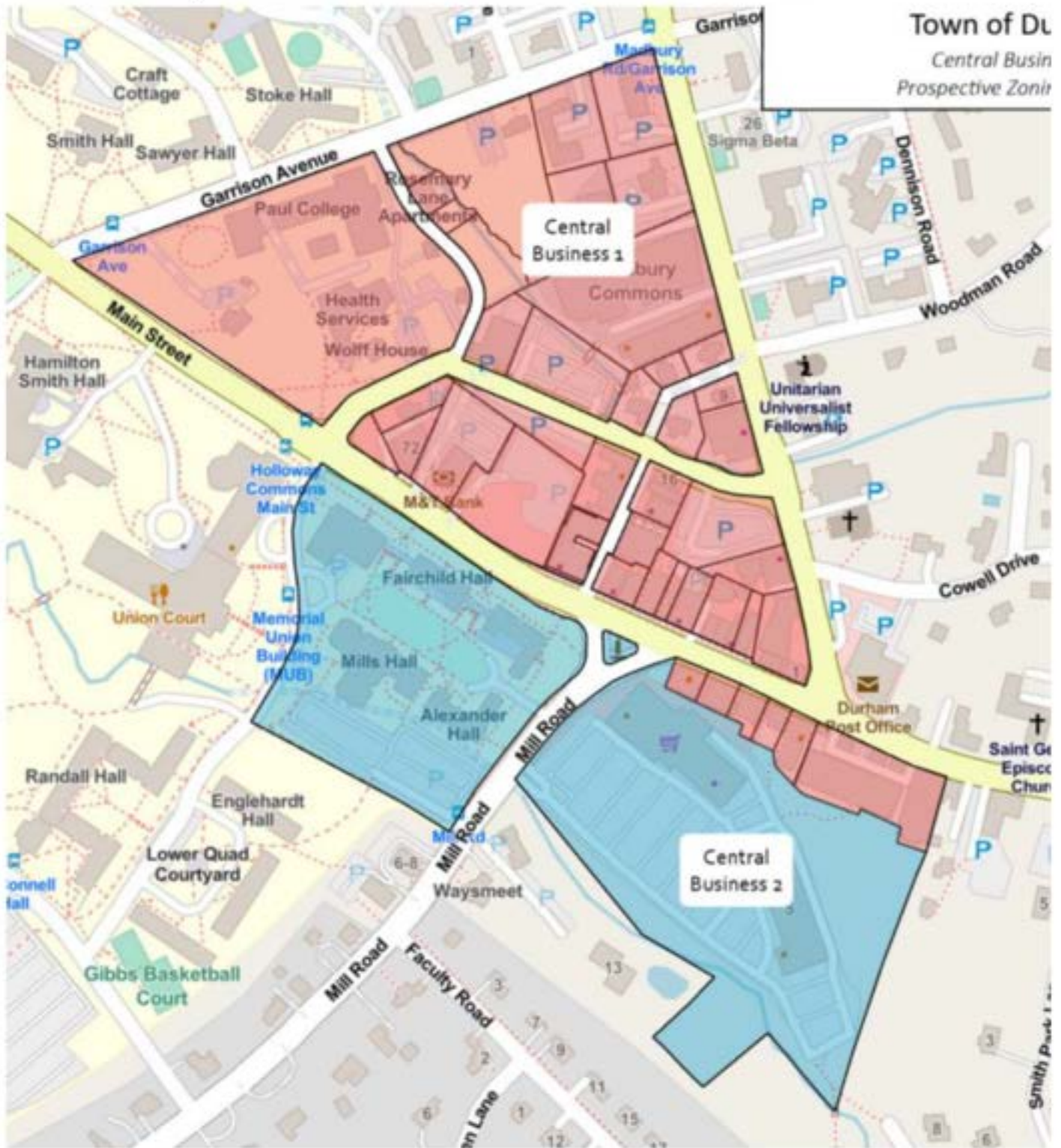
MOTION #2:

The Durham Town Council does hereby CLOSE the Public Hearing on Ordinance #2026-01 Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to Set the Maximum Height in the Central Business-1 District at 4 Stories and 50 Feet.

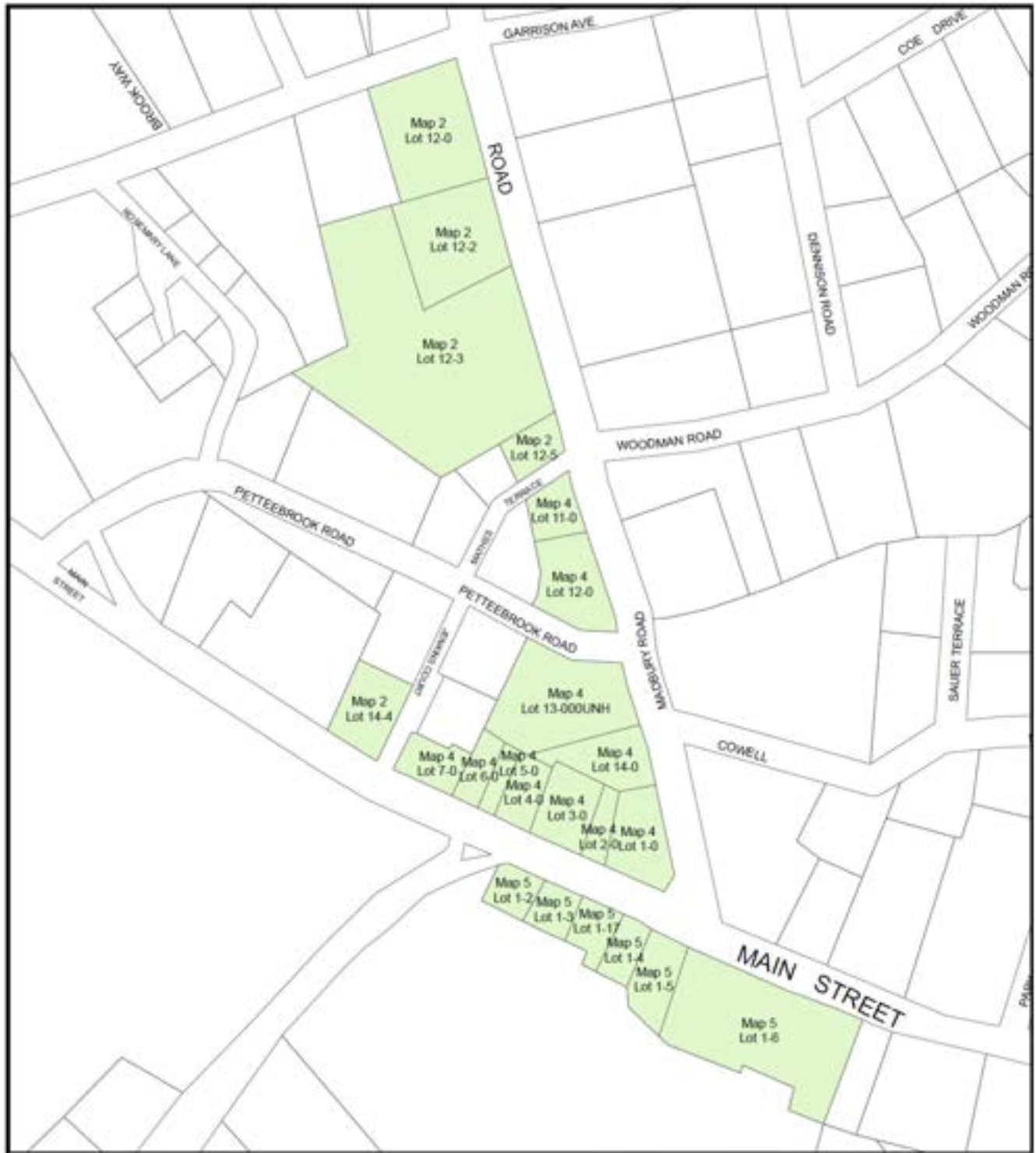
MOTION #3

The Durham Town Council does hereby ADOPT Ordinance #2026-01 Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to Set the Maximum Height in the Central Business-1 District at 4 Stories and 50 Feet.

Current Zoning of Central Business-1 and Central Business-2 Districts



Area of Central Business-1 District affected by Section 175-42. C. 8., 9., and 10.



ORDINANCE #2026-01 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," OF THE TOWN CODE TO SET THE MAXIMUM HEIGHT IN THE CENTRAL BUSINESS-1 DISTRICT AT 4 STORIES AND 50 FEET.

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

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

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

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

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

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

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

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

WHEREAS, the Planning Board held a public hearing on this amendment on May 14, 2025 and voted unanimously on May 28, 2025 to support the amendment; and

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

WHEREAS, the Town Council tabled the amendment at the August 4, 2025 meeting; and

WHEREAS, the Town Council took up the amendment again at the September 8, 2025 meeting and decided to send the amendment back to the Planning Board to be re-worked; and

WHEREAS, Planner Michael Behrendt and citizen Doug Bencks worked together to revise the amendment, and then presented their changes at the November 3, 2025 Council meeting; and

WHEREAS, the Planning Board created their own revision to the amendment and held a Public Hearing on January 14, 2026; and

WHEREAS, the Town Council held a duly noticed Public Hearing on this revised amendment on February 16, 2026;

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2026-01** Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to Set the Maximum Height in the Central Business-1 District at 4 Stories and 50 Feet.

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ARTICLE XII – BASE ZONING DISTRICTS

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:
1. **Building Setback** – Along the westerly side of Madbury Road from Main Street to Pettee Brook Lane, the front wall of the principal building shall be located no closer than 15 feet to, and no farther than 20 feet from, the front property line. Along the westerly side of Madbury Road from Pettee Brook Lane to Garrison Avenue, the front wall of the principal building shall be located no closer than 20 feet to, and no farther than 30 feet from, the front property line. For corner lots, this requirement shall apply to all frontages abutting a public street. Up to 50 percent of the front façade may be recessed beyond the maximum setback distance if the space between the front wall and the front property line is used as pedestrian area in accordance with paragraph 4. below. The expansion or modification of an existing building shall be exempt from this requirement if the Planning Board finds that conformance with this requirement would not be consistent with the character of the existing building.
 2. **Pedestrian Area** – The area directly in front of the front wall of the building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian and/or customer use of this space. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
 3. **Front Entrance** – The front wall of the principal building shall contain a front door providing access to the building for tenants, customers, or other users of the building, unless the Planning Board determines that placement of the front door on another

façade is a practical approach and the design of the front façade will engage the street in an effective and attractive manner. If the front wall of the building is located behind the front property line, a paved sidewalk or other appropriate pedestrian way shall be provided from the sidewalk to the front door. This provision shall not be interpreted to prevent the creation of other entrances to the building. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.

