



TOWN OF DURHAM

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

NOTICE: Although members of the Town Council will be meeting in the Council chambers, the Council meetings are still available for members of the public to participate via Zoom or in-person.

AGENDA

DURHAM TOWN COUNCIL
MONDAY, MAY 4, 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 – Recognition of Former Councilor Robin Vogt
- VI. Discussion, Selection and Swearing in of new Councilor to replace Rogin Vogt.
- VII. Approval of Minutes – April 20, 2026
- VIII. Report from the UNH Student Senate External Affairs Chair or Designee
- IX. Public Comments (*) – **Please state your name and address before speaking**
- X. Unanimous Consent Agenda (*Requires unanimous approval. Individual items may be removed by any councilor for separate discussion and vote*)
 - A. Shall the Town Council Adopt **Resolution #2026-06** to amend Resolution #2007-14 “Creating the Energy Committee Steering Committee” (Later renamed the Durham Energy Committee) to allow a Vice-Chairperson and remove the requirement to select a Secretary?
 - B. Shall the Town Council continue to keep sealed the Nonpublic Session minutes from July 20, 2009, January 24, 2011, March 19, 2012 and June 16, 2014?

XI. Citizen Committee Appointments

Shall the Town Council, upon recommendation of the Conservation Commission Chair, appoint David Hadley, 15 Edgerly Garrison Road, to an unexpired alternate membership position on the Conservation Commission with a term expiration of 4/27?

XII. Presentation Items

Presentation by Dr. Andy Smith and UNH Students on Durham Police Department Community Survey Results and Findings

XIII. Unfinished Business

Continued Discussion Regarding the Development of Town Council Goals for FY 2026/27

XIV. Councilor and Town Administrator Roundtable

XV. New Business

First Reading on Ordinance #2026-05 Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land Uses," and Section 175-54, "Table of Dimensional Standards, of the Town Code to increase the height limit in a section of the Central Business-1 District to 5 stories and 60 feet, to limit the amount of required office/retail to a depth of 50 feet, to allow first floor structured parking behind office/retail uses, and to change several definitions. The Public Hearing can be set for Monday, May 18, 2026.

XVI. Nonpublic Session (if required)

XVII. 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: **#5**

DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: RECOGNITION OF FORMER COUNCILOR ROBIN VOGT

PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Durham Town Council

AGENDA DESCRIPTION:

Robin Vogt has informed the Council and the Administrator that he will be stepping down as Councilor as of May 1 due to work obligations. Robin was elected in 2025 and served as a Council Representative to the Energy Committee and the Human Rights Commission.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby recognize Robin Vogt for his dedicated service on behalf of the Town of Durham.



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AGENDA ITEM: **#6**

DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: DISCUSSION, SELECTION AND SWEARING IN OF NEW COUNCILOR TO REPLACE ROBIN VOGT

PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Durham Town Council

AGENDA DESCRIPTION:

Robin Vogt has informed the Council and the Administrator that he will be stepping down as Councilor as of May 1 due to work obligations. Generally, the Council asks past council members if they would like to fill vacated seats on the Council. This time there was also an announcement made in the April 24, 2026 Friday Updates asking for volunteers to apply to become a councilor.

Jay Gooze completed an application. Jay was a Councilor from 2010 to 2016 and served as Chair for part of that time. He is a registered voter in the Town of Durham.

Jeff Berlin completed an application. He is a registered voter in the Town of Durham. His resume is also attached.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby appoint _____, as Councilor to fill the vacancy left by Robin Vogt, with a term expiration of 3/9/2027.



Town of Durham

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

RECEIVED
Town of Durham

APR 24 2026

Administration Office

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 (DCAI)
- SPOKEN WITH CHAIR/V CHAIR
- BEEN RECOMMENDED FOR MEMBERSHIP

Name: JAY B. GOOZE, MD Date: _____
 Address: 9 MEADOW RD DURHAM NH 03824
 E-Mail Address: JBG00ZE@GMAIL.COM
 Telephone: 603 978-8640

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. LAND STeward
2. Agriculture
- 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:

long time resident. served on zoning board, planning board (as council rep), town council

Please provide brief background information about yourself:

Eye surgeon (MD) 36 yrs in Rochester NH.

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

Name: CARTER WELSH

Telephone: 603.978.5892

Name: JIM LAWSON

Telephone: 603.397.7921

Name: Bruce Campbell
(Rocky Hill
Durham)

Telephone: 603.422.2105



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.