4. Storage and Service Areas – All storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be visible from a public street. Dumpsters and storage areas shall be screened or landscaped in accordance with the provisions of Article XXII and Chapter 118, Article 3, Section 118-18 of the Solid Waste Ordinance.
5. Minimum Building Height – All new principal buildings or additions to existing principal buildings that increase the building footprint by more than 20 percent, shall have a minimum of 2 usable stories or a height equivalent of 2 stories above adjacent grade at the front wall of the building.
6. Maximum number of stories – The maximum number of permitted stories is 4 ~~*except as restricted in sections 8 and 9 below. However, the maximum number of permitted stories in the remainder of the district outside of the area covered in sections 8 and 9 below, may be increased to 5 stories subject to all of the following provisions. 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;*~~
 - ~~*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 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.)~~
- d. e. 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.
- e. f. Outdoor public use areas. Outdoor space on the subject property that is dedicated in perpetuity to public use may be used to meet the office/retail square footage requirement on a one-to-one basis provided that: a) the Planning Board determines that the design, location, management, and other aspects of the space will add a significant public amenity to the project; and b) the outdoor space may be used to meet a maximum of 50 percent of the overall required office/retail square footage.

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

~~9. Maximum Height of Mixed-Use Buildings, Madbury Road No building in the Central Business District on any lot with frontage along Madbury Road shall exceed~~

~~3 stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 106, Lot 48; Tax Map 106, Lot 49; Tax Map 106, Lot 44; Tax Map 108, Lot 19; Tax Map 106, Lot 40; Tax Map 106, Lot 39; Tax Map 106, Lot 66; and Tax Map 108, Lot 20.~~

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

ARTICLE XII.1 USE AND DIMENSIONAL STANDARDS

175-54. TABLE OF DIMENSIONS

STANDARD	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	OR-Route 108 (OR)	MUDOR	ORLI	Durham Business Park
Maximum Permitted Building Height in Feet	30 50 See Note 7	30	30	30	30	30	50	40	40	40
Maximum Permitted Building Height in Feet by Special Exception in the Four Residential Zones and by Conditional Use in Other Zones.	60 See Note 7 NA	60 See Note 7 50	35	35	35	35	75	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.~~

7. The maximum number of stories in the Central Business-1 District is four.

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

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk



TOWN OF DURHAM

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Durham, NH 03824
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www.ci.durham.nh.us

AGENDA ITEM: #13C2 TS
DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY:

Town Council and Planning Board

AGENDA ITEM:

CONSIDERATION OF ORIGINAL ORDINANCE #2025-08A AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," OF THE TOWN CODE TO ELIMINATE THE THREE-STORY HEIGHT LIMIT FOR PORTIONS OF CENTRAL BUSINESS-1 ZONING DISTRICT AND TO CHANGE THE STANDARD FOR COMMERCIAL IN FIVE STORY BUILDINGS IN CENTRAL BUSINESS-1 DISTRICT FROM REQUIRING TWO FLOORS TO REQUIRING ONLY ONE FLOOR.

CC PREPARED BY:

Karen Edwards, Administrative Assistant

PRESENTED BY:

Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

At the February 2, 2026 meeting, the Council discussed this original amendment initiated by Town Council on March 17, 2025. This original amendment would remove height limits in the easterly section of CB-1 District and remove the requirement for a second story of commercial for five-story buildings in the entire CB-1 district. All of CB-1 would allow four stories by right and a fifth story by conditional use. The requirement for a second story of commercial in a five-story building would be eliminated.

This amendment was proposed by the Durham Housing Task Force which presented the proposal to the Town Council. The Town Council initiated the amendment on

March 17, 2025 and sent it to the Planning Board. The Planning Board held a public hearing on the proposal on May 28 and voted unanimously (7-0) to support it. The Town Council then held a public hearing on the amendment on July 7.

Residents expressed much concern with the amendment at the public hearing and the Town Council then worked on changes with the Town Planner and Architect Doug Bencks. On November 3, the Town Council voted to support various changes, mainly involving design standards for the fourth floor in the easterly section, and sent the revised proposal back to the Planning Board (See Ord. #2025-08B).

A motion was made and seconded by the Town Council to kill this original amendment but it did not pass. Therefore, Amendment 3 is still active. If desired, it could be adopted without another public hearing since one was held earlier. The Planning Board reconsidered this amendment on January 14, 2026. The Planning Board voted (7-0) to recommend rejecting this amendment, superseding its earlier favorable recommendation.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Possible Motions:

MOTION #1:

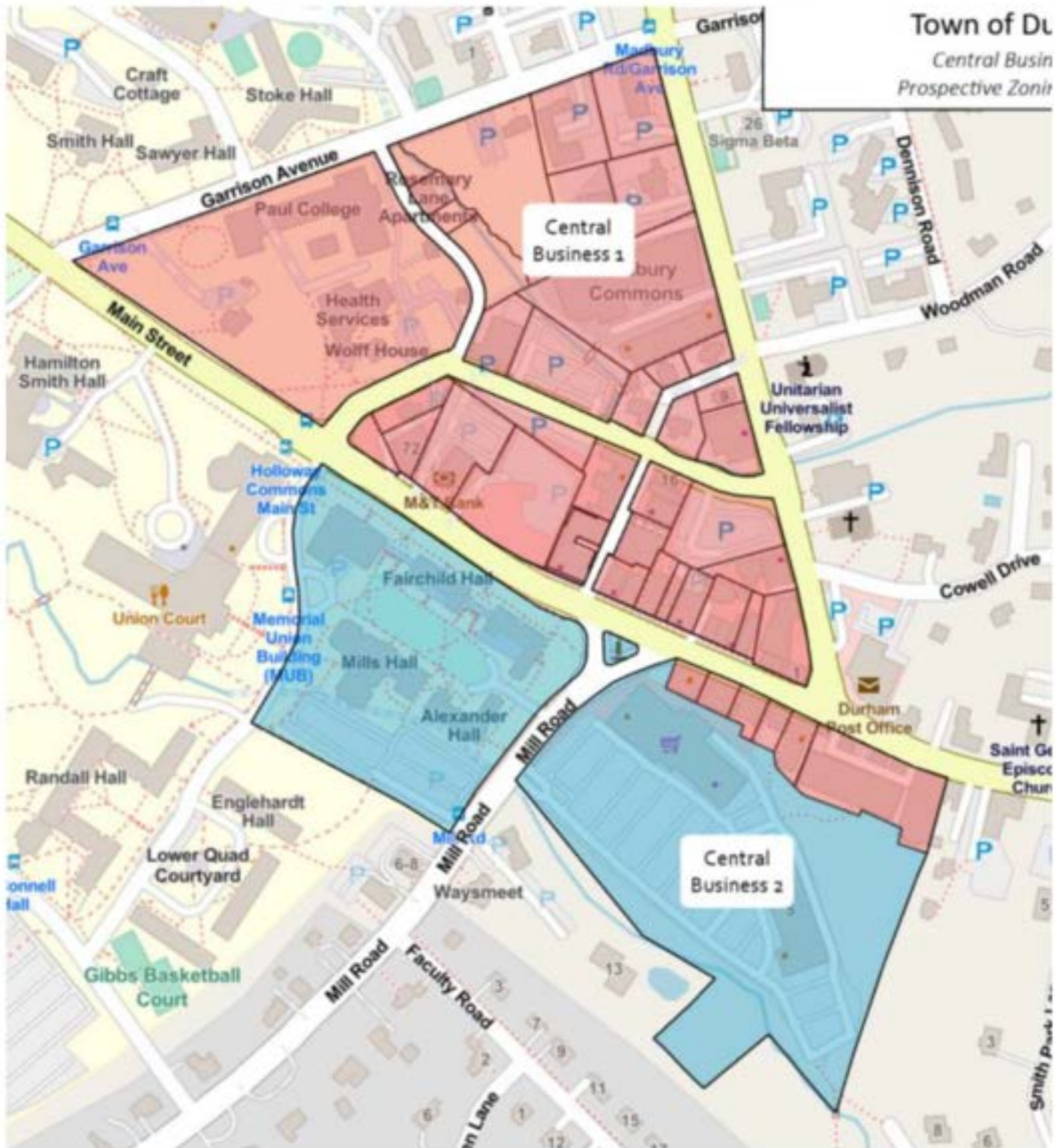
The Durham Town Council does hereby Adopt Ordinance #2025-08A Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to eliminate the three-story height limit for portions of Central Business-1 Zoning District and to change the standard for commercial in five story buildings in Central Business-1 District from requiring two floors to requiring only one floor.

OR

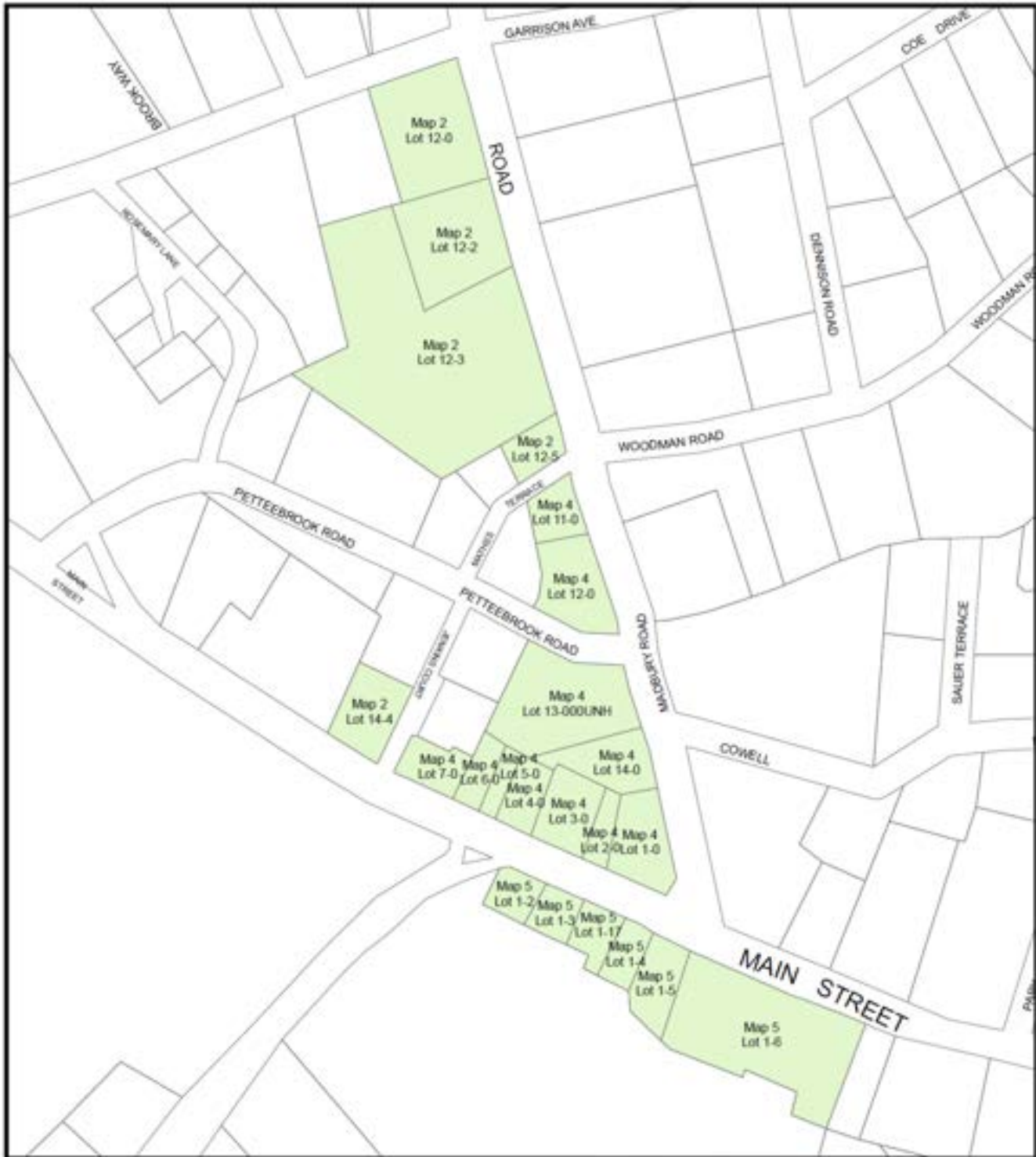
MOTION #2:

The Durham Town Council does hereby NOT Adopt Ordinance #2025-08A Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to eliminate the three-story height limit for portions of Central Business-1 Zoning District and to change the standard for commercial in five story buildings in Central Business-1 District from requiring two floors to requiring only one floor.

Current Zoning of Central Business-1 and Central Business-2 Districts



Area of Central Business-1 District affected by Section 175-42. C. 8., 9., and 10.



ORDINANCE #2025-08A OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," OF THE TOWN CODE TO ELIMINATE THE THREE-STORY HEIGHT LIMIT FOR PORTIONS OF CENTRAL BUSINESS-1 ZONING DISTRICT AND TO CHANGE THE STANDARD FOR COMMERCIAL IN FIVE STORY BUILDINGS IN CENTRAL BUSINESS-1 DISTRICT FROM REQUIRING TWO FLOORS TO REQUIRING ONLY ONE FLOOR.

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

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

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

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

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

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

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

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

WHEREAS, the Planning Board held a public hearing on this amendment on May 14, 2025 and voted unanimously on May 28, 2025 to support the amendment; and

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

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2025-08** Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," to eliminate the three-story height limit for portions of Central Business-1 Zoning District and to change the standard for commercial in five story buildings in Central Business-1 District from requiring two floors to requiring only one floor.

Proposed additions to existing text are shown like this.

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

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

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

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

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

1. Building Setback – Along the westerly side of Madbury Road from Main Street to Pettee Brook Lane, the front wall of the principal building shall be located no closer than 15 feet to, and no farther than 20 feet from, the front property line. Along the westerly side of Madbury Road from Pettee Brook Lane to Garrison Avenue, the front wall of the principal building shall be located no closer than 20 feet to, and no farther than 30 feet from, the front property line. For corner lots, this requirement

shall apply to all frontages abutting a public street. Up to 50 percent of the front façade may be recessed beyond the maximum setback distance if the space between the front wall and the front property line is used as pedestrian area in accordance with paragraph 4. below. The expansion or modification of an existing building shall be exempt from this requirement if the Planning Board finds that conformance with this requirement would not be consistent with the character of the existing building.

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

- i. by at least 10 feet where any side of the building faces a public street; *and*
- ii. by at least 20 feet where any side of the building faces Main Street. ~~;~~ *and*
- iii. ~~by at least 25 feet where any side of the building faces an adjacent lot (not separated by a street) situated in the section of the Central Business District that is restricted to 3 stories (Section 175-42 B. 8. and 9., or as those subsections may be renumbered in the future).~~

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

- d. The Planning Board must determine that the additional story will not have an adverse impact upon the streetscape, giving particular consideration to scale and mass (See Architectural Regulations for guidance).
 - e. Building height. When an additional story is incorporated under this section the maximum building height is 60 feet.
7. Required office/retail uses for a mixed-use with residential building
- a. One-story building: A mixed-use with residential use is not allowed in a one-story building.
 - b. Two-story building: The entire first floor must be office/retail.
 - c. ~~Three- or four-story~~ *Three-, four- or five-story* building: The entire first floor must be office/retail. Alternatively, office/retail uses may be located ~~anywhere on the first, second, third, and fourth floors~~ *on any floor* provided: 1) the amount of office/retail equals or exceeds the square footage of the first floor and 2) where the building fronts on a public road, the first floor of the portion of the building facing the road must be office/retail to a depth of at least 50 feet.
 - d. ~~Five-story building: The entire first floor must be office/retail. Also, 1 additional floor (any floor) or an area equal to the square footage of the 1/5 story must be office/retail.~~
 - e. *d.* For a building where there are distinct sections with a different number of stories and for sites where there are multiple buildings, the required minimum overall office/retail gross square footage is determined by the sum of the minimum office/retail area required by each distinct section, or by each separate building, using the required office retail space specified above. For these sites, the disposition of office/retail and residential space on the site is flexible provided the minimum overall amount of office/retail required is included and the Planning Board determines that the configuration of the building and its uses meets the intent of this subsection 7.
 - f. *e.* Outdoor public use areas. Outdoor space on the subject property that is dedicated in perpetuity to public use may be used to meet the office/retail square footage requirement on a one-to-one basis provided that: a) the Planning Board determines that the design, location, management, and other aspects of the space will add a significant public amenity to the project; and b) the outdoor space may be used to meet a maximum of 50 percent of the overall required

office/retail square footage.

- ~~8. Maximum Height of Mixed-Use Buildings, Section of Main Street—No building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 109, Lot 104 (A-E) to the easterly boundary of the district, shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 109, Lot 104 (A-E); Tax Map 109, Lot 106; Tax Map 109, Lot 107; Tax Map 109, Lot 108; Tax Map 109, Lot 109; Tax Map 109, Lot 110; Tax Map 108, Lot 18; Tax Map 108, Lot 19; Tax Map 109, Lot 3; Tax Map 109, Lot 2; Tax Map 109, Lot 1; Tax Map 108, Lot 17; Tax Map 108, Lot 16; Tax Map 108, Lot 15; Tax Map 108, Lot 14; and Tax Map 108, Lot 13.~~
- ~~9. Maximum Height of Mixed-Use Buildings, Madbury Road—No building in the Central Business District on any lot with frontage along Madbury Road shall exceed 3 stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 106, Lot 48; Tax Map 106, Lot 49; Tax Map 106, Lot 44; Tax Map 108, Lot 19; Tax Map 106, Lot 40; Tax Map 106, Lot 39; Tax Map 106, Lot 66; and Tax Map 108, Lot 20.~~
10. 8. Number of bedrooms – There shall be a maximum of 2 bedrooms in any dwelling unit within a mixed use with residential building or development.

❖ **175-54. TABLE OF DIMENSIONS.**

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

❖

❖ **TABLE 175-54 TABLE OF DIMENSIONS**

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

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

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

- ❖ 2. Any single-family lot in the R and RC Districts existing as of July 1, 2003, including lots in approved subdivisions, shall only be required to have a minimum lot area of 120,000 square feet and shall not be subject to the minimum usable area per dwelling unit requirement. Pre-existing lots with a minimum of 120,000 square feet of area shall be deemed to be conforming lots for the purpose of the minimum lot size and minimum usable area provisions but shall conform to all other current applicable standards for the district in which they are located.
- ❖ 3. See 175-57(A) for the special density requirements for senior housing, senior care facilities, and nursing homes.
- ❖ 4. See Article XX for requirements for accessory buildings.
- ❖ 5. Additional setback requirements for this district are provided in the Development Standards section for the zone.
- ❖ 6. The minimum front yard setback from Route 108 shall be 100 feet plus 2 feet for each foot of building height in excess of 25 feet.
- ~~❖ 7. No building along the sections of Main Street or Madbury Road delineated in Subsections 175-42(B)(8) and (9) shall exceed 35 feet in height.~~

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

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk



TOWN OF DURHAM

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

AGENDA ITEM: #13C3 TS

DATE: February 16, 2026

COUNCIL COMMUNICATION

INITIATED BY:

Town Council and Planning Board

AGENDA ITEM:

FIRST READING ON ORDINANCE #2025-08B AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," OF THE TOWN CODE TO CHANGE THE THREE-STORY HEIGHT LIMIT TO FOUR STORIES FOR PORTIONS OF THE CENTRAL BUSINESS-1 ZONING DISTRICT AND TO REMOVE THE REQUIREMENT FOR A 2ND FLOOR OF COMMERCIAL ON FIVE-STORY BUILDINGS. THE PUBLIC HEARING CAN BE SET FOR MARCH 2, 2026.

CC PREPARED BY:

Karen Edwards, Administrative Assistant

PRESENTED BY:

Michael Behrendt, Town Planner

AGENDA DESCRIPTION:

At the February 2, 2026 meeting, the Council discussed this amendment initiated by Town Council on November 3, 2025. In this Amendment the westerly section would not change. It would still allow four stories by right with a fifth story by conditional use, but the requirement for a second floor of commercial in a five-story building would be eliminated. The easterly section would allow four stories by right with certain design requirements for the fourth story.

On November 3, the Town Council made numerous changes to the original amendment (Ordinance #2025-08A) mainly establishing architectural standards for the fourth story in the easterly section. The amendment set a height limit of 32 feet for the third story and 42 feet for the fourth story and required that the fourth story either have a sloped roof or a 10-foot setback.

The Town Council sent this revised amendment back to the Planning Board for consideration. The Planning Board held a public hearing on the changes on January 14, 2026, and then voted (7-0) to recommend rejecting this amendment.