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RECEIVED
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APR 29 2026

Administration Office

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: Jeffrey Berlin

Date: 4/29/26

Address: 3 Cowell Dr. Durham, NH

E-Mail Address: Jeff@BerlinPropertiesNE.com

Telephone: 603 953 4014

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. Town Council Vacancy
- 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)

Chairmen Friedman,

I am writing to express my interest in being considered for the vacancy that currently exists on the Town Council. I have been actively attending meetings these past few years and have become well versed in the issues currently facing the town. I have been fortunate that my life's work has anchored me in the town I grew up in, and I find myself at the point where my time could be put to good use by participating in the civic conversation that the board and its members hope will improve the quality of life for all the town's residents.

My public comments with respect to housing density issues, town leadership communication, and general budget and spending issues provide a good example of how my perspective aligns, I believe, with those which we are losing, given Robins departure.

I am in a similar stage of life as Robin — mid-career, building a business, navigating the same housing and cost-of-living pressures many younger residents feel directly — and I can speak to those issues through personal experience.

Watching the last several months of meetings in person has genuinely changed how I think about the Council's role. The debates are more intricate than they appear from the outside, and the arguments made at the table have, on more than one occasion, shifted my own thinking. I say that plainly: I have been persuaded by points I did not expect to be persuaded by. I would come to this seat ready to be persuaded again.

Several members of this Council, and members of our staff and boards, hold institutional knowledge about past decisions — why they were made, what was tried, what failed, what almost happened — that simply cannot be replicated. I would value the opportunity to work alongside people whose views differ from mine, but whose depth of experience exceeds my own.

Durham faces real fiscal constraints, and the conventional levers are mostly exhausted. Meeting them will require boldness, creativity, and a willingness to pursue synergies with neighboring municipalities, the University, and regional agencies to reduce costs and improve affordability. I would bring energy and ideas to that work.

Sincerely,



4/29/20

Jeff Berlin

3 Cowell Dr

Durham NH

JEFF BERLIN

3 Cowell Drive, Durham, NH 03824

SUMMARY

Lifelong Durham resident, real estate broker, and developer with 14+ years of experience operating inside New Hampshire's housing market and municipal regulatory framework. Deeply engaged in local planning, zoning, and housing policy, with direct experience navigating Town Council, Planning Board, and town administration processes. Committed to thoughtful, incremental policy change that strengthens Durham's long-term economic and community health.

CIVIC ENGAGEMENT & COMMUNITY INVOLVEMENT

- Regular participant in Durham Town Council, Planning Board, and Zoning Board meetings, including sustained public comment on housing, infill development, and downtown revitalization
- Engaged with Town Council members, the Town Administrator, the Town Planner, and Planning Board leadership on rezoning, overlay district design, and procedural alignment between elected direction and administrative implementation
- Advocate for downtown vitality through residential infill density, with the goal of supporting year-round foot traffic, small business sustainability, and a true live/work/play core in Durham

PROFESSIONAL EXPERIENCE

Principal / Broker | Berlin Properties of New England | November 2014 – Present

- Founded and operate a full-service real estate brokerage and property management firm based on Main Street, Durham, NH
- Built and manage a personal rental portfolio of 50+ residential units across New Hampshire

Property Manager | Allen Family Real Estate | June 2013 – October 2014

- Managed a portfolio of residential rental properties throughout the Greater Durham area
- Handled leasing, tenant communications, rent collection, and property maintenance
- Coordinated with owners, vendors, and town officials to ensure compliant and efficient property operations
- Sold single family and multifamily homes for clients

Leasing & Operations | Capstone Collegiate Communities | August 2011 – May 2013

- Supported leasing, marketing, and operations at a large-scale student housing community in Durham, NH
- Gained foundational experience in multifamily property management at scale
- Built early relationships with UNH students, parents, and the broader Durham community

EDUCATION

Endicott College | Beverly, MA | 2011

Bachelor of Science in Business Administration — Concentration in Real Estate Finance

AREAS OF FOCUS

- Local zoning, planning, and overlay district design
- Housing policy and infill residential development
- Municipal budget pressures and inter-municipal cost-sharing
- Downtown economic vitality and small-business sustainability
- Multifamily property operations at scale
- Real estate finance, underwriting, and asset management



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AGENDA ITEM: #7
DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: **APPROVE THE TOWN COUNCIL MEETING MINUTES FOR APRIL 20, 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 April 20, 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 April 20, 2026. (as presented /as amended)



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

DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: The Durham Energy Committee

AGENDA ITEM: SHALL THE TOWN COUNCIL ADOPT RESOLUTION #2026-06 TO AMEND RESOLUTION #2007-14 "CREATING THE ENERGY COMMITTEE STEERING COMMITTEE" (LATER RENAMED THE DURHAM ENERGY COMMITTEE) TO ALLOW A VICE-CHAIRPERSON AND REMOVE THE REQUIREMENT TO SELECT A SECRETARY?