This amendment now comes back to the Town Council for a prospective first reading, public hearing, and final disposition.

LEGAL AUTHORITY:

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

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Possible Motions:

MOTION #1:

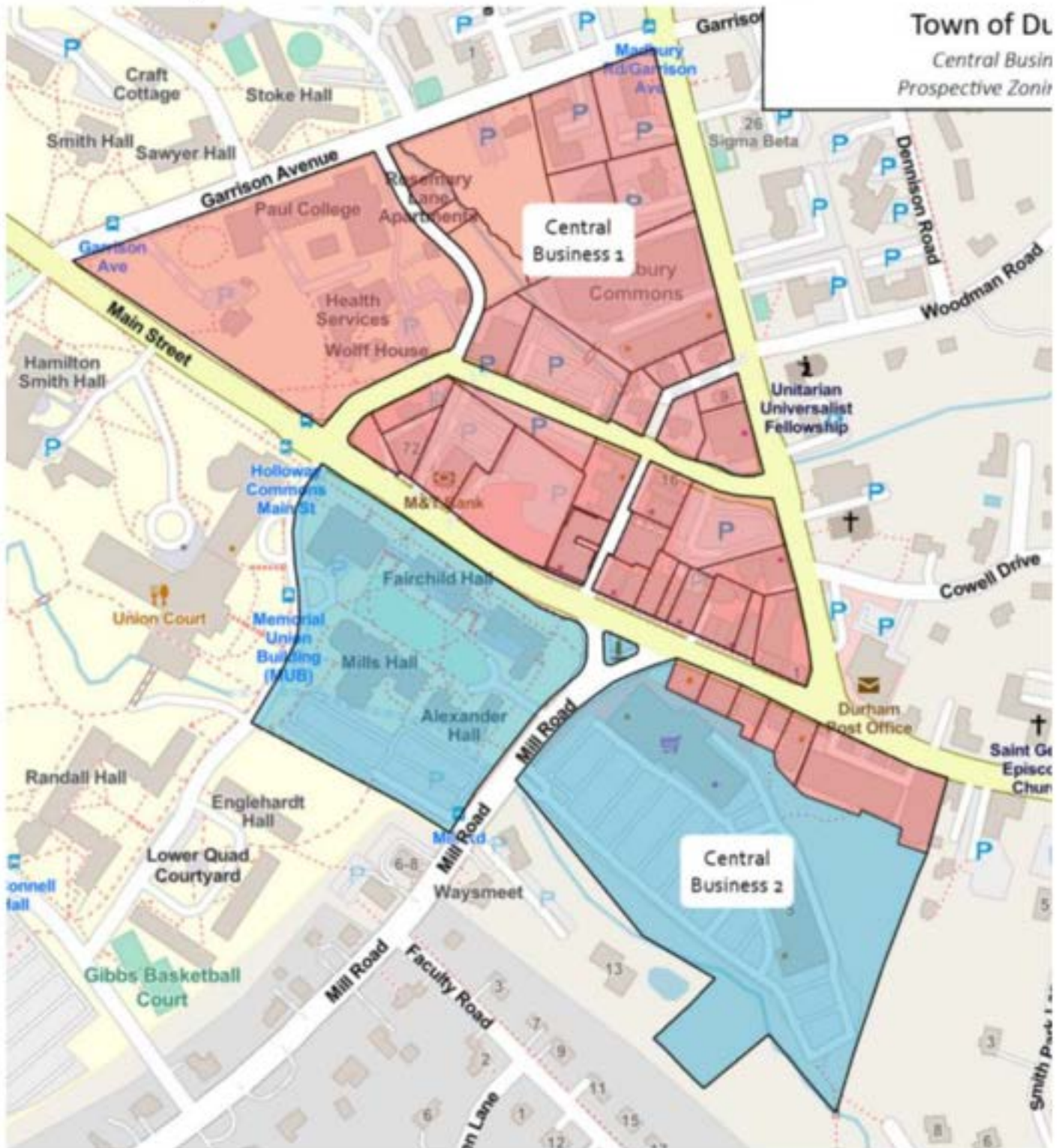
The Durham Town Council does hereby approve on First Reading Ordinance #2025-08B Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to Change the three-story Height Limit to Four Stories for portions of the Central Business-1 Zoning District and to Remove the Requirement for a 2nd floor of Commercial on Five-Story Buildings, and schedules a Public Hearing for Monday, March 2, 2026.

OR

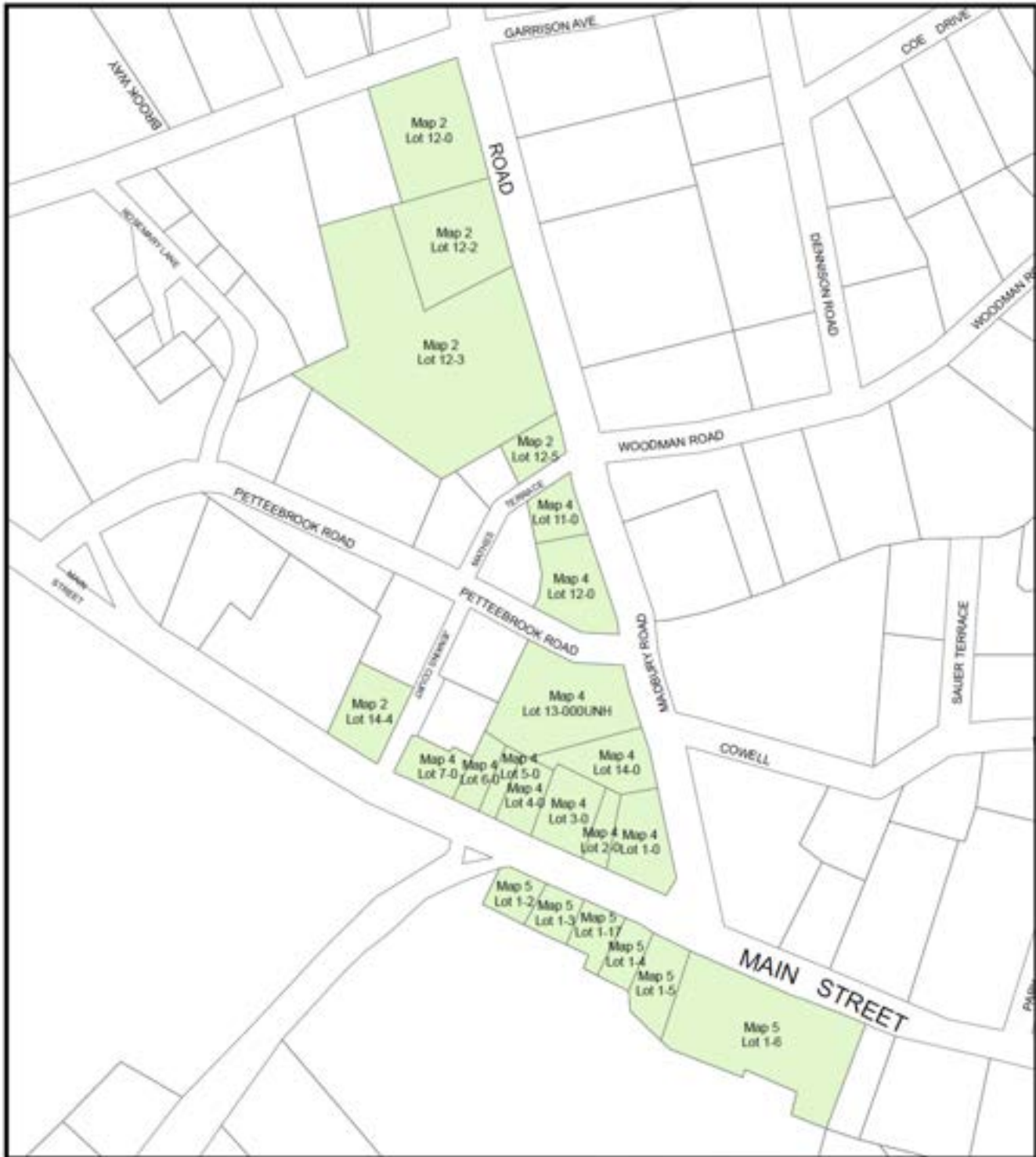
MOTION #2:

The Durham Town Council does hereby NOT approve a First Reading on Ordinance #2025-08B Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," of the Town Code to Change the three-story Height Limit to Four Stories for portions of the Central Business-1 Zoning District and to Remove the Requirement for a 2nd floor of Commercial on Five-Story Buildings, and kills the amendment.

Current Zoning of Central Business-1 and Central Business-2 Districts



Area of Central Business-1 District affected by Section 175-42. C. 8., 9., and 10.



ORDINANCE #2025-08B OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT," AND ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-54, "TABLE OF DIMENSIONS," OF THE TOWN CODE TO CHANGE THE THREE-STORY HEIGHT LIMIT TO FOUR STORIES FOR PORTIONS OF THE CENTRAL BUSINESS-1 ZONING DISTRICT AND TO REMOVE THE REQUIREMENT FOR A 2ND FLOOR OF COMMERCIAL ON FIVE-STORY BUILDINGS.

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

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

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

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

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

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

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

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

WHEREAS, the Planning Board held a public hearing on this amendment on May 14, 2025 and voted unanimously on May 28, 2025 to support the amendment; and

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

WHEREAS, the Town Council tabled the amendment at the August 4, 2025 meeting; and

WHEREAS, the Town Council took up the amendment again at the September 8, 2025 meeting and decided to send the amendment back to the Planning Board to be re-worked; and

WHEREAS, Planner Michael Behrendt and citizen Doug Bencks worked together to revise the amendment, and then presented their changes at the November 3, 2025 Council meeting; and

WHEREAS, the Planning Board held a Public Hearing on this amendment on January 14, 2026; and

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire does hereby adopt **Ordinance #2025-08B** Amending Chapter 175, "Zoning," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," and Article XII.1, "Use and Dimensional Standards," Section 175-54, "Table of Dimensions," to change the three-story height limit to four stories for portions of the Central Business-1 Zoning District and to remove the requirement for a 2nd floor of commercial on five-story buildings.

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.

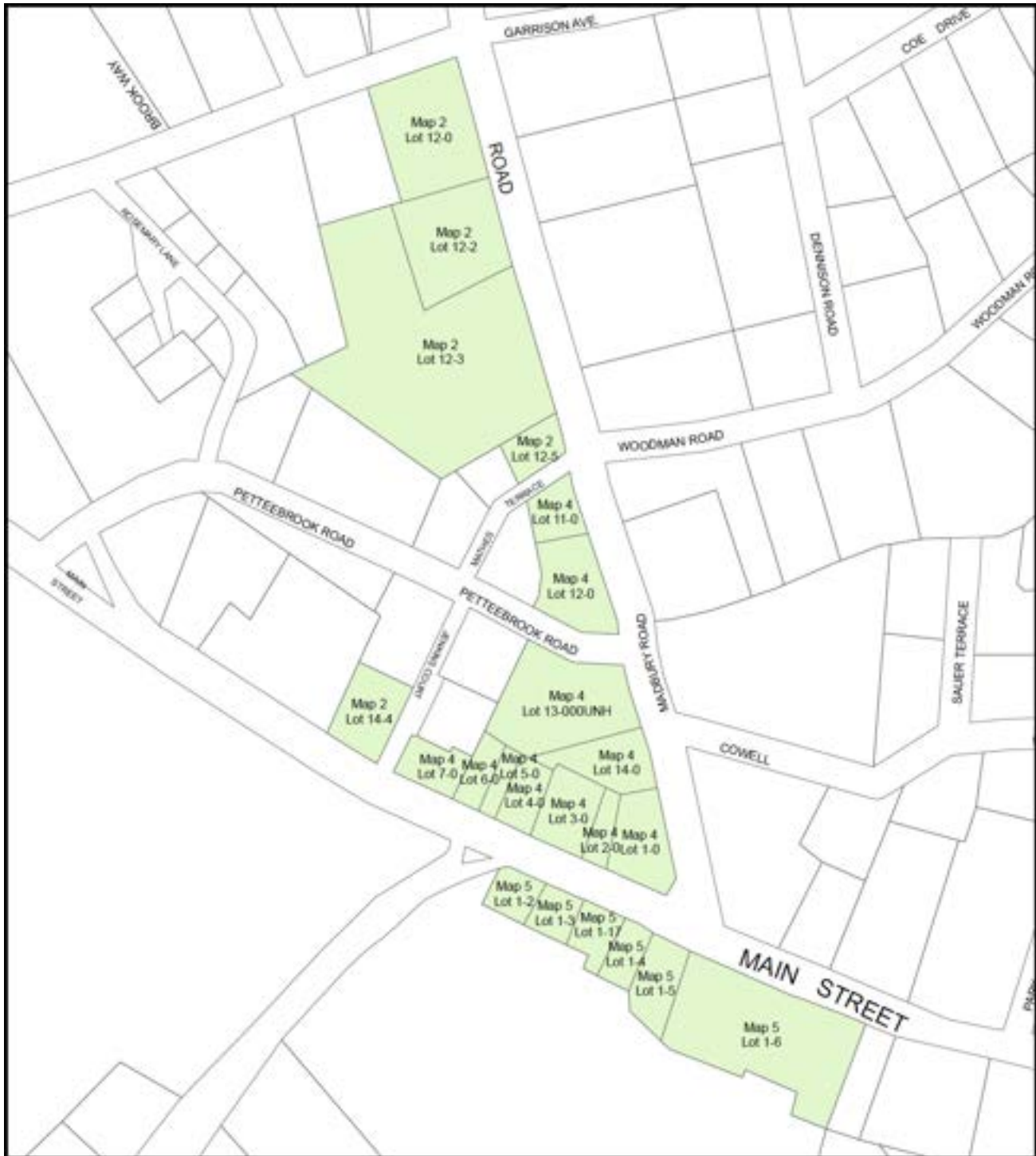
STANDARD	ZONING DISTRICTS														
	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Care' s Corner (CC)	OR, Route 108 (OR)	Mixed Use and Office Res. (MUDOR)	Office, Research Light Ind. (ORLL)	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 ³ 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).





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

Joe Friedman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk



TOWN OF DURHAM

8 Newmarket Road

Durham, NH 03824

Tel: 603-868-5571

Fax: 603-868-1858

www.ci.durham.nh.us

AGENDA ITEM: **#13D**

DATE: **February 16, 2026**

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUE DISCUSSION AND FINALIZATION OF ADMINISTRATOR'S ANNUAL PERFORMANCE EVALUATION FOR 2025 IN ACCORDANCE WITH THE EMPLOYMENT AGREEMENT BETWEEN THE ADMINISTRATOR AND THE TOWN OF DURHAM.

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

Pursuant to Section 17 of Administrator Selig's Employment Agreement dated February 19, 2024 [which was specifically requested to be included in the Employment Agreement by Mr. Selig] with the Town:

"Commencing in January 2025, and for each January thereafter, the Town Council shall review/evaluate Selig's performance in accord with the criteria provided to Selig by the Town the preceding April. The Town Council shall provide Selig with a written summary of this Annual Performance Evaluation and shall provide Selig with an opportunity to discuss this evaluation with the Town Council."

On January 12, 2026, the Council began the process for conducting Administrator Selig's annual performance evaluation. Councilors decided to continue with the same process used in recent years in which the Council utilizes a one-page evaluation form/matrix outlining key elements of importance and ranking the administrator's performance (on a scale of 1 to 5) for each element, which includes five categories:

1. Ability to maintain or improve strong relationships;
2. Financial oversight;
3. Leadership;
4. Initiative; and
5. Other.

Rankings included: 5=Excellent, 4=Very Good, 3=Good, 2=Acceptable, 1=Unacceptable.

Council members were provided the matrix via email in Microsoft Word format and were asked to return their responses electronically to Council Chair Joe Friedman. On Tuesday, January 28, Chair Friedman and Vice Chair Needell met with Administrator Selig to discuss some of the evaluation results. Chair Friedman met with Administrator Selig again on February 10 to discuss the remainder of the evaluation results.

Due to the fact that Chair Friedman did not have all of the Councilor's responses in time for the February 2 meeting, he chose to postpone the discussion of Administrator Selig's evaluation from the February 2 meeting to the February 16 meeting.

Attached for the Council's information is a matrix which incorporates the results submitted by Council members, as well as responses that were provided. Administrator Selig has requested that this information be made public.

In addition, the year-end report by Administrator Selig was not included in the packet for January 12, so it is being included in the February 16 packet.

Below is Mr. Selig's average scores over the past fifteen years, including this year.

<u>YEAR</u>	<u>SCORE</u>
2010	4.3
2011	4.4
2012	4.5
2013	4.0
2014	4.3
2015	4.4
2016	4.5
2017	4.8
2018	4.6
2019	4.6
2020	4.8
2021	4.7
2022	4.9
2023	4.8
2024	4.4
2025	4.4

LEGAL AUTHORITY:

Article 4 "Administration of Government", Section 4.1 of the Durham Town Charter:

"The chief administrative officer of the town shall be the Town Administrator (hereinafter called the "Administrator"), who shall be a full-time regular employee of the Town. The Council shall appoint a person especially qualified by experience and training, who receives the votes of at least five (5) members of the Council, to be Administrator. The Administrator shall serve at the pleasure of the Council, which will fix the Administrator's salary and terms of employment."

Article 4 "Administration of Government", Section 4.3 of the Durham Town Charter:

"The Administrator may be reprimanded or removed for cause by the affirmative vote of at least six (6) members of the Council as herein provided. At least thirty (30) days before the proposed reprimand or removal of the Administrator, the Council shall adopt a resolution stating its intention to reprimand or remove him, the reasons therefor and an effective date. A copy of the resolution shall be served forthwith on the Administrator, who may, within ten (10) days, demand a public hearing, in which event the Administrator shall not be reprimanded or removed until such public hearing has been held. Upon or after passage of a resolution of intent to remove, the Council may suspend the Administrator from duty, but his pay shall continue until removal. In case of such suspension, the Council shall, by the affirmative vote of the Council, appoint an Acting Administrator to serve at the pleasure of the Council for not more than ninety (90) days. The action of the Council in removing the Administrator shall be final."

Article II, "Administrative Organization", Section 4-4 of the Administrative Code":

"The chief administrative officer of the town shall be the Town Administrator ("Administrator"), who shall be appointed by the Council based upon his training and experience. The Administrator shall serve at the pleasure of the Council, who will also establish his compensation and terms of employment."

Article 16 of Employment Agreement Between Todd Selig and the Town of Durham states: "Renewal Negotiations. If either the Town or Selig wishes to renew this Agreement at the conclusion of its original seven (7) year term, that party shall notify the other of such intent no later than December 31, 2029. In the event that the parties have not successfully concluded their negotiations by March 1, 2030, subsection 14C shall not apply and Selig shall be free to seek and obtain employment elsewhere at any time, even during the remaining term of this Agreement."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

Hold discussion concerning Administrator Selig's annual evaluation for 2025 and provide feedback to Administrator Selig relative to his performance.



THESE EVALUATIONS ARE BEING MADE
PUBLIC AT ADMINISTRATOR SELIG'S
REQUEST

Joe Friedman <joe.friedman42@gmail.com>

FW: Todd's Evaluation

Karen Edwards <kedwards@ci.durham.nh.us>

Mon, Feb 2 at 1:54 PM

To: external forward for jfriedman <joe.friedman42@gmail.com>

2026

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-5571

www.ci.durham.nh.us

She/her/hers

From: Wayne Burton <wburton@northshore.edu>

Sent: Monday, February 2, 2026 1:48 PM

To: Karen Edwards <kedwards@ci.durham.nh.us>

Subject: Todd's Evaluation

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

Please find my evaluation of Todd's performance. Sorry for being late!

Wayne

--

Wayne M. Burton
President Emeritus
North Shore Community College

**ANNUAL EVALUATION OF TODD SELIG
2026**

1 = Unacceptable 2 = Acceptable 3 = Good

4 = Very Good

5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					X	
• External entities such as UNH, town businesses, etc.					X	
• Town department heads and staff					X	
• Town committees and boards					X	
• Serves citizens effectively and efficiently					X	
Financial oversight:						
• Financial performance of the Town					X	
• Fiscal responsibility					X	
• Budget (process, preparation, dissemination)					X	
• Budget (creation of budget within Council guidelines)					X	
• Accomplishment of meaningful modifications in the economic relationship with UNH					X	
Leadership:						
• Provides clear guidance to the Council on all issues				X		
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation					X	
• Competency in human resource area with new hires during his administration					X	
• Provides leadership and support to town committees and boards as necessary.					X	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					X	
• Is timely in follow up reports to Council initiatives					X	
• Accomplishment of Council's goals and objectives					X	
• Ability to be a visionary for future community planning					X	
Other:						
• Appropriately challenges the status quo						
• Willingness to challenge and support his convictions					X	
• Appropriate allocation of time and energies, including delegating non-essential tasks					X	

Provide additional written evaluation below or separately if you wish.