CC PREPARED BY: Jim Lawson

PRESENTED BY: Jim Lawson, Council representative to the Durham Energy Committee

AGENDA DESCRIPTION:

Members of the Durham Energy Committee discussed the committee's structure at their April 7, 2026 meeting. It was noted that there is increasing demand for the chairperson and that having a vice-chairperson would allow more help in preparing both the agenda and materials for the meeting. The current chairperson also noted that he may not be able to continue in the role after August, and having a vice-chairperson would allow for a smoother transition.

It is also noted that the committee does not typically select a secretary and the duties of minute taking are shared amongst the members and are subsequently approved by the committee and provided to the Administrator's office.

The proposed resolution allows the Durham Energy Committee to select a Vice-Chairperson with the duties and responsibilities specified by the committee. The resolution also removes the requirement to select a secretary and specifies that minutes will be taken by the members and submitted to the Administrator's office.

LEGAL AUTHORITY:

Town Charter 11.1.G: "Other administrative committees. Other administrative boards and committees may be established as necessary by the Town Council."

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby Adopt Resolution #2026-06 to Amend Resolution #2007-14 "Creating the Energy Committee Steering Committee (Later renamed the Durham Energy Committee) to allow the committee to select a Vice-Chairperson and removing the requirement to select a Secretary since the members take responsibility for creating meeting minutes.

RESOLUTION #2026-06 OF DURHAM, NEW HAMPSHIRE

AMENDING RESOLUTION #2007-14 “CREATING THE ENERGY COMMITTEE STEERING COMMITTEE” (LATER RENAMED DURHAM ENERGY COMMITTEE) TO ALLOW A VICE-CHAIRPERSON AND ELIMINATING THE SECRETARY.

WHEREAS, since the March 13, 2007 Town Election when Durham residents voted in favor to adopt the New Hampshire Climate Change Resolution and subsequently appointed members to first an Energy Steering Committee and later the Durham Energy Committee, many changes have occurred relative to the committee’s membership; and

WHEREAS, in 2022 the Durham Energy Committee requested that the Durham Town Council increase the committee’s membership by adding two additional citizen members, which increased its total membership from nine (9) to eleven (11); and

WHEREAS, the work of the Durham Energy Committee is becoming increasingly complex and time consuming due to emerging technologies and evolving state and federal energy programs; and

WHEREAS, the members of the Durham Energy Committee believe a vice-chairperson will provide greater efficiency and a better distribution of work, and

WHEREAS, the committee assigns a different member at each meeting to take minutes rather than assign minute taking to a secretary, and

WHEREAS, below is a chronicle of the Durham Energy Committee’s creation and its membership history since the March 13, 2007 Town Election.

Council Meeting Date	<u>Action</u>
March 13, 2007 Town Election	Residents adopted the NH Climate Change Resolution by a margin of 1447 in favor and 254 against. The resolution asked the Town Council to consider appointment of a voluntary energy committee to recommend local steps to save energy and reduce emissions.
April 23, 2007	Resolution 2007-14 was adopted by the Council creating the Energy Steering Committee to include eight (8) members: 5 citizen reps, 1 Council rep., 1 UNH rep., and 1 DPW rep.
May 21, 2007	Council appointed 4 citizens to the Energy Steering Committee (with 1 citizen vacancy remaining), 1 Council rep., 1 UNH rep., and 1 DPW rep.
June 4, 2007	Council voted to expand the membership of the Energy Steering Committee from eight to nine (9) and appointed two citizens (1 to fill the remaining vacancy and 1 new appointment).
October 1, 2007	Council endorsed the proposed Mission Statement developed by the Energy Steering Committee and established the committee as a standing committee of the town to be renamed the “Durham Energy Committee” (DEC).
May 2, 2011	Resolution #2011-12 was adopted by the Council amending the membership of the DEC to replace one community member with a Planning Board representative.
September 12, 2011	Resolution #2011-17 was adopted by the Council replacing the Public Works Director representative position with a community member and increasing the total membership to be as many as nine (9) members.
February 7, 2022	Resolution #2022-01 was adopted by the Council to increase the Durham Energy Committee membership from nine (9) members to eleven (11) members.

September 9, 2024 Resolution #2024-18 amended Resolution #2007-14 to establish 3-Year Terms for the member of the Energy Committee

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire, does hereby **ADOPT Resolution #2026-06** amending Resolution #2007-14 allow the selection of a vice-chairperson and remove the requirement to select a Secretary.