Todd's performance remains stellar in the face of challenges often unpredicted. He leads when the state encroaches on town prerogatives. He also is quick to point out when moral boundaries are crossed working through the Human Rights Commission, the formation of which he encouraged.

As I complete my fourth and last term, I feel very fortunate as should all town

residents that we have had Todd Selig helming the good ship Durham.



Joe Friedman <joe.friedman42@gmail.com>

todd's evaluation

Em Friedrichs <emilyfriedrichs@gmail.com>

Thu, Jan 29 at 9:12 PM

To: Joe Friedman <joe.friedman42@gmail.com>, <jfriedman@ci.durham.nh.us>

8026

Hi Joe,

Please find attached. My apologies that it is so late getting to you--for some reason it never reached my inbox the first time Karen sent it.

Have a great weekend and see you Monday,

Em

[Quoted text hidden]

MATRIX for TA 2025 Annual Evaluation.docx.pdf

**ANNUAL EVALUATION OF TODD SELIG
2025**

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					5	
• External entities such as UNH, town businesses, etc. - <i>business relationships need more attention; UNH relationship is excellent</i>			3.5			
• Town department heads and staff				4		
• Town committees and boards - <i>I observe more time spent on resident emails than working w/ the committees and boards that he is not on</i>			3			
• Serves citizens effectively and efficiently					5	
Financial oversight:						
• Financial performance of the Town - <i>innovative ideas for new revenue</i>				4		
• Fiscal responsibility - <i>bond schedule, lack of revenue, and the re-evaluation impact on residents could have been better anticipated and/or communicated</i>			3			
• Budget (process, preparation, dissemination) - <i>how this is communicated w/ public needs improvement, but transparency & responsiveness is excellent</i>				4		
• Budget (creation of budget within Council guidelines)					5	
• Accomplishment of meaningful modifications in the economic relationship with UNH				4		
Leadership:						
• Provides clear guidance to the Council on all issues					5	
• Provides effective management of town staff and departments				4		
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation - <i>underperforming Planning Department for the \$120k compensation + benefits</i>			3			
• Competency in human resource area with new hires during his administration				4		
• Provides leadership and support to town committees and boards as necessary.				4		
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					5	
• Is timely in follow up reports to Council initiatives					5	
• Accomplishment of Council's goals and objectives				4		

• Ability to be a visionary for future community planning				4		
Other:						
• Appropriately challenges the status quo				4		
• Willingness to challenge and support his convictions				4		
• Appropriate allocation of time and energies, including delegating non-essential tasks				4		

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Joe Friedman not later than WEDNESDAY, JANUARY 21, 2026.**



Joe Friedman <joe.friedman42@gmail.com>

Todd Review

1 message

Carden Welsh <cnwelsh@me.com>
To: Joe Friedman <joe.friedman42@gmail.com>

Mon, Feb 9, 2026 at 10:06 AM

Hi Joe,

Attached is Todd's Review.

See you soon,

Carden



todd 25evlviewfin.docx
32K

ANNUAL EVALUATION OF TODD SELIG 2025

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					x	
• External entities such as UNH, town businesses, etc.				x		
• Town department heads and staff						x
• Town committees and boards				x		
• Serves citizens effectively and efficiently				x		
Financial oversight:						
• Financial performance of the Town			x			
• Fiscal responsibility			x			
• Budget (process, preparation, dissemination)				x		
• Budget (creation of budget within Council guidelines)				x		
• Accomplishment of meaningful modifications in the economic relationship with UNH						x
Leadership:						
• Provides clear guidance to the Council on all issues					x	
• Provides effective management of town staff and departments				x		
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation						x
• Competency in human resource area with new hires during his administration						x
• Provides leadership and support to town committees and boards as necessary.					x	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					x	
• Is timely in follow up reports to Council initiatives					x	
• Accomplishment of Council's goals and objectives				x		
• Ability to be a visionary for future community planning					x	
Other:						
Appropriately challenges the status quo				x		
• Willingness to challenge and support his convictions					x	
• Appropriate allocation of time and energies, including delegating non-essential tasks				x		

Provide additional written evaluation below or separately if you wish. Evaluation forms are due to Joe Friedman not later than **WEDNESDAY, JANUARY 21, 2026.**

Todd did his usual strong work in leading and administering the town. I believe that the one significant area where he needs improvement is in his communication with the town, via Friday updates, as to the state of the town's budget and finances. While his messaging to the town during the budget process was technically correct, the council's decision to use significant reserves in 2025 complicated the financial comparisons and made our financial position seem overly positive, and thereby made the citizens very complaisant in regard to the 2026 budget discussions. Accordingly, no citizens expressed concern about the budget process until the impact of the reassessment was felt, and by that point many of the 2026 budget decisions had already been made. Todd needs to be especially careful to alert citizens to the potential impact of future budgets well prior to the council deliberations.

To Todd's credit, he had spoken against the liberal use of reserves in 2025, and the prior-year council had added items to the 2025 budget, beyond Todd's recommendations.

Todd's Evaluation

Karen Edwards <kedwards@ci.durham.nh.us>

Tue, Jan 13 at 2:31 PM

To: external forward for cwelsh <cnwelsh@me.com>, Curtis Register <cregister@ci.durham.nh.us>, Darrell Ford <dford@ci.durham.nh.us>, Heather Grant <hgrant@ci.durham.nh.us>, external forward for jfriedman <joe.friedman42@gmail.com>, Robin Vogt <rvogt@ci.durham.nh.us>, external forward for sneedell <sneedelltc@gmail.com>, external forward for wburton <wburton@northshore.edu>

Dear Council,

Attached is the evaluation form for Todd. Please fill this out and send to Joe at joe.friedman42@gmail.com by Wednesday, January 21. He will take an average of everyone's scores and send that to me. You can also send him written comments which he will forward to me.

Karen

Karen Edwards

Administrative Assistant

Administrator's Office

Town of Durham

8 Newmarket Road

Durham, NH 03824

(603) 868-5571

www.ci.durham.nh.us

She/her/hers

MATRIX for TA 2025 Annual Evaluation.docx

Joe Friedman

**ANNUAL EVALUATION OF TODD SELIG
2025**

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very

Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					✓	
• External entities such as UNH, town businesses, etc.					✓	
• Town department heads and staff					✓	
• Town committees and boards					✓	
• Serves citizens effectively and efficiently					✓	
Financial oversight:						
• Financial performance of the Town					✓	
• Fiscal responsibility					✓	
• Budget (process, preparation, dissemination)					✓	
• Budget (creation of budget within Council guidelines)					✓	
• Accomplishment of meaningful modifications in the economic relationship with UNH					✓	
Leadership:						
• Provides clear guidance to the Council on all issues					✓	
• Provides effective management of town staff and departments					✓	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation						✓
• Competency in human resource area with new hires during his administration					✓	
• Provides leadership and support to town committees and boards as necessary.					✓	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					✓	
• Is timely in follow up reports to Council initiatives					✓	
• Accomplishment of Council's goals and objectives					✓	
• Ability to be a visionary for future community planning					✓	
Other:						
• Appropriately challenges the status quo						✓
• Willingness to challenge and support his convictions					✓	
• Appropriate allocation of time and energies, including delegating non-essential tasks					✓	

Provide additional written evaluation below or separately if you wish. Evaluation forms are due to Joe Friedman not later than WEDNESDAY, JANUARY 21, 2026.

Administrator Selig 2025 Evaluation Submission - Councilor Vogt

Robin Vogt <rvogt@ci.durham.nh.us>

Tue, Jan 20 at 2:12 PM

To: external forward for jfriedman <joe.friedman42@gmail.com>

2026

Good Afternoon, Joe,

Hope all is well, and that you had a great weekend. Please see my completed 2025 Eval for Administrator Selig attached. If you have any questions or need it in a different format, just let me know. Thanks!

Robin W. Vogt (he/him)

Town Councilor

Durham, New Hampshire

rvogt@ci.durham.nh.us

P: (603) 969-5720

annualeval2025_toddseilig_admin_councilorvogt.pdf

ANNUAL EVALUATION OF TODD SELIG 2025

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)				X		
• External entities such as UNH, town businesses, etc.				X		
• Town department heads and staff					X	
• Town committees and boards				X		
• Serves citizens effectively and efficiently			X			
<i>* Look into Community Conversations to boost morale of citizens.</i>						
Financial oversight:						
• Financial performance of the Town			X			
• Fiscal responsibility				X		
• Budget (process, preparation, dissemination)			X			
• Budget (creation of budget within Council guidelines)				X		
• Accomplishment of meaningful modifications in the economic relationship with UNH				X		
<i>* More push back on RiverWoods expansion(s)</i>						
Leadership:						
• Provides clear guidance to the Council on all issues					X	
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation					X	
• Competency in human resource area with new hires during his administration					X	
• Provides leadership and support to town committees and boards as necessary.				X		
<i>* See comments below ↓</i>						
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council				X		
• Is timely in follow up reports to Council initiatives				X		
• Accomplishment of Council's goals and objectives				X		
• Ability to be a visionary for future community planning			X			
<i>* More insight from other towns via committees</i>						
Other:						
• Appropriately challenges the status quo <i>* Could do more</i>		X				
• Willingness to challenge and support his convictions				X		
• Appropriate allocation of time and energies, including delegating non-essential tasks				X		

Provide additional written evaluation below or separately if you wish. Evaluation forms are due to Joe Friedman not later than WEDNESDAY, JANUARY 21, 2026.

Administrator Selig has been a pleasure to work with and truly has the best interests of Durham in mind when performing his duties. I would like to hear/see more opposition to illinformed state policies and verbalization(s) around impacts on Durham as a whole. Be loud and stand for what serves our community best!



Joe Friedman <joe.friedman42@gmail.com>

Todd's evaluation

Heather Grant <hcgrant51@gmail.com>

Wed, Jan 21 at 10:33 AM

To: Joe Friedman <Joe.Friedman42@gmail.com>

2026

I am sorry to send this in excel format, but this is the only way I can seem to get this done. This is what I used last year, just retyped the whole thing into excel.