4. The committee shall select a chairperson ~~who shall organize and preside over the meetings of the committee.~~ and may select a vice-chairperson, both of whom shall organize and preside over the meetings of the committee as determined by the members. ~~and a secretary who~~ The committee members shall keep minutes of the meetings and submit these to the Town Administrator's Office for public review.

PASSED AND ADOPTED this 4th day of May, 2026 by a majority vote of the Durham Town Council with affirmative votes, negative votes, and abstentions.

Joe Freidman, Chair
Durham Town Council

ATTEST:

Rachel Deane, Town Clerk-Tax Collector



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AGENDA ITEM: **#10B**

DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: Administrator Todd Selig

AGENDA ITEM: SHALL THE TOWN COUNCIL CONTINUE TO KEEP SEALED THE NONPUBLIC SESSION MINUTES FROM JULY 20, 2009, JANUARY 24, 2011, MARCH 19, 2012 AND JUNE 16, 2014?

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 the past years, these minutes have been 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 2009, 2010, 2011, 2012 and 2014 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 July 20, 2009, January 24, 2011, March 19, 2012 and June 16, 2014.



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AGENDA ITEM: **#11**

DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: David Hadley

AGENDA ITEM: SHALL THE TOWN COUNCIL, UPON RECOMMENDATION OF THE CONSERVATION COMMISSION CHAIR, APPOINT DAVID HADLEY, 15 EDGERLY GARRISON ROAD, TO AN UNEXPIRED ALTERNATE MEMBERSHIP POSITION ON THE CONSERVATION COMMISSION WITH A TERM EXPIRATION OF 4/27?

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 David Hadley, requesting appointment as a member to the Conservation Commission. His appointment will fill the last vacancy on the Commission.

Mr. Hadley has attended one meeting of the Conservation Commission and has spoken with Chair, Dwight Trueblood. Attached for the Council's information is current Chair Trueblood's endorsement of Mr. Hadley's appointment.

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

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

MOTION:

The Durham Town Council does hereby, upon recommendation of the Conservation Commission Chair, Appoint David Hadley, 15 Edgerly Garrison Road, to an unexpired Alternate Membership position on the Conservation Commission with a term expiration of 4/27.

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

The Conservation Commission provides additional subject matter expertise to the operations of the Town. I am interested in sharing my experience and perspective in protecting the Town's natural resources.

Please provide brief background information about yourself:

I have had a long technology career with an emphasis on technology governance. This experience makes me uniquely qualified to assist the Conservation Commission in revising our Town's natural resources protections ordinances. The task of interpreting large, complex, disjointed legislation and producing clear, measurable, and repeatable processes is a speciality.

My family moved to Durham in 2014 because of all the amenities it offers. I am a Rotarian and a founding board member of Marina's Miles - a 501c that awards scholarships to college-bound students from Oyster River High School. More at <https://marinasmiles.org/>.

Resume on LinkedIn: <https://www.linkedin.com/in/davidhadley/>

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

Name: Malcolm McNeil Telephone: 603.781.6693

Name: Andy Corrow Telephone: 603.397.9267

Name: Maura Slavin Telephone: 603.868.7295



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: David Hadley
Date: Monday, April 20, 2026 3:33:38 PM

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

Karen,

Just formally spoke with David Hadley about his interest in serving as an alternate on the Conservation Commission, explaining the roles and responsibilities of Commissioners and the Commission. Based on that conversation and past interactions with him I recommended his appointment to the Commission. If you have any questions let me know.

Thanks, Dwight

On 04/17/2026 8:41 AM EDT Karen Edwards <kedwards@ci.durham.nh.us> wrote:

Dwight,

David Hadley has applied for the vacant alternate position on the Conservation Commission. He has stated that he has attended a Conservation Commission meeting and met with you. Please send me a recommendation for this appointment.

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



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

DATE: **May 4, 2026**

COUNCIL COMMUNICATION

INITIATED BY: Police Captain John Lavoie

AGENDA ITEM: PRESENTATION BY DR. ANDY SMITH AND UNH STUDENTS ON DURHAM POLICE DEPARTMENT COMMUNITY SURVEY RESULTS AND FINDINGS

CC PREPARED BY: Police Captain John Lavoie

PRESENTED BY: Police Captain John Lavoie, Dr. Andrew Smith – UNH Survey Center, UNH students.

AGENDA DESCRIPTION:

This presentation of the 2026 Durham Police Department Community Survey was administered to Durham residents to assess perceptions of crime, public safety, and policing within the town. The survey was conducted in March and early April 2026 by Dr. Andrew Smith and a team of students from the University of New Hampshire, in partnership with the UNH Survey Center. The results provide insight into community expectations and priorities related to police services. As part of the CALEA accreditation process, the Community Survey is undertaken every three years.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No action needed. Hold question and answer period if desired.



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

DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: CONTINUED DISCUSSION REGARDING THE DEVELOPMENT OF TOWN COUNCIL GOALS FOR FY 2026/27

CC PREPARED BY: Karen Edwards, Administrative Assistant

PRESENTED BY: Todd I. Selig, Administrator

AGENDA DESCRIPTION:

At the April 6, 2026 Town Council meeting, Council members began discussing the process for the development of goals for the upcoming year. At the April 20, 2026 Town Council meeting, the Council was presented with documents with Department Head goals, Boards/Commissions/Committee goals and proposed Council goals from individual Councilors.

Administrator Selig has tried to streamline what the Council discussed into a document that captures Councilor suggestions to date while improving clarity and readability eliminating duplication. The new format is designed with ease of quarterly reporting in mind.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

SUGGESTED ACTION OR RECOMMENDATIONS:

No formal motion is required. Continue discussion and work toward adopting a final list of Council goals for FY 2026/27.

Town Council Goals 2026-2027
Working Draft – 4/27/26
(Based on 4/20/26 Town Council Discussion)

Mission

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

Core Values

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

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

- A. Assess and mitigate both cybersecurity and fraud risks using technology and robust internal procedures.
- B. Identify educational opportunities for the Council as needed that would help the Council more effectively execute its responsibilities.

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

- A. Coordinate with UNH for the long-term future location of the Durham Fire Station and prioritize short term fire station improvements within the Capital Improvement Plan (CIP).
- B. Respond to federal or state legal, policy, or economic changes that materially impact the Town, acting swiftly to protect essential operations and community services. The Council may issue statements or resolutions as needed.
- C. Ensure orderly and fair elections in 2026 and 2027 given numerous changes in state law.

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

- A. The Council, Administrator, local Boards, and Departments will work collaboratively to broaden and diversify Durham's tax base over the long-term for maintaining a stable municipal tax rate. This includes promoting taxable business development in the commercial core and in other commercial zones, guided by smart growth principles consistent with the Master Plan.
- B. The Council and Administrator, working together in the short term, will hold the municipal tax rate at the 2025 level of \$5.89 or less ~~plus inflation (CPI-U for Boston-Cambridge-Newton, MA-NH)~~ by controlling spending, enhancing revenues, broadening the tax base, and exploring innovative ways to stabilize or reduce the municipal tax rate

in future years. *[Councilor Friedrichs' alternative suggestion: A 2027 budget that: a) caps the municipal tax rate at the 2026 level of \$5.89, and b) caps municipal revenue raised from property taxes to the 2026 amount plus inflation using the Portsmouth-Rochester CPI-U.]*

- C. Partner and support UNH on development projects at The Edge at West End and potentially within the Commercial Core.
- D. Manage spending and reserve levels prudently, increase non-tax revenues and external grant funding where possible, and make the strategic personnel and capital decisions necessary to provide for the ongoing cost-effective delivery of high-quality services within available budget appropriation.
- E. Gather budget and relevant information from other New Hampshire towns of comparable population and complexity to use for comparative analysis.
- F. Modernize the budget packet, highlighting projected future municipal tax rates for at least the next five years, including an understandable explanation of the overall outlook, impact, and primary drivers; an introductory breakdown of property tax bill components and other high-level data; and projected Town, School, and County tax rate implications based on available information, to improve resident understanding of programs provided for dollars expended.
- G. Increase connection and collaboration between the Town and local businesses to help foster a supportive and beneficial atmosphere to increase the desirability and viability of downtown Durham.
- H. Work to revitalize Durham's commercial core and neighborhoods in ways that protect their character, enhance the sense of community, better provide for the needs of residents and businesses, strengthen the fiscal health of the Town and UNH, and align with the Master Plan.

Goal 4 - Pursue long-term environmental sustainability and resiliency, considering existing and predicted impacts of climate change on drinking water, wastewater, stormwater, agriculture, food, society, transportation, ecology, solid waste, and economy.

- A. Work toward continued Town-wide reductions in solid waste generation.
- B. Support pedestrian, public, and active transportation alternatives to the automobile, and continue taking steps to address downtown multi-modal transportation options.
- C. Encourage and enable local and residential food production, preservation, and storage, while protecting existing farming businesses and infrastructure, through policies that

reduce or remove barriers to local food production and consumption, including ordinances, resolutions, development, and the expansion of community gardens.

- D. Improve accuracy of the greenhouse gas inventory by tracking electric vehicle registrations and heat pump installations in collaboration with the Town Clerk and Assessor offices.
- E. Encourage Town committees, departments, and most importantly the broader community to pursue strategies in support of the Town's 2025-2030 Climate Action Plan.
- F. Complete the removal of the historic, head-of-tide Mill Pond Dam on the Oyster River.
- G. Complete all budgeted phases of the Madbury Road Complete Streets project.
- H. Complete Phase II of the shoreline restoration project at Wagon Hill Farm.