Regards, H

2025 Annual Evaluation Todd from Hgrant.xlsx

Annual Evaluation Todd Selig - 2024

	Unacceptable	Acceptable	Good	Very Good	Excellent	N/A	Comments
1. Ability to maintain or improve strong relationships with:	1	2	3	4	5	N/A	
a. Town Council (responds quickly to concerns)					x		
b. External Entities such as UNH, Town Businesses, etc.			x				
c. Town department heads and and staff						x	Am not able to judge. Todd, comment on approach
d. Town Committees and Boards			x				
e. Serves citizens effectively and efficiently				x			Forwards of emails show quick response to public
2. Financial oversight:							
a. Financial performance of the Town				x			
b. Fiscal responsibility	x						Focus more on avenues for income-charging stations, Wagon Hill
c. Budget (process, preparation, dissemination)			x				I am sure this is a lot of work for staff, ideas to imp.
d. Budget creation (within Council guidelines)		x					
e. Accomplishment of meaningful modifications in the economic relationship with UNH						x	
3. Leadership:							
a. Provides clear guidance to the Council on all issues					x		
b. Improves the performance of Town staff, when needed. Removes employees due to nonperformance as necessary.	x						I think this could be improved, I believe XXXX is an example where performance could be evaluated and improved to match previous employees effectiveness, or XXX should be replaced. XXXXX
c. Competency in human resource area with new hires during his administration						x	
c. Provides leadership and support to Town committees and boards as necessary		x					Communication could be better, but Decembers support of attainable housing, and clear communication of 3 unrelated topic has been good
4. Initiative:							
a. Proposes appropriate initiatives/strategic direction to the Council				x			
b. Is timely in follow up reports to Council initiatives					x		
c. Accomplishment of Council goals and intiatives			x				I would like Todd to support more loudly on development. Jumping onto the first anti-4 storycompromise idea at the public hearing was too fast was a mistake in my opinion.
d. Ability to be a visionary for future community planning	x						
5. Other							

a. Appropriately challenges the status quo	x						towns direction, value newcomers fresh set of eyes. How can you reach out?
b. Willingness to challenge and support his convictions					x		
c. Appropriate allocation of time and energies, including delegating non-essential tasks						x	I don't think this should be rated.
Comments Generally:							

Town Administrator Review 2025 Register Cut

Curtis Register <cregister@ci.durham.nh.us>

²⁰²⁶
Fri, Jan 23 at 1:01 PM

To: external forward for jfriedman <joe.friedman42@gmail.com>, external forward for sneedell <sneedelltc@gmail.com>

Good Afternoon,

Attached are my inputs for Todd.

Stephan M. Scott

Hope yall get to enjoy the Snowstorm! 🌨️ Administrator Selig 2025 Eval Curtis Register inputs.docx

Respectfully,

Curtis

^{1/23/26}
Curtis Register

**ANNUAL EVALUATION OF TODD SELIG
2025**

**1 = Unacceptable 2 = Acceptable 3 = Good
4 = Very Good 5 = Excellent**

	1	2	3	4	5	N/A
1. Ability to maintain or improve strong relationships with: 21/25						
1a. Town Council (responsiveness to concerns)				X		
1b. External entities such as UNH, town businesses, etc.			X			
1c. Town department heads and staff				X		
1d. Town committees and boards				X		
1e. Serves citizens effectively and efficiently					X	
2. Financial oversight: 19/25						
2a. Financial performance of the Town			X			
2b. Fiscal responsibility				X		
2c. Budget (process, preparation, dissemination)					X	
2d. Budget (creation of budget within Council guidelines)				X		
2e. Accomplishment of meaningful modifications in the economic relationship with UNH			X			
3. Leadership: 20/25						
3a. Provides clear guidance to the Council on all issues					X	
3b. Provides effective management of town staff and departments				X		
3c. Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation		X				
3d. Competency in human resource area with new hires during his administration				X		
3e. Provides leadership and support to town committees and boards as necessary.					X	
4. Initiative: 17/20						
4a. Proposes appropriate initiatives/strategic direction to the Council					X	
4b. Is timely in follow up reports to Council initiatives				X		
4c. Accomplishment of Council's goals and objectives				X		
4d. Ability to be a visionary for future community planning				X		
5. Other: 10/15						
5a. Appropriately challenges the status quo			X			
5b. Willingness to challenge and support his convictions				X		
5c. Appropriate allocation of time and energies, including delegating non-essential tasks			X			

2025 Total Average .828

2024 Total Average .800

Provide additional written evaluation below or separately if you wish. Evaluation forms are due to Sally Needell not

later than WEDNESDAY, JANUARY 21, 2026.

Explanation of grading:

My own interpretation on the scale assuming the average score does not get used against the Administrator in any capacity outside of his own self-reflection:

- 1=Unsatisfactory performance, fireable quality.
- 2=Performance needs improvement in this area.
- 3=Meets expectations commensurate with the position and to the Administrator's experience level.
- 4=Above expectations. Is providing more capability and efficiency than we pay for.
- 5=Water-walker, cannot be improved further without significant opportunity, resources and/or dire challenges.

Remarks:

1. Administrator Selig continues to perform consistently above my expectations for his position. Given the current challenging operating environment as well as the unique government model that operates in Durham, Administrator Selig reliably gets results for the Town.
2. This year was a particularly arduous one with the renegotiation of multiple collective bargaining agreements, external agency contracts, commercial abatements, external audits, lawsuits, and budgetary challenges. Administrator Selig navigated these challenges with deftness. Working diligently to keep the Council and the residents informed of the inter-workings of running a town and pushing for the best outcomes for the Town.
3. Administrator Selig continues to inspire loyalty and productivity from the departments within the town, cultivating a truly collaborative and can-do approach to facilitating the needs of our residents.
4. The Town received a low-risk assessment audit from Plodzick and Sanderson, underscoring the effectiveness of the Administrator's attention to detail on requirements by law as well as the quality of his employees.
5. The next several years are going to test the Town and will require a tireless, attentive hand attending to the shifting environment while continuing to meet the increasing needs of our residents. Areas of concern that I see are the hiring of a new Town Planner and the creation of a new fully involved and effective Master Plan, redeveloping an expiring Downtown, fostering a collective and collaborative Town identity, and increasing the Durham Tax Base.

Overall, I am exceptionally pleased and proud to benefit from Administrator Selig's expertise, welcoming demeanor, hard work and dedication to the town. A consummate professional that provides stable, reliable leadership during the best and worst of times. I'm ecstatic that he has chosen to sign on to help lead Durham for another 7 years!



Joe Friedman <joe.friedman42@gmail.com>

Selig Evals

Sally Needell <sneedelltc@gmail.com>

Wed, Jan 14 at 3:29 PM

To: external forward for jfriedman <Joe.Friedman42@gmail.com>

2026

Joe,

Here are my numbers and remarks. Thanks for taking on compiling these for Todd.

Take care,

Sally

MATRIX for TA 2025 Annual Evaluation.docx.pdf, Selig Eval End of 2025 (1).pdf

ANNUAL EVALUATION OF TODD SELIG 2025

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					x	
• External entities such as UNH, town businesses, etc.					x	
• Town department heads and staff					x	
• Town committees and boards					x	
• Serves citizens effectively and efficiently					x	
Financial oversight:						
• Financial performance of the Town					x	
• Fiscal responsibility					x	
• Budget (process, preparation, dissemination)					x	
• Budget (creation of budget within Council guidelines)					x	
• Accomplishment of meaningful modifications in the economic relationship with UNH					x	
Leadership:					x	
• Provides clear guidance to the Council on all issues					x	
• Provides effective management of town staff and departments					x	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation						x
• Competency in human resource area with new hires during his administration					x	
• Provides leadership and support to town committees and boards as necessary.					x	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council					x	
• Is timely in follow up reports to Council initiatives					x	
• Accomplishment of Council's goals and objectives					x	
• Ability to be a visionary for future community planning					x	
Other:						
• Appropriately challenges the status quo				4.5		
• Willingness to challenge and support his convictions					x	
• Appropriate allocation of time and energies, including delegating non-essential tasks				4.5		

Provide additional written evaluation below or separately if you wish. Evaluation forms are due to Joe Friedman not later than **WEDNESDAY, JANUARY 21, 2026.**

Selig Evaluation for 2025
January 2026

Each year as I write a narrative, I think about how much there is to know about the administration of Durham. This is especially the case this year with so many tax-payer concerns, and assumptions about the operation of the town, how its budget is determined, and how actions are implemented. These are challenging times.

I continue to be amazed at your ability to patiently and effectively work with residents and town staff on all types of concerns and situations, some that are anticipated, and others that are not. For a small town, Durham has more than its share of challenges.

As Town Administrator, you carry the town's responsibilities along with town staff and members of Boards, Commissions, and Committees. The work load associated with running the town takes knowledge, experience, and creativity. Although always available for guidance and advice, you trust in the actions taken by the BCC's; you follow their progress and do not micromanage their work. The same appears to be true for the town departments; you have confidence in their ability to meet town goals and challenges, and you value their work. You have made good hiring decisions.

Your ability to listen to others and consider their opinions and ideas is a wonderful asset for the town. You are willing to be open-minded, and at the same time you use the town goals as a guide. You are willing to seek information and take advantage of the talents and knowledge of others when their expertise is needed. You can see the "big picture" that most of us cannot appreciate. Often, we can only see the immediate impacts of our actions and not what they may mean for the town in the future.

You are also able to remain calm in situations where many would react strongly. I believe this comes from a strong foundation of knowing the values upon which your decisions are made, and with empathy for and understanding of what drives people to make the choices that they do.

The wealth of your experience comes through in your writing, particularly when you are articulating the impacts on Durham by the NH Legislature. I appreciate your ability to pull together the Whereas statements for resolutions or comprehensively argue in letters the Town's concerns, etc.

Most importantly, you care about Durham, your home, and want it to remain a successfully run town able to meet the needs and desires of a small town community with a State University attached to its downtown.

I have given you high marks in each aspect of your job knowing that you use this data to support your standards for your performance. You will continue to take on new challenges and choose to grow as an administrator.

Sincerely,
Sally Needell

Karen Edwards

From: Todd Selig
Sent: Wednesday, February 11, 2026 4:51 PM
To: Karen Edwards
Subject: FW: Todd's Evaluation
Attachments: Todd's Evaluations 021126.xlsx

Dear Karen,

Please include Darrell's comment to Joe as well at the very bottom of this.

Todd

----- Forwarded message -----

From: Darrell Ford <dford@ci.durham.nh.us>
Date: Wed, Feb 11, 2026 at 11:03 AM
Subject: Todd's Evaluation
To: external forward for jfriedman <joe.friedman42@gmail.com>

Here you go Joe.

I think Todd does an outstanding job in all aspects of town administration and we're lucky to have him. He must have a thick skin. Pretty sure I wouldn't respond to some of the correspondence he receives as sweetly as he does.