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

- A. Continue to develop and adopt ordinance and policy changes that increase the availability of a full range of housing options while protecting the integrity and character of Durham's traditional neighborhoods consistent with the Master Plan while assessing impacts on the municipal water and wastewater infrastructure. *[Alternative Language: Continue to pursue the development of more affordable market-rate housing that will fit into existing neighborhoods, preferably those areas with town water and sewer, in ways that are consistent with the Master Plan and preserve community character. Review zoning and regulations that inhibit the ability to develop such housing options.]*
- B. Proactively anticipate, monitor, and respond to changes in federal and state laws and policies, particularly those that may affect human rights or the well-being of residents, students, and employees, through coordinated action with UNH and other relevant partners. When necessary, express clear and timely concerns to safeguard the safety and rights of the entire Durham community.
- C. Make all Town operations inclusive of non-binary options.
- D. Support the recreational, educational, and social needs of residents through Parks and Recreation, Durham Public Library, and related programming.
- E. Strive for residents, board members, and staff to feel heard and respected and for healthy debate at public meetings.
- F. Increase resident awareness and understanding of how the Town operates and, by doing so, enable more participation by a wider set of the public in Town decision-making.

Goal 6 - Continue cooperative and collaborative efforts with UNH to enhance mutual intellectual, cultural, environmental, social, and economic benefits associated with hosting New Hampshire's flagship state university.

- A. Encourage the UNH administration to collaborate with Durham's Administrator on decisions and planning that affect the university, the town, local businesses, and residents.
- B. Encourage UNH to actively promote the university's athletic, cultural, social, health and fitness, recreational, and educational programs to Durham residents.
- C. Endeavor to establish Durham as an epicenter of off-campus volunteerism and research by UNH students, faculty, and staff.
- D. Collaborate with UNH and businesses in support of a vibrant downtown given changing university demographics.

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

- A. Establish working relationships with neighboring municipal/county officials to foster a timely and collaborative regional network.
- B. Establish regular meaningful communication channels between Durham and the Oyster River Cooperative School District. Topics might include future strategic plans, opportunities to pursue and discuss objectives of common interest, the scope and timing of future major capital expenses, and their overlapping impact on taxpayers' total tax bill.
- C. Oppose state attempts to undermine local authority and control through vocal, visible, collaborative opposition to such state-mandates.

Goal 8 - Coordination and implementation

- A. Encourage all Town boards, committees, commissions, and Durham's legislative delegation to become familiar with and leverage their efforts with the Council goals, actively collaborate and communicate with each other, and communicate with the community at large.

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



TOWN OF DURHAM

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AGENDA ITEM: **#15** *TS*

DATE: May 4, 2026

COUNCIL COMMUNICATION

INITIATED BY: Planning Board

AGENDA ITEM: FIRST READING ON ORDINANCE #2026-05 AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," "ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT, "ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," AND SECTION 175-54, "TABLE OF DIMENSIONAL STANDARDS, OF THE TOWN CODE TO INCREASE THE HEIGHT LIMIT IN A SECTION OF THE CENTRAL BUSINESS-1 DISTRICT TO 5 STORIES AND 60 FEET, TO LIMIT THE AMOUNT OF REQUIRED OFFICE/RETAIL TO A DEPTH OF 50 FEET, TO ALLOW FIRST FLOOR STRUCTURED PARKING BEHIND OFFICE/RETAIL USES, AND TO CHANGE SEVERAL DEFINITIONS. THE PUBLIC HEARING CAN BE SET FOR MONDAY, MAY 18, 2026.

CC PREPARED BY: Michael Behrendt, Town Planner

PRESENTED BY: Michael Behrendt, Town Planner
Paul Rasmussen, Planning Board Chair

AGENDA DESCRIPTION:

On February 16, the Town Council adopted an amendment initiated by the Planning Board to change the height limit of buildings in all of Central Business-1 to 4 stories and 50 feet. The height limit in the westerly part of CB-1 had been 4 stories by right plus 5 stories by conditional use prior to that amendment. There is a desire to re-establish a section of CB-1 in an area to the west of Jenkins Court with a 5 story and 60-foot limit in order to encourage development.

This ordinance will establish that height limit for 6 lots including Map 106 Lot 57 and Lots 59 through 63. A map showing the affected area is shown on the bottom. Prior to

the February 16 amendment, the allowance for a 5th story by conditional use also included these required setbacks in order to mitigate the impact of a five-story building. This provision was removed with the amendment since a fifth story was no longer allowed.

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 three stories (Section 175-42 B. 8. and 9., or as those subsections may be renumbered in the future).*

At its meeting on April 20, the Town Council voted to request that the Planning Board incorporate these setbacks into the new ordinance establishing a fifth story. The Planning Board deliberated the request from the Town Council but decided that it would be better to incorporate the setbacks into the Architectural Regulations instead of the Zoning Ordinance. The board thought the regulations were a better location because the regulations are specifically oriented toward design. Recognizing the importance of the setbacks, the board decided to seek to make this one change to Architectural Regulations immediately. The board discussed an amendment on April 29 and will likely set a public hearing for prospective adoption on May 14. Changes to the regulations are adopted by the Planning Board following a public hearing. Note that the proposed amendment does not include the 25-foot setback above because the three-story section where it would apply has been removed from the zoning ordinance.

Please see the pertinent documents related to the amendment here:

https://www.ci.durham.nh.us/boc_planning/central-business-1-district-5-stories-and-60-feet-one-section.

You can see pertinent documents related to the Architectural Regulations, including the proposed amendment for the fifth-story setbacks, here:

https://www.ci.durham.nh.us/boc_planning/architecture-design-standards

Incorporating the 5th story setbacks would be mandatory (stated as “shall”) in the Architectural Regulations. The Planning Board can grant waivers under the regulations for good cause but the board is very diligent in considering any request for a waiver.

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:

The Durham Town Council hereby approves on First Reading Ordinance #2026-05 Amending Chapter 175, "Zoning," Article II, "Definitions," Article XII, "Base Zoning Districts," Section 175-42, "Central Business-1 District and Central Business-2 District," Article XII.1, "Use and Dimensional Standards," Section 175-53, "Table of Land uses," and Section 175-54, "Table of Dimensional Standards, of the Town Code to increase the height limit in a section of the Central Business-1 District to 5 stories and 60 feet, to limit the amount of required office/retail to a depth of 50 feet, to allow first floor structured parking behind office/retail uses, and to change several definitions, and sets the Public Hearing for Monday, May 18, 2026.

Area Proposed for Zoning Amendment



CB-1 and CB-2 Zoning Districts



ORDINANCE #2026-05 OF DURHAM, NEW HAMPSHIRE

AMENDING CHAPTER 175, "ZONING," ARTICLE II, "DEFINITIONS," ARTICLE XII, "BASE ZONING DISTRICTS," SECTION 175-42, "CENTRAL BUSINESS-1 DISTRICT AND CENTRAL BUSINESS-2 DISTRICT," ARTICLE XII.1, "USE AND DIMENSIONAL STANDARDS," SECTION 175-53, "TABLE OF LAND USES," AND SECTION 175-54, "TABLE OF DIMENSIONAL STANDARDS, OF THE TOWN CODE TO INCREASE THE HEIGHT LIMIT IN A SECTION OF THE CENTRAL BUSINESS-1 DISTRICT TO 5 STORIES AND 60 FEET, TO LIMIT THE AMOUNT OF REQUIRED OFFICE/RETAIL TO A DEPTH OF 50 FEET, TO ALLOW FIRST FLOOR STRUCTURED PARKING BEHIND OFFICE/RETAIL USES, AND TO CHANGE SEVERAL DEFINITIONS.

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

WHEREAS, increasing the height limit in a carefully selected area to five stories is expected to provide an incentive to developers to build downtown; and

WHEREAS, the allowed height in much of the Central Business-1 District had been 5 stories by conditional use and it is appropriate to once again allow 5 stories in a carefully selected area of the downtown; and

WHEREAS, allowing limited structured parking on the first floor of buildings can facilitate accommodating tenants of all ages who would likely need parking for a car, while screening the parking from the street with office/retail uses fronting the street; and

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

WHEREAS, the Town of Durham has a strong and detailed set of Architectural Regulations used to promote high quality design and to mitigate the sense of height where appropriate; and

WHEREAS, the Planning Board voted to initiate this amendment following a duly-noticed Public Hearing; and

WHEREAS, the Town Council voted to adopt this ordinance following a duly-noticed Public Hearing.

NOW, THEREFORE BE IT RESOLVED, that the Town of Durham, through the Durham Town Council, the governing body of the Town of Durham, New Hampshire, hereby adopts Ordinance #2026-05 and does hereby amend Chapter 175, Zoning, as indicated below.

New text to be added is shown like this

Existing text to be deleted is shown like this

➤ Specific directions for changes are shown like this.

[Comments, not part of the amendment, are shown like this.]