Darrel

Todd I. Selig, Administrator
Town of Durham, NH
8 Newmarket Rd., Durham, NH 03824 USA
Office: 603.868.5571 | Mobile: 603.817.0720
www.ci.durham.nh.us | tselig@ci.durham.nh.us

From: Joe Friedman <joe.friedman42@gmail.com>
Date: Wednesday, February 11, 2026 at 4:28 PM
To: Karen Edwards <kedwards@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>
Subject: Re: Todd's Evaluation

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

Attached is the final score matrix. Congratulations on another great year Todd.

Joe

**ANNUAL EVALUATION OF TODD SELIG
2025**

1 = Unacceptable 2 = Acceptable 3 = Good 4 = Very Good 5 = Excellent

	1	2	3	4	5	N/A
Ability to maintain or improve strong relationships with:						
• Town Council (responsiveness to concerns)					X	
• External entities such as UNH, town businesses, etc.					X	
• Town department heads and staff					X	
• Town committees and boards					X	
• Serves citizens effectively and efficiently					X	
Financial oversight:						
• Financial performance of the Town					X	
• Fiscal responsibility					X	
• Budget (process, preparation, dissemination)					X	
• Budget (creation of budget within Council guidelines)					X	
• Accomplishment of meaningful modifications in the economic relationship with UNH						X
Leadership:						
• Provides clear guidance to the Council on all issues					X	
• Provides effective management of town staff and departments					X	
• Improves the performance of town staff, when needed. When necessary, has removed individuals who have failed to perform consistent with their job description and/or compensation					X	
• Competency in human resource area with new hires during his administration					X	
• Provides leadership and support to town committees and boards as necessary.					X	
Initiative:						
• Proposes appropriate initiatives/strategic direction to the Council				X		
• Is timely in follow up reports to Council initiatives					X	
• Accomplishment of Council's goals and objectives					X	

• Ability to be a visionary for future community planning				X		
Other:						
• Appropriately challenges the status quo				X		
• Willingness to challenge and support his convictions					X	
• Appropriate allocation of time and energies, including delegating non-essential tasks					X	

Provide additional written evaluation below or separately if you wish. **Evaluation forms are due to Joe Friedman not later than WEDNESDAY, JANUARY 21, 2026.**

YEAR END WRAP UP FOR 2025

Annual Message from Admin. Todd Selig

2025 was a year of both meaningful progress and mounting challenges for the Town of Durham. Town staff, along with elected and appointed officials, remained focused on transparency, integrity, respect, a welcoming atmosphere, fair elections, high-quality service delivery, and continuous improvement. At the same time, the community entered a more complex fiscal environment, with slowing development, rising costs, and pressure on both municipal and UNH budgets that will require difficult choices in the years ahead.

The Town's financial position remains fundamentally sound, with strong management practices and stable reserves. The FY 2026 budget process, however, has been among the most difficult in many years, driven by expiring collective bargaining agreements, projected health insurance increases, general cost inflation, reduced interest earnings, and requests for additional staffing in several departments. The one-time use of approximately \$420,000 in undesignated fund balance to help stabilize the FY 2025 tax rate cannot be repeated indefinitely, underscoring the urgency of broadening the tax base and managing spending carefully. Several large capital projects have increased debt service, making it ever more challenging to maintain a stable tax rate in the years ahead.

Economic development and tax-base diversification remained priorities, although it was met in many cases with concern from residents desirous of protecting Durham's natural resources and sustainability goals, as well as the New England small town character of our community. The Town Council, Administrator, Planning Board, and Housing Task Force continued to promote taxable business development in the commercial core and at key sites such as Technology Drive and Stone Quarry Drive, while working closely with UNH on potential projects at The Edge at West End and 66 Main Street. A successful innovation district such as The Edge at West End would leverage UNH's research strengths to spark new partnerships and entrepreneurship while supporting downtown businesses and helping to moderate mounting future tax pressures on residents.

On the capital side, Durham continued to invest in critical infrastructure and multimodal transportation. Phase 2 of the Madbury Road Complete Streets Project between Main Street and Garrison Avenue reached substantial completion, and Phase 3 between Garrison Avenue and Edgewood Road moved into active construction, with completion expected in summer 2026. Durham Public Works is also working to secure

over \$1.8 million in Transportation Alternatives Program funding to construct a multi-use path along Madbury Road, in conjunction with parallel Phase 4A and 4B improvement projects, from Edgewood Road to beyond Route 4 at Pendexter Road interconnecting with a new NHDOT roundabout at Route 4, improving safety and connectivity for vehicles, pedestrians, and cyclists.

The Town's shoreline and stormwater resilience agenda advanced significantly. Building on earlier National Fish and Wildlife Foundation and U.S. EPA grants, Durham Public Works and its consultant completed design, permitting, and bid documents for Wagon Hill Farm Phase 2 shoreline improvements. Scheduled for bid award in late-2025 and construction in 2026, the project will stabilize eroding tidal marsh and upland slopes, rebuild marsh habitat, install a new trail and fencing, and construct a trail bridge, protecting both natural resources and public access.

The rehabilitation and adaptive reuse of the historic Bickford-Chesley House at Wagon Hill Farm also moved forward. With support from LCHIP (\$286,600), Moose Plate grants, and local capital funding from undesignated fund balance, plans call for a rental or caretaker's apartment on the second floor, public exhibit and meeting space on the first floor, and safe, code-compliant three-season use of the barn. The Bickford-Chesley House Gallery is anticipated to host rotating exhibits on Durham's history and local artists, honoring the site's Indigenous and agricultural heritage while expanding cultural and educational opportunities for residents. At the heart of the project is addressing long-deferred repairs and maintenance for this historic property within the Town's inventory in order to protect it for future generations.

Durham's long-term water, wastewater, and stormwater partnership with UNH remains an important asset for both Durham and the University alike. Through the joint administrative Water, Wastewater, Stormwater, and Roads Committee, the Town and UNH continued to manage the combined water system, address water quality concerns in the Great Bay Estuary, meet Total Nitrogen General Permit and MS-4 stormwater requirements, and coordinate on infrastructure such as the Lee water line. Together with the new UNH-funded water treatment plant and the jointly funded Lamprey River-Spruce Hole Aquifer artificial recharge system, these efforts place the community in a strong position to manage future drought, growth, and climate-related pressures on water resources.

Climate and sustainability work continued to be integrated into everyday municipal practice. In 2025, the Town worked toward final adoption of the 2025–2030 Climate Action Plan, reaffirming goals of a 42.8% reduction in greenhouse gas emissions from

2019 levels by 2030 and net-zero emissions by 2050. Staff improved greenhouse gas inventory planning by tracking local heat pump installations and growth in electric and hybrid vehicle registrations, which now represent a larger share of Durham's vehicle registrations versus just a few years ago.

Durham Public Works moves ever closer toward a volume-based, standardized solid waste and recycling cart collection system, targeted for implementation in 2026. This work, involving a close partnership with the Integrated Waste Management Advisory Committee, included evaluating outsourced collection options and securing an extension of the DERA electric vehicle grant (should the Town ultimately move toward an EV collection vehicle), preserving flexibility as the Town selects the most cost-effective and sustainable path forward. Once in place, the program is expected to reduce per-household waste generation, support higher recycling rates, and improve worker safety through automated collection.

Housing policy remained a key focus area. Building on the 2024 Housing Needs Assessment and the adoption of the Attainable Housing Overlay District, the Housing Task Force and Planning Board developed zoning amendments to expand housing opportunities, diversify housing types, and enable higher density where appropriate. A comprehensive rewrite of the Conservation Subdivision ordinance is underway to make it more user-friendly, less burdensome, and better aligned with both conservation and attainable housing objectives.

Public safety operations experienced continued staffing and labor-market pressures. Recruitment and retention challenges in both the Fire and Police Departments, driven by retirements, medical leaves, and competition from other communities, has been a major focus of collective bargaining in 2025–2026 as three contracts -- firefighters, middle managers, and public works/ AFSCME -- come up for renewal. The Fire Department pursued a major grant application for replacement SCBA equipment to enhance firefighter safety, while the Police Department prepared for and successfully completed a full CALEA reaccreditation review cycle, affirming Durham's commitment to national best practices in policing.

Long-term planning for emergency services facilities continued in coordination with UNH. While the UNH Master Plan identifies "B-Lot" as a preferred future location for the fire station and possible adaptive reuse of existing buildings, neither the Town nor the University currently has funding to move a new facility forward. In the interim, the Fire Department is working with designers on targeted renovations to the existing College Road station location within the UNH General Services Building to improve

living, training, and workspaces so the department can effectively operate in its current location for the next decade.

Parks & Recreation and Durham Public Library once again played important roles in supporting community well-being and connection. Traditional community-wide events such as Durham Day and the Downtown Trick-or-Treat event, combined with classes, low-impact athletic and wellness programming, and intergenerational activities were planned in order to provide residents with diverse recreational and educational opportunities. At the same time, land stewardship work under the Land Stewardship Coordinator and the Land Stewardship Subcommittee continued to improve management of Town-owned lands, trail systems, and conservation easements.

The Human Rights Commission developed educational materials on residents' rights in relation to federal immigration enforcement, and the Business Office updated forms and policies to be inclusive of non-binary gender options. An Arts Commission for Durham has been proposed for consideration by the Town Council Chair to further enhance cultural life and provide additional opportunities for civic engagement.

Durham's cooperative relationship with UNH and neighboring communities continued to be an area of focus. Regular coordination with UNH leadership addressed issues ranging from transportation and off-campus housing to economic development and shared infrastructure. Discussions with Madbury about potential shared fire and business office services, along with active participation in state-level policy debates in Concord concerning issues surrounding off-campus student housing, reflected Durham's commitment to regional collaboration and the defense of the practice of local control.

Town-wide communication and civic engagement remained robust. The weekly "Friday Updates" continued to expand its subscriber base and function as a central platform for municipal information and emergency communications. The Town's website and social media presence are being refreshed and modernized to improve accessibility, navigation, and online service delivery, meeting residents where they are and encouraging informed participation. Look for improvements in 2026.

All of this work is accomplished by a modest but mighty team of municipal employees in public works, police, fire, planning, zoning, the town clerk/tax collector's office, the business office, information technology, DCAT, and other departments. These professionals, together with a thoughtful and dedicated Town Council and an engaged network of citizen volunteers serving on boards, committees, and commissions, as well

as an active and engaged citizenry, ensure that Durham remains a strong, vibrant, inclusive, and forward-looking community despite fiscal and operational headwinds.