❖ **ARTICLE II – DEFINITIONS**

175-7. Definitions

~~**MIXED USE WITH RESIDENTIAL (Office/Retail down, Multi-unit Residential Up) – A building in which the first floor is used for office/retail uses and the upper floor(s) is used, in whole or in part, for multi-unit residential use. See alternate allowed options for this use specified in Section 175-42 in the Central Business District.**~~

MIXED USE WITH RESIDENTIAL – A building with both office/retail (See definition) and multi-unit residential uses.

OFFICE/RETAIL – For the land uses Mixed Use with Residential, or any other mixed use that includes office/retail uses, “office/retail” includes retail sales, personal and business services, offices, restaurants, and other comparable commercial uses such as public, institutional, research, and industrial which are allowed in the zoning district. “Office/Retail” for this purpose does not include parking (**except where otherwise specifically allowed**), storage uses, utility uses where there is minimal flow of people in and out of the building, nor uses that are accessory to the residential use in the building (such as laundry, bicycle storage, and exercise rooms).

❖ **ARTICLE XII - BASE ZONING DISTRICTS**

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

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.

1. Maximum ~~number of stories~~ Number of Stories and Building Height – ~~The~~ In the Central Business-1 District the maximum number of permitted stories is 4 and the maximum permitted building height is 50 feet.

However, within the Central Business-1 District, on Map 106, Lot 57 and Lots 59 through 63, the maximum number of permitted stories is 5 and the maximum permitted building height is 60 feet. (Should the numbering or configuration of these lots change in the future, this provision shall continue to apply to the specific area encompassed by these six lots at the time of adoption of this amendment.)

[See map at the end showing affected area.]

In the Central Business-2 District the maximum number of permitted stories is 3 and the maximum permitted building height is 30 feet.

2. Required office/retail uses (See definition) and other uses in 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, four, or five story building. The following provisions apply: ~~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.~~

- i. Office/retail uses may be located anywhere on any floor in the building.

- ii. Where the building fronts on a public street, including the frontage on both sides on corner lots, the first floor of the portion(s) of the building facing the street(s) must be office/retail to a depth of at least 50 feet.

- iii. Parking may be situated on the first floor of the building beyond where office/retail uses are required (See ii., above). The Planning Board shall determine the most appropriate location for access into the parking area as part of Site Plan Review (which could include direct access from a public street at the board's discretion).

- ~~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.~~

~~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.~~

3. 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**

175-53. Table of Land Uses.

II. AGRICULTURAL USES

- Change all footnotes ² to ¹
- Change all footnotes ³ to ²

[Footnote 1, below, is being deleted so the other footnote numbers need to be changed.]

VII. COMMERCIAL & INDUSTRY USES

Principal Uses

Mixed Use with residential

(office/retail – multi-unit residential)

~~(office/retail down, multi-unit residential up) (See Note 1)~~

Notes

~~1. For the use “Mixed-use with residential (office/retail down, multi-unit residential up),” see the definition. The layout of uses within the building or lot may also be specified by zone in Article XII, including some flexibility allowed by conditional use in the Central Business District under Development Standards~~

~~1. 2.~~ The use is permitted only on lots of 3 acres or greater. Roosters are permitted only in the Rural District.

~~2. 3.~~ In the Central Business District the use is permitted only on rooftops.

❖ **ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS**

175-54. Table of Dimensions

TABLE 175-54 TABLE OF DIMENSIONS

STANDARD	Central Business 1	Central Business 2	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe’s Corner (CC)
Minimum Front Setback in Feet - Minor Street ¹ - Collector Street - Arterial Street	None – except per Note 5	None – except per Note 5	30 30 50	15 15 15	15 15 15	30 30 50
Minimum Side Setback⁴ in Feet	NA	NA	15	5	10	15
Minimum Rear Setback⁴ in Feet	NA	NA	20	15	15	20
Minimum Shoreland Shore frontage in Feet						
Maximum Permitted Building Height in Feet	50 and 60 See Note 7	30 See Note 7	30	30	30	30
Maximum Permitted Building Height in Feet by Special Exception in the Four Residential Zones and by Conditional Use in Other Zones.	N/A	50 N/A	35	35	35	35
Maximum Impervious Surface Ratio	100%	100%	50%	80%	80%	30%

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. ~~The maximum number of stories in the Central Business-1 District is four.~~ **The maximum building height in CB-1 is 50 feet. However, the maximum building height is 60 feet in the limited area in CB-1 delineated in Section 175-42. C. 6. The maximum number of stories in CB-1 and CB-2 is given in Section 175-42. C. 6.**

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

[The map on the next page is shown for information only. The map is not part of the ordinance. The six affected lots are shown inside the red polygon.]

